

Fort Collins City Council Agenda

Amended 03/31/25

Regular Meeting

6:00 p.m., Tuesday, April 1, 2025

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

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

NOTICE:

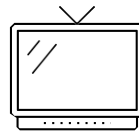
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

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



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

Comment in real time:

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



In person attendees can address the Council in the Chambers.

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



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

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

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

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

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

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

Call in number: 720 928 9299

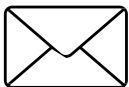
Meeting ID: 982 4141 6497

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

Submit written comments:



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



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

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

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



City Council Regular Meeting Agenda

April 1, 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 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.

REGULAR MEETING 6:00 PM

AMENDED 3/31/25

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 - None.

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 March 18, 2025 Regular meeting.

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

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

The method of debate for discussion items is as follows:

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

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

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.

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.

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.

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.)

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.

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

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

File Attachments for Item:

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



PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters and paramedics is dependent upon the quality and accuracy of information obtained from citizens who telephone the Fort Collins 911 emergency communications center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers, firefighters and paramedics by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of Fort Collins 911 have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the week of April 13-19, 2025, to be

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of April, 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

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



PROCLAMATION

WHEREAS, libraries spark creativity, fuel imagination, and inspire lifelong learning, offering a space where individuals of all ages can explore new ideas and new possibilities; and

WHEREAS, libraries like Berthoud Community Library, Estes Valley Library, Loveland Public Library, Poudre Libraries, Red Feather Lakes Community Library, and Wellington Public Library serve as vibrant community hubs; and

WHEREAS, libraries provide free, equitable access to books, digital tools, and innovative programming, ensuring that all, regardless of background, have the support they need to learn, connect, and thrive; and

WHEREAS, libraries partner with schools, businesses, and organizations, connecting the dots to maximize resources, increase efficiency, and expand access to essential services, strengthening the entire community; and

WHEREAS, libraries empower job seekers, entrepreneurs, and lifelong learners by providing access to resources and opportunities that support career and economic growth; and

WHEREAS, libraries nurture young minds through storytimes, STEM programs, and literacy initiatives, fostering curiosity and a love of learning that lasts a lifetime; and

WHEREAS, libraries protect the right to read, think, and explore without censorship, standing as champions of intellectual freedom and free expression; and

WHEREAS, dedicated librarians and library workers provide welcoming spaces that inspire discovery, collaboration, and creativity for all, and are joining together across Larimer County to celebrate National Library Week under the theme “**Drawn to the Library**”.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim April 6–12, 2025, as

NATIONAL LIBRARY WEEK

I encourage all residents to visit their local library, explore its resources, and celebrate all the ways that the library draws us together as a community.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of April 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

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



PROCLAMATION

WHEREAS, April is Distracted Driving Awareness Month and pedestrians, vehicle occupants, children, first responders, and cyclists have all been injured or even killed by distracted driving in our community. These are preventable deaths and 83 people have been killed in crashes involving a motor vehicle on Colorado public roadways in 2025 and the total in 2024 was 687, and;

WHEREAS, the National Highway Traffic Safety Administration has called distracted driving a deadly epidemic citing cell phone use — specifically, texting, talking, and social media use — as the most common distraction; and

WHEREAS, a woman was recently convicted of careless driving and sentenced to one year in jail for striking and killing a 10-year-old-cyclist in Timnath, this issue is all too real; and

WHEREAS, first responders see this firsthand every day whether a firefighter seeing someone text and drive alongside the engine, an ambulance driver navigating to an emergency around completely unaware drivers, or a police officer dodging a vehicle as it speeds through a scene, this creates risks and delays help when seconds matter; and

WHEREAS, a Colorado law went into effect on Jan. 1, 2025, that prohibits drivers from using a mobile electronic device while driving, though hands-free accessories are still permitted; and

WHEREAS, Poudre Fire Authority, first responders, cyclists, and parents everywhere, are asking you to 1) Pull to the right for sirens and lights and 2) Keep your hands on the wheel, not on your phone.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of April 2025 as

DISTRACTED DRIVING AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of April 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

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



PROCLAMATION

WHEREAS, sexual violence - assault, harassment, and abuse - is a life-changing trauma that impacts every community and disproportionately impacts marginalized communities. Sexual Assault Awareness Month aims to raise public awareness, prevent sexual violence, and support the survivors and victims on their journey to healing; and

WHEREAS, over 53% of women, over 29% of men, and 47% of all transgender people reported experiencing sexual violence sometime in their lifetime; and

WHEREAS, the majority of people, across all sexual identities, who reported experiencing sexual violence, reported that the person who harmed them was someone they knew; and

WHEREAS, trauma can be compounded by institutional and cultural perceptions that blame survivors rather than meeting them in their journey to healing and justice; and

WHEREAS, our communities will be safer and stronger by making them more equitable for people regardless of age, sex, race, ability, religion, immigration status, criminal record, and socio-economic status; and

WHEREAS, we strive to create strong, connected, informed, and safe communities that care for one another and make decisions to ensure others well-being to end sexual violence; and

WHEREAS, the City of Fort Collins recognizes the strength and resilience of survivors and victims, the perseverance of advocates, and the dedication of the professionals and community advocates who support those who have experienced sexual violence.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of April 2025 as

SEXUAL ASSAULT AWARENESS MONTH

and call upon all community members to believe survivors, protect our neighbors, and acknowledge the disproportionate harm that affects the most marginalized populations.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of April 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

PP 5. Declaring April 2025 as Fair Housing Month.



PROCLAMATION

WHEREAS, Title VIII of the Civil Rights Act, which guarantees fair housing for all residents of the United States, was signed into law in April 1968; and

WHEREAS, the month of April is nationally recognized as Fair Housing Month as a time to reflect on and reaffirm our national commitment to the ideal that fair housing opportunity is available to everyone in the United States without regard to race, color, religion, national origin, sex, familial status and disability; and

WHEREAS, this year celebrates the 57th anniversary of the Fair Housing Act and reflects on our current efforts to foster sustainable, inclusive communities of opportunity for all; and

WHEREAS, on April 10, 1959, the State of Colorado was the first state in the U.S to pass fair housing laws, preceding the federal Fair Housing Act by nearly a decade; and

WHEREAS, the City of Fort Collins City Code prohibits discriminatory housing practices; and

WHEREAS, the City welcomes this opportunity to acknowledge our many community partners who are committed to addressing barriers to fair housing choice and educating all citizens concerning their rights regarding equal housing opportunity; and

WHEREAS, this year, those partners are represented by the Colorado Poverty Law Project, which provides free legal services to residents facing eviction, including individuals and families facing unlawful housing practices based on disability, source of income, immigration status and other federal and state protections. With the support of the City’s Eviction Legal Fund, the Colorado Poverty Law Project helped more than 1200 low-income and cost-burdened Fort Collins residents preserve their housing stability over the last twenty months. It is estimated that every dollar spent on eviction prevention saves \$29 in costs to support families experiencing homelessness.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of April 2025 as

FAIR HOUSING MONTH

and that every person should live free from the fear of housing discrimination.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of April, 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

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.

April 1, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the March 18, 2025 Regular meeting.

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, March 18, 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

None scheduled.

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 Kelly Ohlson

ABSENT

Councilmember Melanie Potyondy

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:

- No changes to the published agenda.
- Items 1-24 on the Consent Calendar are recommended for adoption unless pulled for Discussion.
- Staff Report to provide an update on the impact of the federal landscape on the City.

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.)

Joanne Hawley supported finding ways to allow more ADUs in Fort Collins. She stated her husband just lost his job and they want to be able to convert their basement to an ADU to help ensure they would be able to stay in their home. She stated this option will not only provide additional affordable housing for others but will also help keep people in their homes and support State affordable housing laws.

Peter Erickson discussed Matthew Shepherd, a 21-year-old, who was beaten and left for dead on the side of the road in Laramie, Wyoming, and who later died after being helicoptered to Fort Collins. He stated that there were no gay bars in Wyoming leading Shepard to come to Fort Collins, which was a refuge. He commented on the importance of affordable housing in Fort Collins so it can remain a place of refuge. He questioned what it would take to fully fund affordable housing in Fort Collins.

Kristina spoke in favor of affordable housing and increased housing density. She asked that parking minimum mandates as part of development be removed and stated more support for denser housing can help shift transportation to active modes.

Matthew Behunin discussed parking in Old Town and noted the City owns about 5.5 acres of surface parking lots within about a quarter mile of Mountain and College. For comparison, he stated the pedestrian area of Old Town Square is about ¼ of an acre and undeveloped land is valued at \$3 million per acre in the downtown area. He encouraged the City to prioritize the use of that land in ways that are more beneficial than parking lots to help provide affordable housing. Behunin also requested that parking minimum mandates as part of development be removed.

Jackson Wagner noted how much he and his family love Fort Collins and stated they are lucky to be able to own a house here. However, he noted he has friends who cannot afford to live here and have been dissuaded from having children due to that. He encouraged the City to find ways to increase the stock of affordable housing and thanked Council for what it has done to enable new types of housing to be built. Wagner also concurred that utilizing downtown parking lots for housing would be beneficial as would speeding up the development process.

Debra James spoke in support of Beaver's Market and noted she has been a regular customer and an employee. She stated Beaver's is now for sale which was a surprise to staff and customers. She urged Council to find a way to keep this as a grocery store and noted in the 15-minute City vision one of the important destinations is a grocery store. She noted she had started a petition for people to sign in support of keeping the store in its location.

David Scott stated most people can agree that everyone deserves safe and stable housing, which is not something the City can provide at this point. He stated he has worked with hundreds of people in the community and housing is the primary concern for the majority of them. Scott commented on the detrimental effects of unstable housing on people's physical and mental health. He urged Fort Collins to continue to prioritize housing in the community.

Jared McGlothlin spoke about housing issues and urged Council to find ways to provide more affordable housing. He also encouraged the City to use its property downtown, especially parking lots, for affordable housing. He also spoke in support of HB-1273 which would alter the building code to legalize 5-story apartments with a single stairway. He requested more resources to be put toward building affordable housing and for making changes to processes that would speed up the development process. He noted the hardship that lack of housing creates for students and asked for the City to partner with CSU on these efforts.

Nicholas Sahwin spoke in support of the Connection Workers Coalition and spoke about the need for municipal unions. He asked for a clearly defined and fair process whereby these can be recognized by the City Manager. He stated it currently appears the City Manager has a process for refusing to recognize them and stated that the passage of PROPWA meant this conversation was bound to arise. Additionally, Sahwin stated the issue goes hand in hand with affordable housing as having a union would help its members bargain for higher wages to help people afford homes in the communities they serve. He urged Council to listen to the people who are providing suggestions related to the union and affordable housing and to put some of these items in place.

Gabrielle Friesen requested Council ask the City Manager to recognize the Connexion Workers Coalition. She stated her family was able to immigrate to the United States due to her grandmother's involvement as a union leader in her country and she can now pay for her apartment and medical bills because of her union involvement. Friesen noted she is not in a union and fears being priced out of her current home. She stated unions, housing, and labor rights are tied together and she urged Council to allow municipal workers a method to unionize and to examine additional affordable housing options.

Adam Hirschhorn stated it is his intention to run for Mayor of Fort Collins as he sees himself as a problem and a problem solver. He stated municipal workers built this city and he plays for the home team. He discussed things he would implement if elected, including a poker night to bring major players to the table to help solve the issues facing the city. Additionally, he stated he would recognize the Connexion Workers Union immediately and would ultimately allow all municipal workers to unionize. He stated there would be closer scrutiny on incentives and double dipping would cease. He stated he is the person the City needs at this point in time.

Tyler Bigler stated he is a fan of Beaver's grocery store and encouraged the City to become a housing-ready city by adopting specific policies to remove barriers that prevent additional housing from being built. He stated Fort Collins historically embodied these housing principles which are visible in Old Town's walkable streets, diverse housing types, and human-scale mixed-use neighborhoods. He suggested allowing single-family homes to be converted to duplexes or triplexes, simplifying the zoning codes to allow for additional housing to be constructed, permitting backyard cottages in all residential zones, legalizing starter homes in all residential areas, eliminating lot size requirements, repealing parking mandates, and streamlining the development review process.

Charles Shobe thanked the City for following State law by removing the City's parking mandates for new multi-family housing and requested it consider doing so for commercial and mixed-use buildings as well. He stated requiring dedicated parking in excess of what businesses and mixed-use developments might need bundles the cost of that excess parking into the price of the goods and services those businesses provide and incentivizes car dependency. He stated removing the parking mandates will reduce the price of goods and services and will reduce the cost of housing by enabling the conversion of land from parking to housing.

Joe Rowan encouraged Council to think boldly about housing as part of the renewal of the capital improvement tax and stated something radically different needs to be done to address housing. He questioned how the cost curve for all housing in the community could be bent and noted the Fort Collins Chamber had its initial working group meet today to discuss a proposal it will bring forward to Council.

Kimberly Conner noted the cease fire in Gaza came to an end yesterday and the genocide resumed. She stated there has been a block of food and water to the Palestinian people over the past two weeks. She stated President Trump has discussed removing Palestinians from the area to create a riviera resort and stated that this is the definition of ethnic cleansing. Conner commented on a student activist and others who are being removed from the United States and stated supporting Israel makes us all guilty. She urged Council to take action to help our community and resist the federal government by supporting a ceasefire resolution and arms embargo.

Public comment concluded at 6:36 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Arndt thanked Debra James for her comments and concurred Beaver's Market does exemplify a component of the 15-minute city. Additionally, she thanked Matthew Behunin for his comments.

Councilmember Pignataro thanked those who spoke and noted housing is the topic of next week's work session.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item No. 19, *First 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*, from the Consent Calendar to ask about the movement of the barn to one lot given historic context.

Mayor Arndt withdrew Item Nos. 17, *First 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*, and 18, *First 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*, from the Consent Calendar due to a request from community members and to ask follow-up questions of Poudre Fire Authority.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the March 4, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the March 4, 2025 Regular meeting.

Approved.

2. Second Reading of Ordinance No. 026, 2025, Declaring a Portion of City-Owned Property at Pelican Marsh Natural Area as Public Right-of-Way.

This Ordinance, unanimously adopted on First Reading on March 4, 2025, declares approximately 0.073 acres of Pelican Marsh Natural Area as Right-of-Way (ROW) for the US 287 and Triangle Drive Signal Installation (Project).

The Project would install a new traffic signal, perform utility relocations, and make active modes improvements at the intersection of US 287 and Triangle Drive. The Project would also stripe existing pavement for a northbound left and southbound right turn lanes onto Triangle Drive from US 287. All active modes improvements will meet Americans with Disabilities Act (ADA) requirements and provide pedestrian and bicycle connections between the Ridgewood Hills and Shenandoah neighborhoods west of US 287 to the Lakeview on the Rise Subdivision east of US 287. Pursuant to the Natural Areas Easement Policy (adopted by Council in 2012), adjustments were made to the proposal to minimize impacts to the natural resources, and Engineering will compensate Natural Areas for the property rights (including right of way) needed for the Project.

Adopted on Second Reading.

3. Items Relating to Development Contributions to Construction from The Landing at Lemay Development.

A. Second Reading of Ordinance No. 034, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Cordova Road Corridor Project and Related Art in Public Places.

B. Second Reading of Ordinance No. 035, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Vine and Lemay BNSF Overpass Project and Related Art in Public Places.

These Ordinances, unanimously adopted on First Reading on March 4, 2025, appropriate development contributions from The Landing at Lemay development project to the Cordova Road Corridor (Cordova) and Vine and Lemay BNSF Overpass (Vine/Lemay) capital projects. If approved, this item will: 1) appropriate \$226,564 received in 2025 from The Landing at Lemay as a development contribution to construction by an adjacent development to the Cordova project; 2) appropriate \$2,266 (1%) of the development contribution to construction to the Art in Public Places (APP) program; 3) appropriate \$290,163 received in 2025 from The Landing at Lemay as a development contribution to construction by an adjacent development to the Vine/Lemay project; and 4) appropriate \$2,902 (1%) of the development contribution to construction to the Art in Public Places (APP) program. This item also apprises Council of the transfer of \$7,941 (3% of \$264,708) to the Transportation Capital Expansion Fee (TCEF) reserves fund for administering a Landing at Lemay payment to Capstone Cottages, Capstone Collegiate Communities – Fort Collins LLC.

Both Ordinances Adopted on Second Reading.

4. Second Reading of Ordinance No. 036, 2025, Appropriating a Development Contribution to Construction and Authorizing Transfers of Appropriations for the College Avenue-Drake Road Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on March 4, 2025, appropriates a development contribution for construction from the King Soopers 146 – Midtown Gardens Marketplace Development to the College Avenue-Drake Road Intersection Improvements project (Project). The funds will be used for design services. If approved, this item will: 1) appropriate \$100,265 received in 2025 as a development contribution to construction by an adjacent development and 2) appropriate \$1,003 (1%) of the development contribution to construction to the Art in Public Places (APP) program.

Adopted on Second Reading.

5. Second Reading of Ordinance No. 037, 2025, Making a Supplemental Appropriation and Authorizing Transfer of Appropriations for the Gardens on Spring Creek Internship Program.

This Ordinance, unanimously adopted on First Reading on March 4, 2025, supports the Gardens on Spring Creek internship program by:

- Appropriating \$9,800 of unanticipated grant revenue awarded by the Colorado Department of Agriculture (CDA) and*
- Utilizing matching funds in the amount of \$9,800 from existing 2025 appropriations into these new grant projects.*

In January 2025 the CDA awarded the City a total of \$9,800 under the CDA's Agricultural Workforce Development Grant Program (AWDP). The Garden's Internship Program aligns with the objective of the AWDP in addressing the shortage of skilled agricultural workers in Colorado by providing training and support through internships. The City will be providing an additional \$9,800 in required matching funds. The award funds and City's matching funds will support hiring two interns for the Garden's' summer 2025 internship program.

The \$9,800 in funds through the CDA's Agricultural Workforce Development Grant Program are state funds and are pursuant to two separate State of Colorado purchase orders, with corresponding terms and conditions. Each award/purchase order provides up to \$4,900 for each paid internship provided through the Garden's summer 2025 internship program. There is no requirement that the City sign an agreement for either award. Rather, upon the City submitting the first request for reimbursement under each award/purchase order to CDA, the City agrees to all terms and conditions of the award.

Adopted on Second Reading.

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

A. Second Reading of Ordinance No. 038, 2025, Making a Supplemental Appropriation of Funds Received from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.

B. Second Reading of Ordinance No. 039, 2025, Making a Supplemental Appropriation of Funds Received from the Colorado Division of Criminal Justice Under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

These Ordinances, unanimously adopted on First Reading on March 4, 2025, help fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims of crime and their family members.

The Victim Services Unit has been awarded a \$70,000 VALE grant for the period from January 1, 2025, to December 31, 2025. The VALE grant is awarded through the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by the Victim Services team. This grant will fund 75% of the salary for a full-time contractual 40-hour per week victim advocate.

The Victim Services Unit has also been awarded a 12-month grant in the amount of \$17,505 for the period from January 1, 2025, to December 31, 2025, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA). This grant will help fund services provided by the Victim Services Unit. These funds will be used to pay 25% of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

Both Ordinances Adopted on Second Reading.

7. Second Reading of Ordinance No. 040, 2025, Approving an Intergovernmental Agreement Between the City of Fort Collins and the Fort Collins, Colorado, Downtown Development Authority Governing the Use of a Line of Credit for the Financing of Downtown Development Authority Projects and Programs and Delegating to the Downtown Development Authority Thereunder the Power to Incur Debt in Relation Thereto as Authorized by State Law.

This Ordinance, unanimously adopted on First Reading on March 4, 2025, approves an ordinance to approve and authorize the Mayor to sign an intergovernmental agreement between the City

and Downtown Development Authority (DDA) that will govern the processes for administering a line of credit for financing DDA projects and programs for a six-year term from 2025 through 2030 and a maximum per-draw limit of \$5 million.

The current Line of Credit (LOC) established in 2012 and renewed in 2018 by the City on behalf of the DDA expired at the end of 2024. The City and DDA began taking steps in early 2024 to renew this debt instrument with First National Bank of Omaha (FNBO) for another six-year term, as it will be needed by the DDA to execute its projects and programs beginning in budget year 2025 and continuing through 2030. The renewal of the bank authorized Line of Credit is needed by the DDA to satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II).

On November 6, 2024, the Council Finance Committee reviewed the purpose and approach for bringing forth a third IGA to accommodate the DDA's authorization to use a Line of Credit and satisfy compliance with C.R.S. § 31- 25-807(3)(a)(II). The Council Finance Committee was supportive of advancement of the IGA to the City Council.

On February 13, 2025, the DDA Board adopted Resolution 2025-02 authorizing the DDA's approval of the IGA and the line of credit promissory note from First National Bank of Omaha. The IGA is now advanced to the City Council and pursuant to the DDA Act requires adoption by ordinance.

Adopted on Second Reading.

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

The purpose of this item is to reappropriate 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 First Reading.

9. First 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.

The purpose of this item is to support 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 First Reading.

10. **First 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.**

The purpose of this item is to request 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 First Reading.

11. **First 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.**

The purpose of this item is to continue 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 First Reading.

12. **First 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.**

The purpose of this item is to support 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 First Reading.

13. First 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.

The purpose of this item is to appropriate 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 First Reading.

14. First Reading of Ordinance No. 047, 2025, Appropriating Prior Year Reserves in the Parking Fund for Hourly Expenses.

The purpose of this item is to appropriate prior year reserves from the Parking Fund to support 2025 hourly salaries.

Adopted on First Reading.

15. Items Relating to the Carpenter and Timberline Intersection Project.

A. First Reading of Ordinance No. 048, 2025, Making a Supplemental Appropriation for the Carpenter and Timberline Intersection Project.

B. Resolution 2025-015 Authorizing the Execution of an Amendment to an Existing Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation for the Carpenter and Timberline Intersection Project.

The purpose of these items is to enable 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 approved, the items will: 1) appropriate \$2,082,608 of Highway Safety Improvement Program (HSIP) grant funds to the Project; 2) authorize 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.

Ordinance Adopted on First Reading.

Resolution Adopted.

16. Items Relating to a State Carbon Reduction Program Grant to Fund ADA Bus Stop Improvements along Regionally Significant Corridors.

A. First 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.

B. Resolution 2025-016 Authorizing the Execution of an Intergovernmental Agreement Between the City and Colorado Department of Transportation to Fund Bus Stop Improvements Along Regionally Significant Corridors through the State Carbon Reduction Program.

The purpose of these items is to support 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 these items would support the City in enhancing accessibility at Transfort bus stops by:

- Authorizing the Mayor, by Resolution, to execute an Intergovernmental Agreement (IGA) with CDOT. This IGA will result in the receipt by Transfort of \$538,447 in CRP grant funds for fiscal year (FY) 2025.*
- 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.*

Ordinance Adopted on First Reading.

Resolution Adopted.

17. **First 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.**

The purpose of this item is to amend 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.

Withdrawn from Consent. Adopted on First Reading.

18. **First 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.**

The purpose of this item is to repeal the 2021 International Fire Code and adopt 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 the City's adoption of and amendments to the 2021 IFC are being repealed in their entirety and replaced with adoption of and amendments to the 2024 IFC, all highlights and strikethrough formatting in the Ordinance show changes from the way the language appears in the 2024 IFC, as published by the ICC, not changes to the current provisions under City Code.

Withdrawn from Consent. Adopted on First Reading.

19. **First 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.**

The purpose of this item is to seek 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.

Withdrawn from Consent. Adopted on First Reading.

20. **First 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.**

The purpose of this item is to seek 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 First Reading.

21. **Resolution 2025-017 Approving an Intergovernmental Agreement and Grant Agreement with Larimer County for a Grant From the City's Digital Inclusion Program.**

The purpose of this item is to authorize the approval of an Intergovernmental Agreement and Grant Agreement with Larimer County for a Digital Inclusion grant made to the Larimer County Economic and Workforce Development to support the "Digital Roots" bilingual program.

Resolution Adopted.

22. **Resolution 2025-018 Approving an Intergovernmental Agreement and Grant Agreement with Poudre School District for a Grant from the City's Digital Inclusion Program.**

The purpose of this item is to authorize the approval of an Intergovernmental Agreement and Grant Agreement with Poudre School District (PSD) for a grant from the City's Digital Inclusion Program for the PSD Digital Literacy Liaison, who will support the technological literacy of PSD Family Liaisons, as well as the families and students that they serve.

Resolution Adopted.

23. **Resolution 2025-019 Approving the First Amendment to the "Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 Through 6."**

The purpose of this item is to consider the First Amendment to the "Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1 Through 6" (the "First Amendment"). The "Agreement to Secure Public Benefits for Mulberry Development as Provided in Service Plan for Mulberry Metropolitan District Nos. 1

Through 6” (the “Public Benefits Agreement” or “PBA”) requires alley access to the garages of at least 40% of the total dwelling units. This First Amendment would require 45% of the total dwelling units to have non-street facing garages rather than the current requirement of 40% of total dwelling units being served by alley loaded garages. Alleys limit design flexibility for multi-unit buildings, and this First Amendment would meet the intent of the Public Benefits Agreement by ensuring garages do not dominate the streetscape within the Mulberry Metropolitan Districts 1 through 6 (the “Metro District”).

Clarifying this PBA requirement has become critical to reviewing development plans for the many phases of the planned unit development (“Bloom PUD”), while working to achieve the overall intent of providing more active and engaging streetscapes that are dominated by homes and front porches instead of driveways and garage doors.

Resolution Adopted.

24. Items Relating to Appointments to Various Boards and Commissions.

- A. Resolution 2025-020 Making an Appointment to the Active Modes Advisory Board.
- B. Resolution 2025-021 Making an Appointment to the Affordable Housing Board.
- C. Resolution 2025-022 Making Appointments to the Air Quality Advisory Board.
- D. Resolution 2025-023 Making Appointments to the Art in Public Places Board.
- E. Resolution 2025-024 Making Appointments to the Citizen Review Board.
- F. Resolution 2025-025 Making Appointments to the Cultural Resources Board.
- G. Resolution 2025-026 Making Appointments to the Disability Advisory Board.
- H. Resolution 2025-027 Making Appointments to the Economic Advisory Board.
- I. Resolution 2025-028 Making Appointments to the Energy Board.
- J. Resolution 2025-029 Making an Appointment to the General Employees Retirement Committee.
- K. Resolution 2025-030 Making Appointments to the Historic Preservation Commission.
- L. Resolution 2025-031 Making Appointments to the Human Relations Commission.
- M. Resolution 2025-032 Making Appointments to the Human Services and Housing Funding Board.
- N. Resolution 2025-033 Making Appointments to the Land Conservation and Stewardship Board.
- O. Resolution 2025-034 Making Appointments to the Land Use Review Commission.
- P. Resolution 2025-035 Making Appointments to the Natural Resources Advisory Board.
- Q. Resolution 2025-036 Making Appointments to the Parks and Recreation Board.
- R. Resolution 2025-037 Making an Appointment to the Planning and Zoning Commission.
- S. Resolution 2025-038 Making Appointments to the Senior Advisory Board.

T. Resolution 2025-039 Making Appointments to the Transportation Board.

U. Resolution 2025-040 Making Appointments to the Water Commission.

V. Resolution 2025-041 Making an Appointment to the Women and Gender Equity Advisory Board.

The purpose of this item is to fill vacancies on various Boards and Commissions.

All Resolutions Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-24, minus 17, 18, and 19 on the Consent Calendar.

The motion carried 6-0.

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

Councilmember Pignataro thanked those who applied for Boards and Commissions and noted there were over a hundred applicants. She encouraged those who were not appointed to reapply.

Councilmember Pignataro asked when the pilot program referenced in Item #11, *First 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*, will be complete and asked about next steps. City Manager DiMartino replied that information will be provided prior to Second Reading.

Mayor Arndt thanked those who applied for Boards and Commissions and commended those who were selected and would be providing hours working for the City.

L) STAFF REPORTS

A. Federal Funding Update.

The purpose of this item is to share information regarding both direct and indirect impacts of federal funding shifts and executive orders on the City of Fort Collins and the community.

Deputy City Manager Tyler Marr stated the goal of this presentation is to provide information on direct impacts or potential impacts to the City organization, broader community impacts, and to address perceptions and concerns moving forward. He noted a City contingent met with the Colorado Congressional delegation in Washington, D.C. last week.

Deputy City Manager Marr noted the City has just shy of \$100 million in active federal funding which spans the breadth of the City organization. He stated 13 of the grants are at risk due to a variety of factors, including a lack of authorization to spend the funds and the change in priorities at the federal level. He noted new programs under the Inflation Reduction Act or the Infrastructure law could be targets, and those items flagged to be at risk add up to \$41 million. He noted there are also potential changes to formula funding, for example about 25% of Transfort's operating budget comes from federal formula funds.

Deputy City Manager Marr stated it is also likely the City will see direct impacts on things such as revenue given it is a hub for federal workers, federal investment, and federal leases on buildings.

He also noted there will be impacts to CSU and the County. Additionally, higher tariffs will lead to increased costs for capital projects and other basic expenses for community members.

Deputy City Manager Marr stated the City remains committed to its mission and values regardless of the change at the federal level.

Mayor Arndt thanked staff for the update and noted that community members have been requesting this information. She encouraged staff to continue to inform the community as things change.

M) COUNCILMEMBER REPORTS

None.

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

17. **First 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.**

The purpose of this item is to amend 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.

Fire Marshall Shawn McGaffin stated this item is simply a wording change to allow for the same enforcement rights for open burning.

PUBLIC COMMENT

Joe Rowan stated that while this item is not controversial, it is an indication of the disconnect between the Poudre Fire Authority's and City's processes. He suggested anything that directly impacts Fort Collins should go through the City's process.

Adam Hirschhorn stated the City will support Poudre Fire Authority in whatever it needs.

COUNCIL DISCUSSION

Councilmember Pignataro noted there are two Councilmembers on the Fire Code Review Committee and asked if this went through that Committee. McGaffin replied in the affirmative and stated it also went through the Poudre Fire Authority Board, on which Councilmembers sit, then the City Attorney's Office, and finally to Council.

Mayor Arndt noted that the process has been clear to her and that if an item comes to Council on Consent, it can be pulled to enable more discussion, just as was done tonight.

Mayor Pro Tem Francis requested more clarification regarding the Committee and who has voting rights. McGaffin replied this item was not reviewed by the Committee as it is such a minor change and was actually brought forward by the City Attorney's Office.

Mayor Pro Tem Francis motioned to approve 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, on First Reading. Councilmember Pignataro seconded the motion.

The motion carried 6-0.

18. First 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.

Fire Marshall Shawn McGaffin outlined the process for International Fire Code adoption. He stated the Fire Code Review Committee consists of constituents from the community that best represent the items contained in the Fire Code, including the Fort Collins Building Department. He stated there are few changes and noted the goal was to eliminate as many amendments as possible from years past. He detailed a change to an appendix related to adding numbers to each interior door in schools and stated the definition of fire alarm was expanded. He provided additional information on proposed minor changes and discussed the ways in which PFA will provide public outreach regarding the changes once adoption has occurred.

PUBLIC COMMENT

Joe Rowan noted the Ordinance states this is a public hearing and questioned why it was on the Consent Agenda given that fact. He stated the appeals process is not clear and suggested the Building Review Commission or Planning and Zoning Commission should have provided input. Additionally, regarding the proposed changes to signage, he questioned whether they are consistent with the City's sign code. Rowan also shared frustration that the materials were not made available to the public until after they were reviewed by the PFA Board.

COUNCIL DISCUSSION

Mayor Pro Tem Francis asked if public hearings are on the Consent Agenda. City Manager DiMartino replied in the affirmative noting people can comment during general public comment.

Mayor Pro Tem Francis suggested it may be helpful to have a work session with Council for these types of Code changes moving forward.

Mayor Arndt asked if the sign letter size changes are retroactive. McGaffin replied in the negative.

Mayor Arndt asked about the process the last time Fire Codes were updated. Chief Derek Bergsten replied the last five updates went through the same process but acknowledged there is room for improvement moving forward. He noted the International Fire Code is developed by the ICC and is based on science and life safety regardless of the community size.

Mayor Arndt also encouraged work sessions on the topic in the future.

Mayor Arndt requested additional clarification regarding the appeal process. McGaffin replied the changes were brought forward to bring a level of consistency and a streamlined process for all municipalities served by PFA.

Mayor Arndt stated this item should have been placed on Discussion given the need to provide all assurances to the public.

Mayor Pro Tem Francis motioned to approve 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, on First Reading. Councilmember Gutowsky seconded the motion.

The motion carried 6-0.

Chief Bergsten provided information on residential lithium-ion battery storage noting fully charged batteries should never be left in chargers or the devices when they are not in use.

19. First 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.

Councilmember Ohlson asked about the movement of the barn to one lot and why that was allowed to happen given historical context. Yani Jones, Historic Preservation Planner, replied the relocation of the barn was considered allowable under Chapter 14, Article IV of the Municipal Code because the relocation did not negatively impact the historic landmarks on which the barn is located: 509 and 515 Remington Street, as it still remains within its historic context and is now totally within the 509 Remington parcel. Additionally, this enabled the repair and rehabilitation of the historic barn, including the opportunity to place it onto a new, raised foundation which is significant to protect the structure given its location in a floodplain. The change also allowed for the adaptive reuse of the structure as a habitable space and garage. Jones noted the Historic Preservation Commission reviewed a certificate of appropriateness for the boundary amendment.

PUBLIC COMMENT

Adam Hirshhorn commended saving the barn.

COUNCIL DISCUSSION

Mayor Pro Tem Francis motioned to approve 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, on First Reading. Councilmember Pignataro seconded the motion.

The motion carried 6-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

None.

P) OTHER BUSINESS

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

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

Councilmember Gutowsky reported on the annual Dunn Elementary School citizenship oath ceremony, the International Women's Day rally in Old Town, and commented on the opening of the first Colorado location of Daiso, a store which originated in Tokyo.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 7:34 p.m.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Kelly DiMartino, City Manager
 Gretchen Stanford, Interim Finance Director
 Lawrence Pollack, Budget Director

SUBJECT

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

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Executive Team has reviewed the Reappropriation requests to ensure alignment with organization priorities and the Budget staff reviewed the requests to verify that all met qualification requirements.

This item was then reviewed by the Council Finance Committee on March 6, 2025, and the Committee approved moving it forward to the full Council for consideration on March 18, 2025.

Monies reappropriated for each City fund by this Ordinance are as follows:

General Fund	\$1,841,644
2050 Tax Climate Fund	53,424
2050 Tax Parks & Rec Fund	250,000
2050 Tax Transit Fund	14,000
Neighborhood Parkland Fund	18,583
Conservation Trust Fund	59,663
Cultural Services & Facilities Fund	103,032
Recreation Fund	96,669
Transportation CEF Fund	1,413,645
Transportation Services Fund	226,853
Parking Fund	1,093,142
Data & Communications Fund	401,885
Total	\$5,572,540

The 2025 Reappropriation requests are as follows, by fund:

GENERAL FUND

City Clerk’s Office

1) Ranked Choice Voting preparation - \$67,978

Purpose for funds: At the November 2022 election, voters approved ranked choice voting. Starting in 2025, the City of Fort Collins must use ranked voting methods to fill Mayor and District Councilmember seats for coordinated and/or City-run elections when there are three or more candidates. The City is required to provide the instructions, training, procedures and services required to educate the community and implement this new way of voting in collaboration with the County and others. Due to the increased cost of ranked voting that the City is responsible for, the election itself will likely exceed the budgeted amount for FY25. A portion of the reappropriated funds will be used for this purpose. Additionally, the City Clerk's Office is obligated to educate the public on this new style of voting, and the remaining reappropriated funds will be used on marketing and outreach to the community. This includes mailings, newspaper, social media and other advertising, event costs, necessary informational materials/video, mock election materials, and other supplies for effectively communicating this initiative to the public. While the City Clerk's Office is looking for creative ways to partner with other organizations and community groups, a large cost for planned outreach efforts is expected.

Reason funds not expensed in 2024: The City Clerk's Office has been in a state of transition over the last year, running under adequate staffing levels and bringing on new team members. While ranked voting was identified as a major priority, planning for outreach and coordination efforts in the first half of 2024 was not feasible. This was due, in part, to the efforts required to get Charter amendments and other ballot questions approved and then working with the County on a coordinated 2024 election. Planning discussions and staff education related to ranked voting began in the fall of 2024, but many of the necessary items could not be purchased or encumbered so far from the 2025 election date as related materials and other items had yet to be developed. This work is currently underway. Staff is working with the County, CSU, PSD and the League of Women Voters to find ways to collaborate on these efforts and share some costs. However, we expect there will continue to be a significant cost for the City related to ranked voting efforts to ensure we effectively get the word out and help train voters. Reappropriating these funds will contribute significantly to our communication and outreach strategies.

Economic Health Office

2) Construction Impact Grants - \$74,500

Purpose for funds: These funds are meant as small grants to local businesses that have been impacted by City Construction. Road construction can limit access, interrupt operations, and reduce customer traffic. These grants are meant to help mitigate those issues by providing resources to help with marketing, communication, signage, etc.

Reason funds not expensed in 2024: The funds were not fully expended in 2024 based on unanticipated major project timing shifts. The request for reappropriation is due to the confluence of two major capital project schedule changes: College and Trilby construction has been delayed, as well as Harmony Underpass schedule prioritization (happening sooner).

Police Services

3) K9 Donation - \$8,505

Purpose for funds: \$10,000 was given by a citizen for the purpose of supporting the K9 unit for any purpose. This has not yet been purchased and should be reappropriated according to the intent of the gift.

Reason funds not expensed in 2024: The reason that the funds weren't spent was because at the time all of the needs of K9 had been met with a portion of the gift and its existing budget. The team has plans for this money in 2025 and the remaining balance will be spent.

4) Leadership Summit Donation - \$90,797

Purpose for funds: This reappropriation is for the remaining amount of the funds that were donated for the Police Leadership Summit that was held last year. It will be held again in 2025 and paid for by the remaining donated funds.

Reason funds not expensed in 2024: The funds were originally donated by Angel Armor for rifle plates and then permission was given to repurpose the funds to pay for the Leadership Summit. In the interim other donors such as the Daniel's Fund donated more money which exceed the needed amount. Police will keep using the funds for their intended purpose to fund this event.

Social Sustainability

5) 24/7 Homeless Shelter Contribution - \$1,000,000

Purpose for funds: The City of Fort Collins recognizes the need for the construction of a new 24/7 shelter and seeks to provide \$1 million in local funds to Fort Collins Rescue Mission for construction of the shelter, which will serve men experiencing homelessness in the community. The new shelter will eliminate the need for winter overflow shelters and serve as a hub for community partners to collaboratively serve clients, including access to health services, job training, mental health support, and other critical resources.

These funds are intended to support a portion of capital expenses related to construction of the shelter, which will be released to Fort Collins Rescue Mission only after they receive both full funding and building permits.

Reason funds not expensed in 2024: Funds were not expended in 2024 because the development entitlement process was prolonged due to appeals. Fundraising is going well, and the Rescue Mission believes they will start work on site in Spring of 2025. SSD staff is working with the Rescue Mission on

a contract for this \$1M investment. Funding will not be made available until permits are pulled for the project to start construction.

City Manager's Office

6) Digital Accessibility - \$71,760

Purpose for funds: Staff is working on phase two of the Digital Accessibility work. They have a scope of work to audit digital platforms for each service area as well as digital documents, DocuSign templates, municipal code, Laserfiche, and Get FoCo. This work is needed to meet basic state compliance requirements.

Reason funds not expensed in 2024: The funds for this project were not expended in 2024 due to phase 1 of the Digital Accessibility audit taking longer than expected. This reappropriation will enable completion of this work in 2025.

City Attorney's Office

7) CAO Charter Review - \$12,500

Purpose for funds: Work was initiated in July 2024 on the City Council priority to update and modernize the City Charter. Outside special counsel was hired to assist with this work and \$25,000 was appropriated to support it. After work sessions in December 2024 and January 2025, work is underway to prepare ordinances that will put Charter amendments on the November ballot, to be presented to Council on April 1. Reappropriating these funds would make them available to support the completion of the work they were intended to fund.

Reason funds not expensed in 2024: The amount appropriated in summer 2024 provided the total amount of funds needed for the Charter Update work. However, the timing of the project work has been split between 2024 and 2025. As a result, roughly half of the funds were expended in 2024, and the remaining funds are needed to complete the work as scheduled.

8) Red Light Camera Radar (RLCR) Traffic Initiative - \$146,179

Purpose for funds: The City Attorney's Office prosecution team continues to move forward with implementation of the new Automated Vehicle Identification System traffic enforcement program (red light/camera radar). Preparing for and bringing on new staffing, training and development of procedural updates have been underway and cases from fixed cameras and in-person enforcement have continued to increase and are likely to continue to increase. These funds would be used to provide needed support for the prosecution team working on these issues in 2025, particularly as additional freestanding units, which have not yet been deployed, come online. Funds for already filled ongoing positions were funded in the 2025 budget for only April through December and these funds will help cover the resulting shortfall.

Reason funds not expensed in 2024: The rollout of the updated red light/camera program was delayed until late in 2024, as was staffing and onboarding of the prosecution team support. Some aspects of the program, including the new freestanding units, have not yet been implemented. These delays slowed the influx of cases, and the program will continue to grow significantly well into 2025. (The delays will also likely push into 2026, temporary expenses that were originally expected in 2024-25.)

Municipal Court

9) Case Management System (Tyler Tech) - \$227,912

Purpose for funds: 2024 Budgeting for Outcomes (BFO) Offer 68.8 funded a new court case management system for the Municipal Court. This offer was strongly supported by the City Attorney's office and the City's Information Technology department. The use of technology within the judicial world is critical to the functionality and efficiency of a court. After an extensive RFP process, a vendor was awarded this contract in Q2 of 2024. In July of 2024, this technology implementation project started. These funds will be used to support the project by funding a temporary employee serving as a co-project manager supporting the Court Administrator and to fund the contractual obligations associated with this project.

Reason funds not expensed in 2024: This project is an extensive year-long implementation project which merges several different systems into one updated case management system. Funding is disbursed throughout the implementation as contractual obligations and project milestones are completed by the vendor. The project started in July and is on schedule. Because of the complexity of the project, only a couple of project payment points/invoices were reached in 2024. The remaining payment/invoicing deadlines should be completed in 2025.

Operation Services

10) Edora Pool and Ice Center Hot Water System - \$85,000

Purpose for funds: These funds identified in Offer 15.14 Aging Facilities Maintenance were targeted to replace the hot water piping to the locker rooms at the Edora Pool and Ice Center (EPIC). During higher hot water demands in the locker rooms, the system fails to deliver hot water leaving patrons experiencing cold showers. This reappropriation request would use the funds to redesign the hot water system to resolve this ongoing issue for EPIC customers.

Reason funds not expensed in 2024: In December of 2023, temperature issues with the domestic hot water system at Edora Pool and Ice Center were apparent. Numerous complaints were received from patrons regarding the low water temperature in the showers. Several attempts to resolve this problem with the current system were unsuccessful.

In early 2024, the City partnered with a mechanical consulting engineer to redesign the piping for this part of the hot water system. This involved mapping the existing system, as well as providing construction documents and an estimate for the needed repairs. Due to the length of time for this redesign process and availability of vendors to perform the work, this project was unable to start in 2024 as originally scheduled.

11) Replace Northside Aztlan Methane Detection System - \$45,000

Purpose for funds: These funds identified in Offer 15.14 Aging Facilities Maintenance will replace an end of life methane detection system at the Northside Aztlan Community Center. This system is required by the State of Colorado to monitor the methane mitigation system that is integral to that facility.

Reason funds not expensed in 2024: This system is original to the 2007 construction of the building making the replacement of components a challenge. In July of 2024 the City partnered with a contractor for repairs to the Northside Aztlan Methane detection system. After several attempts to resolve this problem using the existing system were unsuccessful, it was determined a full replacement would be in the city's best interest. In December 2024, the city requested a proposal for the design and installation of a new system. Due to the length of time for this process, permitting, and availability of vendors, this project should be completed by mid-2025.

Parks

12) Pickleball Donation - \$11,513

Purpose for funds: Funding for a feasibility study for a future City-owned pickleball complex was appropriated in 2024 for Park Planning and Development staff to conduct an initial public engagement process and feasibility study. To date, staff have conducted 2 stakeholder meetings, one open house, and developed conceptual designs for two potential locations on community park properties.

The Fort Collins Pickleball Club awarded \$40,000 to the Park Planning & Development division (PPD) for this designated purpose. Past philanthropic partnerships by City Give have included The Hand That Feeds, Veterans Plaza of NoCo, a refresh of Eastside Park, and the 9-11 Memorial at Spring Park.

Reason funds not expensed in 2024: Not all funds were expensed in 2024 as the results of a noise impact study by an acoustic engineering firm were not available until Q1 2025. Continued outreach and communication with the donor group (Fort Collins Pickleball Club) will be completed to finalize the City's commitments per the gift agreement.

2050 TAX FUND – CLIMATE OCF

Natural Areas

13) Poudre River Health Assessment - \$53,424

Purpose for funds: This offer funds the Poudre River Health Assessment project, a sampling project that evaluates the health of the Cache la Poudre River from Gateway Natural Area to I-25 using a suite of biological, chemical, and physical indicators. The project builds on a previous effort completed by the City in 2017 and is a critical baseline for informing potential large-scale water projects. The funding for this offer covers that cost of sampling, analysis, and public outreach. The majority of the funds (\$246,473) are allocated in an existing PO with ICON Engineering for the sampling effort, with a portion of those already used as matching funds for our partners at the Coalition for the Poudre River Watershed (CPRW). CPRW is sampling the Upper and Lower zones of the watershed, while the City is focusing on the Middle Zone. As of the end of 2024, spending toward sampling and analysis have been addressed. The reappropriated funds will support development of final products and public outreach.

Reason funds not expensed in 2024: The project funds that were not fully expended in 2024 are for the last phase of the project: public and partner engagement. The team must first receive the results from the sampling effort to begin the engagement phase. The timeline of contracting process and the need to collect data across a full year in order to see a complete picture of river health caused this project to spill into 2025. Sampling is underway and engagement is scheduled for summer and fall 2025.

2050 TAX FUND - PARKS & REC

Recreation

14) Recreation 2050 Tax CIP Study - \$250,000

Purpose for funds: Ordinance 58 was approved appropriating \$250,000 to fund a Capital Improvement Plan (CIP) study for the Recreation department out of the 2050 Tax Fund - Parks & Rec. This study will inform the department's efforts to strategically leverage asset management investments, including from the Recreation Fund and the 2050 tax proceeds, and is similar to efforts which the Parks department has completed for their Infrastructure Replacement Program.

Reason funds not expensed in 2024: Award of the contract was delayed due to new internal City processes. Staff has worked through these processes and is underway with the RFP and expects funds will be fully spent in 2025.

2050 TAX FUND - TRANSIT

Transfort

15) Transfort Optimization Study - \$14,000

Purpose for funds: Transfort Optimization Study came in slightly under budget at \$36k out of \$50k original cost. Transfort will use remaining balance of unspent funds for costs outside of contract with the vendor such as incentives for focus groups and public meetings, additional translation costs, childcare incentives, etc.

Reason funds not expensed in 2024: The cost of the optimization study came in under budget and was only \$36,000 of the original \$50,000 anticipated cost. These expenses described above are directly associated with the study, helping to inform strategic business decisions.

NEIGHBORHOOD PARKLAND FUND

Parks

16) Veteran's Plaza Sign Donation - \$18,583

Purpose for funds: Funding was appropriated in 2024 for Park Planning and Development staff to design, construct and install an entry sign for the Veterans Plaza of Northern Colorado at Spring Canyon Community Park. To date, staff have completed design and design-build documents and material acquisition for the installation of the sign.

