

Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, March 19, 2024

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

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

NOTICE:

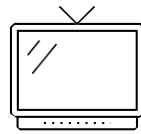
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

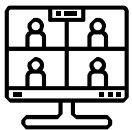
How to view this Meeting:



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



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



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



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

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

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



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

Comment in real time:

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



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



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

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

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

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

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

Call in number: 720 928 9299

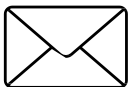
Meeting ID: 982 4141 6497

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

Submit written comments:



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



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

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

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



City Council Regular Meeting Agenda

March 19, 2024 at 6:00 PM

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

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

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Heather Walls
Interim City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

[PP 1.](#) Declaring March 2024 as Fix a Leak Month.

REGULAR MEETING 6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

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

F) COMMUNITY REPORTS – 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 February 6, 2024 and February 20, 2024 Regular Meetings.

The purpose of this item is to approve the minutes of the February 6, 2024 and February 20, 2024 regular meetings.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates \$18,025.20 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both

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

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as "City built and maintained." The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project's first building permit. The design and construction date of the future trail spur at this time is unknown.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, supports businesses, homeowner associations ("HOAs") and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City's match requirement under this grant project.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, authorizes the termination of the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, approves the vacation of a 1,077 square foot portion of two easements (8' Electrical Easement and an 8' Telephone Easement) (the "Easements") that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

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

This Ordinance, unanimously adopted on First Reading on February 20, 2024, permits the conveyance of approximately 1.31 acres (57,064 sf) of City property (the "Conveyed Parcel") to N College 1311, LLC, ("Owner"), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for

approximately 2.43 acres (105,723 sf) of Owner's adjoining property (the "Received Parcel") and other valuable consideration.

8. Items Relating to the Laporte Avenue Multimodal Improvement Project.

A. Resolution 2024-025 Authorizing an Amendment to an Existing Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Laporte Avenue Multimodal Improvement Project.

B. First Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Ave from Fishback Avenue to Sunset Street. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Laporte Project with CDOT; 2) appropriate \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 3) use \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 4) use \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 5) appropriate as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 6) appropriate as part of the local match contribution \$222,750 from General Fund Reserves; 7) appropriate \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 8) appropriate \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; 9) appropriate \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

9. Items Relating to a State Grant for Clean Energy Vehicles.

A. First Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.

B. Resolution 2024-027 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Public Health and Environment for the Receipt of Grant Proceeds for Clean Energy Vehicles.

The purpose of these items is to support the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of these items would support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- Authorizing the Mayor, by Resolution, to execute an Intergovernmental Agreement (IGA) with the State of Colorado for purchase of approved clean energy fleet vehicles;
- Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and
- Appropriating \$96,504 from Water Fund reserves.

10. Items Relating to the Power Trail and Harmony Grade Separated Crossing Project.

A. Resolution 2024-028 Authorizing an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Power Trail and Harmony Grade Separated Crossing Project.

B. First Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.

The purpose of this item is to enable the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- Authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the Colorado Department of Transportation (CDOT);
- Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and
- Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.

Previously appropriated funds will be used for local match requirements.

11. First Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

The purpose of this item is to appropriate \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

12. First Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.

The purpose of this item is to request appropriation of \$30,000 in philanthropic revenue received

by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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.

13. First Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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.

14. First Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.

The purpose of this item is to support the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

15. First Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.

The purpose of this item is to clarify and make consistent certain terminology in City Code. This item will remove "curb stop" from City Code, to be replaced by "control valve." Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

16. First Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027.

The purpose of this item is to obtain Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities' (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

17. Items Relating to Water Service for the Northern Colorado Regional Airport's New Terminal.

A. Resolution 2024-029 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland and the Fort Collins-Loveland Water District for the Purchase of a Water Tap for the New Terminal at the Northern Colorado Regional Airport.

B. First Reading of Ordinance No. 048, 2024 Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.

The purpose of Resolution A is to authorize the City Manager to execute an intergovernmental agreement for the purchase of a water tap from the Fort Collins-Loveland Water District for water service at the Airport's new terminal. Ordinance B would authorize a conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

18. Resolution 2024-030 Adopting the City of Fort Collins 2024 Strategic Plan.

The purpose of this item is to formally adopt the 2024 Strategic Plan. The adopted plan will guide the 2025-2026 Budgeting for Outcomes process. All adopted Council Priorities have been included in the 2024 Strategic Plan.

19. Resolution 2024-031 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the State of Colorado Regarding Implementation of Portions of the Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply Project (Cheat Grass and Big Horn Sheep Collaring).

The purpose of this item is to seek Council approval of a proposed agreement ("Agreement") between the City and the State of Colorado acting through Colorado Parks and Wildlife ("CPW") regarding certain aspects of the Halligan Water Supply Project ("Halligan Project"). The purpose of this Agreement is to implement Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Section 4.2.3.19 (Bighorn Sheep Collaring Study) of the Halligan Project's Fish and Wildlife Mitigation and Enhancement Plan ("Mitigation Plan"), under which 1) the City intends to transfer funds to CPW; and 2) habitat treatments and bighorn sheep monitoring are to be started at least two years in advance of construction. Based on the City's expected construction schedule, the Parties desire to begin implementing those Mitigation Plan sections early in 2024 before a full agreement related to the Mitigation Plan is expected to be completed.

CPW will use the funds for chemical treatment to abate invasive cheat grass. CPW will use its best efforts to treat a minimum of at least 500 acres with a focus on the Lower Unit of the State Wildlife Area. CPW may additionally use the funds for the installation of up to two remote passive water sources on the State Wildlife Area. Any funds not needed for the cheat grass treatment or the water sources installation may be used by CPW for habitat treatment on additional acreages within the State Wildlife Area.

CPW will also use the funds for the purpose of supporting a GPS (global positioning system) collaring and monitoring study of bighorn sheep from the Lone Pine herd that will include tracking their movements and habitat use, and conducting disease testing, before, during, and immediately after Halligan Project construction.

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

- A. Resolution 2024-032 Making Appointments to the Active Modes Advisory Board.
- B. Resolution 2024-033 Making Appointments to the Affordable Housing Board.
- C. Resolution 2024-034 Making Appointments to the Air Quality Advisory Board.
- D. Resolution 2024-035 Making Appointments to the Art in Public Places Board.
- E. Resolution 2024-036 Making Appointments to the Building Review Commission.
- F. Resolution 2024-037 Making Appointments to the Citizen Review Board.
- G. Resolution 2024-038 Making an Appointment to the Cultural Resources Board.
- H. Resolution 2024-039 Making Appointments to the Disability Advisory Board.
- I. Resolution 2024-040 Making Appointments to the Economic Advisory Board.
- J. Resolution 2024-041 Making Appointments to the Energy Board.
- K. Resolution 2024-042 Making an Appointment to the General Employees Retirement Committee.
- L. Resolution 2024-043 Making Appointments to the Human Relations Commission.
- M. Resolution 2024-044 Making Appointments to the Human Services and Housing Funding Board.
- N. Resolution 2024-045 Making Appointments to the Land Conservation and Stewardship Board.
- O. Resolution 2024-046 Making Appointments to the Natural Resources Advisory Board.
- P. Resolution 2024-047 Making Appointments to the Parks and Recreation Board.
- Q. Resolution 2024-048 Making Appointments to the Senior Advisory Board.
- R. Resolution 2024-049 Making Appointments to the Transportation Board.
- S. Resolution 2024-050 Making Appointments to the Water Commission.
- T. Resolution 2024-051 Making Appointments to the Women and Gender Equity Advisory Board.
- U. Resolution 2024-052 Making Appointments to the Youth Advisory Board.

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

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 order to take appointed office. Each Resolution provides that no person appointed 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.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

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

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

21. **Strauss Lakes Metropolitan Districts Conceptual Review Hearing.**

The purpose of this item is to conduct a Conceptual Review Hearing pursuant to the City Policy for Reviewing Service Plans for Metropolitan Districts (Metro District Policy) to allow Council and members of the public to provide preliminary comments in response to an applicant's Letter of Interest so that the applicant may better determine whether or not to submit a formal application and what a formal application should include.

Metropolitan Districts (Metro Districts) must provide exceptional public benefits in a variety of categories to gain Council approval. Staff evaluates the Metro Districts' proposed public benefits guided by the current 2021 Council-approved Metro District Policy, which includes a score card related to housing and residential development. The City's Metro District Policy requires this Conceptual Review Hearing with Council to give the applicant the opportunity to present its proposal and to seek feedback from Councilmembers and the public about the proposed Metro Districts, which the applicant may use to determine whether to submit a formal application.

Hearing Process Overview

The process for reviewing and considering approval of Metro Districts generally proceeds as follows:

1. Applicant submits Letter of Interest

2. Staff reviews Letter of Interest and provides an informal, non-binding response
3. Council Conceptual Review is conducted, where Council considers and discusses the public benefits proposed in the Letter of Interest
4. If Applicant decides to proceed, Applicant submits formal application for Metro District(s) along with Service Plan
5. Staff reviews application and Service Plan
6. Council Finance Committee reviews submittal and provides feedback to applicant
7. Council considers application and Service Plan at a public hearing

As stated in the Metro District Policy, if it so chooses to do so, Council may consider a motion at the conclusion of the hearing to express its opinion whether the service plan of the Strauss Lakes Metro Districts, as proposed, should be brought forward to Council for its formal consideration. That motion may also include any recommendations Council may have concerning what should or should not be included in the applicant's formal application. However, the Policy also clearly states that any such motion adopted and any comments, suggestions, or recommendations made by any Councilmember concerning the proposal will not bind or otherwise obligate any Councilmember or other City decision maker to any course of conduct or decision in any subsequent formal application under the Policy. Sample motions are provided below.

It should be noted that the Council is not required to adopt a motion related to the Metro Districts, and the Conceptual Review Hearing is meant solely for Councilmembers to provide feedback on the proposed Metro Districts and is not meant for the Council to comment on, or make specific recommendation regarding, any development aspects that may later come to Council for review and decision-making.

Strauss Lakes is a proposed mixed-use development at the northeast corner of Horsetooth Road and Ziegler Road proposed by Cottonwood Land and Farms, LLC ("Cottonwood"). On February 5, 2024, Cottonwood submitted a revised Letter of Interest outlining the public benefits to be provided by the proposed Strauss Lakes Metropolitan Districts, pursuant to the City's Metro District Policy. Staff finds the applicant's proposed public benefits generally conform with the requirements of the Metro District Policy, however, all elements of the proposed public benefits will require additional analysis by staff to confirm they meet the requirements of the Metro District Policy. Staff will provide a final assessment and recommendation on the Strauss Lakes Districts upon formal submittal.

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.)

Q) ADJOURNMENT

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

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

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PROCLAMATION

WHEREAS, the citizens of Fort Collins strive to practice water conservation in their homes and at work; and

WHEREAS, Fort Collins Utilities offers a variety of water conservation programs, services and educational tools for adults and youth; and

WHEREAS, the average home may waste an average of 70 gallons per hour of water every year due to running toilets, dripping faucets and other leaks if not regularly maintained; and

WHEREAS, Fix a Leak Week, through the Environmental Protection Agency's WaterSense program, encourages Americans to check their household fixtures for any leaks and repair them; and

WHEREAS, Fort Collins Utilities is a WaterSense partner and has developed and maintained the Water Efficiency Plan; and

WHEREAS, water efficiency, customer service, environmental protection, economic development, and safety awareness are priorities for the community.

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

FIX A LEAK MONTH

in Fort Collins to urge citizens to find and fix leaks and use water efficiently.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 19th day of March, 2024.

Mayor

ATTEST:

Interim City Clerk

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Heather Walls, Interim City Clerk

SUBJECT

Consideration and Approval of the Minutes of the February 6, 2024 and February 20, 2024 Regular Meetings.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the February 6, 2024 and February 20, 2024 regular meetings.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, February 6, 2024
2. Draft Minutes, February 20, 2024

February 6, 2024

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 Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT

Councilmember Julie Pignataro

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Interim City Clerk Heather Walls

E) CITY MANAGER'S AGENDA REVIEW

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

- Item 29 – Making Appoints to Boards and Commissions Liaison and Council Committee Appointments.
- Item 30 – Appeal of the Planning and Zoning Commission decision approving the Polestar Development

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.)

Hania Sakkal, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza. Sakkal listed local organizations which support the resolution.

Sue Ellen Klein, urged Council to adopt a resolution in support of a ceasefire in Gaza and stated the issue is humanity. Klein stated to be silent is to be complicit and Fort Collins leadership needs to be courageous and bold.

Aaron D. Lerner, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating the number of people killed thus far is equivalent to 52% of the residents of Fort Collins.

Alex Scott, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating it is a local issue as Woodward manufactures components used in the munitions being sent to Israel. Additionally, Scott noted Council has previously adopted resolutions concerning world and national issues.

Dr. Watson Saltis, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating the occurrences in Gaza are equivalent to genocide.

Madeline Grigg, Fort Collins resident and teacher, urged Council to adopt a resolution in support of a ceasefire in Gaza and cited statistics indicating an average daily death count of 250.

Ash W., Fort Collins high school senior, discussed lessons about negative events in history that occur to ensure they do not occur again. Ash urged Council to adopt a resolution in support of a ceasefire in Gaza.

Isabella Zapata, Fort Collins residents, urged Council to adopt a resolution in support of a ceasefire in Gaza stating we cannot stand for genocide.

G Inguata, Fort Collins resident, opposed shutting down the shelter at the Mennonite Church and urged Council to adopt a resolution in support of a ceasefire in Gaza.

Christinia Eala, Fort Collins resident, stated historical trauma will weigh on all of us and urged Council to adopt a resolution in support of a ceasefire in Gaza and opposed shutting down the shelter at the Mennonite Church.

Dory LeCount, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Hayley Lucci-Rimer, urged Council to adopt a resolution in support of a ceasefire in Gaza and provided statistics linking Fort Collins to the conflict. Lucci-Rimer stated the war violates international humanitarian law.

Janie Stein, Fort Collins resident, expressed gratitude for the other speakers and urged Council to adopt a resolution in support of a ceasefire in Gaza.

Victoria Zawitkowski, Fort Collins resident, spoke of the atrocities of the Holocaust and urged Council to adopt a resolution in support of a ceasefire in Gaza. Zawitkowski noted Council adopted several previous resolutions related to national events and stated our city's taxes pay more than \$2 million toward Israel's weapons.

William Timpson, Fort Collins resident, stated violence needs to be ceased and provided examples of wars that ended in ceasefire.

President of the Islamic Center of Fort Collins, spoke in support of a ceasefire to spare lives of innocent children and urged Council to adopt a resolution in support of a ceasefire in Gaza.

Kevin Cross, Northern Colorado Alliance for a Livable Future, expressed horror regarding the Israeli government's response to the Hamas attacks and urged Council to adopt a resolution in support of a ceasefire in Gaza to end the genocide that is occurring.

Jonah Salehi, Chair of the Labor Committee for DSA Fort Collins, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Ashton Schmidke, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza citing Woodward's manufacturing of Israeli weapons and local tax dollars going to Israel.

Elizabeth Lucci-Rimer, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and commented on parents and children living through the atrocities.

Beth (no last name given), Fort Collins resident, speaking for a friend, spoke of the horror of children being fallout of political disagreement.

Jessica Olson, Fort Collins resident and CSU student, urged Council to adopt a resolution in support of a ceasefire in Gaza stating we should be proud of our community and we should speak for the people who cannot speak for themselves.

Nika Linn, Fort Collins resident, read a letter from a former Fort Collins resident who is currently in the occupied West Bank discussing the atrocities of the ongoing genocide of the Palestinian people. The letter also urged Council to adopt a resolution in support of a ceasefire in Gaza.

Victoria Tochtrop, Fort Collins resident and CSU student, urged Council to adopt a resolution in support of a ceasefire in Gaza and discussed the ethnic cleansing of the Armenian people.

Crystin Hypnar, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and stated not all Jews support Israel.

Quinn Miller, Fort Collins resident, stated a child is killed in Gaza every 5 minutes. Miller urged Council to adopt a resolution in support of a ceasefire in Gaza and commented on Council's previous adoption of resolutions related to national issues.

Joshua Keen, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating Fort Collins should stand for peace and the genocide needs to cease.

Blaine Crowe, Fort Collins resident, played video of names the Palestinian children that have been killed thus far and noted Council adopted a ceasefire resolution for Ukraine.

Claire Kopp, Fort Collins resident, stated we need to acknowledge that our land was taken by force and expressed heartbreak over the suffering and genocide in Gaza. Kopp stated the Israeli occupation needs to stop now and urged Council to divest from connections with companies that support the occupation.

Kimberly Baker Medina, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating it is anti-violence, anti-war, and anti-genocide, not anti-Semitic.

Dana Guber, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating her family fled the Holocaust.

Brett Pavel, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Shaylee Jennings, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating watching the news and images of the injured and dead is horrifying.

Nura Elmagbari, Fort Collins, urged Council to adopt a resolution in support of a ceasefire in Gaza as a plea for humanity.

J Brown, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and opposed the planned eviction of the unhoused from the Mennonite Church in June.

Connor Flynn, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Sabrina (no last name given), urged Council to adopt a resolution in support of a ceasefire in Gaza and spoke about Fort Collins' direct role in the war.

Quinn Mitchell, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and shared a video regarding children killed in Gaza.

Rorey King, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Esme Holden, Fort Collins resident, opposed the proposed eviction of unhoused individuals from the Mennonite Church and opposed the sweeping of homeless encampments without warning.

Jase Peter, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Zoe R., Fort Collins resident and Jewish community member, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Kimberly Connor, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and stated local tax dollars are going directly to fund the Israeli military. Connor noted the resolution also calls for the release of Israeli hostages.

Trevor Rothanzl, Fort Collins resident, urged Council to adopt a resolution in support of a permanent ceasefire in Gaza and relayed experiences of relatives.

Steve Ramer, Fort Collins Mennonite Fellowship pastor and Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Ally Eden, Fort Collins resident and granddaughter of a Holocaust survivor, stated her brother lives in the West Bank. She stated that while she realizes Fort Collins has no jurisdiction over the federal government, there is power in voices and adopting a resolution in support of a ceasefire in Gaza will amplify those voices.

Giselle Hirschfeld, descendent of a Holocaust victim, spoke of ancestral trauma and urged Council to adopt a resolution in support of a ceasefire in Gaza.

Michael May, co-chair of CSU's YDSA, stated over 70 cities have called for ceasefire resolution and urged Council to adopt a resolution in support of a ceasefire in Gaza. May noted 70% of the housing in Gaza has been destroyed.

Kaori Keyser, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Nancy York, Fort Collins native, spoke of the control Israel has over Gaza and stated the current situation is a clear case of genocide. York urged Council to adopt a resolution in support of a ceasefire in Gaza.

August-Carter Nelson, Fort Collins resident and co-chair of the Fort Collins DSA, urged Council to adopt a resolution in support of a ceasefire in Gaza and spoke of the Palestinian experience in America.

Grace Hudgens, Fort Collins resident, spoke of feeling hopeful that a difference can be made and urged Council to adopt a resolution in support of a ceasefire in Gaza.

Jo Carroll, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Linda Breen, Larimer County resident, stated we should all have the courage to stand against genocide. Breen urged Council to adopt a resolution in support of a ceasefire in Gaza.

Stefanie Berganini, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating the United States is willfully enabling genocide to happen. Berganini stated all elected officials have a moral responsibility to act.

Louisa Kimmell, Fort Collins resident and Jewish American, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Hannah Spring, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza noting some of the technology being used by Israel is directly tied to Fort Collins corporations.

Lindsey Garchar, Fort Collins resident, stated we are privileged that we can choose whether to engage in the images of the war and expressed horror that our residents contribute nearly \$2.5 million in federal taxes to Israel's weapons and that Fort Collins' corporations make Israel's genocide possible. Garchar also opposed the eviction of those housed at the Mennonite Church.

Sam Seiniger, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Greg Zoda, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating a ceasefire confirms that all people have equal worth.

Cheryl Distaso, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza stating the testimony that has occurred this evening should compel that action. Distaso stated this is a matter of stepping up in leadership positions to do anything possible to stop an unfolding genocide and to act with humanity.

Ashley Garchar's sister, Fort Collins resident, read a written statement from Garchar urging Council to adopt a resolution in support of a ceasefire in Gaza.

Shiloh Kenway, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and stated this is a local issue.

Rich Stave, Fort Collins resident, questioned the transparency and fairness of referees per Item No. 19, *First Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees*, and questioned how the public provides input.

Ruth Inglis-Widrick, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza and spoke of being assaulted by an individual who had been abused by his parents. Inglis-Widrick expressed concern about the effect of war on the children in Gaza.

Anne Hudgens, Fort Collins resident, stated governments are often on the wrong side of history. Hudgens commented on reading about the Holocaust as a child and questioning how people could stand by and not act.

Renae Mart, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Terry Iverson, CSU professor and Fort Collins resident, commented on visiting Gaza and on the hospitality of the Palestinian people. Iverson urged Council to adopt a resolution in support of a ceasefire in Gaza.

Sabrina Herrick, Fort Collins resident, discussed the sweep of a homeless encampment outside the Murphy Center in December of 2022 and opposed the eviction of individuals from the Mennonite Church.

Christina Swope, Fort Collins resident, stated she is tired of feeling powerless knowing tax dollars are funding the crimes in Gaza. She stated a ceasefire resolution speaks to the intent of most Fort Collins residents.

Oliver Vollmer, Fort Collins resident, urged Council to adopt a resolution in support of a ceasefire in Gaza.

Joe Kissell, Fort Collins resident, thanked Council for their work and urged Council to adopt a resolution in support of a ceasefire in Gaza noting not one person opposed the resolution tonight.

Public comment concluded at 8:04 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Ohlson thanked the speakers and stated Fort Collins has a long history of taking stands on national and global issues. He commented on other resolutions adopted by Council, including one in opposition to apartheid in South Africa and one opposed to the placement of MX missiles in Wyoming, among others. He stated there is nothing legally stopping the Council from taking a stand and stated he would support passing a resolution calling for an immediate and permanent ceasefire in Gaza. He encouraged Council to take the action as soon as possible.

Mayor Pro Tem Francis thanked the speakers and noted the Human Relations Commission is considering this item on Thursday. She recommended letting the Commission do its work and make a recommendation to Council.

Mayor Pro Tem Francis requested an update on the temporary certificate of occupancy at the Mennonite Church. Marcus Coldiron, Chief Building Official, stated Council approved an emergency ordinance allowing facilities to act as community-based shelters during the Covid pandemic and that ordinance ended on October 16, 2022; however, it was determined the use of community-based shelters would be an important resource to maintain, therefore a building permit process was created to continue temporary use of facilities to act as shelters. Since that time, staff has determined the process would be clearer if it were codified; therefore, in the interim, the determination has been made to allow continued use under the temporary use provisions of the Building Code for these facilities to act as community-based shelters in 2024. Coldiron discussed the Building Code requirements that would typically be necessary for overnight uses.

Councilmember Potyondy thanked the speakers and expressed support for the Human Relations Commission providing a recommendation on the ceasefire resolution.

Councilmember Canonico also thanked the speakers and expressed support for the Human Relations Commission providing a recommendation on the ceasefire resolution.

Mark's Note: Mayor Arndt called for a break at 8:12 p.m. The meeting resumed at 8:30 p.m.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Mayor Pro Tem Francis withdrew Item No. 15, *First Reading of Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement*, from the Consent Agenda.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the January 16, 2024 Regular Meeting.

The purpose of this item is to approve the minutes of the January 16, 2024 regular meeting.

Approved.

2. Second Reading of Ordinance No. 001, 2024, Appropriating Prior Year Reserves in the Transportation Capital Expansion Fee Fund for Eligible Reimbursement to the Waterfield Fourth Filing Developer for Construction of Suniga Road, Vine Drive, and Merganser Street Improvements as Part of Waterfield Fourth Filing Phases 1 through 4; and for the Dedication of Suniga Road Right-of-Way.

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates \$1,413,645 of Transportation Capital Expansion Fee (TCEF) Funds for expenditure from the Transportation Capital Expansion Fee Program Budget to reimburse the Waterfield Fourth Filing developer, DFC Waterfield, LLC (Developer), for its oversizing construction of Suniga Road, Vine Drive, and Merganser Drive. As part of Phases 1 through 4 of the Waterfield Fourth Filing, the Developer has constructed Suniga Road as a four-lane arterial, Vine Drive as a collector, and Merganser Drive to City standards as part of its development requirements. Per Section 24-112 of the City Code, the Developer is eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road, Vine Drive, and Merganser Drive not attributed to the local portion obligation. Additionally, the Developer has dedicated Suniga Road right-of-way as a four-lane arterial from its western boundary to Timberline Road and is also eligible for reimbursement from TCEF funds for the oversized, non-local portion of Suniga Road right-of-way.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 002, 2024, Appropriating Funds for Change Management Resources to Support Legislative Management Software Implementation Funds.

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates \$375,000 of general fund reserves to contract with Prosci, Inc., to provide change management support for the Legislative Management Software project throughout its implementation in 2024. Council Finance Committee recommended this move forward to Council at their December 19 meeting.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 003, 2024, Authorizing Transfers and Reappropriation of Funds Previously Appropriated for the Utilities' Grid Flexibility Programs.

This Ordinance, unanimously adopted on First Reading on January 16, 2024, approves the funding of grid flexibility programs through the appropriation of prior year reserves and reappropriation of previously approved Light and Power funds. The ordinance does not appropriate any new funding, but rather optimizes previously appropriated funds to accelerate progress toward Our Climate Future (OCF) goals.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 004, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Environmental Services Radon Program.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, supports the City's Environmental Services Radon program by:

- *Appropriating \$9,000 of unanticipated grant revenue awarded by the Colorado Department of Public Health and Environment (CDPHE); and*
- *Utilizing matching funds in the amount of \$6,000 from existing 2024 appropriations for this grant project.*

In December 2023, CDPHE awarded the City \$9,000 under the CDPHE Indoor Radon grant program. The City will provide an additional \$6,000 in required matching funds. The award funds and City's matching funds will support radon testing and mitigation programs to protect public health for the Fort Collins community.

Pursuant to the State of Colorado Purchase Order Terms and Conditions, and in accordance with Section 1-22 of the City Code, the City Manager has accepted the grant agreement. The \$9,000 are federal funds from the Environmental Protection Agency being passed through to the City by CDPHE.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 005, 2024, Authorizing Transfers of Appropriations and Appropriating Related Funds for the Timberline Recycling Center Infrastructure and Efficiency Improvements.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, supports Timberline Recycling Center (TRC) infrastructure and efficiency improvements by:

- *Appropriating \$294,853 of unanticipated revenue awarded by the Colorado Departments of Public Health and Environment's Front Range Waste Diversion Enterprise (FRWD); and*
- *Transfer \$28,393 matching funds from existing appropriations in the Capital Projects Business Unit for the project.*

The grant funds and matching funds will support replacement of equipment that has exceeded its useful life, as well as incorporation of new infrastructure to provide a safe, accessible and functional recycling facility. Contribution to the Art in Public Places (APP) Program is not required due to grant restrictions.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 006, 2024, Authorizing Transfers and Appropriating Related Funds for the Oak Street Stormwater Improvements Project.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, appropriates funding for the construction of the Oak Street Stormwater Improvements Project. It will fund the construction contract with the general contractor; contracts for resident engineering and construction management services, permitting and internal project support and management; construction contingency (~4%) and funding for the Art in Public Places (APP) program. The construction contingency included herein is less than the typical amount that would normally be associated with this size of contract (10-15% is typical). If additional contingency funds are needed in the future, those funds would be requested to be appropriated from the Stormwater Reserve Fund.

The total amount being requested for appropriation is \$39,962,815:

- Construction Contract \$36,645,015
- Construction Support (Resident Engineer, Construction Manager, Permitting and Internal Support) \$1,720,000
- Construction Contingency \$1,550,000
- APP Program \$47,800

The Stormwater Utility Enterprise Board adopted Ordinance No. 011, 2023 (First Reading on September 19, 2023, and Second Reading on October 3, 2023) authorizing bond issuance in the Stormwater Fund for the construction of the Oak Street Stormwater Improvements project. Following the sale and closing of the bonds, gross proceeds in the amount of \$40.4M were deposited into the Stormwater Fund reserves on October 31, 2023.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 007, 2024, Amending Article II of Chapter 5 of the Code of the City of Fort Collins to Exempt Plumbing Fixtures from Permits and Inspections.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, amends City Code to exempt plumbing fixture replacements, such as sinks, faucets, drains, showers, tubs, and toilets from the permit requirements under Chapter 5 of the City Code, for the following reasons: Colorado State does not require permits for this type of work, very few fixture replacements are currently done with a permit, there are no concerns with life or safety, and requiring permits creates additional barriers and cost impacts to improving indoor water efficiency.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 008, 2024, Authorizing the Conveyance of a Permanent Non-Exclusive Utility Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, authorizes a permanent non-exclusive utility easement over a portion of the Northern Colorado Regional Airport property owned jointly by the City of Fort Collins and the City of Loveland to allow for the installation and maintenance of electrical infrastructure for the new Airport terminal facility.

Adopted on Second Reading.

10. **Second Reading of Ordinance No. 009, 2024, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

This Ordinance, unanimously adopted on First Reading on January 16, 2024, amends City Code to establish the 2024 salary of the City Manager. Council met in executive session on December 19, 2023, to conduct the performance review of Kelly DiMartino, City Manager, and to consider the salary market analysis for this position.

Adopted on Second Reading.

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

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

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

The purpose of these items is to provide funding for the Victim Services Unit of Fort Collins Police Services for victim advocacy services which are required under the Colorado Victim Rights Amendment for victims and witnesses of crime and their supporting family members.

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

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

Adopted both Ordinances on First Reading.

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

The purpose of this item is to support Fort Collins Police Services' Forensic Services Unit work in the prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$40,000 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

Adopted on First Reading.

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

The purpose of this item is to request an appropriation of \$214,000 in philanthropic revenue received by City Give for the renovation of the historic Carnegie Library as designated by the donor.

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

Adopted on First Reading.

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

The purpose of this item is to request an appropriation of \$15,550 in philanthropic revenue received through City Give for Recreation to benefit income-qualified youth sports programming and services.

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

Adopted on First Reading.

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

The purpose of this item is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

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

Pulled from Consent. Adopted on First Reading.

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

The purpose of this item is to appropriate \$78,000 from Recreation Reserves to fund the Mulberry Replacement Feasibility Study. This study is in partnership with Colorado State University Athletics (CSU), who will be funding 50% of the study.

Adopted on First Reading.

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

The purpose of this item is to appropriate \$72,000 from Recreation Reserves to purchase ponies and replace sheds at the Lee Martinez Farm.

Adopted on First Reading.

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

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

Adopted on First Reading.

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

The purpose of this item is to amend the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

Adopted on First Reading.

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

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

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

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

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

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

The purpose of this item is to make annual inflation adjustments effective March 1, 2024, associated with the City's Capital Expansion Fees, Transportation Expansion Fee, Utility Plant Investment Fees, and Electric Capacity Charge.

Adopted on all Ordinances on First Reading.

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

The purpose of this item is to adopt the 2024 Larimer County Regional Transportation Capital Expansion Fee Schedule.

Adopted on First Reading.

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

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

the project is under construction, a situation that would result in logistical and cost ramifications for the City and the project.

Adopted on First Reading.

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

The purpose of this item is to seek authorization to approve conveyance of a sewer line easement to South Fort Collins Sanitation District (SFCSD) across Long View Farm Open Space. This easement is intended to formally document an existing sewer line that was installed in 1981 prior to the purchase of Long View Farm Open Space.

Adopted on First Reading.

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

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

Adopted on First Reading.

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

The purpose of this item is to approve an Ordinance that would authorize the conveyance of the following:

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

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

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

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

Adopted on First Reading.

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

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

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

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

Adopted both Ordinances on First Reading.

27. Resolution 2024-006 Supporting Grant Application for Local Match Funding in Support of the Midtown Central Corridor Project.

The purpose of this item is to obtain support for the City to apply for the non-federal match requirement included in the Department of Transportation's FY2024 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program.

Adopted.

28. Resolution 2024-007 Approving the Appointment of Heather Walls as Interim City Clerk Effective February 4, 2024.

The purpose of this item is to appoint Heather Walls as Interim City Clerk.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to approve the recommended actions on items 1-28 minus item 15 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.)*

None.

L) STAFF REPORTS

None.

COUNCILMEMBER REPORTS

Councilmember Potyondy

- Announced a listening session scheduled for February 10th at 11:00 a.m. at the Harmony Library.

Mayor Arndt

- Reported on the Northern Colorado Foundation's report on data concerning northern Colorado and its rollout today during which she served on a panel of area mayors.
- State of the City is scheduled for Monday, February 26 at 6:00 p.m. at the Lincoln Center.

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

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

The purpose of this item is to request an appropriation of \$40,000 in philanthropic revenue received by City Give for Park Planning & Development, for site feasibility and community engagement toward a future City-owned pickleball complex.

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

Mayor Pro Tem Francis expressed equity concerns related to part of the Parks Master Plan being prioritized by a donation through City Give noting this donation was funded by the pickleball community.

Nina Bodenhamer, City Give Director, discussed the guardrails that are in place to ensure that donations cannot be used to advance items that are not in the work plan. She stated this particular donation would fund a feasibility study, not a build prioritization, and it would not move the item further along in the work of the Parks Department.

Mayor Pro Tem Francis stated the feasibility study itself moves the item forward.

Mike Calhoun, Parks Director, discussed the local history of pickleball and the need to provide facilities for people to participate in the sport. He detailed the experience with the first courts at City Park. He noted there have been no other promises associated with the feasibility study, should it move forward.

Mayor Pro Tem Francis expressed concern with groups being able to advance their focus through City Give.

Councilmember Canonico asked if pickleball would be moved up in priority if the feasibility study is done. Calhoun replied the Recreate Master Plan notes that pickleball is below the recommended level of service whereas other recreation facilities, such as tennis courts and ball fields, are at the recommended level of service. He noted the community is always surveyed before any plans move forward.

Bodenhamer noted donations through City Give do not circumvent the budget process.

Councilmember Ohlson stated he will support the item on First Reading but will need to consider the issue further prior to Second Reading.

Councilmember Canonico moved, seconded by Councilmember Gutowsky, to adopt Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement.

The motion carried 5-1.

Ayes: Mayor Arndt, Councilmembers Canonico, Potyondy, Gutowsky, and Ohlson.

Nays: Mayor Pro Tem Francis.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

29. Resolution 2024-008 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities.

The purpose of this item is to make Councilmember liaison assignments to City boards and commissions and Council committees as well as make appointments to external boards and authorities on behalf of the City.

PUBLIC COMMENT

Rich Stave commented on the importance of oversight of the Planning and Zoning Commission and stated the Council liaison will play an important role.

COUNCIL DISCUSSION

Mayor Pro Tem Francis stated she has been the liaison to the Commission for the past three years and would like to remain in the role to continue the work the Commission has been doing.

Councilmember Gutowsky also expressed interest in the liaison role and read a statement regarding comments that were made at the Council retreat related to her motives for wanting the role. She stated she would like to serve as the liaison to provide an alternative point of view and stated she believes it would enhance the high-performing government to have a new person involved in making appointments to the Commission. However, she stated she does not believe she has the votes to make her the liaison and conceded the appointment to Mayor Pro Tem Francis.

Councilmember Canonico moved, seconded by Councilmember Potyondy, to adopt Resolution 2024-008 Making Board and Commission Liaison and Council Committee Assignments and Making Appointments to Various External Boards and Authorities, inserting the name of Emily Francis as the Planning and Zoning Commission liaison.

The motion carried 6-0.

Clerk's Note: Mayor Arndt called for a break at 8:55 p.m. The meeting resumed at 9:05 p.m.

30. Polestar Village Project Development Plan Appeal.

The purpose of this quasi-judicial item is to consider an appeal of the Planning and Zoning Commission's decision on November 17, 2023, approving the Polestar Village Project Development Plan (#PDP220010). The Appellants filed a Notice of Appeal on December 1, 2023, with supplemental new evidence filed on December 8, 2023, alleging:

- ***That the Planning and Zoning Commission (P&Z) failed to conduct a fair hearing in that they considered evidence relevant to their findings which was substantially false or grossly misleading. The Appellants assert that; 1) Polestar used persuasive language during the hearing and presented misleading information as well as non-confirmable statements; and 2) Hearing***

attendees and council members also did not get to hear all the details of the proposal. The Appellants offer seven points in support of their assertion.

- That P&Z failed to conduct a fair hearing in that two members were **biased against the appellant by reason of a conflict of interest** or close relationship that interfered with their independence of judgement.

- That P&Z failed to properly interpret and apply relevant provisions of the Land Use Code including subsections:

- 3.6.2 (A) and (I) regarding layout and design of streets and drives;
- 4.5(A), the Purpose statement of the Low Density Mixed Use Neighborhood (LMN) zone district; and
- 4.(B) and (C), permitted and prohibited uses in the Low Density Residential zone district.

City Attorney Daggett provided an overview of the appeal and the appeal process.

Paul Sizemore, Director of Community Development and Neighborhood Services, noted a name spelling error on page 18 of the verbatim transcript of the Planning and Zoning Commission hearing. He provided an overview of the proposed Polestar project which proposes 20.5 acres of mixed-use neighborhood on an infill property with 144 dwelling units, a neighborhood center, mixed-use buildings, a place of assembly, and agricultural support buildings. Sizemore went on to discuss the timeline of the project and appeal.

Sizemore provided details of the appeal noting it contains three main allegations: that the Planning and Zoning Commission failed to conduct a fair hearing by considering evidence relevant to its findings which were substantially false or grossly misleading, that the Commission failed to conduct a fair hearing because it was biased against the appellant by reasons of conflict of interest or other close business, personal, or social relationships that interfered with a member's independence of judgement, and that there was a failure to properly interpret and apply relevant provisions of the Land Use Code.

Mayor Arndt requested Councilmembers disclose any potential conflicts of interest or other possible reasons for recusal.

Councilmember Ohlson stated he has met the previous owners of the property but has not seen them for years and does not believe he has a conflict.

Councilmember Potyondy stated she knows two of the appellants but did not believe she has a conflict.

The lead appellant, Charles Thompson, introduced himself. Other parties-in-interest in support of the appeal also introduced themselves: Eve Enright, Andrew Katz, Jenny Morse, Gina Santoro, Matt Benson, Melissa Markarian, and Charles Thompson, Sr.

Bob Choate, Polestar Gardens, Inc., Ken Merritt, JR Engineering, Charlie Shoub, Kristina Vrouwenvelder, and Aisha Martinek introduced themselves as parties-in-interest opposed to the appeal.

Mayor Arndt recommended time allotments for presentations and rebuttals. She noted there are two procedural issues that need to be addressed, including that the project applicant objects to the emails included in the appellant's December 8 written submittal stating they constitute new evidence.

Mr. Thompson stated the emails provide evidence that support the claim that proper evidence of the hearing and information about the development were not received.

Mr. Choate opposed the inclusion of the emails as they came after the Planning and Zoning Commission hearing was completed. He stated all neighborhood notification requirements were met.

Mayor Arndt noted new evidence is not generally acceptable.

City Attorney Daggett clarified that the appellant did raise two fair hearing issues and if the emails related to those, they would be admissible, but if they do not, they would not be.

Mayor Pro Tem Francis and Councilmember Potyondy concurred new evidence should not be accepted.

City Attorney Daggett clarified there is a process under the Code for the appellant to submit new evidence, and that was done within the appropriate timeframe. She noted the applicant is not objecting to the main submittal but the emails that were attached.

Senior Assistant City Attorney Brad Yatabe stated the important consideration is that there are two fair hearing allegations and after reading the emails, he does not believe they speak to the allegations directly.

Mayor Pro Tem Francis asked if the emails are already in the Council packet. Yatabe replied in the affirmative.

Mayor Arndt made a ruling that the emails will be accepted as evidence. She outlined the second procedural issue related to the project applicant's objection to the appellant's failure to properly interpret and apply the Land Use Code allegations as insufficient to meet the requirements of the Code and provide adequate notice of the matters on appeal.

Mr. Thompson stated he submitted the Land Use Code provisions that are part of the appeal within the appropriate timeframe and stated he believed the publicly accessible Land Use Code provided enough support.

Mr. Choate argued there were no details provided as to how the Codes were misinterpreted.

Mayor Pro Tem Francis stated it is difficult to make a decision based on what the appellant submitted.

Councilmember Ohlson spoke in favor of allowing the appellant to make his arguments.

City Attorney Daggett outlined the Code language and recommended that if Council proceeds based on its sense of the applicant's reaction, that it confer with the applicant as to whether he has withdrawn his objection or has no further objection.

Mayor Arndt stated she is inclined to follow the Code language.

Councilmembers Canonico and Potyondy concurred and stated it is important that the outlined procedures for appeals are followed.

Councilmember Ohlson stated he would support that as well.

Councilmember Gutowsky stated appellants sometimes lack guidance as to how to process the appeal, and that seems to be the case here. She stated the lack of experience of the appellant should not interfere with the appellants' ability to state their case.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Canonico, that the Council dismiss all of the appellants' failure to properly interpret and apply the Land Use Code allegation listed in the notice of appeal submitted to the City on December 1, 2023, finding that City Code Section 2-49(B)(4) requires that every notice of appeal shall include the grounds for the appeal, including specific allegations of error and a summary of the facts contained in the record on appeal which support such allegations. The allegations that the Planning and Zoning Commission failed to properly interpret and apply the Land Use Code set forth in the appellant's notice of appeal listed only the numbers of certain Land Use Code sections without providing any specific allegations of error or a summary of facts contained in the record supporting such allegations. The information provided did not comply with City Code Section 2-49(B)(4) and did not provide sufficient notice to any part opposed to the appeal to allow such party to sufficiently prepare to address the allegations at this February 6, 2024 appeal hearing. Dismissal of the failure to properly interpret and apply all allegations is required as a matter of fairness to any party opposed to the appeal and to comply with the City's adopted appeal procedure.

Councilmember Ohlson stated he feels badly about the vote but noted a previous Council created an ombudsman position to help regular residents of Fort Collins through the development review process to help level the playing field with applicants who are often represented by legal counsel. He stated he would support the motion, however, because the rules do matter.

Mayor Pro Tem Francis noted Council is working on making the appeal process more fair and equitable, and changes are in the works; however, the Code that is currently in place needs to be followed.

The motion carried 6-0.

Appellant Presentation

Mr. Thompson provided arguments in support of the appeal stating Polestar's presentation during the Planning and Zoning Commission hearing contained inaccuracies and omissions that significantly impacted the decision-making process of the Commission leading to an unfair consideration of the project. He stated Polestar relied on traffic data to downplay the impact on local streets and data collection entailed limited duration and selective monitoring of streets. He questioned the thoroughness of the traffic impact study.

Mr. Thompson outlined the appeal's concerns regarding community outreach misrepresentation. Additionally, he stated Polestar has an HOA, which was not disclosed at the hearing, and current residents of the Roger's Park neighborhood, nor greater Fort Collins, will not be allowed to access the amenities of the proposed new development unless they become members.

Mr. Thompson noted Polestar's hearing presentation started at 10:30 p.m. and was cut short at 11:08 p.m.; therefore, the rushed presentation led to skipped slides containing pertinent information for the Commission's consideration. He also stated Polestar never described themselves as an investment opportunity, which they outline as a selling point on their website.

Mr. Thompson stated it has been misrepresented that Orchard Place will connect to Overland Trail, which the plans do not show but which the Commission seemed to expect. He argued the extended duration of the hearing into the early morning hours contributed to the Commission's fatigue and impaired members' ability to thoroughly assess the proposal and ask pertinent questions. He also stated the lateness of the meeting disadvantaged working class residents of Roger's Park, preventing meaningful participation in the hearing.

Mr. Thompson discussed the appeal's accusation of bias and stated the claims are not meant to be an attack on the character of those members; however, he stated two confessions of conflict of interest by Commission members did raise concerns about their impartiality.

Mr. Thompson noted staff did not find specific comments about fatigue in the record; however, he stated it was certainly alluded to, particularly given the hearing start time of 10:20 p.m. and adjournment at 12:48 a.m.

Eve Enright expressed disappointment she is seeing the same reluctance in Council to help the appellants. She requested Councilmembers keep in mind that they are to be representing residents.

Jenny Morse noted Chair Katz made a specific statement about the non-regulated land transfer that occurred resulting in the access problems to the site.

Mr. Thompson concluded by stating that the appeal asserts that the evidence from the Zoom recording of the Commission hearing reveals falsehoods and misleading information presented by Polestar influencing the Commission's decision-making process unfairly. He stated a reevaluation of the development proposal to ensure a fair and just outcome is necessary. He noted the Roger's Park neighborhood understands the land will develop but would like to see the development be a positive addition to the community.

Applicant Presentation

Mr. Choate stated it is important to recognize that Council's role is not to decide on the development plan, but rather on the appeal. He stated if the Planning and Zoning Commission did not clearly get the decision wrong, he respectfully requested Council defer to the Commission's decision.

Mr. Choate provided background on Polestar and stated the property is not gated and is open to the public. He stated the applicant, Polestar Gardens, is a non-profit entity and one unique aspect is that a substantial portion of the property will be owned as tenants-in-common. He also noted the density being proposed is far less than the allowed density.

In terms of traffic, Mr. Choate noted the City's Traffic Engineers told the project not to include Orchard and Plum in their traffic impact study. Additionally, he stated these roadways are well below half of total capacity after full build out of this development.

Mr. Choate reiterated that the appropriate public notice was provided and Polestar held a neighborhood meeting. He stated there is not a question as to whether Orchard will go through to Overland; rather the question is related to whether that connection would be required with this development, and the answer to that question is very clearly 'no.' He noted Polestar has no ownership of that property or ability to acquire it to be turned into a roadway.

Mr. Choate stated neither Commissioner Shepard nor Commissioner York indicated they had a conflict of interest, rather they disclosed they knew the former owners or others in the area. He noted there is no connection between the former owners and Polestar and stated the disclosures made by the Commissioners do not rise to the level of conflict of interest.

Appellant Rebuttal

Mr. Thompson noted Polestar does not provide affordable housing and stated it is an investment opportunity as per their website. Additionally, he stated that while Polestar claims to be a planned community of like-minded individuals, there will be no application process for home ownership and there is no guarantee the investors will live in the development.

Mr. Thompson questioned whether there will be tax exemptions given there will be a place of worship on the property. He reiterated questions as to why Orchard and Plum were not included in the traffic impact study. He also questioned what is considered to be common areas that are accessible by other members of the community.

Andrea Coy stated she organizes the Roger's Park neighborhood annual event and did attend the first neighborhood meeting, after which she expressed concern about the process and procedures. She expressed concern about the challenges of navigating the appeal process and stated the proposed project does not offer affordable housing as per the City's goals.

Applicant Rebuttal

Mr. Choate argued the tenants-in-common ownership model does allow for more affordability and stated the project is well in line with City Plan. He reiterated this hearing is not about the project but about the appeal.

Brian Dunbar, CSU Institute for the Built Environment Executive Director, spoke on behalf of the applicant team, and stated the Institute has worked with Polestar to develop sustainable design and construction guidelines for the development and noted the project could be much more dense but opted to allow for open spaces. He stated he has found those involved in the development to be eager to establish community connections and commented on the lifelong nature of the homes that will be built. Additionally, he stated the project does provide mixed opportunities of housing, some of which would be more affordable and attainable than others.

Council Questions

Mayor Pro Tem Francis requested clarification on the traffic study. Steve Gilchrist, Traffic Operations, clarified the intent of the traffic study is to determine whether the existing transportation system can handle the additional traffic from a development. He stated traffic studies examine level of service which is based on intersection capacity and this traffic study examined five intersections which were shown to fully function based on level of service standards. He stated the City can require additional studies on adjacent streets based on concerns, and in this case, looked at daily volumes on Louise, Locust Grove, and Kimball.

Councilmember Ohlson asked who sends the neighborhood notices and what checks are in place to assure those are sent out. Sizemore replied administrative staff within Community Services and Neighborhood Development prepare address lists and mailings per the methodology prescribed in the Land Use Code, and the mailing lists are kept as part of the record.

Councilmember Ohlson asked what changes were made to the development based on neighborhood feedback. Mr. Merritt replied the neighborhood meeting was held in May of 2021 via Zoom and there were not many participants. He stated there were no substantial changes to the plan because of that meeting, though there may have been more units in the original plan and one of the internal intersections changed. Additionally, it was determined a heritage cottonwood tree that was going to be removed would be saved with some changes to the plan.

Councilmember Ohlson asked about the comments made related to the community being relocated to Fort Collins. Mr. Merritt replied Polestar originally resided in Hawaii and in 2019, a volcano eruption destroyed their community. In 2020 and 2021, Polestar decided on Fort Collins for its new location. He noted this is not a closed community and sales and rentals will be open to anyone.

Councilmember Ohlson noted it is irrelevant to this hearing, but asked staff if they are looking at any changes to prevent the land transfer that led to the lack of available land for a roadway connection. Sizemore replied the Code allows for portions of land to be switched around between property owners for agricultural purposes or for the purpose of land assembly for development. He stated it is not something that has been identified as problematic at this point, though it is something that could be examined per Council direction.

Council Discussion

Mayor Pro Tem Francis stated Council is deciding whether a fair hearing was conducted and she is having difficulty finding grounds to indicate the hearing was not fair.

Councilmember Canonico expressed sympathy with the Roger's Park homeowners; however, she did not see any evidence to indicate the Commission's hearing was unfair or members were biased.

Councilmember Potyondy stated the bar for bias is high and fatigue is subjective; therefore, she did not see evidence of a lack of fair hearing.

Councilmember Gutowsky expressed concern that not all slides were presented the night of the hearing and questioned whether the result of the hearing may have been different had they all been presented. She questioned whether the hearing was fair if it was not complete.

Councilmember Potyondy asked if the slides were part of the Commission's packet. Sizemore replied in the affirmative.

Councilmember Ohlson stated he believed the hearing was imperfect but fair. He expressed concern that the appeal process does not offer a level playing field and noted improvements are forthcoming and have been made in the past, citing the change in signage for development properties.

Mayor Arndt concurred the hearing was fair based on the evidence and testimony and she stated she did not see evidence of bias.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that Council find that the Planning and Zoning Commission conducted a fair hearing in consideration of the Polestar Village PDP, finding that the appellant did not establish with confident evidence in the record that any of the fair hearing issues have merit, and further, that based on the evidence in the record and presented at this hearing, the appeal allegations that the Planning and Zoning Commission failed to conduct a fair hearing contained in the appellant's notice of appeal are hereby denied and dismissed in their entirety.

The motion carried 5-1.

Ayes: Councilmembers Ohlson, Potyondy, and Canonico, Mayor Arndt, and Mayor Pro Tem Francis.

Nays: Councilmember Gutowsky.

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.)

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 11:15 p.m.

Mayor

ATTEST:

Interim City Clerk

DRAFT

February 20, 2024

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. Declaring February 2024 as Black History Month.

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

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

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

ABSENT

Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Interim City Clerk Heather Walls

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, with the following highlights:

- Larimer County Behavioral Health Community Report.
- All items on the consent agenda were recommended for approval.
- The items on the discussion agenda were reviewed.

COMMUNITY REPORTS**1. Larimer County Behavioral Health Community Report.**

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

Laura Walker, Larimer County Human and Economic Health Director, noted the County's Behavioral Health Services Department was funded through a 2018 sales tax initiative and discussed the four phases of behavioral health services implementation which completed at the end of 2023 with the opening of the acute care facility at the Longview Campus. She stated an update of the Community Master Plan for Behavioral Health is the next iteration of the work and it includes 14 focused recommendations for the next five years. Walker reviewed the recommendations.

Councilmember Potyondy commended the presentation and work to look at the feasibility for youth services.

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

Sharon Shabtai, Fort Collins resident, opposed the adoption of a cease fire resolution stating it would incite anti-Israel and anti-Jewish sentiments. Shabtai advocated for a City Code provision that restricts Council involvement in foreign affairs.

Brendon Kelly, Fort Collins resident, discussed the rise in antisemitism since the Hamas attack and stated a cease fire resolution passed by Council would have no impact on the war but would have a negative effect on Jewish children in Fort Collins.

Merav Tsubely, Fort Collins resident, opposed the adoption of a cease fire resolution and stated the Human Relations Commission's pursuit of a cease fire resolution will only feed antisemitism, hate, and division.

Nathan Wallace, Fort Collins resident born and raised in Israel, expressed concern about the safety of Israeli residents in Fort Collins.

Miri Kornfeld, Director of Stand With Us, Fort Collins resident, opposed the adoption of a cease fire resolution.

Shimrit Yacobi, Fort Collins resident, spoke in support of Israel and in opposition to the adoption of a cease fire resolution.

Alexis Riggs, Fort Collins resident, commented on the rise in antisemitism and opposed the adoption of a cease fire resolution.

Elise Mordos, Boulder resident, opposed the adoption of a cease fire resolution.

Tsahi Zidenberg, Fort Collins resident, supported a cease fire but opposed the adoption of a cease fire resolution.

Jordan Griffith opposed the adoption of a cease fire resolution.

Michelle Gliszinski, Fort Collins resident, spoke in support of Israel.

Dikla Leon, Superior resident, opposed the adoption of a cease fire resolution.

Jason Levi opposed the adoption of a cease fire resolution.

Angela Watson, Fort Collins resident, spoke against the war and in support of Israel.

Jarrett Watson, Fort Collins resident, spoke in favor of Israel and its right to defend itself.

Louann Griffith, Fort Collins resident, stated Council is not qualified to comment on the situation in Israel and Gaza and opposed the adoption of a cease fire resolution.

Robyn (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jonah Salehi, Chair of the Labor Committee at DSA Fort Collins, spoke in support of the adoption of a cease fire resolution.

Nika (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Ali Owens, NoCo Liberation Coalition, spoke in support of the adoption of a cease fire resolution.

Shawn Goodwin, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dana Guber, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Beth G., Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Shehab Elhaddad, President of Islamic Center of Fort Collins, spoke in support of the adoption of a cease fire resolution stating the Islamic Center has been involved in its drafting, making it a local resolution.

Erica Dickson, Fort Collins resident, opposed the adoption of a cease fire resolution and requested Council focus on the problems in the local community caused by the resolution.

Lori Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

David Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

Cecily (no last name given), Fort Collins resident, read an excerpt from a book regarding Israel and Fort Collins and supported the adoption of a cease fire resolution.

Sabrina M., Westminster resident, spoke in support of the adoption of a cease fire resolution.

Alex Scott, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and stated this issue has united the city around peace.

Schaefer Bennett, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Carmen Pauna, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Paul Herman, Fort Collins resident, discussed the divisiveness of the cease fire issue and stated City Council should not involve itself.

Joshua Keen, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hannah Spring, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Katz, Fort Collins resident, discussed the divisiveness of the cease fire issue and opposed Council's involvement in global issues.

Ella Smith, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Carrie Levi, Fort Collins resident, opposed the adoption of a cease fire resolution and requested Council adopt a City Code provision that limits Council actions in foreign issues.

Madeleine Grigg, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dr. M Watson Saltis, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Melanie Van Der Volgen, Fort Collins resident, opposed the adoption of a cease fire resolution and stated Council should focus on municipal issues.

Cristyn Hypnar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Weinreich, Fort Collins resident, opposed the adoption of a cease fire resolution.

Ron Vaisbort, Fort Collins resident, opposed the adoption of a cease fire resolution stating it is not a matter of local concern.

Rev. Dr. Marta Fioriti, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Nancy York, who spoke on behalf of Kimberly Baker Medina, both Fort Collins residents, discussed statistics related to deaths in Gaza and spoke in support of the adoption of a cease fire resolution.

Aria Hughes, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hannah (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Leila Einhorn, Fort Collins resident, supported adoption of a cease fire resolution.

Zoe (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

David Roy, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Judy Papenfuss, Fort Collins resident, spoke in support of Israel and opposed the adoption of a cease fire resolution.

Steve Papenfuss, Fort Collins resident, opposed the adoption of a cease fire resolution.

Bill Timpson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Aaron Brooks, Boulder resident, spoke of experiencing antisemitism at Council meetings in other communities and opposed the adoption of a cease fire resolution.

Michelle Landon, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dolores Williams, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Eli Alberts, Loveland resident, opposed the adoption of a cease fire resolution.

Tyler Gus, Fort Collins resident, played a video showing Israeli families calling for peace.

Aisha G, Greeley resident, spoke in support of the adoption of a cease fire resolution.

Aaron Lerner, Fort Collins resident, spoke in support of the adoption of a cease fire resolution stating it is a local issue.

Samuel Pisciotta, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Tyler Chrenka, Fort Collins resident, noted Council adopted a resolution related to a cease fire in Ukraine and questioned how the Gaza situation is different.

Ash W., Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jennifer Goodrich, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sterling Linville, Fort Collins resident, displayed a graphic indicating genocide in Gaza and spoke in support of the adoption of a cease fire resolution.

Maddie Christian, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Isabella Zapata, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Danny Elliott, Westminster resident, spoke in support of the adoption of a cease fire resolution.

Clerk's Note: Mayor Arndt called for a ten-minute break at 7:36 p.m. The meeting resumed at 7:50 p.m.

Sarah A. Flick, Fort Collins resident, read excerpts from the Hamas charter.

Sue Ellen Klein, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Cori Wong, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Omar Reda spoke in support of the adoption of a cease fire resolution.

Lake Hogan, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Shay Jennings, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

JoEllen Mitchell, Fort Collins resident, opposed the adoption of a cease fire resolution.

Rorey (no last name given), Fort Collins resident, stated speaking truth is not divisive; genocide is.

Michael Korn, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Nura Elmagbari spoke in support of the adoption of a cease fire resolution.

Jonesy Winchell, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Gabrielle Friesen, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Eli (no last name given), resident of Poudre Valley Mobile Home Park, spoke in opposition to the proposed shelter.

Willie Spellman, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Esme Holden, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Khaled Alali, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Adal Khalil Raja, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jeff Wright, Fort Collins resident and retired pastor, noted the Human Relations Commission recommended adoption of a resolution calling for a cease fire, the delivery of humanitarian aid, and the release of all hostages and encouraged Council to do so.

Kimberly Conner, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dr. Mohamed Kuziez, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Mary Ehrlich opposed the adoption of a cease fire resolution.

Grace Hudgens, Fort Collins resident, spoke in support of the adoption of a cease fire resolution stating this is a local issue and noted Council has previously adopted resolutions related to global issues, including a cease fire in Ukraine.

Ahmad Esmat, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Anya Kaplan-Hartnett, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and noted Council has previously adopted resolutions related to global issues.

Ali (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sunflower (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sheela Turbek, Fort Collins resident, supported adoption of a cease fire resolution.

Ashton Schmidke, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Phoebe Bauer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Blake Summers, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Quinn Miller, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Kaori Keyser, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Dandelion (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Zach Heath, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael May, Fort Collins resident, supported adoption of a cease fire resolution.

Michael Lichtbach, Fort Collins resident, opposed the adoption of a cease fire resolution.

Kristen Switzer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Julie Rowan-Zoch, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Robin Hutchinson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Elliot Fladen opposed adoption of a cease fire resolution.

Mai (no last name given), Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Lorenzo Gomez, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Elwi Borsum, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Robyn Dolgin, Fort Collins resident, spoke in support of adoption of a cease fire resolution.

Quinn Mitchell, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and showed a video.

Mohiman Muneer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Connor Flynn, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Jeremiah Thielke, Fort Collins resident and City employee, spoke in support of the adoption of a cease fire resolution.

Lindsey Garchar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Ashley Garchar, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Giselle Herzfeld, Rocky Mountain Peace and Justice Center, spoke in support of the adoption of a cease fire resolution.

Christinia Eala, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Christina Swope, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Michael Whitcomb, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Zoelle Lane, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Blaine Crowe, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Claire Kopp, Fort Collins resident, spoke on behalf of a Jewish resident in Fort Collins in support of the adoption of a cease fire resolution.

Elisheva Lane, Fort Collins resident, opposed the adoption of a cease fire resolution.

Salah Abdel-Ghany, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Deborah Kellogg, Fort Collins resident, opposed the adoption of a cease fire resolution.

Riley (no last name given), Larimer County resident, spoke in support of the adoption of a cease fire resolution.

Rose Lew, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Sophie Dellota, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Hania Sakkal, Fort Collins resident, displayed a photo from Gaza and spoke in support of the adoption of a cease fire resolution.

Greg Zoda, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Benjamin Skillman spoke in support of the adoption of a cease fire resolution.

Oliver Vollmer, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Cheryl Distaso, Fort Collins resident, noted the Human Relations Commission recommended the adoption of a cease fire resolution which included humanitarian aid and the release of all hostages. Distaso urged Council to direct staff to craft a resolution based on the HRC recommendations and to adopt said resolution.

August-Carter Nelson, Fort Collins resident, spoke in support of the adoption of a cease fire resolution and noted Council has previously adopted resolutions related to global issues.

Will Risheill, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Silen Wellington, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Deana Munoz, Fort Collins resident, spoke in support of the adoption of a cease fire resolution.

Kaitlin (no last name given), spoke in support of the adoption of a cease fire resolution.

Emil Aiden, Fort Collins resident, opposed the adoption of a cease fire resolution.

John Ramsted stated every justice movement in the history of the country has been divisive and spoke in support of the adoption of a cease fire resolution.

H) PUBLIC COMMENT FOLLOW-UP

Mayor Arndt commented on hearing compassion, commitment to peace, and freedom of expression and religion, which are all values of the City. She thanked the speakers and encouraged working together, embracing differences, and living in peace and understanding. She noted any resolution would need to be taken up under Other Business.

Councilmember Gutowsky expressed difficulty in choosing a side on the issue and stated the simplest solution may not be the best solution.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

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

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

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

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

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

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

Adopted on Second Reading.

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

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

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

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

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

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

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

Adopted on Second Reading.

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

This Ordinance, unanimously adopted on First Reading on February 6, 2024, authorizes the amendment of that certain Reciprocal Stormwater Drainage Easement Agreement (the "Original

Easement”) dated September 7, 2022, recorded at Reception No. 20220061510, Clerk and Recorder’s Records, Larimer County, Colorado, by and between the City and Sun Foothills Fort Collins, LLC (the “Owner”), which originally conveyed a stormwater drainage easement to the Owner on City property in exchange for the City’s right to retain stormwater on the Owner’s property. The Amendment to the Original Easement (the “Amended Easement”) will modify the legal description and revise language pertaining to access rights. Approval of the Ordinance would also ratify the Council’s prior action in 2022 approving the easement exchange, the ordinance for which was missing its intended exhibits.

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

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

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

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

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

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

Adopted on Second Reading.

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

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

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

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

year. This data has been collected and analyzed, resulting in the revised 2024 Amended City Classified Employee Pay Plan.

Both Ordinances Adopted on Second Reading.

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

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

Adopted on First Reading.

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

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

Adopted on First Reading.

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

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

Adopted on First Reading.

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

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

Adopted on First Reading.

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

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

Adopted on First Reading.

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

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

Adopted.

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

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

Adopted.

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

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

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

- *retain AECOM as a consultant for Phase 1 (Analysis and Preliminary Design) to perform a jointly agreed upon scope of work (release gate design and water quality identification and mitigation);*

- agree to use the results of Phase 1 to develop a plan for Phase 2 (Implementation); and
- agree to a 50/50 cost share for Phase 1, \$553,490 (Fort Collins' obligation \$276,745).

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

Adopted.

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

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

Adopted.

END OF CONSENT CALENDAR

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

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Pignataro, Potyondy, and Gutowsky.

Absent: Councilmember Ohlson.

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

Councilmember Gutowsky commented on Item No. 3, *Second Reading of Ordinance No. 013, 2024, Appropriating Philanthropic Revenue Received by City Give for the Renovation of the Historic Carnegie Library*, stating the renovations will be very exciting.

L) STAFF REPORTS

None.

M) COUNCILMEMBER REPORTS

Councilmember Potyondy

- Reported on a recent listening session during which the cease fire resolution was also discussed. She acknowledged the difficulty of the issue and noted people in the community are hurting.

Clerk's Note: Mayor Arndt called for a fifteen-minute break at 9:28 p.m. The meeting resumed at 9:45 p.m.

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

None.

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

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

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

PUBLIC COMMENT

No public comment.

COUNCIL DISCUSSION

Mayor Pro Tem Francis thanked staff for meeting with her to discuss this issue. She stated that while she disagrees with the way this part of the City Gives program is being handled, the pickleball club did follow the appropriate process and she will support the item.

Councilmember Gutowsky spoke in support of the pickleball feasibility study.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 015, 2024, Appropriating Philanthropic Revenue Received Through City Give for Park Planning and Development to Fund Pickleball Site Feasibility and Community Engagement, on Second Reading.

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Pignataro, Potyondy, and Gutowsky.

Absent: Councilmember Ohlson.

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

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

Jason Graham, Utilities Water Director, outlined the proposed land exchange between the City of Fort Collins Stormwater Utility and N College 1311, LLC for the purpose of improving the stormwater and floodplain protection infrastructure.

Ralph Campano, Real Estate Manager, discussed the property location north of Hickory Street on North Mason Drive and detailed the property exchange and beneficial financial impacts.

PUBLIC COMMENT

No public comment.

COUNCIL DISCUSSION

Mayor Pro Tem Francis noted the stormwater detention pond is a key piece necessary to move forward with development and restoration.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 037, 2024, Authorizing the Conveyance to N College 1311, LLC, of a Portion of the City Property Designated as the Future Hickory Detention Pond in Exchange for Adjoining Property and Other Valuable Consideration, on First Reading.

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Pignataro, Potyondy, and Gutowsky.

Absent: Councilmember Ohlson.

P) OTHER BUSINESS

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

None.

Mayor Pro Tem Francis stated a cease fire resolution is not the will of Council and it will not be considered.

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

Mayor Pro Tem Frances moved, seconded by Councilmember Canonico, that Council adjourn this meeting to 6:00 p.m. on Tuesday, February 27, 2024, in order to consider adoption of Council priorities and such other business as may come before Council.

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Pignataro, Potyondy, and Gutowsky.

Absent: Councilmember Ohlson.

Q) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:55 p.m.

Mayor

ATTEST:

Interim City Clerk

AGENDA ITEM SUMMARY
City Council

STAFF

Nina Bodenhamer, City Give Director

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates \$18,025.20 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation. In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

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

The City received several individual philanthropic donations supporting various departments totaling \$18,025.20 and these funds are currently unappropriated.

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

These generous donations have been directed by the respective donors to be used by the City for designated uses within and for the benefit of City service areas and programs. These gifts represent a range of support for City programming and services: Lincoln Center Performances, The Farm, Forestry, and the Youth Golf Scholarship Fund.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$10,514 received in 2023 being appropriated from prior year reserves, and \$7,511.20 in new philanthropic revenue received in 2024 through City Give for gifts to various City departments support a variety of programs and services.

The donations shall be expended from the designated fund solely for the donor's directed intent:

From Prior Year Reserves:

Cultural Services & Facilities Fund	\$6,250.00
General Fund	\$ 500.00
Golf Fund	\$3,764.00

From New Unanticipated Philanthropic Revenue:

General Fund	\$1,511.20
Recreation Fund	\$1,000.00
Transportation Fund	\$5,000.00

The funds have been received and accepted per City Give Administrative and Financial Policy.

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

ATTACHMENTS

First Reading attachments not included

1. Ordinance for Consideration

ORDINANCE NO. 032, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND
UNANTICIPATED PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR VARIOUS PROGRAMS AND
SERVICES AS DESIGNATED BY THE DONORS

A. The City received in 2023 four donations totaling \$10,514 and in 2024 six donations totaling \$7,511.20 to be used for various City programs and services, which donations are each \$5,000 or less.

B. The donors have directed these donations to be used solely by the City for certain designated uses.

C. As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2 – Revenue approved by City Council, the City Manager has adopted the City Give Financial Governance Policy to provide for the responsible and efficient management of charitable donations to the City (the "City Give Policy").

D. Section 52.2.C. of the City Give Policy authorizes the City Give Director to accept donations of \$5,000 or less for the City service area intended by the donor to be benefited and Section 52.2.D. of the City Give Policy similarly authorizes the City Manager to accept donations of more than \$5,000 up to \$100,000.

E. As so authorized, the City Give Director and City Manager have accepted for the benefited City service areas, as applicable, the donations to be appropriated in this Ordinance to be used solely as directed by each donor.

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

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

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

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

J. The City Council wishes to designate the appropriation herein for various City Give donations as an appropriation that shall lapse at the end of this fiscal year, except for the appropriation from the Golf Fund for a golf scholarship, which shall be non-lapsing.

K. These appropriations will serve the public purpose of providing additional revenue to each of the benefited service areas to aid them in accomplishing the public purposes for which each service area is established thereby benefiting the public's health, safety and welfare.

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

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue held in prior year reserves to be expended as designated by the donors:

Cultural Services & Facilities Fund	\$6,250
General Fund	\$500
Golf Fund	\$3,764

Section 2. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2024 to be expended as designated by the donors:

General Fund	\$1,511.20
Recreation Fund	\$1,000
Transportation Fund	\$5,000

Section 3. As authorized in Article V, Section 11 of the City Charter, the appropriations herein for various City Give donations are hereby designated as appropriations that shall lapse at the end of this fiscal year; provided, however, that the appropriation herein from the Golf Fund for a golf scholarship donation is hereby designated as an appropriation that shall not lapse at the end of this fiscal year but shall

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

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024

Approving Attorney: Ryan Malarky

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Missy Nelson, Parks & Park Planning & Development, Sr. Technical Project Manager
Kristin Flower, Parks & Park Planning & Development, Analyst II, Finance
Jill Wuertz, Park Planning & Development Senior Manager
Mike Calhoon, Parks Director

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, appropriates partial funding for the future construction of the Fossil Creek Trail spur. This revenue is contributed from the developer. This trail spur is identified in the South College Corridor Subarea Plan as "City built and maintained." The easement for the future trail spur was secured during the development review process of the Fort Collins Nissan-Kia project. Per the South College Avenue Access Control Plan, this trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000. The Developer was required to provide the funds prior to issuance of the project's first building permit. The design and construction date of the future trail spur at this time is unknown.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Project

In addition to the summary above, the design and construction date of the future trail spur is unknown and funds will be held until such time the remaining easements for this spur trail project are secured.

CITY FINANCIAL IMPACTS

Developer's proportionate share was based on the Property's frontage of South College Avenue, ~.25 miles:

\$35,000 – Cost for the Developer

The amount from the developer was received in December 2023 and was deposited in the Conservation Trust Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Park Planning and Development department reviewed and secured easement and funds during the development review process for Fort Collins Nissan-Kia. The associated Project Development Plan, PDP210017, was approved at the July 2022 Planning & Zoning Commission (Type 2) Hearing and the associated Final Development Plan, FDP220011, was recorded 05/02/2023.

PUBLIC OUTREACH

Typical per Type II Development Review process: sign posting, mailers, neighborhood meeting.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 033, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
CONSERVATION TRUST FUND FOR THE FUTURE DESIGN
AND CONSTRUCTION OF THE FOSSIL CREEK TRAIL SPUR

A. In July 2022, the City's Planning and Zoning Commission approved a Project Development Plan by Fort Collins Nissan-Kia (the "Developer") and the Final Development Plan was recorded on May 5, 2023.

B. During that development review process, the City secured an easement from the Developer, located in the South College Corridor Subarea Plan, for the future construction of the Fossil Creek Trail spur.

C. The Fossil Creek Trail offers over 8 miles of paved pathway on the south side of the City. This trail is of regional significance and the Developer agreed to contribute their proportional share of the public access trail project in the amount of \$35,000.

D. In December 2023 the City received those funds from the Developer and the funds were deposited into the Conservation Trust Fund.

E. This appropriation benefits public health and welfare of the citizens of Fort Collins and serves the public purpose and strategic objective of continuing the planned buildout of the paved trail system.

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

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

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Conservation Trust Fund the sum of THIRTY-FIVE THOUSAND DOLLARS (\$35,000) to be expended in the Conservation Trust Fund for the future design and construction of the Fossil Creek Trail Spur as identified in the South College Corridor Plan.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Sara Arfmann

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Collins, Water Conservation Specialist
Kerri Ishmael, Senior Analyst, Grant Administration

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, supports businesses, homeowner associations (“HOAs”) and other commercial properties pursuing costly landscape projects that reduce water use long-term through the Xeriscape Incentive Program by utilizing \$75,104 in existing 2024 appropriations to fund the City’s match requirement under this grant project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Xeriscape Incentive Program (“XIP”) supports Fort Collins Utilities (“Utilities”) water customers by providing funding for landscape retrofit projects that reduce outdoor water use long-term. The typical existing commercial landscape in Fort Collins is made up mostly of bluegrass, which, on average, requires 15-18 gallons of supplemental irrigation water per square foot of area, per growing season. Reducing the total amount of bluegrass on a property along with reconfiguring irrigation systems may cut a property’s landscape water requirement by 30% or more, but retrofit projects are costly. XIP is one tool to help reduce barriers to landscape conversions, providing rebates of \$1.50 per square foot of area converted from high- to low- water landscape. More information about the XIP can be found at fcgov.com/xip.

Reducing outdoor water use is one of several effective water demand management tools. Since 2020, when Utilities started offering XIP funding for commercial water customers, XIP has funded 27 projects across HOAs, businesses and county properties. In total, 19 acres of bluegrass have been replaced with low-water landscape. The water savings for the 27 completed projects is estimated at 18 acre-feet per year compared to pre-project water use.

In support of XIP, the Bureau of Reclamation (“BOR”) awarded the City \$75,000 for XIP projects. The City committed \$95,000 to support a total of \$170,000 in rebates under this grant project.

The grant project has been operating, with the City needing to contribute \$75,104 to allowable rebates under the grant project. Based on changes made to provide more transparency over grant projects,

including tracking of City's required matching funds, the \$75,104 in 2024 appropriated funds in the Water Fund will be transferred to the grant project.

The City's matching funds of \$75,104 were appropriated in the 2024 operating budget for Water Conservation.

CITY FINANCIAL IMPACTS

This item authorizes transfer of \$75,104 in required matching funds for the grant project that have already been appropriated in the Water Fund, specifically in the 2024 operating budget for Water Conservation.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 034, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR
THE XERISCAPE INCENTIVE PROGRAM

A. The City owns and operates Fort Collins Utilities (“Utilities”), which includes a water utility that provides water to customers in its service area.

B. Water conservation and efficiency comprise a tool Utilities uses, primarily through the Utilities Water Conservation Division, to manage and reduce the demand for water service by Utilities customers, which is beneficial to the City, the water utility, and its ratepayers by, among other reasons, reducing demand on water supplies and helping to ensure that the demand for water does not exceed supplies.

C. Utilities has developed the Xeriscape Incentive Program (“XIP”) to support customers seeking to transform their large-scale landscapes to use less water from Utilities, such as those of homeowners’ associations and commercial customers.

D. The United States Department of the Interior, Bureau of Reclamation (“Reclamation”) has a Water SMART (Sustain and Manage America’s Resources for Tomorrow) Program that provides grants to water conservation programs. Reclamation previously awarded the City a grant of \$75,000 for XIP.

E. In order to fully utilize such Reclamation grant funds, the City needs to contribute \$75,104 in matching funds. The 2024 appropriated funds in the Water Fund contain sufficient funds that can be transferred to be utilized as such matching funds.

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

G. The City Manager has recommended the transfer of \$75,104 from the Water Fund Operating Budget to the Water Fund Xeriscape Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

I. The City Council wishes to designate the appropriation herein for the Water Fund Xeriscape Incentive Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. The unexpended and unencumbered appropriated amount of Water Fund the sum of SEVENTY-FIVE THOUSAND ONE HUNDRED FOUR DOLLARS (\$75,104) to be transferred from the Water Fund's Water Conservation Operating Budget to be expended in the Water Fund for the Xeriscape Incentive Program Grant Budget.

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

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Eric Potyondy

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Grants Compliance and Policy Manager

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, authorizes the termination of the HOME Investment Partnership Funding Development Contract with Fort Collins Habitat for Humanity (Habitat) and release the Agreement of Restrictive Covenants Affecting Real Property on the single-family home located at 2850 Sykes Drive. Termination of the contract and release of the Agreement of Restrictive Covenants is required for Fort Collins Habitat for Humanity to move forward with the sale of the home to the buyer.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

On April 13, 2023, the City entered into a Development Contract for HOME Investment Partnership (HOME) funding with Fort Collins Habitat for Humanity. The contract provided for the payment of \$80,000 in HOME funding to support the construction costs of a single-family home built in partnership with the Geometry in Construction program at Poudre High School (PHS). The contract funding agreement was secured by a Promissory Note, Deed of Trust and Agreement of Restrictive Covenants ensuring the home would be transferred to an income eligible buyer and remain affordable for a period of 20 years.

Funds were to be provided as a reimbursement of eligible construction costs to reduce the purchase price of the home for the income qualified buyer. No payments have been made under the terms of the contract.

At the time of contracting, an income eligible homeowner had been selected through Habitat's rigorous selection process. The selected buyer has since completed all program requirements and contributed the required sweat equity towards the building of the home. However, on January 5, 2024, Habitat submitted a letter to the City of Fort Collins requesting termination of the contract so they can sell the property to the buyer because the buyer no longer meets applicable income restrictions. Termination of the contract and release of the Agreement of Restrictive Covenants would allow Habitat to move forward with the sale of the unrestricted home to the buyer.

If approved, this home will not receive any investment of City or federal funds and will not be a part of the long-term affordable housing inventory. Habitat will retain a first right of refusal to purchase the home back from the owner and may seek future funding to subsidize the home for a subsequent buyer.

CITY FINANCIAL IMPACTS

The \$80,000 in unexpended HOME funds will go into the Spring 2024 Competitive Process to be allocated to another affordable housing project. Habitat for Humanity continues to build affordable home ownership units and will apply for funding to support the development of four new units at Harmony Cottages. Funding recommendations related to the reallocation of funds will be presented to Council in June as part of the 2024 Competitive Process Funding Recommendations.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Human Services and Housing Funding Board voted to recommend this request at its regular Board meeting held on January 10, 2024.

The Affordable Housing Board voted to recommend this request at its regular Board meeting held on February 1, 2024.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration

ORDINANCE NO. 035, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE RELEASE OF RESTRICTIVE
COVENANTS ON PROPERTY AT 2850 SYKES DRIVE,
DEVELOPED BY FORT COLLINS HABITAT FOR HUMANITY

A. On April 13, 2023, the City of Fort Collins entered into a Development Contract (the "Agreement") for HOME Investment Partnership ("HOME") funding with Fort Collins Habitat for Humanity.

B. The Agreement provided for the payment of \$80,000 in HOME funding to support the construction costs of a single-family home built in partnership with the Geometry in Construction program at Poudre High School. The property is located at 2850 Sykes Drive (the "Property").

C. The HOME funding was secured by a Promissory Note, Deed of Trust and Agreement of Restrictive Covenants ensuring the Property would be transferred to an income eligible buyer and remain affordable for a period of 20 years (the "Covenant").

D. Funding under the Agreement was to be provided as a reimbursement of eligible construction costs to reduce the purchase price of the Property for the income-qualified buyer. No payments have been made by the City under the terms of the Agreement.

E. At the time of execution of the Agreement, an income eligible buyer ("Buyer") had been selected through Habitat for Humanity's selection process. The Buyer has since completed all program requirements and contributed the required physical work towards the building of the home on the Property.

F. On January 5, 2024, Habitat for Humanity requested termination of the Agreement so it can sell the Property to the Buyer, who now does not meet applicable income requirements. Termination of the Agreement and release of the Covenant would allow Habitat for Humanity to sell the Property to the Buyer. Further, there is no negative financial impact to the City because City staff will add the unpaid HOME funding to the funds distributed through the Social Sustainability's annual competitive process.

G. The City's right under the Covenant to restrict the use of the Property constitutes an interest in real property owned by the City that the City would be giving up by releasing the Covenant.

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

I. Authorizing the release of the Covenant in these circumstances provides flexibility to Habitat for Humanity to administer its affordable housing program, allowing it to both honor its commitment to the Buyer and to maximize its creation of new affordable housing in Fort Collins. Accordingly, the City Council hereby finds that releasing the Covenant on the Property on the terms and conditions described herein is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the City Manager to execute such documents as are necessary to release the Property from the Covenant on terms and conditions consistent with this Ordinance, along with such other terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Ted Hewitt

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Sophie Buckingham, Civil Engineer II
Marissa Pomerleau, Development Review Coordinator

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, approves the vacation of a 1,077 square foot portion of two easements (8' Electrical Easement and an 8' Telephone Easement) (the "Easements") that are no longer required by the City because they are currently located beneath a newly constructed building envelope.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

The Easements were originally dedicated to the City in that certain Replat of Coachlight Plaza, recorded on March 1, 1982, with the Larimer County Clerk and Recorder (the "Replat").

On May 31, 2022, Coachlight Apartments LLLP (the "Owner") acquired the property burdened by the Easements, and subsequently applied for a building permit to enlarge and remodel the original structure served by the Easements. On April 24, 2023, construction of the new building (the "New Building") was approved by the Building and Development Review Department, which issued Building Permit #B2109742 (the "Permit"). Construction was completed shortly thereafter and the Permit was closed out on November 2, 2023, thereby ending the development review process.

The Owner recently advised the City that the Easements were actually located underneath the New Building and that their final funding is contingent upon obtaining releases of that portion of the Easements that underly the New Building. The Easements do not contain any public utilities, and the Development Review Coordinator approves of the vacation of the Easements. However, the vacation of the Easements requires City Council approval because the construction project for the New Building is no longer in the development review process.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The City's Building and Development Review Department has approved the vacation of the Easement.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 036, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE VACATION OF A PORTION OF TWO
EASEMENTS ORIGINALLY DEDICATED IN THAT CERTAIN
REPLAT OF COACHLIGHT PLAZA PUD

A. The easements at issue were dedicated to the City in that certain Replat of Coachlight Plaza, PUD, recorded on March 1, 1982, with the Larimer County Clerk and Recorder, in Book 2156, Page 1197.

B. The easements include an easement for electrical improvements and an easement for telephone improvements (the "Easements").

C. In May 2022, Coachlight Apartments, LLLP ("Coachlight"), the owner of the property burdened by the Easements, applied to the City for a building permit to enlarge and remodel the original building served by the Easements.

D. In or about April 2023, Coachlight began construction of the new building pursuant to a City-issued building permit, which was closed out on November 2, 2023, after Coachlight completed construction. The closure of the building permit ended Coachlight's involvement in the City's development review process.

E. Coachlight recently advised the City that to obtain its final funding for the project that it must obtain releases of that portion of the Easements underlying the new building, said portion totaling 1,077 square feet.

F. City staff are recommending the City Council vacate the portion of the Easements described on Exhibit "A", attached and incorporate herein by this reference.

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

Section 1. That the City Council hereby finds and determines that the portions of the Easements, more particularly described on Exhibit "A," are no longer needed or required and that it is in the public interest to vacate the same.

Section 2. That the specified portions of the Easements are hereby vacated, abated and abolished, providing that:

(a) This vacation shall not take effect until this Ordinance is recorded with the Larimer County Clerk and Recorder by the property owner or its agent.

(b) If this Ordinance is not recorded by December 31, 2024, then this Ordinance shall become null and void and of no force and effect.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on the March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Ryan Malarky



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EXHIBIT "A"

December 13, 2023

A description of a portion of an 8-foot Electric Easement and a portion of an 8-foot Telephone Easement within The Replat of Coachlight Plaza to be vacated by City of Fort Collins. For: Coachlight Apartments LLLP.

LEGAL DESCRIPTION

All of that part of an 8-foot Electric Easement and a part of an 8-foot Telephone Easement set forth on the plat of The Replat of Coachlight Plaza, a subdivision of the City of Fort Collins located in the NW1/4 of Section 1, T7N, R69W of the 6th P.M., County of Larimer, State of Colorado, recorded March 1, 1982, in Book 2156 at Page 1197 of the records of Larimer County, Colorado, which lies within the Community Building of Coachlight Apartments, described as follows:

COMMENCING at the Southwest Corner of said The Replat of Coachlight Plaza from which the Northwest Corner of said The Replat of Coachlight Plaza bears N00°00'00"E, 585.69 feet (Basis of Bearing), thence N33°24'16"E, 247.03 feet a point of intersection of the Southerly Line of the Community Building and Easterly Line said 8-foot Electric Easement and the POINT OF BEGINNING;

Thence N89°53'20"W, 8.00 feet along the Southerly Line of said Community Building to the Westerly Line of said 8-foot Electric Easement;

The following courses and distances are along the Westerly, Southerly, Easterly, and Northerly Lines of said 8-foot Electric Easement:

Thence N00°00'00"E, 33.76 feet;

Thence N90°00'00"W, 26.00 feet;

Thence N00°00'00"E, 8.00 feet;

Thence N90°00'00"E, 34.00 feet;

Thence S00°00'00"E, 14.00 feet to the Northerly Line of said 8-foot Telephone Easement;

Thence leaving the Easterly Line of said 8-foot Electric Easement, N90°00'00"E, 30.02 feet along the Northerly Line of said 8-foot Telephone Easement to an angle point thereof;

Thence N00°00'00"E, 20.26 feet along the Westerly Line of said 8-foot Telephone Easement to the Northerly Line of said Community Building;

Thence S89°53'20"E, 8.00 feet along the Northerly Line of said Community Building to the Easterly Line of said 8-foot Telephone Easement;

Thence S00°00'00"E, 20.25 feet along the Easterly Line of said 8-foot Telephone Easement to an angle point thereof;

Thence N90°00'00"E, 8.62 feet along the Northerly Line of said 8-foot Telephone Easement to the Easterly Line of said Community Building;

Thence S00°06'40"W, 8.00 feet along the Easterly Line of said Community Building to the Southerly Line of said 8-foot Telephone Easement;

Thence N90°00'00"W, 46.63 feet along the Southerly Line of said 8-foot Telephone Easement to the Easterly Line of said 8-foot Electric Easement;

Thence S00°00'00"E, 19.78 feet along the Easterly Line of said 8-foot Electric Easement to the POINT OF BEGINNING.

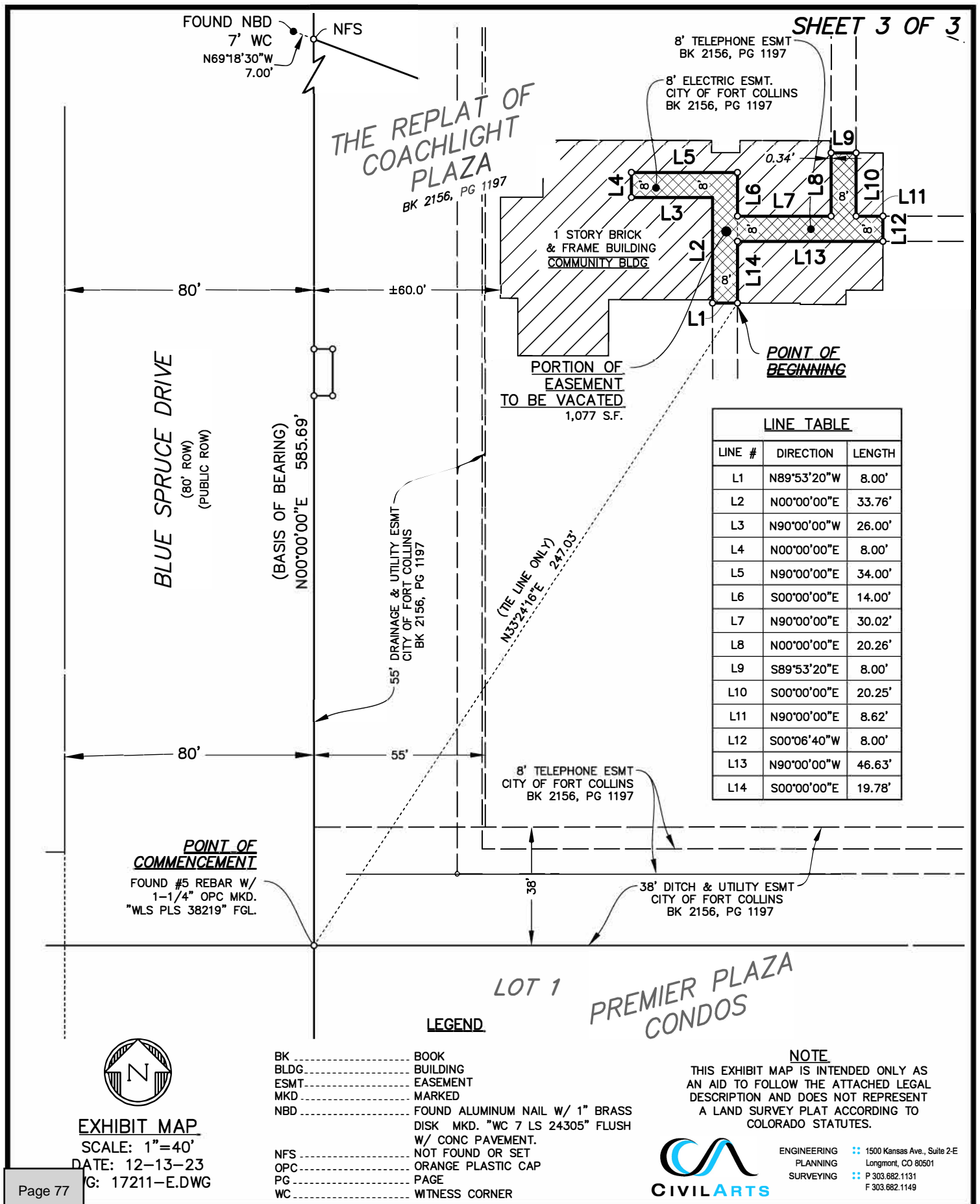
Area = 1,077 square feet acres (0.025 acres), more or less.

NOTICE: According to Colorado law you **must** commence any legal action based upon any defect in this survey within three years after you first discovered such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.


 Frank N. Drexel 24305
 Colorado Professional Land
 Surveyor No. 24305
 1500 Kansas Ave #2-E, Longmont, CO 80501
 Date: 12-13-23

File: 17211-E lgl.doc

Project: 1721-1



March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jonathan Piefer, Senior Real Estate Specialist
Ralph Campano, Real Estate Services Manager
Jason Graham, Water Utilities Director
Ken Sampley, Stormwater Engineer/Development Review Director

SUBJECT

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

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 20, 2024, permits the conveyance of approximately 1.31 acres (57,064 sf) of City property (the "Conveyed Parcel") to N College 1311, LLC, ("Owner"), as well as a possible temporary construction easement or license to enter, and acceptance of Natural Habitat Buffer Zone on City property, in exchange for approximately 2.43 acres (105,723 sf) of Owner's adjoining property (the "Received Parcel") and other valuable consideration.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading

BACKGROUND / DISCUSSION

Hickory Detention Pond

The Conveyed Parcel was purchased by the City on July 30, 2010, from Amada, LLC, as part of a 7.53 acre tract of land (the "City Property") on Hickory Street intended to be used as a future regional stormwater detention pond (the "Hickory Detention Pond"). The Hickory Detention Pond will provide stormwater runoff detention, water quality treatment, and a stormwater outfall for new and existing developments in the North College Area of the Dry Creek Basin. The future construction of Hickory Detention Pond will also provide flood protection to southern portions of the Dry Creek Basin. The North College Urban Renewal Authority identified the Hickory Detention Pond project as a top priority for investment in the area.

As a result of this proposed transaction (the "Subject Exchange"), the City will gain an additional net 1.12 acres (48,659 sf) (the "Additional Acreage") to be used for the future construction and operation of Hickory Detention Pond (the "Larger Pond Site"). The City will also obtain the additional benefits discussed below.

the Shelter Project

The Received Parcel was purchased by the Owner on May 6, 2019, as part of a 5.21 acre tract of land (the "Owner Property") intended to be used by the Fort Collins Rescue Mission ("FCRM") for future development of a supportive shelter project for those experiencing homelessness (the "Shelter Project"). FCRM has submitted plans to the City for the Shelter Project, which is currently in the development review process. The Owner has proposed the Subject Exchange as a mutually beneficial transaction: while site analysis shows the Shelter Project can be built on the Owner Property without use of the City Property, the Subject Exchange would benefit both the Shelter Project and the development of the Hickory Detention Pond by optimizing the configuration of both Properties for their proposed uses. The Hickory Detention Pond would benefit from more efficient capture of stormwater draining from the north, and the new alignment of the City Property would allow for an existing tree grove to be incorporated into the Pond. If the Subject Exchange does not happen, the City will need to acquire and maintain an easement across the Owner Property to get stormwater from the north to the Hickory Detention Pond.

Land Valuation

The main issue to determine regarding the Subject Exchange is whether the City Stormwater Utility ratepayers would be adequately compensated for the exchange of the Conveyed Parcel. To make this determination, the City has relied primarily on an appraisal prepared by Jon Vaughan, MAI, SR/WA of CBRE of Hickory Detention Pond using the Before and After methodology as it applies to the Subject Exchange (the "Appraisal").

Although the Additional Acreage will expand Hickory Detention Pond, the overall effect of the Subject Exchange on the Larger Pond Site is a reduction in value. Primarily, the Subject Exchange includes the transfer of approximately 86,734 square feet of additional Natural Habitat Buffer Zone ("NHBZ") onto the Larger Pond Site, which restricts many types of development on approximately 44% of the Larger Pond Site.

Additionally, the Larger Pond Site will have an irregular shape and reduced frontage on Mason Street, which further limit its value based on future development potential. The Appraisal concluded that the Subject Exchange results in a loss of \$250,000 in Fair Market Value to the City because the value of the Larger Pond Site after the Subject Exchange is less than the value of the City Property before the Subject Exchange.

Additional Consideration

The Subject Exchange includes related benefits that the City and Owner agree are in their respective best interests and will compensate the Stormwater Utility for the reduction in value of the Larger Pond Site. This additional consideration will be included in a Land Exchange Agreement for the Subject Exchange (the "LEA"). The LEA will be finalized and executed prior to completing the exchange. Specifically, the parties intend the LEA to include provisions for the Owner's performance of excavation, clearing, grading, and design of a portion of Hickory Detention Pond and NHBZ restoration on City Property in exchange for the Owner's use of fill materials from the City Property (the "Excavation Provisions").

The Excavation Provisions will require the Owner to clear and grub approximately 8 acres of woody debris and surface materials and then excavate approximately 29,000 cubic yards of soil on the Larger Pond Site. This is a benefit to the City of approximately \$620,000 towards the future construction of the final Hickory Detention Pond. The Owner will also be responsible for the estimated cost of restoration on City Property of approximately 2 Acres of NHBZ. The Owner will likely need a temporary construction easement or license to enter from the City to complete the proposed work on the City Property.

Additionally, the Owner has completed engineering design of the preliminary grading of the Hickory Detention Pond, the value of which has not been included in these numbers.

It is important to note that while the irregular shape, loss of Mason Street Frontage and transfer NHBZ areas to the City property have an adverse impact on fair market value, the changes do not significantly impact the utility of the site as a stormwater detention pond.

Conclusion

City staff has concluded that the Subject Exchange is in the best interest of the Stormwater Utility ratepayers because there will be Additional Acreage to be used for Hickory Detention Pond, and that plus the financial benefits to the City as a result of the Excavation Provisions, and the other City benefits will outweigh any loss in value to the Hickory Detention Pond property as a result of the Subject Exchange.

CITY FINANCIAL IMPACTS

Other than staff time and related expenses, the only additional cost to the City associated with the Subject Exchange is a loss in land value of approximately \$250,000, which is offset by four beneficial impacts:

1. The \$620,000 cost savings to the City as a result of the Excavation Provisions, which is a net benefit of \$370,000;
2. The addition of 1.12 acres of land available for development as a stormwater pond;
3. NHBZ restoration of approximately 2 acres of land on the City Larger Pond Site; and
4. Detention Pond Design cost savings.

City staff recommends that the Subject Exchange not include any additional monetary consideration because the City Utilities ratepayers will be adequately compensated as summarized above.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Water Commission will consider the Subject Exchange at its February 15, 2024, meeting and staff anticipates the Commission will recommend its approval by Council.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

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

ORDINANCE NO. 037, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE TO N COLLEGE 1311, LLC, OF A
PORTION OF THE CITY PROPERTY DESIGNATED AS THE FUTURE
HICKORY DETENTION POND IN EXCHANGE FOR ADJOINING
PROPERTY AND OTHER VALUABLE CONSIDERATION

A. The City owns a 7.53 acre tract of land on Hickory Street (the “City Property”) purchased in 2010 as the site for a future regional stormwater detention pond (the “Hickory Detention Pond”). The Hickory Detention Pond will collect stormwater draining from existing properties to the north and west that do not currently have adequate stormwater infrastructure and release it into 2,350 feet of new storm sewer along the future North Mason Street right-of-way. N College 1311, LLC, (“Owner”) owns a tract of land adjacent to the City Property (the “1311 Property”). The City Property and 1311 Property are shown on Exhibit “A”, attached and incorporated herein by reference.

B. The 1311 Property is the proposed site for the Fort Collins Rescue Mission’s new 24/7 shelter for persons experiencing homelessness (the “Shelter Project.”).

C. The Owner has proposed exchanging a 2.43 acre portion of the 1311 Property for a 1.31 acre portion of the City Property. While this exchange is not essential for either project, it would facilitate development of both the Shelter Project and the Hickory Detention Pond by optimizing the configuration of both Properties for their proposed uses.

D. The property that the City would convey to the Owner (the “Conveyed Parcel”) and the property the Owner would convey to the City (the “Received Parcel”) are both shown on Exhibit “B”, attached and incorporated herein by reference. The configuration of the City Property and the 1311 Property after the proposed exchange are shown on Exhibit “C”, attached and incorporated herein by reference. Surveyed legal descriptions of both the Conveyed Parcel and the Received Parcel would be created before the parties close on the exchange of the Parcels.

E. Portions of both the City Property and the 1311 Property are within 500 feet of an area or feature identified as a natural habitat or feature pursuant to Division 3.4 of the City’s Land Use Code (a “Natural Habitat Buffer Zone” or “NHBZ”). A NHBZ limits development but can be reduced in one area and expanded in another. Therefore, the Owner is asking the City to agree to accept more of the NHBZ on the City Property to increase the developable area on the 1311 Property. City staff does not object to this proposal, as the NHBZ should not limit the City’s ability to construct the Hickory Detention Pond.

F. The current locations of the NHBZ on both Properties is shown on Exhibit “D”, and the location of the NHBZ on the City Property after the proposed property exchange and relocation of the NHBZ is shown on Exhibit “E”, both attached and incorporated herein by reference.

G. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interest in real property owned by the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City; and, with respect to real property which is a part of the City's water or utility systems, the City Council must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City.

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

I. City staff has determined through an outside appraisal prepared using the "before and after" methodology that the City Property is currently worth approximately \$1.57 million. But even though the Received Parcel is larger than the Conveyed Parcel, after the proposed exchange the fair market value of the City Property would be approximately \$250,000 less than it is now, primarily because the exchange would include the transfer of additional Natural Habitat Buffer Zone onto the City Property, limiting its potential for development and therefore reducing its value.

J. The Owner has agreed, however, as additional consideration for the land exchange, to be responsible for the design, excavation, clearing, and grading of a portion of the Hickory Detention Pond and restoration of the NHBZ on the City Property as part of the work on the Shelter Project. The Owner will be able to use dirt removed from such excavation as fill on the 1311 Property.

K. The Owner or its contractor may require a license to enter or temporary construction easement over the City Property shown on Exhibit C for work on the Hickory Detention Pond.

L. The value to the City of the Received Parcel plus the work the Owner has agreed to do on the City Property, less the value of the Conveyed Parcel, results in a net gain to the City of approximately \$370,000. The Owner's design work for the Hickory Detention Pond is not included in this amount but provides additional value to the City; staff therefore recommends that the City not charge the Owner any additional monetary consideration for the proposed exchange.

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

Section 1. The City's conveyance of the Conveyed Parcel and a temporary construction easement or license to enter to the Owner, plus the City's acceptance of additional Natural Habitat Buffer Zone on the City Property, in exchange for the Received Parcel plus additional services to be provided to the City by the Owner on the City Property is in the best interests of the City, will not materially impair the viability of the

City's stormwater utility system as a whole, and will be for the benefit of the citizens of the City.

Section 2. The City Council hereby authorizes the Mayor to execute such documents as are necessary to convey the Conveyed Parcel to the Owner on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the Conveyed Parcel, as long as such changes do not materially increase the size or change the character of the interest to be conveyed.

Section 3. The City Council also authorizes the Mayor or City Manager, as appropriate, to execute such additional documents as may be necessary to (i) convey a temporary construction easement or license to enter to the Owner for the purpose of doing work on the Hickory Detention Pond, and (ii) accept or allow transfer of additional Natural Habitat Buffer Zone onto the City Property as shown on Exhibit E, on terms and conditions consistent with this Ordinance, together with such terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited to, any necessary changes to the legal description of the property interests involved, as long as such changes do not materially increase the size or change the character of the interests to be conveyed.

Section 4. The City Council's approval of the property exchange described herein does not signify the Council's approval of the Shelter Project, which must comply with all applicable standards and requirements of the City's development review process.

Introduced, considered favorably on first reading on February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Ingrid Decker

Exhibit A - Properties Before Exchange

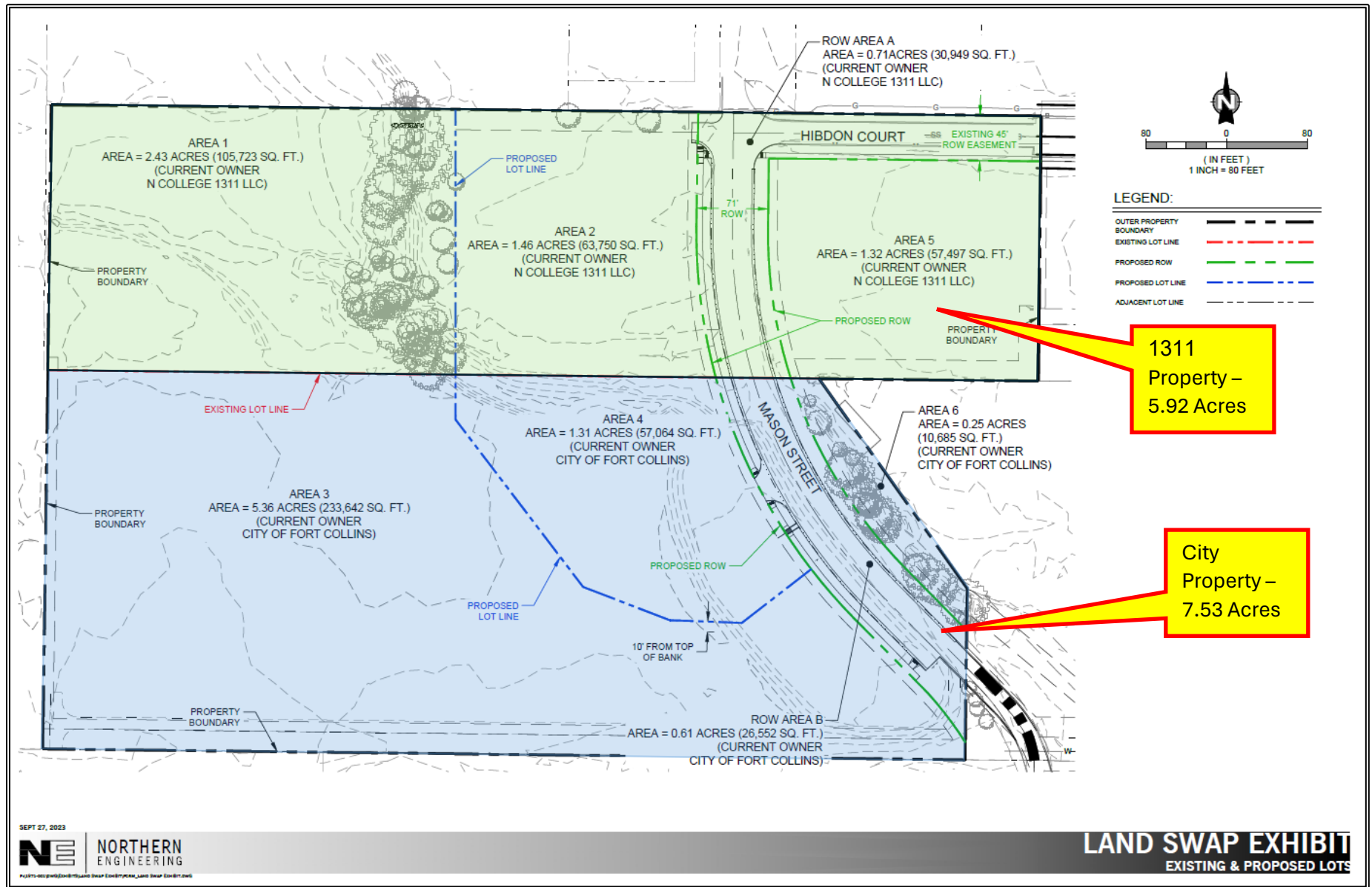


Exhibit B - Exchange Parcels

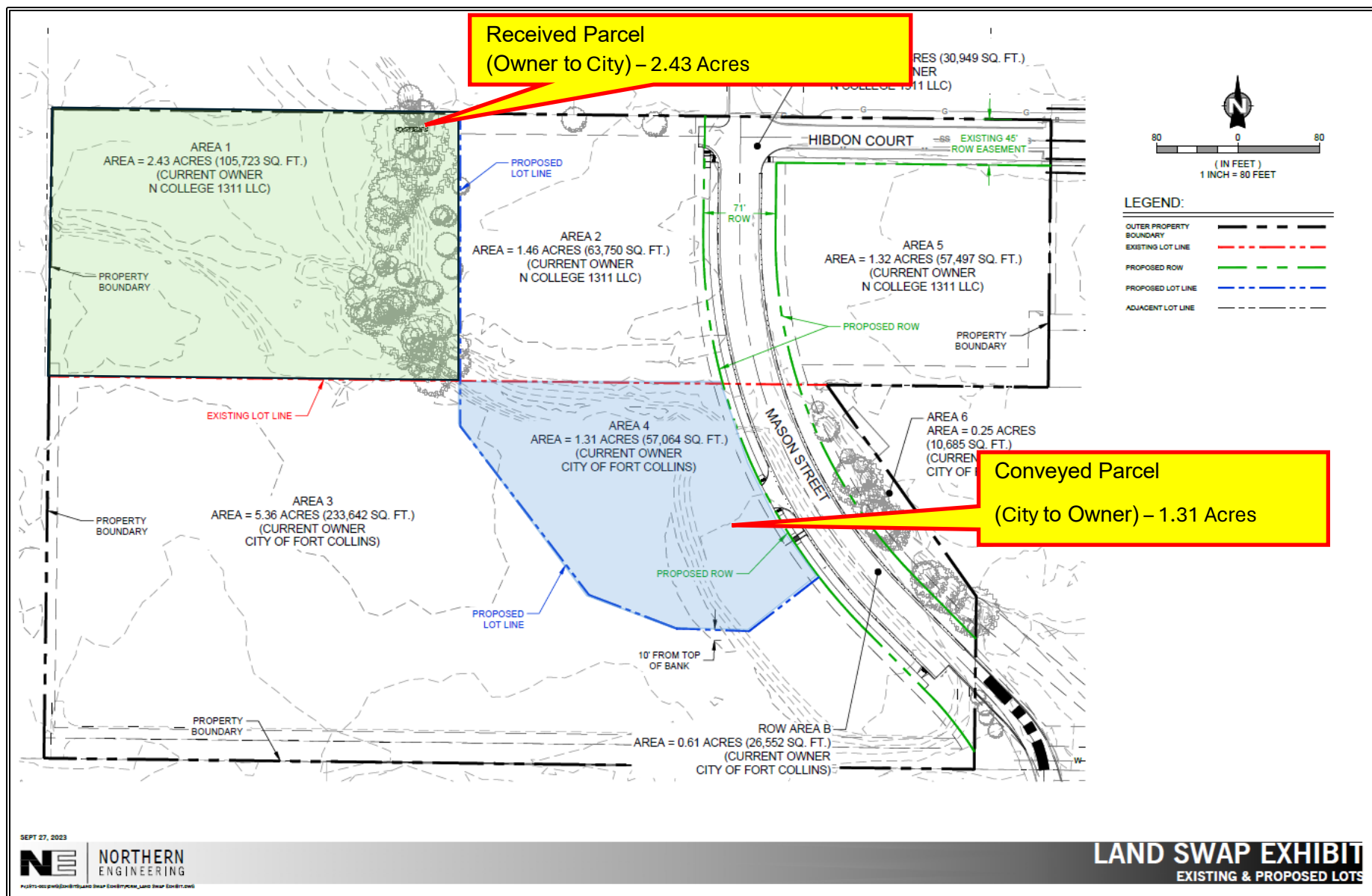


EXHIBIT C TO ORDINANCE NO. 037, 2024

Exhibit C - Properties After Exchange

Item 7.

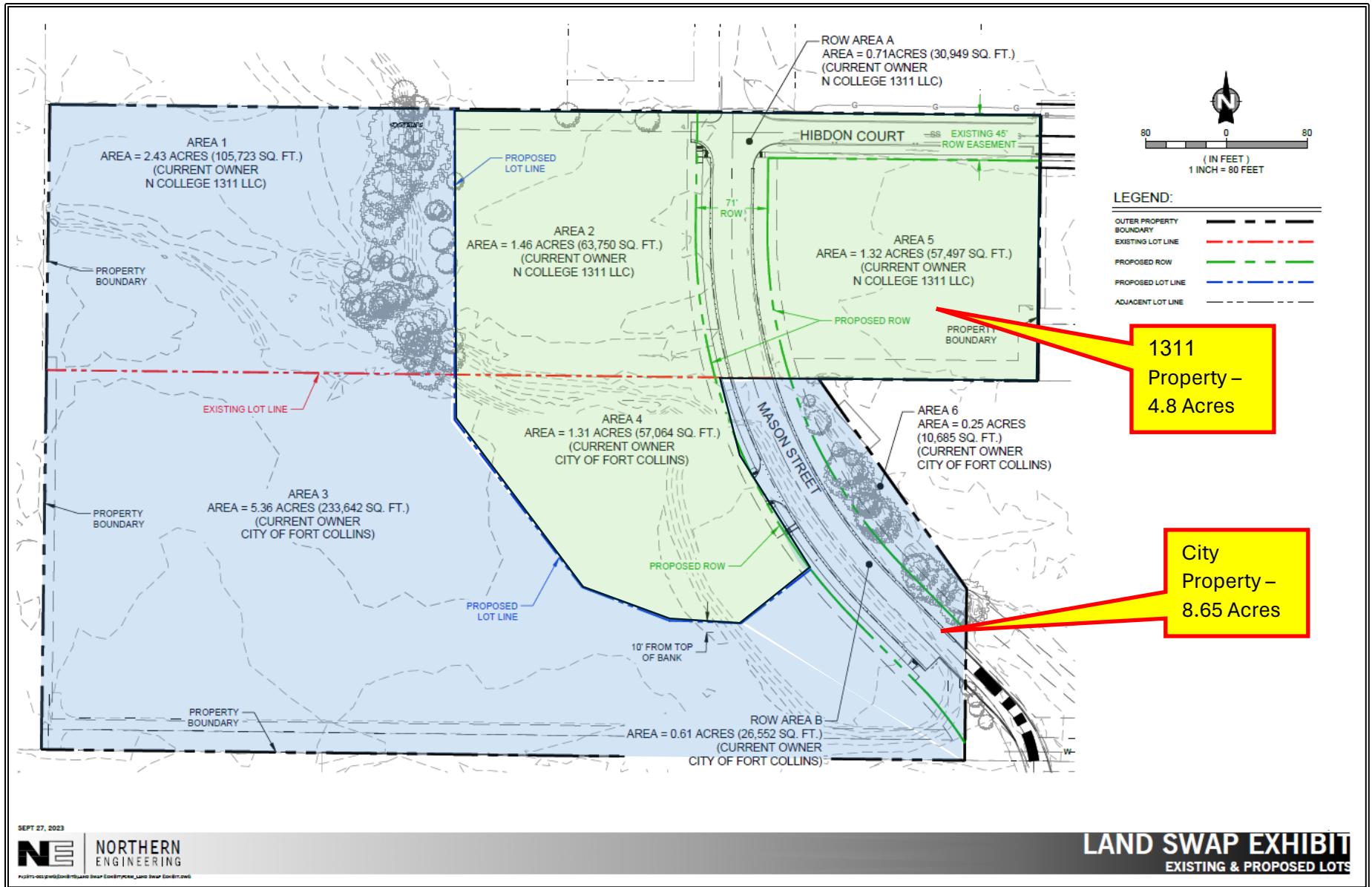
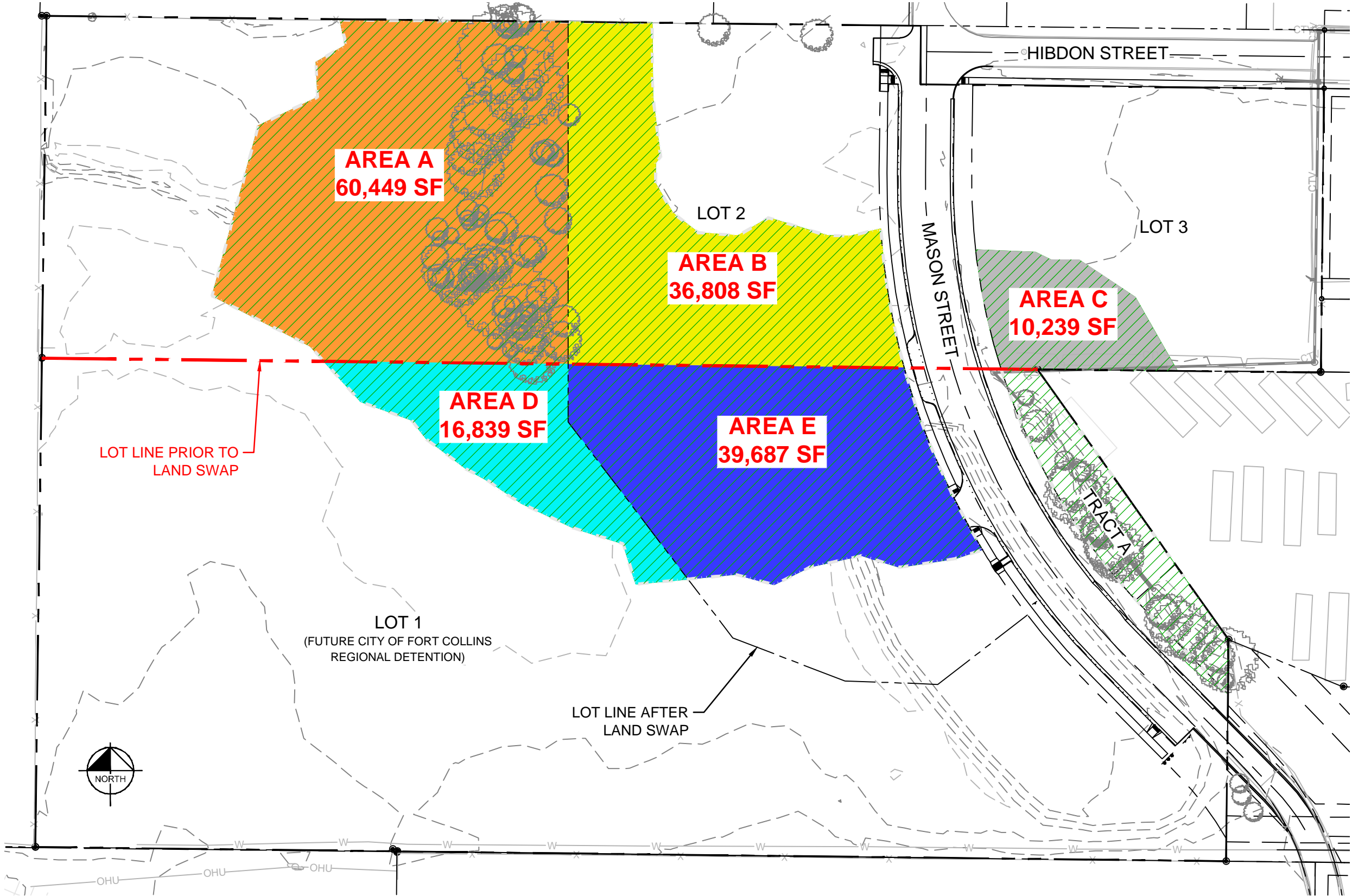


Exhibit D - Natural Habitat Buffer Zone (NHBZ) Before Proposed Transfer

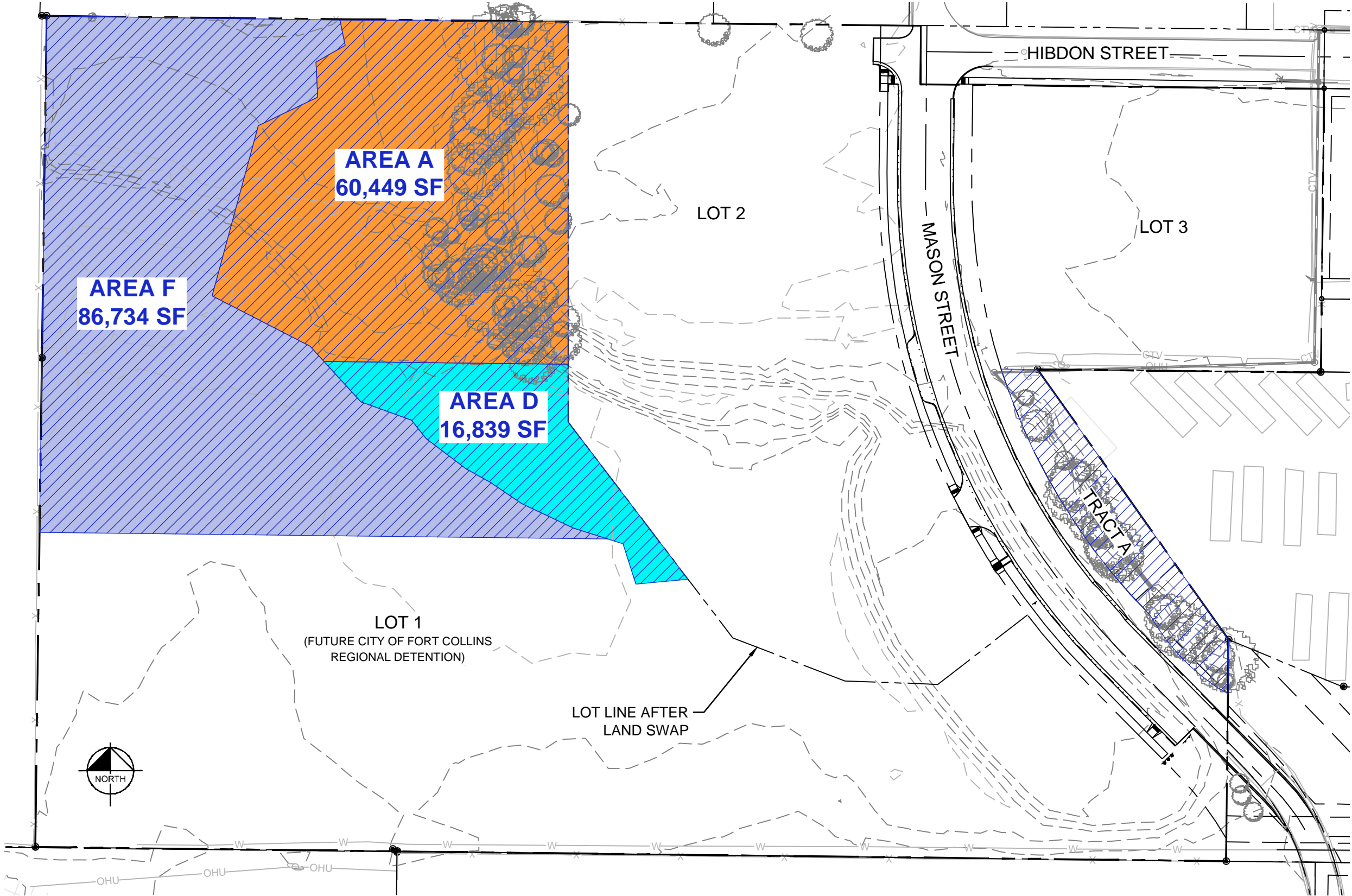
AREA ID	AREA ON CITY PROPERTY PRIOR TO LAND SWAP	AREA ON N COLLEGE 1311 LLC PROPERTY PRIOR TO LAND SWAP
A		60,449
B		36,808
C		10,239
D	16,839	
E	39,687	
TOTAL	56,526	107,496



Item 7.

Exhibit E - Natural Habitat Buffer Zone (NHBZ) After Proposed Transfer

AREA ID	AREA ON CITY PROPERTY AFTER LAND SWAP	AREA ON N COLLEGE 1311 LLC PROPERTY AFTER LAND SWAP
A	60,449	
B		
C		
D	16,839	
E		
F	86,734	
TOTAL	164,022	



March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Gunnar Hale, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Items Relating to the Laporte Avenue Multimodal Improvement Project.

EXECUTIVE SUMMARY

A. Resolution 2024-025 Authorizing an Amendment to an Existing Intergovernmental Agreement between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Laporte Avenue Multimodal Improvement Project.

B. First Reading of Ordinance No. 038, 2024, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Laporte Avenue Multimodal Improvement Project and Related Art in Public Places.

The purpose of this item is to enable the City to receive and expend Colorado Department of Transportation (CDOT) funds for the Laporte Avenue Multimodal Improvement Project (Laporte Project). The funds will be used for construction of improvements along Laporte Ave from Fishback Avenue to Sunset Street. If approved this item will: 1) authorize the Mayor to execute an amendment to the Intergovernmental Agreement (IGA) for the Laporte Project with CDOT; 2) appropriate \$2,500,000 of Transportation Alternative grant funds for the Laporte Project; 3) use \$122,727 from the Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program) as part of the local match; 4) use \$102,273 from the Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program) as part of the local match; 5) appropriate as part of the local match contribution \$223,425 from the Transportation Capital Expansion Fee Reserves (TCEF); 6) appropriate as part of the local match contribution \$222,750 from General Fund Reserves; 7) appropriate \$1,755 (0.78% of the TCEF amount of the 1% contribution for the artwork portion of APP) from TCEF Reserves to the Art in Public Places Program; 8) appropriate \$495 (0.22% of the TCEF amount of the 1% contribution to APP) from the Transportation Fund Reserves to the Art in Public Places Program; 9) appropriate \$2,250 (1% of the General Fund amount) from the General Fund to the Art in Public Places Program.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. Most of the roadway within the Laporte Project limits lacks adequate bicycle and pedestrian facilities including sidewalk, bike lanes, curb and gutter. The roadway experiences heavy bicycle and pedestrian traffic

especially with Poudre High School, and many residential neighborhoods and businesses being located adjacent to the Laporte Project limits. Several near misses and at least one serious vehicle-pedestrian accident have occurred in 2015 within the Laporte Project limits. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure. Laporte Avenue is master planned to be on the City's low-stress bicycle network. The Laporte Project will address the safety concerns and lack of multimodal infrastructure.

In 2019, the City applied for two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Transportation and Mitigation Options Fund (MMOF) grant. In 2020 the TAP and MMOF funds were awarded to the City through the North Front Range Metropolitan Planning Organization (NFRMPO) and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City applied for and was awarded the Revitalizing Mainstreet (RMS) Grant. These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2022 via Resolution 2022-027. These funds were used to fund design, right-of-way acquisition, and partial construction.

In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, CCIP Bike Program, CCIP Pedestrian Program, and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds. This local funding scenario was brought before the Council Finance Committee on February 23, 2024, and approved.

Per Chapter 23 of the City Code, Article XII (addressing Art in Public Places), Section 23-304, all appropriations for construction projects estimated to cost over \$250,000 shall include an amount equal to one percent of the estimated cost for works of art. Funds from all three grants are ineligible for use toward public art. Community Capital Improvement Program (CCIP) funds have already satisfied the required contribution to public art for the initial appropriation. For the proposed appropriation the total Art in Public Places funds to be appropriated is \$4,500. This item will transfer \$1,750 of the TCEF appropriations and \$2,250 of the General Fund appropriations to the Art in Public Places Program. Staff has identified the Transportation Services Fund Reserves as a means to provide the additional \$750 needed to provide long-term maintenance for the art.

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Laporte Avenue Multimodal Improvement Project:

Prior Appropriated Funds	
Community Capital Improvement Program (CCIP) Local Funds (2017-2018 BFO Offer 1.7)	\$300,000
Transportation Alternative Program (TAP) Grant Funds	\$750,000
Multimodal Options Funds (MMOF) Grant Funds	\$250,000
Revitalizing Mainstreet (RMS) Grant Funds	\$1,437,500
Transportation Capital Expansion Fee (TCEF) Funds	\$388,830
Transportation Services Fund Reserves	\$1,170
Total Prior Appropriation	\$3,127,500

Funds to be Appropriated with this Action	
Transportation Alternative Program (TAP) Grant Funds	\$2,500,000
<i>Community Capital Improvement Program (CCIP) Bike Program*</i>	\$122,727
<i>Community Capital Improvement Program (CCIP) Pedestrian Program*</i>	\$102,273
Transportation Capital Expansion Fee (TCEF) Funds Reserves	\$225,000
General Fund Reserves	\$225,000
Transportation Services Fund Reserves (for Art in Public Places contribution)	\$495
Total Funds to be Appropriated per this Action	\$3,175,495
Transfer to Art in Public Places	\$4,500
Total Project Funds	\$6,302,995

**These funds were previously appropriated through the 23-24 BFO Cycle and were transferred to the Capital Projects Fund and appropriated therein but are noted in this action as they will be used as part of the TAP grant's local match.*

The total fund amount projected for this Laporte Project is \$6,302,995 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

City staff presented this Laporte Project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the Transportation Alternative Program local match to fund construction for the Laporte Project.

PUBLIC OUTREACH

Staff has developed a comprehensive Public Engagement Plan for the Laporte Project. Staff has discussed and presented conceptual level drawings at several public outreach events with an open house in October of 2019, two public meetings held on May 1, 2023, and May 23, 2023, and the Transportation Fair in February of 2023 and February 2024. A project website is regularly updated with project information and upcoming milestones.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Ordinance for Consideration
4. Laporte Avenue Multimodal Project - Vicinity Map
5. Council Finance Committee Draft Meeting Minutes, February 23, 2024

RESOLUTION 2024-025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN AMENDMENT TO AN EXISTING
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure.

B. The Laporte Avenue corridor between Fishback Avenue and Sunset Street currently has several gaps in bicycle and pedestrian facilities. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined. The corridor also provides access to Poudre High School and has significant bicycle and pedestrian activity with the proximity of the school and residential neighborhoods.

C. There have been several near misses in recent years involving bicyclists and pedestrians and at least one serious vehicle-pedestrian accident in 2015 in this Laporte Avenue corridor.

D. A precursor project, the Laporte Bridges Project, has begun to address safety issues in this corridor by replacing and widening two previously deficient bridges on Laporte Avenue over the New Mercer Canal, just north of Grandview Cemetery.

E. The Laporte Avenue Multimodal Improvement Project (Laporte Project) has been developed to improve vehicular, bicycle, and pedestrian safety along the Laporte Avenue corridor by addressing deficient sidewalks, adding bicycle lanes, and adding a center reversible turn lane, upgrading the roadway with curb and gutter, improving drainage along the corridor, and installing other traffic improvements.

F. The Laporte Project will install improvements from Fishback Avenue to Sunset Street and will also include improvements to the intersection at Taft Hill and Laporte.

G. Laporte Avenue is identified in the City's 2014 Bicycle Master Plan as part of the City's Low Stress Bicycle Network and is recognized by the North Front Range Metropolitan Planning Organization (NFRMPO) as a high priority for bicycle and pedestrian improvements.

H. In 2020, the City was awarded two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Options Fund (MMOF) grant. The funds were awarded to the City through the NFRMPO and the Colorado Department

of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City was awarded the Revitalizing Mainstreet (RMS) Grant. These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2021 via Ordinance No. 155, 2021. These funds were used to fund design, right-of-way acquisition, and partial construction.

I. In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program), Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program), and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds.

J. City staff presented this project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the TAP local match to fund construction for the Laporte Project.

K. CDOT administers the grant funds for the Laporte Project. In 2022, via Resolution 2022-027, the City Council authorized execution of an intergovernmental agreement (IGA) with CDOT.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue to address the safety concerns and lack of multimodal infrastructure.

M. 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.

N. Article II, Section 16 of the City Charter 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.

O. City Code Section 1-22 requires the City Council to approve IGAs that require the City to make a direct, monetary payment over \$50,000, and the proposed IGA requires the City to provide matching funds in the amount of \$675,000.

P. The City Council has determined that the IGA with CDOT is in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT 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, an Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with such 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 IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Laporte Avenue Multimodal Improvement Project, so long as such amendments do not increase the cost of the Laporte Project, substantially modify the purposes of the IGA, increase the allocation or amount of funding for the Laporte Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the IGA.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Heather N. Jarvis

STATE OF COLORADO AMENDMENT

Amendment #: 1 Project #: TAP M455-133 (23630, 25890, 25891, 25892)

SIGNATURE AND COVER PAGE

State Agency Department of Transportation		Amendment Routing Number 22-HA4-XC-00017-M0002
Local Agency CITY OF FORT COLLINS		Original Agreement Routing Number 22-HA4-XC-00017
Agreement Maximum Amount	\$6,352,500.00	Agreement Performance Beginning Date June 29, 2022
		Initial Agreement Expiration Date January 11, 2032

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

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

<p align="center">STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director</p> <p align="center">_____ Keith Stefanik, P.E., Chief Engineer</p> <p align="center">Date: _____</p>	
<p align="center">LOCAL AGENCY CITY OF FORT COLLINS</p> <p align="center">_____ Signature</p> <p align="center">_____ By: (Print Name and Title)</p> <p align="center">Date: _____</p>	<p align="center">LOCAL AGENCY (Additional Signatures)</p> <p align="center">_____ Signature</p> <p align="center">_____ By: (Print Name and Title)</p> <p align="center">Date: _____</p> <p align="center">APPROVED AS TO FORM:</p> <p align="center">_____ Signature</p> <p align="center">_____ By: (Print Name and Title)</p> <p align="center">Date: _____</p>

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

<p align="center">STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p align="center">By: _____ Department of Transportation</p> <p align="center">Amendment Effective Date: _____</p>
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1) PARTIES

This Amendment (the “Amendment”) to the Original Agreement shown on the Signature and Cover Page for this Amendment (the “Agreement”) is entered into by and between the Local Agency and the State.

2) TERMINOLOGY

Except as specifically modified by this Amendment, all terms used in this Amendment that are defined in the Agreement shall be construed and interpreted in accordance with the Agreement.

3) EFFECTIVE DATE AND ENFORCEABILITY**A. Amendment Effective Date**

This Amendment shall not be valid or enforceable until the Amendment Effective Date shown on the Signature and Cover Page for this Amendment. The State shall not be bound by any provision of this Amendment before that Amendment Effective Date, and shall have no obligation to pay the Local Agency for any Work performed or expense incurred under this Amendment either before or after the Amendment term shown in **§3.B** of this Amendment

B. Amendment Term

The Parties’ respective performances under this Amendment and the changes to the Agreement contained herein shall commence on the Amendment Effective Date shown on the Signature and Cover Page for this Amendment and shall terminate on the termination of the Agreement.

4) PURPOSE

The Parties entered into the Agreement for the Laporte Avenue Improvements: Fishback to Sunset in Fort Collins, CO. The Parties now desire to update the Scope of Work, Funding Provisions, and Local Agency Contract Administration Checklist.

5) MODIFICATIONS

The Agreement and all prior amendments thereto, if any, are modified as follows:

a) Exhibit A shall be replaced by **Exhibit A-1**. Any reference in the Original Agreement to **Exhibit A** shall be a reference to **Exhibit A-1**;

b) The total budgeted funds are increased from \$3,127,500.00 by \$3,225,000.00 to a new total budgeted funds of \$6,352,500.00. The new funding breakdown is as follows:

i. The federal TAP award is increased from \$937,500.00 by \$3,125,000.00 to a new federal TAP award of \$4,062,500.00. This award is federal funds of \$3,250,000.00 and Local Agency funds of \$812,500.00;

ii. The Local Agency funds for the RMS/ARPA award is increased from \$252,500.00 by \$100,000.00 to a new Local Agency funds of \$352,500.00;

c) **Exhibit C-3** shall be replaced by **Exhibit C-4**. Any reference in the Original Agreement to **Exhibit C**, **Exhibit C-1**, **Exhibit C-2**, or **Exhibit C-3** shall be a reference to **Exhibit C-4**;

d) **Exhibit D** shall be replaced by **Exhibit D-1**. Any reference in the Original Agreement to **Exhibit D** shall be a reference to **Exhibit D-1**; and

e) **Exhibit E** shall be replaced by **Exhibit E-1**. Any reference in the original agreement to **Exhibit E** shall be a reference to **Exhibit E-1**.

6) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Agreement, and the Agreement and all prior amendments or other modifications to the Agreement, if any, remain in full force and effect except as specifically modified in this Amendment. Except for the Special Provisions contained in the Agreement, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Agreement or any prior modification to the Agreement, the provisions of this Amendment shall in all

respects supersede, govern, and control. The provisions of this Amendment shall only supersede, govern, and control over the Special Provisions contained in the Agreement to the extent that this Amendment specifically modifies those Special Provisions.

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EXHIBIT A-1
Scope of Work

**Laporte Avenue Improvements: Fishback to Sunset
TAP M455-133 (23630, 25890, 25891, 25892)**

The Colorado Department of Transportation (#CDOT#) will oversee the City of Fort Collins (#City#) when the City designs and constructs the following: bicycle and pedestrian improvements including bike lanes, sidewalk, multi-use paths, curb and gutter, and signing and striping along Laporte Avenue between Sunset Street and Fishback Avenue. The city believes these improvements are necessary to improve bike and pedestrian safety along the corridor. This work will be located on Laporte Avenue between Sunset Street and Fishback Avenue.

The work will conform to AASHTO standards, the MUTCD, and all applicable state and federal regulations. The design phase will identify exact requirements, qualities, and attributes for this work (Hereinafter referred to as #the exact work#). The exact work shall be used to construct designed improvements. The design phase shall begin in the Fall of 2021 and the construction phase is anticipated to begin in Fall of 2023. All Multi-Modal Options Fund (MMOF) funding expenditures shall be completed, invoiced, and reimbursed by June 30, 2025. Public art is not an eligible expense of MMOF and Transportation Alternatives (TA) funding.

If ARPA funds are used, all ARPA funds must be encumbered by December 31, 2024. All work funded by ARPA must be completed by December 31, 2026 and all bills must be submitted to CDOT for payment by January 31, 2027. These bills must be paid by CDOT by March 31, 2027.

By accepting funds for this Scope of Work, Local Agency acknowledges, understands, and accepts the continuing responsibility for the safety of the traveling public after initial acceptance of the project. **Local Agency is responsible for maintaining and operating the scope of work described in this Exhibit A-1 constructed under this Agreement at its own cost and expense during its useful life.**

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EXHIBIT C-4 - FUNDING PROVISIONS**City of Fort Collins TAP M455-133 (23630, 25890, 25891, 25892)****A. Cost of Work Estimate**

The Local Agency has estimated the total cost the Work to be \$6,352,500.00, which is to be funded as follows:

1. FUNDING

a.	Federal Funds TAP (80.00% of TAP Award)	\$3,250,000.00
b.	Local Agency Funds (20.00% of TAP Award)	\$812,500.00
c.	Federal Funds ARPA US Treasury Expenditure Category EC6 (80.31% of RMS Award)	\$1,437,500.00
d.	Local Agency Funds (19.69% of RMS Award)	\$352,500.00
e.	State Funds MMOF (50.00% of MMOF Award)	\$250,000.00
f.	Local Agency Funds (50.00% of MMOF Award)	\$250,000.00

TOTAL FUNDS ALL SOURCES**\$6,352,500.00****2. OMB UNIFORM GUIDANCE**

a.	Federal Award Identification Number (FAIN):	TBD
b.	Name of Federal Awarding Agency:	FHWA, USDT
c.	Local Agency Unique Entity Identifier	VEJ3BS5GK5G1
d.	Assistance Listing # Highway Planning and Construction	ALN 20.205
e.	Assistance Listing # Coronavirus State and Local Fiscal Recovery Funds	ALN 21.027
f.	Is the Award for R&D?	No
g.	Indirect Cost Rate (if applicable)	N/A
h.	Amount of Federal Funds Obligated by this Action:	\$0.00
i.	Amount of Federal Funds Obligated to Date (including this Action):	\$2,187,500.00

3. ESTIMATED PAYMENT TO LOCAL AGENCY

a.	Federal Funds Budgeted	\$3,250,000.00
b.	ARPA Funds Budgeted	\$1,437,500.00
c.	State Funds Budgeted	\$250,000.00
d.	Less Estimated Federal Share of CDOT-Incurred Costs	\$0.00

TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY	77.73%	\$4,937,500.00
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TOTAL ESTIMATED FUNDING BY LOCAL AGENCY	22.27%	\$1,415,000.00
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TOTAL PROJECT ESTIMATED FUNDING	100.00%	\$6,352,500.00
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4. FOR CDOT ENCUMBRANCE PURPOSES**TAP**

a.	Total Encumbrance Amount (Federal funds + Local Agency funds)	\$4,062,500.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00

RMS (ARPA)

a.	Total Encumbrance Amount (Only ARPA funds are encumbered)	\$1,437,500.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00

MMOF

a.	Total Encumbrance Amount (Only State funds are encumbered)	\$250,000.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00

NET TO BE ENCUMBERED BY CDOT IS AS FOLLOWS**\$5,750,000.00**

Note: Only \$2,625,000.00 is currently available. Additional Design and Construction funds will become available after execution of an Option letter (Exhibit B) or formal Amendment.

TAP

WBS Element 23630.10.30	Performance Period Start**/End Date 08/31/2022 – 12/31/2024	Design 3020	\$1.00
WBS Element 25890.20.10	Performance Period Start**/End Date 10/12/2023 – 02/28/2024	Const. 3301	\$937,500.00
WBS Element 25891.20.10	Performance Period Start**/End Date TBD-TBD	Const. 3301	\$0.00
WBS Element 25892.20.10	Performance Period Start**/End Date TBD-TBD	Const. 3301	\$0.00

RMS

WBS Element 23630.10.30	Performance Period Start**/End Date 06/29/2022 – 12/31/2026	Design 3020	\$1,437,499.00
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MMOF

WBS Element 25890.10.30	Performance Period Start**/End Date N/A- N/A	Const. 3301	\$250,000.00
WBS Element 25891.20.10	Performance Period Start**/End Date N/A- N/A	Const. 3301	\$0.00
WBS Element 25892.20.10	Performance Period Start**/End Date N/A- N/A	Const. 3301	\$0.00

* For TAP funds, the Local Agency should not begin work until all three (3) of the following are in place: 1) Phase Performance Period Start Date; 2) the execution of the document encumbering funds for the respective phase; and 3) Local Agency receipt of the official Notice to Proceed. Any work performed before these three (3) milestones are achieved will not be reimbursable.

** For RMS and MMOF funds, the Local Agency should not begin work until both of the following are in place: 1) the execution of the document encumbering funds for the respective phase; and 2) Local Agency receipt of the official Notice to Proceed. Any work performed before these two (2) milestones are achieved will not be reimbursable.

B. Matching Funds

The funding ratio for the federal & State funds for this Work is 77.73% federal & State funds to 22.27% Local Agency funds, and this ratio applies only to the \$6,352,500.00 that is eligible for federal & State funding. All other costs are borne by the Local Agency at 100%. If the total cost of performance of the Work exceeds \$6,352,500.00, and additional federal & State funds are not available, the Local Agency shall pay all such excess costs. If the total cost of performance of the Work is less than \$6,352,500.00, then the amounts of Local Agency and federal & State funds will be decreased in accordance with the funding ratio described in **A1. This applies to the entire scope of Work.**

C. Maximum Amount Payable

The maximum amount payable to the Local Agency under this Agreement shall be \$4,937,500.00. For CDOT accounting purposes, the federal funds of \$3,250,000.00, federal ARPA funds of \$1,437,500.00, State MMOF funds of \$250,000.00 and Local Agency funds of \$812,500.00 will be encumbered, but the Local Agency funds of \$602,500.00 will NOT be encumbered for a total encumbrance of \$5,750,000.00. The total budget of this project is \$6,352,500.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total cost of the Work is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that any cost is subject to revisions agreed to by the parties prior to bid and award. The maximum amount payable will be reduced without amendment when the actual amount of the Local Agency's awarded Agreement is less than the budgeted total of the federal funds and the Local Agency funds. The maximum amount payable will be reduced through the execution of an Option Letter as described in Section 7. E. of this contract. **This applies to the entire scope of Work. ARPA Funds can only originate from and after May 18, 2021.**

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving \$750,000 or more from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of 2 CFR part 200, subpart F (Audit Requirements) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to the Local Agency receiving federal funds are as follows:

i. Expenditure less than \$750,000

If the Local Agency expends less than \$750,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.

ii. Expenditure of \$750,000 or more-Highway Funds Only

If the Local Agency expends \$750,000 or more, in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.

iii. Expenditure of \$750,000 or more-Multiple Funding Sources

If the Local Agency expends \$750,000 or more in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.

iv. Independent CPA

Single Audit shall only be conducted by an independent CPA, not by an auditor on staff. An audit is an allowable direct or indirect cost.

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EXHIBIT D-1
LOCAL AGENCY RESOLUTION

To be provided by Local Agency prior to execution of this Amendment.

EXHIBIT E-1**LOCAL AGENCY CONTRACT ADMINISTRATION CHECKLIST**

COLORADO DEPARTMENT OF TRANSPORTATION			
LOCAL AGENCY CONTRACT ADMINISTRATION CHECKLIST			
Project No. TAP M455-133	STIP No.	Project Code 23630, 25890, 25891, 25892	Region 04
Project Location Laporte Avenue: N Sunset Street to Fishback Avenue			Date 3/18/2023
Project Description Laporte Avenue pedestrian improvements			
Local Agency City of Fort Collins	Local Agency Project Manager Tim Sellers		
CDOT Resident Engineer Bryce Reeves	CDOT Project Manager Armando Ochoa		
INSTRUCTIONS: <p>This checklist shall be utilized to establish the contract administration responsibilities of the individual parties to this agreement. The checklist becomes an attachment to the Local Agency agreement. Section numbers correspond to the applicable chapters of the <i>CDOT Local Agency Manual</i>.</p> <p>The checklist shall be prepared by placing an "X" under the responsible party, opposite each of the tasks. The "X" denotes the party responsible for initiating and executing the task. When neither CDOT nor the Local Agency is responsible for a task, not applicable (NA) shall be noted. In addition, a "#" will denote that CDOT must concur or approve.</p> <p>Tasks that will be performed by Headquarters staff will be indicated. The Regions, in accordance with established policies and procedures, will determine who will perform all other tasks that are the responsibility of CDOT.</p> <p>The checklist shall be prepared by the CDOT Resident Engineer or the CDOT Project Manager, in cooperation with the Local Agency Project Manager, and submitted to the Region Program Engineer. If contract administration responsibilities change, the CDOT Resident Engineer, in cooperation with the Local Agency Project Manager, will prepare and distribute a revised checklist.</p>			

NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
		LA	CDOT
TIP / STIP AND LONG-RANGE PLANS			
2-1	Review Project to ensure consistency with STIP and amendments thereto		X
FEDERAL FUNDING OBLIGATION AND AUTHORIZATION			
4-1	Authorize funding by phases (CDOT Form 418 - Federal-aid Program Data. Requires FHWA concurrence/involvement)		X
PROJECT DEVELOPMENT			
5-1	Prepare Design Data - CDOT Form 463	X	#
5-2	Prepare Local Agency/CDOT Inter-Governmental Agreement (see also Chapter 3)		X
5-3	Conduct Consultant Selection/Execute Consultant Agreement	X	
5-4	Conduct Design Scoping Review meeting	X	X
5-5	Conduct Public Involvement	X	
5-6	Conduct Field Inspection Review (FIR)	X	
5-7	Conduct Environmental Processes (may require FHWA concurrence/involvement)	X	
5-8	Acquire Right-of-Way (may require FHWA concurrence/involvement)	X	#
5-9	Obtain Utility and Railroad Agreements	X	#
5-10	Conduct Final Office Review (FOR)	X	
5-11	Justify Force Account Work by the Local Agency	X	#
5-12	Justify Proprietary, Sole Source, or Local Agency Furnished items	X	#
5-13	Document Design Exceptions - CDOT Form 464	X	#
5-14	Prepare Plans, Specifications and Construction Cost Estimates	X	#
5-15	Ensure Authorization of Funds for Construction		X

NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY LA CDOT	
PROJECT DEVELOPMENT CIVIL RIGHTS AND LABOR COMPLIANCE			
6-1	Set Disadvantaged Business Enterprise (DBE) Goals for Consultant and Construction Contracts (CDOT Region EEO/Civil Rights Specialist)		X
6-2	Determine Applicability of Davis-Bacon Act This project <input type="checkbox"/> is <input checked="" type="checkbox"/> is not exempt from Davis-Bacon requirements as determined by the functional classification of the project location (Projects located on local roads and rural minor collectors may be exempt.) Bryce Reeves		

NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
		LA	CDOT
	Provide competent, experienced staff who will ensure the Contract work is constructed in accordance with the plans and specifications	X	
	Construction inspection and documentation	X	
8-6	Approve Shop Drawings	X	
8-7	Perform Traffic Control Inspections	X	#
8-8	Perform Construction Surveying	X	
8-9	Monument Right-of-Way	X	
8-10	Prepare and Approve Interim and Final Contractor Pay Estimates	X	
	Provide the name and phone number of the person authorized for this task.		
	Tim Sellers 720-280-6926 Local Agency Representative Phone number		
8-11	Prepare and Approve Interim and Final Utility/Railroad Billings	X	
8-12	Prepare Local Agency Reimbursement Requests	X	
8-13	Prepare and Authorize Change Orders	X	#
8-14	Approve All Change Orders		X
8-15	Monitor Project Financial Status	X	
8-16	Prepare and Submit Monthly Progress Reports	X	
8-17	Resolve Contractor Claims and Disputes	X	
8-18	Conduct Routine and Random Project Reviews		
	Provide the name and phone number of the person responsible for this task.		X
	Bryce Reeves 970-350-2126 CDOT Resident Engineer Phone number		
MATERIALS			
9-1	Discuss Materials at Preconstruction Meeting -Buy America documentation prior to installation of steel	X	
9-2	Complete CDOT Form 250 - Materials Documentation Record <ul style="list-style-type: none"> Generate form, which includes determining the minimum number of required tests and applicable material submittals for all materials placed on the project Update the form as work progresses Complete and distribute form after work is completed 	X X	X
9-3	Perform Project Acceptance Samples and Tests	X	
9-4	Perform Laboratory Verification Tests	X	
9-5	Accept Manufactured Products	X	
	Inspection of structural components: <ul style="list-style-type: none"> Fabrication of structural steel and pre-stressed concrete structural components Bridge modular expansion devices (0" to 6" or greater) Fabrication of bearing devices 	X X X	
9-6	Approve Sources of Materials	X	
9-7	Independent Assurance Testing (IAT), Local Agency Procedures <input checked="" type="checkbox"/> CDOT Procedures <input type="checkbox"/> <ul style="list-style-type: none"> Generate IAT schedule Schedule and provide notification Conduct IAT 	X X	X
9-8	Approve Mix Designs <ul style="list-style-type: none"> Concrete Hot Mix Asphalt 	X X	# #
9-9	Check Final Materials Documentation	X	#
9-10	Complete and Distribute Final Materials Documentation	X	

CONSTRUCTION CIVIL RIGHTS AND LABOR COMPLIANCE			
10-1	Fulfill Project Bulletin Board and Pre-construction Packet Requirements	X	
10-2	Process CDOT Form 205b - Sublet Permit Application Review and sign completed CDOT Form 205 for each subcontractor, and submit to EEO/Civil Rights Specialist	X	
10-3	Conduct Equal Employment Opportunity and Labor Compliance Verification Employee Interviews. Complete CDOT Form 280	X	
10-4	Monitor Disadvantaged Business Enterprise Participation to Ensure Compliance with the "Commercially Useful Function" requirements	X	
10-5	Conduct Interviews When Project Utilizes On-the-Job Trainees. Complete CDOT Form 200 - OJT Training Questionnaire	X	
10-6	Check Certified Payrolls (Contact the Region EEO/Civil Rights Specialists for training requirements.)	X	#
10-7	Submit FHWA Form 1391 - Highway Construction Contractor's Annual EEO Report	X	
FINALS			
11-1	Conduct Final Project Inspection. Complete and submit CDOT Form 1212 - Final Acceptance Report (Resident Engineer with mandatory Local Agency participation.)	X	#
11-2	Write Final Project Acceptance Letter	X	
11-3	Advertise for Final Settlement	X	
11-4	Prepare and Distribute Final As-Constructed Plans	X	
11-5	Prepare EEO Certification	X	
11-6	Check Final Quantities, Plans and Pay Estimate; Check Project Documentation; and submit Final Certifications	X	
11-7	Check Material Documentation and Accept Final Material Certification (See Chapter 9)	X	
11-8	Obtain CDOT Form 1419 - Contractor DBE Payment Certification from the Contractor and submit to the Resident Engineer (Quarterly)	X	
11-9	Obtain FHWA Form 47 - Statement of Materials and Labor Used ... from the Contractor		NA
11-10	Process Final Payment	X	
11-11	Complete and Submit CDOT Form 950 - Project Closure		X
11-12	Retain Project Records for Three Years from Date of Project Closure	X	X
11-13	Retain Final Version of Local Agency Contract Administration Checklist	X	X

cc: CDOT Resident Engineer/Project Manager
CDOT Region Program Engineer
CDOT Region EEO/Civil Rights Specialist
CDOT Region Materials Engineer
CDOT Contracts and Market Analysis Branch
Local Agency Project Manager

ORDINANCE NO. 038, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS,
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE LAPORTE
AVENUE MULTIMODAL IMPROVEMENT PROJECT AND
RELATED ART IN PUBLIC PLACES

A. Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway. The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School and many residential neighborhoods and businesses located in this corridor. The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure.