Gifts of \$25,000 and \$50 were received by the nonprofit group supporting the Veterans Plaza and an individual donor for this designated purpose.

Reason funds not expensed in 2024: Due to inclement weather conditions in Q4 of 2024 and contractor availability, construction has extended into 2025. Work is anticipated to be completed in Q1 2025.

CONSERVATION TRUST FUND

Parks

17) Bike Park Feasibility - \$59,663

Purpose for funds: Funding was intended for Park Planning and Development staff to conduct a community-scale bike park feasibility study as directed by Council at the June 11 Work Session. This feasibility study includes an evaluation of potential locations, identification of features and park amenities, and a community engagement process.

This project is in response to significant community feedback and input from the 2021 Parks and Recreation Plan: Recreate.

Reason funds not expensed in 2024: The project for which the dollars were originally appropriated by Council could not be completed during 2024 due to the project schedule overlapping years 2024/2025. Reappropriation of those dollars is necessary for completion of the project in 2025.

CULTURAL SERVICES & FACILITIES FUND

Cultural Services

18) Center for Creativity Furniture Donation - \$91,729

Purpose for funds: The requested funds to be reappropriated make up a sizeable and generous community donation from a local resident in 2024 intended to be utilized for venue vitalization, improvements, equipment purchases, and furniture expenses. Due to the expansive nature of the Center for Creativity renovation, and significant construction costs, donated funds such as this are important to our continuing work towards making the Historic Carnegie Library a vibrant destination for arts and culture in the Fort Collins community.

Funds used in 2024 purchased venue furniture items and equipment, along with basic infrastructure improvements not originally budgeted as part of the greater renovation project. Due to the funds not being received until 9/1/2024, staff was unable to fully spend them in 2024, as the building also was not brought fully back online until August 2024. Time was needed following completion of the renovation to best identify the areas these funds could best be put towards. We expect in 2025 to utilize these funds on continued facility improvements such as improved gallery hard goods and painted surfaces, access control upgrades, technical & performance related equipment, and other similar building infrastructure upgrades.

Reason funds not expensed in 2024: Recognizing that these funds being requested for reappropriation were not received until late in the year 2024, it was expected that their use, as directed by the donation, would span more than just the year they were received. In an effort to leverage this generous donation in the most responsible manner, staff knew that they would need time once the CC was operational in August 2024 to best identify and outline how to use funding towards their intended purpose to support the venues ongoing equipment, furniture, and improvement needs.

19) Gardens on Spring Creek APGA Grant for Community Garden - \$11,303

Purpose for funds: In 2024, The Gardens on Spring Creek received \$20,000 grant from the American Public Garden Association (APGA) to support a project where we partner with the First Peoples Community Center to plan, design, plant and care for a garden plot at The Gardens for indigenous community use. This garden was born out of an expressed desire by the local indigenous community for more access to space to grow and harvest spiritual, medicinal and food plants for their community.

This funding is instrumental to the success of this project and our commitment to building trust and enduring relationship with the Indigenous Community. During the 2024 season the Garden produced 370lbs of produce for the community and engaged at least 30 members of the Native Community. The appropriation of the remaining funds will support the ongoing work of this project for 2025.

Reason funds not expensed in 2024: Funds were deposited in 2024 and are committed to support this project in its entirety. Due to a shortage of candidates for our gardener position in the summer of 2024, resulting in late hiring, the funds were not expended as intended by the end of 2024. Staff is determined to spend these funds in 2025 to complete the project with this reappropriation.

RECREATION FUND

Recreation

20) Recreation Asset Management - \$53,410

Purpose for funds: The Recreation fund appropriated these expenses from revenues to support asset replacements, including the purchase of a replacement Kubota utility vehicle at the Farm at Lee

Martinez Park (\$45,000) and the replacement of an ADA pool lift at the Edora Pool and Ice Center (\$8,410). Funding these assets allows us to maintain better service levels to the community and promotes access.

Reason funds not expensed in 2024: Lead times for specialized equipment and work can be lengthy. Staff has received quotes and is ready to award the orders with high confidence in expending the funds in 2025.

21) Recreation Universal Pre-K (2024 State of CO Funding) - \$30,469

Purpose for funds: Ordinance 140 was approved in November '24 appropriating the unanticipated 2024 revenue from the State of Colorado (\$30,469) to fund the Universal Pre-school (UPK) '24 / '25 school year program at the Northside Aztlan Community Center in the Recreation Fund.

Reason funds not expensed in 2024: With the timing of the '24 / '25 school year spanning the City's fiscal years, hiring was delayed until funds were fully appropriated from Ordinance 140, as well as BFO Offer 46.5.

Ordinance 140 works in conjunction with BFO Offer 46.5 which was approved in the '25 / '26 Budget and appropriates future State revenue as well as expands the Universal Pre-K program by funding the hiring of 3 new FTEs (start dates in April '25). Ordinance 140, approved in November '24, allowed for the accelerated hiring of 1 new FTE in support of the '24 / '25 school year, this position will be funded through Offer 46.5 from April '25 forward. The team began the process of hiring 1 new FTE in November '24, the position was filled and the new employee began in January '25.

22) Recreation Childcare Bus Exterior Wrap & Finishes - \$12,790

Purpose for funds: Ordinance 124 was approved in September 2024 appropriating funds (\$169,500) for a new full-sized bus in support of the Recreation department's childcare programs. The bus has been ordered and this reappropriation is intended to move the remainder of the original appropriation to fund the expense of exterior wrapping once the bus is received by the City (estimated delivery: 2nd half of 2025).

Reason funds not expensed in 2024: The lead time for the bus will result in delivery in the 2nd half of 2025, the wrap and finish cannot be awarded and applied until the bus is onsite. The wrap will allow for the required City specific finishes.

TRANSPORTATION CEF FUND

Engineering

23) Waterfield Fourth Filing Development Reimbursement - \$1,413,645

Purpose for funds: These funds are for a developer reimbursement for construction of Suniga Road, Vine Drive, and Merganser Street improvements and for the dedication of right-of-way for Suniga Road beyond local access standards.

Reason funds not expensed in 2024: Funds were not expensed in 2024 because the City of Fort Collins has continued to wait for the developer to submit appropriate paperwork for reimbursement.

TRANSPORTATION SERVICES FUND

FC Moves

24) Foco Fondo Donation - \$5,000

Purpose for funds: The annual FoCo Fondo donation to Safe Routes to School is earmarked for new programming and/or new equipment to help get more kids bicycling in Fort Collins.

Reason funds not expensed in 2024: The funding was not used in 2024 due to the event occurring after the midway point in the year and needing to wait for the funding to be appropriated. That left no time to spend the funds on programming in the fall 2024 semester of school and little time to research and acquire new equipment before the end of the year. These funds will be expended in 2025.

Streets

25) Streets Building Office Remodel- \$221,853

Purpose for funds: The purpose of this request is to reappropriate \$221,853 for the buildout of the Streets Department office space. This budget had been set aside in 2024 to create new office space as the Streets team continues to grow. This expansion is essential to accommodate operational growth driven by the addition of new crews and staff, including the Timberline Recycling Center team, new Sweeping/Graffiti crew chief, new Asphalt Crew, new Asphalt Manager, and new Traffic Control Technicians/Classified Flaggers.

Reason funds not expensed in 2024: Initially, the project was scheduled to begin in 2024, with Operations Services providing an estimated cost of \$268,091. However, the estimate was significantly higher than anticipated, requiring additional time to identify cost-saving measures and ensure financial feasibility. Additionally, the pending approval of the 2025-2026 BFO requests for additional FTEs (Offers 21.7 and 21.8) introduced potential design impacts that needed to be considered before finalizing the project scope.

The timeline for project initiation was impacted by delays in receiving quotes and the additional effort required to identify a more cost-effective approach. As a result, construction was unable to begin before the end of 2024 and the project was delayed to 2025. The Streets Department now has final design plans in place and is prepared to proceed with the remodel, with an anticipated completion timeline in late Q3 of 2025. This timeline remains contingent on permitting and contractor availability.

PARKING FUND

Parking Services

26) Civic Center Parking Structure (CCPS) Maintenance Work - \$1,093,142

Purpose for funds: Following a 2019 condition assessment, the Civic Center Parking Structure (CCPS) stairwell was found to have repair needs. Due to the pandemic and resulting financial constraints, a pause to the maintenance schedule was approved by the contracted structural engineering firm. Maintenance repairs resumed in 2022, and a subsequent condition assessment identified that the southeast stairwell had degraded to an unsafe level resulting in its closure to the public in June 2022. Following the closure, a thorough assessment of the needed repairs, design and cost estimates was performed. Initial project funds of \$1.2M were requested and appropriated in 2024. The funds requested for reappropriation will be used to complete the necessary repairs to the stairwell.

Reason funds not expensed in 2024: Funding to repair the CCPS stairwell was approved in September of 2024 in the amount of \$1.2 million. At outset, this work was anticipated to take 1.5 years for completion and is currently on track to being completed by end of 2025.

DATA & COMMUNICATIONS FUND

Information Technology

27) ERP System Replacement - \$249,385

Purpose for funds: This offer will identify the components necessary for the City to implement a modernized ERP ecosystem, accounting for all readiness components, and will focus on the first two phases necessary to transform our business processes into a modern solution while minimizing customizations that exponentially increase implementation and support costs. To succeed this must become a business-led, technology-enabled transformation and we must plan this modernization in six key phases: 1) discovery and planning, 2) business process transformation, 3) design and development, 4) change management and training, 5) testing and implementation, and 6) operational support.

Maintaining our current platform amplifies the need for high-touch, manual support. Once we implement a new solution, we will lower our costs, while increasing our ability to support increased needs with no additional FTEs. A new ERP solution will implement industry best practices necessary to standardize and streamline processes, reduce costly customization, address talent resiliency while improving our risk management, and disaster recovery practices, and ensure compliance with our pending end-of-life support. Also, implementing a standard solution will reduce the 32+ interfaces necessary to support today.

Reason funds not expensed in 2024: The 2023-2024 funds were not fully utilized due to shifting priorities and resourcing challenges, as efforts focused on foundational planning, cross-departmental coordination, and learning from peer municipalities. In 2024, the City held an InfoTech partner led ERP workshop that brought together key stakeholders to refine the strategic vision, align business needs, and establish critical priorities for implementation. This workshop has shaped the program launch for 2025 by identifying key requirements, scope and priorities, identifying process gaps, and ensuring organizational readiness. The 2025 reappropriation will fund a dedicated ERP Project Manager to lead planning, RFP development, vendor selection, and resourcing. Funds will also help support backfilling key Finance, HR, and IT roles to allow subject matter experts to focus on ERP selection, and implementation. This initiative will transition from planning to execution, ensuring project readiness, structured system design, and phased implementation, ultimately modernizing the City's ERP system to improve efficiency, reduce costs, and ensure compliance with end-of-life support requirements.

28) Expansion of Enterprise Service Management System (ESM) - \$152,500

Purpose for funds: The original intent of this offer was to extend the "FreshService" Information Technology Service Management (ITSM) portal into an Enterprise Service Management (ESM) portal, encompassing Human Resources (HR), Operation Services (Operations), Communications & Public Involvement (CPIO), and Emergency Preparedness & Security (EPS). This centralization and standardization of service request management would offer all City employees visibility into the status of service requests, tracked communications, and a consistent framework across departments. The ongoing cost for licensing will increase \$68,500 annually.

Additionally, the implementation of ESM will be through a phased plan and tailored approach, requiring professional services to assess and create a service delivery practice for the City. The one-time cost for a 3-month assessment and to begin implementation will be \$87,500 for 3rd party professional services. This investment aligns with our goal of moving from complexity to simplicity by standardizing service requests, improving transparency, and enabling data-driven service enhancements. ESM will

streamline cross-department workflows, like onboarding new employees, ensuring a seamless, employee-centered service experience.

Reason funds not expensed in 2024: The 2023-2024 funds were not fully utilized as the ESM expansion took longer due to competing priorities across HR, Operations, IT, EPS, and CPIO. During this period, IT focused on foundational training, process development, and service catalog redesign to ensure a strong framework for expansion. The 2025 reappropriation is essential to fund guidance and training, enabling departments to transition successfully. Additionally, these funds will support licensing for new users as they configure and implement FreshService, ensuring a smooth rollout.

CITY FINANCIAL IMPACTS

This item increases 2025 appropriations by \$5,572,540. A total of \$1,841,644 is requested for reappropriation from the General Fund, \$1,413,645 is requested from the Transportation CEF Fund, \$1,093,142 is requested from the Parking Fund and \$1,224,109 from other funds. Reappropriation requests represent amounts budgeted in 2024 that could not be encumbered at year-end. The appropriations are from prior year reserves.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

- 1. Ordinance for Consideration

ORDINANCE NO. 041, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPROPRIATING FUNDS PREVIOUSLY APPROPRIATED IN
2024 BUT NOT EXPENDED AND NOT ENCUMBERED IN 2024

A. City Council authorized expenditures in 2024 for various purposes in the General Fund, the 2050 Tax Fund, the Neighborhood Parkland Fund, Conservation Trust Fund, Cultural Services and Facilities Fund, the Recreation Fund, Transportation Capital Expansion Fee Fund, the Transportation Services Fund, the Parking Fund, and the Data and Communications Fund, portions of which were not spent or encumbered in 2024.

B. Article V, Section 11 of the City Charter provides that all appropriations unexpended or unencumbered at the end of the fiscal year lapse to the applicable general or special fund, unless it is an appropriation for capital projects or for federal, state, or private grants or donations that has been previously designated by City Council as a non-lapsing appropriation.

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 such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

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

E. It is in the best interests of the City and its residents to re-appropriate funds for the expenditures below, in furtherance of these expenditures and their respective public purposes authorized in 2024 for which such appropriated funds were not expended and not encumbered during 2024.

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 MILLION EIGHT HUNDRED FORTY-ONE THOUSAND SIX HUNDRED FORTY-FOUR DOLLARS (\$1,841,644) to be expended in the General Fund for the following purposes:

Ranked Choice Voting preparation	\$67,978
Construction Impact Grants	\$74,500

K9 Donation	\$8,505
Leadership Summit Donation	\$90,797
24/7 Homeless Shelter Contribution	\$1,000,000
Digital Accessibility	\$71,760
CAO Charter Review	\$12,500
RLCR Traffic Initiative	\$146,179
Case Management System (Tyler Tech)	\$227,912
Edora Pool and Ice Center Hot Water System	\$85,000
Replace Northside Atzlan Methane Detection System	\$45,000
Pickleball Donation	\$11,513
GENERAL FUND TOTAL	\$1,841,644

Section 2. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund the sum of FIFTY-THREE THOUSAND FOUR HUNDRED TWENTY-FOUR DOLLARS (\$53,424) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for the following purposes:

Poudre River Health Assessment	\$53,424
2050 TAX FUND - CLIMATE OCF TOTAL	\$53,424

Section 3. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for the following purposes:

Recreation 2050 Tax CIP Study	\$250,000
2050 TAX FUND - PARKS & REC TOTAL	\$250,000

Section 4. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund the sum of FOURTEEN THOUSAND DOLLARS (\$14,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for the following purposes:

Transfort Optimization Study	\$14,000
2050 TAX FUND - TRANSIT TOTAL	\$14,000

Section 5. There is hereby appropriated from prior year reserves in the Neighborhood Parkland Fund the sum of EIGHTEEN THOUSAND FIVE HUNDRED EIGHTY-THREE DOLLARS (\$18,583) to be expended in the Neighborhood Parkland Fund for the following purposes:

Veteran's Plaza Sign Donation	\$18,583
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NEIGHBORHOOD PARKLAND FUND TOTAL \$18,583

Section 6. There is hereby appropriated from prior year reserves in the Conservation Trust Fund the sum of FIFTY-NINE THOUSAND SIX HUNDRED SIXTY-THREE DOLLARS (\$59,663) to be expended in the Conservation Trust Fund for the following purposes:

Bike Park Feasibility	\$59,663
CONSERVATION TRUST FUND TOTAL	\$59,663

Section 7. There is hereby appropriated from prior year reserves in the Cultural Services and Facilities Fund the sum of ONE HUNDRED THREE THOUSAND THIRTY-TWO DOLLARS (\$103,032) to be expended in the Cultural Services and Facilities Fund for the following purposes:

Center for Creativity Furniture Donation	\$91,729
Gardens on Spring Creek APGA Grant for Community Garden	\$11,303
CULTURAL SERVICES AND FACILITIES FUND TOTAL	\$103,032

Section 8. There is hereby appropriated from prior year reserves in the Recreation Fund the sum of NINETY-SIX THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS (\$96,669) to be expended in the Recreation Fund for the following purposes:

Recreation Asset Management	\$53,410
Universal Pre-K	\$30,469
Childcare Bus Exterior Wrap & Finishes	\$12,790
RECREATION FUND TOTAL	\$96,669

Section 9. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of ONE MILLION FOUR HUNDRED THIRTEEN THOUSAND SIX HUNDRED FORTY-FIVE DOLLARS (\$1,413,645) to be expended in the Transportation Capital Expansion Fee Fund for the following purposes:

Waterfield Fourth Filing Development Reimbursement	\$1,413,645
TRANSPORTATION CEF FUND TOTAL	\$1,413,645

Section 10. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of TWO HUNDRED TWENTY-SIX THOUSAND EIGHT HUNDRED FIFTY-THREE DOLLARS (\$226,853) to be expended in the Transportation Services Fund for the following purposes:

Foco Fondo Donation	\$5,000
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Streets Building Office Remodel	\$221,853
TRANSPORTATION SERVICES FUND TOTAL	\$226,853

Section 11. There is hereby appropriated from prior year reserves in the Parking Services Fund the sum of ONE MILLION NINTEY-THREE THOUSAND ONE HUNDRED FORTY-TWO DOLLARS (\$1,093,142) to be expended in the Parking Services Fund for the following purposes:

CCPS Maintenance Work	\$1,093,142
PARKING FUND TOTAL	\$1,093,142

Section 12. There is hereby appropriated from prior year reserves in the Data and Communications Fund the sum of FOUR HUNDRED ONE THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$401,885) to be expended in the Data and Communications Fund for the following purposes:

ERP System Replacement	\$249,385
Expansion of Enterprise Service Management System (ESM)	\$152,500
DATA & COMMUNICATIONS FUND TOTAL	\$401,885

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Annabelle Phillips, Assistant Director, Transfort
 Monica Martinez, Manager, PDT Finance

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On February 8, 2024, the Federal Transit Administration (FTA) announced approximately \$390 million in funding through its Grants for Buses and Bus Facilities Competitive Program (49 U.S.C. § 5339(b)), designed to support the rehabilitation and construction of bus-related facilities.

Transfort, in partnership with Colorado State University (CSU), applied for and was awarded \$2,411,550 in Fiscal Year 2024 § 5339(b) funding. This grant requires a local match of \$415,450, which will be met

using \$222,450 of Community Capital Improvement Program (CCIP) Fund for Bus Stop Improvements and \$193,000 provided by CSU's Alternative Transportation Fee Advisory Board (ATFAB).

The awarded and local matching funds will be used to enhance accessibility of the Transfort system and improve transit infrastructure, ensuring enhanced compliance with the Americans with Disabilities Act (ADA). Transfort will utilize the award to upgrade concrete pads at existing bus stops, purchase and install amenities, improve the concrete infrastructure at the Downtown Transit Center, and construct new ADA-compliant bus stops to accommodate future transit expansion north.

Transfort also negotiated an Intergovernmental Agreement (IGA) with CSU, in which CSU has agreed to provide the local match for the portion of § 5339(b) funds that have been committed to the improvement of existing bus stops within CSU's jurisdiction as well as the purchase and installation of shelters. This IGA was fully executed on March 2, 2025.

These improvements will help promote social equity by making public transit services more accessible to individuals of all abilities. Additionally, the enhancements align with the City's strategic goals to advance equity, remove systemic barriers, and ensure individuals of all ages and abilities can engage in the community. The project also invests in equitable access to sustainable modes of travel and essential services.

CITY FINANCIAL IMPACTS

This Ordinance will 1) appropriate \$2,411,550 in unanticipated federal grant revenue, 2) transfer \$222,450 in CCIP Bus Stop Improvements Funds to the Transit Services Fund to cover a portion of the local match required for this project, and 3) appropriate a development contribution to construction of \$193,000 from CSU's ATFAB to cover CSU's contribution to the local match.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 042, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
 TRANSFERS RELATED TO 49 U.S.C. § 5339(b) PROGRAM
 FUNDING FOR ACCESSIBILITY ENHANCEMENTS TO THE
 TRANSIT SYSTEM

A. Transfort and Colorado State University (“CSU”) provide coordinated public transit services within the City’s municipal boundaries and growth management area, including constructing and maintaining bus stop facilities for the public and students of CSU.

B. Transfort is working to upgrade bus stops throughout its service area to improve Americans with Disabilities Act of 1990 (“ADA”) accessibility and purchase new transit amenities, creating a more inclusive and welcoming environment for all riders of public transit (the “Project”).

C. To support the Project, Transfort applied for and was awarded \$2,411,550 in Fiscal Year 2024 grant funding (the “Grant”) through the Federal Transit Administration’s (“FTA”) Grants for Buses and Bus Facilities Competitive Program (49 U.S.C. § 5339(b)), which requires a local match of \$415,450.

D. Transfort will utilize the award and local match to upgrade concrete pads at existing bus stops, purchase and install transit amenities, improve the concrete infrastructure at the Downtown Transit Center, and construct new ADA-compliant bus stops to accommodate future northward expansion of the Transfort system.

E. A portion of the local match is being transferred from the Community Capital Improvement Program Fund in the amount of \$222,450.

F. Transfort also anticipates receiving a \$193,000 contribution for the local match from CSU pursuant to an IGA, which will reimburse the appropriated local matching funds for the portion of the Grant that has been committed to the improvement of nineteen existing bus stops within CSU’s jurisdiction as well as the purchase and installation of shelters. This portion of the local match is being appropriated as new and unanticipated revenue, to be provided by CSU’s Alternative Transportation Fee Advisory Board (“ATFAB”).

G. This appropriation benefits public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose by improving accessibility of the public transit system, removing systemic barriers, investing in equitable access to sustainable modes of travel and essential services, and ensuring individuals of all ages and abilities can engage in the community.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance

at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

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

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 Community Capital Improvement Projects Fund and that this appropriation will not cause the total amount appropriated in the Community Capital Improvement 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.

K. 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.

L. The City Manager has recommended the transfer of \$222,450 from the Community Capital Improvement Program Fund to the Transit Services Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

M. All of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by the Federal Transit Authority and Colorado State University Funds, the source of these funds.

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

O. The City Council wishes to designate the appropriation herein for Accessibility Enhancements to the Transit System 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 Transit Services Fund the sum of TWO MILLION FOUR HUNDRED ELEVEN THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$2,411,550) to be expended in the Transit Services Fund for Accessibility Enhancements to the Transit System.

Section 2. There is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of ONE HUNDRED NINETY-THREE THOUSAND DOLLARS (\$193,000) to be expended in the Transit Services Fund for Accessibility Enhancements to the Transit System.

Section 3. There is hereby appropriated from prior year reserves in the Community Capital Improvement Program Fund the sum of TWO HUNDRED TWENTY-TWO THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$222,450) to be expended in the Community Capital Improvement Program Fund for transfer to the Transit Services Fund for Accessibility Enhancements to the Transit System.

Section 4. The appropriation herein for Accessibility Enhancements to the Transit System 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 March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends 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.

The City received several individual philanthropic donations totaling \$26,632 to support various departments, and these funds are currently unappropriated. As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-revenue approved by City Council, the City Manager has adopted the Philanthropic Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

This item requests an appropriation of \$26,632 in philanthropic revenue received by City Give as follows:

Gifts totaling \$15,607 received from the Lincoln Center Support League for the Lincoln Center. In addition, gifts totaling \$11,025 were received for various programs and services, including gifts for Forestry, NextGen, Parks, Payment Assistance Fund, and The Gardens on Spring Creek.

The respective donors have 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 \$26,632 in new philanthropic revenue received by City Give for various City departments to support various programs and services. \$2,000 of the revenue was received in late 2024 and the remaining \$24,632 was received in 2025.

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. 043, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND
UNANTICIPATED PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR VARIOUS PROGRAMS AND
SERVICES AS DESIGNATED BY THE DONORS

A. The City has received generous donations in 2024 and 2025 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs throughout the city, including, but not limited to, volunteer services, cultural and arts, parks and recreation police services, conflict transformation, and forestry.

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

D. 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 appropriations described in Sections 1 and 2 of this Ordinance and determined that the amount of each of these appropriations is available and previously unappropriated from the funds named in Sections 1 and 2 and will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

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.

G. The City Council wishes to designate the appropriation herein for the donations to the Payment Assistance Fund as appropriations that shall not lapse until the

earlier of the expiration of the donation or the City’s expenditure of all funds received from such donation.

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

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue held in prior year reserves to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary.

General Fund	\$ 1,500
Light and Power, donations to the Payment Assistance Fund	\$ 500

Section 2. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary.

General Fund	\$ 7,900
Light and Power, donations to the Payment Assistance Fund	\$ 75
Natural Areas Fund	\$ 50
Cultural Services and Facilities Fund	\$ 16,607

Section 3. The appropriation herein for the donations to the Payment Assistance Fund 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 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 March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Sue Beck-Ferkiss, Social Policy and Housing Programs Manager
 Vanessa Fenley, Sr. Housing Manger
 Josh Birks, Deputy Director, Sustainability Services

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In 2022, the City adopted the 2021 International Building Code with local amendments. One of those local amendments imposes requirements for electric vehicle infrastructure that exceeds those required by the Colorado Housing and Finance Authority for affordable housing developments. For that reason, Council directed staff to create a pilot program providing fee credits to fund the incremental cost to offset the additional cost of compliance with the local amendment and appropriated \$238,000 for this purpose. (See Attachment – Ordinance No. 057, 2022).

To date, two projects have applied for and received fee credits to offset the cost of electric vehicle infrastructure. Those fee credits totaled about \$38,000. The balance of initial funding was included in the 2023 and 2024 Reappropriation Ordinances but pursuant to guidance from the Budget Office we are seeking a separate supplemental appropriation here for the remaining \$200,000 unexpended funds.

Affordable housing projects being developed under the 2021 International Building Code will be required to provide the additional electric vehicle infrastructure and will thereby qualify for the fee credits. The local requirements still exceed those required by the Colorado Housing and Finance Authority. If appropriated, this amount could provide offsets to approximately 10 projects depending on the number of parking spaces provided.

CITY FINANCIAL IMPACTS

This appropriation would provide \$200,000 from the General Fund Reserves to continue the pilot program providing partial cost-sharing for electric vehicle infrastructure. This amount continues and does not add to the original appropriation for this program.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Between First and Second Reading for adoption of the international Building Code, City staff engaged with several groups together additional input about the Electric Vehicle Requirements for affordable housing developments:

- Affordable housing Providers Group -2/18/2022
- Housing Catalyst – 2/24/2022 and 3/8/2022
- Affordable Housing Board – 3/3/2022
- Downtown Development Authority – 3/25/2022

Suggestions from these group encouraged alignment with the requirements of the Colorado Housing and Finance Authority and if not, to include a mechanism to offset the additional cost for affordable housing developments.

PUBLIC OUTREACH

In 2022, staff also conducted informal consultations with several affordable housing developers, who agreed with the suggestions noted above.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 044, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL
FUND FOR ELECTRIC VEHICLE INFRASTRUCTURE COST-
SHARING FEE CREDITS FOR AFFORDABLE HOUSING

A. Through Ordinance No. 057, 2022, City Council appropriated \$238,000 to create a pilot program to provide fee credits for affordable housing developments to offset the cost of City-imposed electric vehicle infrastructure requirements. These requirements came into effect through the City's adoption of the 2021 International Building Code.

B. To date, approximately \$38,000 of the original appropriation has been expended to support the installation of electric vehicle infrastructure at affordable housing developments. To continue the pilot project, the remaining \$200,000 must be appropriated through a supplemental appropriation. This appropriation would fund about ten new electric vehicle infrastructure projects, depending on the number of parking spaces provided in each project.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the development of affordable housing with electric vehicle infrastructure.

D. 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.

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 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 TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the General Fund for the electric vehicle infrastructure cost-sharing fee credits for Affordable Housing.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Ted Hewitt

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Annabelle Phillips, Assistant Director, Transfort
Monica Martinez, Manager, Finance

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Transfort's commuter FLEX Regional Routes contribute greatly to the transportation community in Northern Colorado, serving the citizens of Fort Collins, Loveland, Longmont, Berthoud, Boulder and smaller population centers in between. FLEX service provides five trips each weekday between Fort Collins and Boulder, two in the morning and three in the afternoon/evening. Beginning in 2021 FLEX service was expanded to add an additional mid-day round trip on weekdays and weekend service to Boulder with two morning trips and two evening trips on Saturday and Sunday. Ridership of FLEX Regional Routes has continued to increase since its initial launch in 2009, demonstrating the demand for transit service between these communities in Northern Colorado. In FY24, CDOT awarded the City of Fort Collins a \$300,000 grant from the Statewide Competitive Pool of the FASTER Transit Program. The grant requires a 50% local match of \$300,000 which will be met using previously appropriated operating funds. The grant funds and the local match will be dedicated to the operating expenses for FLEX Regional Routes, including fuel, payroll costs, administrative and overhead outlays. The total \$600,000 will contribute to the overall operating cost of approximately \$2.25 million for FLEX.

Transfort maintains intergovernmental agreements with each partner agency (Loveland, Berthoud, Longmont, City of Boulder, and Boulder County). The agencies' contributions are based on the ridership levels of each municipality and contribute to the annual operating costs. The \$300,000 local match for the FY24 FASTER grant will contribute toward the City of Fort Collins' share.

CITY FINANCIAL IMPACTS

Funds to be Appropriated per this Action	
FASTER Grant Funds	\$300,000
Transfer of previously appropriated Operational Funds	\$300,000
Total Funds to be Appropriated per this Action	\$600,000

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 045, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATION AND
AUTHORIZING TRANSFER OF APPROPRIATION RELATED TO
FASTER TRANSIT PROGRAM FUNDING FOR THE FLEX
REGIONAL ROUTE OPERATING COSTS

A. Transfort's commuter FLEX regional bus routes contribute greatly to the transportation community in Northern Colorado by serving residents of Fort Collins, Loveland, Longmont, Berthoud, Boulder and smaller population centers along the routes.

B. The Colorado Department of Transportation ("CDOT") awarded the City a \$300,000 grant from the Fiscal Year 2024 Statewide Competitive Pool of the Funding Advancement for Surface Transportation and Economic Recovery Act of 2009 ("FY24 FASTER") Transit Program (the "Grant"), which requires a local match of \$300,000.

C. Transfort will utilize the total project funds of \$600,000, including the Grant and local match, to contribute toward the overall operating costs of approximately \$2,250,000 for FLEX service in 2025, which annual operating costs are paid by contributions from the regional partner agencies (Fort Collins, Loveland, Berthoud, Longmont, City of Boulder, and Boulder County).

D. The local match is being transferred from the Transit Services Fund Operating Budget in the amount of \$300,000 and will specifically contribute toward Transfort's share of the annual operating costs for FLEX service.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose of facilitating transit service for residents and others among surrounding communities.

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 Transit Services Fund and that this appropriation will not cause the total amount appropriated in the Transit 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.

H. 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.

I. The City Manager has recommended the transfer of \$300,000 from the Transit Services Operating Budget Fund to the Transit Services Fund Grant Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

K. The City Council wishes to designate the appropriation herein for FASTER Grant funds as an appropriation that shall not lapse or 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 Transit Services Fund the sum of THREE HUNDRED THOUSAND DOLLARS (\$300,000) to be expended in the Transit Services Fund for FLEX Regional Route Operating Costs.

Section 2. The unexpended and unencumbered appropriated amount of THREE HUNDRED THOUSAND DOLLARS (\$300,000) is authorized for transfer from the Transit Services Fund Operating Budget to the Transit Services Fund Grant Budget and appropriated therein to be expended for Local Match for the FLEX Regional Route Operating Costs.

Section 3. The appropriation herein for FASTER 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 March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Annabelle Phillips, Assistant Director, Transfort
 Monica Martinez, Manager, PDT Finance

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On October 4, 2024, the NFRMPO announced approximately \$4.5 million in funding through the Multimodal Transportation and Mitigations Options Fund (MMOF), a funding source initially established with Senate Bill (SB) 18-001 and amended with SB 21-260. Transfort was awarded \$317,669 in Fiscal Year (FY) 2025 and 2026 MMOF grant funding to be used as match for the Foothills Transit Station project. These funds are administered through the Colorado Department of Transportation (CDOT).

The MMOF funding will be used to construct the Foothills Transit Station and Roundabout at the intersection of Overland Trail and West Elizabeth Street adjacent to Colorado State University's (CSU) Foothills Campus, including design, electrical, and ROW acquisition costs and related expenses. This station will serve as the western terminus for multiple local and regional routes as well as the future West Elizabeth BRT line. In addition to the funding listed in the Financial Impacts section below, CSU will be donating the land where the station will be constructed in the form of a land-lease to be used as additional local match, currently valued at approximately \$750,000. Transfort will be utilizing the MMOF award as additional local match to leverage against its FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) federal grant award, which was previously appropriated as part of the 2025-2026

Budgeting for Outcomes (BFO) Process (Offer #: 65.18). A total of \$12,921,555 was awarded by the Department of Transportation (DOT) in FY23 RAISE funds, with \$2,207,985 required in local match.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$317,669 in unanticipated state grant revenue to be used as local match for the City’s FY23 RAISE grant award, which was previously appropriated as part of the 2025-2026 BFO Process. The following is a summary of the funding anticipated for the Foothills Transit Station project (value of CSU land match is not represented as the value is not yet confirmed):

Prior Appropriated Funds	
FY23 RAISE Grant Funds	\$10,713,570
FY24 CDOT Capital Faster Funds	\$200,000
FY25 CDOT Capital Faster Funds	\$200,000
2050 Transit Tax Funds	\$1,041,000
TOTAL PRIOR APPROPRIATION	\$12,154,570
Funds to be Appropriated per this Action	
FY25/FY26 MMOF Funds	\$317,669
Total Funds to be Appropriated per this Action	\$317,669
Total Proposed Project Funds	\$12,472,239

**Total Proposed Project Funds indicates the total amount of funding that will be available to the project if this appropriation is approved.*

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 046, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF
MULTIMODAL TRANSPORTATION AND MITIGATIONS
OPTIONS FUND GRANT REVENUE FOR THE FOOTHILLS
TRANSIT STATION PROJECT

A. The Foothills Transit Station and Roundabout project (the “Project”), at the intersection of Overland Trail and West Elizabeth Street adjacent to Colorado State University’s Foothills Campus, will serve as the western terminus for multiple local and regional routes as well as the future West Elizabeth Bus Rapid Transit (“BRT”) line.

B. The Project will also serve as a mobility hub with bicycle parking, opportunities for bike and scooter shares, micro-transit pick-ups and drop-offs, and nearby parking for commuters.

C. Implementation of the Project prior to the full build out of the West Elizabeth Corridor will allow Transfort to optimize and realign several existing routes in the West Elizabeth Corridor to better serve the community.

D. The North Front Range Metropolitan Planning Organization (“NFRMPO”) awarded Transfort \$317,669 in Fiscal Years 2025 and 2026 Multimodal Transportation and Mitigation Options Fund (“FY25/FY26 MMOF”) grant funding, which grant is managed by the Colorado Department of Transportation (“CDOT”), to be used toward construction work for the Project, including design, electrical, and right-of-way acquisition costs and related expenses.

E. Transfort was previously awarded a Fiscal Year 2023 Rebuilding American Infrastructure with Sustainability and Equity (“FY23 RAISE”) grant (\$10.7M) for construction of the Project, which award requires a local match in excess of \$2.2M. The FY23 RAISE grant was previously appropriated as part of the City’s 2025 through 2026 Budgeting for Outcomes Process.

F. The City will utilize the FY25/FY26 MMOF grant to provide for a portion of the local match for the FY23 RAISE grant.

G. This appropriation benefits public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose by improving multimodal transportation infrastructure, safety, and accessibility within the City, as well as adding the potential for improved transit services throughout the entire West Elizabeth Corridor.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental

appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

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

J. All of the funds appropriated in this Ordinance for the Project are ineligible for use in the Art in Public Places Program due to restrictions placed on them by the CDOT, the source of these funds.

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

L. The City Council wishes to designate the appropriation herein for the Colorado Department of Transportation MMOF Grants as an appropriation that shall not lapse 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 Transit Services Fund the sum of THREE HUNDRED SEVENTEEN THOUSAND SIX HUNDRED SIXTY-NINE DOLLARS (\$317,669) to be expended in the Transit Services Fund for the Foothills Transit Station Project.

Section 2. The appropriation herein for the Colorado Department of Transportation MMOF 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 March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Monica Martinez, Sr. Manager, PDT Finance
Eric Keselburg, Sr. Manager, Parking Services

SUBJECT

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

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Parking Services has historically budgeted for hourly positions, however, during the 2025/2026 Budgeting for Outcomes (BFO) process, hourly salaries for Parking Services were omitted in error. This Ordinance will appropriate \$108,306 in prior year Parking Fund Reserves to support Parking Services' hourly budget for the 2025 fiscal year. This amount is equal to Parking Services' 2024 hourly spend with a 3.5% inflationary factor.

CITY FINANCIAL IMPACTS

This item will appropriate \$108,306 in prior year Parking Fund Reserves.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 047, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE PARKING
FUND FOR HOURLY EXPENSES

A. The City's Parking Services has historically budgeted salaries for hourly positions during the City's annual Budgeting for Outcomes ("BFO") process.

B. During the 2025/2026 BFO process, hourly salaries for Parking Services were omitted in error.

C. Parking Services' hourly budget for the 2025 fiscal year is equal to Parking Services' hourly spend during the 2024 fiscal year with a 3.5 percent inflationary factor.

D. The budget shortfall is \$108,306.

E. These funds are available from the Parking Services Fund prior year reserves.

F. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of funding the salary compensation of the City's Parking Services staff.

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 Parking Fund and that this appropriation will not cause the total amount appropriated in the Parking 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 Parking Services Fund the sum of ONE HUNDRED EIGHT THOUSAND THREE HUNDRED SIX DOLLARS: (\$108,306) to be expended in the Parking Services Fund for Parking Services Hourly Expenses.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Gunnar Hale, Project Manager
Dana Hornkohl, Capital Project Manager

SUBJECT

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

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The intersection of Carpenter Road and Timberline Road has significant congestion, and this congestion often causes traffic to backup westbound more than a half mile. The westbound right turn auxiliary lane creates significant conflicts and crash problems particularly during the congested time periods.

There have been 42 reported accidents reported from 2020 through 2022 at the intersection of Carpenter and Timberline. Most of the reported accidents at this intersection are rear end crashes that occurred when traffic is backed up.

The improvements proposed for this Project will create space intended to eliminate most of the conflicts that result in crashes at the Carpenter and Timberline Intersection.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Carpenter and Timberline Intersection project.

Prior Appropriated Funds	
Highway Safety Improvement Program (HSP) Grant Funds	\$ 696,285
Total Prior Appropriation	\$ 696,285
Funds to be Reappropriated per this Action	
Highway Safety Improvement Program (HSP) Grant Funds	\$ 2,082,608
Total Funds to be Reappropriated per this Action	\$ 2,082,608
Total Project Funds	\$ 2,778,893

The total fund amount projected for this Project is \$2,778,893 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff will present the Project to the Transportation Board later in 2025 as the conceptual design is completed.

PUBLIC OUTREACH

Staff will work with the Communication and Public Involvement Office (CPIO) to develop a comprehensive outreach and communication plan for the Project. The Project will be presented to the public at the Transportation Projects Fair on March 6, 2025.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 048, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR THE
CARPENTER AND TIMBERLINE INTERSECTION PROJECT

A. The Carpenter Road and Timberline Road intersection is the site of significant congestion in the westbound Carpenter Road turning lane onto northbound Timberline Road, often causing traffic to back up westbound for more than half a mile.

B. The westbound right-turn auxiliary lane on Carpenter Road results in significant crashes particularly during congested time periods, with a majority of the reported accidents being rear end crashes that occur when traffic is backed up.

C. The Carpenter and Timberline Intersection Project (the "Project") has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection that result in crashes.

D. The Project's proposed improvements include construction of a multi-lane roundabout, which will create more space for cars, reducing queuing for turns and reducing overall congestion, thereby mitigating the related rear end crashes and fixed object collisions.

E. In 2020, the City was awarded fiscal year 2023 Highway Safety Improvement Program ("HSIP") grant funds through the North Front Range Metropolitan Planning Organization ("NFRMPO") and ("HISP Funds") the Colorado Department of Transportation ("CDOT") for the design, right-of-way acquisition, and construction of the Project. The HISP Funds became available to the City in the State fiscal year 2023 and were appropriated via City Council Ordinance No. 051, 2023.

F. Later in 2023 the Project was analyzed through CDOT's Intersection Control Assessment Tool which determined that a multilane roundabout would best serve the intersection given the crash data and traffic volumes, and CDOT approved additional HSIP grant funds for the City of Fort Collins to use toward the design, right-of-way acquisition, and construction of the Project. The HSIP funding that is the subject of this ordinance came available in the State Fiscal year of 2025 (July 2024). The additional HSIP award is 100% federal funding totaling \$2,082,608.

G. HSIP grant funds are administered by CDOT with project delivery oversight pursuant to an intergovernmental agreement and an amendment to that agreement between CDOT and the City.

H. The purpose of this ordinance is to enable the City to receive, appropriate and expend the additional HSIP grant funds.

I. 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.

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 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.

K. The funds appropriated in this Ordinance for the Project are ineligible for use in the Art in Public Places program due to restrictions placed on them by the HSIP grant administered by the Colorado Department of Transportation.

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

M. The City Council wishes to designate the appropriation herein from the Highway Safety Improvement Program grant funds 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.

N. 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 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 TWO MILLION EIGHTY-TWO THOUSAND SIX HUNDRED EIGHT DOLLARS (\$2,082,608) to be expended in the Capital Projects fund for the Carpenter and Timberline Intersection Project.

Section 2. The appropriation herein for the Highway Safety Improvement Program grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue

until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Heather N. Jarvis

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Annabelle Phillips, Assistant Director, Transfort
Monica Martinez, Manager, Finance

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On August 4, 2023, the North Front Range Metropolitan Planning Organization (NFRMPO) announced \$2,550,000 in Federal Highway Administration (FHWA) funds under the Carbon Reduction Program (CRP) to support projects designed to reduce transportation emissions. Under the CRP, transportation emissions are defined as carbon dioxide emissions from on-road highway sources of those emissions. These funds are administered through the Colorado Department of Transportation (CDOT).

Transfort was awarded \$538,447 in FY25 CRP grant funding to improve bus stops, requiring a local match of \$111,930. The required local match will be funded using \$11,930 from 2050 Tax Funds and \$100,000 from the Community Capital Improvement Program Fund (CCIP).

Transfort owns and maintains 415 of the 487 bus stops in its service area. This project will upgrade 11 of these stops along Regionally Significant Corridors (RSCs), including US 287, Mulberry Street, and Prospect Road, to ensure full compliance with Americans with Disabilities Act (ADA) standards, improve overall conditions, and enhance accessibility and equity for all users.

Bus stops are a critical component of the transit system, directly impacting service reliability, mobility, and accessibility. The grant funding and local match will support design, right-of-way (ROW) acquisition, and construction of concrete pads, and the installation of amenities such as shelters, benches, bike racks, and trash cans. These improvements align with City Council’s priority to enhance accessibility at all Transfort bus stops by 2026 and advance broader local and regional transportation goals.

CITY FINANCIAL IMPACTS

The City is anticipated to receive \$538,447 in FY25 CRP funding via the IGA. These funds were previously appropriated as part of the 2025-2026 Budgeting for Outcomes process (Offer #: 65.17), with an additional local match of \$11,930 from 2050 Tax Funds. This Ordinance would transfer the \$100,000 CCIP funds needed to satisfy the remaining local match requirement to the Transit Services Fund. The following is a summary of the funding anticipated for the ADA Bus Stop Improvements Project using CRP grant funds:

Prior Appropriated Funds	
CRP Grant Funds	\$538,447
2025 Transit Tax	\$11,930
TOTAL PRIOR APPROPRIATION	\$550,377
Funds to be Appropriated per this Action	
CCIP Bus Stop Improvements Funds (<i>reserves, transfer</i>)	\$100,000
Total Funds to be Appropriated per this Action	\$100,000
Total Proposed Project Funds	\$650,377

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 049, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS TO BE USED AS LOCAL MATCH FOR CARBON
REDUCTION PROGRAM FUNDING FOR ADA BUS STOP
IMPROVEMENTS PROJECTS

A. Bus stops are a critical component of the transit system, directly impacting service reliability, mobility, and accessibility.

B. Enhancing the accessibility of all Transfort bus stops by 2026 is a City Council priority.

C. Transfort owns and maintains eleven bus stops along Regionally Significant Corridors in its service area, including US 287, Mulberry Street, and Prospect Road.

D. Transfort will be upgrading these bus stops to enhance its compliance with Americans with Disabilities Act of 1990 (“ADA”) standards, improve overall conditions, and enhance accessibility and equity for all users of the public transit system (the “Project”).

E. To support the Project, Transfort applied for and was awarded \$538,447 in Fiscal Year 2025 grant funding (the “Grant”) through the North Front Range Metropolitan Planning Organization’s Carbon Reduction Program (“CRP”), which grant is managed by the Colorado Department of Transportation (“CDOT”).

F. The funds for the Project are to be administered by CDOT pursuant to an intergovernmental agreement (the “IGA”) with CDOT that outlines the terms and conditions of the use of the Grant funds, including a local match requirement of \$111,930.

G. The City Council is concurrently considering Resolution 2025-016, to authorize the Mayor to execute the IGA.

H. Transfort will utilize the Grant and local match to improve bus stops for the Project, including design, right-of-way acquisition, concrete pad construction, and the installation of amenities such as shelters, benches, bike racks, and trash cans.

I. The Grant funds as well as \$11,930 in local matching funds were previously appropriated as part of the City’s 2025 through 2026 Budgeting for Outcomes Process.

J. This Ordinance will transfer the remaining \$100,000 required for the local match from the Community Capital Improvement Program Fund to the Transit Services Fund for the ADA Bus Stop Improvements Project.

K. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose by

enhancing accessibility of the public transit system and advancing broader local and regional transportation goals.

L. 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.

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 Community Capital Improvements Projects Fund and that this appropriation will not cause the total amount appropriated in the Community Capital Improvements 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 \$100,000 from the Community Capital Improvements Program Fund to the Transit Services Fund determined that the purpose for which the transferred funds are to be expended remains unchanged.

P. 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.

Q. The City Council wishes to designate the appropriation herein for ADA Bus Stop Improvement Projects as an appropriation that shall not lapse until the completion of the projects.

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 Community Capital Improvement Program Fund the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) to be expended in the Community Capital

Improvement Program Fund for transfer to the Transit Services Fund for ADA Bus Stop Improvements Projects.

Section 2. The appropriation herein for ADA Bus Stop Improvements Projects 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 projects.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Shawn McGaffin, Fire Marshal/Division Chief
 Kevin Sullivan, Assistant Fire Marshal
 Katie Quintana, Assistant Fire Marshal

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Article I of Chapter 9 of the City Code (Article I) contains the City's adopted version of the International Fire Code, with local amendments (IFC), which is being repealed and reenacted separately with Ordinance No. 051, 2025, on March 18, 2025. In addition to the IFC, Article I also contains Section 9-4, which sets forth the penalty applicable to violations of Article I.

Article II of Chapter 9 of the City Code describes limitations on open fires and open burning within the City (Open Burning Code). Unlike Article I, the Open Burning Code does not contain its own separate penalty provision.

Staff have been asked to clarify that the penalty under Section 9-4 also applies to the enforcement to violations of the Open Burning Code.

The City Attorney's Office reviewed Chapter 9 in collaboration with staff from Poudre Fire Authority (PFA) and recommend the penalty set forth under Section 9-4 be clarified to apply to all violations under Chapter 9, including violations of the Open Burning Code.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 050, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
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

- A. Article II of Chapter 9 of the City Code describes limitations on open fires and open burning within the City (the “Open Burning Code”).
- B. Article I of Chapter 9 of the City Code contains the City’s adopted version of the *International Fire Code*, with local amendments.
- C. Section 9-4 of the City Code sets forth the penalty applicable to violations of Article I of Chapter 9 of the City Code.
- D. City staff have been asked to clarify that the penalty under Section 9-4 also applies to violations of the Open Burning Code.
- E. Staff from the City Attorney’s Office and Poudre Fire Authority (PFA) have thoroughly reviewed Chapter 9 of City Code, and recommend the penalty set forth under Section 9-4 be clarified to apply to all violations under Chapter 9, including violations of the Open Burning Code.
- F. City Council has determined and now finds that the adoption of this Ordinance is necessary for the health, safety, and welfare of the public.

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 9-4 of the Code of the City of Fort Collins is amended to read as follows:

Section 9-4. – Violations and penalties.

Any person who shall violate any of the provisions of this chapter or the International Fire Code, as amended, or who shall fail to comply with any of the provisions or who shall violate or fail to comply with any orders made thereunder or who shall act in any way in violation of any permits issued thereunder shall, severally and for each and every violation in noncompliance respectively, be guilty of a misdemeanor punishable by the penalty set forth in § 1-15 of this Code. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant hereto shall not be held to prevent the forced removal of prohibited conditions nor the suspension or removal of a permit or license issued thereunder.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan/Travis Winter

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Lori Schwarz, Director, Community Development & Neighborhood Services
 Maren Bzdek, Manager, Historic Preservation Services
 Yani Jones, Historic Preservation Planner

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Council designated the Willard and Gladys Eddy House and Shared Barn at 509 Remington St. as a City Landmark on October 21, 1997, for their architectural and historical significance. Under the current Municipal Code, the significance of 509 Remington Street would fall under Standard 2 (Persons/Groups), for association with Willard and Gladys Eddy, significant to Fort Collins and CSU history, and Standard 3 (Design/Construction), for the house's foursquare architecture and for the shared barn being a rare early example of a barn in this neighborhood.

The subject property, along with 515 Remington Street to its south, underwent a lot line adjustment in 2024, recorded with Larimer County at Reception #20240030529. This modified the west portion of the property line between the two parcels, specifically the section that intersected the shared barn. To accurately reflect the boundaries of the Landmark properties, amendments to the Landmark Ordinances are needed.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At their February 19, 2025, regular meeting, the HPC considered the evidence presented and determined that the proposed Landmark Ordinance amendment would support the City's historic preservation policies, outlined under City Code Section 14-1, and purposes, outlined under City Code Section 14-2, and would not result in a negative effect to the historic property based on its significance, period of significance, and character-defining features. The HPC adopted Resolution 1, 2025, recommending that Council approve the Ordinance amending the Landmark boundary. Additionally, at the same February 19, 2025, meeting, the HPC reviewed and approved through the issuance of a Certificate of Appropriateness a Final Landmark Design Review application for 509 Remington Street that included a rehabilitation project for the historic barn and its relocation to entirely within the 509 Remington Street parcel.

PUBLIC OUTREACH

Because this proposed Landmark Ordinance amendment was supported by the property owner, public outreach or noticing described under City Code Section 14-34 was not required. Outreach was limited to coordination with the property owners for this item and the public hearing that occurred at the February 19, 2025, HPC regular meeting. No public comment was received at the hearing.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 052, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 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

A. It is a matter of public policy that the protection, enhancement, and perpetuation of sites, structures, objects, and districts of historic, architectural, archeological, or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people.

B. It is the policy of the City Council that the economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historic, architectural, archeological, and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

C. The Willard and Gladys Eddy House and Shared Barn, located at 509 Remington Street in Fort Collins (the "Property") was designated as a Fort Collins Landmark by Ordinance No. 149, 1997 adopted on October 21, 1997, for the Property's historic and architectural significance (corresponding to City Code Section 14-22(a) under Standard 2, Persons/Groups, for association with Willard and Gladys Eddy, and Standard 3, Design/Construction, for the house's Foursquare architecture and the barn being an early and rare example of a barn in this neighborhood, historically shared with 515 Remington Street).

D. The Property owners have requested an amendment to the existing designation, specifically a modification to the boundary to reflect a lot line adjustment recorded with Larimer County at Reception #20240030529 and the changed location of the barn to be located within the boundary lines of 509 Remington Street.

E. The Historic Preservation Commission has determined that the amendment to the Property's Landmark boundary is consistent with the City's Policies in City Code Section 14-1 and Purposes in City Code Section 14-2 and would not result in adverse effects to the Property and therefore recommends adoption of this Landmark 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. The boundary of the Landmark Property located in the City of Fort Collins, Larimer County, Colorado, described as follows, to wit:

NORTH FORTY-FIVE FEET OF LOT 6, BLOCK 125, CITY OF FORT COLLINS,
COUNTY OF LARIMER, STATE OF COLORADO ALSO KNOWN AS 509
REMINGTON STREET

is amended to read:

NORTH 45 FEET OF LOT 6 AND THE SOUTH 5 FEET OF THE WEST 39 FEET OF
LOT 6, AND THE NORTH 8 FEET OF THE WEST 39 FEET OF LOT 5, BLOCK 125,
CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO
KNOWN AS 509 REMINGTON STREET

Section 2. The criteria contained in Chapter 14, Article IV of the City Code will continue to serve as the standards by which alterations, additions and other changes to buildings and structures located upon the above-described Property will be reviewed.

Section 3. In compliance with Section 14-36 of the City Code, the City shall, within fifteen days of the effective date of this Ordinance, record among the real estate records of the Larimer County Clerk and Recorder a certified copy of this Ordinance amending the designation of the Property.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Heather N. Jarvis

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Lori Schwarz, Director, Community Development & Neighborhood Services
 Maren Bzdek, Manager, Historic Preservation Services
 Yani Jones, Historic Preservation Planner

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Council designated the Fred W. Stover House, Garage, and Shared Barn at 515 Remington St. as a City Landmark on Oct. 21, 1997, for their architectural and historical significance. Under the current Municipal Code, the significance of 515 Remington Street without the barn would fall under Standard 2 (Persons/Groups), for association with Fred W. Stover, an early Fort Collins resident, mayor, and judge, and under Standard 3 (Design/Construction), for the house's Victorian architecture with Colonial Revival details and the brick garage dating to the period of significance.

The subject property, along with 509 Remington St. to its north, underwent a lot line adjustment in 2024, recorded with Larimer County at Reception #20240030529. This modified the west portion of the property line between the two parcels, specifically the section that intersected the shared barn. To accurately reflect the boundaries of the Landmark properties, amendments to the Landmark Ordinances are needed.

Additionally, on February 19, 2025, the Historic Preservation Commission (HPC) reviewed and approved through the issuance of a Certificate of Appropriateness a Final Landmark Design Review application for

509 Remington Street that included a rehabilitation project for the historic barn and its relocation to entirely within the 509 Remington Street parcel. Because this approved project will move the shared barn outside of the boundary of 515 Remington Street, the term “shared barn” should also be removed from this property’s Landmark Designation.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At their February 19, 2025, regular meeting, the HPC considered the evidence presented and determined that the proposed Landmark Ordinance amendment would support the City’s historic preservation policies, outlined under City Code Section 14-1, and purposes, outlined under City Code Section 14-2, and would not result in a negative effect to the historic property based on its significance, period of significance, and character-defining features. The HPC adopted Resolution 1, 2025, recommending that Council approve the Ordinance amendment.

PUBLIC OUTREACH

Because this proposed Landmark Designation amendment was supported by the property owner, public outreach or noticing described under City Code Section 14-34 was not required. Outreach was limited to coordination with the property owners for this item and the public hearing that occurred at the February 19, 2025, HPC regular meeting. No public comment was received at the hearing.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 053, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
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

A. It is a matter of public policy that the protection, enhancement, and perpetuation of sites, structures, objects, and districts of historic, architectural, archeological, or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride and general welfare of the people.

B. It is the policy of the City Council that the economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historic, architectural, archeological, and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

C. The Fred W. Stover House, Garage, and Shared Barn, located at 515 Remington Street in Fort Collins (the "Property") was designated as a Fort Collins Landmark by Ordinance No. 151, 1997 adopted on Oct. 21, 1997, for the Property's historic and architectural significance (corresponding to City Code Section 14-22(a) under Standard 2, Persons/Groups, for association with Fred W. Stover, and Standard 3, Design/Construction, for the house's Victorian architecture with Colonial Revival details, for the brick garage, and for the barn being an early and rare example of a barn in this neighborhood, historically shared with 509 Remington Street).

D. The Property owners have requested an amendment to the existing designation, specifically a modification to the boundary to reflect a lot line adjustment recorded with Larimer County at Reception #20240030529 and to the title of the landmark designation to reflect the relocation of the shared barn to entirely within the neighboring parcel (Willard and Gladys Eddy House and Shared Barn) outside the boundary of 515 Remington Street.

E. The Historic Preservation Commission approved relocation of the barn and issued a Certificate of Appropriateness dated February 19, 2025.

F. The Historic Preservation Commission has determined that the amendment to the Property's Landmark boundary and name is consistent with the City's Policies in City Code Section 14-1 and Purposes in City Code Section 14-2 and would not result in adverse effects to the Property and therefore passed a resolution recommending adoption of this Landmark 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. The boundary of the Landmark Property located in the City of Fort Collins, Larimer County, Colorado, described as follows, to wit:

LOT 5 AND THE SOUTH 5 FEET OF LOT 6, BLOCK 125, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO ALSO KNOWN AS 515 REMINGTON STREET

is amended to read:

LOT 5 AND THE SOUTH 5 FEET OF LOT 6, EXCEPT THE NORTH 8 FEET OF THE WEST 39 FEET OF LOT 5, AND EXCEPT THE SOUTH 5 FEET OF THE WEST 39 FEET OF LOT 6, BLOCK 125, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, ALSO KNOWN AS 515 REMINGTON STREET

Section 2. The phrase “shared barn” is stricken from the name of the Landmark as reflected in the title of this Ordinance amending the designation of the Property.

Section 3. The criteria contained in Chapter 14, Article IV of the City Code will continue to serve as the standards by which alterations, additions and other changes to buildings and structures located upon the above-described Property will be reviewed.

Section 4. In compliance with Section 14-36 of the City Code, the City shall, within fifteen days of the effective date of this Ordinance, record among the real estate records of the Larimer County Clerk and Recorder a certified copy of this Ordinance amending the designation of the Property.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Heather N. Jarvis

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

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

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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

1. Ordinance for Consideration
2. Grant Award Letter

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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Doug McDonald



COLORADO
Department of Local Affairs
 Division of Local Government

GBMJ
CTGG1 NLAA 202500003137

November 13, 2024

The Honorable Jeni Arndt
 Mayor
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522

RE: GBMJ-25-112 Fort Collins FY 2024-2025 Gray and Black Marijuana Enforcement Grant Program Award and Next Steps

Dear Mayor Arndt:

As DOLA’s Executive Director, I am pleased to inform you that I have approved the funding recommendation for The City of Fort Collins.

This award letter and your application will serve as your contract with the State. Grantees of these funds do **not** require any additional contracts. By opting in to this grant program, you are eligible to receive an award in the amount of **\$39,500.00** for expenses related to investigations and prosecutions of unlicensed marijuana cultivation and/or distribution operations. This grant expires on **May 31, 2026**. The statute does not allow extension(s) to the grant period.

Should you choose to accept this award you agree to the following:

- Grant funds will only be spent on costs associated with the investigation and prosecution (including large-scale operations, organized crime, and operations that divert marijuana outside of Colorado) of unlicensed marijuana cultivation or distribution operations conducted in violation of state law. Recipient counties and municipalities understand that any grant funds expended outside of this statutory intent must be returned to the Department of Local Affairs within 30 days of the ruling of improper fund use.
- Recipient counties agree to cooperate with and make grant funds available to District Attorneys for costs associated with prosecution of unlicensed marijuana cultivation or distribution operations conducted in violation of state law.
- Recipient counties and municipalities must provide DOLA with quarterly itemized reports detailing how grant funds were spent in that quarter, the Quarterly Report form, invoices and proof of payment must be provided to support the expenditures.
- **A required survey must also be submitted quarterly, please copy and paste the hyperlink into your browser and complete this survey each quarter.** <https://forms.gle/FPuLgvp6UEtKeg9Y9>
- **Quarterly report must be submitted in the grant portal.**
- All recipients’ grant fund expenditures will be monitored to ensure compliance with the programmatic requirements and allowable expenses. DOLA or the State reserves the right to initiate detailed monitoring or auditing of any recipient at its sole discretion.
- Monitoring may be onsite or by desk review and will include verification of quarterly reports using receipts and other financial documentation provided by the Grantee. The review shall provide assurance that the



information reported by the Grantee is accurate and complete, and only includes allowable expenses. If concerns are noted during the review process, documentation to verify the eligible entities' expenditures or accounting practices shall be provided to DOLA. Funds spent outside of the statutory intent must be returned to DOLA within 30 days of substantiation of improper use.

- Recipient counties and municipalities acknowledge that, if NO grant funds are spent in any given state fiscal year, they may not receive grant funds in the following year. Due to appropriation limitations in statute, ANY grant funds not spent by the expiration date specified in this document must be returned to the Department of Local Affairs by the date that will be provided to grantees.

Next Steps:

- **An updated W-9 is required of each grantee and an EFT form (optional) will be emailed to each grantee. Please complete and return to Ella Bowman at ella.bowman@state.co.us as soon as possible**
- You will make a single request for your full award amount within 90 days after the performance start date of this signed grant award letter.
- Payment requests will be made using DOLA's online portal system using the "Advance Payment Request" form provided in the grant portal.

These grant funds are from state marijuana tax proceeds that may cause you to go to an election to receive and spend these funds. Please confer with your appropriate staff to determine if such an election is necessary.

Thank you for your interest in the Gray and Black Market Marijuana Enforcement Grant Program. Please contact Ella Bowman at (303) 864-7896 if you have any questions.

Sincerely,

Maria De Cambra
Executive Director

cc: Kerri Ishmael, Fiscal Agent
Ella Bowman, DOLA Program Manager
Chris La May, DOLA Regional Manager
chris.la.may@state.co.us

In accordance with §24-30-202 C.R.S., this Grant is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

DocuSigned by:

090ACD88A721474...

By: Beulah Messick, Controller Delegate
Department of Local Affairs

Effective Date 11/19/2024 | 8:06 PM MST

CMS#: 195412 VCUST#: 14149 ADDR: CN001 WARR DLG#: GBMJ-25-112



File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

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

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

- 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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Dianne Criswell

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, City Give Director

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

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

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

1. Ordinance for Consideration

ORDINANCE NO. 056, 2024
 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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Sara Arfmann

File Attachments for Item:

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.

April 1, 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

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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

1. Ordinance for Consideration
2. Colorado DOLA Award Letter
3. DOLA and City Grant Agreement

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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Dawn Downs



COLORADO
Department of Local Affairs
 Division of Local Government

January 24, 2025

The Honorable Jeni Arndt, Mayor
 Fort Collins, City of
 P O Box 580
 Fort Collins, Co 80522

Re: POMH25-018 Fort Collins, City of - Peace Officers Behavioral Health Support and Community Partnerships Program, Notice of Intent to Award Funds and Next Steps.

Dear Mayor Arndt:

The Department of Local Affairs received your application for the Peace Officers Behavioral Health Support and Community Partnership (POMH) Grant Program. Congratulations, after thorough review, I am pleased to offer a grant award in the amount of \$100,000.00 for the purpose of providing behavioral health support services to peace officers, peace officers immediate family. This award does not include funding for co-responder programs.

In case you are not aware, POMH funds expire 3 years after DOLA receives the appropriation. At the end of those three years, the unexpended and unused fund balance expires and becomes unusable. Due to this restriction, DOLA is implementing a new funding strategy to ensure all POMH funds are expended prior to expiring, which for this appropriation is June 2027. To help ensure this occurs, we are awarding a portion of your initial request and shortening the length of the initial contract to expire one year before the associated funding expires, which for this contract will be June 2026. Program staff will closely monitor the contract spend rate and allow each local government to request supplemental funding, once it demonstrates the need for additional funds and provided funds are still available. In some cases supplemental awards may require extending the contract one additional year. As the original fund balance becomes depleted, each local government will be encouraged to apply in the next upcoming NOFA to request additional funding in a new contract.

To ensure this process works smoothly, each grantee needs to abide by the contract requirement to submit quarterly reports, which will help staff monitor the spend rate on each individual contract. Be sure that all funds expended in the quarter are immediately reflected in the quarterly report and are not delayed and identified in a future quarterly report. Stay in constant communication with program staff to ensure everyone is closely monitoring contract expenditures. Together we will be able to effectively determine when a contract may require supplemental funds or when it makes sense to apply in the next upcoming NOFA, which will generally occur each year around May/early June. Working together we can help ensure that all local governments will consistently have an opportunity to receive these important funds to assist their Peace Officers.



Your Grant Agreement will be unilaterally signed by the State and issued as a “Grant Award Letter including Terms and Conditions”. Grantees of these funds will not need to sign and return the document packet to DOLA. Payment requests will be made using DOLA’s online portal.

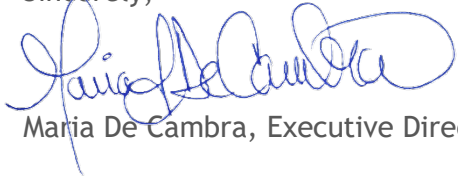
Next Steps:

- Please complete and return the W-9 (required) and the EFT form (optional) included in this packet to the addresses indicated on the forms as soon as possible.
- You will receive the fully executed Grant Award Letter including Terms and Conditions packet via email only. This document packet does not need to be signed or returned by you.

Grant funds awarded will come from state tax proceeds that may cause you to go to an election to receive and spend these funds. Please confer with your appropriate budget and legal staff to determine if such an election is necessary.

Thank you for your interest in the Peace Officers Behavioral Health Support Program. Please contact Ella Bowman at (303) 864-7896 if you have any questions.

Sincerely,



Maria De Cambra, Executive Director, DOLA

Cc: Rob Seals, Police Psychologist
Ella Bowman, Program Manager



POMH
CTGG1 NLAA 202500003648

STATE OF COLORADO INTERGOVERNMENTAL GRANT AGREEMENT SUMMARY OF TERMS AND CONDITIONS

State Agency Department of Local Affairs (DOLA)	DLG Portal Number POMH-25-018	CMS Number 197103
Grantee City of Fort Collins	Grant Award Amount \$100,000.00	
Project Number and Name POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support	Performance Start Date The later of the Effective Date or February 24, 2025	Grant Expiration Date June 30, 2026
Project Description The Project consists of providing Grant Funds to the City of Fort Collins for provision of counseling services to peace officers and their immediate families.	Program Name Peace Officer Behavioral Health Support and Community Partnerships Grant Program (POMH)	
	Funding Source STATE FUNDS	
	Catalog of Federal Domestic Assistance (CFDA) Number N/A	
DOLA POMH Program Manager <u>Ella Bowman, (303) 864-7896, Ella.bowman@state.co.us</u>	Funding Account Codes PM2518	
VCUST# 14149	Address Code AD004	EFT

THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT

<p>DEPARTMENT OF LOCAL AFFAIRS PROGRAM REVIEWER</p> <p>DocuSigned by: <u>Ella Bowman</u> 682EDC49C2BC4B5...</p> <p>By: Ella Bowman, POMH Program Manager</p> <p>Date: <u>2/26/2025 9:24 AM PST</u></p>	<p>STATE OF COLORADO Jared S. Polis, Governor DEPARTMENT OF LOCAL AFFAIRS Maria De Cambra, Executive Director</p> <p>Signed by: <u>geoff.alexander</u> C4E3A701EA0F4E5...</p> <p>By: Maria De Cambra, Executive Director</p> <p>Date: <u>2/28/2025 8:32 AM MST</u></p>
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In accordance with §24-30-202 C.R.S., this Grant is not valid until signed and dated below by the State Controller or an authorized delegate (the “Effective Date”).

<p><u>STATE CONTROLLER</u> <u>Robert Jaros, CPA, MBA, JD</u></p> <p>DocuSigned by: <u>Beulah Messick - DOLA</u> 090ACD88A721474...</p> <p>By: Beulah Messick, Controller Delegate Department of Local Affairs</p> <p>Effective Date: <u>3/3/2025 8:09 PM MST</u></p>

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

TERMS AND CONDITIONS

1. GRANT

As of the Performance Start Date, the State Agency shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement (the “State”) hereby obligates and awards to Grantee shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement (the “Grantee”) an award of Grant Funds in the amount shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement. By accepting the Grant Funds provided under this Intergovernmental Grant Agreement, Grantee agrees to comply with the terms and conditions of this Intergovernmental Grant Agreement and requirements and provisions of all Exhibits to this Intergovernmental Grant Agreement.

2. TERM

A. Initial Grant Term and Extension

The Parties’ respective performances under this Intergovernmental Grant Agreement shall commence on the Performance Start Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Intergovernmental Grant Agreement. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Intergovernmental Grant Agreement by providing Grantee with an updated Intergovernmental Grant Agreement or an executed Option Letter showing the new Grant Expiration Date.

B. Early Termination in the Public Interest

The State is entering into this Intergovernmental Grant Agreement to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Intergovernmental Grant Agreement ceases to further the public interest of the State or if State, Federal or other funds used for this Intergovernmental Grant Agreement are not appropriated, or otherwise become unavailable to fund this Intergovernmental Grant Agreement, the State, in its discretion, may terminate this Intergovernmental Grant Agreement in whole or in part by providing written notice to Grantee. If the State terminates this Intergovernmental Grant Agreement in the public interest, the State shall pay Grantee an amount equal to the percentage of the total reimbursement payable under this Intergovernmental Grant Agreement that corresponds to the percentage of Work satisfactorily completed, as determined by the State, less payments previously made. Additionally, the State, in its discretion, may reimburse Grantee for a portion of actual, out-of-pocket expenses not otherwise reimbursed under this Intergovernmental Grant Agreement that are incurred by Grantee and are directly attributable to the uncompleted portion of Grantee’s obligations, provided that the sum of any and all reimbursements shall not exceed the maximum amount payable to Grantee hereunder. This subsection shall not apply to a termination of this Intergovernmental Grant Agreement by the State for breach by Grantee.

C. *Reserved.*

3. AUTHORITY

Authority to enter into this Intergovernmental Grant Agreement exists in the law as follows:

A. *Reserved.*

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

B. State Authority

Authority to enter into this Grant exists in C.R.S. 24-32-106 and 29-3.5-101 and funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment. Required approvals, clearance and coordination have been accomplished from and with appropriate agencies. This Intergovernmental Grant Agreement is funded, in whole or in part, with State funds.

4. DEFINITIONS

The following terms shall be construed and interpreted as follows:

A. *Reserved.***B.** *Reserved.***C.** “**CORA**” means the Colorado Open Records Act, §§24-72-200.1 *et. seq.*, C.R.S.**D.** “**Exhibits**” means the following exhibits attached to this Intergovernmental Grant Agreement:**i.** **Exhibit B**, Scope of Project**ii.** **Exhibit G**, Form of Option Letter**E.** “**Extension Term**” means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Intergovernmental Grant Agreement, an amendment, or an Option Letter.**F.** *Reserved.***G.** *Reserved.***H.** “**Goods**” means any movable material acquired, produced, or delivered by Grantee as set forth in this Intergovernmental Grant Agreement and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.**I.** “**Intergovernmental Grant Agreement**” or “**Grant**” means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.**J.** “**Grant Expiration Date**” means the Grant Expiration Date shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement. Work performed after the Grant Expiration Date is not eligible for reimbursement from Grant Funds.**K.** “**Grant Funds**” or “**Grant Award Amount**” means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Intergovernmental Grant Agreement.**L.** “**Incident**” means any accidental or deliberate event that results in, or constitutes an imminent threat of, the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.**M.** “**Initial Term**” means the time period between the Performance Start Date and the initial Grant Expiration Date.**N.** *Reserved.***O.** “**Other Funds**” means all funds necessary to complete the Project, excluding Grant Funds. Grantee is solely responsible for securing all Other Funds.

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

- P.** “**Party**” means the State or Grantee, and “**Parties**” means both the State and Grantee.
- Q.** “**Performance Start Date**” means the later of the Performance Start Date or the Execution Date shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement.
- R.** *Reserved.*
- S.** “**PII**” means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §24-72-501, C.R.S. and 24-73-101, C.R.S. “PII” shall also mean “personal identifying information” as set forth at § 24-74-102, et. seq., C.R.S.
- T.** “**PHI**” means any protected health information, including, without limitation any information whether oral or recorded in any form or medium: **(i)** that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and **(ii)** that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.
- U.** “**Project**” means the overall project described in **Exhibit B**, which includes the Work.
- V.** “**Project Budget**” means the amounts detailed in **§6.2 of Exhibit B**.
- W.** *Reserved.*
- X.** *Reserved.*
- Y.** “**Services**” means the services performed by Grantee as set forth in this Intergovernmental Grant Agreement, and shall include any services rendered by Grantee in connection with the Goods.
- Z.** “**State Confidential Information**” means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to State personnel records not subject to disclosure under CORA.
- AA.** “**State Fiscal Rules**” means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a) C.R.S.
- BB.** “**State Fiscal Year**” means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.
- CC.** “**State Records**” means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.
- DD.** *Reserved.*
- EE.** “**Subcontractor**” means third-parties, if any, engaged by Grantee to aid in performance of the Work. “Subcontractor” also includes sub-grantees.

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

FF. *Reserved.*

GG. *Reserved.*

HH. *Reserved.*

II. “**Work**” means the delivery of the Goods and performance of the Services described in this Intergovernmental Grant Agreement.

JJ. “**Work Product**” means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. “Work Product” does not include any material that was developed prior to the Performance Start Date that is used, without modification, in the performance of the Work.

Any other term used in this Intergovernmental Grant Agreement that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

5. PURPOSE

The purpose of the Peace Officer Mental Health Support Grant Program is to provide grants to local law enforcement agencies for the purpose of engaging mental health professionals who can provide mental health support services to peace officers. The purpose of this Grant is described in **Exhibit B**.

6. SCOPE OF PROJECT

Grantee shall complete the Work as described in this Intergovernmental Grant Agreement and in accordance with the provisions of **Exhibit B**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Intergovernmental Grant Agreement.

7. PAYMENTS TO GRANTEE

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Award Amount shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement.

- i.** The State may increase or decrease the Grant Award Amount by providing Grantee with an updated Intergovernmental Grant Agreement or an executed Option Letter showing the new Grant Award Amount.
- ii.** The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Performance Start Date or after the Grant Expiration Date.
- iii.** Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

B. Erroneous Payments

The State may recover, at the State’s discretion, payments made to Grantee in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

or excess funds received by Grantee. The State may recover such payments by deduction from subsequent payments under this Intergovernmental Grant Agreement, deduction from any payment due under any other contracts, grants or agreements between the State and Grantee, or by any other appropriate method for collecting debts owed to the State.

C. Matching Funds.

Grantee shall provide the Other Funds amount shown on the Project Budget in **Exhibit B** (the “Local Match Amount”). Grantee shall appropriate and allocate all Local Match Amounts to the purpose of this Intergovernmental Grant Agreement each fiscal year prior to accepting any Grant Funds for that fiscal year. Grantee does not by accepting this Intergovernmental Grant Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and this Intergovernmental Grant Agreement is not intended to create a multiple-fiscal year debt of Grantee. Grantee shall not pay or be liable for any claimed interest, late charges, fees, taxes or penalties of any nature, except as required by Grantee’s laws or policies.

D. Reimbursement of Grantee Costs

The State shall reimburse Grantee’s allowable costs, not exceeding the maximum total amount described in this Intergovernmental Grant Agreement for all allowable costs described in this Intergovernmental Grant Agreement and shown in the Project Budget in **Exhibit B**.

- i. Upon request of the Grantee, the State may, without changing the maximum total amount of Grant Funds, adjust or otherwise reallocate Grant Funds among or between each line of the Project Budget by providing Grantee with an executed Option Letter or formal amendment.

E. Close-Out and De-obligation of Grant Funds

Grantee shall close out this Grant no later than 90 days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as defined in this Intergovernmental Grant Agreement and Grantee’s final reimbursement request or invoice. Any Grant Funds remaining after submission and payment of Grantee’s final reimbursement request are subject to de-obligation by the State.

8. REPORTING – NOTIFICATION

A. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out period described in **§7.E**.

B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting this Award.

9. GRANTEE RECORDS

A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

B. Monitoring

The State will monitor Grantee's performance of its obligations under this Intergovernmental Grant Agreement using procedures as determined by the State. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work.

C. Audits

Grantee shall comply with all State and federal audit requirements.

10. CONFIDENTIAL INFORMATION-STATE RECORDS**A. Confidentiality**

Grantee shall hold and maintain, and cause all Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Intergovernmental Grant Agreement. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security (<http://oit.state.co.us/ois>) and all applicable laws, rules, policies, publications, and guidelines. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under this Intergovernmental Grant Agreement. Grantee shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State

Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

11. CONFLICTS OF INTEREST

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration.

12. INSURANCE

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subcontractors maintain all insurance customary for the completion of the Work done by that Subcontractor and as required by the State or the GIA.

13. REMEDIES

In addition to any remedies available under any Exhibit to this Intergovernmental Grant Agreement, if Grantee fails to comply with any term or condition of this Grant, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant Funds to the State in the State's sole discretion. The State may also terminate this Intergovernmental Grant Agreement at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

14. DISPUTE RESOLUTION

Except as herein specifically provided otherwise, disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

15. NOTICES AND REPRESENTATIVES

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Intergovernmental Grant Agreement shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

representative or principal representative contact information by notice submitted in accordance with this §15.

16. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

Grantee hereby grants to the State a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

17. GOVERNMENTAL IMMUNITY

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions, committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the GIA; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, *et seq.* C.R.S. No term or condition of this Intergovernmental Grant Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, or protections of any of these provisions.

18. GENERAL PROVISIONS

A. Assignment

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Intergovernmental Grant Agreement.

B. Captions and References

The captions and headings in this Intergovernmental Grant Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Intergovernmental Grant Agreement to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

C. Entire Understanding

This Intergovernmental Grant Agreement represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Intergovernmental Grant Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

D. Modification

The State may modify the terms and conditions of this Grant by issuance of an updated Intergovernmental Grant Agreement, which shall be effective if Grantee accepts Grant Funds following receipt of the updated letter. The Parties may also agree to modification of the terms and conditions of the Grant in either an option letter or a formal amendment to this Grant, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules.

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

E. Statutes, Regulations, Fiscal Rules, and Other Authority

Any reference in this Intergovernmental Grant Agreement to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Performance Start Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Agreement by reference.

G. Order of Precedence

In the event of a conflict or inconsistency between this Intergovernmental Grant Agreement and any Exhibits or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:

- i.** Colorado Special Provisions in §19 of the main body of this Grant;
- ii.** Any executed Option Letter and Amendment;
- iii.** The provisions of this Intergovernmental Grant Agreement; and
- iv.** The provisions of any exhibits to this Intergovernmental Grant Agreement.

H. Severability

The invalidity or unenforceability of any provision of this Intergovernmental Grant Agreement shall not affect the validity or enforceability of any other provision of this Intergovernmental Grant Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

I. Survival of Certain Intergovernmental Grant Agreement Terms

Any provision of this Intergovernmental Grant Agreement that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

J. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Intergovernmental Grant Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

K. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Intergovernmental Grant Agreement, whether explicit or by lack of enforcement, shall not

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

L. Accessibility

- i.** Grantee shall comply with and adhere to Section 508 of the U.S. Rehabilitation Act of 1973, as amended.
- ii.** Grantee shall comply with and the Work Product provided under this Agreement shall be in compliance with all applicable provisions of §§24-85-101, et seq., C.R.S., and the Accessibility Standards for Individuals with a Disability, as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S. Grantee shall also comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards.
- iii.** The State may require Grantee's compliance to the State's Accessibility Standards to be determined by a third party selected by the State to attest to Grantee's Work Product and software is in compliance with §§24-85-101, et seq., C.R.S., and the Accessibility Standards for Individuals with a Disability as established by OIT pursuant to Section §24-85-103 (2.5), C.R.S.

19. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3)

A. STATUTORY APPROVAL. §24-30-202(1) C.R.S.

This Intergovernmental Grant Agreement shall not be valid until it has been approved by the Colorado State Controller or designee. If this Intergovernmental Grant Agreement is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), then this Intergovernmental Grant Agreement shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5) C.R.S.

Financial obligations of the State payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the Parties, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of this Intergovernmental Grant Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. INDEPENDENT CONTRACTOR.

Grantee shall perform its duties hereunder as an independent Grantee and not as an employee. Neither Grantee nor any agent or employee of Grantee shall be deemed to be an agent or employee of the State. Grantee shall not have authorization, express or implied, to bind the

State to any agreement, liability, or understanding, except as expressly set forth herein. **Grantee and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Grantee or any of its agents or employees. Grantee shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Intergovernmental Grant Agreement. Grantee shall (a) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (b) provide proof thereof when requested by the State, and (c) be solely responsible for its acts and those of its employees and agents.**

E. COMPLIANCE WITH LAW.

Grantee shall comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of this Intergovernmental Grant Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to this Intergovernmental Grant Agreement shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. PROHIBITED TERMS.

Any term included in this Intergovernmental Grant Agreement that requires the State to indemnify or hold Grantee harmless; requires the State to agree to binding arbitration; limits Grantee's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void ab initio. Nothing in this Intergovernmental Grant Agreement shall be construed as a waiver of any provision of §24-106-109 C.R.S.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under this Intergovernmental Grant Agreement shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Grantee hereby certifies and warrants that, during the term of this Intergovernmental Grant Agreement and any extensions, Grantee has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Grantee is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Intergovernmental Grant Agreement, including, without limitation, immediate termination of this Intergovernmental Grant Agreement and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507 C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in this Intergovernmental Grant Agreement. Grantee has no interest and shall not acquire any interest, direct or indirect,

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

that would conflict in any manner or degree with the performance of Grantee's services and Grantee shall not employ any person having such known interests.

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EXHIBIT B – SCOPE OF PROJECT (SOP)

1. PURPOSE

1.1. Peace Officers Behavioral Health Support and Community Partnerships Grant Program

(POMH). The purpose of the POMH Grant Program, established under C.R.S. 24-32-3501 as amended, is to provide grants to law enforcement agencies, behavioral health entities, county or district public health agencies, community-based social service and behavioral health providers, peace officer organizations, and public safety agencies to be used for:

- 1.1.1. Co-responder community responses, meaning a model of criminal justice diversion that pairs law enforcement and behavioral health providers to intervene and respond to behavioral health-related calls for police service, utilizing the combined expertise of the law enforcement officer and behavioral health specialist to de-escalate situations and help link individuals with behavioral health issues to appropriate services (C.R.S. 24-32-3501, 2(a));
- 1.1.2. Community-based alternative responses, meaning a person-centered crisis response to community members who are experiencing problems related to poverty, homelessness, behavioral health, food insecurity, and other social issues, that directs certain calls for police service to more appropriate support providers in lieu of a police response (C.R.S. 24-32-3501, 2(b));
- 1.1.3. Counseling services for peace officers and their immediate family members, including reimbursing peace officers who have paid the costs of their own counseling services (C.R.S. 24-32-3501, 2(c));
- 1.1.4. Assistance for law enforcement agencies' development and implementation of policies to support peace officers who are involved in a shooting or a fatal use of force (C.R.S. 24-32-3501, 2(d));
- 1.1.5. Training and education programs that teach peace officers and their immediate family members the symptoms of job-related mental trauma and how to prevent and treat such trauma (C.R.S. 24-32-3501, 2(e));
- 1.1.6. Peer support programs for peace officers (C.R.S. 24-32-3501, 2(f)); and
- 1.1.7. Hiring, contracting, or developing a remote network to provide behavioral health counseling, therapy, or other related support services to peace officers involved in job-related traumatic situations (C.R.S. 24-32-3501, 2(g)).

2. DESCRIPTION OF THE PROJECT(S) AND WORK

2.1. Project Description. The Project consists of providing Grant Funds to the City of Fort Collins for provision of counseling services to peace officers and their immediate families.

2.2. Work Description. The City of Fort Collins (Grantee) will hire a full time mental health counselor to provide in-house psychological services for peace officers and their immediate family members. Grant Funds will only reimburse the Mental Health Counselor for actual hours of service (per §2.5). Services include: counseling, crisis intervention, preventive education, mental health-related training, reimbursement to peace officers who have previously paid the costs of their own counseling services, and assistance for development and implementation of policies to support peace officers involved in shootings or a fatal use of force. Additionally, the Grantee will provide ongoing clinical consultation for the City of Fort Collins Police Department Peer Support Team, as well as hiring, contracting, or developing a remote network to provide behavioral health counseling therapy, or other associated support services for job-related mental trauma and how to prevent and treat such trauma.

2.2.1. A contract for consultant services shall be awarded by Grantee to a qualified firm through a formal Request For Proposals or competitive selection process.

2.3. Responsibilities. Grantee shall be responsible for the completion of the Work and to provide required documentation to DOLA as specified herein.

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

2.3.1. Grantee shall notify DOLA at least 30 days in advance of Project Completion.

2.4. Recapture of Advanced Funds. To maximize the use of Grant Funds, the State shall evaluate Grantee's expenditure of the Grant Funds for timeliness and compliance with the terms of this Grant. DOLA reserves the right to recapture advanced Grant Funds when Grantee has not or is not complying with the terms of this Grant.

2.5. Eligible Expenses.

2.5.1. *Reserved.*

2.5.2. Eligible expenses for behavioral health support include: consulting fees, RFP/bid advertisements, counseling services including professional counseling, therapy, treatment services, mental health wellness checks, critical incident debriefing, trauma prevention, and reimbursement of expenses for counseling services incurred by a peace officer; peace officer immediate family members are eligible for counseling services, training and education programs associated to job-related trauma of the peace officer and how to prevent and treat job-related trauma, Peer support programs including professional training and oversight, “train the trainer” costs, on-site training and education, and costs of a behavioral health provider; training and education including costs of registration and travel expenses for conferences, retreats, on- or off-site training, membership fees, licenses for software applications; development and implementation of behavioral health policies including consulting fees, printing, training; and hiring, contracting, or developing a remote network to provide behavioral health counseling, therapy, or other related support service including information technology services and training. Travel expenses incurred by peace officers to attend eligible behavioral health training are eligible expenses and include mileage at the current year IRS mileage rate, meals not included with the training event not to exceed the applicable per diem rate, and lodging.

2.5.3. Ineligible expenses shall include but are not limited to: co-responder/community based alternative responses expenses, vehicle purchase or lease, peace officer or first responder regular or overtime wages, retainer-type contracts (e.g., standard fee per month every month), capital improvements (e.g, office renovations), equipment (e.g., uniforms, office furniture, exercise equipment), food, childcare costs, and Grant administration or overhead.

3. DEFINITIONS

3.1. Project Budget Lines.

3.1.1. “Other: Eligible POMH Expenditures” means consultant fees and RFP/bid advertisement costs for provision of behavioral health services to peace officers, books, audio books, software applicatons and other education and training materials that provide behavioral health support to peace officers.

3.2. Substantial Completion” means the Work is sufficiently complete in accordance with the Grant so it can be utilized for its intended purpose without undue interference.

4. DELIVERABLES

4.1. Outcome. The final outcome of this Grant is to provide financial relief in the form of reimbursement to eligible entities for approved costs associated with the provision of behavioral health support services.

4.2. Service Area. The performance of the Work described within this Grant shall be located in Larimer County, Colorado.

4.3. Performance Measures. Grantee shall comply with the following performance measures:

<u>Milestone/Performance Measure/Grantee will:</u>	<u>By:</u>
Submit Quarterly Pay Requests	See §4.5.2 below
Submit Quarterly Status Reports	See §4.5.2 below
Submit Project Final Report	September 28, 2026

4.4. Budget Line Adjustments.

4.4.1. Grant Funds. Grantee may request in writing that DOLA move Grant Funds between and among budget lines, so long as the total amount of Grant Funds remains unchanged. To make such budget line changes, DOLA will use an Option Letter (**Exhibit G**).

4.4.2. Other Funds. Grantee may increase or decrease the amount of Other Funds in any one or any combination of budget lines as described in **§6.2**, or move Other Funds between and among budget lines, so long as the total amount of such “Other Funds” is not less than the amount set forth in **§6.2** below. Grantee may increase the Total Project Cost with “Other Funds” and such change does not require an amendment or option letter. DOLA will verify the Grantee’s contribution of “Other Funds” and compliance with this section at Project Closeout.

4.5. Quarterly Pay Request and Status Reports. Beginning 30 days after the end of the first quarter following execution of this Grant and for each quarter thereafter until termination of this Grant, Grantee shall submit Pay Requests and Status Reports using a form provided by the State. The State shall pay the Grantee for actual expenditures made in the performance of this Grant based on the submission of statements in the format prescribed by the State. The Grantee shall submit Pay Requests setting forth a detailed description and provide documentation of the amounts and types of reimbursable expenses. Pay Requests and Status Reports are due within 30 days of the end of the quarter but may be submitted more frequently at the discretion of the Grantee.

4.5.1. For quarters in which there are no expenditures to reimburse, Grantee shall indicate zero (0) requested in the Pay Request and describe the status of the Work in the Status Report. The report will contain an update of expenditure of funds by budget line as per **§6.2** of this **Exhibit B** Scope of Project as well as a projection of all Work expected to be accomplished in the following quarter, including an estimate of Grant Funds to be expended.

4.5.2. Specific submittal dates.

Quarter	Year	Due Date	Pay Request Due	Status Report Due
1 st (Jan-Mar)	2025	April 30, 2025	Yes	Yes
2 nd (Apr-Jun)	2025	JULY 15, 2025*	Yes	Yes
3 rd (Jul-Sep)	2025	October 30, 2025	Yes	Yes
4 th (Oct-Dec)	2025	January 30, 2026	Yes	Yes
1 st (Jan-Mar)	2026	April 30, 2026	Yes	Yes
2 nd (Apr-Jun)	2026	JULY 15, 2026*	Yes	Yes

***State fiscal year runs from July 1 – June 30 annually. Grantee must request reimbursement for all eligible costs incurred during a State fiscal year by July 15 annually.**

4.6. DOLA Acknowledgment. The Grantee agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Work and the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

5. PERSONNEL

5.1. Responsible Administrator. Grantee’s performance hereunder shall be under the direct supervision of **Rob Seals, Police Psychologist, (rseals@fcgov.com)**, who is an employee or agent of Grantee, and is hereby designated as the responsible administrator of this Project and a key person under this **§5**. Such administrator shall be updated through the process in **§5.3**. If this person is an agent of the Grantee, such person must have signature authority to bind the Grantee and must provide evidence of such authority.

5.2. Other Key Personnel. None. Such key personnel shall be updated through the process in **§5.3**.

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

5.3. Replacement. Grantee shall immediately notify the State if any key personnel specified in §5 of this Exhibit B cease to serve. All notices sent under this subsection shall be sent in accordance with §15 of the Grant.

6. FUNDING

The State provided funds shall be limited to the amount specified under the “Grant Funds” column of §6.2, Budget, below.

6.1. Matching/Other Funds. No Match is required.

6.2. Budget

Budget Line(s)		Total Project Cost	Grant Funds
Line #	Cost Category		
1	PM2518 - Other: Eligible POMH Expenditures	\$100,000	\$100,000
Total		\$100,000	\$100,000

7. PAYMENT

Payments shall be made in accordance with this section and the provisions set forth in §7 of the Grant.

7.1. Payment Schedule. If Work is subcontracted or subgranted and such Subcontractors and/or Subgrantees are not previously paid, Grantee shall disburse Grant Funds received from the State to such Subcontractor or Subgrantee within fifteen days of receipt. Excess funds shall be returned to DOLA.

Payment	Amount	
Payment(s)	\$100,000	Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.
Total	\$100,000	

7.2. Interest. Grantee or Subgrantee may keep interest earned from Grant Funds up to \$100 per year for administrative expenses.

8. ADMINISTRATIVE REQUIREMENTS

8.1. Reporting. Grantee shall submit the following reports to DOLA using the State-provided forms. DOLA may withhold payment(s) if such reports are not submitted timely.

8.1.1. Quarterly Pay Request and Status Reports. Quarterly Pay Requests shall be submitted to DOLA in accordance with §4.5 of this Exhibit B.

8.1.2. Final Reports. Within 90 days after the completion of the Project, Grantee shall submit the final Pay Request and Status Report to DOLA.

8.2. Monitoring. DOLA shall monitor this Work on an as-needed basis. DOLA may choose to audit the records for activities performed under this Grant. Grantee shall maintain a complete file of all records, documents, communications, notes and other written materials or electronic media, files or communications, which pertain in any manner to the operation of activities undertaken pursuant to an executed Grant. Such books and records shall contain documentation of the Grantee’s pertinent activity under this Grant in accordance with Generally Accepted Accounting Principles.

8.2.1. Subgrantee/Subcontractor. Grantee shall monitor its Subgrantees and/or Subcontractors, if any, during the term of this Grant. Results of such monitoring shall be documented by Grantee and maintained on file.

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OPTION LETTER #Insert # Here

SIGNATURE AND COVER PAGE

State Agency Department of Local Affairs (DOLA)	DLG Portal Number Insert DLG Portal number for this Project	Option Letter CMS Number Insert CMS number for this Amendment
Grantee Insert Grantee's Full Legal Name	Previous CMS #(s) Insert CMS number for orig Agreement, and any prior chg docs	
Project Number and Name Insert DOLA's project number and name	Grant Amount Initial Award: \$Insert orig award amt Option Letter ## and date effective/spendable: \$0.00 Option Letter ## and date effective/spendable: \$0.00 Total Grant Amount: \$Insert total award to date	
DOLA Program Manager Ella Bowman, (303) 864-7896 Ella.bowman@state.co.us		
Prior Grant Agreement Expiration Date Month Day, Year	Current Grant Agreement Expiration Date Month Day, Year	

THE PARTIES HERETO HAVE EXECUTED THIS OPTION LETTER

Each person signing this Option Letter represents and warrants that he or she is duly authorized to execute this Option Letter and to bind the Party authorizing his or her signature.