B. The Laporte Avenue corridor between Fishback Avenue and Sunset Street currently has several gaps in bicycle and pedestrian facilities. Many locations lack sidewalks, curbs, and gutters, and the bike lanes are often narrow and not well defined. The corridor also provides access to Poudre High School and has significant bicycle and pedestrian activity with the proximity of the school and residential neighborhoods.

C. There have been several near misses in recent years involving bicyclists and pedestrians and at least one serious vehicle-pedestrian accident in 2015 in this Laporte Avenue corridor.

D. A precursor project, the Laporte Bridges Project, has begun to address safety issues in this corridor by replacing and widening two previously deficient bridges on Laporte Avenue over the New Mercer Canal, just north of Grandview Cemetery.

E. The Laporte Avenue Multimodal Improvement Project (Laporte Project) has been developed to improve vehicular, bicycle, and pedestrian safety along the Laporte Avenue corridor by addressing deficient sidewalks, adding bicycle lanes, and adding a center reversible turn lane, upgrading the roadway with curb and gutter, improving drainage along the corridor, and installing other traffic improvements.

F. The Laporte Project will install improvements from Fishback Avenue to Sunset Street and will also include improvements to the intersection at Taft Hill and Laporte.

G. Laporte Avenue is identified in the City's 2014 Bicycle Master Plan as part of the City's Low Stress Bicycle Network and is recognized by the North Front Range Metropolitan Planning Organization (NFRMPO) as a high priority for bicycle and pedestrian improvements.

H. In 2020, the City was awarded two grants: a federal Transportation Alternatives Program (TAP) grant and a state Multimodal Options Fund (MMOF) grant. The funds were awarded to the City through the NFRMPO and the Colorado Department of Transportation (CDOT) for the design, right-of-way acquisition, and construction of the Laporte Project. In 2021 the City was awarded the Revitalizing Mainstreet (RMS) Grant.

These grant funds along with Transportation Capital Expansion Fee (TCEF) Program funds and Transportation Services funds used as the required matching funds were appropriated in 2021 via Ordinance No. 155, 2021. These funds were used to fund design, right-of-way acquisition, and partial construction.

I. In 2023 the City applied for and was awarded \$2,500,000 in additional TAP funds through the NFRMPO. These funds are required to complete construction of the Laporte Project planned for 2024. These grant funds require a 20% matching funds obligation from the local agency. General Fund, Bicycle Infrastructure Improvements Community Capital Improvement Program (CCIP Bike Program), Pedestrian Infrastructure Improvements Community Capital Improvement Program (CCIP Pedestrian Program), and TCEF program funds will be used for the local match portion, as well as an additional \$50,000 in overmatch funds.

J. City staff presented this Laporte Project to the Council Finance Committee on August 11, 2021, and February 23, 2024. The Laporte Project was also presented to the Transportation Board as well as the Bicycle Advisory Committee in 2020. Council Finance Committee supports an out of cycle supplemental appropriation for the TAP local match to fund construction for the Laporte Project.

K. CDOT administers the grant funds for the Laporte Project. In 2022, via Resolution 2022-027, the City Council authorized execution of an intergovernmental agreement (IGA) with CDOT.

L. CDOT has proposed an amendment to the IGA to enable the City to receive and expend the additional grant funds to continue to address the safety concerns and lack of multimodal infrastructure.

M. These appropriations benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

N. 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.

O. 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.

P. 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.

Q. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transportation Capital Expansion Fee Fund, the General Fund, and the Transportation Services Fund, as applicable, and will not cause the total amount appropriated in the Transportation Capital Expansion Fee Fund, the General Fund, or the Transportation Services Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

R. 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.

S. The City Manager has recommended the transfer of \$122,727 from the CCIP Bike Program in the Capital Projects Fund and \$102,273 from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

U. The City Council wishes to designate the appropriation herein for the TAP 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.

V. The City Council wishes to designate the appropriations herein for the Laporte Avenue Multimodal Improvement Project as appropriations that shall not lapse until the completion of the Laporte Project.

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

X. A portion of the funds appropriated in this Ordinance for the Laporte Project are ineligible for use in the APP Program due to restrictions placed on them by the Colorado Department of Transportation, the source of these funds.

Y. A portion of the funds appropriated in this Ordinance for the Laporte Project have already been used for contribution to the APP Program.

Z. The project cost of \$450,000 has been used to calculate the contribution to the APP program.

AA. The amount to be contributed in this Ordinance will be \$4,500.

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 FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to be expended in the Capital Projects Fund for the Laporte Avenue Multimodal Improvement Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWENTY-TWO THOUSAND SEVEN HUNDRED TWENTY-SEVEN DOLLARS (\$122,727) is authorized for transfer from the CCIP Bike Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for the bicycle network.

Section 3. The unexpended and unencumbered appropriated amount of ONE HUNDRED TWO THOUSAND TWO HUNDRED SEVENTY-THREE DOLLARS (\$102,273) is authorized for transfer from the CCIP Pedestrian Program in the Capital Projects Fund to the Laporte Avenue Multimodal Improvement Project in the Capital Projects Fund and appropriated therein to be expended for improvements to the pedestrian facilities.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the Transportation Capital Expansion Fee Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 5. There is hereby appropriated from prior year reserves in the General Fund the sum of TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000) to be expended in the General Fund for transfer to the Capital Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 6. There is hereby appropriated from prior year reserves in the Transportation Services Fund the sum of FOUR HUNDRED NINETY-FIVE DOLLARS (\$495) to be expended in the Transportation Services Fund for transfer to the Capital

Projects Fund and appropriated therein for the Laporte Avenue Multimodal Improvement Project.

Section 7. The unexpended and unencumbered appropriated amount of THREE THOUSAND FIVE HUNDRED TEN DOLLARS (\$3,510) 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 8. The unexpended and unencumbered appropriated amount of NINE HUNDRED DOLLARS (\$900) 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 9. The unexpended and unencumbered appropriated amount of NINETY DOLLARS (\$90) 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 10. The appropriation herein for the Transportation Alternatives Program grant is 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.

Section 11. The appropriations herein for the Laporte Avenue Multimodal Improvement Project are appropriations that shall not lapse until the completion of the Laporte Project.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

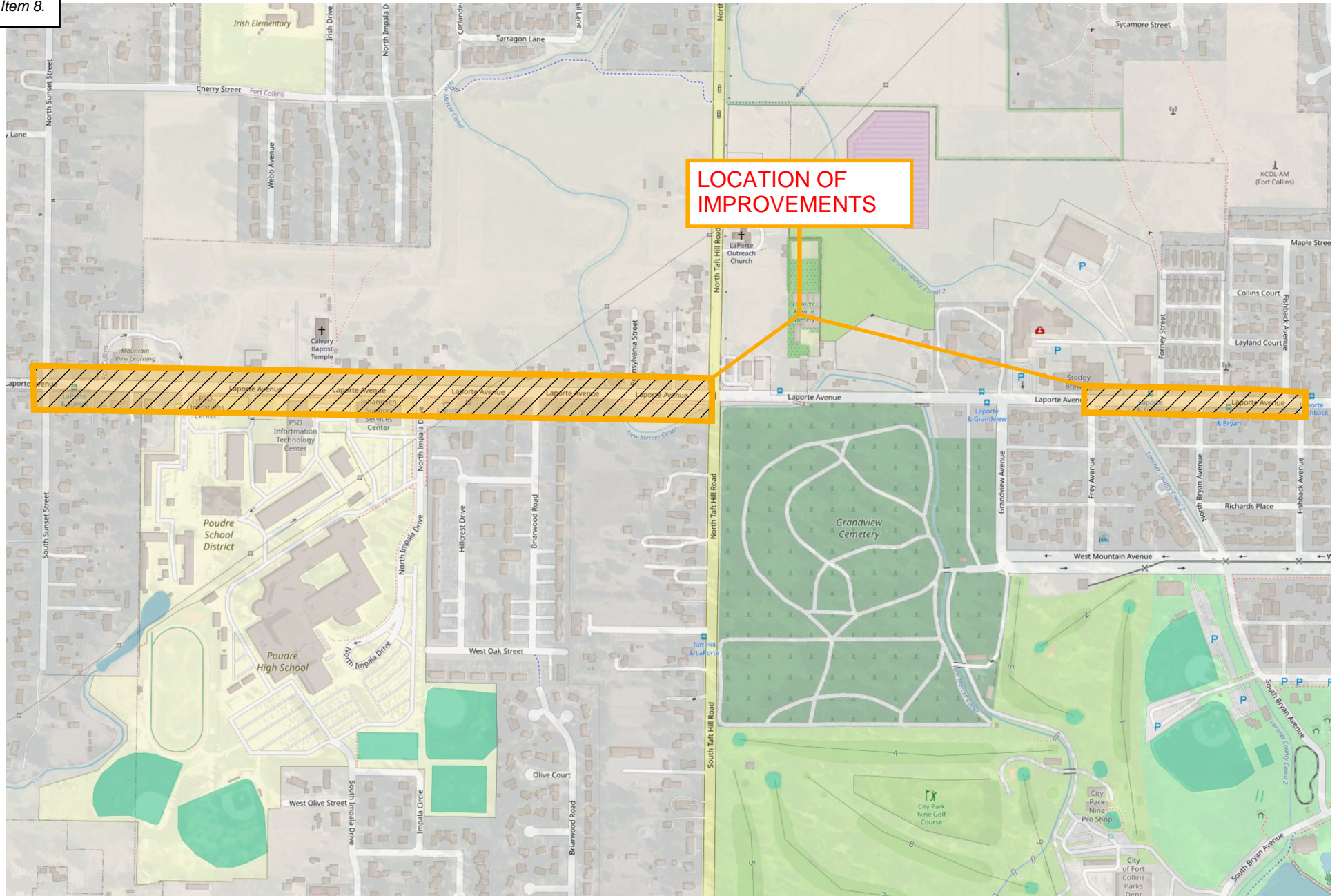
ATTEST:

Interim City Clerk

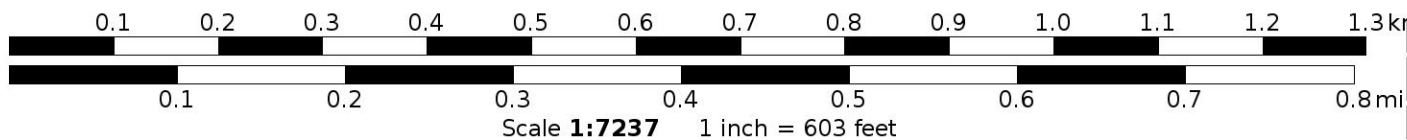
Effective Date: April 12, 2024

Approving Attorney: Heather N. Jarvis

VICINITY MAP



Mercator Projection
WGS84
UTM Zone 13T





Council Finance Committee Hybrid Meeting
CIC Room / Zoom
February 23, 2024
1:00 - 3:00 pm

Council Attendees: Mayor Arndt, Emily Francis, Kelly Ohlson

Staff: Kelly DiMartino, Tyler Marr, Travis Storin, Denzel Maxwell, Claudia Menendez, Lance Smith, Jason Graham, Phil Ladd, Ryan Malarky, Andrea Smith, Gunnar Hale, Monica Martinez, Drew Brooks, Brad Buckman, Dana Hornkohl, Dave Lenz, Trevor Nash, Terri Runyan, Ginny Sawyer, Renee Reeves, Lawrence Pollack, Jo Cech, Nina Bodenhamer, Victoria Shaw, Zack Mozer, Carolyn Koontz

Others: Keivn Jones, Chamber

Meeting called to order at 1:00 pm

Approval of minutes from December 14, 2023, Council Finance Committee Meeting.
Emily Francis moved for approval of the minutes as presented. Mayor Arndt seconded the motion.
The minutes were approved unanimously via roll call by; Mayor Arndt, Emily Francis, Kelly Ohlson.

A. Laporte Multimodal Grant Match

Gunnar Hale, P.E. Engineering, Civil Engineer I
Monica Martinez, Manager, FP&A, PDT Finance

SUBJECT FOR DISCUSSION

Laporte Multi-Modal Grant Match – Transportation Alternative Program Grant Appropriation

EXECUTIVE SUMMARY

Laporte Avenue between Fishback Avenue and Sunset Street is a two-lane arterial roadway and most of the roadway within the Project limits lacks adequate bicycle and pedestrian facilities including sidewalk, bike lanes, curb, and gutter. The City was awarded a \$2,500,000 Transportation Alternative Program grant from the North Front Range Metropolitan Planning Organization (NFRMPO) to fund construction of the Laporte Avenue Multi-Modal Improvement Project. The grant award requires a 20% local match of \$2,500,000. It is suggested that CCIP Bike, CCIP Pedestrian, TCEF program funds, Transportation Services Fund Reserves and General Fund, be used for the local match portion, as well as an additional \$50,000 in overmatch funds. The City will be required

to contribute 20% of the local match funds as well as the local overmatch funds. The City's financial commitment to fund construction will be \$625,750 in local funds and \$50,000 in local overmatch funds for a total of \$675,750 to complete the \$3.175M construction.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

- Is Council Finance supportive of an out of cycle supplemental appropriation for the Transportation Alternative Program (TAP) and required local match to fund construction for the Laporte Avenue Multi-Modal Improvement Project.

BACKGROUND/DISCUSSION

TAP Background

In June 2023, the NFRMPO awarded the City with a TAP grant for the construction of the Laporte Avenue Multi-Modal Improvement Project

The approved funding breakdown is as follows:

TAP grant	\$2,500,000
Local Match (City)	\$625,750
Local Overmatch (City)	<u>\$50,000</u>
Total	\$3,175,750

The total local match request from the City is \$675,750. Suggested local match breakdown is as follows: Transportation Capital Expansion Fee (TCEF) (\$225,000), CCIP Bike (\$122,727), CCIP Pedestrian (\$102,273), Transportation Services Fund Reserves (\$750) and General Fund (\$225,000) be used to support this supplemental appropriation request.

Laporte Corridor Background

The Laporte Corridor within the project limits of Fishback Avenue and Sunset Street currently lacks adequate bicycle and pedestrian facilities including sidewalk, bike lanes and curb and gutter.

The roadway experiences heavy bicycle and pedestrian traffic especially with Poudre High School, many residential neighborhoods, and businesses located adjacent to the project limits.

- Several near misses and at least one serious vehicle-pedestrian accident have occurred.
- The corridor currently experiences a higher-than-expected volume of traffic accidents due to the lack of adequate infrastructure

Laporte Avenue is master planned to be on the City's low-stress bicycle network. The Project will address the safety concerns and lack of multi-modal infrastructure.

Laporte Corridor Project Status

TAP Grant submitted – 2020

\$750,000 awarded.

MMOF Grant submitted – 2020

\$250,000 awarded.

Revitalizing Main Street Grant awarded – 2021

\$1,437,500 awarded.

TAP Grant Submitted – 2023

\$2,500,000 awarded.

East Segment 100% Design – Completed Fall 2023

West Segment 90% FOR Design – January 2024

East Segment Construction – March 2024

West Segment Construction – June 2024

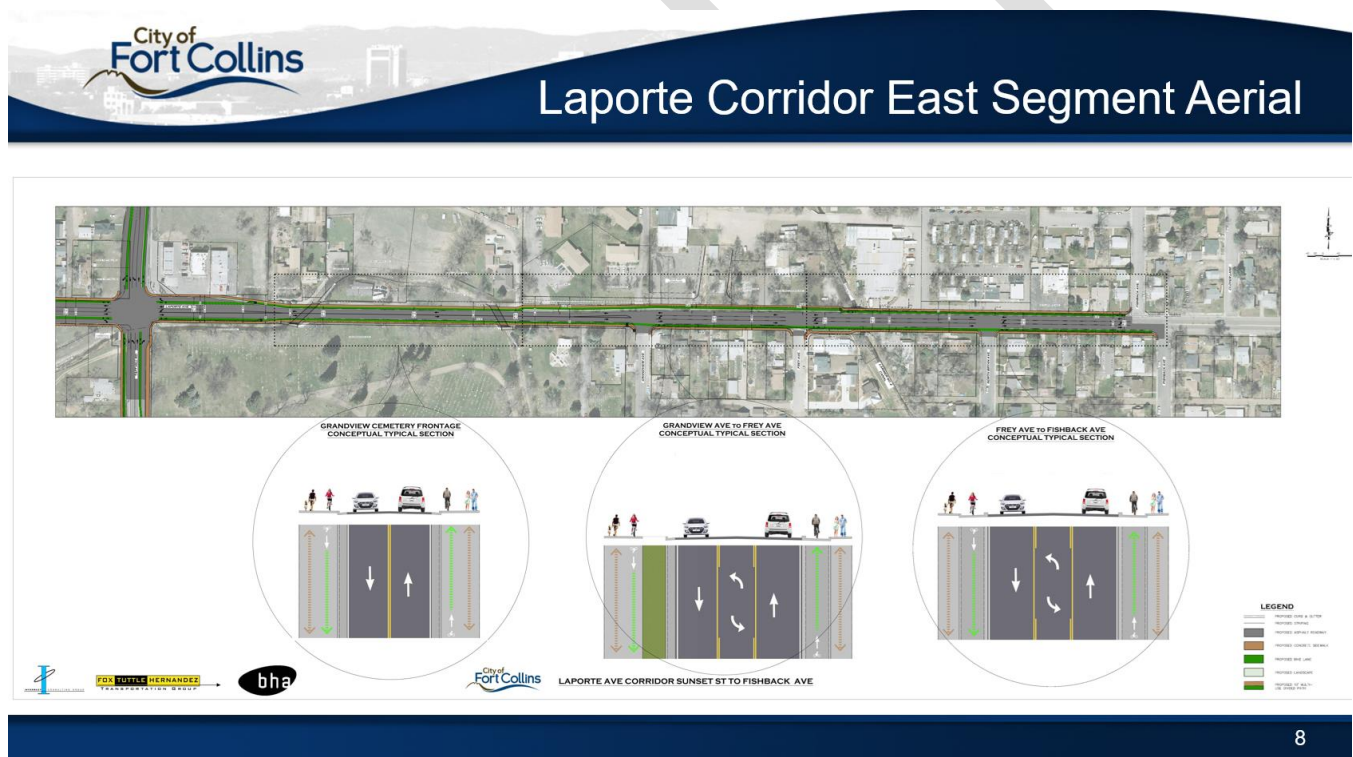
Staff is recommending appropriation of the City's construction local match and overmatch for several reasons.

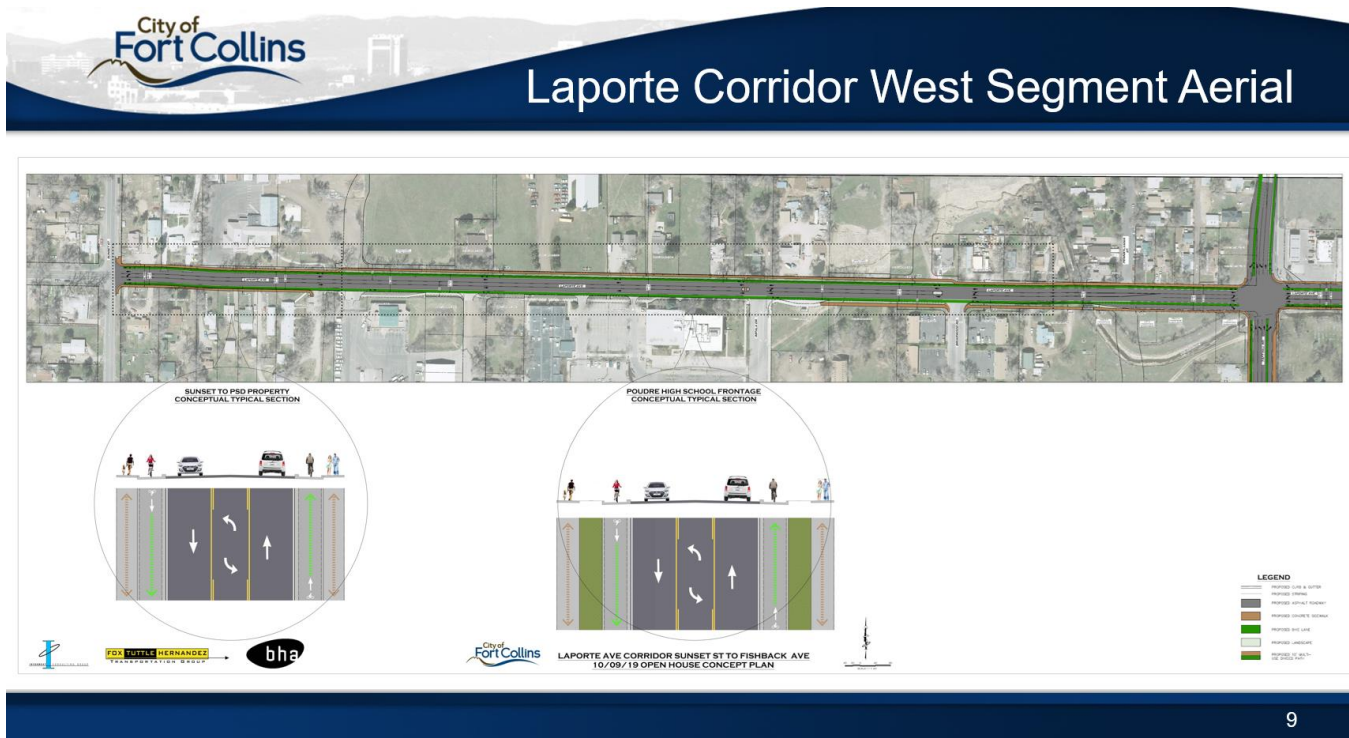
- In line with guiding themes and principles of the City Strategic Plan:
 - Multimodal Transportation

Discussion / Next Steps;

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Is Council Finance supportive of an out of cycle supplemental appropriation for the Transportation Alternative Program (TAP) and required local match to fund construction for the Laporte Avenue Multi-Modal Improvement Project.





9

Gunnar Hale; we are using the full extent of the right of way we own for this project east bound from Taft Hill. (see slide #8 above). There are a few houses on the west bound segment (see slide #9 above)– Sunset where we will need to buy right of way.

Kelly Ohlson; this has been approved in numerous ways before now. You are bringing this to us now (1 month before construction starts) because of the General Fund amount in the mix.

What do you mean when you say that you are negotiating the construction costs? Did we bid the project out?

Gunnar Hale; for CMGC (Construction Manager, General Contractor) projects, we will negotiate the costs of the projects. Because of the size of this project and the blessing from CDOT, we chose CMGC so we can have a quicker timeline. We have to compare the costs from the CMGC contractor with an independent estimate as well to prove the costs are true and accurate.

CMGC is kind of a bridge in between a bid and an RFP in a lot of ways. It is not the straight math problem of low bid when we use that as a tool for procurement. We brought on the contractor midway through the design. The benefit of bringing them on early is the collaboration and to anticipate and plan for problems that might arise as opposed to things happening in the field and causing delays.

Kelly Ohlson; who decides who we negotiate with?

Gunnar Hale; in the beginning when we chose SEMA as the CMGC we put this out to bid and multiple contractors bid on the contract, then we choose who we think will do the best job.

Kelly Ohlson; this is a good project. Where did the other \$3M that was previously allocated go? It can't all be in design.

Gunnar Hale; the east segment is covered with that beginning \$3M that we have in the project. The west segment is where we need the funding. The additional \$3M we are asking for from the General Fund is the local match for the west segment of the project.

Monica Martinez; we would usually go to our Transportation Services Fund as that is where we always go first for any sort of local match for capital projects, but we do not have the needed amount in that fund this year, so we have to come forward to request General Fund dollars.

Emily Francis; I am supportive of this. I would like to meet with Brad to discuss the design. We have been out there a few times before. I just want to make sure I understand the on again off again street, paths, and sidewalks so I can answer questions.

Mayor Arndt; I am thrilled and an absolute yes. This is one of my priorities - safe route to schools (to Poudre High School). It has been a challenge for the students -this will be a huge improvement- happy to support this – long time coming. Mulberry improvements as well have made a huge difference. Lots of safety concerns - our kids deserve better.

Travis Storin; will move this on to the full Council on the consent agenda as soon as possible.

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Tracy Ochsner, Director, Operation Services
Kerri Ishmael, Grants Administration

SUBJECT

Items Relating to a State Grant for Clean Energy Vehicles.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 040, 2024, Making a Supplemental Appropriation in the General Fund of Grant Funds from the Colorado Department of Public Health and Environment and Appropriating Prior Year Reserves in the Water Fund to Support Transitioning City Fossil Fuel Vehicles to Clean Energy Vehicles.

B. Resolution 2024-027 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Public Health and Environment for the Receipt of Grant Proceeds for Clean Energy Vehicles.

The purpose of these items is to support the City of Fort Collins (City) in transitioning fossil fuel vehicles to clean energy vehicles as a measure of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

The City was awarded \$910,000 from the State's Clean Fleet Vehicle and Technology (CFVT) grant program in support of the City purchasing clean energy vehicles that align with vehicles approved through the State's CFVT grant program. The awarded funds will support purchase of approved vehicles, with the City contributing the remaining needed funds. Based on needs of City departments, Operation Services and departments within City Utilities will be funding the additional funds needed for purchase of approved vehicles.

Approval of these items would support the City in transitioning fossil fuel fleet vehicles to clean energy by:

- Authorizing the Mayor, by Resolution, to execute an Intergovernmental Agreement (IGA) with the State of Colorado for purchase of approved clean energy fleet vehicles;
- Appropriating \$910,000 of unanticipated grant revenue from the State of Colorado's CFVT grant program; and
- Appropriating \$96,504 from Water Fund reserves.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Through Colorado Senate Bill 21-260 (Sustainability of the Transportation System) the Clean Fleet Enterprise was created within the Colorado Department of Public Health and Environment (CDPHE) for the purpose of incentivizing and supporting the use of light, medium, and heavy-duty electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets.

Operation Services was successful in the request for \$910,000 to purchase, in part, clean energy light, medium and heavy-duty vehicles that will support operations of City departments within Utilities and Operation Services. These electric and renewable natural gas vehicles will assist in helping the City accomplish “Our Climate Future” goals and directly aligns with “Big move #13 – electric cars and fleets” in the City’s [Our Climate Future Plan](#).

The grant award provides upwards of \$910,000 for approved vehicle purchases. The CFVT grant program provides funding up to a certain dollar amount or cost share, depending on vehicle type. Approved vehicles to be purchased include one (1) electric street sweeper, five (5) electric light duty pickups, and four (4) renewable natural gas dump trucks. Each approved vehicle type for which the \$910,000 will fund in part requires the City covering the remaining purchase price. Estimates based on current vendor quotes for the ten (10) approved vehicle types provide the City contributing an estimated \$1.1 million. The estimated \$1.1 million will be funded from (1) existing 2024 appropriated funds in the General Fund, Light and Power Fund, Water Fund and Stormwater Fund and (2) from Water Fund reserves, which is based on needs of departments within these funds for such vehicles.

Based on recommendation of the City’s Attorney Office, the City asked CDPHE to make some minor changes to some provisions of the grant agreement (Attachment 2) to reduce confusion around their application to local governments. CDPHE advised that they are unable to negotiate the terms and conditions of the CFVT grant template. Notwithstanding the grant agreement not incorporating the City’s recommended changes, City staff recommends that Council authorize the Mayor to execute the grant agreement with the City and the State of Colorado in support of purchases of the approved clean energy vehicles, and City staff will attempt to work with the State to revise language for future intergovernmental agreements.

CITY FINANCIAL IMPACTS

This item appropriates \$910,000 in unanticipated revenue in the General Fund from the State’s CFVT grant program in support of replacing City fossil fuel vehicles with clean energy vehicles.

This item also appropriates \$96,504 in Water Fund reserves to be spent in the Water Fund to be used toward purchase of an approved CFVT grant program vehicle. These funds were appropriated in 2023 and have lapsed due to a delay in finalizing the grant agreement.

The award from the State is a reimbursement type award, meaning General Fund expenses will be reimbursed up to \$910,000.

The remaining amount needed for purchases of the approved vehicle types through the CFVT grant program will come from existing 2024 appropriations in the Light and Power Fund, Water Fund, Stormwater Fund, and General Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Resolution for Consideration
3. Exhibit A to Resolution

ORDINANCE NO. 040, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION IN THE
GENERAL FUND OF GRANT FUNDS FROM THE COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND
APPROPRIATING PRIOR YEAR RESERVES IN THE WATER
FUND TO SUPPORT TRANSITIONING CITY FOSSIL FUEL
VEHICLES TO CLEAN ENERGY VEHICLES

A. The City's Operation Services Department applied for, and has been awarded, a \$910,000 Clean Fleet Enterprise Grant from the Colorado Department of Public Health and Environment (the "Grant").

B. The City can request the Grant funds through February 14, 2029, as reimbursement for a portion of the cost of purchasing clean energy vehicles. The vehicles the City intends to purchase include one electric street sweeper, five electric light duty pickups, and four renewable natural gas dump trucks at a total estimated cost of \$2,010,000.

C. The City would cover the remaining \$1.1 million of the purchase price for the vehicles from existing 2024 appropriated funds in the General Fund, Light and Power Fund, Water Fund, and Stormwater Fund, plus \$96,504 to be appropriated from Water Fund reserves, based on which departments would be using the vehicles.

D. These appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve the public purpose of reducing greenhouse gas emissions to achieve maximum air quality benefits for the people of Fort Collins and Colorado.

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

F. Article V, Section 9 of the City Charter also 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.

G. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the General Fund and the Water Fund and will not cause the total amount appropriated in either Fund, as applicable, to exceed the current estimate of actual and

anticipated revenues and all other funds to be received in these Funds during this fiscal year.

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

I. The City Council wishes to designate the appropriation herein from the Clean Fleet Vehicle and Technology ("CFVT") 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 NINE HUNDRED TEN THOUSAND DOLLARS (\$910,000) to be expended in the General Fund for the purchase of clean energy vehicles.

Section 2. There is hereby appropriated from prior year reserves in the Water Fund the sum of NINETY-SIX THOUSAND FIVE HUNDRED FOUR DOLLARS (\$96,504) to be expended in the Water Fund for the purchase of a clean energy vehicle.

Section 3. The appropriation herein for the CFVT 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 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Ingrid Decker

RESOLUTION 2024-027
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND THE COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE RECEIPT
OF GRANT PROCEEDS FOR CLEAN ENERGY VEHICLES

A. The City's Operation Services Department applied for, and has been awarded, a \$910,000 Clean Fleet Enterprise Grant from the Colorado Department of Public Health and Environment (the "Grant").

B. The City can request the Grant funds through February 14, 2029, to reimburse a portion of the cost of purchasing clean energy vehicles. The vehicles the City intends to purchase include one electric street sweeper, five electric light duty pickups, and four renewable natural gas dump trucks at a total estimated cost of \$2,010,000, with the City covering the balance of the cost.

C. To receive the Grant funds the City must execute an intergovernmental agreement with the State of Colorado ("State") in the form attached as Exhibit "A" and incorporated herein by reference (the "Grant Agreement").

D. After reviewing the form of the Grant Agreement, City legal staff requested some minor changes to it to reduce confusion around how and whether certain terms applied to local government entities, but State staff has thus far been unwilling to make changes to the Grant Agreement. This has been an issue with other State agreement forms in the past and previously negotiated agreement language appears to no longer be incorporated into the agreement forms in use by some State agencies. Further discussions with State agency staff may result in improvements to the Grant Agreement or future grant agreements with the State.

E. 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.

F. 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.

G. The City Council has determined that the use of the Grant for the purchase of clean energy vehicles is in the best interests of the City, and the Mayor should be authorized to execute the Grant Agreement between the City and the State 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 that the City Council hereby authorizes the Mayor to execute, on behalf of the City, the Grant Agreement with the Colorado Department of Public Health and Environment, in substantially the form attached hereto as Exhibit A, with such 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.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Ingrid Decker

STATE OF COLORADO CONTRACT
COVER PAGE

State Agency Clean Fleet Enterprise (“CFE”) an enterprise for the purposes of Section 20 of Article X of the Constitution Colorado Department of Public Health and Environment (CDPHE) 4300 Cherry Creek Drive South Denver, Colorado 80246	Contractor City of Fort Collins 300 LaPorte Avenue Fort Collins Colorado 80522
Original Contract Number 2024*3395	Contract Performance Beginning Date The later of the Effective date or February 15, 2024
Contract Maximum Amount Initial Term 02/15/2024-02/14/2029 \$ 910,000.00 Contract Maximum Amount \$910,000.00	Contract Expiration Date February 14, 2029 Except as stated in §2.D., the total duration of this Contract, including the exercise of any options to extend, shall not exceed Five (5) years from its Performance Beginning Date.
Pricing/Funding Price Structure: Cost Reimbursement Contractor Shall Invoice: Monthly Funding Source: State \$910,000.00	Miscellaneous Authority to enter into this Contract exists in: CRS § 25-7-103.5 The Clean Fleet Enterprise (“CFE”) is and operates as a government-owned business within the Department of Public Health and Environment (“the department”) for the business purpose of incentivizing and supporting the use of electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. See § 25-7-103.5(4), C.R.S. The enterprise is overseen by the CFE Board of Directors. The department administers the program on behalf of the enterprise. Procurement Method: Request for Application (RFA) Solicitation Number (if any): RFA# 41343 CFVT
State Representative Celeste Kopperl Board Administrator Clean Fleet Enterprise Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246 Email: cdphe_cleanfleetenterprise@state.co.us	Contractor Representative Tracy Ochsner Director Operation Services City of Fort Collins 300 LaPorte Avenue Fort Collins Colorado 80522 tochsner@fcgov.com
Exhibits The following Exhibits and Attachments are attached and incorporated into this Contract: Exhibit A, Additional Provisions Exhibit B, Statement of Work Exhibit C, Budget	
Contract Purpose This environmental project serves to incentivize the use of Enterprise Approved Fleet Vehicles by businesses and governmental entities that operate fleets. This includes motor vehicles that were originally powered by internal combustion engines but have been converted into battery electric or hydrogen fuel cell electric motor vehicles and compressed natural gas motor vehicles that are fueled by recovered methane.	

SIGNATURE PAGE

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

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

<p>CONTRACTOR City of Fort Collins</p> <p>_____</p> <p>By: Signature</p> <p>Tracy ochsner</p> <p>_____</p> <p>Name of Person Signing for Contractor</p> <p>_____</p> <p>Title of Person Signing for Contractor</p> <p>Date: _____</p>	<p>STATE OF COLORADO Jared S. Polis, Governor Clean Fleet Enterprise Will Allison, Chairperson CFE Board of Directors</p> <p>_____</p> <p>By: Will Allison, Chairperson CFE Board of Directors</p> <p>Date: _____</p>
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In accordance with §24-30-202 C.R.S., this Contract is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By: Signature

Name of State Controller Delegate

Contract Effective Date: _____

-- Signature and Cover Pages End --

1. PARTIES

This Contract is entered into by and between Contractor named on the Signature and Cover Page for this Contract (the “Contractor”), and the STATE OF COLORADO acting by and through the Clean Fleet Enterprise, a government owned business within the Department of Public Health and Environment (the “State” or “CFE” or “CDPHE”). The Contractor and the State agree to the terms and conditions in this Contract.

2. TERM AND EFFECTIVE DATE

A. Effective Date

This Contract shall not be valid or enforceable until the Effective Date. The State shall not be bound by any provision of this Contract before the Effective Date, and shall have no obligation to pay Contractor for any Work performed or expense incurred before the Effective Date or after the expiration or sooner termination of this Contract.

B. Initial Term

The Parties’ respective performances under this Contract shall commence on the Contract Performance Beginning Date shown on the Signature and Cover Pages for this Contract and shall terminate on the Initial Contract Expiration Date shown on the Signature and Cover Pages for this Contract (the “Initial Term”) unless sooner terminated or further extended in accordance with the terms of this Contract.

C. Extension Terms - State’s Option

The State, at its discretion, shall have the option to extend the performance under this Contract beyond the Initial Term for a period, or for successive periods, at the same rates and under the same terms specified in the Contract (each such period an “Extension Term”). In order to exercise this option, the State shall provide written notice to Contractor in a form substantially equivalent to that in §20“Sample Option Letter.” The State may include and incorporate a revised budget with the option letter, as long as the revised budget does not unilaterally change rates or terms specified in the Contract. Except as stated in §2.D, the total duration of this Contract, including the exercise of any options to extend, shall not exceed 5 years from its Performance Beginning Date, or the number of years specified on the Signature and Cover Pages if such number is less than five (5) years absent prior approval from the CFE Board of Directors.

D. End of Term Extension

If this Contract approaches the end of its Initial Term, or any Extension Term then in place, the State, at its discretion, upon written notice to Contractor as provided in §15, may unilaterally extend such Initial Term or Extension Term for a period not to exceed 2 months (an “End of Term Extension”), regardless of whether additional Extension Terms are available or not. The provisions of this Contract in effect when such notice is given shall remain in effect during the End of Term Extension. The

End of Term Extension shall automatically terminate upon execution of a replacement contract or modification extending the total term of the Contract.

E. Early Termination in the Public Interest

The State is entering into this Contract to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Contract ceases to further the public interest of the State, the State, in its discretion, may terminate this Contract in whole or in part. A determination that this Contract should be terminated in the public interest shall not be equivalent to a State right to terminate for convenience. This subsection shall not apply to a termination of this Contract by the State for breach by Contractor, which shall be governed by §12.A.i.

i. Method and Content

The State shall notify Contractor of such termination in accordance with §15. The notice shall specify the effective date of the termination and whether it affects all or a portion of this Contract, and shall include, to the extent practicable, the public interest justification for the termination.

ii. Obligations and Rights

Upon receipt of a termination notice for termination in the public interest, Contractor shall be subject to §12.A.i.a.

iii. Payments

If the State terminates this Contract in the public interest, the State shall pay Contractor an amount equal to the percentage of the total reimbursement payable under this Contract that corresponds to the percentage of Work satisfactorily completed and accepted, as determined by the State, less payments previously made. Additionally, if this Contract is less than 60% completed, as determined by the State, the State may reimburse Contractor for a portion of actual out-of-pocket expenses, not otherwise reimbursed under this Contract, incurred by Contractor which are directly attributable to the uncompleted portion of Contractor's obligations, provided that the sum of any and all reimbursement shall not exceed the maximum amount payable to Contractor hereunder.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. **Breach of Contract** means the failure of a Party to perform any of its obligations in accordance with this Contract, in whole or in part or in a timely or satisfactory manner. The institution of proceedings under any bankruptcy, insolvency, reorganization or similar law, by or against Contractor, or the appointment of a receiver or similar officer for Contractor or any of its property, which is not vacated or fully stayed within 30 days after the institution of such proceeding, shall also constitute a breach. If Contractor is debarred or suspended under §24-109-105, C.R.S. at any time during the term of this Contract, then such debarment or suspension shall constitute a breach.

EXHIBIT A TO RESOLUTION 2024-027

Item 9.

- B. **“Business Day”** means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1) C.R.S.
- C. **“Contract”** means this agreement, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future modifications thereto. For purposes of clarification and the removal of any doubt, subject to any future modifications thereto, the Signature and Cover Pages and Sections 1 through 21, as identified in the Table of Contents herein above, shall constitute the “main body” of this Contract exclusively.
- D. **“Contract Funds”** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Contract.
- E. **“CORA”** means the Colorado Open Records Act, §§24-72-200.1 *et. seq.*, C.R.S.
- F. **“End of Term Extension”** means the time period defined in §2.D.
- G. **“Effective Date”** means the date on which this Contract is approved and signed by the Colorado State Controller or designee, as shown on the Signature and Cover Page for this Contract.
- H. **“Exhibits”** means the exhibits listed on the Signature and Cover Pages and attached to this Contract.
- I. **“Extension Term”** means the time period defined in §2.C.
- J. **“Goods”** means any movable material acquired, produced, or delivered by Contractor as set forth in this Contract and shall include any movable material acquired, produced, or delivered by Contractor in connection with the Services.
- K. **“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.
- L. **“Initial Term”** means the time period defined in §2.B.
- M. **“Offeror”** means any entity or individual submitting a proposal or application in response to this solicitation.
- N. **“Party”** means the State or Contractor, and **“Parties”** means both the State and Contractor.
- O. **“PCI”** means payment card information including any data related to credit card holders’ names, credit card numbers, or the other credit card information as may be protected by state or federal law.
- P. **“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,

EXHIBIT A TO RESOLUTION 2024-027

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.

- Q. **“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.
- R. **“Services”** means the services to be performed by Contractor as set forth in this Contract, and shall include any services to be rendered by Contractor in connection with the Goods.
- S. **“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, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA.
- T. **“State Fiscal Rules”** means that fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a).
- U. **“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.
- V. **“State Purchasing Director”** means the position described in the Colorado Procurement Code and its implementing regulations.
- W. **“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.
- X. **“Subcontractor”** means third-parties, if any, engaged by Contractor to aid in performance of the Work.
- Y. **“Tax Information”** means federal and State of Colorado tax information including, without limitation, federal and State tax returns, return information, and such other tax-related information as may be protected by federal and State law and regulation. Tax Information includes, but is not limited to all information defined as federal tax information in Internal Revenue Service Publication 1075.
- Z. **“Work”** means the delivery of the Goods and performance of the Services described in this Contract.
- AA. **“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 Effective Date that is used, without modification, in the performance of the Work.

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

4. STATEMENT OF WORK

A. Completion of Work

Contractor shall complete the Work as described in this Contract and in accordance with the provisions of the Exhibits. The State shall have no liability to compensate Contractor for the delivery of any goods or the performance of any services that are not specifically set forth in this Contract.

B. Option to Initiate Phase

The State, at its discretion, shall have the option to direct Contractor to begin performance of any of the contract phases described in the Exhibits. In order to exercise this option, the State shall provide written notice to Contractor in a form substantially equivalent to §20 "Sample Option Letter." The Contractor shall begin work on each phase as of the effective date of the notice requiring Contractor to complete that phase, or a later date if one is contained in the notice, and shall complete all Work described for that phase in this Contract.

5. PAYMENTS TO CONTRACTOR

A. Maximum Amount

Payments to Contractor are limited to the unpaid, obligated balance of the Contract Funds. The State shall not pay Contractor any amount under this Contract that exceeds the Contract Maximum for that term shown on the Signature and Cover Pages for this Contract.

B. Payment Procedures

i. Invoices and Payment

- a. The State shall pay Contractor in the amounts listed in and in accordance with the Exhibits.
- b. Contractor shall initiate payment requests by invoice to the State, in a form and manner approved by the State.
- c. The State shall pay each invoice within 45 days following the State's receipt of that invoice, so long as the amount invoiced correctly represents Work completed by Contractor and previously accepted by the State during the term that the invoice covers. If the State determines that the amount of any

EXHIBIT A TO RESOLUTION 2024-027

Item 9.

invoice is not correct, then Contractor shall make all changes necessary to correct that invoice.

- d. The acceptance of an invoice shall not constitute acceptance of any Work performed or deliverables provided under the Contract.

ii. Interest

Amounts not paid by the State within 45 days of the State's acceptance of the invoice shall bear interest on the unpaid balance beginning on the 45th day at the rate of 1% per month, as required by §24-30-202(24)(a), C.R.S., until paid in full; provided, however, that interest shall not accrue on unpaid amounts that the State disputes in writing. Contractor shall invoice the State separately for accrued interest on delinquent amounts, and the invoice shall reference the delinquent payment, the number of day's interest to be paid and the interest rate.

iii. Payment Disputes

If Contractor disputes any calculation, determination or amount of any payment, Contractor shall notify the State in writing of its dispute within 30 days following the earlier to occur of Contractor's receipt of the payment or notification of the determination or calculation of the payment by the State. The State will review the information presented by Contractor and may make changes to its determination based on this review. The calculation, determination or payment amount that results from the State's review shall not be subject to additional dispute under this subsection. No payment subject to a dispute under this subsection shall be due until after the State has concluded its review, and the State shall not pay any interest on any amount during the period it is subject to dispute under this subsection.

iv. Available Funds-Contingency-Termination

The State is prohibited by law from making commitments beyond the term of the current State Fiscal Year. Payment to Contractor beyond the current State Fiscal Year is contingent on the appropriation and continuing availability of Contract Funds in any subsequent year (as provided in the Colorado Special Provisions). If CFE funds (which are not subject to state fiscal year appropriations), or if federal funds or funds from any other non-State funds constitute all or some of the Contract Funds the State's obligation to pay Contractor shall be contingent upon such non-State funding continuing to be made available for payment. Payments to be made pursuant to this Contract shall be made only from Contract Funds, and the State's liability for such payments shall be limited to the amount remaining of such Contract Funds. If State, federal or other funds are not appropriated, or otherwise become unavailable to fund this Contract, the State may, upon written notice, terminate this Contract, in whole or in part, without incurring further liability. The State shall, however, remain obligated to pay for Services and Goods that are delivered and accepted prior to the effective date of

EXHIBIT A TO RESOLUTION 2024-027

notice of termination, and this termination shall otherwise be treated as if this Contract were terminated in the public interest as described in **§2.E**.

v. Option to Increase Maximum Amount

If the Signature and Cover Pages for this Contract show that the State has the Option to Increase or Decrease Maximum Amount, then the State, at its discretion, shall have the option to increase or decrease the statewide quantity of Goods and Services based upon the rates established in this Contract, and increase the maximum amount payable accordingly. In order to exercise this option, the State shall provide written notice to Contractor in a form substantially equivalent to **§20** "Sample Option Letter." Delivery of Goods and performance of Services shall continue at the same rates and terms as described in this Contract. The State may include and incorporate a revised budget with the option letter, as long as the revised budget does not unilaterally change rates or terms specified in the Contract.

vi. Option to Increase Rates

In the event the rates shown in the Exhibits are determined by a third party, the State, at its discretion, shall have the option to increase or decrease the rates shown in the Exhibits as the State determines is necessary to account for increases or decreases in the rates. In order to exercise this option, the State shall provide written notice to Contractor in a form substantially equivalent to **§20** "Sample Option Letter," and any new rates table or exhibit shall be effective as of the effective date of that notice unless the notice provides for a different date.

6. REPORTING - NOTIFICATION

A. Litigation Reporting

If Contractor is served with a pleading or other document in connection with an action before a court or other administrative decision making body, and such pleading or document relates to this Contract or may affect Contractor's ability to perform its obligations under this Contract, Contractor shall, within 5 days after being served, notify the State of such action and deliver copies of such pleading or document to the State's principal representative identified in on the Signature and Cover Page.

B. Performance Outside the State of Colorado or the United States, §24-102-206 C.R.S.

To the extent not previously disclosed in accordance with §24-102-206, C.R.S., Contractor shall provide written notice to the State, in accordance with **15**, in a form designated by the State, within 20 days following the earlier to occur of Contractor's decision to perform Services outside of the State of Colorado or the United States, or its execution of an agreement with a Subcontractor to perform Services outside the State of Colorado or the United States. Such notice shall specify the type of Services to be performed outside the State of Colorado or the United States and the reason why it is necessary or advantageous to perform such Services at such location or locations, and such notice shall be a public record. Knowing failure by Contractor to provide notice to the State under this **§6.B** shall constitute a breach of this

Contract. This section shall not apply if the Contract Funds include any federal funds.

7. CONTRACTOR RECORDS

A. Maintenance

Contractor shall maintain a file of all documents, records, communications, notes and other materials relating to the Work (the "Contractor Records"). Contractor Records shall include all documents, records, communications, notes and other materials maintained by Contractor that relate to any Work performed by Subcontractors, and Contractor shall maintain all records related to the Work performed by Subcontractors required to ensure proper performance of that Work. Contractor shall maintain Contractor Records until the last to occur of: **(i)** the date 3 years after the date this Contract expires or is terminated, **(ii)** final payment under this Contract is made, **(iii)** the resolution of any pending Contract matters, or **(iv)** if an audit is occurring, or Contractor has received notice that an audit is pending, the date such audit is completed and its findings have been resolved (the "Record Retention Period").

B. Inspection

Contractor shall permit the State to audit, inspect, examine, excerpt, copy and transcribe Contractor Records during the Record Retention Period. Contractor shall make Contractor Records available during normal business hours at Contractor's office or place of business, or at other mutually agreed upon times or locations, upon no fewer than 2 Business Days' notice from the State, unless the State determines that a shorter period of notice, or no notice, is necessary to protect the interests of the State.

C. Monitoring

The State, in its discretion, may monitor Contractor's performance of its obligations under this Contract using procedures as determined by the State. The State shall monitor Contractor's performance in a manner that does not unduly interfere with Contractor's performance of the Work.

D. Final Audit Report

Contractor shall promptly submit to the State a copy of any final audit report of an audit performed on Contractor's records that relates to or affects this Contract or the Work, whether the audit is conducted by Contractor or a third party.

8. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Contractor shall keep confidential, and cause all Subcontractors to keep confidential, all State Records, unless those State Records are publicly available. Contractor shall not, without prior written approval of the State, use, publish, copy, disclose to any third party, or permit the use by any third party of any State Records, except as otherwise stated in this Contract, permitted by law, or approved in writing by the State. Contractor shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information

EXHIBIT A TO RESOLUTION 2024-027

Security and all applicable laws, rules, policies, publications, and guidelines. If Contractor or any of its Subcontractors will or may receive the following types of data, Contractor or its Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Contract as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Contract, if applicable. Contractor shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Contractor 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 Contract. Contractor shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements at least as protective as this Contract, and that the nondisclosure agreements are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Contractor shall provide copies of those signed nondisclosure agreements to the State upon request.

C. Use, Security, and Retention

Contractor 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. Contractor shall provide the State with access, subject to Contractor'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 Contract, Contractor shall return State Records provided to Contractor or destroy such State Records and certify to the State that it has done so, as directed by the State. If Contractor is prevented by law or regulation from returning or destroying State Confidential Information, Contractor warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Contractor 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. Unless Contractor can establish that none of Contractor or any of its agents, employees, assigns or Subcontractors are the cause or source of the Incident, Contractor shall be responsible for the cost of notifying each person who may have been impacted by

the Incident. After an Incident, Contractor 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. The State may, in its sole discretion and at Contractor's sole expense, require Contractor to engage the services of an independent, qualified, State-approved third party to conduct a security audit. Contractor shall provide the State with the results of such audit and evidence of Contractor's planned remediation in response to any negative findings.

E. Data Protection and Handling

Contractor shall ensure that all State Records and Work Product in the possession of Contractor or any Subcontractors are protected and handled in accordance with the

9. CONFLICTS OF INTEREST

A. Actual Conflicts of Interest

Contractor 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 Contractor under this Contract. Such a conflict of interest would arise when a Contractor or Subcontractor's employee, officer or agent were to offer or provide any tangible personal benefit to an employee of the State, or any member of his or her immediate family or his or her partner, related to the award of, entry into or management or oversight of this Contract.

B. Apparent Conflicts of Interest

Contractor acknowledges that, with respect to this Contract, even the appearance of a conflict of interest shall be harmful to the State's interests. Absent the State's prior written approval, Contractor shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Contractor's obligations under this Contract.

C. Disclosure to the State

If a conflict or the appearance of a conflict arises, or if Contractor is uncertain whether a conflict or the appearance of a conflict has arisen, Contractor shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of this Contract.

D. Contractor shall maintain a written conflict of interest policy. Contractor shall provide the written conflict of interest policy to the State upon request.

10. INSURANCE

Contractor shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain insurance as specified in this section at all times during the term of this Contract. All insurance policies required by this Contract shall be issued by insurance companies approved by the State.

A. Workers' Compensation

Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Contractor or Subcontractor employees acting within the course and scope of their employment.

B. General Liability

Commercial general liability insurance written covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- i. \$1,000,000 each occurrence;
- ii. \$1,000,000 general aggregate; and
- iii. \$1,000,000 products and completed operations aggregate

C. Automobile Liability

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

D. Additional Insured

The State shall be named as additional insured on all commercial general liability policies (leases and construction contracts require additional insured coverage for completed operations) required of Contractor and Subcontractors.

E. Primacy of Coverage

Coverage required of Contractor and each Subcontractor shall be primary over any insurance or self-insurance program carried by Contractor or the State.

F. Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal, except for cancellation based on non-payment of premiums, without at least 30 days prior notice to Contractor and Contractor shall forward such notice to the State in accordance with §15 within 7 days of Contractor's receipt of such notice.

G. Subrogation Waiver

All insurance policies secured or maintained by Contractor or its Subcontractors in relation to this Contract shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Contractor or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

H. Public Entities

If Contractor is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"), Contractor shall maintain, in lieu of the liability insurance requirements stated above, at all times during the term of this Contract such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. If a Subcontractor is a public entity within the meaning of the GIA, Contractor shall ensure that the

Subcontractor maintains at all times during the terms of this Contract, in lieu of the liability insurance requirements stated above, such liability insurance, by commercial policy or self-insurance, as is necessary to meet the Subcontractor's obligations under the GIA.

I. Certificates

Contractor shall provide to the State certificates evidencing Contractor's insurance coverage required in this Contract by the effective date of the contract. No later than 15 days before the expiration date of Contractor's or any Subcontractor's coverage, Contractor shall deliver to the State certificates of insurance evidencing renewals of coverage. At any other time during the term of this Contract, upon request by the State, Contractor shall, within 7 Business Days following the request by the State, supply to the State evidence satisfactory to the State of compliance with the provisions of this §10.

11. BREACH

In the event of a Breach of Contract, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the Breach of Contract, at its sole expense, within 30 days after the delivery of written notice, the Party may exercise any of the remedies as described in §12 for that Party. Notwithstanding any provision of this Contract to the contrary, the State, in its discretion, need not provide notice or a cure period and may immediately terminate this Contract in whole or in part or institute any other remedy in the Contract in order to protect the public interest of the State; or if Contractor is debarred or suspended under §24-109-105, C.R.S., the State, in its discretion, need not provide notice or cure period and may terminate this Contract in whole or in part or institute any other remedy in this Contract as of the date that the debarment or suspension takes effect.

12. REMEDIES

A. State's Remedies

If Contractor is in breach under any provision of this Contract and fails to cure such breach, the State, following the notice and cure period set forth in §11., shall have all of the remedies listed in this §12.A. in addition to all other remedies set forth in this Contract or at law. The State may exercise any or all of the remedies available to it, in its discretion, concurrently or consecutively.

i. Termination for Breach

In the event of Contractor's uncured breach, the State may terminate this entire Contract or any part of this Contract. Contractor shall continue performance of this Contract to the extent not terminated, if any.

a. Obligations and Rights

To the extent specified in any termination notice, Contractor shall not incur further obligations or render further performance past the effective date of such notice, and shall terminate outstanding orders and subcontracts with third parties. However, Contractor shall complete and deliver to the State all Work not canceled by the termination notice, and may incur obligations as necessary to do so within this Contract's terms. At the request of the

EXHIBIT A TO RESOLUTION 2024-027

State, Contractor shall assign to the State all of Contractor's rights, title, and interest in and to such terminated orders or subcontracts. Upon termination, Contractor shall take timely, reasonable and necessary action to protect and preserve property in the possession of Contractor but in which the State has an interest. At the State's request, Contractor shall return materials owned by the State in Contractor's possession at the time of any termination. Contractor shall deliver all completed Work Product and all Work Product that was in the process of completion to the State at the State's request.

b. Payments

Notwithstanding anything to the contrary, the State shall only pay Contractor for accepted Work received as of the date of termination. If, after termination by the State, the State agrees that Contractor was not in breach or that Contractor's action or inaction was excusable, such termination shall be treated as a termination in the public interest, and the rights and obligations of the Parties shall be as if this Contract had been terminated in the public interest under §2.E.

c. Damages and Withholding

Notwithstanding any other remedial action by the State, Contractor shall remain liable to the State for any damages sustained by the State in connection with any breach by Contractor, and the State may withhold payment to Contractor for the purpose of mitigating the State's damages until such time as the exact amount of damages due to the State from Contractor is determined. The State may withhold any amount that may be due Contractor as the State deems necessary to protect the State against loss including, without limitation, loss as a result of outstanding liens and excess costs incurred by the State in procuring from third parties replacement Work as cover.

ii. Remedies Not Involving Termination

The State, in its discretion, may exercise one or more of the following additional remedies:

a. Suspend Performance

Suspend Contractor's performance with respect to all or any portion of the Work pending corrective action as specified by the State without entitling Contractor to an adjustment in price or cost or an adjustment in the performance schedule. Contractor shall promptly cease performing Work and incurring costs in accordance with the State's directive, and the State shall not be liable for costs incurred by Contractor after the suspension of performance.

b. Withhold Payment

Withhold payment to Contractor until Contractor corrects its Work.

c. Deny Payment

EXHIBIT A TO RESOLUTION 2024-027

Deny payment for Work not performed, or that due to Contractor's actions or inactions, cannot be performed or if they were performed are reasonably of no value to the state; provided, that any denial of payment shall be equal to the value of the obligations not performed.

d. Intellectual Property

If any Work infringes a patent, copyright, trademark, trade secret or other intellectual property right, Contractor shall, as approved by the State, (a) secure that right to use such Work for the State or Contractor; (b) replace the Work with noninfringing Work or modify the Work so that it becomes noninfringing; or, (c) remove any infringing Work and refund the amount paid for such Work to the State.

B. Contractor's Remedies

If the State is in breach of any provision of this Contract and does not cure such breach, Contractor, following the notice and cure period in §11 and the dispute resolution process in §14, shall have all remedies available at law and equity.

13. STATE'S RIGHT OF REMOVAL

The State retains the right to demand, at any time, regardless of whether Contractor is in breach, the immediate removal of any of Contractor's employees, agents, or subcontractors from the work whom the State, in its sole discretion, deems incompetent, careless, insubordinate, unsuitable, or otherwise unacceptable or whose continued relation to this Contract is deemed by the state to be contrary to the public interest or the State's best interest.

14. DISPUTE RESOLUTION

A. Initial Resolution

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

B. Resolution of Controversies

If the initial resolution described in §14.A fails to resolve the dispute within 10 Business Days, Contractor shall submit any alleged breach of this Contract by the State to the Procurement Official of CDPHE as described in §24-101-301(30), C.R.S. for resolution in accordance with the provisions of §§24-106-109 and 24-109-101.1 through 24-109-505, C.R.S., (the "Resolution Statutes"), except that if Contractor wishes to challenge any decision rendered by the Procurement Official, Contractor's challenge shall be an appeal to the executive director of the Department of Personnel and Administration, or their delegate, under the Resolution Statutes before Contractor pursues any further action as permitted by such statutes. Except as otherwise stated in this Section, all requirements of the Resolution Statutes shall apply including, without limitation, time limitations.

15. NOTICES AND REPRESENTATIVES

Each individual identified on the Signature and Cover Pages shall be the principal representative of the designating Party. All notices required or permitted to be given under this Contract shall be in writing, and shall be delivered **(A)** by hand with receipt required, **(B)** by certified or registered mail to such Party's principal representative at the address set forth on the Signature and Cover Pages for this Contract or **(C)** as an email with read receipt requested to the principal representative at the email address, if any, set forth on the Signature and Cover Pages for this Contract. If a Party delivers a notice to another through email and the email is undeliverable, then, unless the Party has been provided with an alternate email contact, the Party delivering the notice shall deliver the notice by hand with receipt required or by certified or registered mail to such Party's principal representative at the address set forth below. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this section without a formal amendment to this Contract. Unless otherwise provided in this Contract, notices shall be effective upon delivery of the written notice.

16. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

A. Work Product

Contractor assigns to the State and its successors and assigns, the entire right, title, and interest in and to all causes of action, either in law or in equity, for past, present, or future infringement of intellectual property rights related to the Work Product and all works based on, derived from, or incorporating the Work Product. Whether or not Contractor is under contract with the State at the time, Contractor shall execute applications, assignments, and other documents, and shall render all other reasonable assistance requested by the State, to enable the State to secure patents, copyrights, licenses and other intellectual property rights related to the Work Product. The Parties intend the Work Product to be works made for hire.

i. Copyrights

To the extent that the Work Product (or any portion of the Work Product) would not be considered works made for hire under applicable law, Contractor hereby assigns to the State, the entire right, title, and interest in and to copyrights in all Work Product and all works based upon, derived from, or incorporating the Work Product; all copyright applications, registrations, extensions, or renewals relating to all Work Product and all works based upon, derived from, or incorporating the Work Product; and all moral rights or similar rights with respect to the Work Product throughout the world. To the extent that Contractor cannot make any of the assignments required by this section, Contractor hereby grants to the State a perpetual, irrevocable, royalty-free license to use, modify, copy, publish, display, perform, transfer, distribute, sell, and create derivative works of the Work Product and all works based upon, derived from, or incorporating the Work Product by all means and methods and in any format now known or invented in the future. The State may assign and license its rights under this license.

ii. Patents

In addition, Contractor grants to the State (and to recipients of Work Product distributed by or on behalf of the State) a perpetual, worldwide, no-charge, royalty-free, irrevocable patent license to make, have made, use, distribute, sell,

offer for sale, import, transfer, and otherwise utilize, operate, modify and propagate the contents of the Work Product. Such license applies only to those patent claims licensable by Contractor that are necessarily infringed by the Work Product alone, or by the combination of the Work Product with anything else used by the State.

iii. Assignments and Assistance

Whether or not Contractor is under contract with the State at the time, Contractor shall execute applications, assignments, and other documents, and shall render all other reasonable assistance requested by the State, to enable the State to secure patents, copyrights, licenses and other intellectual property rights related to the Work Product. To the extent that Work Product would fall under the definition of “works made for hire” under 17 U.S.C.S. §101, the Parties intend the Work Product to be a work made for hire. Contractor assigns to the State and its successors and assigns, the entire right, title, and interest in and to all causes of action, either in law or in equity, for past, present, or future infringement of intellectual property rights related to the Work Product and all works based on, derived from, or incorporating the Work Product.

B. Exclusive Property of the State

Except to the extent specifically provided elsewhere in this Contract, any pre-existing State Records, State software, research, reports, studies, photographs, negatives or other documents, drawings, models, materials, data and information shall be the exclusive property of the State (collectively, “State Materials”). Contractor shall not use, willingly allow, cause or permit Work Product or State Materials to be used for any purpose other than the performance of Contractor’s obligations in this Contract without the prior written consent of the State. Upon termination of this Contract for any reason, Contractor shall provide all Work Product and State Materials to the State in a form and manner as directed by the State.

C. Exclusive Property of Contractor

Contractor retains the exclusive rights, title, and ownership to any and all pre-existing materials owned or licensed to Contractor including, but not limited to, all pre-existing software, licensed products, associated source code, machine code, text images, audio and/or video, and third-party materials, delivered by Contractor under the Contract, whether incorporated in a Deliverable or necessary to use a Deliverable (collectively, “Contractor Property”). Contractor Property shall be licensed to the State as set forth in this Contract or a State approved license agreement: **(i)** entered into as exhibits to this Contract; **(ii)** obtained by the State from the applicable third-party vendor; or **(iii)** in the case of open source software, the license terms set forth in the applicable open source license agreement.

17. STATEWIDE CONTRACT MANAGEMENT SYSTEM

If the maximum amount payable to Contractor under this Contract is \$100,000 or greater, either on the Effective Date or at any time thereafter, this section shall apply. Contractor agrees to be governed by and comply with the provisions of §§24-106-103, 24-102-206, 24-106-106, and 24-106-107, C.R.S. regarding the monitoring of vendor performance and the

reporting of contract performance information in the State's contract management system ("Contract Management System" or "CMS"). Contractor's performance shall be subject to evaluation and review in accordance with the terms and conditions of this Contract, Colorado statutes governing CMS, and State Fiscal Rules and State Controller policies.

18. GENERAL PROVISIONS

A. Assignment

Contractor's rights and obligations under this Contract 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 Contractor's rights and obligations approved by the State shall be subject to the provisions of this Contract

B. Subcontracts

Unless other restrictions are required elsewhere in this Contract, Contractor shall not enter into any subcontract in connection with its obligations under this Contract without providing notice to the State. The State may reject any such subcontract, and Contractor shall terminate any subcontract that is rejected by the State and shall not allow any Subcontractor to perform any Work after that Subcontractor's subcontract has been rejected by the State. Contractor shall submit to the State a copy of each such subcontract upon request by the State. All subcontracts entered into by Contractor in connection with this Contract shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Contract.

C. Binding Effect

Except as otherwise provided in §18.A, all provisions of this Contract, including the benefits and burdens, shall extend to and be binding upon the Parties' respective successors and assigns.

D. Authority

Each Party represents and warrants to the other that the execution and delivery of this Contract and the performance of such Party's obligations have been duly authorized.

E. Captions and References

The captions and headings in this Contract are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Contract 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.

F. Counterparts

This Contract may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

G. Entire Understanding

This Contract 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 Contract. Prior or contemporaneous additions, deletions, or other changes to this Contract shall not have any force or effect whatsoever, unless embodied herein.

H. 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 Contract by reference.

I. Modification

Except as otherwise provided in this Contract, any modification to this Contract shall only be effective if agreed to in a formal amendment to this Contract, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Contract, other than contract amendments, shall conform to the policies promulgated by the Colorado State Controller.

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

Any reference in this Contract 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 Effective Date of this Contract.

K. Order of Precedence

In the event of a conflict or inconsistency between this Contract and any Exhibits or attachments 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 Contract.
- ii. The provisions of the other sections of the main body of this Contract.
- iii. Any other Exhibit(s) shall take precedence in alphabetical order.

L. External Terms and Conditions

Notwithstanding anything to the contrary herein, the State shall not be subject to any provision included in any terms, conditions, or agreements appearing on

EXHIBIT A TO RESOLUTION 2024-027

Contractor's or a Subcontractor's website or any provision incorporated into any click-through or online agreements related to the Work unless that provision is specifically referenced in this Contract.

M. Severability

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

N. Survival of Certain Contract Terms

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

O. Taxes

The State is exempt from federal excise taxes under I.R.C. Chapter 32 (26 U.S.C., Subtitle D, Ch. 32) (Federal Excise Tax Exemption Certificate of Registry No. 84-730123K) and from Colorado state and local government sales and use taxes under §§39-26-704(1), *et seq.* C.R.S. (Colorado Sales Tax Exemption Identification Number 98-02565). The State shall not be liable for the payment of any excise, sales, or use taxes, regardless of whether any political subdivision of the state imposes such taxes on Contractor. Contractor shall be solely responsible for any exemptions from the collection of excise, sales or use taxes that Contractor may wish to have in place in connection with this Contract.

P. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described in **§18.A.**, this Contract does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of this Contract 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 Contract are incidental to the Contract, and do not create any rights for such third parties.

Q. Waiver

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

R. CORA Disclosure

To the extent not prohibited by federal law, this Contract and the performance measures and standards required under §24-103.5-101 C.R.S., if any, are subject to public release through the CORA.

S. Standard and Manner of Performance

Contractor shall perform its obligations under this Contract in accordance with the highest standards of care, skill and diligence in Contractor's industry, trade, or profession.

T. Licenses, Permits, and Other Authorizations.

Contractor shall secure, prior to the Effective Date, and maintain at all times during the term of this Contract, at its sole expense, all licenses, certifications, permits, and other authorizations required to perform its obligations under this Contract, and shall ensure that all employees, agents and Subcontractors secure and maintain at all times during the term of their employment, agency or subcontract, all license, certifications, permits and other authorizations required to perform their obligations in relation to this Contract.

U. Indemnification

i. Applicability

This entire §18.U does not apply to Contractor if Contractor is a "public entity" within the meaning of the GIA.

ii. General Indemnification

Contractor shall indemnify, save, and hold harmless the State, its employees, agents and assignees (the "Indemnified Parties"), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys' fees and related costs) incurred by any of the Indemnified Parties in relation to any act or omission by Contractor, or its employees, agents, Subcontractors, or assignees in connection with this Contract.

iii. Confidential Information Indemnification

Disclosure or use of State Confidential Information by Contractor in violation of §8 may be cause for legal action by third parties against Contractor, the State, or their respective agents. Contractor shall indemnify, save, and hold harmless the Indemnified Parties, against any and all claims, damages, liabilities, losses, costs, expenses (including attorneys' fees and costs) incurred by the State in relation to any act or omission by Contractor, or its employees, agents, assigns, or Subcontractors in violation of §10.

iv. Intellectual Property Indemnification

Contractor shall indemnify, save, and hold harmless the Indemnified Parties, against any and all costs, expenses, claims, damages, liabilities, and other amounts (including attorneys' fees and costs) incurred by the Indemnified Parties

in relation to any claim that any Work infringes a patent, copyright, trademark, trade secret, or any other intellectual property right.

v. Accessibility Indemnification

Contractor shall indemnify, save, and hold harmless the state, its employees, agents and assignees (collectively, the “Indemnified Parties”), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys’ fees and related costs) incurred by any of the Indemnified Parties in relation to Contractor’s failure to comply with §§24-85-101, et seq., C.R.S., or the Accessibility Standards for Individuals with a Disability as established by the Office of Information Technology pursuant to Section §24-85-103 (2.5), C.R.S.

V. Accessibility

- i. Contractor shall comply with and the Work Product provided under this Contract 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 the Governor’s Office Of Information Technology (OIT), pursuant to Section §24-85-103 (2.5), C.R.S. Contractor 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.
- ii. The State may require Contractor’s compliance to the State’s Accessibility Standards to be determined by a third party selected by the State to attest to Contractor’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 the Office of Information Technology pursuant to Section §24-85-103 (2.5), C.R.S.

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

These Special Provisions apply to all contracts except where noted in italics.

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

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

Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither Contractor nor any agent or employee of Contractor shall be deemed to be an agent or employee of the State. Contractor shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. **Contractor 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 Contractor or any of its agents or employees. Contractor shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Contract. Contractor shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.**

E. COMPLIANCE WITH LAW.

Contractor 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 Contract. 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 Contract 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 Contract that requires the State to indemnify or hold Contractor harmless; requires the State to agree to binding arbitration; limits Contractor'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 Contract 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 Contract shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies and warrants that, during the term of this Contract and any extensions, Contractor has and

shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this provision, the State may exercise any remedy available at law or in equity or under this Contract, including, without limitation, immediate termination of this Contract 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 Contract. Contractor has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Contractor's services and Contractor shall not employ any person having such known interests.

J. VENDOR OFFSET AND ERRONEOUS PAYMENTS. §§24-30-202(1) and 24-30-202.4, C.R.S.

[Not applicable to intergovernmental agreements] Subject to §24-30-202.4(3.5), C.R.S., the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: **(i)** unpaid child support debts or child support arrearages; **(ii)** unpaid balances of tax, accrued interest, or other charges specified in §§39-21-101, *et seq.*, C.R.S.; **(iii)** unpaid loans due to the Student Loan Division of the Department of Higher Education; **(iv)** amounts required to be paid to the Unemployment Compensation Fund; and **(v)** other unpaid debts owing to the State as a result of final agency determination or judicial action. The State may also recover, at the State's discretion, payments made to Contractor in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Contractor by deduction from subsequent payments under this Contract, deduction from any payment due under any other contracts, grants or agreements between the State and Contractor, or by any other appropriate method for collecting debts owed to the State.

Item 9.

20. SAMPLE OPTION LETTER

State Agency : Clean Fleet Enterprise (CFE) Colorado Department Of Public Health and Environment Air Pollution Control Division 4300 Cherry Creek Dr South Denver, CO 80246	Original Contract Number: Click here to enter text
Contractor (Name and Address) Click here to enter text	Option Letter Contract Number: Click here to enter text
Contract Performance Beginning Date : Click here to enter text	Current Contract Expiration Date: Click here to enter text
CONTRACT MAXIMUM AMOUNT TABLE	

Document Type	Contract Number	CAQE Funding Amount	State Funding Amount	Other Funding Amount	Term (dates)	Total
Current Contract Maximum Cumulative Amount						

1. **OPTIONS**

1. Option to extend for an Extension Term

2. Option to change quantity of goods under the Contract

3. Option to change quantity of services under the Contract

4. Option to change Contract rates

5. Option to initiate next phase of Contract
2. **REQUIRED PROVISIONS:**

1. In accordance with Section(s) Click here to enter text of the Original Contract referenced above the State hereby exercises its option for an additional term, beginning Click here to enter text and ending on the current contract expiration date shown above, at the rates stated in the Original Contract, as amended.

2. In accordance with Section(s) Click here to enter text. of the Original Contract referenced above, the State hereby exercises its option to Click here to enter text the quantity of Click here to enter text at the rates stated in the Original Contract as amended for the following reason: Click here to enter text

3. In accordance with Section(s) Click here to enter text of the Original Contract referenced above the State hereby exercises its option to modify the Contract rates specified in Click here to enter text for the following reason: Click here to enter text. The Contract rates attached to this Option Letter replace the rates in the Original Contract as of the Option Effective Date of this Option Letter.

4. In accordance with Section(s) Click here to enter text of the Original Contract referenced above, the State hereby exercise its option to initiate Phase Click here to enter text, which shall begin on Click here to enter text and end on Click here to enter text at the cost/price specified in Section Click here to enter text .

EXHIBIT A TO RESOLUTION 2024-027

Item 9.

5. The Contract Maximum Amount table is deleted and replace with the Current Contract Maximum Amount Maximum Amount table shown above

3. **OPTION EFFECTIVE DATE:**

1. The effective date of this Option Letter is upon approval of the State Controller or **Click here to enter text** whichever is later.

<p>STATE OF COLORADO Jared S. Polis, Governor Clean Fleet Enterprise CFE Board of Directors</p> <p>_____</p> <p>By: Signature</p> <p>_____</p> <p>CFE Board of Director Name</p> <p>_____</p> <p>CFE Board of Director Title</p> <p>Date: _____</p>	<p>In accordance with §24-30-202 C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate.</p> <p>STATE CONTROLLER Robert Jaros, CPA, MBA, JD</p> <p>_____</p> <p>By: Signature</p> <p>_____</p> <p>Name of State Controller Delegate</p> <p>_____</p> <p>Option Effective Date: _____</p>
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ADDITIONAL PROVISIONS

To Original Contract Routing Number **2024*3395**

These provisions are to be read and interpreted in conjunction with the provisions of the Contract specified above.

1. CDPHE will distribute funding as a cost-reimbursement only via invoices submitted by the Contractor.
 - a. Project expenses will be reimbursed monthly for approved expenses incurred during the prior month.
 - b. Allowable expenses will be reimbursed monthly upon receipt and approval of a submitted invoice.
 - c. Invoice submissions are required within forty-five (45) days after month-end.
 - i. Source documentation demonstrating actual expenses incurred will be subjected to review.
 - ii. All expenditures must be reasonable, necessary, and approved by CDPHE for the completion of approved grant activities, and must comply with the State of Colorado fiscal rules.
 - iii. CDPHE will not reimburse any costs incurred by selected applicants prior to the issuance of a legally executed Contract.
2. To receive compensation under the Contract, the Contractor shall submit a signed CDPHE Standardized Invoice Form. This form is accessible from the CDPHE internet website <https://www.colorado.gov/pacific/cdphe/standardized-invoice-form-and-links> and is incorporated and made part of this Contract by reference. CDPHE will provide technical assistance in accessing and completing the form. The CDPHE Reimbursement Invoice Form and Expenditure Details page must be submitted no later than **forty-five (45)** calendar days after the end of the billing period for which services were rendered. Expenditures shall be in accordance with the Statement of Work and Budget. The Contractor shall submit the invoice using the method listed below:

1. Scan the completed and signed CDPHE Reimbursement Invoice Form
2. The Contractor shall submit receipts for every separate invoice request.
3. Email the scanned invoice and Expenditure Details page and (supporting documentation) to:

APCD Fiscal Staff at cdphe_apcd_fiscal@state.co.us

The Contractor, when the project involves subcontracted elements, shall submit the CDPHE Standardized Invoice Form using the method listed below:

1. Scan the completed and signed CDPHE Standardized Invoice Form
2. The Contractor shall include the subcontractor's invoice as an attachment.
3. Email the scanned invoice and Expenditure Details page to:

APCD Fiscal Staff at cdphe_apcd_fiscal@state.co.us

Final billings under the Contract must be received by the State within a reasonable time after the expiration or termination of the Contract; but in any event no later than **forty-five (45)** calendar days from the effective expiration or termination date of the Contract.

The State of Colorado will only reimburse reasonable, necessary, and approved actual costs incurred on this project.

3. Time Limit For Acceptance Of Deliverables.
 - a. Evaluation Period. The State shall have **thirty (30)** calendar days from the date a deliverable is delivered to the State by the Contractor to evaluate that deliverable, except for those deliverables that have a different time negotiated by the State and the Contractor.

EXHIBIT A TO RESOLUTION 2024-027

- b. Notice of Defect. If the State believes in good faith that a deliverable fails to meet the design specifications for that particular deliverable, or is otherwise deficient, then the State shall notify the Contractor of the failure or deficiencies, in writing, within **thirty (30)** calendar days of: 1) the date the deliverable is delivered to the State by the Contractor if the State is aware of the failure or deficiency at the time of delivery; or 2) the date the State becomes aware of the failure or deficiency. The above time frame shall apply to all deliverables except for those deliverables that have a different time negotiated by the State and the Contractor in writing pursuant to the State's fiscal rules.
 - c. Time to Correct Defect. Upon receipt of timely written notice of an objection to a completed deliverable, the Contractor shall have a reasonable period of time, not to exceed **thirty (30)** calendar days, to correct the noted deficiencies.
4. Health Insurance Portability and Accountability Act (HIPAA) Business Associate Determination.

The State has determined that this Contract does not constitute a Business Associate relationship under HIPAA.

STATEMENT OF WORK

To Original Contract Number **2024*3395**

These provisions are to be read and interpreted in conjunction with the provisions of the Contract specified above.

I. Entity Name: City of Fort Collins

II. Project Description:

This project serves to achieve maximum air quality benefits for the people of Colorado by transitioning fossil fuel vehicles to Enterprise Approved Fleet Vehicles. Colorado Department of Public Health and Environment (CDPHE) distributes funding through the Clean Fleet Enterprise's (CFE) Clean Fleet Vehicle and Technology grant program. Colorado Senate Bill 21-260 (Sustainability of the Transportation System) created the Clean Fleet Enterprise within the CDPHE for the business purpose of incentivizing and supporting the use of light, medium, and heavy-duty electric motor vehicles and other clean fleet technologies by owners and operators of motor vehicle fleets. CDPHE manages the disbursement of funds for this project.

III. Definitions:

1. **APCD:** Air Pollution Control Division
2. **CFE:** Clean Fleet Enterprise
3. **CFVT:** Clean Fleet Vehicle & Technology Grant Program
4. **Contractor:** the awarded CFVT entity and any subsidiaries
5. **Enterprise Approved Fleet Vehicle:** vehicles outlined in the CFVT Program Guide to include: light, medium and heavy duty vehicles used for business purposes..
6. **Enterprise Approved Fleet Vehicle Fuel Type:**
 - a. **BEV:** Battery Electric Vehicle
 - b. **PHEV:** Plug-in Hybrid Electric Vehicle
 - c. **CNG:** Compressed Natural Gas Vehicle-fueled with 90% recovered methane
 - d. **FCEV:** Fuel Cell Electric Vehicle
7. **Vehicle Depreciation Document:** Document outlining a depreciation schedule for vehicles that are sold, relocated outside of Colorado, or become permanently inoperable prior to conclusion of this contract.
8. **Vehicle Scrappage:** Fossil-fueled vehicles which are rendered permanently inoperable by means of crushing and destroying engine, transmission and chassis components.
9. **Predetermined Fossil-fueled Vehicles:** Fossil-fueled vehicles selected for permanent removal from the fleet by means of vehicle scrappage.
10. **Proof of Order:** Documentation in the form of a sales receipt, or similar, that the Enterprise Approved Fleet Vehicle has been ordered by the Contractor.
11. **Proof of Purchase:** Documentation in the form of a sales receipt, or similar, that the Enterprise Approved Fleet Vehicle has been paid for by the Contractor.
12. **Vehicle Operational Data:** Including monthly miles traveled, fuel consumption (in kWh or similar), primary charging or fueling location, fuel economy (MPG or MPGe), vehicle vocation, basic route information, and percentage of recovered methane used in fueling (when applicable).
13. **Vehicle Information:** Including Vehicle Identification Number (VIN), license plate number, proof of approved State of Colorado registration and proof of insurance.

IV. Work Plan:

Goal #1: To improve and protect the air quality in Colorado through incentivizing, supporting, and accelerating the adoption of Enterprise Approved Fleet Vehicle(s) and other clean fleet technologies by owners and operators of motor vehicle fleets as authorized by the Clean Fleet Enterprise created pursuant to § 25-7.5-103, C.R.S.

EXHIBIT A TO RESOLUTION 2024-027

Item 9.

Objective #1: No later than the expiration date of the Contract, acquire Enterprise Approved Fleet Vehicle.		
Primary Activity #1	The Contractor shall acquire Enterprise Approved Fleet Vehicle(s) for routine usage in daily business operations.	
Sub-Activities #1	<ol style="list-style-type: none"> 1. The Contractor shall provide CDPHE with proof that each Enterprise Approved Fleet Vehicle order has been placed. 2. The Contractor shall, upon the vehicle delivery, provide CDPHE with proof of payment for an Enterprise Approved Fleet Vehicle Fuel Types. 	
Primary Activity #2	The Contractor shall, when applicable, dispose of predetermined fossil-fueled vehicles utilizing the Vehicle Scrappage Requirements document.	
Sub-Activities #2	<ol style="list-style-type: none"> 1. The Contractor shall, when applicable, provide Vehicle Scrappage reimbursement requests separate from Enterprise Approved Fleet Vehicles. 2. The Contractor shall use the Vehicle Scrappage Checklist, provided in the Vehicle Scrappage Requirements document, when submitting a Vehicle Scrappage reimbursement request. 	
Primary Activity #3	The Contractor shall collect information for each awarded Enterprise Approved Fleet Vehicle for the semi-annual Vehicle Operational Data report.	
Sub-Activities #3	<ol style="list-style-type: none"> 1. The Contractor shall provide Vehicle Operational Data for each awarded Enterprise Approved Fleet Vehicle no later than April 30th and October 31st of each calendar year after being put into regular fleet operation. 2. The Contractor shall complete a Vehicle Operational Data Form to include each Enterprise Approved Fleet Vehicle awarded. 	
Standards and Requirements	<ol style="list-style-type: none"> 1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the Contract term. The Contractor shall monitor documents and website content for updates and comply with all updates. 2. The Contractor shall comply with the requirements of the Clean Fleet Vehicle & Technology Grant Program as governed by Senate Bill 21-260 Sustainability of the Transportation System. This information is incorporated and made part of this Contract by reference and is available on the following website: https://leg.colorado.gov/bills/sb21-260 and as set forth in statute at § 24-38.5-302, <i>et seq.</i>, C.R.S., § 25-7.5-101, <i>et seq.</i>, C.R.S. 3. The Contractor shall comply with Registration Requirements for each awarded Enterprise Approved Fleet Vehicle. This information is located on the State of Colorado Department of Revenue Division of Motor Vehicles website https://dmv.colorado.gov/registration-requirements and is incorporated and made part of this contract by reference. 4. The Contractor shall comply with the requirements of the Vehicle Scrappage Requirements document for the disposal of each predetermined fossil-fueled vehicle. This information is 	

Item 9.

EXHIBIT A TO RESOLUTION 2024-027

	<p>incorporated and made part of this contract by reference and]is available on the following website: https://cdphe.colorado.gov/clean-fleet-vehicle-technology-grant-program</p> <ol style="list-style-type: none"> 5. The Contractor shall comply with the requirement to provide a semi-annual Vehicle Operational Data Form to include each Enterprise Approved Fleet Vehicle awarded. This document is incorporated and made part of this contract by reference and is available on the following website: https://cdphe.colorado.gov/clean-fleet-vehicle-technology-grant-program 6. The Contractor shall provide CDPHE with Proof of Order documentation for each awarded Enterprise Approved Fleet Vehicle that may include, where appropriate: <ol style="list-style-type: none"> a. Dealer documentation of order placed b. Manufacturer documentation of order placed. c. Documentation as approved by Enterprise staff. 7. The Contractor shall provide CDPHE Proof of Purchase for each awarded Enterprise Approved Fleet Vehicle acquired to include: <ol style="list-style-type: none"> a. VIN number b. Proof of Colorado approved registration c. JPEG formatted photos of each awarded Enterprise Approved Fleet Vehicle to include: <ol style="list-style-type: none"> i. Front of vehicle(s) ii. Side of vehicle(s) iii. Rear of vehicle(s) 8. The Contractor shall guarantee that Leasing Agreement includes the following, at a minimum, for any leased Enterprise Approved Fleet Vehicle: <ol style="list-style-type: none"> a. language regarding ownership b. maintenance provisions c. State funds to be payments towards principal 9. The Contractor shall provide Lease Agreement documents for review prior to the Lease Agreement being executed. 10. CDPHE will review Lease Agreements provided by the Contractor within 20 business days to: <ol style="list-style-type: none"> a. Ask clarifying questions b. Provide feedback. 11. The Contractor shall retain ownership of the Enterprise Approved Fleet Vehicle upon delivery. 12. The Contractor shall maintain any Lease Agreement for the duration of this contract. 13. The Contractor shall provide routine maintenance for each awarded Enterprise Approved Fleet Vehicle in accordance with the manufacturer's specification(s). 14. The Contractor shall incur repair/replacement costs for each awarded Enterprise Approved Fleet Vehicle or up-fitting equipment damaged by the Contractor, agents or subcontractors. 	
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Item 9.

EXHIBIT A TO RESOLUTION 2024-027

	<p>15. The Contractor shall address any vehicle deficiencies under the manufacturer's warranty for each awarded Enterprise Approved Fleet Vehicle.</p> <p>16. The Contractor shall utilize each awarded Enterprise Approved Fleet Vehicle for the duration of this contract.</p> <p>17. The Contractor shall notify the CDPHE immediately of any awarded Enterprise Approved Fleet Vehicle(s) that becomes permanently inoperable prior to the expiration date of the contract.</p> <p>18. The Contractor shall comply with the Vehicle Depreciation Document regarding the reimbursement schedule of the total funds provided by the State for each Enterprise Approved Fleet Vehicle that becomes permanently inoperable prior to the conclusion of the contract. This document is incorporated and made part of this contract by reference and is available on the following website: https://cdphe.colorado.gov/clean-fleet-vehicle-technology-grant-program</p> <p>19. The Contractor shall notify the CDPHE immediately of any intent to sell any awarded Enterprise Approved Fleet Vehicle(s) prior to the expiration date of the contract.</p> <p>20. The Contractor shall comply with the Vehicle Depreciation Document regarding the reimbursement schedule of the total funds provided by the State for each Enterprise Approved Fleet Vehicle that is sold prior to the conclusion of the contract. This document is incorporated and made part of this contract by reference and is available on the following website: https://cdphe.colorado.gov/clean-fleet-vehicle-technology-grant-program</p> <p>21. The Contractor shall notify the CDPHE a minimum of six (6) months prior to any intent to permanently relocate any awarded Enterprise Approved Fleet Vehicle outside of the State of Colorado</p> <p>22. The Contractor shall comply with the Vehicle Depreciation Document regarding the reimbursement schedule of the total funds provided by the State for each Enterprise Approved Fleet Vehicle that is permanently relocated outside of the State of Colorado prior to the conclusion of the contract. This document is incorporated and made part of this contract by reference and is available on the following website: https://cdphe.colorado.gov/clean-fleet-vehicle-technology-grant-program</p> <p>23. CDPHE will adhere to contacting awardees to collect the Vehicle Operational Data Form for the duration of this Contract. Vehicle Operational Data Forms will be collected and reported no later than April 30th and October 31st of each calendar year for the duration of this contract.</p> <p>24. The Contractor shall provide Vehicle Operational Data operational reporting data for each awarded Enterprise Approved Fleet Vehicle placed into service for the duration of this contract.</p> <p>25. The Contractor shall provide a list of overnight locations for each awarded Enterprise Approved Fleet Vehicle to comply with insurance requirements.</p> <p>26. The Contractor shall maintain active vehicle insurance coverage on each awarded Enterprise Approved Fleet Vehicle in accordance</p>	
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Item 9.

EXHIBIT A TO RESOLUTION 2024-027

	<p>with the State's minimum requirements set forth in the main body of this Contract.</p> <p>27. The Contractor shall operate the Enterprise Approved Fleet Vehicle in the state of Colorado, limiting routes and trips for vehicle operation in neighboring states.</p> <p>28. The Contractor shall limit/prohibit the use of any Enterprise Approved Fleet Vehicle by a subcontractor without prior written approval from CDPHE.</p> <p>29. CDPHE will review Contractor requests to subcontract any awarded Enterprise Fleet Vehicle within 20 business days to:</p> <ol style="list-style-type: none"> Ask clarifying questions Provide feedback. <p>30. The Contractor shall, upon request, allow site visits to confirm awarded Enterprise Approved Fleet Vehicles are still in service to be conducted by:</p> <ol style="list-style-type: none"> CDPHE, and CFE. <p>31. CDPHE will, in coordination with CFE, provide a minimum of 10 business days' notice when requesting a site visit with the Contractor.</p> <p>32. The Contractor shall submit all deliverables due under this contract electronically via email to the Mobile Sources Program Staff.</p>	
Expected Results of Activity(s)	Decreased fossil-fuel emissions within Colorado.	
Measurement of Expected Results	Semi-annual Vehicle Operational Data for each awarded Enterprise Approved Fleet Vehicle(s).	
Deliverables		Completion Date
	1. The Contractor shall submit Proof of Order for each Enterprise Approved Fleet Vehicle.	No later than 120 calendar days after contract execution
	2. The Contractor shall submit Proof of Purchase for reimbursement of each awarded Enterprise Approved Fleet Vehicle.	No later than 45 calendar days after receipt of the eligible vehicle.
	3. The Contractor shall submit Vehicle Information for each approved vehicle acquisition.	No later than 45 calendar days after receipt of the eligible vehicle.
	4. The Contractor shall submit a Vehicle Scrappage Documentation <i>Checklist</i> for each predetermined fossil-fueled vehicle that has been scrapped.	No later than 12 months after receipt of eligible vehicle.
	5. The Contractor shall submit semi-annual Vehicle Operational Data Forms to CDPHE.	No later than April 30th and October 31st of each calendar year after the vehicle begins fleet service.

Item 9.

V. Monitoring:

CDPHE's monitoring of this Contract for compliance with performance requirements will be conducted throughout the contract period by the Mobile Sources Program Staff. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include review of semi-annual Vehicle Operation Data reports. The Contractor's performance will be evaluated at set intervals and communicated to the contractor.

VI. Resolution of Non-Compliance:

CDPHE's monitoring of this Contract for compliance with performance requirements will be conducted throughout the contract period by the Mobile Sources Program Staff. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include review of semi-annual Vehicle Operation Data reports. The Contractor's performance will be evaluated at set intervals and communicated to the contractor.

Item 9.

BUDGET

Line Item Description:	Amount the State will reimburse up to:
Enterprise Approved Fleet Vehicle(s)	\$910,000.00
N/A	\$0.00
TOTAL	\$910,000.00

This Contract shall not exceed **Nine Hundred Ten Thousand Dollars (\$910,000.00).**

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Dillon Willett, Project Manager
Dana Hornkohl, Director, Civil Engineering
Brad Buckman, City Engineer

SUBJECT

Items Relating to the Power Trail and Harmony Grade Separated Crossing Project.

EXECUTIVE SUMMARY

A. Resolution 2024-028 Authorizing an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Power Trail and Harmony Grade Separated Crossing Project.

B. First Reading of Ordinance No. 041, 2024, Making Supplemental Appropriations in the Capital Projects Fund of Colorado Department of Transportation Alternative Program Grant Funds and the Congestion Mitigation and Air Quality Grant Funds, for the Power Trail and Harmony Grade Separated Crossing Project.

The purpose of this item is to enable the City to receive and expend federal pass-thru funds for the Power Trail and Harmony Grade Separated Crossing Project (the Project). The funds will be used for construction of a pedestrian and bicycle underpass located approximately 500 feet west of the intersection of Harmony Road and Union Pacific Railroad. If approved this item will:

- Authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the Colorado Department of Transportation (CDOT);
- Appropriate \$800,000 of unanticipated Transportation Alternative Program (TAP) grant funds for the Project; and
- Appropriate \$2,700,000 of Congestion Mitigation and Air Quality (CMAQ) grant funds for the Project.

Previously appropriated funds will be used for local match requirements.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail.

The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, and cross Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Project location, and several destinations are north of Harmony Road including multiple schools, businesses, a park and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, resulting in a cyclist fatality. This Project will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor. The City is also working through design and construction of multiple projects to connect the Power Trail to the local trail network and residential communities in southeast Fort Collins, including the pedestrian overpass crossing the Union Pacific Railroad tracks south of Harmony Road connecting the Mail Creek Trail heading east to Bacon Elementary, a future school side park, and several existing communities via an underpass of Timberline Road. Additionally, several residential developments near the Power Trail are in design and construction, adding to future trail demand and potential diversion of vehicle trips. Finally, the Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (NFRMPO) Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021.

In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program (TAP) grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and CDOT for the construction of the Project (Attachment 4).

In 2022, the City was awarded a CMAQ grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024 through the NFRMPO and CDOT for the construction of the Project (Attachment 5 – Note the \$2.7 million corresponds to CMAQ funding for FY2023, FY2024 and FY2025).

In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO (Attachment 5). These funds are required to complete construction of the Project planned for 2025.

As demonstrated in the CMAQ Grant Award Letter (Attachment 5), an additional \$3,239,300 in CMAQ funds are programmed for FY2026. These CMAQ funds will be requested for appropriation along with additional City funds required to complete the project as part of the City's 2025-2026 Budget.

CITY FINANCIAL IMPACTS

This item appropriates \$3.5 million in costs to support the Power Trail and Harmony Grade Separated Crossing Project from:

- \$2.7 million in unanticipated CMAQ funds (17.21% local match to be met with previously appropriated CCIP funds)
- \$800,000 in unanticipated TAP funds (20% local match to be met with previously appropriated CCIP funds)

Both the CMAQ and TAP funds apply on a reimbursement basis, meaning Capital Project Funds expenses will be reimbursed up to \$3.5 million.

The City's required local match and overmatch funds were previously appropriated as follows:

Prior Appropriated Funds	
Transportation Capital Expansion Fee (TCEF) Funds	\$399,120
Transportation Fund	\$880
CCIP – Ped/Bike Grade Separated Crossing	\$2,900,000
Total Prior Appropriation	\$3,700,000
Funds to be Appropriated with this Action	
Transportation Alternative Program (TAP) Grant Funds	\$800,000
Congestion Mitigation and Air Quality (CMAQ) Grant	\$2,700,000
Total Funds to be Appropriated per this Action	\$3,500,000

Based upon appropriations under this Ordinance combined with previously appropriated funds, as noted above, a total of \$7,200,000 is available to support completion of the Project.

As demonstrated in the CMAQ Grant Award Letter (Attachment 5), an additional \$3,239,300 in CMAQ funds are programmed for FY2026. These CMAQ funds will be requested for appropriation along with additional City funds required to complete the Project as part of the City's 2025-2026 Budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Bicycle Advisory Committee
Commission on Disabilities
Transportation Board
Parks and Recreation Advisory Board

PUBLIC OUTREACH

Staff has developed a Public Engagement Plan for the Project. Staff has discussed and presented conceptual level drawings and renderings at several public outreach events including Kinard MS FC Moves Outreach Event, 2023 and 2024 Transportation Project Fairs and an upcoming Kruse ES Bike to School Day Open House. A Project website is regularly updated with Project information and upcoming milestones.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Ordinance for Consideration
4. TAP Grant Award Letter
5. CMAQ Grant Award Letter
6. Power Trail and Harmony Project – Vicinity Map
7. Power Trail and Harmony Project – Renderings

RESOLUTION 2024-028
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR THE POWER TRAIL AND
HARMONY GRADE SEPARATED CROSSING PROJECT

A. This Resolution concerns construction of and funding for a pedestrian and bicycle underpass to extend the Power Trail in the vicinity of East Harmony Road.

B. The Power Trail provides a north-south route through Fort Collins in two disconnected segments along the west side of the Union Pacific Railroad, traveling past neighborhoods, open spaces, two parks, Collindale Golf Course, and Kruse Elementary School. The Trail's northern end begins at Edora Park and stretches to just north of Harmony Road via Golden Meadows Park, stopping at McMurry Avenue. The Trail resumes at Keenland Drive to the west side of the railroad, travels to Trilby Road and then continues south along Stanton Creek to the Carpenter Road underpass and a connection to the Larimer County Front Range Trail and the Loveland Boyd Lake trail.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, which involves crossing Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, parks, and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, including a crash resulting in a cyclist fatality.

D. The Power Trail and Harmony Grade Separated Crossing Project (the "Project") has been developed to improve bicycle and pedestrian safety and to facilitate trail connectivity. The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail. Together, this Project and the trail connections work will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the "NFRMPO") Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The grade separated crossing is identified in the City's 2014 Bicycle Master Plan as a bicycle network priority.

G. City staff presented the Project to the Bicycle Advisory Committee, the Commission on Disabilities, the Transportation Board, and the Parks and Recreation Advisory Board, all of whom support the Project.

H. In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program (“TAP”) grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and Colorado Department of Transportation (“CDOT”) for the construction of the Project.

I. In 2022, the City was awarded a Congestion Mitigation and Air Quality (“CMAQ”) grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024, through the NFRMPO and CDOT for the construction of the Project.

J. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. The additional \$3,239,300 in CMAQ funds are programmed for FY2026 and will be requested for appropriation along with additional City funds required to complete the Project as part of the City’s 2025-2026 Budget.

K. The feasibility study and design phases that preceded the Project and the City’s required local match and overmatch funds were previously appropriated from Transportation Capital Expansion Fee funds, the Transportation Fund, and Community Capital Improvement Program funds for pedestrian and bicycle grade separated crossings.

L. CDOT administers the grant funds for the Project and has proposed an intergovernmental agreement (the “IGA”) to enable the City to receive and expend the grant funds to continue to address the safety concerns and to further develop the City’s transportation infrastructure and interconnected trail network.

M. 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.

N. Article II, Section 16 of the City Charter 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.

O. City Code Section 1-22 requires the City Council to approve IGAs that require the City to make a direct, monetary payment over \$50,000, and the proposed IGA requires the City to provide matching funds in the amount of \$1,434,635.

P. The City Council has determined that the IGA with CDOT is in the best interests of the City and that the Mayor be authorized to execute the IGA between the City and CDOT 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, an Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit A, with such 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 IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Power Trail and Harmony Grade Separated Crossing Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the IGA, 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 IGA.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Heather N. Jarvis

STATE OF COLORADO INTERGOVERNMENTAL AGREEMENT**Signature and Cover Page**

State Agency Department of Transportation		Agreement Routing Number 24-HA4-XC-00244	
Local Agency City of Fort Collins		Agreement Effective Date The later of the effective date or October 20, 2023	
Agreement Description Power Trail Underpass		Agreement Expiration Date October 19, 2033	
Project # TAP M455-123 (21888)	Region # 4	Contract Writer TCH	Agreement Maximum Amount \$8,173,936.00

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT

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

LOCAL AGENCY City of Fort Collins _____ Signature _____ By: (Print Name and Title) Date: _____	STATE OF COLORADO Jared S. Polis, Governor Department of Transportation Shoshana M. Lew, Executive Director _____ Keith Stefanik, P.E., Chief Engineer Date: _____
Additional Local Agency Signatures _____ Signature _____ By: (Print Name and Title) Date: _____ APPROVED AS TO FORM: _____ Signature _____ By: (Print Name and Title) Date: _____	LEGAL REVIEW Philip J. Weiser, Attorney General _____ Assistant Attorney General _____ By: (Print Name and Title) Date: _____
In accordance with §24-30-202 C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate. STATE CONTROLLER Robert Jaros, CPA, MBA, JD By: _____ Department of Transportation Effective Date: _____	

TABLE OF CONTENTS

1. PARTIES.....	2
2. TERM AND EFFECTIVE DATE.....	2
3. AUTHORITY.....	3
4. PURPOSE.....	4
5. DEFINITIONS.....	4
6. SCOPE OF WORK.....	7
7. PAYMENTS.....	11
8. REPORTING - NOTIFICATION.....	15
9. LOCAL AGENCY RECORDS.....	16
10. CONFIDENTIAL INFORMATION-STATE RECORDS.....	17
11. CONFLICTS OF INTEREST.....	18
12. INSURANCE.....	18
13. BREACH.....	20
14. REMEDIES.....	20
15. DISPUTE RESOLUTION.....	22
16. NOTICES AND REPRESENTATIVES.....	23
17. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION.....	23
18. GOVERNMENTAL IMMUNITY.....	24
19. STATEWIDE CONTRACT MANAGEMENT SYSTEM.....	24
20. GENERAL PROVISIONS.....	25
21. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3).....	27
22. FEDERAL REQUIREMENTS.....	29
23. DISADVANTAGED BUSINESS ENTERPRISE (DBE).....	29

EXHIBIT A, SCOPE OF WORK
EXHIBIT B, SAMPLE OPTION LETTER
EXHIBIT C, FUNDING PROVISIONS (Budget)
EXHIBIT D, LOCAL AGENCY RESOLUTION
EXHIBIT E, LOCAL AGENCY AGREEMENT ADMINISTRATION CHECKLIST
EXHIBIT F, CERTIFICATION FOR FEDERAL-AID AGREEMENTS
EXHIBIT G, DISADVANTAGED BUSINESS ENTERPRISE
EXHIBIT H, LOCAL AGENCY PROCEDURES FOR CONSULTANT SERVICES
EXHIBIT I, FEDERAL-AID AGREEMENT PROVISIONS FOR CONSTRUCTION AGREEMENTS
EXHIBIT J, ADDITIONAL FEDERAL REQUIREMENTS
EXHIBIT K, FFATA SUPPLEMENTAL FEDERAL PROVISIONS
EXHIBIT L, SAMPLE SUBRECIPIENT MONITORING AND RISK ASSESSMENT FORM
EXHIBIT M, OMB UNIFORM GUIDANCE FOR FEDERAL AWARDS
EXHIBIT N, FEDERAL TREASURY PROVISIONS
EXHIBIT O, AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS
EXHIBIT P, SLFRF SUBRECIPIENT QUARTERLY REPORT
EXHIBIT Q, SLFRF REPORTING MODIFICATION FORM
EXHIBIT R, APPLICABLE FEDERAL AWARDS
EXHIBIT S, PII CERTIFICATION
EXHIBIT T, CHECKLIST OF REQUIRED EXHIBITS DEPENDENT ON FUNDING SOURCE

1. PARTIES

This Agreement is entered into by and between Local Agency named on the Signature and Cover Page for this Agreement (“Local Agency”), and the STATE OF COLORADO acting by and through the State agency named on the Signature and Cover Page for this Agreement (the “State” or “CDOT”). Local Agency and the State agree to the terms and conditions in this Agreement.

2. TERM AND EFFECTIVE DATE**A. Effective Date**

This Agreement shall not be valid or enforceable until the Effective Date, and Agreement Funds shall be expended within the dates shown in **Exhibit C** for each respective phase (“Phase Performance Period(s)”). The State shall not be bound by any provision of this Agreement before the Effective Date, and shall have no obligation to pay Local Agency for any Work performed or expense incurred before 1) the Effective Date of this original Agreement; except as described in **§7.D**; 2) before the encumbering document for the respective phase *and* the official Notice to Proceed for the respective phase; or 3) after the Final Phase Performance End Date, as shown in **Exhibit C**. Additionally, the State shall have no obligation to pay Local Agency for any Work performed or expense incurred after the Agreement Expiration Date or after required billing deadline specified in **§7.B.i.e.**, or the expiration of “Special Funding” if applicable, whichever is sooner. The State’s obligation to pay Agreement Funds exclusive of Special Funding will continue until the Agreement Expiration Date. If Agreement Funds expire before the Agreement Expiration Date, then no payments will be made after expiration of Agreement Funds.

B. Initial Term and Extension

The Parties’ respective performances under this Agreement shall commence on the Agreement Effective Date shown on the Signature and Cover Page for this Agreement and shall terminate on October 19, 2033 as shown on the Signature and Cover Page for this Agreement, unless sooner terminated or further extended in accordance with the terms of this Agreement. Upon request of Local Agency, the State may, in its sole discretion, extend the term of this Agreement by Option Letter pursuant **§7.E.iv**. If the Work will be performed in multiple phases, the period of performance start and end date of each phase is detailed under the Project Schedule in **Exhibit C**.

C. Early Termination in the Public Interest

The State is entering into this Agreement to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Agreement ceases to further the public interest of the State, and this ARPA Award is not appropriated, or otherwise become unavailable to fund this ARPA Award the State, in its discretion, may terminate this Agreement in whole or in part. This subsection shall not apply to a termination of this Agreement by the State for breach by Local Agency, which shall be governed by **§14.A.i**.

i. Method and Content

The State shall notify Local Agency by providing written notice to Local Agency of the termination and be in accordance with **§16**. The notice shall specify the effective date of the termination and whether it affects all or a portion of this Agreement.

ii. Obligations and Rights

Upon receipt of a termination notice for termination in the public interest, Local Agency shall be subject to **§14.A.i.a**

iii. Payments

If the State terminates this Agreement in the public interest, the State shall pay Local Agency an amount equal to the percentage of the total reimbursement payable under this Agreement that corresponds to the percentage of Work satisfactorily completed and accepted, as determined by the State, less payments previously made. Additionally, if this Agreement is less than 60% completed, as determined by the State, the State may reimburse Local Agency for a portion of actual out-of-pocket expenses, not otherwise reimbursed under this Agreement, incurred by Local Agency which are directly attributable to the uncompleted portion of Local Agency’s obligations, provided that the sum of any and all reimbursement shall not exceed the maximum amount payable to Local Agency hereunder. This subsection shall not apply to a termination of this ARPA Award by the State for breach by Local Agency.

D. Local Agency Termination Under Federal Requirements

Local Agency may request termination of the ARPA Award by sending notice to the State, which includes the effective date of the termination. If this ARPA Award is terminated in this manner, then Local Agency shall return any advanced payments made for work that will not be performed prior to the effective date of the termination.

3. AUTHORITY

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

A. Federal Authority

Pursuant to Title I, Subtitle A, of the “Fixing America’s Surface Transportation Act” (FAST Act) of 2015, and to applicable provisions of Title 23 of the United States Code and implementing regulations at Title 23 of the Code of Federal Regulations, as may be amended, (collectively referred to hereinafter as the “Federal Provisions”), certain federal funds have been and are expected to continue to be allocated for transportation projects requested by Local Agency and eligible under the Surface Transportation Improvement Program that has been proposed by the State and approved by the Federal Highway Administration (“FHWA”).

Pursuant to Title VI of the Social Security Act, Section 602 of the “Coronavirus State and Local Fiscal Recovery Funds”, a part of the American Rescue Plan, provides state, local and Tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery.

B. State Authority

Pursuant to CRS §43-1-223 and to applicable portions of the Federal Provisions, the State is responsible for the general administration and supervision of performance of projects in the Program, including the administration of federal funds for a Program project performed by a Local Agency under a contract with the State. This Agreement is executed under the authority of CRS §§29-1-203, 43-1-110; 43-1-116, 43-2-101(4)(c) and 43-2-104.5.

4. PURPOSE

The purpose of this Agreement is to disburse Federal funds to the Local Agency pursuant to CDOT’s Stewardship Agreement with the FHWA and/or USDT as shown in **Exhibit C**.

5. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. “**Agreement**” means this agreement, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future modifications thereto.
- B. “**Agreement Funds**” means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Agreement.
- C. “**ARPA**” means American Rescue Plan Act, funded by the US Department of the Treasury (“USDT”). See “SLFRF” below.
- D. “**Award**” means an award by a Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Award unless the terms and conditions of the Federal Award specifically indicate otherwise.
- E. “**Budget**” means the budget for the Work described in **Exhibit C**.
- F. “**Business Day**” means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1) C.R.S..
- G. “**Chief Procurement Officer**” means the individual to whom the Executive Director has delegated his or her authority pursuant to §24-102-202 to procure or supervise the procurement of all supplies and services needed by the State.
- H. “**CJI**” means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302, C.R.S.
- I. “**Consultant**” means a professional engineer or designer hired by Local Agency to design the Work Product.
- J. “**Contractor**” means the general construction contractor hired by Local Agency to construct the Work.

- K. **“CORA”** means the Colorado Open Records Act, §§24-72-200.1 *et. seq.*, C.R.S.
- L. **“Effective Date”** means the date on which this Agreement is approved and signed by the Colorado State Controller or designee, as shown on the Signature and Cover Page for this Agreement.
- M. **“Evaluation”** means the process of examining Local Agency’s Work and rating it based on criteria established in §6, **Exhibit A** and **Exhibit E**.
- N. **“Exhibits”** means the following exhibits attached to this Agreement:
- i. **Exhibit A**, Scope of Work.
 - ii. **Exhibit B**, Sample Option Letter.
 - iii. **Exhibit C**, Funding Provisions
 - iv. **Exhibit D**, Local Agency Resolution
 - v. **Exhibit E**, Local Agency Contract Administration Checklist
 - vi. **Exhibit F**, Certification for Federal-Aid Contracts
 - vii. **Exhibit G**, Disadvantaged Business Enterprise
 - viii. **Exhibit H**, Local Agency Procedures for Consultant Services
 - ix. **Exhibit I**, Federal-Aid Contract Provisions for Construction Contracts
 - x. **Exhibit J**, Additional Federal Requirements
 - xi. **Exhibit K**, The Federal Funding Accountability and Transparency Act of 2006 (FFATA) Supplemental Federal Provisions
 - xii. **Exhibit L**, Sample Sub-Recipient Monitoring and Risk Assessment Form
 - xiii. **Exhibit M**, Supplemental Provisions for Federal Awards Subject to The Office of Management and Budget Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards (the “Uniform Guidance”)
 - xiv. **Exhibit N**, Federal Treasury Provisions
 - xv. **Exhibit O**, Agreement with Subrecipient of Federal Recovery Funds
 - xvi. **Exhibit P**, SLFRF Subrecipient Quarterly Report
 - xvii. **Exhibit Q**, SLFRF Reporting Modification Form
 - xviii. **Exhibit R**, Applicable Federal Awards
 - xix. **Exhibit S**, PII Certification
 - xx. **Exhibit T**, Checklist of Required Exhibits Dependent on Funding Source
- O. **“Expiration Date”** means the date on which this Agreement expires, as shown on the Signature and Cover Page for this Agreement.
- P. **“Extension Term”** means the period of time by which the ARPA Expiration Date is extended by the State through delivery of an updated ARPA Letter.
- Q. **“Federal Award”** means an award of Federal financial assistance or a cost-reimbursement contract under the Federal Acquisition Requirements by a Federal Awarding Agency to a Recipient. “Federal Award” also means an agreement setting forth the terms and conditions of the Federal Award. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- R. **“Federal Awarding Agency”** means a Federal agency providing a Federal Award to a Recipient. The US Department of the Treasury is the Federal Awarding Agency for the Federal Award, which may be the subject of this Agreement.
- S. **“FHWA”** means the Federal Highway Administration, which is one of the twelve administrations under the Office of the Secretary of Transportation at the U.S. Department of Transportation. FHWA provides stewardship over the construction, maintenance and preservation of the Nation’s highways and tunnels. FHWA is the Federal Awarding Agency for the Federal Award which is the subject of this Agreement.
- T. **“Goods”** means any movable material acquired, produced, or delivered by Local Agency as set forth in this Agreement and shall include any movable material acquired, produced, or delivered by Local Agency in connection with the Services.

- U. **“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.
- V. **“Initial Term”** means the time period defined in §2.B.
- W. **“Local Funds”** means the funds provided by the Local Agency as their obligated contribution to the federal and/or State Awards to receive the federal and/or State funding.
- X. **“Notice to Proceed”** means the letter issued by the State to the Local Agency stating the date the Local Agency can begin work subject to the conditions of this Agreement.
- Y. **“OMB”** means the Executive Office of the President, Office of Management and Budget.
- Z. **“Oversight”** means the term as it is defined in the Stewardship Agreement between CDOT and the FHWA.
- AA. **“Party”** means the State or Local Agency, and **“Parties”** means both the State and Local Agency.
- BB. **“PCI”** means payment card information including any data related to credit card holders’ names, credit card numbers, or the other credit card information as may be protected by state or federal law.
- CC. **“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.
- DD. **“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. “PII” shall also mean “personal identifying information” as set forth at § 24-74-102, et. seq., C.R.S.
- EE. **“Recipient”** means the Colorado Department of Transportation (CDOT) for this Federal Award.
- FF. **“Services”** means the services to be performed by Local Agency as set forth in this Agreement and shall include any services to be rendered by Local Agency in connection with the Goods.
- GG. **“SLFRF”** means State and Local Fiscal Recovery Funds, provided by ARPA, funded by the US Treasury Department.
- HH. **“Special Funding”** means an award by Federal agency or the State which may include but is not limited to one or a combination of Multimodal Transportation & Mitigation Options Funding, Revitalizing Main Streets, Safer Main Streets, Stimulus Funds, Coronavirus Response and Relief Supplemental Funds, ARPA, SLFRF, or COVID Relief.
- II. **“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, PII and State personnel records not subject to disclosure under CORA.
- JJ. **“State Fiscal Rules”** means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a).
- KK. **“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.
- LL. **“State Purchasing Director”** means the position described in the Colorado Procurement Code and its implementing regulations.

- MM. **“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.
- NN. **“Sub-Award”** means this Award by the State to Local Agency funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to this Sub-Award unless the terms and conditions of the Federal Award specifically indicate otherwise.
- OO. **“Subcontractor”** means third parties, if any, engaged by Local Agency to aid in performance of the Work.
- PP. **“Subrecipient”** means a non-Federal entity that receives a sub-award from a Recipient to carry out part of a Federal program but does not include an individual that is a beneficiary of such program. A Subrecipient may also be a recipient of other Federal Awards directly from a Federal Awarding Agency.
- QQ. **“Tax Information”** means Federal and State of Colorado tax information including, without limitation, Federal and State tax returns, return information, and such other tax-related information as may be protected by Federal and State law and regulation. Tax Information includes but is not limited to all information defined as Federal tax Information in Internal Revenue Service Publication 1075.
- RR. **“Uniform Guidance”** means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which supersedes requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up.
- SS. **“USDT”** The United States Department of the Treasury (**USDT**) is the national treasury and finance department of the federal government of the United States where it serves as an executive department. The USDT funds ARPA.
- TT. **“Work”** means the delivery of the Goods and performance of the Services in compliance with CDOT’s Local Agency Manual described in this Agreement.
- UU. **“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 Effective Date that is used, without modification, in the performance of the Work.

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

6. SCOPE OF WORK

Local Agency shall complete the Work as described in this Agreement and in accordance with the provisions of **Exhibit A**, and the Local Agency Manual. The State shall have no liability to compensate Local Agency for the delivery of any Goods or the performance of any Services that are not specifically set forth in this Agreement. Work may be divided into multiple phases that have separate periods of performance. The State may not compensate for Work that Local Agency performs outside of its designated phase performance period. The performance period of phases, including, but not limited to Design, Construction, Right of Way, Utilities, or Environment phases, are identified in **Exhibit C**. The State may unilaterally modify **Exhibit C** from time to time, at its sole discretion, to extend the Agreement Expiration Date and/or to extend the period of performance for a phase of Work authorized under this Agreement. To exercise these options to extend the Agreement Expiration Date and/or to update the phase performance period extension option, the State will provide written notice to Local Agency in a form substantially equivalent to **Exhibit B**. The State’s unilateral extension of the Agreement Expiration Date and/or the phase performance periods will not amend or alter in any way the funding provisions or any other terms specified in this Agreement, notwithstanding the options listed under **§7.E**

A. Local Agency Commitments

i. Design

If the Work includes preliminary design, final design, design work sheets, or special provisions and estimates (collectively referred to as the “Plans”), Local Agency shall ensure that it and its Contractors comply with and are responsible for satisfying the following requirements:

- a. Perform or provide the Plans to the extent required by the nature of the Work.
 - b. Prepare final design in accordance with the requirements of the latest edition of the American Association of State Highway Transportation Officials (AASHTO) manual or other standard, such as the Uniform Building Code, as approved by the State.
 - c. Prepare provisions and estimates in accordance with the most current version of the State's Roadway and Bridge Design Manuals and Standard Specifications for Road and Bridge Construction or Local Agency specifications if approved by the State.
 - d. Include details of any required detours in the Plans in order to prevent any interference of the construction Work and to protect the traveling public.
 - e. Stamp the Plans as produced by a Colorado registered professional engineer.
 - f. Provide final assembly of Plans and all other necessary documents.
 - g. Ensure the Plans are accurate and complete.
 - h. Make no further changes in the Plans following the award of the construction contract to Contractor unless agreed to in writing by the Parties. The Plans shall be considered final when approved in writing by CDOT, and when final, they will be deemed incorporated herein.
- ii. Local Agency Work
- a. Local Agency shall comply with the requirements of the Americans With Disabilities Act (ADA) 42 U.S.C. § 12101, et. seq., and applicable federal regulations and standards as contained in the document "ADA Accessibility Requirements in CDOT Transportation Projects".
 - b. Local Agency shall afford the State ample opportunity to review the Plans and shall make any changes in the Plans that are directed by the State to comply with FHWA requirements.
 - c. Local Agency may enter into a contract with a Consultant to perform all or any portion of the Plans and/or construction administration. Provided, however, if federal-aid funds are involved in the cost of such Work to be done by such Consultant, such Consultant contract (and the performance provision of the Plans under the contract) must comply with all applicable requirements of 23 C.F.R. Part 172 and with any procedures implementing those requirements as provided by the State, including those in **Exhibit H**. If Local Agency enters into a contract with a Consultant for the Work:
 - 1) Local Agency shall submit a certification that procurement of any Consultant contract complies with the requirements of 23 C.F.R. 172.5(1) prior to entering into such Consultant contract, subject to the State's approval. If not approved by the State, Local Agency shall not enter into such Consultant contract.
 - 2) Local Agency shall ensure that all changes in the Consultant contract have prior approval by the State and FHWA and that they are in writing. Immediately after the Consultant contract has been awarded, one copy of the executed Consultant contract and any amendments shall be submitted to the State.
 - 3) Local Agency shall require that all billings under the Consultant contract comply with the State's standardized billing format. Examples of the billing formats are available from the CDOT Agreements Office.
 - 4) Local Agency (and any Consultant) shall comply with 23 C.F.R. 172.5(b) and (d) and use the CDOT procedures described in **Exhibit H** to administer the Consultant contract.
 - 5) Local Agency may expedite any CDOT approval of its procurement process and/or Consultant contract by submitting a letter to CDOT from Local Agency's attorney/authorized representative certifying compliance with **Exhibit H** and 23 C.F.R. 172.5(b) and (d).
 - 6) Local Agency shall ensure that the Consultant contract complies with the requirements of 49 CFR 18.36(i) and contains the following language verbatim:
 - (a) The design work under this Agreement shall be compatible with the requirements of the contract between Local Agency and the State (which is incorporated herein by this

reference) for the design/construction of the project. The State is an intended third-party beneficiary of this agreement for that purpose.

- (b) Upon advertisement of the project work for construction, the consultant shall make available services as requested by the State to assist the State in the evaluation of construction and the resolution of construction problems that may arise during the construction of the project.
- (c) The consultant shall review the construction Contractor's shop drawings for conformance with the contract documents and compliance with the provisions of the State's publication, Standard Specifications for Road and Bridge Construction, in connection with this work.
- (d) The State, in its sole discretion, may review construction plans, special provisions and estimates and may require Local Agency to make such changes therein as the State determines necessary to comply with State and FHWA requirements.

iii. Construction

If the Work includes construction, Local Agency shall perform the construction in accordance with the approved design plans and/or administer the construction in accordance with **Exhibit E**. Such administration shall include Work inspection and testing; approving sources of materials; performing required plant and shop inspections; documentation of contract payments, testing and inspection activities; preparing and approving pay estimates; preparing, approving and securing the funding for contract modification orders and minor contract revisions; processing construction Contractor claims; construction supervision; and meeting the quality control requirements of the FHWA/CDOT Stewardship Agreement, as described in **Exhibit E**.

- a. The State may, after providing written notice of the reason for the suspension to Local Agency, suspend the Work, wholly or in part, due to the failure of Local Agency or its Contractor to correct conditions which are unsafe for workers or for such periods as the State may deem necessary due to unsuitable weather, or for conditions considered unsuitable for the prosecution of the Work, or for any other condition or reason deemed by the State to be in the public interest.
- b. Local Agency shall be responsible for the following:
 - 1) Appointing a qualified professional engineer, licensed in the State of Colorado, as Local Agency Project Engineer (LAPE), to perform engineering administration. The LAPE shall administer the Work in accordance with this Agreement, the requirements of the construction contract and applicable State procedures, as defined in the CDOT Local Agency Manual (<https://www.codot.gov/business/localagency/manual>).
 - 2) For the construction Services, advertising the call for bids, following its approval by the State, and awarding the construction contract(s) to the lowest responsible bidder(s).
 - (a) All Local Agency's advertising and bid awards pursuant to this Agreement shall comply with applicable requirements of 23 U.S.C. §112 and 23 C.F.R. Parts 633 and 635 and C.R.S. § 24-92-101 et seq. Those requirements include, without limitation, that Local Agency and its Contractor(s) incorporate Form 1273 (Exhibit I) in its entirety, verbatim, into any subcontract(s) for Services as terms and conditions thereof, as required by 23 C.F.R. 633.102(e).
 - (b) Local Agency may accept or reject the proposal of the apparent low bidder for Work on which competitive bids have been received. Local Agency must accept or reject such bids within three (3) working days after they are publicly opened.
 - (c) If Local Agency accepts bids and makes awards that exceed the amount of available Agreement Funds, Local Agency shall provide the additional funds necessary to complete the Work or not award such bids.
 - (d) The requirements of **§6.A.iii.b.2** also apply to any advertising and bid awards made by the State.

- (e) The State (and in some cases FHWA) must approve in advance all Force Account Construction, and Local Agency shall not initiate any such Services until the State issues a written Notice to Proceed.

iv. Right of Way (ROW) and Acquisition/Relocation

- a. If Local Agency purchases a ROW for a State highway, including areas of influence, Local Agency shall convey the ROW to CDOT promptly upon the completion of the project/construction.
- b. Any acquisition/relocation activities shall comply with all applicable federal and State statutes and regulations, including but not limited to, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, the Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs, as amended (49 C.F.R. Part 24), CDOT's Right of Way Manual, and CDOT's Policy and Procedural Directives.
- c. The Parties' respective responsibilities for ensuring compliance with acquisition, relocation and incidentals depend on the level of federal participation as detailed in CDOT's Right of Way Manual (located at <http://www.codot.gov/business/manuals/right-of-way>); however, the State always retains oversight responsibilities.
- d. The Parties' respective responsibilities at each level of federal participation in CDOT's Right of Way Manual, and the State's reimbursement of Local Agency costs will be determined pursuant the following categories:
 - 1) Right of way acquisition (3111) for federal participation and non-participation;
 - 2) Relocation activities, if applicable (3109);
 - 3) Right of way incidentals, if applicable (expenses incidental to acquisition/relocation of right of way – 3114).

v. Utilities

If necessary, Local Agency shall be responsible for obtaining the proper clearance or approval from any utility company that may become involved in the Work. Prior to the Work being advertised for bids, Local Agency shall certify in writing to the State that all such clearances have been obtained.

vi. Railroads

If the Work involves modification of a railroad company's facilities and such modification will be accomplished by the railroad company, Local Agency shall make timely application to the Public Utilities Commission ("PUC") requesting its order providing for the installation of the proposed improvements. Local Agency shall not proceed with that part of the Work before obtaining the PUC's order. Local Agency shall also establish contact with the railroad company involved for the purpose of complying with applicable provisions of 23 C.F.R. 646, subpart B, concerning federal-aid projects involving railroad facilities, and:

- a. Execute an agreement with the railroad company setting out what work is to be accomplished and the location(s) thereof, and which costs shall be eligible for federal participation.
- b. Obtain the railroad's detailed estimate of the cost of the Work.
- c. Establish future maintenance responsibilities for the proposed installation.
- d. Proscribe in the agreement the future use or dispositions of the proposed improvements in the event of abandonment or elimination of a grade crossing.
- e. Establish future repair and/or replacement responsibilities, as between the railroad company and the Local Agency, in the event of accidental destruction or damage to the installation.

vii. Environmental Obligations

Local Agency shall perform all Work in accordance with the requirements of current federal and State environmental regulations, including the National Environmental Policy Act of 1969 (NEPA) as applicable.

viii. Maintenance Obligations

Local Agency shall maintain and operate the Work constructed under this Agreement at its own cost and expense during their useful life, in a manner satisfactory to the State and FHWA. Local Agency shall conduct such maintenance and operations in accordance with all applicable statutes, ordinances, and regulations pertaining to maintaining such improvements. The State and FHWA may make periodic inspections to verify that such improvements are being adequately maintained.

ix. Monitoring Obligations

Local Agency shall respond in a timely manner to and participate fully with the monitoring activities described in §7.F.vi.

B. State's Commitments

- i. The State will perform a final project inspection of the Work as a quality control/assurance activity. When all Work has been satisfactorily completed, the State will sign the FHWA Form 1212.
- ii. Notwithstanding any consents or approvals given by the State for the Plans, the State shall not be liable or responsible in any manner for the structural design, details or construction of any Work constituting major structures designed by, or that are the responsibility of, Local Agency, as identified in **Exhibit E**.

7. PAYMENTS

A. Maximum Amount

Payments to Local Agency are limited to the unpaid, obligated balance of the Agreement Funds set forth in **Exhibit C**. The State shall not pay Local Agency any amount under this Agreement that exceeds the Agreement Maximum set forth in **Exhibit C**.

B. Payment Procedures

i. Invoices and Payment

- a. The State shall pay Local Agency in the amounts and in accordance with conditions set forth in **Exhibit C**.
- b. Local Agency shall initiate payment requests by invoice to the State, in a form and manner approved by the State.
- c. The State shall pay each invoice within 45 days following the State's receipt of that invoice, so long as the amount invoiced correctly represents Work completed by Local Agency and previously accepted by the State during the term that the invoice covers. If the State determines that the amount of any invoice is not correct, then Local Agency shall make all changes necessary to correct that invoice.
- d. The acceptance of an invoice shall not constitute acceptance of any Work performed or deliverables provided under the Agreement.
- e. If a project is funded in part with Federal or State special funding there may be an expiration date for the funds. The expiration date applies to grants and local funds used to match grants. To receive payment or credit for the match, Work must be completed or substantially completed, as outlined in the terms of the grant, prior to the expiration date of the special funding and invoiced in compliance with the rules outlined in the award of the funding. The acceptance of an invoice shall not constitute acceptance of any Work performed or deliverables provided under the Agreement.

ii. Interest

Amounts not paid by the State within 45 days after the State's acceptance of the invoice shall bear interest on the unpaid balance beginning on the 46th day at the rate of 1% per month, as required by §24-30-202(24)(a), C.R.S., until paid in full; provided, however, that interest shall not accrue on unpaid amounts that the State disputes in writing. Local Agency shall invoice the State separately for accrued interest on delinquent amounts, and the invoice shall reference the delinquent payment, the number of days interest to be paid and the interest rate.

iii. Payment Disputes

If Local Agency disputes any calculation, determination, or amount of any payment, Local Agency shall notify the State in writing of its dispute within 30 days following the earlier to occur of Local Agency's receipt of the payment or notification of the determination or calculation of the payment by the State. The State will review the information presented by Local Agency and may make changes to its determination based on this review. The calculation, determination, or payment amount that results from the State's review shall not be subject to additional dispute under this subsection. No payment subject to a dispute under this subsection shall be due until after the State has concluded its review, and the State shall not pay any interest on any amount during the period it is subject to dispute under this subsection.

iv. Available Funds-Contingency-Termination

- a. The State is prohibited by law from making commitments beyond the term of the current State Fiscal Year. Payment to Local Agency beyond the current State Fiscal Year is contingent on the appropriation and continuing availability of Agreement Funds in any subsequent year (as provided in the Colorado Special Provisions). If federal funds or funds from any other non-State funds constitute all or some of the Agreement Funds, the State's obligation to pay Local Agency shall be contingent upon such non-State funding continuing to be made available for payment. Payments to be made pursuant to this Agreement shall be made only from Agreement Funds, and the State's liability for such payments shall be limited to the amount remaining of such Agreement Funds. If State, federal or other funds are not appropriated, or otherwise become unavailable to fund this Agreement, the State may, upon written notice, terminate this Agreement, in whole or in part, without incurring further liability. The State shall, however, remain obligated to pay for Services and Goods that are delivered and accepted prior to the effective date of notice of termination, and this termination shall otherwise be treated as if this Agreement were terminated in the public interest as described in **§2.C**.
- b. If the agreement funds are terminated, the State can terminate the contract early. Payment due for work done to the date of termination will be processed in a manner consistent with **§2.C**.

v. Erroneous Payments

The State may recover, at the State's discretion, payments made to Local Agency in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Local Agency. The State may recover such payments by deduction from subsequent payments under this Agreement, deduction from any payment due under any other contracts, grants or agreements between the State and Local Agency, or by any other appropriate method for collecting debts owed to the State. The close out of a Federal Award does not affect the right of FHWA or the State to disallow costs and recover funds on the basis of a later audit or other review. Any cost disallowance recovery is to be made within the Record Retention Period (as defined below in **§9.A.**).

vi. Federal Recovery

The close-out of a Federal Award does not affect the right of the Federal Awarding Agency or the State to disallow costs and recover funds on the basis of a later audit or other review. Any cost disallowance recovery is to be made within the Record Retention Period, as defined below.

C. Local Agency Funds

Local Agency shall provide their obligated contribution funds as outlined in **§7.A.** and **Exhibit C**. Local Agency shall have raised the full amount of their funds prior to the Effective Date and shall report to the State regarding the status of such funds upon request. Local Agency's obligation to pay all or any part of any matching funds, whether direct or contingent, only extend to funds duly and lawfully appropriated for the purposes of this Agreement by the authorized representatives of Local Agency and paid into Local Agency's treasury. Local Agency represents to the State that the amount designated "Local Agency Funds" in **Exhibit C** has been legally appropriated for the purpose of this Agreement by its authorized representatives and paid into its treasury. Local Agency may evidence such obligation by an appropriate ordinance/resolution or other authority letter expressly authorizing Local Agency to enter into this Agreement and to expend its match share of the Work. A copy of any such ordinance/resolution or authority letter is attached hereto as **Exhibit D** if applicable. Local Agency does not by this Agreement irrevocably pledge present cash reserves for payments in future fiscal years, and this Agreement is not intended to create a multiple-fiscal year debt of

Local Agency. Local Agency shall not pay or be liable for any claimed interest, late charges, fees, taxes, or penalties of any nature, except as required by Local Agency's laws or policies.

D. Reimbursement of Local Agency Costs

The State shall reimburse Local Agency's allowable costs, not exceeding the maximum total amount described in **Exhibit C** and §7. However, any costs incurred by Local Agency prior to the Effective Date shall not be reimbursed absent specific allowance of pre-award costs and indication that the Federal Award funding is retroactive. The State shall pay Local Agency for costs or expenses incurred or performance by the Local Agency prior to the Effective Date, only if (1) the Grant Funds involve federal funding and (2) federal laws, rules, and regulations applicable to the Work provide for such retroactive payments to the Local Agency. Any such retroactive payments shall comply with State Fiscal Rules and be made in accordance with the provisions of this Agreement. The applicable principles described in 2 C.F.R. Part 200 shall govern the State's obligation to reimburse all costs incurred by Local Agency and submitted to the State for reimbursement hereunder, and Local Agency shall comply with all such principles. The State shall reimburse Local Agency for the federal-aid share of properly documented costs related to the Work after review and approval thereof, subject to the provisions of this Agreement and **Exhibit C**. Local Agency costs for Work performed prior to the Effective Date shall not be reimbursed absent specific allowance of pre-award costs and indication that the Federal Award funding is retroactive. Local Agency costs for Work performed after any Performance Period End Date for a respective phase of the Work, is not reimbursable. Allowable costs shall be:

- i. Reasonable and necessary to accomplish the Work and for the Goods and Services provided.
- ii. Actual net cost to Local Agency (i.e. the price paid minus any items of value received by Local Agency that reduce the cost actually incurred).

E. Unilateral Modification of Agreement Funds Budget by State Option Letter

The State may, at its discretion, issue an "Option Letter" to Local Agency to add or modify Work phases in the Work schedule in **Exhibit C** if such modifications do not increase total budgeted Agreement Funds. Such Option Letters shall amend and update **Exhibit C**, Sections 2 or 4 of the Table, and sub-sections B and C of the **Exhibit C**. Option Letters shall not be deemed valid until signed by the State Controller or an authorized delegate. **This is NOT a Notice to Proceed.** Modification of **Exhibit C** by unilateral Option Letter is permitted only in the specific scenarios listed below. The State will exercise such options by providing Local Agency a fully executed Option Letter, in a form substantially equivalent to **Exhibit B**. Such Option Letters will be incorporated into this Agreement. This applies to the entire Scope of Work.

i. Option to Begin a Phase and/or Increase or Decrease the Encumbrance Amount

The State may require by Option Letter that Local Agency begin a new Work phase that may include Design, Construction, Environmental, Utilities, ROW Incidentals or Miscellaneous Work (but may not include Right of Way Acquisition/Relocation or Railroads) as detailed in **Exhibit A**. Such Option Letters may not modify the other terms and conditions stated in this Agreement and must decrease the amount budgeted and encumbered for one or more other Work phases so that the total amount of budgeted Agreement Funds remains the same. The State may also change the funding sources so long as the amount budgeted remains the same and the Local Agency contribution does not increase. The State may also issue a unilateral Option Letter to increase and/or decrease the total encumbrance amount of two or more existing Work phases, as long as the total amount of budgeted Agreement Funds remains the same, replacing the original Agreement Funding exhibit (**Exhibit C**) with an updated **Exhibit C-1** (with subsequent exhibits labeled **C-2**, **C-3**, etc.).

ii. Option to Transfer Funds from One Phase to Another Phase.

The State may require or permit Local Agency to transfer Agreement Funds from one Work phase (Design, Construction, Environmental, Utilities, ROW Incidentals or Miscellaneous) to another phase as a result of changes to State, federal, and local match funding. In such case, the original funding exhibit (**Exhibit C**) will be replaced with an updated **Exhibit C-1** (with subsequent exhibits labeled **C-2**, **C-3**, etc.) attached to the Option Letter. The Agreement Funds transferred from one Work phase to another are subject to the same terms and conditions stated in the original Agreement with the total budgeted Agreement Funds remaining the same. The State may unilaterally exercise this option by providing a

fully executed Option Letter to Local Agency within thirty (30) days before the initial targeted start date of the Work phase, in a form substantially equivalent to **Exhibit B**.

iii. Option to Exercise Options i and ii.

The State may require Local Agency to add a Work phase as detailed in **Exhibit A**, and encumber and transfer Agreement Funds from one Work phase to another. The original funding exhibit (**Exhibit C**) in the original Agreement will be replaced with an updated **Exhibit C-1** (with subsequent exhibits labeled **C-2**, **C-3**, etc.) attached to the Option Letter. The addition of a Work phase and encumbrance and transfer of Agreement Funds are subject to the same terms and conditions stated in the original Agreement with the total budgeted Agreement Funds remaining the same. The State may unilaterally exercise this option by providing a fully executed Option Letter to Local Agency within 30 days before the initial targeted start date of the Work phase, in a form substantially equivalent to **Exhibit B**.

iv. Option to Extend Agreement/Phase Term and/or modify the OMB Uniform Guidance. The State, at its discretion, shall have the option to extend the term of this Agreement and/or update a Work Phase Performance Period and/or modify information required under the OMB Uniform Guidance, as outlined in **Exhibit C**. Any updated version of **Exhibit C** shall be attached to any executed Option Letter as **Exhibit C-1** (with subsequent exhibits labeled **C-2**, **C-3**, etc.). In order to exercise this option, the State shall provide written notice to the Local Agency in a form substantially equivalent to **Exhibit B**.

F. Accounting

Local Agency shall establish and maintain accounting systems in accordance with generally accepted accounting standards (a separate set of accounts, or as a separate and integral part of its current accounting scheme). Such accounting systems shall, at a minimum, provide as follows:

i. Local Agency Performing the Work

If Local Agency is performing the Work, it shall document all allowable costs, including any approved Services contributed by Local Agency or subcontractors, using payrolls, time records, invoices, contracts, vouchers, and other applicable records.

ii. Local Agency-Checks or Draws

Checks issued or draws made by Local Agency shall be made or drawn against properly signed vouchers detailing the purpose thereof. Local Agency shall keep on file all checks, payrolls, invoices, contracts, vouchers, orders, and other accounting documents in the office of Local Agency, clearly identified, readily accessible, and to the extent feasible, separate and apart from all other Work documents.

iii. State-Administrative Services

The State may perform any necessary administrative support services required hereunder. Local Agency shall reimburse the State for the costs of any such services from the budgeted Agreement Funds as provided for in **Exhibit C**. If FHWA Agreement Funds are or become unavailable, or if Local Agency terminates this Agreement prior to the Work being approved by the State or otherwise completed, then all actual incurred costs of such services and assistance provided by the State shall be reimbursed to the State by Local Agency at its sole expense.

iv. Local Agency-Invoices

Local Agency's invoices shall describe in detail the reimbursable costs incurred by Local Agency for which it seeks reimbursement, the dates such costs were incurred and the amounts thereof, and Local Agency shall not submit more than one invoice per month.

v. Invoicing Within 60 Days

The State shall not be liable to reimburse Local Agency for any costs invoiced more than 60 days after the date on which the costs were incurred, including costs included in Local Agency's final invoice. The State may withhold final payment to Local Agency at the State's sole discretion until completion of final audit. Any costs incurred by Local Agency that are not allowable under 2 C.F.R. Part 200 shall be Local Agency's responsibility, and the State will deduct such disallowed costs from any payments due to Local Agency. The State will not reimburse costs for Work performed after the Performance Period End Date for a respective Work phase. The State will not reimburse costs for Work performed prior to Performance

Period End Date, but for which an invoice is received more than 60 days after the Performance Period End Date.

vi. Risk Assessment & Monitoring

Pursuant to 2 C.F.R. 200.331(b), – CDOT will evaluate Local Agency's risk of noncompliance with federal statutes, regulations, and terms and conditions of this Agreement. Local Agency shall complete a Risk Assessment Form (**Exhibit L**) when that may be requested by CDOT. The risk assessment is a quantitative and/or qualitative determination of the potential for Local Agency's non-compliance with the requirements of the Federal Award. The risk assessment will evaluate some or all of the following factors:

- Experience: Factors associated with the experience and history of the Subrecipient with the same or similar Federal Awards or grants.
- Monitoring/Audit: Factors associated with the results of the Subrecipient's previous audits or monitoring visits, including those performed by the Federal Awarding Agency, when the Subrecipient also receives direct federal funding. Include audit results if Subrecipient receives single audit, where the specific award being assessed was selected as a major program.
- Operation: Factors associated with the significant aspects of the Subrecipient's operations, in which failure could impact the Subrecipient's ability to perform and account for the contracted goods or services.
- Financial: Factors associated with the Subrecipient's financial stability and ability to comply with financial requirements of the Federal Award.
- Internal Controls: Factors associated with safeguarding assets and resources, deterring and detecting errors, fraud and theft, ensuring accuracy and completeness of accounting data, producing reliable and timely financial and management information, and ensuring adherence to its policies and plans.
- Impact: Factors associated with the potential impact of a Subrecipient's non-compliance to the overall success of the program objectives.
- Program Management: Factors associated with processes to manage critical personnel, approved written procedures, and knowledge of rules and regulations regarding federal-aid projects.

Following Local Agency's completion of the Risk Assessment Tool (**Exhibit L**), CDOT will determine the level of monitoring it will apply to Local Agency's performance of the Work. This risk assessment may be re-evaluated after CDOT begins performing monitoring activities.

G. Close Out

Local Agency shall close out this Award within 90 days after the Final Phase Performance End Date. If SLFRF Funds are used the Local Agency shall close out that portion of the Award within 45 days after the ARPA Award Expiration Date. Close out requires Local Agency's submission to the State of all deliverables defined in this Agreement, and Local Agency's final reimbursement request or invoice. The State will withhold 5% of allowable costs until all final documentation has been submitted and accepted by the State as substantially complete. If FHWA or US Treasury has not closed this Federal Award within one (1) year and 90 days after the Final Phase Performance End Date due to Local Agency's failure to submit required documentation, then Local Agency may be prohibited from applying for new Federal Awards through the State until such documentation is submitted and accepted.

8. REPORTING - NOTIFICATION

A. Quarterly Reports

In addition to any reports required pursuant to §19 or pursuant to any exhibit, for any contract having a term longer than 3 months, Local Agency shall submit, on a quarterly basis, a written report specifying progress made for each specified performance measure and standard in this Agreement. Such progress report shall be in accordance with the procedures developed and prescribed by the State. Progress reports shall be submitted to the State not later than ten (10) Business Days following the end of each calendar quarter or at such time as otherwise specified by the State. If SLFRF Funds are used the report must be in the format of **Exhibit P**.

B. Litigation Reporting

If Local Agency is served with a pleading or other document in connection with an action before a court or other administrative decision making body, and such pleading or document relates to this Agreement or may affect Local Agency's ability to perform its obligations under this Agreement, Local Agency shall, within 10 days after being served, notify the State of such action and deliver copies of such pleading or document to the State's principal representative identified in §16.

C. Performance and Final Status

Local Agency shall submit all financial, performance and other reports to the State no later than 60 calendar days after the Final Phase Performance End Date or sooner termination of this Agreement, containing an Evaluation of Subrecipient's performance and the final status of Subrecipient's obligations hereunder.

D. Violations Reporting

Local Agency must disclose, in a timely manner, in writing to the State and FHWA, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal Award. Penalties for noncompliance may include suspension or debarment (2 CFR Part 180 and 31 U.S.C. 3321).