STATE OF COLORADO
Jared S. Polis GOVERNOR
Colorado Department of Local Affairs

By: _____
Maria De Cambra, Executive Director

Date: _____

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State contracts. This Option Letter is not valid until signed and dated below by the State Controller or delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: _____
Beulah Messick, DOLA Controller Delegate

Date: _____

POMH-25-018 - Fort Collins Peace Officers Behavioral Health Support

- 1) **OPTIONS:** Choose all applicable options listed in §1 and in §2
- a. Option to extend (*use this option for Extension of Time*)
 - b. Change in the Grant Award Amount within the current term (*use this option for an Increase or Decrease in Grant Funds, including Supplemental funding awards*)
 - c. Budget Line Adjustment(s) – reallocation of awarded Grant Funds to Budget Line(s) (*use this Option to redistribute existing Grant Funds between budget lines*)
- 2) **REQUIRED PROVISIONS.** All Option Letters shall contain the appropriate provisions set forth below:

a. **For use with Option 1(a):** In accordance with **Section 2(A)** of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and **Grantee's Name**, the State hereby exercises its option for an additional term beginning **Insert start date** and ending on **Insert ending date**. Tables in **Sections 4.3 and 4.5.2 of Exhibit B** are deleted and replaced with the following:

Milestone/Performance Measure	By:
Submit Quarterly Pay Requests	See §4.5.2 below
Submit Quarterly Status Reports	See §4.5.2 below
Submit Project Final Report	[give date certain]

Quarter	Year	Due Date	Pay Request	Status Report
2 nd (Apr-Jun)	2025	JULY 15, 2025*	Yes	Yes
3 rd (Jul-Sep)	2025	October 30, 2025	Yes	Yes
4 th (Oct-Dec)	2025	January 30, 2026	Yes	Yes
1 st (Jan-Mar)	2026	April 30, 2026	Yes	Yes
2 nd (Apr-Jun)	2026	JULY 15, 2026*	Yes	Yes
3 rd (Jul-Sep)	2026	October 30, 2026	Yes	Yes
4 th (Oct-Dec)	2026	January 30, 2027	Yes	Yes
1 st (Jan-Mar)	2027	April 30, 2027	Yes	Yes
2 nd (Apr-Jun)	2027	JULY 15, 2027*	Yes	Yes
3 rd (Jul-Sep)	2027	October 30, 2027	Yes	Yes
4 th (Oct-Dec)	2027	January 30, 2028	Yes	Yes

*State fiscal year runs July 1 – June 30 annually. Grantee must request reimbursement for all eligible costs incurred during a State fiscal year by July 15 annually.

b. **For use with Option 1(b):** In accordance with **Section 7(A)(i)** of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and **Grantee's Name**, the State hereby exercises its option to **increase/decrease** Grant Funds awarded for this Project in an amount equal to **amt of increase or (decrease)**, from **beginning dollar amt** to **ending dollar amt**. The Grant Award Amount shown on the Summary of Terms and Conditions page of this Intergovernmental Grant Agreement is hereby changed to **ending dollar amt**. The Budget table in **Section 6.2** and the Payment Schedule in **Section 7.1**, both of **Exhibit B**, are deleted and replaced with the following:

Budget Line(s)		Total Project Cost	Grant Funds	Other Funds	Other Funds Source
Line #	Cost Category				
	Personnel Services Costs	\$ 0.00			Grantee
	Operations/Program Costs				Grantee
	Total	\$ 0.00	\$ 0.00	\$ 0.00	

Payment	Amount	
Payment(s)		Paid upon receipt of actual expense documentation and written Pay Requests from the Grantee for reimbursement of eligible approved expenses.

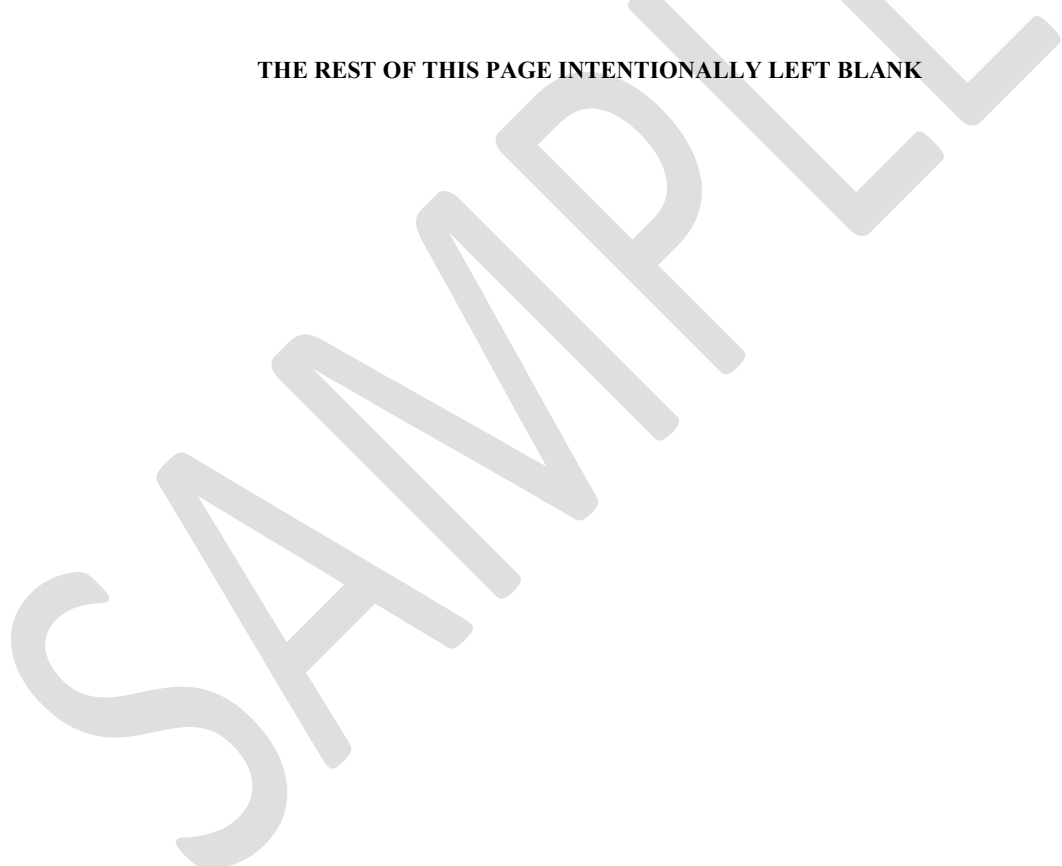
Total	
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c. For use with Option 1(c): In accordance with **Section 7(D)(i)** of the original Intergovernmental Grant Agreement between the State of Colorado, acting by and through the Colorado Department of Local Affairs, and **Grantee's Name**, the State hereby exercises its option to re-allocate awarded Grant Funds within the Project Budget. The Budget table in **Section 6.2** of **Exhibit B** is deleted and replaced with the following:

Budget Line(s)		Total Project Cost	Grant Funds	Other Funds	Other Funds Source
Line #	Cost Category				
	Personnel Services Costs	\$ 0.00			Grantee
	Operations/Program Costs				Grantee
	Total	\$ 0.00	\$ 0.00	\$ 0.00	

3) Effective Date. The effective date of this Option Letter is upon approval of the State Controller or , whichever is later.

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File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

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

SUBJECT

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

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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

1. Ordinance for Consideration

ORDINANCE NO. 058, 2024
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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Yvette Lewis-Molock

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

John Gerwel, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

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

EXECUTIVE SUMMARY

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.

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STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on 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 (Attachment 2) 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: Ordinance No. 22, 2025).

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 to execute 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
Total Project Funds	\$ 281,345

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

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Ordinance for Consideration
4. Ordinance No. 022, 2025
5. Vicinity Map
6. DDA Meeting Minutes, February 2025

RESOLUTION 2025-042
OF THE COUNCIL OF THE CITY OF FORT COLLINS
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

A. The purpose of this item 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”).

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 intergovernmental agreement (“IGA”) in 2014 authorized by Resolution 2014-051, to complete the design and engineering for Phase 1. Later in 2015 the DDA and the City partnered to fund the construction of these improvements. That work was completed in 2020.

E. The Project that is the subject of this Resolution 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 DDA has proposed an IGA with the City, approved by the DDA’s Board of Directors on February 13, 2025, to cooperate in the preparation and design for the Project.

G. 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.

H. The IGA funds are anticipated to be appropriated via Ordinance No. 059, 2025, and 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 on-street parking needs 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.

I. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

J. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

K. Municipal Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000, and funds anticipated to be appropriated pursuant to this IGA amount to \$251,800. City staff recommends that the City Council appropriate funds in this amount by separate ordinance.

L. The City Council finds and determines that the Project and the DDA grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating further design and improvement of the City's multimodal transportation safety and infrastructure and streetscapes, and that the Mayor be authorized to execute the IGA between the City and the DDA in support thereof.

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

Section 1. The City Council authorizes the Mayor to execute, on behalf of the City, the intergovernmental agreement with the Downtown Development Authority, in substantially the form attached hereto as Exhibit A, with additional or modified terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Section 2. The City Council hereby authorizes the City Manager to approve and execute future amendments to the intergovernmental agreement with the Downtown Development Authority relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the intergovernmental agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the intergovernmental agreement.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Heather N. Jarvis

**INTERGOVERNMENTAL AGREEMENT REGARDING
A GRANT OF FUNDS FOR THE SECOND PHASE OF THE
WILLOW STREET IMPROVEMENT PROJECT**

This Intergovernmental Agreement (“Agreement”) is made and entered into on the date of last signature below, by and between the CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation (the “City”), and the FORT COLLINS, COLORADO, DOWNTOWN DEVELOPMENT AUTHORITY, a body corporate and politic (the “DDA”).

WITNESSETH:

WHEREAS, pursuant to C.R.S. §31-25-808(g), the DDA is empowered to make contributions, grants, and loans to the City which will further the statutory mission of the DDA;

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council of the City, by ordinance or resolution, to 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;

WHEREAS, C.R.S. §29-1-203 also provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve;

WHEREAS, pursuant to intergovernmental agreements (“IGAs”) between the City and the DDA in 2014 and 2019, the DDA granted to the City the combined sum of six hundred eighty thousand dollars (\$680,000) (collectively, the “Phase 1 Willow Project Grants”), for use in connection with the preparation of engineering design plans and for construction of the River District Improvement Project – Willow Street (the “Phase 1 Willow Street Project”);

WHEREAS, subsequent to the 2019 IGA, the City received additional funding for the Phase 1 Willow Street Project through the voter-approved Community Capital Improvement 10-Year Quarter-Cent Sales Tax, resulting in savings to the DDA, estimated by the City to be seventy thousand dollars (\$70,000) (the “Phase 1 Savings”);

WHEREAS, the DDA, for the Phase 1 Willow Project Grants, is entitled to a street oversizing reimbursement under the City’s Transportation Capital Expansion Fee reimbursement program, estimated by the City to be one hundred thirty-six thousand four hundred twelve dollars (\$136,412) (the “Phase 1 Fee Reimbursement”);

WHEREAS, the DDA and the City desire to have final engineering and streetscape design plans prepared for an additional River District improvement project along Willow Street, between Linden Street and Lincoln Street (the “Phase 2 Willow Street Project”);

WHEREAS, the City intends to release a request for proposals (“RFP”) regarding the

preparation of final engineering and streetscape design plans for the Phase 2 Willow Street Project;

WHEREAS, the DDA desires to contribute a total of two hundred fifty thousand dollars (\$250,000) to the Phase 2 Willow Street Project, which will consist of the Phase 1 Savings, the Phase 1 Fee Reimbursement, and additional budgeted funds from the DDA in the amount of up to forty-three thousand five hundred eighty-eight dollars (\$43,588), to be used by the City for its payment obligations under the contract that arises out of the RFP;

WHEREAS, to fund construction of the Phase 2 Willow Street Project, the City is considering including such project on its Community Capital Improvement Projects list ("CCIPL"), which will be submitted to voters for approval at the general election to be held on November 4, 2025;

WHEREAS, in the event the City declines to include the Phase 2 Willow Street Project on its CCIPL or to otherwise fund the Phase 2 Willow Street Project, this Agreement shall be terminated as hereinafter set forth;

WHEREAS, the Phase 2 Willow Street Project is intended to further and fulfill all adopted plans and guidelines of the City pertaining to the River District, including the City Plan, Transportation & Infrastructure Master Plan, Active Modes Plan, Downtown Plan, Parking Plan, River District Streetscape Improvements Project Plan, and the River Downtown Redevelopment Zone District Guidelines;

WHEREAS, the Phase 2 Willow Street Project is located within the boundaries of the DDA and such project is consistent with the statutory goals and purposes of the DDA as set forth in C.R.S. §31-25-801, et seq., and the DDA's adopted plan of development;

WHEREAS, the Phase 2 Willow Street Project will further the mission of the DDA by increasing safety, improving traffic flow, and creating a more visually appealing and attractive pedestrian environment along Willow Street; and

WHEREAS, by Resolution 2025-_____, the City Council of the City authorized the Mayor to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties adopt the foregoing recitals and agree as follows:

1. Grant of DDA Funds. Except as provided in Section 3 below, the DDA shall grant to the City the sum of two hundred fifty thousand dollars (\$250,000) under, and subject to, the following terms and conditions:

- a. *Grant of Funds, Amounts and Sources*. The City shall not be eligible to receive any funds pursuant to this Agreement until it has selected a contractor to perform the services requested in the RFP (the "Contractor") and has entered into a contract for the same (the "Contract"). The City agrees that the Contract shall contain the

termination provision described in Section 3 below. Upon execution of the Contract by the City and the Contractor, the DDA shall pay to the City the sum of two hundred fifty thousand dollars (\$250,000), which shall consist of the Phase 1 Savings (estimated to be \$70,000), the Phase 1 Fee Reimbursement (estimated to be \$136,412), and other budgeted funds of the DDA in the amount of forty-three thousand five hundred eighty-eight dollars (\$43,588) (or such lesser amount as is necessary to bring the DDA's total contribution to \$250,000). (All funds contributed to the City under this Section 1(a) shall be referred to hereinafter collectively as the "Grant Funds").

- b. *Use of Grant Funds.* The Grant Funds shall be expended by the City solely for the following: (i) payments to the Contractor for its performance of the Contract; and (ii) to cover costs incurred by the City which are directly related to the Contract, including, but not limited to, materials, printing, and document and/or data production or reproduction. The parties anticipate that development of the designs under the RFP may require the assistance of a consultant with expertise in negotiations with railroad companies. If such professional railroad consultant is not retained by the Contractor as a subcontractor under the Contract, but rather is hired directly by the City, such costs incurred by the City for such purpose shall be deemed to be costs related to the Contract and shall be eligible for payment under this Agreement. For the avoidance of doubt, the City understands and agrees that it shall not receive any funds for City staff time spent working on the Phase 2 Willow Street Project or in relation thereto.
- c. *Accounting.* The City shall periodically provide to the DDA copies of Contractor invoices and other documentation sufficient for the DDA to determine that the Grant Funds have been expended by the City in a manner consistent with this Agreement. The frequency with which the City shall provide such information shall be as reasonably determined by the parties, but in no case more often than once every sixty (60) days.
- d. *Acknowledgement of City Plans and Guidelines Pertaining to River District.* The City and DDA agree that the Phase 2 Willow Street Project is intended to further and fulfill all adopted plans and guidelines of the City pertaining to the River District, including the City Plan, Transportation & Infrastructure Master Plan, Active Modes Plan, Downtown Plan, Parking Plan, River District Streetscape Improvements Project Plan, and the River Downtown Redevelopment Zone District Guidelines.
- e. *Reduction in Grant Funds Due to Receipt of Other Funds.* In the event that the City receives third-party funding for the Phase 2 Willow Street Project, via grant award or any other source sufficient to obviate the need for all or a portion of the Grant Funds, the City agrees that such third-party funding shall be applied to such project and shall serve to reduce the Grant Funds by a commensurate amount.
- f. *Expiration of Grant Funds.* Any Grant Funds not expended by the City for the above-stated purposes by December 31, 2027, shall be promptly returned to the

DDA.

- g. *Maximum Amount of Grant Funds under IGA.* The maximum amount of DDA funds that shall be disbursed to the City pursuant to this Agreement shall be \$250,000.

2. DDA Involvement in Community Engagement, RFP, and Designs. The City agrees to involve the DDA in the Phase 2 Willow Street Project as follows:

- a. *Community Engagement.* The parties acknowledge that community engagement with River District stakeholders will be necessary for a successful final design for the Phase 2 Willow Street Project. The parties agree to cooperate in good faith to develop a mutually-agreeable process for stakeholder engagement.
- b. *RFP Review.* The City agrees to provide the DDA with a meaningful opportunity to review and comment on the RFP prior to its issuance, and further agrees to in good faith consider feedback on the RFP provided by DDA staff.
- c. *Design Development Process.* The City agrees to provide the DDA with a meaningful opportunity to participate in the design development process under the RFP to include, but not be limited to, providing the DDA with copies of draft and final designs as they are delivered to the City, and the opportunity to attend meetings at which designs are presented and discussed. The City further agrees to in good faith consider feedback on designs provided by DDA staff.

3. Termination of IGA for Non-Inclusion of Project on CCIPL, Required Contract Provision. The City agrees to include in the Contract a provision allowing the City to terminate the Contract without cause upon fifteen days' notice. In the event that the City declines to include the Phase 2 Willow Street Project on its CCIPL, the City agrees to issue notice of termination to the Contractor within three (3) business days of the date on which the City Council of the City finalizes the CCIPL, unless the City has otherwise committed to and secured funding for the Project and provided evidence of such to the DDA. The City shall be entitled to use the Grant Funds to pay the Contractor for sums due under the Contract through the date of termination. After such final payment has been made to the Contractor, this Agreement shall terminate and the City shall promptly return to the DDA any remaining Grant Funds. For the avoidance of doubt, the failure of voters to approve the CCIPL ballot measure shall not trigger the requirement for Contract termination or otherwise affect this Agreement.

4. Notice. All notices to be given to parties hereunder shall be in writing and shall be sent by certified mail to the addresses specified below:

DDA: Downtown Development Authority
Attn: Executive Director
19 Old Town Square, Suite 230
Fort Collins, CO 80524

With a copy to: Liley Law, LLC
Attn: Joshua C. Liley

2727 Redwing Road, Suite 342
Fort Collins, CO 80526

CITY: City of Fort Collins
Attn: Director of Infrastructure Services
215 N. Mason Street
Fort Collins, CO 80521

With a copy to: City of Fort Collins
Attn: City Attorney
300 LaPorte Avenue
Fort Collins, CO 80521

5. Governing Law. This Agreement shall be governed by, and its terms construed under, the laws of the State of Colorado.

6. Annual Appropriations. Any financial obligations of the DDA or the City arising under this Agreement which are payable after the current fiscal year are contingent upon funds for that purpose being annually appropriated, budgeted, and otherwise made available by the City Council of the City, in its discretion, and/or the DDA Board, in its discretion, as applicable

7. No Third-Party Beneficiaries. It is the mutual intent of the parties that this Agreement shall inure to the benefit of only the parties hereto. Accordingly, nothing in this Agreement shall be construed as creating any right or entitlement which inures to the benefit of any third party.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above written.

CITY OF FORT COLLINS, COLORADO,
a Colorado municipal corporation

By: _____
Jeni Arndt, Mayor

Date: _____

ATTEST:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Heather N. Jarvis, Assistant City Attorney

FORT COLLINS, COLORADO, DOWNTOWN
DEVELOPMENT AUTHORITY, a body corporate
and politic

By: _____
David Lingle, Chair

Date: _____

ATTEST:

Cheryl A. Zimlich, Secretary

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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Heather N. Jarvis

ORDINANCE NO. 022, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION 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 a development contribution to construction from the developer of the Bas Bleu Development, which was contributed under City Code Section 24-95 as a payment-in-lieu of constructing the local portion of frontage improvements adjacent to the development on Willow Street and Pine Street.

B. In 2004, Bas Bleu Development, LLC entered into a development agreement, which described the requirements and conditions for the redevelopment of the Bas Bleu Theatre Company property at 401 Pine Street, with frontage on Willow and Pine streets. The development agreement contemplated construction improvements on Willow and Pine streets and obligated the development to contribute to the City to for the design and construction of these improvements. The obligation was collected as non-expiring escrow rather than a payment.

C. As a result of a Downtown River District improvement project, the City and the Downtown Development Authority constructed a portion (from Linden Street to the BNSF Railroad) of the improvements contemplated for Willow Street in the development agreement with Bas Bleu Development.

D. The City and First Western Trust, the financial institution holding the Bas Bleu Development escrow, calculated the payment due for the Willow Street improvements to be \$29,545.

E. Bas Bleu's remaining obligation for the design and construction of the Pine Street improvements has never been constructed as there has never been a second phase of the Bas Bleu redevelopment.

F. The City and the Downtown Development Authority are planning for and designing the next phase of improvements along Willow Street, the Willow Street Improvements – Linden Street to Lincoln Avenue capital project (the "Project"). Because the western section of Willow Street improvements is complete, the Bas Bleu development contribution to construction is being herein appropriated to this next phase of the Project.

G. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, does 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 this appropriation is available and previously unappropriated from the Transportation Services fund and 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.

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 \$29,545 from the Transportation Services fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. 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 will continue until the completion of the capital project.

L. 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.

M. This Project involves the estimated construction cost to be 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.

N. The project cost of \$29,545 has been used to calculate the contribution to the APP program.

O. The amount to be contributed by this Ordinance will be \$295.

P. The appropriations in this Ordinance benefit the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving 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 new revenue or other funds in the Transportation Services fund the sum of TWENTY-NINE THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS (\$29,545) to be expended in the Transportation Services fund for Transfer to the Capital Projects fund for the Project.

Section 2. The unexpended and unencumbered appropriated amount TWO HUNDRED THIRTY DOLLARS (\$230) 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 3. The unexpended and unencumbered appropriated amount of FIFTY-NINE DOLLARS (\$59) 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 4. The unexpended and unencumbered appropriated amount of SIX DOLLARS (\$6) 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 5. The appropriation herein for the 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 February 18, 2025, and approved on second reading for final passage on March 4, 2025.

Joni Arnold

Mayor

ATTEST:

Stephan Caldwell

City Clerk



Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis

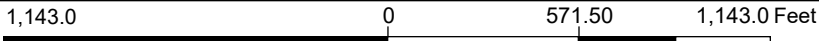
WILLOW STREET IMPROVEMENTS - VICINITY MAP

Item 19.



- Legend**
- Parcels
 - Growth Management Area
 - Parks
 - Schools
 - Natural Areas
 - City Limits
 - Phase 1 Improvements
 - Phase 2 Improvements

1: 6,859



WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Fort Collins - GIS

This map is a user generated static output from the City of Fort Collins FCMAPS Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

DOWNTOWN DEVELOPMENT AUTHORITY
Regular Directors' Meeting

Susan Gutowsky, Council Liaison	970-294-2575
Kristin Stephens, County Commission Liaison	970-498-7001
Dave Lingle, Board Chair	970-227-4166

MINUTES of February 13, 2025

The Board of Directors of the Downtown Development Authority met in Regular Session at 7:30 a.m. on Thursday, February 13, 2025, at Rocky Mountain Innosphere, 320 E. Vine Drive, Fort Collins, CO 80524.

PRESENT

Abigail Christensen; Sam Coutts; Susan Gutowsky; Dave Lingle; Holli McElwee; Jenny Schultz; Randy Shortridge; Kristin Stephens (arrived 7:35 a.m.); Cheryl Zimlich

ABSENT

Rebecca Hill; Mandi Huston

STAFF

Matt Robenalt, Executive Director; Jala Curtis, Marketing and Communications Program Supervisor; Todd Dangerfield, Project Manager; Tom Dent, Technology & Maintenance Manager; Janna Dickerson, Marketing and Communications Coordinator; Derek Getto, Project Manager for Policy & Programs; Kristy Klenk, Finance & HR Manager; Krista Knott, Administrative Manager; Josh Liley, Legal Counsel

GUESTS

Michael Bussman, City of Fort Collins; Kelly DiMartino, City of Fort Collins; Florian Fiebig, City of Fort Collins; Cortney Geary, City of Fort Collins; Dana Hornkohl, City of Fort Collins; Erin Udell, Coloradoan

CALL TO ORDER

Dave Lingle called the meeting to order at 7:31 a.m. Mr. Lingle welcomed the newest Board member, Abigail Christensen.

APPROVAL OF MINUTES

Moved by Jenny Schultz, seconded by Susan Gutowsky: To approve the minutes of December 12, 2024. The motion passed unanimously.

ALL IDEAS: BIG AND SMALL

There were no ideas presented by the public.

UPDATES

There were no questions about updates.

CONSENT AGENDA**RESOLUTION 2025-01 POSTING OF PUBLIC MEETING NOTICES**

Matt Robenalt noted this annual housekeeping item establishes the designation of the official location for the public meeting notices on the downtownfortcollins.org website.

Moved by Sam Coutts, seconded by Susan Gutowsky: To approve Resolution 2025-01 designating a location for the posting of public meeting notices. The Resolution passed unanimously.

REGULAR AGENDA**EXECUTIVE SESSION**

Moved by Jenny Schultz, seconded by Kristin Stephens: to enter into executive session for the purpose of 360 Linden Street Redevelopment, pursuant to C.R.S. 24-6-402(4)(e)(I): the motion carried.

EXECUTIVE SESSION FOLLOW UP

There was no further discussion or formal action resulting from the executive session.

RESOLUTION 2025-02 APPROVING THE ESTABLISHMENT OF A LINE OF CREDIT WITH FIRST NATIONAL BANK OF OMAHA FOR THE FINANCING OF DDA PROJECTS AND PROGRAMS AND APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FORT COLLINS, COLORADO, IN RELATION THERETO

Matt Robenalt recounted a brief history of the DDA's Line of Credit financing model, noting its establishment in 2012 and renewed in 2018. In 2024, the second six-year term of Line of Credit expired. The tax increment revenues created each year from the private investment that has occurred downtown and as determined by the County Assessor, and as required by the DDA Act is to be used specifically to pay off debt. The City and DDA are required by the DDA statute to work collaboratively to establish and finance debt, and the proceeds created from the debt is to be used by the DDA to undertake its projects and programs.

Mr. Robenalt reviewed the major categories of funding needs between now and 2030, which include the ongoing commitment to the long-term debt service on the Firehouse Alley Parking Garage, a loan with Housing Catalyst for Oak 140, the capital asset maintenance obligations for all enhanced public infrastructure, commitments for multi-year reimbursements for public-private partnerships, the Board approved 5-year Investment Plan, and anything additional that may come up as a partnership opportunity. He noted this form of financing using a line of credit with a local bank is beneficial as it results in significantly shorter periods of time in which debt incurs interest, which allows for more funding available to invest in projects and programs downtown.

Mr. Robenalt highlighted the desired outcomes of this Line of Credit financing approach, which minimizes the cost to deliver investments, demonstrates good fiduciary stewardship of public funds, and recognizes that 82% of tax increment comes from the Poudre School District and Larimer County, and maintains a long-standing practice that the DDA can grant money for partnerships with the City with no cost of capital assessed to City projects. Additionally, using the line of credit financing approach, which is set up with a defined process through an IGA with the City to ensure no more than seven days transpire before the debt is paid off, and results in having no effect on the City's fund balance at the end of the fiscal year. The DDA has financed over \$46 million in principal debt with financing fees and interest amounting to little more than \$17,000 using the line of credit approach, and during the same time period financed \$17 million in principal debt, using traditional methods such as certificates of

participation and private placement bonds, and paid more than \$3.7 million in financing costs. Mr. Robenalt pointed out the significant amount of savings realized from lower financing costs, thus allowing the DDA to direct more investment into projects and programs.

A bill amending the DDA Act was signed into law in 2023 that provided a new option for arranging the financing relationship between the DDA and City and creating the opportunity that the DDA may have its own debt and have it paid off with tax increment revenues received by the City. Prior to the amendment, the statute required debt only to be held in the City's name on behalf of the DDA. The City and DDA agreed to pursue this new option provided by SB23-175, as it will remove excessive busy work for City Finance staff that it was previously subject to when administering the line of credit on the DDA's behalf.

The new six-year Line of Credit term that has been negotiated with First National Bank for a third time will be in the DDA's name this time rather than in the City's name. The process steps for how the City and DDA will work together to administer payments for the line of credit debt is defined in the Intergovernmental Agreement. Adoption of Resolution 2025-02 would approve the IGA with the City, and approves three bank-related documents that include the Promissory Note and Agreement for the line of credit, an Assignment of Account collateralizing a new account that the DDA will set up at First National Bank with a commitment by the City to pay off the line of credit with tax increment funds, and a Governmental Certificate, which acknowledges DDA's status as a governmental entity.

Susan Gutoswsky asked how it was determined which bank to go to for this Line of Credit. Mr. Robenalt said First National Bank was the City's primary account holder and that is where the DDA tax increment funds are currently held so it makes the transfer of funds to pay off the line of credit simpler and also the reason why the bank can offer these beneficial financing terms. He explained that this arrangement with the line of credit for the DDA is one of the ways that First National Bank meets its federal Community Reinvestment Act mandates, and with the fees they basically charge, they cover their costs for transacting the transfer of funds. The interest earned on a line of credit draw is inconsequential to the bank because of the seven day or less window in which the debt exists before it is paid off so this is about First National Bank recognizing the community benefit the DDA delivers. Randy Shortridge asked if that established relationship would ever move to a different bank. Mr. Robenalt noted that it could and this situation is specifically addressed in the IGA. Because the tax increment funds are held by the City in an account at First National Bank, if the City decides to move its funds to a different primary institution, then the DDA would need to renegotiate with First National Bank or another bank for a line of credit. Mr. Shortridge asked if the City ever explored using other banks. Mr. Robenalt said that the City periodically goes out through an Request for Proposal (RFP) process to determine its primary banking relationship, and this occurred a few years ago.

Moved by Jenny Schultz, seconded by Susan Gutowsky: To approve Resolution 2025-02 that the Executive Director will advance the IGA to the City Finance Department for adoption by the City Council, and subsequent execution of the Promissory Note & Agreement, Assignment of Deposit Account, and Government Certificate by the Executive Director. The Resolution passed unanimously.

220 E. OAK STREET TAX INCREMENT INVESTMENT PROPOSAL

Randy Shortridge recused himself as his business is engaged with this project.

Todd Dangerfield reintroduced the La Vie Lumiere Townhomes project, referring to documents in the Board packet that noted the Board's approval in August 2024 of the formal design review for the

project. Since then, it has taken time for state legislation to update property tax rules due to 2024 legislation, which is why it took a few months to come back to the Board.

The owners request \$78,789 of the DDA's tax increment financing program. The project is also eligible for an additional \$50,000 through the DDA's Renewable Energy Systems Investment, as well an additional \$130,000 Public Facilities Grant 2025 for eligible right-of-way features for eligible right-of-way improvements. DDA Staff established eligibility of three façades, the east façade facing Mathews Street, the south facing East Oak Street, and the west facing an alley, and the public right-of-way improvements along those three façades. The summary investment sheet was reviewed, highlighting the Board policy of funding criteria.

Mr. Dangerfield reviewed Board policy regarding the three funding levels for a project and staff recommended the supportable tax increment of up to 25 percent for projects taxed at the residential tax rate for funding up to \$128,789, and with the supportable tax increment of \$186,366 available for other DDA projects.

Jenny Schultz asked if DDA Board had ever gone outside of Board funding policy and the reason. Mr. Robenalt noted that funding is always at the discretion of the Board, and explained that examples of when the Board deviated from its funding policy included the Union project on Jefferson Street, and the Flats at the Oval on Larurel St. and Howes Street near the CSU Oval.. Mr. Robenalt said that the Union was because the Board felt it was an important gateway to the River District and wanted to contribute to enhanced materials above the Board's funding policy. The Flats at the Oval was a unique situation where the President of CSU approached the DDA inquiring what could be done to make the building aesthetically pleasing since it was across the street from the historic CSU Oval and expressing the need to have it convey high quality architecture, which the Board concurred.

Based on the design review from the Board in August 2024, comments and suggestions were addressed, including increasing the size of balconies and/or including Juliette-style balconies, which the project owner confirmed would be incorporated into the design. There was discussion about using alternative terracotta-colored fiber cement panel material for the façades rather than the terracotta rain-screen tile used in the L'Avenir project. The owners noted they will not use the same material again nor the same installer for La Vie Lumiere Townhomes for the cement panel material.

Dave Lingle wanted to explore the openness of the Board to supplement the amount they would offer for façade improvements with the goal of assisting with costs to realize the use of the terracotta-tile rain screen. Cheryl Zimlich encouraged the recommendation at this time to note the DDA Board may be supportive of extra funds in the future for different materials, but at this time to not provide a dollar amount without knowing the final estimate. The Board expressed its desired to entertain a second, supplemental request for funding to accommodate a portion of the cost to integrate terra cotta tile rain screen panels on the E. Oak St Façade and the small wrap-around portion of this façade on Mathews St. and the alley at a later time. Staff was directed to work with the owners to obtain this estimate of cost and determine a recommended additional contribution amount from the Supportable Tax Increment generated by this project.

Moved by Cheryl Zimlich, seconded by Jenny Schultz: To approve funding for up to \$78,789 for a tax increment investment and authorize the Board Chair to enter into an agreement for the east (Mathews Street), south (East Oak Street) and west (alley) building facades;

And to approve an additional tax increment investment of up to \$50,000 for the renewable Energy Systems Investment;

And to approve up to \$130,000 for the Public Facilities Grant for eligible utility and paving improvements in the ROW along the east (Mathews Street), south (East Oak Street) and west (alley) frontages. The motion passed unanimously.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF FORT COLLINS REGARDING THE GRANT OF FUNDS FOR THE SECOND PHASE OF THE WILLOW STREET IMPROVEMENT PROJECT

Derek Getto and Dana Hornkohl, Director of Capital Projects the City Engineering Department, presented an overview for designing the second phase of Willow Street improvements located between Linden Street and Lincoln Avenue. It was noted that the DDA investment in this phase of Willow Street will be the next step to help realize the City and DDA's goals for the implementation of the Downtown River District infrastructure improvements.

Mr. Getto suggested the DDA would invest in the design and engineering for the east leg of Willow Street with funding sources consisting of construction savings from the west portion of Willow Street improvements, a Transportation Capital Expansion Fee (TCEF) reimbursement, and additional contribution from the DDA that rounds out to a total of \$250,000.

Mr. Hornkohl presented the cross section plan for the east leg of Willow Street, which includes an existing railroad spur and a new mixed used development. The City was initially concerned not all modes of transportation could be accommodated on this leg of Willow, however conversations with Omni Tracks, owners of the railroad spur to explore how much of the rail spur could be used to accommodate a cross section wide enough to accommodate all desired modes of transportation, including on-street parking. Mr. Hornkohl indicated the Engineering Department feels confident that on-street parking, a bike lane, and enhanced pedestrian walkways can be accomplished within the right-of-way. The design should be able to accommodate head-in 60-degree angled parking on both sides of the street, but would most likely require some form of a lease provision with Omni Tracks to make this happen. The eastern-most section of the street gets complicated with the railroad spur and the narrowing of right-of-way as it nears Lincoln Avenue.

Holli McElwee asked if street parking would be unpaid or metered. Mr. Hornkohl said it has not been determined yet, but will be a conversation with Parking Services.

Mr. Hornkohl noted the IGA would cover the design of the Willow Street improvements, and the City's next phase would be to find funding for the construction. He noted that due to the successful DDA and City collaboration he is hopeful Council will include this project as part of the Community Capital Improvement Project (CCIP) future ballot measure for funding.

Randy Shortridge asked if adjacent developments would be responsible for funding their local portion of the street improvements, and Mr. Hornkohl explained that private development is always and only responsible for what is known as the "local street" portion of expense associated with road improvements and not the enhanced features. Partnership with the DDA and other funding sources help to pay for the enhanced portions of the street.

Sam Coutts asked that in the event the DDA enters into an IGA with the City, and the future ballot measure fails, what impact would that have on the DDA. Matt Robenalt noted that in the IGA there is a provision that allows the DDA to cancel the agreement if this project is not included in the CCIP ballot measure that is advanced to voters, and in that scenario the DDA could reallocate its contribution to a more immediate priority. The DDA will know by August if City Council elects to include this project in the CCIP ballot measure, and acknowledged, however, there is always a risk that the voters may not approve the ballot measure.

Mr. Shortridge encouraged the plan to assess the location of street trees at intersections and to consider all modes of traffic, noting that trees located closer to the intersection are generally a more inviting experience for pedestrians and cyclists.

Mr. Coutts asked if the design concept included any below-grade improvements. Mr. Hornkohl noted there are none they are aware of, but will work with the Utilities Department to ensure coordination of any upgrades below-grade are taken into account.

Mr. Getto noted legal council drafted an IGA, but the document still needs to be reviewed by the City.

Moved by Jenny Schultz, seconded by Sam Coutts: To approve the IGA as presented, authorize the Executive Director, in consultation with DDA legal counsel, to approve changes to the IGA in form and substance, and authorize the Board Chair to execute the IGA. The motion passed unanimously.

PRESENTATION BY ENGINEERING CAPITAL PROJECTS TEAM AND FUNDING REQUEST FOR VINE DR. / JEROME ST. INTERSECTION ENHANCEMENTS

Derek Getto and Dana Hornkohl presented the funding request for Vine Drive and Jerome Street intersection enhancements. Mr. Hornkohl highlighted this intersection as being somewhat of a gateway to the River District and downtown. At this time, there are no pedestrian or bike crossings at this intersection. This intersection was included in the Active Modes plan and has been identified as a significant crash intersection. The City could not use grant funds for redevelopment and thus requested contributions from the DDA and URA to assist in funding these improvements.

Improvements to the intersection would include a bicycle and pedestrian crossing on the east side, expansion of the sidewalk width on the south side of Vine, and connection to the Old Town North trail and Poudre River trail.

Randy Shortridge asked that when the west side is built if an ADA ramp would be included. Mr. Hornkohl said it could be possible but it will need to be worked out as the design is finalized.

Sam Coutts added that north of that intersection, a proposed development project in the Old Town North area could lead to more pedestrian traffic on the west side of Jerome Street.

Mr. Hornkohl noted the City has \$350,000 of funding going towards the project and the URA agreed to contribute \$293,000. The DDA's proposed contribution of \$143,994, would go towards the enhancement of improvements, the pedestrian white crossing stripes, green bike crossing stripes, flashing beacons, and some urban design elements.

Mr. Getto noted that when the DDA invests in projects, the organization typically funds enhancements rather than basic street improvements. Mr. Honkohl and DDA staff have identified a number of items

that are considered enhancements, which include a Right-of-Way acquisition, enhanced concrete to widen sidewalks from 5' to 10', different curb enhancements, flashing beacons, and electrical for the beacons. It was noted that due to the location being on the edge of the DDA boundary at a gateway into downtown, it corresponds with the Board's stated desire to support gateway features as identified in the DDA's 5-Year Investment Plan.

Mr. Robenalt noted there is an opportunity to install some decorative metal fence panels, similar to those used in the last round of enhanced alley to support the design enhancement and thus the gateway emphasis. Drawing upon some elements of the Poudre Whitewater Park monument sign and its integration into the metal fence panels would create some visual cohesiveness indicating that pedestrians and cyclists have arrived at the Whitewater Park. Mr. Shortridge encouraged the City to work with the welder of one of the businesses in that area to create some of the art enhancements.

Mr. Getto noted there was a funding discrepancy between slides shown during the meeting and the Board packet, as he used construction costs for 2025 while Mr. Hornkohl's slides used construction costs for 2026. Timing of this project will be dependent on both right-of-Way acquisition for the south side of Vine Drive and the the northeast corner.

Kristin Stephens noted that, as a member of URA Commission, a vote passed to fund the \$293,076 for this project, as the URA believes it to be a worthwhile improvement project.

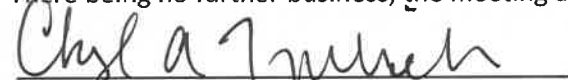
Moved by Cheryl Zimlich, seconded by Jenny Schultz: To approve funding commitment of \$144,000 for the project and direct staff and legal counsel to develop an Intergovernmental Agreement for the integration of DDA funds into the project. The motion passed unanimously.

OTHER BUSINESS

No other business was discussed.

ADJOURN

There being no further business, the meeting adjourned at 9:56 a.m.


Cheryl A Zimlich, Secretary

File Attachments for Item:

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.

April 1, 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. 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.

STAFF RECOMMENDATION

Staff recommends adoptions of these Ordinances on 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

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

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 desirable 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

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	=	For parcels with an Outdoor Area ½ acre or less: 10 x Outdoor Area
		For parcels with an Outdoor Area over ½ acre: <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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Eric Potyondy

File Attachments for Item:

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.

April 1, 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

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on 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

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) AllAny residential units served by a dumpster located either on the residential unit property or a neighboring common area for the residential unit is are 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, ~~or 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 ~~this Section~~ 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 ~~shall~~ 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

ATTEST:

City Clerk

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

File Attachments for Item:

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.

April 1, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Ellen Martin, Visual Arts Administrator

SUBJECT

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

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Section 23-303 of the Code, which was added in 1995, established the Art in Public Places (APP) Reserve Account, and designated it for use in acquiring or leasing works of art, maintenance, repair or display of works of art, and administrative expenses related to the APP Program, in accordance with the APP Guidelines adopted by the Council in Ordinance No. 20, 1995. In 2012, City Council permanently adopted the APP Program, and reenacted City Code Chapter 23, Article IX, with certain modifications.

APP Artist Gregory Fields, from Lafayette, Colorado, was selected through a request for quotation process and collaborated with the Project Team to develop artwork for this site.

Schoolside Park is located near Bacon Elementary School. The proposed metal and ceramic sculptures will have bright colors and a surface relief that invites visitors to touch and feel the surface. The artist is proposing two 8-foot-tall sculptures located at prominent entry points to the park and three 4-foot-tall sculptures to be distributed at various locations along the park trails. The sculptures are made of weathering steel and handmade glazed ceramic tiles.

The two tallest sculptures will feature ceramic panels that at first glance appear to be abstract designs but are inspired by closeup views of flowers, bird feather patterns, butterfly wings, and the skin of lizards, fish, and snakes. Adding dimensionality to the surface are small, recessed steel panels with circles cut out to allow light through. The smaller pollinator themed sculptures along the trail contain ceramic panels depicting a creature that is likely to be familiar to children using the park. All the life forms represented are found in Colorado.

CITY FINANCIAL IMPACTS

The funds for this item have been appropriated in the Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the subject artwork and the rest of the APP art collection.

The Schoolside Park Project art budget is \$45,000 to be used for design, engineering, materials, signage, fabrication, delivery, installation, and contingency for this artwork.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The design concept and budget for the art project was reviewed and recommended for City Council approval by the APP Board at the December 18, 2024, meeting.

PUBLIC OUTREACH

The selected artist collaborates with the project team to develop concepts for the artwork based on the goals of the project and input from the team. The final design and budget are reviewed and approved by the project team and then the APP Board, who then recommends the project to Council for approval.

The APP Program promotes the project in development, fabrication, installation, and completion of the artwork on social media, website, and newsletters.

ATTACHMENTS

1. Resolution for Consideration
2. Proposed Artwork Description
3. Art in Public Places Board Meeting Minutes, December 18, 2024

RESOLUTION 2025-043
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE DESIGN, CREATION AND INSTALLATION OF
PUBLIC ART AT SCHOOLSIDE PARK

A. The City has selected Gergory Fields to design, create and install five metal and ceramic sculptures at Schoolside Park (the “Sculptures”). The Sculptures will include two eight-foot-tall sculptures located at prominent entry points to the park and three four-foot-tall sculptures to be distributed at various locations along the park trails. The Sculptures will be made of weathering steel and handmade glazed ceramic tiles.

B. The total cost of designing, creating and installing the Sculptures is \$45,000. The funds for this item have been appropriated in the Art in Public Places (“APP”) Reserve Account. The APP program also has available appropriated maintenance funds for the long-term care of the Sculptures and the rest of the APP art collection.

C. Section 23-308 of the City Code requires the APP Board to make recommendations to the City Council concerning the use of funds in excess of \$30,000 for the acquisition, installation and maintenance of works of art. At its December 18, 2024, meeting, the APP Board recommended acquiring and installing the Sculptures.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Sculptures project described herein, the conceptual design of which was reviewed and approved by the Art in Public Places Board at its December 18, 2024, meeting.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Ted Hewitt

Schoolside Park Project

Gregory Fields



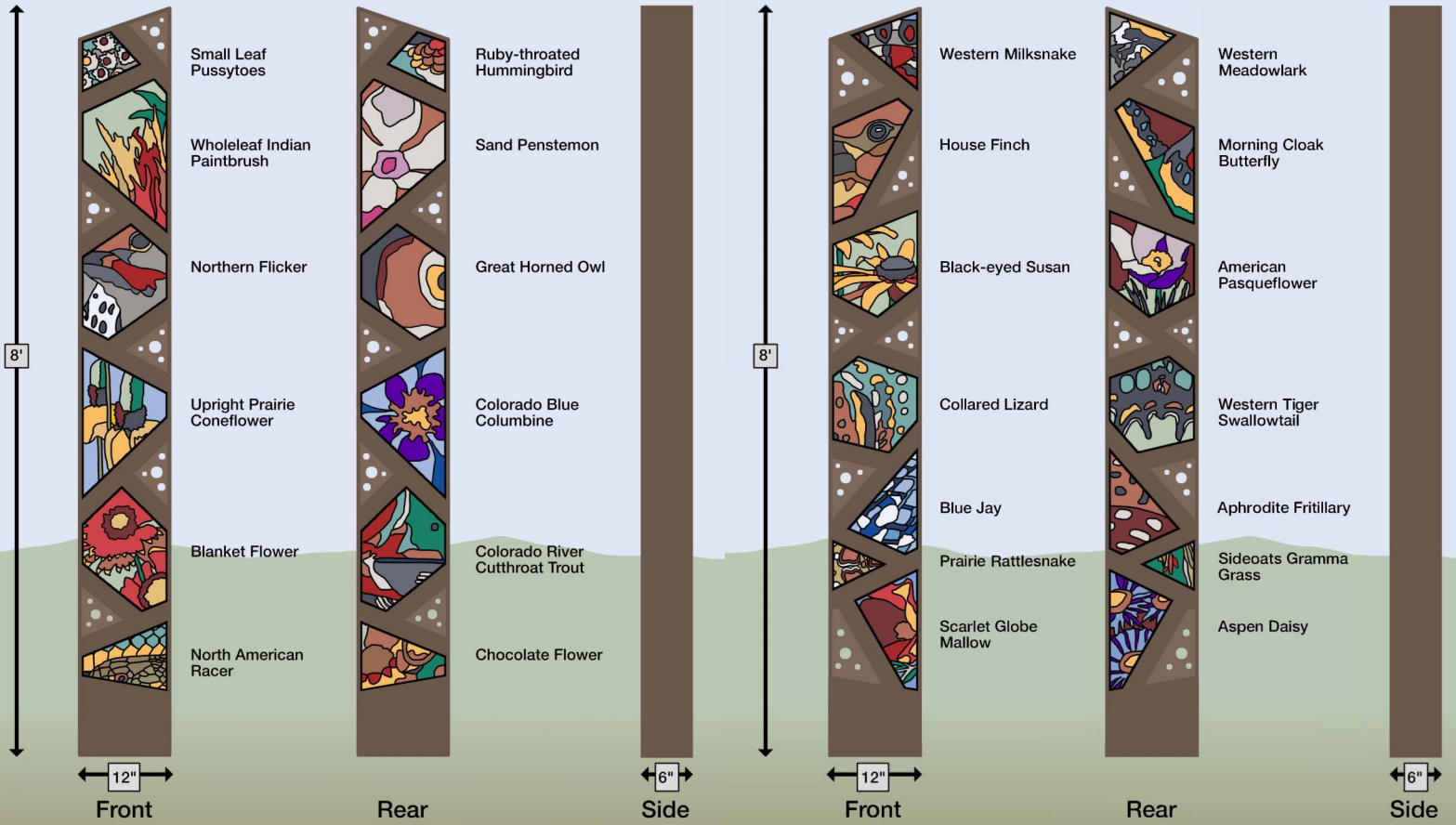
As part of the City’s Schoolside Park Project, Art in Public Places worked with the Project Team and Lafayette, CO, artist Gregory Fields to design art for the site. He is proposing two 8-foot-tall sculptures, located at prominent entry points to the park, and three 4-foot-tall pieces, to be distributed at various places along the park trails. All the pieces are made of weathering steel and glazed ceramic.