9. LOCAL AGENCY RECORDS**A. Maintenance**

Local Agency shall make, keep, maintain, and allow inspection and monitoring by the State of a complete file of all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to the Work or the delivery of Services (including, but not limited to the operation of programs) or Goods hereunder. Local Agency shall maintain such records for a period (the "Record Retention Period") pursuant to the requirements of the funding source and for a minimum of three (3) years following the date of submission to the State of the final expenditure report, whichever is longer, or if this Award is renewed quarterly or annually, from the date of the submission of each quarterly or annual report, respectively. If any litigation, claim, or audit related to this Award starts before expiration of the Record Retention Period, the Record Retention Period shall extend until all litigation, claims, or audit findings have been resolved and final action taken by the State or Federal Awarding Agency. The Federal Awarding Agency, a cognizant agency for audit, oversight or indirect costs, and the State, may notify Local Agency in writing that the Record Retention Period shall be extended. For records for real property and equipment, the Record Retention Period shall extend three (3) years following final disposition of such property.

B. Inspection

Records during the Record Retention Period. Local Agency shall make Local Agency Records available during normal business hours at Local Agency's office or place of business, or at other mutually agreed upon times or locations, upon no fewer than two (2) Business Days' notice from the State, unless the State determines that a shorter period of notice, or no notice, is necessary to protect the interests of the State.

C. Monitoring

The State will monitor Local Agency's performance of its obligations under this Agreement using procedures as determined by the State. The State shall monitor Local Agency's performance in a manner that does not unduly interfere with Local Agency's performance of the Work. Local Agency shall allow the State to perform all monitoring required by the Uniform Guidance, based on the State's risk analysis of Local Agency. The State shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Local Agency's performance in a manner that does not unduly interfere with Local Agency's performance of the Work. If Local Agency enters into a subcontract with an entity that would also be considered a Subrecipient, then the subcontract entered into by Local Agency shall contain provisions permitting both Local Agency and the State to perform all monitoring of that Subcontractor in accordance with the Uniform Guidance.

D. Final Audit Report

Local Agency shall promptly submit to the State a copy of any final audit report of an audit performed on Local Agency's records that relates to or affects this Agreement or the Work, whether the audit is conducted

by Local Agency or a third party. Additionally, if Local Agency is required to perform a single audit under 2 CFR 200.501, *et seq.*, then Local Agency shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

10. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Local Agency 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 Local Agency for the sole and exclusive benefit of the State, unless those State Records are otherwise publicly available at the time of disclosure or are subject to disclosure by Local Agency under CORA. Local Agency shall not, without prior written approval of the State, use for Local Agency'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 Agreement. Local Agency shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. Local Agency shall immediately forward any request or demand for State Records to the State's principal representative. If Local Agency or any of its Subcontractors will or may receive the following types of data, Local Agency or its Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Award as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Award, if applicable. Local Agency shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Local Agency 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 Agreement. Local Agency shall ensure all such agents, employees, assigns, and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Agreement, and that the nondisclosure agreements are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Local Agency shall provide copies of those signed nondisclosure agreements to the State upon request.

C. Use, Security, and Retention

Local Agency 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. Local Agency shall provide the State with access, subject to Local Agency'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 Agreement, Local Agency shall return State Records provided to Local Agency or destroy such State Records and certify to the State that it has done so, as directed by the State. If Local Agency is prevented by law or regulation from returning or destroying State Confidential Information, Local Agency warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Local Agency 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. Unless Local Agency can establish that none of Local Agency or any of its agents, employees, assigns, or Subcontractors are the cause or source of the Incident, Local Agency shall be responsible for the cost of notifying each person who may have been impacted by the Incident. After an Incident, Local Agency 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.

E. Safeguarding Personally Identifying Information "PII"

If Local Agency or any of its Subcontracts will or may receive PII under this agreement, Local Agency shall provide for the security for such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Local Agency shall be a "Third Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 et seq., C.R.S. In addition, as set forth in § 24-74-102, et. seq., C.R.S., Local Agency and Contractor, including, but not limited to, Local Agency and Contractor's employees, agents and Subcontractors, agrees not to share any PII with any third parties for the purpose of investigating for, participating in, cooperating with, or assisting with Federal immigration enforcement. If Local Agency and Contractor is given direct access to any State databases containing PII, Local Agency and Contractor shall execute, on behalf of itself and its employees, the certification attached hereto as **Exhibit S** on an annual basis Local Agency and Contractor's duty and obligation to certify as set forth in **Exhibit S** shall continue as long as Local Agency and Contractor has direct access to any State databases containing PII. If Local Agency and Contractor uses any Subcontractors to perform services requiring direct access to State databases containing PII, the Local Agency and Contractor shall require such Subcontractors to execute and deliver the certification to the State on an annual basis, so long as the Subcontractor has access to State databases containing PII.

11. CONFLICTS OF INTEREST

A. Actual Conflicts of Interest

Local Agency 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 Local Agency under this Agreement. Such a conflict of interest would arise when a Local Agency or Subcontractor's employee, officer or agent were to offer or provide any tangible personal benefit to an employee of the State, or any member of his or her immediate family or his or her partner, related to the award of, entry into or management or oversight of this Agreement. Officers, employees, and agents of Local Agency may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

B. Apparent Conflicts of Interest

Local Agency acknowledges that, with respect to this Agreement, even the appearance of a conflict of interest shall be harmful to the State's interests. Absent the State's prior written approval, Local Agency shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Local Agency's obligations under this Agreement.

C. Disclosure to the State

If a conflict or the appearance of a conflict arises, or if Local Agency is uncertain whether a conflict or the appearance of a conflict has arisen, Local Agency shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of this Agreement.

12. INSURANCE

Local Agency shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain, insurance as specified in this section at all times during the term of this Agreement. All insurance policies required by this Agreement that are not provided through self-insurance shall be issued by insurance companies with an AM Best rating of A-VIII or better.

A. Local Agency Insurance

Local Agency is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA") and shall maintain at all times during the term of this Agreement such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA.

B. Subcontractor Requirements

Local Agency shall ensure that each Subcontractor that is a public entity within the meaning of the GIA, maintains at all times during the terms of this Agreement, such liability insurance, by commercial policy or self-insurance, as is necessary to meet the Subcontractor's obligations under the GIA. Local Agency shall ensure that each Subcontractor that is not a public entity within the meaning of the GIA, maintains at all times during the terms of this Agreement all of the following insurance policies:

i. Workers' Compensation

Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Local Agency or Subcontractor employees acting within the course and scope of their employment.

ii. General Liability

Commercial general liability insurance written on an Insurance Services Office occurrence form, covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- a. \$1,000,000 each occurrence;
- b. \$1,000,000 general aggregate;
- c. \$1,000,000 products and completed operations aggregate; and
- d. \$50,000 any 1 fire.

iii. Automobile Liability

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

iv. Protected Information

Liability insurance covering all loss of State Confidential Information, such as PII, PHI, PCI, Tax Information, and CJI, and claims based on alleged violations of privacy rights through improper use or disclosure of protected information with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$2,000,000 general aggregate.

v. Professional Liability Insurance

Professional liability insurance covering any damages caused by an error, omission or any negligent act with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$1,000,000 general aggregate.

vi. Crime Insurance

Crime insurance including employee dishonesty coverage with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$1,000,000 general aggregate.

vii. Cyber/Network Security and Privacy Liability

Liability insurance covering all civil, regulatory and statutory damages, contractual damages, data breach management exposure, and any loss of State Confidential Information, such as PII, PHI, PCI, Tax Information, and CJI, and claims based on alleged violations of breach, violation or infringement of right to privacy rights through improper use or disclosure of protect consumer data protection law, confidentiality or other legal protection for personal information, as well as State Confidential Information with minimum limits as follows:

- a. \$1,000,000 each occurrence; and
- b. \$2,000,000 general aggregate.

C. Additional Insured

The State shall be named as additional insured on all commercial general liability policies (leases and construction contracts require additional insured coverage for completed operations) required of Local Agency and Subcontractors. In the event of cancellation of any commercial general liability policy, the carrier shall provide at least 10 days prior written notice to CDOT.

D. Primacy of Coverage

Coverage required of Local Agency and each Subcontractor shall be primary over any insurance or self-insurance program carried by Local Agency or the State.

E. Cancellation

All commercial insurance policies shall include provisions preventing cancellation or non-renewal, except for cancellation based on non-payment of premiums, without at least 30 days prior notice to Local Agency and Local Agency shall forward such notice to the State in accordance with §16 within 7 days of Local Agency's receipt of such notice.

F. Subrogation Waiver

All commercial insurance policies secured or maintained by Local Agency or its Subcontractors in relation to this Agreement shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Local Agency or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

G. Certificates

For each commercial insurance plan provided by Local Agency under this Agreement, Local Agency shall provide to the State certificates evidencing Local Agency's insurance coverage required in this Agreement within seven (7) Business Days following the Effective Date. Local Agency shall provide to the State certificates evidencing Subcontractor insurance coverage required under this Agreement within seven (7) Business Days following the Effective Date, except that, if Local Agency's subcontract is not in effect as of the Effective Date, Local Agency shall provide to the State certificates showing Subcontractor insurance coverage required under this Agreement within seven (7) Business Days following Local Agency's execution of the subcontract. No later than 15 days before the expiration date of Local Agency's or any Subcontractor's coverage, Local Agency shall deliver to the State certificates of insurance evidencing renewals of coverage. At any other time during the term of this Agreement, upon request by the State, Local Agency shall, within seven (7) Business Days following the request by the State, supply to the State evidence satisfactory to the State of compliance with the provisions of this §12.

13. BREACH

A. Defined

The failure of a Party to perform any of its obligations in accordance with this Agreement, in whole or in part or in a timely or satisfactory manner, shall be a breach. The institution of proceedings under any bankruptcy, insolvency, reorganization, or similar law, by or against Local Agency, or the appointment of a receiver or similar officer for Local Agency or any of its property, which is not vacated or fully stayed within 30 days after the institution of such proceeding, shall also constitute a breach.

B. Notice and Cure Period

In the event of a breach, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the breach, at its sole expense, within 30 days after the delivery of written notice, the Party may exercise any of the remedies as described in §14 for that Party. Notwithstanding any provision of this Agreement to the contrary, the State, in its discretion, need not provide notice or a cure period and may immediately terminate this Agreement in whole or in part or institute any other remedy in the Agreement in order to protect the public interest of the State.

14. REMEDIES

A. State's Remedies

If Local Agency is in breach under any provision of this Agreement and fails to cure such breach, the State, following the notice and cure period set forth in §13.B, shall have all of the remedies listed in this §14.A. in addition to all other remedies set forth in this Agreement or at law. The State may exercise any or all of the remedies available to it, in its discretion, concurrently or consecutively.

i. Termination for Breach

In the event of Local Agency's uncured breach, the State may terminate this entire Agreement or any part of this Agreement. Local Agency shall continue performance of this Agreement to the extent not terminated, if any.

a. Obligations and Rights

To the extent specified in any termination notice, Local Agency shall not incur further obligations or render further performance past the effective date of such notice and shall terminate outstanding orders and subcontracts with third parties. However, Local Agency shall complete and deliver to the State all Work not canceled by the termination notice and may incur obligations as necessary to do so within this Agreement's terms. At the request of the State, Local Agency shall assign to the State all of Local Agency's rights, title, and interest in and to such terminated orders or subcontracts. Upon termination, Local Agency shall take timely, reasonable, and necessary action to protect and preserve property in the possession of Local Agency but in which the State has an interest. At the State's request, Local Agency shall return materials owned by the State in Local Agency's possession at the time of any termination. Local Agency shall deliver all completed Work Product and all Work Product that was in the process of completion to the State at the State's request.

b. Payments

Notwithstanding anything to the contrary, the State shall only pay Local Agency for accepted Work received as of the date of termination. If, after termination by the State, the State agrees that Local Agency was not in breach or that Local Agency's action or inaction was excusable, such termination shall be treated as a termination in the public interest, and the rights and obligations of the Parties shall be as if this Agreement had been terminated in the public interest under §2.C.

c. Damages and Withholding

Notwithstanding any other remedial action by the State, Local Agency shall remain liable to the State for any damages sustained by the State in connection with any breach by Local Agency, and the State may withhold payment to Local Agency for the purpose of mitigating the State's damages until such time as the exact amount of damages due to the State from Local Agency is determined. The State may withhold any amount that may be due Local Agency as the State deems necessary to protect the State against loss including, without limitation, loss as a result of outstanding liens and excess costs incurred by the State in procuring from third parties replacement Work as cover.

ii. Remedies Not Involving Termination

The State, in its discretion, may exercise one or more of the following additional remedies:

a. Suspend Performance

Suspend Local Agency's performance with respect to all or any portion of the Work pending corrective action as specified by the State without entitling Local Agency to an adjustment in price or cost or an adjustment in the performance schedule. Local Agency shall promptly cease performing Work and incurring costs in accordance with the State's directive, and the State shall not be liable for costs incurred by Local Agency after the suspension of performance.

b. Withhold Payment

Withhold payment to Local Agency until Local Agency corrects its Work.

c. Deny Payment

Deny payment for Work not performed, or that due to Local Agency's actions or inactions, cannot be performed or if they were performed are reasonably of no value to the state; provided, that any denial of payment shall be equal to the value of the obligations not performed.

d. Removal

Demand immediate removal from the Work of any of Local Agency's employees, agents, or Subcontractors from the Work whom the State deems incompetent, careless, insubordinate, unsuitable, or otherwise unacceptable or whose continued relation to this Agreement is deemed by the State to be contrary to the public interest or the State's best interest.

e. Intellectual Property

If any Work infringes a patent, copyright, trademark, trade secret, or other intellectual property right, Local Agency shall, as approved by the State (a) secure that right to use such Work for the State or Local Agency; (b) replace the Work with non infringing Work or modify the Work so that it becomes non infringing; or, (c) remove any infringing Work and refund the amount paid for such Work to the State.

B. Local Agency's Remedies

If the State is in breach of any provision of this Agreement and does not cure such breach, Local Agency, following the notice and cure period in §13.B and the dispute resolution process in §15 shall have all remedies available at law and equity.

15. DISPUTE RESOLUTION

A. Initial Resolution

Except as herein specifically provided otherwise, disputes concerning the performance of this Agreement which cannot be resolved by the designated Agreement representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager designated by Local Agency for resolution.

B. Resolution of Controversies

If the initial resolution described in §15.A fails to resolve the dispute within 10 Business Days, Local Agency shall submit any alleged breach of this Contract by the State to the Procurement Official of CDOT as described in §24-101-301(30), C.R.S. for resolution in accordance with the provisions of §§24-106-109, 24-109-101.1, 24-109-101.5, 24-109-106, 24-109-107, 24-109-201 through 24-109-206, and 24-109-501 through 24-109-505, C.R.S., (the "Resolution Statutes"), except that if Local Agency wishes to challenge any decision rendered by the Procurement Official, Local Agency's challenge shall be an appeal to the executive director of the Department of Personnel and Administration, or their delegate, under the Resolution Statutes before Local Agency pursues any further action as permitted by such statutes. Except as otherwise stated in this Section, all requirements of the Resolution Statutes shall apply including, without limitation, time limitations.

C. Questions of Fact

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Chief Engineer of the Department of Transportation. The decision of the Chief Engineer will be final and conclusive unless, within 30 calendar days after the date of receipt of a copy of such written decision, Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of CDOT. In connection with any appeal proceeding under this clause, Local Agency shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Local Agency shall proceed diligently with the performance of this Agreement in accordance with the Chief Engineer's decision. The decision of the Executive Director or his duly authorized representative for the determination of such appeals shall be final and conclusive and serve as final agency action. This dispute clause does not preclude consideration of questions of law in connection with decisions provided for herein. Nothing in this Agreement, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

16. NOTICES AND REPRESENTATIVES

Each individual identified below shall be the principal representative of the designating Party. All notices required or permitted to be given under this Agreement shall be in writing and shall be delivered **(i)** by hand with receipt required, **(ii)** by certified or registered mail to such Party's principal representative at the address set forth below or **(iii)** as an email with read receipt requested to the principal representative at the email address, if any, set forth below. If a Party delivers a notice to another through email and the email is undeliverable, then, unless the Party has been provided with an alternate email contact, the Party delivering the notice shall deliver the notice by hand with receipt required or by certified or registered mail to such Party's principal representative at the address set forth below. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §16 without a formal amendment to this Agreement. Unless otherwise provided in this Agreement, notices shall be effective upon delivery of the written notice.

For the State

Colorado Department of Transportation (CDOT)
Armando Ochoa, E/PST II
CDOT Region 4
10601 10th Street
Greeley, CO 80634
970-652-1668
armando.ochoa@state.co.us

For the Local Agency

City of Fort Collins
Dillon Willet, Civil Engineer II
281 North College Avenue
Fort Collins, CO 80524
907-726-7685
dwillet@fcgov.com

17. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION**A. Work Product**

Local Agency 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 Local Agency or any Subcontractors. Local Agency assigns to the State and its successors and assigns, the entire right, title, and interest in and to all causes of action, either in law or in equity, for past, present, or future infringement of intellectual property rights related to the Work Product and all works based on, derived from, or incorporating the Work Product. Whether or not Local Agency is under contract with the State at the time, Local Agency shall execute applications, assignments, and other documents, and shall render all other reasonable assistance requested by the State, to enable the State to secure patents, copyrights, licenses and other intellectual property rights related to the Work Product. The Parties intend the Work Product to be works made for hire.

i. Copyrights

To the extent that the Work Product (or any portion of the Work Product) would not be considered works made for hire under applicable law, Local Agency hereby assigns to the State, the entire right, title, and interest in and to copyrights in all Work Product and all works based upon, derived from, or incorporating the Work Product; all copyright applications, registrations, extensions, or renewals relating to all Work Product and all works based upon, derived from, or incorporating the Work Product; and all moral rights or similar rights with respect to the Work Product throughout the world. To the extent that Local Agency cannot make any of the assignments required by this section, Local Agency hereby grants to the State a perpetual, irrevocable, royalty-free license to use, modify, copy, publish, display, perform, transfer, distribute, sell, and create derivative works of the Work Product and all works based upon, derived from,

or incorporating the Work Product by all means and methods and in any format now known or invented in the future. The State may assign and license its rights under this license.

ii. Patents

In addition, Local Agency grants to the State (and to recipients of Work Product distributed by or on behalf of the State) a perpetual, worldwide, no-charge, royalty-free, irrevocable patent license to make, have made, use, distribute, sell, offer for sale, import, transfer, and otherwise utilize, operate, modify and propagate the contents of the Work Product. Such license applies only to those patent claims licensable by Local Agency that are necessarily infringed by the Work Product alone, or by the combination of the Work Product with anything else used by the State.

iii. Assignments and Assistance

Whether or not the Local Agency is under Agreement with the State at the time, Local Agency shall execute applications, assignments, and other documents, and shall render all other reasonable assistance requested by the State, to enable the State to secure patents, copyrights, licenses and other intellectual property rights related to the Work Product. The Parties intend the Work Product to be works made for hire. Local Agency assigns to the State and its successors and assigns, the entire right, title, and interest in and to all causes of action, either in law or in equity, for past, present, or future infringement of intellectual property rights related to the Work Product and all works based on, derived from, or incorporating the Work Product.

B. Exclusive Property of the State

Except to the extent specifically provided elsewhere in this Agreement, any pre-existing State Records, State software, research, reports, studies, photographs, negatives, or other documents, drawings, models, materials, data, and information shall be the exclusive property of the State (collectively, "State Materials"). Local Agency shall not use, willingly allow, cause or permit Work Product or State Materials to be used for any purpose other than the performance of Local Agency's obligations in this Agreement without the prior written consent of the State. Upon termination of this Agreement for any reason, Local Agency shall provide all Work Product and State Materials to the State in a form and manner as directed by the State.

C. Exclusive Property of Local Agency

Local Agency retains the exclusive rights, title, and ownership to any and all pre-existing materials owned or licensed to Local Agency including, but not limited to, all pre-existing software, licensed products, associated source code, machine code, text images, audio and/or video, and third-party materials, delivered by Local Agency under this Agreement, whether incorporated in a Deliverable or necessary to use a Deliverable (collectively, "Local Agency Property"). Local Agency Property shall be licensed to the State as set forth in this Agreement or a State approved license agreement: (i) entered into as exhibits to this Agreement, (ii) obtained by the State from the applicable third-party vendor, or (iii) in the case of open source software, the license terms set forth in the applicable open source license agreement.

18. 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. The following applies through June 30, 2022: no term or condition of this Contract 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.

19. STATEWIDE CONTRACT MANAGEMENT SYSTEM

If the maximum amount payable to Local Agency under this Agreement is \$100,000 or greater, either on the Effective Date or at any time thereafter, this §19 shall apply. Local Agency agrees to be governed by and comply with the provisions of §24-106-103, §24-102-206, §24-106-106, §24-106-107 C.R.S. regarding the monitoring of vendor performance and the reporting of contract performance information in the State's contract management system ("Contract Management System" or "CMS"). Local Agency's performance shall be subject to evaluation and review in accordance with the terms and conditions of this Agreement, Colorado statutes governing CMS, and State Fiscal Rules and State Controller policies.

20. GENERAL PROVISIONS**A. Assignment**

Local Agency's rights and obligations under this Agreement 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 Local Agency's rights and obligations approved by the State shall be subject to the provisions of this Agreement

B. Subcontracts

Local Agency shall not enter into any subcontract in connection with its obligations under this Agreement without the prior, written approval of the State. Local Agency shall submit to the State a copy of each such subcontract upon request by the State. All subcontracts entered into by Local Agency in connection with this Agreement shall comply with all applicable federal and state laws and regulations, shall provide that they are governed by the laws of the State of Colorado, and shall be subject to all provisions of this Agreement.

C. Binding Effect

Except as otherwise provided in **§20.A.** all provisions of this Agreement, including the benefits and burdens, shall extend to and be binding upon the Parties' respective successors and assigns.

D. Authority

Each Party represents and warrants to the other that the execution and delivery of this Agreement and the performance of such Party's obligations have been duly authorized.

E. Captions and References

The captions and headings in this Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this 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.

F. Counterparts

This Agreement may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

G. 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 Contract by reference.

H. Entire Understanding

This 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 Agreement. Prior or contemporaneous additions, deletions, or other changes to this Agreement shall not have any force or effect whatsoever, unless embodied herein.

I. Jurisdiction and Venue

All suits or actions related to this Agreement shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

J. Modification

Except as otherwise provided in this Agreement, any modification to this Agreement shall only be effective if agreed to in a formal amendment to this Agreement, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Agreement, other than contract amendments, shall conform to the policies promulgated by the Colorado State Controller.

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

Any reference in this 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 Effective Date of this Agreement.

L. Order of Precedence

In the event of a conflict or inconsistency between this 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. The provisions of the other sections of the main body of this Agreement.
- ii. **Exhibit N**, Federal Treasury Provisions.
- iii. **Exhibit F**, Certification for Federal-Aid Contracts.
- iv. **Exhibit G**, Disadvantaged Business Enterprise.
- v. **Exhibit I**, Federal-Aid Contract Provisions for Construction Contracts.
- vi. **Exhibit J**, Additional Federal Requirements.
- vii. **Exhibit K**, Federal Funding Accountability and Transparency Act of 2006 (FFATA) Supplemental Federal Provisions.
- viii. **Exhibit L**, Sample Sub-Recipient Monitoring and Risk Assessment Form.
- ix. **Exhibit M**, Supplemental Provisions for Federal Awards Subject to The Office of Management and Budget Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards (the "Uniform Guidance").
- x. **Exhibit O**, Agreement with Subrecipient of Federal Recovery Funds.
- xi. **Exhibit R**, Applicable Federal Awards.
- xii. Colorado Special Provisions in the main body of this Agreement.
- xiii. **Exhibit A**, Scope of Work.
- xiv. **Exhibit H**, Local Agency Procedures for Consultant Services.
- xv. **Exhibit B**, Sample Option Letter.
- xvi. **Exhibit C**, Funding Provisions.
- xvii. **Exhibit P**, SLFRF Subrecipient Quarterly Report.
- xviii. **Exhibit Q**, SLFRF Reporting Modification Form.
- xix. **Exhibit D**, Local Agency Resolution.
- xx. **Exhibit E**, Local Agency Contract Administration Checklist.
- xxi. **Exhibit S**, PII Certification.
- xxii. **Exhibit T**, Checklist of Required Exhibits Dependent on Funding Source.
- xxiii. Other exhibits in descending order of their attachment.

M. Severability

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

N. Survival of Certain Agreement Terms

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

O. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described in **§20.C**, this 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 Agreement are incidental to the Agreement, and do not create any rights for such third parties.

P. Waiver

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

Q. CORA Disclosure

To the extent not prohibited by federal law, this Agreement and the performance measures and standards required under §24-106-107 C.R.S., if any, are subject to public release through the CORA.

R. Standard and Manner of Performance

Local Agency shall perform its obligations under this Agreement in accordance with the highest standards of care, skill and diligence in Local Agency's industry, trade, or profession.

S. Licenses, Permits, and Other Authorizations.

Local Agency shall secure, prior to the Effective Date, and maintain at all times during the term of this Agreement, at its sole expense, all licenses, certifications, permits, and other authorizations required to perform its obligations under this Agreement, and shall ensure that all employees, agents and Subcontractors secure and maintain at all times during the term of their employment, agency or subcontract, all license, certifications, permits and other authorizations required to perform their obligations in relation to this Agreement.

T. Compliance with State and Federal Law, Regulations, and Executive Orders

Local Agency shall comply with all State and Federal law, regulations, executive orders, State and Federal Awarding Agency policies, procedures, directives, and reporting requirements at all times during the term of this Agreement.

U. Accessibility

- i. Local Agency 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 the Governor's Office of Information Technology (OIT), pursuant to Section §24-85-103 (2.5), C.R.S. Local Agency 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.
- ii. Each Party agrees to be responsible for its own liability incurred as a result of its participation in and performance under this Agreement. In the event any claim is litigated, each Party will be responsible for its own attorneys' fees, expenses of litigation, or other costs. No provision of this Agreement shall be deemed or construed to be a relinquishment or waiver of any kind of the applicable limitations of liability provided to either the Local Agency or the State by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, et seq. and Article XI of the Colorado Constitution. Nothing in the Agreement shall be construed as a waiver of any provision of the State Fiscal Rules.
- iii. The State may require Local Agency's compliance to the State's Accessibility Standards to be determined by a third party selected by the State to attest to Local Agency'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.

V. Taxes

The State is exempt from federal excise taxes under I.R.C. Chapter 32 (26 U.S.C., Subtitle D, Ch. 32) (Federal Excise Tax Exemption Certificate of Registry No. 84-730123K) and from State and local government sales and use taxes under §§39-26-704(1), et seq., C.R.S. (Colorado Sales Tax Exemption Identification Number 98-02565). The State shall not be liable for the payment of any excise, sales, or use taxes, regardless of whether any political subdivision of the state imposes such taxes on Local Agency. Local Agency shall be solely responsible for any exemptions from the collection of excise, sales or use taxes that Local Agency may wish to have in place in connection with this Agreement.

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

These Special Provisions apply to all contracts. Contractor refers to Local Agency and Contract refers to Agreement.

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

This Contract shall not be valid until it has been approved by the Colorado State Controller or designee. If this Contract is for a Major Information Technology Project, as defined in §24-37.5-102(19), then this Contract 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., applicable Local Agency law, rule or regulation.

Financial obligations of the Parties payable after the current State Fiscal Year or 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 Contract 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

Contractor shall perform its duties hereunder as an independent contractor and not as an employee. Neither Contractor nor any agent or employee of Contractor shall be deemed to be an agent or employee of the State. Contractor shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein. **Contractor 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 Contractor or any of its agents or employees. Contractor shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to this Contract. Contractor shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.**

E. COMPLIANCE WITH LAW.

Contractor 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 Contract. 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 Contract 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 Contract that requires the Parties to indemnify or hold Contractor harmless; requires the Parties to agree to binding arbitration; limits Contractor'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 Contract shall be construed as a waiver of any provision of §24-106-109 C.R.S. Any term included in this Contract that limits Contractor's liability that is not void under this section shall apply only in excess of any insurance to be maintained under this Contract, and no insurance policy shall be interpreted as being subject to any limitations of liability of this Contract.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under this Contract shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Contractor hereby certifies and warrants that, during the term of this Contract and any extensions, Contractor has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Contractor is in violation of this provision, the State may exercise any remedy

available at law or in equity or under this Contract, including, without limitation, immediate termination of this Contract 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 Contract. Contractor has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Contractor's services and Contractor shall not employ any person having such known interests.

22. FEDERAL REQUIREMENTS

Local Agency and/or their contractors, subcontractors, and consultants shall at all times during the execution of this Agreement strictly adhere to, and comply with, all applicable federal and State laws, and their implementing regulations, as they currently exist and may hereafter be amended. A summary of applicable federal provisions are attached hereto as **Exhibit F, Exhibit I, Exhibit J, Exhibit K, Exhibit M, Exhibit N and Exhibit O** are hereby incorporated by this reference.

23. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Local Agency will comply with all requirements of **Exhibit G and Exhibit E**, Local Agency Contract Administration Checklist, regarding DBE requirements for the Work, except that if Local Agency desires to use its own DBE program to implement and administer the DBE provisions of 49 C.F.R. Part 26 under this Agreement, it must submit a copy of its program's requirements to the State for review and approval before the execution of this Agreement. If Local Agency uses any State- approved DBE program for this Agreement, Local Agency shall be solely responsible to defend that DBE program and its use of that program against all legal and other challenges or complaints, at its sole cost and expense. Such responsibility includes, without limitation, determinations concerning DBE eligibility requirements and certification, adequate legal and factual bases for DBE goals and good faith efforts. State approval (if provided) of Local Agency's DBE program does not waive or modify the sole responsibility of Local Agency for use of its program.

EXHIBIT A

SCOPE OF WORK

Name of Project: Power Trail Underpass
Project Number: TAP M455-123
SubAccount #: 21888

The Colorado Department of Transportation (“CDOT”) will oversee the City of Fort Collins when City of Fort Collins designs and constructs the Power Trail Underpass improvements (hereinafter referred to as “this work”). CDOT and the City of Fort Collins believe it will be beneficial to perform this work to improve the safety and flow of pedestrian and bicycle travel on the trail.

The design will be completed in accordance with AASHTO design standards, the Americans with Disabilities Act, and all applicable state, federal and local rules and regulations. The design phase of the work is anticipated to begin in 2024 and will identify more exact requirements, qualities, and attributes for this work (hereinafter referred to as “the exact work”). The exact work shall be used to complete the construction phase of the project. The construction phase of the contract is anticipated to begin in 2024.

If ARPA funds are used all ARPA funds must be encumbered by December 31, 2024. All work funded by ARPA must be completed by December 31, 2026 and all bills must be submitted to CDOT for payment by January 31, 2027. These bills must be paid by CDOT by March 31, 2027.

By accepting funds for this Scope of Work, Local Agency acknowledges, understands, and accepts the continuing responsibility for the safety of the traveling public after initial acceptance of the project. **Local Agency is responsible for maintaining and operating the scope of work described in this Exhibit A constructed under this Agreement at its own cost and expense during its useful life.**

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EXHIBIT B**SAMPLE IGA OPTION LETTER**

Date	State Fiscal Year	Option Letter No.
Project Code	Original Agreement #	

Vendor Name:

Option to unilaterally add phasing to include Design, Construction, Environmental, Utilities, ROW incidentals or Miscellaneous and to update encumbrance amount(s).

Option to unilaterally transfer funds from one phase to another phase.

Option to unilaterally add phasing to include Design, Construction, Environmental, Utilities, ROW incidentals or Miscellaneous, to update encumbrance amount(s), and to unilaterally transfer funds from one phase to another phase.

Option to unilaterally extend the term of this Agreement and/or update a Work Phase Performance Period and/or modify OMB Guidance.

Option A

In accordance with the terms of the original Agreement between the State of Colorado, Department of Transportation and the Local Agency, the State hereby exercises the option to authorize the Local Agency to add a phase and to encumber funds for the phase based on changes in funding availability and authorization. The total encumbrance is (or increased) by \$0.00. A new **Exhibit C-1** is made part of the original Agreement and replaces **Exhibit C**.

Option B

In accordance with the terms of the original Agreement between the State of Colorado, Department of Transportation and the Local Agency, the State hereby exercises the option to transfer funds based on variance in actual phase costs and original phase estimates. A new **Exhibit C-1** is made part of the original Agreement and replaces **Exhibit C**.

Option C

In accordance with the terms of the original Agreement between the State of Colorado, Department of Transportation and the Local Agency, the State hereby exercises the option to 1) release the Local Agency to begin a phase; 2) to encumber funds for the phase based upon changes in funding availability and authorization; and 3) to transfer funds from phases based on variance in actual phase costs and

original phase estimates. A new **Exhibit C-1** is made part of the original Agreement and replaces **Exhibit C**.

Option D

In accordance with the terms of the original Agreement between the State of Colorado, Department of Transportation and the Local Agency, the State hereby exercises the option extend the term of this Agreement and/or update a Work Phase Performance Period and/or modify information required under the OMB Uniform Guidance, as outlined in **Exhibit C**. This is made part of the original Agreement and replaces the Expiration Date shown on the Signature and Cover Page. Any updated version of **Exhibit C** shall be attached to any executed Option Letter as **Exhibit C-1** (with subsequent exhibits labeled **C-2**, **C-3**, etc.).

The effective date of this option letter is upon approval of the State Controller or delegate.

STATE OF COLORADO

Jared S. Polis

Department of Transportation

By: _____
Keith Stefanik, P.E., Chief Engineer
(For) Shoshana M. Lew, Executive Director

Date: _____

ALL AGREEMENTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Agreements. This Agreement is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If the Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay the Local Agency for such performance or for any goods and/or services provided hereunder.

STATE OF COLORADO

STATE CONTROLLER

Robert Jaros, CPA, MBA, JD

By: _____
Colorado Department of Transportation

Date: _____

EXHIBIT C - FUNDING PROVISIONS**City of Fort Collins - TAP M455-123 (21888)****A. Cost of Work Estimate**

The Local Agency has estimated the total cost the Work to be \$8,173,936.00, which is to be funded as follows:

1. FUNDING

a.	Federal Funds (82.79% of CMAQ Award)	\$5,939,301.00
b.	Local Agency Funds (17.21% of CMAQ Award)	\$1,234,635.00
c.	Federal Funds (80% of TAP Award)	\$800,000.00
d.	Local Agency Funds (20% of TAP Award)	\$200,000.00

TOTAL FUNDS ALL SOURCES**\$8,173,936.00****2. OMB UNIFORM GUIDANCE**

a.	Federal Award Identification Number (FAIN):	TBD
b.	Name of Federal Awarding Agency:	FHWA
c.	Local Agency Unique Entity Identifier	VEJ3BS5GK5G1
d.	Assistance Listing # Highway Planning and Construction	ALN 20.205
e.	Is the Award for R&D?	No
f.	Indirect Cost Rate (if applicable)	N/A
g.	Amount of Federal Funds Obligated by this Action:	\$0.00
h.	Amount of Federal Funds Obligated to Date (including this Action):	\$0.00

3. ESTIMATED PAYMENT TO LOCAL AGENCY

a.	Federal Funds Budgeted	\$6,739,301.00
b.	Less Estimated Federal Share of CDOT-Incurred Costs	\$0.00

TOTAL ESTIMATED PAYMENT TO LOCAL AGENCY**82.45%****\$6,739,301.00****TOTAL ESTIMATED FUNDING BY LOCAL AGENCY****17.55%****\$1,434,635.00****TOTAL PROJECT ESTIMATED FUNDING****100.00%****\$8,173,936.00****4. FOR CDOT ENCUMBRANCE PURPOSES**

a.	Total Encumbrance Amount (Federal funds + Local Agency funds)	\$8,173,936.00
b.	Less ROW Acquisition 3111 and/or ROW Relocation 3109	\$0.00

NET TO BE ENCUMBERED BY CDOT IS AS FOLLOWS**\$8,173,936.00**

Note: No funds are currently available. Design and Construction funds will become available after execution of an Option letter (Exhibit B) or formal Amendment.

WBS Element 21888.10.30	Performance Period Start*/End Date TBD-TBD	Design 3020	\$0.00
WBS Element 21888.20.10	Performance Period Start*/End Date TBD-TBD	Const. 3301	\$0.00

*The Local Agency should not begin work until all three (3) of the following are in place: 1) Phase Performance Period Start Date; 2) the execution of the document encumbering funds for the respective phase; and 3) Local Agency receipt of the official Notice to Proceed. Any work performed before these three (3) milestones are achieved will not be reimbursable.

B. Funding Ratios

The funding ratio for the federal funds for this Work is 82.45% federal funds to 17.55% Local Agency funds, and this ratio applies only to the \$8,173,936.00 that is eligible for federal funding. All other costs are borne by the Local Agency at 100%. If the total cost of performance of the Work exceeds \$8,173,936.00, and additional federal funds are not available, the Local Agency shall pay all such excess costs. If the total cost of performance of the Work is less than \$8,173,936.00, then the amounts of Local Agency and federal funds will be decreased in accordance with the funding ratio described in **A1**. **This applies to the entire scope of Work.**

C. Maximum Amount Payable

The maximum amount payable to the Local Agency under this Agreement shall be \$6,739,301.00. For CDOT accounting purposes, the federal funds of \$6,739,301.00 and the Local Agency funds of \$1,434,635.00 will be encumbered for a total encumbrance of \$8,173,936.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total budget is \$8,173,936.00, unless this amount is increased by an executed amendment before any increased cost is incurred. The total cost of the Work is the best estimate available, based on the design data as approved at the time of execution of this Agreement, and that any cost is subject to revisions agreed to by the parties prior to bid and award. The maximum amount payable will be reduced without amendment when the actual amount of the Local Agency's awarded Agreement is less than the budgeted total of the federal funds and the Local Agency funds. The maximum amount payable will be reduced through the execution of an Option Letter as described in Section 7. E. of this contract. **This applies to the entire scope of Work.**

D. Single Audit Act Amendment

All state and local government and non-profit organizations receiving \$750,000 or more from all funding sources defined as federal financial assistance for Single Audit Act Amendment purposes shall comply with the audit requirements of 2 CFR part 200, subpart F (Audit Requirements) see also, 49 CFR 18.20 through 18.26. The Single Audit Act Amendment requirements applicable to the Local Agency receiving federal funds are as follows:

i. Expenditure less than \$750,000

If the Local Agency expends less than \$750,000 in Federal funds (all federal sources, not just Highway funds) in its fiscal year then this requirement does not apply.

ii. Expenditure of \$750,000 or more-Highway Funds Only

If the Local Agency expends \$750,000 or more, in Federal funds, but only received federal Highway funds (Catalog of Federal Domestic Assistance, CFDA 20.205) then a program specific audit shall be performed. This audit will examine the "financial" procedures and processes for this program area.

iii. Expenditure of \$750,000 or more-Multiple Funding Sources

If the Local Agency expends \$750,000 or more in Federal funds, and the Federal funds are from multiple sources (FTA, HUD, NPS, etc.) then the Single Audit Act applies, which is an audit on the entire organization/entity.

iv. Independent CPA

Single Audit shall only be conducted by an independent CPA, not by an auditor on staff. An audit is an allowable direct or indirect cost.

EXHIBIT D

LOCAL AGENCY RESOLUTION (IF APPLICABLE)

Exhibit E-

EXHIBIT A TO RESOLUTION 2024-028

Local Agency Contract Administration Checklist

Item 10.

COLORADO DEPARTMENT OF TRANSPORTATION

LOCAL AGENCY CONTRACT ADMINISTRATION CHECKLIST

Project No. TAP M455-123	STIP No. SR47020	Project Code 21888	Region 4
Project Location City of Fort Collins			Date 10-13-2023
Project Description Power Trail Grade Separation at Harmony			
Local Agency City of Fort Collins	Local Agency Project Manager Dillon Willet		
CDOT Resident Engineer Bryce Reeves	CDOT Project Manager Armando Ochoa		

INSTRUCTIONS:

This checklist shall be used to establish the contractual administrative responsibilities of the individual parties to this agreement. The checklist becomes an attachment to the Local Agency Agreement. Section numbers (NO.) correspond to the applicable chapters of the *CDOT Local Agency Desk Reference (Local Agency Manual)*. LAWR numbers correspond to the applicable flowchart in the Local Agency Web Resource.

The checklist shall be prepared by placing an X under the responsible party, opposite each of the tasks. The X denotes the party responsible for initiating and executing the task. Only one responsible party should be selected. When neither CDOT nor the Local Agency is responsible for a task, not applicable (NA) shall be noted. In addition, # will denote that CDOT must concur or approve.

Tasks that will be performed by Headquarters staff are indicated with an X in the CDOT column under Responsible Party. The Regions, in accordance with established policies and procedures, will determine who will perform all other tasks that are the responsibility of CDOT.

The checklist shall be prepared by the CDOT Resident Engineer or the CDOT Project Manager, in cooperation with the Local Agency Project Manager, and submitted to the Region Program Engineer. If contract administration responsibilities change, the CDOT Resident Engineer, in cooperation with the Local Agency Project Manager, will prepare and distribute a revised checklist.

Note:

Failure to comply with applicable Federal and State requirements may result in the loss of Federal or State participation in funding.

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
		TIP / STIP AND LONG-RANGE PLANS		
	2.1	Review Project to ensure it is consistent with Statewide Plan and amendments thereto		x
		FEDERAL FUNDING OBLIGATION AND AUTHORIZATION		
	4.1	Authorize funding by phases (Requires FHWA concurrence/involvement if Federal-aid Highway funded project.). <i>Please write in "NA", if Not Applicable.</i>		x
		PROJECT DEVELOPMENT		
1	5.1	Prepare Design Data - CDOT Form 463	x	#
	5.2	Determine Delivery Method	x	#
	5.3	Prepare Local Agency/CDOT Inter-Governmental Agreement (see also Chapter 3)		x
2	5.4	Conduct Consultant Selection/Execute Consultant Agreement <ul style="list-style-type: none"> Project Development Construction Contract Administration (including Fabrication Inspection Services) 	x x	# #
3,3A	5.5	Conduct Design Scoping Review Meeting	x	#
3,6	5.6	Conduct Public Involvement (If applicable)	x	#

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
3	5.7	Conduct Field Inspection Review (FIR)	x	#
4	5.8	Conduct Environmental Processes (may require FHWA concurrence/involvement)	x	#
5	5.9	Acquire Right-of-Way (may require FHWA concurrence/involvement)	x	#
3	5.10	Obtain Utility and Railroad Agreements	x	#
3	5.11	Conduct Final Office Review (FOR)	x	#
3A	5.12	Justify Force Account Work by the Local Agency	x	#
3B	5.13	Justify Proprietary, Sole Source, or Local Agency Furnished Items	x	#
3	5.14	Document Design Exceptions - CDOT Form 464	x	#
	5.15	Seek Permission for use of Guaranty and Warranty Clauses	x	#
3	5.18	Prepare Plans, Specifications, Construction Cost Estimates and Submittals	x	#
	5.19	Comply with Requirements for Off-and On-System Bridges & Other Structural Work	x	#
	5.20	Update Approvals on PS&E Package if Project Schedule Delayed	x	#
	5.21	Ensure Authorization of Funds for Construction	#	x
	5.22	Use Electronic Signatures	x	x
	5.23	File Project Development Records/Documentation in ProjectWise	#	x
PROJECT DEVELOPMENT CIVIL RIGHTS AND LABOR COMPLIANCE				
3	6.1	Set Disadvantaged Business Enterprise (DBE) Goals for Consultant and Construction Contracts (CDOT Region Civil Rights Office).		x
	6.2	Determine Applicability of Davis-Bacon Act This project <input type="checkbox"/> is <input type="checkbox"/> is not exempt from Davis-Bacon requirements as determined by the functional classification of the project location (Projects located on local roads and rural minor collectors may be exempt.) Bryce Reeves 10/13/2023 CDOT Resident Engineer Date		x
	6.3	Set On-the-Job Training Goals (CDOT Region Civil Rights Office) "NA", if Not Applicable		x
	6.4	Enforce Prompt Payment Requirements	x	#
	6.5	Use Electronic Tracking and Submission Systems – B2GNow <input type="checkbox"/> LCPtracker <input type="checkbox"/>	x	#
3	6.6	Prepare/submit Title VI Plan and Incorporate Title VI Assurances	x	#
6,7		Ensure the correct Federal Wage Decision, all required Disadvantaged Business Enterprise/On-the-Job Training special provisions and FHWA Form 1273 are included in the Contract (CDOT Resident Engineer)	x	#
ADVERTISE, BID AND AWARD of CONSTRUCTION PROJECTS				
Federal Project (use 7.1 series in Chapter 7) <input checked="" type="checkbox"/> Non-Federal Project (Use 7.2 series in Chapter 7) <input type="checkbox"/>				
6,7		Obtain Approval for Advertisement Period of Less Than Three Weeks;	x	#
7		Advertise for Bids	x	#
7		Concurrence to Advertise	#	x
7		Distribute "Advertisement Set" of Plans and Specifications	x	#
7		Review Worksite & Plan Details w/ Prospective Bidders While Project Is Under Ad	x	
7		Open Bids	x	
7		Process Bids for Compliance		
		Check CDOT Form 1415 – Commitment Confirmation when the low bidder meets DBE goals. (Please write in "NA", if Not Applicable)		x
		Evaluate CDOT Form 1416 - Good Faith Effort Report and determine if the Contractor has made a good faith effort when the low bidder does not meet DBE goals. "NA", if Not Applicable.		x
		Submit required documentation for CDOT award concurrence	x	
		Concurrence from CDOT to Award		x
		Approve Rejection of Low Bidder		x
7,8		Award Contract (federal)	x	

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
8		Provide "Award" and "Record" Sets of Plans and Specifications (federal)	x	
		CONSTRUCTION MANAGEMENT		
8	Intro	File Project Construction Records/Documentation in ProjectWise or as directed	x	
8	8.1	Issue Notice to Proceed to the Contractor	x	#
8	8.2	Project Safety	x	
8	8.3	Conduct Conferences:		
		Pre-construction Conference (Appendix B) • Fabrication Inspection Notifications	x x	#
		Pre-survey • Construction staking • Monumentation	x x	
		Partnering (Optional)	x	
		Structural Concrete Pre-Pour (Agenda is in <i>CDOT Construction Manual</i>) (If applicable)	x	
		Concrete Pavement Pre-Paving (Agenda is in <i>CDOT Construction Manual</i>) (If applicable)	x	
		HMA Pre-Paving (Agenda is in <i>CDOT Construction Manual</i>) (If applicable)	x	
8	8.4	Develop and distribute Public Notice of Planned Construction to media and local residents	x	
9	8.5	Supervise Construction		
		A Professional Engineer (PE) registered in Colorado, who will be "in responsible charge of construction supervision." TBD _____ Local Agency Professional Engineer or CDOT Resident Engineer _____ Phone number _____	x	
		Provide competent, experienced staff who will ensure the Contract work is constructed in accordance with the plans and specifications	x	
		Construction inspection and documentation (including projects with structures)	x	#
		Fabrication Inspection and documentation (If applicable)	x	
9	8.6	Review and Approve Shop Drawings	x	
9	8.7	Perform Traffic Control Inspections	x	#
9	8.8	Perform Construction Surveying	x	
9	8.9	Monument Right-of-Way	x	#
9,9A	8.10	Prepare and Approve Interim and Final Contractor Pay Estimates. Collect and review CDOT Form 1418 (or equivalent) or use compliance software system. Provide the name and phone number of the person authorized for this task. Dillon Willet 907-726-7685 Local Agency Representative _____ Phone number _____	x	
9	8.11	Prepare and Approve Interim and Final Utility and Railroad Billings	x	
9B	8.12	Prepare and Authorize Change Orders	x	#
9B	8.13	Submit Change Order Package to CDOT	x	
9A	8.14	Prepare Local Agency Reimbursement Requests	x	
9	8.15	Monitor Project Financial Status	x	#
9	8.16	Prepare and Submit Monthly Progress Reports	x	
9	8.17	Resolve Contractor Claims and Disputes	x	#
	8.18	Conduct Routine and Random Project Reviews Provide the name and phone number of the person responsible for this task. Bryce Reeves 970-350-2126 CDOT Resident Engineer _____ Phone number _____		x
9	8.19	Ongoing Oversight of DBE Participation	x	

LA WR	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY LA CDOT	
	MATERIALS			
9,9C	9.1	Discuss Materials at Pre-Construction Meeting <ul style="list-style-type: none">Buy America documentation required prior to installation of steel	x	
9,9C	9.2	Complete CDOT Form 250 - Materials Documentation Record <ul style="list-style-type: none">Generate form, which includes determining the minimum number of required tests and applicable material submittals for all materials placed on the projectUpdate the form as work progressesComplete and distribute form after work is completed	x x	x
9C	9.3	Perform Project Acceptance Samples and Tests	x	
9C	9.4	Perform Laboratory Acceptance Tests	x	
9C	9.6	Accept Manufactured Products Inspection of structural components: <ul style="list-style-type: none">Fabrication of structural steel and pre-stressed concrete structural componentsBridge modular expansion devices (0" to 6" or greater)Fabrication of bearing devices	x x x	
9C	9.6	Approve Sources of Materials	x	
9C	9.7	Independent Assurance Testing (IAT) Local Agency Procedures <input type="checkbox"/> CDOT Procedures <input checked="" type="checkbox"/> <ul style="list-style-type: none">Generate IAT scheduleSchedule and provide notificationConduct IAT	x x	x
9C	9.8	Approve mix designs <ul style="list-style-type: none">ConcreteHot mix asphalt	x x	# #
9C	9.9	Check Final Materials Documentation	x	#
9C	9.10	Complete and Distribute Final Materials Documentation	x	#
	CONSTRUCTION CIVIL RIGHTS AND LABOR COMPLIANCE			
9	10.1	Fulfill Project Bulletin Board and Pre-Construction Packet Requirements	x	
8,9	10.2	Process CDOT Form 205 - Sublet Permit Application and CDOT Form 1425 – Supplier Application Approval Request. Review & sign completed forms, or review/approve in compliance software system, as applicable, & submit to Region Civil Rights Office.	x	#
9	10.3	Conduct Equal Employment Opportunity and Labor Compliance Verification Employee Interviews. Complete CDOT Form 280	x	
9	10.4	Monitor Disadvantaged Business Enterprise Participation to Ensure Compliance with the “Commercially Useful Function” Requirements	x	
9	10.5	Conduct Interviews When Project Utilizes On-the-Job Trainees. <ul style="list-style-type: none">Complete CDOT Form 1337 – Contractor Commitment to Meet OJT Requirements.Complete CDOT Form 838 – OJT Trainee / Apprentice Record.Complete CDOT Form 200 - OJT Training Questionnaire	x x x	
9	10.6	Check Certified Payrolls (Contact the Region Civil Rights Office for training reqmts.)	x	#
9	10.7	Submit FHWA Form 1391 - Highway Construction Contractor’s Annual EEO Report	x	
	10.8	Contract Compliance and Project Site Reviews		x
	FINALS			
	11.1	Conduct Final Project Inspection & Final Inspection of Structures, if applicable		x
10	11.2	Write Final Project Acceptance Letter	x	
10	11.3	Advertise for Final Settlement	x	
11	11.4	Prepare and Distribute Final As-Constructed Plans	x	
11	11.5	Prepare EEO Certification and Collect EEO Forms	x	
11	11.6	Check Final Quantities, Plans, and Pay Estimate; Check Project Documentation; and submit Final Certifications	x	#

LA WK	NO.	DESCRIPTION OF TASK	RESPONSIBLE PARTY	
			LA	CDOT
11	11.7	Check Material Documentation and Accept Final Material Certification (See Chapter 9)	x	#
	11.8	Review CDOT Form 1419		x
	11.9	Submit CDOT Professional Services Closeout Report Form	x	
	11.10	Complete and Submit CDOT Form 1212 LA – Final Acceptance Report (by CDOT)		x
11	11.11	Process Final Payment	x	#
	11.12	Close out Local Project	x	
	11.13	Complete and Submit CDOT Form 950 - Project Closure		x
11	11.14	Retain Project Records	x	
11	11.15	Retain Final Version of Local Agency Contract Administration Checklist	x	

cc: CDOT Resident Engineer/Project Manager
CDOT Region Program Engineer
CDOT Region Civil Rights Office

CDOT Region Materials Engineer
CDOT Contracts and Market Analysis Branch
Local Agency Project Manager

EXHIBIT F
CERTIFICATION FOR FEDERAL-AID CONTRACTS

The Local Agency certifies, by signing this Agreement, to the best of its knowledge and belief, that:

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 any Federal 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 loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, Agreement, loan, or cooperative agreement.

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 of Congress, or an employee of a Member of Congress in connection with this Federal contract, Agreement, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

EXHIBIT G

DISADVANTAGED BUSINESS ENTERPRISES

SECTION 1. Policy

It is the policy of the Colorado Department of Transportation (CDOT) that Disadvantaged Business Enterprises (DBEs) shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement, pursuant to 49 CFR Part 26. Accordingly, CDOT's federally approved DBE Program Plan shall apply to this agreement.

SECTION 2. Subrecipient and Participant Obligation.

The Local Agency and its subrecipients agrees to ensure that DBEs certified through the Colorado Unified Certification Program have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement.

All participants on contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement shall take all necessary and reasonable steps in accordance with the CDOT's federally approved DBE Program Plan to ensure that DBEs have the maximum opportunity to compete for and perform contracts.

Local Agency subrecipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of CDOT and federally assisted contracts.

SECTION 3. DBE Program.

The Local Agency subrecipient shall be responsible for complying with CDOT's FHWA-approved DBE Program Plan.

Local Agency requirements can be found at:

<https://www.codot.gov/business/civilrights>

EXHIBIT H**LOCAL AGENCY PROCEDURES FOR CONSULTANT SERVICES**

Title 23 Code of Federal Regulations (CFR) 172 applies to a federally funded Local Agency project agreement administered by CDOT that involves professional consultant services. 23 CFR 172.1 states “The policies and procedures involve federally funded contracts for engineering and design related services for projects subject to the provisions of 23 U.S.C. 112(a) and are issued to ensure that a qualified consultant is obtained through an equitable selection process, that prescribed work is properly accomplished in a timely manner, and at fair and reasonable cost” and according to 23 CFR 172.5 “Price shall not be used as a factor in the analysis and selection phase.” Therefore, local agencies must comply with these CFR requirements when obtaining professional consultant services under a federally funded consultant contract administered by CDOT.

CDOT has formulated its procedures in Procedural Directive (P.D.) 400.1 and the related operations guidebook titled "Obtaining Professional Consultant Services". This directive and guidebook incorporate requirements from both Federal and State regulations, i.e., 23 CFR 172 and CRS §24-30-1401 et seq. Copies of the directive and the guidebook may be obtained upon request from CDOT's Agreements and Consultant Management Unit. [Local agencies should have their own written procedures on file for each method of procurement that addresses the items in 23 CFR 172].

Because the procedures and laws described in the Procedural Directive and the guidebook are quite lengthy, the subsequent steps serve as a short-hand guide to CDOT procedures that a Local Agency must follow in obtaining professional consultant services. This guidance follows the format of 23 CFR 172. The steps are:

1. The contracting Local Agency shall document the need for obtaining professional services.
2. Prior to solicitation for consultant services, the contracting Local Agency shall develop a detailed scope of work and a list of evaluation factors and their relative importance. The evaluation factors are those identified in C.R.S. 24-30-1403. Also, a detailed cost estimate should be prepared for use during negotiations.
3. The contracting agency must advertise for contracts in conformity with the requirements of C.R.S. 24-30-1405. The public notice period, when such notice is required, is a minimum of 15 days prior to the selection of the three most qualified firms and the advertising should be done in one or more daily newspapers of general circulation.
4. The Local Agency shall not advertise any federal aid contract without prior review by the CDOT Regional Civil Rights Office (RCRO) to determine whether the contract shall be subject to a DBE contract goal. If the RCRO determines a goal is necessary, then the Local Agency shall include the goal and the applicable provisions within the advertisement. The Local Agency shall not award a contract to any Contractor or Consultant without the confirmation by the CDOT Civil Rights and Business Resource Center that the Contractor or Consultant has demonstrated good faith efforts. The Local Agency shall work with the CDOT RCRO to ensure compliance with the established terms during the performance of the contract.
5. The Local Agency shall require that all contractors pay subcontractors for satisfactory performance of work no later than 30 days after the receipt of payment for that work from the contractor. For construction projects, this time period shall be reduced to seven days in accordance with Colorado Revised Statute 24-91-103(2). If the Local Agency withholds retainage from contractors and/or allows contractors to withhold retainage from subcontractors, such retainage provisions must comply with 49 CFR 26.29.
6. Payments to all Subconsultants shall be made within thirty days of receipt of payment from [the Local Agency] or no later than ninety days from the date of the submission of a complete invoice from the Subconsultant, whichever occurs first. If the Consultant has good cause to dispute an amount invoiced by a Subconsultant, the Consultant shall notify [the Local Agency] no later than the required date for payment. Such notification shall include the amount disputed and justification for the withholding. The Consultant shall maintain records of payment that show amounts paid to all Subconsultants. Good cause does not include the Consultant's failure to submit an invoice to the Local Agency or to deposit payments made.
7. The analysis and selection of the consultants shall be done in accordance with CRS §24-30-1403. This section of the regulation identifies the criteria to be used in the evaluation of CDOT pre-qualified prime consultants and their team. It also shows which criteria are used to short-list and to make a final selection.

The short-list is based on the following evaluation factors:

- a. Qualifications,

- b. Approach to the Work,
- c. Ability to furnish professional services.
- d. Anticipated design concepts, and
- e. Alternative methods of approach for furnishing the professional services. Evaluation factors for final selection are the consultant's:

- a. Abilities of their personnel,
 - b. Past performance,
 - c. Willingness to meet the time and budget requirement,
 - d. Location,
 - e. Current and projected work load,
 - f. Volume of previously awarded contracts, and
 - g. Involvement of minority consultants.
8. Once a consultant is selected, the Local Agency enters into negotiations with the consultant to obtain a fair and reasonable price for the anticipated work. Pre-negotiation audits are prepared for contracts expected to be greater than \$50,000. Federal reimbursements for costs are limited to those costs allowable under the cost principles of 48 CFR 31. Fixed fees (profit) are determined with consideration given to size, complexity, duration, and degree of risk involved in the work. Profit is in the range of six to 15 percent of the total direct and indirect costs.
9. A qualified Local Agency employee shall be responsible and in charge of the Work to ensure that the work being pursued is complete, accurate, and consistent with the terms, conditions, and specifications of the contract. At the end of Work, the Local Agency prepares a performance evaluation (a CDOT form is available) on the consultant.

CRS §§24-30-1401 THROUGH 24-30-1408, 23 CFR PART 172, AND P.D. 400.1, PROVIDE ADDITIONAL DETAILS FOR COMPLYING WITH THE PRECEEDING EIGHT (8) STEPS.

EXHIBIT A TO RESOLUTION 2024-028

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work

performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the contracting agency and the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action

within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide

sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information will be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. *Wage rates and fringe benefits.* All laborers and mechanics employed or working upon the site of the work (or otherwise working in construction or development of the project under a development statute), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act ([29 CFR part 3](#))), the full amount of basic hourly wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. As provided in paragraphs (d) and (e) of 29 CFR 5.5, the appropriate wage determinations are effective by operation of law even if they have not been attached to the contract. Contributions made or costs reasonably anticipated for bona fide fringe benefits under the Davis-Bacon Act ([40 U.S.C. 3141\(2\)\(B\)](#)) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph 1.e. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics must be paid the appropriate wage rate and fringe benefits on the wage determination for the classification(s) of work actually performed, without regard to skill, except as provided in paragraph 4. of this section. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: *Provided*, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classifications and wage rates conformed under paragraph 1.c. of this section) and the Davis-Bacon poster (WH-1321) must be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. *Frequently recurring classifications.* (1) In addition to wage and fringe benefit rates that have been determined to be prevailing under the procedures set forth in [29 CFR part 1](#), a wage determination may contain, pursuant to § 1.3(f), wage and fringe benefit rates for classifications of laborers and mechanics for which conformance requests are regularly submitted pursuant to paragraph 1.c. of this section, provided that:

(i) The work performed by the classification is not performed by a classification in the wage determination for which a prevailing wage rate has been determined;

(ii) The classification is used in the area by the construction industry; and

(iii) The wage rate for the classification bears a reasonable relationship to the prevailing wage rates contained in the wage determination.

(2) The Administrator will establish wage rates for such classifications in accordance with paragraph 1.c.(1)(iii) of this section. Work performed in such a classification must be paid at no less than the wage and fringe benefit rate listed on the wage determination for such classification.

c. *Conformance.* (1) The contracting officer must require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract be classified in conformance with the wage determination. Conformance of an additional classification and wage rate and fringe benefits is appropriate only when the following criteria have been met:

(i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and

(ii) The classification is used in the area by the construction industry; and

(iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) The conformance process may not be used to split, subdivide, or otherwise avoid application of classifications listed in the wage determination.

(3) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken will be sent by the contracting officer by email to DBAconformance@dol.gov. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer will, by email to DBAconformance@dol.gov, refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(5) The contracting officer must promptly notify the contractor of the action taken by the Wage and Hour Division

under paragraphs 1.c.(3) and (4) of this section. The contractor must furnish a written copy of such determination to each affected worker or it must be posted as a part of the wage determination. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 1.c.(3) or (4) of this section must be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

d. *Fringe benefits not expressed as an hourly rate.* Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor may either pay the benefit as stated in the wage determination or may pay another bona fide fringe benefit or an hourly cash equivalent thereof.

e. *Unfunded plans.* If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, *Provided*, That the Secretary of Labor has found, upon the written request of the contractor, in accordance with the criteria set forth in § 5.28, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

f. *Interest.* In the event of a failure to pay all or part of the wages required by the contract, the contractor will be required to pay interest on any underpayment of wages.

2. Withholding (29 CFR 5.5)

a. *Withholding requirements.* The contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for the full amount of wages and monetary relief, including interest, required by the clauses set forth in this section for violations of this contract, or to satisfy any such liabilities required by any other Federal contract, or federally assisted contract subject to Davis-Bacon labor standards, that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to Davis-Bacon labor standards requirements and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld. In the event of a contractor's failure to pay any laborer or mechanic, including any apprentice or helper working on the site of the work all or part of the wages required by the contract, or upon the contractor's failure to submit the required records as discussed in paragraph 3.d. of this section, the contracting agency may on its own initiative and after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with paragraph

2.a. of this section or Section V, paragraph 3.a., or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

3. Records and certified payrolls (29 CFR 5.5)

a. Basic record requirements (1) Length of record retention. All regular payrolls and other basic records must be maintained by the contractor and any subcontractor during the course of the work and preserved for all laborers and mechanics working at the site of the work (or otherwise working in construction or development of the project under a development statute) for a period of at least 3 years after all the work on the prime contract is completed.

(2) Information required. Such records must contain the name; Social Security number; last known address, telephone number, and email address of each such worker; each worker's correct classification(s) of work actually performed; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act); daily and weekly number of hours actually worked in total and on each covered contract; deductions made; and actual wages paid.

(3) Additional records relating to fringe benefits. Whenever the Secretary of Labor has found under paragraph 1.e. of this section that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in [40 U.S.C. 3141\(2\)\(B\)](#) of the Davis-Bacon Act, the contractor must maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(4) Additional records relating to apprenticeship. Contractors with apprentices working under approved programs must maintain written evidence of the registration of apprenticeship programs, the registration of the apprentices, and the ratios and wage rates prescribed in the applicable programs.

b. Certified payroll requirements (1) Frequency and method of submission. The contractor or subcontractor must submit weekly, for each week in which any DBA- or Related Acts-covered work is performed, certified payrolls to the contracting

agency. The prime contractor is responsible for the submission of all certified payrolls by all subcontractors. A contracting agency or prime contractor may permit or require contractors to submit certified payrolls through an electronic system, as long as the electronic system requires a legally valid electronic signature; the system allows the contractor, the contracting agency, and the Department of Labor to access the certified payrolls upon request for at least 3 years after the work on the prime contract has been completed; and the contracting agency or prime contractor permits other methods of submission in situations where the contractor is unable or limited in its ability to use or access the electronic system.

(2) Information required. The certified payrolls submitted must set out accurately and completely all of the information required to be maintained under paragraph 3.a.(2) of this section, except that full Social Security numbers and last known addresses, telephone numbers, and email addresses must not be included on weekly transmittals. Instead, the certified payrolls need only include an individually identifying number for each worker (e.g., the last four digits of the worker's Social Security number). The required weekly certified payroll information may be submitted using Optional Form WH-347 or in any other format desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division website at <https://www.dol.gov/sites/dolgov/files/WHDL/legacy/files/wh347.pdf> or its successor website. It is not a violation of this section for a prime contractor to require a subcontractor to provide full Social Security numbers and last known addresses, telephone numbers, and email addresses to the prime contractor for its own records, without weekly submission by the subcontractor to the contracting agency.

(3) Statement of Compliance. Each certified payroll submitted must be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor, or the contractor's or subcontractor's agent who pays or supervises the payment of the persons working on the contract, and must certify the following:

(i) That the certified payroll for the payroll period contains the information required to be provided under paragraph 3.b. of this section, the appropriate information and basic records are being maintained under paragraph 3.a. of this section, and such information and records are correct and complete;

(ii) That each laborer or mechanic (including each helper and apprentice) working on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in [29 CFR part 3](#); and

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification(s) of work actually performed, as specified in the applicable wage determination incorporated into the contract.

(4) Use of Optional Form WH-347. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 will satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(3) of this section.

(5) *Signature.* The signature by the contractor, subcontractor, or the contractor's or subcontractor's agent must be an original handwritten signature or a legally valid electronic signature.

(6) *Falsification.* The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under [18 U.S.C. 1001](#) and [31 U.S.C. 3729](#).

(7) *Length of certified payroll retention.* The contractor or subcontractor must preserve all certified payrolls during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

c. *Contracts, subcontracts, and related documents.* The contractor or subcontractor must maintain this contract or subcontract and related documents including, without limitation, bids, proposals, amendments, modifications, and extensions. The contractor or subcontractor must preserve these contracts, subcontracts, and related documents during the course of the work and for a period of 3 years after all the work on the prime contract is completed.

d. *Required disclosures and access* (1) *Required record disclosures and access to workers.* The contractor or subcontractor must make the records required under paragraphs 3.a. through 3.c. of this section, and any other documents that the contracting agency, the State DOT, the FHWA, or the Department of Labor deems necessary to determine compliance with the labor standards provisions of any of the applicable statutes referenced by § 5.1, available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and must permit such representatives to interview workers during working hours on the job.

(2) *Sanctions for non-compliance with records and worker access requirements.* If the contractor or subcontractor fails to submit the required records or to make them available, or refuses to permit worker interviews during working hours on the job, the Federal agency may, after written notice to the contractor, sponsor, applicant, owner, or other entity, as the case may be, that maintains such records or that employs such workers, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available, or to permit worker interviews during working hours on the job, may be grounds for debarment action pursuant to § 5.12. In addition, any contractor or other person that fails to submit the required records or make those records available to WHD within the time WHD requests that the records be produced will be precluded from introducing as evidence in an administrative proceeding under [29 CFR part 6](#) any of the required records that were not provided or made available to WHD. WHD will take into consideration a reasonable request from the contractor or person for an extension of the time for submission of records. WHD will determine the reasonableness of the request and may consider, among other things, the location of the records and the volume of production.

(3) *Required information disclosures.* Contractors and subcontractors must maintain the full Social Security number and last known address, telephone number, and email address

of each covered worker, and must provide them upon request to the contracting agency, the State DOT, the FHWA, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or other compliance action.

4. Apprentices and equal employment opportunity (29 CFR 5.5)

a. *Apprentices (1) Rate of pay.* Apprentices will be permitted to work at less than the predetermined rate for the work they perform when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship (OA), or with a State Apprenticeship Agency recognized by the OA. A person who is not individually registered in the program, but who has been certified by the OA or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice, will be permitted to work at less than the predetermined rate for the work they perform in the first 90 days of probationary employment as an apprentice in such a program. In the event the OA or a State Apprenticeship Agency recognized by the OA withdraws approval of an apprenticeship program, the contractor will no longer be permitted to use apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(2) *Fringe benefits.* Apprentices must be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringe benefits must be paid in accordance with that determination.

(3) *Apprenticeship ratio.* The allowable ratio of apprentices to journeymen on the job site in any craft classification must not be greater than the ratio permitted to the contractor as to the entire work force under the registered program or the ratio applicable to the locality of the project pursuant to paragraph 4.a.(4) of this section. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated in paragraph 4.a.(1) of this section, must be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under this section must be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(4) *Reciprocity of ratios and wage rates.* Where a contractor is performing construction on a project in a locality other than the locality in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyworker's hourly rate) applicable within the locality in which the construction is being performed must be observed. If there is no applicable ratio or wage rate for the locality of the project, the ratio and wage rate specified in the contractor's registered program must be observed.

b. *Equal employment opportunity.* The use of apprentices and journeymen under this part must be in conformity with

the equal employment opportunity requirements of Executive Order 11246, as amended, and [29 CFR part 30](#).

c. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeyworkers shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor must insert FHWA-1273 in any subcontracts, along with the applicable wage determination(s) and such other clauses or contract modifications as the contracting agency may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses and wage determination(s) in any lower tier subcontracts. The prime contractor is responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section. In the event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and may be subject to debarment, as appropriate. 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility. a. By entering into this contract, the contractor certifies that neither it nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of [40 U.S.C. 3144\(b\)](#) or § 5.12(a).

c. The penalty for making false statements is prescribed in the U.S. Code, Title 18 Crimes and Criminal Procedure, [18 U.S.C. 1001](#).

11. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#);

c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#); or

d. Informing any other person about their rights under the DBA, Related Acts, this part, or [29 CFR part 1](#) or [3](#).

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchpersons and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1. of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages and interest from the date of the underpayment. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or

mechanic, including watchpersons and guards, employed in violation of the clause set forth in paragraph 1. of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1. of this section.

* \$31 as of January 15, 2023 (See 88 FR 88 FR 2210) as may be adjusted annually by the Department of Labor, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990.

3. Withholding for unpaid wages and liquidated damages

a. *Withholding process.* The FHWA or the contracting agency may, upon its own action, or must, upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to satisfy the liabilities of the prime contractor or any subcontractor for any unpaid wages; monetary relief, including interest; and liquidated damages required by the clauses set forth in this section on this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract subject to the Contract Work Hours and Safety Standards Act that is held by the same prime contractor (as defined in § 5.2). The necessary funds may be withheld from the contractor under this contract, any other Federal contract with the same prime contractor, or any other federally assisted contract that is subject to the Contract Work Hours and Safety Standards Act and is held by the same prime contractor, regardless of whether the other contract was awarded or assisted by the same agency, and such funds may be used to satisfy the contractor liability for which the funds were withheld.

b. *Priority to withheld funds.* The Department has priority to funds withheld or to be withheld in accordance with Section IV paragraph 2.a. or paragraph 3.a. of this section, or both, over claims to those funds by:

- (1) A contractor's surety(ies), including without limitation performance bond sureties and payment bond sureties;
- (2) A contracting agency for its procurement costs;
- (3) A trustee(s) (either a court-appointed trustee or a U.S. trustee, or both) in bankruptcy of a contractor, or a contractor's bankruptcy estate;
- (4) A contractor's assignee(s);
- (5) A contractor's successor(s); or
- (6) A claim asserted under the Prompt Payment Act, [31 U.S.C. 3901](#)–3907.

4. Subcontracts. The contractor or subcontractor must insert in any subcontracts the clauses set forth in paragraphs 1. through 5. of this section and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor is responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1. through 5. In the

event of any violations of these clauses, the prime contractor and any subcontractor(s) responsible will be liable for any unpaid wages and monetary relief, including interest from the date of the underpayment or loss, due to any workers of lower-tier subcontractors, and associated liquidated damages and may be subject to debarment, as appropriate.

5. Anti-retaliation. It is unlawful for any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, or to cause any person to discharge, demote, intimidate, threaten, restrain, coerce, blacklist, harass, or in any other manner discriminate against, any worker or job applicant for:

- a. Notifying any contractor of any conduct which the worker reasonably believes constitutes a violation of the Contract Work Hours and Safety Standards Act (CWHSSA) or its implementing regulations in this part;
- b. Filing any complaint, initiating or causing to be initiated any proceeding, or otherwise asserting or seeking to assert on behalf of themselves or others any right or protection under CWHSSA or this part;
- c. Cooperating in any investigation or other compliance action, or testifying in any proceeding under CWHSSA or this part; or
- d. Informing any other person about their rights under CWHSSA or this part.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;

- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all other Federal regulatory requirements.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and

health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.327.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.327.

X. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which

this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily

excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

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4. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(1) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(2) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(3) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

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XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. 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 any Federal 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.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal 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. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

XII. USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR 381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

1. To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

2. To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

**ATTACHMENT A - EMPLOYMENT AND MATERIALS
PREFERENCE FOR APPALACHIAN DEVELOPMENT
HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS
ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B)**

This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.

5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.

6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

EXHIBIT J

ADDITIONAL FEDERAL REQUIREMENTS

Federal laws and regulations that may be applicable to the Work include:

Executive Order 11246

Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and as supplemented in Department of Labor regulations (41 CFR Chapter 60) (All construction contracts awarded in excess of \$10,000 by the Local Agencies and their contractors or the Local Agencies).

Copeland "Anti-Kickback" Act

The Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3) (All contracts and sub-Agreements for construction or repair).

Davis-Bacon Act

The Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5) (Construction contracts in excess of \$2,000 awarded by the Local Agencies and the Local Agencies when required by Federal Agreement program legislation. This act requires that all laborers and mechanics employed by contractors or sub-contractors to work on construction projects financed by federal assistance must be paid wages not less than those established for the locality of the project by the Secretary of Labor).

Contract Work Hours and Safety Standards Act

Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by the Local Agency's in excess of \$2,000, and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers).

Clean Air Act

Standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h), section 508 of the Clean Water Act (33 U.S.C. 1368). Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15) (contracts, subcontracts, and sub-Agreements of amounts more than \$100,000).

Energy Policy and Conservation Act

Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).

OMB Circulars

Office of Management and Budget Circulars A-87, A-21 or A-122, and A-102 or A-110, whichever is applicable.

Hatch Act

The Hatch Act (5 USC 1501-1508) and Public Law 95-454 Section 4728. These statutes state that federal funds cannot be used for partisan political purposes of any kind by any person or organization involved in the administration of federally assisted programs.

Nondiscrimination

The Local Agency shall not exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States on the ground of race, color national origin, sex, age or disability. Prior to the receipt of any Federal financial assistance from CDOT, the Local Agency shall execute the attached Standard DOT Title VI assurance. As appropriate, the Local Agency shall include Appendix A, B, or C to the Standard DOT Title VI assurance in any contract utilizing federal funds, land, or other aid. The Local Agency shall also include the following in all contract advertisements:

The [Local Agency], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (79 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, DBEs will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for any award.

ADA

In any contract utilizing federal funds, land, or other federal aid, the Local Agency shall require the federal-aid recipient or contractor to provide a statement of written assurance that they will comply with Section 504 and not discriminate on the basis of disability.

Uniform Relocation Assistance and Real Property Acquisition Policies Act

The Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended (Public Law 91-646, as amended and Public Law 100-17, 101 Stat. 246-256). (If the contractor is acquiring real property and displacing households or businesses in the performance of the Agreement).

Drug-Free Workplace Act

The Drug-Free Workplace Act (Public Law 100-690 Title V, subtitle D, 41 USC 701 et seq.).

Age Discrimination Act of 1975

The Age Discrimination Act of 1975, 42 U.S.C. Sections 6101 et. seq. and its implementing regulation, 45 C.F.R. Part 91; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, and implementing regulation 45 C.F.R. Part 84.

23 C.F.R. Part 172

23 C.F.R. Part 172, concerning "Administration of Engineering and Design Related Contracts".

23 C.F.R Part 633

23 C.F.R Part 633, concerning "Required Contract Provisions for Federal-Aid Construction Contracts".

23 C.F.R. Part 635

23 C.F.R. Part 635, concerning "Construction and Maintenance Provisions".

Title VI of the Civil Rights Act of 1964 and 162(a) of the Federal Aid Highway Act of 1973

Title VI of the Civil Rights Act of 1964 and 162(a) of the Federal Aid Highway Act of 1973. The requirements for which are shown in the Nondiscrimination Provisions, which are attached hereto and made a part hereof.

Nondiscrimination Provisions:

In compliance with Title VI of the Civil Rights Act of 1964 and with Section 162(a) of the Federal Aid Highway Act of 1973, the Contractor, for itself, its assignees, and successors in interest, agree as follows:

i. Compliance with Regulations

The Contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this Agreement.

ii. Nondiscrimination

The Contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of race, color, sex, mental or physical handicap or national origin in the selection and retention of Subcontractors, including procurement of materials and leases of equipment. The Contractor will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix C of the Regulations.

iii. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurement of materials or equipment, each potential Subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this Agreement and the Regulations relative to nondiscrimination on the ground of race, color, sex, mental or physical handicap or national origin.

iv. Information and Reports

The Contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State, or the FHWA as appropriate and shall set forth what efforts have been made to obtain the information.

v. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Agreement, the State shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to: **a.** Withholding of payments to the Contractor under the contract until the Contractor complies, and/or **b.** Cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions §22

The Contractor will include the provisions of this Exhibit J in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, orders, or instructions issued pursuant thereto. The Contractor will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the Contractor becomes involved in, or is threatened with, litigation with a Subcontractor or supplier as a result of such direction, the Contractor may request the State to enter into such litigation to protect the interest of the State and in addition, the Contractor may request the FHWA to enter into such litigation to protect the interests of the United States.

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SAMPLE**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination****Assurances for Local Agencies****DOT Order No. 1050.2A**

The [Local Agency] (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Colorado Department of Transportation and the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the FHWA, FTA, or FAA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non- discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA, FTA, and FAA assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all FHWA, FTA and FAA programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
3. "The [Local Agency] in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity

4. to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
5. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
6. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
7. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
8. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
9. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
10. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
11. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
12. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the [Local Agency] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA, FTA, and FAA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by CDOT, FHWA, FTA, or FAA. You must keep records, reports, and submit the material for review

upon request to CDOT, FHWA, FTA, or FAA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

[Local Agency] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA, FTA, and FAA. This ASSURANCE is binding on [Local Agency], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA, FTA, and FAA funded programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

(Name of Recipient)

by _____
(Signature of Authorized Official)

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, FHWA, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the [Local Agency], CDOT or FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the [Local Agency], CDOT or FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the non-discrimination provisions of this contract, the [Local Agency] will impose such contract sanctions as it, CDOT or FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the [Local Agency], CDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the [Local Agency] will accept title to the lands and maintain the project constructed thereon in accordance with (*Name of Appropriate Legislative Authority*), the Regulations for the Administration of (*Name of Appropriate Program*), and the policies and procedures prescribed by the FHWA of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the [Local Agency] all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto [Local Agency] and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the [Local Agency] its successors and assigns.

The [Local Agency], in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the [Local Agency] will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX C**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the [Local Agency] pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, [Local Agency] will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the [Local Agency] will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the [Local Agency] and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE
ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by [Local Agency] pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non- discrimination covenants, [Local Agency] will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, [Local Agency] will there upon revert to and vest in and become the absolute property of [Local Agency] of Transportation and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

EXHIBIT K**FFATA SUPPLEMENTAL FEDERAL PROVISIONS**

**State of Colorado
Supplemental Provisions for
Federally Funded Contracts, Grants, and Purchase Orders
Subject to
The Federal Funding Accountability and Transparency Act of 2006 (FFATA), As Amended
Revised as of 3-20-13**

The contract, grant, or purchase order to which these Supplemental Provisions are attached has been funded, in whole or in part, with an Award of Federal funds. In the event of a conflict between the provisions of these Supplemental Provisions, the Special Provisions, the contract or any attachments or exhibits incorporated into and made a part of the contract, the provisions of these Supplemental Provisions shall control.

1. Definitions. For the purposes of these Supplemental Provisions, the following terms shall have the meanings ascribed to them below.

1.1. “Award” means an award of Federal financial assistance that a non-Federal Entity receives or administers in the form of:

- 1.1.1.** Grants;
- 1.1.2.** Contracts;
- 1.1.3.** Cooperative agreements, which do not include cooperative research and development agreements (CRDA) pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710);
- 1.1.4.** Loans;
- 1.1.5.** Loan Guarantees;
- 1.1.6.** Subsidies;
- 1.1.7.** Insurance;
- 1.1.8.** Food commodities;
- 1.1.9.** Direct appropriations;
- 1.1.10.** Assessed and voluntary contributions; and
- 1.1.11.** Other financial assistance transactions that authorize the expenditure of Federal funds by non-Federal Entities.

Award *does not* include:

- 1.1.12.** Technical assistance, which provides services in lieu of money;
- 1.1.13.** A transfer of title to Federally-owned property provided in lieu of money; even if the award is called a grant;
- 1.1.14.** Any award classified for security purposes; or
- 1.1.15.** Any award funded in whole or in part with Recovery funds, as defined in section 1512 of the American Recovery and Reinvestment Act (ARRA) of 2009 (Public Law 111-5).

1.2. “Contract” means the contract to which these Supplemental Provisions are attached and includes all Award types in §1.1.1 through 1.1.11 above.

1.3. “Contractor” means the party or parties to a Contract funded, in whole or in part, with Federal financial assistance, other than the Prime Recipient, and includes grantees, subgrantees, Subrecipients, and borrowers. For purposes of Transparency Act reporting, Contractor does not include Vendors.

1.4. “Data Universal Numbering System (DUNS) Number” means the nine-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify a business entity. Dun and Bradstreet’s website may be found at: <http://fedgov.dnb.com/webform>.

1.5. “Entity” means all of the following as defined at 2 CFR part 25, subpartC;

- 1.5.1.** A governmental organization, which is a State, local government, or Indian Tribe;
- 1.5.2.** A foreign public entity;
- 1.5.3.** A domestic or foreign non-profit organization;

- 1.5.4. A domestic or foreign for-profit organization; and
- 1.5.5. A Federal agency, but only a Subrecipient under an Award or Subaward to a non-Federal entity.
- 1.6. **“Executive”** means an officer, managing partner or any other employee in a management position.
- 1.7. **“Federal Award Identification Number (FAIN)”** means an Award number assigned by a Federal agency to a Prime Recipient.
- 1.8. **“FFATA”** means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109- 282), as amended by §6202 of Public Law 110-252. FFATA, as amended, also is referred to as the “Transparency Act.”
- 1.9. **“Prime Recipient”** means a Colorado State agency or institution of higher education that receives an Award.
- 1.10. **“Subaward”** means a legal instrument pursuant to which a Prime Recipient of Award funds awards all or a portion of such funds to a Subrecipient, in exchange for the Subrecipient’s support in the performance of all or any portion of the substantive project or program for which the Award was granted.
- 1.11. **“Subrecipient”** means a non-Federal Entity (or a Federal agency under an Award or Subaward to a non-Federal Entity) receiving Federal funds through a Prime Recipient to support the performance of the Federal project or program for which the Federal funds were awarded. A Subrecipient is subject to the terms and conditions of the Federal Award to the Prime Recipient, including program compliance requirements. The term “Subrecipient” includes and may be referred to as Subgrantee.
- 1.12. **“Subrecipient Parent DUNS Number”** means the subrecipient parent organization’s 9-digit Data Universal Numbering System (DUNS) number that appears in the subrecipient’s System for Award Management (SAM) profile, if applicable.
- 1.13. **“Supplemental Provisions”** means these Supplemental Provisions for Federally Funded Contracts, Grants, and Purchase Orders subject to the Federal Funding Accountability and Transparency Act of 2006, As Amended, as may be revised pursuant to ongoing guidance from the relevant Federal or State of Colorado agency or institution of higher education.
- 1.14. **“System for Award Management (SAM)”** means the Federal repository into which an Entity must enter the information required under the Transparency Act, which may be found at <http://www.sam.gov>.
- 1.15. **“Total Compensation”** means the cash and noncash dollar value earned by an Executive during the Prime Recipient’s or Subrecipient’s preceding fiscal year and includes the following:
 - 1.15.1. Salary and bonus;
 - 1.15.2. Awards of stock, stock options, and stock appreciation rights, using the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2005) (FAS 123R), Shared Based Payments;
 - 1.15.3. Earnings for services under non-equity incentive plans, not including group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives and are available generally to all salaried employees;
 - 1.15.4. Change in present value of defined benefit and actuarial pension plans;
 - 1.15.5. Above-market earnings on deferred compensation which is not tax-qualified;
 - 1.15.6. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.
- 1.16. **“Transparency Act”** means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252. The Transparency Act also is referred to as FFATA.
- 1.17 **“Vendor”** means a dealer, distributor, merchant or other seller providing property or services required for a project or program funded by an Award. A Vendor is not a Prime Recipient or a Subrecipient and is not subject to the terms and conditions of the Federal award. Program compliance requirements do not pass through to a Vendor.

2. **Compliance.** Contractor shall comply with all applicable provisions of the Transparency Act and the regulations issued pursuant thereto, including but not limited to these Supplemental Provisions. Any revisions to such provisions or regulations shall automatically become a part of these Supplemental Provisions, without the necessity of either party executing any further instrument. The State of Colorado may provide written notification to Contractor of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.
3. **System for Award Management (SAM) and Data Universal Numbering System (DUNS) Requirements.**
 - 3.1. **SAM.** Contractor shall maintain the currency of its information in SAM until the Contractor submits the final financial report required under the Award or receives final payment, whichever is later. Contractor shall review and update SAM information at least annually after the initial registration, and more frequently if required by changes in its information.
 - 3.2. **DUNS.** Contractor shall provide its DUNS number to its Prime Recipient, and shall update Contractor's information in Dun & Bradstreet, Inc. at least annually after the initial registration, and more frequently if required by changes in Contractor's information.
4. **Total Compensation.** Contractor shall include Total Compensation in SAM for each of its five most highly compensated Executives for the preceding fiscal year if:
 - 4.1. The total Federal funding authorized to date under the Award is \$25,000 or more; and
 - 4.2. In the preceding fiscal year, Contractor received:
 - 4.2.1. 80% or more of its annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and
 - 4.2.2. \$25,000,000 or more in annual gross revenues from Federal procurement contracts and subcontracts and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and
 - 4.3. The public does not have access to information about the compensation of such Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or § 6104 of the Internal Revenue Code of 1986.
5. **Reporting.** Contractor shall report data elements to SAM and to the Prime Recipient as required in §7 below if Contractor is a Subrecipient for the Award pursuant to the Transparency Act. No direct payment shall be made to Contractor for providing any reports required under these Supplemental Provisions and the cost of producing such reports shall be included in the Contract price. The reporting requirements in §7 below are based on guidance from the US Office of Management and Budget (OMB), and as such are subject to change at any time by OMB. Any such changes shall be automatically incorporated into this Contract and shall become part of Contractor's obligations under this Contract, as provided in §2 above. The Colorado Office of the State Controller will provide summaries of revised OMB reporting requirements at <http://www.colorado.gov/dpa/dfp/sco/FFATA.htm>.
6. **Effective Date and Dollar Threshold for Reporting.** The effective date of these Supplemental Provisions apply to new Awards as of October 1, 2010. Reporting requirements in §7 below apply to new Awards as of October 1, 2010, if the initial award is \$25,000 or more. If the initial Award is below \$25,000 but subsequent Award modifications result in a total Award of \$25,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$25,000. If the initial Award is \$25,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$25,000, the Award shall continue to be subject to the reporting requirements.
7. **Subrecipient Reporting Requirements.** If Contractor is a Subrecipient, Contractor shall report as set forth below.

7.1 To SAM. A Subrecipient shall register in SAM and report the following data elements in SAM *for each* Federal Award Identification Number no later than the end of the month following the month in which the Subaward was made:

- 7.1.1** Subrecipient DUNS Number;
- 7.1.2** Subrecipient DUNS Number + 4 if more than one electronic funds transfer (EFT) account;
- 7.1.3** Subrecipient Parent DUNS Number;
- 7.1.4** Subrecipient's address, including: Street Address, City, State, Country, Zip + 4, and Congressional District;
- 7.1.5** Subrecipient's top 5 most highly compensated Executives if the criteria in §4 above are met; and
- 7.1.6** Subrecipient's Total Compensation of top 5 most highly compensated Executives if criteria in §4 above met.

7.2 To Prime Recipient. A Subrecipient shall report to its Prime Recipient, upon the effective date of the Contract, the following data elements:

- 7.2.1** Subrecipient's DUNS Number as registered in SAM.
- 7.2.2** Primary Place of Performance Information, including: Street Address, City, State, Country, Zip code + 4, and Congressional District.

8. Exemptions.

- 8.1.** These Supplemental Provisions do not apply to an individual who receives an Award as a natural person, unrelated to any business or non-profit organization he or she may own or operate in his or her name.
- 8.2** A Contractor with gross income from all sources of less than \$300,000 in the previous tax year is exempt from the requirements to report Subawards and the Total Compensation of its most highly compensated Executives.
- 8.3** Effective October 1, 2010, "Award" currently means a grant, cooperative agreement, or other arrangement as defined in Section 1.1 of these Special Provisions. On future dates "Award" may include other items to be specified by OMB in policy memoranda available at the OMB Web site; Award also will include other types of Awards subject to the Transparency Act.
- 8.4** There are no Transparency Act reporting requirements for Vendors.

Event of Default. Failure to comply with these Supplemental Provisions shall constitute an event of default under the Contract and the State of Colorado may terminate the Contract upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30 day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Contract, at law or in equity.

EXHIBIT L

SAMPLE SUBRECIPIENT MONITORING AND RISK ASSESSMENT

CDOT SUBRECIPIENT RISK ASSESSMENT		Date:	
Name of Entity (Subrecipient):			
Name of Project / Program:			
Estimated Award Period:			
Entity Executive Director or VP:			
Entity Chief Financial Officer:			
Entity Representative for this Self Assessment:			
Instructions: (See "Instructions" tab for more information) 1. Check only one box for each question. All questions are required to be answered. 2. Utilize the "Comment" section below the last question for additional responses. 3. When complete, check the box at the bottom of the form to authorize.		Yes	No
		N/A	
EXPERIENCE ASSESSMENT		Yes	No
		N/A	
1	Is your entity new to operating or managing federal funds (has not done so within the past three years)?	<input type="checkbox"/>	<input type="checkbox"/>
2	Is this funding program new for your entity (managed for less than three years)? <i>Examples of funding programs include CMAQ, TAP, STP-M, etc.</i>	<input type="checkbox"/>	<input type="checkbox"/>
3	Does your staff assigned to the program have at least three full years of experience with this federal program?	<input type="checkbox"/>	<input type="checkbox"/>
MONITORING/AUDIT ASSESSMENT		Yes	No
		N/A	
4	Has your entity had an on-site project or grant review from an external entity (e.g., CDOT, FHWA) within the last three years?	<input type="checkbox"/>	<input type="checkbox"/>
5 a)	Were there non-compliance issues in this prior review?	<input type="checkbox"/>	<input type="checkbox"/>
5 b)	What were the number and extent of issues in prior review?	<input type="checkbox"/> 1 to 2	<input type="checkbox"/> >3
OPERATION ASSESSMENT		Yes	No
		N/A	
6	Does your entity have a time and effort reporting system in place to account for 100% of all employees' time, that can provide a breakdown of the actual time spent on each funded project? <i>If No, in the comment section please explain how you intend to document 100% of hours worked by employees and breakdown of time spent on each funding project.</i>	<input type="checkbox"/>	<input type="checkbox"/>
FINANCIAL ASSESSMENT		Yes	No
		N/A	
7 a)	Does your entity have an indirect cost rate that is approved and current?	<input type="checkbox"/>	<input type="checkbox"/>
7 b)	If Yes, who approved the rate, and what date was it approved?		
8	Is this grant/award 10% or more of your entity's overall funding?	<input type="checkbox"/> >10%	<input type="checkbox"/> <10%
9	Has your entity returned lapsed* funds? *Funds "lapse" when they are no longer available for obligation.	<input type="checkbox"/>	<input type="checkbox"/>
10	Has your entity had difficulty meeting local match requirements in the last three years?	<input type="checkbox"/>	<input type="checkbox"/>
11	What is the total federal funding your entity has been awarded for the last federal fiscal year, and what is your entity's fiscal year end?		

INTERNAL CONTROLS ASSESSMENT		Yes	No	N/A
12	Has your entity had any significant changes in key personnel or accounting system(s) in the last year? (e.g., Controller, Exec Director, Program Mgr, Accounting Mgr, etc.) If Yes, in the comment section, please identify the accounting system(s), and / or list personnel positions and identify any that are vacant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Does your entity have financial procedures and controls in place to accommodate a federal-aid project?	<input type="checkbox"/>	<input type="checkbox"/>	
14	Does your accounting system identify the receipts and expenditures of program funds separately for each award?	<input type="checkbox"/>	<input type="checkbox"/>	
15	Will your accounting system provide for the recording of expenditures for each award by the budget cost categories shown in the approved budget?	<input type="checkbox"/>	<input type="checkbox"/>	
16	Does your agency have a review process for all expenditures that will ensure that all costs are reasonable, allowable and allocated correctly to each funding source? If Yes, in the comment section, please explain your current process for reviewing costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	How many total FTE perform accounting functions within your organization?	<input type="checkbox"/> ≥ 6	<input type="checkbox"/> 2 to 5	<input type="checkbox"/> < 2
IMPACT ASSESSMENT		Yes	No	N/A
18	For this upcoming federal award or in the immediate future, does your entity have any potential conflicts of interest* in accordance with applicable Federal awarding agency policy? If Yes, please disclose these conflicts in writing, along with supporting information, and submit with this form. (*Any practices, activities or relationships that reasonably appear to be in conflict with the full performance of the Subrecipient's obligations to the State.)	<input type="checkbox"/>	<input type="checkbox"/>	
19	For this award, has your entity disclosed to CDOT, in writing, violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award? Response options: YES = Check if have one or more violation(s) and have either disclosed previously to CDOT or as part of this form. In the comment section, list all violations with names of supporting documentation and submit with this form. NO = Check if have one or more violation(s) and have not disclosed previously or will not disclose as part of this form. Explain in the comment section. N/A = Check if have no violations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PROGRAM MANAGEMENT ASSESSMENT		Yes	No	N/A
20	Does your entity have a written process/procedure or certification statement approved by your governing board ensuring critical project personnel are capable of effectively managing Federal-aid projects? If Yes, please submit with this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Does your entity have written procurement policies or certification statement for consultant selection approved by your governing board in compliance with 23 CFR 172*? If Yes, please submit with this form. (*The Brooks Act requires agencies to promote open competition by advertising, ranking, selecting, and negotiating contracts based on demonstrated competence and qualifications, at a fair and reasonable price.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	a) Is your staff familiar with the relevant CDOT manuals and federal program requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Does your entity have a written policy or a certification statement approved by your governing board assuring federal-aid projects will receive adequate inspections? If Yes, please submit with this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c) Does your entity have a written process or a certification statement approved by your governing board assuring a contractor's work will be completed in conformance with approved plans and specifications? If Yes, please submit with this form.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


d) Does your entity have a written policy or certification statement approved by your governing board assuring that materials installed on the projects are sampled and tested per approved processes. <i>If Yes, please submit with this form.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Does your entity have a written policy or certification statement approved by your governing board assuring that only US manufactured steel will be incorporated into the project (<i>Buy America requirements</i>)? <i>If Yes, please submit with this form.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments - As needed, include the question number and provide comments related to the above questions. Insert additional rows as needed.			
<div><input type="checkbox"/> By checking this box, the Executive Director, VP or Chief Financial Officer of this entity certifies that all information provided on this form is true and correct.</div> <div> Tool Version: v2.0 (081816)</div>			

EXHIBIT M**OMB UNIFORM GUIDANCE FOR FEDERAL AWARDS**

Subject to
The Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and
Audit Requirements for Federal Awards (“Uniform Guidance”),
Federal Register, Vol. 78, No. 248, 78590

The agreement to which these Uniform Guidance Supplemental Provisions are attached has been funded, in whole or in part, with an award of Federal funds. In the event of a conflict between the provisions of these Supplemental Provisions, the Special Provisions, the agreement or any attachments or exhibits incorporated into and made a part of the agreement, the provisions of these Uniform Guidance Supplemental Provisions shall control. In the event of a conflict between the provisions of these Supplemental Provisions and the FFATA Supplemental Provisions, the FFATA Supplemental Provisions shall control.

1. Definitions. For the purposes of these Supplemental Provisions, the following terms shall have the meanings ascribed to them below.

- 1.1. “Award”** means an award by a Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Award unless the terms and conditions of the Federal Award specifically indicate otherwise. 2 CFR §200.38
- 1.2. “Federal Award”** means an award of Federal financial assistance or a cost-reimbursement contract under the Federal Acquisition Requirements by a Federal Awarding Agency to a Recipient. “Federal Award” also means an agreement setting forth the terms and conditions of the Federal Award. The term does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program.
- 1.3. “Federal Awarding Agency”** means a Federal agency providing a Federal Award to a Recipient. 2 CFR §200.37
- 1.4. “FFATA”** means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252.
- 1.5. “Grant” or “Grant Agreement”** means an agreement setting forth the terms and conditions of an Award. The term does not include an agreement that provides only direct Federal cash assistance to an individual, a subsidy, a loan, a loan guarantee, insurance, or acquires property or services for the direct benefit of use of the Federal Awarding Agency or Recipient. 2 CFR §200.51.
- 1.6. “OMB”** means the Executive Office of the President, Office of Management and Budget.
- 1.7. “Recipient”** means a Colorado State department, agency or institution of higher education that receives a Federal Award from a Federal Awarding Agency to carry out an activity under a Federal program. The term does not include Subrecipients. 2 CFR §200.86
- 1.8. “State”** means the State of Colorado, acting by and through its departments, agencies and institutions of higher education.
- 1.9. “Subrecipient”** means a non-Federal entity receiving an Award from a Recipient to carry out part of a Federal program. The term does not include an individual who is a beneficiary of such program.
- 1.10. “Uniform Guidance”** means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which supersedes requirements from OMB Circulars A-21, A-87, A-110, and A-122, OMB Circulars A-89, A-102, and A-133, and the guidance in Circular A-50 on Single Audit Act follow-up. The terms and conditions of the Uniform Guidance flow down to Awards to Subrecipients unless the Uniform Guidance or the terms and conditions of the Federal Award specifically indicate otherwise.

- 1.11. “Uniform Guidance Supplemental Provisions”** means these Supplemental Provisions for Federal Awards subject to the OMB Uniform Guidance, as may be revised pursuant to ongoing guidance from relevant Federal agencies or the Colorado State Controller.
- 2. Compliance.** Subrecipient shall comply with all applicable provisions of the Uniform Guidance, including but not limited to these Uniform Guidance Supplemental Provisions. Any revisions to such provisions automatically shall become a part of these Supplemental Provisions, without the necessity of either party executing any further instrument. The State of Colorado may provide written notification to Subrecipient of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.
- 3. Procurement Standards.**
- 3.1 Procurement Procedures.** Subrecipient shall use its own documented procurement procedures which reflect applicable State, local, and Tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in the Uniform Guidance, including without limitation,
§§200.318 through 200.326 thereof.
- 3.2 Procurement of Recovered Materials.** If Subrecipient is a State Agency or an agency of a political subdivision of a state, its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
- 4. Access to Records.** Subrecipient shall permit Recipient and auditors to have access to Subrecipient’s records and financial statements as necessary for Recipient to meet the requirements of §200.331 (Requirements for pass through entities), §§200.300 (Statutory and national policy requirements) through 200.309 (Period of performance), and Subpart F-Audit Requirements of the Uniform Guidance. 2 CFR §200.331(a)(5).
- 5. Single Audit Requirements.** If Subrecipient expends \$750,000 or more in Federal Awards during Subrecipient’s fiscal year, Subrecipient shall procure or arrange for a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F-Audit Requirements of the Uniform Guidance, issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). 2 CFR §200.501.
- 5.1 Election.** Subrecipient shall have a single audit conducted in accordance with Uniform Guidance §200.514 (Scope of audit), except when it elects to have a program-specific audit conducted in accordance with §200.507 (Program-specific audits). Subrecipient may elect to have a program-specific audit if Subrecipient expends Federal Awards under only one Federal program (excluding research and development) and the Federal program’s statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of Recipient. A program-specific audit may not be elected for research and development unless all of the Federal Awards expended were received from Recipient and Recipient approves in advance a program-specific audit.
- 5.2 Exemption.** If Subrecipient expends less than \$750,000 in Federal Awards during its fiscal year, Subrecipient shall be exempt from Federal audit requirements for that year, except as noted in 2 CFR §200.503 (Relation to other audit requirements), but records shall be available for review or audit by appropriate officials of the Federal agency, the State, and the Government

Accountability Office.

- 5.3 Subrecipient Compliance Responsibility.** Subrecipient shall procure or otherwise arrange for the audit required by Part F of the Uniform Guidance and ensure it is properly performed and submitted when due in accordance with the Uniform Guidance. Subrecipient shall prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with Uniform Guidance §200.510 (Financial statements) and provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by Uniform Guidance Part F-Audit Requirements.

- 6. Contract Provisions for Subrecipient Contracts.** Subrecipient shall comply with and shall include all of the following applicable provisions in all subcontracts entered into by it pursuant to this Grant Agreement.

- 6.1 Equal Employment Opportunity.** Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 shall include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

“During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he 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 contractor's commitments

under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled,

terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.”

6.2 Davis-Bacon Act. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40

U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or Subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.

The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

6.3 Rights to Inventions Made Under a Contract or Agreement. If the Federal Award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

6.4 Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251- 1387), as amended. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection

Agency (EPA).

6.5 Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAMExclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

6.6 Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

7. Certifications. Unless prohibited by Federal statutes or regulations, Recipient may require Subrecipient to submit certifications and representations required by Federal statutes or regulations on an annual basis. 2 CFR §200.208. Submission may be required more frequently if Subrecipient fails to meet a requirement of the Federal award. Subrecipient shall certify in writing to the State at the end of the Award that the project or activity was completed or the level of effort was expended. 2 CFR §200.201(3). If the required level of activity or effort was not carried out, the amount of the Award must be adjusted.

7.1 Event of Default. Failure to comply with these Uniform Guidance Supplemental Provisions shall constitute an event of default under the Grant Agreement (2 CFR §200.339) and the State may terminate the Grant upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30 day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Grant, at law or in equity.

8. Effective Date. The effective date of the Uniform Guidance is December 26, 2013. 2 CFR §200.110. The procurement standards set forth in Uniform Guidance §§200.317-200.326 are applicable to new Awards made by Recipient as of December 26, 2015. The standards set forth in Uniform Guidance Subpart F-Audit Requirements are applicable to audits of fiscal years beginning on or after December 26, 2014.

9. Performance Measurement. The Uniform Guidance requires completion of OMB-approved standard information collection forms (the PPR). The form focuses on outcomes, as related to the Federal Award Performance Goals that awarding Federal agencies are required to detail in the Awards.

Section 200.301 provides guidance to Federal agencies to measure performance in a way that will help the Federal awarding agency and other non-Federal entities to improve program outcomes.

The Federal awarding agency is required to provide recipients with clear performance goals, indicators, and milestones (200.210). Also, must require the recipient to relate financial data to performance accomplishments of the Federal award.

Exhibit N

Federal Treasury Provisions

1. APPLICABILITY OF PROVISIONS.

- 1.1. The Grant to which these Federal Provisions are attached has been funded, in whole or in part, with an Award of Federal funds. In the event of a conflict between the provisions of these Federal Provisions, the Special Provisions, the body of the Grant, or any attachments or exhibits incorporated into and made a part of the Grant, the provisions of these Federal Provisions shall control.
- 1.2. The State of Colorado is accountable to Treasury for oversight of their subrecipients, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's Final Rule, and reporting requirements, as applicable.
- 1.3. Additionally, any subrecipient that issues a subaward to another entity (2nd tier subrecipient), must hold the 2nd tier subrecipient accountable to these provisions and adhere to reporting requirements.
- 1.4. These Federal Provisions are subject to the Award as defined in §2 of these Federal Provisions, as may be revised pursuant to ongoing guidance from the relevant Federal or State of Colorado agency or institutions of higher education.

2. DEFINITIONS.

- 2.1. For the purposes of these Federal Provisions, the following terms shall have the meanings ascribed to them below.
 - 2.1.1. "Award" means an award of Federal financial assistance, and the Grant setting forth the terms and conditions of that financial assistance, that a non-Federal Entity receives or administers.
 - 2.1.2. "Entity" means:
 - 2.1.2.1. a Non-Federal Entity;
 - 2.1.2.2. a foreign public entity;
 - 2.1.2.3. a foreign organization;
 - 2.1.2.4. a non-profit organization;
 - 2.1.2.5. a domestic for-profit organization (for 2 CFR parts 25 and 170 only);
 - 2.1.2.6. a foreign non-profit organization (only for 2 CFR part 170) only);
 - 2.1.2.7. a Federal agency, but only as a Subrecipient under an Award or Subaward to a non-Federal entity (or 2 CFR 200.1); or
 - 2.1.2.8. a foreign for-profit organization (for 2 CFR part 170 only).
 - 2.1.3. "Executive" means an officer, managing partner or any other employee in a management position.
 - 2.1.4. "Expenditure Category (EC)" means the category of eligible uses as defined by the US Department of Treasury in "Appendix 1 of the Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov.

- 2.1.5. “Federal Awarding Agency” means a Federal agency providing a Federal Award to a Recipient as described in 2 CFR 200.1
- 2.1.6. “Grant” means the Grant to which these Federal Provisions are attached.
- 2.1.7. “Grantee” means the party or parties identified as such in the Grant to which these Federal Provisions are attached.
- 2.1.8. “Non-Federal Entity” means a State, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal Award as a Recipient or a Subrecipient.
- 2.1.9. “Nonprofit Organization” means any corporation, trust, association, cooperative, or other organization, not including IHEs, that:
- 2.1.9.1. Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
 - 2.1.9.2. Is not organized primarily for profit; and
 - 2.1.9.3. Uses net proceeds to maintain, improve, or expand the operations of the organization.
- 2.1.10. “OMB” means the Executive Office of the President, Office of Management and Budget.
- 2.1.11. “Pass-through Entity” means a non-Federal Entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.
- 2.1.12. “Prime Recipient” means the Colorado State agency or institution of higher education identified as the Grantor in the Grant to which these Federal Provisions are attached.
- 2.1.13. “Subaward” means an award by a Prime Recipient to a Subrecipient funded in whole or in part by a Federal Award. The terms and conditions of the Federal Award flow down to the Subaward unless the terms and conditions of the Federal Award specifically indicate otherwise in accordance with 2 CFR 200.101. The term does not include payments to a Contractor or payments to an individual that is a beneficiary of a Federal program.
- 2.1.14. “Subrecipient” or “Subgrantee” means a non-Federal Entity (or a Federal agency under an Award or Subaward to a non-Federal Entity) receiving Federal funds through a Prime Recipient to support the performance of the Federal project or program for which the Federal funds were awarded. A Subrecipient is subject to the terms and conditions of the Federal Award to the Prime Recipient, including program compliance requirements. The term does not include an individual who is a beneficiary of a federal program.
- 2.1.15. “System for Award Management (SAM)” means the Federal repository into which an Entity must enter the information required under the Transparency Act, which may be found at <http://www.sam.gov>. “Total Compensation” means the cash and noncash dollar value earned by an Executive during the Prime Recipient’s or Subrecipient’s preceding fiscal year (see 48 CFR 52.204-10, as prescribed in 48 CFR 4.1403(a)) and includes the following:
- 2.1.15.1. Salary and bonus;
 - 2.1.15.2. Awards of stock, stock options, and stock appreciation rights, using the dollar amount recognized for financial statement reporting purposes with respect to the

fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2005) (FAS 123R), Shared Based Payments;

- 2.1.15.3. Earnings for services under non-equity incentive plans, not including group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of Executives and are available generally to all salaried employees;
- 2.1.15.4. Change in present value of defined benefit and actuarial pension plans;
- 2.1.15.5. Above-market earnings on deferred compensation which is not tax-qualified;
- 2.1.15.6. Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the Executive exceeds \$10,000.
- 2.1.16. “Transparency Act” means the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), as amended by §6202 of Public Law 110-252.
- 2.1.17. “Uniform Guidance” means the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. The terms and conditions of the Uniform Guidance flow down to Awards to Subrecipients unless the Uniform Guidance or the terms and conditions of the Federal Award specifically indicate otherwise.
- 2.1.18. “Unique Entity ID” means the Unique Entity ID established by the federal government for a Grantee at <https://sam.gov/content/home>.

3. COMPLIANCE.

- 3.1. Grantee shall comply with all applicable provisions of the Transparency Act and the regulations issued pursuant thereto, all applicable provisions of the Uniform Guidance, and all applicable Federal Laws and regulations required by this Federal Award. Any revisions to such provisions or regulations shall automatically become a part of these Federal Provisions, without the necessity of either party executing any further instrument. The State of Colorado, at its discretion, may provide written notification to Grantee of such revisions, but such notice shall not be a condition precedent to the effectiveness of such revisions.
- 3.2. Per US Treasury Final Award requirements, grantee programs or services must not include a term or conditions that undermines efforts to stop COVID-19 or discourages compliance with recommendations and CDC guidelines.

4. SYSTEM FOR AWARD MANAGEMENT (SAM) AND UNIQUE ENTITY ID (UEI) REQUIREMENTS.

- 4.1. SAM. Grantee shall maintain the currency of its information in SAM until the Grantee submits the final financial report required under the Award or receives final payment, whichever is later. Grantee shall review and update SAM information at least annually.
- 4.2. UEI. Grantee shall provide its Unique Entity ID to its Prime Recipient, and shall update Grantee’s information in Sam.gov at least annually.

5. TOTAL COMPENSATION.

- 5.1. Grantee shall include Total Compensation in SAM for each of its five most highly compensated Executives for the preceding fiscal year if:
 - 5.1.1. The total Federal funding authorized to date under the Award is \$30,000 or more; and
 - 5.1.2. In the preceding fiscal year, Grantee received:

- 5.1.2.1. 80% or more of its annual gross revenues from Federal procurement Agreements and Subcontractors and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and
- 5.1.2.2. \$30,000,000 or more in annual gross revenues from Federal procurement Agreements and Subcontractors and/or Federal financial assistance Awards or Subawards subject to the Transparency Act; and
- 5.1.2.3. 5.1.2.3 The public does not have access to information about the compensation of such Executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d) or § 6104 of the Internal Revenue Code of 1986.

6. REPORTING.

- 6.1. If Grantee is a Subrecipient of the Award pursuant to the Transparency Act, Grantee shall report data elements to SAM and to the Prime Recipient as required in this Exhibit. No direct payment shall be made to Grantee for providing any reports required under these Federal Provisions and the cost of producing such reports shall be included in the Grant price. The reporting requirements in this Exhibit are based on guidance from the OMB, and as such are subject to change at any time by OMB. Any such changes shall be automatically incorporated into this Grant and shall become part of Grantee's obligations under this Grant.

7. EFFECTIVE DATE AND DOLLAR THRESHOLD FOR FEDERAL REPORTING.

- 7.1. Reporting requirements in §8 below apply to new Awards as of October 1, 2010, if the initial award is \$30,000 or more. If the initial Award is below \$30,000 but subsequent Award modifications result in a total Award of \$30,000 or more, the Award is subject to the reporting requirements as of the date the Award exceeds \$30,000. If the initial Award is \$30,000 or more, but funding is subsequently de-obligated such that the total award amount falls below \$30,000, the Award shall continue to be subject to the reporting requirements. If the total award is below \$30,000 no reporting required; if more than \$30,000 and less than \$50,000 then FFATA reporting is required; and, \$50,000 and above SLFRF reporting is required.
- 7.2. The procurement standards in §9 below are applicable to new Awards made by Prime Recipient as of December 26, 2015. The standards set forth in §11 below are applicable to audits of fiscal years beginning on or after December 26, 2014.

8. SUBRECIPIENT REPORTING REQUIREMENTS.

- 8.1. Grantee shall report as set forth below.
 - 8.1.1. Grantee shall use the SLFRF Subrecipient Quarterly Report Workbook as referenced in Exhibit P to report to the State Agency within ten (10) days following each quarter ended September, December, March and June. Additional information on specific requirements are detailed in the SLFRF Subrecipient Quarterly Report Workbooks and "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov.

EC 1 – Public Health**All Public Health Projects**

- a) Description of structure and objectives
- b) Description of relation to COVID-19
- c) Identification of impacted and/or disproportionately impacted communities
- d) Capital Expenditures
 - i. Presence of capital expenditure in project
 - ii. Total projected capital expenditure
 - iii. Type of capital expenditure
 - iv. Written justification
 - v. Labor reporting

COVID-19 Interventions and Mental Health (1.4, 1.11, 1.12, 1.13)

- a) Amount of total project used for evidence-based programs
- b) Evaluation plan description

COVID-19 Small Business Economic Assistance (1.8)

- a) Number of small businesses served

COVID-19 Assistance to Non-Profits (1.9)

- a) Number of non-profits served

COVID-19 Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (1.10)

- a) Sector of employer
- b) Purpose of funds

EC 2 – Negative Economic Impacts**All Negative Economic Impacts Projects**

- a) Description of project structure and objectives
- b) Description of project's response to COVID-19
- c) Identification of impacted and/or disproportionately impacted communities
- d) Amount of total project used for evidence-based programs and description of evaluation plan (*not required for 2.5, 2.8, 2.21-2.24, 2.27-2.29, 2.31, 2.34-2.36*)
- e) Number of workers enrolled in sectoral job training programs
- f) Number of workers completing sectoral job training programs
- g) Number of people participating in summer youth employment programs
- h) Capital Expenditures
 - i. Presence of capital expenditure in project
 - ii. Total projected capital expenditure
 - iii. Type of capital expenditure
 - iv. Written justification
 - v. Labor reporting

Household Assistance (2.1-2.8)

- a) Number of households served

- b) Number of people or households receiving eviction prevention services (2.2 & 2.5 only) *(Federal guidance may change this requirement in July 2022)*
- c) Number of affordable housing units preserved or developed (2.2 & 2.5 only) *(Federal guidance may change this requirement in July 2022)*

Healthy Childhood Environments (2.11-2.13)

- a) Number of children served by childcare and early learning *(Federal guidance may change this requirement in July 2022)*
- b) Number of families served by home visiting *(Federal guidance may change this requirement in July 2022)*

Education Assistance (2.14, 2.24-2.27)

- a) National Center for Education Statistics (“NCES”) School ID or NCES District ID
- b) Number of students participating in evidence-based programs *(Federal guidance may change this requirement in July 2022)*

Housing Support (2.15, 2.16, 2.18)

- a) Number of people or households receiving eviction prevention services *(Federal guidance may change this requirement in July 2022)*
- b) Number of affordable housing units preserved or developed *(Federal guidance may change this requirement in July 2022)*

Small Business Economic Assistance (2.29-2.33)

- a) Number of small businesses served

Assistance to Non-Profits (2.34)

- a) Number of non-profits served

Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (2.35-2.36)

- a) Sector of employer
- b) Purpose of funds
- c) If other than travel, tourism and hospitality (2.36) – description of hardship

EC 3 – Public Health – Negative Economic Impact: Public Sector Capacity

Payroll for Public Health and Safety Employees (EC 3.1)

- a) Number of government FTEs responding to COVID-19

Rehiring Public Sector Staff (EC 3.2)

- a) Number of FTEs rehired by governments

EC 4 – Premium Pay

All Premium Pay Projects

- a) List of sectors designated as critical by the chief executive of the jurisdiction, if beyond those listed in the final rule
- b) Numbers of workers served
- c) Employer sector for all subawards to third-party employers
- d) Written narrative justification of how premium pay is responsive to essential work during the public health emergency for non-exempt workers or those making over 150 percent of the state/county’s average annual wage

- e) Number of workers to be served with premium pay in K-12 schools

EC 5 – Infrastructure Projects

All Infrastructure Projects

- a) Projected/actual construction start date (month/year)
- b) Projected/actual initiation of operations date (month/year)
- c) Location (for broadband, geospatial data of locations to be served)
- d) Projects over \$10 million
 - i. Prevailing wage certification or detailed project employment and local impact report
 - ii. Project labor agreement certification or project workforce continuity plan
 - iii. Prioritization of local hires
 - iv. Community benefit agreement description, if applicable

Water and sewer projects (EC 5.1-5.18)

- a) National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund)
- b) Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)
- c) Median Household Income of service area
- d) Lowest Quintile Income of the service area

Broadband projects (EC 5.19-5.21)

- a) Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
 - i. If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
 - ii. Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- b) Additional programmatic data will be required for broadband projects and will be defined in a subsequent version of the US Treasury Reporting Guidance, including, but not limited to (*Federal guidance may change this requirement in July 2022*):
 - i. Number of households (broken out by households on Tribal lands and those not on Tribal lands) that have gained increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, with the number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download and number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload
 - ii. Number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) that have projected increased access to broadband meeting the minimum speed standards in areas that previously

lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization, with the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.

- iii. Narrative identifying speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering, technology to be deployed, miles of fiber, cost per mile, cost per passing, number of households (broken out by households on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download, number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload, and number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization. Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload.

All Expenditure Categories

- a) Program income earned and expended to cover eligible project costs
- 8.1.2. A Subrecipient shall report the following data elements to Prime Recipient no later than five days after the end of the month following the month in which the Subaward was made.
- 8.1.2.1. Subrecipient Unique Entity ID;
 - 8.1.2.2. Subrecipient Unique Entity ID if more than one electronic funds transfer (EFT) account;
 - 8.1.2.3. Subrecipient parent's organization Unique Entity ID;
 - 8.1.2.4. Subrecipient's address, including: Street Address, City, State, Country, Zip + 4, and Congressional District;

- 8.1.2.5. Subrecipient's top 5 most highly compensated Executives if the criteria in §4 above are met; and
 - 8.1.2.6. Subrecipient's Total Compensation of top 5 most highly compensated Executives if the criteria in §4 above met.
- 8.1.3. To Prime Recipient. A Subrecipient shall report to its Prime Recipient, the following data elements:
- 8.1.3.1. Subrecipient's Unique Entity ID as registered in SAM.
 - 8.1.3.2. Primary Place of Performance Information, including: Street Address, City, State, Country, Zip code + 4, and Congressional District.
 - 8.1.3.3. Narrative identifying methodology for serving disadvantaged communities. See the "Project Demographic Distribution" section in the "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov. This requirement is applicable to all projects in Expenditure Categories 1 and 2.
 - 8.1.3.4. Narrative identifying funds allocated towards evidenced-based interventions and the evidence base. See the "Use of Evidence" section in the "Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds" report available at www.treasury.gov. See section 8.1.1 for relevant Expenditure Categories.
 - 8.1.3.5. Narrative describing the structure and objectives of the assistance program and in what manner the aid responds to the public health and negative economic impacts of COVID-19. This requirement is applicable to Expenditure Categories 1 and 2. For aid to travel, tourism, and hospitality or other impacted industries (EC 2.11-2.12), also provide the sector of employer, purpose of funds, and if not travel, tourism and hospitality a description of the pandemic impact on the industry.
 - 8.1.3.6. Narrative identifying the sector served and designated as critical to the health and well-being of residents by the chief executive of the jurisdiction and the number of workers expected to be served. For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is higher, OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions, include justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19 but should not include personally identifiable information. This requirement applies to EC 4.1, and 4.2.
 - 8.1.3.7. For infrastructure projects (EC 5), or capital expenditures in any expenditure category, narrative identifying the projected construction start date (month/year), projected initiation of operations date (month/year), and location (for broadband, geospatial location data). For projects over \$10 million:
 - 8.1.3.8. Certification that all laborers and mechanics employed by Contractors and Subcontractors in the performance of such project are paid wages at rates not less

than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the Agreement work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing (1) the number of employees of Contractors and sub-contractors working on the project; (2) the number of employees on the project hired directly and hired through a third party; (3) the wages and benefits of workers on the project by classification; and (4) whether those wages are at rates less than those prevailing. Recipients must maintain sufficient records to substantiate this information upon request.

- 8.1.3.8.1. A Subrecipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing: (1) how the Subrecipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project; (2) how the Subrecipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; and (3) how the Subrecipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities; (4) whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and (5) whether the project has completed a project labor agreement.
 - 8.1.3.8.2. Whether the project prioritizes local hires.
 - 8.1.3.8.3. Whether the project has a Community Benefit Agreement, with a description of any such agreement.
- 8.1.4. Subrecipient also agrees to comply with any reporting requirements established by the US Treasury, Governor's Office and Office of the State Controller. The State of Colorado may need additional reporting requirements after this agreement is executed. If there are additional reporting requirements, the State will provide notice of such additional reporting requirements via Exhibit Q – SLFRF Reporting Modification Form.

9. PROCUREMENT STANDARDS.

- 9.1. Procurement Procedures. A Subrecipient shall use its own documented procurement procedures which reflect applicable State, local, and Tribal laws and applicable regulations, provided that the procurements conform to applicable Federal law and the standards identified in the Uniform Guidance, including without limitation, 2 CFR 200.318 through 200.327 thereof.
- 9.2. Domestic preference for procurements (2 CFR 200.322). As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all Agreements and purchase orders for work or products under this award.
- 9.3. Procurement of Recovered Materials. If a Subrecipient is a State Agency or an agency of a political subdivision of the State, its Contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247, that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

10. ACCESS TO RECORDS.

- 10.1. A Subrecipient shall permit Prime Recipient and its auditors to have access to Subrecipient's records and financial statements as necessary for Recipient to meet the requirements of 2 CFR 200.332 (Requirements for pass-through entities), 2 CFR 200.300 (Statutory and national policy requirements) through 2 CFR 200.309 (Period of performance), and Subpart F-Audit Requirements of the Uniform Guidance.

11. SINGLE AUDIT REQUIREMENTS.

- 11.1. If a Subrecipient expends \$750,000 or more in Federal Awards during the Subrecipient's fiscal year, the Subrecipient shall procure or arrange for a single or program-specific audit conducted for that year in accordance with the provisions of Subpart F-Audit Requirements of the Uniform Guidance, issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). 2 CFR 200.501.

- 11.1.1. Election. A Subrecipient shall have a single audit conducted in accordance with Uniform Guidance 2 CFR 200.514 (Scope of audit), except when it elects to have a program-specific audit conducted in accordance with 2 CFR 200.507 (Program-specific audits). The Subrecipient may elect to have a program-specific audit if Subrecipient expends Federal Awards under only one Federal program (excluding research and development) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of Prime Recipient. A program-specific audit may not be elected for research and development unless all of the Federal Awards expended were received from Recipient and Recipient approves in advance a program-specific audit.
- 11.1.2. Exemption. If a Subrecipient expends less than \$750,000 in Federal Awards during its fiscal year, the Subrecipient shall be exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to other audit requirements), but records shall be available for review or audit by appropriate officials of the Federal agency, the State, and the Government Accountability Office.
- 11.1.3. Subrecipient Compliance Responsibility. A Subrecipient shall procure or otherwise arrange for the audit required by Subpart F of the Uniform Guidance and ensure it is properly performed and submitted when due in accordance with the Uniform Guidance. Subrecipient shall prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with 2 CFR 200.510 (Financial statements) and provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required by Uniform Guidance Subpart F-Audit Requirements.

12. GRANT PROVISIONS FOR SUBRECIPIENT AGREEMENTS.

- 12.1. In addition to other provisions required by the Federal Awarding Agency or the Prime Recipient, Grantees that are Subrecipients shall comply with the following provisions. Subrecipients shall include all of the following applicable provisions in all Subcontractors entered into by it pursuant to this Grant.
 - 12.1.1. [Applicable to federally assisted construction Agreements.] Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all Agreements that meet the definition of "federally assisted construction Agreement" in 41 CFR Part 60-1.3 shall include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, Office of Federal Agreement Compliance Programs, Equal Employment Opportunity, Department of Labor.
 - 12.1.2. [Applicable to on-site employees working on government-funded construction, alteration and repair projects.] Davis-Bacon Act. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148).

- 12.1.3. Rights to Inventions Made Under a grant or agreement. If the Federal Award meets the definition of “funding agreement” under 37 CFR 401.2 (a) and the Prime Recipient or Subrecipient wishes to enter into an Agreement with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the Prime Recipient or Subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Agreements and Cooperative Agreements,” and any implementing regulations issued by the Federal Awarding Agency.
- 12.1.4. Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. Agreements and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal awardees to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Awarding Agency and the Regional Office of the Environmental Protection Agency (EPA).
- 12.1.5. Debarment and Suspension (Executive Orders 12549 and 12689). A Agreement award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in SAM, in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- 12.1.6. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal Agreement, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 12.1.7. Never Contract with the Enemy (2 CFR 200.215). Federal awarding agencies and recipients are subject to the regulations implementing “Never Contract with the Enemy” in 2 CFR part 183. The regulations in 2 CFR part 183 affect covered Agreements, grants and cooperative agreements that are expected to exceed \$50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.
- 12.1.8. Prohibition on certain telecommunications and video surveillance services or equipment (2 CFR 200.216). Grantee is prohibited from obligating or expending loan or grant funds on certain telecommunications and video surveillance services or equipment pursuant to 2 CFR 200.216.

- 12.1.9. Title VI of the Civil Rights Act. The Subgrantee, Contractor, Subcontractor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made part of this Agreement or agreement.

13. CERTIFICATIONS.

- 13.1. Subrecipient Certification. Subrecipient shall sign a "State of Colorado Agreement with Recipient of Federal Recovery Funds" Certification Form in Exhibit E and submit to State Agency with signed grant agreement.
- 13.2. Unless prohibited by Federal statutes or regulations, Prime Recipient may require Subrecipient to submit certifications and representations required by Federal statutes or regulations on an annual basis. 2 CFR 200.208. Submission may be required more frequently if Subrecipient fails to meet a requirement of the Federal award. Subrecipient shall certify in writing to the State at the end of the Award that the project or activity was completed or the level of effort was expended. 2 CFR 200.201(3). If the required level of activity or effort was not carried out, the amount of the Award must be adjusted.

14. EXEMPTIONS.

- 14.1. These Federal Provisions do not apply to an individual who receives an Award as a natural person, unrelated to any business or non-profit organization he or she may own or operate in his or her name.
- 14.2. A Grantee with gross income from all sources of less than \$300,000 in the previous tax year is exempt from the requirements to report Subawards and the Total Compensation of its most highly compensated Executives.

15. EVENT OF DEFAULT AND TERMINATION.

- 15.1. Failure to comply with these Federal Provisions shall constitute an event of default under the Grant and the State of Colorado may terminate the Grant upon 30 days prior written notice if the default remains uncured five calendar days following the termination of the 30-day notice period. This remedy will be in addition to any other remedy available to the State of Colorado under the Grant, at law or in equity.
- 15.2. Termination (2 CFR 200.340). The Federal Award may be terminated in whole or in part as follows:
- 15.2.1. By the Federal Awarding Agency or Pass-through Entity, if a Non-Federal Entity fails to comply with the terms and conditions of a Federal Award;
- 15.2.2. By the Federal awarding agency or Pass-through Entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;

- 15.2.3. By the Federal awarding agency or Pass-through Entity with the consent of the Non-Federal Entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
- 15.2.4. By the Non-Federal Entity upon sending to the Federal Awarding Agency or Pass-through Entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal Awarding Agency or Pass-through Entity determines in the case of partial termination that the reduced or modified portion of the Federal Award or Subaward will not accomplish the purposes for which the Federal Award was made, the Federal Awarding Agency or Pass-through Entity may terminate the Federal Award in its entirety; or
- 15.2.5. By the Federal Awarding Agency or Pass-through Entity pursuant to termination provisions included in the Federal Award.

EXHIBIT O**AGREEMENT WITH SUBSUBRECIPIENT OF FEDERAL RECOVERY FUNDS**

Section 602(b) of the Social Security Act (the Act), as added by section 9901 of the American Rescue Plan Act (ARPA), Pub. L. No. 117-2 (March 11, 2021), authorizes the Department of the Treasury (Treasury) to make payments to certain Subrecipients from the Coronavirus State Fiscal Recovery Fund. The State of Colorado has signed and certified a separate agreement with Treasury as a condition of receiving such payments from the Treasury. This agreement is between your organization and the State and your organization is signing and certifying the same terms and conditions included in the State's separate agreement with Treasury. Your organization is referred to as a Subrecipient.

As a condition of your organization receiving federal recovery funds from the State, the authorized representative below hereby (i) certifies that your organization will carry out the activities listed in section 602(c) of the Act and (ii) agrees to the terms attached hereto. Your organization also agrees to use the federal recovery funds as specified in bills passed by the General Assembly and signed by the Governor.

Under penalty of perjury, the undersigned official certifies that the authorized representative has read and understood the organization's obligations in the Assurances of Compliance and Civil Rights Requirements, that any information submitted in conjunction with this assurances document is accurate and complete, and that the organization is in compliance with the nondiscrimination requirements.

Subrecipient Name _____

Authorized Representative: _____

Title: _____

Signature: _____

AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS
TERMS AND CONDITIONS

1. Use of Funds.
 - a. Subrecipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 602(c) of the Social Security Act (the Act) and Treasury's regulations implementing that section and guidance.
 - b. Subrecipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Subrecipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Subrecipient agrees to comply with any reporting obligations established by Treasury as they relate to this award. Subrecipient also agrees to comply with any reporting requirements established by the Governor's Office and Office of the State Controller.
4. Maintenance of and Access to Records
 - a. Subrecipient shall maintain records and financial documents sufficient to evidence compliance with section 602(c), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Subrecipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Subrecipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Subrecipient may use funds provided under this award to cover both direct and indirect costs. Subrecipient shall follow guidance on administrative costs issued by the Governor's Office and Office of the State Controller.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Subrecipient.
8. Conflicts of Interest. The State of Colorado understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy

is applicable to each activity funded under this award. Subrecipient and Contractors must disclose in writing to the Office of the State Controller or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112. The Office of the State Controller shall disclose such conflict to Treasury.

9. Compliance with Applicable Law and Regulations.

- a. Subrecipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Subrecipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Subrecipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (Agreements and Subcontractors described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - i. Subrecipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - ii. Government wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - iii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - iv. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.

- v. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Subrecipient's noncompliance with section 602 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act, as applicable.
11. Hatch Act. Subrecipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Subrecipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or Agreements, and/or any other remedy available by law.

13. Publications. Any publications produced with funds from this award must display the following language: “This project [is being] [was] supported, in whole or in part, by federal award number SLFRF0126 awarded to the State of Colorado by the U.S. Department of the Treasury.”
14. Debts Owed the Federal Government.
- a. Any funds paid to the Subrecipient (1) in excess of the amount to which the Subrecipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by the Subrecipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed to the federal government must be paid promptly by Subrecipient. A debt is delinquent if it has not been paid by the date specified in Treasury’s initial written demand for payment, unless other satisfactory arrangements have been made or if the Subrecipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.
15. Disclaimer.
- a. The United States expressly disclaims any and all responsibility or liability to Subrecipient or third persons for the actions of Subrecipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any Agreement, or Subcontractor under this award.
 - b. The acceptance of this award by Subrecipient does not in any way establish an agency relationship between the United States and Subrecipient.
16. Protections for Whistleblowers.
- a. In accordance with 41 U.S.C. § 4712, Subrecipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal Agreement or grant, a gross waste of federal funds, an abuse of authority relating to a federal Agreement or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal Agreement (including the competition for or negotiation of an Agreement) or grant.
 - b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;

- iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for Agreement or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Subrecipient, Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Subrecipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.
17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Subrecipient should encourage its Contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.
1. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Subrecipient should encourage its employees, Subrecipients, and Contractorsto adopt and enforce policies that ban text messaging while driving, and Subrecipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the Subrecipient provides the assurances stated herein. The federal financial assistance may include federal grants, loans and Agreements to provide assistance to the Subrecipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass Agreements of guarantee or insurance, regulated programs, licenses, procurement Agreements by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Subrecipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Subrecipient's program(s) and activity(ies), so long as any portion of the Subrecipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Subrecipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Subrecipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Subrecipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Subrecipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Subrecipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Subrecipient's programs, services, and activities.
3. Subrecipient agrees to consider the need for language services for LEP persons when Subrecipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Subrecipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Subrecipient and Subrecipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Subrecipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every Agreement or agreement subject to Title VI and its regulations between the Subrecipient and the Subrecipient's sub-grantees, Contractors, Subcontractors, successors, transferees, and assignees:

The sub-grantee, Contractor, Subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits Subrecipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this Agreement or agreement.

6. Subrecipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Subrecipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Subrecipient for the period during which it retains ownership or possession of the property.
7. Subrecipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Subrecipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Subrecipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Subrecipient also must inform the Department of the Treasury if Subrecipient has received no complaints under Title VI.
9. Subrecipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Subrecipient and the administrative agency that made the finding. If the Subrecipient settles a case or matter alleging such discrimination, the Subrecipient must provide documentation of the settlement. If Subrecipient has not been the subject of any court or administrative agency finding of

discrimination, please so state.

10. If the Subrecipient makes sub-awards to other agencies or other entities, the Subrecipient is responsible for ensuring that sub-Subrecipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub- Subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

EXHIBIT P**SLFRF SUBRECIPIENT QUARTERLY REPORT****1. SLFRF SUBRECIPIENT QUARTERLY REPORT WORKBOOK**

- 1.1 The SLFRF Subrecipient Quarterly Report Workbook must be submitted to the State Agency within ten (10) days following each quarter ended September, December, March and June. The SLFRF Subrecipient Quarterly Report Workbook can be found at:

<https://osc.colorado.gov/american-rescue-plan-act> (see SLFRF Grant Agreement Templates tab)

EXHIBIT Q**SAMPLE SLFRF REPORTING MODIFICATION FORM**

Local Agency:			Agreement No:	
Project Title:			Project No:	
Project Duration:	To:		From:	
State Agency:	CDOT			

This form serves as notification that there has been a change to the reporting requirements set forth in the original SLFRF Grant Agreement.

The following reporting requirements have been (add/ remove additional rows as necessary):

Updated Reporting Requirement (Add/Delete/Modify)	Project Number	Reporting Requirement

By signing this form, the Local Agency agrees to and acknowledges the changes to the reporting requirements set forth in the original SLFRF Grant Agreement. All other terms and conditions of the original SLFRF Grant Agreement, with any approved modifications, remain in full force and effect. Grantee shall submit this form to the State Agency within 10 business days of the date sent by that Agency.

Local Agency

Date

CDOT Program Manager

Date

EXHIBIT R**APPLICABLE FEDERAL AWARDS****FEDERAL AWARD(S) APPLICABLE TO THIS GRANT AWARD**

Federal Awarding Office	US Department of the Treasury
Grant Program	Coronavirus State and Local Fiscal Recovery Funds
Assistance Listing Number	21.027
Federal Award Number	SLFRP0126
Federal Award Date *	May 18, 2021
Federal Award End Date	December 31, 2024
Federal Statutory Authority	Title VI of the Social Security Act, Section 602
Total Amount of Federal Award (this is <u>not</u> the amount of this grant agreement)	\$3,828,761,790

* Funds may not be available through the Federal Award End Date subject to the provisions in §2 and §5 below.

EXHIBIT S
PII Certification

STATE OF COLORADO

**LOCAL AGENCY CERTIFICATION FOR ACCESS TO PII THROUGH A
DATABASE OR AUTOMATED NETWORK**

Pursuant to § 24-74-105, C.R.S., I, _____, on behalf of _____ (legal name of Local Agency) (the “Local Agency”), hereby certify under the penalty of perjury that the Local Agency has not and will not use or disclose any Personal Identifying Information, as defined by § 24-74-102(1), C.R.S., for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, including the enforcement of civil immigration laws, and the Illegal Immigration and Immigrant Responsibility Act, which is codified at 8 U.S.C. §§ 1325 and 1326, unless required to do so to comply with Federal or State law, or to comply with a court-issued subpoena, warrant or order.

I hereby represent and certify that I have full legal authority to execute this certification on behalf of the Local Agency.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

EXHIBIT T**CHECKLIST OF REQUIRED EXHIBITS DEPENDENT ON FUNDING SOURCE**

Checklist for required exhibits due to funding sources. Required Exhibits are dependent on the source of funding. This is a guide to assist in the incorporation and completion of Exhibits in relation to funding sources.

Exhibit	Funding only from FHWA	Funding only from ARPA	FHWA and ARPA Funding
EXHIBIT A, SCOPE OF WORK	✓	✓	✓
EXHIBIT B, SAMPLE OPTION LETTER	✓	✓	✓
EXHIBIT C, FUNDING PROVISIONS	✓	✓	✓
EXHIBIT D, LOCAL AGENCY RESOLUTION (IF APPLICABLE)	✓	✓	✓
EXHIBIT E, LOCAL AGENCY AGREEMENT ADMINISTRATION CHECKLIST	✓	✓	✓
EXHIBIT F, CERTIFICATION FOR FEDERAL-AID AGREEMENTS	✓		✓
EXHIBIT G, DISADVANTAGED BUSINESS ENTERPRISE	✓		✓
EXHIBIT H, LOCAL AGENCY PROCEDURES FOR CONSULTANT SERVICES	✓		✓
EXHIBIT I, FEDERAL-AID AGREEMENT PROVISIONS FOR CONSTRUCTION AGREEMENTS	✓		✓
EXHIBIT J, ADDITIONAL FEDERAL REQUIREMENTS	✓		✓
EXHIBIT K, FFATA SUPPLEMENTAL FEDERAL PROVISIONS	✓	✓	✓
EXHIBIT L, SAMPLE SUBRECIPIENT MONITORING AND RISK ASSESSMENT FORM	✓	✓	✓
EXHIBIT M, OMB UNIFORM GUIDANCE FOR FEDERAL AWARDS	✓		✓

EXHIBIT N, FEDERAL TREASURY PROVISIONS		✓	✓
EXHIBIT O, AGREEMENT WITH SUBRECIPIENT OF FEDERAL RECOVERY FUNDS		✓	✓
EXHIBIT P, SLFRF SUBRECIPIENT QUARTERLY REPORT		✓	✓
EXHIBIT Q, SLFRF REPORTING MODIFICATION FORM		✓	✓
EXHIBIT R, APPLICABLE FEDERAL AWARDS		✓	✓
EXHIBIT S, PII CERTIFICATAION	✓	✓	✓
EXHIBIT T, CHECKLIST OF REQUIRED EXHIBITS DEPENDENT ON FUNDING SOURCE	✓	✓	✓

ORDINANCE NO. 041, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE CAPITAL
PROJECTS FUND OF COLORADO DEPARTMENT OF
TRANSPORTATION ALTERNATIVE PROGRAM GRANT FUNDS
AND THE CONGESTION MITIGATION AND AIR QUALITY
GRANT FUNDS, FOR THE POWER TRAIL AND HARMONY
GRADE SEPARATED CROSSING PROJECT

A. This Ordinance concerns construction of and funding for a pedestrian and bicycle underpass to extend the Power Trail in the vicinity of East Harmony Road.

B. The Power Trail provides a north-south route through Fort Collins in two disconnected segments along the west side of the Union Pacific Railroad, traveling past neighborhoods, open spaces, two parks, Collindale Golf Course, and Kruse Elementary School. The Trail's northern end begins at Edora Park and stretches to just north of Harmony Road via Golden Meadows Park, stopping at McMurry Avenue. The Trail resumes at Keenland Drive to the west side of the railroad, travels to Trilby Road and then continues south along Stanton Creek to the Carpenter Road underpass and a connection to the Larimer County Front Range Trail and the Loveland Boyd Lake trail.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, which involves crossing Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, parks, and a golf course. The existing at-grade crossing has been the scene of several severe crashes involving vulnerable road users in recent years, including a crash resulting in a cyclist fatality.

D. The Power Trail and Harmony Grade Separated Crossing Project (the "Project") has been developed to improve bicycle and pedestrian safety and to facilitate trail connectivity. The Project will design, acquire any necessary right-of-way for, and construct a trail underpass for the Power Trail crossing at Harmony Road. A separate project will construct trail connections north and south of Harmony Road to connect the underpass with the existing Power Trail. Together, this Project and the trail connections work will complete the last gap in the Power Trail, providing connectivity from the Poudre River Corridor to the Big Thompson Corridor.

E. The Project is one of multiple projects to connect the Power Trail to the local trail network and to current and future residential communities, schools, and parks in southeast Fort Collins. Current and future developments will add to trail demand and a robust trail network will potentially divert vehicle trips.

F. The Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (the "NFRMPO") Regional Active Transportation Plan as part of the Front Range Trail (West) adopted in July 2021. The

grade separated crossing is identified in the City's 2014 Bicycle Master Plan as a bicycle network priority.

G. City staff presented the Project to the Bicycle Advisory Committee, the Commission on Disabilities, the Transportation Board, and the Parks and Recreation Advisory Board, all of whom support the Project.

H. In 2016, the City applied for and was awarded \$800,000 through a federal Transportation Alternatives Program ("TAP") grant. These TAP funds were awarded to the City, programmed for FY2020, through the NFRMPO and Colorado Department of Transportation ("CDOT") for the construction of the Project.

I. In 2022, the City was awarded a Congestion Mitigation and Air Quality ("CMAQ") grant for \$2,700,000. These CMAQ funds were awarded to the City, programmed for FY2023-FY2024, through the NFRMPO and CDOT for the construction of the Project.

J. In 2023, the City applied for and was awarded \$3,239,300 in additional CMAQ funds through the NFRMPO. These funds are required to complete construction of the Project planned for 2025. The additional \$3,239,300 in CMAQ funds are programmed for FY2026 and will be requested for appropriation along with additional City funds required to complete the Project as part of the City's 2025-2026 Budget.

K. CDOT administers the grant funds for the Project and has proposed an intergovernmental agreement (the "IGA") to enable the City to receive and expend the grant funds to continue to address safety concerns and to further develop the City's transportation infrastructure and interconnected trail network. The proposed IGA requires the City to provide matching funds in the amount of \$1,434,635.

L. The feasibility study and design phases that preceded the Project and the City's required local match and overmatch funds were previously appropriated from Transportation Capital Expansion Fee funds, the Transportation Fund, and Community Capital Improvement Program funds for pedestrian and bicycle grade separated crossings.

M. The appropriations for this Project benefit public health, safety, and welfare of the residents of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

N. 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.

O. 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.

P. 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.

Q. The City Council wishes to designate the appropriations herein for the CDOT TAP grant and CMAQ grant as appropriations that shall not lapse until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

R. 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 CDOT, the source of these funds.

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 EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) to be expended in the Capital Projects Fund for the Project.

Section 2. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund the sum of TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) to be expended in the Capital Projects Fund for the Project.

Section 3. The appropriations herein for the CDOT TAP grant and CMAQ grant 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 continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Heather N. Jarvis



COLORADO
Department of Transportation
Region 4

Planning Unit
10601 West 10th St
Greeley, CO 80634

Tim Kemp
City of Fort Collins
281 North College
Fort Collins CO 80522

31 October 2016

Dear TAP Project Applicant

Your Transportation Alternatives Program (TAP) application has been reviewed and scored for the FY18-FY20 cycle. I am pleased to inform you that the Power Trail Grade Separation at Harmony Rd was selected for funding. If you are not the project manager for this project, please forward this to the appropriate person and contact me immediately.

This project will be programmed as follows:

	FY2018	FY2019	FY2020
<i>TAP</i>	\$0	\$0	\$800,000
<i>Local / Overmatch</i>	\$0	\$0	\$1500,000
TOTAL	\$0	\$0	\$2,300,000

The next step is to contact your CDOT Project Manager, Jake Schuch, telephone number 970/350-2205 or email address is jake.schuch@state.co.us, to set up the initial meeting. To facilitate the contracting process, please bring the following items to your first meeting:

- Your agency's contact people and information
- Copy of project application
- Project Conceptual Plans (if available)

The steps required for your project can take a significant amount of time to complete, and you are encouraged to begin working with CDOT as soon as possible. Please note that the expenditure of any funds prior to the IGA being fully executed cannot be reimbursed by the



State of Colorado and those funds are not eligible for inclusion in the IGA project budget. Please consult with CDOT prior to expenditure of any funds.

Good luck and please let me know if we can be of any assistance.

Cordially,



Karen Schneiders
Region Planner

Cc: NFR
Jake Schuch





January 16, 2024

Dillon Willett
City of Fort Collins
PO Box 580
Fort Collins, CO 80522

Dear Mr. Willett:

The North Front Range Metropolitan Planning Organization (NFRMPO) is pleased to notify you of an additional Congestion Mitigation and Air Quality (CMAQ) award to the City of Fort Collins for the *Power Trail Harmony Grate Separated Crossing* project (STIP ID: SR47020.026). This award letter replaces the original award letter dated January 10, 2023.

The Scoring Committee reviewed and scored STBG applications for the NFRMPO 2023 Call for Projects on November 1, 2023. The NFRMPO Planning Council approved the recommended projects on January 11, 2024 with **Resolution 2024-01**. Additional funding will be revised into the FY2024-2027 Transportation Improvement Program (TIP) with the January Modification (#2024-M1).

The NFRMPO Planning Council has approved your project as follows:

Funding Source	FY2023	FY2024	FY2025	FY2026	Total
CMAQ	\$ 249,486	\$ 108,885	\$ 2,341,630	\$ 3,239,300	\$ 5,939,301
Local Match*	\$ 51,862	\$ 22,635	\$ 486,767	\$ 673,371	\$ 1,234,634
Local Overmatch	\$ 1,312,900	\$ 1,312,900	\$ 612,935	\$ -	\$ 3,238,735
Total	\$ 1,614,248	\$ 1,444,420	\$ 3,441,332	\$ 3,912,671	\$ 10,412,670

*Required local match for CMAQ projects is 17.21%. Any local contribution beyond this amount is considered local overmatch.

Project funds should be moved to obligation during the year programmed. As a recipient of funding through the NFRMPO Call for Projects, the project is subject to the NFRMPO TIP Project Delay Procedure ("TIP delay policy") as defined in the TIP Narrative. Per the TIP delay policy, this project must go to advertisement by June 30, 2024 to meet the milestone deadline and avoid becoming delayed.

The next step is to contact Bryce Reeves with the CDOT Region 4 Local Agency Unit (bryce.reeves@state.co.us) to set up the initial project meeting. At the initial meeting your agency's Project Manager will need to provide their contact information, a copy of the project application, and Project Conceptual Plans (if applicable and available).