The two tallest sculptures feature ceramic panels that at first glance appear to be abstract designs but are inspired by closeup views of flowers, bird feather patterns, butterfly wings, and the skin of lizards, fish, and snakes. Adding dimensionality to the sculpture surface are small recessed steel panels with plasma-cut circles cut out that let light through (see rendering at left). All the life forms represented are found in Colorado.

The smaller pollinator themed sculptures contain ceramic panels depicting creatures that are likely to be familiar to children using the park. These panels will have bright colors and surface relief that will invite exploration with hands.

8-foot Sculpture 1

8-foot Sculpture 2



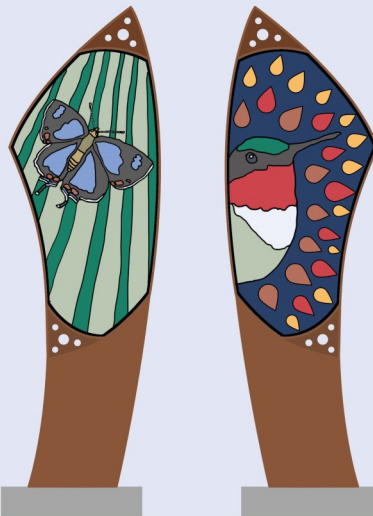
4-foot Sculptures



Pollinator Sculpture 1

(Left) White-streaked Sphinx Moth, (right) Goldenrod Soldier Beetle

Sculptures are 48" tall, 15.5" wide, and 4" deep. The concrete footing dimensions are yet to be determined, the footing could be raised 3-4" above ground level.



Pollinator Sculpture 2

(Left) Colorado Hairstreak Butterfly, (right) Ruby-throated Hummingbird



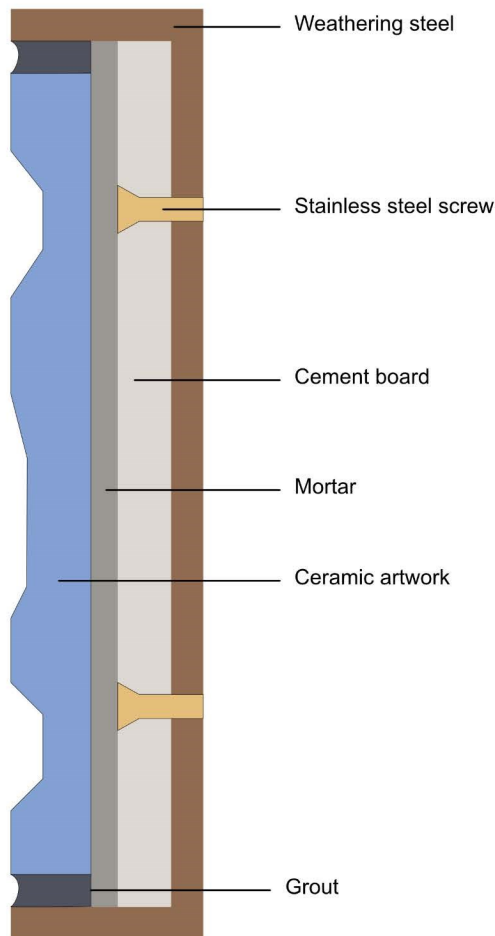
Pollinator Sculpture 3

(Left) Bumblebee, (right) Hoary Comma Butterfly

Ceramic Panel Fabrication

Each relief panel is sculpted as a whole from a rolled out slab of clay. When the sculpting is done the wet clay is cut into pieces that are the appropriate size for firing without the danger of cracking. These pieces will range in size from an inch or two up to 8 or 9 inches on the longest side depending on the design. The cuts are made in such a way as to not detract from the design. It is challenging to specify these cut lines in a design drawing as they are often determined based on the thickness of the clay and what is appropriate when working with the clay.

Once cut, the pieces are dried on racks, then bisque-fired, then glazed, then glaze-fired to maturity. The finished panel is then reassembled and mortared to the sculpture.



The ceramic art elements are mortared and grouted to 0.42" HardieBacker board which is screwed to the steel with stainless steel screws.

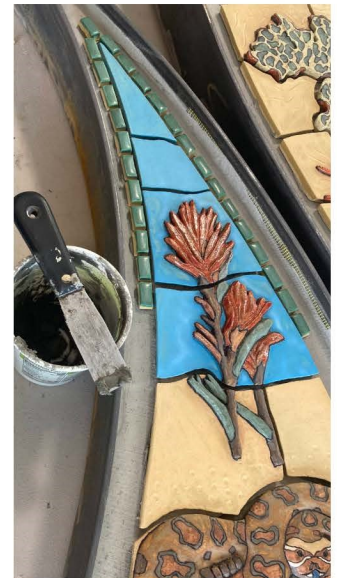
The steel supports for the cement board may take the form of steel "pockets" or be a series of 1-1/2" wide flat bars welded to the larger steel elements of the sculpture. See the photos at right.



Steel support bars welded to sculpture.



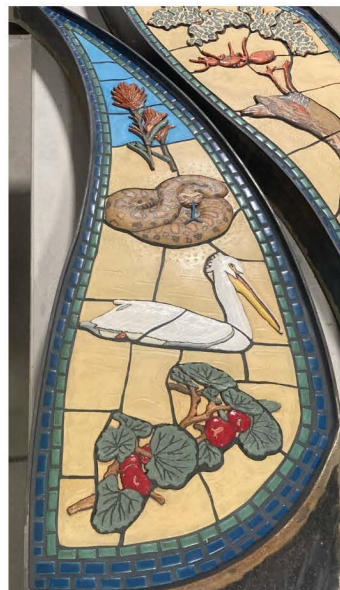
Cement board screwed to steel support bars.



Above left: Cutting the wet clay into pieces appropriate for firing.

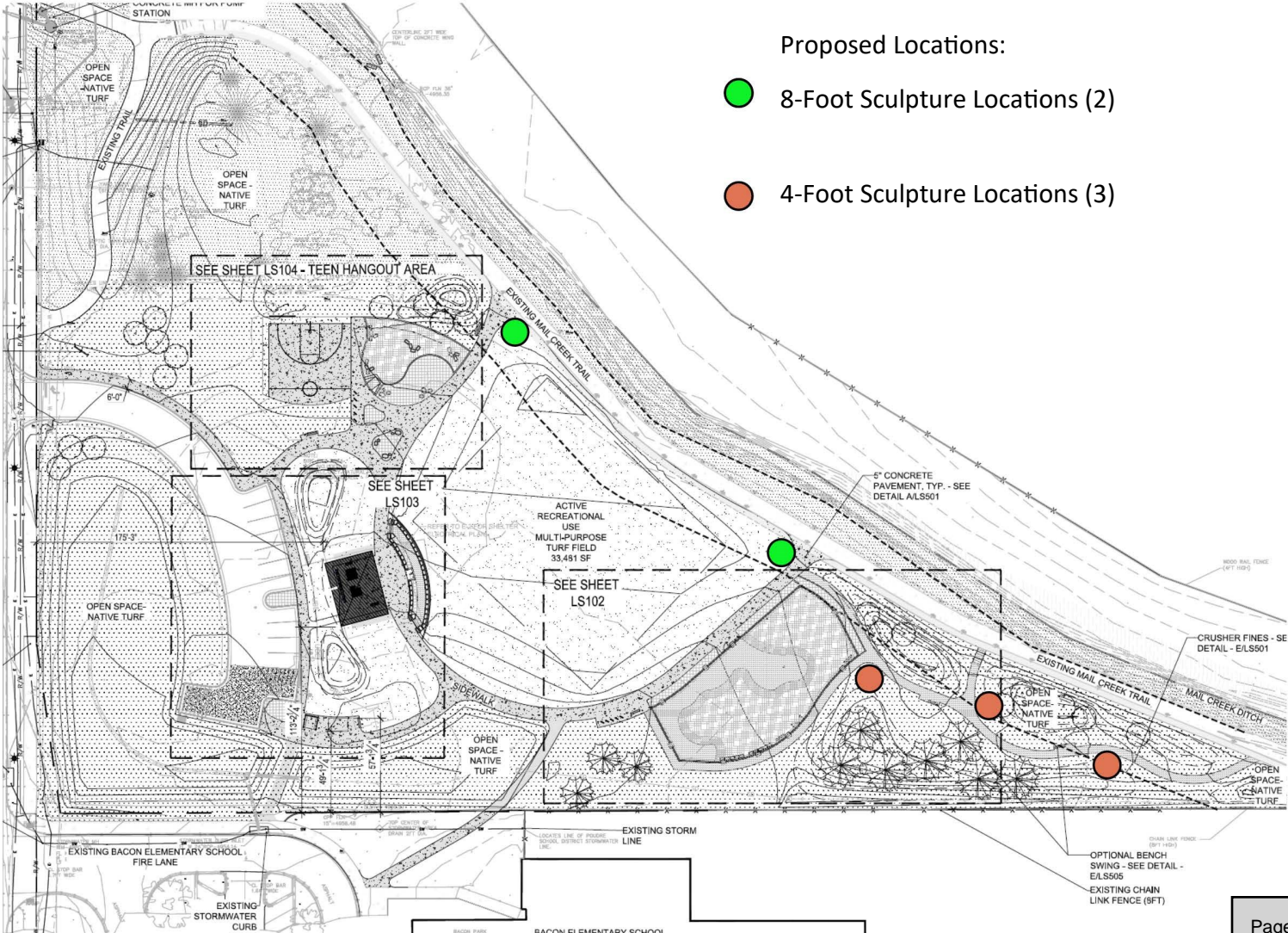
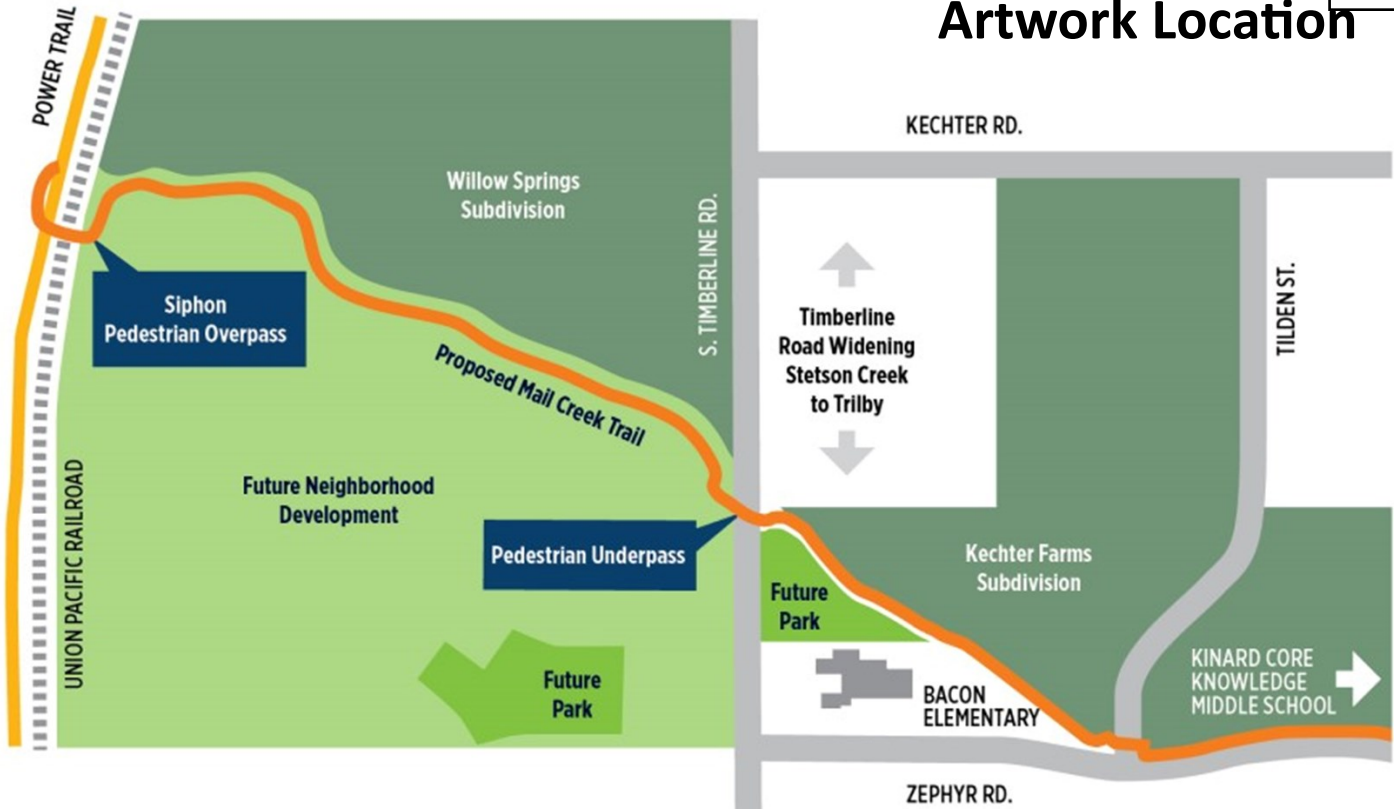
Above: Finished, glazed pieces being mortared to the cement board. The joints will be filled with grout later.

Left: The finished ceramic work mortared and grouted to the sculpture.



This artwork is part of my sculpture installation at the Denver Museum of Nature & Science's Nature Play project, September 2024.

Artwork Location



Proposed Locations:

- 8-Foot Sculpture Locations (2)
- 4-Foot Sculpture Locations (3)

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

ART IN PUBLIC PLACES RESCHEDULED MEETING

Wednesday, December 18, 2024 – 3:30 PM

The Lincoln Center, Founders Room

1. CALL TO ORDER: 3:40 PM

2. ROLL CALL

- a) Board Members Present – Natalie Barnes, Kathy Bauer, Myra Powers, Renee Sherman, Heidi Shuff, Christopher Staten, and Nancy Zola
- b) Board Members Absent –
- c) Staff Members Present – Ellen Martin, Liz Good, Libby Colbert, Amanda Castelli, Nick Combs, Kellie Gorman
- d) City Council Liaison – Councilmember Susan Gutowsky
- e) Guests – Allie Ogg, Gregory Fields

3. AGENDA REVIEW

4. PUBLIC PARTICIPATION

5. APPROVAL OF MINUTES, November 20, 2024

Ms. Powers moved to approve the minutes
Ms. Zola seconded.
Unanimously approved.

6. NEW BUSINESS

a) ARTIST IN RESIDENCE UPDATE

Ms. Martin introduced the team including Kellie Gorman and Nick Combs from Utilities Customer Connections and APP Project Manager Libby Colbert. Artist Allie Ogg was also in attendance. This was the first time the APP has had an artist in residence project. The goal was to have an artist learn about the functions of the utility to share with the community. The artist created 4 story panels showing the function of Electric, Water, Stormwater, and Wastewater Utilities in an approachable way. The Utilities plans to move forward by using the imagery for a full visual rebrand and a campaign called “Here Before You Need Us.” It will be fully launched with new web software in September but will trickle into marketing and messaging until then.

SCHOOLSIDE PARK PRESENTATION

Ms. Martin introduced the team including Amanda Castelli with Park Planning and artist Gregory Fields. The park is adjacent Bacon Elementary near Timberline and Zephyr Roads. The project collaborated with the school and the

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 22.

ART IN PUBLIC PLACES

REGULAR MEETING

planned artwork is designed to be accessible, touchable, and sensory. The proposal is for two 8-foot-tall pillar sculptures located at prominent entry points to the park and three 4-foot-tall pieces to be distributed along the trail in the pollinator meadow. All will be steel with inset ceramic. The larger will have flat ceramic panels showing abstracted detail views of local plants and animals, and the smaller will feature carved relief ceramic images of pollinators. The board discussed signage explaining the imagery on the sculptures. Gregory shared how helpful it is to have an artist integrated on the project early. He appreciated that the art wasn't treated as an afterthought by the program.

Ms. Powers moved to move forward with the Schoolside Park project.
Ms. Sherman seconded.
Unanimously approved.

b) YEAR IN REVIEW

Ms. Martin shared a slideshow of the projects completed in 2024.

c) 2024 ANNUAL REPORT DRAFT

Ms. Martin shared a draft of the Annual Report based on last year. It will be brought to the next meeting for final approval

8. OTHER BUSINESS

Ms. Bauer thanked staff for their organization and running of the program. Ms. Powers said the staff was small but mighty. There was a discussion about the Anniversary Celebration and inviting members of past board and City Council from when the Board was formed.

9. ADJOURNMENT 5:20 PM

Minutes approved by the chair and a vote of the Board/Commission on 02/19/25

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Tracy Ochsner, Director, Operations Services
 Kerri Ishmael, Senior Financial Analyst, Utilities

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

In late 2023 the City and DOT executed an IGA (Attachment 2) for the **Stage 1 SMART grid project** that serves to create a municipal fleet electrification standard framework and deploy software to manage all City-owned EV charging locations. The **Stage 1 SMART grid project** is a planning and design project. This project directly supports The City's Climate Action Plan, which aims to reduce community greenhouse gas emissions by 80% by 2030 and achieve carbon neutrality by 2050.

In late 2024, the City was awarded \$11.7 million in support of implementing the software developed under **Stage 1 SMART grid project**, along with incorporating Electric Vehicle (EV) infrastructure on City property to support City's fleet of EVs. The \$11.7 million will support the Stage 2 SMART grid project, proposed to commence fall of 2025.

To better align with commencement of implementation of the Stage 2 SMART grid project, DOT and the City have agreed to extend the IGA to September 15, 2025, which provides an additional six months. The DOT signed the amendment on March 4, 2025. Due to the approaching end date of the Agreement of

March 15, 2025, the Mayor signed the amendment to extend the Agreement on March 10, 2025. Pursuant to the Amendment (Attachment 3), the term of the IGA is twenty-four months, from September 15, 2023, to September 15, 2025.

Considering the work by the City for the **Stage 1 SMART grid project** that correlates to proposed work of the Stage 2 SMART grid project, the City recommended the Mayor sign the Amendment to the IGA, extending the term of the IGA to September 15, 2025.

CITY FINANCIAL IMPACTS

There are no financial impacts. By the Mayor signing the Amendment, this only extends the term of the IGA. The grant funds associated with the IGA, totaling \$1,059,037, were appropriated by City Council via Ordinance No. 111, 2023.

Pursuant to the IGA working on a reimbursement basis, the General Fund will be reimbursed for allowable costs incurred through September 15, 2025, in upwards of \$1,059,037.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Intergovernmental Grant Agreement for Stage 1

RESOLUTION 2025-044
OF THE COUNCIL OF THE CITY OF FORT COLLINS
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

A. In 2023, the U.S. Department of Transportation (“DOT”) awarded the City \$1,059,037 (the “Grant”) to fund a project to create a municipal fleet electrification standard framework and deploy software to manage all City-owned electric vehicle charging locations. This project (the “SMART Grid Project”) would allow the City to charge its electric vehicles during times of lower energy demand, improving energy efficiency.

B. Through Resolution 2023-077, the City Council authorized the City to enter into an agreement with the DOT to govern use of the Grant funds (the “Agreement”). The Agreement term was eighteen months, from September 15, 2023, through March 15, 2025.

C. The City has been awarded a second grant by the DOT to implement software developed under the SMART Grid Project and to build electric vehicle infrastructure on City property. To better align with commencement of implementation of the second grant, which is still under negotiation, the DOT and City have agreed to extend the Agreement to September 15, 2025, which provides an additional six months to the term. Due to the approaching end date of the Agreement, the Mayor signed the amendment to extend the Agreement on March 10, 2025.

D. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

E. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Mayor having executed an amendment to the Grant Agreement with the U.S. Department of Transportation, attached hereto as Exhibit “A” and incorporated herein by this reference.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Ted Hewitt

ASSISTANCE AGREEMENT			
1. Award No. 69A3552341051	2. Modification No. 0002	3. Effective Date 09/15/2023	4. CFDA No. 20.941
5. Awarded To CITY OF FORT COLLINS Attn: BLAINE DUNN 300 LAPORTE AVE FORT COLLINS CO 805212719		6. Sponsoring Office OFFICE OF THE SECRETARY Off of Asst Sec for Research & Tech 1200 New Jersey Avenue, East Building, 3rd Washington DC 20590	7. Period of Performance 09/15/2023 through 09/15/2025
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other	9. Authority Pub. L. 117-58, November 15, 2021 - BIL IIJA Section 25005	10. Purchase Request or Funding Document No. OS2025R1SMG036	
11. Remittance Address CITY OF FORT COLLINS Attn: CITY OF FORT COLLINS P. O. BOX 580 ATTN: BLAINE DUNN, ACCOUNTING DIRECTOR FORT COLLINS CO 805220580		12. Total Amount Govt. Share: \$1,059,037.00 Cost Share : \$0.00 Total : \$1,059,037.00	13. Funds Obligated This action: \$0.00 Total : \$1,059,037.00
14. Principal Investigator Tracy Ochsner Phone: 970-224-6061	15. Program Manager Madeline Zhu Phone: (202) 763-8928	16. Administrator OFFICE OF THE SECRETARY Off of Asst Sec for Research & Tech 1200 New Jersey Avenue, East Building, Washington DC 20590	
17. Submit Payment Requests To OST Delphi eInvoicing System https://einvoice.esc.gov	18. Paying Office OST Delphi eInvoicing System https://einvoice.esc.gov	19. Submit Reports To See Reporting Requirements Checklist	
20. Accounting and Appropriation Data See Schedule			
21. Research Title and/or Description of Project Smart Grid Electric Vehicle Charge Management Solution			
For the Recipient		For the United States of America	
22. Signature of Person Authorized to Sign DocuSigned by: <i>Jeni Arndt</i> <small>20f120e88021e30</small>		25. Signature of Grants/Agreements Officer THY HOANG NGUYEN <small>Digitally signed by THY HOANG NGUYEN Date: 2025.03.04 17:11:57 +06'00'</small>	
23. Name and Title Jeni Arndt, Mayor City of Fort Collins	24. Date Signed 3/10/2025	26. Name of Officer THY H. NGUYEN	27. Date Signed

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
69A3552341051/0002

PAGE OF
2 | 2

NAME OF OFFEROR OR CONTRACTOR
CITY OF FORT COLLINS

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00001	UEI: VEJ3BS5GK5G1 Prepay Indicate: no Add Item 00001 as follows: No Cost Extension modification to change the POP end date for award number 69A3552341051 - City of Fort Collins from 03/15/2025 to 09/15/2025. All other items remain the same. Obligated Amount: \$0.00				0.00

1. Award No.

SMARTFY22N1P1G14

2. Effective Date

See No. 17 Below

3. Assistance

Listings No.
20.941

4. Award To

City of Fort Collins
a Colorado municipal corporation

5. Sponsoring Office

U.S. Department of Transportation
Office of the Assistant Secretary for Research
and Technology
1200 New Jersey Avenue, SE
Washington, DC 20590

Unique Entity Id:

VEJ3BS5GK5G1

6. Period of Performance

09/15/23 to 03/15/25

7. Total Amount

Federal Share: \$1,059,037
Recipient Share: \$0
Other Federal Funds: \$0
Other Funds: \$0
Total: \$1,059,037

8. Type of Agreement

Grant

9. Authority

Section 25005 of the Infrastructure Investment
and Jobs Act (Pub. L. 117-58, November 15,
2021; also referred to as the “Bipartisan
Infrastructure Law” or “BIL”)

10. Procurement Request No.

69A3552341051

11. Federal Funds Obligated

\$1,059,037

12. Submit Payment Requests To

See article 19.

13. Payment Office

See article 19.

14. Accounting and Appropriations Data

15. Description of Project Smart grid EV charge mngmnt solution for the EV fleet, through a managed charging software pilot, a municipal fleet electrification standards framework, a study on value to city-owned utility ratepayers.

RECIPIENT

16. Signature of Person Authorized to Sign

DocuSigned by:
Jeni Arndt _____ 9/15/2023
20F788A88621436...
Signature Date
Name: Jeni Arndt
Title: Mayor, City of Fort Collins

**17. OFFICE OF THE ASSISTANT
SECRETARY FOR RESEARCH AND
TECHNOLOGY Signature of
Agreement Officer**

ROXANNE D
LEDESMA
Signature
Name: Roxanne Ledesma
Title: Supervisory Grant Management Specialist
(Agreement Officer)

Digitally signed by ROXANNE D
LEDESMA
Date: 2023.09.15 12:21:12 -04'00'

DocuSigned by: TO FORM:
ahmad Dabou _____
D7E943F6E3E244B... torney

U.S. DEPARTMENT OF TRANSPORTATION**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2023 STRENGTHENING MOBILITY AND REVOLUTIONIZING
TRANSPORTATION (SMART) GRANTS PROGRAM**

This agreement is between the [United States Department of Transportation (the “USDOT”)] and the City of Fort Collins (the “Recipient”).

This agreement reflects the selection of the Recipient to receive a Strengthening Mobility and Revolutionizing Transportation (SMART) Grant for the Smart Grid Electric Vehicle Charge Management Solution

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS**

- (1) In this agreement, “General Terms and Conditions” means the content of the document titled “General Terms and Conditions Under the Fiscal Year Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program,” dated June 20, 2023, which is available at <https://www.transportation.gov/grants/smart/grants-management>. Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (2) The Recipient states that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).
- (3) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, termination of the SMART Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the SMART Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**ARTICLE 2
APPLICATION, PROJECT, AND AWARD**

a. Application.

Application Title: Smart Grid Electric Vehicle Charge Management Solution

Application Date: November 18, 2022

b. Award Amount.

SMART Grant Amount: \$1,059,037

c. Award Dates.

Period of Performance End Date: 03/15/2025

d. Budget Period

Budget Period End Date: 03/15/2025

FEDERAL AWARD IDENTIFICATION NUMBER.

The Federal Award Identification Number is listed on page 1, line 1.

ARTICLE 3
SUMMARY PROJECT INFORMATION

a. Summary of Project's Statement of Work.

Smart grid EV charge mngmnt solution for the EV fleet, through a managed charging software pilot, a municipal fleet electrification standards framework, a study on value to city-owned utility ratepayers.

b. Project's Estimated Schedule.

Milestone	Schedule Date
Evaluation & Data Management Plan (NLT 3mo after start)	12/15/2023
Draft Implementation Report (NLT 1 yr after start)	09/15/2024
Final Implementation Report (by the end of the POP)	03/15/2025

Project's Estimated Costs.

(1) Eligible Project Costs

Eligible Project Costs	
SMART Grant Amount:	\$1,059,037
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$0
In-Kind Match:	\$0
Other Funds:	\$0
Total Eligible Project Cost:	\$1,059,037

(2) Supplemental Estimated Budget

Cost Element	Federal Share	Non-Federal Share	Total Budget Amount
Direct Labor	\$0	\$0	\$0
Fringe Benefits	\$0	\$0	\$0
Travel	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Supplies	\$0	\$0	\$0
Contractual/Consultant	\$1,059,037	\$0	\$1,059,037
Construction	\$0	\$0	\$0
Other	\$0	\$0	\$0
Indirect Costs	\$0	\$0	\$0

Total Budget	\$1,059,037	\$0	\$1,059,037
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(3) Cost Classification Table -Implementation Grants Only

Utilize the descriptions from the SF-424c to determine what cost goes in each row.

Cost Classification	Total Costs	Non-SMART Previously Incurred Costs	Eligible Costs
Administrative and legal expenses			
Land, structures, rights-of-way, appraisals, etc.			
Relocation expenses and payments			
Architectural and engineering fees			
Other architectural and engineering fees			
Project inspection fees			
Site work			
Demolition and removal			
Construction			
Equipment			
Miscellaneous			
Contingency			
Project Total			

**ARTICLE 4
RECIPIENT INFORMATION**

a. Recipient's Unique Entity Identifier.

VEJ3BS5GK5G1

b. Recipient Contact(s).

Tracy Ochsner
Director, Operation Services
PO Box 580,
Fort Collins, CO, 80522-0580
970-224-6061
tochsner@fcgov.com

c. Recipient Key Personnel.

Name	Title or Position
Tracy Ochsner	Director, Operation Services

d. USDOT Project Contact(s).

Roxanne Ledesma
Strengthening Mobility and Revolutionizing Transportation Grants Program Manager
U.S. Department of Transportation
Office of the Assistant Secretary for Research and Technology 1200 New Jersey Avenue,
S.E.
Washington, DC 20590
(202) 774-8003
Roxanne.Ledesma@dot.gov

ARTICLE 5 USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

- (a) USDOT Office for Subaward and Contract Authorization: Office of the Assistant Secretary for Research and Technology SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327.

- (b) Unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval of each subaward or contract is contingent upon the Recipient's submittal of a written fair and reasonable price determination, and approval by the AO for each proposed contractor/sub-recipient. Consent to enter into subawards or contracts will be issued through written notification from the AO or a formal amendment to the Agreement.
- (c) The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

(Fill in at award or by amendment)

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred in the performance of this agreement if those costs do not exceed the funds available under section 2.2 and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI eInvoicing System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF 271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.

- (c) The Recipient's supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient's share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the AO may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the Agreement Officer's Representative (the "AOR") reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) The USDOT may waive the requirement in section 19.7(a) that the Recipient use the DELPHI eInvoicing System. The Recipient may obtain waiver request forms on the DELPHI eInvoicing website (<http://www.dot.gov/cfo/delphi-einvoicing-system.html>) or by contacting the AO. A Recipient who seeks a waiver shall explain why they are unable to use or access the Internet to register and enter payment requests and send a waiver request to

Director of the Office of Financial Management
US Department of Transportation,
Office of Financial Management B-30, Room W93-431
1200 New Jersey Avenue SE
Washington DC 20590-0001

or

DOTElectronicInvoicing@dot.gov.

- (f) To seek reimbursement from DOT, the Recipient shall submit documentary evidence of all expenditures associated with the Grant Project (those to be covered by the local and/or state contribution, as well as those covered by the Federal contribution) on a monthly basis. All reimbursement requests to DOT shall include sufficient documentation to justify reimbursement of the Recipient, including invoices and proof of payment of the invoice. In seeking reimbursements, grant recipients must provide invoices or other evidence of the expenditure, details about the expenditure and how it relates to the grant project, and evidence of payment.

The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

**ARTICLE 6
SPECIAL GRANT TERMS**

- 6.1** SMART funds must be expended by the budget period end date in section 10.3 of the Terms and Conditions.
- 6.2** The Recipient should demonstrate compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act, and implementing regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. The Department's and the applicable Operating Administrations' Offices of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.
- 6.3** There are no other special grant requirements for this award.

**ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION**

Baseline Measurement Date: Due 90 days after award

Baseline Report Date: Due 90 days after award

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency
Safety and Reliability	Qualitative Project Benefits: Qualitative description of the anticipated impacts of at-scale implementation on emergency response and the safety of systems for pedestrians, bicyclists, and the broader traveling public	End of period of performance
Resiliency	Qualitative Project Benefits: Qualitative description of the anticipated impacts of at-scale implementation on the reliability and resiliency of the transportation system including cybersecurity and climate change	End of period of performance
Equity and Access	Qualitative Project Benefits: Qualitative description of the anticipated impacts of at-scale implementation on connecting or expanding access to jobs, education, and essential services for underserved or disadvantaged populations	End of period of performance
Climate	Qualitative Project Benefits: Qualitative description of the anticipated impacts of at-scale implementation on congestion, air pollution, emissions, and energy efficiency	End of period of performance
Partnerships	Qualitative Project Benefits: Qualitative description of the anticipated impacts of	End of period of performance

Measure	Category and Description	Measurement Frequency
	at-scale implementation on the economic competitiveness and private sector investments or partnerships including technical and financial commitments	
Integration	Qualitative Project Benefits: Qualitative description of the anticipated impacts of at-scale implementation on the integration of systems and the connectivity of infrastructure, connected vehicles, pedestrians, bicyclists, and the broader traveling public	End of period of performance
Costs	Project Costs: Quantification of the cost of the proof-of-concept or prototype carried out using the grant (Stage 1)	End of period of performance
Costs	Project Costs: Quantification of the anticipated cost of at-scale implementation (Stage 2)	End of period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and recommendations for future deployment strategies	End of period of performance

**ATTACHMENT B
CHANGES FROM APPLICATION**

INSTRUCTIONS FOR COMPLETING ATTACHMENT B: Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of this attachment B is to document the differences clearly and accurately in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See section 10.1.

Scope:

Schedule:

Budget:

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)	\$0	0	\$0	0
Federal Funds	\$0	0	\$0	0
Non-Federal Funds	\$0	0	\$0	0
Total Previously Incurred Costs	\$0	0	\$0	0
Future Eligible Project Costs	\$0	0	\$0	0
SMART Funds	\$1,059,037	100	\$1,059,037	100
Other Federal Funds	\$0	0	\$0	0
Non-Federal Funds	\$0	0	\$0	0
Total Future Eligible Project Costs	\$1,059,037	100	\$1,059,037	100
Total Project Costs	\$1,059,037	100	\$1,059,037	100

ATTACHMENT C
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked in the following table are accurate:

<input checked="" type="checkbox"/>	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. <i>(Identify the plan in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner used environmental justice tools, such as the EJSCREEN, to minimize adverse impacts of the Project on environmental justice communities. <i>(Identify the tool(s) in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. <i>(Describe that shift in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. <i>(Describe those strategies in the supporting narrative below.)</i>
<input checked="" type="checkbox"/>	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. <i>(Describe the incorporated infrastructure in the supporting narrative below.)</i>
<input checked="" type="checkbox"/>	The Project supports the installation of electric vehicle charging stations. <i>(Describe that support in the supporting narrative below.)</i>
<input checked="" type="checkbox"/>	The Project promotes energy efficiency. <i>(Describe how in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project serves the renewable energy supply chain. <i>(Describe how in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project improves disaster preparedness and resiliency <i>(Describe how in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. <i>(Describe how in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. <i>(Describe that infrastructure in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project supports or incorporates the construction of energy- and location-efficient buildings. <i>(Describe how in the supporting narrative below.)</i>

<input type="checkbox"/>	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. <i>(Describe the materials in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project, as described in the supporting narrative below.
<input type="checkbox"/>	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but, before beginning construction of the Project, will take relevant actions described in Attachment A. <i>(Identify the relevant actions from Attachment A in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. Supporting Narrative.

[Recipient - Insert supporting text in last page, as described in the table above.]

ATTACHMENT D
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with “X” in the following table are accurate:

<input type="checkbox"/>	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
<input type="checkbox"/>	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
<input checked="" type="checkbox"/>	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
<input type="checkbox"/>	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the project, will take relevant actions described in Attachment A. <i>(Identify the relevant actions from Attachment A in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

[Recipient- Insert supporting text in last page, as described in the table above.]

ATTACHMENT E LABOR AND WORKFORCE

1. **Efforts to Support Good-Paying Jobs and Strong Labor Standards. Successful projects will also support the creation of good-paying jobs with the free and fair choice to join a union.**

As outlined in the Notice of Funding Opportunity, applicants are evaluated and selected based on criteria including the extent to which applicants identify the necessary planning and engagement activities that, as projects are fully implemented during Stage 2, will ensure high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union, incorporating strong labor standards (e.g., wages and benefits at or above prevailing, use of project labor agreements, registered apprenticeship programs, pre-apprenticeships tied to 16 registered apprenticeships, etc.), and/or providing workforce opportunities for historically underrepresented groups (e.g., workforce development program, etc.). The table below enables The Recipient to demonstrate how this criteria is addressed.

The Recipient states that rows marked with “X” in the following table are accurate:

<input type="checkbox"/>	The Recipient demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project. <i>(Describe the relevant provisions in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. <i>(Describe the use of registered apprenticeship in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. <i>(Describe the training programs in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. <i>(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)</i>

<input type="checkbox"/>	<p>The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. <i>(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)</i></p>
<input type="checkbox"/>	<p>The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. <i>(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)</i></p>
<input type="checkbox"/>	<p>The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including:</p> <ol style="list-style-type: none"> a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor's Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements and meet the requirements as outlined in the Notice of Funding Opportunity to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. <p><i>(Describe the equal opportunity plan in the supporting narrative below.)</i></p>
<input type="checkbox"/>	<p>The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i></p>

<input checked="" type="checkbox"/>	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the project, will take relevant actions described in schedule B. <i>(Identify the relevant actions from schedule B in the supporting narrative below.)</i>
<input type="checkbox"/>	The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.

a. Supporting Narrative.

[Recipient- Insert supporting text in last page, as described in the table above.]

ATTACHMENT F
CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE

1. Efforts to strengthen the Security and Resilience of Critical Infrastructure against both Physical and Cyber Threats.

The Recipient states that rows marked with “X” in the following table are accurate:

<input type="checkbox"/>	The Recipient demonstrates, prior to the signing of this agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities.
<input type="checkbox"/>	The Recipient appropriately considered and addressed physical and cyber security and resilience in the planning, design and oversight of the project, as determined by the Department and the Department of Homeland Security.
<input checked="" type="checkbox"/>	The Recipient complies with 2 CFR 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.
<input type="checkbox"/>	For projects in floodplains: The Recipient appropriately considered whether the project was upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Solicit and Considering Stakeholder Input (80 FR 6425).

2. Supporting Narrative.

[Recipient- Insert supporting text in last page as described in the table above.]

SUPPORTING TEXT FOR CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

Phase 1 and 2 of the DOT SMART grant directly support the City of Fort Collins' Climate Action Plan, [<https://www.fcgov.com/climateaction/>] which aims to reduce community greenhouse gas emissions by 80% by 2030 and achieve carbon neutrality by 2050.

The grant will help accelerate transition away from fossil fuel vehicles to electric vehicles. By establishing a build out plan for electrification infrastructure, this will enable a unified roll out of all future EV charger installations.

The grant project focuses on planning and management of EV chargers, and smart energy management. By deploying a software to track and manage EV charging stations, that is connected to the City's Distributed Energy Resource Management System (DERMS), charging can be completed in a more energy efficiency manner.

In summary, this grant project strongly aligns with the City's climate, and energy goals. Phases 1 and 2 will help Fort Collins mitigate greenhouse gas emissions, expand access to clean transportation, and build a flexible, efficient electric system.

SUPPORTING TEXT FOR RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

The City of Fort Collins has an Equity & Inclusion Plan 2023 [<https://www.fcgov.com/equity/>] that describes recommended goals and actions to be taken by the City of Fort Collins to improve racial equity and reduce barriers to opportunity. This plan will guide actions towards creating improvement to public transportation for underserved communities. By effectively managing electric charging, this will minimize fuel costs for city run transit services which increases the City's capacity to connect and expand access and services for underserved or disadvantaged populations, improving access to jobs, education, and essential services.

SUPPORTING TEXT FOR LABOR AND WORKFORCE

While the City has not yet taken actions related to creating good paying jobs with the free and fair choice to join a union and incorporate strong labor standards the following actions, but not limited to, will be taken in compliance with the Code of Federal Regulations 2 CFR 200, which includes, but is not limited to:

Equal Employment Opportunity

Small and Minority Businesses, Women's Businesses and Labor Surplus Area Firms

Certified Payroll

Davis Bacon Wages

Brooks Act

Build America/Buy America – Domestic Preference

Anti-Lobbying

SUPPORTING TEXT FOR CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE

City of Fort Collins will conduct/comply with internal Software as a Service (SaaS) standards as well as adhere to 2 CFR 200.216.

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Grants Compliance and Policy Manager

SUBJECT

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

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On May 21, 2013, the City of Fort Collins entered into a Recipient Contract (Contract) for Community Development Block Grant (CDBG) funding with Respite Care, Inc. The Contract provided for the payment of \$72,700 in CDBG funding to rehabilitate the property located at 6203 S. Lemay, Fort Collins, Colorado 80525. The CDBG-Eligible Activity was defined as a Public Facility to be used to provide direct services to disabled children from low-and-moderate income households across the northern front range. The funding was provided as a loan that would require repayment upon sale of the building or failure to use the building as defined in the Contract.

On December 30, 2024, Respite Care submitted a letter to Council which stated they have outgrown their space and are building a larger facility on a parcel of land that was donated in Timnath. Once development of the new facility is complete, Respite Care will continue to offer direct services to disabled children from low- and moderate-income households from the northern front range region, including many Fort Collins residents. Accordingly, Respite Care's continued use of these funds will benefit some of Fort Collins' most vulnerable residents and support regional efforts to accomplish the same for residents in neighboring communities. They would like to retain the funding from the sale of the existing building and apply it towards the costs of the new facility. This would mean re-allocating the \$72,700 towards the new building purchase rather than repaying the CDBG loan to the City. These funds would still be used to operate a public facility for the population outlined in the original CDBG application and funding approval.

Originally, these funds were allocated to an eligible activity that was governed by the 2010-2014 HUD Consolidated Plan (ConPlan). That plan allowed local nonprofit applicants to submit public facility applications that would compete against housing applications for available CDBG dollars. Starting with the 2015-2019 ConPlan, CDBG funding has been prioritized to meet the goals of the Housing Strategic Plan and public facility applications are longer accepted for CDBG grant funds. This means that if Respite Care were to repay the funds, the funding would be re-allocated to housing with no way for the agency to re-apply for new public facility dollars.

Allowing Respite Care to retain the funds and apply them towards the purchase of a new building will still meet the goals of the original contract and service expectations. Funds would still be provided as a loan, and City staff would prepare a new Promissory Note and Deed of Trust encumbering the new facility with the same terms and conditions as the current building. The funds would be returned to the City if Respite Care ever sold the new building or failed to provide direct services to benefit a client population of at least 51% low-and moderate-income persons as outlined in their contract.

CITY FINANCIAL IMPACTS

This request would allow prior grant funds to be retained by the nonprofit organization to be used for the same public purpose. If the request is not supported, the funding would be returned to the City and allocated to an eligible housing project in the 2026 Competitive Process.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Human Services and Housing Funding Board voted to recommend this request at their regular Board meeting held on January 8, 2025.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration
2. Respite Care Request
3. CDBG Recipient Contract
4. Human Services and Housing Funding Board Minutes

RESOLUTION 2025-045
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING RESPITE CARE INC. TO RETAIN COMMUNITY
DEVELOPMENT BLOCK GRANT FUNDING TO APPLY
TOWARDS A NEW PUBLIC FACILITY

A. Through Resolution 2012-105, the City Council allocated \$72,700 from Community Development Block Grant funding to help Respite Care Inc. ("Respite Care") develop the property located at 6203 S. Lemay, Fort Collins, CO 80525 (the "Lemay Property"). The City subsequently entered into an agreement (the "Agreement") to loan Respite Care this funding to develop the Lemay Property. The Agreement provided that the loan, \$72,700 plus five percent simple interest, would be due to the City upon Respite Care's sale of the Lemay Property.

B. Since 2013, Respite Care has used the Lemay Property to provide direct services to disabled children from low- and moderate-income households from the northern front range region. In December of last year, Respite Care informed the City that it would like to sell the Lemay Property and develop a larger facility in Timnath, on land donated to Respite Care. Respite Care is requesting that the City reallocate the \$72,700 to development of a new facility.

C. Once development of the new facility is complete, Respite Care will continue to offer direct services to children with disabilities from low- and moderate-income households from the northern front range region, including to many Fort Collins residents. Accordingly, Respite Care's continued use of these funds will benefit some of Fort Collins' most vulnerable residents and support regional efforts to accomplish the same for residents in neighboring communities.

D. City Council, through this Resolution, authorizes Respite Care to retain the \$72,700 in Community Development Block Grant funding to apply to the development of a new facility. Otherwise, Respite Care would return the \$72,700 plus \$3,635 in interest to the City upon the sale of the Lemay Property and the funds would be used for current priorities for Community Development Block Grant funding.

E. Respite Care will be allowed to retain as a new loan the \$72,700 in Community Development Block Grant funding to apply to a new facility. For the new loan, City staff will amend the Agreement and prepare a new Promissory Note and Deed of Trust encumbering the new facility with the same terms and conditions as the Lemay Property.

F. The City Council determines this authorization and the proposed new Respite Care facility will be for the benefit of the residents of Fort Collins and will advance the City's policies and strategic objectives and purposes.

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

Section 1. The City Council hereby authorizes Respite Care to retain \$72,700 in Community Development Block Grant funding to apply to a new facility that will serve disabled children from low- and moderate-income households, subject to completion of new loan documentation as described in this Resolution.

Section 2. The City Manager is hereby authorized to enter into amendments to the City's Agreement with Respite Care and other documents necessary and appropriate to effectuate the purposes of this Resolution and protect the interests of the City.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Ted Hewitt



Fort Collins City Council Members:

This request is on behalf of Respite Care Inc., a nonprofit agency located in Fort Collins. We have been serving children with disabilities and their families for 43 years in Larimer county and for 2 years in Weld county by providing respite care to the families and a safe nurturing environment for kids with disabilities and medical needs.

In the fall of 2012 we received a \$76,335 loan/grant from the City of Fort Collins to install a basement lift system to allow our children/staff to access the garden level basement since we outgrew the main level of our facility.

We have now outgrown our current facility at 6203 S. Lemay Ave. in Fort Collins. Respite Care will break ground in February of 2025 with completion in February of 2026 of a 20,000 sq/ft facility in Timnath, CO with land donated by Connell Resources. With overwhelming community support we have raised \$10,100,000 towards our \$12,000,000 goal. Our current facility is under contract for a closing date of August of 2025 and a lease back option through March of 2026. For your records I would like to disclose that when Land Title pulled the Deed of our current property, the lien of \$76,335 was not filed. However, I do have the promissory note that is attached.

Respite Care Inc. is asking the Council to allow us to sell our Lemay property and pay that sum of money on our new site rather than paying the City back the \$76,335. We served over 200 families in the Northern Colorado area last year with 58% of the hours provided to Fort Collins children and families. These numbers will grow as we will have the space to serve triple the amount of kids on any one given day in the new facility.

Thank you for considering our request and the consistent support Fort Collins has provided us the past 43 years.

Sincerely,

Kristi Briles, Executive Director

**RECIPIENT CONTRACT FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
PUBLIC FACILITY**

THIS RECIPIENT CONTRACT ("Contract") is entered into by and between THE CITY OF FORT COLLINS, COLORADO, a municipal corporation, hereinafter referred to as the "City" and RESPITE CARE, INC., hereinafter referred to as the "Subrecipient".

The parties hereby agree as follows:

I. Scope of Services/Administration/Performance Monitoring.

- A. The City has applied for and received funds from the United States Government under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, and is engaging the Subrecipient to assist the City in utilizing such funds. The Scope of Services to be rendered by the Subrecipient is attached as **Exhibit A** hereto and made a part of this Contract (the "Project"). The Project involves the purchase or rehabilitation of the real property described on **Exhibit C**, attached hereto and made a part of this Contract (the "Property"). Subrecipient agrees to perform the work described in **Exhibit A**, Scope of Services, in compliance with all provisions of this Contract. Subrecipient warrants and represents that it has the requisite authority and capacity to perform all terms and conditions on Subrecipient's part to be performed hereunder. The Subrecipient shall be responsible for the administration of this contract.
- B. The City will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by the City will constitute non-compliance with this Contract. If the Subrecipient does not take action to correct such substandard performance within a reasonable period of time after being notified by the City, the City may initiate contract suspension or termination procedures will be initiated.