419 Canyon Avenue, Suite 300
Fort Collins, Colorado 80521
(970) 221.6243 FAX: (970) 416.2406
nfrmpo.org



The federal project funding process requires a significant amount of time to implement and complete; you are encouraged to engage with CDOT as soon as possible. Please remember the expenditure of any funds prior to fully executing the Intergovernmental Agreement (IGA) and funds encumbering option letter (OL) with CDOT will not be reimbursed and those funds are not eligible for inclusion in the IGA project budget.

Please contact AnnaRose Cunningham at (970) 818-9497 or arcunningham@nfrmpo.org if you have any questions or concerns.

Cordially,

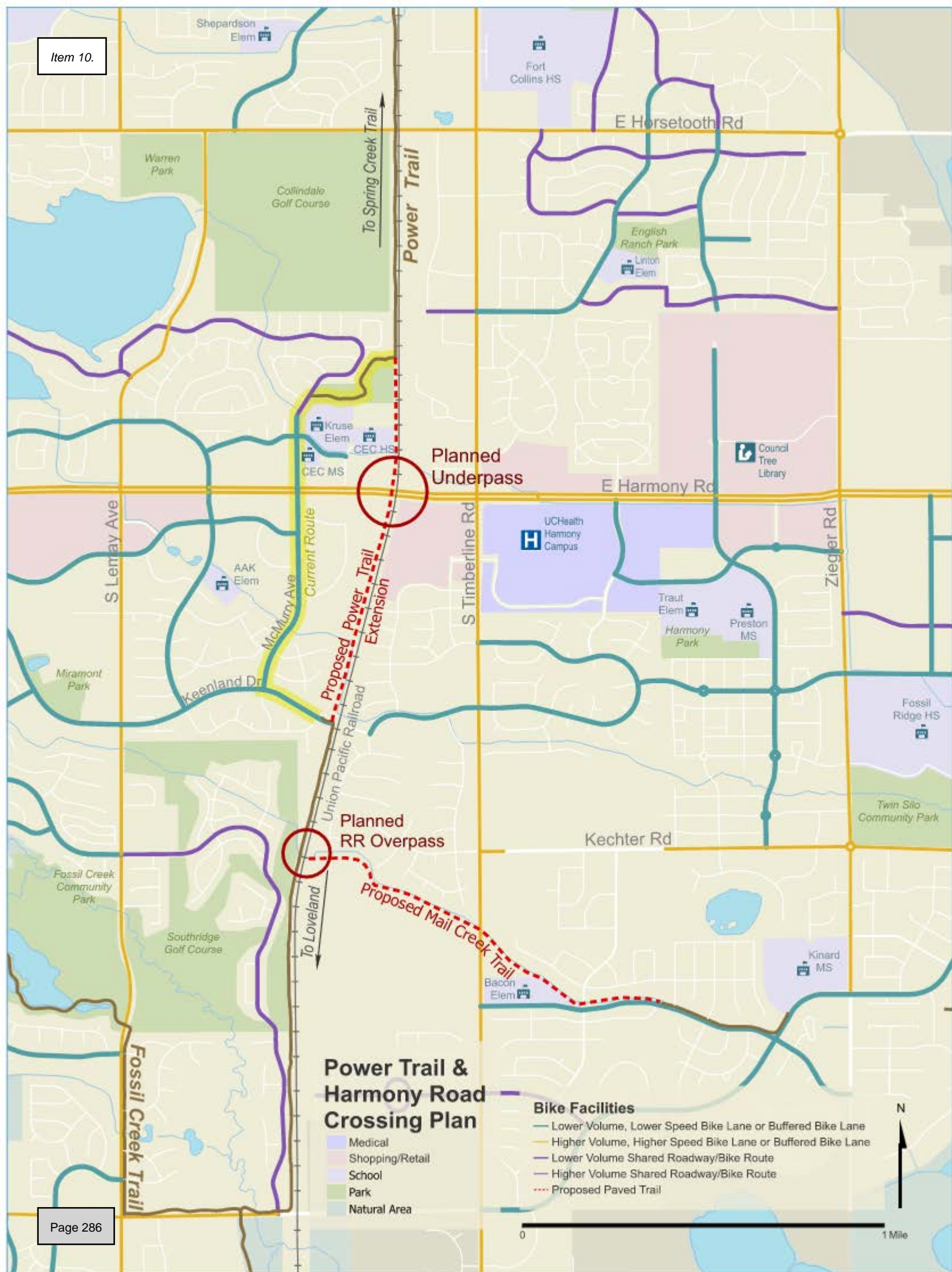
Suzette Mallette

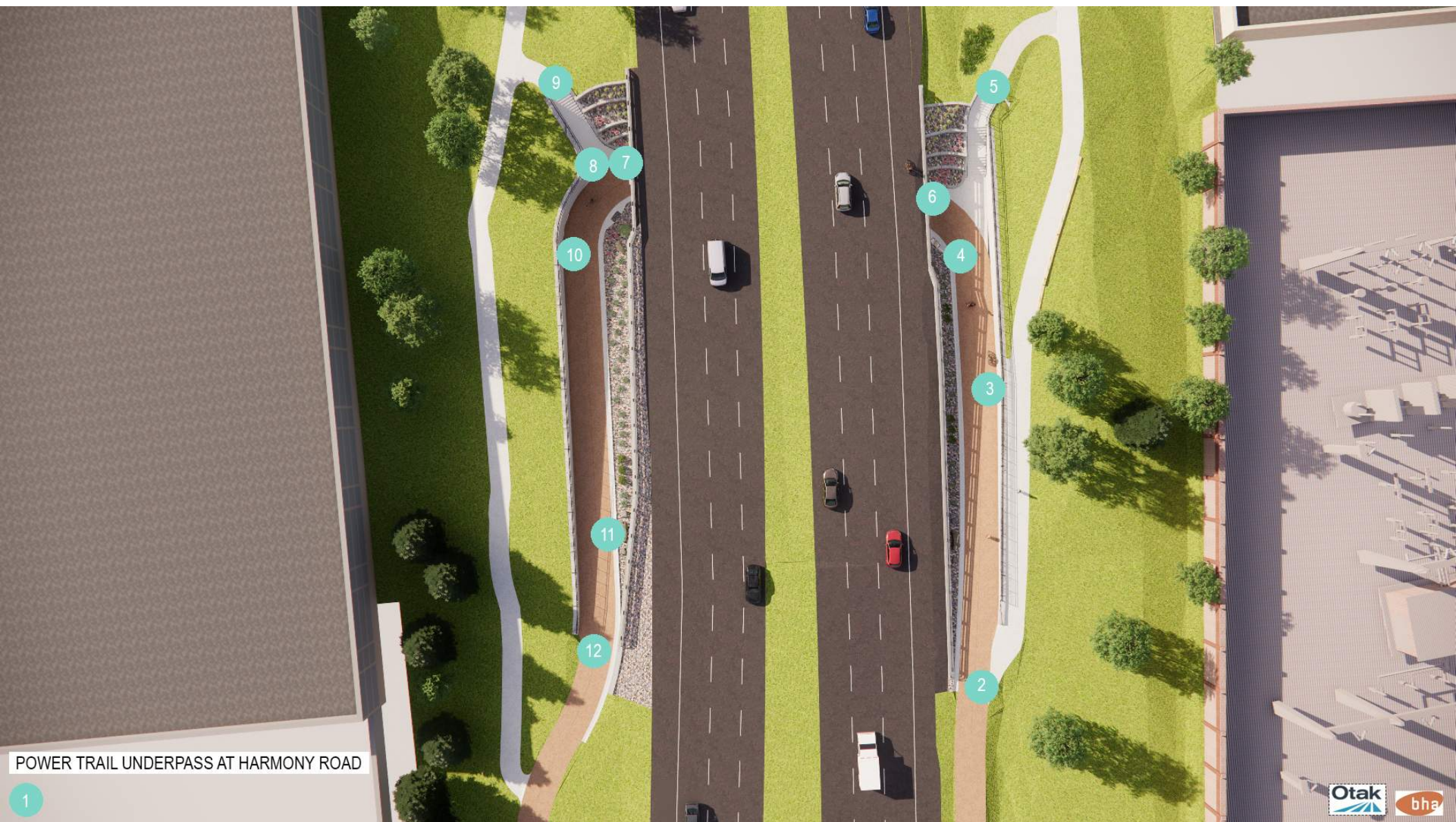
Digitally signed by Suzette
Mallette
Date: 2024.01.12 10:41:41 -07'00'

Suzette Mallette
Executive Director

Encl: Project Application
Planning Council ***Resolution 2024-01***

CC: Josie Thomas, CDOT Region 4
Whitney Holcombe, CDOT Region 4
Bryce Reeves, CDOT Region 4
Dana Hornkohl, Fort Collins
Brad Buckman, Fort Collins
Becky Karasko, NFRMPO
AnnaRose Cunningham, NFRMPO







POWER TRAIL UNDERPASS AT HARMONY ROAD

2



POWER TRAIL UNDERPASS AT HARMONY ROAD

3



POWER TRAIL UNDERPASS AT HARMONY ROAD

4



POWER TRAIL UNDERPASS AT HARMONY ROAD

5



POWER TRAIL UNDERPASS AT HARMONY ROAD



POWER TRAIL UNDERPASS AT HARMONY ROAD

7

Harmony Road



POWER TRAIL UNDERPASS AT HARMONY ROAD



POWER TRAIL UNDERPASS AT HARMONY ROAD

9



POWER TRAIL UNDERPASS AT HARMONY ROAD



POWER TRAIL UNDERPASS AT HARMONY ROAD

11



POWER TRAIL UNDERPASS AT HARMONY ROAD

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Amanda King, Communications/Public Involvement Director
Dean Klingner, Community Services Director
Chris Martinez, IES Financial Planning and Analysis Manager

SUBJECT

First Reading of Ordinance No. 042, 2024, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities, Tourism Programming, and Convention and Visitor Program Services.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$560,178, of which \$392,125 is proposed for Convention and Visitors Bureau, \$140,044 is proposed for Cultural Development and Programming Activities (Fort Fund), and \$28,009 is proposed for Tourism Programming (Fort Fund) all from unanticipated 2023 Lodging Tax revenue collections.

Lodging taxes are annually collected by the City of Fort Collins for Cultural Development and Tourism programming activities. Anticipated revenue is projected through each Budgeting for Outcomes (BFO) cycle and then adjusted annually as needed based on final actual collections. For 2023, total Lodging tax revenues collected came in \$560,178 above projected collections.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Section 25-44 of the City Code requires that 75% of the total lodging tax receipts be used for the promotion of convention and visitor activities in the City and 25% of receipts be used for cultural development and programming activities in the City. Actual revenue collected is appropriated based on this allocation formula and any excess revenue and budget savings are reserved for these activities in the General Fund.

Pursuant to a contract with the Fort Collins Convention and Visitors Bureau (FCCVB), the City has paid a portion of lodging tax receipts to the FCCVB since 2011 for delivery of convention and visitors programming services in furtherance of the City Code requirement. The amount due for convention and visitors programming is appropriated based on prior year receipts and paid annually to FCCVB after the close of the prior tax year.

When actual lodging tax receipts exceed the anticipated amount appropriated for cultural development and programming activities, the City also appropriates additional funds and adjusts the amount allocated for those activities in the year following the year in which the tax is collected. Appropriated lodging tax revenues remaining unspent at the end of the tax year lapse into the General Fund and may be appropriated the following year for the same purposes as they were originally appropriated.

The actual tax revenue collected during the 2023 tax year, as determined March 2024, was \$560,178 more than the Lodging tax revenue anticipated and appropriated for expenditure in 2024. Accordingly, upward adjustments to the 2024 appropriations under Section 25-44 of the City Code are required. These appropriation adjustments are described below.

CITY FINANCIAL IMPACTS

2024 LODGING TAX CLARIFICATION				
Section 25-44 of the City Code:	75%		25%	
	Promote Convention		Promote Cultural Development	
	& Visitor Activities		& Programming	
	503200	503202	503201	
	Convention & Visitors Bureau 70%	Fort Fund (Tourism Programming) 5%	Fort Fund (Cultural Development & Programming) 25%	Total
Lodging Tax				
Unanticipated Lodging Tax	\$ 392,125	\$ 28,009	\$ 140,044	\$ 560,178
Total of Unanticipated Lodging Tax Appropriations Available for 2024	\$ 392,125	\$ 28,009	\$ 140,044	\$ 560,178

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 042, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL
FUND FOR CULTURAL DEVELOPMENT AND PROGRAMMING
ACTIVITIES, TOURISM PROGRAMMING AND CONVENTION
AND VISITOR PROGRAM SERVICES

A. Section 25-244 of the Code of the City of Fort Collins requires allocation of lodging tax revenue as follows: 75% for the promotion of convention and visitor activities and 25% for cultural development and programming activities.

B. Lodging Tax revenue was estimated at \$1,900,000 for 2023 and appropriated; however, actual Lodging Tax receipts were greater than projected.

C. At the end of 2023, a total of \$2,460,178 in Lodging Tax revenues had been collected and the unspent portions lapsed into the General Fund Reserves for Lodging Tax programs and activities.

D. Unanticipated Lodging Tax revenue in the amount of \$560,178 held in the General Fund Reserves is to be appropriated for each of the Lodging Tax programs and activities as follows:

• Cultural Development and Programming	\$140,044
• Tourism Programming	\$28,009
• Fort Collins Convention and Visitors Bureau	\$392,125

E. These additional funds will help support a future Fort Fund grant process.

F. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of promoting visitor activity and cultural development and programming activities.

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

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

I. The City wishes to appropriate funds allocated for Cultural Development and Programming and Tourism Programming.

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

Section 1. There is hereby appropriated from prior year reserves in the General Fund the sum of ONE HUNDRED FORTY THOUSAND FORTY-FOUR DOLLARS (\$140,044) to be expended in the General Fund for Cultural Development and Programming activities.

Section 2. There is hereby appropriated from prior year reserves in the General Fund the sum of TWENTY-EIGHT THOUSAND NINE DOLLARS (\$28,009) to be expended in the General Fund for the Tourism Programming.

Section 3. There is hereby appropriated from prior year reserves in the General Fund the sum of THREE HUNDRED NINETY-TWO THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$392,125) to be expended in the General Fund for the Convention and Visitors Bureau.

Introduced, considered favorably on first reading on the March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Jenny Lopez Filkins

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, Director, City Give

SUBJECT

First Reading of Ordinance No. 043, 2024, Appropriating Prior Years Reserves Received in the General Fund By City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donor.

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

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024. This three-day-event will bring law enforcement leaders together from across the country to cast a vision for the future of community policing.

The purpose of this item is to request appropriation of two gifts: \$25,000 received from the Daniels Fund and \$5,000 received from Angel Armor designated for the 2024 Police Leaders' Summit by the donors.

The Daniels Fund, located in Denver, Colorado, is a private charitable foundation dedicated to making life better for the people of Colorado, New Mexico, Utah, and Wyoming through its grants program, scholarship program, and ethics initiatives. Fort Collins-based Angel Armor is an industry leader in proactive law enforcement solutions and personal safety equipment. The charitable support represents a valued investment in Fort Collins Police Services' national leadership.

The Police Leadership Summit will serve as a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century. Early in the planning stages, the Fort Collins-based summit will address topics such as Community Policing, Recruiting & Retention, Retail Theft, the Science behind Crime Prevention, and Homelessness Response. Invitees will represent municipalities, federal law agencies, sheriffs, representatives from The Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern).

The purpose of this item is to request appropriation of \$30,000 philanthropic revenue received by City Give for Fort Collins Police Services from the Daniels Fund and Angel Armor.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$30,000 in philanthropic revenue received by City Give for Fort Collins Police Services. The funds have been received and accepted per the City Give Administrative and Financial Policy.

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

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 043, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES RECEIVED IN THE
GENERAL FUND BY CITY GIVE FOR FORT COLLINS POLICE
SERVICES FOR THE 2024 POLICE LEADERS' SUMMIT

A. Fort Collins Police Services is honored to host the inaugural Police Leadership Summit in 2024 in a three-day event that will bring law enforcement leaders together from across the country to cast a vision for the future of community policing.

B. Attendees at the Police Leadership Summit will represent municipalities, federal law agencies, sheriffs, representatives from the Police Executive Research Forum, and law enforcement experts who have administered Consent Decrees (agreements between cities and Federal Government to fix areas of concern).

C. The Fort Collins-based summit will address topics such as community policing, recruiting and retention, innovations in technology, the science behind crime prevention, and homelessness response.

D. The Police Leadership Summit ensures a platform for shared best practices, round table discussions, and for industry partners to showcase systems and tools vital for effective and responsible policing in the 21st century.

E. City Give received two donations totaling \$30,000 in philanthropic revenue to be used for Fort Collins Police Services for the 2024 Police Leaders' Summit as designated by the donors.

F. One donor gift was for \$25,000 and the second gift was for \$5,000.

G. The purpose of this item is to appropriate the \$30,000 of supplemental revenue to enhance the local investment in Fort Collins Police Services' national leadership.

H. This appropriation benefits the public health, safety, and welfare of the citizens of Fort Collins and serves the public purpose of collaborating with agencies across the country to discuss and develop innovative ideas to support our police department and enhance community safety; and

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 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.

J. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund

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

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the General Fund the sum of THIRTY THOUSAND DOLLARS (\$30,000) to be expended in the General Fund for the 2024 Police Leaders' Summit.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Nina Bodenhamer, Director, City Give

SUBJECT

First Reading of Ordinance No. 044, 2024, Appropriating Prior Year Reserves Received By City Give for Fort Collins Police Services for the Safe Futures Initiative.

EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative.

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

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Like many law enforcement agencies across the nation, Fort Collins Police Services (FCPS) is adopting new industry practices for victim-centered services by hiring civilian professionals for forensics, fraud, and criminal investigations.

Traditionally served by uniformed police officers, this new approach offers a proactive, comprehensive victim-centered approach to public safety and leverages candidates from accounting, criminal justice, and forensic disciplines, who desire to serve their community. The Fort Collins Safe Futures Fund is a designated charitable fund to support the operational needs for innovative, victim-centered police services to address the impact crime has on victims, their families, and witnesses; Leverage technology-based skilled investigative resources; And, assist in the identification of victims of human trafficking and prevent the sexual exploitation of the most vulnerable members of our community.

The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures initiative. The charitable support represents a generous local giving: \$50,000 from the Blue Ocean Foundation, and \$30,000 from UCount, Timberline Church. All gifts are designated for the sole purpose of the Safe Futures initiative.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$80,000.00 in philanthropic revenue received in 2023 being appropriated from prior year reserves. The funds have been received and accepted per the City Give Administrative and Financial Policy.

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

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration

ORDINANCE NO. 044, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES RECEIVED BY CITY
GIVE FOR FORT COLLINS POLICE SERVICES FOR THE SAFE
FUTURES INITIATIVE

A. Like many law enforcement agencies across the nation, Fort Collins Police Services (“FCPS”) is adopting new industry practices for victim-centered services by hiring civilian professionals for forensics, fraud, and criminal investigations.

B. Traditionally served by uniformed police officers, this new approach offers a proactive, comprehensive victim-centered approach to public safety and leverages candidates from accounting, criminal justice, and forensic disciplines, who desire to serve their community.

C. The Fort Collins Safe Futures Fund is a designated charitable fund to support the operational needs for innovative, victim-centered police services to address the impact crime has on victims, their families, and witnesses; leverage technology-based skilled investigative resources; assist in the identification of victims of human trafficking; and prevent the sexual exploitation of the most vulnerable members of our community.

D. The purpose of this item is to request appropriation of \$80,000.00 in philanthropic revenue received by City Give for Fort Collins Police Services for the Safe Futures Initiative.

E. The charitable support represents a range of generous local giving: \$50,000 from one donor, and \$30,000 from the second donor, with all gifts designated for the sole purpose of the Safe Futures Initiative.

F. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves a public purpose of protecting our most vulnerable population of citizens by investigating crimes and holding perpetrators of those crimes accountable.

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

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 donation or the City's expenditure of all funds received from such grant or donation.

J. The City Council wishes to designate the appropriation herein for Safe Futures Initiative donation as an appropriation that shall not lapse until the earlier of the expiration of the grant or donation or the City's expenditure of all funds received from such grant or 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 prior year reserves in the General Fund the sum of EIGHTY THOUSAND DOLLARS (\$80,000) to be expended in the General Fund for the Safe Futures Initiative.

Section 2. The appropriation herein for The Safe Futures Initiative 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 donation or the City's expenditure of all funds received from such grant or donation.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Carly Garner, Police Services
Kerri Ishmael, Grants Administration

SUBJECT

First Reading of Ordinance No. 045, 2024, Making a Supplemental Appropriation in the General Fund of the Internet Crimes Against Children Grant in Support of Fort Collins Police Services Cyber Crimes Unit.

EXECUTIVE SUMMARY

The purpose of this item is to support the Fort Collins Police Services' Cyber Crimes Unit by appropriating \$6,585 of unanticipated grant revenue awarded by the Colorado Springs Police Department.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In December 2023 the Colorado Springs Police Department awarded the City of Fort Collins \$6,585 in capacity as a subrecipient under the Department of Justice's (DOJ) Internet Crimes Against Children (ICAC) grant program (Attachment 2). The Colorado Springs Police Department is one of 61 national ICAC task forces that serves to administer DOJ grant program funds. The awarded federal pass-through funds will support personnel from Fort Collins Police Services' Cyber Crimes Unit to attend training conferences to combat technology-facilitated crimes against children.

Appropriation of these funds will allow members of the FCPS Cyber Crimes Unit to attend training relevant to the investigation of crimes involving CSAM (Child Sexual Abuse Material), Internet Luring, Child Exploitation, and other criminal matters related to the online exploitation of children. The scope of this training may include basic investigations, undercover investigations, proactive investigations, peer-2-peer networking investigations, and other relevant topics. Attending such training will allow Cyber Crimes investigators to better serve the Fort Collins community by providing enhanced skills and knowledge of the best practices in this field. Cyber Crimes is an ever-evolving field, and it is crucial for investigators to stay abreast of the most up-to-date techniques, resources, and equipment available for the successful investigation of these challenging crimes. These funds will be used to provide transportation, lodging, registration, and other necessary expenses for the travel of Cyber Crimes investigators to training classes and conferences. These funds were awarded through an annual grant offered by the DOJ ICAC, a task force with which the FCPS Cyber Crimes Unit collaborates on a regular basis.

CITY FINANCIAL IMPACTS

This item appropriates \$6,585 in unanticipated revenue from the DOJ's ICAC grant program in support of Police Services Cyber Crimes Unit.

There is no match requirement by the City under this grant.

This grant is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$6,585.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Internet Crimes Against Children Grant Agreement

ORDINANCE NO. 045, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION IN THE
GENERAL FUND OF THE INTERNET CRIMES AGAINST
CHILDREN GRANT IN SUPPORT OF FORT COLLINS POLICE
SERVICES CYBER CRIME UNIT

A. Fort Collins Police Services (“FCPS”) Cyber Crimes unit investigates and combats technology-facilitated crimes against children, our community’s most vulnerable population.

B. Cyber Crimes is an ever-evolving field, and it is crucial for investigators to stay abreast of the most up-to-date techniques, resources, and equipment available for the successful investigation of these challenging crimes.

C. In December 2023, the Colorado Springs Police Department awarded the City of Fort Collins \$6,585 in capacity as a subrecipient under the Department of Justice’s (DOJ) Internet Crimes Against Children (“ICAC”) grant program.

D. The awarded federal pass-through funds will support personnel from FCPS Cyber Crimes Unit to attend training conferences to combat technology-facilitated crimes against children.

E. The purpose of this item is to request appropriation of \$6,585 in unanticipated grant funding revenue from Colorado Springs Police Department pass-through from the DOJ ICAC grant program.

F. Appropriation of these funds will allow members of the FCPS Cyber Crimes Unit to attend training relevant to the investigation of crimes involving CSAM (“Child Sexual Abuse Material”), internet luring, child exploitation, and other criminal matters related to the online exploitation of children.

G. Attending such training will allow Cyber Crimes investigators to better serve the Fort Collins community by providing enhanced skills and knowledge of the best practices in this field.

H. This appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves a public purpose of protecting our most vulnerable population of citizens by investigating crimes and holding perpetrators of those crimes accountable.

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

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 the City's expenditure of all funds received from such grant.

L. The City Council wishes to designate the appropriation herein for the Internet Crimes Against Children 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 SIX THOUSAND FIVE HUNDRED EIGHTY-FIVE DOLLARS (\$6,585) to be expended in the General Fund for the Fort Collins Police Services Cyber Crimes Unit.

Section 2. The appropriation herein for the Internet Crimes Against Children 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 March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Dawn Downs

Item 14.



Chief of Police Adrian Vasquez

Colorado Springs Police Department

705 S. Nevada Avenue, Colorado Springs, CO 80903

November 28, 2023

Fort Collins Police Department
Chief Jeff Swoboda
Sergeant Mike Knudsen
Transmitted by Electronic Mail

Statement of Award – Internet Crimes Against Children Task Force – 15PJDP-21-GK-03813-MECP

Chief Swoboda,

On behalf of the City of Colorado Springs and the Colorado Springs Police Department (CSPD), it is my pleasure to congratulate you on receiving funding as a subrecipient under the Internet Crimes Against Children Program, offered through the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Program (OJJDP).

The Fort Collins Police Department has been awarded **\$6,585** for the period ending September 30, 2024. This award is subject to all administrative and financial requirements of the Department of Justice, including requirements set forth in the Office of Justice Programs Financial Guide; the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200; and the timely submission of all financial and statistical information.

Enclosed in this packet are the federal award issued by the DOJ and your agency's Statement of Award. **We request that authorized official sign the Statement of Award and initial on each additional page where indicated.** This action acknowledges your agency's understanding of and compliance with all included information. Prior to expending any funds, the Statement of Award must be fully executed and CSPD must notify you that you have spending authority.

As the fiscal agent, CSPD is required to monitor the Fort Collins Police Department which may include desk reviews, agency visits, and phone interviews. You will be notified at least 30 days in advance of any scheduled monitoring visits.

If you have any questions, please contact Tricia Lykes at 719-985-9511 or Patricia.Lykes@coloradosprings.gov.

We look forward to working with you, and thank you for all that you do.

Regards,

Lt. Owen Scott
ICAC Commander



Item 14.

Internet Crimes Against Children Statement of Award

Subrecipient Name: Fort Collins Police Department

Subrecipient UEI Number: VEJ3BS5GK5G1

Subaward Period of Performance: October 1, 2023 – September 30, 2024

Total Amount of Federal Funds Awarded to Subrecipient: \$6,585

Subrecipient Project Director: Sergeant Mike Knudsen

Subrecipient Project Director Address: 2221 S Timberline Road, Fort Collins, CO 80525

Approved Budget Detail and Financial Reporting

Fort Collins Police Department Budget Category	Detail	Amount Awarded
Travel: Investigative Techniques class or Undercover Concepts and Techniques classes	Airfare: \$425 (including baggage) x 2 attendees	\$850
	Lodging: \$278/night x 5 nights x 2 attendees= \$1,390 per person	\$2,780
	Per Diem: \$79/full day x 4 days + \$59.25 x 2 travel days x 2 attendees	\$869
	Ground Transportation: \$150 x 2 attendees	\$300
Supplies:	Cell phones for UC operations	\$1,786
Total		\$6,585

Financial Reporting Requirements

1. Financial activities must be made in accordance with the approved budget included in this document, which supersedes any earlier budget request submitted, and which may be different from the budget originally submitted in your application. Subrecipients must secure prior written approval from the CSPD Internet Crimes Against Children Program Coordinator if there is a requested change in any budget item. Failure to seek approval may result in denial of reimbursement.
2. The subrecipient agrees to annually submit one copy of the subrecipient's most recent A-133 audit or financial review to the CSPD Internet Crimes Against Children Program Coordinator, including any management and other auditor comments.
3. The subrecipient agrees to submit quarterly requests for reimbursement no later than 15 days following the end of a calendar quarter. All expenditures must be supported by appropriate documentation. Only actual, approved, allowable expenditures will be permitted.
4. The subrecipient agrees to submit the final reimbursement request no later than 30 days prior to the grant end date. Submission must include the appropriate reimbursement documentation and completed reimbursement request form no later than **August 31, 2024. Any request made after this date will not be eligible for reimbursement.**
5. The subrecipient certifies Federal funds made available under this award will not be used to supplant State or Local funds; and where there is a reduced or unchanged local investment, the subrecipient shall give a written explanation demonstrating the subrecipients reduced or unchanged commitments



Item 14.

would have been necessitated even if Federal financial support under this Federal program had not been made available.

Performance Measure/Data Reporting

Performance Measure	Data Provided
Percentage increase in arrests	Number of ICAC-related arrests made
Percentage increase in staff dedicated to investigating and prosecuting Internet crimes against children	Number of investigators and prosecutors dedicated to investigating Internet crimes against children
Percentage increase in investigations that led to an arrest or convictions	Number of investigations initiated for Internet crimes against children
Percentage increase in prosecutions	Number of prosecutions for Internet crimes against children
Percentage increase in computer forensic examinations completed by the Task Force	Number of computer forensic examinations completed by the Task Force
Percentage increase in investigative technical assistance sessions provided	Number of investigative technical assistance sessions provided by the Task Force
Number of law enforcement agencies participating in the ICAC Program Standards	Number of agencies that sign a Memorandum of Understanding certifying compliance with ICAC Program Standards
ICAC-related professional training	Number of ICAC-related trainings provided with number of attendees
Community Outreach	Number of community presentations or educational workshops held along with number of attendees

Programmatic Reporting Requirements

1. The subrecipient agrees to submit required performance metrics and reports via the OJJDP Portal no later than 10 days following the end of the month. Required data that is not captured by the OJJDP Portal shall be submitted to the Internet Crimes Against Children Program Coordinator no later than 10 days following the end of each month.

Risk Assessment Checklist Requirements

Please provide the CSPD Program Coordinator with the following documents:

- A-133 Audit
- Travel Policy
- Special Condition Compliance Documentation

If your agency does not have one or more of these policies, please provide a brief explanation as to why that policy does not exist. Your agency may receive further direction from the ICAC Program Coordinator after reviewing your agency's policies. Examples of policies will be provided upon request.

Other Reporting Requirements

1. Multipart Document and Additional Requirements



Item 14.

- a. The subrecipient affirms this agreement consists of a multipart document: the award letter, Statement of Award page, and federal award document with associated special conditions.
 - b. The subrecipient agrees to comply with all requirements, conditions, and regulations as detailed in the enclosed federal award and subrecipient award documents.
 - c. The authorized official must initial each page of this multipart document and sign the Statement of Award indicating understanding and acceptance of all requirements, conditions, and regulations.
2. The subrecipient agrees to promptly notify the CSPD of any changes in the authorized official, ICAC supervisors, ICAC Investigators/Detectives, or finance department contact.
3. In the even a federal or state court or federal or state administrative agency makes an adverse finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, or sex, the subrecipient agrees to submit a copy of the findings to the CSPD that will be forwarded to the Office for Civil Rights (OCR) for review.

RETURN:

A signed copy of the Statement of Award and proof of compliance with special conditions attached to award shall be returns to Tricia Lykes – Patricia.Lykes@coloradosprings.gov. After all signatures are obtained, a copy will be returned to the subrecipient.

The parties hereto have executed this binding subaward.

Persons signing for subrecipient hereby swear and affirm that they are authorized to act on subrecipient's behalf and acknowledge that the Colorado Springs Police Department is relying on their representations to that effect. This award may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery as a scanned ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof

Subrecipient:

City of Fort Collins

Legal Name of Subrecipient

DocuSigned by:
Kelly DiMartino

Authorized Official Kelly DiMartino, City Manager

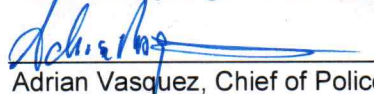
1/30/2024

Date Signed

City of Fort Collins (legal organization)

Fort Collins Police Services (agency administering grant)

Colorado Springs Police Department:


Adrian Vasquez, Chief of Police

12/04/2023
Date Signed



Item 14.

is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Terms And Conditions



Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.



Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."



Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.



Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.



Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").



Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.



Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

Item 14. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

**Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

**Effect of failure to address audit issues**

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

**Requirements of the award; remedies for non-compliance or for materially false statements**

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" ([ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm](https://www.ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm)), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements – whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period – may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

**Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42**

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

**Requirements related to "de minimis" indirect cost rate**

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

**Employment eligibility verification for hiring under the award**

1. The recipient (and any subrecipient at any tier) must—

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—

(1) this award requirement for verification of employment eligibility, and

Item 14. e training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

15

OJP Training Guiding Principles

Any training or training materials that the recipient – or any subrecipient ("subgrantee") at any tier – develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

16

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated – in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute – that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

17

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

Item 14. Plans and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

20

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

21

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

22

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

23

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

24

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

Item 14.

recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that – for purposes of federal grants administrative requirements – OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

26

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

27

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

28

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award– (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by–(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

29

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

31

The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 120 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://justgrants.usdoj.gov/>

32

Item 14.

of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP office prior to obligation or expenditure of such funds.

33**Cooperating with OJP Monitoring**

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

34**Limit on use of grant funds for grantees' employees' salaries**

With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

35**FFATA reporting: Subawards and executive compensation**

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

36

The Project Director and/or any other key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved by OJP, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. Changes in program personnel, other than key personnel, require only notification to OJP and submission of resumes, unless otherwise designated in the award document.

37**Statement of Federal Involvement:**

Due to the substantial Federal involvement contemplated in completion of this project, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has elected to enter into a cooperative agreement rather than a grant. This decision is based on OJP and OJJDP's ongoing responsibility to assist and coordinate projects that relate to the funded activities. OJP and OJJDP will provide input and re-direction to the project, as needed, in consultation with the recipient, and will actively monitor the project by methods including, but not limited to, ongoing contact with the recipient. In meeting programmatic responsibilities, OJP, OJJDP, and the recipient will be guided by the following principles: responsibility for the day-to-day operations of this project rests with the recipient in implementation of the recipient's approved proposal, the recipient's approved budget, and the terms and conditions specified in this award. Responsibility for general oversight and redirection of the project, if necessary, rests with OJJDP. In addition to its programmatic reporting requirements, the recipient agrees to provide necessary information as requested by OJP and OJJDP. Information requests may include, but are not limited to, specific submissions related to: performance, including measurement of project outputs/outcomes; meeting performance specifications; developmental decision points; changes in project scope or personnel; budget modifications; and/or coordination of related projects.

38

Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;

of event facilitators; and

her costs associated with the event.

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Item 14.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the DOJ Financial Guide Conference Cost Chapter.

39**Confidential Funds**

Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification that the recipient (or the subrecipient, as applicable) has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures set forth in the DOJ Grants Financial Guide.

40**Copyright; Data rights**

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

41**OJJDP - Web Site Notice of Federal Funding and Disclaimer**

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded in whole or in part through a grant from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

42

ICAC Task Force Standards. The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards

43

ICAC Task Force Representation. The recipient agrees to designate one individual from its task force to attend the ICAC Task Force commander meetings during the 12-month project period.

44**ICAC Annual Reports**

The recipient agrees to submit annual reports to OJP that set forth the following:

(A) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force. (B) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

45

The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.

46

All electronic and information technology materials developed or maintained under this award must be compliant with Section 508 of the Rehabilitation Act of 1973. Please www.section508.gov for more detail.

Item 14.

OJJDP-OJJDP-Funded Webinars

The award recipient must comply with OJJDP's Webinar Guidelines, as described in the OJJDP Training and Technical Assistance (TTA) Standards at https://www.ojjdp.gov/programs/Core_Performance_Standards_updated%20May%202012_508c.pdf. At a minimum, OJJDP training and technical assistance providers shall submit to the OJJDP NTTAC information (i.e. title, description of the webinar, intended audience, panelists, etc.) 30 days in advance of all webinar events for the OJJDP NTTAC online calendar, use the approved OJJDP presentation template, and record events and send a copy of the files to OJJDP.

48

The recipient's budget (and budget narrative) is pending clearance by OJP.

Prior to budget clearance (and unless there is a more restrictive condition on this award, in which case the terms of that more restrictive condition apply): The recipient may not drawdown more than 10% of the award. Pre-clearance obligations, expenditures, and drawdowns may be disallowed if not in compliance with program requirements.

The recipient should be judicious in using award funds prior to budget clearance. Generally, OJP expects that recipients (depending on the specific project scope) may need to advertise for award-funded positions, pay personnel and fringe benefits for positions budgeted under the award, plan for project activities, attend training and pay training-related travel needed to begin the project, and engage in other limited activities conducted by recipient staff (i.e., generally not requiring a subaward or procurement contract under an award).

OJP will issue an Award Condition Modification upon budget clearance.

49

Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Jeremy Woolf, Senior Director of Water Operations
Andrew Gingerich, Director Water Field Operations

SUBJECT

First Reading of Ordinance No. 046, 2024, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Terminology Regarding Control Valves and Water Service and Fire Lines.

EXECUTIVE SUMMARY

The purpose of this item is to clarify and make consistent certain terminology in City Code. This item will remove “curb stop” from City Code, to be replaced by “control valve.” Replacement of this terminology removes any potential assumption that a water control valve on a service or fire line must have proximity to a street or sidewalk curb to define ownership of the valve and of the line extending from the valve.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City (through Utilities) owns and is responsible for water mains that convey treated water. These water mains have service and fire lines that branch off to convey water to customers’ properties. The service and fire lines have control valves on them that are owned by the City and intended to control the flow of water to the customers’ structures and property. The service or fire line between the control valve and the property or structure is owned by and the responsibility of the property or structure owner. Ownership of the control valve and the service line is independent of the valve’s proximity to a “curb.” However, City Code currently uses both the terms “curb stop” and “control valve” to refer to these control valves. Removal of the term “curb stop” eliminates potential misinterpretation of ownership as being dependent on a control valve’s proximity to a street or sidewalk curb. The term “curb stop” will be replaced with the term “control valve,” which will now be defined.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Water Commission recommended adoption of the proposed Code revisions at its February 15, 2024, meeting.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration
2. Water Commission Draft Minutes, February 15, 2024 (Excerpt)

ORDINANCE NO. 046, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO CLARIFY TERMINOLOGY REGARDING
CONTROL VALVES AND WATER SERVICE AND FIRE LINES

A. The City owns and operates a water utility that, among other things, provides treated water service to customers in its service area.

B. The City owns and is responsible for water mains that convey treated water, and these water mains have service and fire lines that branch off to convey water to customers' properties.

C. It is and has been the policy of the City that the initial portion of service and fire lines adjacent to the water main belong to and are the responsibility of the City, and the latter, "downstream" portions of service lines belong to and are the responsibility of customers.

D. On a given service line, as provided in City Code Sections 26-41, 26-44, 26-48, 26-94, 26-95, 26-96, 26-97, 26-116, and 26-117, the location where the City's ownership and responsibility for the service line end, and where customer's ownership and responsibility begin, is the location on the service line just downstream of the City's curb stop, which is not a defined term in City Code.

E. The City's understanding and intent of City Code and the City's water utility system has always been that the curb stop is a City-owned control valve on the service line that allows the City to control the flow of water in the service line, and this understanding and intent have historically guided administration of the water utility.

F. The term curb stop has periodically caused some confusion because it is a term used in the water distribution industry term that is not necessarily intuitive; for instance, curb stops may or may not be located beneath a street curb, and may instead be located on the customer's property or in City-owned right-of-way, particularly as the specific locations of curbs may change over time without necessarily changing the location of the curb stop; and the essential function of curb stops is not dependent on their location relative to the curb.

G. The term curb stop has also periodically caused some confusion because it is a term used in the water distribution industry that is not always used consistently; for instance, a curb stop for one water provider may be understood to be slightly different than a curb stop for another water provider.

H. On a given fire line, as provided in City Code Sections 26-100, the location where the City's ownership and responsibility for the fire line ends, and where customer's ownership and responsibility begins, is the location on the service line just downstream of the City's control valve, which is not a defined term in City Code.

I. City staff has therefore proposed to clarify the use of the definitions of control valves and curb stops in City Code related to service and fire lines to clarify their definition consistent with the City's historical and current understanding and intent and administration.

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 Section 26-41 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-41. - Definitions.

...

Control valve shall mean a City-owned control valve on the service or fire line that allows the City to control the flow of water in the service or fire line. *Control valves* may or may not be included in other structures, including those commonly known as curb stops.

...

Service line (water, public and private) shall mean the water delivery pipeline running from the City water main to the building or property to be served consisting of a publicly owned and maintained portion from the main to the curb-stop control valve and a privately owned and maintained portion from the curb-stop control valve including the outlet coupling to the building or other point of use or distribution on the lot or premises served. The terms *water service pipe* and *building supply* as used in the plumbing code have the same meaning. The public portion of a service line is also referred to as a service line stub or as a public service line as distinguished from the term private service line which refers to the privately owned and maintained portion of the service line.

...

Section 2. That Section 26-44 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-44. - Composition of the water utility.

Except for private mains and that portion of the service line considered privately owned between the curb-stop control valve and the structure served, all water and water rights, waterworks and their appurtenances, fire hydrants, machinery, equipment and supplies used by the City to supply its water users with water, shall constitute the water utility.

Section 3. That Section 26-48 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-48. - Authority to turn on water.

No person other than a duly authorized employee of the City shall open or turn on any **control valve or any other** City water valve or ~~curb stop~~ regulating the flow of water from the City water mains to any premises, lot, building or house for any reason.

Section 4. That Section 26-94 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-94. - Individual service lines for each building required.

...

- (c) Notwithstanding the provisions of Subsection (a) above, the Utilities Executive Director may, after review and approval of the related plans and specifications, authorize the service of more than one (1) property by a single, common, private water service line, provided that:

...

- (4) The line must include a separate branch line to each single-family attached property, and each branch line must include a **control valve** that meets the requirements of the City Development Construction Standards. These private service ~~curb stops~~ **control valves** must be exterior to the dwellings, within a utility easement that has been conveyed to the City and readily accessible and operable by City personnel. The private service ~~curb stops~~ **control valves** shall be the City's control point for that single-family attached dwelling.
- (5) The line beyond the City ~~curb stop~~ **control valve** and all branch service lines including the private service ~~curb stops~~ **control valves** must be owned, operated, maintained, repaired and replaced, as needed, by a legal entity representing all of the owners of the properties served by the line.

...

Section 5. That Section 26-95 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-95. - Installation and maintenance of service lines; user responsibilities; liability.

- (a) *Installation.* All costs and expenses incidental to the installation and connection of a water service line, including, but not limited to, a common private water service line, shall be borne by the applicant for a water service permit who shall retain or employ a licensed contractor or plumber to install a service line. For the installation of that portion of any service line within the public right-of-way or street, the contractor or plumber shall also be licensed by the City under Article XI of this Chapter. The utility may install the portion of the service line from the main to the ~~curb stop~~ **control valve** upon payment of a tap charge by the applicant. The applicant is responsible for restoring streets, sidewalks, parkways and other property disturbed in the course of the work to acceptable City standards after the connection is made.
- (b) *Maintenance.* The owner of any property connecting to the water utility is responsible for the installation and maintenance at the owner's own expense and risk of the water service line from the ~~curb stop~~ **control valve**; ~~or the property line in the absence of a curb stop~~, to the structure being served and all other water pipes, machinery and apparatus which may be required for applying and utilizing City water on the property. The owner shall keep the private service line in good and safe condition and, at the owner's expense, shall keep all pipes, fixtures and appliances on the property tight and in good working order to prevent waste of water. The owner is responsible for all leaks or damages on account of leaks from the private service line and other apparatus within the property served.

...

Section 6. That Section 26-96 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-96. - Maintenance responsibility of utility.

The utility shall maintain all public water facilities and mains, public service lines, fire hydrants, other public system appurtenances and water meters. However, if the portion of the service line in use between the water main and the ~~curb stop~~ **control valve** is made of materials other than copper or ductile iron, then the entire service line will be deemed to be a private main of the premises serviced by the line, and the City will not be responsible for any part of its maintenance until such time as the line is replaced with conforming materials pursuant to Subsection 26-97(a) below and any regulations promulgated thereunder. The utility is not responsible for maintenance of common private water service lines.

Section 7. That Section 26-97 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-97. - Water service lines; general regulations.

...

- (c) *Materials.* In the case where the service line between the water main and the premises has been deemed a private main because it is made of materials other than ductile iron or copper, it shall be replaced by copper or ductile iron lines at the expense of the user when, in the opinion of the Utilities Executive Director, such line has become so disintegrated as to be unfit for further use. Once such a line has been replaced with the required materials, it becomes part of the water utility, and the utility will assume the maintenance of the service line between the water main and the ~~curb-stop~~ **control valve** the same as for any public service line. This provision shall not apply to a common private water service line.

Section 8. That Section 26-116 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-116. - Permissible fees and charges.

The utility may adopt fees and charges which may include, but need not be limited to, the following:

- (1) Fees for turning water on or off at the ~~curb-stop~~ **control valve**;

...

Section 9. That Section 26-117 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 26-117. - Turn on/off fee.

The charge for turning the water service to a premises on or off at the ~~curb-stop~~ **control valve** shall be as prescribed in § 26-129.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Eric Potyondy

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Excerpt from DRAFT UNAPPROVED Minutes WATER COMMISSION

REGULAR MEETING

February 15, 2024, 5:30-7:30 p.m.

Hybrid in person at 222 LaPorte Ave and online via Zoom

The Water Commission advises City Council regarding water, wastewater, and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage, and development criteria. Read more at <https://www.fcgov.com/cityclerk/boards/water>.

ROLL CALL

- *Commissioners Present In Person:* Paul Herman (Vice Chairperson), Kent Bruxvoort, Tyler Eldridge, Rick Kahn, Jason Tarry
- *Commissioners Present via Zoom:* John Primsky, Greg Steed
- *Commissioners Absent - Excused:* Jordan Radin (Chairperson), James Bishop
- *Staff Members Present In Person:* Jeremy Woolf, John Song, Michael Neale, Ralph Campano, Ken Sampley, Jason Graham, Andrew Gingerich, Ingrid Decker
- *Staff Members Present via Zoom:* Jen Dial, Donnie Dustin, Jill Oropeza, Tracy Oschner
- *Members of the Public:* Robert Graves, James __, Rich __

7. NEW BUSINESS

b. Regular Items

i. Code Revision Regarding the Definition of a Curb Stop

Jeremy Woolf, Senior Director of Integrated Water Operations

Andrew Gingerich, Director of Water Field Operations

This is regarding the code revision of Chapter 26: Definition of “control valve,” and replacement of the term “curb stop” with “control valve.”

Discussion Highlights

Commissioners clarified that the term’s confusion comes from the fact that a control valve is not necessarily next to or near a curb. A Commissioner commented on language surrounding the fire suppression system and the necessary pressure required to meet the code.

Commissioners supported the necessitated changes to clarify language in the code.

This excerpt is from draft minutes that will be approved by the Water Commission on March 21, 2024.

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Michael Neale, Water Resources Engineer
Jen Dial, Water Resources Division Manager
Donnie Dustin, Water Resources Engineer

SUBJECT

First Reading of Ordinance No. 047, 2024, Establishing Rental Rates and Delivery Charges for Use of Water Available Under Fort Collins Utilities' Raw Water Interests for 2024 Through March 2027.

EXECUTIVE SUMMARY

The purpose of this item is to obtain Council approval for the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities' (Utilities) raw water supplies for the next three years, including proposed rental rates and delivery charges for fully consumable water. The rates and charges would be effective through March 2027. Setting the rates and charges via formula ensures Utilities can recoup the ownership and administrative costs for rented supplies and provides planning certainty for the agricultural rental community.

Proposed formulas for most supply sources remain consistent with those from the previous rental rate and delivery charge ordinance (Ordinance No. 038, 2021). Staff is recommending an increase in the rental rate and delivery charge for fully consumable water to be in line with market conditions for this type of water. In addition, staff is recommending the rental rate for Water Supply and Storage Company supplies to be 130% of assessment versus the prior rate of assessment plus a flat administration fee. These are the only changes to rental rates and delivery charge methods.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City is a shareholder in several local ditch and reservoir companies and holds allotment contracts for the delivery of Colorado Big-Thompson (CBT) Project water. Utilities is responsible for most of these supplies. The main use for raw water sources is the treatment and delivery of potable water for the Utilities' ratepayers. In addition, there are delivery obligations under existing agreements to provide raw water shares to certain homeowner's associations (HOA's), the Poudre School District (PSD), and other City Departments. In wet and average years, there are surplus water supplies that can be rented first to other City departments (if needed) and to agricultural users in respective irrigation company systems that Utilities' holds shares in.

This proposed ordinance defines the formulas and rates for annual water rentals and delivery agreements, not the availability of surplus water. It is staff's discretion to determine the availability of surplus water from different sources on an annual basis. There are many variables which can impact this availability, including snowpack in both the Poudre and Upper Colorado River basins, water quality in both river basins, available water in storage, and infrastructure and maintenance considerations. In addition, potential drought conditions or continued runoff impacts to water quality from the Cameron Peak and East Troublesome fires, will be considered when determining surplus water for 2024 through March 2027.

There are two categories for pricing raw water, as in past years:

- **Category 1 – Raw Water Rental Rates**

- Sets the price for surplus water for use by water users outside of the City organization.
- There are rental markets for many of Utilities' surplus water sources. Principally, for Utilities' supplies in North Poudre Irrigation Company and Water Supply and Storage Company.
- Typical customers are local agricultural producers, both large and small.

- **Category 2 – Raw Water Delivery Charges**

- Sets the price for sources where Utilities has an on-going obligation to provide raw water for irrigation or augmentation plans.
- Customers include specific HOAs, PSD, Fort Collins Parks Department, and Fort Collins Natural Areas Department.

A formula-based approach to setting rental rates and delivery charges for Utilities' raw water sources, except for fully consumable sources, has been used since 2015. The formulas are a function of the annual assessment for each ditch and reservoir company plus an administrative fee. Staff continues to receive positive feedback from the rental community regarding this formula-based approach to rate setting.

Starting in 2018, this formula-based approach to setting rental rates and delivery charges for Utilities' raw water supplies has been updated every three years. This was a change from the historical practice of having rates and charges approved for only one year at a time. This process change reduced the administrative burden of the rental program and increased the planning certainty for the water rental community. Staff is again recommending City Council adopt the proposed formulas for calculating rental rates and delivery charges for Utilities' raw water supplies for three years.

CATEGORY 1 - RAW WATER RENTAL RATES

Raw water rental sources include:

- North Poudre Irrigation Company
- Water Supply and Storage Company
- Colorado-Big Thompson Project
- Pleasant Valley and Lake Canal Company
- Southside Ditches (Arthur Irrigation Company, Larimer County Canal No. 2 Irrigating Ditch Company, New Mercer Ditch Company, and Warren Lake Reservoir Company)
- Fully Consumable Sources

The recommended changes to the proposed formulas and fixed rates for raw water rentals from the 2021 approved ordinance (Ordinance No. 38, 2021) is for Fully Consumable Sources and Water Supply and Storage Company water.

North Poudre Irrigation Company (NPIC)

In wet and average years, Utilities can expect to have surplus NPIC water available for rent. Each NPIC share has an agricultural (AG) component and a multiple use (MU) component. The volume of water for each component varies annually and is set in April by the NPIC Board of Directors based on the company's water supply availability. Due to current legal constraints, the AG component can only be used for irrigation purposes on land served by the NPIC system and is rented to shareholders under that system. The MU portion of each NPIC share is available for Utilities' use and is largely comprised of NPIC-owned CBT water. When users in the NPIC system rent either AG or MU water, both components are delivered through the system in the same manner. Therefore, for rentals made into the NPIC system, it is proposed both types of water be rented at the same rate per acre-foot (ac-ft).

Rental Rate – Beginning in 2015, a formula was defined to set the raw water rental rate, incorporating the NPIC assessment and share allocation to ensure the cost of the NPIC assessment was fully paid by the renter. At that time, a \$2.00 per acre-foot (ac-ft) administration fee was assessed as City Staff spent considerable time receiving, billing, and tracking individual rentals. Starting in 2022, NPIC has administered our rentals which has been very helpful to City Staff, and thus the fee is not included when NPIC administers our rentals. This has been accomplished by the City renting water to NPIC by an agreement, and then NPIC renting the water to shareholders. This same method is proposed for the 2024 – 2026 irrigation seasons and is defined below. The calculated rate is rounded up to the nearest dollar and is defined by the NPIC allocation made annually in mid-April. The rental rate will remain fixed until the assessment rate and allocation are defined for the next irrigation season. If administration of the City's NPIC rentals revert to City Staff, a \$2.00 per ac-ft fee will be added.

$$NPIC \text{ rental rate } \left(\frac{\$}{ac - ft} \right) = \frac{\text{assessment rate } (\$)}{MU (ac - ft) + AG(ac - ft)}$$

In some years there is a special class of NPIC water available for agricultural users for a very limited time early in the growing season. This Early AG water has a limited rental market and thus warrants a significantly lower rate. If Early AG water is available in the 2024 – 2026 irrigation seasons, Staff proposes a rental rate of \$15 per ac-ft to reflect its limited use.

Procedures – Whether it be Utilities or NPIC administering the rentals, if the total volume of rental requests is greater than the available surplus water, a proportionate allocation method based on the requester's acreage will be used. This allocation method uses information provided by renters about their total land holdings served under the NPIC system. These requesting acreages are then added together and divided into the total volume of City-owned NPIC water available for rent in a given year. This ac-ft per acre ratio is then applied to each of the requesters' land holdings to determine the maximum amount of rental water available for each requester. This allocation method was developed and has been used since 2008 at the request of NPIC renters to provide some water to all requesters each year.

CBT through NPIC Multiple Use Component

Rental Rate – Utilities does not typically rent CBT water from its own allotment contracts with Northern Water, but when available, Utilities can rent CBT water through its ownership of NPIC shares. Utilities retains its NPIC MU water for potentially high summer demands and can rent it to NPIC system renters or other (non-NPIC) renters later in the year if it was not needed.

For Utilities to rent CBT water from its NPIC shares to non-NPIC system users, the MU portion of the share is transferred as CBT water into the Utilities' CBT account. Northern Water institutes a transfer fee to the water user or entity receiving the transfer if the user has a higher open-rate assessment than the transferor. This is the case if NPIC MU water is transferred to Utilities' or another municipal entity's account.

Staff recommends the rental rate of CBT water through NPIC shares be calculated as the NPIC rental rate plus the cost of applicable Northern Water transfer fees, rounded up to the nearest dollar. See **Attachment 3**.

Procedures – Utilities will first meet the CBT delivery obligations to City departments and other entities with delivery agreements. If Utilities deems there is surplus CBT water available, it will then be offered to water users on ditches that run through town. These ditches, known collectively as the “Southside Ditches,” comprise the Arthur, New Mercer, and Larimer No. 2 Ditches, and Warren Lake Reservoir. The Pleasant Valley Lake and Canal Company (PVLC) is also included in this tier. Surplus CBT water will next be made available to other Poudre Basin water users. Finally, in the event any surplus CBT water remains, it will be offered to others within the entire Northern Water district.

Water Supply and Storage Company (WSSC)

WSSC shares can only be rented to water users under that system. WSSC shares come with both trans-basin and a native component. Utilities generally uses the trans-basin component and rents the native portion of its WSSC shares. In February of each year, Utilities staff determines how WSSC shares will be used for the year in its WSSC Annual Operating Plan. In 2023, Utilities exercised an agreement with WSSC to use Utilities’ shares to meet a CBT obligation with WSSC. This arrangement retained more CBT water in Utilities’ account and the remaining WSSC shares were rented and administered by WSSC for a \$250 administrative fee. Staff may pursue similar operations with WSSC in the future.

Rental Rate - Previously, the rental rate was set at assessment plus \$1,000 administration fee. For the next three irrigation seasons (2024-2026), Staff proposes a rate calculated as 130% of assessment. This is a similar methodology to many of our other sources and is in line with the market rental rate. Utilities staff administers WSSC water rentals and this rate will cover staff time costs. If the Utilities exercises its agreement with WSSC as described above, then any remaining shares available for rental may be administered by WSSC which would exclude the additional 30% over assessment as an administration fee.

Procedures – WSSC system users are to make rental requests through the online form on the City’s rental website. Rental requests are accepted for a month-long period around February and March. There are typically more requests than available supplies, so Utilities staff administer a lottery to determine recipients and allocate available WSSC rental water.

Pleasant Valley and Lake Canal Company (PVLC) and the Southside Ditches

Rental Rates – The rental market for raw water from the Southside Ditches and PVLC is very limited; however, Utilities can occasionally rent surplus water from these systems. Staff recommends the rate for these supplies be set at 120% of the assessment rate, rounded up to the nearest dollar, for each ditch company.

Procedures – PVLC and Southside Ditch shares can only be rented to water users under each specific system. As the market for these supplies is limited, availability of shares to rent will be determined by Staff at the time the request is made.

Fully Consumable Sources

Utilities has occasional rental demand for fully consumable water to satisfy State requirements for substitute water supply and augmentation plans. Historically, Utilities has only leased this type of water under short-term arrangements of 1-year leases. Staff proposes setting the rental rate for these sources at \$800 per ac-ft for three years. Based on inquiries with entities renting and/or leasing water with similar characteristics in Northern Colorado, this rate is well within market range for short term agreements for augmentation water on the Cache la Poudre River.

Procedures – Utilities Staff will monitor reusable sources and determine availability for rental at the time the request is made.

CATEGORY 2 - RAW WATER DELIVERY CHARGES

Sources utilized for obligated raw water deliveries include:

1. Pleasant Valley and Lake Canal Company
2. Southside Ditches
3. Colorado-Big Thompson Project
4. Fully Consumable Sources

The only recommended change to the proposed formulas and fixed rates for raw water delivery charges from the previous rental rate and delivery charge ordinance is for Fully Consumable Sources.

Pleasant Valley and Lake Canal Company (PVLC) and the Southside Ditches

This category sets charges for water delivered for use on City facilities, such as parks and golf courses, or water delivered for use by other entities having met the Utilities' raw water requirement. Non-City organization entities with raw water delivery agreements are typically HOAs and the Poudre School District. It is proposed the delivery charges be set at 110% of each ditch and reservoir company per share annual assessment, rounded up to the nearest dollar to help offset administrative costs.

Colorado-Big Thompson Water (CBT)

If necessary, Utilities can deliver CBT water to Parks or other City departments, typically for irrigation purposes. In those instances, Utilities utilizes its available supplies through its allotment contracts with Northern Water. Staff recommends setting the rate for delivery of this CBT water equal to the Northern Water assessment rate plus any applicable Northern Water transfer fees, rounded up to the nearest dollar.

Fully Consumable Sources

Utilities has a limited number of delivery obligations for fully consumable water where the Utilities' raw water requirement has been met. For these obligations it is proposed to charge a fee of \$200 per ac-ft to help offset operational and administrative costs.

CITY FINANCIAL IMPACTS

The rental rate methods set forth in this item ensure that rental payments cover the cost of owning such rented supplies (assessments) plus the staff time to coordinate and administer the rentals. Revenue from the rental and delivery of raw water has been \$475,000, on average, over the last three years. **(Attachment 5)**

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

On February 15, 2024, the Water Commission unanimously recommended Council adopt the proposed formulas for calculating rental rates and delivery charges for Utilities' raw water supplies.

PUBLIC OUTREACH

The City has conducted water rentals for several decades and eligible renters are generally aware of the City's rental practices. Staff has historically provided outreach to specific audiences with announcements made at the NPIC and WSSC company annual meetings.

The public is encouraged to check the status and availability of rental water from Utilities on the Raw Water Rental Program website (<https://fcgov.com/water-rental>). If applicable, the site gives instructions on how and when to make rental requests from available sources. Staff can be reached at a dedicated email (waterrental@fcgov.com) for water rental inquiries.

ATTACHMENTS

1. Ordinance for Consideration
2. Water Assessment Rates as Set by the Ditch and Reservoir Companies
3. Proposed Rental Rate and Delivery Charge Formulas by Source
4. 2022 and 2023 and Proposed 2024 Raw Water Rental Rates and Delivery Charges
5. Water Rentals and Assessments Summary
6. Draft Water Commission Minutes - February 15, 2024 (Excerpt)
7. Presentation

ORDINANCE NO. 047, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING RENTAL RATES AND DELIVERY CHARGES
FOR USE OF WATER AVAILABLE UNDER FORT COLLINS UTILITIES'
RAW WATER INTERESTS FOR 2024 THROUGH MARCH 2027

A. The City holds title to or otherwise has ownership interests in various water rights, water right decrees, shares in ditch and reservoir companies ("shares"), and contractual rights to the delivery of water that are sources of supply of raw and untreated water (together, "Raw Water Interests"), many of which pertain to Fort Collins Utilities ("Utilities").

B. The amount of water available under Utilities' Raw Water Interests, at certain times, may be greater than the immediate needs of Utilities and its ratepayers, and is thus potentially available for use by persons outside of Utilities as a rental.

C. The City, through Utilities, has various agreements and understandings pursuant to which Utilities allows persons outside the City and certain City departments to use water available under Utilities' Raw Water Interests, provided that a charge for the delivery of such water is paid.

D. Pursuant to Article XII, Section 4 of the City Charter, if at any time the water supply is greater than the immediate needs of the City and its inhabitants, the City Council may authorize the City Manager to permit the use of such surplus water by consumers outside the City at such rates as the City Council may prescribe, provided that no vested right shall accrue under such permits.

E. Pursuant to Article XII, Section 6 of the City Charter, the City Council shall by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water 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 and to provide and maintain an adequate working capital fund for the day-to-day business operations of the utilities.

F. On February 15, 2024, Utilities staff presented recommendations for rental rates and delivery charges for the use of water available under Utilities' Raw Water Interests for a period of approximately three years, through March 2027, to the Water Commission, and the Water Commission recommended City Council approve the rates and charges as recommended by staff.

G. City Council finds that the rental rates and delivery charges set forth herein are appropriate and will provide revenues that offset the cost of operation and maintenance of Utilities' Raw Water Interests and associated infrastructures and to keep the City's utilities in good repair and working order, and to provide and maintain an adequate working capital fund for the day-to-day business operations of the utilities.

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 Manager and the Utilities Executive Director are authorized to make water available under Utilities Raw Water Interests available for use by persons outside of the City and certain City departments, provided that:

- such rentals shall not exceed one year in duration;
- such water can be rented or delivered without adversely affecting the City or Utilities and its ratepayers;
- no vested right shall accrue under such use;
- the appropriate rental rate or delivery charge set forth herein is applied, which may be adjusted as the City Manager or the Utilities Executive Director determine necessary to reflect the remaining yield for the prevalent market price of the water or shares being rented in order to prevent undue economic loss to the City; and
- the final price may be rounded up to the nearest dollar.

Section 2. The City Manager and the Utilities Executive Director are authorized:

- to impose on such rentals and deliveries such additional terms and conditions as they deem appropriate to protect the interests of the City and Utilities in and to Utilities' Raw Water Interests; and
- to deny any request for a rental or delivery, to the extent allowed by law, as they deem appropriate to further the interests, policies, and values of the City.

Section 3. All previous authorizations to make water available under Utilities' Raw Water Interests are repealed in their entirety.

Section 4. The rental rates set forth in the table below are hereby approved as the City's rental rates for 2024 through March 2027 for Utilities' Raw Water Interests, provided that the rental rate for fully consumable water shall apply through March 2027.

RATES FOR RENTALS OF SURPLUS RAW WATER	
Type of Water	Rate Per Acre Foot
Arthur Irrigation Company	120% of Annual Assessment
Colorado-Big Thompson Water from the Northern Colorado Water Conservancy District (Northern) associated with Shares in the North Poudre Irrigation Company	Rental Rate for North Poudre Irrigation Company (Seasonal Agricultural and Multiple Use Water) + any Northern transfer fees calculated at the time of transfer
Larimer County Canal No. 2 Irrigating Company	120% of Annual Assessment

New Mercer Ditch Company	120% of Annual Assessment
North Poudre Irrigation Company: Early Agricultural Use Water	\$15.00 per acre foot
North Poudre Irrigation Company: Seasonal Agricultural and Multiple Use Water	(Annual Assessment / (Sum of Allocation of Seasonal Agricultural Use and Multiple Use Water per share)) + \$2.00 per acre foot*
Pleasant Valley and Lake Canal Company	120% of Annual Assessment
Fully Consumable Sources	\$800.00 per acre foot
Sherwood Reservoir Company	120% of Annual Assessment
Sherwood Irrigation Company	120% of Annual Assessment
Warren Lake Reservoir Company	120% of Annual Assessment
Type of Water	Rate Per Share
Water Supply and Storage Company	130% of Annual Assessment **

* The City Manager and the Utilities Executive Director may reduce this \$2.00 per acre-foot fee to reflect actual administrative burdens on Utilities staff.

** The City Manager and the Utilities Executive Director may reduce this fee to no less than 100% of Annual Assessment to reflect actual administrative burdens on Utilities staff.

Section 5. The delivery charges set forth in the table below are hereby approved as the City's delivery charges for 2024 through March 2027 for Utilities' Raw Water Interests.

RAW WATER DELIVERY CHARGES	
Type of Water	Rate Per Share
Arthur Irrigation Company	110% of Annual Assessment
Colorado-Big Thompson Water from the Northern Colorado Water Conservancy District	Rental Rate for North Poudre Irrigation Company (Seasonal Agricultural and Multiple Use Water) + any Northern transfer fees calculated at the time of transfer
Larimer County Canal No. 2 Irrigating Company	110% of Annual Assessment
New Mercer Ditch Company	110% of Annual Assessment
Pleasant Valley and Lake Canal Company	110% of Annual Assessment
Sherwood Reservoir Company	110% of Annual Assessment

Sherwood Irrigation Company	110% of Annual Assessment
Warren Lake Reservoir Company	110% of Annual Assessment
Type of Water	Rate Per Acre Foot
Fully Consumable Sources	\$200.00 per acre foot

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Eric Potyondy

ATTACHMENT 2**Water Assessment Rates**

Source	2021		2022		2023		2024
CBT (NCWCD, \$/unit)	\$	48	\$	49	\$	51	\$ 54
North Poudre Irrigation Co. (\$/sh)	\$	180	\$	180	\$	180	\$ 180
Water Supply & Storage Co. (\$/sh)	\$	3,000	\$	3,750	\$	3,250	\$ 3,400
Arthur Irrigation Co. (\$/sh)	\$	67	\$	74	\$	75	\$ 80
Larimer County Canal #2 (\$/sh)	\$	1,100	\$	1,100	\$	1,100	\$ 1,200
New Mercer (\$/sh)	\$	1,300	\$	1,600	\$	1,600	\$ 1,750
Pleasant Valley & lake Canal (\$/sh)	\$	605	\$	670	\$	737	\$ 884
Warren Lake (\$/sh)	\$	550	\$	550	\$	550	\$ 575
Sherwood Reservoir (\$/sh)	\$	85	\$	85	\$	78	\$ 80
Sherwood Irrigation Co. (\$/sh)	\$	2,750	\$	2,850	\$	2,650	\$ 3,000

ATTACHMENT 3

Proposed Rental Rates and Delivery Charge Formulas by Source

Raw Water Delivery Charges

NPIC – Early AG (<i>per ac-ft</i>)	\$ 15.00
NPIC – AG or MU (<i>per ac-ft</i>)	\$ (<i>Assessment / (MU+AG Allocation)</i>)
CBT (<i>per ac-ft</i>)	\$ <i>NPIC rental rate plus any Northern transfer fees</i>
WSSC (<i>per share</i>)	\$ (<i>130% of annual assessment</i>)
Arthur Irrigation Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Larimer County Canal No. 2 (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
New Mercer Ditch Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Pleasant Valley & Lake Canal Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Warren Lake Reservoir Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Sherwood Res. Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Sherwood Irrigation Co. (<i>per share</i>)	\$ (<i>120 % of annual assessment</i>)
Fully Consumable Sources (<i>per ac-ft</i>)	\$ 800.00

Raw Water Delivery Charges

Arthur Irrigation Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Larimer County Canal No. 2 (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
New Mercer Ditch Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Pleasant Valley & Lake Canal Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Warren Lake Reservoir Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Sherwood Res. Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Sherwood Irrigation Co. (<i>per share</i>)	\$ (<i>110 % of annual assessment</i>)
Fully Consumable Sources (<i>per ac-ft</i>)	\$ 200.00

Notes:

- (1) Rental rates may be adjusted to reflect the remaining yield, or the prevalent market price of the water stock being rented.
- (2) The April allocation will be used to set the NPIC AG/MU rental rate. Although it is anticipated that NPIC will administer renting the City's NPIC water, a \$2.00 per acre-foot administration fee would be applied to the NPIC rental rate if City Staff administers the rentals.
- (3) If WSSC administers the City's WSSC share rental, then the WSSC rate would change to 100% of annual assessment minus any WSSC administration fee charged to the City.
- (4) Proposed changes in bold.

ATTACHMENT 4**Water Rental Rates and Delivery Charges**

Surplus Water Rental Rates	2022	2023	2024
NPIC - Early AG (\$/ac-ft)	\$ 15.00	\$ 15.00	\$ 15.00
NPIC - AG or MU (\$/ac-ft)	\$ 45.00	\$ 45.00	\$ 45.00
Transfer Fee - NPIC CBT to City (\$/ac-ft)	\$ 68.00	\$ 71.00	\$ 75.00
CBT (\$/AF)	\$ 113.00	\$ 116.00	\$ 120.00
Water Supply & Storage Co. (\$/sh)	\$ 4,750.00	\$ 4,250.00	\$ 4,420.00
Fully Consumable Sources (\$/ac-ft)	\$ 600.00	\$ 600.00	\$ 800.00
Arthur Irrigation Co. (\$/sh)	\$ 89.00	\$ 90.00	\$ 96.00
Larimer County Canal #2 (\$/sh)	\$ 1,320.00	\$ 1,320.00	\$ 1,440.00
New Mercer (\$/sh)	\$ 1,920.00	\$ 1,920.00	\$ 2,100.00
Pleasant Valley and Lake Canal (\$/sh)	\$ 805.00	\$ 885.00	\$ 1,061.00
Warren Lake (\$/sh)	\$ 660.00	\$ 660.00	\$ 690.00
Sherwood Reservoir (\$/sh)	\$ 102.00	\$ 94.00	\$ 96.00
Sherwood Irrigation (\$/sh)	\$ 3,420.00	\$ 3,180.00	\$ 3,600.00
Raw Water Delivery Charges	2022	2023	2024
CBT (\$/ac-ft)	\$ 113.00	\$ 116.00	\$ 120.00
Arthur (\$/sh)	\$ 82.00	\$ 83.00	\$ 88.00
Larimer #2 (\$/sh)	\$ 1,210.00	\$ 1,210.00	\$ 1,320.00
New Mercer (\$/sh)	\$ 1,760.00	\$ 1,760.00	\$ 1,925.00
PVLC (\$/sh)	\$ 738.00	\$ 811.00	\$ 973.00
Warren Lake (\$/sh)	\$ 605.00	\$ 605.00	\$ 633.00
Sherwood Reservoir (\$/sh)	\$ 94.00	\$ 86.00	\$ 88.00
Sherwood Irrigation	\$ 3,135.00	\$ 2,915.00	\$ 3,300.00
Fully Consumable (\$/ac-ft)	\$ 200.00	\$ 200.00	\$ 200.00

Notes:

1. Rates may be adjusted to reflect the remaining yield, or the prevalent market price of the water stock being rented.
2. Charges for those who have satisfied the City's raw water requirements are set at 110% of the assessments charged by that company.
3. The transfer fee charged on CBT rentals will be based on the quota at the time of the transfer.
4. Rates and charges are rounded up to the nearest dollar.

ATTACHMENT 5**Water Rentals and Assessments Summary**

Water Source	2021	2022	2023
Northern (CBT)			
Assessments Paid	\$849,528	\$828,257	\$848,471
Rental Revenue	\$3,069	\$12,888	\$1,240
Ac-ft Rented	28	118	7
North Poudre Irrigation Co.			
Assessments Paid	\$641,475	\$642,195	\$642,195
Rental Revenue	\$320,172	\$256,380	\$340,273
Ac-ft Rented	7,637	5,361	7,578
Water Supply & Storage Co.			
Assessments Paid	\$80,001	\$100,001	\$86,668
Rental Revenue	\$85,000	\$100,938	\$4,625
Ac-ft Rented	1,700	1,700	120
Pleasant Valley & Lake Canal Co.			
Assessments Paid	\$102,038	\$113,001	\$124,301
Rental Revenue	\$266	\$295	\$324
Ac-ft Rented	16	16	16
Others			
Assessments Paid	\$303,753	\$329,324	\$329,366
Rental Revenue	\$103,841	\$100,047	\$96,002
Ac-ft Rented	873	791	785
Total			
Assessments Paid	\$1,976,795	\$2,012,778	\$2,031,001
Rental Revenue	\$512,349	\$470,548	\$442,465
Ac-ft Rented	10,253	7,985	8,507

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Excerpt from DRAFT UNAPPROVED Minutes WATER COMMISSION

REGULAR MEETING

February 15, 2024, 5:30-7:30 p.m.

Hybrid in person at 222 LaPorte Ave and online via Zoom

The Water Commission advises City Council regarding water, wastewater, and stormwater policy issues such as water rights, planning, acquisition and management, conservation and public education, floodplain regulations, storm drainage, and development criteria. Read more at <https://www.fcgov.com/cityclerk/boards/water>.

ROLL CALL

- *Commissioners Present In Person:* Paul Herman (Vice Chairperson), Kent Bruxvoort, Tyler Eldridge, Rick Kahn, Jason Tarry
- *Commissioners Present via Zoom:* John Primsky, Greg Steed
- *Commissioners Absent - Excused:* Jordan Radin (Chairperson), James Bishop
- *Staff Members Present In Person:* Jeremy Woolf, John Song, Michael Neale, Ralph Campano, Ken Sampley, Jason Graham, Andrew Gingerich, Ingrid Decker
- *Staff Members Present via Zoom:* Jen Dial, Donnie Dustin, Jill Oropeza, Tracy Oschner
- *Members of the Public:* Robert Graves, James ___, Rich ___

7. NEW BUSINESS

b. Regular Items

i. Raw Water Rental Rates and Delivery Charges

Michael Neale, Water Resources Engineer

Staff sought Water Commission's recommendation for approval ahead of their presentation to Council in March, as the rates require Council approval every 3 years. There will be a memo detailing the history and process.

Discussion Highlights

A Commissioner inquired about the percentage of water rented compared to the total water owned by the City, to which Mr. Neale responded that it was less than ten percent. Commissioners discussed topics such as the end use of rented water, about the dollar amounts the City incurs from rental agreements, the difference between rental and delivery charges, the amount of excess and the City's ability to rent, as well as expressing concerns regarding river health and wondered about any plans for mechanisms in the agreements to keep water in the river while still renting. A Commissioner commented that raised rates may affect overall demands, to which Water Resources Engineer Donnie Dustin responded that rental requests have always

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Excerpt from DRAFT UNAPPROVED Minutes WATER COMMISSION REGULAR MEETING

exceeded the ability to meet the demands.

Commissioner Bruxvoort moved that the Water Commission recommend City Council adopt the proposed formulas for calculating rental rates and delivery charges for Fort Collins Utilities raw water supplies, as well as the proposed rental rate and delivery charge for fully consumable water for 2024 through March 2027.

Commissioner Tarry seconded the motion.

Vote on the Motion: it passed unanimously, 7-0

This excerpt is from draft minutes that will be approved by the Water Commission on March 21, 2024.



Raw Water Rental Rates and Delivery Charges

Michael Neale, Water Resources Engineer

- **Seeking Council approval of methods for setting raw water rental rates and delivery charges for 2024 through March 2027.**
- **Rate Formulas and 3-year Review Process:**
 - Used since 2015
 - Recoup assessment & administrative costs
 - Increases planning certainty
 - Most formulas & factors staying the same.
- **Proposed Changes this cycle:**
 - Rental of fully consumable (reusable) sources from \$600 to **\$800 per ac-ft.**
 - WSSC rental rate = **130%** of assessment per share
 - Prev: (Assessment * shares) + \$1,000 admin fee
 - NPIC administration of rentals



Category 1: Raw Water Rental Charges

- Rental Markets for Agriculture
 - Surplus supply in our ditch company shares
 - NPIC & WSSC
- Substitute Water Supply Plans (SWSPs)
- Rental to City Golf and Parks Depts.

Category 2: Delivery Agreement Charges

- Longstanding Agreements / Obligations
 - Parks, Poudre School District, HOAs
- Substitute Water Supply Plans (SWSPs)
- Augmentation plans (e.g. NAD Kingfisher ponds)
 - Augmentation Plans must be approved through a decree of the water court.
 - A substitute water supply plan may allow for operation of the project until the water court approves (decrees) the augmentation plan.



- Fixed rate price (rental rate / delivery charge)
- Sources
 - Michigan Ditch / Joe Wright Reservoir
 - Rigden Reservoir
- Recommended rental rate increase in-line with market conditions
- Delivery through agreement – user met raw water requirement




Year	Rental Rate (\$/acre-foot)	Delivery Charge (\$/acre-foot)
Prior to 2018	\$600	\$120
2018 – 2020	\$400	\$120
2021 – 2023	\$600	\$120
Recommended Rates 2024-2026	\$800	\$200

Proposed Rental Rates and Delivery Charge Formulas by Source

NPIC – Early AG (<i>per ac-ft</i>)	\$ 15.00
NPIC – AG or MU (<i>per ac-ft</i>)	\$ (<i>Assessment / (MU+AG Allocation)</i>)
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Fully Consumable Sources (<i>per ac-ft</i>)	\$ 800.00

Raw Water Delivery Charges

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Rental Revenue	\$512,349 	\$470,548	\$442,465
Ac-ft Rented	10,253	7,985	8,507 



For Questions or Comments, Please Contact:

Michael Neale

mneale@fcgov.com



March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Aaron Ehle, Airport Planning & Development Specialist

SUBJECT

Items Relating to Water Service for the Northern Colorado Regional Airport's New Terminal.

EXECUTIVE SUMMARY

A. Resolution 2024-029 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, the City of Loveland and the Fort Collins-Loveland Water District for the Purchase of a Water Tap for the New Terminal at the Northern Colorado Regional Airport.

B. First Reading of Ordinance No. 048, 2024 Authorizing the Conveyance of a Permanent Non-Exclusive Domestic Waterline Easement on Property Jointly Owned by the City of Fort Collins and the City of Loveland at the Northern Colorado Regional Airport for the New Airport Terminal Facility.

The purpose of Resolution A is to authorize the City Manager to execute an intergovernmental agreement for the purchase of a water tap from the Fort Collins-Loveland Water District for water service at the Airport's new terminal. Ordinance B would authorize a conveyance of an easement to the water district to allow for a water service line for the terminal. The easement is over a portion of the Northern Colorado Regional Airport property, which is owned jointly by the City of Fort Collins and the City of Loveland.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Northern Colorado Regional Airport is a public facility jointly owned and operated by the Cities of Fort Collins and Loveland. In 2015, the Cities entered into an intergovernmental agreement that formed the Northern Colorado Regional Airport Commission, which delegated certain powers and authority to operate and maintain the Airport. However, only the Cities Councils have the authority to grant easements as permanent property rights at the Airport.

In connection with the construction of the new terminal, Fort Collins-Loveland Water District ("Water District") requires the City of Fort Collins, the City of Loveland, and the Water District execute a Memorandum of Agreement for Purchase of Water Tap ("MOA"). Because the MOA is an agreement between the Cities and the Water District, it is an intergovernmental agreement. The price for the water tap is \$586,088, which is based on the Water District allowing the Cities to take advantage of 2023 rates. The dollar amount exceeds the threshold set by City Code Section 1-22 that would allow the City Manager to sign the MOA, therefore, City Council approval is required. Section 1-22 allows that intergovernmental agreements may be approved by Council by either ordinance or resolution. A resolution is presented here

to expedite execution of the MOA because the Water District is offering 2023 rates. The MOA presented with the Resolution is the Water District's form MOA as revised by the Cities' attorneys. The parties continue to work on mutually agreeable language.

Along with the MOA, the Water District requires that the Cities grant a permanent, non-exclusive easement across Airport property to allow for the installation and maintenance of a water line to the terminal. The total area of the associated water easement is 18,673 square feet. The Easement Agreement included with the Ordinance is the Water District's form easement as revised by the Cities' attorneys. The parties continue to work on mutually agreeable language.

Under City Code Section 23-111, the Council may sell, convey, exchange, or otherwise dispose of any and all interests in City-owned real property if the Council finds, by ordinance, that such sale or disposition is in the best interests of the City. City Code Section 23-114 requires that any sale, lease or other conveyance of property must be for an amount equal to or greater than the fair market value of such interest unless the Council or City Manager, as applicable, determines that such sale or lease serves a bona fide public purpose because:

- (1) *The use to which the property will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins;*

The Airport is a public use facility jointly owned by Fort Collins and Loveland. The easement will allow for public investment and development that will bring improvements to the Airport and the users it serves.

- (2) *The use to which the property will be put supports one (1) or more of the City Council's goals, adopted policies, projects or plans;*

The easement will allow for public development of the site in alignment with the Airport Master Plan, which was approved by City Council.

- (3) *The financial support provided by the City through the below-market disposition of the property will be leveraged with other funding or assistance;*

The City would benefit from granting the easement because doing so will allow the Water District to install and maintain utility infrastructure necessary for the terminal project. In addition to federal grant funding and Airport revenue being used for the terminal, both Cities individually contributed \$1,000,000 towards the project.

- (4) *The sale or lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and*

The easement will simply allow the Water District to provide service to the new public terminal. The Airport and two Cities benefit from utilities running to the public terminal, which add value to the Airport.

- (5) *Selling or leasing the property for less than fair market rent will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.*

Authorizing the conveyance of the easement will not interfere with City projects or work programs, workload schedules, or resources needed for primary City functions or responsibilities.

As the conveyance of the easement meets the above criteria, Airport staff and the Airport Commission recommend approval because the easement allow for the Water Districts to install and maintain the water

infrastructure required to serve the new public facility. The new terminal is in alignment with the Airport Master Plan, which has been approved by Council.

CITY FINANCIAL IMPACTS

The MOA authorizes the Cities to purchase a water tap from the Water District for \$586,088. This cost has been budgeted for as part of the terminal project. There are no material financial impacts to the City.

The cost of the legal description and exhibit for the easement is \$500, to be paid from the terminal project budget. There are no material financial impacts to the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Northern Colorado Regional Airport Commission and the City Councils of Fort Collins and Loveland have approved the 2020 Airport Master Plan, which prominently features plans for the new terminal facility.

The Fort Collins and Loveland City Councils have each appropriated \$1.0 million in support of the new terminal.

The Airport Commission unanimously voted at its January 18, 2024, meeting to recommend the City Council approve the MOA and easements.

PUBLIC OUTREACH

The development of the 2020 Airport Master Plan, which took more than two years to complete, included numerous public meetings and significant outreach by the Airport, far exceeding what is recommended by the Federal Aviation Administration (FAA).

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution (Memorandum of Agreement)
3. Ordinance for Consideration
4. Exhibit A to Ordinance (Water Easement Agreement)

RESOLUTION 2024-029
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS, THE CITY OF
LOVELAND, AND THE FORT COLLINS-LOVELAND WATER DISTRICT
FOR THE PURCHASE OF A WATER TAP FOR THE NEW TERMINAL
AT THE NORTHERN COLORADO REGIONAL AIRPORT

A. The Cities of Loveland and Fort Collins (collectively, the “Cities,” and “Loveland” or “Fort Collins” individually) jointly own and operate the public airport known as the Northern Colorado Regional Airport (the “Airport”) pursuant to an Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport entered into on January 22, 2015, and amended on June 7, 2016.

B. The ongoing construction of the Airport’s new terminal facility project requires that a water tap be installed to provide water service to the terminal.

C. The Fort Collins-Loveland Water District (the “District”) will provide water service to the terminal and has offered to sell the water tap to the Cities for \$586,088, which amount is based upon the District’s willingness to offer the water tap to the Cities at 2023 rates.

D. The District requires the Cities to execute a Memorandum of Agreement for Purchase of Water Tap (“MOA”), in substantially the form attached hereto as Exhibit “A” and incorporated herein, and which is an intergovernmental agreement that sets forth the terms and conditions for the purchase of the water tap.

E. City Code Section 1-22 authorizes City Council to approve the execution of intergovernmental agreements by ordinance or resolution.

F. The City Council desires to authorize the City Manager, in consultation with the City Attorney, to execute the MOA on behalf of Fort Collins in substantially similar form to “Exhibit A.”

G. The MOA will allow the Cities to acquire from the District the water tap that is necessary for water service to the Airport’s new terminal, which is in the best interests of the City and beneficial to the users of the Airport and the northern Colorado region at large.

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 that the City Manager is hereby authorized, following consultation with the City Attorney, to execute the MOA in substantially similar form to “Exhibit A” subject to modifications as deemed necessary to protect the interests of the City of Fort Collins or to effectuate the purposes of this Resolution.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Ryan Malarky

Account No. 2510031

**FORT COLLINS-LOVELAND WATER DISTRICT
MEMORANDUM OF AGREEMENT FOR PURCHASE OF WATER TAP**

THIS AGREEMENT is made and entered into between the FORT COLLINS-LOVELAND WATER DISTRICT (hereinafter “District”) by its Board of Directors through its designated manager, and the CITY OF LOVELAND, COLORADO, a municipal corporation, with an address of 500 E. Third Street, Loveland, CO 80537, and the CITY OF FORT COLLINS, COLORADO, a municipal corporation (collectively, “Grantor”), with an address of 300 Laporte Ave, Fort Collins, CO 80521 (hereinafter “Purchaser”).

IN CONSIDERATION OF THE COVENANTS, PROMISES, TERMS AND CONDITIONS HEREINAFTER STATED, THE PARTIES AGREE AS FOLLOWS:

1. Purchaser agrees to purchase and pay for one water tap from District. Purchaser agrees to pay the sum of \$586,088.00 for said tap, payable concurrently with the execution of this Agreement. Under no circumstances will any services be provided by the District until full payment is made, nor shall any of the tap fees paid be refunded to the Purchaser. This tap cannot be transferred from one lot to another, unless the transfer is made within the same District-approved subdivision for which it was originally purchased.
2. Purchaser agrees to pay all assessments and service charges as may be established and modified by the District from time to time. In the event the purchaser fails to pay such assessments and charges upon demand, the District shall then immediately terminate service, assess penalties, and assert its lien rights, to the extent legally permissible, and any other remedies available to it pursuant to its Rules and Regulations and to the laws of the State of Colorado.
3. In the event that the above described real property is conveyed or transferred to an individual or entity by the Customer, such water tap shall be deemed transferred with the real property whether such conveyance or transfer is the result of a voluntary or involuntary transfer, including judicial order or decree, public trustee’s sale, sheriff’s sale, treasurer’s sale, or otherwise. Upon any such transfer of the real property, the District may recognize such transferee as the “owner of said water tap” without having first obtained an assignment of water tap executed by the Customer to the new owner. In no event may the Customer retain ownership of said tap upon the voluntary or involuntary transfer of the property.
4. The legal description for the real property for which this tap is being purchased is as follows: (Attach separate exhibit for description if necessary).

N/A - 25081 Barnstorm

Street Address: **4831 Earhart Road**

5. Purchaser agrees to execute and deliver such easement or Easement Agreements as are needed by the District for the purpose of constructing and maintaining water lines across any of the real property of the Purchaser. Such easements shall be executed and delivered by separate legal document and in compliance with requirements established by each City’s City Code and other applicable law, at the sole expense of Purchaser, and such expenses shall include, but not be limited to, survey expenses, , and recording expenses.
6. Pursuant to the terms of this Agreement, Purchaser shall have the right to tap into the District’s line at a point designated by the District. Tapping procedures shall be in accordance with the District’s specifications, and shall be under the control and supervision of the District or its representative. The costs of tapping, including the connection, the tap and service line, and all other expenses thereof, shall be paid by Purchaser. Purchaser agrees to pay all expenses for any line extension (s) from the District’s main line to the connection of the premises of the Purchaser.
7. Purchaser agrees to pay to the District a monthly service charge for the use of the District’s treatment and distribution system. The District expressly reserves the right to increase or decrease the monthly rate assessed at any time upon reasonable notice to its users.
8. The District reserves the right, through its representatives, to inspect and approve all lines connecting Purchaser’s premises to the District’s system. The Purchaser shall comply with the District’s Rules and Regulations, as modified from time to time, and with District’s construction specifications before and after Purchaser’s connection to the District’s system. In the event the District incurs expenses for labor or materials for repair and maintenance of Purchaser’s line and connection with District’s water system, Purchaser shall be liable for payment for costs incurred by the District for such labor and/or materials, provided such repair and maintenance is required through no fault of the District.
9. Appropriation. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the City of Loveland, it shall be subject to annual appropriation pursuant to the City of Loveland Municipal Charter Section 11-6 and Article X, Section 20 of the Colorado Constitution. To the extent this Agreement or any provision in it constitutes a multiple fiscal year debt or financial obligation of the City of Fort Collins, it shall be subject to annual appropriation by City Council as required in Article V, Section 8(b) of the City Charter, City Code Section 8-186, and Article X, Section 20 of the Colorado Constitution. The Cities shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.
10. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the notices, requirements, immunities, rights, benefits, protections, limitations of liability, and other provisions of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.* and under any other applicable law.

Signed this _____ day of _____ 20____

By: _____ Controller **Amanda Proctor**

-

Payment **\$586,088.00**

Purchaser:
City of Loveland, Colorado
A Municipal Corporation

City of Fort Collins, Colorado
A Municipal Corporation

By:
Rod Wensing, Acting City Manager

By: _____
Kelly DiMartino, City Manager

ATTEST:

ATTEST:

Delynn Coldiron City Clerk **Date**

Interim City Clerk **Date**

APPROVE AS TO FORM:

APPROVE AS TO FORM:

Senior Assistant City Attorney

Assistant City Attorney

ORDINANCE NO. 048, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT NON-
EXCLUSIVE DOMESTIC WATERLINE EASEMENT ON PROPERTY
JOINTLY OWNED BY THE CITY OF FORT COLLINS AND THE CITY
OF LOVELAND AT THE NORTHERN COLORADO REGIONAL
AIRPORT FOR THE NEW AIRPORT TERMINAL FACILITY

A. The City of Fort Collins ("City") and the City of Loveland ("Loveland") (collectively, the "Cities") jointly own property in Loveland (the "Property") known as the Northern Colorado Regional Airport (the "Airport").

B. The Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015, as amended (the "IGA").

C. In connection with the ongoing construction of the new airport terminal facility, the Fort Collins-Loveland Water District (the "District") has requested a permanent, non-exclusive easement for installation of one or more domestic waterlines for transmission and distribution of domestic water to serve the terminal (the "Easement") over and across that portion of the Airport property legally described and depicted in the Easement Agreement, attached hereto and incorporated herein by this reference as Exhibit "A."

D. The Cities desire to grant the Easement on the terms and conditions as substantially set forth in the Easement Agreement, which includes that the District will not pay a specific purchase price for the easement but will instead provide water service necessary for the terminal.

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

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

Section 1. The City Council hereby finds that the City's conveyance of the Easement subject to terms and conditions substantially set forth in the Easement Agreement for less than fair market value serves a bona fide public purpose and is in the best interests of the City as required by City Code Section 23-114 because:

- a. The use to which the Easement will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins by facilitating public investment in and improvement of the Airport and the users it

serves, and will allow domestic water service for the new public terminal facility currently being constructed;

- b. The use to which the Easement will be put supports one (1) or more of the City Council's goals, adopted policies, projects or plans, including the Airport Master Plan, which was approved by Council;
- c. The financial support provided by the City through the below-market disposition of the Easement will be leveraged with other funding or assistance enabling the construction and operation of the new terminal facility, which the City has partnered with the City of Loveland to complete;
- d. The sale or lease will not result in any direct financial benefit to any private person or entity, except to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served because it will enable development of the new public terminal facility for the benefit of the Cities and the greater public; and
- e. Granting the Easement for less than fair market value will not interfere with current City projects or work programs, hinder workload schedules, or divert resources for primary City functions or responsibilities and will ultimately benefit the Airport and the Cities.

Section 2. The City Council hereby authorizes the Mayor to execute the Easement Agreement substantially in the form attached hereto as Exhibit "A" with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City of Fort Collins or to effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on March 19, 2024, and approved on second reading for final passage on the April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024
Approving Attorney: Ryan Malarky

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into as of the ____ day of _____, 20__, by and between the CITY OF LOVELAND, COLORADO, a municipal corporation, with an address of 500 E. Third Street, Loveland, CO 80537, and the CITY OF FORT COLLINS, COLORADO, a municipal corporation, with an address of 300 Laporte Ave, Fort Collins, CO 80521, hereinafter referred to jointly as “the Grantors” and Fort Collins-Loveland Water District, a Political Subdivision of the State of Colorado, hereinafter referred to as “the District”. This Grant of Utility Easement is effective as of the date of the City’s Official Acceptance in the City’s signature block below

WHEREAS, the Grantors jointly own and operate the Northern Colorado Regional Airport (the “Airport”) located in Loveland, Colorado on a parcel of property legally described below; and

WHEREAS, the District desires to install, and obtain an easement for, a waterline necessary to serve the Airport’s terminal facility that is under construction as of the date of this Agreement.

WITNESSETH:

For and in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt and adequacy of which is hereby confessed and acknowledged, the Grantors have granted and conveyed and by these presents does grant and convey unto the District, its successors and assigns, a permanent non-exclusive easement for the installation, construction, maintenance, inspection, operation, replacement, or removal of one (1) or more domestic waterlines for the transmission and distribution of domestic water, and all underground and surface appurtenances thereto, including metering stations and other fixtures, in, over, across, and upon:

A 20 foot easement, the centerline of which is described in the attached Easement Exhibit.

The parties hereto acknowledge that said easement (hereinafter referred to as “the Easement”) is located on a parcel of property owned by the Grantors legally described as follows and hereinafter referred to as “the Grantors’ Property”:

A parcel of land, being part Larimer County Parcel No. 8633006902, situate in the Southeast Quarter (SE1/4) of Section Twenty-eight (28), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado

In addition to the foregoing grant of easement by the Grantors to the District, the Grantors further grant and convey to the District the following rights and privileges:

A. The right to grade the Easement for the full width thereof in such manner as the District may reasonably determine to be necessary or advisable. The District will coordinate with Airport staff to perform such grading at a time that does not unduly interfere with Airport operations. For purposes of this Agreement, “Airport staff” shall mean the individual(s) designated and authorized by Grantors to make the decisions and take the actions described and directed herein. The District may rely on information and direction given by Airport staff and shall have no obligation to verify if that particular individual has been duly authorized by the Grantors to provide such information and/or direction.

B. Subject to Airport security requirements and prior written consent of Airport staff, which shall not be unreasonably withheld, the right of ingress and egress in, to, through, over and across the Easement by means of existing roads (whether public or private) located on the Grantors’ Property.

C. The right to grade, construct, maintain, and use any access roads upon the Grantors’ Property for such purposes of initial construction and ongoing maintenance with prior written consent of the Airport staff in the exercise of its right of ingress and egress to and from the Easement. For any construction or alteration on the Easement or Grantors’ Property, the District will be required to complete and submit to the Federal Aviation Administration a Form 760-1 “Notice of Proposed Construction or Alteration.”

D. To mark the location of the Easement with markers set in the ground provided that any such markers remaining after the period of construction of the domestic waterline and appurtenances shall be placed in locations which will minimize interference with any reasonable use of the Easement area by the Grantor.

E. For all the District's access needs, such access is subject to the prior written consent of Airport staff pursuant to the Northern Colorado Regional Airport's security requirements and other applicable laws, plans, policies, and rules and regulations. It is the parties' intent to provide the District as much reasonable access as possible to the Easement while complying with the rules and regulations associated with operating the Airport.

F. All other rights necessary and incident to the full and complete use and enjoyment of the Easement for the purposes herein granted.

G. Other public utilities such as sanitary sewer, storm sewer, gas, electric, and cable lines may be installed in the Easement so long as they do not interfere with the District's rights hereunder and meet the District's requirements for separation and crossing of utilities.

The Grantor hereby covenants and agrees to and with the District, its successors and assigns that:

A. Except as otherwise provided in this subparagraph A, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall not erect or place any permanent building, structure, improvement, fence, tree, or other landscaping on the Easement, excluding the installation of permanent paved surfaces, including but not limited to roadways and taxiways needed for Airport purposes. In the event of the placement of such obstacles on the Easement contrary to the provisions of this subparagraph A, the District shall have the right to require the Grantors to remove such prohibited obstacles from the Easement and, in the event the Grantors fail to do so upon request, the District may remove such obstacles without any liability for repair or replacement thereof. Notwithstanding the foregoing, the Grantors, their heirs, personal representatives, administrators, successors, and assigns shall have the right, without the consent of the District, to plant grasses and other groundcover and small shrubs upon the Easement area which are usual and customary for the full use and enjoyment of the Property. The District shall be responsible at its sole cost and expense for repair and replacement of any permanent paved surfaces and associated landscaping damaged or removed by the District.

B. The Grantors do hereby covenant and agree to and with the District that the Grantors are lawfully seized of the Easement and the Grantors' Property, and that the Grantors have a good and lawful right to convey the Easement to the District.

The District does hereby covenant and agree to and with the Grantors as follows:

A. The District shall not fence or otherwise enclose the easement, except during periods of construction and repair.

B. All trenches and excavations made in the laying or repairing of the domestic waterline shall be properly backfilled and as much of the original surface soil as reasonably possible shall be placed on top. All large gravel, stones, and clods will be removed from the finished backfill. The District will finish the backfill after normal settling of the soil so that the use and enjoyment of said Easement by the Grantors shall be suitable for the purpose now used. The District will maintain the trench area and the domestic waterline at its sole cost and expense.

C. The District may not use the Easement or any of Grantors' Property for any purpose other than to transport, serve and distribute potable water. If the Easement is used by the District for any purpose other than stated herein, the Easement may be terminated at the Grantors' sole discretion and all of the right, title and interest of District (and District's successors or assigns) in and to the Easement become null and void, and the Easement shall absolutely revert to and revest in Grantors as fully and completely as if this instrument had not been executed, without the necessity for suit or re-entry and District shall remove improvements. No act or omission on the part of any beneficiary of this paragraph shall be a waiver of the operation or enforcement of this paragraph.

D. To the extent allowed by law, the District shall be liable for loss and damage which shall be caused by any wrongful exercise of the rights or ingress or egress to or from the Easement or by wrongful or negligent acts or omission of its agents or employees during the course of their employment on the Grantors' Property. To the extent allowed by law, District agrees to indemnify and hold harmless the Grantors, their officers, employees, and agents, from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with District's use of the Easement, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the District or any officer, employee, agent, or contractor of the District, or any other person for whom the District is responsible. The District shall notify Grantors and provide a copy of any and all written claims or demands within two business days of receipt. The District's indemnification obligation shall not be construed to extend to any injury, loss, or damage caused by the negligent act or omission of the Grantors.

Written notices shall be directed as follows and shall be deemed received when hand-delivered or emailed to the then-current email address for the addressee, or three days after being sent by certified mail, return receipt requested:

If to Grantors:

City of Fort Collins
Attn: City Manager
City Hall West
300 LaPorte Avenue
Fort Collins, CO 80521

With a copy to:

City Attorney
City of Fort Collins
City Hall West
300 LaPorte Avenue
Fort Collins, CO 80521

City of Loveland
Attn: City Manager
500 E. Third Street
Loveland, CO 80537

With a copy to:

City Attorney
City of Loveland
500 E. Third Street
Loveland, CO 80537

If to District:

District Engineer
Fort Collins-Loveland Water District
5150 Snead Drive
Fort Collins, CO 80525

It is mutually agreed between the parties hereto that:

A. Except to the extent that such rights may be inconsistent with or interfere with the rights and privileges herein granted to the District, the Grantors shall retain the right to use and enjoy the Easement.

B. The benefit and burdens of this Agreement shall inure to and be binding upon the respective heirs, personal representatives, successors, or assigns of the parties hereto.

C. Whenever used herein, the singular shall include the plural and the plural the singular and the use of any gender shall apply to all genders.

D. This Easement is and shall be subordinate to the provision of existing and future agreements between the Grantors and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the obtaining or expenditure of federal funds for the benefit of the Airport. Airport staff shall give the District adequate written notice of any future agreements that may impair any grant contained in this Agreement.

E. This Agreement contains the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Easement. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado.

F. This Agreement may be executed in separate counterparts, and the counterparts taken together shall constitute the whole of this Agreement. Facsimile, scanned and other electronic signatures permitted by law, for purposes of this Agreement, shall be deemed as original signatures.

G. The District shall at its sole expense record this Agreement in the real property records of the Clerk and Recorder of Larimer County, Colorado.

GRANTORS:

By:_____

Interim City Clerk	Date
--------------------	------

Assistant City Attorney

By: _____

City Clerk _____ Date _____

Senior Assistant City Attorney

By: _____
District Engineer

FORT COLLINS LOVELAND – WATER DISTRICT,
a Political Subdivision of the State of Colorado

By: _____
Chris Pletcher, General Manager

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

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

Witness my hand and official seal.

My Commission Expires:

Notary Public

EXHIBIT A
PARCEL DESCRIPTION

A parcel of land, being part Larimer County Parcel No. 8633006902, situate in the Southeast Quarter (SE1/4) of Section Twenty-eight (28), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado and being more particularly described as follows:

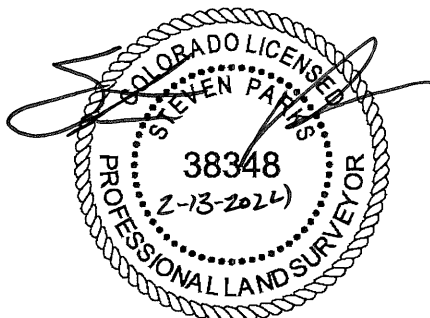
COMMENCING at the Center Quarter corner of said Section 28 and assuming the North line of said Se1/4 as bearing South 87°33'44" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2635.84 feet, monumented by a 2" iron pipe with 2 ½" aluminum cap stamped LS 12936 at the Center Quarter corner and a #6 rebar with 3.25" aluminum cap stamped LS 38209 1.0' Witness Corner at the East Quarter corner and with all other bearings contained herein relative thereto;

THENCE South 15°31'50" East a distance of 2180.47 feet to the POINT OF BEGINNING;
 THENCE North 70°09'46" East a distance of 20.00 feet;
 THENCE South 19°50'14" East a distance of 309.11 feet;
 THENCE North 70°13'20" East a distance of 130.58 feet;
 THENCE North 19°46'40" West a distance of 10.00 feet;
 THENCE North 70°13'20" East a distance of 33.74 feet;
 THENCE South 19°46'40" East a distance of 136.91 feet;
 THENCE North 70°00'19" East a distance of 17.43 feet;
 THENCE North 20°00'00" West a distance of 4.61 feet;
 THENCE North 70°00'00" East a distance of 20.00 feet;
 THENCE South 20°00'00" East a distance of 4.61 feet;
 THENCE North 70°00'19" East a distance of 93.53 feet;
 THENCE South 19°59'41" East a distance of 20.00 feet;
 THENCE South 70°00'19" West a distance of 151.04 feet;
 THENCE North 19°46'40" West a distance of 126.98 feet;
 THENCE South 70°13'20" West a distance of 144.30 feet;
 THENCE South 19°50'14" East a distance of 4.14 feet;
 THENCE South 25°13'20" West a distance of 14.13 feet;
 THENCE South 19°50'14" East a distance of 114.14 feet;
 THENCE North 70°09'46" East a distance of 8.38 feet;
 THENCE South 19°50'14" East a distance of 20.00 feet;
 THENCE South 70°09'46" West a distance of 28.38 feet;
 THENCE North 19°50'14" West a distance of 142.44 feet;
 THENCE North 25°13'20" East a distance of 14.13 feet;
 THENCE North 19°50'14" West a distance of 324.96 feet to the POINT OF BEGINNING.

Said described parcel of land contains 18,673 Square Feet or 0.429 Acres, more or less (±).

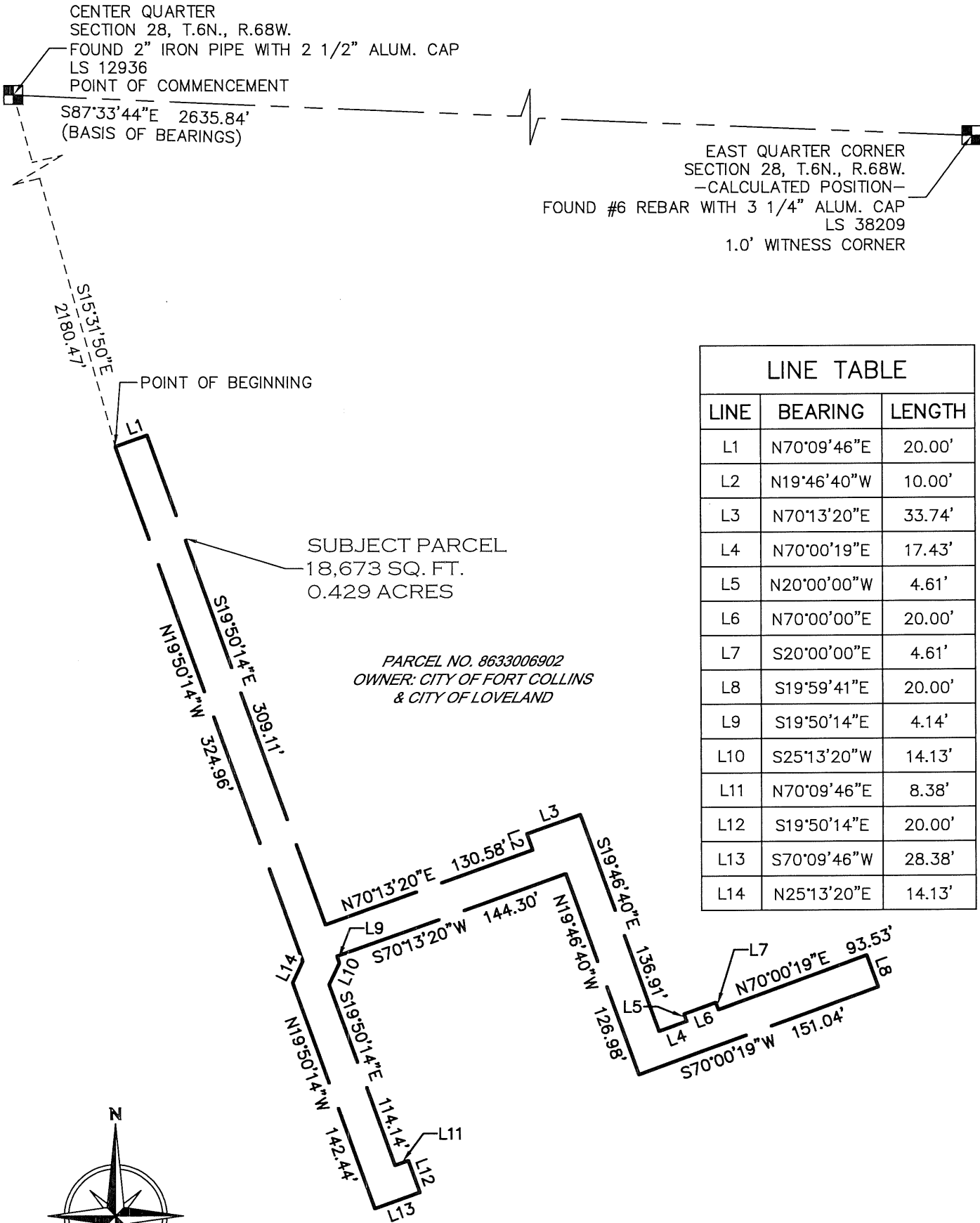
SURVEYORS STATEMENT

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



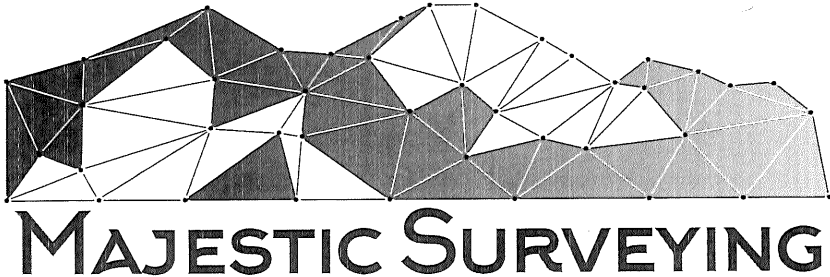
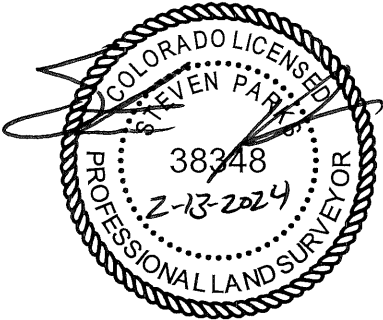
Steven Parks - on behalf of Majestic Surveying, LLC
 Colorado Licensed Professional Land Surveyor #38348
 1111 Diamond Valley Drive, Suite 104
 Windsor, Colorado 80550

EXHIBIT B



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)



March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Tyler Marr, Deputy City Manager
Denzel Maxwell, Assistant City Manager
Lockie Woods, Graduate Management Assistant

SUBJECT

Resolution 2024-030 Adopting the City of Fort Collins 2024 Strategic Plan.

EXECUTIVE SUMMARY

The purpose of this item is to formally adopt the 2024 Strategic Plan. The adopted plan will guide the 2025-2026 Budgeting for Outcomes process. All adopted Council Priorities have been included in the 2024 Strategic Plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The City of Fort Collins Strategic Plan is an issues-based plan that sets strategic objectives for the next five years. The Strategic Plan is updated every two years just prior to the Budgeting for Outcomes (BFO) process. It will be the basis of the City's budget and operational plans for 2025 and 2026 and will be used to assess and rank budget offers for the 2025-26 Budget. The Strategic Plan is based on identification and analysis of:

- 1) City Council priorities and inputs
- 2) Community feedback gathered through extensive outreach
- 3) Organizational inputs, including adopted plans, staff inputs, emerging trends and issues, and financial information

This is the sixth biennial City Strategic Plan. After evaluation of the strategic planning process, staff recognized the need for improvements, such as the reduction of duplication and a true focus on strategic issues. Prior strategic plans were broadly focused and operational in nature, resulting in a lack of clear guidance for staff, City Council, and the community on the City's strategic priorities. This comprehensive rewrite and focus on strategic issues offers clearer guidance on the key issues facing our City and community while acknowledging the critical importance of daily City operations.

City Council reviewed the plan at its February 27, 2024, work session and provided feedback to staff related to the draft strategic objectives and bullets. Attached is a redline version depicting changes from the work session based on the input from Councilmembers.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Community input for the Strategic Plan was gathered from a variety of sources. These include:

- The statistically valid 2023 Community survey
- Center for Public Deliberation Outcome events
- Boards & Commissions input
- The OurCity website
- Social media

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Redline Strategic Objectives and Bullets

RESOLUTION 2024-030
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE CITY OF FORT COLLINS 2024 STRATEGIC PLAN

A. The City of Fort Collins 2024 Strategic Plan (the “2022 Strategic Plan”) was developed after extensive public outreach, discussion and consideration of community needs and priorities.

B. The 2024 Strategic Plan is based on such input from the community, input from all departments across the City organization, and incorporates and integrates with adopted City Council priorities.

C. Development of the 2024 Strategic Plan considered emerging needs and priorities associated with the City’s Long Term Financial Plan, Strategic Risk Assessment and Capital Improvement Plan.

D. The 2024 Strategic Plan is also linked to City Plan, department priorities and needs to achieve adopted area Master Plans, emerging legislative issues, work force trends, and other considerations.

E. The 2024 Strategic Plan reflects the City’s strategic objectives and priorities in each of seven Key Outcomes over the next three to five years.

F. At its work session on February 27, 2024, City Council reviewed the 2024 Strategic Plan and provided input, which staff incorporated, and a final version of the 2024 Strategic Plan reflecting the work session discussion is attached hereto as Exhibit “A” and incorporated herein by this reference.

G. The 2024 Strategic Plan will serve as the basis of the City’s budget and operational plan for 2025 and 2026 and will provide integral input into the City’s Budgeting for Outcomes process currently underway to prepare the City’s 2025-26 budget for presentation to City Council.

H. The City Council has determined that it is in the best interests of the citizens of the City of Fort Collins to formally adopt the 2024 Strategic Plan.

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 and adopts the City of Fort Collins 2024 Strategic Plan attached hereto as Exhibit “A”.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

Introduction

The City of Fort Collins is a full-service municipal organization dedicated to providing exceptional service for an exceptional community of 175,000 residents, 8,000 businesses, and numerous institutional partners.

Incorporated in 1873 and located in Northern Colorado, Fort Collins is home to Colorado State University (CSU), outstanding public school and healthcare systems, several large high-tech employers and leading businesses in the craft brewing industry. Fort Collins offers exciting recreational opportunities, unique cultural offerings and amenities, and is a regional center for employment and commerce. Both the City organization and community at large are frequently recognized for our quality of services and amenities, sustainable management practices, and a forward-thinking, innovative culture.

The City is committed to thoughtful planning and to public participation in government; community input is a vital component that helps shape the City's Strategic Plan, comprehensive plan (City Plan), biennial budget, and many individual plans, projects and initiatives. It is important that the work we do as a representative local government reflects the values of the community.

While City Plan articulates a long-term community vision and growth framework, the Strategic Plan outlines short- and mid-term objectives, influences the City's budgeting process, and guides the implementation of the City's full range of services, including public safety, neighborhood quality, economic vitality, environmental services, parks and open spaces, utility services, transit and transportation infrastructure, engineering and building services, and much more.

The 2024 Strategic Plan outlines key objectives and strategies that link the City Plan vision with the City's organizational and operational priorities.

- The strategic objectives are not listed in priority order, and it should not be interpreted that a strategic objective early in the list is of a greater priority than one later in the list.
- Each strategic objective includes supplemental bullets that help to define and provide context for the objective; they are intended to be representational but not all-encompassing.
- At the end of most outcome areas, you will find "Connections to related objectives." These are meant to highlight the linkages between different objectives.

SUMMARY OF STRATEGIC OBJECTIVES

High Performing Government (HPG)

- HPG 1 – Provide an exceptional customer experience to the community and increase the City's effectiveness by simplifying processes and delivering modern technologies.
- HPG 2 – Build trust with our increasingly diverse community through meaningful engagement and by providing timely access to accurate information.
- HPG 3 – Deliver an exceptional employee experience by attracting, developing and retaining diverse talent and fostering a culture of employee safety, belonging and empowerment across the organization.
- HPG 4 – Incorporate a management strategy for all new and existing City assets that addresses deferred maintenance and accessibility.

Culture & Recreation (C&R)

- C&R 1 – Make City arts, cultural and recreational programming more inclusive to reflect the diversity of our community.
- C&R 2 – Implement criteria and prioritization to manage assets and replace equipment that will revitalize parks and recreational facilities, as the planned buildout of the parks and trails system continues.

Economic Health (ECON)

- ECON 1 – Foster diverse and attractive employment opportunities, remove barriers to local businesses and bolster economic mobility by facilitating workforce development that aligns businesses drivers with worker capability.
- ECON 2 – Deliver City utility services in response to climate action objectives and opportunities and targeted reliability and resiliency levels, and make significant investments in utility infrastructure while communicating and mitigating cost impacts to the community where possible.

Environmental Health (ENV)

- ENV 1 – Implement the Our Climate Future Plan to advance the City's greenhouse gas, energy and waste goals; reduce air pollution; and improve community resilience.
- ENV 2 – Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents.
- ENV 3 – Expand, restore and maintain the Natural Areas land portfolio to improve habitat conditions across the community and ensure equitable access to nature.

Neighborhood & Community Vitality (NCV)

- NCV 1 – Increase housing supply, type, choice and affordability to address inequities in housing so that everyone has healthy, stable housing they can afford.
- NCV 2 – Support community partner efforts to address priority human service issues like poverty and mental health, and to make homelessness rare, brief and non-recurring.
- NCV 3 – Identify and remove systemic barriers and advance equity so that persons of all identities, including race, ethnicity, religion, sexual orientation, gender identity, gender expression, age, mental and physical abilities, and socioeconomic levels can access programs and services with ease and experience equitable outcomes.
- NCV 4 – Remove obstacles to build interconnected Neighborhood Centers to accelerate progress toward our goal for everyone to have the daily goods and services they need and want available within a 15-minute walk or bike ride from their home.

Safe Community (SAFE)

- SAFE 1 – Enhance overall community safety and foster increased trust in public safety services and the municipal justice system through innovative service delivery models.
- SAFE 2 – Enhance safety and security on public and private property and protect City infrastructure and sensitive data from emerging security threats.

Transportation & Mobility (T&M)

- T&M 1 – Make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins.
- T&M 2 – Increase Transfort access and ridership by ensuring the City's transit services provide safe, reliable and convenient alternatives to driving.
- T&M 3 – Transform the parking system to better align supply and demand and incentivize sustainable outcomes in a place-based manner across the city.

Outcomes and Strategic Objectives

High Performing Government (HPG)

For the City of Fort Collins, being a high-performing government means delivering exceptional services to our community. The City accomplishes this through sound financial management, public outreach and collaboration, creative and resourceful problem-solving, efficient project management, and by attracting, retaining and developing remarkable talent. The foundations of all these efforts are the City's mission, vision and values, which guide staff every day in how to do their work.

High performance begins with excellent customer service. Streamlining processes and implementing new technologies will help ensure that customers can receive the service they need quicker and easier than before. The City also places significant emphasis on transparency and public engagement. The community should be well-informed about the City's activities and have meaningful opportunities to provide input that improves outcomes for all.

Of course, none of this is possible without the talented City staff who perform the work. A high-performing government requires that its staff are safe, feel a strong sense of belonging and are empowered to do meaningful work. The City must also take care of the tools, facilities and other assets that are essential to providing exceptional service today, tomorrow and fifty years from now. Strategies for replacing or renewing aging City assets are critical to maintaining high performance.

The City strives for high performance in everything that it does. These HPG objectives address overarching issues that impact the entire organization and serve as a foundation for meeting the City's remaining strategic objectives.

HPG 1 – Provide an exceptional customer experience to the community and increase the City's effectiveness by simplifying processes and delivering modern technologies.

- **Council Priority:** Make Government More Accessible, Approachable and Fun
- **Council Priority:** Modernize and Update the City Charter
- Inconsistent and overly complicated City processes negatively impact the customer experience.
- Updates to the City's website and other digital platforms provide an opportunity to ensure that they are accessible to the entire community.
- As our flexible work practices continue to adapt and evolve, the City is committed to providing exceptional and reliable customer service.

HPG 2 – Build trust with our increasingly diverse community through meaningful engagement and by providing timely access to accurate information.

- **Council Priority:** Develop a Hughes Site Master Plan
- The voices and perspectives of marginalized community members have been historically underrepresented in the City's public engagement efforts.

- The evolving media and communications landscape requires pursuing innovative avenues of engaging with and informing our community.
- Effective and meaningful public engagement includes listening and responding to input and depends on establishing mutual understanding with those who choose to participate.
- Increasing voter turnout provides insight into the opinions of residents through the democratic process.

HPG 3 – Deliver an exceptional employee experience by attracting, developing and retaining diverse talent and fostering a culture of employee safety, belonging and empowerment across the organization.

- The City continues to face challenges with attracting and retaining talent in certain sectors.
- The region's high cost of living increases pressure on competitive pay.
- Developing a diverse talent pool and increasing representation in both the broader workforce and at the management level remains a major focus.
- The City's efforts to simplify processes and deliver modern technologies will have beneficial impacts on the employee experience.

HPG 4 – Incorporate a management strategy for all new and existing City assets that addresses deferred maintenance and accessibility.

- As the City's assets age, renewal and replacement are critical to maintaining and elevating service standards.
- Developing and implementing an asset management strategy is fundamental to the long-term sustainability of City services.
- Successful and efficient asset management requires improved coordination among City departments on capital projects.
- New funding provides an opportunity to perform necessary maintenance and replace deteriorating assets.
- Renewing the ¼-cent street maintenance tax will help maintain the high quality of the City's transportation network.
- Asset management includes preserving and maintaining a safe, healthy and resilient urban canopy.

Culture & Recreation (C&R)

Cultural and recreational opportunities are elemental to Fort Collins' community identity and help create a desirable community where people can live and play. Residents consistently place a high value on these programs and services, believing the City should continue its strong investment in these amenities. The City's park and trail systems are highly valued and heavily used. The planned buildout of the trail system is a high priority for residents and will create further connectivity across Fort Collins and throughout Northern Colorado. Additionally, the City believes that connecting residents to nature is fundamental to a high quality of life.

Cultural and recreational facilities and programming provide residents opportunities to lead enriched and healthy lives and support overall community wellness. Arts and culture are enjoyed by residents and visitors alike. Similarly, parks, trails and natural areas provide beautiful public spaces that foster physical activity and create opportunities for creativity, reflection and leisure. The quality of parks, trails and natural areas, as well as arts, culture and recreation programs and opportunities create a sense of pride among residents, while also drawing visitors and revenue into Fort Collins. Open space and access to nature are defining characteristics of Fort Collins, supporting physical and mental health while strengthening the long-term resilience of the region and its population.

C&R 1 – Make City arts, cultural and recreational programming more inclusive to reflect the diversity of our community.

- In the 2023 Community Survey, 63% of respondents reported the quality of arts and cultural opportunities as good or very good, which is a recent increase, but below historical averages.
- Programming can be within City facilities, as well as throughout the community.
- Artistic and cultural opportunities are essential to a vibrant and creative community; engaged and equitable participation and inclusion in those opportunities are core community values.
- Effective communication strategies are necessary to help residents understand how to learn about and access currently available programming.
- Emerging trends and opportunities for all ages and abilities need to be considered as the community evolves.
- Consultation and collaboration with local and regional community organizations are a key success factor to identifying gaps and opportunities.
- The City maintains a strong commitment to enhancing access to nature.

C&R 2 – Implement criteria and prioritization to manage assets and replace equipment that will revitalize parks and recreational facilities, as the planned buildout of the parks and trails system continues.

- Parks, trails, and cultural and recreation opportunities are highly valued and used by residents.
- Utilize new dedicated funding to make necessary improvements and updates to meet design standards and maintain these as highly valued neighborhood amenities.
- Aging parks should periodically undergo a redesign or comprehensive upgrade to respond to new park standards and changing community expectations.

EXHIBIT A TO RESOLUTION 2024-030

- Equipment replacement and overall asset management should include understanding modern service expectations as the community evolves.

Connections with related objectives:

- NCV 3 – Equitable access can be improved across cultural and recreational facilities and programs, including natural areas.
- SAFE 2 – Safety concerns have been rising across City facilities, parks, natural areas and the paved trail system, as reflected in the 2023 Community Survey.

Economic Health (ECON)

Fort Collins benefits from a resilient local economy with strong existing businesses and industries combined with diverse and evolving job opportunities and business formation. We strive to create programs and resources that enable the local economy to withstand and lessen outside pressures, bounce back from downturns quickly, and potentially avoid the impact of regional, national and global economic forces. We take pride in our thriving local businesses, entrepreneurs and innovators who create wealth and opportunity retained in our community.

The economic health of a community impacts income, education, employment, community safety, quality of life and social support. A strong, healthy economy means community members have better access, choices and opportunities. Those are essential to our community's social, environmental and economic wellbeing. The ability for businesses and industries to start, sustain and renew within Fort Collins creates long-term resiliency.

In late 2023 the City Council approved the 2023 Economic Health Strategic Plan. This ambitious plan aims to redesign economic health on a triple bottom-line basis, develop a "both/and" approach to Main Street businesses and Primary employers, support underserved/underrepresented business owners, redefine the City's role in supporting workforce development, apply the City's commitment to equity and inclusion to economic resilience, and champion the global and local impact of innovation in industries like life sciences and climate technology.

The City works collaboratively with local and regional partners to create an environment that supports necessary conditions for economic vitality. Delivering efficient and transparent City services coupled with strategic infrastructure investment supports economic resilience. The City remains committed to continuously improving processes that impact our local businesses, including the development review and permitting process and City utility services, including Connexion broadband service.

ECON 1 – Foster diverse and attractive employment opportunities, remove barriers to local businesses and bolster economic mobility by facilitating workforce development that aligns businesses drivers with worker capability.

- Council Priority: Pursue an Integrated, Intentional Approach to Economic Health
- To support a better customer experience during business creation and mitigate the rising regulatory cost of doing business in Fort Collins, the City can evaluate removing barriers for business by streamlining processes and becoming less siloed in its communication.
- Life sciences, clean energy, biotech and other industries in close alignment with City values and goals can be important drivers of innovation and contributors to the local economy.
- Collaboration with educational and institutional partners is needed to create and execute a unified regional workforce and economic mobility opportunities.

- The Economic Health Strategic Plan establishes goals to increase business owner demographic representation, increase five-year business survivability, add 1,800 jobs in targeted sectors and increase representation within those sectors.
- Continuing to expand the City's Connexion services while finding innovative ways to leverage the network across Fort Collins and in the region can be a business attraction tool.

ECON 2 – Deliver City utility services in response to climate action objectives and opportunities and targeted reliability and resiliency levels and make significant investments in utility infrastructure while communicating and mitigating cost impacts to the community where possible.

- Maintaining reliability is critical as PRPA implements its Integrated Resource Plan and distributed energy resources are integrated into the electric grid.
- Water storage capacity is needed to ensure water rights can be fully utilized to meet future demand and drought resiliency needs.
- The benefits of reliable infrastructure such as water distribution, wastewater collection/treatment, and flood protection extend well beyond economic impact and have ties to community safety and environmental health.

Connections with related objectives:

- HPG 1 – Connexion's customer experience is a critical success factor for customer acquisition and retention and can both learn from other departments and contribute to their learnings.
- NCV 1 – The cost of housing, including utility services, is becoming a workforce issue with many industries not able to keep pace with their compensation levels.

Environmental Health (ENV)

Fort Collins prioritizes a healthy and sustainable environment. The City takes the lead in innovative environmental programs, including watershed stewardship, water efficiency, urban development with minimal impact, stormwater management, tree preservation and energy policies. Other initiatives involve natural areas, river restoration, waste reduction, air quality, climate action, sustainable purchasing, dark sky preservation, distributed energy resources and high-performance buildings.

The City has set ambitious climate goals: an 80% reduction in carbon emissions by 2030 and carbon neutrality by 2050. The Our Climate Future (OCF) Plan guides us toward a carbon-neutral, zero-waste and 100% renewable electricity future while enhancing equity and resilience. We're intensifying efforts to achieve these goals, including an 80% reduction in 2030 greenhouse gas emissions, providing 100% renewable electricity by 2030, and reaching zero waste by 2030.

Given our semi-arid climate and the increasing impact of climate change on our watersheds, we recognize the importance of resilience and adaptation. Fort Collins Utilities and other utility districts are dedicated to protecting local watersheds and adhering to regulatory standards. The City's Natural Areas Program continues to conserve natural areas and open lands. It prioritizes stewardship, including habitat restoration and visitor experience. The focus is on local, foothills, community separator and regional areas.

ENV 1 – Implement the Our Climate Future Plan to advance the City's greenhouse gas, energy and waste goals; reduce air pollution; and improve community resilience.

- **Council Priority:** Accelerate Zero Waste Infrastructure and Policies
- **Council Priority:** Reduce Climate Pollution and Air Pollution Through Best Practices, Emphasizing Electrification
- Actively working together and building on existing partnerships with local, regional, state and national affiliates is necessary to achieve desired Our Climate Future goals and outcomes such as: decrease greenhouse gas emissions by 80% below 2005 baseline levels by 2030; ensure 100% renewable electricity provision by 2030, utilizing both grid and local sources; and attain zero waste, or achieve 100% landfill diversion, by 2030.
- Engaging all parts of the community in solutions to increase accessibility and community consciousness of recycling, xeriscaping and other environmental programs can raise participation.
- Implementing mode shifts advances the City's climate and Vision Zero goals by reducing the number of vehicle miles traveled.
- Accelerating building electrification aligns with the City's pursuit of clean energy sources and lowering building energy consumption, which is responsible for more than two-thirds of the community's emissions.

ENV 2 – Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents.

- **Council Priority:** Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds
- Collaborating with partners and attaining regional commitments to assess and support river and watershed health is crucial for success.
- Proactively managing the high costs of acquiring water rights and storing raw water ensures the provision of an adequate and affordable water supply for everyone.
- The Water Efficiency Plan and Water Shortage Action Plan guide strategies for water demand management and water conservation.
- The health of the river requires collecting wastewater and ensuring it is treated safely.

ENV 3 – Expand, restore and maintain the Natural Areas land portfolio to improve habitat conditions across the community and ensure equitable access to nature.

- Amidst escalating costs, the City must actively seek partnerships with local, regional and national organizations to bolster land conservation and restoration efforts.
- The City is challenged to maintain investments in restoration and built infrastructure to fulfill stewardship responsibilities for the existing land portfolio amidst budget constraints and changing environmental conditions.
- Programs like Nature in the City can continue efforts to protect and expand naturalized landscapes on City-owned properties and throughout the community.

Connections with related objectives:

- NCV 3 – Expanding equitable access to nature requires removing systemic barriers to enable individuals of all identities to enjoy access to natural amenities.
- ECON 1 – Business partnerships and collaboration with educational and other institutional partnerships are needed to advance the City's ambitious climate objectives.
- ECON 2 – Reliable infrastructure for electricity, water, wastewater and flood protection is critical to ensure community resiliency amidst a changing climate.
- T&M 1 – Mode shifts and achieving many of the City goals outlined in the Our Climate Future Plan will require increasing transit ridership.

Neighborhood & Community Vitality (NCV)

In Fort Collins, neighborhood and community vitality means building strong communities that foster a sense of belonging, connectedness and provide a supportive environment where diversity is celebrated and everyone can thrive. Vibrant neighborhoods offer opportunities for social interaction, collaboration, collective problem-solving, empowerment and ownership among residents. Vibrant neighborhood centers attract investment and resources, leading to improved infrastructure, amenities and economic opportunities for residents.

Housing affordability has been a priority in Fort Collins for decades and, as highlighted in City Plan, is a key element of community vitality. As Fort Collins continues to grow, many are struggling to afford stable, healthy housing within the city. Implementing the strategies of the Housing Strategic Plan, adopted in 2021, will address high priority outcomes such as increasing the overall housing supply, mix of housing type, preserving the affordable housing we have, increasing housing stability and advancing toward equitable outcomes, especially for historically excluded community members.

The concept of 15-minute cities emphasizes the importance of proximity and accessibility in everyday living and urban design. In a 15-minute city, essential human services, amenities and recreational opportunities are all within a short walking, cycling or riding distance from one's home, promoting sustainability, community engagement and quality of life. Moreover, the 15-minute city model promotes economic resilience by supporting local businesses and entrepreneurs, as well as improving accessibility to job opportunities for residents of all socio-economic backgrounds.

NCV 1 – Increase housing supply, type, choice and affordability to address inequities in housing so that everyone has healthy, stable housing they can afford.

- **Council Priority:** Operationalize City Resources to Build and Preserve Affordable Housing
- Fort Collins' population is expected to grow to 250,000 by 2040, which will drive significant need for housing units throughout the community. The Housing Strategic Plan provides guidance on next steps.
- Fort Collins is focused on enhancing the quality of life and sense of belonging in all neighborhoods by connecting neighbors to each other and to City services, building social equity, inclusion, and fostering harmonious relationships.
- The challenge of keeping up with affordable housing options necessitates that the City support efforts to preserve and enhance mobile home parks as a source of affordable housing and to create a safe and equitable environment for residents.
- The City continues to address the need for regulations and procedures to be clear and predictable to ensure new development efficiently advances adopted City plans and policies.
- The City will need to advance development efforts in the Growth Management Area in order to see a measurable increase in housing supply and type, and to meet the goal of building 282 units per year to have 10% of all housing inventory as restricted affordable housing by 2040.

NCV 2 – Support community partner efforts to address priority human service issues like poverty and mental health, and to make homelessness rare, brief and non-recurring.

- **Council Priority:** Improve Human and Social Health for Vulnerable Populations
- The social issues that partner agencies address are wide-ranging, complex and systemic. A strategic, collaborative approach will ensure programmatic effectiveness and efficiencies, add agency capacity, eliminate redundancy, and identify and better serve disadvantaged areas and groups.
- The City's core role has been and continues to be strengthening partnerships, funding programs and developing policy in coordination with community agencies that provide a wide range of human services and homelessness services.
- According to the Homeless Management Information System (HMIS) that is administered by the Continuum of Care, as of January 2024, approximately 530 community members are experiencing chronic homelessness in Fort Collins. This indicates that chronic homelessness declined about 16% in 2023. Despite this progress, efforts need to be coordinated to address the myriad challenges that lead to homelessness.
- Continued innovative, collective efforts across agencies are needed to reduce incidents of, and impacts from, disruptive and unwanted behaviors, working closely with the community's partner agencies to offer creative approaches that balance compassion and consequences.

NCV 3 – Identify and remove systemic barriers and advance equity so that persons of all identities, including race, ethnicity, religion, sexual orientation, gender identity, gender expression, age, mental and physical abilities, and socioeconomic levels can access programs and services with ease and experience equitable outcomes.

- **Council Priority:** Improve Human and Social Health for Vulnerable Populations
- Identifying and actively working to remove systemic barriers will help address the historical root causes that have created generational inequities for vulnerable and disadvantaged groups.
- As the cost of living in Fort Collins increases, low- and moderate-income households are struggling to afford necessities and participate in City programs and services.
- Related to the high cost of living, increased and targeted outreach efforts and supportive customer experiences are needed to assist community members in participating in income-qualified services, improving accessibility to City and community programs for low- and moderate-income households.
- There is an increase in requests from community members eager to build a sense of belonging for the City to commit resources to creating experiences that promote inclusion and celebrate cultural diversity in the community.
- As there are sections of the community that do not have access to digital equity services, the City is developing methods to prioritize connectivity services to under-resourced neighborhoods.
- To advance equity for all and apply a data-informed approach to making policy, program and service updates, City teams are growing their practice to systematically gather, analyze and interpret qualitative and quantitative data, disaggregated by racial and social identities and additional equity indicators, to identify barriers, decrease inequities and increase access for all.

NCV 4 – Remove obstacles to build interconnected Neighborhood Centers to accelerate progress toward our goal for everyone to have daily goods and services available within a 15-minute walk or bike ride from their home.

- **Council Priority:** Advancing a 15-Minute City by Igniting our Neighborhood Centers
- Innovative neighborhood outreach and engagement efforts that help gather data from a diverse range of communities on needs, interests and expectations will be necessary for teams to develop strategies and actions for implementing adopted plans.
- Preparing to build 15-minute neighborhood centers, City teams will need to analyze neighborhood-level geographic data to assess hyper-local needs. It is important to understand population density and demographics; locations of essential amenities; public spaces; and the quality, safety and accessibility of walking, biking and public transit networks.
- In developing 15-minute neighborhood centers, City planning initiatives will have the opportunity to assess environmental health impacts such as how to increase walking and biking mobility options, lower emissions and increase healthy opportunities for residents through reduced air pollutants.
- Building physical neighborhood connectivity will require the City to consider complex infill and redevelopment projects that offer significant opportunity to contribute to vibrant walkable and bikeable neighborhoods and centers.
- According to the National League of Cities, “the goal of the 15-minute city is to provide convenient and equitable access to necessities like healthcare, schools, grocery stores, jobs, and greenspace.”

Connections with related objectives:

- HPG 2 – Identifying and removing systemic barriers will require targeted engagement with historically marginalized community members.
- T&M 1 & T&M 2 – Ensuring community members have the amenities they need and want within a 15-minute walk, bike, or transit ride requires creating safe road conditions for all users and a robust public transit system.

Safe Community (SAFE)

Fort Collins takes pride in its commitment to cultivating a secure and thriving community, a place where individuals can seamlessly live, work and enjoy life. We are dedicated to creating a community that prioritizes safety, resilience and inclusivity with a forward-thinking approach that aligns with the aspirations of our community members.

The integration of cutting-edge technology is a cornerstone in the City's strategy, aimed at elevating preventative measures, investigative techniques and communication channels. The emphasis on cybersecurity underscores the City's dedication to safeguarding the digital infrastructure and data of its residents.

The City places a premium on the immediate actions taken by entities such as Police Services and Poudre Fire Authority, recognizing their substantial contribution to residents' perception of safety and overall community wellbeing. A well-functioning Municipal Court and judicial system are recognized as integral components in maintaining the high standards of safety expected in our community.

Furthermore, the City prioritizes the development and maintenance of reliable infrastructure, encompassing flood protection systems and water storage, treatment and distribution facilities. Emergency preparedness is approached with a strategic lens, incorporating best management practices and long-term planning to ensure the resilience of critical infrastructure.

Community education plays a vital role, covering diverse aspects such as community policing, emergency prevention and preparedness, fire prevention and awareness, and regulatory frameworks alongside strategic infrastructure investments. Collaboration with regional, state and federal partners is a key component, fostering a comprehensive emergency management system aimed at minimizing and effectively responding to emergency situations.

SAFE 1 – Enhance overall community safety and foster increased trust in public safety services and the municipal justice system through innovative service delivery models.

- Ongoing partnerships support key enforcement and education programs, such as mental health, substance abuse prevention, detoxification, victim assistance, youth programs, bike safety, county jail management, efforts to reduce repeat crimes, fire safety and animal control.
- A diverse community requires new communication strategies and non-traditional partnerships to build trust and help residents understand available resources for safety.
- Utilizing local, regional and federal resources is crucial to comprehensively address safety issues.
- As Fort Collins continues to grow, the City will need to innovate and adapt to meet evolving community expectations for public safety services, including law enforcement, fire and rescue, and comprehensive emergency communication and preparedness.
- Innovative service delivery means coming up with new and clever ways to provide services. Fresh ideas, smart strategies and new technology can help improve services and customer satisfaction.

SAFE 2 – Enhance safety and security on public and private property and protect City infrastructure and sensitive data from emerging security threats.

- The physical safety of residents in public spaces and on private property is paramount.
- The City's reliance on evolving technology for core operations and service delivery underscores the need for robust cybersecurity measures to safeguard City assets, information and customer privacy. Cybersecurity involves cyber audits, awareness training and digital access control.
- The Community Survey indicates that fewer residents feel safe at parks and recreation facilities than before the pandemic. The City is committed to enhancing the community's safety across public amenities to help ensure a secure and enjoyable environment for residents.
- Providing and maintaining reliable utility services and infrastructure directly preserves and improves public health and community safety.

Connections with related objectives:

- T&M 1 – Advancing the City's Vision Zero goal will significantly enhance overall community safety.
- NCV 2 – Addressing human service needs across the city will improve the community's overall sense of safety.

Transportation & Mobility (T&M)

The transportation system is a key component of nearly all aspects of the City of Fort Collins. The system provides the connecting fabric among residences, employment, schools and shopping. It is critical for economic success and commerce, interconnected with land use, and impacts the City's Our Climate Future and healthy living goals. It is also a key aspect of advancing City priorities around access and equity. The success of a high-quality and well-functioning multi-modal system is a community differentiator and reflected in quality-of-life performance measures.

The Transportation Master Plan, approved by City Council in 2019, describes six core components of a sustainable transportation network, all of which are intended to guide Fort Collins toward realizing the overall transportation vision over 20 years. These components provide a comprehensive framework for assessing current network conditions and inform where Fort Collins can enhance its mobility programs and investments to achieve broader-reaching outcomes. These components were closely evaluated and used to inform these strategic objectives, focusing on near-term actions. The six core components are:

1. Transportation Infrastructure: Planning a physical transportation network that supports multimodal travel.
2. Mobility & Travel Choices: Considering the role each transportation mode plays in shaping the Fort Collins mobility network.
3. Health & Equity: Ensuring the transportation network plays a key role in advancing social outcomes.
4. Innovation: Understanding emerging technologies and how new trends are influencing the movement of goods and people.
5. Safety: Eliminating serious injuries and fatalities on Fort Collins' roadways.
6. Sustainability & Resiliency: Shifting transportation away from creating harmful environmental impacts toward being a resource for improving environmental outcomes.

T&M 1 – Make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins.

- **Council Priority:** Advance a 15-Minute City by Accelerating Our Shift to Active Modes
- The City adopted a goal in 2016 to have no fatal or serious injury crashes within the transportation network. This requires appropriate programs, policies, educational resources and infrastructure improvements that work to reduce the overall number and severity of crashes.
- In 2023, City Council adopted the Active Modes Plans, which lays out the needed investments to ensure that alternatives to driving—which include biking, walking and rolling—are safe and accessible to all residents.

EXHIBIT A TO RESOLUTION 2024-030

- In 2023, City Council also approved 10-year transportation capital project priorities that identify the key corridor, intersection and crossing improvements, and other projects that will directly work to increase the safety, efficiency and equitable operation of the transportation network for all modes of travel.
- Quality infrastructure that is in a good state of repair is necessary for the safe operation of the transportation network. The City has relied on dedicated funding from the street maintenance tax, due to expire in 2025, as a primary way to ensure a consistent street quality standard.
- Working closely with local schools is necessary to implement strategies that will ensure safe routes to school and protect our student population.
- Ensuring our transportation network is safe for everyone requires enforcing traffic and other laws with targeted and innovative strategies in priority areas.

T&M 2 – Increase Transfort access and ridership by ensuring the City’s transit services provide safe, reliable and convenient alternatives to driving.

- The Transit Master Plan was updated in 2019, but the realities of operating a transit agency have changed substantially since the COVID-19 pandemic; ridership still has not returned to pre-pandemic numbers. The plan should be optimized to reflect post-pandemic realities, including new strategies to achieve the transit vision while still considering frequency and prioritizing key routes.
- Fort Collins voters approved a new sales tax to support transit initiatives through 2050. These resources will provide significant funding support toward some of the capital projects needed to increase transit frequency and stabilize operations.
- The Community Survey indicates that fewer residents always or usually feel safe on Transfort than did before the pandemic. Increasing ridership will require ensuring that transit is a safe transportation alternative.
- Colorado State University students account for a critical portion of Transfort's ridership. Continued partnership with the university and students will be critical to achieving increases in ridership.
- Achieving many of the City goals outlined in City Plan, Our Climate Future and the Housing Strategic Plan will require increasing transit ridership.

T&M 3 – Transform the parking system to better align supply and demand and incentivize sustainable outcomes in a place-based manner across the city.

- A strategic approach to the City's parking system and requirements can help achieve many other goals related to housing, climate and transportation. Incentivizing behaviors to make progress in these spaces requires a context-specific approach based on a number of factors including density, economic activity and availability of structured parking.
- In Downtown specifically, the existing parking model incentivizes additional vehicle trips as the spaces that are ideal for longer-term parking (garages) cost more than the spaces better suited for short stays (on-street). This results in a revenue model that is not sustainable for the long-term maintenance of the parking structures or the Parking Services team and increases congestion Downtown.
- Successfully implementing transportation demand and targeted land use strategies can reduce automotive congestion and the increasing need for associated parking across the community.
- In 2023, City Council supported advancing a workstream to look at new models for pricing Downtown parking.

Connections with related objectives:

- HPG 4 – Asset Management is critical to the City providing a safe and reliable transportation system for all modes of travel.
- SAFE 2 – Safety concerns about using Transfort have been rising, as reflected in the 2023 Community Survey.

Appendix A – Performance Metrics

The City of Fort Collins is committed to being a data-informed organization.

Using quantifiable data and analysis, the City tracks and measures success in achieving the Key Outcomes and Strategic Objectives defined in this plan. This includes establishing appropriate targets for each metric, tracking the actual performance of each one over time, and regularly reviewing and discussing the performance.

Community Dashboard

The City's focus on tying metrics to specific outcomes began in 2013. Staff, working with City Council, developed the Community Dashboard where each of the seven outcome areas has four to seven performance metrics that track, at a high level, the City's progress in achieving the desired outcome. Every measure on the dashboard is measured against a target. The Community Dashboard is updated quarterly and can be found online at www.fcgov.com/dashboard. The measures listed below within each outcome are current as of publication of this document. Definitions of each measure can be found on the dashboard.



High Performing Government Measures

- [Accuracy of Cumulative Budgeted Expenses \(\\$ millions\)](#)
- [Actual Cumulative Revenue Compared to Budget \(\\$ millions\)](#)
- [Average Response Time of Cases Submitted to Access Fort Collins](#)
- [City Employee Cumulative Turnover Rate](#)
- [City Employee Safety – Days Away Restricted or Transferred \(DART\) Rate YTD](#)
- [City Employee Safety – Total Recordable Injury Rate \(TRIR\) TYD](#)



Culture & Recreation Measures

- [Gardens on Spring Creek – Total Cumulative Participation](#)
- [Golf Courses – Total Cumulative Participation](#)
- [Lincoln Center – Total Cumulative Participation](#)
- [Museum of Discovery – Total Cumulative Participation](#)
- [Natural Areas Programs – Cumulative Participation per Capita](#)

- [Paved Trails - Cumulative Number of Visits](#)
- [Recreation Programs – Total Cumulative Participation](#)



Economic Health Measures

- [Commercial Vacancy Rates](#)
- [Electric System Average Interruption Duration Index \(SAIDI\) in Minutes](#)
- [Local Unemployment Rate](#)
- [# Business Establishments per Capita \(Larimer County\)](#)



Environmental Health Measures

- [Community Electricity Use per Capita \(kWh/quarter\)](#)
- [Community Water Use per Capita](#)
- [Outdoor Air Quality Index \(AQI\)](#)
- [Wastewater Treatment Effectiveness Rate \(%\)](#)



Neighborhood & Community Vitality Measures

- [Affordable Housing Inventory](#)
- [Homelessness Data, Chronic Homelessness and # Chronic Homeless Housed](#)
- [Fort Collins' Housing Opportunity Index \(HOI\) Compared to Western States Region HOI](#)
- [Response Time to Graffiti Removal](#)
- [Voluntary Code Compliance](#)
- [Voluntary Speed Compliance](#)



Safe Community Measures

- [Average Response Time to Police Priority I Calls](#)
- [Drinking Water Compliance Rate \(% Days\)](#)

- [Number of Injury/Fatal Crashes](#)
- [Part 1 Crimes in Fort Collins \(per 1,000 population\)](#)
- [Percent of Time Fire PFA Intercedes Before Flashover \(contained to room of origin\)](#)
- [Percent of Time PFA Fire Personnel are On-Scene Within 7 Minutes 20 Seconds in the Urban Area](#)



Transportation & Mobility Measures

- [Average Travel Speeds/Times on Arterial Streets](#)
- [Cumulative Lane Miles of Roadway Pavement Improved](#)
- [Transfort Ridership \(in thousands\) and Passengers per Hour](#)

Appendix B – Long-Term Financial Plan

Overview

The City updates the Long-Term Financial Plan (LTFP) outlook every two years as part of the Strategic Planning Process. The scope of this biennial update is limited to the City's governmental services, which excludes utilities enterprise funds. The utilities' enterprise funds update their long-term plans in a separate but concurrent exercise. The objective of the LTFP update is to highlight potential challenges facing the City and aid in decision-making on strategies that span the longer term (5-10+ years). These planning and scenario exercises then inform the biennial Budgeting for Outcomes (BFO) process through which specific services, programs and projects are funded.