II. Term and Conditions of Contract.

A. Term of Contract.

Except as provided in Section VI, H. below, this Contract shall be in effect as long as the Subrecipient retains control over Community Development Block Grant ("CDBG") funds, including income generated from the funds. If Subrecipient retains control over the Property purchased or rehabilitated in whole or in part with CDBG funds, any income generated from the Property, including, but not limited to, rental income or income derived from the sale of the Property, shall be deemed program income until the performance of the Scope of Services is completed. The City's obligation to provide

funding under this Contract shall be from May 1, 2013 to April 30, 2014, and shall be contingent upon full compliance by Subrecipient with all terms and conditions set forth herein.

B. Requirements for Release of Contract Funds.

The City will not release awarded funds to the Subrecipient until the following conditions have been met:

1. Appraisal. The Subrecipient shall provide the City with an appraisal of the Property completed by a certified appraiser.

2. Proof of Other Funding Sources. The Subrecipient shall provide the City with written loan agreements and/or grant award letters from all sources for the purchase of the Property. These documents must substantiate the entire cost of the Property purchase.

3. Environmental Review. The Subrecipient shall complete and submit to the City a satisfactory Environmental Review for the Property, which is subject to the City's review and concurrence in the City's discretion. The cost of that review is considered a project cost and may be subtracted from the overall award amount.

4. Voluntary Sale. If the project involves the purchase of property, the Subrecipient shall provide the City with a copy of the Voluntary Sale consent letter from the Property owner prior to closing.

5. Property Purchase Contract. If the project involves the purchase of property, the Subrecipient shall submit to the City a copy of a written contract between the Property seller and the Subrecipient, reflecting the purchase price submitted in the Subrecipient's Competitive Process Application.

C. Time of Performance.

The Project shall commence upon the full and proper execution of this Contract and shall be completed on or before April 30, 2014. However, the Project Time of Performance may be extended by letter, subject to mutual agreement of the City and the Subrecipient. To initiate this process, a written request shall be submitted to the City by the Subrecipient at least (60) days prior to April 30, 2014, and shall include a full justification for the extension request.

D. Due on Sale Loan.

The funds awarded to the Subrecipient through this contract are provided as a "due-on-sale" loan at zero percent interest unless otherwise specified in the Scope of Services.

This loan also requires payment of five percent simple interest on the loan principal, which payment shall be made to the City at the payoff of the loan. The loan is due in full, at once, in the event of sale or transfer by the Subrecipient of any interest in the Property, in the event of a default by Subrecipient under this Contract, if the Subrecipient commits fraud, deceit or misrepresentation in obtaining funding, or ninety years from the date of the Promissory Note associated with the loan.

E. Same or Similar Use.

During the term of Subrecipient's ownership of the Property, the Subrecipient shall maintain the Property for the uses outlined in Exhibit A, or in accordance with 24 CFR 570.201(c), [CDBG] **Basic Eligible Activities**, *Public facilities and improvements*, and must continue to demonstrate a public service to low and/or moderate income populations. If the Subrecipient is not in compliance with the use restrictions set forth herein, the Subrecipient shall immediately and fully reimburse the City for all CDBG monies loaned by the City under this Contract.

F. Due Diligence.

The City may require additional due diligence items (e.g., appraisals, property inspections, special reports or studies) for successful Project completion and regulatory compliance. The City may require the Subrecipient to bear the cost for such items. The City is not obligated to release funds without satisfactory due diligence.

III. Payment.

If the Subrecipient is not in default hereunder, and subject to the City's receipt of the Department of Housing and Urban Development CDBG funds, and provided that the Contract and Scope of Services are eligible expenditures of CDBG funds, the City agrees to pay the Subrecipient **SEVENTY TWO THOUSAND SEVEN HUNDRED DOLLARS (\$72,700)**. Payment shall be made upon presentation of invoices which Subrecipient certified are true and correct copies of payments due on behalf of the Subrecipient, for an activity covered by this Contract and made in accordance and compliance with the Scope of Services. In no event shall the City's obligation to make payment to the Subrecipient hereunder exceed **SEVENTY TWO THOUSAND SEVEN HUNDRED DOLLARS (\$72,700)**. Payments may be made once a month in cases covering reimbursement for operation costs, otherwise upon presentation of vouchers. Payment may be suspended by the City in the event of a default by Subrecipient. Payments may also be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in Title 24, CFR, Part 85.

IV. Notices.

Notices required to be given under this Contract shall be hand delivered or sent by U.S. Mail or overnight commercial courier and directed to the following Contract representatives:

City

CDBG Program
 Social Sustainability Department
 City of Fort Collins
 P.O. Box 580
 Fort Collins, CO 80522-0580

Subrecipient

Executive Director
 Respite Care, Inc.
 6203 S. Lemay
 Fort Collins, CO 80525

V. Special Conditions.

A. Compliance with Federal Regulations. The Subrecipient agrees to comply with the requirements of Title 24 Code of Federal Regulations, Part 570, of the Housing and Urban Development regulations concerning Community Development Block Grants, Title II of the Cranston-Gonzales National Affordable Housing Act and all federal regulations and policies issued pursuant to these regulations. The Subrecipient further agrees to utilize funds available under this Contract to supplement rather than supplant funds otherwise available.

B. Compliance with Laws. The Subrecipient, in performance of this Agreement, agrees to comply with all applicable Federal, State and Local Laws and ordinances, and other policies and guidelines established for the City of Fort Collins. Subrecipient agrees to comply with all provisions of the Americans with Disabilities Act and all regulations interpreting or enforcing such act.

C. Proof of Lawful Presence

Subrecipient acknowledges that the City's Competitive Process funds are a "public benefit" within the meaning of C.R.S. § 24-76.5-102. As such, the Subrecipient shall ensure compliance with C.R.S. § 24-76.5-103 of State statute by performing the required verifications. Specifically, when required the Subrecipient shall ensure that:

a. if the public benefit provided by the funds flows directly to a natural person (*i.e.*, not a corporation, partnership, or other legally-created entity) 18 years of age or older, he/she must do the following:

i) complete the affidavit attached to this Agreement as **Exhibit D**.

(ii) attach a photocopy of the front and back of one of the following forms of identification: a valid Colorado driver's license or Colorado identification card; a United States military card or military dependent's identification card; a United States Coast Guard Merchant Mariner identification card; or a Native American tribal document.

b. If an individual applying for the benefits identified herein executes the affidavit stating that he/she is an alien lawfully present in the United States, Subrecipient shall verify his/her lawful presence through the federal systematic alien verification or entitlement

program, known as the "SAVE Program," operated by the U.S. Department of Homeland Security or a successor program designated by said department. In the event Subrecipient determines through such verification process that the individual is not an alien lawfully present in the United States, the Subrecipient shall not provide benefits to such individual with the City's Competitive Process funds.

The City acknowledges that the Scope of Services provided by Subrecipient herein may fall within several exceptions to the verification requirements of C.R.S. § 24-76.5-103 for non-profits. For example, certain programs, services, or assistance such as, but not limited to, soup kitchens, crisis counseling and intervention, short-term shelter or prenatal care are not subject to the verification requirements of C.R.S. § 24-76.5-103.

D. Prohibition Against Employing Illegal Aliens

This paragraph applies to all Subrecipients whose performance of work under this Contract does not involve the delivery of a specific end product other than reports that are merely incidental to the performance of said work. In compliance with C.R.S. § 8-17.5-101, Subrecipient represents and agrees that:

(a) As of the date of this Contract, Subrecipient does not knowingly employ or contract with an illegal alien who will perform work under this Contract; and Subrecipient will participate in the electronic employment verification program created in Public Law 104-208, as amended, and expanded in Public Law 108-156, as amended, and jointly administered by the United States Department of Homeland Security and the Social Security Administration, or its successor program (the "E-verify Program") in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Contract.

(b) Subrecipient shall not knowingly employ or contract with an illegal alien to perform work under this Contract or enter into a contract with a subcontractor that fails to certify to Subrecipient that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

(c) Subrecipient has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through either the E-verify Program or the employment verification program established by the State of Colorado, pursuant to Section 8-17.5-102(5)(c), C.R.S. (the "Department Program").

(d) Subrecipient is prohibited from using the E-verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

(e) If Subrecipient obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, Subrecipient shall:

(i) Notify such subcontractor and the City within three days that Subrecipient has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

(ii) Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this section the subcontractor does not cease employing or contracting with the illegal alien; except that Subrecipient shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

(f) Subrecipient shall comply with any reasonable request by the Colorado Department of Labor and Employment (the "Department") made in the course of an investigation that the Department undertakes or is undertaking pursuant to the authority established in Subsection 8-17.5-102 (5), C.R.S.

(g) If Subrecipient violates any provision of this Contract pertaining to the duties imposed by Subsection 8-17.5-102, C.R.S. the City may terminate this Contract. If this Contract is so terminated, Subrecipient shall be liable for actual and consequential damages to the City arising out of Contractor's violation of Subsection 8-17.5-102, C.R.S.

(h) The City will notify the Office of the Secretary of State if Subrecipient violates this provision of this Contract and the City terminates the Contract for such breach.

VI. General Conditions.

A. General Compliance.

The Subrecipient agrees to comply with all applicable federal, state and local laws and regulations governing the funds provided under this Contract.

B. Independent Contractor.

Nothing contained in this Contract is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an independent contractor with respect to the services to be performed under this Contract. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation insurance as the Subrecipient is an independent Subrecipient.

C. Liability.

As to the City, Subrecipient agrees to assume the risk of all personal injuries, including death resulting therefrom, to persons, and damage to and destruction of property, including loss of use therefrom, caused by or sustained, in whole or in part, in connection with or arising out of the performance or nonperformance of this Contract by Subrecipient or by the conditions created thereby. Subrecipient further agrees to indemnify and save harmless the City, its officers, agents and employees, from and against any and all claims, liabilities, costs, expenses, penalties and attorney fees arising from such injuries to persons or damages to property or based upon or arising out of the performance or nonperformance of this Contract or out of any violation by Subrecipient of any statute, ordinance, rule or regulation.

D. Workers' Compensation.

The Subrecipient shall provide Workers' Compensation insurance coverage for all employees involved in the performance of this Contract.

E. Insurance and Bonding.

The Subrecipient shall carry sufficient insurance coverage to protect Contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum, shall purchase blanket fidelity bond covering all of Subrecipient's employees in an amount equal to cash advances from the City.

F. Grantor Recognition.

The Subrecipient shall ensure recognition of the role of the City in providing services through this Contract. All activities, facilities and items utilized pursuant to this Contract shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this Contract. Such labeling and/or reference shall include the following credit line: "This project is partially supported by Community Development Block Grant funding from the City of Fort Collins."

G. Amendments.

The City or Subrecipient may amend this Contract at any time, provided that such amendments make specific reference to this Contract and are executed in writing, signed by a duly authorized representative of both organizations. Such amendments shall not invalidate this Contract, nor relieve or release the City or Subrecipient from its obligations under this Contract, except as expressly provided therein.

The City may, in its discretion, amend this Contract to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the Scope of Services, or schedule of the activities to be undertaken as part of this Contract, such modifications will be incorporated only by written amendment signed by both the City and Subrecipient.

H. Suspension or Termination.

1. Subrecipient may terminate this Contract at any time by giving written notice to the City of such termination and specifying the effective date thereof at least thirty (30) days before the effective date of such termination. Partial terminations of the Scope of Services, may only be undertaken with the prior approval of City. If the Subrecipient terminates this Contract, all funds previously paid to Subrecipient by the City pursuant to this Contract must be repaid to the City upon such termination.
2. The City may also suspend or terminate this Contract, in whole or in part, if Subrecipient materially fails to comply with any term of this Contract, or with any of the rules, regulations or provisions referred to herein; and the City may declare the Subrecipient ineligible for any further participation in City Competitive Process contracts for funding, in addition to other remedies as provided by law. In the event there is probable cause to believe the Subrecipient is in noncompliance with any applicable laws, rules, or regulations, the City may withhold up to one hundred (100) percent of said Contract funds until such time as the Subrecipient is found to be in compliance by the City or is otherwise adjudicated to be in compliance, or may exercise the City's rights under any security interest of the City arising hereunder.
3. In the event of any termination pursuant to this section, the Subrecipient shall remit to the City all monies previously paid by the City to the Subrecipient under this Contract, and all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by Subrecipient under this Contract shall, at the option of the City, become the property of the City, provided, however, that Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.
4. Remedies: In the event of termination for cause, the City may pursue any remedies available to it at law or in equity, including, without limitation, damages, specific performance, and criminal remedies. All representations made by the Subrecipient to the City either in this Agreement or for the purpose of inducing the City to execute this Agreement are hereby sworn to the City to be true, correct, honest and forthright and are made under penalty of perjury.

5. This Contract, and the City's obligations under it, will automatically terminate in the event of suspension or non-receipt of CDBG funds by the City.

VII. Administrative Requirements.

A. Financial Management.

1. Accounting Standards.

The Subrecipient agrees to comply with 24 CFR Part 85 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls and maintain necessary source documentation for all costs incurred.

2. Cost Principles.

The Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations", or A-21, "Cost Principles for Educational Institutions", or A-87, "Cost Principles for State, Local, and Indian Tribal Governments", as applicable; for all costs incurred whether charged on a direct or indirect basis.

3. Suspension and Debarment.

By executing this Contract, Subrecipient verifies and affirms that it has not been suspended or debarred from participating in or receiving federal government contracts, subcontracts, loans, grants or other assistance programs.

B. Documentation and Record-keeping.

1. Records to be Maintained.

The Subrecipient shall maintain all records required by the federal regulations specified in 24 CFR Part 570.506 and that are pertinent to the activities to be funded under this Contract. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
- c. Records required to determine the eligibility of activities;

- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
 - e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
 - f. Financial records as required by 24 CFR Part 570.502, and 24 CFR Part 85; and
 - g. Other records necessary to document compliance with Subpart K of 24 CFR 570.
2. Retention.

The Subrecipient shall retain all records pertinent to expenditures incurred under this Contract for a period of five (5) years after the termination of all activities funded under this Contract, or after the resolution of all Federal audit findings, whichever occurs later. Records for non-expendable property acquired with funds under this Contract shall be retained for five (5) years after final disposition of such property. Records for any displaced person must be kept for five (5) years after he/she has received final payment.

3. Client Data.

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to: client name, previous address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to City monitors or their designees for review upon request.

4. Property Records.

The Subrecipient shall maintain real property inventory records which clearly identify Project properties purchased, improved or sold. Properties retained shall continue to meet eligibility criteria and shall conform with the "changes in use" restrictions specified in 24 CFR Parts 570.503(b)(8).

5. National Objectives.

The Subrecipient agrees to maintain documentation that demonstrates that the activities carried out with funds provided under this Contract meet one or more of the CDBG program's national objectives: (1) benefit low/moderate income persons, (2) aid in the prevention or elimination of slums or blight, or (3) meet

community development needs having a particular urgency, as defined in 24 CFR Part 570.208.

6. Close-outs.

The Subrecipient's obligations to the City shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and receivable accounts to the City), and determining the custodianship of records.

7. Audits and Inspections.

- a. All Subrecipient records with respect to any matters covered by this Contract shall be made available to the Subrecipient, the City, their designee or the Federal Government, at any time during normal business hours, as often as the Subrecipient or City deems necessary, to audit, examine and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the City within thirty (30) days after receipt by the City. Failure of the Subrecipient to comply with the above requirements will constitute a violation of this contract and may result in the withholding of future payments.
- b. Subrecipient acknowledges that the federal funds subgranted to it are subject to the Single Audit of the City. The City, the U.S. Department of Housing and Urban Development, the Comptroller General of the U.S. or any of their duly authorized representatives or auditors, shall have access to any books, documents, papers and records of the Subrecipient or its auditors which are directly pertinent to the Contract for the purpose of the City's Single Audit. All financial records pertaining to this Contract upon completion shall remain the property of the City.
- c. If Subrecipient expends \$500,000 or more of federal awards (including, but not limited to funds received from the City pursuant to this Agreement), within any of its fiscal years during which this Agreement is in force, Subrecipient agrees to have a Single Audit performed, at no cost to the City, in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133. In the event that the expenditures of \$500,000 or more indicated above are all pursuant to this Agreement, Subrecipient may elect to have a program-specific audit conducted in accordance with said Act and Circular. Said audit shall be submitted to the City's

Accounting and Finance Reporting Manager within nine (9) months after the end of Subrecipient's fiscal year for which the audit is performed.

C. Monitoring and Evaluation.

The City reserves the right to monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of this Contract are being satisfactorily met in accordance with City and other applicable monitoring and evaluating criteria and standards. Subrecipient shall cooperate with City relating to such monitoring and evaluation, and make available to the City any documents or other information requested by the City or relevant to the City's monitoring and evaluation.

D. Reporting and Payment Procedures.

1. Budgets.

The specific use of the funds provided to Subrecipient under this and other City grant programs is included in **Exhibit A**, and a detailed contract budget for the Project is attached as **Exhibit B** and incorporated herein by this reference. The City and the Subrecipient may revise the budget from time to time in accordance with existing City policies, by amendment of this Agreement.

2. Program Income.

The Subrecipient shall report to the City yearly all program income, as defined at 24 CFR 570.500(a) generated by activities carried out with CDBG funds made available under this Contract, including, but not limited to, any rental income or income derived from the sale of the property. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the Contract period for activities described in the attached Scope of Services and shall report any such income received and allocated to the Work to the City and reduce requests for additional funds by the amount of any such program income balances on hand. All program income not used in accordance with this Section shall be returned to the City at the end of the Contract period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the City.

3. Indirect Costs.

If indirect costs are charged, the Subrecipient will develop an indirect cost allocation plan for determining the appropriate City share of administrative costs and shall submit such plan to the City for approval prior to submission of requests for any payments for the same.

4. Payment Procedures.

The City will pay to the Subrecipient funds available under this Contract based upon information submitted by the Subrecipient and consistent with any approved budget and City policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the City in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the City reserves the right to liquidate funds available under this Contract for costs incurred by the City on behalf of the Subrecipient.

5. Progress Reports.

The Subrecipient shall submit regular Progress Reports to the City in the form, content and frequency as required by the City.

E. Procurement.

1. Compliance.

The Subrecipient shall comply with current City policy concerning the purchase of equipment and shall maintain an inventory record of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this Contract, except as otherwise specifically provided.

2. Applicable Standards.

The Subrecipient shall procure materials in accordance with the requirements of 24 CFR Part 85.36, covering procurement, and shall subsequently follow 24 CFR Parts 85.31 and 85.32, covering utilization and disposal of property.

3. Relocation, Acquisition and Displacement.

The Subrecipient agrees to comply with 24 CFR 570.606 relating to the acquisition and disposition of all real property utilizing grant funds and to the displacement of persons, businesses, non-profit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds.

4. Property Acquired With Program Funds.

Subrecipient agrees to use all personal assets and all real property, acquired or improved, in whole or in part, with CDBG funds, as set forth in Exhibits A and C, Scope of Services and Legal Description. In the event Subrecipient ceases to use a personal asset or real property acquired or improved, with CDBG funds, in accordance with **Exhibit A** and **Exhibit C**, the Subrecipient shall return the personal asset or real property to the City, or pay to the City a sum equal to its fair market value, less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the asset or property. The Subrecipient shall transfer to the City any CDBG funds on hand at the time of expiration of this Contract and any accounts receivable of CDBG funds.

5. Liens on Items or Property

At the time of obtaining title or possession of any personal or real property listed in **Exhibit C**, Subrecipient agrees to promptly provide to the City, through an appropriate lien, deed of trust, or other security instrument, evidence of such security interest in said property as the City may deem appropriate, based upon the nature of the property, the **Scope of Services (Exhibit A)**, the potential term of the security interest, and such other reasonable considerations as the City may deem appropriate in protecting its interest in the funds provided hereunder. Subrecipient further agrees that in addition to or in lieu of the above, the City may require the execution and recordation of Restrictive Covenants on real property purchased in connection herewith, in order to protect the City's interest in the funds provided hereunder.

VIII. Personnel and Participant Conditions.

A. Civil Rights.

1. Compliance.

The Subrecipient agrees to comply with Chapter 13, Article II, of the City Code and Title 24, Article 34, Parts 3 through 7, C.R.S., and with Title VI of the Civil Rights Act of 1964, as amended, Title VIII of the Civil Rights Act of 1968, as amended, Section 104(b) and Section 109 of Title 1 of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246, as amended by Executive Orders 11375, 11478 and 12086.

2. Nondiscrimination.

The Subrecipient will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital status, or status with regard to public assistance. The Subrecipient will take affirmative action to ensure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the City setting forth the provisions of this nondiscrimination clause.

3. Land Covenants.

This Contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 as amended and 24 CFR 570 Part 1. In regard to the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Subrecipient and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

4. Section 504.

The Subrecipient agrees to comply with any federal regulations issued pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any federally-assisted program. The contracting agency shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Contract.

B. Affirmative Action.**1. Approved Plan.**

The Subrecipient agrees that it shall be committed to carry out pursuant to the City's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The City shall provide Affirmative Action guidelines to the Subrecipient to assist in the formulation of such program. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. W/MBE.

The Subrecipient will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this Contract. As used in this Contract, the term "minority and female business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans and American Indians. The Subrecipient may rely on written representations by Subrecipients regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records.

The Subrecipient shall furnish and cause each of its sub-Subrecipients to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD, or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications.

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. EEO/AA Statement.

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions.

The Subrecipient will include the provisions of Paragraph VIII A, Civil Rights, and Paragraph VIII B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each sub-Subrecipient or vendor.

C. Employment Restrictions.

1. Prohibited Activity.

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for political activities; sectarian or religious activities; lobbying, political patronage and nepotism activities. In addition (1) no Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement; and (2) if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. OSHA.

Where employees are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety.

3. Right to Know.

Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices. The Subrecipient will comply with all applicable "Right to Know" Acts.

4. Labor Standards.

- a. The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276, 327-333) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Contract. The Subrecipient shall maintain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request.
- b. The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property designed for residential use for less than eight (8) households, all contractors engaged under contracts in excess of Two Thousand Dollars (\$2,000) for construction, renovation or repair of any building or work financed in whole or in part with assistance provided under this Contract, and/or with respect to the rehabilitation or construction of residential property where there are more than 12 HOME-assisted units, the Subrecipient shall comply with federal requirements adopted by the City pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 3, 1, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journeymen; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage.
- c. In order to ensure compliance for Subrecipient contracts involving Davis-Bacon wage standards, the City shall retain a ten percent (10%) minimum of contract funds. These funds will not be released in reimbursement for eligible expenses until all required labor standards paperwork has been received and reviewed.

5. "Section 3" Clause.

- a. Compliance.

Compliance with the provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this Contract, shall be a condition of the federal financial assistance provided under this Contract and binding upon the City, the Subrecipient and any subSubrecipients. Failure to fulfill these requirements shall subject the City, the Subrecipient and any subSubrecipients, their successors and assigns, to those sanctions specified by the Contract through which federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Contract:

The work to be performed under this contract is a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the areas of the project.

The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with the requirements.

b. Notifications.

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or workers' representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts.

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the Subrecipient is in violation of regulations issued by the City. The Subrecipient will not subcontract with any subSubrecipient where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the subSubrecipient has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

D. Conduct.

1. Assignability.

The Subrecipient shall not assign or transfer (a) any interest in this Contract; (b) any of its rights or obligations under this Contract; or (c) its interest in any property obtained using the funds provided under this Contract (including, but not limited to, the Property described in **Exhibit C**), without the prior written consent of the City; provided, however, that claims for money due or to become due to the Subrecipient from the City under this Contract may be assigned to a bank, trust company or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the City. For assignments and transfers requiring City consent, the Subrecipient must give the City no less than thirty (30) days advance notice of the proposed assignment or transfer.

2. Hatch Act.

The Subrecipient agrees that no funds provided, or personnel employed under this Contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V, United States Code.

3. Conflict of Interest.

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflict of interest, and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Contract. The Subrecipient further covenants that in the performance of this Contract, no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer or elected official or appointed official of the City, or of any designated public

agencies or subrecipients which are receiving funds under the CDBG Entitlement program.

4. Subcontracts.

a. Approvals.

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this Contract without the written consent of the City prior to the execution of such contract.

b. Monitoring.

The Subrecipient will monitor all subcontracted services on a regular basis to assure compliance with both this Contract and the applicable subcontract. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content.

The Subrecipient shall cause all of the provisions of this Contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Contract.

d. Selection Process.

The Subrecipient shall undertake to ensure that all subcontracts let in the performance of this Contract shall be awarded in a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the City, along with documentation concerning the selection process.

5. Copyright.

If this Contract results in any copyrightable material, the City reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work for government purposes.

6. Religious Organization.

The Subrecipient agrees that funds provided under this Contract will not be utilized for religious activities, to promote religious interests, or for the benefit

of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j). The Subrecipient cannot require a beneficiary to participate in inherently religious activities. However, a faith-based organization may retain its independence to carry out its mission, including allowing a Board of Directors to be selected based on religious practice.

IX. Environmental Conditions.

A. Air and Water.

The Subrecipient agrees to comply with the following laws and regulations, along with any other environmental or public health related laws or regulations, insofar as they apply to the performance of this Contract:

- Clear Air Act, 42 U.S.C., 1857, et seq.;
- Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq., as amended 1318 relating to inspection, monitoring, entry, reports and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR, Part 50, as amended;
- National Environmental Policy Act of 1969; and
- HUD Environmental Review Procedures (24 CFR Part 58).

B. Flood Disaster Protection.

The Subrecipient agrees to comply with the requirements of the Flood Disaster Protection Act of 1973 (P.L. 2234) in regard to the sale, lease or other transfer of land acquired, cleared or improved under the terms of this Contract, as it may apply to the provisions of this Contract.

C. Lead-based Paint.

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Contract shall be subject to HUD Lead-based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, and in particular Subpart B thereof. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning (see also Section II, E).

D. Historic Preservation.

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this Contract.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty (50) years or older or that are included on a federal, state or local historic property list.

X. Entire Agreement/Governing Law.

The provisions set forth in Items I-XI, and all attachments of this Contract the applicant's corresponding application for the City's Competitive Process, the applicant's verbal presentation before the CDBG Commission, the Promissory Note(s), the Deed(s) of Trust, the Agreement of Restrictive Covenants for Real Property and any other applicable legal documents, constitute the entire agreement between the parties hereto and no statement, promise, conditions, understanding, inducement or representation, oral or written, express or implied, which is not contained herein shall be binding or valid. This Contract shall be governed under the laws of the State of Colorado.

XI. Authority to Sign

The persons executing this Contract on behalf of the Subrecipient represent that one or both of them has the authority to execute this Contract and to bind the Subrecipient to its terms.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date of the most recent signatory.



THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation

By: [Signature]
City Manager

Date: 05/21/2013

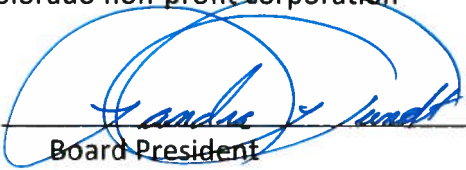
ATTEST:

Wanda Nelson
City Clerk


APPROVED AS TO FORM:

[Signature]
Sr. Assistant City Attorney

RESPITE CARE, INC.
a Colorado non-profit corporation

By:  _____
Board President

Date: 5-17-13 _____

By:  _____
Executive Director

Date: 5.17.13 _____

Fed. I.D. #: 84-0840653

EXHIBIT A

SCOPE OF SERVICES

1. **Project Description and Objectives.** Respite Care, Inc., will use Community Development Block Grant (CDBG) funds for rehabilitation of the real property described in **Exhibit C** (the "Property"), and as outlined in the Subrecipient's Fall 2012 Competitive Process application. The balance of the funds necessary to rehabilitate the Property will be raised by the Subrecipient.
2. **CDBG-Eligible Activity, Use of Building as Public Facility, and Direct Service Benefit to Low- and Moderate-Income Persons.** Respite Care, Inc. will use the Property as a CDBG-eligible Public Facility, providing direct service benefits to a client population consisting of at least 51% low- and moderate-income persons. Failure to use the Property as such or to abide by terms of the Promissory Note and securing Deed of Trust, will result in the City's Note being called due.

EXHIBIT B
PROJECT BUDGET

Item	Funding Source	Property Rehabilitation
Kitchen Area Finishes	CDBG Funds	\$ 27,300
Teen Area Finishes	CDBG Funds	\$ 45,400
Bathroom Finishes	Other	\$ 24,600
Exterior Patio, Fence and Walkway	Other	\$ 6,900
Furnishings	Other	\$ 19,000
GRAND TOTAL		\$ 123,200

EXHIBIT C

LEGAL DESCRIPTION

Real property described as:

TR A, BRITTANY KNOLLS PUD FIL 2, FTC, LESS ROW AS PER 20040025557

Address (more commonly known as):

6203 South Lemay Avenue, Fort Collins, CO 80525

Larimer County Assessor's Parcel #:

96124-16-901

EXHIBIT D

AFFIDAVIT TEMPLATE FOR PROOF OF LEGAL PRESENCE

AFFIDAVIT PURSUANT TO C.R.S.24-76.5-103

I, _____, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

_____ I am a United States citizen, or

_____ I am a Permanent Resident of the United States, or

_____ I am lawfully present in the United States pursuant to Federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

Date

INTERNAL USE ONLY: Valid Forms of Identification

- current Colorado driver's license, minor driver's license, probationary driver's license, commercial driver's license, restricted driver's license, instruction permit
- current Colorado identification card
- U.S. military card or dependent identification card
- U.S. coast guard merchant mariner card
- Native American tribal document

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



HUMAN SERVICES AND HOUSING FUNDING BOARD REGULAR MEETING

Wednesday, January 08, 2025 – 5:30 PM

Teams Meeting

1. CALL TO ORDER: 5:02 PM

2. ROLL CALL

- Board Members Present –
 - Erma Woodfin, Chair
 - Olga Duvall
 - Mike Kulisheck
 - Michaela Ruppert
 - Chris Coy
 - Christine Koepnick
- Board Members Absent –
 - Lori Kempter, Vice Chair
 - Jan Stallones
- Staff Members Present –
 - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
 - Jessi Kauffmann, Social Sustainability – City of Fort Collins
 - Beth Rosen – Social Sustainability – City of Fort Collins
- Guest(s) – Kristi Briles

3. AGENDA REVIEW – Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

4. CITIZEN PARTICIPATION

- Kristi Briles – Executive Director of Respite Care

5. APPROVAL OF MINUTES – November 13, 2024 Regular Meeting

Erma Woodfin motioned to approve the November 13, 2024 meeting minutes as presented. Chris Coy seconded. Approved 6-0.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

- **Request from Respite Care for CDBG Public Facility Funding Retention**
 - Beth Rosen presented a request from Respite care asking Council to allow them to sell the Lemay property and pay a lien owed to the City toward their new building site rather than paying back the City directly.
 - Erma Woodfin asked about student transport from Fort Collins to

Timnath, Kristi Briles answered that parents are the majority, with Thompson and Poudre School Districts also providing transportation.

- 10,000 square feet in the new building, will allow to serve 170+ clients. Groundbreaking is February 10th with a goal opening date in February of 2026.
- The existing location is under contract, closing August 2025.

Erma Woodfin motioned to support the Respite Care Request for CDBG Public Facility Funding Retention as presented. Mike Kulisheck seconded. Approved 6-0. Beth Rosen will submit the request for formal approval to City Council.

- **2024 Annual Report**
 - Adam Molzer shared the 2024 Annual Report draft.

Erma Woodfin motioned to approve the Human Services & Housing Funding Board 2024 Annual Report as presented. Chris Coy seconded. Approved 6-0.

- **Competitive Process Update and Schedule of Activities**
 - Adam Molzer announced the opening of the next grant application cycle and outlined process changes as well as the estimated timeline.
- **Human Services & Homelessness Priority Platforms**
 - Adam Molzer presented an overview of the Human Services & Homelessness Priority Platforms final version.
 - This will be a guiding document for most of the (non-housing) work in the Social Sustainability department.

8. BOARD MEMBER REPORTS – None.

9. STAFF REPORTS

- Councilmember Julie Pignataro will be joining at the beginning of the next board meeting.
- Social Sustainability hired a new Housing Manager, Vanessa Fenley.

10. OTHER BUSINESS

- Adam Molzer shared a story from Teaching Tree Early Childhood Learning Center – a family with 2 children attending was worried about losing childcare due to no longer qualifying for sliding fee from a decrease in pay - they now qualify for CCAP but there is a waiting list. Teaching Tree was able to lower the daily amount cost by adjusting their sliding scale so that CCAP families waiting could still afford childcare and avoid a break in care. This family remains on the waiting list but still has access to childcare.

11. ADJOURNMENT

- **Meeting was adjourned at 6:17 pm.**

Minutes approved by the Chair and a vote of the Board/Commission on 02/12/2025

Signature: _____

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist

SUBJECT

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

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

BACKGROUND / DISCUSSION

On August 20, 2024, Council adopted Resolution 2024-100, authorizing a second amendment to the intergovernmental agreement between the Library District, the City of Fort Collins, and Larimer County allowing the Poudre River Public Library District Board of Trustees to appoint new trustees subject to approval by Council and County Commissioners.

Rick Rivera was appointed to an unexpired seat due to a resignation in October 2024. This term will expire March 31, 2025.

The Board of Trustees would like to recommend Rick Rivera be reappointed to a four-year term beginning April 1, 2025, and expiring March 31, 2029.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

The Poudre River Public Library District Board of Trustees advertised the vacancy and received fifteen applications and conducted interviews of three candidates.

ATTACHMENTS

1. Resolution for Consideration
2. Redacted Application Letter

RESOLUTION 2025-046
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 RATIFYING THE REAPPOINTMENT OF RICK RIVERA TO THE POUDBRE
 RIVER PUBLIC LIBRARY DISTRICT BOARD OF TRUSTEES

A. On November 7, 2006, the voters approved a citizen initiative to establish and fund the Fort Collins Regional Library District, now called the Poudre River Public Library District (the "Library District"), pursuant to Colorado Revised Statutes Sections 24-90-101 to 606 (the "Library Law").

B. The Library District is governed by a board of seven trustees appointed by the City Council and Larimer County Commissioners.

C. Pursuant to the Library Law, the City Council and Larimer County Commissioners have each appointed two of their members to a committee (the "Committee") to fill open seats on the board of trustees of the Library District (the "Board").

D. Pursuant to the Bylaws of the Board, a trustee may serve no more than two consecutive four-year-terms, which are staggered so that typically one or two trustees are appointed or reappointed every year, but any appointment to fill a vacancy with a remaining unexpired term shall be considered a completed term only if the unexpired term exceeds 24 full months from the date the trustee takes their oath of office.

E. On August 20, 2024, City Council adopted Resolution 2024-100, authorizing a second amendment to the intergovernmental agreement between the Library District, the City of Fort Collins, and Larimer County allowing the Board to appoint new trustees subject to approval by the City Council and County Commissioners.

F. In September 2024, the Board met and unanimously agreed to appoint Rick Rivera to fill the remainder of the term of the seat left vacant by Randynn Heisserer-Miller beginning October 14, 2024, and ending on March 31, 2025.

G. The Board of Trustees recommends Rick Rivera be reappointed to a four-year term beginning April 1, 2025, and expiring March 31, 2029.

H. Section 24-90-108(2)(c) of the Library Law requires that the Committee's trustee appointments be ratified by a two-thirds majority vote of the legislative body of each governmental unit participating in the District.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that pursuant to the requirements of the Colorado Library Law, the City Council, by a two-thirds majority vote of its members, hereby ratifies the Committee's reappointment of Rick Rivera for a term beginning on April 1, 2025, and expiring March 31, 2025; provided, however, that such action is contingent upon the Larimer County Commissioners taking similar action.


Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Carrie Daggett

Rick Rivera


To Whom It May Concern:

My first term as a trustee on the Poudre River Library District Board ends in April and this letter is to announce my desire and excitement to serve another term.

I am proud to contribute to my community via the Library District in any way I can. I am a big believer in the District's mission to enrich the cultural, educational, and economic life of our region while providing a space that welcomes all members of our community.

Since joining the board in September of 2024 and witnessing its impact, I feel in awe of my fellow trustees and of the stewardship of Executive Director Diane LaPierre. The group's desire to give back, supported by Diane's leadership, will continue to guide the District as it's reach continues to grow.

My family and I moved back to Fort Collins last summer after being away for a few years. Upon our return, one of the first things we did was go get new library cards. Libraries always been a place of joy for me and sharing that experience with my own children is infinitely rewarding.

I am privileged to live in a community where the library is constantly evolving to meet the needs of the community while maintaining its core principles. The primary reason my family moved back to Fort Collins is because of its strong sense of community and the sense that we are at home here. The District and its stakeholders only strengthen that feeling.

I am excited for what the District has planned for the future, and would be honored to continue serving as a trustee. I am eager to continue serving my community by promoting initiatives which allow all to feel at home in our community.

Thank you

Rick Rivera

Rick Rivera

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist

SUBJECT

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

EXECUTIVE SUMMARY

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

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

This Resolution appoints one individual to fill a vacancy left by the resignation of Jeremiah Gorske. This appointment will begin and expire as noted next to the recommended name shown in the Resolution.

Air Quality Advisory Board

Appointments	Term Effective Date	Expiration of Term
Howard Gebhart (Seat C)	April 1, 2025	March 31, 2029

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Public outreach to seek applicants for boards and commissions included a spotlight and press release on the City of Fort Collins website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

ATTACHMENTS

1. Resolution for Consideration
2. Application

RESOLUTION 2025-047
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AN APPOINTMENT TO THE AIR QUALITY ADVISORY
BOARD

A. The Air Quality Advisory Board has a vacancy due to the resignation of Jeremiah Gorske.

B. Councilmembers interviewed candidates for this appointment on February 19, 2025.

C. The City Council desires to make an appointment to fill this vacancy on the Air Quality Advisory Board.

D. In 2023, the City Council adopted a Code of Conduct and updated Boards and Commissions Policy, along with other policies and procedures that apply to service on City boards and commissions. Each board and commission appointee is required to acknowledge and accept these requirements.

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

Section 1. The following named person is hereby appointed to fill the open vacancy on the Air Quality Advisory Board with a term to begin and expire as noted below next to the appointees' name:

Air Quality Advisory Board

Appointments	Term Effective Date	Expiration of Term
Howard Gebhart (Seat C)	April 1, 2025	March 31, 2029

Section 2. No person appointed in this Resolution may take office until they have completed the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Carrie Daggett

VOLUNTEER APPLICATION

Howard Gebhart

1/10/2025 10:59 AM

Application: **AQAB - Air Quality Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Air Quality Advisory Board

Job Description

I have read the job description

Questions

I acknowledge and understand it is recommended to apply for no more than (3) Board/Commission volunteer positions in any one recruitment cycle.	YES
If applying for more than (1) board/commission please list all boards in order of preference (the most important board to you should be listed first). Please enter N/A if you have not applied to more than one board/commission.	N/A
I acknowledge I am available when the Air Quality Advisory Board meets: The 3rd Monday of each month, 5:30 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	8-12
Which Council District do you live in? Please refer to the map at: https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts	GMA
Current Occupation:	Retired
Current Employer:	Retired
Prior work experience (please include dates):	1997-2004, Air Resource Specialists, Inc. Fort Collins, CO 1992-1997, Trinity Consultants, Fort Collins, CO 1982-1992, Env Research & Technology, now AECOM Environmental, Fort Collins CO 1981-1982, Utah Bureau of Air Quality, Salt Lake City, UT
Volunteer experience (please include dates):	N/A
Are you currently serving on a City board or Commission? If so, which one?	No
Have you applied for this board before? If yes, please explain.	No
Why do you want to become a member of this particular board or commission?	I am a retired air quality professional with almost 50 years of experience in

meteorology and environmental science. Now that I'm retired, I'm looking for a way to give back to my community and my technical and regulatory expertise on air quality issues should be of value to the community. As a contractor, I was the primary author of the original City of fort Collins air quality plan in the 1980s.

In your opinion, what are the biggest issues related to air quality regionally and in the City?

Ozone non-attainment, transportation emissions, air toxics exposures in the community

What do you think the City should prioritize in air quality management?

Helping to reduce/manage emissions to minimize pollutant exposures in the community

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Have you ever been the subject of a code of conduct or ethics complaint? If yes, please explain.

No

Have you ever been found in violation of the code of conduct or ethics rule? If yes, please explain.

No

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Other (please specify); Social media (facebook, Twitter)

File Attachments for Item:

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.

April 1, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Shawn McGaffin, Fire Marshal/Division Chief
Kevin Sullivan, Assistant Fire Marshal
Katie Quintana, Assistant Fire Marshal

SUBJECT

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.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading with the amendment proposed below.

SECOND READING BACKGROUND / DISCUSSION

Requested amendment to Ordinance No. 051, 2025:

1. I move that Section 3, Paragraph 5 on page 3 of Ordinance No. 051, 2025 be amended as follows:
 - a. Amend "Section 112.1 – General," by deleting everything after the first sentence, beginning with "The board of appeals shall be appointed..."; and adding:
 - ~ at the end of the first sentence, the words "to be known as the Fire Board of Appeals";
 - ~and after the first sentence, the following sentences:

The City of Fort Collins Building Review Commission, as appointed from time to time, shall constitute the Fire Board of Appeals.

The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Application for an appeal and all process and procedures for an appeal shall be as stipulated in Section 113 of the International Building Code, as amended and adopted by the City of Fort Collins.

The board shall follow the applicable policies and procedures of the City of Fort Collins in carrying out its duties consistent with the provisions of this code and applicable state law.
 - b. Amend "Section 112.2 – Limitations on authority," by adding to the end of the last sentence, the words "or interpret the administration of this."
 - c. Delete in its entirety "Section 112.3 – Qualifications."
2. Additionally, I move that Section 3, Paragraph 83 (Appendix A – Board of Appeals), appearing on pages 26 through 28 of Ordinance No. 051, 2025, be deleted in its entirety.
3. Finally, I move that Ordinance No. 051, 2025 be amended to renumber Section 4 as "Section 5," and to add a new Section 4 to read "Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety."

The attachment to this AIS shows how the affected pages of the Ordinance would read after the requested amendment.

First Reading Background/Discussion:

Poudre Fire Authority ("PFA") is responsible for the enforcement and administration of the IFC in the City of Fort Collins, Town of Timnath and unincorporated areas of Larimer and Weld Counties within the Poudre Valley Fire Protection District boundaries. Every three years, the IFC is updated by the ICC with the most recent update having been published in 2024. PFA routinely reviews new codes, proposes local amendments, and then seeks adoption of IFC changes and local amendments by Council

At the April 23, 2024, PFA Board meeting, the Board approved the recommended appointment of the Fire Code Review Committee (Committee). This volunteer committee is comprised of community and industry stakeholders who reviewed the 2024 IFC and proposed local amendments in order to make a recommendation for adoption. The Committee completed their work on Thursday, October 17, 2024, with a unanimous recommendation to adopt the 2024 IFC along with the accompanying local amendments. At the February 25, 2025 meeting, the PFA Board unanimously approved the IFC adoption and local amendments. This item was also unanimously approved by the Poudre Valley Fire Protection District Board at its February 25, 2025 meeting.

The Committee's primary goal was to limit the number of local amendments to the 2024 IFC, while still providing comprehensive life safety codes that are clear, relevant, and aligned with current practices. The Committee was able to accomplish this and focus on the amendments that were brought forward on local community needs. The local amendment for fire sprinklers has been maintained, as it has been since the 1980's, and as adopted by the local building departments. Of note, many other fire jurisdictions in Northern Colorado have, or are considering, similar amendments to specify fire suppression systems.

Several local 2021 amendments were eliminated due to the new 2024 published codes addressing the issues that had been a local amendment in the past.

There are changes to the published code that the Committee also supported. The most significant items in the 2024 IFC (as published) that have been changed from the 2021 IFC include:

- Adding provisions to address heating and cooking in temporary membrane structures, construction sites and wildfire areas.
- Adding temporary housing code (shelters).
- Adding new provisions specific to lithium-ion battery storage.
- Adding new provisions specific to Powered Micromobility Devices (E-bikes, Scooters).
- Updating provisions on Emergency Responder Communication Enhancement Systems to meet new technology.
- Recognizing a Hybrid Fire Extinguishing System as based out of National Fire Protection Agency (NFPA) 770.

Items of note for the 2024 IFC proposed local amendments include:

- Appendix A, Board of Appeals is being adopted as published with local amendments to create an appeal process over which PFA has jurisdiction. This differs from previous code adoptions, in which Appendix A had been deleted and replaced in its entirety to direct the appeals process with the Building Department having jurisdiction.
- The term "fire alarm" was defined to expand and elaborate on types and circumstances of such fire alarms.
- A provision was added to impose a fee when multiple unwanted alarms occur at the same location.
- Changes were made to the requirements for storage and use of lithium-ion batteries in factories.
- Requirements for letter sizes on signage were added.
- Valet trash service was removed from PFA's jurisdiction.

- Additional section added in Appendix D requiring schools to use a consistent numbering process on exterior doors for faster response in emergency situations.

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- The term “fire alarm” was defined to expand and elaborate on types and circumstances of such fire alarms.
- A provision was added to impose a fee when multiple unwanted alarms occur at the same location.
- Changes were made to the requirements for storage and use of lithium-ion batteries in factories.

- Requirements for letter sizes on signage were added.
- Valet trash service was removed from PFA's jurisdiction.
- Additional section added in Appendix D requiring schools to use a consistent numbering process on exterior doors for faster response in emergency situations.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Adoption of the 2024 IFC as amended was unanimously recommended by the Fire Code Review Committee. The Poudre Fire Authority Board of Directors and the Poudre Valley Fire Protection District Board of Directors reviewed these amendments at their respective February 25, 2025, meetings, and each board unanimously voted to recommend adoption of the 2024 IFC, as amended, to the City of Fort Collins.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Ordinance Excerpts showing proposed Second Reading Amendments

ORDINANCE NO. 051, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
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

A. As early as 1958, the City has reviewed, amended and adopted the latest nationally recognized fire protection standards available for the times.

B. The City previously adopted the 2021 *International Fire Code*, with local amendments, to minimize human suffering and property loss from fire.

C. The 2024 edition of the *International Fire Code* represents the most current version now available.

D. A Fire Code Review Committee (“Committee”), formed by the Poudre Fire Authority (“PFA”) in 2024 for the purpose of reviewing the 2024 *International Fire Code*, has recommended unanimously that the jurisdictions being served by PFA adopt the 2024 *International Fire Code* with certain local amendments tailored to the circumstances in Fort Collins.

E. The Fire Prevention Bureau staff of the PFA, working in conjunction with the Committee, also has reviewed the 2024 *International Fire Code* and the local amendments proposed by the Committee and has recommended that the jurisdictions being served by the PFA adopt the 2024 *International Fire Code* with the local amendments.

F. On February 25, 2025, the PFA Board of Directors unanimously voted to recommend that the 2024 *International Fire Code* with proposed local amendments be adopted by those jurisdictions being served by PFA.

G. The City Council has determined that it is in the best interests of the health, safety, and welfare of the city and its citizens that the 2024 *International Fire Code*, in substantially the form recommended by the Fire Code Review Committee and the PFA staff, be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 *International Fire Code* on February 23, 2025, and March 2, 2025.

J. Exhibit “A,” attached hereto and incorporated herein by reference is the Notice of Public Hearing dated February 23, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

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

Section 1. The City Council repeals the 2021 *International Fire Code* (“IFC”) and adopts the 2024 IFC as amended by this Ordinance.

Section 2. Section 9-1 of the Code of the City of Fort Collins is amended to read as follows:

Section 9-1. - Adoption of the International Fire Code, 2024 Edition.