Over the past two years, the City continued recovery from the economic challenges associated with the COVID-19 pandemic that began in 2020. The negative revenue impacts that were experienced in 2020 and 2021 continued to improve in 2022 and 2023, as the overall economy benefitted from the large federal stimulus aid packages. These favorable revenue outcomes were balanced out on the expense side, as many sectors of our local economy experienced inflationary pressures, leading to higher labor, supply and capital costs. Additionally, supply chain disruptions and persistent labor shortages also contributed to higher costs and schedule adjustments. Overall, the City's finances remain in excellent condition. Moody's once again re-affirmed the City's Aaa credit rating in the fall of 2023 (ranking in the top 5% nationally).

Background

The 2024 LTFP Baseline Scenario assumes most likely outcomes under current operating conditions and service delivery levels. Unidentified productivity increases, process improvements and technology savings are not included in the baseline scenario. Additionally, no outlier impacts (e.g., natural disasters, unanticipated severe recession, war, civil breakdown) are forecast to happen. The impacts of the higher costs and higher revenues experienced over the past few years during the pandemic recovery are factored into the 2024 LTFP update. The underlying analysis utilizes historic data from the past 20 years, macroeconomic outlooks, correlation analysis and unique drivers at departmental and functional levels to provide a view of what leadership needs to plan around for long-term growth.

Outlook

Although the City has stabilized the organization's near-term financial position, it still faces continued pressure to balance the longer-term needs with the limited sources of funding options. During the previous LTFP update, the City had identified significant challenges associated with future funding for park life-cycle and maintenance costs, transit/transportation infrastructure, affordable housing options, ambitious climate and energy goals, and other Council priorities. The City has continued to add personnel capacity to keep up with the demand for services from our community of residents, businesses and visitors. The adopted two-year

budget for 2023 and 2024 included approximately 42 additional full-time equivalent (FTE) employees to help serve these ever-increasing community needs.

Similar to the 2022 LTFP update, the 2024 LTFP contemplates the impacts of taking on these additional expenditures and explores options to fund these programs and services. The 2024 LTFP analysis continues to provide a **Baseline Scenario** and also builds up a **Gap Closure Scenario** that factors in four additional sets of assumptions:

1. Adjustments for historic budget underspend
2. Addition of new expenditures for currently underfunded programs and services
3. Longer-term growth-related programs and services
4. Addition of identified and potential revenue sources to close the funding gap

Baseline Scenario

The Baseline Scenario forecast includes the following primary revenue and expenditure assumptions:

Primary Revenue Assumptions

- Sales Tax – growth of 2.5% based on taxable sales historical average, increased taxable sales base and reduced near-term inflationary impacts
- Use Tax – growth of 3.6%, similar to prior forecasts
- Property Tax – incorporates steep valuation increases from 2020 to 2024 that have significantly increased the base; growth of 2.0% moderates with Consumer Price Index (CPI)
- Capital Grants – 2.0% increase, very project specific; tied to long-term CPI growth
- Shared Revenues – County and State distributions, 1.3% growth, similar to historical rate for past 15 years
- Cultural, Park, Recreation and Natural Areas Fees – in line with average historical rate of 3.4%

Primary Expenditure Assumptions

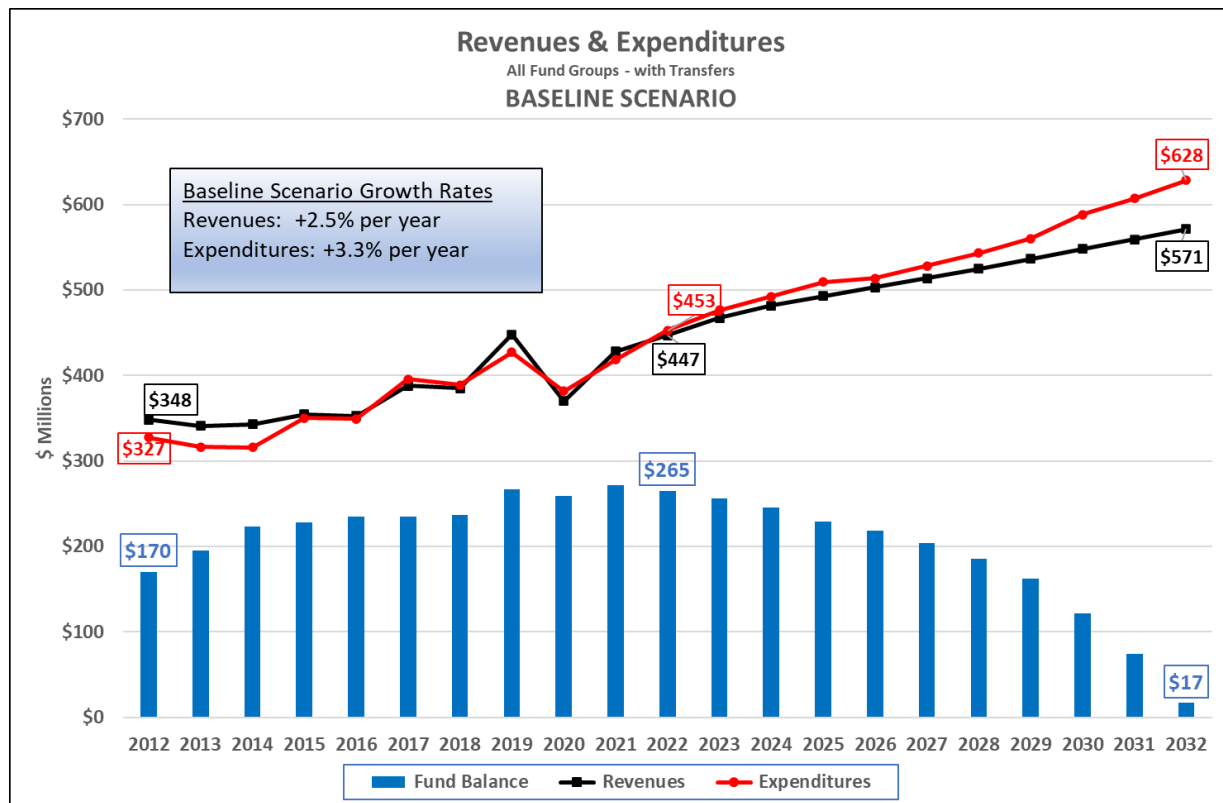
- Salaries and Wages – combined growth rate of 3.7%; includes CPI-driven wage increases plus projected FTE increases
- Benefits – combined growth rate of 4.7%; includes 1% over CPI-driven rate increases plus projected FTE increases
- Professional and Technical – growth of 3.3%, correlated to CPI and sales tax
- Supplies and Other Purchased Services – 2.1% growth

EXHIBIT A TO RESOLUTION 2024-030

- Infrastructure – 5.5% growth rate, correlated to sales and use tax

The 2024 LTFP Baseline Scenario (see Exhibit 1) shows our projected revenues, expenditures and future estimated year-end fund balances. Overall, long-term revenues are expected to increase at an approximately 2.5% compound annual growth rate (CAGR). Expenditures are expected to grow by 3.3% CAGR over this same period. The projected gap between revenues and expenditures could exceed \$40 to 50 million per year by 2032, with the cumulative effect of this deficit spending eroding fund balances to less than \$20 million.

EXHIBIT 1



Closing the Gap

The City is required to balance the budget during the biennial BFO process and cannot deficit spend beyond the utilization of anticipated revenues and existing available fund balances. Historically, there is an approximately 5% average underspend in actual expenditures compared to budgeted expenditures each year. Given the requirements of the City's budgeting process, this result is expected and provides a requisite cushion level against potential revenue shortfalls in the short-term. As in the prior LTFP update, this 5% amount was removed from the Gap Closure Scenario forecast, providing a more normalized view of expected expenditure levels for existing services and programs.

During 2022 and 2023, City staff and the Council worked to refine the longer-term ongoing needs of the City as well as reflect updated Council priorities. The Gap Closure Scenario adds projected costs to account for identified needs for parks and recreation, transit additions, affordable housing programs and climate initiatives. The annual requirement for these items has been estimated at more than \$40 million per year, with cumulative expenses totaling over \$350 million by the year 2032.

The staff and Council update included a rigorous analysis of potential funding alternatives and trade-offs. The culmination of these efforts was placing two funding options on the November 2023 ballot:

1. A 0.50% sales tax increase to fund parks and recreation programs, climate initiatives and transit projects
2. A property tax increase to fund affordable housing needs

The sales tax initiative was approved by the voters with an effective date of January 1, 2024. While not projected to cover all the estimated needs of the covered programs, these funds are the basis for specific project planning and funding consideration for the BFO process later this year. The property tax initiative was not approved by the voters and the affordable housing shortfalls currently remain unfunded. This new sales tax revenue stream is included in the Gap Closure Scenario.

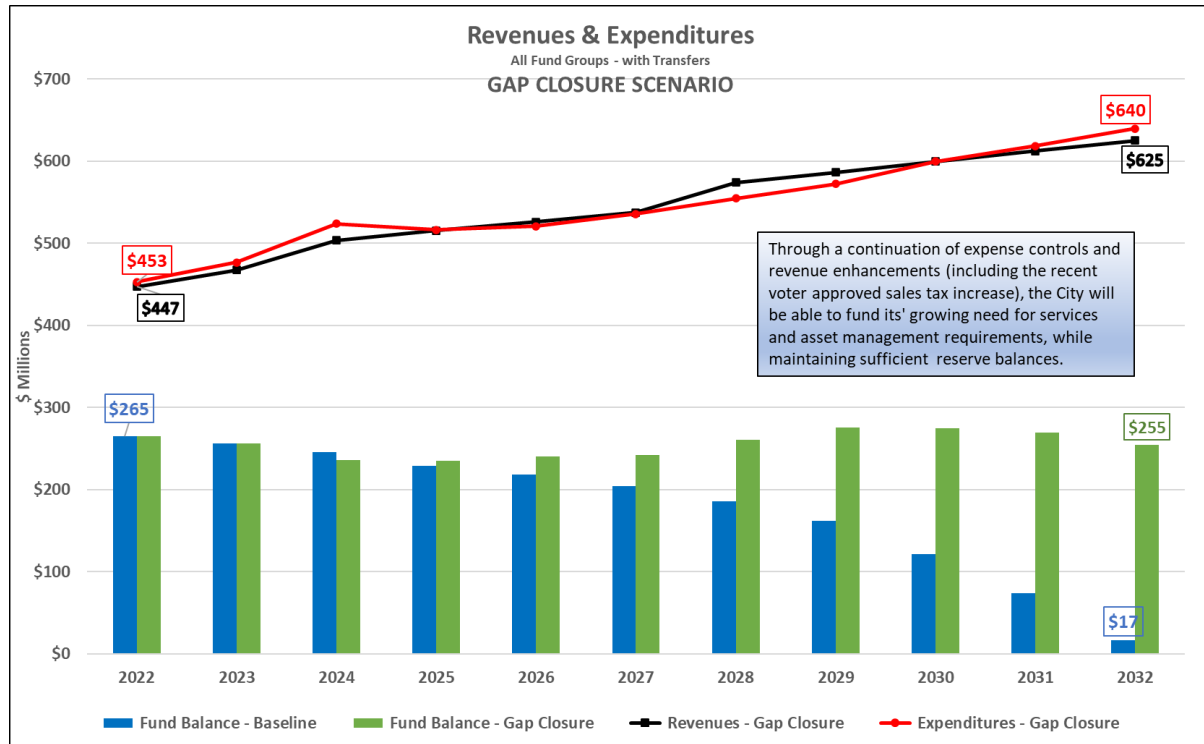
In addition to the current maintenance and program expenditure shortfalls, Fort Collins' continued growth will bring on additional needs for funding. Specifically, identified areas of potential need are the Civic Center Master Plan, developing future community and neighborhood parks, and potential annexation costs related to the East Mulberry area. These expenditures may approach \$15 to 20 million per year by 2032.

The City organization will continue to look for ongoing cost containment strategies to combat the growth and inflationary impacts. However, staff will need to continue looking for other funding sources – some potential combination of taxes, fees and/or grant revenues. For illustrative purposes in the Gap Closure Scenario, a combination of unidentified new sources was estimated at \$25 million per year beginning in 2028.

The Gap Closure Scenario is highlighted in Exhibit 2, which provides greater stabilization of fund balances over the longer-term time horizon.

EXHIBIT A TO RESOLUTION 2024-030

EXHIBIT 2

**Summary**

The City made significant strides during 2023 and 2024 in addressing some of the funding gaps identified in prior Strategic Plan and LTFP updates, but many challenges remain. Prioritizing programs and services will be key to delivering the highest value-added services to the community. Active cost containment will remain a vital component of maintaining our ability to deliver desired levels of service.

Appendix C – Glossary of Terms

Budgeting for Outcomes (BFO): A system driven by goals and performance to relate budgeting to planning and outputs/results. Its purpose is to better align the services delivered by the City with the things that are most important to the community.

City Plan: A comprehensive plan that guides how the community will grow and travel in the next 10-20 years. City Plan describes our community's vision and core values and provides policy guidance and implementation actions to achieve both. City Plan includes guidance on future land use and transportation, and was coordinated and developed alongside an update to Fort Collins' Transit Master Plan.

Community Dashboard: A quarterly snapshot of the community's progress in attaining key outcomes. The Dashboard reinforces the City's steadfast commitment to accountability and continuous improvement.

Low to Moderate Income: Households whose incomes are below 95% of the area median income (AMI), as determined by the U.S. Department of Housing and Urban Development (HUD), with adjustments for smaller or larger families.

Manufactured Housing: A preconstructed dwelling unit, meeting the construction standards of the U.S. Department of Housing and Urban Development, which also includes mobile homes.

Master Plans: Long-term vision documents in each service area.

Our Climate Future (OCF): A community guide to creating the carbon-neutral, zero-waste and 100% renewable electricity future we desire while increasing equity and resilience in our community.

Outcome: A result; the effect that residents want from government programs and activities (e.g., safety is the result or outcome that residents want from police and fire programs or activities). Seven key outcomes make up the City's strategic planning and budgeting processes.

Strategic Objective: Statements providing direction for accomplishing the outcome. They contain meaningful planning challenges, and result from organizational input analysis.

Transportation Master Plan: Long-term vision document that defines the long-term multimodal system that Fort Collins desires in the future and serves as a comprehensive reference guide regarding transportation issues.

Introduction

The City of Fort Collins is a full-service municipal organization dedicated to providing exceptional service for an exceptional community of 175,000 residents, 8,000 businesses, and numerous institutional partners.

Incorporated in 1873 and located in Northern Colorado, Fort Collins is home to Colorado State University (CSU), outstanding public school and healthcare systems, several large high-tech employers and leading businesses in the craft brewing industry. Fort Collins offers exciting recreational opportunities, unique cultural offerings and amenities, and is a regional center for employment and commerce. Both the City organization and community at large are frequently recognized for our quality of services and amenities, sustainable management practices, and a forward-thinking, innovative culture.

The City is committed to thoughtful planning and to public participation in government; community input is a vital component that helps shape the City's Strategic Plan, comprehensive plan (City Plan), biennial budget, and many individual plans, projects and initiatives. It is important that the work we do as a representative local government reflects the values of the community.

While City Plan articulates a long-term community vision and growth framework, the Strategic Plan outlines short- and mid-term objectives, influences the City's budgeting process, and guides the implementation of the City's full range of services, including: public safety, neighborhood quality, economic vitality, environmental services, parks and open spaces, utility services, transit and transportation infrastructure, engineering and building services, and much more.

The 2024 Strategic Plan outlines key objectives and strategies that link the City Plan vision with the City's organizational and operational priorities.

- The Strategic Objectives are not listed in priority order, and it should not be interpreted that a Strategic Objective early in the list is of a greater priority than one later in the list.
- Each strategic objective includes supplemental bullets that help to define and provide context for the objective; they are intended to be representational but not all-encompassing.
- At the end of most outcome areas, you will find "Connections to related objectives." These are meant to highlight the linkages between different objectives.

~~Objectives & Bullets~~ Outcomes and Strategic Objectives

High Performing Government (HPG)

HPG 1 – Provide an exceptional customer experience to the community and increase the City's effectiveness by simplifying processes and delivering modern technologies.

- **Council Priority:** Make Government More Accessible, Approachable and Fun
- **Council Priority:** ~~Continue Stewardship of Our Civic Institution~~ Modernize and Update the City Charter
- Inconsistent and overly complicated City processes negatively impact the customer experience.
- Updates to the City's website and other digital platforms provide an opportunity to ensure that they are accessible to the entire community.
- As our flexible work practices continue to adapt and evolve, the City is committed to providing exceptional and reliable customer service.

HPG 2 – Build trust with our increasingly diverse community through meaningful engagement and by providing timely access to accurate information.

- **Council Priority:** Develop a Hughes Site Master Plan
- The voices and perspectives of marginalized community members have been historically underrepresented in the City's public engagement efforts.
- The evolving media and communications landscape requires pursuing innovative avenues of engaging with and informing our community.
- Effective and meaningful public engagement includes listening and responding to input and depends on establishing mutual understanding with those who choose to participate.
- Increasing voter turnout provides insight into the opinions of residents through the democratic process.

HPG 3 – Deliver an exceptional employee experience by attracting, developing and retaining diverse talent and fostering a culture of employee safety, belonging and empowerment across the organization.

- The City continues to face challenges with attracting and retaining talent in certain sectors.
- The region's high cost of living increases pressure on competitive pay.
- Developing a diverse talent pool and increasing representation in both the broader workforce and at the management level remains a major focus.
- The City's efforts to simplify processes and deliver modern technologies will have beneficial impacts on the employee experience.

HPG 4 – Incorporate a management strategy for all new and existing City assets that addresses deferred maintenance and accessibility.

- As the City's assets age, renewal and replacement are critical to maintaining and elevating service standards.
- Developing and implementing an asset management strategy for both deferred and ongoing maintenance is fundamental to the long-term sustainability of City services.
- Successful and efficient asset management requires improved coordination among City departments on capital projects.
- New funding provides an opportunity to perform necessary maintenance and replace deteriorating assets.
- Renewing the ¼-cent street maintenance tax will help maintain the high quality of the City's transportation network.
- Asset management includes preserving and maintaining a safe, healthy and resilient urban canopy.

Neighborhood & Community Vitality (NCV)

NCV 1 – Increase housing supply, type, choice and affordability to address inequities in housing so that everyone has healthy, stable housing they can afford.

- **Council Priority:** -Operationalize City Resources to Build and Preserve Affordable Housing
- Fort Collins' population is expected to grow to 250,000 by 2040, which will drive significant need for housing units throughout the community. The Housing Strategic Plan provides guidance on next steps.
- Fort Collins is focused on enhancing the quality of life and sense of belonging in all neighborhoods by connecting neighbors to each other and to City services, building community and fostering harmonious relationships.
- The challenge of keeping up with affordable housing options necessitates that the City support efforts to preserve and enhance mobile home parks as a source of affordable housing and to create a safe and equitable environment for residents.
- The City continues to address the need for regulations and procedures to be clear and predictable to ensure new development efficiently advances adopted City plans and policies.
- The City will need to advance development efforts in the Growth Management Area in order to see a measurable increase in housing supply and type, and to meet the goal of building 282 units per year to have 10% of all housing inventory as restricted affordable housing by 2040.

NCV 2 – Support community partner efforts to address priority human service issues like poverty and mental health, and to make homelessness rare, brief and non-recurring.

- **Council Priority:** -Improve Human and Social Health for Vulnerable Populations
- The social issues that partner agencies address are wide-ranging, complex and systemic. A strategic, collaborative approach will ensure programmatic effectiveness and efficiencies, add agency capacity, eliminate redundancy, and identify and better serve disadvantaged areas and groups.
- The City's core role has been and continues to be strengthening partnerships, funding programs and developing policy in coordination with community agencies that provide a wide range of human services and homelessness services.

- According to the Homeless Management Information System (HMIS) that is administered by the Continuum of Care, as of January 2024, approximately 530 community members are experiencing chronic homelessness in Fort Collins. This indicates that chronic homelessness declined about 16% in 2023. Despite this progress, efforts need to be coordinated to address the myriad challenges that lead to homelessness.
- Continued innovative, collective efforts across agencies are needed to reduce incidents of, and impacts from, disruptive and unwanted behaviors, working closely with the community's partner agencies to offer creative approaches that balance compassion and consequences.

NCV 3 – Identify and remove systemic barriers and advance equity so that persons of all identities, including race, ethnicity, religion, sexual orientation, gender identity, gender expression, age, mental and physical abilities, and socioeconomic levels can access programs and services with ease and experience equitable outcomes.

- **Council Priority:** Improve Human and Social Health for Vulnerable Populations
- Identifying and actively working to remove systemic barriers will help address the historical root causes that have created generational inequities for vulnerable and disadvantaged groups.
- As the cost of living in Fort Collins increases, low- and moderate-income households are struggling to afford necessities and participate in City programs and services.
- Related to the high cost of living, increased and targeted outreach efforts and supportive customer experiences are needed to assist community members in participating in income-qualified services, improving accessibility to City and community programs for low- and moderate-income households.
- There is an increase in requests from community members eager to build a sense of belonging for the City to commit resources to creating experiences that promote inclusion and celebrate cultural diversity in the community.
- As there are sections of the community that do not have access to digital equity services, the City is developing methods to prioritize connectivity services to under-resourced neighborhoods.
- To advance equity for all and apply a data-informed approach to making policy, program and service updates, City teams are growing their practice to systematically gather, analyze and interpret qualitative and quantitative data, disaggregated by racial and social identities and additional equity indicators, to identify barriers, decrease inequities and increase access for all.

NCV 4 – Remove obstacles to build interconnected Neighborhood Centers to accelerate progress toward our goal for everyone to have the daily goods and services they need and want available within a 15-minute walk or bike ride from their home.

- **Council Priority:** Advanceing a 15-Minute City by Igniting our Neighborhood Centers
- Innovative neighborhood outreach and engagement efforts that help gather data from a diverse range of communities on needs, interests and expectations will be necessary for teams to develop strategies and actions for implementing adopted plans.
- Preparing to build 15-minute neighborhood centers, City teams will need to analyze neighborhood-level geographic data to assess hyper-local needs. It is important to understand population density and demographics; locations of essential amenities;

public spaces; and the quality, safety and accessibility of walking, biking and public transit networks.

- In developing 15-minute neighborhood centers, City planning initiatives will have the opportunity to assess environmental health impacts such as how to increase walking and biking mobility options, lower emissions and increase healthy opportunities for residents through reduced air pollutants.
- Building physical neighborhood connectivity will require the City to consider complex infill and redevelopment projects that offer significant opportunity to contribute to vibrant walkable and bikeable neighborhoods and centers.
- According to the National League of Cities, “the goal of the 15-minute city is to provide convenient and equitable access to necessities like healthcare, schools, grocery stores, jobs, and greenspace.”

Culture & Recreation (C&R)

C&R 1 – Make City arts, cultural and recreational programming more inclusive to reflect the diversity of our community.

- In the 2023 Community Survey, 63% of respondents reported the quality of arts and cultural opportunities as good or very good, which is a recent increase, but below historical averages.
- Programming can be within City facilities, as well as throughout the community.
- Artistic and cultural opportunities are essential to a vibrant and creative community; engaged and equitable participation and inclusion in those opportunities are core community values.
- Effective communication strategies are necessary to help residents understand how to learn about and access currently available programming.
- Emerging trends and opportunities for all ages and abilities need to be considered as the community evolves.
- Consultation and collaboration with local and regional community organizations are a key success factor to identifying gaps and opportunities.
- The City maintains a strong commitment to enhancing access to nature.

C&R 2 – Implement criteria and prioritization to manage assets and replace equipment that will revitalize parks and recreational facilities, as the planned buildout of the parks and trails system continues.

- Parks, trails, and cultural and recreation opportunities are highly valued and used by residents.
- Utilize new dedicated funding to make necessary improvements and updates to meet design standards and maintain these as highly valued neighborhood amenities.
- Aging parks should periodically undergo a redesign or comprehensive upgrade to respond to new park standards and changing community expectations.
- Equipment replacement and overall asset management should include understanding modern service expectations as the community evolves.

Economic Health (ECON)

ECON 1 – Foster diverse and attractive employment opportunities, remove barriers to local businesses and bolster economic mobility by facilitating workforce development that aligns businesses drivers with worker capability.

- **Council Priority:** Pursue an Integrated, Intentional Approach to Economic Health
- To support a better customer experience during business creation and mitigate the rising regulatory cost of doing business in Fort Collins, the City can evaluate removing barriers for business by streamlining processes and becoming less siloed in its communication.
- Life sciences, clean energy, biotech and other industries in close alignment with City values and goals can be important drivers of innovation and contributors to the local economy.
- Collaboration with educational and institutional partners is needed to create and execute a unified regional workforce and economic mobility opportunities.
- The Economic Health Strategic Plan establishes goals to increase business owner demographic representation, increase five-year business survivability, add 1,800 jobs in targeted sectors and increase representation within those sectors.
- Continuing to expand the City's Connexion services while finding innovative ways to leverage the network across Fort Collins and in the region can be a business attraction tool.

ECON 2 – Deliver City utility services in response to climate action objectives and opportunities and targeted reliability and resiliency levels, and make significant investments in utility infrastructure while communicating and mitigating cost impacts to the community where possible.

- Maintaining reliability is critical as PRPA implements its Integrated Resource Plan and distributed energy resources are integrated into the electric grid.
- Water storage capacity is needed to ensure water rights can be fully utilized to meet future demand and drought resiliency needs.
- The benefits of reliable infrastructure such as water distribution, wastewater collection/treatment, and flood protection extend well beyond economic impact and have ties to community safety and environmental health.

Environmental Health (ENV)

ENV 1 – Implement the Our Climate Future Plan to advance the City's greenhouse gas, energy and waste goals; reduce air pollution; and improve community resilience.

- **Council Priority:** ~~Create Pathways for~~ **Accelerate** Zero Waste Infrastructure and Policies
- **Council Priority:** Reduce Climate Pollution and Air Pollution Through **Best Practices**, **Emphasizing** Electrification
- Actively working together and building on existing partnerships with local, regional, state and national affiliates is necessary to achieve desired Our Climate Future goals and outcomes such as: decrease greenhouse gas emissions by 80% below 2005 baseline

levels by 2030; ensure 100% renewable electricity provision by 2030, utilizing both grid and local sources; and attain zero waste, or achieve 100% landfill diversion, by 2030.

- Engaging all parts of the community in solutions to increase accessibility and community consciousness of recycling, xeriscaping and other environmental programs can raise participation.
- Implementing mode shifts advances the City's climate and Vision Zero goals by reducing the number of vehicle miles traveled.
- Accelerating building electrification aligns with the City's pursuit of clean energy sources and lowering building energy consumption, which is responsible for more than two-thirds of the community's emissions.

ENV 2 – Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents.

- **Council Priority:** Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds
- Collaborating with partners and attaining regional commitments to assess and support river and watershed health is crucial for success.
- Proactively managing the high costs of acquiring water rights and storing raw water ensures the provision of an adequate and affordable water supply for everyone.
- The Water Efficiency Plan and Water Shortage Action Plan guide strategies for water demand management and water conservation.
- The health of the river requires collecting wastewater and ensuring it is treated safely.

ENV 3 – Expand, restore and maintain the Natural Areas land portfolio to improve habitat conditions across the community and ensure equitable access to nature.

- Amidst escalating costs, the City must actively seek partnerships with local, regional and national organizations to bolster land conservation and restoration efforts.
- The City is challenged to maintain investments in restoration and built infrastructure to fulfill stewardship responsibilities for the existing land portfolio amidst budget constraints and changing environmental conditions.
- Programs like Nature in the City can continue efforts to protect and expand naturalized landscapes on City-owned properties and throughout the community.

Transportation & Mobility (T&M)

T&M 1 – Make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins.

- **Council Priority:** Advancing a 15-Minute City by Accelerating Our Shift to Active Modes
- The City adopted a goal in 2016 to have no fatal or serious injury crashes within the transportation network. This requires appropriate programs, policies, educational resources and infrastructure improvements that work to reduce the overall number and severity of crashes.

- In 2023, City Council adopted the Active Modes Plans, which lays out the needed investments to ensure that alternatives to driving—which include biking, walking and rolling—are safe and accessible to all residents.
- In 2023, City Council also approved 10-year transportation capital project priorities that identify the key corridor, intersection and crossing improvements, and other projects that will directly work to increase the safety, efficiency and equitable operation of the transportation network for all modes of travel.
- Quality infrastructure that is in a good state of repair is necessary for the safe operation of the transportation network. The City has relied on dedicated funding from the street maintenance tax, due to expire in 2025, as a primary way to ensure a consistent street quality standard.
- Working closely with local schools is necessary to implement strategies that will ensure safe routes to school and protect our student population.
- Ensuring our transportation network is safe for everyone requires enforcing traffic and other laws with targeted and innovative strategies in priority areas.

T&M 2 – Increase Transfort access and ridership by ensuring the City’s transit services provide safe, reliable and convenient alternatives to driving.

- The Transit Master Plan was updated in 2019, but the realities of operating a transit agency have changed substantially since the COVID-19 pandemic; ridership still has not returned to pre-pandemic numbers. The plan should be optimized to reflect post-pandemic realities, including new strategies to achieve the transit vision while still considering frequency and prioritizing key routes.
- Fort Collins voters approved a new sales tax to support transit initiatives through 2050. These resources will provide significant funding support toward some of the capital projects needed to increase transit frequency and stabilize operations.
- The Community Survey indicates that fewer residents always or usually feel safe on Transfort than did before the pandemic. Increasing ridership will require ensuring that transit is a safe transportation alternative.
- Colorado State University students account for a critical portion of Transfort's ridership. Continued partnership with the university and students will be critical to achieving increases in ridership.
- Achieving many of the City goals outlined in City Plan, Our Climate Future and the Housing Strategic Plan will require increasing transit ridership.

T&M 3 – Transform the parking system to better align supply and demand and incentivize sustainable outcomes in a place-based manner across the city.

- A strategic approach to the City's parking system and requirements can help achieve many other goals related to housing, climate and transportation. Incentivizing behaviors to make progress in these spaces requires a context-specific approach based on a number of factors including density, economic activity and availability of structured parking.
- In Downtown specifically, the existing parking model incentivizes additional vehicle trips as the spaces that are ideal for longer-term parking (garages) cost more than the spaces better suited for short stays (on-street). This results in a revenue model that is not sustainable for the long-term maintenance of the parking structures or the Parking Services team and increases congestion Downtown.

- Successfully implementing transportation demand and targeted land use strategies can reduce automotive congestion and the increasing need for associated parking across the community.
- In 2023, City Council supported advancing a workstream to look at new models for pricing Downtown parking.

Safe Community (SAFE)

SAFE 1 – Enhance overall community safety and foster increased trust in public safety services and the municipal justice system through innovative service delivery models.

- Ongoing partnerships support key enforcement and education programs, such as mental health, substance abuse prevention, detoxification, victim assistance, youth programs, bike safety, county jail management, efforts to reduce repeat crimes, fire safety and animal control.
- A diverse community requires new communication strategies and non-traditional partnerships to build trust and help residents understand available resources for safety.
- Utilizing local, regional and federal resources is crucial to comprehensively address safety issues.
- As Fort Collins continues to grow, the City will need to innovate and adapt to meet evolving community expectations for public safety services, including law enforcement, fire and rescue, and comprehensive emergency communication and preparedness.
- Innovative service delivery means coming up with new and clever ways to provide services. Fresh ideas, smart strategies and new technology can help improve services and customer satisfaction.

SAFE 2 – Enhance safety and security on public and private property and protect City infrastructure and sensitive data from emerging security threats.

- The physical safety of residents in public spaces and on private property is paramount.
- The City's reliance on evolving technology for core operations and service delivery underscores the need for robust cybersecurity measures to safeguard City assets, information and customer privacy. Cybersecurity involves cyber audits, awareness training and digital access control.
- The Community Survey indicates that fewer residents feel safe at parks and recreation facilities than before the pandemic. The City is committed to enhancing the community's safety across public amenities to help ensure a secure and enjoyable environment for residents.
- Providing and maintaining reliable utility services and infrastructure directly preserves and improves public health and community safety.

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Darren Parkin, Halligan Water Supply Project Manager
Jason Graham, Director of Water Utilities

SUBJECT

Resolution 2024-031 Authorizing the City Manager to Execute an Agreement Between the City of Fort Collins and the State of Colorado Regarding Implementation of Portions of the Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply Project (Cheat Grass and Big Horn Sheep Collaring).

EXECUTIVE SUMMARY

The purpose of this item is to seek Council approval of a proposed agreement ("Agreement") between the City and the State of Colorado acting through Colorado Parks and Wildlife ("CPW") regarding certain aspects of the Halligan Water Supply Project ("Halligan Project"). The purpose of this Agreement is to implement Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Section 4.2.3.19 (Bighorn Sheep Collaring Study) of the Halligan Project's Fish and Wildlife Mitigation and Enhancement Plan ("Mitigation Plan"), under which 1) the City intends to transfer funds to CPW; and 2) habitat treatments and bighorn sheep monitoring are to be started at least two years in advance of construction. Based on the City's expected construction schedule, the Parties desire to begin implementing those Mitigation Plan sections early in 2024 before a full agreement related to the Mitigation Plan is expected to be completed.

CPW will use the funds for chemical treatment to abate invasive cheat grass. CPW will use its best efforts to treat a minimum of at least 500 acres with a focus on the Lower Unit of the State Wildlife Area. CPW may additionally use the funds for the installation of up to two remote passive water sources on the State Wildlife Area. Any funds not needed for the cheat grass treatment or the water sources installation may be used by CPW for habitat treatment on additional acreages within the State Wildlife Area.

CPW will also use the funds for the purpose of supporting a GPS (global positioning system) collaring and monitoring study of bighorn sheep from the Lone Pine herd that will include tracking their movements and habitat use, and conducting disease testing, before, during, and immediately after Halligan Project construction.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Halligan Water Supply Project

The City, through Fort Collins Utilities, is pursuing the Halligan Project. The Halligan Project will provide 7,900 AF of additional firm yield for Fort Collins Utilities water demands through 2065 with water of a quality comparable to the water now delivered to its customers. It will also provide a storage reserve for emergency water supply, increase drought security; improve water system reliability and flexibility; and meet future water demands of the Fort Collins Utilities water service area.

The Halligan Project includes: the enlargement of Halligan Reservoir, which primarily entails replacing Halligan Dam; and the replacement of the diversion structure for the North Poudre Canal and related infrastructure on the North Fork.

The City is seeking a Clean Water Act Section 404 Permit from the United States Army Corps of Engineers, with the Final Environmental Impact Statement (FEIS) being approved in October 2023 and a final Record of Decision (ROD) expected in 2025. The Halligan Fish and Wildlife Mitigation and Enhancement Plan was also approved in 2023 by Colorado Parks and Wildlife and the Colorado Water Conservation Board ("CWCB"), as discussed further below. Various other permits are also being obtained such as a Clean Water Act Section 401 Water Quality Certification from the Water Quality Control Division of the Colorado Department of Public Health and Environment; and a 1041 permit from Larimer County.

The Halligan Project includes numerous environmental mitigation and enhancement actions that will avoid impacts, minimize impacts, compensate for unavoidable impacts, and enhance the environment, including providing minimum flows in the North Fork and eliminating existing and historical dry-up reaches of the river.

Information on the Halligan Project can be found here:

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

Implementation of the Mitigation Plan

Pursuant to Section 37-60-122.2 of the Colorado Revised Statutes ("Statute"), the City began working with staff from the CWCB and CPW in early 2020 on a mitigation proposal for the Halligan Project. The extensive discussions culminated in the City's *Halligan Water Supply Project: Fish and Wildlife Mitigation and Enhancement Plan*, dated June 7, 2023 ("Mitigation Plan").

Pursuant to the Statute and applicable rules and regulations, the Parks and Wildlife Commission approved the Mitigation Plan on June 23, 2023, and the CWCB approved the Mitigation Plan on July 19, 2023. The Mitigation Plan is thus the official state position with respect to mitigation for the Halligan Project.

City staff and CPW staff have been in discussions regarding an agreement to implement various aspects of the Mitigation Plan. It was originally contemplated to have one such agreement. However, an agreement on the entire Mitigation Plan is expected to take several months and it is desired to begin mitigation measures regarding cheat grass and big horn sheep collaring in the spring of 2024.

It is therefore currently contemplated that there will be two agreements: (1) an initial agreement concerning mitigation measures regarding cheat grass and big horn sheep collaring ("Initial Agreement"); and (2) a subsequent agreement concerning the remaining aspects of the Mitigation Plan ("Subsequent Agreement"). The Subsequent Agreement will be brought to Council at a later date. The Initial Agreement is before Council in this item.

CITY FINANCIAL IMPACTS

The City's contributions under the Agreement are \$263,037.74 for cheat grass treatments and \$126,258.11 for Big Horn Sheep collaring for a combined total of \$389,295.85, which has been appropriated from the Water Fund.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Extensive public outreach has occurred, and continues to occur, focused on the Mitigation Plan and the many environmental mitigation and enhancement benefits associated with the Halligan Project.

ATTACHMENTS

1. Resolution for Consideration
2. Exhibit A to Resolution
3. Halligan Water Supply Project Fish and Wildlife Mitigation and Enhancement Plan, dated June 7, 2023

RESOLUTION 2024-031
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE STATE OF COLORADO
REGARDING IMPLEMENTATION OF PORTIONS OF THE FISH AND WILDLIFE
MITIGATION AND ENHANCEMENT PLAN FOR THE HALLIGAN WATER
SUPPLY PROJECT (CHEAT GRASS AND BIG HORN SHEEP COLLARING)

A. The City is pursuing the Halligan Water Supply Project (“Halligan Project”). The Halligan Project includes the enlargement of Halligan Reservoir and the replacement of the diversion structure for the North Poudre Canal. The Halligan Project requires, among other things, a permit under Section 404 of the federal Clean Water Act.

B. In Section 37-60-122.2 of the Colorado Revised Statutes (“Statute”), the Colorado General Assembly (“Legislature”) recognized the responsibility of the state for fish and wildlife resources found in and around state waters which are affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities. The Legislature also declared that such fish and wildlife resources are a matter of statewide concern and that impacts on such resources should be mitigated by the project applicants in a reasonable manner. The Legislature stated that it is their intent that fish and wildlife resources that are affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities should be mitigated to the extent, and in a manner, that is economically reasonable and maintains a balance between the development of the state’s water resources and the protection of the state’s fish and wildlife resources.

C. The Statute therefore provides that an applicant for certain water projects requiring a permit, license, or other approval from the United States shall inform the Colorado Water Conservation Board (“CWCB”), the Parks and Wildlife Commission, and the Division of Parks and Wildlife of the application and submit a mitigation proposal. If approved pursuant to the Statute, the mitigation proposal becomes the official state position with respect to mitigation for the water project.

D. The City began working with staff from the CWCB and the Division of Parks and Wildlife in early 2020 on a mitigation proposal for the Halligan Project. The extensive discussions culminated in the City’s *Halligan Water Supply Project: Fish and Wildlife Mitigation and Enhancement Plan*, dated June 7, 2023 (“Plan”).

E. Pursuant to the Statute and applicable rules and regulations, the Parks and Wildlife Commission approved the Plan on June 23, 2023, and the CWCB approved the Plan on July 19, 2023. The Plan is thus the official state position with respect to mitigation for the Halligan Project.

F. City staff and Division of Parks and Wildlife staff have been in discussions regarding an agreement to implement various aspects of the Plan. It was originally contemplated to have one such agreement. However, an agreement on the entire Plan

is expected to take several months and it is desired to begin mitigation measures regarding cheat grass and big horn sheep collaring in the spring of 2024.

G. It is therefore currently contemplated that there will be two agreements: (1) an initial agreement concerning mitigation measures regarding cheat grass and big horn sheep collaring ("Initial Agreement"); and (2) a subsequent agreement concerning the remaining aspects of the Plan ("Subsequent Agreement"). The Subsequent Agreement will be brought to City Council at a later date. The Initial Agreement is attached as Exhibit "A."

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Manager is hereby authorized to execute an Agreement substantially in the form of Exhibit "A", with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Eric Potyondy

**AGREEMENT REGARDING IMPLEMENTATION OF PORTIONS OF THE
FISH AND WILDLIFE MITIGATION AND ENHANCEMENT PLAN
FOR THE HALLIGAN WATER SUPPLY PROJECT
(Cheat Grass and Big Horn Sheep Collaring)**

This Agreement, dated and effective [REDACTED], is entered into by the following Parties: the City of Fort Collins, a Colorado municipal corporation; and the State of Colorado, acting through the Department of Natural Resources, for benefit and use of the Colorado Division of Parks and Wildlife.

** See Paragraph 2 for a list of defined terms used in this Agreement **

RECITALS

A. Fort Collins is pursuing the Halligan Project. The Halligan Project includes¹: the enlargement of Halligan Reservoir, also known as North Poudre Reservoir No. 16, which primarily entails replacing or enlarging the Reservoir's dam; and the replacement of the North Poudre Canal Diversion Structure.

B. The Halligan Project requires, among other things, a permit under Section 404 of the federal Clean Water Act. In consultation with CPW, pursuant to C.R.S. §37-60-122.2, Fort Collins has thus developed the Plan as a fish and wildlife mitigation and enhancement plan.

C. The Plan articulates various mitigation and enhancement measures Fort Collins intends to undertake with respect to the Halligan Project. CPW's understanding of the planned measures, anticipated impacts and mitigation needs of the Project is based on the statements and commitments made in the Plan. The Plan is attached as **Exhibit 1** for reference purposes and the purposes described in Paragraph 6 below.

D. The Colorado Parks and Wildlife Commission approved the Plan and authorized CPW to enter into an intergovernmental agreement to implement portions on the Plan on June 23, 2023. CPW has authority to enter into intergovernmental cooperative agreements pursuant to CRS § 33-1-105(e). CWCB approved the Plan on July 19, 2023.

E. Fort Collins and CPW intend to enter into an agreement to implement portions of the Plan, including: certain consultation requirements; monetary commitments from Fort Collins to CPW; and certain easement transactions. That agreement is currently anticipated to be completed later in 2024 or 2025.

F. Because of timing requirements laid out in the Plan, Fort Collins and CPW desire to implement Plan Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Plan Section 4.2.3.19 (Bighorn Sheep Collaring Study) before that agreement to implement other portions of the Plan is

¹ In this Agreement, "include" signifies a list that is not necessarily exhaustive. *E.g., Lyman v. Town of Bow Mar*, 188 Colo. 216, 222, 533 P.2d 1129, 1133 (1975).

EXHIBIT A TO RESOLUTION 2024-031

finalized so that work related to those Plan sections can begin in spring/summer 2024. The implementation of those two sections is the purpose of this Agreement.

G. This Agreement has been approved by the Fort Collins City Council pursuant to Resolution No. 2024-031.

H. In consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows.

AGREEMENT

1. **INCORPORATION OF RECITALS.** The foregoing recitals are hereby incorporated as if fully restated in their entirety.

2. **DEFINED TERMS.** The terms used in this Agreement are as defined in this Paragraph 2, with certain additional terms defined in Paragraph 11, and are otherwise given their ordinary meaning.

- 2.1. “CPW” is the Colorado Division of Parks and Wildlife, an agency of the State of Colorado within the Department of Natural Resources. CPW is also referred to herein as a Party to this Agreement.
- 2.2. “Fort Collins” is the City of Fort Collins, a Colorado municipal corporation. Fort Collins is also referred to herein as a Party to this Agreement.
- 2.3. “Halligan Project” is the Halligan Water Supply Project.
- 2.4. “North Fork” is the North Fork of the Cache la Poudre River.
- 2.5. “North Poudre Canal Diversion Structure” is the diversion structure for the North Poudre Canal on the North Fork, which is owned and operated by the North Poudre Irrigation Company. It is located in the North Fork in the SE1/4 of Section 12, Township 10 North, Range 71 West of the 6th P.M.
- 2.6. “Party” and “Parties” refer to Fort Collins and/or CPW.
- 2.7. “Plan” is the Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply Project, dated June 7, 2023.
- 2.8. “Reservoir” is Halligan Reservoir as it now exists and will be enlarged. It is an on-channel reservoir located on the North Fork, in portions of Sections 29, 32, 33, and 34, Township 11 North, Range 71 West of the 6th P.M. The enlarged Reservoir will also extend into portions of Sections 27 and 28, Township 11 North, Range 71 West of the 6th P.M. The Reservoir’s dam (for the current Reservoir and the

EXHIBIT A TO RESOLUTION 2024-031

enlargement) is located in the NE1/4 of the SW1/4 of Section 34, Township 11 North, Range 71 West of the 6th P.M.

2.9. “State Wildlife Area” is the Cherokee State Wildlife Area.

3. **PURPOSE.** The purpose of this Agreement is to implement Section 4.2.3.18 (Bighorn Sheep Habitat Improvements) and Section 4.2.3.19 (Bighorn Sheep Collaring Study) of the Plan, under which 1) Fort Collins intends to transfer funds to CPW; and 2) habitat treatments and bighorn sheep monitoring are to be started at least two years in advance of construction. Based on Fort Collins’ expected construction schedule, the Parties desire to begin implementing those Plan sections early in 2024 before a full agreement related to the Plan is expected to be completed.

4. **EFFECTIVE DATE.** This Agreement is effective as of the date that all Parties have executed this Agreement, which is stated above on the initial page.

5. **TERM AND RENEWAL.** The term of this Agreement is 10 years, unless terminated sooner pursuant to the terms and conditions of this Agreement or terminated in writing by the Parties. The Parties may also renew this Agreement in writing for an additional 10 year term if, at the end of the term, such a renewal is needed to further the purposes of this Agreement.

5.1. **Abandonment of Enlargement of the Reservoir.** The Parties acknowledge that the permitting and approval processes for the Halligan Project include some level of uncertainty regarding the ultimate ability of Fort Collins to enlarge the Reservoir and replace the North Poudre Canal Diversion Structure. If Fort Collins abandons the enlargement of the Reservoir (and thus the replacement of the North Poudre Canal Diversion Structure), Fort Collins may terminate this Agreement by providing written notice to CPW pursuant to Paragraph 16. If Fort Collins terminates this Agreement, CPW has no obligation to return to Fort Collins any monetary payments previously made to CPW under this Agreement.

6. **RELATIONSHIP OF THE PLAN AND THIS AGREEMENT.** The Plan includes various elements and intended actions that are not the subject of this Agreement, which will instead be the subject of other agreements, permits, and approvals. The Plan and its terms and conditions are not a part of this Agreement and are not made binding by this Agreement. Nevertheless, the Plan includes a description of the anticipated impacts to fish and wildlife resources from the Halligan Project and all of Fort Collins’ planned mitigation and enhancement measures for the Halligan Project that are related to fish and wildlife. To the extent that parts of this Agreement may be construed to be ambiguous despite the Parties’ best efforts to the contrary, the Plan may be consulted to clarify the intent of the Parties with respect to the specific obligations that are set forth in this Agreement. To the extent there is a conflict between this Agreement and the Plan with respect to the Parties’ obligations hereunder, this Agreement controls. The Parties agree to act in good faith in their work pursuant to this Agreement.

EXHIBIT A TO RESOLUTION 2024-031

7. **MITIGATION MEASURES.**

- 7.1. **Bighorn Sheep Habitat Improvements (Plan Section 4.2.3.18).** Within 90 days of the date of this Agreement, Fort Collins will pay \$263,037.74 to CPW to improve bighorn sheep habitat and water access on the Cherokee State Wildlife Area.
- 7.1.1. CPW will use the funds for chemical treatment to abate invasive cheatgrass. CPW will use its best efforts to treat a minimum of at least 500 acres with a focus on the Lower Unit of the State Wildlife Area.
 - 7.1.2. CPW may additionally use the funds for the installation of up to two remote passive water sources on the State Wildlife Area. Any funds not needed for the cheatgrass treatment or the water sources installation may be used by CPW for habitat treatment on additional acreages within the State Wildlife Area.
 - 7.1.3. The Parties intend that at least one round of treatment will be completed at least two years before the commencement of construction of the Halligan Project. Based on the construction timeframe provided by Fort Collins, CPW intends to begin treatments in spring of 2024. Any delay in treatments resulting from CPW's actions or inactions shall not require a delay in Fort Collins' construction schedule.; however, any delay resulting from force majeure as described in Paragraph 19 may require modification of construction schedule if necessary to meet the intent and purpose of the treatment for mitigation purposes.
 - 7.1.4. If CPW determines that additional cheatgrass treatments are needed after the first round, CPW will perform additional treatments as needed through construction and up to 2 years postconstruction.
- 7.2. **Bighorn Sheep Collaring Study (Plan Section 4.2.3.19).**² Within 90 days of the date of this Agreement, Fort Collins will pay \$126,258.11 to CPW to monitor potential impacts to bighorn sheep.
- 7.2.1. CPW will use the funds for the purpose of supporting a GPS (global positioning system) collaring and monitoring study of bighorn sheep from the Lone Pine herd that will include tracking their movements and habitat use, and conducting disease testing, before, during, and immediately after Halligan Project construction. Any excess funds not needed for the bighorn sheep collaring and monitoring may be used by CPW for big horn sheep purposes in Area 4.
 - 7.2.2. The Parties intend that CPW will begin the monitoring study at least two years before the commencement of construction of the Halligan Project. Based on the construction timeframe provided by Fort Collins, CPW

² This is also an enhancement measure in Plan Section 5.3.3.

EXHIBIT A TO RESOLUTION 2024-031

intends to start collaring in winter 2024-2025, and will begin necessary planning and purchasing in spring of 2024. Any delay in treatments resulting from CPW's actions or inactions shall not require a delay in Fort Collins' construction schedule.; however, any delay resulting from force majeure as described in Paragraph 19 may require modification of construction schedule if necessary to meet the intent and purpose of the treatment for mitigation purposes.

7.2.3. For preconstruction monitoring, CPW will collar up to 15 bighorn sheep with GPS collars. Preconstruction monitoring data will be considered viable for up to 5 years. In the event that the construction schedule is delayed, a second round of preconstruction monitoring will be required at least one year before commencement of construction.

7.2.4. To monitor bighorn sheep during and after construction, CPW will continue monitoring up to 15 bighorn sheep with GPS collars, which may require replacing collars and adding new collars as needed. The post construction monitoring will continue for 2 years following completion of construction.

8. **CONSTRUCTION SCHEDULE.** The bighorn sheep habitat improvements addressed in Paragraph 7.1 and the bighorn sheep collaring study addressed in Paragraph 7.2 are intended to begin at least two years before the commencement of construction on the Halligan Project; however, the benefits of each measure will decrease if conducted too far in advance or if construction is delayed or prolonged. Fort Collins currently anticipates that construction of the Halligan Project will start in 2026-2027 and run through 2030. Any significant deviation from the expected construction schedule at the time of this Agreement may require amendment of this Agreement and additional funds to meet the intent and purposes of the Plan. The Parties agree that if the construction schedule is extended after CPW has initiated either the cheatgrass treatment or collaring study, CPW and Fort Collins will discuss whether additional funding is necessary to meet the intent and purposes of the Plan.

9. **TRANSFER OF FUNDS.**

9.1. **Inflation.** All payments set forth in the Plan were provided in 2022 dollars based on calculations made when the Plan was developed. . All payments included in this Agreement have been increased from the amounts in the Plan by the amount of the annual percentage increase in the U.S. Bureau of Labor and Statistics Consumer Price Index for Denver-Aurora-Lakewood (CPI-U) from January 2023 to the date of payment identified herein, so that no further adjustment is needed. These funds will be placed in the Wildlife Cash Fund, and the principal and interest shall only be used in accordance with the purposes designated herein.

10. **ASSIGNMENT.**

EXHIBIT A TO RESOLUTION 2024-031

- 10.1. If Fort Collins conveys the Halligan Project to another entity, Fort Collins may assign its rights and obligations under this Agreement to the entity acquiring the Halligan Project with written notice to CPW.

11. **REMEDIES.**

- 11.1. If a Party (“Complaining Party”) believes that another Party (“Responding Party”) has failed to comply with the provisions of this Agreement, the Complaining Party will provide written notification of the same to the Responding Party. If the Responding Party fails to achieve compliance within thirty-five (35) days following receipt of such notice, the Complaining Party may require mediation of the issue(s) under Paragraph 11.2.
- 11.2. If mediation is sought following the procedures of Paragraph 11.1, the Parties shall jointly select a mediator within 35 days following the Complaining Party’s written notice to require mediation. The selection of the mediator shall be confirmed in writing. If the Parties cannot jointly select a mediator, each Party shall select a mediator within 42 days following the Complaining Party’s written notice to require mediation and the two selected mediators shall then jointly select a third person to mediate the issue(s) within 56 days following the Complaining Party’s written notice to require mediation, who shall be impartial as to the Parties and the issue(s) and have mediation experience. The Parties agree to participate in good faith in such mediation.
- 11.3. Following the good faith completion of mediation under Paragraph 11.2 or if the two selected mediators are unable to jointly select a third person to mediate the issue(s), the Complaining Party may seek all such remedies available under Colorado law, excluding any exemplary and/or consequential damages.

12. **FISCAL CONTINGENCY.** Notwithstanding any other provisions of this Agreement to the contrary, the obligations of Fort Collins and CPW in fiscal years after the fiscal year of this Agreement shall be subject to appropriation of funds sufficient and intended therefor, with each Party having the sole discretion to determine whether the subject funds are sufficient and intended for use under this Agreement.

13. **GOVERNMENTAL IMMUNITY.** No term or condition of this Agreement is intended nor shall be construed as a waiver, either express or implied, of the monetary limits, notice requirements, immunities, rights, benefits, defenses, limitations and protections available to the Parties under any applicable law, including but not limited to the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et. seq.*, as currently written or hereafter amended or implemented.

14. **RELATIONSHIP OF THE PARTIES.** The Parties enter this Agreement as separate and independent entities and shall maintain such status at all times.

EXHIBIT A TO RESOLUTION 2024-031

15. **NO THIRD-PARTY BENEFICIARIES.** This Agreement is intended to describe rights and responsibilities only as between the Parties. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties herein.

16. **NOTICES.** All notices provided for under this Agreement shall be effective when hand-delivered, sent by electronic mail- read receipt, sent by registered or certified mail - return receipt requested, or sent by overnight commercial courier as follows:

To Fort Collins:	City Manager City Hall West 300 LaPorte Avenue; P.O. Box 580 Fort Collins, Colorado 80522-0580
With copy to:	Fort Collins City Attorney 300 LaPorte Avenue; P.O. Box 580 Fort Collins, Colorado 80522-0580
and:	Fort Collins Utilities Executive Director 700 Wood Street; PO Box 580 Fort Collins, Colorado 80522
To CPW:	Northeast Region Manager 6060 Broadway Denver, CO 80216
With copy to:	Assistant Director Aquatic, Terrestrial, and Natural Resources 6060 Broadway Denver, CO 80216

Any Party hereto may at any time designate a different person or address for purposes of receiving notice by so informing the other parties in writing. Notice shall be deemed effective upon actual receipt thereof, or three (3) days after being deposited in the United States mail or accepted by an overnight delivery service, whichever first occurs.

17. **COUNTERPARTS.** This Agreement may be signed in counterparts.

18. **GOVERNING LAW.** The Agreement shall be governed by the laws of the State of Colorado, insofar as any matter is not regulated by applicable laws of the United States.

19. **FORCE MAJEURE.** No Party hereto shall be considered in default in the performance of an obligation hereunder to the extent that performance of such obligation is delayed, hindered,

EXHIBIT A TO RESOLUTION 2024-031

or prevented by force majeure. Force majeure shall be any cause beyond the control of the defaulting Party which could not reasonably have been foreseen and guarded against. Force majeure includes, but is not limited to, acts of god, fires, riots, pandemics, incendiarism, interference by civil or military authorities, compliance with regulations or orders of military authorities, and acts of war (declared or undeclared), provided such cause could not have been reasonably foreseen and guarded against by the defaulting Party. Force majeure shall not include increases in labor, commodity, utility, material, supply, fuel, or energy costs, or compliance with regulations or orders of civil authorities.

20. **SEVERABILITY.** If any provision of this Agreement is held to be invalid or unenforceable to any extent, the Parties shall meet, confer, and agree on appropriate modifications to this Agreement to ensure that the original intent, obligations, goals, and purposes of this Agreement are satisfied.

21. **AUTHORITY.** Each of the Parties represents to the other Parties that such Party has full power and authority to execute, deliver, and perform this Agreement, that such Party has taken the necessary steps that are lawfully required to execute, deliver, and perform this Agreement, and that the individual(s) executing this Agreement on behalf of such Party are fully empowered and authorized to do so.

22. **ENTIRE AGREEMENT.** The making, execution and delivery of this Agreement by the Parties has been induced by no representations, statements, warranties or agreements other than those expressed in this Agreement. This Agreement embodies the entire understanding of the Parties as to the subject matter hereof and there are no further or other agreements or understandings, written or oral, in effect between the Parties relating to its subject matter unless expressly referred to in this Agreement. Modification of this Agreement by the Parties may be made only by a writing signed by the Parties.

[Remainder of Page Left Blank Intentionally]

EXHIBIT A TO RESOLUTION 2024-031

CITY OF FORT COLLINS, COLORADO, a municipal corporation

By: _____
Kelly DiMartino, City Manager

Date: _____

ATTEST:

By: _____
Title: _____

APPROVED AS TO LEGAL FORM:

By: _____
Eric Potyondy
Assistant City Attorney

EXHIBIT A TO RESOLUTION 2024-031

**STATE OF COLORADO, ACTING THROUGH THE DEPARTMENT OF NATURAL
RESOURCES, for benefit and use of the Colorado Division of Parks and Wildlife**

By: _____

Mark Leslie
Northeast Region Manager

Date: _____

Halligan Water Supply Project

FINAL

Fish and Wildlife Mitigation and Enhancement Plan

Prepared by



with support from

Jacobs

June 7, 2023

Contents

Acronyms and Abbreviations.....	v
Key Terminology.....	vii
Executive Summary	ES-1
1 Introduction	1-1
1.1 Purpose of this Fish and Wildlife Mitigation and Enhancement Plan	1-1
1.2 Contents of this Fish and Wildlife Mitigation and Enhancement Plan.....	1-2
1.3 Halligan Project Overview.....	1-2
1.3.1 Operations, Storage, and Water Rights	1-7
1.3.2 Estimated Halligan Project Cost.....	1-9
1.4 Regulatory Framework	1-9
1.4.1 National Environmental Policy Act	1-9
1.4.2 Clean Water Act Section 404	1-10
1.4.3 Federal Wildlife Regulations.....	1-11
1.4.4 State of Colorado	1-12
1.4.5 Larimer County	1-12
1.4.6 Consultation, Coordination, and Public Input	1-13
2 Fort Collins Water Portfolio.....	2-1
2.1 Existing Water Supply and Demand	2-1
2.2 Water Conservation and Water Restrictions	2-3
2.3 Future Water Demand.....	2-3
2.4 Related Regional Activities	2-4
2.4.1 Shared Vision Planning.....	2-4
2.4.2 Fort Collins' River Efforts.....	2-4
2.4.3 Northern Integrated Supply Project	2-5
2.4.4 Poudre Runs Through It	2-5
2.4.5 Poudre Flows Plan.....	2-5
2.4.6 Wildfire Recovery and Monitoring Efforts	2-6
2.4.7 Coalition for the Poudre River Watershed	2-6
2.4.8 Preble's Meadow Jumping Mouse Site Conservation Team	2-7
2.4.9 Platte River Species.....	2-7
3 Fish and Wildlife Conditions and Impacts.....	3-1
3.1 Basis of Halligan Project Effects	3-1
3.2 Resources Evaluated.....	3-2
3.3 Surface Water Hydrology.....	3-2
3.3.1 Current Conditions for Surface Water Hydrology	3-3
3.3.2 Halligan Project Effects on Surface Water Hydrology.....	3-3
3.4 Surface Water Quality	3-6
3.4.1 Current Conditions for Surface Water Quality	3-6

3.4.2	Halligan Project Effects on Surface Water Quality	3-6
3.5	Aquatic Resources	3-11
3.5.1	Current Conditions for Aquatic Resources	3-11
3.5.2	Halligan Project Effects on Aquatic Resources	3-13
3.5.3	Wetlands	3-15
3.6	Terrestrial Wildlife Including Big Game	3-15
3.6.1	Current Conditions for Big Game.....	3-16
3.6.2	Current Conditions for Other Wildlife.....	3-16
3.6.3	Halligan Project Effects on Big Game and Other Wildlife	3-16
3.7	Rocky Mountain Bighorn Sheep	3-19
3.7.1	Current Conditions for Bighorn Sheep	3-19
3.7.2	Lone Pine Herd Additional Data Evaluation	3-19
3.7.3	Lone Pine Herd Management Challenges	3-21
3.7.4	Halligan Project Effects on Rocky Mountain Bighorn Sheep	3-22
3.8	Special-status Species.....	3-23
3.8.1	Current Conditions for Federally Listed Species.....	3-24
3.8.2	Current Conditions for State-listed Species	3-25
3.8.3	Halligan Project Effects on Federally Listed Species.....	3-28
3.8.4	Halligan Project Effects on State-listed Species.....	3-29
3.9	Recreation.....	3-31
3.9.1	Current Conditions.....	3-31
3.9.2	Halligan Project Effects on Recreation and Public Access.....	3-33
3.9.3	Evaluation of Future Public Use of the Enlarged Halligan Reservoir	3-34
4	Proposed Fish and Wildlife Mitigation Plan.....	4-1
4.1	Mitigation Approach.....	4-1
4.1.1	Regulatory Mitigation Categories.....	4-2
4.1.2	Changes from DEIS Conceptual Mitigation Plan.....	4-2
4.2	Avoidance and Minimization	4-4
4.2.1	Flow-related Operational Measures.....	4-4
4.2.2	Infrastructure Design Measures	4-19
4.2.3	Construction-related Measures.....	4-20
4.2.4	Overhead Power Line and Pole Relocation	4-31
4.2.5	Halligan Reservoir Sediment Management Plan	4-31
4.3	Compensatory Mitigation Measures.....	4-32
4.3.1	Preservation as Early Compensatory Mitigation Measure.....	4-32
4.3.2	Fish Passage at the Fort Collins Intake at Gateway Park.....	4-35
4.3.3	Compensatory Mitigation for Halligan Project Impacts on Bighorn Sheep	4-35
4.3.4	Compensatory Mitigation for Halligan Project Impacts on Stream Temperature.....	4-36
4.3.5	Compensatory Mitigation for Halligan Project Impacts on Wetlands	4-36
4.3.6	Special-status Species	4-36

4.3.7	Recreational Resources	4-37
4.3.8	Instream Water Rights	4-39
4.4	Mitigation Costs and Schedule.....	4-39
5	Proposed Fish and Wildlife Enhancement Plan	5-1
5.1	Enhancement Measures	5-1
5.1.1	Aquatic Resources Enhancements.....	5-1
5.2	Surface Water Quality Enhancement	5-5
5.2.1	Sediment-related Operational Measures.....	5-5
5.2.2	Passive Aeration in Outlet Structure.....	5-5
5.2.3	Terrestrial Resources Enhancements.....	5-6
5.3	Fort Collins Ecological Resource Monitoring	5-6
5.3.1	Streamflow Monitoring.....	5-6
5.3.2	Sediment, Macroinvertebrates, and Water Quality Monitoring.....	5-7
5.3.3	Bighorn Sheep Collaring Study	5-7
5.4	Enhancement Costs and Schedule	5-7
6	References	6-1

Appendixes

Appendix A Mapbook

Appendix B Summary of Mitigation Measures

Appendix C Surface Water Quality Supplemental Information

Appendix D Water Quality Sampling Location Maps

Appendix E Parks and Wildlife Commissioner and Public Comment Summary

Appendix F FWMEP Virtual Open House Public Comments

Tables

Table 1-1. Estimated Halligan Project Costs Shown in 2022 Dollars	1-9
Table 3-1. Summary of Halligan Project Effects on Riffle and Pool Complexes.....	3-15
Table 3-2. Cumulative, Permanent, and Temporary Impacts of Halligan Project on Big Game Habitat.....	3-18
Table 3-3. Summary of DEIS Impact Evaluation of Halligan Project on Species of Concern.....	3-23
Table 3-4. 2021 Bat Survey Results	3-26
Table 4-1. Ramping Rate Limitations for Decreasing Releases from Fort Collins' Portion of an Enlarged Halligan Reservoir ^[a]	4-12
Table B-1. FWMEP Measures and Costs	B-1
Table C-2. Median and 85th Percentiles of Total Iron and Dissolved Iron Data	C-9

Figures

Figure 1-1. Overview of Halligan Project Elements and Other Infrastructure	1-4
Figure 1-2. Overview of the Halligan Existing and Enlarged Surface Areas	1-5
Figure 1-3. Proposed Halligan Dam Footprint and Construction Areas	1-6
Figure 2-1. Fort Collins Utilities Water Supply System	2-2

Figure 3-1. Average Monthly Residence Times With and Without the Halligan Project Based on Common Technical Platform Flows, 1980–2005	3-8
Figure 3-2. Average Monthly Percentage of Flow from the North Fork on the Main Stem below the North Fork Confluence ^[a]	3-11
Figure 3-3. Halligan Project Elements and Bighorn Sheep Suitable Habitat.....	3-20
Figure 3-4. Sections 29 and 32 on the Western Edge of Halligan Reservoir.....	3-32
Figure 4-1. North Fork, Zero-Flow in Phantom Canyon, May 2002	4-6
Figure 4-2. North Fork, Zero-Flow Conditions below Calloway Diversion, August 2018.....	4-9
Figure 4-3. Foraging Elk Herd.....	4-20
Figure 4-4. Ute Ladies'-tresses Orchid.....	4-21
Figure 4-5. Townsend's Big-Eared Bat.....	4-21
Figure 4-6. Raptor Nesting Platform in Laporte, Colorado	4-22
Figure 4-7. Proposed Construction Schedule to Avoid and Minimize Bighorn Sheep Disturbance at North Poudre Canal and Calloway Diversions	4-28
Figure 4-8. Land Ownership and Mitigation Areas around Halligan Reservoir.....	4-34
Figure 4-9. Fort Collins Intake at Gateway Park.....	4-35
Figure 5-1. North Poudre Canal Diversion Structure	5-3
Figure 5-2. Calloway Diversion Structure	5-4
Figure C-1. Bathymetric Map of Halligan Reservoir (Based on 2003 Survey) at Existing Full Pool	C-2
Figure C-2. Average Monthly Residence Time in Halligan Reservoir (Based on Observed Release Rates and Storage Volumes from 2010 to 2018)	C-2
Figure C-3. Dissolved Oxygen Profiles in Halligan Reservoir (2021).....	C-3
Figure C-4. Observed Chlorophyll a Concentrations in Halligan Reservoir (2016 to 2019)	C-3
Figure C-5. Example Dissolved Oxygen Profiles from Seaman Reservoir, 2019.....	C-4
Figure C-6. Example Profile Pair from Halligan Reservoir Showing Temperature Exceedance and No Adequate Refuge; July 10, 2018	C-5
Figure C-7. Hardness across the North Fork, 2016-2019.....	C-6
Figure C-8. Example of Thermal Shock below Halligan Dam (NBH), 2017.....	C-7
Figure C-9. Observed Weekly Average Temperatures across the North Fork on a Typical Summer Day with Bottom Releases from Halligan Reservoir, 7/19/2019	C-8
Figure C-10. Observed Daily Maximum Temperatures across the North Fork on a Typical Summer Day with Bottom Releases from Halligan Reservoir, 7/19/2019	C-8
Figure C-11. Weekly Average Temperatures on Select Summer Days in 2018 across the Main Stem Focus Reach	C-11
Figure C-12. Daily Maxima on Select Summer Days in 2018 across the Main Stem Focus Reach	C-11
Figure C-13. Average Monthly Percentage of Flow from the North Fork on the Main Stem below the North Fork Confluence (based on observed flows 2009–2018).....	C-13
Figure C-14. Diagram of Geologic Zones of the Poudre River Main Stem Focus Reach	C-14
Figure C-15. Poudre River Fraction of Flow by Source, 2016 Monthly Averages.....	D-15
Figure D-1. Water-Quality Sampling Locations on the North Fork below Halligan Reservoir and its Tributaries	D-1
Figure D-2. Macroinvertebrate and Pebble Count Sampling Sites on the North Fork	D-2
Figure D-3. Water Quality Sampling Locations along the Poudre River	D-3
Figure D-4. Temperature Gages along the North Fork and Poudre River	D-4

Acronyms and Abbreviations

Term	Definition
2008 Mitigation Rule	2008 U.S. Army Corps of Engineers, Compensatory Mitigation for Losses of Aquatic Resources; Final Rule
bighorn sheep	Rocky Mountain bighorn sheep
BLM	U.S. Department of the Interior Bureau of Land Management
BMP	best management practice
C-BT	Colorado–Big Thompson, in reference to the C-BT Project
CCR	<i>Code of Colorado Regulations</i>
CDNR	Colorado Department of Natural Resources
CDPHE	Colorado Department of Public Health and Environment
CFR	<i>Code of Federal Regulations</i>
cfs	cubic feet per second
CMP	Conceptual Mitigation Plan
Coalition	Coalition for the Poudre River Watershed
Commission	Parks and Wildlife Commission
Corps	U.S. Army Corps of Engineers
CPW	Colorado Parks and Wildlife
CRS	Colorado Revised Statute
CWA	Clean Water Act
CWCB	Colorado Water Conservation Board
DAU	data analysis unit
DEIS	Draft Environmental Impact Statement
DM	daily maximum
DO	dissolved oxygen
DWR	Colorado Department of Water Resources
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEIS	Final Environmental Impact Statement
Fort Collins	City of Fort Collins, acting through its Fort Collins Utilities
FR	<i>Federal Register</i>
FWMEP	Fish and Wildlife Mitigation and Enhancement Plan
GIS	geographic information system
GMU	Game Management Unit
GPS	global positioning system
Halligan Project, Project	Halligan Water Supply Project
LAPCR	Landowners Association for Phantom Canyon Ranches
Main Stem	Main Stem of the Cache la Poudre River
MLOW	multilevel outlet works

Term	Definition
MMI	macroinvertebrate multimetric index
NEPA	National Environmental Policy Act
NISP	Northern Integrated Supply Project
North Fork	North Fork of the Cache la Poudre River
North Fork confluence	confluence of the North Fork and Main Stem
Northern Water	Northern Colorado Water Conservancy District
NPIC	North Poudre Irrigation Company
NRCS	Natural Resources Conservation Service
Poudre River	Cache la Poudre River
Preble's	Preble's meadow jumping mouse
ROD	Record of Decision
SPWRAP	South Platte Water Related Activities Program
SAM	species activity mapping
SWA	State Wildlife Area
SWAP	State Wildlife Action Plan
TEP	temporary environmental pool
TNC	The Nature Conservancy
TMDL	total maximum daily load
U.S., US	United States
U.S.C.	<i>United States Code</i>
USFWS	United States Fish and Wildlife Service
WQCD	Water Quality Control Division

Key Terminology

Key terminology used throughout this report is defined in this section and is listed in alphabetic order. If a citation is listed, the definition provided is directly from that regulatory reference.

Best Management Practices. Best management practices (BMPs) refer to structural and non-structural methods, measures, or practices implemented to prevent, reduce, or mitigate adverse impacts resulting from construction and operation of a project. BMPs may also be called control measures.

Poudre River-related Terminology:

Exchange Reach. For purposes of this Fish and Wildlife Mitigation and Enhancement Plan (FWMEP), the Exchange Reach is defined as the segment of the Main Stem between its confluence with the North Fork and the Fort Collins Intake(s): the Fort Collins Intake and Munroe Gravity Canal are located approximately 0.6 river mile and 1.5 river miles upstream of the North Fork confluence, respectively. Exchanges are a unique type of water right. They are, in essence, a trade where water is diverted at upstream locations when an equal amount of water is delivered to or released at downstream locations.

Main Stem. In this FWMEP, the Main Stem refers to the portion of the Poudre River from the Munroe Diversion to the confluence with the South Platte River.

Cooperating Agency. In the Draft Environmental Impact Statement (EIS) (Section 1.2), the United States (U.S.) Army Corps of Engineers (Corps) refers to cooperating agencies pursuant to 40 *Code of Federal Regulations* (CFR) Section 1501.8. The regulation states: *“Upon request of the lead agency, any other Federal agency with jurisdiction by law shall be a cooperating agency. In addition, any other Federal agency which has special expertise with respect to any environmental issue may be a cooperating agency. A State, Tribal or local agency of similar qualifications may become a cooperating agency by agreement with the lead agency.”*

Ecological Function. Ecological function is defined as the work performed or role played individually or collectively by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the natural environment (Law Insider n.d.).

Enhancement-related Terminology:

Enhancement. Colorado Parks and Wildlife’s (CPW’s) rules and regulations for fish and wildlife mitigation and enhancement plans pursuant to Colorado Revised Statute (CRS) 37-60-122.2 define enhancement as “the improvement of the total value of fish and wildlife resources affected by the project beyond that required by mitigation and beyond that which would occur without the project” (2 *Code of Colorado Regulations* [CCR] 406-16). This involves activities conducted within existing aquatic or other resources that heighten, intensify, or improve one or more functions of the resource. Enhancement is often implemented for a specific purpose, such as to improve water quality, flood water retention, or wildlife habitat.

Enhancement Plan. CPW’s rules and regulations for fish and wildlife mitigation and enhancement plans pursuant to CRS 37-60-122.2 define an enhancement plan as a “document describing the measures to be completed by the applicant which will enhance fish and wildlife resources beyond that which would occur without the project. It includes a cost estimate for the implementation of the plan and a schedule for completion” (2 CCR 406-16). Fort Collins’ enhancement plan is set forth in Chapter 5 of this FWMEP.

Environmental Effect/Impacts. An environmental effect or impact is defined as any change to the environment, whether adverse or beneficial, resulting from an action taken.

Direct effects/impacts are those that would result directly from implementing the Halligan Water Supply Project (Halligan Project). Most direct effects would occur from construction and from inundation by the enlarged Halligan Reservoir.

Indirect effects/impacts are those that result from the Halligan Project but occur later in time or are farther removed in distance. The primary indirect effects would be associated with Project-related flow changes in the North Fork and the Main Stem.

Flow-Related Operational Measures. These are measures that would re-establish a perennial flow regime of 3 cubic feet per second (cfs) to 5 cfs or more to the North Fork below the enlarged Halligan Reservoir, minimize abrupt changes to flows that would otherwise result from Fort Collins' operations, and allow for a portion of the hydrologic peak flows to bypass the enlarged reservoir when Fort Collins could otherwise be diverting water to storage. These measures include the Winter Release Plan, Summer Low-flow Plan, Ramping Rate Limitations, and Peak Flow Bypass Program.

Fort Collins. The proponent of the Halligan Project is the City of Fort Collins, acting through Fort Collins Utilities.

Fort Collins Intake(s). Two diversions are located on the Main Stem where Fort Collins diverts water for municipal purposes. The two diversions that deliver water to Fort Collins' Water Treatment Facility are:

Fort Collins Intake. Diversion on the Main Stem located approximately 0.6 river mile upstream of the North Fork confluence, which diverts water into the Fort Collins pipeline.

Munroe Canal. Diversion on the Main Stem located approximately 1.5 river miles upstream of the North Fork confluence, which delivers Fort Collins' water into the Pleasant Valley Pipeline.

In the future, releases from Fort Collins' portion of the enlarged Halligan Reservoir will most likely be diverted by exchange at the Fort Collins Intakes. Of the approximately 1,700 acre-feet of annual average releases by Fort Collins under the Halligan Project, about 90 percent are diverted at the Fort Collins Intake and about 10 percent are diverted at Munroe Canal.

Inherent Benefits. These are beneficial effects on natural resources as a result of the Halligan Project, including but not limited to ecological benefits resulting from flow-related operational measures and the natural re-establishment of wetland and riparian communities at the enlarged reservoir shoreline and on the North Fork.

Linkage Area. Is being used to describe habitat that successfully moves animals across fracture zone. Fracture zones are highways, railroads, and similar potential barriers to wildlife movement and the adjacent development of private lands. So, even though use may vary by season of year or not it is still used as a movement or linkage area connecting two blocks of viable, suitable, and used habitat (Interagency Grizzly Bear Committee Public Lands Wildlife Linkage Task Force 2004).

Mitigation-related Terminology:

Mitigation. CPW's rules and regulations for fish and wildlife mitigation and enhancement plans under CRS 37-60-122.2 define mitigation as "any action or measures taken to address undesirable project impacts on fish and wildlife resources which may be accomplished in several ways, including reducing, minimizing, rectifying, compensating, or avoiding impacts" (2 CCR 406-16). As used in this FWMEP, mitigation includes:

Avoidance. These are measures undertaken to avoid adverse impacts of a project, such as design refinements to reduce the project footprint (U.S. Environmental Protection Agency [EPA] 1990).

Minimization. This consists of measures undertaken to minimize adverse impacts through project modifications and permit conditions (40 CFR Sections 230.70–77).

Compensatory Mitigation. This means any action or measures taken to address unavoidable project impacts on fish and wildlife resources after all appropriate and practical avoidance and minimization measures have been implemented. This may be accomplished in several ways, including rectifying or compensating impacts.

Early Mitigation. These are mitigation efforts initiated by Fort Collins before construction and operation of the Halligan Project, or in some cases before developing this FWMEP.

Mitigation Plan. CPW’s rules and regulations for fish and wildlife mitigation and enhancement plans developed pursuant to CRS 37-60-122.2 define a mitigation plan as a “document describing the measures to be completed by the applicant which will mitigate losses to fish and wildlife resources resulting from the project. It includes a cost estimate for the implementation of the plan and a time schedule for completion.” (2 CCR 406-16). Fort Collins’ mitigation plan is set forth in Chapter 4 of this FWMEP.

Preservation. This involves permanently protecting ecologically important aquatic or other resources by implementing appropriate legal and physical mechanisms, such as conservation easements and title transfers. Preservation of aquatic resources may include protecting upland areas adjacent to aquatic resources as necessary to ensure protection or enhancement of the aquatic ecosystem (2008 Mitigation Rule [USACE 2008]; 73 *Federal Register* [FR] 19593).

Restoration. This is defined as reestablishing or rehabilitating an aquatic or other resource with the goal of returning natural or historical functions and characteristics to a former or degraded resource. Restoration may result in a gain in resource function, acres, or both (2008 Mitigation Rule; 73 FR 19593).

Monitoring-Related Terminology:

Baseline Assessments. This consists of assessments undertaken before project implementation to document existing conditions in order to understand how resources may be affected by the project or are the subject of mitigation measures before mitigation and/or enhancement actions are taken.

Construction Compliance Monitoring. This consists of monitoring undertaken to evaluate whether construction-related avoidance and minimization measures are being implemented.

Mitigation Compliance Monitoring. This involves monitoring undertaken to evaluate whether compliance with the compensatory mitigation requirements are being met.

Voluntary Enhancement Monitoring. This consists of monitoring that Fort Collins would perform voluntarily and that does not directly relate to monitoring required to evaluate compliance.

Project. The Halligan Water Supply Project is also referred to as the “Halligan Project” in this FWMEP, which primarily entails the enlargement of Halligan Reservoir, construction of the replacement Halligan Dam, and replacement of the North Poudre Canal Diversion. The Project is referred to as Fort Collins’ “Proposed Action” in the National Environmental Policy Act (NEPA) process and associated EIS.

Halligan Project Area. This term is used to describe the general area of Project construction and the area affected by operations of the enlarged Halligan Reservoir. The Halligan Project Area refers generally

to the area of the enlarged Halligan Reservoir; the North Poudre Canal Diversion; the North Fork downstream of Halligan Reservoir to the confluence with the Main Stem; the Exchange Reach; and areas temporarily or permanently affected by construction activities, plus a 0.5-mile buffer for noise, visual, or vibratory disturbance. The Halligan Project Area also includes roads that would be temporarily widened to provide access for construction of the Halligan Project. The Halligan Project Area does not include mitigation sites that are not adjacent to the areas listed in this section (refer to Section 1.3).

Executive Summary

The City of Fort Collins, acting through Fort Collins Utilities (Fort Collins), is pursuing the Halligan Water Supply Project (Halligan Project or Project), a municipal water supply project. Implementation of the Halligan Project requires various regulatory approvals, including federal permitting processes administered by the United States (U.S.) Army Corps of Engineers (Corps) under the Clean Water Act (CWA) and the National Environmental Policy Act (NEPA). A Draft Environmental Impact Statement (DEIS) was issued by the Corps for the Halligan Project on November 22, 2019 and serves as the basis for documenting current conditions and impacts. Fort Collins has prepared this Fish and Wildlife Mitigation and Enhancement Plan (FWMEP) in coordination with Colorado Parks and Wildlife (CPW) staff pursuant to Colorado Revised Statute (CRS) 37-60-122.2 and applicable rules and regulations (2 CCR) 406-16).

The Halligan Project Overview. The Halligan Project primarily involves enlarging the existing Halligan Reservoir on the North Fork of the Cache la Poudre River (North Fork), located approximately 25 miles northwest of Fort Collins. The existing Halligan Reservoir currently supplies water to shareholders of the North Poudre Irrigation Company (NPIC), which would continue to use and operate the historical reservoir pool. Fort Collins would store its water in the enlarged portion of the reservoir. Fort Collins' water would primarily come from water rights historically used to irrigate now-developed lands in the Fort Collins area that have been transferred to municipal use. Existing infrastructure would be used to deliver water from the enlarged reservoir pool to Fort Collins' water treatment facility.

Since the release of the DEIS in November 2019, Fort Collins has modified their Proposed Action from rehabilitation and raising of the existing dam to constructing a new dam, which is also referred to as the replacement dam. Halligan Reservoir would be enlarged by replacing the existing 114-year-old dam, as of 2023, with a new dam constructed approximately 200 feet downstream of the existing dam. The replacement dam would raise the existing reservoir elevation by approximately 25 feet, to increase the total water storage capacity by approximately 8,200 acre-feet, for a total enlarged reservoir volume of approximately 14,600 acre-feet. Enlarging the reservoir would increase the current surface area of Halligan Reservoir from 253 to 391 acres.

Fort Collins would release its water from the enlarged reservoir into the North Fork below the dam. Fort Collins' releases would be conveyed approximately 24 miles in the North Fork to its confluence with the Main Stem of the Cache la Poudre River (Main Stem). Using an exchange, Fort Collins would then divert a like amount of water at either of the two Fort Collins Intakes on the Main Stem, located approximately 0.6 river mile and 1.5 river miles upstream.

The Halligan Project also includes rebuilding the existing North Poudre Canal Diversion located on the North Fork approximately 6 river miles downstream of Halligan Reservoir. The replacement ensures that Fort Collins' releases from the enlarged Halligan Reservoir would bypass the diversion and remain in the North Fork.

In the DEIS Section 1.4.2, the Corps defined Fort Collins' purpose and need for the Halligan Project as "to provide additional system firm yield for Fort Collins in order to satisfy an additional need of approximately 7,900 acre-feet per year to meet its projected approximate 2,065 municipal and industrial demands with water of a quality comparable to the water now delivered to its customers." In addition, the Halligan Project ensures that Fort Collins can satisfy future water supply and demands by providing a storage reserve for emergency water supply, increasing drought security, and improving water system reliability and flexibility.

The Fish and Wildlife Mitigation and Enhancement Plan. This FWMEP was developed in collaboration with CPW staff pursuant to CRS 37-60-122.2 and applicable regulations (2 CCR 406-16). In addition to

describing the Halligan Project and its context, this FWMEP includes both a mitigation plan (Chapter 4) and an enhancement plan (Chapter 5).

Fort Collins understands that CPW staff's interpretation of these regulations are that only a portion of Fort Collins' mitigation and enhancement measures will be considered to be part of the Parks and Wildlife Commission's (Commission's) proposed mitigation recommendation for purposes of CRS Section 37-60-122.2 and 2 CCR 406-16. Fort Collins also understands that CPW staff's interpretation is that the Commission acknowledges the importance and value of all mitigation and enhancement measures as described in Fort Collins' Modified Proposed Action and required by other agencies, but distinguishes a different category of which the Commission is recommending on top of, or in addition to those measures proposed within the Modified Proposed Action and required by other agencies. Fort Collins desires to complete this process for the FWMEP and has thus not taken a position on CPW staff's interpretation.

This FWMEP thus includes a comprehensive description of all of Fort Collins' planned mitigation and enhancement measures for the Halligan Project that are related to fish and wildlife. Some of these commitments and measures are included as part of Fort Collins' Modified Proposed Action for its federal permitting requirements in the Final EIS, and some of these commitments and measures were developed for purposes of this FWMEP. As such, Fort Collins' total estimated mitigation and enhancement costs for all measures, as well as CPW's interpretation of what are attributable to the Commission's recommendations pursuant to CRS Section 37-60-122.2 are presented as part of this FWMEP. All cost commitments presented in the FWMEP are depicted in 2022 dollars and will be increased in the amount of the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood from January 1, 2023 to the date of final payment under the FWMEP obligation.

Chapters 1 and 2. These sections provide an overview and summary of the Halligan Project and its context. Chapter 1 includes information regarding current operations at Halligan Reservoir and along the North Fork, as well as proposed future operations after the reservoir is enlarged. Chapter 1 also provides current estimated costs and an overview of the regulatory framework. Chapter 2 describes Fort Collins' water portfolio and extensive water conservation efforts. Additional and more detailed technical information and analyses are provided in the Corps' DEIS and its technical reports (Corps 2019).

Chapter 3. This section summarizes fish and wildlife conditions in the Halligan Project Area and effects of the Halligan Project. Since completion of Halligan Reservoir in 1909, operations of Halligan Dam and the North Poudre Canal Diversion have significantly and adversely affected river flows in the North Fork and impaired downstream aquatic habitats.

The Halligan Project effects described in this FWMEP are based on detailed evaluations in the DEIS and supporting technical reports, and further analyses conducted since the DEIS. Most Halligan Project permanent impacts would occur from inundation by the enlarged reservoir along a portion of the North Fork upstream of the reservoir, including a Colorado Water Conservation Board (CWCB) instream flow water right, and at the footprint of the replacement dam. Temporary impacts would occur from construction activities, including access and materials mobilization and stockpiling, at the replacement dam and at the North Poudre Canal Diversion. Minor indirect impacts are anticipated for the North Fork between Halligan Reservoir. As well as minor indirect impacts for the Mainstem in the form of reduced runoff flows while diverting water to storage in the enlarged reservoir and for the Main Stem in the form of reduced flows within the Exchange Reach when Halligan Releases are being diverted by exchange into the Fort Collins Intakes. This FWMEP also addresses additional concerns regarding the Halligan Project that were identified by CPW staff during Project consultations.

Chapter 4. The mitigation plan describes the measures that would be used to avoid and minimize Project impacts on fish and wildlife resources, as well as measures that would be used to compensate for unavoidable impacts on fish and wildlife resources. Key measures include:

- Flow-related operational measures, including the following:
 - Winter Release Plan to provide continuous releases of 3 cubic feet per second (cfs) from the enlarged reservoir to the North Fork from October 1 through April 30 each year
 - Summer Low-Flow Program to maintain a continuous flow of at least 5 cfs in the approximately 22 miles of the North Fork between Halligan Dam and Seaman Reservoir from May 1 to September 30 each year
 - Ramping rate limitations on Fort Collins' operations to gradually change flow rates associated with diversions and releases from the enlarged reservoir
 - Peak Flow Bypass Program to maintain historical peak flushing flows for at least 3 days
- Operational measures for sediment management, such as construction-related sediment controls and the Peak Flow Bypass Program
- Infrastructure design measures, including the following:
 - Design of new replacement Halligan Dam with redundancy in operation function
 - Enlarged outlet conduit to allow for the peak flow bypass
 - Design of the partial or total demolition of the existing Halligan Dam and features that remain in place, the details of which are not known at this time
- Construction-related measures, including the following:
 - Best management measures, including control of erosion, dust, stormwater, and waste
 - Preconstruction surveys for certain federal- and state-listed species, including noxious weeds
 - Provide raptor nesting/roosting platforms
 - Modified existing infrastructure design for North Poudre Canal Diversion
 - Construction timing restrictions at the North Poudre Canal and Calloway Diversions
- Compensatory mitigation for unavoidable Halligan Project impacts on fisheries, water quality and temperature, terrestrial wildlife, federally and state-listed species, and inundated instream flow water rights.
 - Early mitigation measure consisting of a conservation easement on the 4,557-acre Roberts Ranch
 - Design and construction of features to improve fish passage around the Fort Collins Intake on the Main Stem
 - Bighorn sheep mitigation, including improved food and water access, movement monitoring, avoiding/minimizing construction impacts, and compensation for mortalities
 - Funding for stream restoration as mitigation for stream temperature impacts

Chapter 5. The enhancement plan summarizes the measures that Fort Collins proposes to incorporate into the Halligan Project that are not required to meet regulatory mitigation needs, but rather would be implemented to improve existing conditions for fish and wildlife resources in and around the Halligan Project Area. Key enhancement measures are summarized in this section.

- Aquatic resource enhancements including the following:
 - Create a temporary environmental pool within Halligan Reservoir
 - Provide fish passage around the North Poudre Canal Diversion
 - Improve the North Fork channel at the Calloway Diversion and remove some or all elements of the diversion structure to support flow, sediment transport, and fish movement
 - Implement potential future ramping rate limitations for NPIC's use of the enlarged reservoir
- Terrestrial resource enhancements include the following:
 - Restrict domestic sheep and goat grazing on Fort Collins-owned land or on any easements on lands around Halligan Reservoir during construction
 - Advocate cessation of domestic sheep and goat grazing on other lands
- Recreation resource enhancements include the following:
 - Reconcile title chain confusion related to certain lands thought to be part of the Cherokee State Wildlife Area – Middle Unit, with Fort Collins acquiring such lands and conveying an easement to CPW across these lands for public use
 - Fund a public access lease with Roberts Ranch
 - Establish parking area outside of the enlarged reservoir inundation area for public access

1 Introduction

The City of Fort Collins (Fort Collins) proposes the Halligan Project to meet its strategic objective of providing a reliable, high-quality water supply. The Halligan Project is a municipal water supply project designed to provide additional system firm yield for Fort Collins to satisfy its projected municipal and industrial water demands with water quality comparable to that of the water now delivered to its customers.

The Halligan Project primarily involves enlargement of the existing Halligan Reservoir and replacement of the existing North Poudre Canal Diversion. Halligan Reservoir would be enlarged by replacing the existing 114-year-old dam, as of 2023, with a new dam constructed approximately 200 feet downstream of the existing dam. The Halligan Project is described in greater detail in the *Draft Environmental Impact Statement (DEIS) Halligan Water Supply Project* (United States [U.S.] Army Corps of Engineers [Corps] 2019) and is referred to as Fort Collins' "Proposed Action," with certain aspects relevant to fish and wildlife discussed in this Fish and Wildlife Mitigation and Enhancement Plan (FWMEP).

1.1 Purpose of this Fish and Wildlife Mitigation and Enhancement Plan

This FWMEP was developed pursuant to Colorado Revised Statute (CRS) 37-60-122.2 and applicable rules and regulations (2 *Code of Colorado Regulations* [CCR] 406-16). This FWMEP sets forth the actions that Fort Collins would take to mitigate the potential impacts that the Halligan Project may have on fish and wildlife resources, and to enhance existing conditions in the Halligan Project Area (the general area of Project construction and the area affected by operations of the enlarged Halligan Reservoir; refer to the definition in the Key Terminology section and also refer to Figure 1-1). In addition to addressing Halligan Project impacts, which are based on the DEIS and subsequent analyses, this FWMEP also addresses additional concerns regarding the Halligan Project that were identified by Colorado Parks and Wildlife (CPW) staff during Project consultations.

Fort Collins understands that CPW staff's interpretation is that the Parks and Wildlife Commission (Commission) acknowledges the importance and value of all mitigation and enhancement measures as described in Fort Collins' Modified Proposed Action and required by other agencies but distinguishes a different category of which the Commission is recommending on top of, or in addition to, those measures proposed within the Modified Proposed Action and required by other agencies. Therefore, the Commission's proposed mitigation recommendation for purposes of CRS 37-60-122.2 and 2 CCR 406-16 may be a subset of Fort Collins' mitigation and enhancement measures described in this FWMEP.

It is Fort Collins' understanding that all measures in this FWMEP have been evaluated by CPW staff to determine what would be recommended by the Commission. Rather than parsing the distinctions throughout the FWMEP, the categories based on CPW staff's interpretation are captured in Appendix B, which shows a distinction between Fort Collins' total estimated mitigation and enhancement costs and those CPW's staff believe are attributable to the Commission's recommendations via separate cost columns.

Fort Collins intends to complete the mitigation and enhancement measures developed as part of this FWMEP, as well as those identified in Clean Water Act (CWA) Section 401 water quality certification and the Corps CWA Section 404 permit and associated Record of Decision (ROD). It is anticipated that compliance with the mitigation plan portion of this FWMEP will be attached as permit conditions by the Corps on the ROD and CWA Section 404 permit, and the mitigation commitments in this FWMEP will be in addition to any other measures required by other entities.

1.2 Contents of this Fish and Wildlife Mitigation and Enhancement Plan

This FWMEP includes both a mitigation plan and an enhancement plan. The following sections are included in this FWMEP:

- **Chapter 1—Introduction** (this chapter) describes the Halligan Project, purpose of the FWMEP, current operations of Halligan Reservoir, and proposed operations of an enlarged Halligan Reservoir, water rights, estimated Project cost, and the regulatory framework for the Halligan Project.
- **Chapter 2—Fort Collins Water Portfolio** summarizes Fort Collins’ existing and future water supply and demand, as well as demand management through water conservation. Chapter 2 also provides information about current and related regional activities.
- **Chapter 3—Fish and Wildlife Conditions and Impacts** describes current conditions and summarizes the anticipated effects of the Halligan Project on fish and wildlife resources, including inherent benefits of the Halligan Project.
- **Chapter 4—Proposed Fish and Wildlife Mitigation Plan** describes the measures that would be used to avoid and minimize impacts on fish and wildlife resources, as well as those measures that would be used to compensate for unavoidable impacts on fish and wildlife resources.
- **Chapter 5—Proposed Fish and Wildlife Enhancement Plan** summarizes the measures that Fort Collins proposes to voluntarily incorporate into the Halligan Project that exceed the mitigation requirements and are proposed to improve existing conditions in and around the Halligan Project Area.
- **Chapter 6—References** provides detailed references to the works cited in this FWMEP.

Maps of key Project elements and water quality sampling stations are provided in Appendix A and Appendix D. Appendix B provides a tabular summary of the components of this FWMEP. Appendix C is a table that lists the mitigation and enhancement measures described in Sections 4 and 5, including the cost of each item. Appendix E is a memorandum responding to Commissioner and public comments. Appendix F provides copies of all written public comments received on the FWMEP.

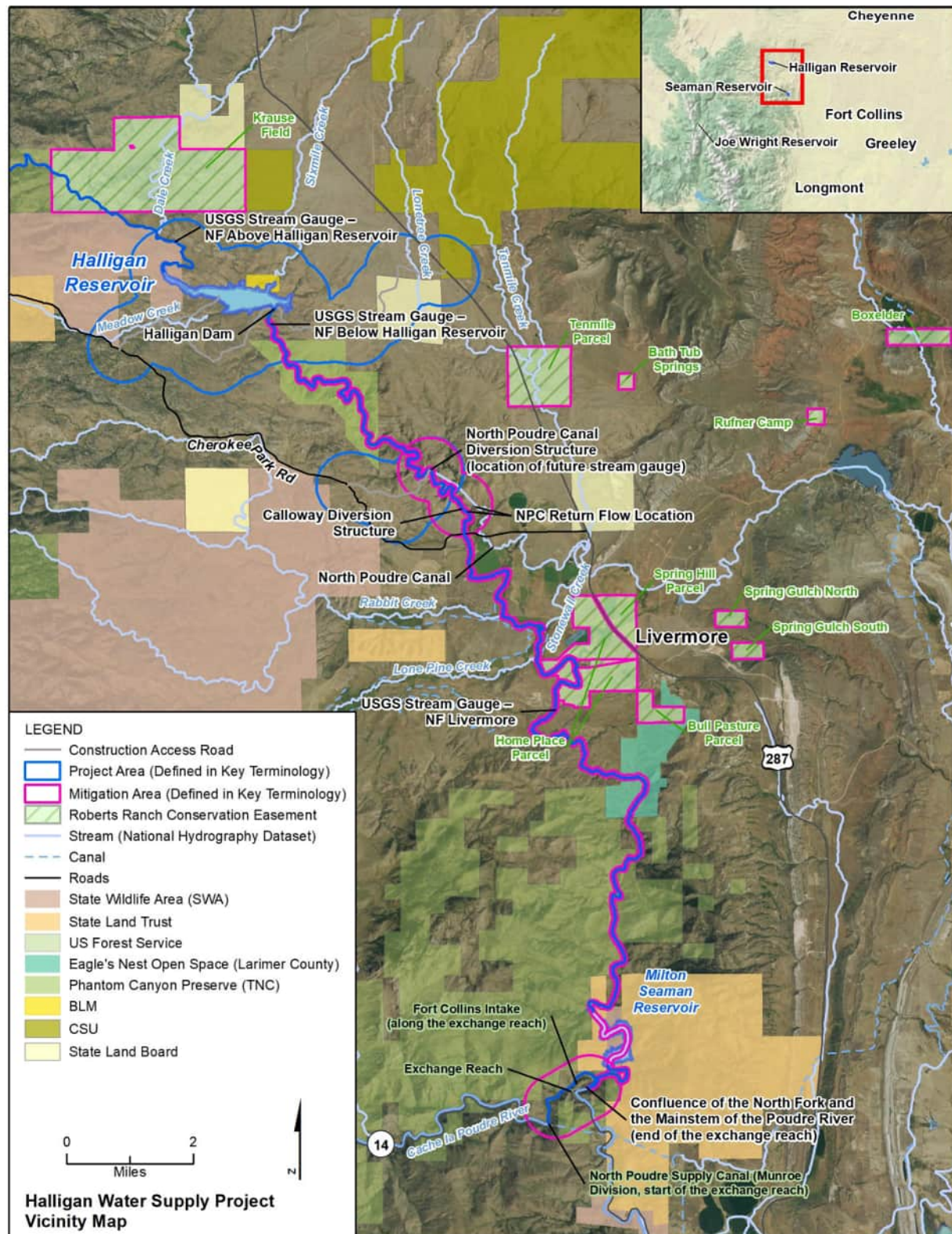
1.3 Halligan Project Overview

The Halligan Project includes enlarging the existing Halligan Reservoir on the North Fork, located approximately 25 miles northwest of Fort Collins in Larimer County. The location of the Halligan Project is shown on Figure 1-1. Appendix A provides overview and detailed maps of key Project elements. Halligan Reservoir would be enlarged by replacing the existing 114-year-old dam, as of 2023, with a new dam constructed approximately 200 feet downstream of the existing dam. The replacement dam would raise the existing reservoir elevation by approximately 25 feet to increase the total water storage capacity by approximately 8,200 acre-feet, for a total enlarged reservoir volume of approximately 14,600 acre-feet. Enlarging the reservoir would increase the current surface area of Halligan Reservoir from 253 to 391 acres. Figure 1-2 shows the reservoir inundation area at the current and proposed enlarged ordinary high water mark, and Figure 1-3 presents anticipated construction features, including the replacement dam infrastructure, access roads, and potential borrow or stockpile areas.

The Halligan Project also includes rebuilding the existing North Poudre Canal Diversion located approximately 6 river miles downstream of Halligan Reservoir to allow Fort Collins’ releases from the enlarged Halligan Reservoir to bypass the diversion and remain in the North Fork.

The Halligan Project ensures that Fort Collins can satisfy future water supply and demands by:

- Meeting future water demands of the Fort Collins Utilities water service area
- Providing a storage reserve for emergency water supply
- Increasing drought security
- Improving water system reliability and flexibility



LAS R:\CityOfFortCollins\HalliganDam\MapFiles\Halligan_ProjectAreas_Mitigation_v2.mxd 6/5/2023

Jacobs

Figure 1-1. Overview of Halligan Project Elements and Other Infrastructure

(Refer to Appendix A for detailed maps)

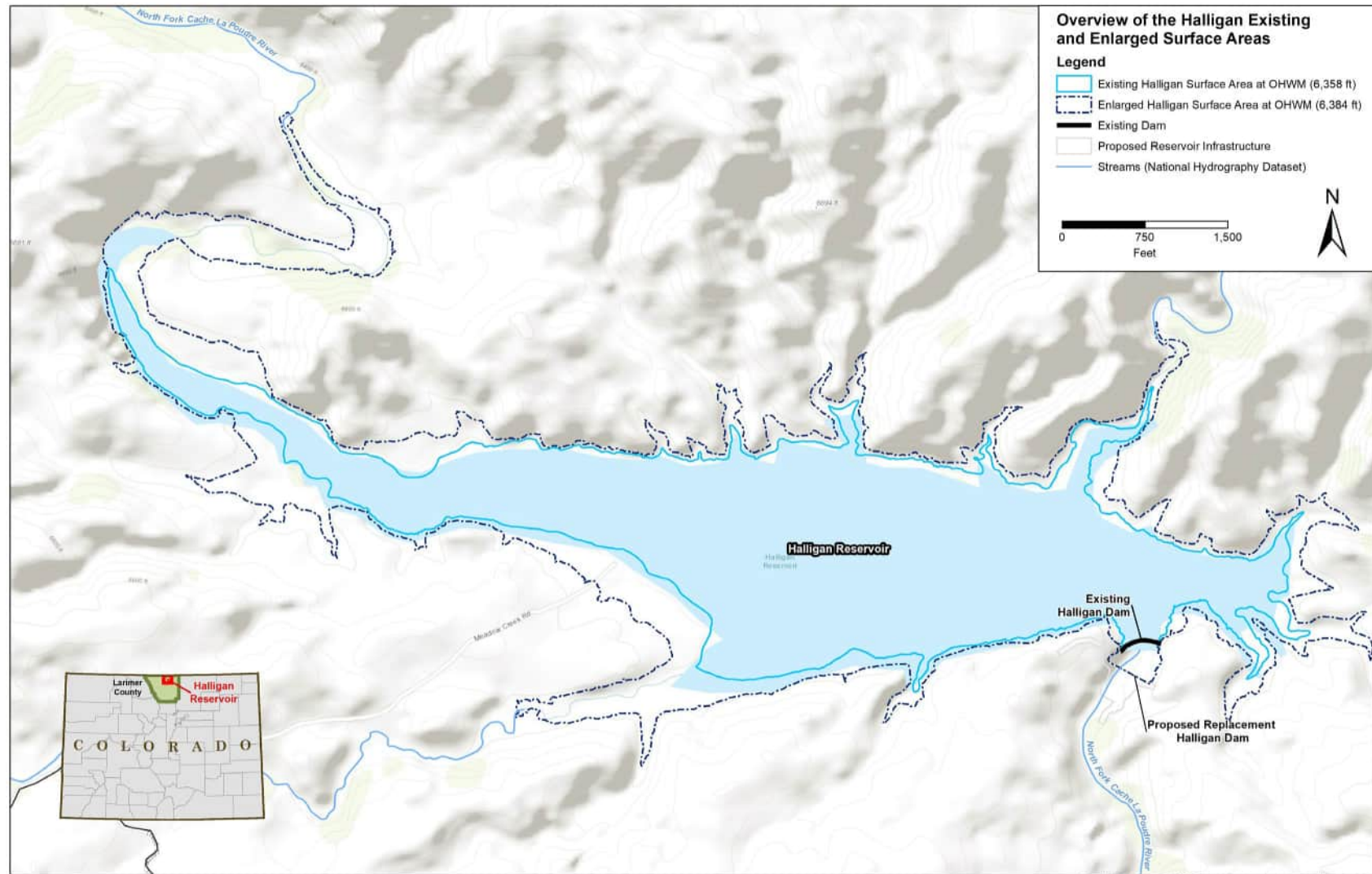


Figure 1-2. Overview of the Halligan Existing and Enlarged Surface Areas

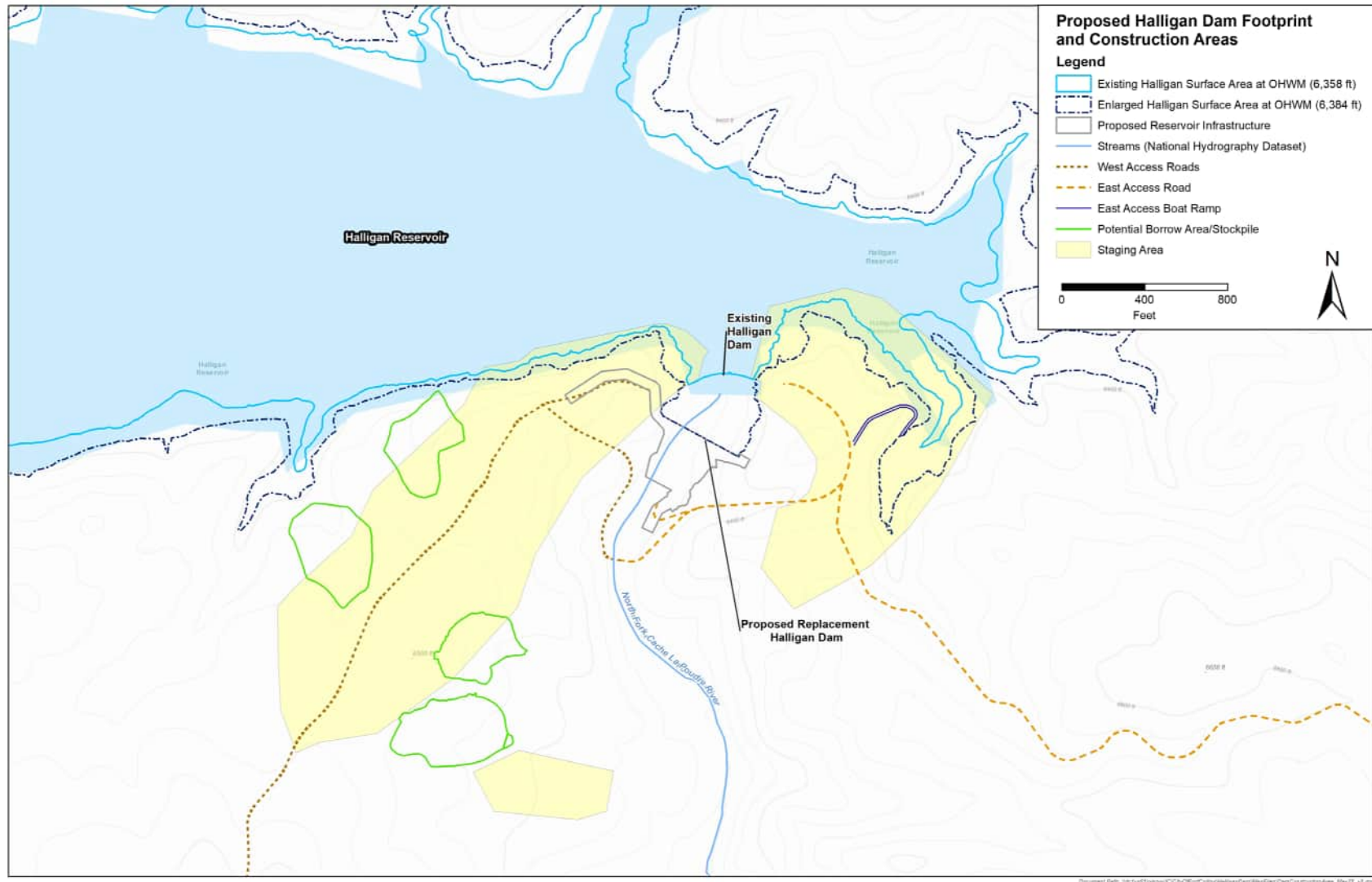


Figure 1-3. Proposed Halligan Dam Footprint and Construction Areas

1.3.1 Operations, Storage, and Water Rights

1.3.1.1 Current Operations of Halligan Reservoir

Halligan Reservoir is an existing on-stream reservoir that North Poudre Irrigation Company (NPIC) constructed in 1909 to supply water to its shareholders. Fort Collins acquired Halligan Reservoir and certain surrounding lands from NPIC in 2004 pursuant to a 1993 option agreement. Although Fort Collins owns Halligan Reservoir, the reservoir is currently operated by NPIC and supplies water to NPIC shareholders only. Water is currently released from Halligan Reservoir and diverted at the North Poudre Canal Diversion, where it is conveyed in the North Poudre Canal into NPIC's ditch and reservoir system for delivery to NPIC shareholders. The 1993 option agreement between Fort Collins and NPIC allows Fort Collins to enlarge Halligan Reservoir but requires Fort Collins to reconvey the reservoir and associated lands back to NPIC if Fort Collins abandons the Halligan Project or is otherwise unable to enlarge the reservoir.

Under current operations, NPIC fills Halligan Reservoir starting in the fall. Filling continues until water levels reach the dam spillway crest and water spills over the dam into the North Fork. Spilling typically occurs annually in the spring but can occur as early as December or January. NPIC begins releasing water to the North Fork from the dam outlet in the spring. NPIC then diverts the releases at the North Poudre Canal Diversion, which is located approximately 6 river miles downstream of Halligan Dam.

During the irrigation season (summer through early fall), NPIC typically "sweeps" the river by diverting all flows into North Poudre Canal, the initial portion of which is a tunnel through the canyon wall. Where the tunnel daylights approximately 1.9 miles downstream, water that NPIC is not entitled to use or that is in excess of the North Poudre Canal's capacity is returned to the river through a return structure. These operations typically result in low-flow conditions, dry-up points, and disconnected pools in the 1.9-mile stretch of the North Fork between the North Poudre Canal Diversion and where some water is returned (Figure 1-1).

NPIC frequently releases water from Halligan Reservoir at a rate that they can divert into the North Poudre Canal at the North Poudre Canal Diversion. During the irrigation season, NPIC typically diverts all water released from Halligan Reservoir, unless spilling at the dam results in a larger amount of water than can be diverted at the North Poudre Canal.

At the end of the irrigation season, NPIC typically commences diverting water into Halligan Reservoir for storage and releases from Halligan Reservoir cease. Winter reservoir operations typically result in low-flow conditions, dry-up points between November and March, and disconnected pools in the North Fork for approximately 10 miles between Halligan Reservoir and the first downstream tributary, Rabbit Creek (Figure 1-1).

Dam inspection reports summarize current conditions of the dam, as indicated by the State of Colorado's Dam Safety Office. Inspection reports indicate that the existing Halligan Reservoir dam is currently sound. However, the dam is over 114-years old, as of 2023, and seepage through the dam and freeze-thaw cycles will continue to degrade the dam and present an increasing safety risk unless it is rehabilitated. As described in the DEIS, significant construction would be required in the future to rehabilitate the existing dam if the Halligan Project is not implemented. Design of the replacement Halligan Dam is underway and involves close coordination with the State of Colorado's Dam Safety Office.

1.3.1.2 Proposed Future Operations of the Enlarged Halligan Reservoir

The enlarged Halligan Reservoir would be operated by Fort Collins. Although Fort Collins intends to meet any operational commitments included in this FWMEP, actual operations of the Halligan Project may

change pursuant to applicable permits and approvals, water rights administration, or other things beyond Fort Collins' control. No changes to these commitments are anticipated at this time. If operations of the Halligan Project change significantly from those described in this FWMEP, Fort Collins and CPW will re-evaluate whether additional mitigation measures are necessary as a result.

The enlarged reservoir would continue to be filled with direct flows from the North Fork. Fort Collins would generally keep its portion of the enlarged Halligan Reservoir relatively full until the water is needed to meet demands during droughts or other water supply shortages.

Fort Collins' future operations of the enlarged Halligan Reservoir have been designed to not only avoid and minimize potential impacts from the Halligan Project, but also improve the existing conditions of the North Fork below Halligan Reservoir. Fort Collins' operations of the enlarged Halligan Reservoir include year-round releases from the enlarged reservoir to provide flows in the North Fork below Halligan Reservoir and eliminate dry-up points that are currently found along the North Fork at various times of the year. These flow-related operational measures are described in detail in Section 4.2.1.

Fort Collins' releases from the enlarged Halligan Reservoir would be delivered down the North Fork to its confluence with the Main Stem and typically "exchanged up" to the Fort Collins Intake(s) on the Main Stem. NPIC would continue to operate its portion of the enlarged Halligan Reservoir, including diversions, storage, and releases, as it does currently.

Fort Collins would generally use water from Halligan Reservoir to meet demands after other sources of water are unavailable. The enlarged Halligan Reservoir has no predetermined demand or release pattern, but in general, releases from the enlarged Halligan Reservoir would occur as follows:

- To meet Fort Collins' reusable water demand when other reusable water sources are lacking
- During dry periods or other water supply disruptions as needed to meet Fort Collins single-use and reusable water demands when other Fort Collins' water sources are unavailable or insufficient

1.3.1.3 Water Rights for Storage in an Enlarged Halligan Reservoir

Fort Collins would use several water rights to fill the enlarged Halligan Reservoir, including the following:

- Changed water rights attributable to shares in the so-called "Southside Ditches" companies (Arthur Irrigation Company, Larimer County Canal No. 2 Irrigating Company, and New Mercer Ditch Company)
- The Halligan Reservoir Enlargement conditional water right
- A portion of the one-eighth interest of the Grey Mountain conditional water right
- Changed water rights attributable to shares in the Water Supply and Storage Company

The majority of Fort Collins' water stored in the enlarged Halligan Reservoir would come from the changed water rights in the "Southside Ditches" companies that were historically used to irrigate farms in portions of the Fort Collins area that have since been developed. Fort Collins changed the use of these water rights and, pursuant to the Water Court decrees approving the changes, Fort Collins must maintain the return flow patterns associated with the historical irrigation use of these water rights. Thus, the Halligan Project is, for the most part, not a new demand on the Poudre River system as a whole¹, but instead, a conversion of water use from direct flow irrigation to municipal storage.

¹The project will result in flow changes on the North Fork of the Poudre River, but not the overall Poudre system.

1.3.2 Estimated Halligan Project Cost

Fort Collins' Modified Proposed Action would cost an estimated \$157.8 million² (2022 dollars). The estimated cost includes pre-construction costs (for example, field exploration and design), construction costs (labor, equipment, materials, and supplies), and land and other acquisition costs. The project cost estimate does not include costs of mitigation or enhancements (as described in Appendix B), or any costs related to risk or uncertainty given the limited conceptual design that exists. Table 1-1 provides a breakdown of the estimated project cost.

Table 1-1. Estimated Halligan Project Costs Shown in 2022 Dollars

Task	Estimated cost
Pre-construction ^[a]	\$13,865,000
Construction ^[a]	\$130,719,000
Permitting & Legal	\$2,892,000
Land Acquisition	\$10,315,000
Total	\$157,791,000

^[a] The sum of these two values are presented in Appendix B.

1.4 Regulatory Framework

The Halligan Project has undergone and continues to undergo significant regulatory scrutiny at the federal, state, and local levels. For final Halligan Project authorization, Fort Collins is required to obtain numerous federal and state permits, licenses, and approvals as identified in DEIS Section 1.6 (Corps 2019). The following subsections summarize the primary regulatory processes related to the Halligan Project effects on fish and wildlife, although other approvals and processes may be required that are not included in this summary.

1.4.1 National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal agencies to consider the potential environmental impacts of proposed actions before authorizing a “major federal action.” The Halligan Project is considered a “major federal action” because it may significantly affect the human environment as defined by NEPA. The Halligan Project would discharge fill material into jurisdictional waters of the U.S. and, thus, also require authorization by the Corps under CWA Section 404, as described in Section 1.4.2. The Corps Omaha District, Denver Regulatory Office, is the lead federal agency for the NEPA process and is preparing an Environmental Impact Statement (EIS) to evaluate potential environmental impacts resulting from the Halligan Project. The Corps will use the EIS in determining a final permit decision that will be documented in the ROD.

The Corps published a DEIS on November 22, 2019 (Corps 2019) that described analyses of the potential environmental impacts associated with the Halligan Project. The analyses and DEIS were developed in compliance with the Council on Environmental Quality's NEPA regulations (40 *Code of Federal Regulations* [CFR] Parts 1500–1508) and the Corps NEPA implementation procedures for its regulatory program (33 CFR Part 325). The DEIS provides a comparison of the Halligan Project (described there as

² These values are estimated by the Corps as part of the Halligan Project and done in a similar manner for all Halligan Project alternatives. They do not reflect all the actual costs to Fort Collins of the Modified Proposed Action. For example, the Corps calculates Permitting & Legal expenses as 2% of Pre-construction and Construction costs combined when actual expenses have been significantly more to date for Fort Collins.

the Proposed Action) and several alternatives to the Halligan Project. The DEIS also addresses factors relevant to the CWA Section 404(b)(1) guidelines (40 CFR Part 230) and applicable public interest review criteria identified in 33 CFR Part 320.4. The Corps is currently developing a Final EIS (FEIS) that will address comments on the DEIS received from the public, resource agencies, and other stakeholders.

The DEIS presents a draft Conceptual Mitigation Plan (CMP) prepared by Fort Collins (City of Fort Collins 2019c) that includes both mitigation and enhancement measures. Based on public comments received on the DEIS, comments from Project stakeholders, and discussions with CPW staff, this FWMEP builds upon and/or replaces many of the aquatic life and terrestrial wildlife components of the draft CMP. An updated final CMP will be prepared by Fort Collins for the Final EIS.

The U.S. Department of the Interior Bureau of Land Management (BLM) is a cooperating federal agency, and will determine NEPA adequacy for Project activities or impacts that may occur on BLM lands.

1.4.2 Clean Water Act Section 404

CWA Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including jurisdictional wetlands. The CWA Section 404 permit program is administered by the Corps with oversight by the U.S. Environmental Protection Agency (EPA) (EPA 1972). The Halligan Project would result in a regulated discharge; therefore, Fort Collins is seeking authorization of the discharge under a CWA Section 404 individual permit.

Projects subject to the CWA Section 404 individual permit process must comply with CWA Section 404(b)(1) guidelines, which provide direction for evaluating activities regulated under CWA Section 404. Under the guidelines, “no discharge of dredged or fill material may be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” To comply with the guidelines, a permit applicant must take all appropriate and practicable steps to avoid and minimize adverse impacts on waters of the U.S. Compensatory mitigation may be required to offset any unavoidable impacts and ensure compliance with the CWA Section 404(b)(1) guidelines.

- **CWA Section 401 Water Quality Certification**— A CWA Section 401 water quality certification is a state approval process for water quality impacts that is administered by the Water Quality Control Division of the Colorado Department of Public Health and Environment (CDPHE) to implement CWA Section 401 (refer to CRS 25-8-302(1)(f)). The CWA Section 401 water quality certification process is conducted according to Regulation 82 (5 CCR Section 1002-82). Any additional mitigation conditions or requirements that are required for CWA Section 401 water quality certification will be incorporated into the CWA Section 404 permit. Fort Collins is collecting data and conducting additional water quality and temperature analysis for the Halligan Project in preparation for the CWA Section 401 water quality certification application.

1.4.2.1 2008 Compensatory Mitigation for Losses of Aquatic Resources

The Corps *Colorado Mitigation Procedures* (Corps 2020) describes compensatory mitigation procedures for wetland and stream impacts in Colorado, and outlines the steps that the Corps districts may follow to meet regulatory obligations. Although *Colorado Mitigation Procedures* was formally approved by the Corps for mitigation procedures in April 2020, it has not been used on the Halligan Project because mitigation planning was already well underway when these procedures were approved. The compensatory mitigation plan will be consistent with Corps regulations and mitigation policy.

The Corps and EPA established the type and extent of compensatory mitigation necessary to demonstrate compliance with the CWA Section 404(b)(1) guidelines (40 CFR Part 230) in the 2008 Mitigation Rule (73 *Federal Register* [FR] 19593; EPA and Corps 2008).

The Corps determines the appropriate form and amount of compensatory mitigation required for a Section 404 permit based on the nature and extent of anticipated unavoidable impacts on aquatic resources. Fort Collins will prepare a wetlands mitigation plan independent of this FWMEP for future authorization by the Corps as part of the CWA Section 404 permitting process.

1.4.3 Federal Wildlife Regulations

The following federal wildlife regulations apply to the Halligan Project:

- Endangered Species Act (ESA)**—The ESA protects species that are federally listed as threatened or endangered under the federal ESA of 1973 as amended (16 *United States Code* [U.S.C.] Section 1531 et seq.) (USFWS 1973). In accordance with ESA Section 7, projects with a federal nexus that could affect federally listed species and/or their habitats require consultation with the U.S. Fish and Wildlife Service (USFWS). Impacts on candidate species are not required to undergo a Section 7 consultation unless the species becomes listed during project planning and construction. In accordance with ESA Section 7, the EIS describes evaluations conducted to determine potential impacts on federally listed species from activities related to implementing the Halligan Project and each alternative to the Halligan Project. A Biological Assessment is then conducted for the Project to identify measures that compensate for the Project's impacts on federally listed species and/or their designated critical habitat. The USFWS then renders a Biological Opinion after they have reviewed the Biological Assessment and consulted with the lead federal agency. The Corps has begun the Section 7 consultation process for the Halligan Project.
- Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act**—The Migratory Bird Treaty Act (16 U.S.C. Sections 703–712) established a federal prohibition, “unless permitted by regulations, to pursue; hunt; take; capture; kill; attempt to take, capture, or kill; possess; offer for sale; sell; offer to purchase; purchase; deliver for shipment; ship; cause to be shipped; deliver for transportation; transport; cause to be transported; carry or cause to be carried by any means whatever; receive for shipment; transportation, or carriage; or export at any time, or in any manner, any migratory bird, part, nest, or egg of any such bird” (USFWS 2004). Similarly, the Bald and Golden Eagle Protection Act (16 U.S.C. Sections 668–668c) prohibits the “taking” of bald or golden eagles, including their parts, nests, and eggs. In accordance with the Acts and as part of the NEPA process, potential impacts on protected bird species have been evaluated, and appropriate avoidance, minimization, or mitigation measures have been incorporated into this FWMEP.
- Fish and Wildlife Coordination Act**—The federal Fish and Wildlife Coordination Act (16 U.S.C. Sections 661–666c) (USFWS 1934) places requirements on water development projects, including consultation with the USFWS and state fish and wildlife agencies (in this case, CPW) when the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted or otherwise controlled or modified” by any agency under a federal permit or license. The consultation goal is conserving wildlife resources by preventing loss and/or damage to them, as well as potentially improving the resources as part of the proposed project. State-listed species are also considered during such a consultation. In Colorado, this requirement is largely fulfilled through consultation with USFWS and CPW, and by developing and implementing this FWMEP. The Corps must prepare a Fish and Wildlife Coordination Act report for the USFWS that “provides 1) clear documentation of the proposed project’s impacts on fish and wildlife resources

and 2) specific recommendations as to the measures that should be taken to conserve those resources.”

1.4.4 State of Colorado

The following state statutes apply to various resources covered in this FWMEP and are most relevant to the FWMEP:

- **Fish and Wildlife Mitigation Plan**—This FWMEP was prepared to satisfy the requirements of CRS 37-60-122.2. The statute states that “fish and wildlife resources found in and around state waters which are affected by the construction, operation, or maintenance of water diversion, delivery, or storage facilities” are a “matter of statewide concern and that impacts on such resources should be mitigated by the project applicants in a reasonable manner.” The statute further explains that the extent and nature of the mitigation should be “economically reasonable and maintain[s] a balance between the development of the state’s water resources and the protection of the state’s fish and wildlife resources.”

Such fish and wildlife mitigation plans are to be developed by the project applicant, generally working in cooperation with CPW staff members, and submitted to the Commission. If the Commission and applicant agree on the plan, the Commission then forwards it to the Colorado Water Conservation Board (CWCBC) for adoption as the official state position on the mitigation actions required of the applicant.

CRS 37-60-122.2 distinguishes mitigation of Halligan Project impacts from enhancement of fish and wildlife resources over existing conditions. The *Procedural Rules for the Commission* (Chapter 16) provide definitions for both a mitigation plan and an enhancement plan (refer to the Key Terminology section of this report). This FWMEP includes both a mitigation plan that contains measures developed to mitigate Halligan Project impacts, and an enhancement plan that enhances fish and wildlife resources over and above existing levels without the Halligan Project. Fort Collins is required by CRS 37-60-122.2 to submit a proposed mitigation plan, but submittal of an enhancement plan is voluntary.

- **CWCB Rule 7 Process**—The enlarged Halligan Reservoir would inundate approximately 0.75 mile of the North Fork upstream of the current reservoir where the CWCB holds a decreed instream flow water right. Fort Collins would, therefore, need to undergo a process to seek approval to inundate an instream flow under the CWCB’s instream flow program rules (Rule 7, 2 CCR 408-2) (CWCB n.d.). During this process, the CWCB may seek recommendations from, among others, CPW and the Colorado Division of Water Resources (DWR). CWCB would consider factors such as the extent of inundation proposed, impacts on the natural environment, any unique or rare characteristics of the instream flow water right to be inundated, any regulatory requirements or conditions imposed upon the applicant by federal, state and/or local governments, land ownership, economic benefits, and the mitigation or compensation offered by Fort Collins to offset adverse impacts on the instream flow right. Ultimately, the CWCB Board would either approve, conditionally approve, defer, or deny the request to inundate.

1.4.5 Larimer County

Colorado House Bill 74-1041 authorized certain local governments, including counties, to identify, designate, and regulate areas and activities of state interest through a local permitting process to provide them with control over certain development projects. The Halligan Project is located entirely within Larimer County, and Larimer County is a cooperating agency on the Halligan Project. Larimer County’s 1041 regulations are specified in the County’s land use code. Unless specifically exempted,

Section 10.3.1(J) requires a 1041 Permit for “Site selection and construction of a new water storage reservoir or expansion of an existing water storage reservoir resulting in a surface area at high water line in excess of 50 acres, natural or manmade, used for the storage, regulation and/or control of water for application to a beneficial use, including augmentation, commercial, domestic, industrial, municipal, and replacement uses, provided this designation excludes water storage reservoirs used exclusively for irrigation or stormwater detention facilities. A new water storage reservoir shall also include all appurtenant uses, structures and facilities (i.e., those necessary and integral to the proper functioning of the project), including internal roads, parks, parking, trails, recreational uses, and other uses.” The Halligan Project thus requires a 1041 Permit from Larimer County pursuant to the procedures in Larimer County’s land use code.

1.4.6 Consultation, Coordination, and Public Input

Fort Collins consulted with CPW during preparation of this plan. In addition, CPW and cooperating agencies reviewed and commented on the DEIS and some associated reports. CRS 37-60-122.2 requires CPW and the CWCB to review and provide input on the mitigation proposed to address Halligan Project impacts on fish and wildlife resources. Although CRS 37-60-122.2 does not require public review and input, Fort Collins and CPW have developed a process to also allow for public participation as part of the development of this FWMEP.

The Corps (through the NEPA process), Fort Collins, and CPW have provided, and will continue to provide, the following public meetings and opportunities to solicit input on the potential impacts and mitigation for the Halligan Project:

- Fort Collins has provided many updates about the Halligan Project in public forums to Fort Collins City Council and the Fort Collins Water Commission (previously known as the Water Board) throughout the life of the Halligan Project. Fort Collins has also published newspaper articles about the Halligan Project and maintains a website where the public can receive Halligan Project-related updates and submit comments on the Halligan Project at any point. Fort Collins regularly seeks out opportunities to educate and solicit feedback about the Halligan Project, including targeted stakeholder presentations or discussions, distribution of information at community events, videos, and social media posts.
- On January 26, 2006, the Corps submitted written requests to the EPA, USFWS, U.S. Forest Service, CPW, Weld County, and Larimer County to participate as cooperating agencies in the preparation of the then-planned joint EIS for the Halligan and Seaman Water Supply projects pursuant to 40 CFR Section 1501.6. The Corps subsequently recognized that the CDPHE, Colorado Department of Natural Resources (CDNR), Colorado State Historic Preservation Officer, and the BLM had expertise or regulatory authority over aspects of the Halligan and Seaman Water Supply projects. Those agencies were also invited and agreed to serve as cooperating agencies; the CPW, CDPHE, CDNR, BLM, EPA, USFWS, and Larimer County accepted the invitation to serve as cooperating agencies, but Weld County declined to serve as a cooperating agency. As of the writing of this FWMEP, the proposal for the Seaman Water Supply Project has been withdrawn and is inactive.
- On February 1, 2006, the Corps published the Notice of Intent in the FR to prepare an EIS to analyze the potential impacts of two water supply projects known as the Halligan-Seaman Water Management projects in Northern Colorado (71 FR 5250).
- On February 23, 27, and 28, 2006, three public scoping meetings were held at the Livermore Community Church in Livermore, the Lincoln Center in Fort Collins, and the Bunk House at Island Grove in Greeley, respectively.

- As part of the NEPA process, the Corps initially contacted 59 Native American tribes in writing to solicit input regarding the Halligan Project. Only two tribes, the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe, responded to the request. On May 23, 2019, the Corps provided a consultation letter to seven Native American tribes, including the Apache Tribe of Oklahoma, Gros Ventre and Assiniboine Nations, Northern Cheyenne Tribe, Comanche Nation, Cheyenne-Arapaho Tribes of Oklahoma, Arapaho Tribe of the Wind River Reservation, and the Northern Apache Tribe. In meetings with Fort Collins, the Corps indicated that they will continue to reach out to tribal contacts as the NEPA process continues.
- On November 22, 2019, the Corps published the DEIS for the Halligan Project. A public hearing was held in Fort Collins on January 13, 2019, which was attended by approximately 85 people. Comments on the DEIS were accepted through January 21, 2020. Approximately 60 written comment letters or oral comments were received on the Halligan Project.
- On April 27, 2023, Fort Collins released the FWMEP Application on the Halligan Project website.
- From May 1 through May 15, 2023, Fort Collins hosted a virtual open house and comment period for the public to review the FWMEP and provide feedback on the FWMEP.
 - Fort Collins received eight public comments on the final draft FWMEP. Fort Collins has prepared a separate memo to further address Commissioner and public comments and questions, Appendix E. Copies of the public comments are included in Appendix F.
- On May 4, 2023, Fort Collins presented the FWMEP to the Commission Meeting hosted at the Colorado Mountain College Spring Valley at Glenwood Springs Campus, Glenwood Springs, CO, Fort Collins and CPW staff addressed Commission comments and questions. Afterwards, two entities provided verbal public comment on the FWMEP.
 - Fort Collins has prepared a separate memo to further address Commissioner and public comments and questions, Appendix E. In addition, the two entities that provided verbal comments later provided written public comment on the FWMEP. The information provided by the Commission, public entities, and individuals were used to revise the Final FWMEP. Copies about the public comment can be found in Appendix F.
- Commission Meeting (location) note to reviewers: Location, date and summary to be added after this event occurs. At the June 22 or 23, 2023 Commission meeting, Fort Collins will present the final FWMEP to the Commission for its consideration as the Commission's recommendation regarding the mitigation of fish and wildlife resources from the Halligan Project.
- CWCB meeting: The Halligan FWMEP will be presented to the CWCB at their July 2023 board meeting.

2 Fort Collins Water Portfolio

2.1 Existing Water Supply and Demand

Fort Collins, through Fort Collins Utilities, is one of several water providers in Fort Collins' municipal boundaries and growth management area. Fort Collins generally provides water service to the central portion of the Fort Collins community. Various water districts provide water service to the other portions of the Fort Collins community. The water service areas for Fort Collins and the neighboring water districts are shown on Figure 2-1.

Fort Collins' water supplies are surface supplies and come from two physical systems: the Poudre River watershed and Horsetooth Reservoir.³ Fort Collins diverts water from the Poudre River watershed into its system on the Main Stem at the Fort Collins Intake(s). These supplies are primarily native Poudre River water, but also include some water from the Colorado, Michigan, and Laramie rivers. Fort Collins also diverts water at other locations to irrigate parks, golf courses, two cemeteries, greenbelt areas, and some schoolgrounds, as well as to meet contractual raw water delivery obligations and to meet return flow and other obligations. Fort Collins also takes delivery of water from Horsetooth Reservoir at the Soldier Canyon Outlet. These supplies are primarily Colorado River water from the Colorado–Big Thompson (C-BT) Project and Windy Gap Project. Fort Collins' water system is described in greater detail in the DEIS. Certain aspects of Fort Collins' system are shown on Figure 2-1.

Fort Collins treats water from the Poudre River watershed and Horsetooth Reservoir at the Fort Collins Water Treatment Facility. The treated water is then delivered to Fort Collins' customers through approximately 540 miles of pipeline to over 34,000 taps. Fort Collins' customers include residences (single and multifamily) and commercial entities of various types. In 2014, Fort Collins delivered 7.4 billion gallons of water to approximately 136,500 people. In 2020, demand increased to 7.7 billion gallons of water delivered to approximately 142,800 people.

³ Horsetooth Reservoir borders the City of Fort Collins and is an East Slope terminal reservoir in the C-BT System. More information on the C-BT Project, which is operated and maintained by Northern Water and the U.S. Bureau of Reclamation, is provided at <https://www.northernwater.org/what-we-do/deliver-water/colorado-big-thompson-project>.

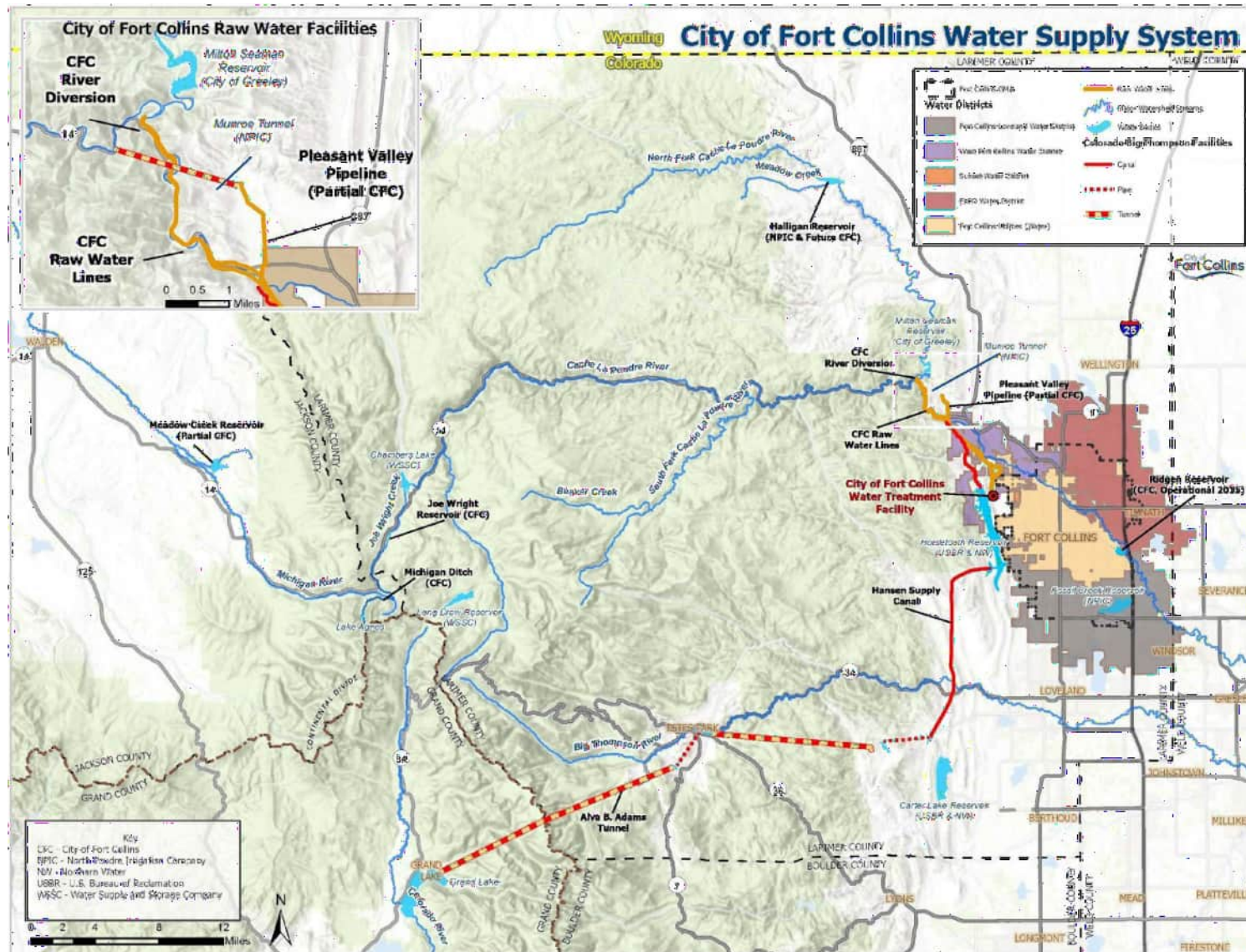


Figure 2-1. Fort Collins Utilities Water Supply System

Source: City of Fort Collins 2021a

2.2 Water Conservation and Water Restrictions

Fort Collins has a strong commitment to ensuring the efficient and responsible use of water. Fort Collins' water conservation program started in 1977 and continues to evolve to support the community in using water efficiently. Some of Fort Collins' water conservation efforts are detailed in the DEIS, as well as Fort Collins' *2015 Water Efficiency Plan* (City of Fort Collins 2015a). Fort Collins' conservation efforts include metering of all customers and a customer data portal; customer leak notifications; free irrigation system audits and home water assessments; irrigation and fixture equipment rebates; landscaper trainings; water-efficient landscape conversion trainings and financial incentives; conservation-oriented water rate structures; extensive customer outreach, including monthly water use reports and targeted industry outreach; a restrictive covenants ordinance; conservation kit giveaways; and building audit. Currently, planned efforts focus on leveraging advanced water use meter data, promoting and supporting greater outdoor water efficiency, greater integration of water efficiency into land use planning and building codes, expanding commercial and industrial strategies, and efforts to increase community water literacy. Fort Collins is also updating water supply requirement costs for new developments to improve equity while incentivizing efficient design.

Fort Collins also uses the *Water Shortage Action Plan* (City of Fort Collins 2020b), previously known as the Water Supply Shortage Response Plan, to manage water shortages. As defined in the plan, water shortage conditions occur when projected water supply is less than the anticipated water demand, which considers required water reserves in storage and other criteria. The following events, or combination of events, are examples of scenarios that could cause a water shortage: drought; water quality issues, such as contamination or fire impacts; and infrastructure issues, such as broken pipeline or water treatment facility issues.

The population and demand within Fort Collins' water service area are expected to grow. Water conservation efforts and water shortage management practices have helped reduce water use and manage supply challenges. However, as discussed in the DEIS, future demand exceeds the amount of water that could be conserved through conservation measures; therefore, the timing of when increasing future water demand exceeds Fort Collins' existing water supplies can be delayed through water conservation efforts, but not avoided.

2.3 Future Water Demand

Future water demand is calculated based on a projected population growth in the Fort Collins' water service area, combined with projections of future potable water demand using the reliable gallons per capita per day forecasting technique detailed in the DEIS (Corps 2019). The Corps estimated in the DEIS that Fort Collins' 2065 potable water demand will be approximately 38,400 acre-feet, an increase of about 11,700 acre-feet from the 2015 potable water demand. This estimate incorporated minimized demand based on reduced water used as a result of the water conservation and water supply management techniques described previously.

In 2019, Fort Collins completed the *Fort Collins Utilities Water Supply Vulnerability Study* (City of Fort Collins 2019a), in which the enlargement of Halligan Reservoir was assumed. That study found that climate change is the most significant vulnerability affecting Fort Collins' water supply. Future climate conditions may be more impactful to Fort Collins' ability to meet its water supply planning policy criteria than the occurrence of any particular infrastructure outage or environmental condition simulated by the study's risk scenarios. However, climate change is the most difficult risk to quantify or track. Long-term trends are difficult to measure and are obscured by the natural variability in wet and dry years.

Fort Collins will participate in, or stay informed of, state and federal climate change studies to help Fort Collins understand the trajectory of climate change in the region.

Fort Collins' projected increases in population and water demand, coupled with the risks of climate change causing temperature and precipitation variations, have both been identified as key vulnerabilities to Fort Collins' water supply. Without the additional firm yield from the Halligan Project, the performance of Fort Collins' water supply system would be significantly impacted, and current water supply planning policy criteria could not be met under most future climate and demand conditions.

2.4 Related Regional Activities

This section describes regional activities that may help inform the best application or use of Halligan Project-related mitigation in this FWMEP, including other major water supply projects in the Poudre River watershed in various stages of planning and execution, as well as research-based initiatives and collaborative work groups.

2.4.1 Shared Vision Planning

One element of Halligan Project planning included a Shared Vision Planning process (Lorie et al. 2010), a 7-year collaborative planning process focused on modifying planned expansions of Halligan and Seaman Reservoirs on the North Fork to develop design strategies that would improve flows on the North Fork. The core assumption of the Shared Vision Planning process was enlargement of both Halligan and Seaman Reservoirs. During the process, Fort Collins worked collaboratively with the City of Greeley, regulatory agencies, nongovernmental organizations, and other interested parties on development of mutually beneficial and desirable solutions for both projects. However, the City of Greeley is no longer pursuing expansion of Seaman Reservoir, and, therefore, the joint reservoir operational measures explored in the Shared Vision Planning process are no longer available to improve flow conditions on the North Fork. Fort Collins has nonetheless incorporated many of the other measures developed in the process into the Halligan Project. Over 19 years of Halligan Project planning, design and operation development, mitigation planning, and stakeholder collaboration has been completed since the Project was initiated in 2003.

2.4.2 Fort Collins' River Efforts

Fort Collins owns a majority of the Poudre River's floodplain as it flows through Fort Collins and is, therefore, engaged in a long-term effort to support a self-sustaining healthy resilient Poudre River (Main Stem). In recent decades, Fort Collins has proactively implemented projects aimed at restoring the river's connection with its riparian floodplain, connecting aquatic habitats longitudinally, protecting established instream flows, and maintaining stormwater capacity to reduce risk to Fort Collins' assets and public safety. While numerous projects have already been completed, it is expected that these integrated reach-scale river restoration projects will continue into the next several decades.

In 2011, Fort Collins completed the *Cache La Poudre River Natural Areas Management Plan Update* (City of Fort Collins 2011) that detailed management goals, strategies, and objectives for Fort Collins' 21 properties along the river. An update to that management plan is being developed to establish conservation priorities and management tactics for these natural riverine habitats given contemporary ecological stressors, management issues, and dramatic increase in recreational uses.

Fort Collins developed the *Poudre River Downtown Master Plan* (City of Fort Collins 2014) for the Poudre River Main Stem in the downtown corridor (Shields Street to Mulberry Street) to improve in-river and bankside recreation, aquatic habitat connectivity, bank protection, flood mitigation and floodplain management, public safety and access, and transportation. The master plan provides a long-

term vision for this downtown reach and identifies multiple projects to be implemented over an extended period of time. The construction of a whitewater park in 2019 downstream of College Avenue was the first project implemented from this plan.

In 2014, Fort Collins completed an Ecological Response Model in collaboration with a team of scientists to better understand past, present, and potential future river conditions through Fort Collins (Bestgen et al. 2019). This effort, along with numerous other monitoring and biological assessment initiatives, support a community driven quest for taking a data-informed management approach to promoting a healthy Poudre River.

In 2017, Fort Collins released the *State of the Poudre River Report: A River Health Assessment* (City of Fort Collins 2017), which examined the conditions of the Main Stem from the lower portion of Poudre Canyon through Fort Collins to Interstate (I-)25. The effort used an assessment method developed by Fort Collins, known as the *River Health Assessment Framework* (City of Fort Collins 2015b, 2019b), which was adapted from the *Functional Assessment of Colorado Streams* protocol (Beardsley et al. 2015). Fort Collins has used the information related to river health and river function gained from this effort to generally inform the measures described in this FWMEP. In 2022 to 2023, Fort Collins is teaming with the Coalition for the Poudre River Watershed (Coalition) to create an updated River Health Assessment Framework. The updated framework will identify the overarching framework for reporting on the river's health from the headwaters to its confluence, and aims to identify methods specific to topic and location.

2.4.3 Northern Integrated Supply Project

The Northern Colorado Water Conservancy District (Northern Water) delivers raw water and operates infrastructure that serves numerous communities in northern Colorado. Northern Water, acting through an enterprise on behalf of 15 water providers north of Denver, is seeking a CWA Section 404 permit from the Corps to undertake the Northern Integrated Supply Project (NISP). NISP would use conditional water rights to divert water from the Poudre and South Platte Rivers to provide 40,000 acre-feet of new reliable water supply annually to meet part of the participants' future water supply needs. NISP involves constructing two new reservoirs—Glade and Upper Galetton—with capacities of 170,000 and 45,624 acre-feet, respectively. The Corps is the lead federal agency and has been analyzing the environmental impacts of NISP since 2004. The Corps issued a ROD in December 2022.

2.4.4 Poudre Runs Through It

The Poudre Runs Through It work group is a diverse group of regional leaders and experts with varying interests in the Poudre River, including members from Fort Collins Utilities and Natural Areas. The group convenes agricultural, municipal, environmental, recreation, business, and other stakeholders with the goal of identifying opportunities for cooperative action to help meet their healthy river and working river goals. The Poudre Runs Through It defines a “healthy working river” as “one that supplies the goods and services demanded by our complex society, within the existing and evolving water rights system and honoring existing property rights, while maintaining and improving ecological integrity and resilience” (CSU 2020). Fort Collins shares in this goal of a healthy working river and values input from the work group.