Pursuant to the authority conferred by Article II, Section 7 of the Charter and by Section 31-16-201 et seq., C.R.S., there is hereby adopted by reference as the fire code of the City, for the purposes of safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, the International Fire Code, 2024 Edition, as promulgated by the International Code Council (hereafter, “this code” or “this fire code”). Except as to any portion of this fire code that is herein after added to, deleted, modified or amended in this Chapter, this fire code shall include all articles and appendices in the *International Fire Code, 2024 Edition*. Not less than three (3) copies of this fire code shall be on file in the office of the Fire Marshal and may be inspected at regular business hours and purchased from the Fire Prevention Bureau at a price not to exceed one hundred dollars (\$100.00) per copy. The provisions of this fire code shall be controlling within the limits of the City of Fort Collins.

Section 3. Section 9-2 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

Section 9-2 - Amendments and deletions to the 2024 International Fire Code.

The 2024 International Fire Code adopted in §9-1 is amended to read as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 103.1 Creation of Agency** is deleted in its entirety and replaced with the following:

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

- 3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

- 4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

- 5. **Section 112.1 General** is amended to read as follow:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A.

- 6. **Section 202 General Definitions** is amended to read as follows:

...

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

...

CASK. See “Barrel.”

...

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

...

FALSE ALARM. See *Unwanted Alarm*.

...

MALICIOUS ALARM. Any unwanted activation of an alarm initiating device caused by a person acting with malice.

...

MAZE. Temporary or permanent passageways constructed within agricultural crops such as corn, or within vegetation such as hedges, or constructed such as with hay bales, or by other means and methods, and where passageways are occupied for amusement, entertainment, and are arranged in a manner to intentionally confound or bewilder identification of the means of egress, or otherwise make the means of egress path not readily available because of the nature of the attraction or mode of conveyance through passageways.

...

NUISANCE ALARM. Any unwanted activation of a signaling system or an alarm initiating device in response to a stimulus or condition that is not the result of a potentially hazardous condition. This includes such matters as mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm for which the cause cannot be determined.

...

ROOM, SLEEPING (BEDROOM). A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage facilities shall not be considered relevant factors in determining whether or not a room is a sleeping room.

...

TOWNHOUSE. A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units*, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines, which parcel is deeded exclusively for such single-family dwelling.

...

UNWANTED ALARM. Any alarm that occurs that is not the result of a potentially hazardous condition. This includes *malicious alarms*, *nuisance alarms*, and *unintentional alarms* in accordance with National Fire Protection Association (NFPA) 72.

...

UNINTENTIONAL ALARM. An unwanted activation of an alarm initiating device caused by a person acting without malice.

...

7. **Section 304.1.1 Valet trash** is amended to read as follows:

304.1.1 Valet Trash. *Valet trash collection* shall be prohibited.

8. A new **Section 307.2.2 Time and Atmospheric Restrictions** is added to read as follows:

307.2.2 Time and Atmospheric Restrictions. *Open burning* shall be performed only when time and atmospheric conditions comply with the limits set forth in the Open Burning Permit.

9. **Section 307.4.1 Bonfires** is deleted in its entirety and replaced with the following:

307.4.1 Bonfires. Bonfires are prohibited unless specifically approved and permitted by the *fire code official*.

10. **Section 307.4.2 Recreational Fires** is deleted in its entirety and replaced with the following:

307.4.2 Recreational fires. *Recreational fires* are prohibited.

Exception: *Recreational fires* may be conducted at campgrounds, open camping areas, parks, open lands or similar areas in accordance with the rules and restrictions set forth by the authority having jurisdiction at such locations, provided that such fires do not have a fuel area that exceeds 2 feet in height and are not conducted within 25 feet of a structure or combustible material.

11. **Section 307.4.3 Portable outdoor fireplaces** is deleted in its entirety and replaced with the following:

307.4.3 Portable and Fixed Outdoor Fireplaces. Portable and fixed outdoor fireplaces, including fire tables, shall be used in accordance with the manufacturer's instructions. Outdoor fireplaces for public use must be listed for commercial use. Outdoor fireplaces shall not be placed closer to combustible materials than what is stated in the manufacturer's instructions. If the manufacturer's instructions are not available or do not establish a distance, outdoor fireplaces shall not be operated within 15 feet (4572 mm) of a combustible structure or combustible material. Outdoor fireplaces shall not be operated underneath a combustible structure of any type. Outdoor fireplaces shall be gas or liquid-fueled unless otherwise approved by the *fire code official*.

Exception: Outdoor fireplaces at one and two-family dwellings may use *approved solid* fuels.

12. **Section 308.1.7 Sky lanterns** is amended to read as follows:

308.1.7 Sky lanterns. A person shall not release or cause to be released a tethered or untethered sky lantern.

13. **Section 401.3 Emergency Responder Notification** is amended to read as follows:

401.3 Emergency Responder Notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3. 4.

...

401.3.4 Reporting Emergencies. In the event a fire occurs or upon the discovery of a fire, smoke, or unauthorized release of flammable, combustible, or hazardous materials on any property, the *owner*, the *owner's* authorized representative, or the occupant shall, without delay, report such condition to the fire department.

14. **Section 401.5 Making false report** is amended to read as follows:

401.5 Making false report. False alarms shall be subject to enforcement in accordance with Section 401.9 Unwanted alarms.

15. A new **Section 401.9 Unwanted alarms** is added to read as follows:

401.9 Unwanted alarms. All *unwanted alarms* shall be subject to enforcement as per PFA's policies and procedures and adopted fee schedule.

16. **Section 402.1 Definitions** is amended to read as follows:

402.1 Definitions. The following terms are defined in Chapter 2:

EMERGENCY EVACUATION DRILL.

LOCKDOWN.

MALICIOUS ALARAM.

NUISANCE ALARAM.

UNINTENTIONAL ALARM.

UNWANTED ALARM.

17. **Section 503.1 Where required** is amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D Fire Apparatus Access Roads.

18. **Section 503.1.1 Buildings and facilities** is amended to read as follows:

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the

exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) up to 300 feet (91440 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
 - 1.3. Group U occupancies.
 2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.
19. **Section 503.2 Specifications** is amended to read as follows:
- 503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D Fire Apparatus Access Roads.
20. **Section 503.2.1 Dimensions** is amended to read as follows:
- 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).
21. **Section 503.2.4 Turning Radius** is amended to read as follows:
- 503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be 25 feet (7.6 m) inside radius and 50 feet (15.2 m) outside radius.
22. **Section 503.2.7 Grade** is amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent in grade.

Exception: Where approved by the *fire code official*, grades steeper than 10 percent due to geographic or location conditions may be permitted.

23. **Section 503.2.8 Angles of approach and departure** is amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure when entering or exiting fire apparatus access roads shall not exceed a 10 percent angle of approach or departure.

24. **Section 503.6 Security gates** is amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the *fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation and shall comply with the requirements of Appendix D 103.5.

25. **Section 505.1 Address identification** is amended to read as follows:

Section 505.1 Address identification. New and existing buildings or facilities shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Address identification shall be maintained.

26. A new **Section 505.1.1 Address assignment and standards** is added to read as follows:

505.1.1 Address assignment and standards. Addresses shall be assigned by the governmental entity having jurisdiction (Fort Collins, Timnath, Weld County or Larimer County) and shall comply with the Larimer County Street Naming and Addressing Standards as contained in the Larimer County Urban Area Street Standards.

27. A new **Section 505.1.2 Location and size** is added to read as follows:

505.1.2 Location and size. The address numbers and letters for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. The minimum height and stroke shall be in accordance with Table 505.1.2.

A new **TABLE 505.1.2 Location and size** is added to read as follows:

TABLE 505.1.2
LOCATION AND SIZE

Distance from street curb to building	Letter/number height
1 – 100 feet	8 inches ¹
101 – 150 feet	10 inches ¹
151 – 200 feet	12 inches ¹
201 – 350 feet	14 inches ²
351 – 500 feet	16 inches ²
501 – 700 feet	20 inches ²
In excess of 700 feet	As approved by the <i>Fire Code Official</i> ³

¹ 8 in. – 12 in. numbers shall be a minimum 1 in. stroke

² 13 in.– 20 in. numbers shall be a minimum 1 ½ in. stroke

³ 21 in. and larger shall have proportional strokes to ensure visibility

28. A new **Section 505.1.3 Posting on one- and two-family dwellings** is added to read as follows:

505.1.3 Posting on one- and two-family dwellings. The address numbers and letters for one- and two-family dwellings shall be a minimum of four inches in height with a minimum ½ inch stroke and shall be posted on a contrasting background. If bronze or brass numerals are used, they shall only be posted on a black background for visibility.

29. A new **Section 505.1.4 Monument signs** is added to read as follows:

505.1.4 Monument signs. Monument signs may be used in lieu of address numbers and letters on the building as approved by the *fire code official*. The *address* numbers and letters for monument signage shall be a minimum of four (4) inches in height with a minimum ½ inch stroke unless otherwise approved by the *fire code official*. The *address* letters and numbers shall also be located at a minimum height of 22 inches above the surface or grade directly below.

30. A new **Section 505.1.5 Unit identifiers** is added to read as follows:

505.1.5 Unit identifiers. Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in sequential order.

1. Suite identifiers accessed from the exterior of the building shall be a minimum of four inches in height with a minimum ½ inch stroke.

2. Suite identifiers accessed from the interior of the building shall be a minimum of two inches in height with a minimum ¼ inch stroke.
 3. Suites, apartments, or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series. Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series. Suites, apartments or units located on the third floor shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering sequence.
31. A new **Section 505.1.6 Multiple address postings** is added to read as follows:
- 505.1.6 Multiple address postings.** Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, shall have the address numbers and street name on each side that fronts a fire lane. Buildings that are addressed on one street but are accessible from another street, shall have the address numbers and street name on each side that is adjacent to another street.
32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:
- 505.1.7 Interior wayfinding.** *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of two inches in height with a minimum ¼ inch stroke.
33. A new **Section 505.1.8 Exterior wayfinding** is added to read as follows:
- 505.1.8 Exterior wayfinding.** Multiple-building complexes must have *approved* signage as needed to direct first responders to individual buildings.
34. A new **Section 505.1.9 Campus addressing** is added to read as follows:
- 505.1.9 Campus addressing.** Multiple-building complexes that have a single street address for the entire complex shall utilize alpha or numeric characters to identify the individual buildings. Such identification shall be assigned to the buildings in a sequential order following a clockwise direction starting at the main entrance to the complex.
35. **Section 507.2 Type of water supply** is amended to read as follows:
- 507.2 Type of water supply.** A water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required sustainable fire flow.
36. **Section 507.5 Fire hydrant systems** is amended to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

37. **Section 507.5.1 Where required** is amended to read as follows:

507.5.1 Where required. Where the furthest portion of a facility or building or portion thereof hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

Exceptions:

1. For Group R-3, one- and two-family dwellings, and Group U occupancies, the distance requirement shall be 400 feet (121 m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

38. **Section 605.3 Chimneys and vents** is amended to read as follows:

605.3 Chimneys and vents. Masonry chimneys shall be constructed in accordance with the *International Building Code*. Factory-built chimneys and vent systems serving solid-fuel-fired appliances or oil-fired appliances shall be installed in accordance with the *International Mechanical Code*. Metal chimneys shall be constructed and installed in accordance with the *International Mechanical Code*. Factory-built chimneys and vent systems serving gas-fired appliances shall be installed in accordance with the *International Fuel Gas Code*. Means for arresting sparks must be in compliance with the Wildland Urban Interface (WUI) Code.

39. **Section 606.3 Operations and maintenance** is amended to read as follows:

606.3 Operations and maintenance Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections 606.3.1 through 606.3.4. As outlined in NFPA 96, cooking appliances shall not be moved, modified, or rearranged without prior re-evaluation of the fire extinguishing system by the system installer or qualified servicing agent, unless otherwise allowed by the design of the fire extinguishing system. Any

movement, modification, or rearrangement of system components shall require an approved permit from PFA prior to the work being conducted.

40. A new **Section 606.5 Solid fuel-fired cooking appliances** is added to read as follows:

606.5 Solid fuel-fired cooking appliances. Solid fuel-fired commercial cooking appliances shall comply with applicable provisions of National Fire Protection Association (NFPA) 96.

41. **Section 901.4.7.1 Access** is amended to read as follows:

901.4.7.1 Access. Automatic sprinkler system risers, fire pumps and controllers shall be provided with *ready access*. Where located in a fire pump room or *automatic sprinkler system* riser room, the door shall be permitted to be locked provided that the key is available at all times. The clear door opening shall be 32 inches wide and 80 inches high, or a size large enough to accommodate the largest piece of equipment, whichever is larger.

42. **Section 903.2.1.1 Group A-1** is amended to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a multiple-theater complex.

43. **Section 903.2.1.3 Group A-3** is amended to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.

3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

44. **Section 903.2.1.4 Group A-4** is amended to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

45. **Section 903.2.2 Group B** is amended to read as follows:

903.2.2 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the *fire area* exceeds 5,000 square feet (464.5 m²).

46. **Section 903.2.3 Group E** is amended to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 5,000 square feet (464.5 m²) in area.
2. The Group E *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area.

3. The Group E *fire area* has an *occupant load* of 300 or more.

47. **Section 903.2.4 Group F-1** is amended to read as follows:

903.2.4 Groups F-1 and F-2. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 or F-2 occupancy where one of the following conditions exists:

1. A Group F-1 or F-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group F-1 or F-2 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group F-1 or F-2 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group F-1 occupancy is used to manufacture lithium-ion or lithium metal batteries.
5. A Group F-1 occupancy is used to manufacture vehicles, energy storage systems or equipment containing lithium-ion or lithium metal batteries where the batteries are installed as part of the manufacturing process.

48. **Section 903.2.6 Group I** is amended to read as follows:

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit door* and the fire area does not exceed 5,000 square feet (464.5 m²).
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

49. **Section 903.2.7 Group M** is amended to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group M *fire area* is located more than three stories above *grade plane*.

3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

50. **Section 903.2.9 Group S-1** is amended to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 5,000 square feet (464.5 m²).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464.5 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

51. **Section 903.2.9.1 Repair garages** is amended to read as follows:

903.2.9.1 Repair garages. An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above *grade plane*, including *basements*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
2. Buildings not more than one story above *grade plane*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

903.2.10 Group S-2 parking garages. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-2 occupancy where any of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m²). Where a Group S-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m²).
4. A Group S-2 *fire area* is located more than three stories above *grade plane*.

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. In buildings containing dwelling or sleeping units where automatic fire sprinklers are required in attics, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.

3. Buildings containing only Group R-3 occupancy.

55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

903.3.1.4 Core and shell buildings. Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

903.4.3 Alarms.

...

Exception: *Automatic sprinkler systems* protecting one- and two-family *dwellings*, unless such *dwellings* are arranged so that it is unclear which *automatic sprinkler system* has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

57. **Section 906.1 Where required**, Exception 1 in paragraph 1 is deleted in its entirety and replaced to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

...

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required in approved common spaces that are readily accessible to the occupants of dwelling units. Portable fire extinguishers shall have a minimum rating of 2-A:10-B:C, with a maximum travel distance of 75 feet (22860 mm) as measured from the entry doors of dwelling units to the mounted portable fire extinguisher. Unless otherwise specified by a law or regulation, it shall be the responsibility of the property *owner* of their authorized designee to maintain portable fire extinguishers in accordance with this code and NFPA 10.

...

58. **Section 907.2.11 Single-and multiple-station smoke alarms** is amended to read as follows:

907.2.11 Single- and multiple-stations smoke alarms. *Listed* single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7, NFPA 72 and the manufacturer's instructions. Where one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein.

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

907.5.2.1.3.2 Smoke alarm signal in sleeping rooms. In sleeping rooms of Group R-1, R-2 and I-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72 or an alternative means approved by the *fire code official*.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance.

60. A new **Section 907.8.5 Excessive false alarms** is added to read as follows:

907.8.5 Excessive false alarms. An excessive number of false alarms shall be defined as two (2) alarm activations for a fire alarm system within a sixty (60) day period, provided that any such activations are not the result of a cause reasonably beyond the control of the *owner*, tenant, or operator of the building. In the event of an excessive number of false alarms, the *fire code official* may order the building *owner*, tenant, operator of the building or party responsible for the building to take reasonable actions necessary to prevent false alarms. These actions may include repair or replacement of the faulty alarm components, addition of tamper proof devices, modification of system design and repair of other building components which affect alarm system performance. The *fire code official* also may require the building *owner*, tenant, operator of the building or party responsible for the building to obtain an *approved* maintenance contract with a qualified fire alarm maintenance technician as required by NFPA 72 to provide continuous maintenance service of the system.

61. **Section 1010.1.4 Floor elevation** is amended to read as follows:

1010.1.4 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

Exceptions:

...

7. Exterior doors serving individual dwelling units, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches (30.48 cm), a maximum riser height of 7¾ inches (19.68 cm), and a minimum width equal to the door width and, provided further that the door does not swing over the step.

62. **Section 1011.11 Handrails** is amended to read as follows:

1011.11 Handrails. *Flights of stairways* of more than one riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407 of the *International Building Code*.

...

63. **Section 1015.8 Window openings** is amended to read as follows:

1015.8 Window openings. Windows in Group R-2 and R-3 buildings including *dwelling units*, where the bottom of the clear opening of an operable window is located less than 24 inches (610 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall comply with one of the following:

...

64. A new **Section 1015.9 Below grade openings** is added to read as follows:

1015.9 Below grade openings. All area wells, stair wells, window wells and light wells attached to any *building* that are located less than 36 inches from the nearest intended walking surface and deeper than 30 inches below the

surrounding ground level shall have guards or *approved* covers for fall protection.

65. **Section 1031.2 Where required** is amended only as to Exceptions 1 and 5 to read as follows:

...

Exceptions:

1. *Basements* with a ceiling height of less than 72 inches (1828.8 mm) and that do not contain habitable space, shall not be required to have *emergency escape and rescue openings*.

...

5. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 5.1. One *means of egress* and one *emergency escape and rescue opening*.
 - 5.2. Two *means of egress*.

66. **Section 1031.3 Emergency escape and rescue openings** is amended to read as follows:

1031.3 Emergency escape and rescue openings. *Emergency escape and rescue openings* shall comply with Sections 1031.3.1 through 1031.3.4.

67. A new **Section 1031.3.4 Emergency escape and rescue openings** shall be added to read as follows:

1031.3.4 Minimum height from floor. *Emergency escape and rescue window openings* that are located more than 72 inches (1829 mm) above the finished grade shall have a sill height of not less than 24 inches (609 mm) measured from the finished interior side floor.

68. **Section 1103.2 Emergency responder communications enhancement in existing buildings** is amended to read as follows:

1103.2 Emergency responder communications enhancement in existing buildings. Existing buildings other than Group R-3 that do not have *approved* in-building emergency response communications enhancement for emergency

responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not *approved* in accordance with Section 510.1, Exception 1.
2. In all buildings exceeding 10,000 sq.ft. and any Type V construction exceeding 15,000 sq.ft.

Exception: Where it is determined by the *fire code official* that the in-building emergency responder communications enhancement system is not needed.

69. **Section 1205.3 Other than Group R-3 buildings** is amended to read as follows:

1205.3 Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1205.3.1 through 1205.3.3.

Exception: Where it is determined by the *fire code official* that the roof configuration is similar to that of a Group R-3 occupancy, and the building does not exceed three stories and does not require aerial fire apparatus access in accordance with Appendix D, the residential access and ventilation requirements in Section 1205.2.1.1 through 1205.2.1.3 are a suitable alternative.

...

70. **Section 3102.1 Definitions** is amended to read as follows:

3102.1 Definitions. The following terms are defined in Chapter 2:

...

MAZE.

71. A new **Section 3105.9 Mazes** is added to read as follows:

3105.9 Mazes. Mazes, including but not limited to, outdoor corn stalk or hedge-mazes, or similar indoor or outdoor conditions, shall be in accordance with requirements established by the *fire code official* and the PFA's special event policies and procedures.

72. **Section 3307.1.2 Stairways required** is amended to read as follows:

3307.1.2 Stairways required. Where building construction exceeds 20 feet (6096 mm) or one-story in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided to all floors that have secured decking or flooring. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

73. **Section 5001.1 Scope** is amended only as to Exception 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the Distilled Spirits Council of the United States ("DISCUS") "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

74. **Section 5601.1.3 Fireworks** is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608.

75. **Section 5701.2 Nonapplicability** is amended only as to numbered item 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the DISCUS "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

76. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

- 77. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

- 78. **Section 5806.2 Limitations** is amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

- 79. **Section 6104.2 Maximum capacity within established limits** is amended to read as follows:

6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance and in accordance with the City of Fort Collins Land Use Code.

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

- 80. **Section 6109.13 Protection of containers** is amended to read as follows:

6109.13 Protection of containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

- 81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

APPENDIX	TITLE	STATUS
A	Board of Appeals	Adopted, with amendments

B	Fire-flow Requirements for Buildings	Adopted, with amendments
C	Fire Hydrant Locations and Distribution	Adopted, with amendments
D	Fire Apparatus Access Roads	Adopted, with amendments
E	Hazard Categories	Adopted as reference
F	Hazard Ranking	Adopted
G	Cryogenic Fluids—Weights and Volume Equivalents	Adopted as reference
H	Hazardous Materials Management Plan (HMMP)	Adopted as reference
I	Fire Protection Systems—Non-compliant Conditions	Not Adopted
J	Building Information Sign	Not Adopted
K	Construction Requirements for Existing Ambulatory Care Facilities	Not Adopted
L	Requirements for Fire Fighter Air Replenishment Systems	Adopted
M	High-rise Buildings—Retroactive Automatic Sprinkler Requirements	Not Adopted
N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

**CHAPTER 80
REFERENCED STANDARDS**

DISCUS

Distilled Spirits Council of the United States
1250 Eye Street, NW Suite 400
Washington, DC 20005

Standard Reference Reference	Title	Code
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4th Edition, February 2020
Protection Practices

Recommended Fire

For Distilled Spirits Beverage Facilities5001.1,

5701.2

...

LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021	Larimer County Urban Area Street Standards	
.....D105.6		

...

- 83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

APPENDIX A BOARD OF APPEALS

SECTION A101 GENERAL

A101.1 Scope. Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

A101.2 Application for appeal. Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the fire code official's decision.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

A101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

A101.3 Membership of board. The board shall consist of no less than three voting members appointed by the *fire code official*. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the *fire code official's* receipt of the appellant's application for appeal. The *fire code official* shall be an *ex officio* member of the board but shall not vote on any matter before the board.

A101.3.1 Qualifications. The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction.

A101.3.2 Chairperson. The board shall select one of its members as the chairperson of the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

A101.3.3 Secretary. The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

A101.3.4 Conflict of interest. A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

A101.3.5 Compensation of members. Compensation of members shall be determined by law.

A101.3.6 Board decision and dissolution. The board's decision shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

A101.4 Rules and procedures. The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

A101.5 Notice of meetings. The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

Section B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be 1000 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Exception: One- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses located outside of the City of Fort Collins Growth Management Area shall provide a minimum *fire-flow* of 500 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.2 being deleted in its entirety:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration

for buildings other than one- and two-family *dwelling*s, Group R-3 and R-4 buildings and *townhouses* shall be as specified in Table B105.1(2).

Exception: A reduction in required fire flow of up to 75%, as *approved*, is allowed when the building is protected with an automatic fire suppression system in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting *fire-flow* shall not be less than 1,500 gpm for the prescribed duration as specified in Table B105.1(2).

85. **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is deleted in its entirety and replaced with the following:

**APPENDIX C
FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

**SECTION C101
GENERAL**

C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided along public roads and required fire apparatus access roads in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

**SECTION C102
NUMBER OF FIRE HYDRANTS**

C102.1 Fire hydrants available. The number of fire hydrants available to a building, complex or subdivision shall be not less than that determined by spacing requirements listed in Table C102.1 when applied to fire apparatus access roads and adjacent public streets from which fire operations could be conducted.

TABLE C102.1 – REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS.^f

APPLICATION	FIRE FLOW REQUIREMENTS (gpm)	SPACING BETWEEN HYDRANTS (feet) ^{a,b,c}	MAXIMUM DISTANCE FROM FURTHEST POINT ON A BUILDING TO A HYDRANT (feet) ^e
Commercial/ Multifamily	Value as calculated in accordance with section B105.2	600	300 ^d

One- & Two-Family Dwelling - Urban	1,000	800	400
One- & Two-Family Dwelling - Rural	500	800	400

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. For buildings equipped with a standpipe, see **Section 507.5.1.1**.
- e. For the purposes of determining distance from a building to a hydrant, hydrants located across 2- and 4-lane arterial roads shall not be considered available unless the building is protected with an *approved* automatic fire suppression system. Hydrants located across 6 lane arterial roads shall not be considered available.
- f. The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

**SECTION C103
FIRE HYDRANT SPACING**

C103.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C102.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

Exception: The *fire code official* is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

**SECTION C104
CONSIDERATION OF EXISTING FIRE HYDRANTS**

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

86. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

**APPENDIX D
FIRE APPARATUS ACCESS ROADS**

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code* adopted by the City of Fort Collins, including all local amendments.

SECTION D102 REQUIRED ACCESS

D102.1 Access, construction, and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road. All access roads must be an all-weather driving surface constructed of asphalt, concrete, or compacted road base and engineered to support the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

D102.2 [Reserved].

D102.2.1 Temporary emergency access. Compacted road base or chip shall only be used for a temporary emergency access. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes shall be accessible and unobstructed at all times.

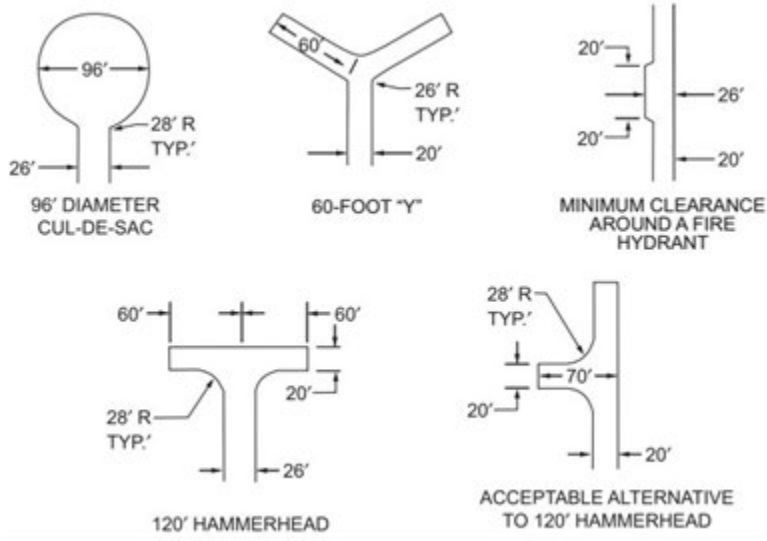
D102.2.2 Permanent emergency access. All permanent points of access shall be hard decks consisting of asphalt or concrete designed to HS 20 or to support 80,000 pounds (36,287 kg). Compacted road base or other surfaces engineered and capable of supporting the imposed loads may be *approved* by the *fire code official* for ground mounted solar installations, cell towers and similar isolated facilities and structures.

D102.2.3 Installation timing. All required access roads must be installed and serviceable before above-ground construction begins unless otherwise *approved* by the *fire code official*.

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 mm), exclusive of shoulders (see Figure 103.1).

FIGURE D103.1 – DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND



D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the *fire code official*. (See section D105.5 for aerial fire apparatus access roads.)

D103.3 Turning radius. The minimum turning radius shall be 25 feet inside radius and 50 feet outside radius and 18 inches of clearance from the curb is required.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.5.

TABLE D103.4 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-660	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1
Over 660	Special Approval Required	

D103.4.1 Additional Points of Access Required. Additional points of access shall be required where a required access roadway exceeds 660 feet (201 m) in length.

Exception: Where the access road does not exceed 1320 feet (402 m) in length and all dwelling units beyond 660 feet (201 m) are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D103.4.2 Remoteness. Where two or more points of access are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

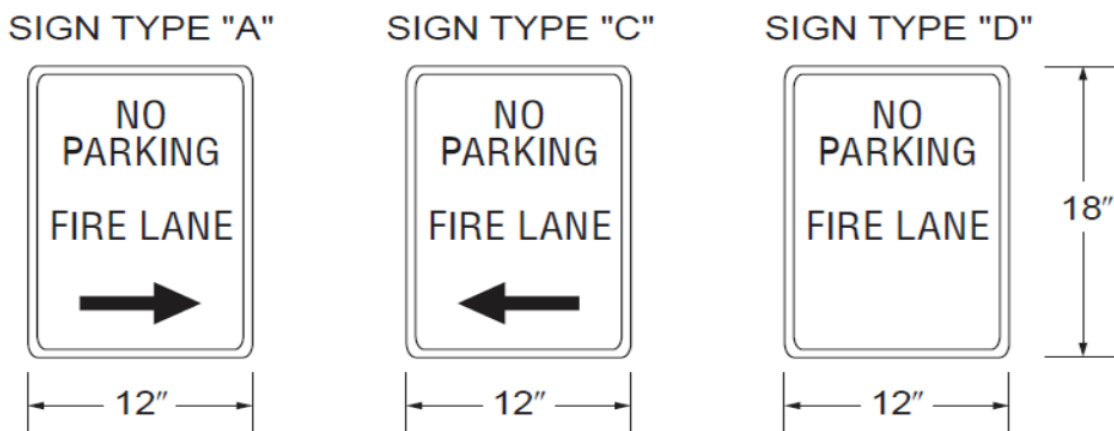
D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus access road consists of a divided roadway, the gate shall be not less than 12 feet (3,658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be *approved by the fire code official*.
6. Methods of locking the gate must be *approved by the fire code official*.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless the padlock is *approved by the fire code official* and is compatible with the *approved Key Boxes* in use by the fire department.
8. Gate design and locking device specifications shall be submitted for approval by the *fire code official* prior to installation.

- 9. Electric gate operators, where provided, shall be listed in accordance with UL325.
- 10. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

FIGURE D103.6 – FIRE LANE SIGNS



D103.7 Angle of Approach/Departure. Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road shall not exceed a 10 percent angle of approach or angle of departure.

**SECTION D103.8
FIRE LANE SIGNS**

D103.8.1 Roads 20 to 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6,096 to 7,925 mm).

D103.8.2 Roads more than 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

D103.9 Minimum Overhead Clearance. Fire access roads shall have a minimum overhead clearance for the entire width of the access road of not less than 14 feet (4,267 mm).

D103.10 Fire Apparatus Access Roads. Fire apparatus access roads shall not be located on an arterial street, as defined by the LCUASS Standards for arterial roads.

Exception: Buildings, structures, facilities and premises located on multiple arterial roads may use one arterial road defined as less than six lanes.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

Exception: Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height that have a single *approved* fire apparatus access road where the buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520m²) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a

pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the *fire code official*, building of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and having firefighter access through an enclosed stairway with Class I Standpipe from the lowest level of fire department vehicle access to all roof surfaces.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof if the fire apparatus access road is not a dead end. Dead end fire apparatus access roads for aerial apparatus access shall be a minimum of 30 feet (9144 mm) wide.

D105.3 Proximity to building. One or more of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions may be permitted to be placed only if *approved* by the *fire code official*.

D105.5 Grade. Aerial fire apparatus access roads adjacent to the building shall not exceed 5 percent in grade.

D105.6 Road type. Aerial fire apparatus access roads shall not be located on an arterial streets as defined by the LCUASS standards for arterials.

Exception: Buildings or facilities located on multiple arterial roads can use one arterial road defined as less than six (6) lanes. Or approved by the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including

nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads that comply with Section D103.5.2.

Exception: Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road not exceeding 1320 feet (402 m) in length and all dwelling units are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D107.2 Future connection. The number of *dwelling units* on a single fire apparatus access road shall not exceed 30 *dwelling units* unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

D108.1 General. See Table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification

with the effective date, standard title, and the section or sections of this appendix that reference the standard.

**TABLE D108.1
REFERENCED STANDARDS**

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F 2200—14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325—02	<i>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015</i>	D103.5

**SECTION D109
SCHOOL EMERGENCY IDENTIFICATION NUMBERS
AND EMERGENCY RESPONSE MAP**

D109.1 Scope. New and existing buildings, structures, mobile rooms, and auxiliary buildings as part of any public school, institute charter school, and junior college meeting 8 CCR 1507-30, shall be provided with approved emergency identification numbering and an approved emergency response map. Emergency identification numbers shall be placed on the exterior, top left corner of each door in an approved clockwise sequence for each building or structure. Numbers shall be Arabic and numerically displayed as opposed to spelled out. Each number shall be a minimum of 5 inches (127 mm) high with a minimum stroke of 3/4 inch (19.05 mm). Emergency identification numbers which serve doors that do not have electronic access are permitted to be of any color scheme other than the color red, provided the numbers contrast with their background and are readily distinguishable. Emergency identification numbers which serve doors that do have electronic access shall have numbers that are green in color with a white background and shall be of a reflective quality. Emergency identification numbers shall be permanent and durable. Emergency identification numbers shall be maintained.

D109.2 Emergency Response Map. An emergency response map shall be required to be provided to the PFA and any responding law enforcement agency. The map shall display an aerial view of all buildings and structures. The boundary of each building or structure shall be clearly distinguishable with the corresponding emergency identification numbers displayed.

Exceptions:

1. Where it is impractical to post emergency identification numbers on or above a door frame, such as for glass doors, posting in the top left corner of the glass or spandrel panel within the door is permissible.
2. Where more than one door is provided as part of an assembly, only one door is required to have an emergency identification number.
3. Where multiple doors or assemblies of doors are provided, they occur along the same wall, and they serve the same common area, only one door is required to have an emergency identification number.
4. Doors which serve floors above the first floor or primary access level, shall have an emergency identification number to correspond with the number of the door in closest proximity on the first floor or primary access level.
5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
Approving Attorney: Madelene Shehan

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the City Council of the City of Fort Collins, Colorado, on the 18th day of March, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 Laporte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances adopting by reference the *2024 International Fire Code*, together with local amendments, promulgated by the International Code Council.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of the International Fire Code adopted by said ordinance is to provide for protection of public health and safety and general welfare regarding fire prevention and suppression.

Individuals who wish to address Council via remote public participation can do so through Zoom at <https://zoom.us/j/98241416497>. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

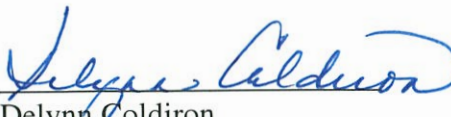
Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48-hour advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated at Fort Collins, Colorado this 23rd day of February, 2025




Delynn Coldiron
City Clerk

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Sections 112.1 General and 112.2 Limitations on authority are** is amended to read as follows, **and Section 112.3 Qualifications is deleted in its entirety:**

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals to be known as the Fire Board of Appeals. The City of Fort Collins Building Review Commission, as appointed from time to time, shall constitute the Fire Board of Appeals. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*. Application for an appeal and all process and procedures for an appeal shall be as stipulated in

Section 113 of the International Building Code, as amended and adopted by the City of Fort Collins. The board shall follow the applicable policies and procedures of the City of Fort Collins in carrying out its duties consistent with the provisions of this code and applicable state law. ~~The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A.~~

112.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

- 6. **Section 202 General Definitions** is amended to read as follows:

...

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

...

CASK. See “Barrel.”

...

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

...

FALSE ALARM. See *Unwanted Alarm*.

N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

**CHAPTER 80
REFERENCED STANDARDS**

DISCUS

Distilled Spirits Council of the United States
1250 Eye Street, NW Suite 400
Washington, DC 20005

Standard Reference Reference	Title	Code
4 th Edition, February 2020 Protection Practices 5701.2	Recommended Fire For Distilled Spirits Beverage Facilities	5001.1,

...

LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021 D105.6	Larimer County Urban Area Street Standards	

...

83. ~~**APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:~~

APPENDIX A BOARD OF APPEALS

SECTION A101 GENERAL

~~**A101.1 Scope.** Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.~~

~~**A101.2 Application for appeal.** Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.~~

~~**A101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

~~**A101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.~~

~~**A101.3 Membership of board.** The board shall consist of no less than three voting members appointed by the *fire code official*. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the *fire code official's* receipt of the appellant's application for appeal. The *fire code official* shall be an *ex officio* member of the board but shall not vote on any matter before the board.~~

- ~~**A101.3.1 Qualifications.** The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction.~~
- ~~**A101.3.2 Chairperson.** The board shall select one of its members as the chairperson of the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.~~
- ~~**A101.3.3 Secretary.** The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.~~
- ~~**A101.3.4 Conflict of interest.** A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.~~
- ~~**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.~~
- ~~**A101.3.6 Board decision and dissolution.** The board's decision shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.~~
- ~~**A101.4 Rules and procedures.** The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.~~
- ~~**A101.5 Notice of meetings.** The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.~~
84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

- 6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

~~Section 4~~ Section 5. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 11, 2025
 Approving Attorney: Madelene Shehan

File Attachments for Item:

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.

April 1, 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

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.
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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.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on 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

1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Ordinance C for Consideration
4. Ordinance D for Consideration
5. Ordinance E for Consideration
6. Ordinance F for Consideration
7. Exhibit A to Ordinance E
8. Proposed Ballot Questions, Consolidated for Reference
9. Presentation

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

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

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

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

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

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 Section 3(d) of 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 2(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 ~~shall~~ **must** act by ordinance, resolution, or motion. The ayes and nays shall ~~shall~~ **will** be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present shall ~~shall~~ **must** vote; if a member fails to vote when present, he or she shall ~~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 ~~shall~~ **must** be by ordinance, which shall ~~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 ~~shall~~ **must** be confined to one (1) subject which shall ~~shall~~ **must** be clearly expressed in the title.

(d) Introduction and passage of ordinances. All ordinances shall ~~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 ~~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 ~~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 ~~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 ~~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 ~~shall~~ require for passage the affirmative vote of at least five (5) members of the Council and shall ~~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 ~~shall~~ **may** ever be passed as an emergency ordinance.

(f) Ordinance enacting clause. The enacting clause of all ordinances passed by the Council shall ~~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.

(bc) 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~~ **discovers** 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 a 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 ~~will~~ **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 ~~will~~ **must** not exceed one hundred fifty million dollars (\$150,000,000), except that any refunding of such securities or other debt obligations shall ~~will~~ **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~~ **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 ~~will~~ **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.

ORDINANCE NO. 068, 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 SECTION 1 AND 18 OF ARTICLE II
OF THE CITY CHARTER RELATED TO VACANCIES AND
APPLICATION OF TERM LIMITS TO PARTIAL TERMS

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. 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.

F. At its December 10, 2024, and January 28, 2025, work sessions, the Council provided positive feedback to staff in support of addressing vacancies on Council.

G. In the past, questions have arisen about the process for filling a Council office vacancy and staff recommends revisions to clarify the process.

H. In the past, questions have arisen about whether a partial term of a person who is either appointed or elected to fill a vacant Council seat will be considered to have served a term in that office. Staff recommends revisions to clarify this point.

I. The proposed amendments to Section 1 of Article II clarify that any person, whether appointed or elected to fill a vacancy on the Council, is considered to have served

a term in that office for purposes of applying the term limit in Section 1 if they serve at least one-half of a term of office.

J. The proposed amendments to Section 18 update the process for filling vacancies in the office of the Mayor and district Councilmember in light of state and related local law changes to election processes and timing, and provide that:

- a. If a Council member or the Mayor's office opens, it will be publicly and promptly announced on the City's website; and
- b. If a District Councilmember office is vacant, Council then has 40 business days to choose a new member; and
 - i. if a district Councilmember's seat will be on the ballot because it is regularly scheduled to be on the ballot or if the vacancy arises when there are still at least ten days to collect nominating signatures for the next City election begins, that office will be on the ballot; and
- c. If it is too late for a vacated district Councilmember office to be added to the ballot for the next election, the Council will choose a new Councilmember for that district after the new Council begins their term; and
- d. If the office of Mayor becomes vacant, the Mayor Pro Tem will become the acting Mayor upon the date of vacancy and the Council will elect a new Mayor Pro Tem at their next meeting; and
- e. If at least 98 days remain in the term of the Councilmember serving in the office of Acting Mayor, the Council will fill the district Council seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem; and
- f. The term of the appointed replacement district Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office or the end of the original term of office; and
- g. If fewer than 98 days remain in the term of the district Councilmember whose seat is vacated, or who is serving as Acting Mayor, the Council will consist of six (6) members until the beginning of the term of the newly elected district Councilmember after the election.

K. 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.

L. The Council finds that these proposed revisions to Article II of the City Charter, regarding filling vacancies in a City Council or Mayor office and the application of a term limit to a partial term, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Article II 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 II, 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 1. Membership, Terms.

...

(e) *Application of term limit to partial term.*
Any person appointed or elected to fill a vacancy on the City Council and who serves at least one-half of a term of office shall be considered to have served that term in that office for the purposes of applying the applicable term limit.

...

Section 18. Vacancies.

(a) *Vacancy.* A vacancy exists when a Councilmember:

...

(b) If there is no qualified candidate for an elected office on a municipal election ballot, the new Council organized after such election will appoint by majority vote a qualified person to serve in the office in the manner described in the subsections below.

(c) A vacancy of either a Councilmember District office or the office of the Mayor will be promptly announced to the public on the City’s website.

(d) *Filling Councilmember district office vacancy.*

(1) The Council must fill by appointment any vacancy of a District Councilmember office within forty (40) business days of the vacancy announcement, unless either the remaining term of the vacated office is less than ninety-eight (98) days in length at the time of the announcement, or a newly constituted Council will fill the vacancy by appointment as described in Subsection (3).

(i) If fewer than ninety-eight (98) days remain in the District Councilmember term, pending the election and the commencement of the term of the newly elected District Councilmember for that District, the Council will consist of six (6) members.

~~Except for the office of Mayor, any vacancy on the Council must be filled within forty-five (45) days by appointment of the Council. The person so appointed shall~~

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

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

- (ii) To assist with the appointment process, the Council may direct the City Clerk to begin receiving applications for appointment at any time after announcement of the vacancy.
- (iii) Any person appointed to fill a Councilmember's vacated position must have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy in a District Councilmember office, any person appointed or elected to fill such vacancy must be from the same District, as such District is constituted at the time of the appointment or election.
- (iv) The person so appointed shall serve until a duly elected District Councilmember is sworn in to the office after the next regular election or as otherwise specified in this Section, ~~when the electors will select a person to fill the vacancy for the remainder of the term, if any.~~

(2) If the announcement of a vacancy occurs before the period for circulating and submitting nominating petitions for the next regular municipal election, or when at least ten (10) days remain in that the period, the vacant office will be added to the next regular election ballot.

- (i) The period for circulating nominating petitions for the vacated office will be as set forth in the Fort Collins Municipal Code, except that it must not begin earlier than the announcement of the vacancy.

(3) If the announcement of a vacancy occurs later than the time set forth in subsection (2), the vacated office will only appear on the next regular municipal election ballot if that office is scheduled to be on the ballot under the regular schedule provided in Section 1(b).

- (i) If the vacated office is not on the regular municipal election ballot, the newly constituted Council will fill the vacancy by appointment within forty (40) business days after the beginning of their term.

(e) *Filling an Office of the Mayor vacancy.* The following shall apply to filling vacancies in the office of Mayor:

- (1) ~~If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall will become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.~~ Upon the date of a vacancy in the office of the Mayor, the Mayor Pro Tem shall will become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.
- (2) The Council will elect an interim Mayor Pro Tem at the next regular or special Council meeting after the Mayor Pro Tem becomes Acting Mayor, as set forth in Subsection 4.
- (3) Except when fewer than ninety-eight (98) days remain in the District Councilmember term of the Acting Mayor, the Council will fill the District Councilmember seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem by appointment in accordance with Subsection 18(c) and (d), above.
 - (i) The term of such appointed replacement District Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office (if the term continues and someone other than the Acting Mayor has been duly elected and sworn in as Mayor) or the end of the Acting Mayor's original term of the office.
- (4) ~~If the position of Mayor becomes vacant within the forty five (45) business days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said the regular election, at which time the office of Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members.; and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.~~ If fewer than ninety-eight (98) days remain in the District Councilmember term of the Acting Mayor, pending the election and the commencement of the term of the newly elected District Councilmember for that District, the Council will consist of six (6) members.
- (35) Nothing herein shall preclude the Mayor Pro Tem or any member of Councilmember from standing for election to the office of Mayor.

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 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, by:

- Requiring the Council to appoint a replacement to fill a District Councilmember vacancy within 40 business 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
- Continuing the requirement that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor; and
- Requiring 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 seat while the Acting Mayor is Acting Mayor; and
- Establishing 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)?

_____ 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

ATTEST:

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

PROPOSED BALLOT QUESTIONS CONSOLIDATED FOR REFERENCE

Ordinance No. 63 — 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:

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?

Ordinance No. 64 — 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:

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?

Ordinance No. 65 — A PROPOSED CHARTER AMENDMENT AMENDING ARTICLES II AND IV OF THE CITY CHARTER TO MODERNIZE CERTAIN PROVISIONS:

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?

Ordinance No. 66 — A PROPOSED CHARTER AMENDMENT AMENDING ARTICLE IV OF THE CITY CHARTER RELATED TO CONFLICTS OF INTEREST:

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?

Ordinance No. 67 — 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:

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?

Ordinance No. 68 — A PROPOSED CHARTER AMENDMENT AMENDING SECTION 1 AND 18 OF ARTICLE II OF THE CITY CHARTER RELATED TO VACANCIES AND APPLICATION OF TERM LIMITS TO PARTIAL TERMS:

Shall the Charter of the City of Fort Collins be amended to 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, by:

- Requiring the Council to appoint a replacement to fill a District Councilmember vacancy within 40 business 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
- Continuing the requirement that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor; and
- Requiring 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 seat while the Acting Mayor is Acting Mayor; and
- Establishing 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 Charter Update and Modernization Project

City Attorney's Office

**Carrie Daggett & Jenny Lopez
Filkins**

Geoff Wilson

Special Legal Counsel

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

Modernize and Update the City Charter

- Modernization and updating the City Charter is necessary.
- A comprehensive review and update has not been completed in over 25 years.

- A. Summary of Amendments
- B. Universal Computation of Time Provision + Maintaining Provision in Election Related Articles **OR** One Universal Computation of Time Provision
- C. Numbering and Order of Amendments for the Ballot

Council work session feedback requested consideration of Charter amendments to:

- 1) reformat the Charter for ease of reading, replacing unclear and outdated language
- 2) update to align with state law and legal developments
- 3) correct errors
- 4) remove inconsistencies
- 5) modernize requirements
- 6) address process and timeline improvements.

Correction of Errors: corrections that reflect Council's intent and ensure uniformity throughout Charter in light of November 2024 amendments.