2.4.5 Poudre Flows Plan

The Poudre Flows Plan is a project to increase flows in the Cache la Poudre River, from the Poudre River canyon mouth to its confluence with the South Platte River. A key aspect of the plan is to not injure or adversely affect other water rights and existing water operations. The plan began in 2013 as an outgrowth of the Flows Subcommittee of the Poudre Runs Through It work group. This plan is being

pursued by a coalition consisting of the Cache la Poudre Water Users Association, Fort Collins, the cities of Greeley and Thornton, CPW, CWCB, the Colorado Water Trust, and Northern Water.

Under the Poudre Flows Plan, water that was historically diverted for irrigation and other consumptive uses will be added to the river as “augmentation water” and protected from diversion in defined stream reaches. The Poudre Flows Plan is being pursued as a plan to augment stream flows pursuant to CRS 37-92-102(4.5). An application for approval of the plan was filed with the Water Court on April 29, 2021. The current sources of augmentation water for the plan are certain water rights owned by Fort Collins and the cities of Greeley and Thornton. Additional augmentation water sources are intended to be added to the plan after it is approved. The plan will begin operations following the Water Court’s entry of a final decree, currently anticipated to occur in 2024.

2.4.6 Wildfire Recovery and Monitoring Efforts

The 2020 Cameron Peak and East Troublesome Wildfires are the two largest wildfires in Colorado history. These fires combined to burn more than 400,000 acres of forested landscape. Post-fire pollution continues to pose significant challenges to maintaining the availability and quality of Fort Collins’ drinking water supplies. Fort Collins Utilities has developed post-wildfire water quality monitoring and recovery plans (City of Fort Collins 2021b), which outline a range of different collaborative water quality programs to assist with addressing these pollution concerns. These programs include, for example, targeted post-storm runoff event sampling, real-time water quality monitoring to inform water treatment and other staff, and monitoring long-term trends to better understand watershed recovery.

Fort Collins is a partner in the Larimer Recovery Collaborative Watershed Subcommittee, which is a diverse collaborative stakeholder group focused on watershed recovery following the Cameron Peak Fire. The primary watershed recovery concern following the fire is hillslope erosion, and the most effective treatment is the application of wood mulch. The subcommittee has prioritized sub-watersheds within the burn scar for treatment based on burn severity, slope, erosion risk, and other factors, which ultimately targets finite resources to have the greatest treatment results. In 2021, Fort Collins Utilities helped share the cost of treatment of more than 5,000 high priority acres at a total cost of \$11,353,805. Additional priority acres will be treated in 2022. Fort Collins also continues to work to minimize the risk of future large-scale wildfires in the Cache la Poudre Basin by investing in targeted regional cost share collaborative wildfire mitigation projects. Priority areas identified for future treatment include areas that drain to the North Fork upstream of Halligan Reservoir.

2.4.7 Coalition for the Poudre River Watershed

The Coalition is a nonprofit organization established with the mission of improving and maintaining the ecological health of the Poudre River watershed through community collaboration. With the goal of increasing watershed resiliency and health, the Coalition released the *Upper Poudre Watershed Resilience Plan Final* (JW Associates, Inc. 2017). The plan describes conditions in the Upper Poudre Watershed and identifies target areas, priorities, and actions with the overall goal of increasing watershed resiliency. The plan assesses the baseline health of the riparian and river corridor of the Poudre River watershed upstream of the mouth of the Poudre River Canyon using a close adaptation of the *Cache la Poudre River: River Health Assessment Framework* (City of Fort Collins 2015b). Fort Collins has coordinated with the Coalition and CPW to help inform the development of the mitigation and enhancement measures described in this FWMEP.

2.4.8 Preble's Meadow Jumping Mouse Site Conservation Team

The Poudre Site Conservation Team for Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) was established in 2019, and comprises stakeholders organized by the USFWS representing local communities and natural resource management partners, including private landowners and local, state, and federal governments and agencies. The team's goal is to facilitate the recovery of Preble's, a threatened species protected under the ESA, in the North Fork watershed in accordance with the *Recovery Plan Preble's Meadow Jumping Mouse* (USFWS 2018). This recovery plan focuses on abating threats to Preble's and promoting riparian habitat persistence, with the ultimate goal of recovering the subspecies so that it no longer warrants listing under the ESA. Specifically, the recovery goal for the North Fork watershed is a minimum of 57 miles of healthy, connected Preble's habitat. Fort Collins is an active participant in the team, supporting such efforts as outreach, recovery population habitat selection, and site identification for riparian habitat improvements in the North Fork riparian corridor.

2.4.9 Platte River Species

Fort Collins participates in the South Platte Water Related Activities Program (SPWRAP), which outlines a programmatic approach for USFWS Section 7 consultation that is described in the Platte River Recovery Implementation Program. Currently, mitigation is not expected to be needed for South Platte River depletions. If mitigation needs associated with the Halligan Project are identified during this programmatic approach or based on USFWS consultation, they will be incorporated into the mitigation strategy for the Halligan Project.

3 Fish and Wildlife Conditions and Impacts

This chapter describes the fish and wildlife resources that are anticipated to be affected by the Halligan Project, as identified in the DEIS and supporting technical reports (Corps 2019), the current conditions influencing those resources, and a summary of the anticipated effects of the Halligan Project on each resource. Background information is presented regarding the status of each resource, followed by a summary of the potential impacts of the Halligan Project on fish and wildlife, including both beneficial and adverse effects. Mitigation measures that Fort Collins is proposing for the Halligan Project are described in Section 4, and enhancement measures are described in Section 5. Appendix B presents a tabular summary of Halligan Project impacts, mitigations, and costs.

Since completion of Halligan Reservoir in 1909, operations of Halligan Dam and the North Poudre Canal Diversion have significantly and adversely affected river flows in the North Fork and impaired downstream aquatic habitats. Enlargement of the reservoir through the Halligan Project provides an opportunity for Fort Collins to provide year-round flows in the North Fork through the flow-related operational measures described in Section 4.2.1, leading to environmental benefits for fish and wildlife in and along the North Fork downstream of the dam.

Halligan Project impacts would occur from inundation by the enlarged reservoir along a portion of the North Fork upstream of the reservoir and at the footprint of the replacement dam. Also, impacts would occur from construction activities, including access and materials mobilization and stockpiling, at the replacement dam and at the North Poudre Canal Diversion. These effects would result directly from implementing the Halligan Project. Indirect effects are those that are Project-induced but occur later in time or are farther removed in distance. Indirect effects associated with the Halligan Project include increased flows in most months that benefit conditions along the North Fork downstream of the dam, as well as some impacts resulting from reduced flows on the North Fork when water is being diverted to storage in the enlarged Halligan Reservoir. As well as reduced flows for the Main Stem in the Exchange Reach upstream of the North Fork confluence when Halligan Releases are being diverted by exchange into Fort Collins Intakes. Another potential indirect effect of the Halligan Project is the risk of a stress-related die-off of Rocky Mountain bighorn sheep (bighorn sheep) (*Ovis canadensis*), discussed further in Section 3.7.4.

3.1 Basis of Halligan Project Effects

The Halligan Project effects described in this FWMEP are based on detailed evaluations in the DEIS and supporting technical reports, and further analyses conducted since the DEIS. Because of advancements in project design, the Halligan Project effects presented in the DEIS are being revised in the FEIS. These revisions are expected to be minor and are a refinement of the Proposed Action in the DEIS. In the DEIS, effects estimates were based on enlargement of the existing dam to raise the reservoir level by approximately 25 feet. Impacts in the FEIS will be determined based on the design plan summarized in Section 1.3 of this FWMEP, which involves replacing the more than 114-year-old dam, as of 2023, with a replacement dam constructed approximately 200 feet downstream of the existing dam. Consistent with the dam enlargement described in the DEIS, the dam replacement presented in the FEIS and this FWMEP would raise the existing reservoir elevation by approximately 25 feet to increase the total water storage capacity by approximately 8,200 acre-feet, for a total enlarged reservoir volume of approximately 14,600 acre-feet. Enlarging the reservoir would increase the current surface area of Halligan Reservoir from 253 to 391 acres.

Fort Collins anticipates developing the following infrastructure and construction areas in association with the Halligan Project:

- Replacement of Halligan Dam, including outlet works, stilling basin, and other appurtenant structures constructed approximately 200 feet downstream of the existing dam
- Relocation of existing overhead power lines and poles from the southwest end of the existing reservoir to the new dam since the old power poles would be inundated during the Halligan enlargement
- Reconstruction of the North Poudre Canal Diversion
- Partial or total demolition of the existing dam after the replacement dam is constructed
- Temporary construction areas and features, including temporarily widened roads to allow for construction vehicle access, construction staging areas, concrete batching plant, and possible borrow pits for concrete aggregate
- Construction of a temporary construction access river crossing below the existing dam
- Permanent remnants of construction, including waste rock piles, new access roads in the immediate area of the reconstructed dam, and/or widened roads in limited areas where the roads cannot be reclaimed on portions of Fort Collins' property and/or where private property owners request to retain widened roads

Future operation of the Halligan Project is described in Section 1.3.1.2. Features that would be constructed as part of avoidance, minimization, compensatory mitigation, and enhancement measures are described in Sections 4 and 5.

At this time, details of the extent, methods, and impacts related to dam demolition are not known. Fort Collins will consult with CPW as needed on the dam demolition. Differences in Halligan Project effects between the DEIS and FEIS are expected to be minimal.

3.2 Resources Evaluated

The following resources associated with fish or wildlife are addressed in this FWMEP:

- Surface water hydrology (Section 3.3)
- Surface water quality (Section 3.4)
- Aquatic resources (Section 3.5)
- Terrestrial wildlife, including big game (Section 3.6)
- Rocky Mountain Bighorn Sheep (Section 3.7)
- Special-status species (Section 3.8)
- Recreation (Section 3.9)

DEIS Table 4-2 lists all the resources that are addressed in the DEIS but do not necessarily relate to fish and wildlife. More information about these resources can be found in the DEIS (Corps 2019).

3.3 Surface Water Hydrology

This section describes the current conditions and potential Project effects on surface water resources (Halligan Reservoir, the North Fork, and Main Stem) potentially affected by changes in surface water hydrology resulting from implementation of the Halligan Project.

3.3.1 Current Conditions for Surface Water Hydrology

Snowmelt provides the largest water supply to the North Fork, with runoff primarily occurring from May to July. The DEIS Section 3.6.2.3.1 documents a typical unregulated snowmelt flow regime for the North Fork upstream of Halligan Reservoir; this portion of the North Fork channel is supply limited for sands and finer gravels (Corps 2019).

Historically, NPIC captures water from the North Fork to fill the reservoir beginning in the fall and continuing until water spills over the existing dam to the North Fork in the spring, although spilling can occur as early as December or January. NPIC typically releases water from the existing dam outlet structure from spring through fall, nearly draining the reservoir in most years.

As described in the DEIS Section 3.3.5 and Chapter 4 and in Section 3.3.2 of this FWMEP, Halligan Reservoir and the North Poudre Canal Diversion affect flows. Under current operations, the North Fork can experience many zero-flow days in both winter and summer, particularly during dry or average hydrologic years, creating low-flow conditions and disconnected pools. The DEIS describes zero-flow days in the North Fork below Halligan Dam in winter months when the reservoir is filling, and below the North Poudre Canal Diversion (6 miles downstream of the reservoir) to the North Poudre Canal Diversion turn back or confluence with the downstream tributaries in summer when water is diverted for NPIC shareholders. Flow simulations produced for the DEIS and supporting *Surface Water Resources Technical Report* (CDM Smith 2017) estimated that the North Fork downstream of the North Poudre Canal Diversion has zero-flow days approximately 40 percent of the time during both winter and summer months. Consequently, under current conditions, the aquatic habitat in the North Fork is disconnected between the North Poudre Canal Diversion and the first downstream tributary inflow. Rabbit Creek, Stonewall Creek, and Lone Pine Creek provide small inflows to the North Fork, and zero-flow days are less common downstream of these tributaries.

For the Main Stem, the DEIS Section 3.3.6 notes that trans-basin water deliveries supply significant flows in the Upper Poudre, while irrigation, municipal, and industrial diversions influence flows downstream of the flow gage located near the mouth of the Poudre Canyon. Multiple dry-up locations currently exist on the Main Stem.

Dramatic flow changes occur naturally on the North Fork in the spring and summer months during spring runoff and summer storms, and also currently occur below Halligan Reservoir during the fall and winter months as a result of NPIC's ongoing and historical operations of the existing Halligan Reservoir. CPW has raised concerns in meetings with Fort Collins that these drastic changes in conditions associated with NPIC's operations, particularly sudden decreases from high to low flow, can adversely affect fish populations.

3.3.2 Halligan Project Effects on Surface Water Hydrology

The Halligan Project would result in both beneficial effects and adverse impacts on the surface water hydrology of the North Fork and on the associated aquatic resources and river morphology (GEI Consultants, Inc. [GEI] 2016; Western EcoSystems Technologies, Inc. [WEST] 2017b; City of Fort Collins 2017). Each of these effects is described in more detail in the following sections.

3.3.2.1 Inundation Effects

Enlarging Halligan Reservoir would increase the current surface area from 253 to 391 acres at full storage capacity. The water surface area of the enlarged Halligan Reservoir is anticipated to fluctuate from 200 acres to 391 acres. In the enlarged reservoir, NPIC would continue to fill and drain nearly all of their reservoir storage capacity each year, while Fort Collins would fill and drain only a portion of the

enlarged reservoir capacity. The water surface elevation of the enlarged Halligan Reservoir would fluctuate at slower rates than the current typical rates for the reservoir.

The Halligan Project would inundate two sections on the North Fork: (1) permanent inundation of a short (approximately 200 feet) section of the North Fork between the existing dam and the replacement dam (Downstream Permanently Inundated 200 feet); and (2) the intermittent inundation of an approximately 0.75 mile stretch of the North Fork upstream of the existing Halligan Reservoir (Upstream Intermittently Inundated 0.75 mile).

- **Downstream Permanently Inundated 200 Feet.** During construction the aquatic community in a short section (approximately 200-feet) of the North Fork would be temporarily disrupted during the construction of the replacement dam in between the existing and replacement dam. In addition, another portion of the reach, approximately 200 feet downstream of the replacement dam down to the temporary construction river crossing, will be impacted. Once construction is complete the approximately 200-feet between the replacement dam and the existing dam would be permanently inundated, converting the controlled river habitat to reservoir.
- **Upstream Intermittently Inundated 0.75 Mile.** DEIS Sections 4.8.3.1 and 4.8.3.4.1.1 discuss the intermittent inundation of the North Fork which would transition the aquatic environment of the 0.75-mile free-flowing (lotic) aquatic habitat to an intermittently ponded (lentic) inlet channel. Meaning in late summer, fall, and early winter the stream would contain significantly higher levels of fine sediment which will eliminate pool habitat and reduces cobble and gravel habitat used for fish spawning.

The permanent inundation of the controlled stream below the existing dam and the intermittent inundation and permanent sedimentation of 0.75 mile of natural free-flowing stream, as well as associated lotic system functions, would be a permanent direct impact from the Halligan Project that would eliminate existing lotic aquatic habitat upstream.

3.3.2.2 Inundation Effects on an Instream Flow Water Right

The CWCB has an instream flow water right (Water Court Case 1985CW430) on the North Fork from its confluence with Dale Creek to the current inlet of Halligan Reservoir. The reach of the instream flow water includes the approximately 0.75 mile of the North Fork stream that would be intermittently inundated and permanently impacted by enlarging Halligan Reservoir, as discussed in the previous subsection.

This inundation will cause injury to the CWCB instream flow water right. In Water Court Case 2013CW3185, Fort Collins and the CWCB reached an agreement regarding how to proceed with respect to the instream flow water right. Key portions of that agreement are summarized in this subsection.

Fort Collins agreed to seek CWCB approval to inundate and to provide mitigation either pursuant to: (a) Rule 7 of the Rules Concerning the Colorado Instream Flow and Natural Lake Level Program, 2 CCR 408-2; or (b) an agreement pursuant to the CWCB rules and regulations enacted under CRS Sections 37-60-108 and 37-92-102(3).

Fort Collins has submitted to the CWCB a request to defer the CWCB's consideration of a request to inundate pursuant to Rule 7j of those rules and regulations. The CWCB has agreed to defer such consideration until permitting by other state, federal, or local governmental agencies concerning the Halligan Reservoir enlargement is completed.

If Fort Collins is required by other governmental entities to provide mitigation to offset impacts of the Halligan Reservoir enlargement, the CWCB has agreed to consider the cumulative effects of such

mitigation on the mitigation or compensation it will require as a condition of granting its approval to inundate any portion of the CWCB instream flow water right.

3.3.2.3 Flow Effects on the North Fork Downstream of Halligan Reservoir

Indirect impacts on the North Fork downstream of Halligan Reservoir would include a minor reduction (DEIS Section 4.3.2) in flows during peak stream flow months when water is diverted to storage in the enlargement under Fort Collins' various water rights decreed for storage in Halligan Reservoir, and temporary flow effects related to dam construction. Below the replacement dam, the North Fork would benefit from Fort Collins' operational commitments associated with the Project, specifically the Winter Release Plan, which provides continuous release of 3 cfs from the enlarged reservoir from October through April to maintain flows in the North Fork below Halligan Reservoir.⁴ Although the Winter Release Plan is an operational commitment and not a mitigation measure, it is described in more detail with other flow-related operational measures in Section 4.2.1 to facilitate understanding of how all flow-related operations will be conducted.

Based on modeling results presented in the DEIS Section 4.3.3.3, with the Winter Release Plan daily mean flows in the North Fork from the replacement dam to the North Poudre Canal Diversion are expected to increase from November through January, and from October through March for the reach below the North Poudre Canal Diversion to at least Seaman Reservoir. The Halligan Projects' Winter Release Plan eliminates the zero-flow days downstream of Halligan Reservoir to the North Poudre Canal and significantly reduces the number of months with zero-flow days both below the North Poudre Canal and at the Livermore Gage. The Halligan Project may improve river connectivity during low-flow periods and could increase downstream areas of riffle and pool complexes. These flow-related operational measures would have varying beneficial effects on approximately 22 miles of the North Fork, from the replacement Halligan Dam to Seaman Reservoir. The beneficial effects from the Winter Release Plan would be most impactful where the North Fork currently experiences very low or no flow (for example, below Halligan Reservoir in winter), but those benefits may diminish farther downstream where water enters the North Fork from its tributaries (for example, Rabbit and Lone Pine Creeks).

The Winter Release Plan dedicates continuous 3 cfs releases from the enlarged Halligan Reservoir to the North Fork from October 1 to April 30 of the following year. This operation would satisfy Fort Collins' wintertime return flow obligations, decrease winter consumption of other water sources (that is, Horsetooth Reservoir), and result in the concurrent environmental benefit of improving North Fork stream flows during periods when river flows are typically low (Section 4.2.1.2).

3.3.2.4 Flow Effects on the Poudre River Main Stem

On the Main Stem both above and below its confluence with the North Fork, the DEIS Section 4.3.3.4 indicates that the Halligan Project's modeled effects on-stream flows were considered within normal variability and are not meaningful. On the Main Stem above the confluence, a minor increase in stream flows above the Munroe Canal Diversion is expected. Below the Munroe Canal and Fort Collins pipeline diversions to the North Fork confluence, the Halligan Project is expected to cause minor reductions in annual stream flows as a result of diversions of Halligan Reservoir releases made by exchange. Minor reductions have occurred year-round, but were typically highest in June and July, mostly as a result of increased use of Fort Collins' changed rights in the Southside Ditches. As described in the DEIS, the Halligan Project would generally increase the fraction of water originating from the North Fork in the Main Stem downstream of the confluence by about 4 percent on an average annual basis.

⁴ 3 cfs would be released from Halligan Reservoir. The amount attributed to this release would be reduced by transit losses assessed by the water commissioner.

3.4 Surface Water Quality

Current conditions for surface water quality and potential surface water quality impacts of the Halligan Project were evaluated and summarized for this plan. Areas addressed include Halligan Reservoir, the North Fork, Seaman Reservoir, and the Main Stem.

3.4.1 Current Conditions for Surface Water Quality

Current conditions for surface water quality relevant to the Halligan Project are summarized in Appendix C, which includes overviews of surface water quality current conditions for Halligan Reservoir, Seaman Reservoir, the North Fork, and the Main Stem. The summary of current conditions in Appendix C is based on information presented in the DEIS as well as detailed recent studies (Hydros 2020, 2021a, 2021b, 2021c, 2021d, and 2022b). These recent studies rigorously document the conceptualization of existing major drivers of spatial and temporal variability in temperature and water quality based on evaluation of observed water-quality data, flow data, diversion patterns, reservoir operations, geology, point sources, land use, and spatially varying meteorological conditions. Appendix C is also supported by two memoranda (Hydros 2022a and 2022c). These two memoranda were developed to document key water-quality discussion topics from meetings held with CPW during the FWMEP development process.

3.4.2 Halligan Project Effects on Surface Water Quality

Halligan Project effects on surface water quality were anticipated based on the detailed conceptual understandings of Halligan and Seaman Reservoirs, the North Fork, and the Main Stem as well as consideration of Halligan Project effects on flows, as summarized in Appendix C and supported by Hydros Consulting, Inc. (Hydros; 2020, 2021a, 2021b, 2021c, 2021d, and 2022b). Fort Collins asserts that no water-quality impacts due to the Halligan Project are currently anticipated in Halligan Reservoir itself, or in Seaman Reservoir. Additionally, numerous meetings⁵ and rounds of comments and responses were completed with CPW and the Water Quality Control Division (WQCD) to communicate and coordinate on anticipated surface water-quality effects.⁶ Key discussion topics from those meetings are documented in Hydros publications (2022a and 2022c).

The approach to identifying potential Halligan Project surface water-quality impacts was largely based on consideration of existing conditions and anticipated changes relative to applicable aquatic life standards. A potential impact was anticipated if a concentration or temperature increase (or decrease in the case of dissolved oxygen [DO]) was anticipated because of the Halligan Project, and the system is currently either approaching or exceeding the corresponding aquatic life standard. Additionally, if a large (considering the magnitude of the aquatic life standard) concentration or temperature increase (or decrease in the case of DO) was anticipated to occur because of the Halligan Project, that was also identified as a potential impact on aquatic life. Both acute and chronic aquatic life standards were considered for temperature and water quality. Additionally, following discussions with CPW, literature-based iron concentrations below the currently applicable chronic total iron standard for aquatic life were also considered as thresholds of potential concern for chronic dissolved iron below Halligan Reservoir (refer to Section 3.4.2.5). In this process, iron stands as a unique case of consideration of potential impacts relative to values more stringent than current standards.

The rationale for this largely standards-based approach is that, for temperature and water quality, aquatic life regulations provide an existing, enforceable, quantifiable, state-specific regulatory basis for the identification of impacts. Fort Collins recognizes that state standards do not necessarily provide

⁵ Fort Collins met with CPW to discuss surface water quality on the following dates: July 9, 2020; February 3, 2022; February 17, 2022; February 24, 2022; April 14, 2022; May 3, 2022; May 17, 2022; May 20, 2022; July 18, 2022; and September 9, 2022.

⁶ Note that the analyses to be completed to identify impacts for the 401 Certification Application will differ from those completed for the FWMEP.

guidelines for the identification of impacts for the FWMEP for other resources areas (for example, surface water hydrology, aquatic resources, terrestrial wildlife, special-status species, and recreation) and that CPW may have additional concerns about potential Project effects on aquatic resources and wildlife that are not fully addressed by a standards-based approach but that may be addressed through this FWMEP. To understand and evaluate these additional potential concerns, Fort Collins and their technical consultants engaged in numerous meetings⁵ with CPW and the WQCD to discuss water quality and temperature current conditions, the approach to identifying potential water quality impacts, and the potential impacts identified. One outcome of these discussions, as noted previously, is the consideration of a threshold more stringent than existing standards as a special-case exception for iron below Halligan Reservoir, in response to CPW's expressed concerns regarding the protectiveness of the existing aquatic life standard for this constituent.

Additional temperature and water quality modeling is planned for the CWA Section 401 water quality certification process. This includes temperature modeling of the North Fork and Poudre River Mainstem, as well as temperature and water quality modeling of Halligan and Seaman Reservoirs. Note that modeling for Halligan Reservoir will simulate the effects of the relocation of the dam and the selected demolition plan. Modeling results will allow for more definitive determination of any long-term water-quality impacts associated with the new dam configuration that are not anticipated at this time. Modeling for the CWA Section 401 water quality certification process will also support the antidegradation analysis. Antidegradation analyses will allow for the identification of smaller-scale impacts, if present, relative to the baseline available increment, which cannot be reliably identified before numerical modeling. Any antidegradation impacts (including those relative to aquatic life standards) will be evaluated as part of the CWA Section 401 water quality certification application. Further, per the 2017 Memorandum of Understanding (CDPHE and CDNR 2017), intended to streamline the state's role regarding FWMEP and CWA Section 401 water quality certification permitting for water supply projects, CPW may coordinate with CDPHE on the CWA Section 401 water quality certification, including development of conditions. Therefore, in the event that additional aquatic life surface water-quality impacts are identified through modeling and associated antidegradation analysis to be conducted for the CWA Section 401 water quality certification process, CPW will have an opportunity to participate in development of appropriate CWA Section 401 water quality certification conditions for the Halligan Project. If the additional temperature and water quality modeling demonstrates that there are impacts on aquatic life that will not be addressed in the CWA Section 401 water quality certification, Fort Collins will work with CPW to develop additional mitigation measures as needed.

The following subsections describe each of the currently anticipated potential surface water-quality impacts of the Halligan Project. Additionally, the rationale for not anticipating DO impacts downstream of Halligan Reservoir is provided. A range of other key constituents/locations were considered, but ultimately no impacts are anticipated, as documented in recent memoranda to CPW (Hydros 2022a and 2022c). These memoranda reflect information presented in various communications and meetings with CPW.

3.4.2.1 Water Temperature on the North Fork from Halligan Reservoir Dam to Seaman Reservoir

Decreased summer flow rates at times because of the Halligan Project could cause or contribute to existing summer temperature exceedances (acute and chronic) in the North Fork between Halligan Reservoir and Seaman Reservoir. These impacts would be expected to occur at times in the months of July through September, varying by year, depending on hydrology.

3.4.2.2 Water Temperature on the North Fork Below Seaman Reservoir

Decreased summer flow rates at times because of the Halligan Project could cause or contribute to existing summer temperature exceedances (primarily chronic, but also potentially acute) in the CWA Section 303(d)-listed reach of the North Fork below Seaman Reservoir. These impacts would be expected to occur at times in the months of July through September, varying by year, depending on hydrology.

3.4.2.3 Dissolved Oxygen Below Halligan Reservoir

Recognizing the anticipated increase in residence time for Halligan Reservoir with the Halligan Project (that is, roughly doubling average monthly residence time through the summer based on modeled flows from 1980 to 2005; Figure 3-1; Hydros 2022a), the potential for low DO (that is, at levels of concerns to aquatic life) in releases from Halligan Reservoir was considered but ruled out as an anticipated impact. This section explains the considerations behind that decision.

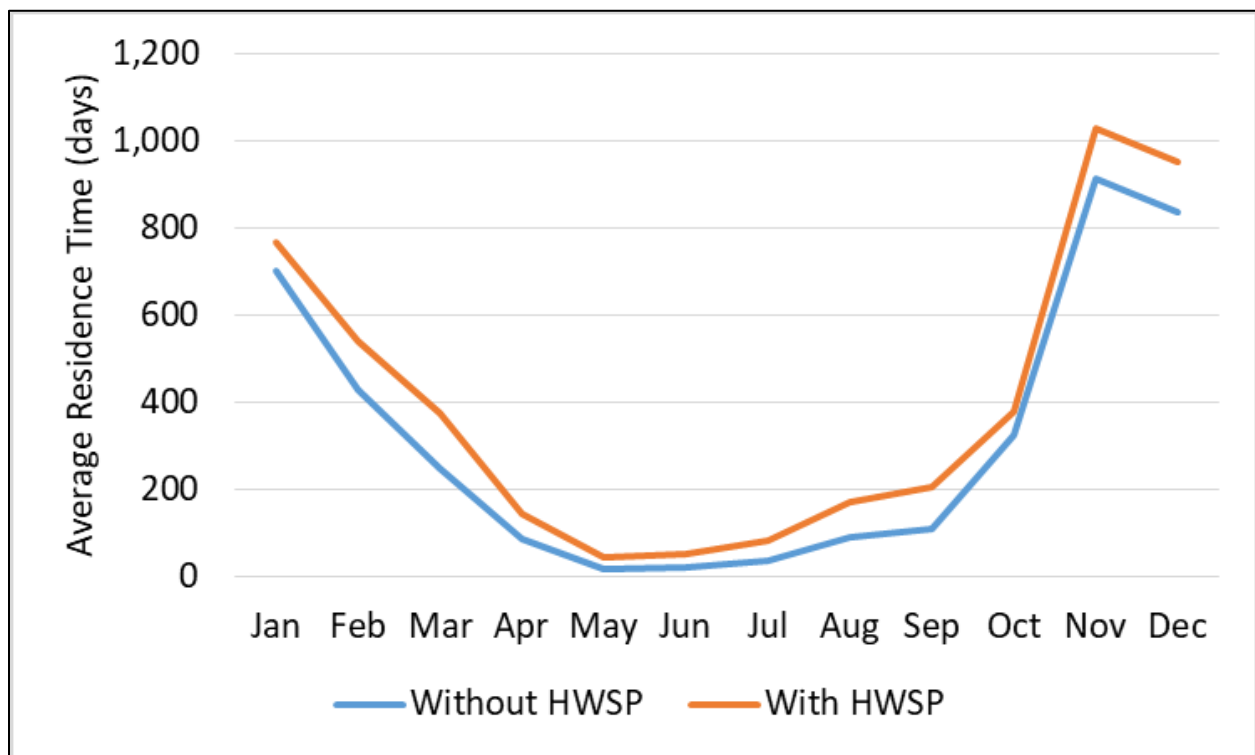


Figure 3-1. Average Monthly Residence Times With and Without the Halligan Project Based on Common Technical Platform Flows, 1980–2005

There is the potential that DO concentrations in the hypolimnion of Halligan Reservoir could decrease in some years in the summer because of the Halligan Project. The magnitude of this potential effect is uncertain but expected to be relatively small, given the competing factors associated with the reservoir expansion. These competing factors include an increase in summer residence time (more time for oxygen consumption in the hypolimnion through decay of organic matter/sediment oxygen demand), a potentially larger hypolimnion (providing a greater volume for dilution of any oxygen effects), and possible cooler bottom temperatures (slowing the rate of organic matter decay).

It is acknowledged that the net result of these competing factors could result in a small decrease in DO at the bottom of Halligan Reservoir. However, any such decrease is not expected to cause DO

concentrations to reach levels of concern for aquatic life below Halligan Reservoir for two reasons. First, in spite of existing cases of observed low DO in the Halligan Reservoir hypolimnion during stratification, there are no observed cases of DO concentrations approaching levels of concern (aquatic life standards) in the North Fork at the sampling location below the dam (NBH). Therefore, any small changes to DO at the bottom of Halligan Reservoir are unlikely to result in major changes at NBH that would cause concern. Second, there are plans to include passive aeration into the design of the new Halligan Reservoir dam outlet, as described in Section 4.2.2. This passive aeration should increase the rate of reaeration of releases, addressing any small decrease in DO that may occur because of the Project. Based on this, DO below Halligan Reservoir is discussed here, but it is not identified as an anticipated adverse impact of the Halligan Project. This anticipated response will be further evaluated (quantitatively) as part of the modeling planned for the CWA Section 401 water quality certification process.

3.4.2.4 Sediment Below Halligan Reservoir

Careful management of existing sediment in Halligan Reservoir is needed during construction of the new dam and for long-term operations of the reservoir with the Halligan Project. Without such construction and operational planning, it is possible that a detrimental sediment release event could occur.

3.4.2.5 Iron Below Halligan Reservoir

As described in Appendix C, CPW has raised concerns that the current iron standard for aquatic life is not adequately protective⁷ and that existing concentrations below Halligan are currently above levels of concern identified in recent literature (Cadmus et al. 2018). There is the potential that iron concentrations below Halligan Reservoir could increase in late summer with the Halligan Project because of increased duration of stratification and corresponding increased internal loading from sediments (though there is no concern that iron concentrations would approach the current aquatic life iron standard). CPW has expressed specific concerns about deposition of iron below Halligan Reservoir having the potential to inhibit periphyton growth and directly interfere with benthic macroinvertebrates and early life stages of fish. While there are no observations of iron deposition/precipitation onto benthic material below the current Halligan Dam, CPW is concerned this may occur in the future with the Halligan Project.

3.4.2.6 Water Temperature on the Main Stem from Munroe Canal Diversion to the North Fork

Halligan Project diversions at the Fort Collins Intakes could cause and/or exacerbate chronic summer temperature standard exceedances in most years by causing slight warming in a reach that already exhibits exceedances of temperature standards. These impacts would be expected to occur in the months of July through September, varying by year, depending on hydrology. Note that the majority of Halligan Project diversions from the Main Stem would occur at the Fort Collins pipeline diversion (as opposed to the Munroe Canal Diversion upstream). Therefore, the primary focus reach for this anticipated potential impact is the approximately 0.5 river mile reach from the Fort Collins pipeline diversion to the North Fork confluence. There will also be decreased flows (and corresponding increases in summer temperatures) in the 0.9 river mile reach between the Munroe Canal Diversion and the Fort Collins pipeline diversion, but the greater effects on flow rates and temperatures are expected to occur between the Fort Collins pipeline diversion and the North Fork confluence.

⁷ Note that, while CPW has expressed concerns with the existing aquatic life standard for total iron, WQCD has made it clear that the existing standards will be the basis for analysis in the HWSP 401 Certification Application, and a 251 ug/L will not be considered in that analysis as an aquatic life standard for total iron.

3.4.2.7 Water Temperature on the Main Stem from North Fork to Hansen Supply Canal

Halligan Project diversions at the Fort Collins Intakes could cause and/or exacerbate chronic summer temperature standard exceedances in most years by causing slight warming in the reach from the North Fork to Hansen Supply Canal that already exhibits exceedances of temperature standards. These impacts would be expected to occur in the months of July through September, varying by year, depending on hydrology.

Note that no adverse effects to water temperature on the Main Stem downstream of Hansen Supply Canal are anticipated from the Halligan Project. The small warming effects anticipated upstream of Hansen Supply Canal are not expected to cause issues downstream of Hansen Supply Canal because of the cooling influence of Hansen Supply Canal inflows in the summer months. As noted in Section 3.4.2, Hansen Supply Canal releases comprise a large fraction of summer flow where it enters the Main Stem (averaging 42 percent for July to September), making the river less sensitive to small changes in flow rates through Poudre River Segment 10b.

In spite of the combined effects of increased amount of diversions at Munroe Canal and Fort Collins pipeline diversions with increased summer flows from the North Fork, adverse water quality effects from the Halligan Project, in terms of aquatic life, are not anticipated on the Main Stem below the North Fork. While the Halligan Project will change the fraction of flow in the Poudre River coming from the North Fork, the changes are expected to be small (Figure 3-2). As noted in Section 3.4.2, the largest differences in water quality between the North Fork and the Main Stem upstream of the North Fork occur in summer months, but minimal percent changes in North Fork contributions to Main Stem flows are expected in summer (Figure 3-2). Additionally, these small percent flow changes in summer are at the time of year when the North Fork contributes the smallest percentage to the Main Stem, further minimizing effects on Main Stem water quality. Beyond monthly average effects, review of individual years of modeled flows with and without the Halligan Project show minimal changes to the resulting distribution of flow contributions from the North Fork to the Main Stem, particularly in summer months (Hydros 2022). In short, the small anticipated changes in the fraction of flow from the North Fork would not be expected to cause a notable shift in water quality on the Main Stem, particularly given the fact that no aquatic life water-quality standards (other than temperature) are currently being approached or exceeded on either the North Fork or the Main Stem downstream of the North Fork.

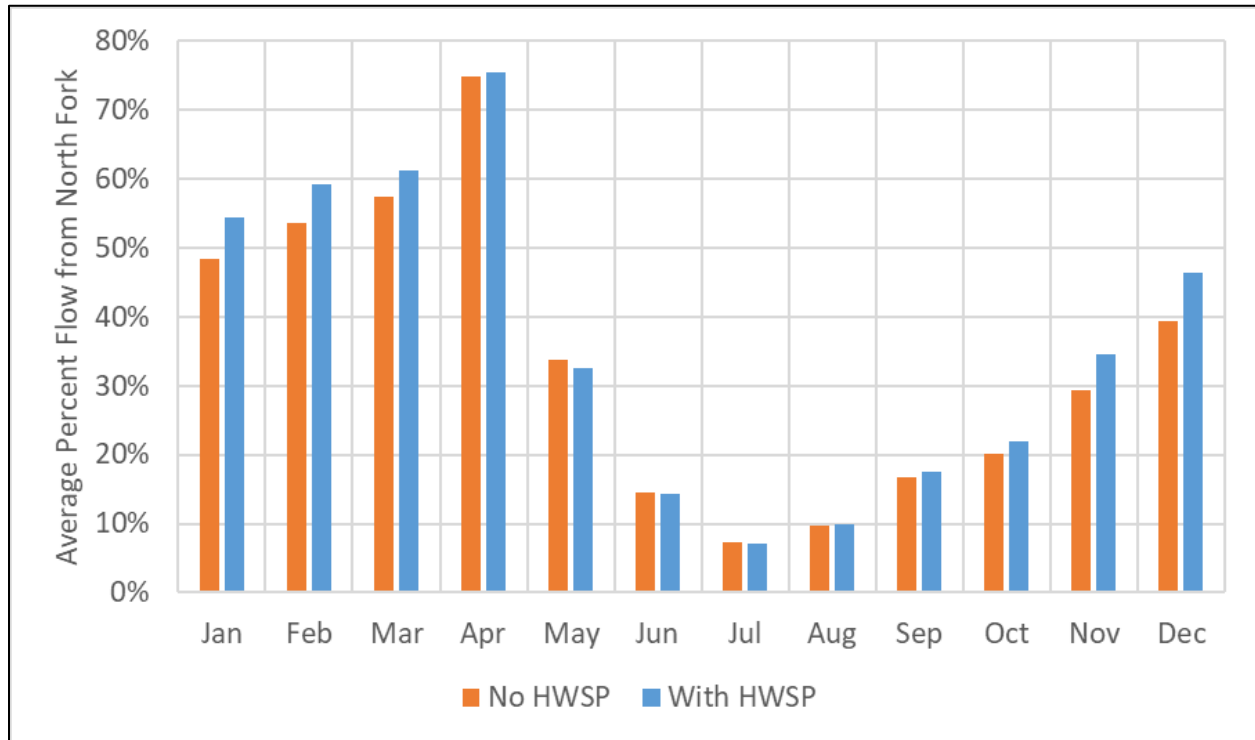


Figure 3-2. Average Monthly Percentage of Flow from the North Fork on the Main Stem below the North Fork Confluence^[a]

^[a] Based on modeled flows of future conditions with and without the Halligan Project, 1980 to 2005. Modeled flows reflect the combined Halligan Project effects of increased diversions upstream of the North Fork and changes to flow patterns from the North Fork to the Main Stem. Note that these flows include the Summer Low-flow Plan and Winter Release Plan (these are incorporated into all modeled flows with the Halligan Project), but these flows do not include an agreement with the City of Greeley for immediate pass-through of those mitigation flows through Seaman Reservoir.

3.5 Aquatic Resources

Aquatic biological resources include fish, benthic macroinvertebrates, periphyton, and aquatic plant communities and their habitat. The suitability of a stream to support aquatic resources is influenced by multiple factors, including hydrology (Section 3.3) and water quality (Section 3.4), geomorphology, and riparian vegetation. The North Fork below Halligan Reservoir provides mountain-to-plains transitional habitat suitable for small-bodied native fish, as well as trout and other species. Throughout consultation with CPW (for example, meetings between CPW and Fort Collins in fall 2020) for the Halligan Project, CPW indicated that their primary focus for the North Fork below Halligan Reservoir is to protect small-bodied native fish species and rainbow trout. This section describes the geomorphology and currently present fish species assemblages in the North Fork to provide a baseline understanding of current conditions for aquatic resources, with a particular focus on small-bodied native fish and rainbow trout.

3.5.1 Current Conditions for Aquatic Resources

The DEIS Section 3.8.5 describes modified flow regimes and habitat conditions in the North Fork compared to historical conditions because of the operation of Halligan Reservoir, built in 1909, and the Seaman Reservoir, built in 1941. DEIS Section 3.8.5 states that currently, stream habitat upstream of Halligan Reservoir includes a mix of approximately half riffles and half pools, and runs-glides. The banks are stable, and the substrate is a mix of gravel, cobble, and boulders. There was not excessive

sedimentation of the substrate (Corps 2019). Halligan Reservoir, the North Fork flows through Phantom Canyon, which laterally confines the river channel with little to no overbank/floodplain areas. A notable transition in river condition occurs within Phantom Canyon at the North Poudre Canal Diversion; immediately downstream of the North Poudre Canal Diversion, the thalweg becomes indistinct, and the North Fork is often dry, filled with bed material, and heavily encroached by vegetation. As described in the DEIS and summarized in Section 3.3.1, the total flow of the North Fork is sometimes captured by the North Poudre Canal Diversion, and releases from both the Halligan and Seaman Reservoirs are sometimes reduced to zero, leading to zero-flow days and dry-up points throughout the year. In the dry sections, habitat for aquatic organisms is temporarily eliminated, although some of the functions of stream habitat persist in a limited way through the dry periods (for example, some organisms can find limited habitat refuge in isolated pools or by burrowing into moist substrate, and isolated sections of deep pools and upwelling groundwater are present downstream of the North Poudre Canal Diversion that provide refuge).

The DEIS Section 3.8.3.4 summarizes fish survey data from 1959 through 2017 based on the presence of species and relative abundance. The North Fork supported mostly warmwater fish in terms of number of species, but brown trout (*Salmo trutta*) was often the most abundant during recent sampling events (CPW 2018).

Species assemblage data (unpublished), collected between 1960 and 2019 (CPW 2020a) was analyzed to identify specific small-bodied native fish of interest in the North Fork that may be potentially affected by shifting operational strategies. The fish survey of the North Fork used for analysis was conducted during November 2017 (CPW 2018). Information obtained from the 2017 Fishery Sampling Survey Summary provides the information about the fish communities in the North Fork below Halligan Reservoir. Despite the altered flow regime in the North Fork, the 2017 Fishery Sampling Survey Summary notes that the fishery within Phantom Canyon has maintained a viable trout population and native fish component. These fish sampling efforts indicated high densities of introduced salmonids and small-bodied native fish. Five species native to the drainage were collected in 2017 in the North Fork below Halligan Reservoir and above the North Poudre Canal Diversion. Of those five native species, only two were observed downstream of the North Poudre Canal Diversion. Non-native species were found both above and below the North Poudre Canal Diversion.

Unpublished data provided by CPW (CPW 2020a) collected over the past 59 years on the North Fork between Halligan and Seaman Reservoirs, including the 2017 study described in the previous paragraph, identified the following species in the North Fork:

- **Native species:** black bullhead (*Ameiurus melas*), creek chub (*Semotilus atromaculatus*), green sunfish (*Lepomis cyanellus*), Iowa darter (*Etheostoma exile*), johnny darter (*Rhinichthys cataractae*), fathead minnow (*Pimephales promelas*), longnose dace (*Rhinichthys cataractae*), longnose sucker (*Catostomus larkia*), and white sucker (*Catostomus commersonii*).
- **Introduced species:** brook stickleback (*Culaea inconstans*), brown trout (*Salmo trutta*), cutbow (*Oncorhynchus larkia* × *mykiss*), rainbow trout (*Oncorhynchus mykiss*), and yellow perch (*Perca flavescens*).

Spawning of small-bodied native fish in the North Fork is temporally limited by seasonal water temperatures. Species observed in the North Fork below Halligan Reservoir require temperatures that range from 12 degrees Celsius (°C) to 29°C (Woodling 1985). Based on temperature data analyzed from 2016 to 2020 (Hydros 2021d), the North Fork below Halligan Reservoir currently maintains suitable spawning temperatures for small-bodied native fish from approximately June to October.

3.5.1.1 Current Conditions for Macroinvertebrates

DEIS Section 3.8.3.6 discusses current conditions for macroinvertebrates in the North Fork. The section references existing macroinvertebrate data available from the CDPHE (2012), Miller Ecological Consultants (Miller) (2009), and the Nature Conservancy (2012), along with additional data collected in 2015 by GEI in support of the DEIS (GEI 2019).

DEIS Section 3.8.3.6 summarizes the current conditions for macroinvertebrates on page 3-146:

Benthic macroinvertebrate data were available from at least one site in each segment, primarily from the current conditions time period. In Segment 1 (below Halligan Dam), an abundant community of invertebrates exists, including some sensitive mayfly, stonefly, and caddisfly species, suggesting water quality is sufficient to support sensitive species. However, the number of taxa, number of mayfly, stonefly, and caddisfly species, and diversity are lower than expected at the site downstream of Halligan Reservoir compared to other sites in the study area, indicating the community may be experiencing some stress. The reduced number of taxa and low diversity downstream of Halligan Reservoir is a common characteristic of tailwater benthic invertebrate communities due to the altered physical and chemical environment downstream of reservoirs.

The DEIS Section 4.8.3.4.2 analysis found that the macroinvertebrate multimetric index (MMI) scores improved in Segment 1 (Halligan Reservoir Outlet to the North Poudre Canal Diversion) from 43 in 2011 to 70 to 82 in 2015 (well above the attainment threshold). MMI scores collected by GEI in 2015 in Segment 2a (North Poudre Canal Diversion to Rabbit Creek) ranged from 76 to 79 (well above the attainment threshold). MMI scores in Segment 2b (Rabbit Creek to Seaman Reservoir Inlet) were 47 in 2005 and 67 in 2007 (the MMI score of 67 was above the threshold for Attainment in 2007). The data for Segment 3 (Seaman Reservoir Outlet to Confluence) suggest that the tailwater effect seen below Halligan Reservoir is also occurring downstream of Seaman Reservoir, resulting in a high density of a few species and relatively low diversity index values. A MMI score of 46 was calculated for the spring 2003 sample. Three samples from 2015 had MMI scores ranging from 64 to 72 (above the attainment threshold of 52), suggesting recent improvements in the macroinvertebrate community.

No macroinvertebrate sampling has occurred above Halligan Reservoir; however, one may assume a high MMI score in the reach above Halligan Reservoir due to the relatively pristine stream conditions including a healthy riffle-pool plan form, boulder-cobble-gravel substrate, and natural stream hydrology.

3.5.2 Halligan Project Effects on Aquatic Resources

The Halligan Project's influence on aquatic resources is closely tied to surface water hydrology, as described in Section 3.3. Therefore, both the beneficial and adverse effects on aquatic resources generally follow those described for surface water hydrology in Section 3.3. The DEIS Section 4.3.8 (Corps 2019) and supporting technical reports describe the Halligan Project's expected beneficial and adverse effects on the aquatic resources and river morphology of the North Fork (GEI 2016; WEST 2017b; City of Fort Collins 2017). In the DEIS, Halligan Project effects were evaluated by predicting the influence of flow changes on available habitat used by aquatic organisms, including riffle and pool complexes, which are special aquatic sites identified in the Section 404(b)(1) guidelines.

As discussed above in Inundation Effects (Section 3.3.2.1), the Halligan Project would inundate two sections on the North Fork: (1) permanent the inundation of a short (approximately 200 feet) section of the North Fork between the existing dam and the replacement dam (Downstream Permanently

Inundated 200 feet); and (2) the intermittent inundation of an approximately 0.75 mile stretch of the North Fork upstream of the existing Halligan Reservoir (Upstream Intermittently Inundated 0.75 mile).

- **Downstream Permanently Inundated 200 Feet.** During construction the aquatic community in a short section (approximately 200-feet) of the North Fork would be temporarily disrupted during the construction of the replacement dam in between the existing and replacement dam. In addition, another portion of the reach, approximately 200 feet downstream of the replacement dam down to the temporary construction river crossing, will be impacted. Once construction is complete the approximately 200-feet between the replacement dam and the existing dam would be permanently inundated, converting the controlled river habitat to reservoir.
- **Upstream Intermittently Inundated 0.75 Mile.** DEIS Sections 4.8.3.1 and 4.8.3.4.1.1 discuss the intermittent inundation of the North Fork would transition the aquatic environment of the 0.75-mile free-flowing (lotic) aquatic habitat to an intermittently ponded (lentic) inlet channel. The transition would result from significantly higher levels of fine sediment which will eliminate pool habitat and reduces cobble and gravel habitat that could be used for fish spawning. DEIS Sections 4.8.3.1 and 4.8.3.4.1.1 identify the loss of approximately 0.75 mile of the North Fork, including approximately 3.5 acres of free-flowing riffle and pool complexes as major adverse effect.

DEIS Section 4.8.3.4.1.1 describes the North Fork as a coldwater stream community of fish, benthic macroinvertebrates, and algae that would be replaced with a reservoir community as a result of the Halligan Project. Many of the fish species, such as the recreationally important brown and rainbow trout, would still be able to use the reservoir habitat; however, some functions such as spawning would be eliminated in the inundated sections as described above in Section 3.3.2.1. Other species, such as longnose dace, prefer stream habitat and likely would not use the reservoir (Corps 2019; DEIS Section 4.8.3.4.1.1). The permanent inundation of the controlled stream below the existing dam and the intermittent inundation and permanent sedimentation of 0.75 mile of natural free-flowing stream, as well as associated lotic system functions, would be a permanent direct impact from the Halligan Project that would eliminate existing lotic aquatic habitat upstream.

DEIS Section 4.8.3.4.4 describes the benefit of improved stream flows from operation of the enlarged reservoir, including minimum winter and summer flow releases and peak flow bypasses (refer to Section 4.2.1 of this FWMEP) for a distance of approximately 22 miles along the North Fork below Halligan Reservoir. The DEIS Section 4.8.3.4.1.3 states that the Halligan Project would maintain instream habitat for aquatic organisms throughout the year, thus eliminating dry riverbed conditions and resulting in major seasonal beneficial effects for aquatic resources from Halligan Reservoir downstream to the North Poudre Canal return flow (approximately 8 miles) on the North Fork with moderate beneficial effects from the North Poudre Canal return flow down to Rabbit Creek (approximately 2 miles), and minor benefits extending from the Rabbit Creek down to Seaman Reservoir, a total distance of approximately 12 miles. The Halligan Project would increase stream flows in winter and other traditionally low-flow periods, improve river connectivity during low-flow periods from a condition with frequent dry-up points, and increase downstream areas of riffle and pool complexes. The enlarged reservoir operations would eliminate almost all⁸ zero-flow days at frequent dry-up points and minimize extreme flow fluctuations from Fort Collins' use of the enlargement. The DEIS notes that additional flows would result in a more robust plant community and improve the fishery health of the North Fork. As described in the DEIS, about 5.8 to 12.1 acres of riffle and pool complexes in the North Fork would

⁸ See potential exceptions at end of this section 4.2.1.1 Winter Release Plan "Curtailed of the Winter Release Plan" and section 4.2.1.2 Summer Low-flow Plan "Curtailed of the Summer Low-flow Plan".

experience continuous flow and no zero-flow days. Table 3-1 summarizes Halligan Project effects on riffle and pool complexes on the North Fork.

Table 3-1. Summary of Halligan Project Effects on Riffle and Pool Complexes

Area	Effect	Riffle and Pool Complex Area (acres)
North Fork upstream of existing reservoir (DEIS Section 4.8.3.4.1.2)	Loss due to inundation	-3.5
North Fork between existing dam and replacement dam (based on geographic information system [GIS] evaluation by Jacobs)	Loss due to inundation	-0.3
North Fork downstream of replacement dam to Rabbit Creek 10 miles, which is 4 miles below the North Poudre Canal Diversion (DEIS Section 4.8.3.4.1.3)	Benefit from year-round flows	+5.8 to +12.1 ^[a]
Net Effect		+2.0 to +8.3^[a]

^[a] Varying calculations have been used to determine the area of restored riffle-pool complexes downstream of the North Poudre Canal Diversion.

3.5.3 Wetlands

Wetlands effects are regulated under the CWA and will be addressed through the SWA Section 404 permitting process. Wetlands conditions, effects, and mitigation are regulated by the Corps. They will be described in the FEIS, and are not addressed in this FWMEP. Fort Collins will prepare a wetlands mitigation plan independent of this FWMEP for future authorization by the Corps as part of the CWA Section 404 permitting process.

Wetland habitats exist around Halligan Reservoir and along the North Fork upstream and downstream of the reservoir. Wetlands provide an important habitat type for both terrestrial and aquatic wildlife of the region. Many species of amphibians, reptiles, birds, and mammals utilize these habitats at various times in their life. Several of these species are uniquely adapted to these aquatic environments. Wetland habitats are especially vital for migratory birds, and numerous big game species such as deer, elk, and bear will commonly use wetlands for food and shelter. The DEIS notes that the net impact on wetlands from the Halligan Project would be moderate. Although inundation would result in the long-term loss of 16.74 acres of wetland (10.92 acres of palustrine scrub-shrub wetlands, 4.89 acres of lacustrine littoral emergent wetlands, 0.021 acre of palustrine emergent wetlands, and 0.91 acre of forested wetlands) mostly along or below the ordinary high water mark of the existing reservoir, nearly 11 acres of wetland are expected to re-establish along the enlarged reservoir ordinary high water mark. The Halligan Project flow-related operational measures (Section 4.2.1) may improve river connectivity during low-flow periods between Halligan Reservoir downstream to the North Poudre Canal return flow on the North Fork, and provide more wetted area that would benefit approximately 22 miles of the North Fork, and may improve riparian wetlands.

3.6 Terrestrial Wildlife Including Big Game

Habitat within the Halligan Project Area supports a diverse array of mammals, and includes undeveloped and undisturbed forest, shrubland, and grassland areas, as well as riparian communities and wetlands. The DEIS identifies a variety of large and small mammals that range within the Project Area, including game species such as elk (*Cervus canadensis*), mule deer (*Odocoileus hemionus*), white-tailed deer

(*Odocoileus virginianus*), Rocky Mountain bighorn sheep, mountain lion (*Puma concolor*), black bear (*Ursus americanus*), and pronghorn (*Antilocapra americana*). Rocky Mountain bighorn sheep are discussed in Section 3.7.

3.6.1 Current Conditions for Big Game

The DEIS describes similar conditions for big game species (elk, deer, and pronghorn). For elk, the Halligan Project is within CPW's Elk Data Analysis Unit E-4—the Red Feather-Poudre Canyon Elk Herd. The primary impact on elk habitat in this data analysis unit is the growth of small acreage rural subdivisions and the resulting loss of overall and winter elk range.

The DEIS indicates that both mule deer and white-tailed deer inhabit CPW's Deer Data Analysis Unit D-4—the Red Feather-Poudre Canyon Deer Herd, which encompasses the Halligan Project Area. Similar to elk, the primary impact on deer is the growth of rural subdivisions and small acreage developments that would result in the loss of deer overall and winter range. As described in the DEIS, CPW identifies potential water development projects within the Data Analysis Unit D-4 as potentially having a pronounced cumulative impact on overall and winter deer range for the Red Feather-Poudre Canyon Deer Herd. In the early 2000s, the deer herd population objective was decreased to reduce the prevalence of chronic wasting disease. The population objective has since been increased because chronic wasting disease is no longer affecting the herd.

Pronghorn are common in undeveloped grasslands and shrublands of eastern Colorado, including the area around Halligan Reservoir. The Halligan Project is within Pronghorn Data Analysis Unit PH33. As noted in the DEIS, CPW mapped pronghorn range covering Halligan Reservoir, and has identified a concentration area where winter population densities are greater than surrounding areas from the eastern end of the reservoir and extending to the north and east. The DEIS notes that CPW does not identify any significant issues related to this herd.

3.6.2 Current Conditions for Other Wildlife

The DEIS notes that grasslands and shrublands in and around the Halligan Project can potentially support healthy populations of small mammals, such as rabbits, squirrels, chipmunks, mice, and other rodents, and the predator species that feed on small mammals, such as coyote, fox, and badger. Riparian areas and wetlands can support additional species, including raccoon, muskrat, meadow vole, and Preble's meadow jumping mouse. Deciduous trees near riparian areas, as well as rock crevices, can provide potential roosts for bats. Rocky outcroppings also provide feeding and general cover for a variety of animals.

3.6.3 Halligan Project Effects on Big Game and Other Wildlife

The long-term impacts of the Halligan Project on most small, medium, and large terrestrial mammals would be negligible or not measurable. As described in the DEIS, potential long-term big game range impacts would result from habitat inundation caused by new inundation from the enlarged reservoir (approximately 138 acres). As a result, some terrestrial vegetation and wildlife habitat would be replaced with open water habitat, thereby reducing habitat availability for terrestrial (for example, big game, small mammals, and upland migratory birds) species, while increasing habitat for aquatic species (for example, waterfowl). The access roads, borrow pits, and dam footprint would result in a smaller permanent impact (approximately 27 acres). Temporary impacts (approximately 31.5 acres) would be related to construction and include relocation of existing overhead power lines and poles, removal of vegetation around the dam and reservoir, as well as facilities or areas that would be restored following construction, including access roads and staging areas. Proposed mitigation for vegetation and habitat loss impacts on the Cherokee State Wildlife Area (SWA) are discussed further in Section 4 of this plan.

The DEIS noted that indirect effects on wildlife and big game could involve stress and displacement of wildlife caused by noise and disturbance from construction activities, transportation of people and materials, and general human activity in the reservoir and NPIC diversion areas. In addition, vehicle and equipment emissions and fugitive dust also might displace wildlife. Proposed avoidance and minimization measures for noise and construction-related activities (that is, timing restrictions for the relocation of overhead power lines and poles at Halligan Reservoir and for the North Poudre Canal and Calloway Diversions) are discussed in Section 4 of this FWMEP. There may be a shift in the movement of some big game species as a result of construction activities and disturbances that could result in increased collisions with vehicles. This displacement and disturbance of big game may place additional stress on individuals of these species; however, the DEIS determined that it is likely to have a negligible effect on elk, mule deer, white-tailed deer, and pronghorn populations. Wildlife resources at Halligan Reservoir could also be indirectly affected by the possible introduction or establishment of noxious weeds, soil erosion, and potential alteration of stream flows in the North Fork. The potential effects of altered flows along the North Fork because of the Winter Release Plan and Summer Low-flow Plan are expected to have an overall minor benefit to wetland and riparian vegetation on the North Fork. Noxious weed establishment and soil erosion would affect native vegetation communities. A change in vegetation resulting from the establishment of noxious weeds and soil erosion may result in a lower carrying capacity for some species in the area; however, it would be unlikely to result in complete loss of suitable habitat. However, the Project will minimize construction impacts through the development and implementation of a noxious weed management plan and revegetation and erosion control plans. The enlarged reservoir may also have a negligible to minor effect on wildlife movement as a result of inundation of existing wildlife trails on the North Fork upstream of the existing reservoir. The Corps anticipates that wildlife would acclimate quickly to these changes that would occur in the inundation area because the existing reservoir's water level varies seasonally.

The DEIS evaluated regional species of big game, other mammals, birds, reptiles, and amphibians for potential effects of the Halligan Project on individual species or supporting habitat. Based on that evaluation, it is expected that the Halligan Project would result in no or negligible adverse effects on the following species:

- Elk
- White-tailed deer
- Pronghorn
- Black bear
- Mountain lion
- Other small, medium, and large terrestrial mammals
- Raptors
- Waterfowl
- Migratory birds
- Bats
- Amphibians
- Reptiles

In the DEIS, the Corps assumed that long-term effects such as limiting range types, and suitable habitat within those range types, were the most relevant effects for big game species. The mule deer was the only big game species identified in the DEIS that would experience impacts on suitable habitat within a limiting range type as a result of the Halligan Project, with approximately 118 acres (approximately 0.09 percent) of impact on severe winter range. The DEIS notes that effects on mule deer movement

from the Halligan Project, including inundation of the North Fork within the Cherokee SWA, would be negligible to minor because known migration corridors would not be affected.

Table 3-2 summarizes permanent and temporary impacts on big game range from the Halligan Project⁹ relative to range type in the data analysis unit (the geographic area that includes year-round range of a big game herd).

Table 3-2. Cumulative, Permanent, and Temporary Impacts of Halligan Project on Big Game Habitat

Range Type	Range Type in the DAU (acres), from DEIS Table 4-55	Permanent Impacts (acres) ^[a]	Temporary Impacts (acres)	Range Loss as Percentage of DAU	Range Loss as Percentage of GMU ^[b] (acres)	Effect Determination in DEIS
Bighorn sheep—overall range (Section 3.7) ^[c]	208,771	155.5	31.5	0.07%	0.15%	Negligible
Elk—overall range	208,771	165.0	31.5	0.08%	0.09%	Negligible
Mule deer—overall range	1,145,320	165.0	31.5	0.01%	0.09%	Minor
Mule deer—severe winter range	128,724	165.0	31.5	0.13%	0.15%	Minor
Mule deer—winter range	613,074	165.0	31.5	0.03%	0.09%	Minor
Pronghorn—overall range	109,535	165.0	31.5	0.15%	0.73%	Negligible
Pronghorn—winter range	174,203	165.0	31.5	0.1%	0.75%	Negligible
White-tailed deer—overall range	239,940	22.7	13.6	0.01%	0.14%	Negligible

^[a] DEIS Table 4-55 presents slightly lower permanent impacts (up to 132.5 acres). This table presents estimated cumulative long-term direct effects would result from inundation (138 acres) and direct footprint impacts associated with dam replacement construction (27 acres), for a total of approximately 165 acres.

^[b] The Lone Pine bighorn sheep herd are in GMU S40, while the elk, deer, and pronghorn are part of GMU 191.

^[c] The DEIS based bighorn sheep impacts on DAUs RBS-1 for an overall range area of 208,771 acres. Based on input from CPW, bighorn sheep range has been further evaluated in this FWMEP based on the GMU level for the Lone Pine herd, as described in Section 3.7. Based on that analysis, Project-related habitat loss for bighorn sheep may be up to 0.15 percent of overall range.

DAU = data analysis unit

GMU = game management unit

⁹ Permanent impacts on big game range presented here differ slightly from the impacts listed in Table 4-55 of the DEIS because of updated dam design elements.

3.7 Rocky Mountain Bighorn Sheep

3.7.1 Current Conditions for Bighorn Sheep

Halligan Reservoir lies within the known overall range and habitat use area of the Lone Pine bighorn sheep herd (also known as the S40 Herd). According to CPW, the Lone Pine herd is a low-elevation herd that uses a range of habitat throughout the year. CPW has expressed concerns that the current CPW species activity mapping (SAM) for the Lone Pine herd is incomplete based on recent CPW data collection efforts; thus, CPW has advised Fort Collins to use caution when applying CPW SAM data to this herd.

The current population of the Lone Pine herd has declined from an estimated 35 bighorn sheep in 2016, to 15 bighorn sheep in 2021. The cause for the population decline is unknown (CPW 2021b). Range maps based on the CPW SAM data were evaluated in the DEIS and indicate that Halligan Reservoir is within the bighorn sheep overall and summer range. Anecdotal evidence referenced in the DEIS has subsequently been confirmed by CPW that bighorn sheep use the area below Halligan Dam, Phantom Canyon, and adjacent habitat, and are frequently seen approximately 2.5 miles south of Halligan Reservoir and approximately 1 mile west of Phantom Canyon Ranch near Calloway Hill. In addition, members of Lone Pine herd use a linkage area that connects habitat east of Highway 287 to Phantom Canyon and farther southwest to the Lower Cherokee and Lone Pine units of the SWA. The bighorn sheep habitat areas as provided by CPW have been identified on Figure 3-3.

3.7.2 Lone Pine Herd Additional Data Evaluation

Fort Collins performed an additional evaluation of bighorn sheep conditions to support discussions with CPW. Figure 3-3 shows the best available data on the Lone Pine herd that were reviewed for the Halligan Project and mitigation strategy development. The habits of this herd, including home range, habitat use, production areas, and natural movement routes, have not been thoroughly studied. However, compilation of available data and local observations indicate that the Lone Pine herd covers more than approximately 16 square miles of viable habitat near the Halligan Project. CPW is using trail cameras and radio collars to collect Lone Pine herd range and movement data. This data collection is ongoing, and CPW does not expect to have quantitative data available in the near term (CPW 2021a).

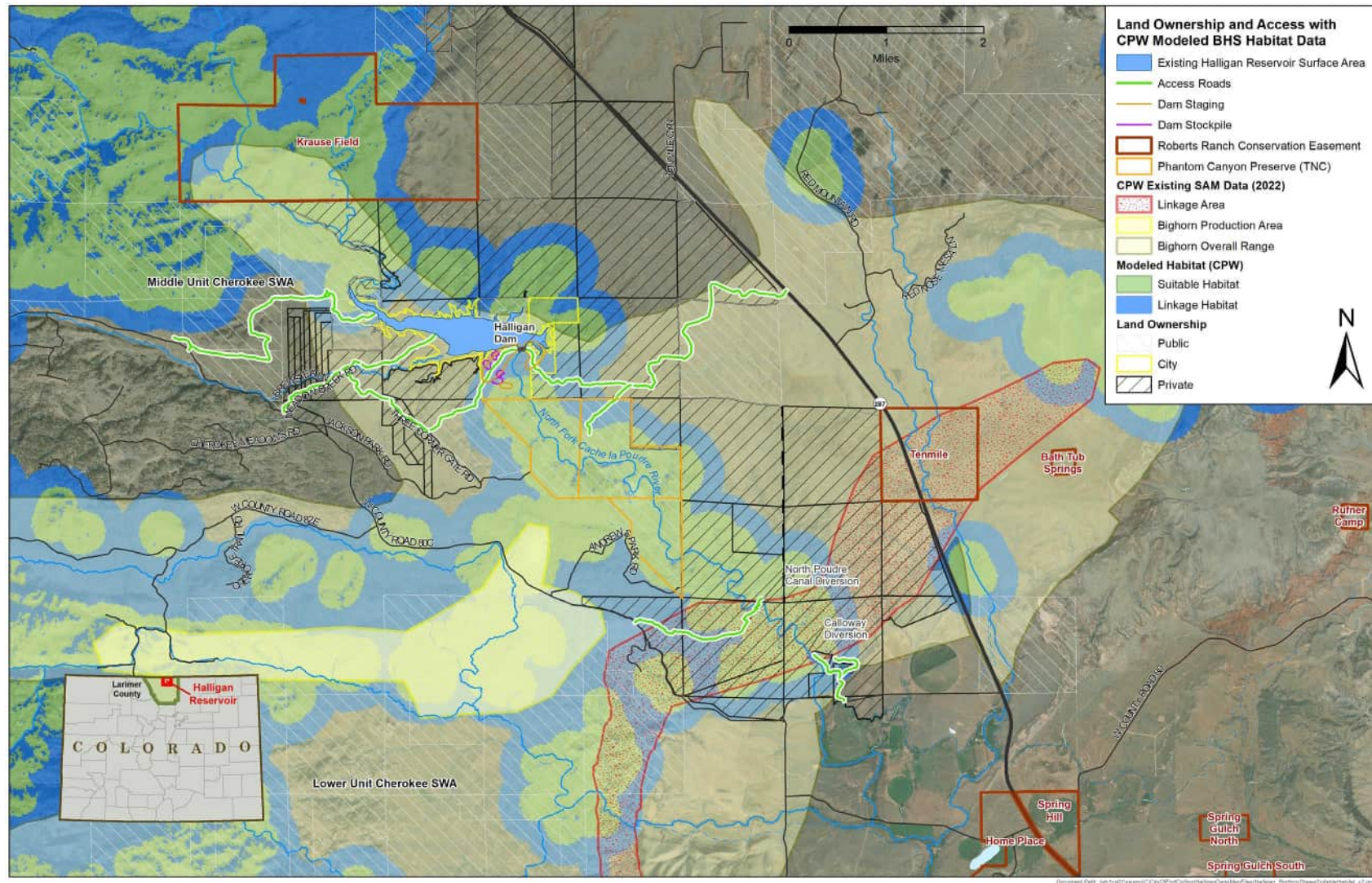


Figure 3-3. Halligan Project Elements and Bighorn Sheep Suitable Habitat

The following summarizes the current understanding of the Lone Pine herd range and habits around the Halligan Project Area.

- **Upstream of Halligan Reservoir**—Based on CPW data (CPW 2021b), the Lone Pine herd uses available habitat in the Cherokee Park area. Bighorn sheep have been documented as far north as the Middle Unit of the Cherokee SWA, Phantom Canyon, and south of County Road 74E (Red Feather Lakes Road).
- **Halligan Reservoir**—The extent of herd range use at and near the Halligan Dam is not well understood. To date, the areas immediately adjacent to Halligan Reservoir near the existing dam have not been mapped as suitable habitat by CPW (Figure 3-3). Suitable habitat is determined based on vegetative and topographical habitat features, namely steep rocky slopes with escape cover near open areas suitable for grazing. Field observations from CPW staff and the public indicate that bighorn sheep cross Phantom Canyon below Halligan Dam generally between North Poudre Canal Diversion and the Calloway Diversion with increased presence in the spring and fall months.
- **North Fork downstream of Halligan Reservoir**—Trail camera images and field observations document Phantom Canyon use by the Lone Pine herd throughout the year. Bighorn sheep are frequently seen approximately 2.5 miles south of Halligan Reservoir and approximately 1.0 mile west of The Nature Conservancy's Phantom Canyon Ranch near Calloway Hill. The linkage area that connects the habitat east of Highway 287 along Stonewall Creek and the ridgeline to Phantom Canyon where it then widens in the vicinity of Calloway Hill on to the Cherokee SWA, including parts of Rabbit Creek Ranch. This linkage area is important because it provides suitable temporary habitats and allows for the movement of individuals or the Lone Pine herd population to known larger suitable habitat patches across a fractured landscape.

Surrounding areas—Ram bands have been seen east of Highway 287 along Stonewall Creek using prominent escarpments (Steamboat Rock area), and with annual fidelity, the herd uses private lands east of the Lone Pine Unit of the Cherokee SWA and east of Phantom Canyon. Near Stonewall Creek upstream of its confluence with the North Fork, local residents have observed individual rams annually from approximately March to October, east of Highway 287 on the 10-mile parcel of Roberts Ranch, as far north as the Steamboat Rock land feature, and east to approximately 1.0 mile east of Steamboat Rock. Rams have been hit and killed by vehicles on Highway 287 in this area (Thode, pers. comm. 2021).

3.7.3 Lone Pine Herd Management Challenges

According to CPW (CPW 2021b), an existing and ongoing challenge in managing the Lone Pine herd is the known proximity to domestic sheep grazing, which has the potential to introduce disease to wild bighorn sheep. Several land managers within the Lone Pine herd-occupied range along the North Fork River corridor use domestic sheep and goats for weed management. Although domestic sheep can be an effective vegetation management tool, this practice increases the chance of commingling between the Lone Pine herd and domestic sheep. Domestic sheep grazing has been occurring seasonally from late April through mid-July since 2016 on private land within the range of the Lone Pine herd. The greatest concern of commingling between the Lone Pine herd and domestic sheep is the transmission of deadly pathogens between domestic sheep populations and bighorn sheep. Fort Collins staff have been exploring opportunities to effectively separate the Lone Pine herd and domestic sheep in this area for several years; however, because of local interest, domestic sheep management practices have not changed in this area.

An additional challenge identified by CPW is the degradation of bighorn sheep habitat on the Cherokee SWA's Lower Unit, Roy Brown Unit, and Lone Pine Unit over the past decade caused by invasive

cheatgrass (*Bromus tectorum*). Cheatgrass has diminished the quality of bighorn sheep habitat on the landscape where once high-value bighorn sheep habitat occurred. Figure 3-3 shows the best available data on the Lone Pine herd that have been reviewed for the Halligan Project and mitigation strategy development.

3.7.4 Halligan Project Effects on Rocky Mountain Bighorn Sheep

The direct and indirect effects from the Halligan Project described for terrestrial wildlife and big game in Section 3.6 generally apply to bighorn sheep. The DEIS notes that severe winter range is the limiting range type for bighorn sheep. As noted in the DEIS, because there is no loss of bighorn sheep severe winter range, both long- and short-term direct effects of the Halligan Project on bighorn sheep would be negligible, with no measurable or perceptible consequences to the Lone Pine herd from long-term habitat loss created by inundation.

However, CPW has asserted that the Lone Pine herd in the affected area is a low-elevation herd that has no defining seasonal range. This herd uses the different habitat types within the entire bighorn sheep range throughout the year based on the specific habitat requirements needed at the time. The overall habitat has a multitude of foraging, lambing, resting, mating, thermal cover, and predator avoidance areas that are used many times throughout the year in no specific season. Relative to direct permanent effects, the Lone Pine herd's S40 Unit has a total area of 272,892 acres, of which 99,286 acres are mapped as overall range for bighorn sheep. Direct habitat loss (155.5 acres) from the Project within the S40 Unit amounts to 0.15 percent loss of overall range within the Lone Pine herd's S40 Unit.

Indirect effects and temporary direct effects on bighorn sheep and other big game could involve displacement caused by noise and disturbance from construction activities, transportation of people and materials, and general human activity in the reservoir and NPIC diversion areas. In addition, vehicle and equipment emissions and fugitive dust may have an effect on bighorn sheep distribution. Displacement of bighorn sheep and emissions of dust may increase the likelihood of respiratory distress, making bighorn sheep more susceptible to disease. There may be a shift in the movement of bighorn sheep as a result of construction activities. The DEIS also acknowledges that a potential indirect impact of Halligan Dam rehabilitation is stress-related die-off of bighorn sheep. The DEIS Section 4.12.22, originally determined that indirect effects from Halligan Dam rehabilitation would be moderate. This was largely because of limited documentation of bighorn sheep in the vicinity of Halligan Reservoir, and because the Halligan Project Area is outside any known bighorn sheep concentration area and is a small part of the overall range.

CPW has recently collected data indicating that rams use the lower Phantom Canyon area. However, effects are expected to be minimized because the majority of work activity will be outside this resident bighorn sheep production area and work in the lower Phantom Canyon area would occur during winter months when there is minimal bighorn sheep activity in the area and domestic sheep and goats are not grazing on open range. In DEIS Section 4.12.2.2 the Corps recognized that the risk to bighorn sheep is difficult to predict because of the lack of site-specific data and factors unrelated to the Halligan Project, such as disease and drought. The Corps further noted that if the Halligan Project caused a die-off similar to what happened at Waterton Canyon (75 percent to 85 percent and 2-year continued lamb mortality), it would be a major long-term (greater than 20 years) indirect effect on the local bighorn sheep herd that may or may not be permanent.

CPW provided specific concerns regarding impacts on bighorn sheep posed by Halligan Project construction activities at the dam and the North Poudre Canal Diversion in a memorandum dated January 11, 2021 (CPW 2021a) and expanded upon these concerns in subsequent meetings with Fort Collins.

CPW identified two primary concerns for adverse impacts on bighorn sheep:

- **Direct disturbance and stress from construction activities**—Construction activities may disrupt bighorn sheep feeding or movement and can be negatively affected by fugitive dust, which can increase stress and the likelihood of disease.
- **Seasonal movement disruption causing increased risk for commingling with domestic sheep**—Construction activities could disrupt or alter bighorn sheep movements and push the Lone Pine herd into nearby domestic sheep and goat grazing allotments; this would increase the chance of commingling and pathogen transfer between domestic and bighorn sheep. This could increase the chance of a disease outbreak and a potential bighorn sheep die-off; the likelihood of disease outbreak increases even further when combined with the added stress from construction general habitat disturbances.

These temporary construction-related impacts could exacerbate the conditions in which bighorn sheep may commingle with domestic sheep used for weed management within the Halligan Project Area.

3.8 Special-status Species

The DEIS describes terrestrial species of concern that could be affected by the Halligan Project. These species of concern are federally listed as threatened or endangered under the ESA; identified as sensitive by the BLM; listed as threatened, endangered, or of special concern by Colorado; or listed as a Tier 1 species in *Colorado's State Wildlife Action Plan* (CPW 2015), which are species of highest conservation priority in the state. The DEIS focuses on those species that (1) have suitable habitat present within the Project Area (that is, within construction or inundation footprints); and (2) have been documented in the Project Area or their distributional range overlaps the Project Area according to CPW, Colorado Heritage Program datasets, or site-specific surveys. Available information about current conditions and potential impacts from the Halligan Project on special-status species is summarized in the following sections. Table 3-3 lists federal or state species of concern and summarizes the potential effects from the Halligan Project on each species based on the DEIS evaluation.

Table 3-3. Summary of DEIS Impact Evaluation of Halligan Project on Species of Concern

Species	Concern Listing	Impact of Halligan Project on Each Species, from DEIS ^[a]
Preble's	Federal and State, Threatened	Major impact; will be addressed through ESA consultation process and not included in this FWMEP
Ute ladies'-tresses orchid (<i>Spiranthes diluvialis</i>)	Federal, Threatened	No effect; will be addressed through ESA consultation process and not included in this FWMEP
American white pelican (<i>Pelecanus erythrorhynchos</i>)	BLM sensitive species	Minor benefit
Platte River Species (Five Species)	Federally listed	Unperceivable; will be addressed through ESA consultation process and not included in this FWMEP
Rocky Mountain bighorn sheep	State Tier 2, BLM sensitive species	Negligible direct effect, possibility of moderate to major indirect effect; discussed in Section 3.7 ^[b]

Species	Concern Listing	Impact of Halligan Project on Each Species, from DEIS ^[a]
Northern pocket gopher (<i>Thomomys talpoides macrotis</i>)	State, SOC	Minor effect, discountable and insignificant
River otter (<i>Lontra canadensis</i>)	State, Threatened	Minor benefit
Townsend's big-eared bat (<i>Corynorhinus townsendii pallescens</i>)	State SOC, BLM sensitive species	Minor effect
Bald eagle (<i>Haliaeetus leucocephalus</i>)	State SOC, BLM sensitive species	No permanent direct effects; minor benefit from increased foraging habitat
Golden eagle (<i>Aquila chrysaetos</i>)	State Tier 1, BLM sensitive species	Discountable and insignificant
Northern leopard frog (<i>Lithobates pipiens</i>)	State Tier 1, State SOC	Minor benefit
Common garter snake (<i>Thamnophis sirtalis</i>)	State Tier 2, State SOC	Minor benefit

^[a] Impacts are summarized here as none, beneficial, low, or moderate, based on detailed descriptions provided in the DEIS.

^[b] CPW has stated their concern that potential impacts on bighorn sheep could range from moderate to severe should a herd die-off occur.

SOC = species of concern

3.8.1 Current Conditions for Federally Listed Species

3.8.1.1 Preble's Meadow Jumping Mouse and Habitat

Preble's is a federal- and state-listed threatened species in Colorado. Pioneer Environmental Services (Pioneer) conducted an extensive trapping survey at Halligan Reservoir for Preble's meadow jumping mice between June and August of 2003 (WEST 2017a), which documented the presence of Preble's around the reservoir. Critical habitat for Preble's is designated along the lower portions of the North Fork starting at Halligan Dam and includes its tributaries and portions of the Poudre River. The enlarged Halligan Reservoir inundation area upstream of the existing dam is outside Preble's critical habitat. The replacement dam and portions of the construction areas would include small areas of critical habitat. Preble's impacts and mitigation measures will be addressed through the ESA consultation process, and are not included in this FWMEP.

3.8.1.2 Ute Ladies'-Tresses Orchid and Colorado Butterfly Plant

Ute ladies'-tresses orchid is a federally listed threatened species. Potential habitat for Ute ladies'-tresses orchid occurs along the North Fork and tributaries both upstream and downstream of the Halligan Reservoir. As documented in the DEIS, no Ute ladies'-tresses orchids were detected in surveys conducted at Halligan Reservoir from 2006 to 2008 (WEST 2017a). Additional evaluations conducted by Jacobs in 2021 (Jacobs 2021) were concentrated within potential Ute ladies'-tresses orchid habitat around the narrow riparian habitat below the existing dam. No Ute ladies'-tresses orchids were observed during the 2021 survey, and habitat was determined to be marginally suitable for Ute ladies'-

trusses orchid because of the presence of dense riparian grasses and dense overstory of willow and alder.

Colorado butterfly plant (*Oenothera coloradensis*) was previously federally listed as a threatened species; however, on December 5, 2019, the USFWS removed this species from the Federal List of Endangered and Threatened Plants because of recovery (USFWS 2019). No known populations of the Colorado butterfly plant occur within the Halligan Project Area. Therefore, this species is not further discussed in this FWMEP.

3.8.1.3 American White Pelican

The American white pelican is a BLM sensitive species and a Tier 2 species in the *State Wildlife Action Plan* (SWAP) (CPW 2015). The DEIS indicates that American white pelicans were observed on Halligan Reservoir; therefore, the reservoir is considered potential loafing or foraging habitat for this species. Halligan Reservoir is not within mapped American white pelican nesting areas.

3.8.1.4 Platte River Species

Because the Main Stem and North Fork are hydraulically connected to the Platte River System, ESA Section 7 consultation with the USFWS is required to determine any adverse effects that would occur on the five federally listed downstream species: least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), pallid sturgeon (*Scaphirhynchus albus*), and western prairie fringed orchid (*Platanthera praeclara*). These species are not further discussed in this FWMEP.

3.8.2 Current Conditions for State-listed Species

The DEIS evaluated reviewed state-listed species and species of concern using CPW species profiles (CPW n.d.) and the SWAP to identify information pertaining to habitat information and distribution. State-listed species and species of concern that could be affected by the Project are discussed in the following sections.

3.8.2.1 Rocky Mountain Bighorn Sheep

Rocky Mountain bighorn sheep is a BLM sensitive species and is listed as a Tier 2 species in the SWAP. Tier 2 species are defined as “species [that] remain important in light of forestalling population trends or habitat conditions that may lead to a threatened or endangered listing status, but the urgency of such action has been judged to be less” (CPW 2015). This species is considered a big game species; current conditions are discussed in Section 3.7.

3.8.2.2 Northern Pocket Gopher

The northern pocket gopher is a state species of concern. The Halligan Project Area includes suitable foothill shrubland habitat and is within the distributional range of this species.

3.8.2.3 River Otter

River otters are listed by Colorado as a threatened species. As described in the DEIS, the open water of the North Fork and Halligan Reservoir could provide habitat for the river otter, although the known range of the river otter ends approximately 16 miles south of the reservoir. The range of the river otter includes the Poudre River and a small section of the North Fork, from the confluence of these rivers to approximately 1 mile upstream of the Seaman Reservoir.

3.8.2.4 Townsend's Big-Eared Bat

Townsend's big-eared bat is a BLM sensitive species, a state species of special concern, and is listed as a Tier 1 species in the SWAP. The DEIS indicates that rocky outcrops and canyons downstream of the

Halligan Dam along the North Fork may provide roosting habitat, and the open water of Halligan Reservoir, scattering of sagebrush, and wetlands within the Halligan Project Area may provide Townsend's big-eared bats with foraging habitat. This species usually forages over water, at the edge of vegetation, and over sagebrush (Armstrong et al. 2011).

This bat species has been recorded downstream of the Halligan Dam in Phantom Canyon (Colorado Natural Heritage Program 2015). Bat conservation has received increasing attention with the general decline of bat populations caused by habitat loss, poisoning, and disease, including white-nose syndrome.

Bat Survey

On July 16, 2021, Jacobs biologists conducted a bat presence/absence survey below Halligan Dam. An auditory detection survey was completed, along with visual observation of bat feeding activity with the riparian area from the dam to 0.5 mile downstream of the dam. The single survey was conducted over a 3-hour period beginning at dusk (7:30 p.m. to 10:30 p.m.).

Several lone bats were detected with an auditory detection device, but no large concentrations of bats were observed. Table 3-4 summarizes the bat species detected based on audio signature, but variability occurs within species; therefore, identification has not been confirmed.

Table 3-4. 2021 Bat Survey Results

Species Detected	Number of Detections
Pallid bat (<i>Antrozous pallidus</i>)	1
Big brown bat (<i>Eptesicus fuscus</i>)	11
Red bat (<i>Lasiurus borealis</i>)	2
Hoary bat (<i>Lasiurus cinereus</i>)	1
Silver-haired bat (<i>Lasionycteris noctivagans</i>)	2
Western small-footed myotis (<i>Myotis ciliolabrum</i>)	1
Little brown bat (<i>Myotis lucifugus</i>)	6
Long-legged myotis (<i>Myotis volans</i>)	1
Unidentified detections	12
Total	37

The scattered occurrences of lone bat detections suggests that bats use the area below the existing Halligan Dam for foraging, but the presence or absence of day or night bat roosts could not be determined based on the limited survey.

3.8.2.5 Bald Eagles and Golden Eagles

The bald eagle is a state species of special concern and is a BLM sensitive species. The golden eagle is listed as a Tier 1 species in the SWAP and is also a BLM sensitive species. Both bald eagles and golden eagles are protected under the Migratory Bird Treaty Act of 1918 and the Bald and Golden Eagle Protection Act of 1940. This prohibits the take; possession; sale; purchase; barter; offer to sell, purchase,

or barter; transport; export; or import of any part, nest, or eggs of alive or dead bald or golden eagles. State and federal recommendations outline seasonal limitations on nest encroachment or disturbance.

Bald eagles rely mainly on fish as their principal source of food during the summer months, frequently nesting and foraging along rivers and lakes. The DEIS notes that bald eagles are known to forage in areas of open water and were observed during field surveys of the Halligan Reservoir and the North Fork during the summer of 2020 and 2021. No bald eagle nests or winter roost sites occur within the Halligan Project Area, and the area is outside winter concentration, winter foraging, and winter range areas for bald eagles identified on CPW wildlife distribution maps (CPW 2020b).

Golden eagles primarily subsist on small mammals, such as rabbits, hares, ground squirrels, and prairie dogs. The DEIS notes that suitable golden eagle foraging habitat occurs within the entire Halligan Project Area except for the reservoir itself, which does not provide nesting or foraging habitat. The effects are anticipated to be temporary and are discussed in Section 3.8.4.5. Golden eagles were observed during field surveys of the North Fork downstream of the Halligan Dam. A nest was observed by Jacobs biologists, in summer of 2021, on a rocky vertical cliff wall approximately 0.5 mile downstream of the North Poudre Canal Diversion structure.

Raptor Nest Survey

On July 16, 2021, Jacobs biologists conducted a nest survey within and immediately adjacent to the inundation footprint of the enlarged reservoir and impact area for the new dam. Trees and shrubs, as well as grassland areas within or adjacent (within 50 feet) to the proposed access road connecting the Halligan Dam to Highway 287 were also surveyed. Additionally, nesting raptor surveys were conducted on June 23, July 16, and July 19, 2021. Biologists used binoculars to survey the visible 0.5-mile radius from the dam for raptor nests. No nests were located within or adjacent to the footprint of the existing dam. The following observations were made during the nest surveys:

- A lone bald eagle was observed perched frequently and for extended periods of time on power line poles above Halligan Dam and on rock outcroppings on the north side of the dam, but nesting activity was not observed, and a nest location was not apparent.
- A great horned owl (*Bubo virginianus*) was observed on several occasions below the dam, suggesting that an owl nest may be in Phantom Canyon below the dam.
- A red-tailed hawk (*Buteo jamaicensis*) nest was present near the Calloway Diversion. The nest appeared to be maintained and is presumed to be active, but no hawks were observed on the nest.
- Two magpie (*Pica nuttalli*) nests were located in trees adjacent to the access road, but the nests were not occupied at the time of the survey.
- As discussed previously, an active golden eagle nest was observed in Phantom Canyon about 0.5 mile downstream of the North Poudre Canal Diversion structure.

3.8.2.6 Northern Leopard Frog

The northern leopard frog is a Colorado species of special concern and is listed as a Tier 1 species in the SWAP. The DEIS notes that the Halligan Project Area supports aquatic environments, such as streams and wetlands, that would be suitable habitat for the northern leopard frog.

3.8.2.7 Common Garter Snake

The common garter snake is a species of special concern in Colorado and is listed as a Tier 2 species in the SWAP. Common garter snakes are typically found in aquatic and riparian habitats within or adjacent

to floodplains of streams and rivers. The DEIS notes that the Halligan Project Area supports aquatic environments, such as streams and wetlands, that would be suitable habitat for the common garter snake. Common garter snakes are typically found below 6,000 feet in elevation along the South Platte River and its tributaries in northeastern Colorado.

3.8.3 Halligan Project Effects on Federally Listed Species

The DEIS identified 11 terrestrial species of concern that have either been documented or have suitable habitat and ranges within the Halligan Project Area. No suitable habitat is present for black-tailed prairie dog (*Cynomys ludovicianus*) or burrowing owl (*Athene cunicularia*); therefore, these species are not evaluated further in this FWMEP.

Long-term direct effects on species of concern evaluated in the DEIS included habitat loss or disturbance and effects on foraging, reproduction, and distribution from inundation and construction. Temporary removal of vegetation associated with construction may have potential short-term effects on species of concern until areas would be revegetated. Indirect effects on species of concern would be related to effects on wetlands, riparian vegetation communities, and other vegetation resources along the North Fork and Main Stem resulting from changes to water flows. Short-term indirect impacts from construction may result from construction-related activity, noise, vibrations, lighting, and other disturbances.

3.8.3.1 Preble's Meadow Jumping Mouse and Habitat

Effects from the Halligan Project on Preble's habitat are regulated through the ESA and will be addressed through the development of a mitigation plan in coordination with the USFWS. Therefore, Preble's conditions, effects, and mitigation are not addressed in detail in this FWMEP. The DEIS determined that the Halligan Project would have a major permanent adverse impact on Preble's habitat as a result of inundation of riparian woodlands and shrublands. Based on the Modified Proposed Action the Project will permanently displace 5.26 acres of Preble's habitat around the existing reservoir edge and downstream of the existing dam within the footprint of the proposed dam. A Preble's habitat functional assessment, approved by the USFWS, found that the permanent effects equate to the loss of 4.04 functional units of habitat (much of the reservoir edge habitat has low habitat functional for Preble's). Temporary impacts on Preble's habitat (related to construction access) are estimated to be 0.47 acres (0.36 functional unit). Fort Collins has worked proactively to preserve habitat on the Roberts Ranch Conservation Area and has worked closely with the Preble's Species Conservation Team in the effort to establish a Preble's recovery population in the North Fork watershed. Many of the Halligan Project beneficial effects, mitigation, and enhancements described in this FWMEP would benefit Preble's habitat through increased stream flow and likely improved riparian conditions.

3.8.3.2 Ute Ladies'-tresses Orchid

The Halligan Project has the potential to impact wetland and riparian habitat that may be considered suitable for the Ute ladies'-tresses orchid. In the DEIS, the Corps determined that the Halligan Project would have no effect on the Ute ladies'-tresses orchid because no known occurrences of this plant were identified within the study area. Ute ladies'-tresses orchid conditions, effects, and mitigation are not addressed in detail in this FWMEP. However, many of the beneficial effects, mitigation, and enhancements described in this FWMEP could benefit Ute ladies'-tresses orchid habitat through increased stream flow and improved riparian conditions.

3.8.3.3 American White Pelican

American white pelicans were observed on Halligan Reservoir; therefore, the reservoir is considered potential loafing or foraging habitat for the American white pelican. Because loafing or foraging habitat

would be expanded through reservoir enlargement, the Halligan Project would result in a minor benefit for the American white pelican, as described in the DEIS.

3.8.3.4 Platte River Species

The CMP (City of Fort Collins 2019c), prepared as part of the DEIS, documented that effects on the five federally listed downstream Platte River species are expected to be unperceivable, and that the Halligan Project is not expected to result in any discernable changes to stream flow in the South Platte River. Fort Collins participates in the SPWRAP, which outlines a programmatic approach to Section 7 consultation with the USFWS. Currently, mitigation is not expected to be needed for South Platte River depletions. If mitigation measures are identified during this programmatic approach or from USFWS consultation, they will be incorporated into the mitigation strategy for the Halligan Project.

3.8.4 Halligan Project Effects on State-listed Species

3.8.4.1 Rocky Mountain Bighorn Sheep

Halligan Project impacts on bighorn sheep are discussed in detail in Section 3.7.

3.8.4.2 Northern Pocket Gopher

Although northern pocket gophers have not been documented within the study area, the DEIS indicated that the Halligan Project would result in a minor effect on the northern pocket gopher as a result of inundation of foothill shrublands suitable habitat. These effects would be discountable and insignificant because they would not have a noticeable effect on populations within the surrounding area because other suitable habitat is available. Temporary impacts anticipated are limited to temporary construction access and staging areas that will be reclaimed upon completion of the Project.

3.8.4.3 River Otter

Because the known range and sightings of the river otter do not overlap with the inundation areas of the Halligan Project, the DEIS Section 4.13.2.6 states that expanding the reservoir would not adversely impact this species. The DEIS Section 4.13.3.6 also states that a potential minor indirect benefit to river otters could result from the Halligan Project. More specifically, increased stream flows to the North Fork from the Winter Release Plan and the Summer Low-flow Plan could improve the fishery health and, in turn, would provide a larger, more stable food source for river otters. Because there is no documented occurrence of river otter in the section of the North Fork below Halligan Dam where construction would occur, nor in or near the inundation upstream (0.75 mile section) above the enlarged reservoir, no temporary impacts are anticipated.

3.8.4.4 Townsend's Big-eared Bat

The DEIS determined that roost habitat would not be directly affected by the Halligan Project, but construction noise and vibration associated with the Halligan Project may cause temporary disturbance effects on Townsend's big-eared bats using nearby roost habitat. Furthermore, overall effects to foraging habitat would be discountable and insignificant, and the Halligan Project would have a minor impact on Townsend's big-eared bat. Year-round winter and summer minimum stream flows (Section 3.3.2) provided by operations of the enlarged reservoir would enhance riparian foraging habitat below Halligan Reservoir for Townsend's big-eared bats.

3.8.4.5 Bald Eagles and Golden Eagles

The DEIS determined that the Halligan Project would not likely cause permanent direct effects on bald eagles. Although some foraging sites around Halligan Reservoir may be altered as a result of inundation, the expanded surface area of the enlarged reservoir would create new foraging areas, creating a minor

beneficial effect on bald eagles. Because there are no active nesting pairs, roost sites, or suitable winter habitat temporary impacts associated with construction activities such as noise, nighttime lighting, blasting, and potential batch plant operation impacts on foraging activities are anticipated to be minor (temporary avoidance) and short term in duration. Bald eagle use of the area is expected to return to preconstruction levels shortly after construction is completed. Increased reservoir surface area will provide increased foraging opportunity for bald eagles in the long term.

For golden eagles, expansion of Halligan Reservoir would reduce habitat for their prey base in inundation and construction areas. However, in the DEIS, impacts were considered discountable and insignificant because golden eagles are wide-ranging, and vast areas of open foothills shrubland and grassland for foraging would remain after reservoir expansion. Long-term direct effects on golden eagles would be minor. Temporary impacts associated with construction activities such as noise, nighttime lighting, blasting, and potential batch plant operation impacts on foraging activities are anticipated to be minor (temporary avoidance) and short term in duration. Golden eagle use of the area is expected to return to preconstruction levels following completion of replacement dam construction. Revegetation of temporary construction disturbance areas, and regrowth of a reservoir edge riparian community is anticipated to be completed within approximately 5 to 7 years.

3.8.4.6 Northern Leopard Frog

The Halligan Project supports aquatic environments, such as streams and wetlands, that could be suitable habitat for the northern leopard frog. However, northern leopard frog has not been observed around the reservoir and it is unlikely that leopard frog inhabits the reservoir edge wetlands given the inconsistent and fluctuating water levels, lack of emergent wetland vegetation (narrow reservoir edge wetlands are dominated by willow and cottonwood canopy), and general lack of suitable breeding habitat; steep rocky reservoir banks offer very little refuge or dispersal area for the leopard frog as water levels draw down in mid-summer and reservoir becomes disconnected from the minimal and narrow bands of emergent wetland vegetation that does exist around the reservoir. The DEIS indicates an overall minor beneficial effect from the Halligan Project on northern leopard frog habitat. The DEIS Section 4.12.3.11 indicates that some suitable habitat would be adversely affected because approximately 16.74 acres of wetlands would be inundated from the enlarged reservoir. New, similar habitat could be created at the new enlarged reservoir edge after soils and vegetation acclimate to the new hydrology. This process of reservoir edge riparian community re-establishment is anticipated to occur over approximately 5 to 7 years but may take longer if drought conditions persist after Project completion. Enlarging Halligan Reservoir would permanently displace riverine habitat on the downstream side of the existing dam, but because of the high energy associated with the current dam operations spillway and significant disturbance existing in this tight rocky canyon, the area immediately below the existing dam is not considered suitable for northern leopard frog.

Year-round winter and summer stream flows (Section 3.3.2) provided by operation of the enlarged reservoir would enhance habitat for the northern leopard frog in Phantom Canyon and the Livermore Valley. Lastly, the Halligan Project would compensate for the loss of any wetland habitat (to be determined through the Section 404 permitting process and not discussed in this FWMEP), which would also benefit the northern leopard frog by replacing poor reservoir edge habitat with wetlands that would provide equal or potentially greater northern leopard frog habitat function.

As noted in Section 4.12.2.1.5 of the DEIS, some mortality of reptiles and amphibian adults, juveniles, eggs, tadpoles, and larvae might occur during construction, but this would not likely result in a long-term decline of amphibians at Halligan Reservoir or along the North Fork. The removal of vegetation for construction, both long- and short-term, would potentially remove cover and foraging resources for

some reptiles and amphibians. Still other reptiles and amphibians might be killed or displaced as a result of construction activities. The Halligan Project might locally reduce species abundance during construction; however, it would not likely lead to large-scale species loss or require species protection due to habitat loss. Halligan Dam rehabilitation would have a negligible to minor effect on amphibians and reptiles.

3.8.4.7 Common Garter Snake

Typically, common garter snakes are found in aquatic and riparian habitats within or adjacent to floodplains or streams and rivers that occur below 6,000 feet in elevation (CPW n.d.). The DEIS indicates that the Halligan Project would affect suitable habitat for the common garter snake, and downstream segments of the North Fork are within the range of the common garter snake. However, because the reservoir is located approximately 6,300 feet in elevation, above the known range limit, the Halligan Project would not have negative effects on the common garter snake around the reservoir (Pioneer 2017a).

As described for other species, year-round winter and summer minimum stream flows (Section 3.3.2) provided by operation of the enlarged reservoir would enhance habitat for garter snakes on the North Fork. Therefore, the Halligan Project is expected to result in an overall benefit to the species, and species-specific mitigation measures are not proposed in this FWMEP.

3.9 Recreation

3.9.1 Current Conditions

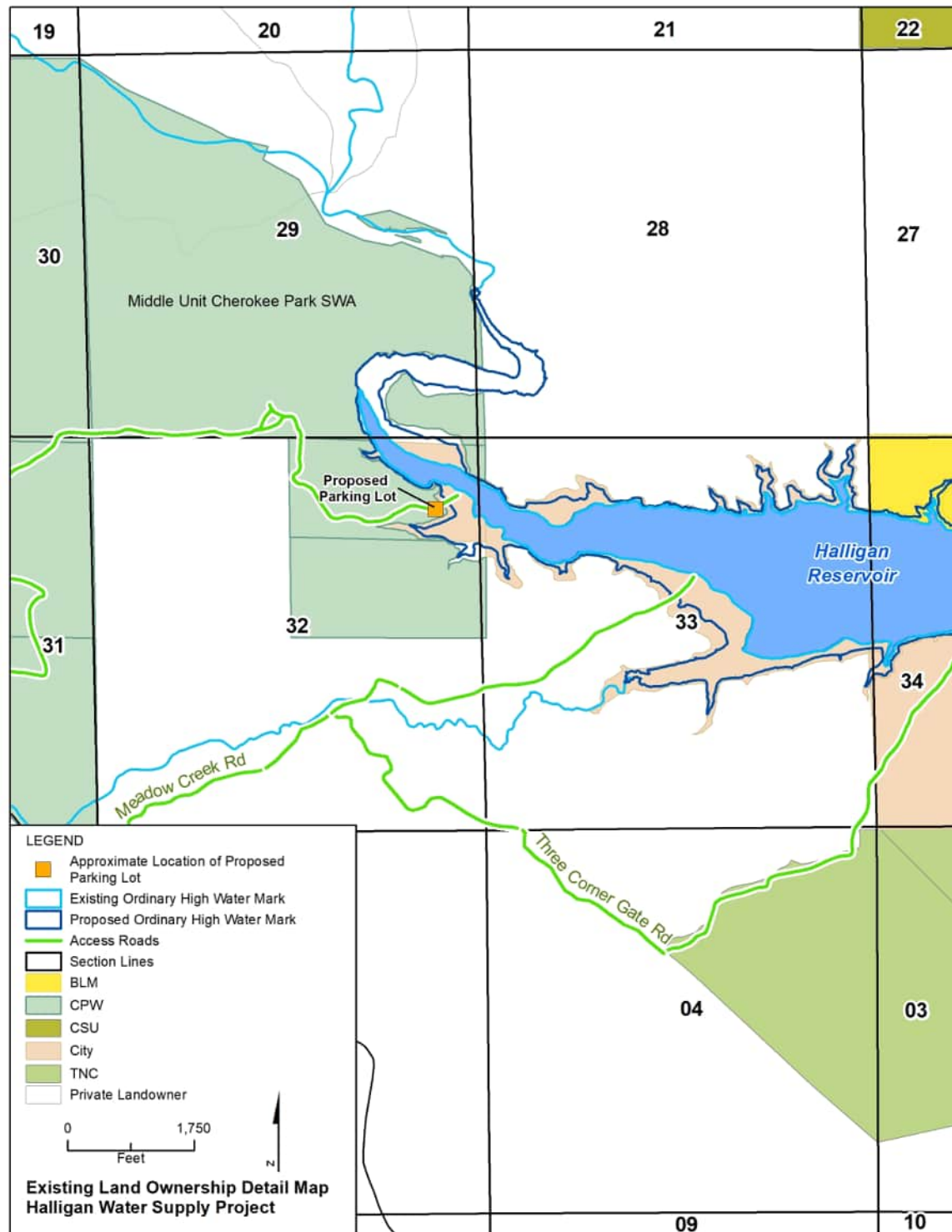
Recreational use on Halligan Reservoir has historically been, and currently is, restricted to owners and guests of the Landowners Association for Phantom Canyon Ranches (LAPCR). Some public use may have occurred on portions of Halligan Reservoir that were thought to be in the Middle Unit of the Cherokee SWA. Since 1988, the LAPCR has had recreational and agricultural use rights to the surface of Halligan Reservoir and what is currently City-owned land in and around Halligan Reservoir, through lease agreements with NPIC and later Fort Collins. The current lease provides LAPCR with recreational use of the surface of Halligan Reservoir and recreational and agricultural use of City-owned land in and around Halligan Reservoir until construction of the Halligan Project concludes.

Other areas around Halligan Reservoir that provide recreational activity include the Cherokee SWA located west of the reservoir, which is used primarily for hunting and fishing, and the North Fork downstream of the reservoir, which is used for fishing by private property owners and guests of The Nature Conservancy's Phantom Canyon Ranch. Although a parking area near the inlet of Halligan Reservoir is accessible through the SWA, the surface of the Halligan Reservoir and Fort Collins-owned land in and around the reservoir is not open to public access.

3.9.1.1 Land Ownership

Land ownership and access around Halligan Reservoir and at potential mitigation sites is a key factor in Halligan Project activities, including ecological monitoring and mitigation. As part of Fort Collins' due diligence related to planned acquisition of property rights to build and operate the enlarged Halligan Reservoir, Fort Collins conducted detailed research on land ownership in and around Halligan Reservoir. This research identified isolated parcels in Section 29 and northeast ¼ of Section 32 that were thought to be held in fee title by CPW but were determined to be held in fee by a private entity or Fort Collins (Figure 3-4). The parcels total approximately 39 acres. Upper portions of the enlarged Halligan Reservoir would be located on portions of these lands, which are, for the most part, surrounded by the Cherokee SWA–Middle Unit. It was also determined that the parking area near the west side of Halligan Reservoir

in the northeast ¼ of Section 32 is located on property held in fee by Fort Collins. To Fort Collins' knowledge, there is no agreement or easement in place that provides public access to the private entity's or this portion of Fort Collins' land.



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Jacobs

Figure 3-4. Sections 29 and 32 on the Western Edge of Halligan Reservoir

3.9.2 Halligan Project Effects on Recreation and Public Access

The DEIS Section 4.16.4.2 indicates that, overall, the Halligan Project would result in a mostly negligible effect on long-term land- and water-based recreational activity and related economic activity, although site-specific beneficial and adverse effects would occur.

The enlarged Halligan Reservoir would inundate an approximately 0.75-mile reach of the North Fork upstream of the existing Halligan Reservoir, resulting in the loss of approximately 20 acres of potential hunting lands and river fishing along a 0.4-mile stretch of this reach.

Most of the primary inundation area along the North Fork in Sections 29 and 32, T11N, R70W, was historically believed by CPW to be in the Cherokee SWA since the acquisition of the land in the late 1960s/early 1970s. According to CPW the public has accessed this part of the inundation area for over 50 years¹⁰. Fort Collins staff was performing its due diligence in researching land ownership all around Halligan Reservoir and identified discrepancies in various deeds, including those in Sections 29 and 32. Following thorough title research of the inundation area, recorded title to the inundation area in these sections is privately owned or owned by Fort Collins. Additionally, the parking area near the west side of Halligan Reservoir in the northeast ¼ of Section 32 located on Fort Collins' property is within this primary area to be inundated by the enlarged Halligan Reservoir. None of the lands privately owned or owned by Fort Collins are authorized for public hunting or fishing. No publicly owned lands for authorized public hunting or fishing recreation will thus be technically impacted by the Project. However, public access could be affected until the access issues are resolved, as described in Section 4.3.7.1.

In addition to the primary inundation created by the ordinary high water mark of the enlarged Halligan Reservoir, Fort Collins is required by DWR (refer to Rule 7.9.3.3 in 2 CCR 402-1, *Division of Water Resources Rules and Regulations for Dam Safety and Construction*) to acquire fee ownership or an easement for lands that would be inundated by the modeled inflow design flood surcharge, which will include lands in Sections 29 and 32 that are part of the Cherokee SWA owned by CPW. Since the private entity or Fort Collins owns the land about 14 feet above the ordinary high water mark of the enlarged Halligan Reservoir, the only floods that will be above the private entity or Fort Collins' lands would have a recurrence interval of 1 in 100,000 (0.001%) and the maximum probable flood has a recurrence interval of 1 in 10,000,000 (0.00001%). Although this highly infrequent inundation will not be permanent, public use of these lands would be impacted while these lands are inundated, and until they are reclaimed following any flooding event, if necessary. It is estimated that approximately 21 acres of land owned by CPW would be inundated during the probable maximum flood for which Fort Collins would need a flood easement from CPW.

Because the surface of Halligan Reservoir is not open to the public for recreational use, construction of the Halligan Project would not impact public recreation on the reservoir. The LAPCR's private access to Halligan Reservoir (refer to Section 3.9.1) would be minimally impacted during construction and would be limited to specific times when the reservoir level would be drawn down near the end of construction for partial or total demolition of the existing dam. LAPCR currently would have no rights to access the surface of the enlarged reservoir following completion of construction. Fort Collins has no current plans to allow recreation on the surface of Halligan Reservoir following construction. If, in the future, surface water recreation is considered at the enlarged Halligan Reservoir, Fort Collins agrees to consult with

¹⁰ Fort Collins is evaluating if and the extent to which the public has accessed this part of the inundation area and makes no representations on this issue.

CPW. A safety buffer on the water out to approximately 300 feet upstream of the existing dam would likely be implemented during the construction period.

Wildlife watching, hiking, horseback riding, and other land-based activities occur on properties surrounding Halligan Reservoir. Construction activity, including noise and dust generation and increased traffic volumes (construction workers and trucks), may temporarily affect the quality of these experiences. However, construction activities would predominantly be confined to the area near the existing dam site, which is not within residential view.

3.9.3 Evaluation of Future Public Use of the Enlarged Halligan Reservoir

Fort Collins and CPW held multiple meetings to discuss the possibility of allowing public recreation on the enlarged Halligan Reservoir and some of the surrounding City owned land. From approximately 2016 through 2019, CPW and Fort Collins discussed various recreation concepts that included opening all or portions of Halligan Reservoir to public recreation after enlargement. The recreation concept included in the DEIS included reservoir access through the Cherokee SWA, whereby shoreline and surface water fishing opportunities with human-propelled watercraft would be available at the enlarged Halligan Reservoir to those with a valid hunting or fishing license, or SWA pass. The only public recreation access would be through the Cherokee SWA so this recreation concept anticipated the reservoir operating as a part of the administrative boundaries of the Cherokee SWA and would be consistent with the existing regulations of the SWA.

To further evaluate the costs, benefits, and impacts of opening the enlarged Halligan Reservoir to public recreation, Fort Collins staff members, in conjunction with CPW staff input, used a framework adopted by Fort Collins' Natural Areas Department (Interagency Visitor Use Management Council 2016) to evaluate the impacts and benefits of recreation at and around the enlarged Halligan Reservoir. The study focused on the following topics:

- Ecological impacts
- Cultural resource impacts
- Social considerations
- Administrative considerations

At the conclusion of the analysis, Fort Collins staff members recommended that public recreation at the enlarged Halligan Reservoir not be pursued, even in a limited nature, predominantly because of ecological impacts that Fort Collins staff members anticipated based on DEIS analyses and their own professional experiences. Other elements that factored into the decision included the cost of providing safe recreational opportunities to this area, and the relatively narrow range of recreationalists who would benefit from the opportunity.¹¹

Fort Collins understands CPW's desire to see public angling access at the enlarged Halligan Reservoir. Since the Halligan Project is not impacting surface water recreation at Halligan Reservoir, Fort Collins and CPW have agreed to continue discussions related to recreational opportunities at the enlarged Halligan Reservoir in a process separate from the current processes to enlarge Halligan Reservoir and the FWMEP. To formalize this commitment, Fort Collins will include language in an intergovernmental agreement with CPW to continue discussions related to recreation at the enlarged Halligan Reservoir. Those discussions may include the reservoir being managed for recreation by CPW as a part of the Cherokee SWA.

¹¹ Access for public recreation at an enlarged Halligan Reservoir would be provided through Cherokee SWA, which requires a valid hunting, fishing, or recreational day use license to enter, as well as a high-clearance four-wheel drive vehicle. These access limitations do not fully align with Fort Collins' focus on equity and affordability to provide equal opportunities for its citizens.

4 Proposed Fish and Wildlife Mitigation Plan

This chapter constitutes the proposed mitigation plan for anticipated Halligan Project impacts on fish and wildlife resources. The impacts are summarized in Section 3 and described in greater detail in the DEIS and associated technical reports.¹² Avoidance, minimization, and compensatory mitigation measures have been developed to address fish and wildlife impacts identified in the DEIS, as well as other concerns identified by CPW staff specific to impacts on fish and wildlife resources.

The DEIS (Corps 2019) presented a draft CMP prepared by Fort Collins (City of Fort Collins 2019c) that includes both mitigation and enhancement measures. Based upon public comments received on the DEIS, comments from Project stakeholders, and discussions with CPW staff, this FWMEP builds upon and/or replaces many of the aquatic life and terrestrial wildlife components of the draft CMP. All measures included in this FWMEP are also summarized in the table contained in Appendix B. Mitigation areas are mapped in Appendix A. An updated final CMP will be prepared by Fort Collins for the Final EIS.

4.1 Mitigation Approach

Fort Collins has developed an approach to mitigation that will not only serve to satisfy regulatory requirements for protection of fish and wildlife, but also seeks to improve existing social¹³ and ecological conditions for the people and natural systems of the Poudre River watershed. This approach also applies to enhancement measures described in Section 5.

Fort Collins' mitigation objectives for the Halligan Project have been developed to comply with applicable regulatory requirements while acknowledging the importance of the Poudre River watershed to the Fort Collins community, as detailed in the *2020 Strategic Plan* (City of Fort Collins 2020a) and as follows:

- Avoid and minimize Halligan Project impacts on natural systems, to preserve ecological integrity
- Compensate for unavoidable Halligan Project impacts through mitigation measures that restore or replace locally important resources and function
- Improve ecological function of the North Fork system as a whole

Considering these mitigation objectives, and recognizing the important and localized ecological functions of the impacted resources, Fort Collins developed the following guidelines to identify and prioritize potential mitigation opportunities incorporated into this FWMEP:

- Account for the inherent benefits from the Halligan Project, including those anticipated to result from flow-related operational measures and the natural re-establishment of wetland and riparian communities at the enlarged reservoir shoreline and on the North Fork.
- Prioritize mitigation opportunities located near Halligan Reservoir and the North Fork to enhance or replace the natural functions in the same watershed and stream system, maintaining locally significant resources and ecological functions.
- Prioritize mitigation concepts that involve working with local partners.

¹² This FWMEP does not alter in any way the DEIS and associated technical reports and their descriptions of the Halligan Project's effects. To the extent that there are inconsistencies between the Halligan Project's effects as described in this FWMEP and the DEIS, any such inconsistencies will not be interpreted to reduce the mitigation Fort Collins intends to complete for the Halligan Project.

¹³ Refer to the Shared Vision Planning process in Section 2.4.1 regarding social conditions.

- Prioritize mitigation concepts that benefit whole systems or multiple resources.
- Identify and target local resources known to be in a degraded condition that can be improved to increase function and ecological benefit.

Fort Collins developed the mitigation measures presented in this FWMEP based on the mitigation objectives and guidelines to benefit numerous environmental components. Based on all of Fort Collins' work on the Halligan Project over the years, it is Fort Collins' position that this overall mitigation approach considers the entire ecological system, where the functional benefits of the mitigation actions taken together are greater than the sum of the Halligan Project's impacts on those individual parts. As an example, the Winter Release Plan and Summer Low-flow Plan will work together to essentially eliminate dry-up points along the North Fork and improve existing stream hydrology. These improvements would benefit not only the aquatic ecosystem, including fish and macroinvertebrates, but also the hyporheic zone hydrology of the stream. The resulting greater hydrologic connectivity would likely support the function of surrounding wetlands and riparian vegetation, which, in turn, would benefit wildlife that depend on healthy riparian environments.

This section provides a mitigation strategy for each affected fish and wildlife resource. In many instances, several mitigation strategies address one resource but likely have a ripple effect benefiting other resources. The mitigation and enhancement approach summarized in Sections 4 and 5, respectively, has been developed over decades, based on regulatory requirements, input from Project stakeholders, regional partners, environmental groups, and in coordination with CPW staff members.

4.1.1 Regulatory Mitigation Categories

Mitigation described in this FWMEP falls into one of the following three regulatory mitigation categories (defined in the Key Terminology section): avoidance, minimization, and compensatory mitigation.

Additionally, Fort Collins has developed enhancement measures that go above and beyond mitigation requirements and demonstrate Fort Collins' commitment to improving existing environmental conditions. Enhancement measures are described in Section 5.

Avoidance and minimization measures have been, and will continue to be, implemented during all Halligan Project stages, including planning and design, construction, and operations. Avoidance and minimization measures are described in Section 4.2. Compensatory mitigation measures will generally begin before or concurrently with the correlating impacts. Compensatory mitigation measures are described in Section 4.3. Early compensatory mitigation was completed through preservation of habitat at Roberts Ranch, as described in Section 4.3.1.

4.1.2 Changes from DEIS Conceptual Mitigation Plan

This FWMEP builds upon, updates, and/or replaces many of the aquatic life, terrestrial wildlife, and recreational components of the draft CMP presented in the DEIS (City of Fort Collins 2019c).

In response to comments on the CMP, Fort Collins has provided the following additional information in this FWMEP, or has finalized decisions about items that were not final when the CMP was issued:

- Specific details about how the flow-related operational measures will be implemented, including when they could be curtailed (refer to Section 4.2.1)
- Fort Collins' commitment to attempt to protect their releases from the enlarged portion of Halligan Reservoir to prevent that water from being diverted by exchange or otherwise (refer to Section 4.2.1)

- Recreation will not be pursued at the enlarged Halligan Reservoir as part of the Halligan Project at this time because of the reasons described in Sections 3.9.2 and 3.9.3
- Baseline monitoring of environmental conditions (water quality, temperature, riparian habitat, raptors and bats) was augmented in 2020 and 2021
- Conceptual sediment management measures have been developed to manage sediment both during construction and long-term operations
- A summary of preliminary best management practices (BMPs; that is, control measures) has been developed to manage and control stormwater and pollutants (refer to Section 4.2.3.7)
- Stream restoration on the North Fork as an enhancement for aquatic resources (refer to Section 5.1.1)
- Updated measures to mitigate anticipated water quality or temperature effects, or to enhance existing conditions
- Removal of alphanumeric codes: the CMP used a unique system of abbreviations to reference specific mitigation measures (for example, “SF1” for stream flow measure 1, the Winter Release Plan); this FWMEP uses descriptive names for each measure rather than abbreviations

The following mitigation measures, originally detailed in the draft CMP, are no longer viable based on new information obtained during Project development and design, and are no longer proposed as mitigation or enhancement measures:

Greenback Cutthroat Trout Reclamation and Diversion Structures Modification for Reintroduction—In the draft CMP, Fort Collins proposed the option of stocking an experimental population of native pure-strain greenback cutthroat trout to the 6-mile segment of the North Fork between Halligan Dam and the North Poudre Canal Diversion. Along with the proposed restocking effort, Fort Collins proposed creation of fish barriers at the North Poudre Canal and Calloway Diversions to maintain a genetically pure and isolated greenback cutthroat trout population. However, further analysis of temperature data, and a feasibility assessment by Fort Collins, in consultation with CPW staff, related to costs and sustainability associated with screening the outlet works and spillway, have determined the proposed Greenback reintroduction concept to be cost prohibitive and ultimately unsustainable in the long term. Fort Collins is, therefore, proposing to proceed with Option A described in the draft CMP: reconnecting larger habitat segments of the North Fork by providing fish passage around the North Poudre Canal Diversion and removing or modifying the Calloway Diversion to improve fish passage. This improved river connectivity will benefit a wide range of riverine aquatic species, with a primary focus on small-bodied native species.

Revegetation of Existing Tailings and Spoil Piles and Previously Disturbed Areas—In the draft CMP, Fort Collins proposed revegetating spoil piles left in place near the existing Halligan Dam as a result of construction of the dam in 1909. However, the Halligan Project now includes constructing a replacement dam downstream of the existing dam, which would result in inundation of the spoil piles and would eliminate the benefits of this previously proposed measure.

Fish population and aquatic habitat surveys—In the draft CMP, Fort Collins proposed working with CPW to conduct additional population surveys and field surveys of the amount and quality of available physical habitat for fish species in representative reaches of the North Fork between Halligan Dam and Seaman Reservoir. Following the draft CMP, Fort Collins evaluated existing aquatic habitat conditions in the North Fork (GEI 2019a, 2019b), and CPW has historic and recent fish population data as described in Section 3.5.1 of this FWMEP.

4.2 Avoidance and Minimization

Fort Collins has incorporated many elements into the Halligan Project to avoid and minimize environmental impacts. The Halligan Project is the culmination of decades of planning and balances Fort Collins' water supply needs with opportunities to minimize environmental impacts and improve existing conditions on the North Fork below Halligan Reservoir.

Appendix B provides a summary of each mitigation or enhancement measure and each measure's primary focus and secondary benefits.

4.2.1 Flow-related Operational Measures

Several flow-related operational measures will be included with the Halligan Project to collectively avoid and minimize impacts on stream functions while also improving certain stream functions that are currently degraded. These flow-related operational measures will re-establish perennial flow of 3 cfs to 5 cfs or more to the North Fork below the enlarged Halligan Reservoir, minimize abrupt changes to flows from the enlarged reservoir operations, and allow for peak flows to bypass the enlarged reservoir when Fort Collins could otherwise be diverting water to storage. The proposed flow-related operational measures include the following:

- Winter Release Plan
- Summer Low-flow Plan
- Ramping Rate Limitations
- Peak Flow Bypass Program
- End of Summer Flushing Event

The combined environmental benefits provided by these flow-related operational measures to the North Fork below the enlarged Halligan Reservoir are described in more detail in Section 4.2.1. These flow-related operational measures would have varying beneficial effects on the approximately 22 miles of the North Fork from the replacement Halligan Dam to Seaman Reservoir. They would result in moderate seasonal beneficial effects on aquatic resources from Halligan Reservoir downstream to the North Poudre Canal return structure (approximately 8 miles) on the North Fork (DEIS Section 4.8.3.4.1.2) with major beneficial effects from the North Poudre Canal return flow down to Rabbit Creek (approximately 2 miles; DEIS Section 4.8.3.4.1.3), and minor benefits extending from Rabbit Creek down to Seaman Reservoir (approximately 12 miles; DEIS Section 4.8.3.4.1.2). The Halligan Project would increase stream flows in winter and other traditionally low-flow periods, improve river connectivity during low-flow periods, and increase downstream areas of riffle and pool complexes (DEIS Section 4.8.3.4.1.3). The enlarged reservoir operations would eliminate almost all¹⁴ zero-flow days at frequent dry-up points and minimize extreme flow fluctuations from Fort Collins' use of the enlargement. Therefore, compensatory mitigation is not proposed for offsetting impacts on stream functions or stream flow because the Halligan Project's predicted impacts on stream functions and stream flow are sufficiently avoided and minimized through the operational measures. Nevertheless, in addition to the flow-related operational measures described in Section 4.2.1, Fort Collins has also committed to additional enhancement measures to improve current stream function and stream flow, which are described in Section 5.1.

To further benefit aquatic and other wildlife, circumstances may exist when, in consultation with CPW, Fort Collins will deviate slightly from the planned flow-related operational measures. Such modifications

¹⁴ See potential exceptions at end of this Section 4.2.1.1 Winter Release Plan "Curtailment of the Winter Release Plan" and Section 4.2.1.2 Summer Low-flow Plan "Curtailment of the Summer Low-flow Plan."

of timing, duration, and quantity of flow could occur, provided that any such modifications do not affect Fort Collins' storage and yield from the enlarged Halligan Reservoir and are consistent with all applicable permits and approvals, agreements, and decrees. This flexibility is needed to periodically modify flows, if necessary and when conditions are favorable, for the potential benefit of aquatic wildlife, as suggested by CPW. For example, per CPW's request, in certain years Fort Collins may change the period of the Summer Release Plan such that flows are decreased in October to help manage brown trout.

In addition to the operational flow measures mentioned in this section, Fort Collins will consider ways to make releases that complement a natural hydrograph to reduce potential effects to the river system for other releases it makes from its portion of the enlarged Halligan Reservoir. For example, during a severe drought, Fort Collins will try to avoid short duration, large releases in the fall, in favor of longer, lower-duration releases, to avoid or reduce impacts to fish below Halligan Reservoir. Large fall releases are unlikely to occur since Fort Collins' water demands are lower in the fall and there will likely be other water rights that can be taken that reduce the need for Halligan releases. Also, Fort Collins does not have other significant storage capacity below Halligan Reservoir to which its releases could be moved. If, in the future, Fort Collins needs to make a large release, Fort Collins may notify CPW in advance to consider ways to make releases that avoid or minimize impacts to aquatic life.

4.2.1.1 Winter Release Plan

As part of Halligan Project operations, Fort Collins will provide continuous releases of 3 cfs from its water stored in the enlarged Halligan Reservoir to the North Fork from October 1 through April 30 each year. Fort Collins will implement the Winter Release Plan the first winter after the new Halligan Dam has been approved to store water by the DWR and Fort Collins' portion of the enlarged reservoir has at least 3,000 acre-feet of water. This Winter Release Plan will be a means for Fort Collins to meet wintertime return flow obligations while providing a concurrent benefit to the aquatic environment. Based on analyses during the permitting process (GEI, 2016, 2018; Miller, 2017; WEST, 2017a, 2017b; City of Fort Collins, 2017; Pioneer, 2016a, 2016b, 2017b), it is projected that the Winter Release Plan will provide the following benefits:

- Eliminate almost all¹⁵ zero-flow days on the North Fork (in combination with the Summer Low-flow Plan [Section 4.2.1.2]).
- Result in beneficial effects on the North Fork for small-bodied native fish, in the form of a continuous, more longitudinally connected aquatic corridor compared to the existing zero-flow conditions.

¹⁵ See potential exceptions at end of this section "Curtailement of the Winter Release Plan."

- Create additional wetted channel area that will benefit small-bodied native fish, trout, and macroinvertebrates (these benefits vary along the North Fork, with benefits expected to be greatest in the Phantom Canyon below the North Poudre Canal Diversion structure).
- Re-establish basic habitat requirements for aquatic species through the reintroduction of perennial flow.

The Winter Release Plan includes reconstructing the North Poudre Canal Diversion similar to its current configuration, but to allow the bypass of Fort Collins' releases from the enlarged Halligan Reservoir so that the water remains in the North Fork. Currently, the North Poudre Canal Diversion does not allow for such flow bypasses.

The Winter Release Plan will also result in benefits that will offset the impact resulting from the inundation of approximately 0.75 mile of the CWCB's instream flow water right (Water Court Case 1985CW430) on the North Fork above Halligan Reservoir (as discussed further in this section).

Figure 4-1 shows a zero-flow condition that is common in Phantom Canyon below the North Poudre Canal Diversion under current operations of the existing reservoir. This flow condition will be significantly improved by implementing the Winter Release Plan.



Figure 4-1. North Fork, Zero-Flow in Phantom Canyon, May 2002

Source: Miller 2017

Operation of the Winter Release Plan

Fort Collins will release a minimum of 3 cfs from its share of water stored in the enlarged Halligan Reservoir from October 1 through April 30 every year (winter releases). Instrumentation will be installed at the dam and at or near the reconstructed North Poudre Canal Diversion to monitor the winter releases bypass of the North Poudre Canal Diversion. The Winter Release Plan will not prevent Fort Collins from releasing more than 3 cfs during this time period as may be needed to meet demands or for other operational, mitigation, or enhancement needs. However, such additional releases are not planned. Additional releases will be subject to ramping rates as discussed in Section 4.2.1.2.

The winter releases will be delivered down the North Fork to its confluence with the Main Stem and either "exchanged up" to the Fort Collins Intake(s) on the Main Stem or delivered downstream for other purposes. If the winter releases are exchanged, Fort Collins will divert a like amount of water at one of the Fort Collins' Intakes. The amount of water diverted at Fort Collins' Intake(s) will be the amount released from the enlarged Halligan Reservoir reduced by the administrative transit loss assessed by DWR. In certain rare conditions when inadequate flows exist in the Main Stem for Fort Collins to perform an exchange to its intake(s), Fort Collins may find an entity willing to accept the winter releases in exchange for transferring other water to Fort Collins. These trades will require an agreement between Fort Collins and the other entity, and such an agreement will be reached in the future.

Greeley may potentially divert and store the winter releases in Seaman Reservoir using its own exchange water rights. In these situations, Greeley would divert and store the winter releases and deliver a like amount of water to the Main Stem at some point above the downstream calling water right.

CPW has expressed concerns about anchor ice forming in the Exchange Reach between Fort Collins' intakes and the confluence of the North Fork and Main Stem. Fort Collins operational staff has not experienced or heard of past instances of anchor ice forming in the lower part of the Poudre River canyon, because most icing issues occur in the upper reaches of the river. If the formation of anchor ice occurs in the Exchange Reach in the future during times when Halligan exchanges are made, Fort Collins agrees to consult with CPW to consider ways to avoid the issue such as, but not limited to, temporary curtailment of making those exchanges.

Protection of the Winter Releases

NPIC cannot divert the winter releases into the North Poudre Canal pursuant to an existing agreement with Fort Collins. Additionally, Fort Collins will attempt to protect the winter releases from Halligan Dam to Seaman Reservoir using the "Protected Mitigation Release" statute (CRS Section 37-92-102[8]). To acquire protection for these releases under this protection mechanism, Fort Collins will need to both reach an agreement with the CWCB and acquire a decree from the Water Court. Fort Collins will undertake a good faith effort to protect the winter releases under the Protected Mitigation Release statute; however, success is not guaranteed because it will depend on factors outside of Fort Collins' control.

Per the statute, the protected mitigation releases will need "to reasonably avoid, minimize, or mitigate the impacts of the new reservoir capacity on fish and wildlife resources within the qualifying stream reach in accordance with a fish and wildlife mitigation plan." Fort Collins will need to divert and use the protected mitigation releases after they flow through the protected "qualifying stream reach."

Because the protection of the winter releases (and release from the Summer Low-flow Plan as discussed below in Section 4.2.1.2) under the Protected Mitigation Release statute relies on other entities' and the Water Court's discretion beyond Fort Collins' control, Fort Collins cannot guarantee a particular result. If Fort Collins does not successfully acquire a Water Court decree to protect the winter and summer releases, the releases will not be protected from diversion under approved augmentation plans, substitutions, and exchanges, similar to Greeley's potential diversion of the winter releases into the Seaman Reservoir as previously discussed. However, such diversions of the winter and summer releases will be unlikely for several reasons, including (1) they cannot be diverted into the North Poudre Canal pursuant to Fort Collins' agreement with NPIC, (2) there are no other substantial diversion locations on the North Fork above Seaman Reservoir, (3) the entire area is very remote and difficult to access to divert water and to convey water that has been diverted, (4) there are numerous conservation easements in the area that make development difficult, and (5) there are few sources of augmentation and replacement water on the Main Stem and North Fork above the Phantom Canyon mouth. If Fort Collins fails to acquire a Water Court decree to protect Halligan Releases under the Protected Mitigation Release statute, or its agreement with NPIC changes such that Halligan Releases can be diverted into the North Poudre Canal, Fort Collins will consult with CPW in good faith to evaluate how Halligan Releases can be protected.

Curtailment of the Winter Release Plan

The Winter Release Plan will occur from October 1 through April 30 every year except during emergency situations, maintenance occurrences, or when severe water restrictions that prohibit all lawn watering are in place for Fort Collins' water customers, as described further in Section 4.2.1.7.

4.2.1.2 Summer Low-flow Plan

As part of Halligan Project operations and to minimize impacts, Fort Collins will implement the Summer Low-flow Plan, which adjusts reservoir operations by forgoing diversions and/or releasing its water stored in the enlarged Halligan Reservoir to maintain a minimum continuous 5 cfs flow in the approximately 22 miles of the North Fork between the replacement Halligan Dam and Seaman Reservoir (as measured at three gaging stations along the North Fork, as described below) from May 1 to September 30 each year (summer releases). The minimum target of 5 cfs for the Summer Low-flow Plan was identified by Fort Collins as the amount of flow that could be maintained in the North Fork below the enlarged Halligan Reservoir without increasing the size of the reservoir. Fort Collins will implement the Summer Low-flow Plan the first summer after the new Halligan Dam has been approved to store water by the DWR and Fort Collins' portion of the enlarged reservoir has at least 3,000 acre-feet of water. Based on analyses during the permitting process (GEI, 2016, 2018; Miller, 2017; WEST, 2017a, 2017b; City of Fort Collins, 2017; Pioneer, 2016a, 2016b, 2017b), it is projected that the Summer Low-flow Plan will produce the following results:

- Eliminate almost all¹⁶ zero-flow days on the North Fork (in combination with the Winter Release Plan, Section 4.2.1.1) which avoids and minimizes potential impacts on the aquatic ecosystem including stream temperature from the Halligan Project.
- Anticipation of stream temperature benefits for the North Fork, at times, are based on recognition that the Summer Low-flow Plan would increase flow rates on the North Fork in summer months at the times of the lowest current flow rates. A more thorough understanding of anticipated temperature effects of the Halligan Project on the North Fork will be developed through temperature modeling planned for the CWA Section 401 water quality certification application.
- Result in beneficial effects to the North Fork for small-bodied native fish in the form of a more longitudinally connected aquatic corridor compared to existing zero-flow conditions.
- Create additional wetted channel area that will benefit small-bodied fish, trout, and macroinvertebrates (these benefits vary along the North Fork per Table 3-3).
- Re-establish basic habitat requirements for aquatic species through the reintroduction of perennial flow.

¹⁶ See potential exceptions at end of this section 4.2.1.1 Winter Release Plan "Curtailement of the Winter Release Plan" and section 4.2.1.2 Summer Low-flow Plan "Curtailement of the Summer Low-flow Plan".

The Summer Low-flow Plan involves bypassing the North Poudre Canal Diversion through a reconstructed North Poudre Canal Diversion so that the water remains in the North Fork. Currently, the North Poudre Canal Diversion does not allow for such flow bypasses.

The Summer Low-flow Plan will also result in benefits that will offset the impact resulting from the inundation of approximately 0.75 mile of the CWCB's instream flow water right (Water Court Case 1985CW430) on the North Fork above Halligan Reservoir (as discussed further in Section 3.3.2.3).

Figure 4-2 shows a zero-flow condition that is common near the mouth of Phantom Canyon during certain times of the year, which will be improved through the Winter Release Plan and Summer Low-flow Plan.



Figure 4-2. North Fork, Zero-Flow Conditions below Calloway Diversion, August 2018

Source: CPW

Operation of the Summer Low-flow Plan

Fort Collins will forgo diversions into and/or release water from its share of storage in the enlarged Halligan Reservoir to maintain a minimum continuous flow of 5 cfs in the North Fork between the replacement Halligan Dam and Seaman Reservoir from May 1 through September 30 every year. Fort Collins will install new instrumentation and continue to monitor flows at specific locations on the North Fork between the replacement Halligan Dam and Seaman Reservoir. Flow will be measured at the following three specific locations:

- The existing gage or new instrumentation at or below the replacement Halligan Dam
- A new gage in and/or slightly downstream of the bypass structure for the reconstructed North Poudre Canal Diversion
- The existing gage where West County Road 74E crosses the North Fork near Livermore

If the flows at any of the three gages drop below 5 cfs from May 1 through September 30, Fort Collins will modify flow operations to forgo diversions into and/or make releases from its portion of the enlarged Halligan Reservoir to increase the flow to at least 5 cfs at each of the three gages. The amount of time required for these minor adjustments will depend on the system installed. The intention during design will be to react within at least an hour or so, but if possible, sooner. Fort Collins understands that maintaining 5 cfs at the gages may require releases greater than 5 cfs to compensate for potential losses in the North Fork.

Based on Commission and public feedback, Fort Collins will also perform preconstruction surveys of the pre-Halligan Reservoir enlargement flows on the reach of the North Fork between the existing Livermore gage and the upstream end of Seaman Reservoir (that is, the Livermore-to-Seaman Reach) in different seasons and hydrologic regimes (particularly dry conditions) to determine if there are flow

losses in this stretch. Details of the preconstruction surveys, including an agreement on methods and standards to be used to define whether there are flow losses, will be included in an intergovernmental agreement between Fort Collins and CPW. If the preconstruction survey demonstrates that the Livermore-to-Seaman Reach is a neutral or gaining reach, then another gage below the existing Livermore gage will not be needed. If the preconstruction survey demonstrates that the Livermore-to-Seaman Reach is a losing reach, Fort Collins will coordinate with CPW on next steps which could include the installation of a fourth gage or increased Halligan Project flows to the Livermore gage to offset such losses toward ensuring that the Summer Low-flow Plan benefits all 22 miles of river.

If, in the future, another diversion structure is constructed in the Livermore-to-Seaman Reach, Fort Collins will commit to work with the owner of this diversion structure toward assuring passage of Fort Collins' flows. The commitment with the future diversion structure owner could include a written agreement, installation of other gages, and/or other means of assuring that Fort Collins can meet its Summer Low-flow Plan measure.

Exchange of the Summer Releases – May through June

Similar to the winter releases, from May 1 to June 30, the Summer Low-flow Plan releases will be delivered down the North Fork to the confluence with the Main Stem and either "exchanged up" to Fort Collins' Intake(s) on the Main Stem or delivered downstream for other purposes. If the summer releases are exchanged, when the releases reach the confluence of the Main Stem and the North Fork, Fort Collins will divert a like amount of water at one of the Fort Collins' Intakes. The amount of water diverted at the Fort Collins' Intake(s) will be the amount released from the enlarged Halligan Reservoir reduced by the administrative transit loss assessed by DWR. In certain rare conditions when inadequate flows exist in the Main Stem for Fort Collins to perform an exchange to its intake(s), Fort Collins may find an entity willing to accept the summer releases in exchange for transferring other water to Fort Collins. These trades will require an agreement between Fort Collins and the other entity, and such an agreement will be reached in the future.

Greeley may potentially divert and store the summer releases in Seaman Reservoir using its own exchange water rights. In these situations, Greeley would divert and store the summer releases and deliver a like amount of water to the Main Stem at some point above the downstream calling water right. Diversion and storage of Halligan summer releases by Greeley in Seaman Reservoir at times would occasionally interrupt the temperature benefits of the Summer Low-flow Plan in the approximately 1 river mile reach of the North Fork below Seaman Reservoir. To maximize the extent of this benefit for the North Fork, an operational agreement is being pursued with Greeley (discussed further in Section 4.2.1.3).

Modified Summer Release Exchange Plan – July through September

Fort Collins will not exchange Summer Low-flow Plan releases (up to 5 cfs) from Halligan Reservoir up to either of the Fort Collins Intakes. This hiatus on exchanges will occur each year from July 1 to September 30. This action will leave more water in the Main Stem upstream of the North Fork confluence and downstream to below the Hansen Supply Canal during times of the most critical temperature concern (July to September), minimizing Halligan Project temperature impacts in this critical season.

Protection of the Summer Releases

NPIC cannot divert the summer flows into the North Poudre Canal pursuant to an existing agreement with Fort Collins. Additionally, Fort Collins will undertake a good faith effort to protect the summer releases from Halligan Reservoir to Seaman Reservoir using the Protected Mitigation Release statute

(per CRS Section 37-92-102[8]) in the same manner and subject to the same limitations as described for the winter releases (Section 4.2.1.1).

Curtailment of the Summer Low-flow Plan

The Summer Low-flow Plan will not be operated during emergency situations, maintenance occurrences, and when water restrictions are in place for Fort Collins' water customers, as described further in Section 4.2.1.7.

4.2.1.3 Operational Agreement with Greeley/Seaman Reservoir Outlet Works Reconstruction

If the diversion and storage of Halligan Project summer releases by Greeley in Seaman Reservoir could be avoided, the river temperature benefits of the Summer Low-flow Plan could be extended to the approximately 1 river mile reach of the North Fork below Seaman Reservoir. To maximize the extent of this benefit on the North Fork, Fort Collins is pursuing an operational agreement with Greeley. The agreement would specify the need for Greeley to pass Halligan Releases, including the Winter Release and Summer Low-flow Plan of 3 cfs and up to 5 cfs directly through Seaman Reservoir. For this to be possible, upgraded outlet works may be needed in Seaman Reservoir. Greeley is currently in the process of upgrading their outlet works with support from federal funding. As part of the potential agreement, Fort Collins may provide additional funding support for further refinement of the new outlet works design for Seaman Reservoir. The goal of this additional funding would be to give the new outlet works the functionality and operational control to pass even the small Summer Low-flow Plan releases through Seaman Reservoir (that is, the refined new outlet works should allow for fine-scale management of releases on the order of 1 to 5 cfs).

In the event that Fort Collins cannot reach an agreement with Greeley to pass Fort Collins' Halligan Winter and Summer Low-flow Plan releases of 3 cfs and up to 5 cfs below Seaman Reservoir, and the CWA Section 401 water quality certification process determines that the Halligan Project has potential for occasional adverse temperature impacts on the North Fork below Seaman Reservoir that requires mitigation, Fort Collins commits to mitigating the identified temperature impacts attributable to the Halligan Project through stream restoration or other measures in a manner agreed to by Fort Collins, CDPHE, and CPW. If reasonably practicable, Fort Collins will mitigate the identified impacts along the river reach from Seaman Reservoir to the confluence with the Main Stem commensurate with Fort Collins identified impacts. If not reasonably practicable in the reach below Seaman Reservoir, Fort Collins will work with CDPHE and CPW to find other mitigation commensurate with the Halligan Projects identified impacts.

4.2.1.4 Ramping Rate Limitations

By applying ramping rate limitations, Fort Collins will seek to constrain existing and potential dramatic decreases and increases in the rate of discharge from Fort Collins' portion of the enlarged Halligan Reservoir to avoid and minimize impacts on aquatic species, particularly small-bodied native fish and rainbow trout. Such dramatic decreases and increases in the discharge of water below Halligan Dam resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir could occur because of (1) the rate at which Fort Collins diverts water into the enlarged reservoir (thus affecting the amount of water flowing past the dam), and (2) the rate at which Fort Collins releases water from its portion of an enlarged Halligan Reservoir that Fort Collins previously stored. Fort Collins will seek to implement the ramping rate limitations by managing both such aspects of its operations.

The ramping rate limitations described in this section are intended to protect aquatic life, as well as people recreating (for example, fishing) downstream. Tempering sudden flow changes is consistent with

The Nature Conservancy's (TNC's) environmental flow recommendations for the North Fork (TNC 2008). The ramping rate limitations will also help maintain a more natural descending limb of the North Fork hydrograph following peak flows by incorporating a more gradual decrease in outflow and establishing a lag time before returning the stream to a base flow level. The ramping rate limitations are based on an evaluation of operations at the existing Halligan Dam and, in part, on the statistical analysis of natural ramping rates that are anticipated on the North Fork. The following ramping rate limitations (summarized) were developed in consideration of the following factors:

- 1) Needs of Fort Collins' customers and additional legal obligations of Fort Collins
- 2) Operational compatibility
- 3) Mimicking natural hydrologic conditions to the extent feasible
- 4) Protecting small-bodied native fish and rainbow trout

Operation of the Ramping Rate Limitations

Fort Collins will limit dramatic decreases and increases in the discharge rate resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir as described in this section. Ramping rate limitations would take effect as soon as the new Halligan Dam has been approved to store water by the DWR.

Ramping Rate Limitations to Decreasing Discharge Rates—The limitations on decreasing discharge rates resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir are intended to be protective of small-bodied native fish and rainbow trout that are susceptible to being stranded in discrete areas within the North Fork with sudden decreases in flow. According to the Ramping Rate Limitations for decreasing discharge rates resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir, the maximum allowable decrease in discharge rate is dependent on the starting discharge rate, which will be measured at the outlet works of the replacement Halligan Dam and/or the immediate downstream gage. The maximum allowable decrease to the discharge rate resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir, according to the Ramping Rate Limitations, is summarized in Table 4-1.

Table 4-1. Ramping Rate Limitations for Decreasing Releases from Fort Collins' Portion of an Enlarged Halligan Reservoir^[a]

Starting Discharge Rate ^[b]	Maximum Down-ramp (Decrease) per Hour
Greater than 200 cfs	10% of starting discharge rate
Between 100 and 200 cfs	10% of starting discharge rate (maximum of 20 cfs)
Less than 100 cfs	10% of starting discharge rate (maximum of 10 cfs)

^[a] The replacement Halligan Dam will include an outlet works with a maximum capacity of 800 cfs; therefore, the maximum release flow is 800 cfs if the reservoir is not full.

^[b] The "starting discharge rate" is the discharge rate from the outlet works before any decrease in flow.

The following are example descriptions of how the ramping rate limitations will be implemented for decreasing discharge rates resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir:

- **Example 1: Decreasing discharge rate from 800 cfs to 50 cfs (for example, after the Peak Flow Bypass Program)**—The discharges from the enlarged Halligan Reservoir will decrease or be "ramped down" at a rate of 10 percent of 800 cfs per hour (cfs/hour) (80 cfs/hour), until a discharge rate of

approximately 200 cfs is reached. This will be accomplished by managing how Fort Collins diverts water into storage in the enlarged Halligan Reservoir. At that point, a “reset” will occur and discharges from the reservoir will continue to decrease or “ramp down” at a maximum rate of 10 percent of 200 cfs (20 cfs/hour). As the discharges continue to decrease, another reset will occur at 100 cfs, and the discharge rate will decrease or be ramped down at a maximum of 10 percent of 100 cfs (10 cfs/hour) until the final discharge rate is reached (50 cfs). The total duration of this ramping event will be approximately 18 hours.

- **Example 2: Decreasing discharge rate from 90 cfs to 5 cfs**—The releases from Halligan Reservoir will decrease or be ramped down at a rate of 10 percent of 90 cfs per hour (9 cfs/hour) until the final discharge rate is reached. Again, this will be accomplished by managing how Fort Collins diverts water into storage in the enlarged Halligan Reservoir and how Fort Collins is making releases of water it previously stored in its portion of an enlarged Halligan Reservoir. The total duration of this ramping event will be approximately 10 hours.

Ramping Rate Limitations to Increasing Discharge Rates—The limitations to increasing discharge rates is intended to protect fish that could be swept downstream and to lower the risk to people recreating on the North Fork who could be exposed to rapid water level rises without the limitation in place. According to the ramping rate limitations for increasing discharge rates, Fort Collins will limit changes to the rate at which reservoir discharges increase resulting from Fort Collins’ operation of its portion of the enlarged Halligan Reservoir. Increasing discharge rates from the reservoir will be evenly distributed over a 4-hour period to more closely match hydrographic data above Halligan Reservoir and other unmanaged systems with similar precipitation and runoff regimes.

The following is an example description of how the ramping rate limitations will be implemented for increasing discharge rates resulting from Fort Collins’ operation of its portion of the enlarged Halligan Reservoir:

- **Example: Increasing discharge rate from 5 cfs to 100 cfs**—The discharges from Halligan Reservoir will be increased or ramped up at a rate that is evenly distributed over a 4-hour period. In this case, the releases from the reservoir will be increased at 24 cfs/hour.

Exclusions to the Ramping Rate Limitations

The ramping rate limitations will not apply to water that is naturally spilling over the spillway of Halligan Dam because Fort Collins cannot control this amount of flow. Likewise, the ramping rate limitations will not apply to NPIC’s diversion, storage, and releases of water in its portion of the enlarged Halligan Reservoir. NPIC can, and likely will, continue to operate its portion of the enlarged Halligan Reservoir as it does currently. Nevertheless, after construction of the Halligan Project, Fort Collins will attempt to reach an operational agreement with NPIC to operate all diversions to and releases from the enlarged Halligan Reservoir (both Fort Collins and NPIC’s) to meet the ramping rate limitations (Section 5.1.1.5). The NPIC has indicated a preference to wait until after the enlarged Halligan Reservoir has been operational for a few years before considering such an agreement.