- Article II, Sec. 2(d) – notice to Clerk for qualifications challenge to align with revised Article VIII
- X, Sec. 2 (e)(1) Initiative – increase total from 63 days to 77 days to circulate petition
- Article IX, Sec. 2 (e)(2) Recall – corrected to % of **first choice** votes cast

Align With Law and Remove Inconsistencies:

- Art. II, Sec. 8 – about contributions to Council campaigns; continues to limit contributions while recognizing that some speech is protected by law

- Art. XIII, Sec. 8 -- adds definitions to clarify which City employees are restricted from contributing to Council elections – aligns with state law

(continued)

Align With Law and Remove Inconsistencies:

- Art. II, Sec. 11 – allows Council to hold executive sessions for list of purposes identified in state law

- Art IV, Sec. 5 – clarifies that City records are available for public inspection and disclosure consistent with state open records laws

Modernization:

- Art. IV, Sec. 7 – updates publication requirements – City website, City Hall and other locations as decided by City Council rather than the local newspaper
- Art II, Sec. 7 – addresses effect of missed or late publication of ordinance and tolls deadline to file notice of referendum protest

Modernization:

- Art. II, Sec. 6 – removes language entitling a Councilmember to request full reading of an ordinance aloud during meeting + adds subsections and subsection titles, reorganizes
- Art. IV, new section 17 – adds computation of time for general application to entire Charter

Conflicts of Interest:

- Art. IV, Sec. 9 – allows sale of real property by a Councilmember to the City in limited circumstances while retaining existing requirements to declare conflict and abstain from participating. Limits include:
 - Fair market value
 - If City needs property to carry out City purposes or projects

- Art IV, Sec. 9 – allows City to lease City property to City employees in narrow circumstances:
 - City manager approval required
 - Opportunity to lease must be related to job duties

Reformatting and Updating Entire Charter:

- Exhibit A to Ordinance –
 - reformatted for readability
 - replace outdated language for gender neutrality
 - eliminate unclear use of the word “shall”
 - divide lengthy sections into subsections and subsection titles

Eliminates Obsolete Provisions :

- Residency requirement for department heads for City department heads appointed prior to March 6, 1983 – no employee fits this category
- Mill levy cap on Council's adoption of taxes that Council must now adopt with voter approval
- Provide for transition from the prior Charter when the Charter was adopted

District Councilmember and Mayor Vacancies–

- Process:
 - Vacancy promptly and publicly announced
 - On City website

District Councilmember Vacancy—

- **Council has 40 business days to choose and appoint new member**
- **If seat scheduled on ballot **OR** if vacancy arises when at least 10 days to collect nominating signatures, then:**
 - **The district seat will be on the ballot**

District Councilmember Vacancy—

- If too late to be on ballot for next election, Council will choose and appoint after the new Council begins term
- If less than 98 days in term of **vacating Councilmember**, the Council will consist of six members until the beginning of the term of the newly elected district Councilmember after the election.

Mayor Vacancy—

- Mayor Pro Tem becomes **Acting Mayor** on date of vacancy
- Council elects an **Interim Mayor Pro Tem @ next meeting**

Mayor Vacancy—

If at least 98 days left in term of **Acting Mayor**:

- 1) Council will fill District Council seat temporarily open due to switch to **Acting Mayor**
- 2) Term of appointed replacement district Councilmember will continue until either **Acting Mayor** returns to original seat **OR** their original term ends

Mayor Vacancy—

If less than 98 days in term of **Acting Mayor**, the Council will consist of six members until the beginning of the term of the newly elected district Councilmember after the election.

- In 2024, voters approved adding time computation provisions in three Articles (VIII - Elections, IX - Recall, and X- Initiative and Referendum)
 - The topic of time computation most often arises in interpreting these articles.
 - Two Options:
 - 1) Add time computation to the General Provisions Article IV (as drafted)
 - 2) Pass a motion approving Ord No. 065 with the amendment to delete time computation from the ordinance and ballot language, and keep time computation in the three listed articles

On April 15, Council will establish the order of the amendments to be presented on the ballot by motion prepared by staff.

City of Fort Collins	City of Fort Collins	City of Fort Collins
Ballot Issue 2A	Ballot Question 2C	Ballot Question 2D
CITY-INITIATED BALLOT ISSUE NO. 1	CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2	CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 3
<p>WITHOUT RAISING ADDITIONAL TAXES, SHALL THE CITY'S EXISTING 0.25% SALES AND USE TAX (25 CENTS ON A \$100 PURCHASE) FIRST APPROVED BY THE VOTERS IN 2005 FOR THE STREET MAINTENANCE PROGRAM BE EXTENDED FROM ITS CURRENT EXPIRATION AT THE END OF DECEMBER 31, 2025, THROUGH THE END OF DECEMBER 31, 2045; PROVIDED THAT THE REVENUES DERIVED FROM SUCH TAX EXTENSION SHALL BE USED TO PAY THE COSTS OF PLANNING, DESIGN, RIGHT-OF-WAY ACQUISITION, INCIDENTAL UPGRADES AND OTHER COSTS ASSOCIATED WITH:</p> <ul style="list-style-type: none"> THE REPAIR AND RENOVATION OF CITY STREETS, INCLUDING, BUT NOT LIMITED TO, CURBS, GUTTERS, BRIDGES, SIDEWALKS, PARKWAYS, SHOULDERS AND MEDIANS AND TRAFFIC CONTROL 	<p>Shall Article IX of the Charter of the City of Fort Collins, regarding the recall process, be repealed and reenacted in the form set forth in Ordinance No. 095, 2024, which makes edits for clarity and consistency and:</p> <ul style="list-style-type: none"> Clarifies the usage of the term "shall" by replacing with "will," "must" or other appropriate language; modernizes the language to be more inclusive by removing he/she language; revises and reorganizes Article IX to be simpler, easier to follow and clearer; retains the same percentage requirements for signatures (based on first-choice votes with ranked choice voting) and increases timeframes for circulation of a recall petition, with an additional increase in the time to circulate a petition to recall the mayor; simplifies review process and removes the 	<p>Shall Article X of the Charter of the City of Fort Collins, regarding the initiative process and referendum process, be repealed and reenacted in the form set forth in Ordinance No. 096, 2024, which makes edits for clarity and consistency and:</p> <ul style="list-style-type: none"> Clarifies the usage of the term "shall" by replacing with "will," "must" or other appropriate language; modernizes the language to be more inclusive by removing he/she language; revises and reorganizes Article X to be simpler and easier to follow; makes the City Clerk responsible for preparing a general statement for inclusion in a petition and limits requirement to include entire ordinance in each petition section; increases time for City Clerk petition review and scheduling protests; simplifies review process and removes



File Attachments for Item:

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.

April 1, 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

Items Relating to the 2025 Coordinated Election.

EXECUTIVE SUMMARY

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.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on 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

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Ordinance for Consideration
4. Scope of Work
5. Presentation

RESOLUTION 2025- 048
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH
LARIMER COUNTY AND DIRECTING CERTIFICATION OF BALLOT
CONTENT FOR THE 2025 COORDINATED ELECTION

A. 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 of Fort Collins.

B. The City's regular municipal election will be conducted on Tuesday, November 4, 2025, by Larimer County in conjunction with the coordinated election on the same date ("City Election").

C. Staff anticipates continued discussion of potential Charter amendments that may be submitted to the voters at the City Election.

D. For the coordinated election to proceed, the County requires execution of an intergovernmental agreement, described on Exhibit A, attached hereto and incorporated herein by this reference (the "Election IGA"), setting out the terms and conditions for the process, including the commitment to pay the costs of the election attributable to the City Election.

E. In order for particular questions to be included in the ballot for the City Election, the City must certify the ballot content to the Larimer County Clerk and Recorder prior to the final deadline of September 5, 2025.

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

Section 1. The City Manager is hereby authorized and directed to enter into the Election IGA.

Section 2. The City Clerk is hereby directed to certify the ballot content for the City Election, to be held in conjunction with the Larimer County coordinated election, to the Larimer County Clerk and Recorder no later than September 5, 2025, for any ballot titles set by the City Council prior to said date.

Passed and adopted on April 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 1, 2025
Approving Attorney: Sara Arfmann

INTERGOVERNMENTAL AGREEMENT FOR 2025 COORDINATED ELECTION

This Intergovernmental Agreement (“Agreement”) is entered into by and between the Larimer County Clerk and Recorder (“County Clerk”) and the _____ (“Entity”).

Agreement is made effective upon the signature of Entity and County Clerk.

WHEREAS, County Clerk and Entity are authorized to conduct elections as provided by law; and

WHEREAS, County Clerk will conduct an election on November 4, 2025 as a “Mail Ballot Election,” (the “Election”) as such term is defined in the Uniform Election Code of 1992, C.R.S. Title 1, as amended (“Code”) and the current Colorado Secretary of State Election Rules, as amended (“Rules”); and

WHEREAS, Entity has certain ballot race(s), ballot question(s) and/or ballot issue(s) to present to its eligible electors and desires to coordinate with County Clerk; and

WHEREAS, pursuant to C.R.S. §1-7-116(2), as amended, County Clerk and Entity shall enter into an agreement for the administration of their respective duties concerning the conduct of the coordinated election, and said agreement must be executed no less than 70 days prior to the Election which is August 26, 2025.

NOW, THEREFORE, for and in consideration of the promises herein contained, the sufficiency of which is hereby acknowledged, County Clerk and Entity agree as follows:

ARTICLE I PURPOSE AND GENERAL MATTERS

A. Goal.

The purpose of Agreement is to set forth the respective tasks in order to conduct Election and to allocate the cost thereof.

B. Coordinated Election Official.

County Clerk shall act as the Coordinated Election Official (“CEO”) in accordance with Code and Rules and shall conduct Election for Entity.

County Clerk designates as the primary liaison (“Contact Officer”) between County Clerk and Entity:

Name: Michele Mihulka

Phone: 970.498.7932

Email: Michele.Mihulka@larimer.gov

Fax: 970.498.7847

Contact Officer shall act under the authority of County Clerk and shall have primary responsibility for the coordination of Election with Entity.

C. Designated Election Official.

Entity designates as its Designated Election Official ("DEO") to act as the primary liaison between Entity and Contact Officer:

Name: _____

Phone: _____

Email: _____

Fax: _____

DEO shall have primary responsibility for Election procedures to be handled by Entity. DEO shall act in accordance with Code and Rules. DEO shall be readily available and accessible during regular business hours, and at other times when notified by Contact Officer in advance, for the purposes of consultation and decision-making on behalf of Entity. In addition, DEO is responsible for receiving and timely responding to inquiries made by its voters or others interested in Entity's election.

D. Jurisdictional Limitation.

Entity encompasses territory within Larimer County, Colorado. Agreement shall be construed to apply only to that area of Entity situated within Larimer County.

E. Term.

The term of Agreement shall be through December 31, 2025 and shall apply only to Election.

F. Ranked Voting Election.

Entity's Charter requires that, for all regular city elections after January 1, 2025, the offices of Mayor and of each District Councilmember shall be elected using a "ranked voting method," and Agreement addresses the additional responsibilities and the allocation of costs for the conduct of a ranked voting election.

In accordance with Colorado Secretary of State Rule 26.1, a local government may only conduct a ranked voting election if there are three or more candidates who have qualified for the ballot for that contest, or when there is a combination of at least two candidates who have qualified for the ballot for that contest plus at least one qualified write-in candidate. If Entity does not certify at least one contest that meets the requirements for a ranked voting election, the additional responsibilities and the allocation of costs for the conduct of a ranked voting election will not apply.

**ARTICLE II
DUTIES OF COUNTY CLERK**

A. Voter Registration.

Supervise, administer, and provide necessary facilities and forms for all regular voter registration sites.

B. Ballot Preparation.

1. Lay out the text of the ballot in a format that complies with Code and Rules. **In accordance with Colorado Secretary of State Rule 4.1.2(c), County Clerk requires that each ballot question and ballot issue be not more than 250 words. Additional costs incurred for ballot language length exceeding 250 words are referenced in Article IV(B).**
2. Assign the letter and/or number of Entity's ballot question(s) or ballot issue(s) which will appear on the ballot and provide this assignment to Entity.

Initial on the line provided below to indicate acknowledgement.

ENTITY INITIALS

3. Provide ballot printing layouts and text for Entity's review and signature. If Entity fails to provide approval by the required deadline, the content is to be considered approved.
4. Certify the ballot content to the printer(s).
5. Contract for ballots.

C. Voter Lists.

Upon request of Entity, create and certify a list of registered voters containing the names and addresses of each elector registered to vote in Entity.

D. Property Owners.

Only applicable to Elections conducted under titles in which property owners are eligible to vote.

Automatically mail property owner ballots to active, registered voters who own (or lease, if applicable) property within the district boundaries of Entity and are certified as eligible by the DEO. See Article III(G)(3).

E. Election Judges.

Appoint and compensate a sufficient number of election judges to conduct Election.

F. Mail Ballot.

1. Mail ballot packets to every active registered elector and conduct Election in accordance with C.R.S. Title 1, Article 7.5.
2. Establish drop boxes in accordance with C.R.S. §1-5-102.9(5) for the purposes of allowing electors to drop-off their completed mail ballots.

G. Voter Service and Polling Center ("VSPC") sites.

1. Establish VSPC sites in accordance with C.R.S. §1-5-102.9, coordinate the location and operation of the VSPC sites, and conduct all accessibility site surveys.
2. Obtain and provide all ballots, forms, equipment and supplies necessary for mail and accessible voting.

3. Obtain and provide all ballots, forms, equipment and supplies necessary to verify and issue ballots to property owners who are registered to vote in the State of Colorado but who do not reside in Entity. *Only applicable to Elections conducted under titles where owning property in the political subdivision is a requirement for voting in Election.*
4. Provide all necessary Election personnel to conduct Election.

H. Voting Jurisdiction.

Pursuant to C.R.S. §1-5-303 and subject to Entity providing the information referenced in Article III(C)(1), County Clerk shall provide an Address Library Report from the Statewide Colorado Voter Registration and Election database ("Address Library Report") no later than August 9, 2025, which will list the street addresses located in both Entity and Larimer County according to the statewide voter registration system. In order to create Address Library Report, County Clerk must first receive from Entity the information referenced in Article III(C)(1).

I. Election Day Preparation.

1. Provide, no later than twenty days before Election, notice by publication of a mail ballot election. Such notice shall satisfy the publication requirement for all entities participating in Election pursuant to C.R.S. §1-5-205(1.4).
2. Prepare and conduct pre-election logic and accuracy testing in accordance with C.R.S. §1-7-509 and Rules.
3. Provide necessary electronic voting equipment together with personnel and related computer equipment for pre-election logic and accuracy testing and Election Day needs.
4. Prepare and conduct a risk-limiting audit in accordance with C.R.S. §1-7-515 and Rules.

J. TABOR Notice.

1. Coordinate the printing and labeling of the TABOR notice and mail it to all registered voters within Entity not less than thirty days prior to Election in compliance with Article X, Section 20 of the Colorado Constitution and any applicable Code and Rules.
2. Charge Entity for all expenses associated with printing, labeling, and mailing (postage) for the TABOR notice. Said expenses shall be prorated among all Entities participating in the TABOR notice. Such proration shall be based, in part, upon the number of addresses where one or more active registered voters of Entity reside.
3. Determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address in Larimer County where one or more active registered voters of Entity reside.
4. Nothing herein shall preclude County Clerk from sending the TABOR notice of Entity to persons in addition to the electors of Entity if such sending arises from County Clerk's efforts to mail the TABOR notice at the least cost.

K. Counting Ballots.

1. Conduct and oversee the ballot counting process and report the results for each race and measure.
2. Establish backup procedures and backup sites for ballot counting should counting equipment and/or building facilities fail. In such event, counting procedures will be moved to a predetermined site.

L. Certifying Results.

1. Convene the Board of Canvassers.
2. Certify the results of Entity's Election within the time required by law and provide Entity with a copy of all Election statements and certificates required under Code and Rule.
3. Conduct a recount (if called for) in accordance with Code and Rule.

M. Recordkeeping.

1. Retain all Election records as required by C.R.S. §1-7-802.
2. Keep an accurate account of all Election costs.

N. Ranked Voting Election.

1. *Education and Outreach Campaign.* County Clerk and Entity will work together to make sure that educational materials regarding ranked voting are accurate. County Clerk and Entity will distribute said materials throughout the community to educate on ranked voting information. County Clerk and Entity will communicate regarding events in the community each will attend and/or host to educate on ranked voting information and make such events available to the other party when possible. County Clerk will provide its explanation of ranked voting and voter instructions in English and in every language in which a ballot is required to be made available pursuant to Colorado Revised Statutes and the federal "Voting Rights Act of 1965" on its website and social media pages. County Clerk will train Election Judges serving at VSPCs as well as County Clerk's office staff on ranked voting instructions to support voter inquiries.
2. *Requirements for Conducting the Ranked Voting Election.* County Clerk can accommodate a maximum of ten rankings in its voting system. County Clerk will include an explanation of ranked voting and ranked voting instructions for voters in its election plan, with each mail ballot that includes a ranked voting contest, and at each VSPC.

County Clerk will issue the summary report, ballot image report, and comprehensive report as required by C.R.S. §1-7-1003(7) and publish the reports on the County website. County Clerk will audit each ranked voting race before the Canvass Board certifies election results.

O. No Expansion of Duties.

Nothing contained in Agreement is intended to expand the duties of County Clerk beyond those set forth in Code or Rules.

**ARTICLE III
DUTIES OF ENTITY****A. Authority.**

Provide County Clerk with a copy of the ordinance or resolution stating that Entity will participate in Election in accordance with the terms and conditions of Agreement. The ordinance or resolution shall further authorize the presiding officer of Entity or other designated person to execute Agreement.

B. Call and Notice.

Publish all notices relative to Election which Entity is required to provide pursuant to Code, Rules, Entity's Charter and any other statute, rule, or regulation.

C. Voting Jurisdiction – Certifying Entity Address Boundaries.

1. If Entity is not already identified by a tax authority code in the County Assessor's records, Entity must:
 - Provide County Clerk with a legal description, map and listing of street addresses located within Entity in Larimer County, no later than 5:00 p.m. on August 1, 2025.
 - This information must be provided to County Clerk in Microsoft Excel.
 - Certify the accuracy of such information.
2. If Entity has annexed any properties into Entity since January 1, 2025, Entity must:
 - Provide County Clerk with a legal description, map and listing of street addresses for all properties annexed into Entity in Larimer County, no later than 5:00 p.m. on August 1, 2025.
 - This information must be provided to County Clerk in Microsoft Excel.
 - Certify the accuracy of such information.
3. Review all information in Address Library Report referenced in Article II(H) and ensure that Address Library Report is an accurate representation of the streets contained within Entity's legal boundaries.
4. Indicate on Address Library Report Sign-Off Form ("Sign-Off Form") whether any changes are needed, or whether Address Library Report is complete and accurate.
 - If Entity requests any changes to Address Library Report on Sign-Off Form, County Clerk will make the requested changes and return the amended Address Library Report to Entity along with a second Sign-Off Form, no later than 5:00 p.m. on August 22, 2025.
5. Return the final certified Sign-Off Form to County Clerk, no later than 5:00 p.m. on August 26, 2025.

D. Petitions, Preparation and Verification.

Perform all responsibilities required to certify any candidate, initiative petition, question, or issue to the ballot.

E. Ballot Preparation.

1. Determine whether a ballot race, ballot question, or ballot issue is properly placed before the voters.

2. Prepare a list of candidates and the ballot title and text for each ballot question and issue. **County Clerk requires that each ballot question and ballot issue be not more than 250 words in accordance with Colorado Secretary of State Rule 4.1.2(c). Additional costs incurred for ballot language length exceeding 250 words are referenced in Article IV(B).**

Each ballot issue or ballot question submitted shall be followed by the words "yes/for" and "no/against".

Initial on the line provided below to indicate acknowledgement:

ENTITY INITIALS

3. Provide a certified copy of the ballot content [race(s), question(s) and issue(s)] to County Clerk no later than 5:00 p.m. on September 5, 2025, pursuant to C.R.S. § 1-5-203(3)(a). Entity must submit certified ballot content to the County Clerk using the form provided by the County Clerk.

The ballot content must be certified exactly in the order in which it is to be printed on the ballot pages and sample ballots.

The certified list of ballot race(s), ballot question(s) and/or ballot issue(s) submitted by Entity shall be final.

4. Proofread and approve Entity's ballot content for printing immediately upon receipt from County Clerk. Due to time constraints, DEO must be available for proofing and approving ballot content from 8:00 a.m. to 7:00 p.m. from September 9, 2025 until September 12, 2025, or until final approval of printing of ballots has been reached. County Clerk agrees to keep DEO informed of ballot printing status.

Once approval has been received, County Clerk will not make any changes to the ballot content. If Entity fails to provide approval by the required deadline, the content will be considered approved.

5. Ensure that Entity's certified candidates file all Campaign and Political Finance forms required by the Colorado Secretary of State Rules Concerning Campaign and Political Finance with the appropriate filing office. Candidates required to file with the Secretary of State must file electronically using the online campaign finance reporting system, TRACER: <http://tracer.sos.colorado.gov>.

Candidates in municipal elections file with the municipal clerk.

6. Provide (or ensure that Entity's certified candidates provide) an audio pronunciation of all candidates' names as they have been certified to County Clerk, no later than 5:00 p.m. on September 5, 2025. See Exhibit E for details.

Initial on the line provided below to indicate acknowledgement.

ENTITY INITIALS

7. Defend and resolve at Entity's sole expense all challenges relative to the ballot roll, ballot question(s) and/or ballot issue(s) as certified to County Clerk for inclusion in Election.

F. Election Participation and Contingency Planning.

If requested by County Clerk, provide person(s) to participate and assist in Election process. The person(s) provided by Entity must be registered to vote in the State of Colorado.

In the event of the loss of a VSPC location within Entity's boundaries, collaborate with County Clerk to establish a contingency location for voting.

Initial on the line provided below to indicate acknowledgement.

ENTITY INITIALS

G. Property Owners.

Only applicable to Elections conducted under titles where owning property in the political subdivision is a requirement for voting in Election.

1. Notify and provide information and materials to property owners regarding the location(s) which an eligible elector may vote at any VSPC site.
2. Obtain a list of Entity's property owners from the County Assessor's office in accordance with C.R.S. §1-5-304. Property owners listed in the County Assessor's property records may not be eligible electors of Entity. Entity must review and verify the eligibility of property owners to receive Entity's ballots.
3. No later than October 9, 2025, certify to County Clerk a list of eligible electors who:
 - Own (or lease, if applicable – *consult legal counsel*) property within the district boundaries of Entity;
 - Are registered to vote in the State of Colorado and whose voter records are **active** (not inactive, incomplete, or cancelled);
 - Are or will be at least 18 years of age as of November 4, 2025; and
 - Are **not** already registered to vote within the district boundaries of Entity.

The list must be in Excel (.xls/.xlsx) format and must include the following columns:

Voter ID	Mailing Address
First Name	Mailing City
Middle Name	Mailing State
Last Name	Mailing Zip
Suffix	

Each eligible elector must be listed as a separate entry.

Exclude Trusts, LLC, Corporations and Entities if ineligible to vote – *consult legal counsel*.

4. Between October 10 and October 27, 2025, provide to County Clerk the names of newly eligible electors, if any, who meet the same criteria (and in the same format) as in Article III(G)(3).

H. TABOR Notice.

1. Prepare the language for the TABOR notice [for any ballot issue(s) that require a TABOR notice] in compliance with Article X, Section 20 of the Colorado Constitution and any pertinent Code and Rules.

Entity shall be solely responsible for timely providing to County Clerk a complete TABOR notice. County Clerk shall in no way be responsible for Entity's compliance with TABOR or the accuracy or sufficiency of any TABOR notice.

2. Receive written comments relating to ballot issue(s) and summarize such comments, as required by TABOR.
3. Certify and submit all TABOR notice content, including pro and con summaries and fiscal information, to County Clerk no later than 5:00 p.m. on September 22, 2025, pursuant to C.R.S. §1-7-904. Such notice shall be provided to County Clerk as an email attachment to elections@larimer.gov.

Entity shall be solely responsible for the preparation, accuracy, and contents of its TABOR notice(s). The certified TABOR notice, including all text, summary of comments and fiscal information shall be final. County Clerk may correct any spelling, grammar or formatting errors identified in Entity's certified TABOR notice, so long as those corrections do not change or otherwise impact the meaning of Entity's TABOR notice content.

4. Proofread and approve Entity's TABOR notice content for printing. Due to time constraints, DEO must be available for proofing and approving TABOR notice content for printing from 8:00 a.m. to 7:00 p.m. from September 22, 2025 until September 26, 2025, or until final approval of the TABOR notice has been reached. County Clerk agrees to keep all contact personnel informed of TABOR notice printing status. Entity has designated:

Once approval has been received, County Clerk will not make any changes to the TABOR notice content. If Entity fails to provide approval by the required deadline, the content will be considered approved.

5. Mail the TABOR notice to each address of one or more active registered electors who own property but who do not reside within Entity in accordance with C.R.S. §1-7-906(2).

I. Ranked Voting Election.

1. *Education and Outreach Campaign.* County Clerk and Entity will work together to make sure that educational materials regarding ranked voting are accurate. County Clerk and Entity will distribute said materials throughout the community to educate on ranked voting information. County Clerk and Entity will communicate regarding events in the community each will attend and/or host to educate on ranked voting information and make such events available to the other party when possible. Entity will provide its explanation of ranked voting and voter instructions in English and in every language in which a ballot is required to be made available pursuant to Colorado Revised Statutes and the federal "Voting Rights Act of 1965" on its website, newsletters, and social media pages.
2. As required by C.R.S. § 1-7-118(1), Entity must provide notice to County Clerk at least 100 days before the election if it is conducting a ranked voting election.

J. Cancellation of Election by Entity.

If Entity resolves not to participate in Election, Entity must immediately deliver to Contact Officer written notice that it is withdrawing one or more ballot questions or ballot issues; provided, however that Entity may not cancel after the 25th day prior to Election, October 10, 2025, pursuant to C.R.S. §1-5-208(2).

Entity must reimburse County Clerk for the actual expenses incurred in preparing for Election. If cancellation occurs after the certification deadline, full election costs may be incurred. Entity must publish all notices relative to Election which Entity is required to provide pursuant to Code, Rules, Entity's Charter and any other statute, rule or regulation.

ARTICLE IV COSTS

A. Election Costs. Entity shall be charged and pay for election costs associated with its ballot race(s), question(s), and/or issue(s). These election costs will include a proportionate share of common election costs pursuant to Section A(1), and other costs pursuant to Section A(2) (collectively "Election Costs"), as applicable.

1. Shared Common Election Costs. Entity shall be charged and pay a proportional share of costs that are not reimbursed by the state pursuant to C.R.S. §1-5-505.5(1)(a), based on County expenditures relative to Election and the **number of eligible electors (including property owners, if applicable) per Entity**, in accordance with C.R.S. §1-7-116(2)(b). Shared costs include, but are not limited to:
 - Election Staff Wages (Overtime/Compensatory Time)
 - Temporary Staff Wages
 - Election Judge and Canvass Board Wages
 - Printing – Ballots, Envelopes, Forms
 - Ballot Programming, Insertion, and Mailing Services
 - VSPC Location Expenses
 - Security Expenses
 - Election Notice Printing and Publication
 - Mailing Costs (Postage and shipping)
 - Contingency Expenses
2. Other Election Costs. In addition to its proportionate share of common election costs, Entity shall be charged and pay the following, as applicable:
 - a. Unique Costs.** Entity shall pay any additional or unique election costs resulting from Entity delays and/or special preparations or cancellations relating to Entity's participation in Election. Special preparations can include, but are not limited to: ballot addendums, affidavits, ballot language length exceeding 250 words or multiple page ballot.
 - b. Recount Costs.** The cost of any recount(s) will be charged to Entity. If more than one Entity is involved in the recount, the cost will be prorated among the Entities participating in the recount.
 - c. Ranked Voting Costs.** In accordance with C.R.S. § 1-7-118(2), Entity shall pay the reasonable increased costs associated with the use of a ranked voting method, including but not limited to costs related to election setup licensing costs pursuant

to C.R.S. § 1-5-603(2)(b), programming, ballot design, additional voter information and education, and tabulation.

Any additional increased costs that must be incurred by County Clerk for a ranked voting contest prior to Entity's candidate deadline will be charged to Entity even if Entity does not certify at least one contest that meets the requirements for a ranked voting election.

Entity will not be responsible for all associated increased costs if another entity in a coordinated election uses a ranked voting method. County Clerk will divide any shared ranked voting election costs amongst all entities using ranked voting methods during Election.

d. TABOR Costs. Entity shall pay a prorated amount for the costs to coordinate, label and print the TABOR notice, and for the mailing of such notice. Such proration to be based, in part, on addresses where one or more active registered electors of Entity reside.

B. Cost Estimate.

1. Preliminary estimates of Shared Common Election Costs, which are based on different scenarios of entities that may or may not participate in the Election, and including estimated Ranked Voting Costs if applicable, are attached to this Agreement as follows:
 - a. Exhibit A (STATE participates, COUNTY participates)
 - b. Exhibit B (STATE participates, COUNTY does not participate)
 - c. Exhibit C (STATE does not participate, COUNTY participates)
 - d. Exhibit D (STATE does not participate, COUNTY does not participate)

County Clerk will provide an updated cost estimate once all entities have been certified to the ballot. That update will include estimated TABOR costs if applicable. Estimated Recount costs will be provided once it is anticipated there will be a recount. Given the nature of Unique costs, estimates may not be given but the County Clerk will keep Entity reasonably apprised of any such costs if unique circumstances occur.

C. Invoice. County Clerk shall submit to Entity an invoice for all Election Costs that Entity is responsible to pay under Agreement, and Entity shall remit to County Clerk the total due upon receipt. Any amount not paid within 30 days after receipt of the invoice will be subject to an interest charge at the lesser of 1 ½% per month or the highest rate permitted under law.

D. Funds Appropriated. By signing this Agreement Entity affirms that it has sufficient funds available in its approved budget to pay its estimated share of Election Costs, including all reasonably anticipated Unique Costs, Recount Costs, Ranked Voting Costs, and TABOR costs .

**ARTICLE V
MISCELLANEOUS**

A. Entire Agreement.

Agreement and its Exhibits constitute the entire agreement between County Clerk and Entity as to the subject matter hereof and supersede all prior or current agreements, proposals, negotiations, understandings, representations and all other communications, both oral and written.

B. Liability and Immunity.

County Clerk and Entity agree to be responsible for its own acts and omissions, and those of its officers, agents and employees, to the extent required by law, subject to and without waiving the notice

requirements, immunities, rights, benefits, defenses, limitations, and protections available under the Colorado Governmental Immunity Act as currently written or hereafter amended.

In the event a court of competent jurisdiction finds Election for Entity was void or otherwise fatally defective as a result of the sole breach or failure of County Clerk to perform in accordance with Agreement or laws applicable to Election, Entity shall be entitled to recover expenses or losses caused by such breach or failure up to the maximum amount paid by Entity to County Clerk under this Agreement. County Clerk shall in no event be liable for any expenses, damages or losses in excess of the amounts paid under this Agreement. This remedy shall be the sole and exclusive remedy for the breach available to Entity.

C. Conflict of Agreement with Law, Impairment.

Should any provision of Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of County Clerk and Entity hereto that the remaining provisions of Agreement shall be of full force and effect.

D. Time of Essence.

Time is of the essence in the performance of Agreement. The time requirements of Code and Rules shall apply to completion of required tasks.

E. No Third Party Beneficiaries.

Enforcement of the terms and conditions of Agreement and all rights of action relating to such enforcement shall be strictly reserved to County Clerk and Entity, and nothing contained herein shall give or allow any such claim or right of action by any other person or Entity.

F. Governing Law; Jurisdiction & Venue.

Agreement, the interpretation thereof, and the rights of County Clerk and Entity under it will be governed by, and construed in accordance with, the laws of the State of Colorado. The courts of the State of Colorado shall have sole and exclusive jurisdiction of any disputes or litigation arising under Agreement. Venue for any and all legal actions arising shall lie in the District Court in and for the County of Larimer, State of Colorado.

G. Headings.

The section headings in Agreement are for reference only and shall not affect the interpretation or meaning of any provision of Agreement.

H. Severability.

If any provision of Agreement is declared by a court of competent jurisdiction to be invalid, void or unenforceable, such provision shall be deemed to be severable, and all other provisions of Agreement shall remain fully enforceable, and Agreement shall be interpreted in all respects as if such provision were omitted.

I. Amendments/Modifications.

As the Election approaches the Secretary of State may adopt new or different election rules that change or add obligations and procedures relevant to the Election. In such event, the Parties agree to comply with any such mandatory changes and this IGA shall be deemed automatically amended to incorporate same. As time allows, the Clerk and Recorder will attempt to circulate any such election rule changes to Entity and the Parties agree to communicate as necessary to implement such changes.

Amendments or strikethroughs to this Agreement are not allowed without written consent of both parties.

IN WITNESS WHEREOF, the parties hereto have executed Agreement to be effective upon the date signed by both parties.

COUNTY CLERK

**TINA HARRIS
LARIMER COUNTY, COLORADO
CLERK AND RECORDER**

Date

ENTITY

Name of Entity

Date

BY:

**Printed Name of Authorized Representative
Signing on behalf of Entity**

Signature of Authorized Representative

Title of Authorized Representative

Entity phone number

Approved as to form:



County Attorney

EXHIBIT A
EXHIBIT A TO RESOLUTION 2025-048

Item 29.

LARIMER COUNTY 2025 COORDINATED ELECTION ENTITY BILLING	Cost - TABOR			Cost - Ranked Voting			Cost - Election			TOTAL COST
	\$92,500.00			\$114,500.00			\$1,093,100.00			
	Households	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	
State of Colorado	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$491,895.00	\$491,895.00
Larimer County	147,394	59.880%	\$55,389.44	N/A	N/A	N/A	276,085	37.748%	\$226,940.92	\$282,330.36
City of Fort Collins	65,415	26.576%	\$24,582.41	118,041	100.00%	\$114,500.00	118,041	16.139%	\$97,029.30	\$236,111.71
City of Loveland	33,338	13.544%	\$12,528.14	N/A	N/A	N/A	61,169	8.363%	\$50,280.71	\$62,808.85
Poudre School R-1	N/A	N/A	N/A	N/A	N/A	N/A	161,189	22.039%	\$132,496.80	\$132,496.80
Thompson School R2-J	N/A	N/A	N/A	N/A	N/A	N/A	105,561	14.433%	\$86,770.78	\$86,770.78
Estes Park School R-3	N/A	N/A	N/A	N/A	N/A	N/A	8,731	1.194%	\$7,176.85	\$7,176.85
St. Vrain Valley School RE-1J	N/A	N/A	N/A	N/A	N/A	N/A	596	0.081%	\$489.91	\$489.91
Weld County School RE-5J	N/A	N/A	N/A	N/A	N/A	N/A	12	0.002%	\$9.86	\$9.86
Aims Community College	N/A	N/A	N/A	N/A	N/A	N/A	12	0.002%	\$9.86	\$9.86
	246,147	100%	\$92,500.00	118,041	100%	\$114,500.00	731,396	100%	\$1,093,100.00	\$1,300,100.00

The State reimburses the county for forty-five percent of election costs (\$491,895.00). Coordinating entities share only those election costs that are not reimbursed by the State (\$601,205.00).

EXHIBIT B
EXHIBIT A TO RESOLUTION 2025-048

Item 29.

LARIMER COUNTY 2025 COORDINATED ELECTION ENTITY BILLING	Cost - TABOR			Cost - Ranked Voting			Cost - Election			TOTAL COST
	\$50,000.00			\$114,500.00			\$1,093,100.00			
	Households	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	
State of Colorado	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$491,895.00	\$491,895.00
City of Fort Collins	65,415	66.157%	\$33,078.64	118,041	100.00%	\$114,500.00	118,041	25.900%	\$155,710.65	\$303,289.29
City of Loveland	33,338	33.716%	\$16,858.15	N/A	N/A	N/A	61,169	13.421%	\$80,689.46	\$97,547.61
Poudre School R-1	N/A	N/A	N/A	N/A	N/A	N/A	161,189	35.367%	\$212,628.18	\$212,628.18
Thompson School R2-J	N/A	N/A	N/A	N/A	N/A	N/A	105,561	23.161%	\$139,247.99	\$139,247.99
Estes Park School R-3	N/A	N/A	N/A	N/A	N/A	N/A	8,731	1.916%	\$11,517.27	\$11,517.27
St. Vrain Valley School RE-1J	N/A	N/A	N/A	N/A	N/A	N/A	596	0.131%	\$786.20	\$786.20
Weld County School RE-5J	N/A	N/A	N/A	N/A	N/A	N/A	12	0.003%	\$15.83	\$15.83
Aims Community College	N/A	N/A	N/A	N/A	N/A	N/A	12	0.003%	\$15.83	\$15.83
Larimer County PID # 1	75	0.076%	\$37.93	N/A	N/A	N/A	250	0.055%	\$329.78	\$367.71
Larimer County PID # 2	50	0.051%	\$25.28	N/A	N/A	N/A	200	0.044%	\$263.82	\$289.11
	98,878	100%	\$50,000.00	118,041	100%	\$114,500.00	455,761	100%	\$1,093,100.00	\$1,257,600.00

The State reimburses the county for forty-five percent of election costs (**\$491,895.00**). Coordinating entities share only those election costs that are not reimbursed by the State (**\$601,205.00**).

EXHIBIT C
EXHIBIT A TO RESOLUTION 2025-048

Item 29.

LARIMER COUNTY 2025 COORDINATED ELECTION ENTITY BILLING	Cost - TABOR			Cost - Ranked Voting			Cost - Election			TOTAL COST
	\$92,500.00			\$114,500.00			\$1,093,100.00			
	Households	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	
Larimer County	147,394	59.880%	\$55,389.44	N/A	N/A	N/A	276,085	37.748%	\$412,619.86	\$468,009.30
City of Fort Collins	65,415	26.576%	\$24,582.41	118,041	100.00%	\$114,500.00	118,041	16.139%	\$176,416.90	\$315,499.32
City of Loveland	33,338	13.544%	\$12,528.14	N/A	N/A	N/A	61,169	8.363%	\$91,419.47	\$103,947.61
Poudre School R-1	N/A	N/A	N/A	N/A	N/A	N/A	161,189	22.039%	\$240,903.28	\$240,903.28
Thompson School R2-J	N/A	N/A	N/A	N/A	N/A	N/A	105,561	14.433%	\$157,765.05	\$157,765.05
Estes Park School R-3	N/A	N/A	N/A	N/A	N/A	N/A	8,731	1.194%	\$13,048.82	\$13,048.82
St. Vrain Valley School RE-1J	N/A	N/A	N/A	N/A	N/A	N/A	596	0.081%	\$890.75	\$890.75
Weld County School RE-5J	N/A	N/A	N/A	N/A	N/A	N/A	12	0.002%	\$17.93	\$17.93
Aims Community College	N/A	N/A	N/A	N/A	N/A	N/A	12	0.002%	\$17.93	\$17.93
	246,147	100%	\$92,500.00	118,041	100%	\$114,500.00	731,396	100%	\$1,093,100.00	\$1,300,100.00

EXHIBIT D
EXHIBIT A TO RESOLUTION 2025-048

Item 29.

LARIMER COUNTY 2025 COORDINATED ELECTION ENTITY BILLING	Cost - TABOR			Cost - Ranked Voting			Cost - Election			TOTAL COST
	\$50,000.00			\$114,500.00			\$1,093,100.00			
	Households	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	Eligible Electors	% of Proration	Balance of Costs	
City of Fort Collins	65,415	66.157%	\$33,078.64	118,041	100.00%	\$114,500.00	118,041	25.900%	\$283,110.26	\$430,688.91
City of Loveland	33,338	33.716%	\$16,858.15	N/A	N/A	N/A	61,169	13.421%	\$146,708.11	\$163,566.26
Poudre School R-1	N/A	N/A	N/A	N/A	N/A	N/A	161,189	35.367%	\$386,596.69	\$386,596.69
Thompson School R2-J	N/A	N/A	N/A	N/A	N/A	N/A	105,561	23.161%	\$253,178.15	\$253,178.15
Estes Park School R-3	N/A	N/A	N/A	N/A	N/A	N/A	8,731	1.916%	\$20,940.48	\$20,940.48
St. Vrain Valley School RE-1J	N/A	N/A	N/A	N/A	N/A	N/A	596	0.131%	\$1,429.45	\$1,429.45
Weld County School RE-5J	N/A	N/A	N/A	N/A	N/A	N/A	12	0.003%	\$28.78	\$28.78
Aims Community College	N/A	N/A	N/A	N/A	N/A	N/A	12	0.003%	\$28.78	\$28.78
Larimer County PID # 1	75	0.076%	\$37.93	N/A	N/A	N/A	250	0.055%	\$599.60	\$637.53
Larimer County PID # 2	50	0.051%	\$25.28	N/A	N/A	N/A	200	0.044%	\$479.68	\$504.96
	98,878	100%	\$50,000.00	118,041	100%	\$114,500.00	455,761	100%	\$1,093,100.00	\$1,257,600.00

EXHIBIT E**Audio**

In accordance with Rule 4.6.2, all candidates shall provide an audio recording of their name to County Clerk no later than the last day upon which Entity certifies the ballot content (September 5, 2025), pursuant to C.R.S. §1-5-203(3)(a).

It is the responsibility of Entity to ensure an audio pronunciation is provided for each candidate as it is certified to County Clerk. The purpose of the audio recording is to be compliant with disability and accessibility laws providing voting equipment pursuant to C.R.S. §1-5-704.

To be in compliance with the above Code and Rule, County Clerk's office is providing a voice mailbox at **970.498.7946** that candidates are required to call to provide the correct pronunciation of their name.

Upon calling the voice mailbox, they will receive instructions on recording their information, as well as options for listening, deleting, re-recording and saving their message. **Please inform candidates within your district of the necessity of recording the correct pronunciation of their name.**

County Clerk's office will contact Entity if pronunciation guidelines on any ballot race(s), ballot question(s) and/or ballot issue(s) are needed.

Please contact County Clerk's office at 970.498.7820 if you have any questions or need additional information.

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

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Sara Arfmann

SCOPE OF SERVICES

Verify the accuracy of starting and ending balances on financial reports.

Track submission deadlines for required filings.

Proactively follow up on late or missing reports to maintain compliance.

Confirm that all contributions comply with codified limits.

Identify and address any instances where limits may have been exceeded.

Ensure contributions are received from eligible donors.

Perform periodic checks to validate the accuracy of reported donations.

Document discrepancies and ensure corrective action is taken.

Review independent contributions received and related committee requirements; follow up as needed.

Confirm that all contributions and financial activities align with City code requirements.

Ensure revised reports are filed when errors or inconsistencies are found.

Work directly with Candidates and Committees to address compliance concerns.

Report unresolved or recurring compliance issues to City Clerk staff.

Assist in providing necessary documentation for potential enforcement actions

2025 Coordinated Election and Campaign Oversight

Delynn Coldiron, City Clerk
**Cecilia Good, Senior Deputy
City Clerk**



- **2022 Election**

- Voters approved moving regular elections to November and coordinating with Larimer County
 - ✓ 76% of voters in favor
- Voters approved Ranked Voting for Mayor and Councilmember races
 - ✓ 58% of voters in favor

- **IGA with Larimer County Required**

- Required by State statute; standard requirement we have done multiple times
- Sets out roles and responsibilities for both entities
- 2nd Coordinated Regular November Election (2023 was the first)
- Biggest difference – ranked voting!



2025 Ballot

- **Council Races**

- Mayor
- Councilmembers for Districts 1, 3 and 5

Will have ranked voting for any race with three or more candidates.

- **Charter Amendments**

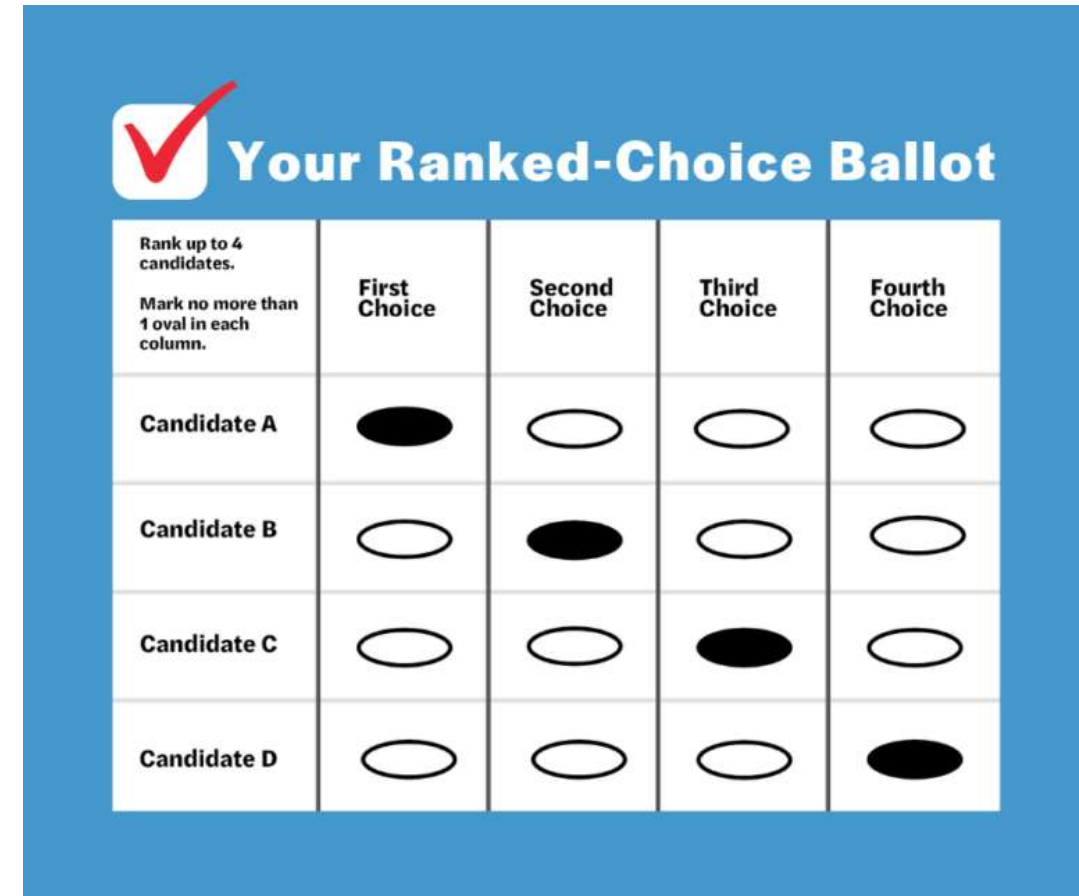
- 4-6 expected

- **TABOR Question**

- Expecting at least one

- **Citizen Initiative**

- Expecting at least one



Your Ranked-Choice Ballot

Rank up to 4 candidates.
Mark no more than 1 oval in each column.

	First Choice	Second Choice	Third Choice	Fourth Choice
Candidate A	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate B	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Candidate C	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Candidate D	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Blogs – University of Illinois



Proposed Outside Service Provider:

- Impartial
- Would work under the guidance of the City Clerk and City Attorney
- Would provide proactive review of campaign finance submissions
- Would assist with related investigation of potential violations



Election Code Committee:

- Recommended moving forward with an outside service provider as a first step in enhancing oversight of election filings.

Proactive review of Campaign Finance Reporting and Related Compliance

- Ensure numbers make sense (starting and ending balances).
- Ensure timeliness of filing and follow up on missing reports.
- Ensure contributions are within limits.
- Ensure contributions are given by allowed donors.
- Make periodic checks of donations made to ensure accuracy of information reported.
- Ensure all contributions meet City code requirements.
- Ensure revised reports are filed to address issues found.
- Work with Candidates and Committees to get voluntary compliance.
- If needed, report unresolved issues to City Clerk staff for enforcement.



Questions?



Backup Slides

Proactive review of Campaign Finance Reports

- 9 reports due per committee
- If we have 12 candidates and 3 committees:
 - 135 reports to be reviewed
 - @ 3 hours each = 405 hours (recognize that some will take longer due to investigation and follow-up, and some will take less time).
 - \$100/hour
- \$40,500
- Additional funding might be required if proactive work outside of campaign finance is desired

Potential additional items the provider could assist with if there are monies available:

- Periodically ask for samples of materials to check for “paid for by” requirements.
- Periodically look at election-related Facebook pages to check for “paid for by” requirements.
- Periodically check election signs to check for “paid for by” requirements.
- Pursue checks on potential issues reported such as text messages with no “paid for by” information added.