Occasionally, Fort Collins may be required by others or by maintenance exercises to deviate from the ramping rate limitations. Two such example scenarios when the ramping rate limitations might not be implemented are described as follows:

- DWR currently allows some flexibility in water rights administration that would allow ramping rates to occur at times when Fort Collins does not have the right to store water (DWR 2016). However, if DWR guidance changes in the future, Fort Collins could be directed to cease diverting water into its

portion of the enlarged Halligan Reservoir for water rights administration or other reasons. To the extent legal Fort Collins will ramp diversions as described in this plan.

- Consistent with best practices, Fort Collins annually exercises the outlet valves to ensure full range of operation. These activities will likely occur annually during the spring runoff when water is spilling over the spillway. In these instances, the valves will be fully opened for several minutes and then reduced back to the operational level.

Curtailment of the Ramping Rate Limitations

The ramping rate limitations apply only to discharges affected by Fort Collins' operation of its portion of the enlarged Halligan Reservoir and not to changes in the discharge rate from other factors. The ramping rate limitations will not be operated during emergency situations, maintenance occurrences, and when water restrictions are in place for Fort Collins' water customers, as described further in Section 4.2.1.7. As discussed above in "Exclusions to the Ramping Rate Limitations," the ramping rate limitations may also be curtailed as required by the Division of Water Resources in its administration of water rights and regulation of Halligan Dam safety.

4.2.1.5 Peak Flow Bypass Program

Fort Collins will forgo all diversions into its portion of the enlarged Halligan Reservoir for 3 days coinciding as closely as practicable with the annual forecasted peak (runoff) flow event for the North Fork. The ramping rate limitations (Section 4.2.1.4) will be implemented on both sides of this 3-day Peak Flow Bypass Program, extending the bypass beyond 3 days. The Peak Flow Bypass Program would take effect as soon as the new Halligan Dam has been approved store water by DWR.

The Peak Flow Bypass Program will avoid and minimize impacts on the aquatic ecosystem from the Halligan Project by maintaining some of the historical, pre-enlargement peak flows past the enlarged Halligan Reservoir. The Peak Flow Bypass Program will allow 3 days (in addition to ramping) of peak flows during times when Fort Collins could be diverting water into storage in the enlarged Halligan Reservoir. This Peak Flow Bypass Program is intended to mimic a natural, pre-enlargement stream flow for this 3-day period to support riverine and ecological processes in the North Fork, such as the following:

- Providing phenological cues to aquatic and riparian organisms for emergence of aquatic insects, spawning, the timing of flowering, and seed dispersal
- Facilitating natural seasonal sediment transport, channel shaping, and channel scour
- Recruiting and transporting woody debris and other organic materials
- Providing overbank flooding to maintain wetland and riparian habitat function, including seed transport and propagation of native cottonwood and willow species, sediment transport, formation and maintenance of aquatic habitat, and riparian area diversity and structure

Operation of the Peak Flow Bypass Program

Fort Collins will monitor the stream gage installed above the enlarged Halligan Reservoir (United States Geological Survey gage 06751145 on the North Fork), along with snowpack levels and weather conditions, to estimate when a peak flow of runoff above the enlarged Halligan Reservoir will occur. When the forecast peak flow has been estimated to within a few days, Fort Collins will forgo diverting water into storage into its portion of the enlarged Halligan Reservoir for 3 consecutive days. The ramping rate limitations described in Section 4.2.1 will be implemented on both the increasing and

decreasing of flows for the 3-day bypass. The replacement Halligan Dam will include an outlet works with a maximum capacity of 800 cfs, which will allow operational passing of the full magnitude of the incoming peak flow via the outlet works, spillway, or a combination of each, in most years.

Operation of the Peak Flow Bypass Program will be limited to the snowpack-driven annual peak, which typically occurs during runoff between mid-May to early June (Natural Resources Conservation Service [NRCS] n.d.). Fort Collins will notify CPW in advance of the estimated peak flow bypass each year.

If the annual peak flow above Halligan Reservoir occurs when NPIC is filling its portion of the enlarged Halligan Reservoir, Fort Collins will wait to operate the Peak Flow Bypass Program until directly after NPIC fills its portion (that is, Fort Collins will bypass flows for 3 days, plus the ramping rate limitations on both increasing and decreasing bypass flows, before starting to fill its portion of the enlarged Halligan Reservoir). Conditions may be such that Fort Collins will be able to divert water to storage in its portion of the enlarged Halligan Reservoir before the peak flow occurs. In this scenario, Fort Collins will temporarily cease filling its portion of the enlarged reservoir during the estimated 3-day peak flow bypass period.

Circumstances may exist when, in consultation with CPW, Fort Collins will deviate slightly from the Peak Flow Bypass Program described herein, provided that any such modifications will not affect Fort Collins' storage and yield from the enlarged Halligan Reservoir and are consistent with all applicable permits and approvals, agreements, and decrees. These potential deviations could include changes to the timing or quantity of flow to manage sediment buildup in Halligan Reservoir following a wildfire event; changes to the timing or quantity of flow in a wet year to minimize predicted excessive spilling over the Halligan Dam; other modifications of timing, duration, and quantity of flow needed for emergency response; periodic maintenance; or for the benefit of the aquatic environment as determined in coordination with CPW.

Limitations of the Peak Flow Bypass Program

Fort Collins will not have any dominion or control over the bypassed water because it will not have been previously diverted or stored by Fort Collins. Therefore, as occurred historically, the peak flows will be available for diversion by NPIC at the North Poudre Canal Diversion or by Greeley at Seaman Reservoir under their respective water rights. Fort Collins understands that NPIC currently has rights to divert up to approximately 350 cfs at the North Poudre Canal Diversion, although current infrastructure may limit diversions to less than approximately 200 cfs.¹⁷ Peak flows greater than the amount that NPIC can legally and physically divert at the North Poudre Canal Diversion will flow past the North Poudre Canal Diversion.

Because estimating peak flow can be difficult given unpredictable weather conditions beyond Fort Collins' control (for example, hot, dry, or windy conditions that quickly evaporate snowpack; cool or wet conditions that create gradual runoff with no distinct peak; or unpredictable rain on snow events), the actual peak flow above the enlarged Halligan Reservoir might not be the same as the predicted peak flow used for this program. If in a particular year the peak flow is difficult to estimate given unpredictable or changing weather conditions, and is accidentally missed, the incoming flows will be passed through the enlarged Halligan Reservoir as soon as this condition is identified. If the peak flow bypass is operated prematurely, Fort Collins will not operate the Peak Flow Bypass Program again that year. To minimize these circumstances, Fort Collins will monitor its Peak Flow Bypass Program actions each year to evaluate how closely the estimated and bypassed peak coincides with the actual peak that

¹⁷ Design criteria for reconstruction of the North Poudre Canal Diversion as part of the Halligan Project are expected to support diversions of 350 cfs.

occurred in a given year. This annual review will provide information to optimize the Peak Flow Bypass Program operations over time. If for some reason Fort Collins does not accurately anticipate the peak flow, Fort Collins will consult with CPW or other parties on methods to improve its forecasting of peak flows on the North Fork, which will be paid for by Fort Collins.

Curtailment of the Peak Flow Bypass Program

The Peak Flow Bypass Program will not be operated during emergency situations, maintenance occurrences, and when water restrictions are in place for Fort Collins' water customers, as described further in Section 4.2.1.7.

4.2.1.6 End of Summer Flushing Event

An end of summer flushing event (flushing event) will be conducted following fall turnover of Halligan Reservoir each year that a turnover event occurs (turnover is anticipated to occur in all years of normal Halligan Project operations) to address potential iron coatings on river materials. The first flushing event would occur after the new Halligan Dam has been approved to store water by DWR and Fort Collins' portion of the reservoir has filled and there has been a reservoir turnover, as described above. The flushing event would be a release of a maximum of 30 acre-feet of water from Fort Collins' water in the Halligan Reservoir Enlargement to the North Fork over a short time duration. In years when releases occur for other reasons (for example, NPIC releases) that yield similar flow rates/durations following turnover, these flushing event releases by Fort Collins would not be needed and would not occur. Like other flow-related operational measures (Section 4.2.1), the flushing event will not be operated during emergency situations, maintenance occurrences, and when water restrictions are in place for Fort Collins' water customers as discussed in Section 4.2.1.7.

The intention of the flushing event would be to flush seasonal iron deposition (if it occurs) from sediment surfaces below the dam to minimize the potential adverse effects of such deposition, which is most likely to occur in late summer, if it were to occur. The goal is to release a maximum of 30 acre-feet of water at the lowest discharge rate from the outlet of the enlarged Halligan Reservoir that is practicable to successfully mobilize the iron deposits. Targeting lower effective flow rates is desirable to avoid unintended adverse consequences on small-bodied fish and inadvertent sediment release. For example, a possible release schedule would be to release about 80 cfs for 4 hours.

To avoid unintended adverse effects on small-bodied native fish and sediment, Fort Collins will seek CPW input regarding the planned rate, ramping, and timing of the release each year. Fort Collins would also monitor iron and habitat conditions immediately below the enlarged reservoir for 5 years to determine if this flushing event is effective and/or necessary. This monitoring will consist of visual checks for iron deposition on sediment in the vicinity of the NBH sampling station (and photographic records of any observed deposition) as well as continued sampling at NBH for dissolved and total iron. However, if it is determined at the end of the first five flushing events (in consultation with CPW) that this operation is no longer needed, then the releases and special monitoring (observations of iron deposition) will end.

4.2.1.7 Water Supply Shortage Events and Curtailment of Measures

To balance the protection of fish and wildlife that benefit from the flow-related operational measures described in Chapter 4, with the health and safety of the customers who rely on Fort Collins to provide high-quality, reliable drinking water, the flow-related operational measures described Sections 4.2.1 and 5.1.1.1 can be curtailed during certain instances that threaten Fort Collins' ability to provide that water. Curtailment can occur during emergency situations, maintenance occurrences, and when water restrictions are in place for Fort Collins' water customers, as described below. When appropriate in

limited instances like planned maintenance, Fort Collins will notify CPW of curtailment events to consider potential timing to limit impacts on aquatic resources.

Emergency Situations

Curtailment of the flow-related operational measures described in Chapter 4 can occur, at Fort Collins' discretion, during emergency situations, such as flooding, wildfires, infrastructure failures or other limitations, or other instances that threaten the ability of Fort Collins to deliver high-quality drinking water safely to its customers. The frequency of anticipated curtailment for emergency situations is difficult to define because these situations are outside of Fort Collins' control. However, over the past 20 years, temporary curtailment due to an emergency likely would have occurred only for approximately 2 months coinciding with the 2012 High Park Fire. In contrast, certain emergency situations likely will not require curtailment of the flow-related operational measures described above. For example, the 2020–2021 Cameron Peak Fire and associated water use restrictions likely would not have required curtailment of Fort Collins' operations of its portion of the enlarged Halligan Reservoir because of the time of year that it occurred. Curtailment of the measures due to emergencies is anticipated to be infrequent and short in duration.

Maintenance Occurrences

Curtailment of the flow-related operational measures described in Chapter 4 can occur, at Fort Collins' discretion, during maintenance events such as inspections, repairs, or planned maintenance of the Halligan Dam infrastructure and related appurtenances. The number and extent of these occurrences will generally be minimized by advanced planning, including consultation with CPW to limit impacts on wildlife if any operational or mitigation commitments need to be modified. Maintenance activities will inherently be short in duration because they will likely disrupt Fort Collins' and NPIC's ability to deliver water to their customers and shareholders. Therefore, curtailment that occurs because of maintenance activities is also anticipated to be infrequent and short in duration. In addition, for non-emergency maintenance activities, the ramping rates limitations (Section 4.2.1.4) will be implemented.

Watering Restrictions

Curtailment of the flow-related operational measures could occur, at Fort Collins' discretion, during periods when a water shortage is projected and Fort Collins' water customers are required to restrict their landscape watering through mandatory water restrictions to 2 days a week or fewer. This would balance the benefits provided to the aquatic environment from the flow-related operational measures, with the ability to reliably provide water to Fort Collins' customers.

Such curtailment corresponding with customers limiting landscape watering to 2 days per week or fewer is consistent with the Level 1 action level described in the *Water Shortage Action Plan* (City of Fort Collins 2020b). Although changes to future Fort Collins policy may influence changes to future mandatory water restriction levels, curtailment of the flow-related operational measures described previously will be independent of those future planning criteria and will instead be tied to the restrictions currently associated with a Level 1 action level in the 2020 plan (City of Fort Collins 2020b). For example, if future planning incorporates a new description of a Level 1 water restriction that is 3 days per week, curtailment of the flow-related operational measures will occur only when water restrictions limit watering to 2 days per week or fewer.

The Winter Release Plan would continue to operate through restriction levels that allow lawn watering but may be curtailed when customers are not allowed to water lawns, which is currently Level 3 of the Water Shortage Action Plan.

The water needs of Fort Collins and its customers have and will continue to change over time due to impacts from climate change, continued conservation, economics, and other factors. Fort Collins is currently working on future water resources and demand planning and modeling that will consider these potential factors and the impacts to its water system. Fort Collins is committed to incorporating this planning and modeling data about the potential of operations that will include continuing the Summer Low-flow Plan even during greater water restriction levels. If appropriate and approved by the City Council, Fort Collins will incorporate into future policies that the Summer Low-flow Plan operations continue at some level even during greater water restriction levels (particularly during restriction levels that allow lawn watering). Fort Collins will coordinate with CPW on potential changes to these curtailment measures.

The frequency of such curtailment is expected to depend primarily on the occurrence of drought in the region. Common technical platform (CDM and DiNatale 2013) modeling indicates that mandatory restrictions will be required infrequently (mandatory restrictions occurred twice in an 86-year modeling period). Fort Collins' actual adoption of mandatory restrictions also occurs infrequently; recent information indicates that mandatory restrictions have been required about once every 7 to 10 years (three times in the last 20 years) and ranged in duration from 2 to 18 months. The voluntary watch level of restrictions implemented by Fort Collins in summer 2021 to address uncertainty about the availability and quality of Poudre River source water following the 2020 Cameron Peak Fire, likely would not have resulted in a curtailment of the flow-related operational measures.

4.2.1.8 Combined Environmental Effects of Flow-related Operational Measures

Overall, the Halligan Project and proposed ramping rate strategy discussed in this FWMEP include operational flow measures and peak flow bypass that will minimize negative effects of current Halligan Reservoir operations, including dry-up conditions and current significant temperature fluctuations below Halligan Reservoir dam (thermal shock). The operational flow measures will allow both perennial flows and peak flows. The peak flows are needed to help maintain a more natural stream morphology and overbank connectivity. These measures have been designed to collectively improve connectivity and function to portions of the North Fork below the enlarged Halligan Reservoir that currently have little to no flow during certain times of the year. The measures will provide perennial flows, minimize abrupt changes in flows resulting from operations of the enlarged Halligan Reservoir, and maintain flows that help support critical stream functions. Numerous analyses have been conducted to evaluate the potential effects of the Halligan Project on the North Fork and its associated aquatic and biological communities, including but not limited to analysis of flows and aquatic habitat availability under various flow scenarios (GEI 2016, 2018; Miller 2017; WEST 2017a, 2017b; City of Fort Collins 2017; Pioneer 2016a, 2016b, 2017b). The analyses show that implementing the minimization measures is anticipated to have an overall (net) benefit to North Fork aquatic resources, including increased ecological function of the stream system and associated riparian zone of the North Fork. The minimization measures include the following:

- **Combination of the Winter Release Plan and the Summer Low-flow Plan** - Eliminate nearly all zero-flow days on the North Fork between the enlarged the Halligan Reservoir and Seaman Reservoir and restore continuous flow to approximately 5.8 to 12.1¹⁸ acres of riffle and pool complex area (Corps 2019). The combined Winter Release Plan and Summer Low-flow Plan will improve the transport of nutrients, organic material, and native seed through the stream system while also providing a net increase of at least 2.3 acres of riffle and pool habitat (the difference between the

¹⁸ Varying calculations have been used to determine the area of restored riffle pool complexes downstream of the North Poudre Canal Diversion (Reach NF4, also known as Segment 2a). The larger area considers the entire length of NF4, and the smaller area considers only the 1.9-mile segment of NF4 above the North Poudre Canal return flow (refer to Corps, 2019 for more information).

minimum 5.8-acre gain and 3.5-acre loss because of inundation), in the stretch of the North Fork between the enlarged Halligan Reservoir and Seaman Reservoir. The Summer Low-flow Plan will also provide a stream temperature benefit on the North Fork during the lowest summer flow rates, which often correspond to the times of current stream temperature standard exceedances (especially July through September). Further, the Modified Summer Release Plan will extend some of the avoidance benefits of the Summer Low-flow Plan to Segment 10a of the Main Stem.

- **Ramping Rate Limitations** - Limit abrupt changes to discharges resulting from Fort Collins' operation of its portion of the enlarged Halligan Reservoir to minimize the potential for stranding or flushing of small-bodied native fish and rainbow trout and to more closely mimic natural changes to the hydrography.
- **Peak Flow Bypass Program** - Allow for a period of high flows to pass the enlarged Halligan Reservoir to provide important functions for the maintenance of aquatic and riparian habitats, including those discussed in Section 4.2.1.5.

In whole, the flow-related operational measures described in this section (in addition to other measures described in Sections 4 and 5 of this FWMEP), could minimize impacts from the Halligan Project to current conditions in the North Fork below Halligan Reservoir and may provide some beneficial and long-term improvements ("functional lift") to the aquatic resources when compared to existing conditions. To quantify and assess the functional lift and long-term benefits of the Project at this time and into the future is difficult without an in-depth analysis of current and future conditions and a project monitoring plan.

4.2.2 Infrastructure Design Measures

Numerous aspects of the design of the replacement Halligan Dam and associated Project infrastructure provide opportunities to improve current operations for environmental benefit, avoid and minimize Project impacts, and allow mitigation measures such as the flow- and sediment-related operational measures described in this FWMEP. One key measure incorporated into the design of the outlet works is inclusion of a two-outlet system, a primary and an auxiliary outlet. A series of gates will be located at the intake on the upstream side of the replacement Halligan Dam and at the valve house located on the downstream side of the dam. This design ensures redundancy in operational function and will allow the gates to be closed from multiple locations in the event one gate becomes inoperable, particularly in an emergency. Gate redundancy also allows for maintenance work, structural inspections, or emergency work at the replacement Halligan Dam or outlet works to be conducted without drawing down the reservoir pool elevation. Although this design was not developed specifically as a Project mitigation measure, it is a key improvement over the existing dam that will avoid potential sediment releases associated with drawing down the reservoir for regular inspections and maintenance.

4.2.2.1 Multilevel Outlet Structure

A multilevel outlet works (MLOW) for Halligan Reservoir that would allow water to be released from one or more elevation higher than the bottom has been discussed since the CMP was put forth in the DEIS. An MLOW is a tool that can, in some cases, allow for beneficial additional management controls on the quality of water released from a reservoir, particularly at times of stratification. At this time, however, an MLOW is not expected to be necessary from the perspective of aquatic life mitigation efforts. Therefore, based on CPW comment, the MLOW is not a commitment in the FWMEP, but the need for an MLOW may be revisited through the CWA Section 401 water quality certification process.

During the 401 Certification process modeling and analysis findings will be reviewed to assess whether such a structure would provide effective and practical water-quality management options for mitigating

anticipated Project water-quality impacts. Currently anticipated decision factors regarding “effective and practical water-quality management options” include consideration of reservoir stratification, concentration gradients, operations, and net benefit to aquatic resources. For example, model results will be evaluated to determine whether operational flexibility to release water from the epilimnion in summer months will provide adequate water quality benefit when weighed against any additional stress on aquatic life because of the release of warmer water from the top of the reservoir. CWA Section 401 water quality certification model findings will be shared, and CPW and CDPHE will be consulted on this decision, as part of the CWA Section 401 water quality certification process.

4.2.2.2 Outlet Conduit Sizing

To allow for the peak flow bypass mitigation measure (Section 4.2.1.5), Fort Collins incorporated an enlarged outlet conduit, which is larger than necessary to meet demand-based releases. The enlarged outlet will be constructed to release up to 800 cfs. Streamflow gage measurements and Project modeling indicate inflows into Halligan Reservoir rarely get above 800 cfs, with only 0.46 percent of days being higher and most of these days the enlarged reservoir will be full and spilling.

4.2.3 Construction-related Measures

Fort Collins will implement multiple measures to avoid and minimize impacts on fish and wildlife related to construction of the Halligan Project.

4.2.3.1 Big Game Interference Minimization

Fort Collins aims to avoid and minimize the Halligan Project’s potential impacts on wildlife within the Halligan Project Area when feasible. Figure 4-3 shows an elk herd foraging in the Livermore area. The Halligan Project includes many construction-related measures designed to avoid and minimize impacts on big game, including the following measures that are described elsewhere in this report:

- Construction scheduling to ensure efficient Project delivery, to limit temporal impacts and number of seasons during which habitat is disturbed (Section 4.2.3.13)
- Construction carpooling (Section 4.2.3.11)
- Management of fugitive dust during construction (Section 4.2.3.7)
- Minimizing construction disturbance areas and the number and footprint of construction access roads (Sections 4.2.3.9, 4.2.3.10, and 4.2.3.14)
- Reclamation and revegetation of temporarily disturbed areas (Section 4.2.3.9)
- Implementation of a noxious and invasive weed management plan for construction and reclamation activities (Section 4.2.3.15)

Compensatory mitigation and enhancement measures specific to bighorn sheep are described in Sections 4.3.3 and 5.2.3.



Figure 4-3. Foraging Elk Herd

Source: CPW

4.2.3.2 Preconstruction Botanical Surveys

Previous botanical surveys have not located Ute ladies'-tresses orchid (Figure 4-4) in the area of Halligan Reservoir (WEST 2016b; Jacobs 2021). To further minimize the possibility of Project impacts on this federally threatened plant, botanical surveys will be conducted at a minimum of a year before construction. Surveys will focus on areas that will likely be disturbed by the Halligan Project and that could support the orchid, and be performed during the growing season (July and August). Results of preconstruction surveys will be submitted to USFWS as required by the ESA; CPW will be provided a courtesy copy of results. If Ute ladies'-tresses orchid is found during preconstruction surveys, Fort Collins will develop a plan to avoid the plants and the habitat or remove and relocate the plants before construction disturbance.

4.2.3.3 Preconstruction Bat Surveys

Visual and auditory detection surveys for bats (Figure 4-5) were conducted in the area of Halligan Dam and up to 0.5 mile downstream of Halligan Dam in 2021 (Jacobs 2021). Several lone bats were detected during the surveys, but no large concentrations of bats were identified. The scattered occurrence of lone bat detections suggests that the area below Halligan Dam is used for foraging, but evidence of a bat colony or identification of roosting locations was not observed during this brief presence/absence survey. To minimize the possibility of Project impacts on bats, additional surveys are warranted, including a survey for roosting sites near the dam. This additional bat survey work will be conducted in the year before construction commences for the Halligan Project. Surveys will focus on areas that will likely be disturbed by Halligan Project construction activities. If surveys indicate the presence of an active bat roost near the Halligan Dam, Fort Collins will consult with CPW on appropriate mitigation measures.



Figure 4-4. Ute Ladies'-tresses Orchid

Source: P. Hickey



Figure 4-5. Townsend's Big-Eared Bat

Source: CPW

4.2.3.4 Migratory Bird and Raptors Surveys

Nest surveys were conducted in the area of Halligan Dam and along access roads in 2021 (Jacobs 2021). Additional monitoring for migratory birds and raptors will be performed every other year before construction, the year before the start of construction, and annually during construction with a focus on areas of suitable habitat within planned or proposed disturbance areas in the immediate Halligan Project Area. Before and during construction activities, Fort Collins may use bird nesting deterrents during nesting season to reduce the risk of nesting activities during construction. Deterrent measures may include modifying or removing attractive nesting habitat (for example, trees, shrubs, tall grass) within potential disturbance areas during inactive periods to reduce the potential for construction-related impacts during active nesting periods. Before Project implementation, Fort Collins will provide CPW an opportunity to review and comment on Project specifications related to migratory bird and raptor nesting avoidance and minimization. If eagle or other raptor nests are identified, Fort Collins will consult with CPW and their buffer guidelines for nesting raptors to determine measures to minimize the potential adverse impacts of the construction activity. If avoidance and minimization techniques are unsuccessful and a taking is necessary, Fort Collins will follow any applicable permit and mitigation requirements at the time of the taking.

4.2.3.5 Raptor Nesting or Roosting Platforms

Fort Collins will include nesting or roosting platforms (Figure 4-6) near Halligan Reservoir to encourage eagles and other raptors, such as osprey, to use the reservoir. The platforms will also minimize any temporary loss of perching locations from the inundation of shoreline trees while new shoreline habitat becomes established. The final design and location of nesting or roosting platforms will be developed in coordination with CPW. The nesting or roosting platforms will be installed as part of the project construction. At this time the exacting timing is not known. However, the nesting or roosting platforms will be installed before inundation of the enlarged Halligan Reservoir begins.



Figure 4-6. Raptor Nesting Platform in Laporte, Colorado

Source: Colorado Department of Transportation

4.2.3.6 Stormwater Management Plan

Fort Collins will develop a stormwater management plan in compliance with local and state requirements and as required by the National Pollutant Discharge Elimination System, Construction General Permit, COR400000, before construction, which will include all necessary stormwater management controls and best practices, temporary sediment and erosion control during construction, and medium-term sediment and erosion control during vegetation re-establishment. Targeted planning and successful execution of the stormwater management plan will reduce the potential for water quality degradation of the North Fork and its associated aquatic ecosystem. Additionally, a non-stormwater discharge permit and monitoring plan will be prepared, if required, before the start of construction.

4.2.3.7 Best Management Practices

Fort Collins proposes to employ standard construction BMPs (also called control measures) typically included in federal, state, and local permit requirements to reduce potential construction-related impacts on upland and aquatic habitats, fish, and water quality. BMPs will be implemented at Project

construction areas, including dam construction and staging/stockpile areas, along access roads, the North Poudre Canal Diversion structure, and mitigation or enhancement sites that involve Fort Collins-led construction. At a minimum, standard dust and erosion control measures, sediment control measures, aquatic nuisance species measures, and the application of non-stormwater-related control measures will be implemented.

The following sections list and briefly describe some of the BMPs that may be implemented during construction to control erosion and sedimentation. Additional measures may be incorporated if those described differ from permit conditions defined in the CWA Section 401 water quality certification and CWA Section 404 permit, or if site conditions warrant them.

Erosion Control Measures

Erosion control or soil stabilization includes measures that are designed to prevent soil particles from detaching and becoming transported in stormwater runoff. Erosion control BMPs protect the soil surface by covering and/or binding soil particles. The following practices will be implemented to provide temporary and/or final erosion control during construction:

- Preserve existing vegetation where practicable
- Control the area of soil-disturbing operations to the extent practicable to limits shown on plans
- Control erosion in concentrated flow paths by applying erosion control blankets, check dams, erosion control seeding, or alternate methods
- Apply permanent erosion control to the remaining disturbed soil areas before the completion of construction

The following temporary erosion control BMPs may be implemented to control erosion on the construction site:

- Preservation of existing vegetation, when practicable, through barrier fencing
- Hydraulic mulching or hydroseeding of disturbed areas, and reseeding and revegetating with native vegetation following construction
- Application of soil binders to aid in minimizing wind and rain erosion
- Covering of soil stockpiles, exposed areas, or inactive areas with geotextiles, mats, soil binders, or linear erosion controls to prevent erosion from wind or rain events
- Earthen berms, drainage swales, or slope drains constructed to direct stormwater away from disturbed areas
- Velocity dissipation and/or streambank stabilization measures to prevent scour in discharge areas
- Soil roughening to minimize erosion and allow for moisture retention and aid in seed germination and vegetative growth
- Soil stabilization measures such as wood chips, rip rap, rock, or gravel to stabilize soil and prevent erosion

Sediment Control Measures

The following temporary sediment control BMPs may be implemented to control sediment on the construction site:

- A silt fence, wattle, fiber roll, gravel bags, or other type of perimeter control may be installed around the limits of construction
- Sediment basins and/or traps will be used to remove sediment before releasing water back to the river or reservoir at a controlled rate
- Check dams constructed of fiber roll, gravel bags, or rock may be used in combination with swales to control velocity of flows through the swales
- Passive treatment may be used to allow settlement of suspended sediment and potential passive treatment through a media filter, before discharge
- Measures may be installed on roads and at construction exit points to reduce sediment track-out by construction vehicles and equipment, including water bars, rock material, and reusable rockless track-out control mats
- Stabilized construction roads may be constructed through the site to minimize dust and erosion and help contain vehicle traffic to designated drive areas

Dust Suppression Measures

A plan for controlling fugitive dust will be developed and implemented to minimize fugitive construction dust generated from the use of access roads and construction areas. Water and/or EPA-approved drinking water and wildlife-safe dust palliatives will be used to stabilize construction roadways, reduce fugitive dust emissions, and control and suppress dust in construction and access road areas. To reduce the potential for wildlife conflicts on construction roads, magnesium chloride will not be used because it can attract big game, such as bighorn sheep.

Non-stormwater Controls and Waste and Materials Management

The following non-stormwater control BMPs may be implemented to control sediment on the construction site:

- Water conservation practices will be used during construction in a manner that avoids causing erosion and the transport of pollutants offsite.
- Dewatering operations related to water captured from construction areas will comply with applicable local and Project-specific permits and regulations. Water from dewatering operations will meet all discharge requirements and water quality certification before water is allowed to leave the site.
- Temporary stream crossings will be constructed to prevent construction equipment from tracking sediment and other pollutants into the stream. Temporary stream crossings will be constructed in a way to minimize impacts on stream banks and stream bottom substrate. It may be necessary to install blankets between the existing substrate and temporary fill or to use clean gravel material to construct a crossing.
- Clear water diversions will be used to intercept clear surface water runoff upstream of the construction area and transport it around the work area to a discharge location downstream with minimal water quality degradation. Clear water diversions used may include diversion ditches,

berms, slope drains, K-rails, rock bags, gravel bags, sandbags, wood, geotextile and rubber bladders, earthen cofferdams, filter fabric, turbidity curtains, swales, pipes, or flumes along with numerous proprietary designs. The selection of which diversion or isolation technique to use will depend upon the type of work involved, physical characteristics of the site, and the volume of water flowing through the Halligan Project during each construction milestone.

- Washing of construction vehicles and equipment onsite will be done in a manner that captures wash water, not allowing it to discharge to Halligan Reservoir or the North Fork. Containment of wash water will minimize any potential release of contaminated wash water.
- To prevent the potential spread of invasive aquatic species in Halligan Reservoir, the North Fork, or the Main Stem, contractors will follow State of Colorado requirements for inspections and decontamination. If heavy equipment used for the Halligan Project was previously used in another stream, river, lake, pond, or wetland, a specific procedure will be implemented to ensure that all mud and debris is removed from equipment prior to entering the construction site (for example, tracks, turrets, buckets, drags, teeth). Additional discussion of aquatic nuisance species and decontamination to avoid their spread is in Section 4.2.3.16.
- Fueling activities will be done by a mobile fueling service within the specified fueling areas for the construction site, which will be located away from wetlands, drainages, and riparian areas which are also associated with higher quality wildlife habitat for a variety of species.
- Construction vehicle maintenance and repair will be conducted in an area with minimal potential to discharge to receiving waters. Repairs may be conducted in the active construction areas, if necessary, but soil in the area will be protected before any maintenance work. Contamination of stormwater or construction water during the concrete curing process will be prevented. Weather will be monitored before concrete pours to avoid potential rain events that may wash fresh concrete into waterways. Proper perimeter controls and washout procedures will be used during the concrete finishing process. For example, chemical curing or wet blanket or similar method will be used that maintains moisture while minimizing the discharge.
- Chemicals and waste material will be stored properly to avoid non-stormwater discharge.
- Construction operations will occur near Halligan Reservoir and the North Fork. Therefore, care with materials and equipment will be observed to ensure that equipment and/or materials do not enter these waters.
- Demolition of existing structures will occur near Halligan Reservoir and the North Fork. Care with trash and equipment will be observed to avoid and minimize potential for demolished materials to enter these waters.
- Because of the remote location and need for concrete processing, a temporary batch plant will be placed onsite for concrete activities. The plant will be contained to minimize the release of any pollutants. Perimeter controls will be placed around the batch plant, and raw materials will be stored in a manner to minimize the release of materials from rain or wind events.
- If a temporary aggregate plant is needed, water used in the processing of aggregates will be stored in ponds and recycled. Ponds will also capture sediments from stockpiles. Pond levels will be managed so that they do not result in non-stormwater discharge. Stormwater run-on will be minimized and diverted around the aggregate processing area.

Materials Management and Waste Management

Materials management control practices include implementing procedural and structural BMPs for handling, storing, and using construction materials to prevent the release of those materials into stormwater discharges. The amount and type of construction materials to be used at the site and waste materials generated will be identified as the site development plan progresses.

Waste management includes implementing procedural and structural BMPs for handling, storing, and ensuring proper disposal of wastes to prevent the release of those wastes into waterways. Materials and waste management pollution control BMPs will be implemented to minimize stormwater contact with construction materials and wastes and to prevent materials and wastes from being discharged offsite. The following BMPs may be implemented to handle materials and control construction site wastes associated with construction activities:

- Materials will be stored at designated areas and in a manner that prevents the release of pollutants, such as metals, chemicals, or organic matter.
- Workers on the site will be informed about the materials stored onsite and their various health and safety properties. Procedures for improving the effectiveness of material use while lowering inherent environmental risks will be developed and implemented.
- Stockpiles will be located in an area where environmental impacts are minimized. Perimeter controls will be put in place to prevent the migration of stockpiled materials. Stockpiles will be stabilized for wind and covered if rainfall is anticipated.
- Plans and/or practices will be developed and implemented specific to the following:
 - Spill prevention
 - Materials handling
 - Solid waste management
 - Hazardous waste management
 - Contaminated soil management
 - Concrete waste management
 - Sanitary waste management
 - Liquid waste management
 - Revegetation plan
 - CPW will have an opportunity to review and comment on the revegetation plan.

4.2.3.8 Existing Dam for Construction Sediment Control

Leaving the original dam in place during construction to act as a coffer dam provides strong control of sediment to allow for avoidance of an inadvertent major release of sediment during construction. The existing dam will continue to function normally during the entire time the replacement dam is being constructed; therefore, drawdown of the reservoir will not be necessary during construction. Once the replacement dam is complete, Fort Collins anticipates that a coffer dam will be put in place around the existing dam during the brief (a few months or less) demolition period. Fort Collins is exploring whether to fully or partially remove the existing dam. The determination of full versus partial demolition will consider demolition methods and their potential direct and indirect resource impacts. If full demolition is not pursued, certain elements of the existing dam may be retained following construction of the replacement Halligan Dam and would generally be submerged following filling of the enlarged reservoir. Design of the existing dam elements, if retained, would incorporate features to maintain reservoir mixing and avoid or minimize potential impacts on water quality, such as notching the existing dam to

the reservoir bottom and removing the upper portion of the existing dam. At this time, details on the extent, methods, and impacts related to dam demolition are not known. Fort Collins will consult with CPW as needed on the dam demolition.

4.2.3.9 Construction Disturbance Minimization and Reclamation

Fort Collins will reclaim temporarily disturbed areas following construction completion. Materials stockpile and borrow areas created on Fort Collins' property may be left in place for long-term operations and maintenance of the enlarged Halligan Reservoir. Reclaiming disturbed areas to their current condition will reduce the permanent footprint of the Halligan Project and reduce the potential for long-term ecological degradation. Revegetation and monitoring is described in Sections 4.2.3.7 and 4.2.3.15.

4.2.3.10 Access Road Minimization and Reclamation

To construct the Halligan Project, and to implement some of the mitigation measures described herein, construction equipment access to the site features will be required. Access roads are shown in the detailed Project Area maps presented in Appendix A. To minimize disturbance to local residents, wildlife, and undisturbed lands, Fort Collins proposes using existing roads whenever possible.

To accommodate larger vehicles and equipment necessary to construct the Halligan Project, existing roads will require some or all of the following: temporary widening to accommodate two-way truck traffic in some locations, placement of new culverts at drainage crossings, grade modifications, and road stabilization. Fort Collins proposes to reclaim access roads to their current condition following construction completion. Widened roads and turnouts created on Fort Collins property may be left in place for long-term operations and maintenance of the enlarged Halligan Reservoir; widened roads may be left in place on private property if requested by the landowner. Using existing roadways and reclaiming widened roadways to their current condition will reduce the permanent footprint of the Halligan Project and reduce the potential for long-term ecological degradation.

4.2.3.11 Traffic Impact Minimization

The Halligan Project is in a relatively remote location that is inaccessible to public traffic. Traffic impacts on residents will be limited to predominant ingress and egress from Highway 287, with less ingress and egress from Larimer County Road 80C (Cherokee Park Road). To minimize impacts on traffic on Highway 287, Fort Collins will construct a temporary or permanent turn lane and/or an acceleration lane. This minimization measure will be designed and implemented in coordination with the Colorado Department of Transportation and Larimer County.

Given the complexity of construction activities associated with the Halligan Project, large amounts of staff will be required to access the construction zone throughout Project construction. When appropriate and feasible, such as during shift changes, Fort Collins will incorporate carpooling of staff to and from construction areas. Carpooling of staff will reduce traffic on access roads and minimize air quality impacts, greenhouse gas emissions, potential wildlife and vehicle collisions, and fugitive dust during construction.

Fort Collins' efforts to minimize traffic impacts on wildlife as noted here, as well as Sections 4.2.3.1, 4.2.3.7, and 4.2.3.9, will minimize impacts on wildlife by using existing roads, reducing traffic-related equipment emissions and noise, reducing fugitive dust, reducing the potential for wildlife vehicle collisions, and reducing displacement and disturbance of habitats adjacent to construction activities and access roads. Construction of a temporary river crossing on the North Fork below the replacement dam will minimize traffic along County Road 80C by allowing direct access to the west side of Halligan Dam during construction (Section 4.2.3.14).

4.2.3.12 Construction Impact Minimization that will Benefit Wildlife

Construction of certain elements of the Halligan Project are anticipated to occur throughout all hours of the day or night during certain construction milestones. However, Fort Collins proposes to minimize nighttime construction activities that have the potential to generate increased noise levels, such as blasting, and will proactively respond to noise complaints. Lighting impacts associated with Halligan Project nighttime construction activities will be minimized in consideration of both local residents and wildlife. Lighting during construction will be limited to what is necessary for safety and security on the Project site during construction. Lighting will be angled and shielded to avoid light pollution and impacts on neighbors and wildlife. Noise will be minimized to the extent practicable during construction; Fort Collins plans to fit equipment with mufflers and apply construction standard practices for noise construction (the specific practices will depend on equipment used). Fort Collins' contractors will comply with Larimer County ordinances or approved variance requests through the county that may include noise shielding and reduction of after-hours activities.

4.2.3.13 Construction Timing Restrictions at the North Poudre Canal and Calloway Diversions

To minimize potential construction-related disturbance to bighorn sheep spring and fall movements, Fort Collins and CPW have agreed to implement a 1-year construction window for both the North Poudre Canal and Calloway Diversions. During the 1-year construction window, Fort Collins will perform work in two phases. During the first phase, work on the access road construction, and staging equipment and materials at the North Poudre Canal and Calloway Diversions will occur in July and August. Then during the second phase, both the North Poudre Canal and Calloway Diversions construction work will commence in November and conclude in March before spring movements by bighorn sheep through the mapped linkage area (Figures 3-3 and 4-8) between the two diversion structures. To the extent reasonably possible, all work will be completed within one construction season beginning in November and ending the following end of March (Figure 4-7). In the unlikely event of an unforeseen occurrence such as extreme snow, Fort Collins will coordinate with CPW to develop a revised schedule. In addition, Fort Collins has not yet come to an agreement with landowners to complete channel improvements and modifications of the Calloway Diversion. Should a delay occur that affects the proposed timing restriction schedule, Fort Collins will coordinate with CPW and landowners to discuss an alternative timeline to avoid or minimize impacts to bighorn sheep as discussed in Sections 4.2.3.17, 4.2.3.19, and 5.1.1.4.

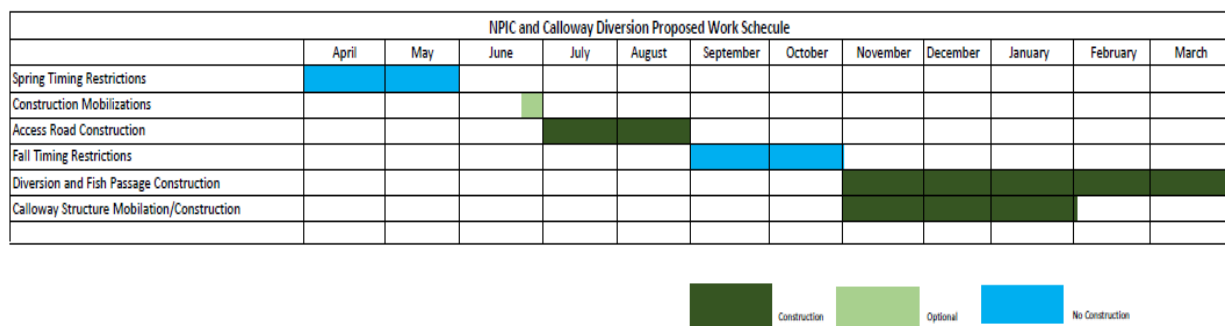


Figure 4-7. Proposed Construction Schedule to Avoid and Minimize Bighorn Sheep Disturbance at North Poudre Canal and Calloway Diversions

4.2.3.14 Limited Use of Western Access Road

Following completion of the temporary construction access crossing of the North Fork below the Halligan Dam, which is planned in the first year of construction, use of the western access road (Figure 1-3) intersecting Larimer County Road 80C (Cherokee Park Road) will be reduced to only occasional or as-needed access from April to July in the second and subsequent years of construction to reduce construction vehicle disturbance to wildlife in the area. Occasional use of the access road may be required for construction access and material deliveries during certain construction milestones.

4.2.3.15 Noxious and Invasive Weed Control and Revegetation

Fort Collins will develop a noxious and invasive weed management plan for construction activities, in coordination with the Larimer County Weed District. No domestic sheep or goats will be used for weed control on City owned property or easements Fort Collins grants to others in the vicinity of Halligan Reservoir. Noxious weed BMPs, including chemical, cultural, and mechanical measures, will be implemented during all construction phases for all Halligan Project disturbance areas, including access roads and buffers. Equipment will be cleaned so that it is free of accumulated soils that may carry noxious and invasive weed seeds to the Halligan Project Area. Restoration and revegetation will be completed for all temporarily disturbed areas using native plants. These disturbance areas will be monitored after construction to ensure successful re-establishment of vegetation in accordance with Construction General Permit requirement to stabilize all disturbed soil areas (Section 4.2.3.9) before completion of the Halligan Project. Specific revegetation/restoration details will be identified following final design.

4.2.3.16 Aquatic Nuisance Species

Fort Collins will take a proactive approach to preventing the introduction of aquatic nuisance species into Halligan Reservoir, the North Fork, and the Main Stem. Non-native species and invasive species pose a threat to ecosystems, and Fort Collins will minimize the risk of spreading aquatic nuisance species through implementation of BMPs to prevent the potential spread of these species in Halligan Reservoir and in the rivers. Fort Collins will implement specific procedures to ensure that all equipment is cleaned of mud and debris (for example, tracks, turrets, buckets, drags, teeth), and inspected to confirm they are free of aquatic nuisance species. Specific decontamination measures for equipment or materials that were used in any stream, river, lake, pond, or wetland within 14 days of the start of the Project to prevent the spread of New Zealand mudsnails (*Potamopyrgus antipodarum*), zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena bugensis*), invasive plant species, and other aquatic nuisance species will follow the most current guidance from CPW and are expected to include one or more of the following methods: (1) Remove all mud and debris from equipment (tracks, turrets, buckets, drags, and teeth) and spray/soak in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaners and water. Keep equipment moist with the solution for at least 10 minutes, or (2) remove all mud and debris from equipment (tracks, turrets, buckets, drags, and teeth) and continuously spray/soak equipment with water that is hotter than 140 degrees Fahrenheit for at least 10 minutes. Hand tools, boots, and any other equipment that will be used in the water will be cleaned, as well.

4.2.3.17 Bighorn Sheep Habitat and Collaring Measures

Fort Collins developed bighorn sheep mitigation measures in consultation with CPW to mitigate potential direct and indirect effects of the Halligan Project within the Lone Pine herd range. The goals of Fort Collins' bighorn sheep mitigation package include the following:

- Avoid potential impacts by improving bighorn sheep habitat opportunities and water access in areas away from Project construction, as described in this section

- Monitor movements of the Lone Pine herd before, during, and after construction to fill a data gap around herd habits and to support implementation of other bighorn sheep mitigation measures through a collaring study, as described in this section
- Avoid and minimize construction-related direct and indirect impacts through a set of BMPs (Section 4.2.3.7) and construction timing restrictions (Section 4.2.3.13)
- If, despite the forgoing measures, the Project results in one or more mortalities of a bighorn sheep in the Lone Pine herd, financially compensate CPW for that unavoidable resource loss (Section 4.3.3)

As discussed in Section 3.8.4.1, comingling with domestic sheep and goats is the largest anticipated threat to bighorn sheep. Fort Collins has explored numerous options to either permanently or temporarily remove domestic sheep and goat grazing from the area around Halligan Reservoir. To date, Fort Collins' attempts have been unsuccessful, as discussed with CPW in multiple meetings in 2021 and 2022. Fort Collins is willing to continue exploring opportunities toward that goal of removing domestic sheep from around Halligan Reservoir; however, a specific implementable mitigation measure has not been identified.

4.2.3.18 Bighorn Sheep Habitat Improvements

To improve bighorn sheep habitat opportunities and water access on the Cherokee SWA, Fort Collins will provide CPW with \$250,000 for chemical treatment to abate invasive cheatgrass over at least 500 acres, along with installation of two remote passive water sources. Fort Collins intends to provide to CPW enough funding to complete a minimum of one round of cheatgrass treatment over 500 acres and other habitat improvements that may include the installation of up to two water features at least 2 years before the start of Project construction in an effort to entice bighorn sheep away from construction areas and areas at times used for the grazing of domestic sheep. Any remaining monies up to the \$250,000 earmarked for vegetation and habitat restoration could be used by CPW for habitat treatment on additional acreages within the Cherokee SWA.

CPW has identified several areas within the Cherokee SWA that would provide the largest benefit to bighorn sheep habitat and foraging through cheatgrass mitigation. Trail cameras will be deployed during and after treatment to identify how well the treatment worked. The habitat treatment targets cheatgrass seed germination, allowing for higher quality native forage to grow, which, in turn, may keep the Lone Pine herd within the boundaries of Cherokee SWA longer and away from domestic sheep during the April to July grazing period. The treatment should not alter normal migration routes, habitat range use, or lambing areas. The objective is to begin the cheatgrass mitigation treatments on a minimum of 500 acres commencing at least 2 years before the start of the Halligan Project and continue as needed through construction and up to 2 years postconstruction.

CPW will consider installing one or two water features in high-use bighorn sheep areas within or near the area(s) treated to control cheatgrass. If additional water features are appropriate for the area, Fort Collins anticipates that CPW will install either two water guzzlers for precipitation capture or one water guzzler and one stock-tank type structure that uses water from a spring that CPW holds rights to develop. CPW will also consider location and design elements that would exclude domestic ruminants from using the water sources, such as wildlife friendly fencing, to minimize the potential for pathogen transmission. These features will passively (that is, external power source not needed) provide water sources away from Halligan Project disturbances and are expected to provide benefit before, during, and after construction. The water features will be used to enhance bighorn sheep habitat in areas that may be underused due to lack of water resources and within a reasonable distance of the priority habitat restoration area noted previously.

4.2.3.19 Bighorn Sheep Collaring Study

Fort Collins will provide CPW additional funding of up to \$120,000 to support global positioning system (GPS) collaring and disease testing of bighorn sheep from the Lone Pine herd to track their movements before, during, and immediately after Halligan Project construction. GPS collaring study results will support evaluation of whether construction may influence herd habits, in particular with respect to interactions with domestic sheep and/or other bighorn herds. CPW will implement the collaring study and disease testing. Disease testing will occur in conjunction with every collar application throughout the collaring study. GPS collar monitoring studies are needed to assess disease risk and habitat restoration needs for the Lone Pine herd by gathering data on herd landscape use (habitat, spatial, and temporal), recruitment, and overall health. Depending upon the Lone Pine herd size, up to a maximum of 15 GPS collars and disease testing may be deployed. The preconstruction portion of the GPS collaring study will begin no less than 2 years before the anticipated start of the Halligan Project construction. GPS collars are expected to have a 2-year life and collect data approximately every 4 hours. Preconstruction collaring data will be considered viable for 5 years. Should construction be pushed beyond that initial 5-year window, a second GPS collar study would start 1 year from the start of construction. The intent of the second preconstruction GPS collar study is to have accurate and recent data on the Lone Pine herd's movements before construction. The Lone Pine herd will be fitted with GPS collars during all of the construction with collars having an anticipated 2-year battery life. The final phase will be a 2-year postconstruction GPS collaring event to evaluate postconstruction movement and habitat use. CPW may euthanize bighorn sheep to prevent disease spread in the Lone Pine herd and/or adjacent herds. As discussed in Section 4.3.3, Compensatory Mitigation for Halligan Project Impacts on Bighorn Sheep, Fort Collins will provide a monetary compensation for any bighorn sheep culls from the Lone Pine herd.

4.2.4 Overhead Power Line and Pole Relocation

The Halligan Project will require the relocation of approximately 27 overhead power poles and lines from the southwest end of the existing reservoir to the new dam since the old power poles would be inundated during the Halligan enlargement. The existing poles and line are too old to be reused safely. The new poles and line will be constructed and energized prior to removal of old poles and line. Installation and removal of overhead power line and poles will result in temporary disturbance of vegetation due to vehicles driving off-road. At this time, a formal access road is not being proposed for installation or removal of the overhead power lines and poles. Some vegetation will be permanently removed for placement of the new poles. Fort Collins will work with Poudre Valley Rural Electric Authority to perform raptor and migratory nesting bird surveys (Section 4.2.3.4, Migratory Bird and Raptor Surveys) prior to construction. In addition, construction BMPs (Section 4.2.3.7, Best Management Practices) including sediment control and aquatic nuisance species measures (Section 4.2.3.16, Aquatic Nuisance Species), and construction disturbance minimization and reclamation measures (Section 4.2.3.9, Construction Disturbance Minimization and Reclamation) will be implemented. Installation and removal of the overhead power lines and poles will be prohibited between December 1 and April 30. The overhead power lines and poles will follow design guidelines similar to those used by the Avian Power Line Interaction Committee, and will have bird diverters.

4.2.5 Halligan Reservoir Sediment Management Plan

A sediment management plan will be developed for Halligan Reservoir that will provide guidelines for postconstruction reservoir operations (including low water level operations) to avoid adverse sediment release events. Operating the reservoir, particularly at low water levels, in accordance with a plan developed by sediment experts is intended to avoid adverse sediment release events like the one in

1996 (described in Section C3.4). CPW will be given an opportunity to comment on the draft sediment management plan.

4.3 Compensatory Mitigation Measures

The goal of mitigation is to avoid and minimize adverse impacts of a project, and then compensate for any unavoidable impacts that remain. Fort Collins proposes a robust set of measures described in Section 4.2 that will not only avoid and minimize adverse effects from the Halligan Project but also will result in a net improvement of the aquatic ecosystem in the North Fork. However, because of the nature and scope of the Halligan Project, some unavoidable impacts are expected and will be offset through compensatory mitigation.

Fort Collins, in consultation with CPW, CDPHE's WQCD, cooperating agencies, and other stakeholders, has developed the compensatory mitigation measures described herein to compensate for impacts from the Halligan Project that cannot be avoided or minimized. This section presents compensatory mitigation measures specific to fish and wildlife resources, organized by general resource category. The natural resource mitigation measures are highly interrelated and typically serve to mitigate impacts on several ecological functions through one measure. Some of these connections (or overlaps) of mitigated functions are explained with each measure. The table in Appendix B summarizes each avoidance, minimization, and compensatory mitigation measure.

Throughout Project planning and mitigation proposal development, Fort Collins' focus for compensation has been to mitigate as close to the location of Halligan Project impact as practicable. Compensatory mitigation for fish and wildlife will occur near the Halligan Project Area or in the North Fork watershed.

4.3.1 Preservation as Early Compensatory Mitigation Measure

In 2003 to 2004, as an act of early mitigation in anticipation of the Halligan Project, Fort Collins led the purchase and preservation of a permanent conservation easement of a 4,557-acre property known as Roberts Ranch, which comprises several disconnected parcels (Figure 4-8) in the Livermore Valley. The preservation of the Roberts Ranch property was the first step in Fort Collins' compensatory mitigation approach for the Halligan Project. According to the CPW species activity mapping data (CPW 2020b), all parcels are within the overall ranges of several of the state-listed species and other Tier 1 and Tier 2 species. Specifically the conservation area provides potential habitat for bald eagle, black-tailed prairie dog, Townsend's big-eared bat, common garter snake, and northern leopard frog, all of which are state-listed species. Fort Collins acquired an undivided 60 percent interest in the conservation easement by funding 60 percent (or \$1.8 million) of the \$3 million cost in partnership with Larimer County, Great Outdoors Colorado, TNC, and the Roberts family. The easement covers 4,557 acres of high-quality wildlife habitat and rangelands near Halligan Reservoir and is also adjacent to 14,000 acres of other state and locally protected lands (Figure 4-8). This early conservation effort provides the following benefits:

- Direct and indirect ecological benefit to wildlife resources affected by the Halligan Project, including long-term preservation of suitable habitat for big game ungulates, as well as the federally and state threatened Preble's meadow jumping mouse and the federally threatened Ute ladies'-tresses orchid
- Land preservation and conservation in perpetuity of habitat for wildlife and rare and native plants, and conservation of the diverse forest, shrubland, meadow, and riparian vegetative communities
- Approximately 2 decades of land preservation before disturbance from the Halligan Project construction activities

- Preservation of areas within the linkage area for the Lone Pine bighorn sheep herd where individual rams have been observed annually by local residents from approximately March to October on parcels of Roberts Ranch east of Highway 287 (Thode, pers. comm. 2021), and limitations on grazing such that species other than cattle or horses cannot be grazed on the property unless approved by TNC in areas where use of cattle or horses is impractical
- Conservation of more than 8.8 miles of perennial streams
- Direct connectivity to 14,000 acres of adjacent state and locally protected lands

In addition to these benefits, this early mitigation effort removed 4,557 acres of property from future development, which equates to approximately 120 to 250 residential units based on Larimer County Rural Open Development standards (Larimer County 2021), and eliminated the potential to increase agricultural development within the area. To preserve this land at today's market rates, the cost to Fort Collins will be approximately \$2.6 million. By protecting the Roberts Ranch property in 2004, Fort Collins commenced mitigation efforts early, which has already preserved a threatened ecosystem and the ecological functions it provides for almost 2 decades.

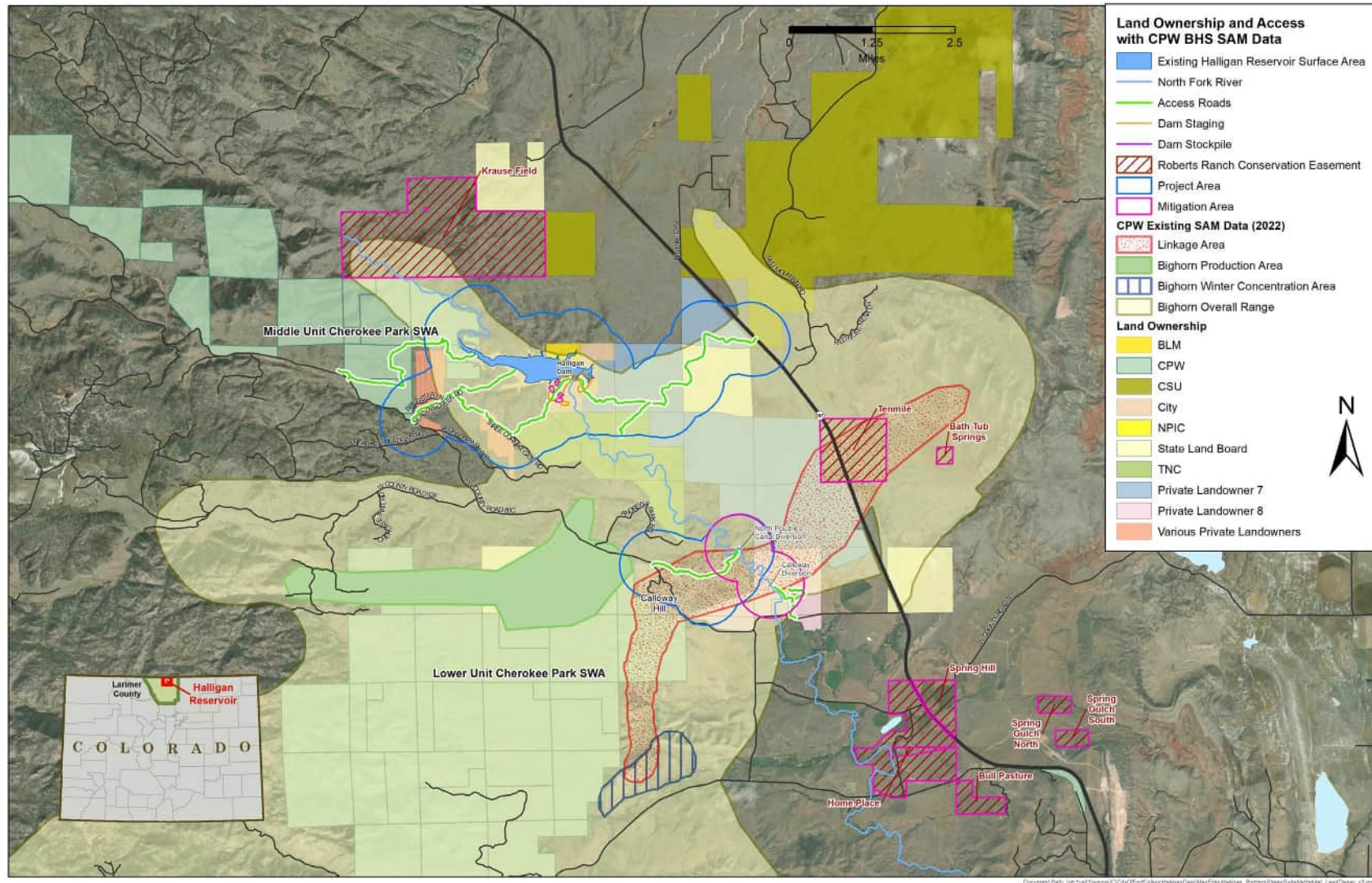


Figure 4-8. Land Ownership and Mitigation Areas around Halligan Reservoir

4.3.2 Fish Passage at the Fort Collins Intake at Gateway Park

Fort Collins will construct fish passage around the Fort Collins Intake diversion structure at Gateway Park (Figure 4-9) to increase connectivity for trout and other large-bodied fish species on the Main Stem and to compensate for impacts on Main Stem fisheries associated with flow changes as a result of the Halligan Project. The fish passage will be designed, in consultation with CPW, and to CPW's Research and Design Guidelines, *Fish Passage and River Structures* (CPW n.d.) to provide reliable upstream fish passage and will help to provide additional connectivity upstream of the Fort Collins Intake, and Fort Collins will consult with CPW on the design of the structure. The majority of diversions related to the Halligan Project will take place at the Fort Collins' Intake at Gateway Park on the Main Stem. This diversion structure is located approximately 0.5 mile upstream of the confluence with the North Fork. The diversion structure currently acts as a barrier to fish movement, preventing the migration of fish past the structure. With this action, Fort Collins will compensate for reduction of flows on the Main Stem in the Exchange Reach between the Fort Collins Intake(s) and the North Fork confluence. Construction of this project will be completed prior to Fort Collins beginning Halligan operations that involve exchanges on the Main Stem or on an alternate timeline that is agreed upon between CPW and Fort Collins.



Figure 4-9. Fort Collins Intake at Gateway Park

Source: City of Fort Collins

4.3.3 Compensatory Mitigation for Halligan Project Impacts on Bighorn Sheep

Fort Collins will avoid and minimize potential Project effects on bighorn sheep through the habitat improvements and movement tracking collaring study described in Sections 4.2.3.17, 4.2.3.18, 4.2.3.19 and through construction timing restrictions described in Section 4.2.3.13. Additional construction-related measures to avoid and minimize impacts on terrestrial wildlife, including bighorn sheep, are described in Section 4.2.3.7. If, despite these efforts, construction of the Halligan Project causes mortality directly, through euthanasia or otherwise, to bighorn sheep in the Lone Pine herd, Fort Collins will offset this unavoidable impact through monetary compensation to CPW.

Fort Collins will provide monetary compensation of \$7,300 per sheep to CPW for any Lone Pine herd bighorn sheep that experience mortality during Project construction and 2 years postconstruction. Although not all mortality experience during the construction period is anticipated to be caused by the Project, as a conservative approach Fort Collins is willing to assume that mortalities during the construction period and 2 years postconstruction will be compensated. Additionally, if Lone Pine herd mortalities are observed in the 2 years following the end of construction, Fort Collins will compensate CPW \$7,300 per sheep.

CPW has concerns that the Halligan Project construction may cause Lone Pine herd sheep to change movement patterns such that they act as a vector for disease transmission from domestic sheep to the

Lower Poudre herd. Fort Collins will work with CPW to develop an adaptive management approach to monitoring bighorn sheep movements to assess disease transmission, and will compensate CPW for Lower Poudre herd bighorn sheep that were exposed to respiratory disease because of the Halligan Project during and 2 years after construction.

4.3.4 Compensatory Mitigation for Halligan Project Impacts on Stream Temperature

Fort Collins will commit \$200,000 of funding for stream restoration efforts along the Main Stem, or North Fork, within or near the Halligan Project Area, including the North Fork above Halligan Reservoir to compensate for potential Project-related temperature increases. Note that this commitment is separate from the \$200,000 enhancement commitment for the North Fork described in Section 5.1.1.6; however, these funding commitments may be combined or used independently. The restoration will be focused on either enhancing aquatic life habitat or funding a fish passage project, or both. This money is committed as a compensatory mitigation for unavoidable temperature impacts on the Main Stem. If the money is used toward fish passage at the Munroe Diversion, this would allow for more natural fish behavior and the opportunity to seek spawning habitat upstream of the diversion. Combined with the Gateway Park Diversion fish passage, this would link more than 20 miles of upstream fish habitat year-round. Funding of a future stream restoration project is another example of adherence to Fort Collins' guiding principles of mitigation (refer to Section 5.1.1.6), focusing on the improvement of degraded resources, focusing on improving whole systems and benefiting multiple (aquatic) resources, and working in partnership with those who have common goals. Fort Collins and CPW will have final approval authority on any use of funds and will be used for the public benefit.

4.3.5 Compensatory Mitigation for Halligan Project Impacts on Wetlands

Compensatory mitigation and monitoring for wetlands will be described in a separate mitigation plan yet to be developed for approval by the Corps. Wetland mitigation for Halligan Project impacts may include restoration, mitigation banking, or other measures that benefit fish and wildlife. Wetland mitigation measures are not detailed in this FWMEP or the accompanying appendix table.

4.3.6 Special-status Species

Potential impacts of the Halligan Project on special-status species, including federally and state-listed species, are described in Section 3.8. Fort Collins seeks to avoid and minimize any adverse impacts on any special-status species. Halligan Project mitigation measures, such as the preservation of Roberts Ranch (Section 4.3.1), and the numerous avoidance and minimization measures (Section 4.2) will adequately mitigate potential Halligan Project effects on state-listed species; therefore, no additional species-specific compensatory mitigation measures have been proposed.

4.3.6.1 Preble's Meadow Jumping Mouse

Mitigation and monitoring of Halligan Project impacts on Preble's are being developed in consultation with USFWS and are described in the *Halligan Water Supply Project Preble's Meadow Jumping Mouse Mitigation Plan* (Jacobs 2022).

4.3.6.2 Ute Ladies'-tresses Orchid

Because the Ute ladies'-tresses orchid is not anticipated to occur within the Halligan Project Area (refer to Section 3.8.3.2), Fort Collins does not propose compensatory mitigation. Avoidance and minimization measures described in Section 4.2 will be implemented, including preconstruction botanical surveys (Section 4.2.3.2). Furthermore, indirect benefits to potential habitat are anticipated with the

implementation of wetland and riparian mitigation and enhancements associated with the Halligan Project.

4.3.6.3 Platte River Species

Fort Collins participates in the SPWRAP, which outlines a programmatic approach for USFWS Section 7 consultation that is described in the Platte River Recovery Implementation Program. Currently, mitigation is not expected to be needed for South Platte River depletions. If additional mitigation measures are identified during this programmatic approach or based on USFWS consultation, they will be incorporated into the mitigation strategy for the Halligan Project.

4.3.6.4 State-listed Species

Fort Collins seeks to avoid and minimize any adverse impacts on any state species of concern, which were described in Section 4.2.3. Effects on state-listed and other species of concern from Fort Collins' Proposed Action may include temporary displacement because of noise disturbance from construction activities, transportation of people and materials, and increased human activity in the area of Halligan Reservoir. In addition, vehicle and equipment emissions and fugitive dust may also displace state-listed or species of concern. This displacement and disturbance of state-listed or species of concern may result in additional stress on individuals which could lead to mortality of individuals. Some species, such as those dependent on riparian communities, will likely experience a beneficial effect from the Halligan Project as a result of the flow-related operational measures that will be implemented downstream of the enlarged Halligan Reservoir.

The Halligan Project will use numerous avoidance and minimization measures described in Section 4.2, including preconstruction bat surveys (Section 4.2.3.3) and migratory bird and raptor surveys (Section 0). If preconstruction avian and bat surveys determine that the Project will likely adversely affect a state-listed species avian and or bat, then Fort Collins will consult with CPW on timing, temporary habitat modification, and other measures that may help to further avoid or minimize site- and species-specific adverse effects. Avoidance and minimization measures, as well as the preservation of Roberts Ranch will adequately mitigate potential Halligan Project effects on state-listed avian and bat species and their habitats. As described in Section 4.3.1. the conservation easement on the Roberts Ranch encompasses 4,557 acres over 10 discrete parcels (Figure 1-1). According to the CPW species activity mapping data (CPW 2020b). In addition all 10 parcels provide vegetative communities that support the life cycle of one or more state species including: wetlands, stream, riparian zones, rock outcroppings, and short grass prairie communities Therefore, no additional species- habitat specific compensatory mitigation measures other than those mentioned in the FWMEP have been proposed.

4.3.7 Recreational Resources

Anticipated Halligan Project impacts on recreational resources are described in Section 3.9.2. Because the surface of Halligan Reservoir is not open to the public for recreational use, the Halligan Project will not change the public's ability to recreate on the reservoir. The LAPCR's private access to the Halligan Reservoir (refer to Section 3.9.1) will be minimally affected during construction and will be limited to specific times when the reservoir level will be drawn down near the end of construction for partial or total demolition of the existing dam.

The enlarged Halligan Reservoir will inundate approximately a 0.75-mile reach of the North Fork upstream of the existing Halligan Reservoir, resulting in the loss of approximately 20 acres of potential hunting lands and river fishing along a 0.4-mile stretch of this reach, as described in Section 3.9.2. Fort Collins is proposing the following mitigation related to recreation.

4.3.7.1 Reconciliation of Title Chain Confusion

As discussed in Section 3.9, in recent years, Fort Collins discovered that approximately 39 acres of land in the eastern half of Section 29 and in the northeastern quarter of Section 32 that were thought to be owned by CPW are owned by Fort Collins and a private party (Figure 3-4). Upper portions of the enlarged Halligan Reservoir will be located on portions of these lands. For the most part, these lands are surrounded by the Cherokee SWA–Middle Unit and according to CPW, these lands have been accessed by the public for over 50 years¹⁹. Fort Collins intends to acquire these privately owned lands for the enlarged Halligan Reservoir.

After acquiring these privately owned lands, Fort Collins will seek an agreement with CPW to convey an easement to CPW across the Fort Collins-owned lands, approximately 39 acres (as described previously), for public use, including river and shoreline access, provided that the surface of the enlarged reservoir will not be opened to public access at this time. Any such agreement and conveyance will be subject to applicable laws, including statutes applicable to CPW, and the Fort Collins Municipal Code Chapter 23 (Public Property), Article IV (Disposition of Property), Division 2 (Real Property).

As discussed in Section 3.9.3, Evaluation of Future Public Use of the Enlarged Halligan Reservoir, if, separate from the current processes to enlarge Halligan Reservoir, the reservoir is opened to public recreation at a point in the future, any recreation plan proposed by Fort Collins that will affect the Cherokee SWA will be developed in conjunction with CPW and will consider impacts on fish and wildlife habitat, including impacts on any access through the Cherokee SWA. The recreation plan will also compensate for the resource needs for CPW to stock and manage Halligan Reservoir for public angling access, if CPW determines it will maintain a public fishery.

4.3.7.2 Funding of Public Access Lease with Roberts Ranch

Fort Collins will contribute funding to CPW to support a lease of the Krause Field parcel of Roberts Ranch. The Krause Field parcel is located north of Halligan Reservoir and the Cherokee SWA, as shown on Figure 4-8. The Krause Field parcel was conserved as a part of the Roberts Ranch conservation easement secured by Fort Collins and partners in 2003 and 2004 (refer to Section 4.3.1). CPW has been pursuing a lease allowing primitive foot access for hunting and fishing on the Krause Field parcel. Fort Collins understands that this lease will provide public access to over 2,200 acres of hunting and approximately 1 mile of river access and fishing, which includes the North Fork and potentially stretches of its tributaries, Dale Creek and Bull Creek.

Fort Collins agrees to a one-time reimbursement in the amount of \$135,000 for CPW to pursue a long-term lease (in process) of the Krause Field parcel.

4.3.7.3 Parking Area Establishment of State Wildlife Area

A primitive parking area used to provide public access to the adjacent SWA is located on Fort Collins' property in the northeast quarter of Section 32. The parking area falls within an area previously thought to be owned by CPW. This parking area will be inundated by the enlarged Halligan Reservoir. Fort Collins will provide CPW with \$30,000 to create a new parking area in kind on CPW land outside of the inundation area, to provide comparable access to this general location (Figure 3-4). The new parking area will be primitive and similar in form to the existing parking area.

¹⁹ Fort Collins is evaluating if and the extent to which the public has accessed this part of the inundation area and makes no representations on this issue.

4.3.8 Instream Water Rights

The enlarged Halligan Reservoir will inundate approximately 0.75 mile of the North Fork upstream of the current reservoir where the CWCB holds an instream flow water right, as described in Section 3.3.2.2. Because of the additional stream flow that will be provided downstream, Fort Collins' commitment to protect those associated releases from Halligan Reservoir for approximately 22 miles downstream using the Protected Mitigation Release statute (CRS Section 37-92-102[8]), and the aquatic resource enhancements described in Section 5, no additional compensatory mitigation is proposed for impacts on the CWCB's instream flow water rights as part of this FWMEP.

4.4 Mitigation Costs and Schedule

Estimated costs and schedule for the mitigation components of this FWMEP follow in Appendix B.

This FWMEP includes a comprehensive description of all of Fort Collins' planned mitigation and enhancement measures for the Halligan Project that are related to fish and wildlife. Appendix B presents Fort Collins' total estimated mitigation and enhancement costs for all measures and denotes those that CPW staff believe are attributable to the Commission's recommendations pursuant to CRS Section 37-60-122.2 via separate cost columns.

Appendix B includes notes describing the mitigation commitments in the table being at a summary level and the text of this report shall take precedent over any discrepancies between the table and the FWMEP text. Also, capitalized costs in the table are the sum of the capital cost plus any annual operations and maintenance costs capitalized over the life of the commitment, or 50 years for those commitments that are perpetual. In addition, some of the costs in the table are firm not-to-exceed monetary commitments and the amounts are presented in 2022 dollars and will be increased in the amount of the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood from January 1, 2023 to the date of final payment under the FWMEP obligation.

5 Proposed Fish and Wildlife Enhancement Plan

This chapter constitutes the proposed enhancement plan for fish and wildlife resources in the general Halligan Project area. Enhancement measures were developed based on comments received on the DEIS, discussions with CPW staff, and discussions with other Halligan Project stakeholders. The enhancements described in this chapter will improve both existing and future anticipated conditions of the aquatic and terrestrial environment without regard to causation. These measures integrate with Fort Collins' vision and overarching goals for the Halligan Project and demonstrate Fort Collins' ongoing commitment to improve existing conditions in the Poudre River watershed. Chapter 4 of this FWMEP describes the approach used to identify and develop mitigation and enhancement measures.

This enhancement plan updates, builds upon, and/or replaces some of the measures presented in the draft CMP (City of Fort Collins 2019c) released with the DEIS (Corps 2019). The measures described in this enhancement plan have been updated since the development of the CMP. Some enhancement measures are similar to or directly replace measures described in the CMP. New enhancement measures have also been developed and described herein that were not presented in the draft CMP. All measures included in this FWMEP are summarized in the table contained in Appendix B.

5.1 Enhancement Measures

Fort Collins is committed to incorporating the voluntary enhancements described in the following sections into the Halligan Project. These enhancement measures are not required to meet regulatory mitigation requirements, and are above and beyond the measures presented in Chapter 4 that Fort Collins will undertake to avoid, minimize, or compensate for impacts resulting from the Halligan Project.

5.1.1 Aquatic Resources Enhancements

5.1.1.1 Temporary Environmental Pool

Between the time that Halligan Reservoir is enlarged and the time when Fort Collins grows into its future demand levels associated with the Halligan Project, Fort Collins will dedicate an annually variable storage volume in the enlarged Halligan Reservoir to release for environmental benefits downstream. This annually variable volume of water dedicated for environmental benefits is referred to as the temporary environmental pool (TEP).

The purpose of the TEP is to enhance the environmental benefit, or functional lift, of the flow-related operational measures described in Section 4.2.1. The primary objective of the TEP is to positively affect stream health in the North Fork from the replacement Halligan Dam to Seaman Reservoir. In general, the TEP will be used to benefit whole stream health, with the ability to focus on specific river functions, or single-species management in select years. Use of the TEP will be informed by first principles of river ecology.

Operation of the Temporary Environmental Pool

Fort Collins will determine the volume of water available for the TEP each year. Volumes in the range of 500 to 1,000 acre-feet are expected to be available; however, the actual volume available could increase or decrease after information is gained from the first several years of operation of the enlarged Halligan Reservoir. The annual volume of water available is expected to be reduced or eliminated over time, as water demand for Fort Collins' water customers increases. The TEP is currently anticipated to be operated through 2065, although it could occur sooner or later than that depending on when Fort Collins grows into its future demand levels associated with the Halligan Project.

Fort Collins will determine the volume of water available to be dedicated on an annual basis based on water demand and water supply outlook. The volume and targeted window for releases will be determined before July 1 each year. The window for releases will typically be from July 1 to the following April 30. The ramping rate limitations described previously will apply to such releases. The releases will be operated and used pursuant to Fort Collins' water rights decrees.

Releases from the TEP will be made from the enlarged Halligan Reservoir and conveyed down the North Fork. The TEP releases will be made only if Fort Collins can place them to decreed beneficial uses for the releases under Fort Collins' water rights. Fort Collins will determine the water right(s) to which the TEP releases are attributed. This may include uses further downstream on the Poudre River (for example, to Rigden Reservoir) that could potentially provide secondary benefits to the river. Fort Collins will not redivert the TEP releases until after they have reached the confluence with the Main Stem.

Decisions regarding the volume of water allocated each year will be made by Fort Collins. The primary stakeholders for the TEP will be Fort Collins and CPW; however, a small group of technical advisers, resource experts, and/or other stakeholders may be developed to guide decisions related to the best use of the TEP. The best use of this water will be determined based on decreed beneficial uses of the water rights and current conditions at that point in time and the greatest ecological concerns or issues, with one of the priorities being management of small-bodied native fish species downstream of Halligan Reservoir. Operational targets for use of the TEP could be set for several years at a time to address multiple ecological priorities. If CPW or another entity identifies additional water rights for storage in the enlarged Halligan Reservoir and allocated to the TEP, Fort Collins will consider specific proposals in good faith, after all required permits have been issued for the Halligan Project.

Protection of the Temporary Environmental Pool Releases

NPIC cannot divert the TEP releases into the North Poudre Canal pursuant to an existing agreement with Fort Collins. Additionally, Fort Collins will attempt to protect the TEP releases from Halligan Reservoir to Seaman Reservoir using the Protected Mitigation Release statute (CRS Section 37-92-102[8]) in the same manner as described here for the Winter Releases Plan (Section 4.2.1.1). Fort Collins will undertake a good faith effort to protect the TEP releases under the Protected Mitigation Release statute. However, success is not guaranteed because it will depend on factors outside of Fort Collins' control.

Curtailment of the Temporary Environmental Pool

Fort Collins may need to curtail or stop TEP releases in the event of maintenance, drought, or emergency situations. Fort Collins may also modify the release schedule if another water resource need develops within the Fort Collins' water system. As such, the storage volume of the TEP may vary significantly each year, and it will not be operated during water supply shortages (refer to Section 4.2.1.7). Again, the annual volume of water available is expected to be reduced or eliminated over time, as water demand for Fort Collins' water customers increases.

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5.1.1.2 Joint Operations

Fort Collins will continue to entertain opportunities for operational synergies with other managed water deliveries in the Poudre River watershed in order to potentially provide targeted benefits to the watershed. For example, Fort Collins might consider a temporary (that is, 1 year) water trade with an irrigation company or another municipal water provider that temporarily increases releases from the Halligan enlargement in exchange for other water sources that can be used by Fort Collins. Joint operations will not compromise the commitments in the FWMEP. Fort Collins may consider engaging CPW in these discussions when appropriate.

5.1.1.3 Fish Passage at the Reconstructed North Poudre Canal Diversion

The North Poudre Canal Diversion (Figure 5-1) is located in Phantom Canyon, approximately 6 river miles downstream of Halligan Reservoir on the North Fork. The structure currently acts as a barrier to upstream fish passage, preventing the migration of fish past the structure. As part of the Halligan Project, Fort Collins will reconstruct the North Poudre Canal Diversion so that Fort Collins' releases (refer to Section 4.2.1) can be bypassed by that structure and remain in the North Fork. To provide increased connectivity for small-bodied native species and trout in the North Fork, Fort Collins will incorporate fish passage into or around the reconstructed North Poudre Canal Diversion, in the form of a fish ladder, bypass channel, or other infrastructure. Fish passage will be designed, in consultation with CPW, and to CPW's Research and Design Guidelines, *Fish Passage and River Structures* (CPW n.d.) to provide reliable fish passage at the North Poudre Canal Diversion and connect an extensive reach of the North Fork. Fish passage construction will happen concurrently with reconstruction of the North Poudre Canal Diversion, in accordance with the timeline listed in Figure 4-7, will be completed by the time Fort Collins begins storing water in the enlarge Halligan Reservoir or an alternate timeline that is agreed upon between CPW and Fort Collins.



Figure 5-1. North Poudre Canal Diversion Structure

Source: Jacobs

5.1.1.4 Channel Improvements and Modification of the Calloway Diversion

The Calloway Diversion (Figure 5-2) is located on the North Fork at the mouth of Phantom Canyon, approximately 7.5 river miles downstream of Halligan Reservoir. The diversion is no longer used. Although water passes the structure, it acts as a barrier to fish passage, preventing the migration of fish past the structure. As an additional measure to further enhance the fisheries of small-bodied native fish on the North Fork, Fort Collins will seek to

modify and/or partially remove the diversion structure in collaboration and agreement with the landowners, CPW, and other stakeholders. Proposed plans should follow CPW's Research and Design Guidelines, *Fish Passage and River Structures* (CPW n.d.).

The current concept that Fort Collins has developed for the area around the Calloway Diversion, in collaboration with landowners, CPW, and other stakeholders, includes removal of the center portion of the structure, while leaving the sidewalls of the structure in place. This modification will allow for full river connectivity while maintaining a portion of the historical structure. Over time, this portion of the channel will heal and be re-established to a more natural condition while enhancing river connectivity for aquatic organisms, including macroinvertebrates, small-bodied native fish, and trout. This action is also considered a voluntary enhancement measure for North Fork temperature. The action will remove an existing large, sediment-trapping pool that increases residence time and warming at low flow rates. Removal of the center portion of the existing diversion will also remove the barrier to fish passage, allowing more natural fish behavior, including the potential to seek thermal refuge upstream. Further, the channel improvements will result in a more natural thalweg, including pools that can serve as areas of thermal refuge in times of low flow and adult holding and overwinter habitat. Fort Collins will pursue an agreement in good faith with the landowners and other stakeholders to complete this Project. This project will be constructed in accordance with the timeline listed in Figure 4-7 and will be completed by the time Fort Collins begins storing water in the Halligan Reservoir Expansion or an alternate timeline that is agreed upon between CPW and Fort Collins. If Fort Collins is unable to come to an agreement with the landowners to complete channel improvements and modifications of the Calloway Diversion within the timeline that aligns with the reconstruction of the North Poudre Canal Diversion discussed in Section 5.1.1.3, Fort Collins will coordinate with CPW and the landowners to discuss an alternative timeline to avoid or minimize impacts to bighorn sheep as discussed in Sections 4.2.3.13, 4.2.3.17, and 4.2.3.19.



Figure 5-2. Calloway Diversion Structure

Source: Jacobs

Terrestrial Improvements

Improvements at the Calloway Diversion Structure will have the largest impact on aquatic habitat; however, improvements will also benefit terrestrial species, specifically Preble's. USFWS considers the Calloway Diversion to be a habitat filter to Preble's movement. Removing the diversion will reconnect Preble's habitat.

5.1.1.5 Ramping Rate Limitations for NPIC's Pool in an Enlarged Halligan Reservoir

The ramping rate limitations described in Section 4.2.1.4 apply only to Fort Collins' operation of its portion of the enlarged Halligan Reservoir; they do not apply to operation of NPIC's portion of the reservoir. Therefore, Fort Collins will commit to making a good faith effort to reach an agreement with NPIC to adhere to the same ramping rate limitations. Previous discussions with NPIC indicate that it would prefer to explore any such commitments after the enlarged reservoir is operational for several years. At that time, Fort Collins will re-engage in discussions with NPIC about ramping their diversions and releases to match those rates Fort Collins has committed to.

5.1.1.6 North Fork Stream Restoration

Fort Collins will commit \$200,000 of funding for stream restoration efforts along the North Fork, or Main Stem, within or near the Halligan Project Area, including the North Fork above Halligan Reservoir. The restoration will be focused on either enhancing habitat for small-bodied native fish or salmonids. Funding a future stream restoration project is another example of adherence to Fort Collins' guiding principles of mitigation (refer to Section 4), such as focusing on the improvement of degraded resources, focusing on improving whole systems and benefiting multiple (aquatic) resources, and working in partnership with those who have common goals. Note that this commitment is separate from the \$200,000 mitigation commitment for the Main Stem described in Section 4.3.4; these funds may be combined or used independently. Fort Collins and CPW will have final approval authority on any use of funds, and will be used for the public benefit.

5.2 Surface Water Quality Enhancement

5.2.1 Sediment-related Operational Measures

In addition to the Peak Flow Bypass Program described in Section 4.2.1.5, and the sediment management plan described in Section 4.2.4, the following sediment-related operational measures are planned for Halligan Reservoir to avoid future adverse sediment release events.

5.2.1.1 Bottom Release from Halligan Reservoir when Spilling

Water will be released from Halligan Reservoir through the bottom outlets at times when the reservoir is spilling over the dam. This should allow for reduced retention of sediment in Halligan Reservoir, allowing for appropriate sediment transport downstream to the North Fork (as directed by the total maximum daily load [TMDL]). Avoiding buildup of sediment behind the dam should, in part, help avoid an adverse sediment release event like the one that occurred because of operations in 1996.

This measure is also considered a voluntary enhancement in terms of river temperature for its parallel benefits in reducing the risk of thermal shock below the Halligan Reservoir dam. As described in Section 3.4.2, thermal shock can occur below the Halligan Reservoir dam under current Halligan Reservoir dam operations. The Halligan Project has an inherent benefit of reducing the current frequency of thermal shock below Halligan Reservoir dam because no spilling is anticipated (per DEIS flow modeling) to occur in summer or fall months (that is, at times when the reservoir is thermally stratified). Bottom releases during spilling would provide further enhancement in terms of further reducing the risk of thermal shock because such releases would serve to blend top and bottom temperatures, minimizing the sharp temperature change in releases, in the unanticipated event that the reservoir does spill at a time of thermal stratification with the Halligan Project.

5.2.2 Passive Aeration in Outlet Structure

Fort Collins will incorporate design measures for the replacement Halligan Dam that include passive physical aeration. This will increase DO concentrations in water released to the North Fork, enhancing conditions for aquatic life immediately below the reservoir. As described in Section 3.4.2.3, DO concentrations at levels of concern to aquatic life are not anticipated below Halligan Reservoir; however, there is the potential for small decreases in DO in the Halligan Reservoir hypolimnion in the latter part of the summer. Because adverse impacts on aquatic life are not anticipated in terms of oxygen below Halligan Reservoir, inclusion of passive aeration in the outlet structure is considered to be a voluntary enhancement, as opposed to mitigation. Design measures are being evaluated that would increase DO include an updated stilling basin, a stepped spillway, and a turbulent discharge area with

energy dissipation. This aeration will be applied to releases from both Fort Collins' and NPIC's portion of the enlarged Halligan Reservoir.

5.2.3 Terrestrial Resources Enhancements

5.2.3.1 Prohibition of Domestic Sheep and Goat Grazing on City Owned Lands Near Halligan Reservoir

An existing and ongoing challenge in CPW's management of the Lone Pine bighorn sheep herd is the known proximity of bighorn sheep to domestic sheep grazing (CPW 2021b). Several land managers within the Lone Pine herd-occupied range along or near key components of the Halligan Project use domestic sheep to control larkspur (*Delphinium species*), which are toxic to cattle. Although domestic sheep can be an effective vegetation management tool, this practice increases the chances of commingling between the Lone Pine herd and domestic sheep. The greatest concern of such commingling is the transmission of deadly pathogens between domestic sheep and goat populations and the Lone Pine herd. Therefore, to help reduce the long-term risk of disease transmission, and as soon as this FWMEP is approved, Fort Collins will:

- Permanently stop grazing domestic sheep or goats for weed control or other purposes on any Fort Collins-owned lands around Halligan Reservoir
- Will not enter into grazing leases that would authorize others to graze domestic sheep or goats on any Fort Collins-owned lands around Halligan Reservoir
- Will not grant licenses or convey easements authorizing domestic sheep or goats to graze on any Fort Collins-owned lands around Halligan Reservoir

5.2.3.2 Advocate for Cessation of Domestic Sheep and Goat Grazing on Private Lands Near Halligan Reservoir

Landowners near the Halligan Project Area periodically allow domestic sheep and goat grazing on their property to control larkspur, which are toxic to cattle and horses. Commingling of domestic sheep and goats with bighorn sheep is linked to disease transmission to bighorn sheep, which can result in bighorn sheep mortality. Fort Collins will engage with local landowners to advocate for both the temporary cessation of domestic sheep and goat grazing during construction, as well as for the permanent cessation of domestic sheep and goat grazing near the Halligan Project Area. Ceasing domestic sheep and goat grazing on private property around the Halligan Project Area will avoid the potential for disease transmission from domestic sheep and goats to bighorn sheep.

5.3 Fort Collins Ecological Resource Monitoring

5.3.1 Streamflow Monitoring

As part of Halligan Project operations, Fort Collins has already installed one of two new North Fork streamflow gages associated with the Halligan Project. The first gage, located above the future inlet of the enlarged Halligan Reservoir, was installed by Fort Collins in fall 2020 in coordination with the United States Geological Survey. An existing stream gage is located below the Halligan Dam that will remain in the future. The second gage will be installed by Fort Collins at or below the bypass structure for the reconstructed North Poudre Canal Diversion to monitor streamflow and inform North Poudre Canal Diversion and Halligan Reservoir operations. In addition, Fort Collins will also rely on the existing Livermore gage located where the North Fork crosses West County Road 74E. Streamflow monitoring data will enhance the existing dataset that is available for public use and will also be used by Fort Collins to help inform operational decisions for the enlarged Halligan Reservoir.

5.3.2 Sediment, Macroinvertebrates, and Water Quality Monitoring

Sampling for sediment (percent fines and salmonid spawning habitat) and macroinvertebrates (TIV_{SED}), downstream of Halligan Reservoir will be conducted following protocols in WQCD Policy 98-1 (in agreement with Policy Statement 10-1, Aquatic Life Use Attainment, Methodology to Determine Use Attainment for Rivers and Streams). This sediment sampling will continue for a period of 5 years following the build out of Halligan Project operations, after which time the need to continue sampling will be reconsidered in coordination with CPW and WQCD. This sampling will help monitor sediment relative to standards and identify any new impairment or worsening conditions. This information can be used to determine appropriate response actions per the sediment management plan (Section 5.2.1.1), as needed.

Additionally, real-time oxygen and temperature data from multiple elevations in Halligan Reservoir during summer months will be needed to support operational decision-making for the MLOW, if an MLOW is installed (as discussed in Section 4.2.2.1). Real-time oxygen and temperature data from multiple elevations in Halligan Reservoir during summer months would be used to help manage water quality of releases to the North Fork with an MLOW. As such, this monitoring will be conducted as a critical component of the MLOW mitigation element, if an MLOW is installed.

Fort Collins will also monitor iron immediately below the enlarged reservoir for 5 years to determine if the flushing event (described in Section 4.2.1.6) is effective and/or necessary. This monitoring will consist of visual checks for iron deposition on sediment in the vicinity of the NBH sampling station (and photographic records of any observed deposition) as well as continued sampling at NBH for dissolved and total iron. However, if it is determined at the end of the first 5 flushing events (in consultation with CPW) that this operation is no longer needed, then the releases and special monitoring (observations of iron deposition) will end.

5.3.3 Bighorn Sheep Collaring Study

Collaring and tracking of the Lone Pine herd will be conducted before, during, and after the Halligan Project construction as part of the avoidance and minimization mitigation measures described in Section 4.2.3.18 and the compensatory mitigation measure described in Section 4.3.3.

5.4 Enhancement Costs and Schedule

Estimated costs and schedule for the mitigation components of this FWMEP follow in Appendix B.

This FWMEP includes a comprehensive description of all of Fort Collins' planned mitigation and enhancement measures for the Halligan Project that are related to fish and wildlife. Appendix B presents Fort Collins' total estimated mitigation and enhancement costs for all measures and denotes those that CPW staff believe are attributable to the Commission's recommendations pursuant to CRS Section 37-60-122.2 via separate cost columns.

Appendix B includes notes describing the mitigation commitments in the table being at a summary level and the text of this report shall take precedent over any discrepancies between the table and the FWMEP text. Also, capitalized costs in the table are the sum of the capital cost plus any annual operations and maintenance costs capitalized over the life of the commitment, or 50 years for those commitments that are perpetual. In addition, some of the costs in the table are firm not-to-exceed monetary commitments and the amounts are presented in 2022 dollars and will be increased in the amount of the U.S. Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood from January 1, 2023 to the date of final payment under the FWMEP obligation.

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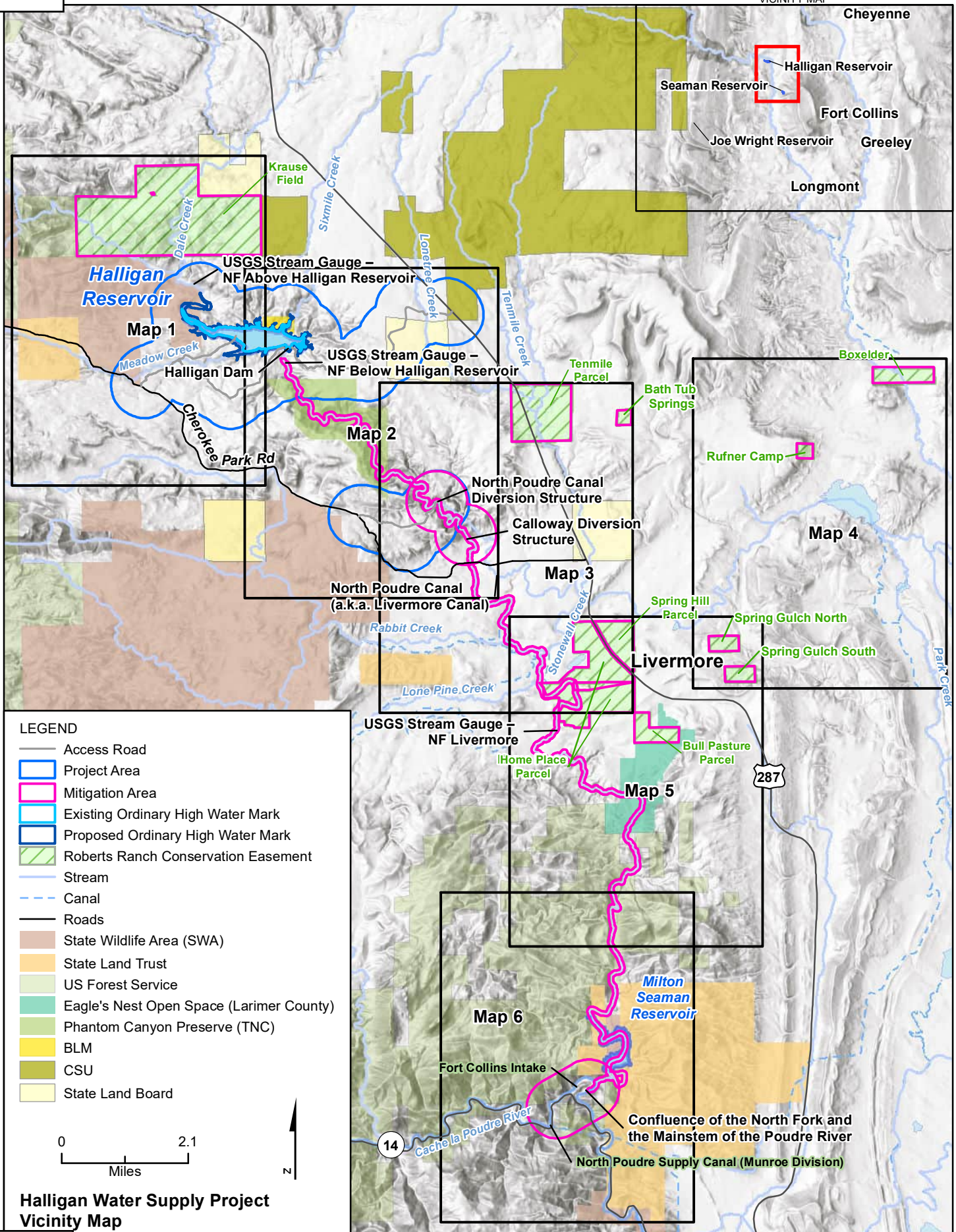
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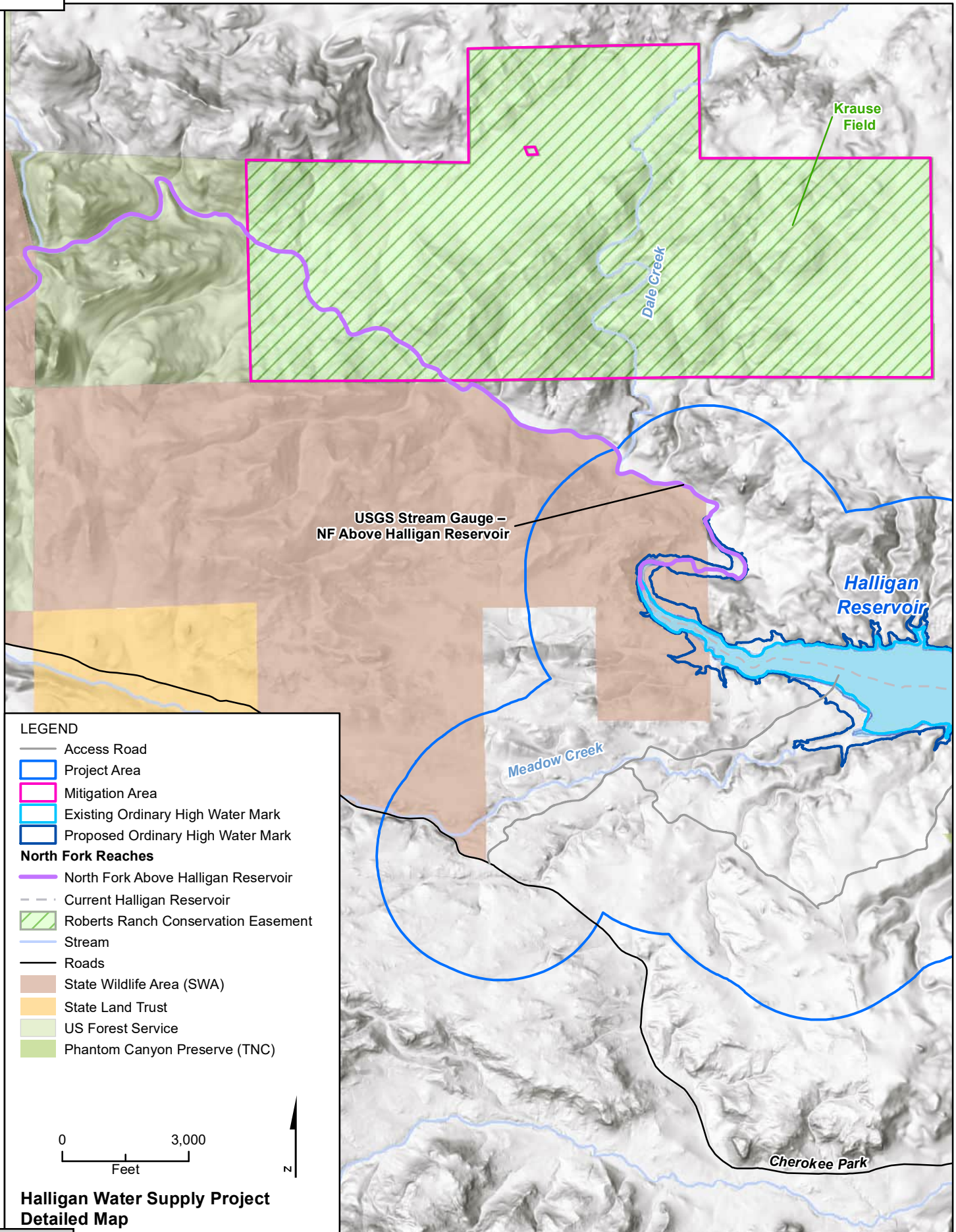
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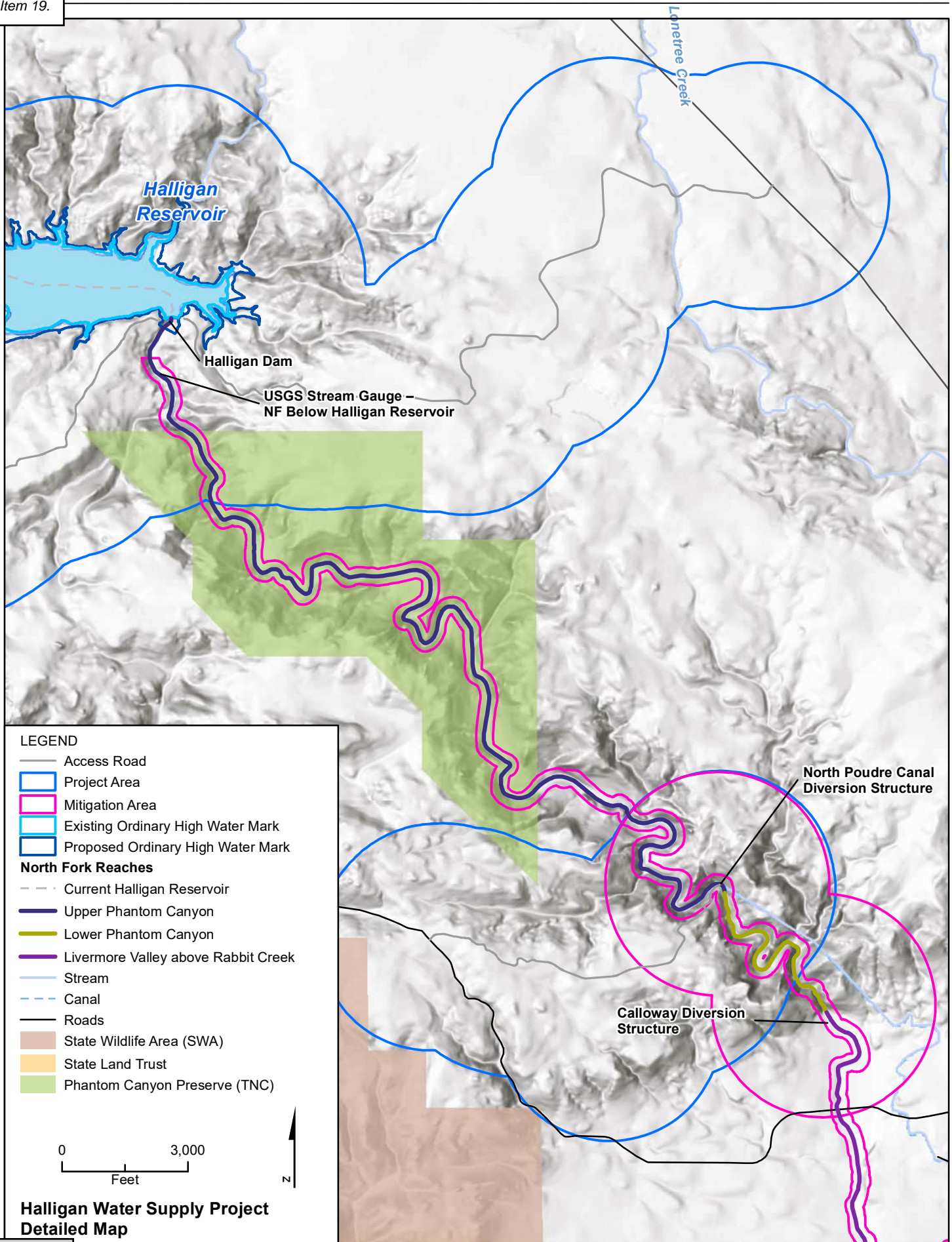
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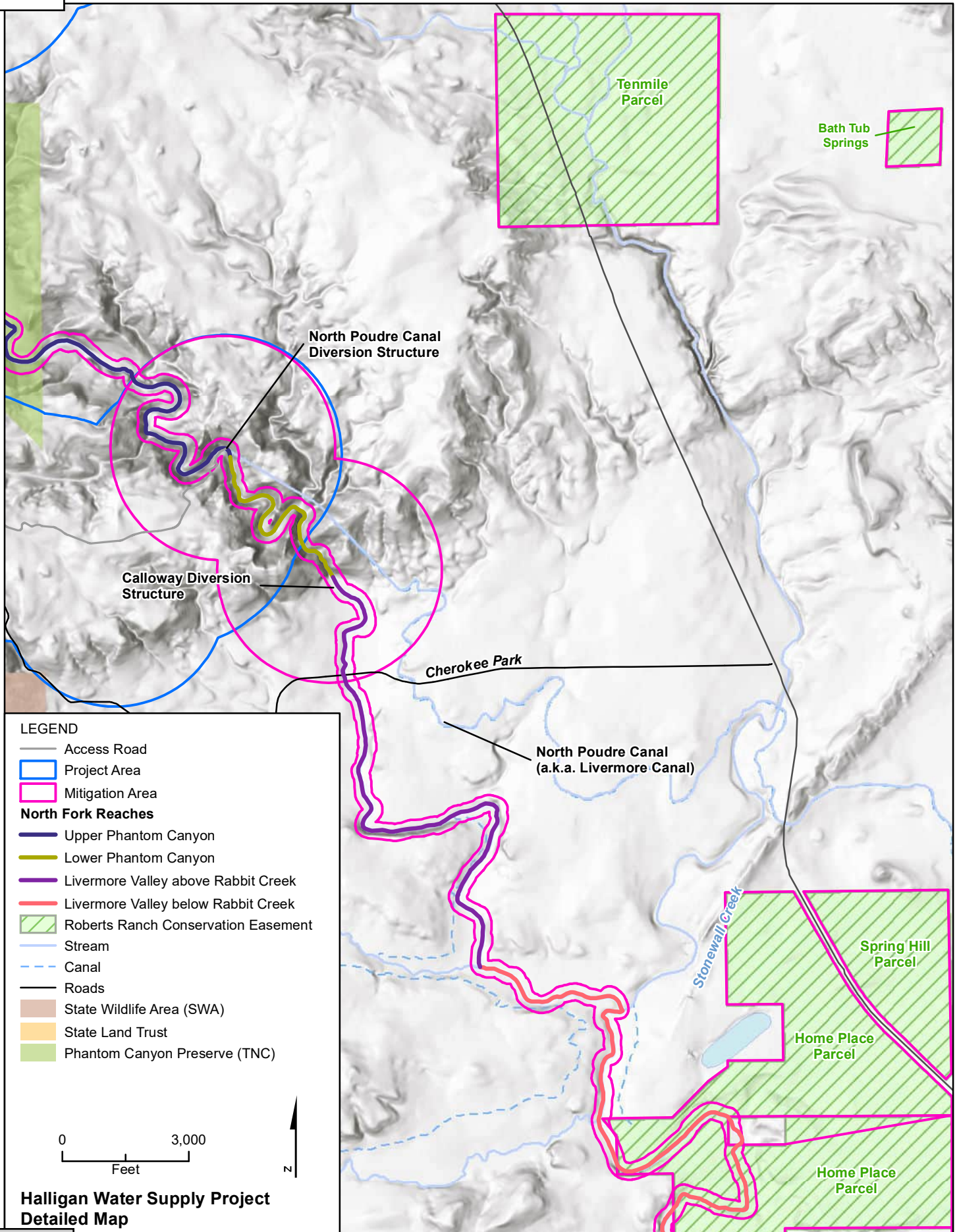
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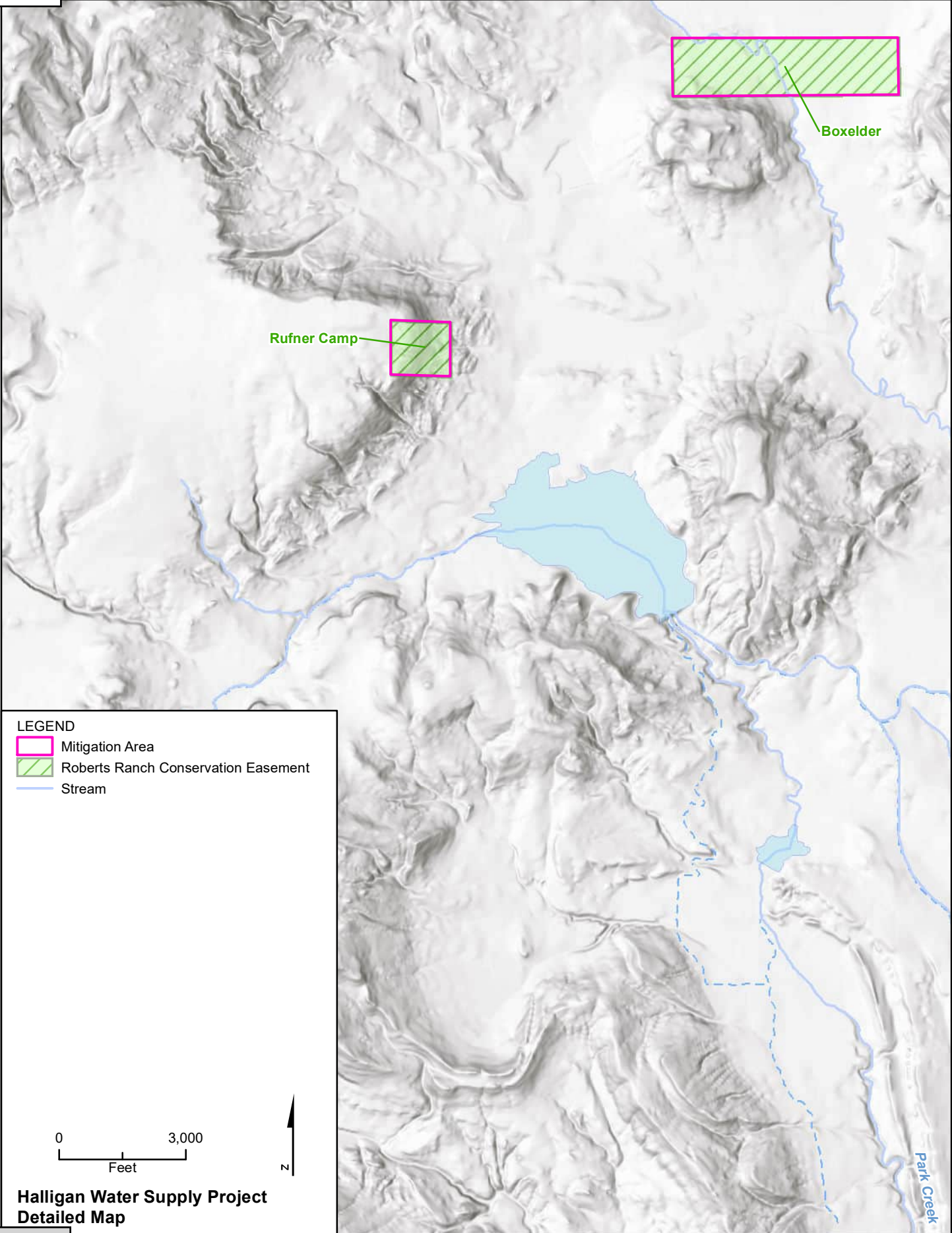
Appendix A Mapbook

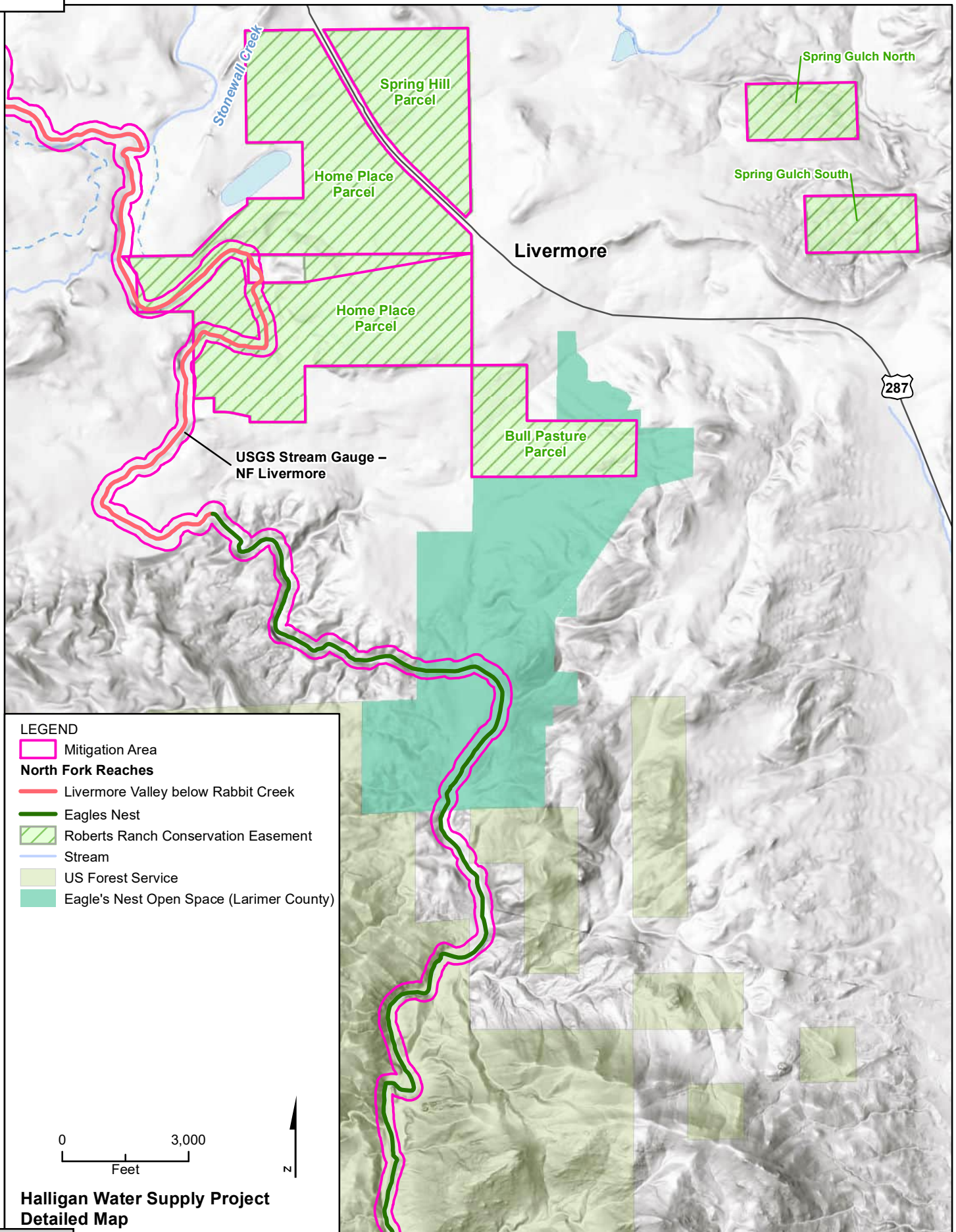


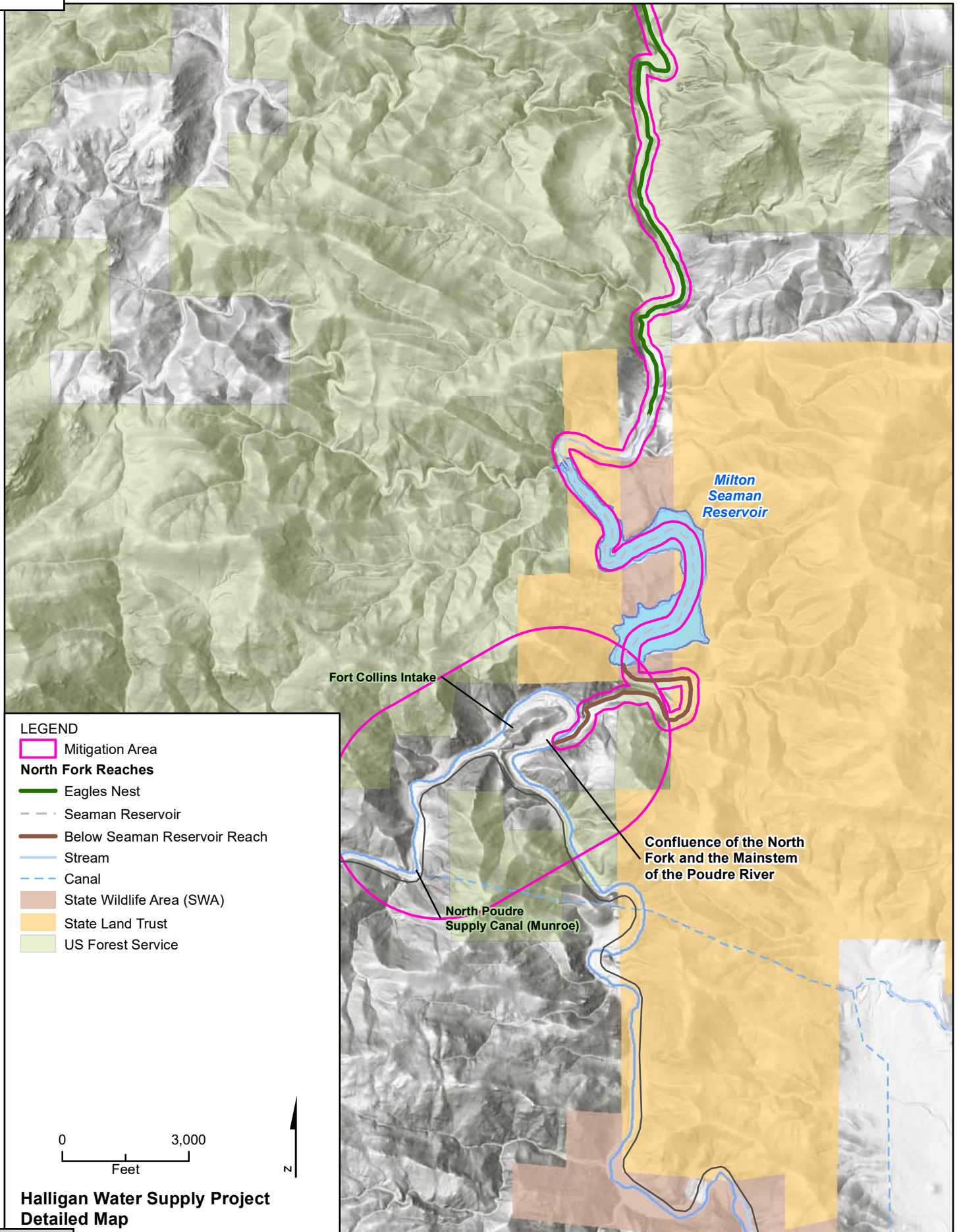












Appendix B

Summary of Mitigation Measures

Appendix B. Summary of Mitigation Measures

Table B-1. FWMEP Measures and Costs

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Winter Release Plan	4.2.1.1	<p>As part of Halligan Project operations, Fort Collins will provide continuous releases of 3 cfs from its water stored in the enlarged Halligan Reservoir to the North Fork from October 1 through April 30 each year.</p> <p>NPIC cannot divert the winter releases into the North Poudre Canal pursuant to an existing agreement with Fort Collins. The Halligan Project involves reconstructing the North Poudre Canal Diversion similar to its current configuration but to allow the bypass of Fort Collins’ releases from the enlarged Halligan Reservoir so that the water remains in the North Fork.</p>	<p>The Winter Release Plan will result in benefits to the North Fork by eliminating almost all zero-flow days on the North Fork (in combination with the Summer Low-flow Plan [Section 4.2.1.2]). Provide a continuous, more longitudinally connected aquatic corridor compared to the existing zero-flow conditions, create additional wetted channel area that will benefit small-bodied native fish, trout, and macroinvertebrates, and re-establish basic habitat requirements for aquatic species through the reintroduction of perennial flow.</p> <p>The Winter Release Plan will also result in benefits that will offset the impact resulting from the inundation of approximately 0.75 mile of the CWCB’s instream flow water right (Water Court Case 1985CW430) on the North Fork above Halligan Reservoir.</p> <p>Fort Collins will implement the Winter Release Plan the first winter after the new Halligan Dam has been approved to store water by the DWR and Fort Collins’ portion of the enlarged reservoir has at least 3,000 acre-feet of water.</p>	\$1,654,375	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Summer Low-Flow Plan	4.2.1.2	<p>Fort Collins will implement the Summer Low-Flow Plan, which adjusts reservoir operations by forgoing diversions and/or releasing its water stored in the enlarged Halligan Reservoir to maintain a minimum continuous 5 cfs flow in the approximately 22 miles of the North Fork between the replacement Halligan Dam and Seaman Reservoir (as measured at three gaging stations along the North Fork) from May 1 to September 30 each year (summer releases).</p> <p>NPIC cannot divert the winter releases into the North Poudre Canal pursuant to an existing agreement with Fort Collins. The Halligan Project involves reconstructing the North Poudre Canal Diversion similar to its current configuration but to allow the bypass of Fort Collins’ releases from the enlarged Halligan Reservoir so that the water remains in the North Fork.</p>	<p>The Summer Low-Flow Plan will result in benefits to the North Fork by eliminating almost all zero-flow days on the North Fork (in combination with the Winter Release Plan, Section 4.2.1.1), which avoids and minimizes potential impacts on the aquatic ecosystem, including stream temperature from the Halligan Project.</p> <p>The Summer Low-flow Plan would increase flow rates on the North Fork in summer months at the times of the lowest current flow rates with anticipation of stream temperature benefits for the North Fork. Provide a continuous, more longitudinally connected aquatic corridor compared to the existing zero-flow conditions, create additional wetted channel area that will benefit small-bodied native fish, trout, and macroinvertebrates, and re-establish basic habitat requirements for aquatic species through the reintroduction of perennial flow.</p> <p>The Summer Low-Flow Plan will also result in benefits that will offset the impact resulting from the inundation of approximately 0.75 mile of the CWCB’s instream flow water right (Water Court Case 1985CW430) on the North Fork above Halligan Reservoir.</p> <p>Based on Commission and public feedback, Fort Collins will also perform preconstruction surveys of the pre-Halligan Reservoir enlargement flows on the reach of the North Fork between the existing Livermore gage and the upstream end of Seaman Reservoir (that is, the Livermore-to-Seaman Reach) in different seasons and hydrologic regimes (particularly dry conditions) to determine if there are flow losses in this stretch. Details of the preconstruction surveys, including an agreement on methods and standards to be used to define whether there are flow losses will be included in an intergovernmental agreement between Fort Collins and CPW. If the preconstruction survey demonstrates that the Livermore-to-Seaman Reach is a neutral or gaining reach, then another gage below the existing Livermore gage will not be needed. If the preconstruction survey demonstrates that the Livermore-to-Seaman Reach is a losing reach, Fort Collins will coordinate with CPW on next steps which could include the installation of a fourth gage or increased Halligan Project flows to the Livermore gage to offset such losses toward ensuring that the Summer Low-flow Plan benefits all 22 miles of river.</p> <p>If, in the future, another diversion structure is constructed in the Livermore-to-Seaman Reach, Fort Collins will commit to work with the owner of this diversion structure toward assuring passage of Fort Collins' flows. The commitment with the future diversion structure owner could include a written agreement, installation of other gages, and/or other means of assuring that Fort Collins can meet its Summer Low-flow Plan measure.</p>	\$830,875	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Modified Summer Release Exchange Program	4.2.1.2	Fort Collins will not exchange Summer Low-flow Plan releases (up to 5 cfs) from Halligan Reservoir up to either of the Fort Collins Intakes. This hiatus on exchanges will occur each year from July 1 to September 30.	This action will leave more water in the Main Stem upstream of the North Fork confluence and downstream to below the Hansen Supply Canal during times of the most critical temperature concern (July to September), minimizing Halligan Project temperature impacts in this critical season.	\$645,000	\$0
Avoidance and Minimization Mitigation Measures	Operational Agreement with Greeley	4.2.1.3	Fort Collins is pursuing an operational agreement with Greeley. The agreement would specify the need for Greeley to pass Halligan Releases, including the Winter Release and Summer Low-flow Plan of 3 cfs and up to 5 cfs directly through Seaman Reservoir. For this to be possible, upgraded outlet works may be needed in Seaman Reservoir. Greeley is currently in the process of upgrading their outlet works with support from federal funding. As part of the potential agreement, Fort Collins may provide additional funding support for further refinement of the new outlet works design for Seaman Reservoir. The goal of this additional funding would be to give the new outlet works the functionality and operational control to pass even the small Summer Low-flow Plan releases through Seaman Reservoir (that is, the refined new outlet works should allow for fine-scale management of releases on the order of 1 to 5 cfs).	<p>Fort Collins is pursuing the Greeley Agreement because, if the diversion and storage of Halligan Project summer releases by Greeley in Seaman Reservoir could be avoided, the river temperature benefits of the Summer Low-flow Plan could be extended to the approximately 1 river mile reach of the North Fork below Seaman Reservoir.</p> <p>In the event that Fort Collins cannot reach an agreement with Greeley to pass Fort Collins’ Halligan Winter and Summer Low-flow Plan releases of 3 cfs and up to 5 cfs below Seaman Reservoir, and the CWA Section 401 water quality certification process determines that the Halligan Project has potential for occasional adverse temperature impacts on the North Fork below Seaman Reservoir that requires mitigation, Fort Collins commits to mitigating the identified temperature impacts attributable to the Halligan Project through stream restoration or other measures in a manner agreed to by Fort Collins, CDPHE, and CPW. If reasonably practicable, Fort Collins will mitigate the identified impacts along the river reach from Seaman Reservoir to the confluence with the Main Stem commensurate with Fort Collins identified impacts. If not reasonably practicable in the reach below Seaman Reservoir, Fort Collins will work with CDPHE and CPW to find other mitigation commensurate with the Halligan Projects identified impacts.</p>	\$1,150,000	\$0
Avoidance and Minimization Mitigation Measures	Ramping Rates Limitations	4.2.1.4	By applying ramping rate limitations, Fort Collins will seek to constrain existing and potential dramatic decreases and increases in the rate of discharge from Fort Collins’ portion of the enlarged Halligan Reservoir to avoid and minimize impacts on aquatic species, particularly small-bodied native fish and rainbow trout. The ramping rate limitations will also help maintain a more natural descending limb of the North Fork hydrograph following peak flows by incorporating a more gradual decrease in outflow and establishing a lag time before returning the stream to a base flow level.	<p>Ramping Rate limitations would take effect as soon as the new Halligan Dam has been approved to store water by DWR.</p> <p>The ramping rate limitations are intended to protect aquatic life, as well as people recreating (for example, fishing) downstream, minimizing Fort Collins' impacts to aquatic ecosystems. Fort Collins will limit dramatic decreases and increases in the discharge rate resulting from Fort Collins’ operation of its portion of the enlarged Halligan Reservoir. The details of ramping rate limitations to decreasing discharge rates and increasing discharge rates are described in Section 4.2.1.4 of the FWMEP.</p>	\$625,000	\$625,000

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Peak-Flow Bypass Program	4.2.1.5	When the forecast peak flow has been estimated to within a few days, Fort Collins will forgo all diversions into its portion of the enlarged Halligan Reservoir for three days coinciding as closely as practicable, as detailed below, with the annual forecasted peak (runoff) flow event for the North Fork. The Peak Flow Bypass Program will allow 3 days (in addition to ramping rate limits Section 4.2.14) of peak flows during times when Fort Collins could be diverting water into storage in the enlarged Halligan Reservoir.	<p>The Peak flow bypass program would take effect as soon as the new Halligan Dam has been approved store water by DWR.</p> <p>The Peak Flow Bypass Program will avoid and minimize impacts on the aquatic ecosystem from the Halligan Project by maintaining some of the historical, pre-enlargement peak flows past the enlarged Halligan Reservoir. This Peak Flow Bypass Program is intended to mimic a natural, pre-enlargement stream flow for this 3-day period (in addition to ramping) to support riverine and ecological processes in the North Fork, such as the following:</p> <ul style="list-style-type: none">▪ Providing phenological cues to aquatic and riparian organisms for emergence of aquatic insects, spawning, the timing of flowering, and seed dispersal▪ Facilitating natural seasonal sediment transport, channel shaping, and channel scour▪ Recruiting and transporting woody debris and other organic materials▪ Providing overbank flooding to maintain wetland and riparian habitat function, including seed transport and propagation of native cottonwood and willow species, sediment transport, formation and maintenance of aquatic habitat, and riparian area diversity and structure	\$765,000	\$0
Avoidance and Minimization Mitigation Measures	End of Summer Flushing Event	4.2.1.6	An end of summer flushing event (flushing event) will be conducted following fall turnover of Halligan Reservoir each year that a turnover event occurs (turnover is anticipated to occur in all years of normal Halligan Project operations) to address potential iron coatings on river materials. The intention of the flushing event would be to flush seasonal iron deposition (if it occurs) from sediment surfaces below the dam to minimize the potential adverse effects of such deposition, which is most likely to occur in late summer, if it were to occur.	<p>The goal of the end of summer flushing event is to release a maximum of 30 acre-feet of water at the lowest discharge rate from the outlet of the enlarged Halligan Reservoir that is practicable to successfully mobilize the iron deposits. Targeting lower effective flow rates is desirable to avoid unintended adverse consequences on small-bodied fish and inadvertent sediment release.</p> <p>The first flushing event would occur after the new Halligan Dam has been approved to store water by DWR and Fort Collins’ portion of the reservoir has filled and there has been a reservoir turnover, as described in Section 4.2.1.6.</p> <p>To avoid unintended adverse effects on small-bodied native fish and sediment, Fort Collins will seek CPW input regarding the planned rate, ramping, and timing of the release each year. Fort Collins would also monitor iron and habitat conditions immediately below the enlarged reservoir for 5 years to determine if this flushing event is effective and/or necessary. This monitoring will consist of visual checks for iron deposition on sediment in the vicinity of the NBH sampling station (and photographic records of any observed deposition) as well as continued sampling at NBH for dissolved and total iron. However, if it is determined at the end of the first five flushing events following construction (in consultation with CPW) that this operation is no longer needed, then the releases and special monitoring (observations of iron deposition) will end.</p>	\$7,650	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Legal Protection of Flows	4.2.1.1., 4.2.1.2, and 4.3.8	Through the Flow-related operational measures (Winter Release Plan, Summer Low-Flow Plan, Peak Flow Bypass) and Temporary Environmental Pool enhancement, Fort Collins will provide additional stream flow. NPIC cannot divert these flows into the North Poudre Canal pursuant to an existing agreement with Fort Collins. Additionally, Fort Collins will undertake a good faith effort to protect the Summer Releases from Halligan Reservoir to Seaman Reservoir using the “Protected Mitigation Release” statute (CRS 37-92-102[8]) in the same manner and subject to the same limitations as described for the Winter Release Plan.	Avoid/minimize impacts to aquatic species by protecting Halligan release from being removed between Halligan and the Mainstem of the Poudre. If Fort Collins fails to acquire a Water Court decree to protect Halligan Releases under the Protected Mitigation Release statute, or its agreement with NPIC changes such that Halligan Releases can be diverted into the North Poudre Canal, Fort Collins will consult with CPW in good faith to evaluate how Halligan Releases can be protected.	\$250,000	\$250,000
Avoidance and Minimization Mitigation Measures	Multi-Level Outlet Structure	4.2.2.1	A multilevel outlet works (MLOW) for Halligan Reservoir that would allow water to be released from one or more elevation higher than the bottom has been discussed since the CMP was put forth in the DEIS. An MLOW is a tool that can, in some cases, allow for beneficial additional management controls on the quality of water released from a reservoir, particularly at times of stratification. At this time, however, an MLOW is not expected to be necessary from the perspective of aquatic life mitigation efforts. Therefore, based on CPW comment, the MLOW is not a commitment in the FWMEP, but the need for an MLOW may be revisited through the 401 certification process.	During the 401 Certification process modeling and analysis findings will be reviewed to assess whether such a structure would provide effective and practical water-quality management options for mitigating anticipated project water-quality impacts. CWA Section 401 water quality certification model findings will be shared, and CPW and CDPHE will be consulted on this decision, as part of the CWA Section 401 water quality certification process.	\$0	\$0
Avoidance and Minimization Mitigation Measures	Outlet Conduit Sizing	4.2.2.2	To allow for the peak flow bypass mitigation measure (Section 4.2.1.5), Fort Collins incorporated an enlarged outlet conduit, which is larger than necessary to meet demand-based releases. The enlarged outlet will be constructed to release up to 800 cfs.	Minimize impacts to aquatic ecosystems by upsizing outlet size to allow peak flow bypass.	\$0	\$0
Avoidance and Minimization Mitigation Measures	Big Game Interference Minimization	4.2.3.1	Fort Collins aims to avoid and minimize the Halligan Project’s potential impacts on wildlife within the Halligan Project Area when feasible. The Halligan Project includes many construction-related measures designed to avoid and minimize impacts on big game. Information specific to bighorn sheep is discussed in sections 4.2.3.17, 4.2.3.18, and 4.2.3.19.	Construction-related measures to avoid and minimize impacts on big game, including the following measures. Because these measures also benefit other resources, they are described elsewhere in the FWMEP: <ul style="list-style-type: none">▪ Construction scheduling to ensure efficient project delivery, to limit temporal impacts and number of seasons during which habitat is disturbed (4.2.3.13)▪ Construction carpooling (Section 4.2.3.11)▪ Management of fugitive dust during construction (Section 4.2.3.7)▪ Minimizing construction disturbance areas Minimization of and the number and footprint of construction access roads and construction areas (Sections 4.2.3.9, 4.2.3.10, and 4.2.3.14)▪ Reclamation and revegetation of temporarily disturbed areas (Section 4.2.3.9)▪ Implementation of a noxious and invasive weed management plan for construction and reclamation activities (Section 4.2.3.15). Compensatory mitigation and enhancement measures specific to bighorn sheep are described in Sections 4.3.3 and 5.2.3.	\$0	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Preconstruction Botanical Surveys	4.2.3.2	Previous botanical surveys have not located Ute ladies'-tresses orchid in the area of Halligan Reservoir.	To further minimize the possibility of Project impacts on this federally threatened plant, botanical surveys will be conducted at a minimum of a year before construction. Surveys will focus on areas that will likely be disturbed by the Halligan Project and that could support the orchid, and be performed during the growing season (July and August). Results of preconstruction surveys will be submitted to USFWS as required by the ESA; CPW will be provided a courtesy copy of results.	\$10,200	\$0
Avoidance and Minimization Mitigation Measures	Preconstruction Bat Surveys	4.2.3.3	Visual and auditory detection surveys for bats were conducted in the area of Halligan Dam and up to 0.5 mile downstream of Halligan Dam in 2021. Several lone bats were detected during the surveys, but no large concentrations of bats were identified. The scattered occurrence of lone bat detections suggests that the area below Halligan Dam is used for foraging, but evidence of a bat colony or identification of roosting locations was not observed during this brief presence/absence survey.	To minimize the possibility of Project impacts on bats, additional surveys are warranted, including a survey for roosting sites near the dam. This additional bat survey work will be conducted in the year before construction commences for the Halligan Project. Surveys will focus on areas that will likely be disturbed by Halligan Project construction activities. If surveys indicate the presence of an active bat roost near the Halligan Dam, Fort Collins will consult with CPW on appropriate mitigation measures.	\$10,200	\$10,200
Avoidance and Minimization Mitigation Measures	Migrating Bird and Raptors Survey	4.2.3.4	Nest surveys were conducted in the area of Halligan Dam and along access roads in 2021.	Additional monitoring for migratory birds and raptors will be performed every other year before construction, the year before the start of construction, and annually during construction with a focus on areas of suitable habitat within planned or proposed disturbance areas in the immediate Halligan Project Area. Before and during construction activities, Fort Collins may use bird nesting deterrents during nesting season to reduce the risk of nesting activities during construction. Deterrent measures may include modifying or removing attractive nesting habitat (for example, trees, shrubs, tall grass) within potential disturbance areas during inactive periods to reduce the potential for construction-related impacts during active nesting periods. Before Project implementation, Fort Collins will provide CPW an opportunity to review and comment on Project specifications related to migratory bird and raptor nesting avoidance and minimization.	\$70,800	\$0
Avoidance and Minimization Mitigation Measures	Raptor Nesting or Roosting Platforms	4.2.3.5	Fort Collins will include nesting or roosting platforms near Halligan Reservoir to encourage eagles and other raptors, such as osprey, to use the reservoir.	<p>The platforms will also minimize any temporary loss of perching locations from the inundation of shoreline trees while new shoreline habitat becomes established. The final design and location of nesting or roosting platforms will be developed in coordination with CPW.</p> <p>The nesting or roosting platforms will be installed as part of the project construction. At this time the exacting timing is not known. However, the nesting or roosting platforms will be installed before inundation of the enlarged Halligan Reservoir begins.</p>	\$12,400	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Stormwater Management Plan	4.2.3.6	Targeted planning and successful execution of the stormwater management plan will reduce the potential for water quality degradation of the North Fork and its associated aquatic ecosystem.	Fort Collins will develop a stormwater management plan in compliance with local and state requirements and as required by the National Pollutant Discharge Elimination System (NPDES), Construction General Permit, COR400000 prior to construction, which will include all necessary stormwater management controls and best practices, temporary sediment and erosion control during construction, and medium-term sediment and erosion control during vegetation reestablishment. Additionally, a non-stormwater discharge permit and monitoring plan will be prepared, if required, before the start of construction.	\$14,800	\$0
Avoidance and Minimization Mitigation Measures	Best Management Practices	4.2.3.7	Fort Collins will employ standard construction best management practices (BMPs; also called control measures) typically included in federal, state, and local permit requirements to reduce potential construction-related impacts on upland and aquatic habitats, fish, and water quality. BMPs will be implemented at Project construction areas including dam construction and staging/stockpile areas, along access roads, the North Poudre Canal Diversion structure, and mitigation or enhancement sites that involve City-led construction. At a minimum, BMPs will include: <ul style="list-style-type: none">Erosion control measuresSediment control measuresDust suppression measuresNon-stormwater controls and waste and materials managementMaterial management and waste management	Avoid and minimize impacts to aquatic and terrestrial ecosystems. Refer to the FWMEP text for the complete list of best management practices. Additional measures may be incorporated if those described differ from permit conditions defined in the CWA Section 401 water quality certification and CWA Section 404 permit, or if site conditions warrant them.	\$1,171,250	\$48,750
Avoidance and Minimization Mitigation Measures	Existing Dam for Construction Sediment Control	4.2.3.8	Leaving the original dam in place during construction to act as a coffer dam provides strong control of sediment to allow for avoidance of an inadvertent major release of sediment during construction. The existing dam will continue to function normally during the entire time the replacement dam is being constructed; therefore, drawdown of the reservoir will not be necessary during construction. Once the replacement dam is complete, Fort Collins anticipates that a coffer dam will be put in place around the existing dam during the brief (a few months or less) demolition period.	Avoid and minimize impacts to aquatics by controlling existing reservoir sediments during construction.	\$0	\$0
Avoidance and Minimization Mitigation Measures	Construction Disturbance Minimization and Reclamation	4.2.3.9	Fort Collins will reclaim temporarily disturbed areas following construction completion. Materials stockpile and borrow areas created on Fort Collins’ property may be left in place for long-term operations and maintenance of the enlarged Halligan Reservoir.	Reclaiming disturbed areas to their current condition will reduce the permanent footprint of the Halligan Project and reduce the potential for long-term ecological degradation. Revegetation and monitoring is described in Sections 4.2.3.7 and 4.2.3.15.	\$533,170	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Access Road Minimization and Reclamation	4.2.3.10	To accommodate larger vehicles and equipment necessary to construct the Halligan Project and to implement some of the mitigation measures described herein existing roads will require some or all of the following: temporary widening to accommodate two-way truck traffic in some locations, placement of new culverts at drainage crossings, grade modifications, and road stabilization. In addition, use of the western access road will be limited as discussed in section 4.2.3.14	Fort Collins proposes using existing roads whenever possible and to reclaim access roads to their current condition following construction completion to reduce the permanent footprint of the Halligan Project and reduce the potential for long-term ecological degradation. Widened roads and turnouts created on Fort Collins property may be left in place for long-term operations and maintenance of the enlarged Halligan Reservoir; widened roads may be left in place on private property if requested by the landowner.	\$533,170	\$0
Avoidance and Minimization Mitigation Measures	Traffic Impact Minimization	4.2.3.11	Traffic impacts on residents will be limited to predominant ingress and egress from Highway 287, with less ingress and egress from Larimer County Road 80C (Cherokee Park Road). Given the complexity of construction activities associated with the Halligan Project, large amounts of staffing will be required to access the construction zone throughout Project construction.	<p>To minimize impacts on traffic on Highway 287, Fort Collins will construct a temporary or permanent turn lane and/or an acceleration lane. This minimization measure will be designed and implemented in coordination with the Colorado Department of Transportation and Larimer County.</p> <p>Fort Collins will incorporate carpooling of staff to and from construction areas. Carpooling of staff will reduce traffic on access roads and minimize air quality impacts, greenhouse gas emissions, potential wildlife and vehicle collisions, and fugitive dust during construction.</p> <p>To minimize traffic impacts on wildlife as noted here, as well as Sections 4.2.3.1, 4.2.3.7, and 4.2.3.9, will minimize impacts on wildlife by using existing roads, reducing traffic-related equipment emissions and noise, reducing fugitive dust, reducing the potential for wildlife vehicle collisions, and reducing displacement and disturbance of habitats adjacent to construction activities and access roads. Construction of a temporary river crossing on the North Fork below the replacement dam will minimize traffic along County Road 80C by allowing direct access to the west side of Halligan Dam during construction (Section 4.2.3.14).</p>	\$296,749	\$0
Avoidance and Minimization Mitigation Measures	Construction Impact Minimization that will Benefit Wildlife	4.2.3.12	Construction of certain elements of the Halligan Project are anticipated to occur throughout all hours of the day or night during certain construction milestones. Fort Collins proposes to minimize nighttime construction activities that have the potential to generate increased noise levels, such as blasting, and will proactively respond to noise complaints. Lighting impacts associated with Halligan Project nighttime construction activities will be minimized in consideration of both local residents and wildlife.	<p>Lighting during construction will be limited to what is necessary for safety and security on the Project site during construction. Lighting will be angled and shielded to avoid light pollution and impacts on neighbors and wildlife.</p> <p>Noise will be minimized to the extent practicable during construction; Fort Collins plans to fit equipment with mufflers and apply construction standard practices for noise construction (the specific practices will depend on equipment used).</p> <p>Fort Collins’ contractors will comply with Larimer County ordinances or approved variance requests through the county that may include noise shielding and reduction of after-hours activities.</p>	\$0	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Avoidance and Minimization Mitigation Measures	Construction Timing Restrictions at the North Poudre Canal and Calloway Diversions	4.2.3.13	To minimize potential construction-related disturbance to bighorn sheep spring and fall movements, Fort Collins and CPW have agreed to implement a 1-year construction window for both the North Poudre Canal and Calloway Diversions. To the extent reasonably possible, all work will be completed within one construction season beginning in November and ending the following end of March.	During the 1-year construction window, Fort Collins will perform work in two phases. During the first phase, work on the access road construction, and staging equipment and materials at the North Poudre Canal and Calloway Diversions will occur in July and August. Then during the second phase, both the North Poudre Canal and Calloway Diversions construction work will commence in November and conclude in March before spring movements by bighorn sheep through the mapped linkage area between the two diversion structures. To the extent reasonably possible, all work will be completed within one construction season beginning in November and ending the following end of March. In the unlikely event of an unforeseen occurrence such as extreme snow, Fort Collins will coordinate with CPW to develop a revised schedule. In addition, Fort Collins has not yet come to an agreement with landowners to complete channel improvements and modifications of the Calloway Diversion. Should a delay occur that affects the proposed timing restriction schedule, Fort Collins will coordinate with CPW and landowners to discuss an alternative timeline to avoid or minimize impacts to bighorn sheep as discussed in Sections 4.2.3.17, 4.2.3.19, and 5.1.1.4	\$109,500	\$109,500
Avoidance and Minimization Mitigation Measures	Limited Use of Western Access Road	4.2.3.14	Following completion of the temporary construction access crossing of the North Fork below the Halligan Dam, which is planned in the first year of construction, use of the western access road intersecting Larimer County Road 80C (Cherokee Park Road) will be reduced to only occasional or as-needed access from April to July in the second and subsequent years of construction to reduce construction vehicle disturbance to wildlife in the area.	Minimization of potential animal and vehicular interference along Cherokee Park Road.	\$0	\$0
Avoidance and Minimization Mitigation Measures	Noxious and Invasive Weed Control and Revegetation	4.2.3.15	Restoration and revegetation will be completed for all temporarily disturbed areas using native plants. These disturbance areas will be monitored after construction to ensure successful re-establishment of vegetation in accordance with Construction General Permit requirement to stabilize all disturbed soil areas (Section 4.2.3.94.2.3.15) before completion of the Halligan Project. Specific revegetation/restoration details will be identified following final design.	Fort Collins will develop a noxious and invasive weed management plan for construction activities, in coordination with the Larimer County Weed District. No domestic sheep or goats will be used for weed control on City-owned property or easements Fort Collins grants to others in the vicinity of Halligan Reservoir. Noxious weed BMPs, including chemical, cultural, and mechanical measures, will be implemented during all construction phases for all Halligan Project disturbance areas, including access roads and buffers. Equipment will be cleaned so that it is free of accumulated soils that may carry noxious and invasive weed seeds to the Halligan Project Area	\$96,264	\$0

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Avoidance and Minimization Mitigation Measures	Aquatic Nuisance Species	4.2.3.16	Fort Collins will take a proactive approach to preventing the introduction of aquatic nuisance species into Halligan Reservoir, the North Fork, and the Main Stem. Non-native species and invasive species pose a threat to ecosystems, and Fort Collins will minimize the risk of spreading aquatic nuisance species through implementation of BMPs to prevent the potential spread of these species in Halligan Reservoir and in the rivers.	Fort Collins will implement specific procedures to ensure that all equipment is cleaned of mud and debris (for example, tracks, turrets, buckets, drags, teeth), and inspected to confirm they are free of aquatic nuisance species. Specific decontamination measures for equipment or materials that were used in any stream, river, lake, pond, or wetland within 14 days of the start of the project to prevent the spread of New Zealand mudsnails, zebra and quagga mussels, invasive plant species, and other aquatic nuisance species will follow the most current guidance from CPW and are expected to include one or more of the following methods: 1. Remove all mud and debris from equipment (tracks, turrets, buckets, drags, and teeth) and spray/soak in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaners and water. Keep equipment moist with the solution for at least 10 minutes. 2. Remove all mud and debris from equipment (tracks, turrets, buckets, drags, and teeth) and continuously spray/soak equipment with water that is hotter than 140 degrees Fahrenheit for at least 10 minutes. Hand tools, boots, and any other equipment that will be used in the water will be cleaned, as well.	\$30,000	\$0
Avoidance and Minimization Mitigation Measures	Bighorn Sheep Habitat Improvements	4.2.3.18	Fort Collins in consultation with CPW, has identified several areas within the Cherokee SWA that would provide the largest benefit to bighorn sheep habitat and foraging through cheatgrass mitigation. The habitat treatment targets cheatgrass seed germination, allowing for higher quality native forage to grow, which, in turn, may keep the Lone Pine herd within the boundaries of Cherokee SWA longer and away from domestic sheep during the April to July grazing period. The treatment should not alter normal migration routes, habitat range use, or lambing areas. Funding will be provided to CPW will install either two water guzzlers for precipitation capture or one water guzzler and one stock-tank type structure that uses water from a spring that CPW holds rights to develop. These features will passively (that is, external power source not needed) provide water sources away from Halligan Project disturbances and are expected to provide benefit before, during, and after construction. The water features will be used to enhance bighorn sheep habitat in areas that may be underused due to lack of water resources and within a reasonable distance of the priority habitat restoration area noted previously.	To improve bighorn sheep habitat opportunities and water access on the Cherokee SWA, Fort Collins will provide to CPW \$250,000 for chemical treatment to abate invasive cheatgrass over at least 500 acres, along with other habitat improvements. Funding is to complete a minimum of one round of cheatgrass treatment over 500 acres and other habitat improvements that may include the installation of up to two remote passive water sources at least 2 years before the start of project construction in an effort to entice bighorn sheep away from construction areas and areas at times used for the grazing of domestic sheep. Any remaining monies up to the \$250,000 earmarked for vegetation and habitat restoration could be used by CPW for habitat treatment on additional acreages within the Cherokee SWA. If additional water features are appropriate for the area, CPW will also consider location and design elements that would exclude domestic ruminants from using the water sources, such as wildlife friendly fencing, to minimize the potential for pathogen transmission. The water features will be used to enhance bighorn sheep habitat in areas that may be underused due to lack of water resources and within a reasonable distance of the priority habitat restoration area noted previously.	\$250,000	\$250,000

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Avoidance and Minimization Mitigation Measures	Bighorn Sheep Collaring Study	4.2.3.19	Support CPW in collaring and disease testing of bighorn sheep from the Lone Pine her to track their movements before, during, and immediately after Halligan Project construction. Collaring study results will support evaluation of whether construction may influence herd habits, in particular with respect to interactions with domestic sheep and/or other bighorn herds. CPW will implement the collaring study. GPS collar monitoring studies are needed to assess disease risk and habitat restoration needs for the Lone Pine Herd by gathering data on herd landscape use (habitat, spatial and temporal), recruitment, and overall health. Depending upon the Lone Pine Herd size, up to a maximum of 15 collars may be deployed.	Fort Collins will provide CPW additional funding of up to \$120,000 to support global positioning system (GPS) collaring and disease testing of up to a maximum of 15 bighorn sheep from the Lone Pine herd. The preconstruction portion of the GPS collaring study including, and disease testing will begin no less than 2 years before the anticipated start of the Halligan Project construction. GPS collars are expected to have a 2-year life and collect data approximately every 4 hours. Preconstruction collaring data will be considered viable for 5 years. Should construction be pushed beyond that initial 5-year window, a second GPS collar study would start 1 year from the start of construction. The intent of the second preconstruction GPS collar study including, and disease testing is to have accurate and recent data on the Lone Pine herd’s movements before construction. The Lone Pine herd will be fitted with GPS collars and undergo disease testing during all of the construction with collars having an anticipated 2-year battery life. The final phase will be a 2-year postconstruction GPS collaring and disease testing event to evaluate postconstruction movement and habitat use. CPW may euthanize bighorn sheep to prevent disease spread in the Lone Pine herd and/or adjacent herds. As discussed in Section 4.3.3 Fort Collins will provide monetary compensation for any bighorn sheep culls from the Lone Pine herd.	\$120,000	\$120,000
Avoidance and Minimization Mitigation Measures	Overhead Power Line and Pole Relocation	4.2.3.20	The Halligan Project will require the relocation of approximately 27 overhead power poles and lines from the southwest end of the exiting reservoir to the new dam since the old power poles would be inundated during the Halligan enlargement. The existing poles and line are too old to be reused safely. The new poles and line will be constructed and energized prior to the removal of the old poles and line. Installation and the removal of the overhead power line and poles will result in temporary disturbance of vegetation due to vehicles driving off-road. At this time, a formal access road is not being proposed for the installation or removal of the overhead power lines and poles. Some vegetation will be permanently removed to for the placement of the new poles.	Fort Collins will work with Poudre Valley Rural Electric Authority to perform raptor and migratory nesting bird surveys (Section 4.2.3.4, Migratory Bird and Raptor Surveys) prior to construction. In addition, construction BMPs (Section 4.2.3.7, Best Management Practices) including sediment control and aquatic nuisance species measures (Section 4.2.3.16, Aquatic Nuisance Species), and construction disturbance minimization and reclamation measures (Section 4.2.3.9, Construction Disturbance Minimization and Reclamation) will be implemented. Installation and removal of the overhead power lines and pole will be prohibited between December 1 and April 30. The overhead power lines and poles will follow design guidelines similar to those used by the Avian Power Line Interaction Committee and will have bird diverters.	\$0	\$0
Avoidance and Minimization Mitigation Measures	Halligan Reservoir Sediment Management Plan	4.2.4	Operating the reservoir, particularly at low water levels, in accordance with a plan developed by sediment experts is intended to avoid adverse sediment release events.	A sediment management plan will be developed for Halligan Reservoir that will provide guidelines for post-construction reservoir operations (including low water level operations). CPW will be given an opportunity to comment on the draft sediment management plan.	\$75,000	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Compensatory Mitigation Measures	Preservation as Early Compensatory Mitigation Measure	4.3.1	In 2003 to 2004, as an act of early mitigation in anticipation of the Halligan Project, Fort Collins led the purchase and preservation of a permanent conservation easement of a 4,557-acre property known as Roberts Ranch, which comprises several disconnected parcels (Figure 4 8) in the Livermore Valley. The easement covers 4,557 acres of high-quality wildlife habitat and rangelands near Halligan Reservoir and is also adjacent to 14,000 acres of other state and locally protected lands.	<p>This early conservation effort provides the following benefits:</p> <ul style="list-style-type: none">▪ Direct and indirect ecological benefit to wildlife resources affected by the Halligan Project, including long-term preservation of suitable habitat for big game ungulates, as well as the federally and state threatened Preble’s meadow jumping mouse and the federally threatened Ute ladies’-tresses orchid▪ Land preservation and conservation in perpetuity of habitat for wildlife and rare and native plants, and conservation of the diverse forest, shrubland, meadow, and riparian vegetative communities▪ Approximately 2 decades of land preservation before disturbance from the Halligan Project construction activities▪ Preservation of areas within the linkage area for the Lone Pine bighorn sheep herd where individual rams have been observed annually by local residents from approximately March to October on parcels of Roberts Ranch east of Highway 287 (Thode, pers. comm. 2021), and limitations on grazing such that species other than cattle or horses cannot be grazed on the property unless approved by The Nature Conservancy in areas where use of cattle or horses is impractical▪ Conservation of more than 8.8 miles of perennial streams▪ Direct connectivity to 14,000 acres of adjacent state and locally protected lands	\$1,800,000	\$0
Compensatory Mitigation Measures	Fish Passage at the Fort Collins Intake at Gateway Park	4.3.2	The majority of diversions related to the Halligan Project will take place at the Fort Collins’ Intake at Gateway Park on the Main Stem. This diversion structure is located approximately 0.5 mile upstream of the confluence with the North Fork. The diversion structure currently acts as a barrier to fish movement, preventing the migration of fish past the structure. With this action, Fort Collins will compensate for reduction of flows on the Main Stem in the Exchange Reach between the Fort Collins Intake(s) and the North Fork confluence.	<p>Fort Collins will construct fish passage around the Fort Collins Intake diversion structure at Gateway Park to increase connectivity for trout and other large-bodied fish species on the Main Stem and to compensate for impacts on Main Stem fisheries associated with flow changes as a result of the Halligan Project. The fish passage will be designed, in consultation with CPW, and to CPW’s Research and Design Guidelines, <i>Fish Passage and River Structures</i> to provide reliable upstream fish passage and will help to provide additional connectivity upstream of the Fort Collins Intake.</p> <p>Construction of this project will be completed prior to Fort Collins beginning Halligan operations that involve exchanges on the Main Stem or on an alternate timeline that is agreed upon between CPW and Fort Collins.</p>	\$1,210,200	\$1,210,200

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Compensatory Mitigation Measures	Bighorn Sheep Mortality Compensation	4.3.3	Fort Collins will avoid and minimize potential Project effects on bighorn sheep through the habitat improvements and movement tracking collaring study described in Sections 4.2.3.17, 4.2.3.18, 4.2.3.19 and through construction timing restrictions described in Section 4.2.3.13. Additional construction-related measures to avoid and minimize impacts on terrestrial wildlife, including bighorn sheep, are described in Section 4.2.3.7. If, despite these efforts, construction of the Halligan Project causes mortality directly, through euthanasia or otherwise, to bighorn sheep in the Lone Pine herd, Fort Collins will offset this unavoidable impact through monetary compensation to CPW.	Fort Collins will provide monetary compensation of \$7,300 per sheep to CPW for any Lone Pine herd bighorn sheep that experience mortality during project construction and 2 years postconstruction. Although not all mortality experience during the construction period is anticipated to be caused by the Project, as a conservative approach Fort Collins is willing to assume that mortalities during the construction period and 2 years postconstruction will be compensated. Additionally, if Lone Pine herd mortalities are observed in the 2 years following the end of construction, Fort Collins will compensate CPW \$7,300 per sheep. CPW has concerns that the Halligan Project construction may cause Lone Pine herd sheep to change movement patterns such that they act as a vector for disease transmission from domestic sheep to the Lower Poudre herd. Fort Collins will work with CPW to develop an adaptive management approach to monitoring bighorn sheep movements to assess disease transmission, and will compensate CPW for Lower Poudre herd bighorn sheep that were exposed to respiratory disease because of the Halligan Project during and 2 years after construction.	\$0	\$0
Compensatory Mitigation Measures	Compensatory Mitigation for Halligan Project Impacts on Stream Temperature	4.3.4	The restoration will be focused on either enhancing aquatic life habitat or funding a fish passage project, or both. This money is committed as a compensatory mitigation for unavoidable temperature impacts on the Main Stem.	Fort Collins will commit \$200,000 of funding for stream restoration efforts along the Main Stem, or North Fork, within or near the Halligan Project Area, including the North Fork above Halligan Reservoir to compensate for potential project-related temperature increases. Fort Collins and CPW will have final approval authority on any use of funds and will be used for the public benefit. Note: This commitment is separate from the \$200,000 enhancement commitment for the North Fork described in Section 5.1.1.6; however these funding commitments may be combined or used independently.	\$200,000	\$200,000
Compensatory Mitigation Measures	Compensatory Mitigation for Halligan Project Impacts on Wetlands	4.3.5	Wetland mitigation for Halligan Project impacts may include restoration, mitigation banking, or other measures that benefit fish and wildlife.	Compensatory mitigation and monitoring for wetlands will be described in a separate mitigation plan yet to be developed for approval by the Corps.	\$2,490,400	\$0
Compensatory Mitigation Measures	Special Status Species	4.3.6	Fort Collins seeks to avoid and minimize any adverse impacts on any special-status species. Halligan Project mitigation measures, such as the preservation of Roberts Ranch (Section 4.3.1), and the numerous avoidance and minimization measures (Section 4.2) will adequately mitigate potential Halligan Project effects on state-listed species. This applies for all of Section 4.3.6 except for Section 4.3.6.1 discussed in the next row.	No additional species-specific compensatory mitigation measures have been proposed. Although Fort Collins' mitigation actions directed towards special status species (e.g., Preble's meadow jumping mouse) will benefit other fish and wildlife, no costs are included here since they are considered in the Preservation as Early Compensatory Mitigation Measure.	\$0	\$0
Compensatory Mitigation Measures	Preble's Meadow Jumping Mouse Habitat Improvements/Monitoring Contribution	4.3.6.1	Mitigation and monitoring of Halligan Project impacts on Preble's are being developed in consultation with USFWS.	Mitigation and monitoring of Halligan Project impacts on Preble's are described in the <i>Halligan Water Supply Project Preble's Meadow Jumping Mouse Mitigation Plan</i> .	\$218,900	\$0

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Compensatory Mitigation Measures	Recreational Resources	4.3.7	<p>The surface of Halligan Reservoir is not open to the public for recreational use, the Halligan Project will not change the public’s ability to recreate on the reservoir.</p> <p>The enlarged Halligan Project Reservoir will inundate approximately a 0.75-mile reach of the North Fork upstream of the existing Halligan Reservoir, resulting in the loss of approximately 20 acres of potential hunting lands and river fishing along a 0.4-mile stretch of this reach.</p>	<p>The proposed mitigation measure are discussed in detail in the next three rows relating to Sections 4.3.7.1, 4.3.7.2, and 4.3.7.3.</p> <p>Fort Collins understands CPW’s desire to see public angling access at the enlarged Halligan Reservoir. Since the Halligan Project is not impacting surface water recreation at Halligan Reservoir, Fort Collins and CPW have agreed to continue discussions related to recreational opportunities at the enlarged Halligan Reservoir in a process separate from the current processes to enlarge Halligan Reservoir and the FWMEP. To formalize this commitment, Fort Collins will include language in an intergovernmental agreement with CPW to continue discussions related to recreation at the enlarged Halligan Reservoir. Those discussions may include the reservoir being managed for recreation by CPW as a part of the Cherokee SWA.</p> <p>If, separate from the current processes to enlarge Halligan Reservoir, the reservoir is opened to public recreation at a point in the future, any recreation plan proposed by Fort Collins that will affect the Cherokee SWA will be developed in conjunction with CPW and will consider impacts on fish and wildlife habitat, including impacts on any access through the Cherokee SWA. The recreation plan will also consider and compensate for the resource needs for CPW to stock and manage Halligan Reservoir for public angling access, if CPW determines it will maintain a public fishery.</p>	\$0	\$0
Compensatory Mitigation Measures	Reconciliation of Title Chain Confusion	4.3.7.1	Fort Collins discovered that approximately 39 acres of land in the eastern half of Section 29 and in the northeastern quarter of Section 32 that were thought to be owned by CPW are owned by Fort Collins and a private party. Upper portions of the enlarged Halligan Reservoir will be located on portions of these lands. For the most part, these lands are surrounded by the Cherokee SWA–Middle Unit and according to CPW, these lands have been accessed by the public for over 50 years ²⁰ . Fort Collins intends to acquire these lands for the enlarged Halligan Reservoir.	After acquiring these lands, Fort Collins will seek an agreement with CPW to convey an easement to CPW across these lands for public use, provided that the surface of the enlarged reservoir will not be opened to public access at this time. Any such agreement and conveyance will be subject to applicable laws, including statutes applicable to CPW, and the Fort Collins Municipal Code Chapter 23 (Public Property), Article IV (Disposition of Property), Division 2 (Real Property).	\$0	\$0
Compensatory Mitigation Measures	Funding of Public Access Lease with Roberts Ranch	4.3.7.2	The Krause Field parcel was conserved as a part of the Roberts Ranch conservation easement secured by Fort Collins and partners in 2003 and 2004 (refer to Section 4.3.1). CPW has been pursuing a lease allowing primitive foot access for hunting and fishing on the Krause Field parcel. Fort Collins understands that this lease will provide public access to over 2,200 acres of hunting and approximately 1 mile of river access and fishing, which includes the North Fork and potentially stretches of its tributaries, Dale Creek and Bull Creek.	Fort Collins will contribute funding to CPW to support a lease of the Krause Field parcel of Roberts Ranch. Fort Collins agrees to a one-time reimbursement in the amount of \$135,000 for CPW to pursue a long-term lease (in process) of the Krause Field parcel.	\$135,000	\$135,000

²⁰ Fort Collins is evaluating if and the extent to which the public has accessed this part of the inundation area and makes no representations on this issue.

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Compensatory Mitigation Measures	Parking Area Establishment at State Wildlife Area	4.3.7.3	An existing primitive parking area near the southwest portion of Halligan Reservoir is located on Fort Collins’ property in the northeast quarter of Section 32. The parking area falls within an area previously thought to be owned by CPW. This parking area will be inundated by the enlarged Halligan Reservoir.	Fort Collins will provide \$30,000 in funds to create a new parking area on CPW land outside of the inundation area, to provide comparable access to this general location. The new parking area will be primitive and similar in form to the existing parking area.	\$30,000	\$0
Compensatory Mitigation Measures	Instream Water Rights	4.3.8	The enlarged Halligan Reservoir will inundate approximately 0.75 mile of the North Fork upstream of the current reservoir where the CWCB holds an instream flow water right.	Because of the additional stream flow that will be provided downstream, Fort Collins’ commitment to protect those associated releases from Halligan Reservoir for approximately 22 miles downstream using the Protected Mitigation Release statute (CRS 37-92-102[8]), and the aquatic resource enhancements described in Section 5, no additional compensatory mitigation is proposed for impacts on the CWCB’s instream flow water rights as part of this FWMEP.	\$0	\$0
Monitoring and Adaptive Management for Mitigation	Streamflow Monitoring	5.3.1	Streamflow monitoring data will enhance the existing dataset that is available for public use and will also be used by Fort Collins to help inform operational decisions for the enlarged Halligan Reservoir.	Fort Collins has already installed one of two new North Fork streamflow gages associated with the Halligan Project. The first gage, located above the future inlet of the enlarged Halligan Reservoir, was installed by Fort Collins in fall 2020 in coordination with the United States Geological Survey. An existing stream gage is located below the Halligan Dam that will remain in the future. The second gage will be installed by Fort Collins at or below the bypass channel to be constructed on the North Poudre Canal Diversion to monitor streamflow and inform North Poudre Canal Diversion and Halligan Reservoir operations. In addition, Fort Collins will also rely on the existing Livermore gage located where the North Fork crosses West County Road 74E.	\$2,487,200	\$0
Monitoring and Adaptive Management for Mitigation	Sediment, Macroinvertebrate, and Water Quality Monitoring	5.3.2	Sampling for sediment and macroinvertebrates, downstream of Halligan Reservoir will help monitor sediment relative to standards and identify any new impairment or worsening conditions. This information can be used to determine appropriate response actions per the sediment management plan, as needed. Fort Collins will also monitor iron immediately below the enlarged reservoir for 5 years to determine if the flushing event (described in Section 4.2.1.6) is effective and/or necessary. If a MLOW is installed (described in Section 4.2.2.1), real-time oxygen and temperature data from multiple elevations in Halligan Reservoir during summer months will be needed to support operational decision-making for the MLOW.	This sediment sampling will continue for a period of 5 years following the build out of Halligan Project operations, after which time the need to continue sampling will be reconsidered in coordination with CPW and WQCD.Iron monitoring will consist of visual checks for iron deposition on sediment in the vicinity of the NBH sampling station (and photographic records of any observed deposition) as well as continued sampling at NBH for dissolved and total iron. However, if it is determined at the end of the first 5 years following construction (in consultation with CPW) that this operation is no longer needed, then the releases and special monitoring (observations of iron deposition) will end.If a MLOW is installed (described in Section 4.2.2.1), real-time oxygen and temperature data from multiple elevations in Halligan Reservoir during summer months would be used to help manage water quality of releases to the North Fork with an MLOW. As such, this monitoring will be conducted as a critical component of the MLOW mitigation element.	\$120,000	\$120,000

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Monitoring and Adaptive Management for Mitigation	Adaptive Management Costs	Various Measures	Adaptive management in response to environmental monitoring is indirectly incorporated into some mitigation and enhancement measures in the FWMEP, including the MLOW, bighorn sheep collaring and mortality compensation, sediment management, and temporary environmental pool measures.	This measure will help with aquatic and terrestrial species and ecosystems by monitoring and adapting plans accordingly. The FWMEP capitalization cost of \$37,500 is for adaptive management related to bighorn sheep.	\$225,000	\$37,500
Monitoring and Adaptive Management for Mitigation	Bighorn Sheep Collaring Study	5.3.3	Collaring and tracking of the Lone Pine herd will be conducted before, during, and after the Halligan Project construction.	The commitments are captured in the avoidance and minimization mitigation measures described in Section 4.2.3.18 and the compensatory mitigation measure described in Section 4.3.3.	\$0	\$0
Enhancement Measures	Temporary Environmental Pool	5.1.1.1	<p>Between the time that Halligan Reservoir is enlarged and the time when Fort Collins grows into its future demand levels associated with the Halligan Project, Fort Collins will dedicate an annually variable storage volume in the enlarged Halligan Reservoir to release for environmental benefits downstream. This annually variable volume of water dedicated for environmental benefits is referred to as the temporary environmental pool (TEP).</p> <p>The purpose of the TEP is to enhance the environmental benefit, or functional lift, of the flow-related operational measures described in Section 4.2.1. The primary objective of the TEP is to positively affect stream health in the North Fork from the replacement Halligan Dam to Seaman Reservoir. In general, the TEP will be used to benefit whole stream health, with the ability to focus on specific river functions, or single-species management in select years. Use of the TEP will be informed by first principles of river ecology.</p>	<p>Fort Collins will determine the volume of water available for the TEP each year. Volumes in the range of 500 to 1,000 acre-feet are expected to be available; however, the actual volume available could increase or decrease after information is gained from the first several years of operation of the enlarged Halligan Reservoir.</p> <p>Decisions regarding the volume of water allocated each year will be made by Fort Collins. The volume and targeted window for releases will be determined before July 1 each year. The window for releases will typically be from July 1 to the following April 30.</p> <p>Fort Collins will not re-divert the TEP releases until after they have reached the confluence with the Main stem of the Poudre River. The primary stakeholders for the TEP will be Fort Collins and CPW.</p> <p>The best use of this water will be determined based on decreed beneficial uses of the water rights and current conditions at that point in time and the greatest ecological concerns or issues, with one of the priorities being management of small bodied native fish species downstream of Halligan Reservoir. Operational targets for use of the TEP could be set for several years at a time to address multiple ecological priorities.</p> <p>NPIC cannot divert the TEP releases into the North Poudre Canal pursuant to an existing agreement with Fort Collins.</p>	\$150,000	\$0
Enhancement Measures	Joint Operations	5.1.1.2	Fort Collins will continue to entertain opportunities for operational synergies with other managed water deliveries in the Poudre River watershed in order to potentially provide targeted benefits to the watershed.	Potential enhancement to environmental benefits related to stream flows.	\$0	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Enhancement Measures	Fish Passage at the Reconstructed North Poudre Canal Diversion	5.1.1.3	North Poudre Canal Diversion is approximately 6 miles downstream of Halligan Reservoir on the North Fork. The structure currently acts as a barrier to upstream fish passage, preventing the migration of fish past the structure.	Fort Collins will reconstruct the North Poudre Canal Diversion so that Fort Collins’ releases can be bypassed by that structure and remain in the North Fork. To provide increased connectivity for small-bodied native species and trout in the North Fork, Fort Collins will incorporate fish passage into or around the reconstructed North Poudre Canal Diversion, in the form of a fish ladder, bypass channel, or other infrastructure. Fish passage will be designed, in consultation with CPW, and to CPW’s Fish Passage and River Structures Research and Design Guidelines to provide reliable fish passage at the North Poudre Canal Diversion and connect an extensive reach of the North Fork. Fish passage construction will happen concurrently with reconstruction of the North Poudre Canal Diversion, in accordance with the timeline listed in Figure 4-7, will be completed by the time Fort Collins begins storing water in the enlarge Halligan Reservoir or an alternate timeline that is agreed upon between CPW and Fort Collins.	\$1,759,750	\$0
Enhancement Measures	Channel Improvements and Modifications of the Calloway Diversion	5.1.1.4	The Calloway Diversion is located on the North Fork approximately 7.5 river miles downstream of Halligan Reservoir. The diversion is no longer used. Although water passes the structure, it acts as a barrier to fish passage, preventing the migration of fish past the structure.	Fort Collins will pursue an agreement in good faith with the landowners and other stakeholders to complete this project. A preliminary concept was developed in collaboration with landowners, CPW, and other stakeholders, includes removal of the center portion of the structure, while leaving the sidewalls of the structure in place. This project will be constructed in accordance with the timeline listed in Figure 4-7 and will be completed by the time Fort Collins begins storing water in the Halligan Reservoir Expansion or an alternate timeline that is agreed upon between CPW and Fort Collins. If Fort Collins is unable to come to an agreement with the landowners to complete channel improvements and modifications of the Calloway Diversion within the timeline that aligns with the reconstruction of the North Poudre Canal Diversion discussed in Section 5.1.1.3, Fort Collins will coordinate with CPW and the landowners to discuss an alternative timeline to avoid or minimize impacts to bighorn sheep as discussed in Sections 4.2.3.13, 4.2.3.17, and 4.2.3.19. The improvements at the Calloway Diversion will have the largest impact on aquatic habitat; however, the improvements will also benefit terrestrial species, specifically Preble’s. The USFWS considers the Calloway Diversion to be a habitat filter to Preble’s movement. The removal of the diversion will reconnect the Preble’s habitat.	\$1,120,645	\$0
Enhancement Measures	Ramping Rate Limitations for NPIC’s Pool in an Enlarged Halligan Reservoir	5.1.1.5	The ramping rate limitations described in Section 4.2.1.2 apply only to Fort Collins’ operation of its portion of the enlarged Halligan Reservoir; they do not apply to operation of NPIC’s portion of the reservoir.	Fort Collins will commit to making a good faith effort to reach an agreement with NPIC to adhere to the same ramping rate limitations. Previous discussions with NPIC indicate that it would prefer to explore any such commitments after the enlarged reservoir is operational for several years.	\$0	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Enhancement Measures	North Fork Stream Restoration	5.1.1.6	Fort Collins will commit to provide funding for stream restoration efforts along the North Fork. The restoration will be focused on either enhancing habitat for small-bodied native fish or salmonids.	Fort Collins will commit \$200,000 of funding for stream restoration efforts along the North Fork, or Main Stem, within or near the Halligan Project Area, including the North Fork above Halligan Reservoir. This commitment is separate from the \$200,000 mitigation commitment for the Main Stem described in Section 4.3.4; these funds may be combined or used independently. Fort Collins and CPW will have final approval authority on any use of funds and will be used for the public benefit.	\$200,000	\$200,000
Enhancement Measures	Bottom Release from Halligan when Spilling	5.2.1.1	<p>Water will be released from Halligan Reservoir through the bottom outlets at times when the reservoir is spilling over the dam. Avoiding buildup of sediment behind the dam should, in part, help avoid an adverse sediment release event like the one that occurred because of operations in 1996.</p> <p>Thermal shock can occur below the Halligan Reservoir dam under current Halligan Reservoir dam operations. The Halligan Project has an inherent benefit of reducing the current frequency of thermal shock below Halligan Reservoir dam because no spilling is anticipated (per DEIS flow modeling) to occur in summer or fall months (that is, at times when the reservoir is thermally stratified).</p>	<p>Bottom release should allow for reduced retention of sediment in Halligan Reservoir, allowing for appropriate sediment transport downstream to the North Fork.</p> <p>This measure is also considered a voluntary enhancement in terms of river temperature for its parallel benefits in reducing the risk of thermal shock below the Halligan Reservoir dam. Bottom releases during spilling would provide further enhancement in terms of further reducing the risk of thermal shock because such releases would serve to blend top and bottom temperatures, minimizing the sharp temperature change in releases, in the unanticipated event that the reservoir does spill at a time of thermal stratification with the Halligan Project.</p>	\$0	\$0
Enhancement Measures	Passive Aeration in Outlet Structure	5.2.2	Fort Collins will incorporate design measures for the replacement Halligan Dam that passive physical aeration. This will increase dissolved oxygen concentrations in water released to the North Fork, enhancing conditions for aquatic life immediately below the reservoir. This aeration will be applied to releases from both Fort Collins’ and NPIC’s portion of the enlarged Halligan Reservoir.	Because adverse impacts on aquatic life are not anticipated in terms of oxygen below Halligan Reservoir, inclusion of passive aeration in the outlet structure is considered to be a voluntary enhancement, as opposed to mitigation. Design measures being evaluated that would increase DO include an updated stilling basin, a stepped spillway, and a turbulent discharge area with energy dissipation. This aeration will be applied to releases from both Fort Collins’ and NPIC’s portion of the enlarged Halligan Reservoir.	\$0	\$0
Enhancement Measures	Prohibition of Domestic Sheep and Goat Grazing on City-owned Lands Near Halligan Reservoir	5.2.3.1	Several land managers within the Lone Pine herd-occupied range along or near key components of the Halligan Project use domestic sheep to control larkspur (Delphinium species), which are toxic to cattle. Although domestic sheep can be an effective vegetation management tool, this practice increases the chances of commingling between the Lone Pine herd and domestic sheep. The greatest concern of such commingling is the transmission of deadly pathogens between domestic sheep and goat populations and populations and the Lone Pine herd.	<p>As a measure to help reduce the long-term risk of disease transmission, soon as this FWMEP is approved, Fort Collins will:</p> <ul style="list-style-type: none">▪ Permanently stop grazing domestic sheep or goats for weed control or other purposes on any Fort Collins-owned lands around Halligan Reservoir▪ Will not enter into grazing leases that would authorize others to graze domestic sheep or goats on any Fort Collins-owned lands around Halligan Reservoir▪ Will not grant licenses or convey easements authorizing domestic sheep or goats to graze on any Fort Collins-owned lands around Halligan Reservoir	\$0	\$0

Measurement Type	Mitigation, Monitoring, and Enhancement Measure	FWMEP Section	Purpose for Measure	Description of the Commitment ^[a]	Fort Collins Total Capitalized Cost ^[b]	FWMEP Capitalized Cost ^[b]
Enhancement Measures	Advocate for Cessation of Domestic Sheep and Goat Grazing on Private Lands Near Halligan Reservoir	5.2.3.2	Landowners near the Halligan Project Area periodically allow domestic sheep and goat grazing on their property to control larkspur, which are toxic to cattle and horses. Comingling of domestic sheep and goats with bighorn sheep is linked to disease transmission to bighorn sheep, which can result in bighorn sheep mortality.	Fort Collins will engage with local landowners to advocate for both the temporary cessation of domestic sheep and goat grazing during construction, as well as for the permanent cessation of domestic sheep and goat grazing near the Halligan Project Area. Ceasing domestic sheep and goat grazing on private property around the Halligan Project Area will avoid the potential for disease transmission from domestic sheep and goats to bighorn sheep.	\$0	\$0
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Mitigation	\$15,345,903	\$2,958,650
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Monitoring and Adaptive Management	\$2,832,200	\$157,500
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Total Mitigation, Monitoring and Adaptive Management Cost	\$18,178,103	\$3,116,150
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Enhancement	\$3,230,395	\$200,000
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Total Mitigation and Enhancement Costs for Project	\$21,408,498	\$3,316,150
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Total Design and Construction Costs (Per 30% Design)	\$144,584,000	Not Applicable

^[a] The description of mitigation commitments is at a summary level - see text for details of the commitment. The text shall take precedent over any discrepancies between this table and the text.

^[b] Capitalized cost is the sum of the capital cost plus any annual operations and maintenance costs capitalized over the life of the commitment, or 50 years for those commitments that are perpetual.

Appendix C

Surface Water Quality Supplemental Information

Appendix C. Surface Water Quality Supplemental Information

This appendix presents an overview of surface water quality current conditions for Halligan Reservoir, Seaman Reservoir, the North Fork, and the Main Stem. This appendix is intended to be a high-level summary and is not intended to fully recreate documentation of the studies/communications referenced (Hydros 2020, 2021a, 2021b, 2021c, and 2021d, 2022a, 2022b, and 2022c). Instead, highlights of the key findings regarding current surface water-quality conditions are presented, by area. The referenced studies rigorously document the conceptualization of existing major drivers of spatial and temporal variability in temperature and water quality in Halligan Reservoir, Seaman Reservoir, the North Fork, and the Main Stem. The conceptual understanding in those documents is based on evaluation of observed water-quality data, flow data, diversion patterns, reservoir operations, geology, point sources, land use, and spatially varying meteorological conditions. Observed data were also compared in these studies to applicable aquatic life water-quality standards to identify existing concerns relative to standards. Sampling stations considered in those analyses and referenced in this appendix are presented in Appendix D, Water Quality Sampling Location Maps. Additionally, Appendix D is supported by two memoranda (Hydros 2022a and Hydros 2022c).

C.1 Halligan Reservoir

Current conditions in Halligan Reservoir are discussed in Hydros (2020, 2022a, and 2022c) and summarized briefly here. Halligan Reservoir is currently an approximately 6,400 acre-feet, on-channel, water supply reservoir on the North Fork. The reservoir is relatively shallow except near the dam (Figure C-1). The annual residence time is relatively short, averaging roughly 26 days (based on observed data from 2010 to 2018). Monthly residence times tend to be relatively low (fewer than 30 days) from April through October and higher in winter months of November through March (Figure C-2). This reflects the typical seasonal inflow and release patterns. Inflows into the reservoir follow a typical pattern of high flows during spring snowmelt runoff and declining flows through the summer. The reservoir fills in the winter and the timing of full pool can vary by year, sometimes filling as early as the end of December and sometimes not filling until the end of May. The reservoir stratifies each year, generally from May to August, with the duration of stratification being limited by strong winds and reservoir operations that draw down water levels during summer. Water can be released via outlet works at the bottom of the reservoir and/or at the spillway (when the reservoir is full).

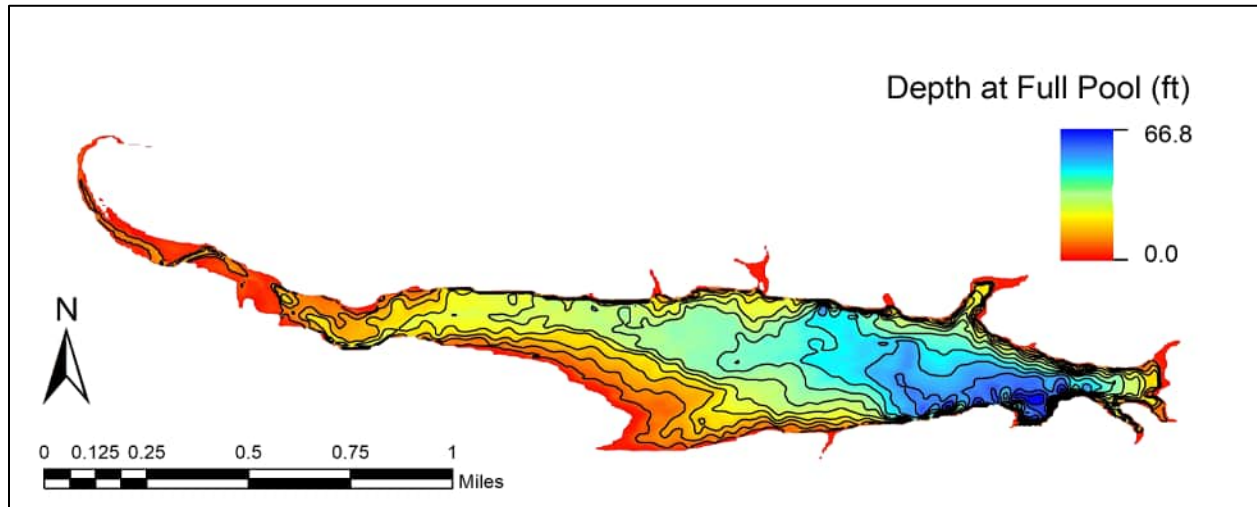


Figure C-1. Bathymetric Map of Halligan Reservoir (Based on 2003 Survey) at Existing Full Pool

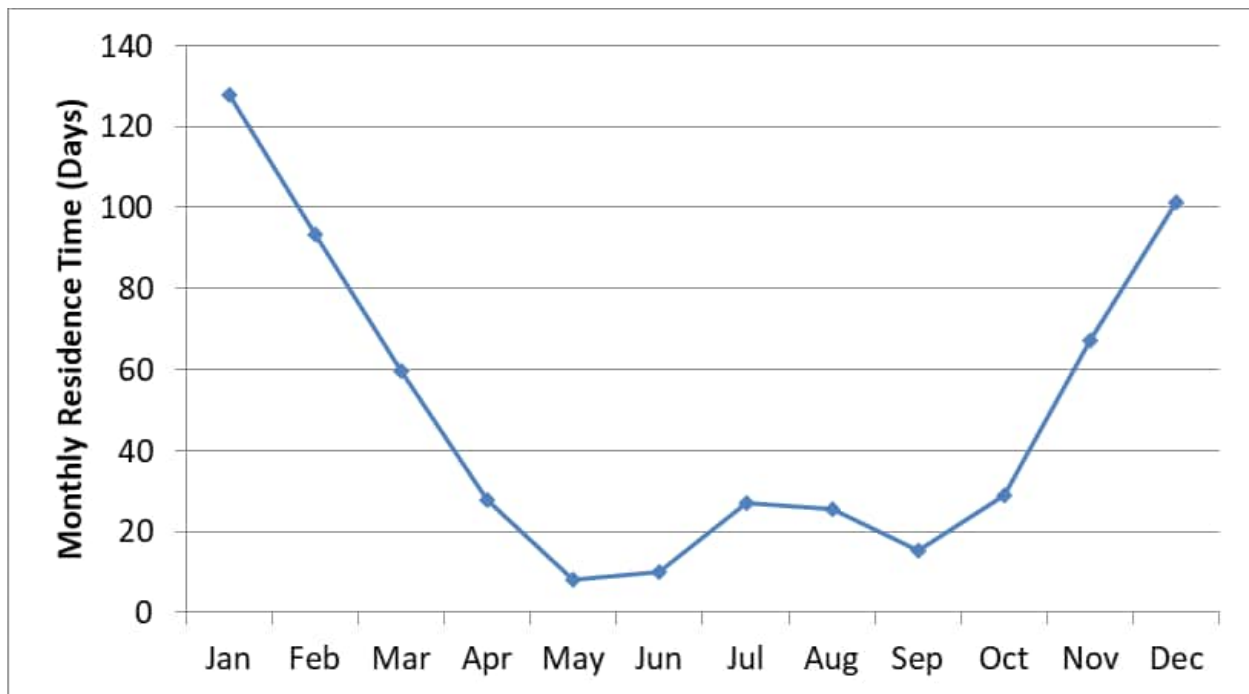


Figure C-2. Average Monthly Residence Time in Halligan Reservoir (Based on Observed Release Rates and Storage Volumes from 2010 to 2018)

For most constituents, inflow concentrations to Halligan Reservoir peak during spring runoff and then decline. While the reservoir is stratified during summer, the hypolimnion can become hypoxic (≤ 2 milligrams per liter [mg/L] dissolved oxygen [DO]; Figure C-3) and internal loading of redox-sensitive constituents from the sediments is observed. Chlorophyll *a* concentrations tend to be relatively low, averaging 6 micrograms per liter [$\mu\text{g/L}$] for July through September (2016 to 2019). The maximum observed chlorophyll *a* concentration in Halligan Reservoir (2016 to 2019) is 13.3 $\mu\text{g/L}$ (November 8, 2016; Figure C-4).²¹ The reservoir is not on the current CWA Section 303(d) list or the

²¹ Note that the sampling stations considered in the development of the understanding of current conditions for surface water quality are mapped in Appendix D.

Monitoring and Evaluation list for any constituents (WQCC 2021b) because the data were not previously shared with WQCD; however, a comparison of observed data to applicable aquatic life water-quality standards and interim nutrient criteria (WQCC 2020) indicates possible current in-reservoir concerns for dissolved silver, water temperature, and total phosphorus.

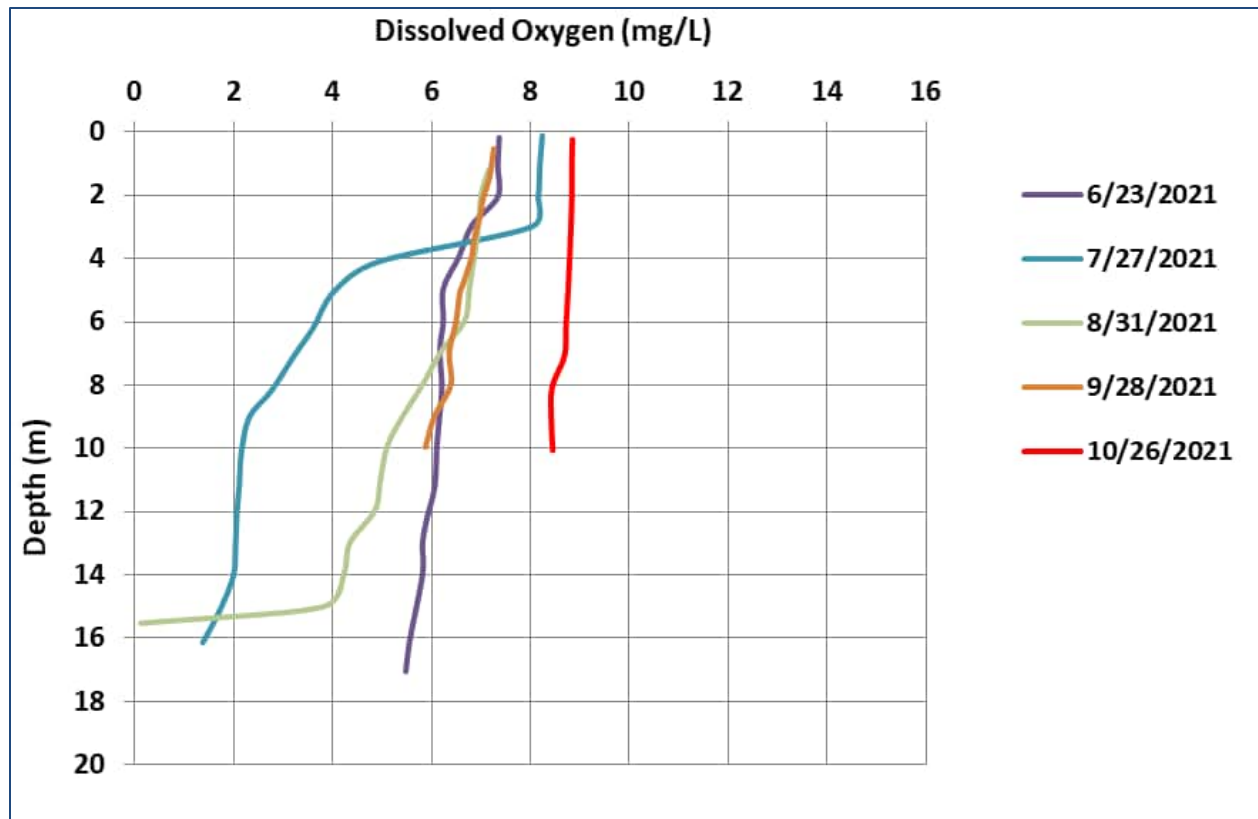


Figure C-3. Dissolved Oxygen Profiles in Halligan Reservoir (2021)

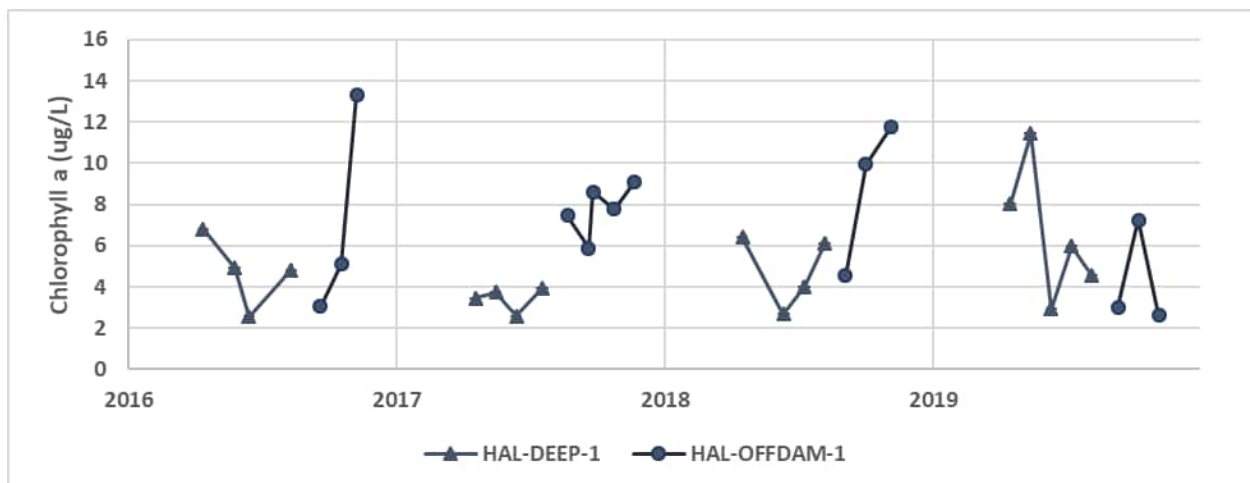


Figure C-4. Observed Chlorophyll a Concentrations in Halligan Reservoir (2016 to 2019)

C.2 Seaman Reservoir

Current conditions in Seaman Reservoir are described in detail in Hydros (2011b) and briefly summarized in this section. Seaman Reservoir is a 4,150 acre-feet,²² on-channel water supply reservoir on the North Fork operated by the City of Greeley located 22 miles downstream of Halligan Reservoir. The average annual residence time (2008 to 2019) is 45 days. Inflows to the reservoir primarily occur during spring runoff and enter the reservoir via the North Fork. Because the reservoir is often full during spring runoff, much of the spring runoff flow is passed through the reservoir and released to the North Fork downstream. The reservoir is often drawn down during late summer and fall, and typically refills by December. Water is released from outlet works at the bottom of the reservoir dam when pool levels are below the spillway. Seaman Reservoir stratifies in the summer each year, with stratification typically beginning early April or May and lasting until fall turnover in September or October. At times, water quality below Seaman Reservoir has negatively impacted aquatic life, including a fish kill in August 2018 (Battige 2018).

Anoxia (0 mg/L DO) is routinely observed in the hypolimnion of Seaman Reservoir during summer stratification (for example, Figure C-5), and the reservoir also periodically exhibits metalimnetic DO minima (caused by the decay of settling organic matter; for example, the profile on June 25, 2019 on Figure C-5). The seasonal reducing conditions in the hypolimnion cause internal release of nutrients and metals from the reservoir sediment. Summer chlorophyll *a* concentrations are typically below 20 µg/L, but major blooms have also occurred. For example, a cyanobacteria bloom occurred in 2012 exhibiting a peak observed chlorophyll *a* concentration of 183 µg/L, and another bloom occurred in 2017, with a peak observed chlorophyll *a* concentration of 100 µg/L.

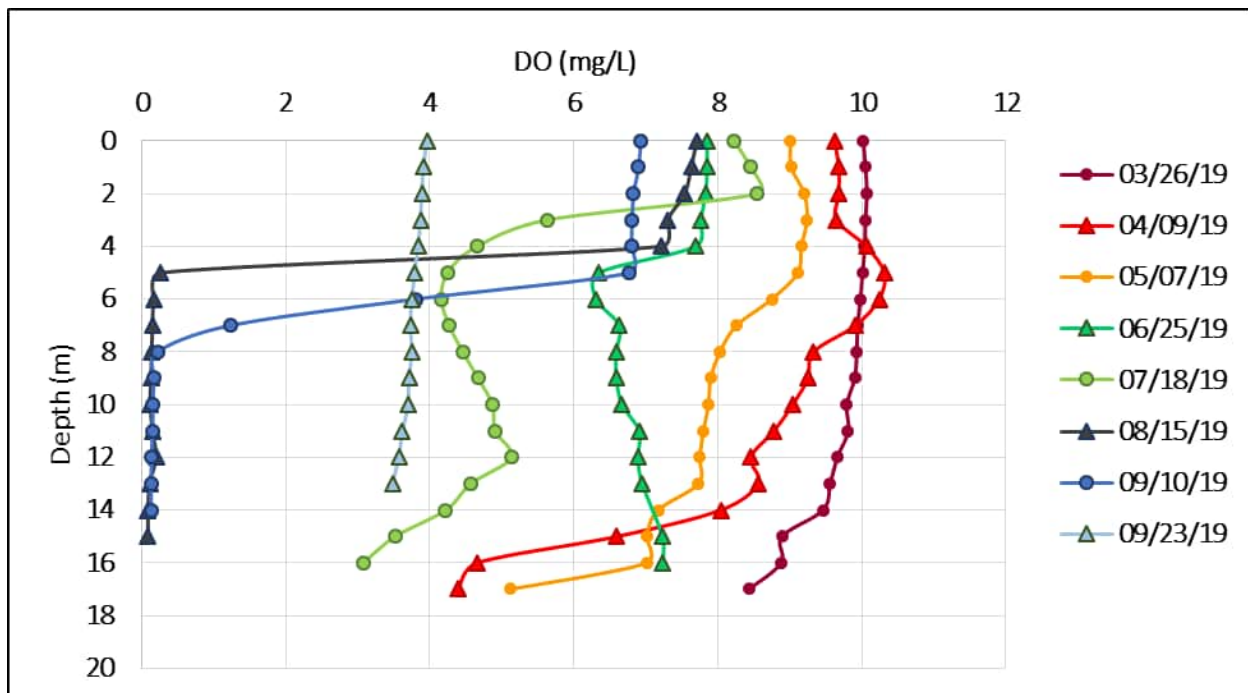


Figure C-5. Example Dissolved Oxygen Profiles from Seaman Reservoir, 2019

²² Recent (2016) bathymetric surveys performed by TetraTech indicate the reservoir capacity is approximately 4,150 acre-feet, suggesting the reservoir has lost approximately 850 acre-feet of storage to sedimentation since reservoir construction in 1941 (TetraTech 2018).

Comparison of observed data from Seaman Reservoir to applicable aquatic life water-quality standards (WQCC 2021a) indicates concerns with DO and temperature. In 5 of 11 years from 2008 to 2019, DO concentrations were observed below the standard in the mixed layer following fall turnover (for example, the profile on September 23, 2019 on Figure C-5). Seaman Reservoir is currently on the CWA Section 303(d) list for DO (WQCC 2021b). There are also two years in the recent record (2017 and 2018) that show temperatures in the mixed layer exceeding the applicable standard at a time when no adequate refuge for fish existed at greater depth (e.g., 7/10/18 in Figure C-6).²³ Given the anoxic conditions in the hypolimnion during stratification and the bottom releases during summer, there may also be issues relative to the aquatic life sulfide standard in and immediately below the reservoir, though there are no sulfide data²⁴ to verify this concern.

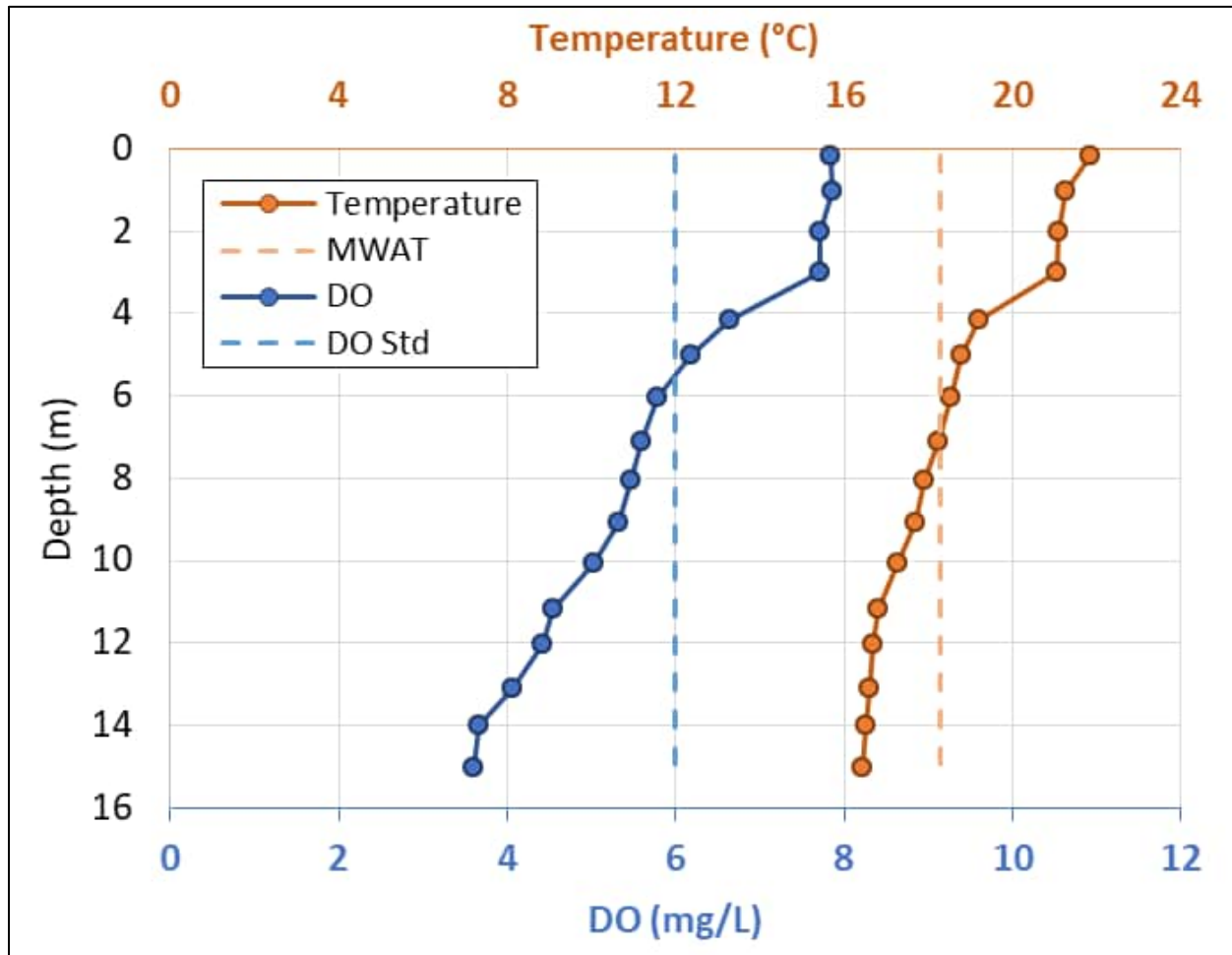


Figure C-6. Example Profile Pair from Halligan Reservoir Showing Temperature Exceedance and No Adequate Refuge; July 10, 2018

Finally, observed data from Seaman Reservoir suggest concerns relative to the interim nutrient criteria values (WQCC 2020) for chlorophyll *a*, total nitrogen, and total phosphorus. While the interim criteria values have not been adopted as standards for the reservoir, concentrations in excess of the interim values are observed in more than half of the years of record from 2008 through 2019.

²³ Adequate refuge refers to layers in the water column where both temperature and dissolved oxygen are within their respective standards.

²⁴ Note that the standard applies to undissociated sulfide, and there are no undissociated sulfide data.

C.3 North Fork

Current conditions for surface water quality on the North Fork are discussed in detail in Hydros (2021b, 2022a, and 2022c) and summarized in this section. Water quality on the North Fork from Halligan Reservoir to the confluence with the Main Stem is influenced by releases from Halligan and Seaman Reservoirs, as well as seasonally by inflow water quality of tributaries and groundwater in the Livermore Valley. Concentrations of many constituents tend to peak during spring runoff. There is notable attenuation for some constituents, including nutrients and some metals, along the approximately 22 river miles from Halligan Reservoir to Seaman Reservoir, particularly in summer and winter months (outside of the high-flow spring runoff period).

Current aquatic life water-quality concerns on the North Fork relative to standards are limited to dissolved silver and water temperature. Additionally, CPW has expressed concern regarding total iron concentrations, specifically below Halligan Reservoir, indicating that CPW believes the existing standard is not adequately protective of aquatic life. Note that this iron aquatic life standard concern is specific to CPW, and WQCD intends to focus on the existing aquatic life iron standard for the purposes of CWA Section 401 water quality certification. Finally, there is an existing total maximum daily load (TMDL) for sediment on the North Fork. The following paragraphs provide additional discussion regarding current conditions on the North Fork for dissolved silver, water temperature, total iron, and sediment.

C.3.1 Dissolved Silver

Dissolved silver in the North Fork is on the current CWA Section 303(d) list (WQCC 2021b) because it exceeds the hardness-based standard in some years (during spring runoff when hardness tends to be low). Observations above standards are most frequent in the reaches above and below Halligan Reservoir, though exceedances also occur farther downstream (Figure C-7). The timing and spatial distribution in the silver data indicate that it is mobilized from the watershed by runoff. There are no known metals mining or industrial activities in the watershed that could serve as an anthropogenic source of the observed silver. Further, the extensive Halligan Reservoir dataset indicates that there is no evidence suggesting the occurrence of internal loading of silver within the reservoir (Hydros 2022c).

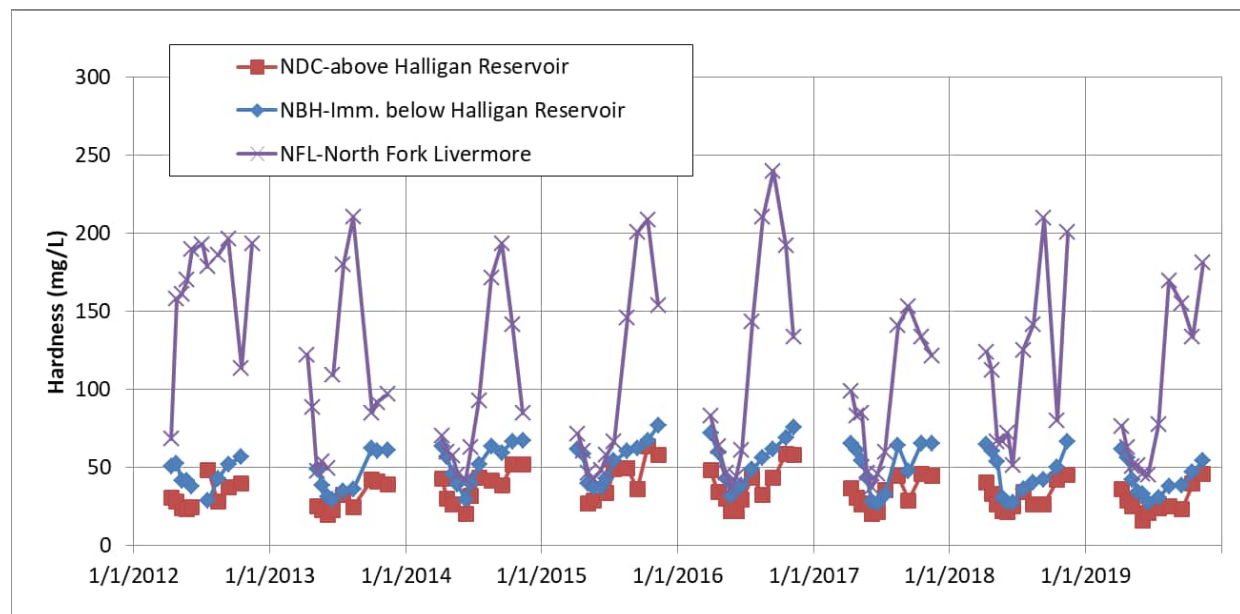


Figure C-7. Hardness across the North Fork, 2016-2019

C.3.2 Water Temperature

Current conditions for river temperature on the North Fork are discussed in detail in Hydros (2021d) and summarized in this section. The reach of the North Fork below Seaman Reservoir is currently on the CWA Section 303(d) list for temperature (WQCC 2021b); however, observed data indicate that there are consistent issues relative to both the acute and chronic temperature standards across most of the North Fork in summer months, typically July through September. There are no issues on the North Fork relative to temperature standards outside of summer months with two exceptions. First, there are occasional fall shoulder season issues below Seaman Reservoir, with conditions exceeding the acute and chronic temperature standards in early November in some years. Second, sharp changes in water temperature can occur downstream of the Halligan Reservoir dam (that is, thermal shock) at times when the reservoir is thermally stratified and reservoir outflows switch from spilling of warmer water over the dam to bottom releases of cooler water (for example, July 2017; Figure C-8). Such cases of unnatural thermal shock can adversely affect aquatic life.



Figure C-8. Example of Thermal Shock below Halligan Dam (NBH), 2017

Red circle indicates observed sharp drop in river temperature due to switch from spilling over dam to bottom releases.

Issues relative to temperature standards generally increase from upstream to downstream on the North Fork in the summer months, as illustrated in the example dataset from July 2019 on Figure C-9 and Figure C-10. Summer temperatures tend to be coolest immediately below Halligan Reservoir (NBH), reflecting bottom release temperatures, though the chronic temperature standard is still exceeded in all years of record at NBH, with typical months of concern being July, August, and/or September. The rate of warming along the North Fork is strongly influenced by meteorological conditions and flow rate, including the effects of the North Poudre Canal Diversion, a major diversion located 6 river miles downstream of Halligan Reservoir. Summer warming of river water is tempered somewhat through the Livermore Valley by inflows from tributaries and groundwater gains (refer to NBP), which can comprise the majority of flow in the North Fork below Lone Pine Creek from July through September (Hydros 2021a). Below Seaman Reservoir on the North Fork (refer to NF-PRU) water temperatures can be lower than those immediately upstream of Seaman Reservoir (refer to NSR) in early summer (for example, July), but the opposite pattern is observed in later summer and early fall. On the North Fork

below Seaman Reservoir, there are exceedances of both the acute and chronic summer standards in all years of the observed record.

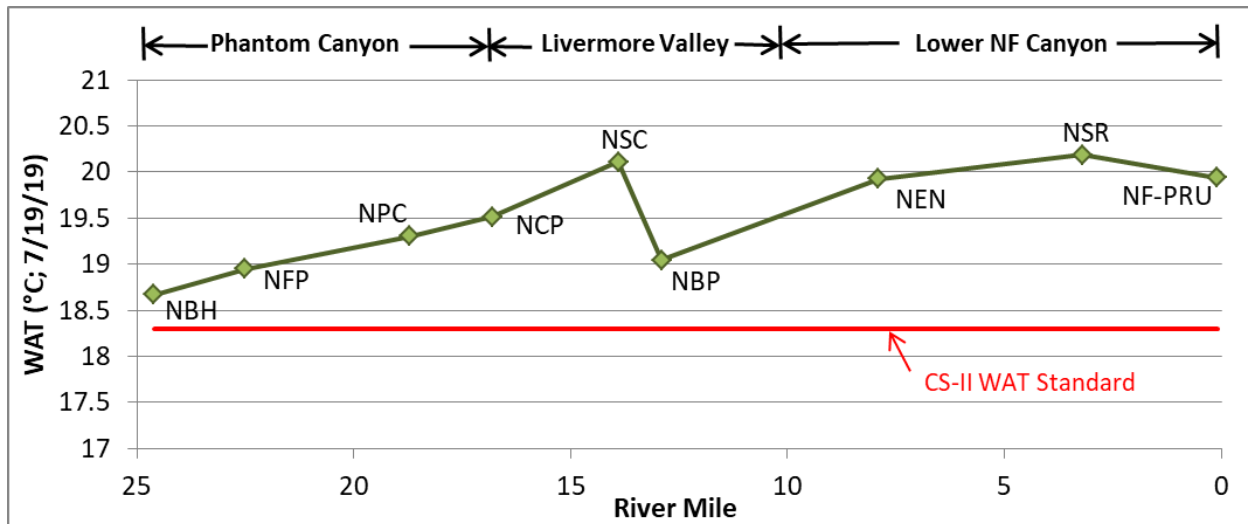


Figure C-9. Observed Weekly Average Temperatures across the North Fork on a Typical Summer Day with Bottom Releases from Halligan Reservoir, 7/19/2019

°C = degree(s) Celsius

NBH, NFP, NPC, NCP, NSC, NBP, NEN, NSR, and NF-PRU are temperature sensor locations, and CS-II is the applicable summertime temperature standard.

Weekly average temperature is a chronic temperature standard metric

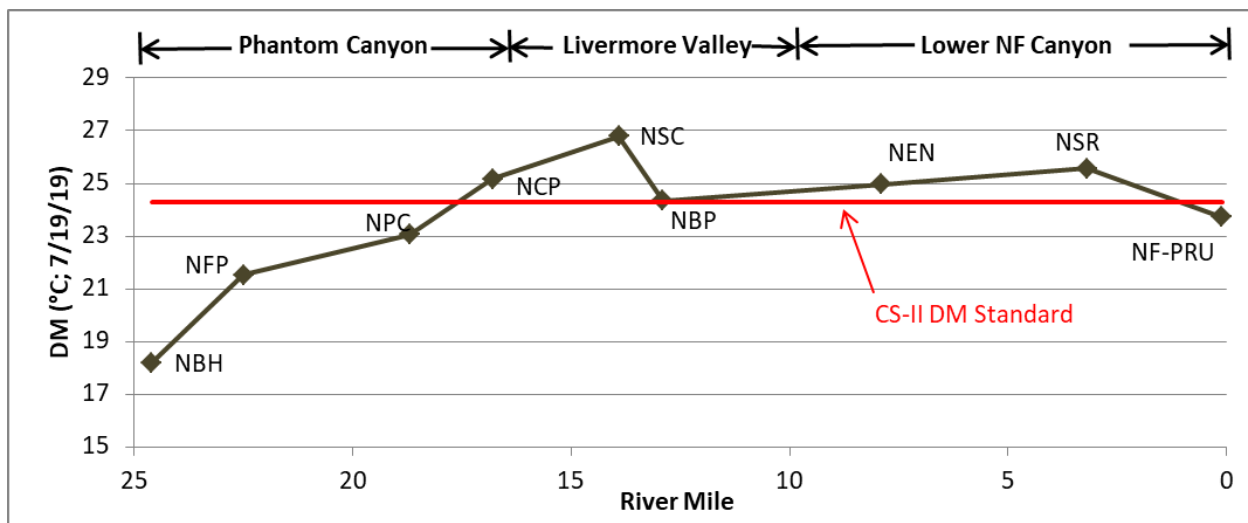


Figure C-10. Observed Daily Maximum Temperatures across the North Fork on a Typical Summer Day with Bottom Releases from Halligan Reservoir, 7/19/2019

Daily maximum is an acute temperature standard metric

C.3.2.1 Total Iron

Observed data indicate that there are no issues on the North Fork relative to the current aquatic life standard for total iron (1,000 µg/L, assessed as an annual median); however, CPW has expressed

concerns that the existing standard is not adequately protective.²⁵ CPW cites Cadmus et al. (2018), indicating that the chronic iron standard should be on the order of 251 µg/L, based on mesocosm tests. While Fort Collins acknowledges that revision of the aquatic life iron standard may be appropriate, the 251 µg/L value from Cadmus et al. (2018) is not directly comparable to field measurements of total iron. Assertion of a disconnect between field measurements of total iron and the 251 µg/L value is based on the following: Cadmus et al. (2018) arrived at the 251 µg/L value through mesocosm studies applying ferric chloride, which results in colloidal iron in solution. This form of iron is not directly comparable (in terms of effect on aquatic life) to iron bound in suspended sediments, which would be included in total iron lab analyses from field samples.

Net loading calculations indicate that Halligan Reservoir is a sink for iron. Inflow concentrations of both total and dissolved iron peak during runoff. Data indicate that internal loading of iron from sediments occurs in Halligan Reservoir during summer stratification due to reducing conditions in the hypolimnion. Further, observed data indicate that a chronic standard value of 251 µg/L would not currently be met upstream or downstream of the reservoir, or within Halligan Reservoir. This is the case for chronic total or dissolved iron at 251 µg/L at any depth level in Halligan Reservoir (Table C-2).

Table C-2. Median and 85th Percentiles of Total Iron and Dissolved Iron Data

Site	Years of Record	Total Iron Median ^[a] (µg/L)	Dissolved Iron 85th Percentile ^[a] (µg/L)
NDC (North Fork above Dale Creek)	2016–2021	799	487
NAH (Halligan Reservoir inflow)	2020–2021	660	341
Halligan, top	2016–2021	377	318
Halligan, bottom	2016–2021	778	412
NBH (below Halligan Reservoir)	2016–2021	622	357

^[a] These metrics are shown because water quality standards are typically assessed by comparing the median (for total metals) or the 85th percentile (for dissolved metals) of the data to the standard value.

While chronic concentrations of total iron below Halligan Reservoir are currently greater than 251 µg/L, there is currently no site-specific indication of aquatic life impairment on the North Fork because of iron, though observations to date are not definitive. There have been no observations of iron coating of sediments below the reservoir,²⁶ which is an expressed concern of CPW regarding inhibition of periphyton growth, benthic macroinvertebrates, and early life stage development of fish eggs. Unfortunately, because of confounding factors, there is no direct approach to definitively determine on a site-specific basis whether there is current impairment below Halligan Reservoir because of iron. Multiple known aquatic life stressors on the system, including temperature and low flow rates, could confound interpretation of the cause of any observed impairment.

²⁵ While CPW has expressed concerns with the existing aquatic life standard for total iron, WQCD has made it clear that the existing standards will be the basis for analysis in the HWSP 401 Certification Application, and 251 µg/L will not be considered in that analysis as an aquatic life standard for total iron.

²⁶ Sampler observations are limited to the reach between the dam and NBH (the sampling location approximately 600 feet below the dam). While NBH is relatively close to the dam, it is expected to be far enough downstream to observed iron coating issues because dissolved oxygen concentrations at this location are consistently at saturation.

C.3.3 Sediment Total Maximum Daily Load

Currently, there is a sediment TMDL on the North Fork that extends from Halligan Reservoir dam to a point 3.2 miles downstream. The TMDL was developed in 2002 (WQCC 2002) in response to a CWA Section 303(d) listing of sediment for the reach because of a major sediment release event in 1996. The sediment release event occurred at the time of a drawdown of the reservoir to allow for a safety inspection of the dam and outlet structure. The 1996 sediment release resulted in severe adverse impacts on fish and benthic macroinvertebrates in the North Fork in the 3.2 miles of river immediately downstream of Halligan Reservoir.

There have been no observed damaging sediment releases from Halligan Reservoir since the 1996 event, and recent data suggest sediment and aquatic life standards are currently being attained. Specifically, pebble counts from 2020 indicate that percent fines are below the applicable threshold, and macroinvertebrate data from 2019 and 2020 indicate that multimetric index values are above the applicable attainment threshold. Macroinvertebrate data from 2020 also indicate that sediment threshold indicator values (TIV_{SED}) are below the applicable impairment threshold.

C.4 Main Stem

Water quality on the Main Stem over the approximately 60 river mile reach from the Munroe Canal Diversion to the confluence with the South Platte River is influenced by many factors, including seasonal snowmelt runoff, major tributary inflows, groundwater inflows, major diversions, treated wastewater effluent, subsurface geology, and stormwater runoff. Current water-quality concerns on the Main Stem, in terms of exceeding or approaching aquatic life standards, are limited to water temperature. Additionally, observed concentrations of Total Nitrogen and Total Phosphorus are routinely above interim nutrient criteria (WQCC 2020) in Segments 12a and 12b (from Prospect Road in Fort Collins to the confluence with the South Platte River), though those criteria are not currently applicable standards. Brief overviews of major temperature and non-temperature water-quality dynamics on the Main Stem are provided in the following subsections. These discussions present major drivers of water-quality response from upstream to downstream and provide information relevant to subsequent discussions of anticipated Halligan Project impacts. Additional detail on spatial and temporal patterns and drivers of water-quality in the Poudre River can be found in Hydros (2015, 2021a, 2021c, and 2021d).

C.4.1 Poudre River Temperature Dynamics

The Poudre River from the Munroe Canal Diversion to the Larimer County Canal (Segment 10a) is currently on the CWA Section 303(d) list for temperature (WQCC 2021b) because of exceedances of the chronic temperature standard. There are observations in excess of the chronic temperature standard in summer months (July, August, and/or September) from the top of Segment 10a to just above the Hansen Supply Canal inflow near the bottom of the segment. The frequency and magnitude of exceedances of the chronic temperature standard increase from upstream to downstream across this sub-reach of Segment 10a.

The rate of warming over Segment 10a above Hansen Supply Canal is exacerbated by major diversions, the largest of which is the Munroe Canal Diversion. Inflows from the North Fork in this reach tend to be notably warmer than the Main Stem during runoff months, summer months, and early fall. However, the warming effect of the North Fork inflows on the Main Stem in summer months is limited, due to relatively small flow rates from the North Fork. Finally, there is a dramatic shift in river temperature below the inflow from Hansen Supply Canal near the bottom of Segment 10a (for example, Figure C-11 and Figure C-12). Hansen Supply Canal provides cooling water to the Main Stem, typically from May to

October, in volumes significant enough to sharply reduce river temperatures (Bartholow 1991 and Hawley et al. 2014), averaging 42 percent of the flow in the river below its point of entry from July through September (Hydros 2021a). The cooling effect often reduces temperature from above the chronic standard to well below the chronic standard. As a result, stream temperatures on the Main Stem are less sensitive to small changes in flow rates downstream of Hansen Supply Canal on Segment 10a and through Segment 10b.

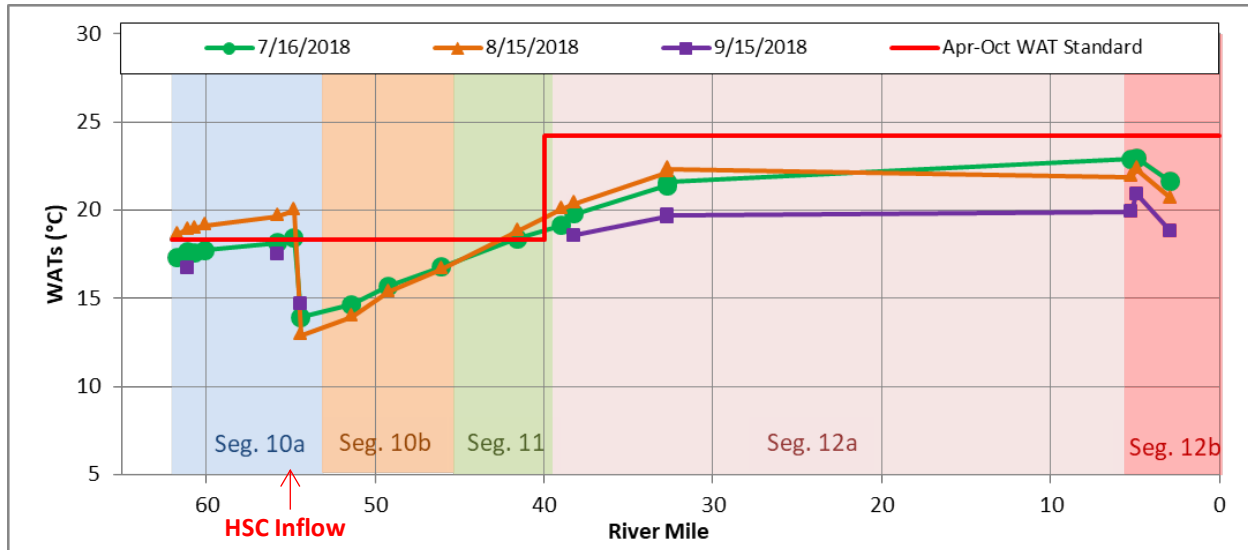


Figure C-11. Weekly Average Temperatures on Select Summer Days in 2018 across the Main Stem Focus Reach

Location of Hansen Supply Canal (HSC) inflow noted

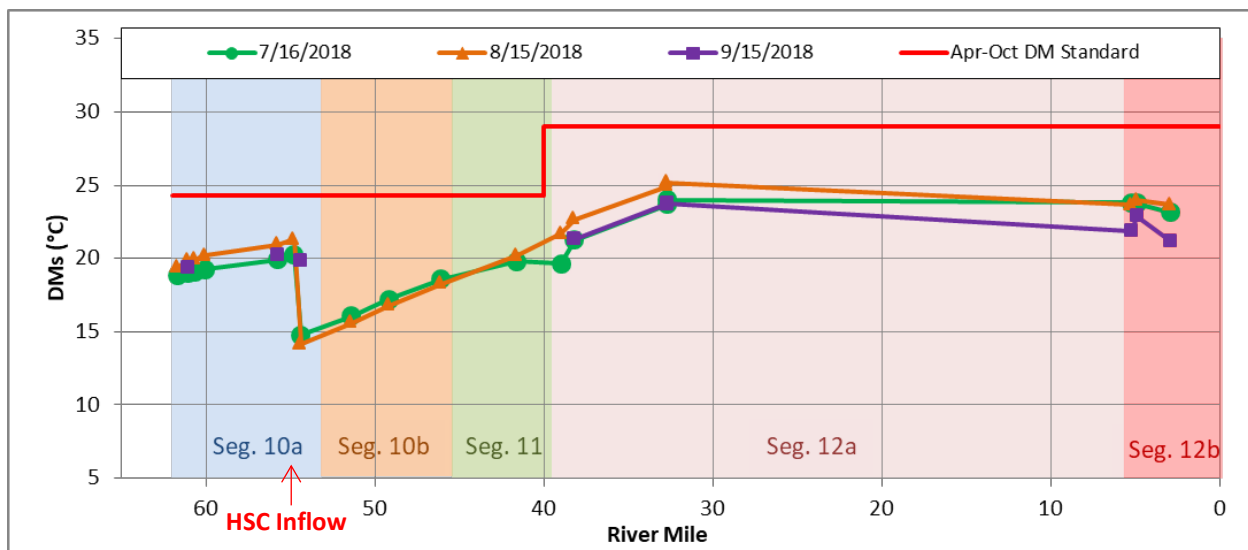


Figure C-12. Daily Maxima on Select Summer Days in 2018 across the Main Stem Focus Reach

Location of HSC inflow noted

Below Hansen Supply Canal, summer river temperatures tend to increase moving downstream through Segments 10b and 11. The rate of warming is increased primarily by major diversions in Segment 10b. While temperature standards tend to be met in Segment 10b, the chronic temperature standard in

Segment 11 (which was made more stringent in 2020) is routinely exceeded in summer months (July, August, and/or September).

Farther downstream in Segments 12a and 12b, observed data exhibit no issues relative to acute or chronic temperature standards. There is apparent warming in the Main Stem during summer months (July, August, and September) near the upstream end of Segment 12a because of inflows from the Fossil Creek Reservoir Outlet, which comprises a notable fraction of flow in the Main Stem immediately below the outlet's confluence with the river in summer months, averaging 15 percent of the flow from July through September (Hydros 2021a).

Moving downstream of the Fossil Creek Reservoir Outlet, warming tends to be somewhat limited over the remainder of Segments 12a and 12b (for example, Figure C-6 and Figure C-8). This is attributed to the competing effects of warming from flow reductions by major diversions and cooling because of groundwater return flows over the reach. Return flows include significant groundwater gains through Segments 12a and 12b (Hydros 2021a). In these segments, groundwater tends to be cooler than the river in summer months by 5°C to more than 10°C, providing a notable cooling effect on the river. There is also a dampening of the diurnal temperature range across Segment 12a that is indicative of the temperatures and magnitude of the groundwater inflows to the river (Hydros 2021a). There is an apparent warming effect from Greeley wastewater treatment plant effluent (near the upstream end of Segment 12b), typically observed in August and September; although temperature standards tend to be met in the Main Stem below the effluent discharge location, temperatures routinely approach the chronic standard. Downstream of the Greeley wastewater treatment plant, river temperatures exhibit some cooling before entering the South Platte (for example, Figure C-6 and Figure C-8), reflecting additional inflow of cooler groundwater.

C.4.2 Poudre River Non-temperature Water-quality Dynamics

There are currently no CWA Section 303(d) listings for aquatic life standards on the Main Stem from Munroe Canal Diversion to the South Platte River, based on the most recent assessment of the Poudre River in 2017 (WQCC 2021b). Still, to support consideration of potential effects of the Halligan Project, it is important to understand several key drivers of water-quality in the Main Stem. A detailed conceptual understanding of current water-quality dynamics on the Main Stem was developed based on observed data and consideration of natural and anthropogenic flow patterns, geology, land use, point sources, and non-point sources. Water-quality responses in the Main Stem follow many general patterns expected for most river systems. For example, water quality in the Main Stem generally tends to deteriorate from upstream to downstream, reflecting both natural and anthropogenic influences. Additionally, as expected, nutrient and metals concentrations are observed to increase downstream of treated wastewater effluent locations, particularly at times of lower flow in the Main Stem. This section summarizes the observed influences of other current Main Stem water-quality drivers specific to the Poudre River, including spring runoff, the North Fork, subsurface geology, and groundwater/agricultural return flows. Additional information is available on patterns and drivers of the current water-quality response across the Main Stem in Hydros (2015, 2021a, and 2021c).

Concentrations of some constituents on the Main Stem increase with seasonal spring runoff, including iron (total and dissolved), aluminum (total), manganese (dissolved and total), suspended solids, and mercury (total). This pattern reflects the mobilization of these constituents from the watershed and riverbeds as a result of seasonal snowmelt. Many of these constituents also show elevated concentrations in the Poudre River after wildfires and flooding. During spring runoff, the influence of point sources and groundwater recharge are minimized because of the typically high flow volumes associated with snow melt. While this water-quality pattern is notable in the observed record for many

constituents, there are no associated water-quality concerns relative to aquatic life standards that are driven by this natural phenomenon.

The North Fork is a critical tributary for consideration of potential effects of the Halligan Project on the Main Stem. While there are no CWA Section 303(d) listings at the mouth of the North Fork or on the Main Stem below the North Fork for aquatic life standards (except temperature), water entering the Main Stem from the North Fork tends to have higher concentrations of many constituents as compared to water in the Main Stem upstream of the North Fork. These include dissolved solids, hardness, arsenic, and sulfate. Additionally, the North Fork exhibits higher concentrations of ammonia, phosphorus, nitrogen manganese, and iron on a seasonal basis, corresponding to the timing of stratification and internal loading from sediments within Seaman Reservoir. These seasonally elevated concentrations on the North Fork are typically observed from July through September/October, depending on the timing of turnover in Seaman Reservoir. Currently, the North Fork comprises a seasonally variable fraction of flow in the Main Stem below its confluence (Figure C-13), with relatively low percent contributions in summer and early fall (7 percent to 25 percent) and higher percent contributions through the winter months (30 percent to about 45 percent).

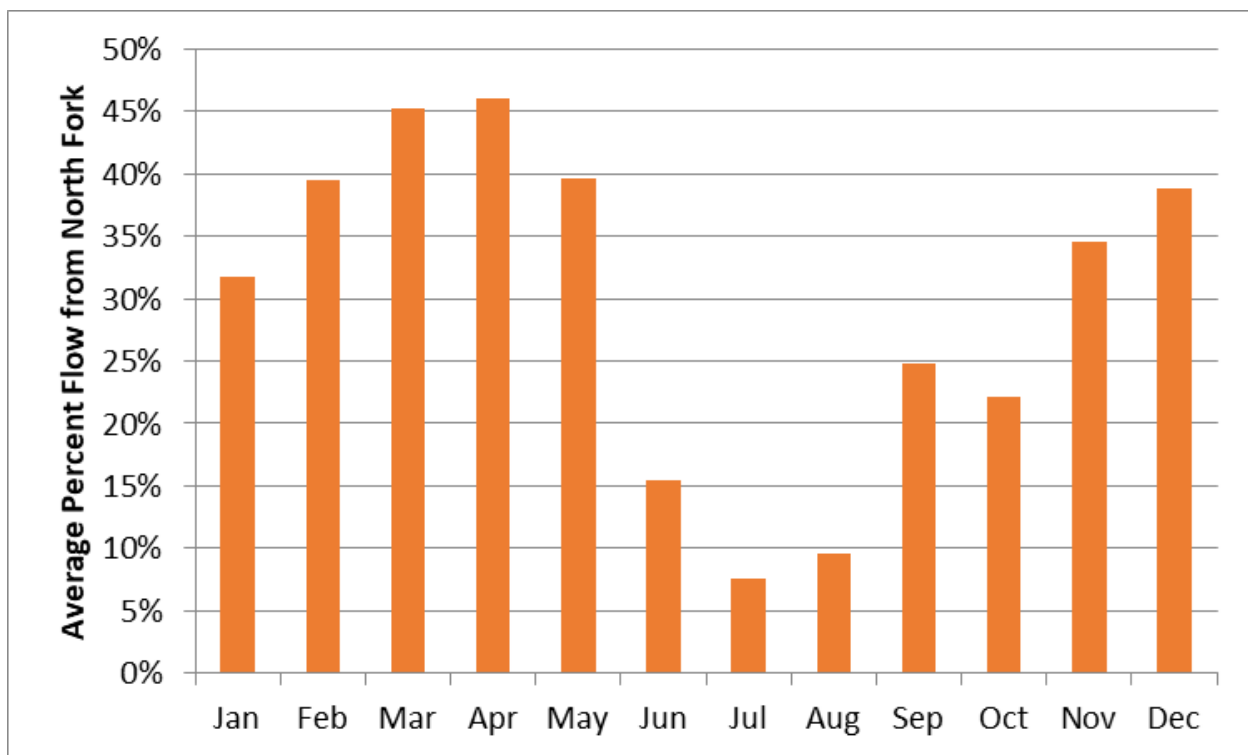


Figure C-13. Average Monthly Percentage of Flow from the North Fork on the Main Stem below the North Fork Confluence (based on observed flows 2009–2018)

Varying subsurface geology across the Main Stem also plays a role in observed water-quality response. From upstream to downstream over the focus reach of the Main Stem, the Poudre River passes through several geologic zones that affect water quality in the river (Figure C-14). The most critical zones are the Pierre Shale and Fox Hill Sandstone/Laramie Formation. From the lower half of Segment 10b through Segment 11 and the upper half of Segment 12a (through both Fort Collins and Windsor), the bedrock below the alluvium is comprised of low-permeability Pierre Shale, which can be a source of selenium to the river. Farther downstream in the plains (downstream of Windsor in Segment 12a), the bedrock

changes to the overlying Fox Hills Sandstone and the Laramie Formations. These sedimentary formations are less resistant to weathering and are notable sources of dissolved and particulate material to the river. The effects of these geologic features are apparent in the observed water-quality data, particularly outside of the snowmelt runoff season.

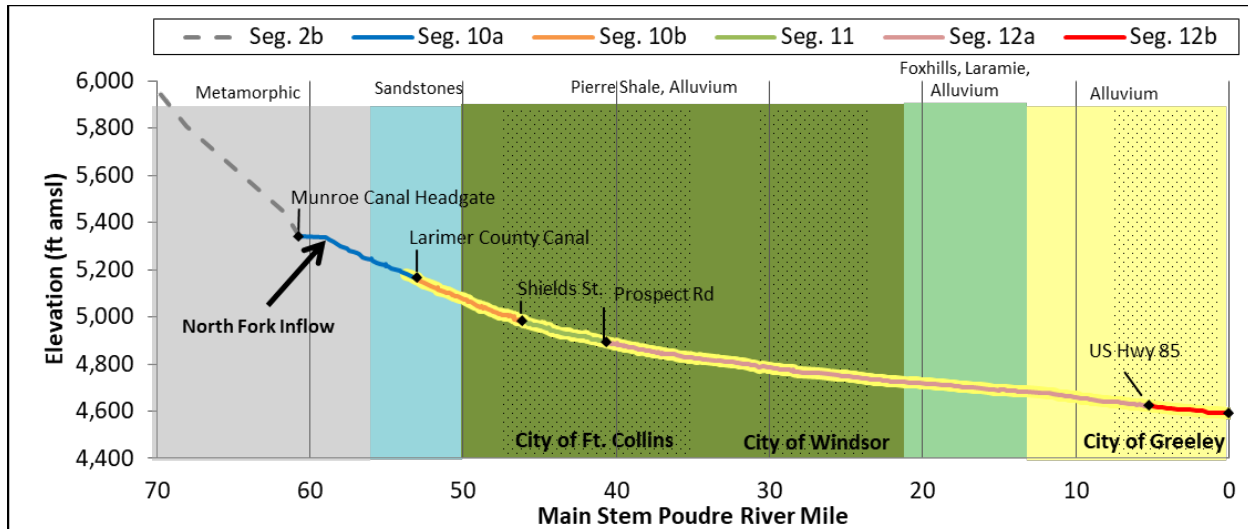


Figure C-14. Diagram of Geologic Zones of the Poudre River Main Stem Focus Reach

Finally, groundwater recharge and agricultural return flows are important drivers of water quality in the Main Stem. Groundwater recharge typically comprises the majority of the flow in Segment 12a and Segment 12b in all months outside of peak snowmelt runoff (Figure C-15). This reflects the stepwise pattern across Segments 12a and 12b of major diversions reducing flow and groundwater recharge replacing those flows. Agricultural return flows also make up a notable fraction of flow in the lower portion of Segment 12a and in Segment 12b in the latter months of the irrigation season (typically August through October; for example, Figure C-15). This pattern reflects both the increased extent of shallow alluvium as well as the increased agricultural land use in the Lower Poudre River. Groundwater recharge sources tend to increase total dissolved solids, nitrate, nitrite, arsenic, iron, and manganese concentrations in the river. Agricultural return flows tend to increase organic carbon and nutrient concentrations. The dominance of groundwater recharge and agricultural return flows in these reaches effectively minimizes the influence of small changes to water quality in Segments 10a, 10b, and 11 on water quality in Segments 12a and 12b.

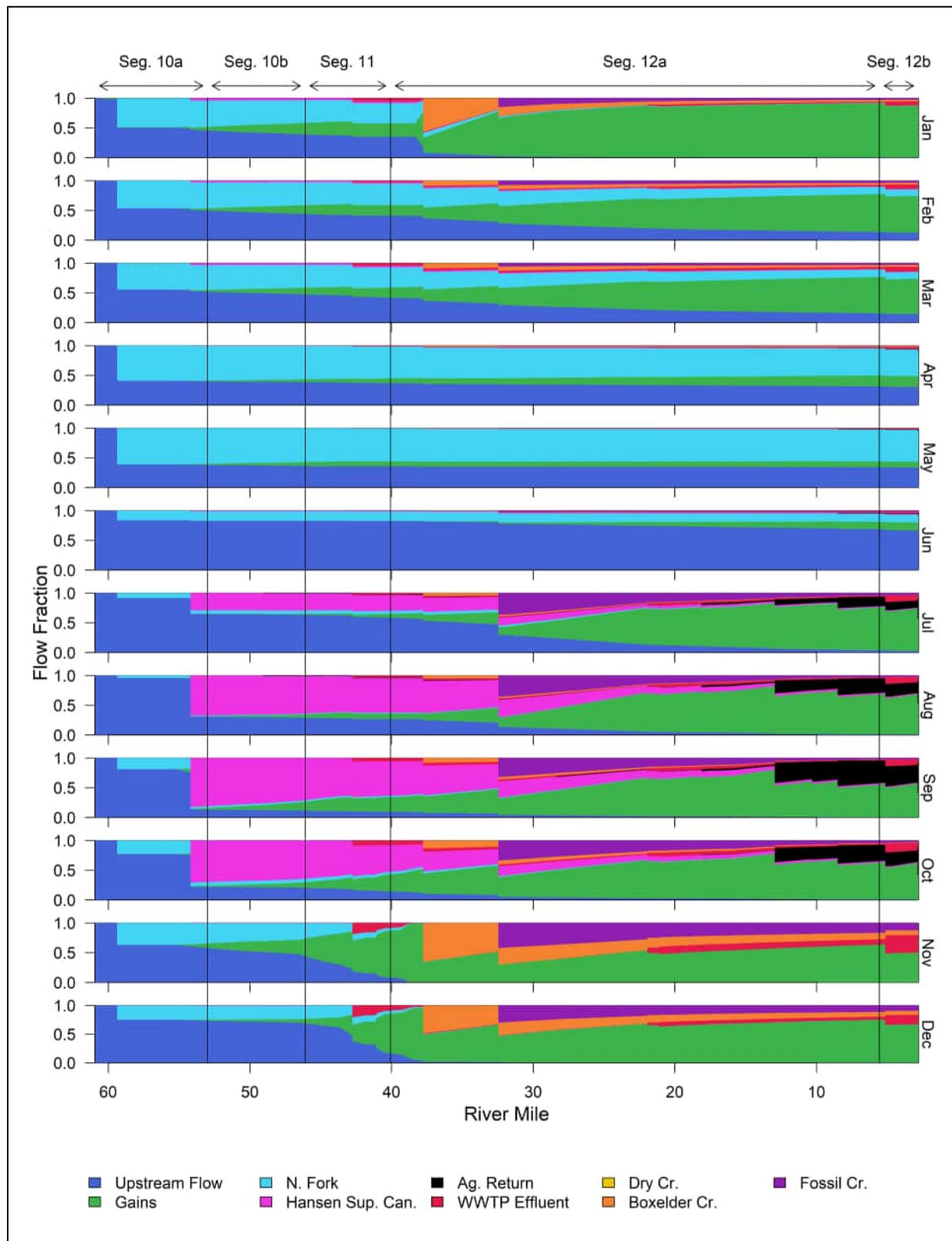


Figure C-15. Poudre River Fraction of Flow by Source, 2016 Monthly Averages

Source: Hydros 2021

Appendix D

Water Quality Sampling Location Maps

Appendix D. Water Quality Sampling Location Maps

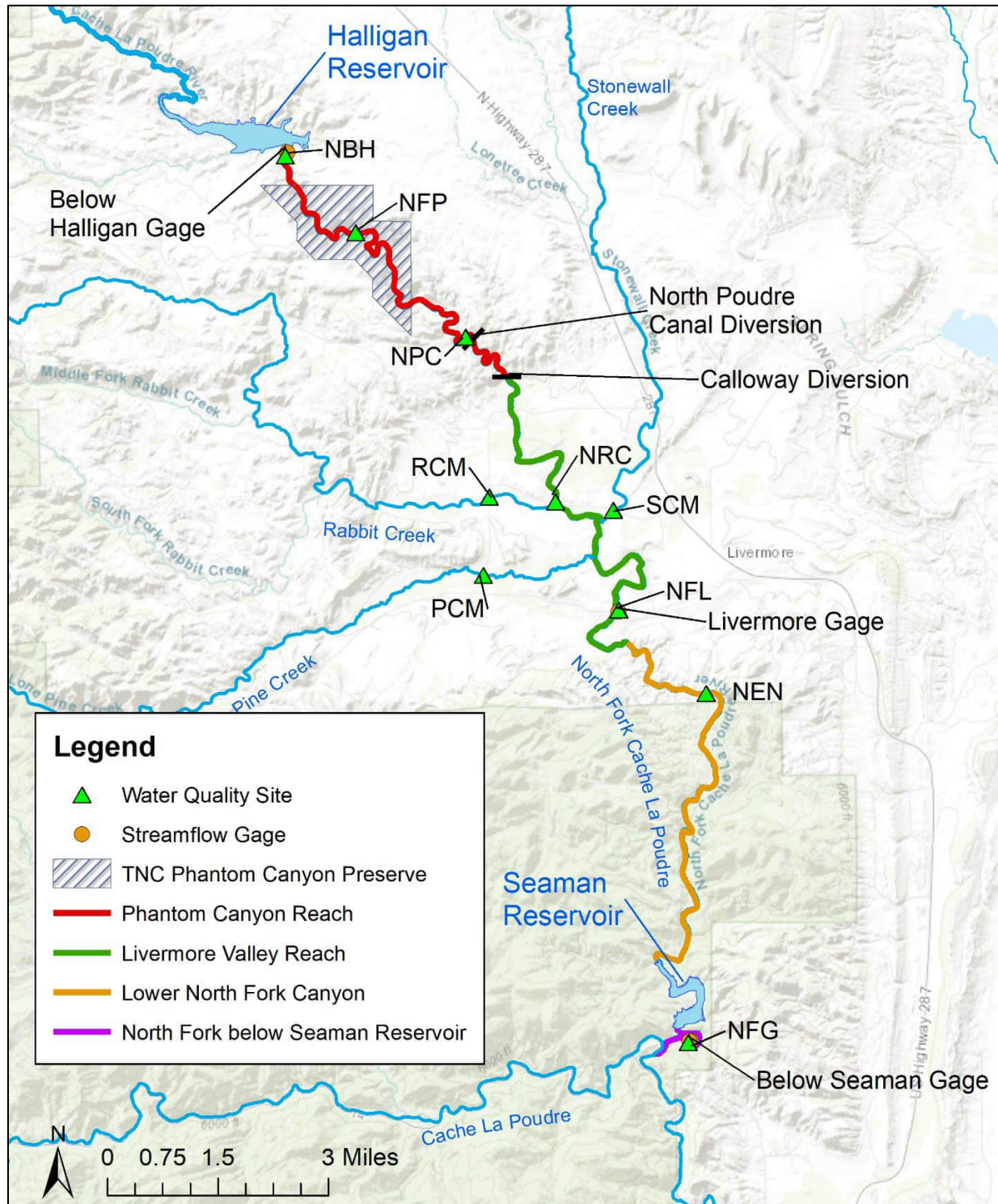


Figure D-1. Water-Quality Sampling Locations on the North Fork below Halligan Reservoir and its Tributaries

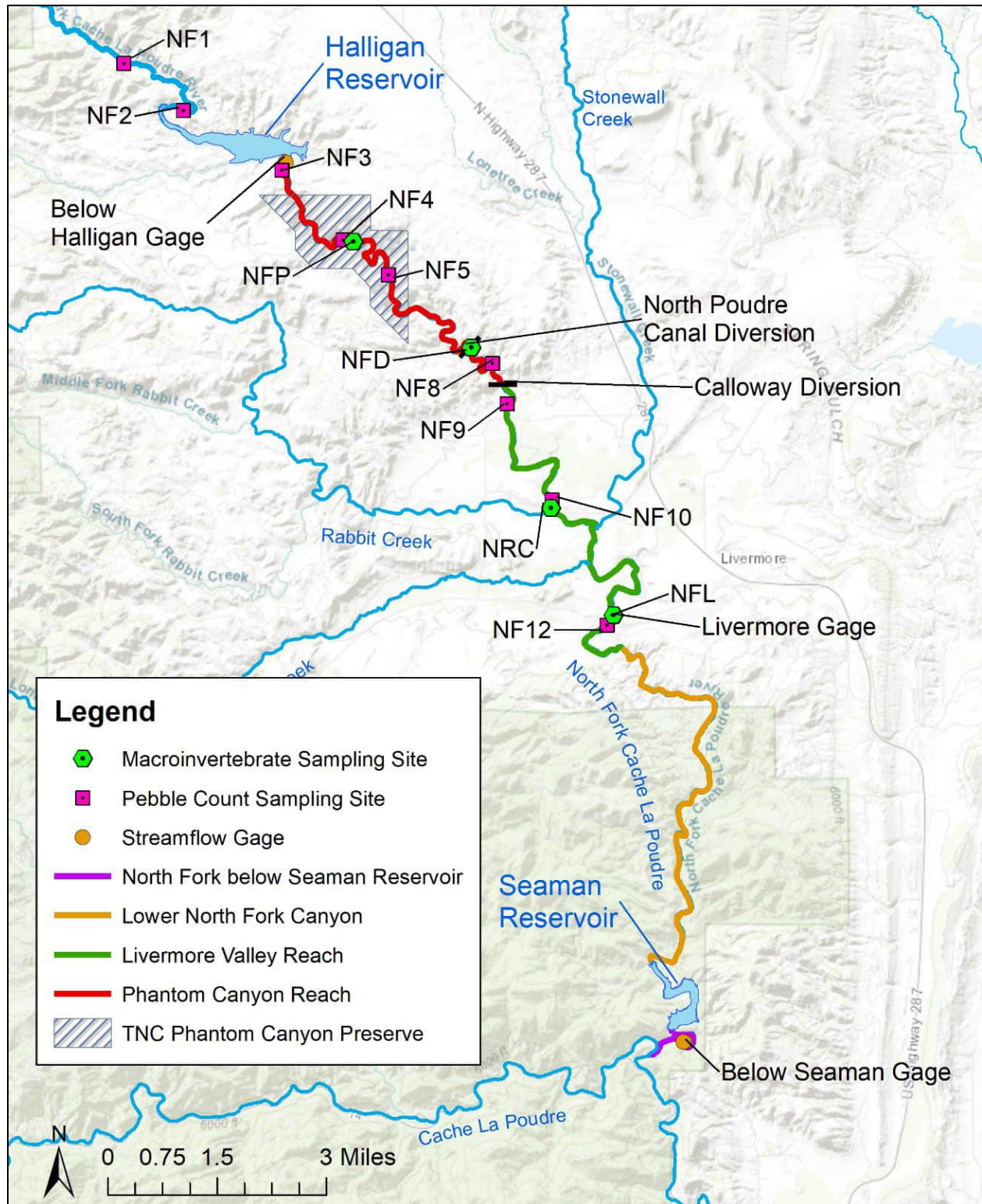


Figure D-2. Macroinvertebrate and Pebble Count Sampling Sites on the North Fork

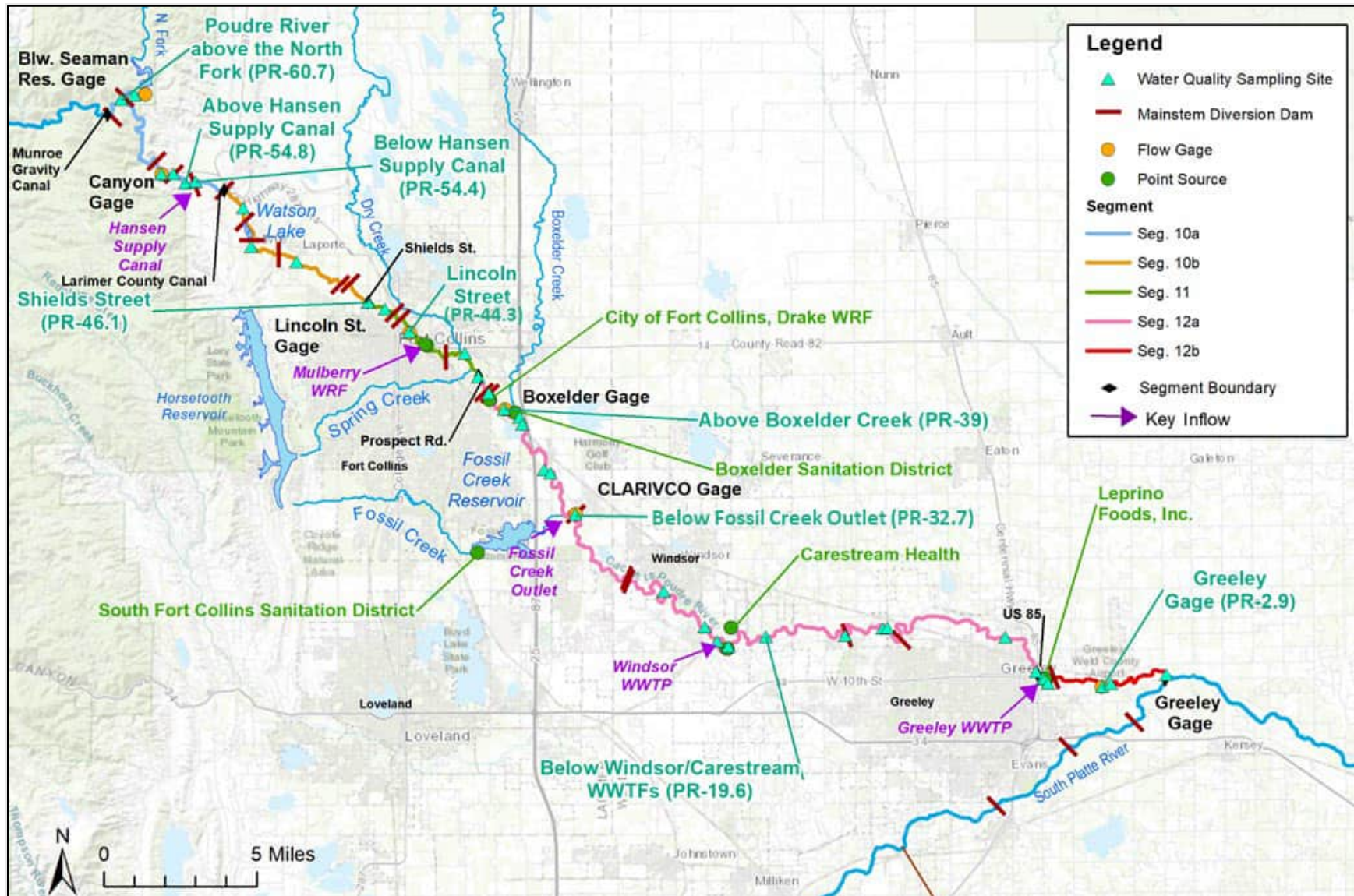


Figure D-3. Water Quality Sampling Locations along the Poudre River

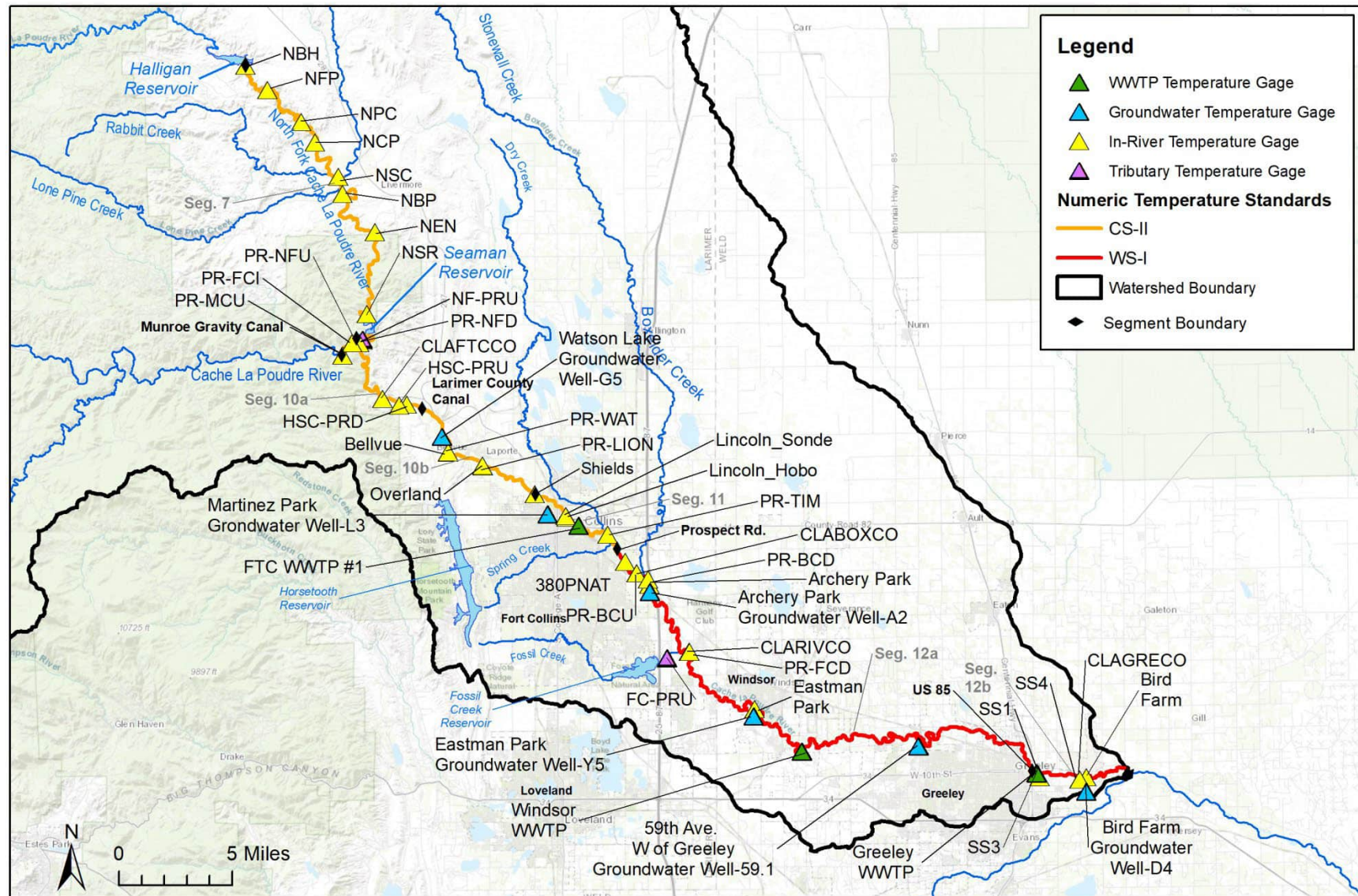


Figure D-4. Temperature Gages along the North Fork and Poudre River

Appendix E

Parks and Wildlife Commissioner and Public Comment Summary

Appendix E. Parks and Wildlife Commissioner and Public Comment Summary

This appendix summarizes the comments Fort Collins received on the Fish and Wildlife and Mitigation Enhancement Plan (FWMEP) from the Colorado Parks and Wildlife Commission (Commission) and the public. This appendix also highlights the changes Fort Collins made to the FWMEP based on the comments received.

E.1 Commissioner Comments

On May 4, 2023, Fort Collins and Colorado Parks and Wildlife (CPW) staff presented the proposed FWMEP to the Commission. Six commissioners provided comments and or asked questions during the meeting. Commissioner comments provided in the next subsection are not verbatim but a summary of what was stated. Fort Collins used the meeting recording and transcript to summarize the key points from each commissioner.

Fort Collins has provided a response to each commissioner's comments. During the meeting, Fort Collins responded to some comments, or another commissioner responded to comments. During the meeting, Fort Collins responded to some comments, or another commissioner responded to comments. It is noted within the commissioner comments where the questions were addressed during the meeting. In addition, some commissioners had overlapping questions/concerns. In those instances, Fort Collins has referenced the first time the question was addressed.

Commissioner Reading: Would like to see Fort Collins make it permanent that you remove sheep and goats from your properties and strengthen the language in the document. And to put pressure on your neighbors, especially The Nature Conservancy, to remove sheep and goats from their property.

Response to Commissioner Reading: Fort Collins has updated Section 5.2.3.1, Prohibition of Domestic Sheep and Goat Grazing on City Owned Lands Near Halligan Reservoir, to permanently not graze domestic sheep or goats for weed control or other purposes on any Fort Collins-owned lands around Halligan Reservoir; enter into a grazing leases that would authorize others to graze domestic sheep or goats on any Fort Collins-owned lands around Halligan Reservoir; or grant licenses to convey easements authorizing domestic sheep or goats to graze on any Fort Collins-owned lands around Halligan Reservoir.

Fort Collins has and will continue to have discussions with adjacent landowners about removing domestic sheep and goats from their private property. To date, the conversations and negotiations have been unproductive.

Commissioner Tutchton: The project is providing 8,000 acre-feet of water to fuel future sprawl and the plan never actually looks at that impact. Instead we focus on the footprint of the project instead of what the project is going to allow and probably what it took away, which was the agricultural lands that were providing wildlife habitat.

Provide clarification about the protection of stream flows. It sounded like the flows would be maintained unless Fort Collins had lawn watering restrictions. Once on, lawn watering restrictions the flows would

go away. I think there is room for improvement related to the protection of the summer and winter flows.

Commissioner Tutchton shares Commissioner Reading's concerns about bighorn sheep. He believes Fort Collins should get rid of sheep and goat grazing on their properties.

Preble's meadow jumping mouse (Preble's) sections completely defers to the US Fish and Wildlife Service (USFWS). Whatever the USFWS decides will be legally required under their process. Look at including an enhancement for Preble's habitat.

Without the fourth water gage we cannot count the potential positive benefits to the river if we do not know whether or not they exist. The water gage is critical to knowing whether or not there is an actual benefit in that lowest reach before it hits the main stem.

Has Fort Collins considered on-site solar or small-scale hydro to replace the transmission lines?

Response to Commissioner Tutchton: The purpose and need of the project to provide approximately 7,900 acre-feet of additional firm yield has been approved as part of the US Army Corps Engineers (Corps) Environmental Impact Statement (EIS). This is projected to be the buildout of the Fort Collins Utilities' water service area, which has been carefully planned for several decades.

Fort Collins has clarified the language around the curtailment of the Winter Release Plan in Sections 4.2.1.1 and 4.2.1.7. In Section 4.2.1.7, Water Supply Shortage Events and Curtailment Measures, Fort Collins will consider its future water supply and demand conditions and operations and the impacts to its water systems. Fort Collins commits to incorporating into its planning and modeling the potential of operations that include continuing the Summer Low-flow Plan even during greater water restriction levels. If appropriate and approved by City Council, Fort Collins will incorporate into future policies that the Summer Low-flow Plan operations continue at some level even during greater water restriction levels (particularly during restriction levels that allow lawn watering). Fort Collins will coordinate with CPW on potential changes to these curtailment measures.

Removal of bighorn sheep from Fort Collins property is discussed in the response to Commissioner Reading.

The USFWS Preble's Mitigation Plan outlines several enhancement measures. At the request of CPW staff information related to Preble's was kept to a minimum in the FWMEP. Fort Collins has added some additional text to Section 5.1.1.4, Channel Improvements and Modifications of the Calloway Diversion to reflect that the changes to the Calloway Diversion also enhance Preble's habitat connectivity.

Fort Collins and CPW staff have worked together to find a solution related to a fourth gage above Seaman Reservoir. Fort Collins will perform preconstruction surveys of the existing flow between the existing Livermore gage and above Seaman Reservoir in different seasons to determine if there are flow losses in this lower reach. Details of the preconstruction monitoring and any next steps will be included in the intergovernmental agreement with CPW. Section 4.2.1.2, Summer Low-flow Plan, has been updated to reflect this change.

The existing overhead power lines and poles need to be relocated out of the enlarged Halligan Reservoir inundation zone. Fort Collins is considering other power options. However, alternative

power options are currently not part of the Corps EIS. Should Fort Collins choose to pursue an alternative power source, the Corps will determine if an EIS reevaluation is necessary.

Commissioner May: Concur with other commissioners on the problem with the bighorn sheep intermingling with domestic sheep and goats. Concerned that if we do not address that issue we'll be back here in a few years and hear about the loss of that herd.

Question: Is the current dam under any dam safety compliance order?

Answer given during meeting: Fort Collins responded to this question during the meeting that the dam has passed inspections every year but will eventually need to be replaced.

Question: Will the current dam be removed or partially removed and inundated?

Answer given during meeting: Fort Collins responded to this question during the meeting that it has not yet been determined and how it would likely happen if only partially removed.

Question: With the 5 cubic feet per second (cfs), will that be measured at just the diversions or at Seaman Reservoir? 5 cfs is a very small amount of water. What is the guarantee that the water will get all the way to the bottom?

Answer given during meeting: Fort Collins responded to this question during the meeting that the 5 cfs is a commitment to provide that flow at those gages even if more than 5 cfs needs to be released.

Commissioner May: Believes a stream gage at the very bottom of the 22-mile stretch is important to ensure a minimum flow.

Response to Commissioner May: Removal of bighorn sheep from Fort Collins property is discussed in the response to Commissioner Reading.

Refer to the response to Commissioner Tutchton regarding the modified proposal to determine if a fourth gage is necessary.

Commissioner Haskett: Wants to make sure that there is a strong collaborative effort with CPW related to the continued recreation discussion. Commissioner Haskett is concerned that the recreation component will be forgotten if it is not in the FWMEP. Commissioner Haskett would like to see it in the FWMEP.

Response to Commissioner Haskett: Fort Collins and CPW have agreed to continue discussions related to surface water recreational opportunities, primarily public angling, at the enlarged Halligan Reservoir in a process separate from the FWMEP processes since the Halligan Project is not impacting surface water recreation. Section 3.9.3, Evaluation of Future Public Use of the Enlarged Halligan Reservoir, has been updated to include a commitment in an intergovernmental agreement with CPW to continue discussion related to surface water recreation at the enlarged Halligan Reservoir.

Commissioner Adams: Related to Commissioner Haskett's comment about recreation. Is there a potential role for one of regional partners to inform and participate around the collective ownership of this effort?

What habitats/wildlife are losing water to supplement the reservoir for this project? Would like to acknowledge where the water is coming from before it gets to the reservoir and how that is impacting habitats.

Commissioner May: Answered Commissioner Adams questions during the meeting that he understands the water rights that Fort Collins is using originally came from agricultural lands that Fort Collins already converted and grew over and thus not directly impacting existing habitat.

Response to Commissioner Adams: Fort Collins will participate in any recreation discussions but will defer to CPW staff recommendations on including CPW regional partners to inform and participate in the discussions.

Commissioner Hauser: I would like to see a firm commitment that holds both sides accountable to continuing the recreation discussion. Would like to see future updates on both the impact side and the access side.

Response to Commissioner Hauser: Refer to the response to Commissioner Haskett regarding the commitment to continuing the recreation discussion.

E.2 Public Comment Received by CPW

During the May 4, 2023 Commission meeting, two groups provided both verbal and written public comment on the FWMEP:

- Terry Meyers, Executive Director of the Rocky Mountain Bighorn Sheep Society (RMBS)
- David Nickum, Executive Director of Colorado Trout Unlimited (TU).

In addition to verbal comments, both groups submitted written comments to the Commission, which were shared with Fort Collins. The written comments mirror the verbal comments provided by both groups. Copies of the RMBS and TU letters can be found in FWMEP Appendix F. RMBS and TU's primary concerns are listed below followed by a response from Fort Collins.

RMBS Concern: If a water guzzler or stock tank-type water sources are developed for bighorn sheep, RMBS requests they be designed or placed to exclude domestic ruminants to reduce the potential for pathogen transmission between domestic ruminants and bighorn sheep.

Fort Collins response to RMBS: Text in Section 4.2.3.18, Bighorn Sheep Habitat Improvements, was softened to provide flexibility in how habitat improvement monies could be used.

RMBS Concern: Concern that the FWMEP does not provide specific actions that would be taken if bighorn sheep are documented moving toward or even contacting domestic sheep or goats, or if respiratory disease is detected in bighorn ship in the Lone Pine Herd.

Fort Collins response to RMBS: CPW has said that if there is confirmed exposure between domestic sheep and bighorn sheep, the bighorn sheep in question will be euthanized. Text in Section 4.2.3.19, Bighorn Sheep Collaring Study, has been updated.

RMBS Concern: The RMBS requests that actions be listed that could be implemented if respiratory disease is detected in Lone Pine bighorn sheep or if contact with domestic sheep and/or goats appears imminent or is confirmed.

Fort Collins response to RMBS: Adaptive management would be used to try and prevent domestic sheep and bighorn sheep from comingling. Removal of domestic sheep from the area is preferred but Fort Collins can only remove domestic sheep and goats from their properties. To date attempts to temporarily or permanently have sheep removed from adjacent properties has been unsuccessful. However, as discussed in Section 5.2.3.2, Advocate for Cessation of Domestic Sheep and Goat Grazing on Private Lands Near Halligan Reservoir, Fort Collins will continue to engage with local landowners to advocate for the both the temporary cessation of domestic sheep and goat grazing during construction, as well as for the permanent cessation of domestic sheep and goat grazing near the Halligan Project Area.

As part of the collaring study, CPW will also be performing disease testing at the beginning of each phase of the collaring study. If CPW identifies a sick bighorn sheep that sheep will be culled from the herd. CPW has said that if there is confirmed exposure between domestic sheep and bighorn sheep, the bighorns will be euthanized to prevent disease transmission to other herds. Additional text related to disease testing has been added to Section 4.2.3.19, Bighorn Sheep Collaring Study.

TU Concern: When modernizing North Poudre diversion structure, incorporate ability to measure diversion and remove only what is needed, helping to rewater the 2 miles downstream.

Fort Collins response to TU: Once the North Poudre Canal Diversion structure is updated, the winter and summer releases will be able to pass through the diversion. As discussed in Sections 4.2.1.1 and 4.2.1.2, an existing agreement with North Poudre Irrigation Company (NPIC) prohibits the winter and summer low-flow releases from being diverted into the North Poudre Canal Diversion.

Fort Collins and NPIC have had discussion about limiting the amount of water being removed at the North Poudre Canal Diversion to what is necessary since diversion structure will be designed and rebuilt to allow NPIC to be more selective in the amount of water being diverted. However, NPIC has indicated they would like to see how the enlarged Halligan Reservoir is operated before they commit to a new operation approach.

TU Concern: Coordinate with NPIC to ensure effective implementation of flow commitments.

Fort Collins response to TU: As discussed in Section 4.2.1.1, Winter Release Plan, and Section 4.2.1.2, Summer Low-flow Plan, Fort Collins has an existing agreement with NPIC that prohibits the winter and summer releases being diverted into the North Poudre Canal Diversion. As discussed in the previous response, the updated structure will have the ability to pass the flows. Fort Collins will also be installing a gage in and or slightly downstream of the diversion to ensure the appropriate flows are getting past the North Poudre Canal Diversion as discussed in Section 4.2.1.2, Summer Low-flow Plan.

TU Concern: Maintain minimum flow releases when drought restrictions are in place for Ft Collins water customers.

Fort Collins response to TU: Refer to the response to Commissioner Tutchton in Section E.1 Commissioner Comments.

TU Concern: Avoid winter exchanges on the mainstem Poudre that would undermine the benefits of joint operating program releases intended to maintain overwintering habitat.

Fort Collins response to TU: The joint operating program between Fort Collins and the City of Greeley is a program to release 10 cfs from upper Poudre River basin reservoirs mainly to provide flows in the upper reaches of the Poudre River where Fort Collins and Greeley's storage reservoirs are located. Use of the Halligan enlargement winter exchanges by Fort Collins is critical to meeting its customers' demands and other water rights obligations. These exchanges would reduce Greeley's portion of the joint operation releases of 7 cfs to 4 cfs in the .5-mile stretch between Fort Collins' pipeline diversion at Gateway Park to the North Fork confluence.

TU Concern: Focus investment of the \$200,000 (per river) for restoration on the North Fork and mainstem Poudre on sites/projects that will benefit public fisheries.

Fort Collins response to TU: Fort Collins has updated the text in Section 4.3.4, Compensatory Mitigation for Halligan Project Impact on Stream Temperature, and Section 5.1.1.6, North Fork Stream Restoration, to reflect Fort Collins and CPW commitment to use the funds within the Main Stem, or North Fork, within or near the Halligan Project Area, including the North Fork above Halligan Reservoir and for a restoration project that maximize the overall benefit to the public as well as the aquatic and riparian ecological function.

TU Concern: Ensure that modifications at the Calloway Diversion do not result in opening up currently protected riparian habitat to intrusion by livestock.

Fort Collins response to TU: The current design does include a breakaway fence to keep cattle out of Phantom Canyon. The details of the design are not included in the FWMEP since the City does not have a contract with the landowner to complete the work at this time.

The existing fenced-off riparian area south of the canyon is outside of the footprint of the proposed Calloway Diversion project and therefore would not be affected by the project.

TU Concern: Increase funding for a recreation lease along the North Fork upstream of Halligan commensurate with the permanent loss of river fishing due to the proposed inundation.

Fort Collins response to TU: Due to the issues discussed in Section 3.9.1.1, Land Ownership, and Section 3.9.2, Halligan Project Effect on Recreation and Public Access Fort Collins, is not proposing to increase the amount of funding for the hunting and fishing lease discussed in Section 4.3.7.2, Funding of Public Access Lease with Roberts Ranch. However, Fort Collins has agreed to continue discussions with CPW to have public angling access to the enlarged Halligan Reservoir; refer to Section 3.9.3, Evaluation of Future Public Use of the Enlarged Halligan Reservoir.

TU Concern: Establish an agreement in principle on how public angling access can be provided for Halligan Reservoir.

Fort Collins response to TU: Fort Collins has agreed to continue discussions with CPW to have public angling access at the enlarged Halligan Reservoir; refer to Section 3.9.3, Evaluation of Future Public Use of the Enlarged Halligan Reservoir.

E.3 Summary of Public Comment Received by Fort Collins

Fort Collins chose to host a virtual open house from May 1 to May 15 for the public to review information from the FWMEP. A virtual platform was selected because it allows the information to be accessible longer and can be viewed on a smart phone, tablet, or computer at any time that is

convenient for the end user. The virtual public meeting consisted of approximately 40 virtual boards that provided an overview of the project and highlighted the key mitigations and enhancements of the FWMEP. The virtual open house also provided links to FWMEP, and the Draft EIS on the Corps website.

Fort Collins advertised the virtual open house through their Halligan Project and Utilities emails list, paid for boosted posts on the Fort Collins Facebook page, and posted a notice on the Halligan Project website. The boosted Facebook post received 859 clicks, 52 likes, and 11 comments. The Facebook comments were not substantive and are not included here.

While the virtual open house was open the Fort Collins virtual open house site received over 894 visitors. Providing public comment was optional for visitors. However, only eight individuals choose to provide public comments through the Google Form embedded in the virtual platform. The comment form included two mandatory questions and one optional question. Mandatory questions required a text response, which could have been as simple as placing an “x” in a box before submitting the form. The questions on the comment form included:

- 1) Do you think the mitigation and enhancement measures provided are adequate? Please include your thoughts.
- 2) Are there any additional or different mitigation and enhancement measures you would like to see?
- 3) Do you have other thoughts about the Halligan Water Supply Project? This question was optional for participants.

A summary of the substantive comments can be found in Sections E.4 through E.6. Commenter quotes are verbatim. Appendix F contains the full, unedited versions of the public comments.

Fort Collins also required participants to provide a postal zip code, as a way of tracking where the comments were coming from. All but one zip code was from the Fort Collins or the Livermore Valley area. Table E-1 shows the location and number of responses per zip code. The one exception was from Comment ID 2, which provided a zip code of “Puerto Aventuras, Mexico.” The person’s comment displayed a familiarity with the project area; therefore, the comments were retained.

Table E-1. Location of Halligan Project Virtual Public Meeting Participants

Zip Code	Number of Responses
80521	2
80524	1
80525	2
80528	1
Puerto Aventuras, Mexico	1

E.4 Feedback on Question 1

Six of the commenters felt the mitigation measures being proposed in the FWMEP were adequate. Of the two commenters that felt the FWMEP did not provide adequate mitigation and enhancement measures only one, Comment ID 8, provides substantive comments. Fort Collins has summarized the commenters four primary comments below. Appendix F contains the full comment.

Comment ID 8: The commenter notes the primary failing of the FWMEP is an “Adaptive Management EIS.” The commenter also notes “Many of the measures in this plan seem ideally suited for ensuring that the brown trout population thrives in the North Fork. Brown trout may be the single most important factor driving down native fish populations.” Related to brown trout management, the FWMEP provides “little indication of how temperature release might be used to manage to support native fish management” through releases from the multilevel outlet works (MLOW). Adaptive management is needed for ramping rates, mitigation measures intended to enhance riparian habitat, and restore stream habitat. What does “Adaptive management in response to environmental monitoring is indirectly incorporated into some mitigation and enhancement measures...even mean in this context, especially for MLOW and temporary environmental pool?” Lastly, “As the plan currently stands, there is little in terms of objectives beyond a hope/expectation that native fish and these other ecosystem components will benefit. There is also no clear process for adapting over time; quite the opposite--many of the planned actions are so ‘locked in’ that they could not be adjusted even if there was evidence that they were not working.”

Response to Comment ID 8: Many of the mitigations proposed in this plan also have a regulatory mechanism that defines their success. As permits have not yet been obtained, the specific of the success criteria cannot be provided. In addition, if a mitigation is failing within the context of a regulatory permit, the process must be adapted within the regulating agency framework. For items where there is not a regulatory framework, such as with the bighorn sheep collaring study, Fort Collins and CPW will continue to discuss the logistics, which will include some form of adaptive management, related to this effort through the development of the intergovernmental agreement.

The term *indirectly* as it relates to the MLOW is outlined in Section 4.2.2.1, Multilevel Outlet Structure, which states “an MLOW is not expected to be necessary from the perspective of aquatic life mitigation efforts... [and is therefore] not a commitment in the FWMEP.” For the temporary environmental pool, Fort Collins and CPW have not agreed to specific management objects beyond what is stated in Section 5.1.1.1, Temporary Environmental Poll.

E.5 Feedback on Question 2

Three of the eight commenters indicated the measures provided are reasonable. One commenter recommended the dam be removed. Comment ID 2 and Comment ID 3 are more general comments that Fort Collins has responded to below. Comment ID 6 and Comment ID 8 provided substantive comments. Comment ID 8 succinctly reiterated the comment theme from Question 1, which was addressed previously; therefore, Fort Collins is not providing a response here, refer to the response provided in Section E.4. Comment ID 6 provided four additional measures for consideration. Fort Collins has summarized all the comments and provided responses. Appendix F contains the full comments.

Comment ID 2: Would like to see “Continued and improved per capita water use in Fort Collins.”

Response to Comment ID 2: Fort Collins has a strong commitment to water conservation and continues to innovate, providing ongoing and relevant water efficiency support to the community.

The [2022 Water Conservation Annual Report](https://www.fcgov.com/utilities/img/site_specific/uploads/23-25044-2022-water-conservation-reportfinal.pdf?1685659564),¹ indicates that community gallon per capita per day is down 34% since 2000; 173.3 million gallons of treated water was saved in 2022 (Fort Collins 2022).

Comment ID 3: “Curious if the greenback trout still exist and if they are part of the consideration?”

Response to Comment ID 3: Greenback cutthroat trout (*Oncorhynchus clarkii stomias*) reclamation and reintroduction were considered for the North Fork, but restoration of greenback cutthroat trout in Fish Creek and Dale Creek was part of that potential restoration plan. Refer to FWMEP Section 4.1.2, Changes from the Draft EIS Conceptual Mitigation Plan, for more information on why the concept of greenback cutthroat trout population restoration was ultimately dismissed.

Comment ID 6: Commenter indicated there is a bald eagle and golden eagle nests near the dam and North Poudre Canal Diversion structure that could be impacted by construction. The impact to the nesting and territory occupation needs more assessment and in particular avoidance of construction activities prior to and during nesting. The increased flows of 3 and 5 cfs will help but still does not approach the range of historical flows. “I encourage talking to CWCB to explore if their instream flow can be used to enhance flows between Halligan and Seaman reservoirs.” The proposed ramping rates are too short. Lastly, “The conservation easement on the Roberts Ranch does not allow for public recreational access. Therefore the proposed lease for public hunting and fishing on the Krause Field would be a violation of the easement. The Nature Conservancy (TNC) should be consulted before any steps are taken on this proposal.”

Response to Comment ID 6: As outlined in Section 4.2.3.4, Migratory Bird and Raptor Surveys, Fort Collins will be doing migratory bird and raptor monitoring every other year before construction to collect baseline data. Prior to construction, surveys will be done to determine if there are any active nests in the construction area. If nests are identified, Fort Collins will consult with CPW to determine which measures from their buffer guidelines for nesting raptors would minimize any potential adverse impacts from construction related activities.

As described in Section 4.3.8, Instream Water Rights, Fort Collins is committed to protecting the project’s mitigations releases for approximately 22 miles downstream using the Protected Mitigation Release statute (Colorado Revised Statutes Section 37-92-102[8]). Any additional future instream flows provided by Colorado Water Conservation Board (CWCB) could be accommodated in the Halligan Dam operations; however, Fort Collins is not aware of any such current or future CWCB-protected instream flows.

The ramping rates proposed by Fort Collins and included in Section 4.2.1.5 Ramping Rate Limitations of the FWMEP, have been developed by hydrologists, ecologists and geomorphologists to determine the optimal rates to provide timing, frequency, magnitude and duration of flow to mimic a nature flood cycle as best as possible given the constraints of the available water supply.

CPW has led the effort to obtain a hunting and fishing lease for Krause Field of the Roberts Ranch Conservation Easement. Fort Collins is only providing funds to support an already existing hunting and fishing agreement.

¹ https://www.fcgov.com/utilities/img/site_specific/uploads/23-25044-2022-water-conservation-reportfinal.pdf?1685659564

E.6 Feedback on Question 3

Fort Collins received seven comments on this optional question. Five of the seven comments provided a positive response to the project. One comment is a question related to future recreation. Two comments express disappointment with the project. As the question is optional Fort Collins is not providing a response to all the comments.

Comment ID 3: “Too early for access planning for fishing?”

Response to Comment ID 3: Fort Collins and CPW have agreed to continue discussions related to recreational opportunities at Halligan Reservoir in a process separate from the current processes to enlarge Halligan Reservoir and the FWMEP. Refer to Section 3.9.3, Evaluation of Future Public Use of the Enlarge Halligan Reservoir.

Appendix F

FWMEP Virtual Open House Public Comments



P.O. Box 349 • Clifton, CO • 81520-0349

May 4, 2023

Colorado Parks and Wildlife Commissioners
C/O Colorado Parks and Wildlife
6060 Broadway
Denver, CO 80216

RE: Halligan Water Supply Project Fish and Wildlife Mitigation and Enhancement Plan

Dear Commissioners:

Please accept the following comments on the Halligan Water Supply Project Fish and Wildlife Mitigation and Enhancement Plan (mitigation plan) on behalf of the Rocky Mountain Bighorn Society (RMBS). The RMBS is 501(c) (3) organization with a mission to promote the science-based management of the bighorn sheep, educate the public about their life and habitat, and assure the sportsman's rights in proper opportunities.

The RMBS appreciates the thoroughness of City of Fort Collins and Colorado Parks and Wildlife staff in recognizing potential impacts the Halligan Water Supply Project may have on the Lone Pine and other nearby bighorn sheep herds, and the willingness of the City to mitigate those impacts. In addition, we request a few improvements and clarifications be added to the mitigation plan.

Habitat Enhancement

The RMBS supports efforts to address invasive cheatgrass in order to improve bighorn sheep foraging opportunities. However, we question the need for additional water sources given that bighorn sheep are well adapted to dry western landscapes. There are several creeks and springs in the vicinity (Rabbit, Lone Pine, North Fork of the Poudre, etc.). Moreover, stock tanks have been observed to bring bighorn sheep in close contact with domestic ruminants which has resulted in suspected pathogen transmission in some circumstances which may result in respiratory disease in wild sheep. If guzzler or stock tank type water sources are developed for bighorn sheep, we request that they be designed or placed to exclude domestic ruminants in order to reduce the potential for pathogen transmission between domestic ruminants and bighorn sheep.

Construction Activity Mitigation

The RMBS is pleased to see that dust mitigation will be implemented during construction activities, as dust is a respiratory irritant that may increase bighorn sheep susceptibility to respiratory diseases including pneumonia. We also appreciate the willingness of the City of Fort Collins to compensate for any bighorn mortalities during construction and for a two year period post-construction.

We recognize the thorough discussion of potential displacement of bighorn sheep that may result in contact with nearby domestic sheep and/or goats on private lands. The commitment to monitoring bighorn sheep movements using GPS collar technology prior to, during, and post construction is welcome and necessary. However, we do not see specific actions that would be taken if bighorn sheep are documented moving toward or even contacting domestic sheep or goats, or if respiratory disease is detected in bighorn within the Lone Pine Herd.

As acknowledged in the mitigation plan, in the event of respiratory disease in the Lone Pine herd, dispersing bighorn sheep – especially rams traveling during the breeding season – may expose bighorn sheep in the Lower Poudre herd. In addition, if the Lower Poudre herd sustains a respiratory disease event, it is predictable that seasonal ram movements will spread pathogens to the Upper Poudre bighorn herd and on to the Rawah bighorn herd and possibly to the Never Summer bighorn herd as well.

The RMBS requests that actions be listed that could be implemented if respiratory disease is detected in Lone Pine bighorn sheep or if contact with domestic sheep and/or goats appears imminent or is confirmed. In an effort to prevent or contain a respiratory disease outbreak, the RMBS would support removal, including by lethal means, of bighorn sheep that have contacted domestic sheep or goats or bighorn sheep that exhibit respiratory disease causing pneumonia.

Thank you for the opportunity to comment on the Halligan Water Supply Project Fish and Wildlife Mitigation and Enhancement Plan. Please do not hesitate to reach out to me if you have questions or if the RMBS can be of assistance in any way.

Respectfully,



Terry E. Meyers
Executive Director

Attachment:

Lone Pine Herd (S40) History and Status

The Lone Pine bighorn sheep herd is the result of a 1977 transplant of 19 bighorn from Trickle Mountain (Vieira 2012). After the initial release, the herd grew rapidly, but by 1988 there were only an estimated 20 bighorn remaining (Bailey 1990, Vieira 2012). Since then, estimates have ranged from years with no observed bighorn up to about 35 bighorn (Vieira 2012). There is no historical documentation of native bighorn in the Lone Pine area or even in the Poudre Canyon (S1 and S58), although bighorn have long been documented in the Rawah Range (S18) (Vieira 2012). The 2012 Poudre-Rawah-Lone Pine Herd Management Plan (Vieira 2012) describes documented movement between the Upper Poudre (S1) and the Rawah Range (S18), and suspected movements between Lone Pine (S40) and Lower Poudre (S58). There is no reason to doubt there is some interaction, especially by rams, between the Upper Poudre (S1) and Lower Poudre (S58) bighorn herds given the continuous canyon habitat.

There is considerable potential for bighorn to contact domestic ruminants in the Lone Pine area. A large band of domestic sheep graze one private parcel in spring to reduce larkspur before cattle are grazed later in the summer. Domestic goat flocks occur on private land. Bighorn sheep have been seen in proximity to cattle on private land. Cattle graze on Cherokee State Wildlife Area.

Literature Cited:

Bailey, J. A. 1990. Management of Rocky Mountain Bighorn Sheep Herds in Colorado. Colorado Division of Wildlife Special Report Number 66. 24 pages.

Vieira, M. 2012. Bighorn Sheep Management Plan: Data Analysis Unit RBS-1 Poudre/Rawah/Lone Pine. Colorado Parks and Wildlife.
<https://cpw.state.co.us/thingstodo/Pages/HerdManagementPlans.aspx>

Colorado Trout Unlimited**Rocky Mountain Flycasters Chapter
of Trout Unlimited**

May 17, 2023

To: Colorado Parks and Wildlife Commission

Re: **Halligan Water Supply Project Draft Fish and Wildlife Mitigation and Enhancement Plan**

Colorado Trout Unlimited and the Rocky Mountain Flycasters Chapter (collectively “TU”) appreciate the opportunity to provide these written comments on the Draft Fish and Wildlife Mitigation and Enhancement Plan for the Halligan Water Supply project (Plan). TU represents more than 11,000 members across Colorado including nearly 1,200 in the Rocky Mountain Flycasters Chapter serving Fort Collins/Loveland and the surrounding areas. TU has been extensively involved in conservation efforts throughout the Cache la Poudre basin, including work by the local chapter on the Eagle’s Nest Open Space located along the North Fork of the Poudre downstream of the project.

TU appreciates the work that Colorado Parks and Wildlife (CPW) staff have done with the City of Fort Collins in developing this plan to date and are supportive of many elements in the plan. We do see some specific areas in need of further refinement, as outlined in our comments below, and look forward to working with CPW and the City to address these concerns. In summary, our recommended adjustments within the plan are:

- When modernizing North Poudre diversion structure, incorporate ability to measure diversion and remove only what is needed, helping to rewater the 2 miles downstream.
- Coordinate with North Poudre Irrigation Company to ensure effective implementation of flow commitments.
- Maintain minimum flow releases when drought restrictions are in place for Ft Collins water customers.
- Avoid winter exchanges on the mainstem Poudre that would undermine the benefits of joint operating program releases intended to maintain overwintering habitat.
- Focus investment of the \$200,000 (per river) for restoration on the North Fork and mainstem Poudre on sites/projects that will benefit public fisheries.
- Ensure that modifications at the Calloway diversion do not result in opening up currently protected riparian habitat to intrusion by livestock.
- Increase funding for a recreation lease along the North Fork upstream of Halligan commensurate with the permanent loss of river fishing due to the proposed inundation.
- Establish an agreement in principle on how public angling access can be provided for Halligan Reservoir.

These recommendations are described further in our more detailed comments below.

Flow measures – North Fork. Base flows are the most critically limiting flow factor on the North Fork between Halligan and Seaman Reservoirs, with periods of zero or near-zero flows hampering the ability of trout and native fish species to survive and thrive in the river. Accordingly, we are appreciative that the Plan addresses this problem by incorporating minimum flow commitments of 3 cfs (winter) and 5 cfs (summer). While these flows are less than a healthy minimum instream flow that

would be recommended for a stream of the North Fork's size, a consistent base flow will represent meaningful improvement from the status quo by eliminating zero flow days and helping to sustain and refresh pools with holding habitat for fish.

TU applauds the City for its inclusion of a flushing flow program to bypass the projected three highest flow days each year, along with ramping on the days prior to and following that three-day period. This should help with some key ecological functions including flushing of sediment and providing riparian vegetation with some spring saturation. We are especially impressed that the outlet has been designed to accommodate release of these important peak flows up to 800 cfs; we anticipate that in most years with peaks that would exceed that level, Halligan will fill and be spilling so as to provide a peak flushing flow.

Similarly, we support the proposed ramping rates on releases to avoid impacts that more sudden flow changes might otherwise create for fish downstream. In particular, we support gradual down-ramping of flows when releases are being dropped so as to reduce the likelihood of fish becoming stranded in habitats that will then be dewatered as flows continue to drop.

The City's proposal to modify the existing North Poudre Irrigation Company diversion will facilitate these flow programs, enabling controlled flow releases of the proposed 3 and 5 cfs minimums as well as providing for fish passage at the diversion which currently serves as a barrier to fish movement. This diversion has traditionally swept the river, with water run through a tunnel to a point at which flows are measured and directed into the conveyance to NPIC users while excess flow is returned through an overflow channel to the North Fork approximately two miles downstream from the diversion. The City's proposal will help return minimum flows to that impacted reach. **We recommend also exploring options for measuring diversions at the NPIC diversion structure itself, so that water in excess of delivery needs is kept in the stream throughout rather than removed for a two mile stretch of habitat.** This could create further ecological lift and connectivity on the North Fork without impairing delivery of NPIC's water rights into their system.

On all of the proposed flow measures, ensuring the anticipated benefits will depend upon **effectively engaging NPIC as well given their involvement in operations of the historic pool portion of the enlarged Halligan.** The benefits of the flushing flow and ramping programs in particular will depend upon such collaboration, or the benefits will be reduced or negated (especially downstream of the NPIC diversion). We are hopeful that the City's status as a major shareholder in NPIC will give them sufficient influence to ensure such coordination across the full range of flow management efforts included in this Plan. The success of this Plan is dependent upon the diligent compliance by all relevant parties, without exception.

Finally, we are concerned that the City proposes that its flow commitments could be discontinued during times when they are in first-stage drought restrictions – meaning that outdoor watering would be limited to two days per week. That is a very modest level of drought restriction, more aligned with what should be the norm for landscape irrigation during normal conditions, and we are concerned that this loophole will significantly diminish the benefits being claimed under the Plan. Given the large volumes of water associated with the peak flow bypass program, we can understand the need to forego those commitments when in drought periods. However, we suggest that **the minimum release commitments should be maintained regardless of drought restriction status, or that an exemption from those commitments be tied to more significant restrictions (such as a ban on**

outdoor watering). Given the low volumes involved with the base flow program, we would anticipate the City's water demands even under low or moderate drought restrictions would be sufficient to use the base flow releases in meeting municipal needs.

Flow measures – mainstem Poudre. While the greatest flow impacts of the Halligan project take place on the North Fork, the mainstem Poudre will also be impacted on the exchange reach when water sent down the North Fork is exchanged up for diversion at the City's upstream points of diversion. Key low-flow challenges for the Poudre's fishery include elevated summer temperatures and limited overwintering habitat. To address the former, the Plan includes an agreement not to exchange up the mainstream during key summer periods. However, no similar consideration is given to winter low-flow impacts.

To address the concern of low winter flows throughout the mainstem Poudre, a joint operating program has been in place for many years involving Fort Collins, Greeley, and the Water Supply and Storage Company, each of which have significant reservoir facilities in the headwaters. Through this program, releases are made to maintain 10 cfs so as to support appropriate overwintering habitat for the resident fishery. **TU would ask that the Plan add provisions to avoid exchanging up the mainstem against those base winter releases under the joint operating program, thereby reducing that program's benefits to winter habitat.**

Other fishery mitigation. The Plan includes provisions for mitigation and enhancement through investment in two projects of \$200,000 each toward habitat connectivity and/or restoration on both the North Fork and the mainstem Poudre. We applaud this commitment, and TU hopes to work in concert with CPW and the City in order to leverage these dollars further so as to increase the ultimate benefits to stream habitat and fisheries. **We recommend that the Plan note a priority for use of these funds in locations that will benefit publicly-accessible fisheries.** TU would welcome the opportunity to partner with the City and CPW on these projects, drawing from its extensive volunteer base to expand the impact of these investments.

TU applauds inclusion in the Plan of adjustments to multiple diversion structures so as to restore fish passage and improve habitat connectivity within the watershed. Providing free up- and down- stream movement for fisheries and other aquatic life contributes to the health of the watershed and increases resiliency of aquatic species in the face of localized disturbances. We are pleased to see reconnection of habitat at the North Poudre, Calloway, and mainstem Fort Collins diversions included. In the case of Calloway, we note that the existing diversion blocks cattle intrusion into currently protected upstream riparian habitats. **We recommend that modifications at the Calloway diversion are installed such that they do not open up that protected riparian corridor to intrusion by livestock.**

Long-time members of TU in the region recall the disastrous sediment releases in 1996 that smothered habitat and killed fish in the Phantom Canyon reach downstream of Halligan. We therefore appreciate the City's statement in the Plan that they will manage future sediment releases to occur in conjunction with spilling of high flows, to provide for sufficient flows to transport any released sediment through the downstream reaches.

The Plan acknowledges the need to further examine and address water quality in the context of 401 certification for the Halligan project. We note that the Rocky Mountain Flycasters Chapter TU is collaborating with The Nature Conservancy this year to install a new water quality monitoring station

in Phantom Canyon. We are hopeful that real-time data from that station can assist CPW and the City in assessing baseline and future conditions so as to ensure that any adverse impacts to water quality can be recognized and addressed.

Recreation. For years, anglers have enjoyed access on the North Fork above Halligan Reservoir through the Cherokee State Wildlife Area (SWA). With existing access along approximately $\frac{3}{4}$ of a mile lost to inundation under the Halligan project, we were pleased to see the Plan include provisions for the City to help fund continued leasing of approximately a mile of water on the north side of the North Fork, complementing the existing access on the south bank and helping to reduce potential for inadvertent trespass or other use conflicts that might adversely effect fishing opportunity. However, the proposed funding level toward an access lease (\$135,000) is intended to cover 30 years at the existing lease cost. As the loss of access to inundation is permanent, the mitigation provided should be perpetual as well. **We recommend that the Plan be modified to provide a level of funding consistent with the market value of a permanent access easement for the reach;** if a perpetual agreement cannot be secured with the landowner, the funds should then be applied to other public access in the basin that may be identified by CPW staff.

The Plan does not ultimately address the question of providing angling access to the enlarged Halligan Reservoir itself, instead deferring that matter to future discussions. We recognize that specific details must be addressed on how such access would be managed in a sustainable manner and avoid adverse impacts on wildlife in the Cherokee SWA, for example by the continuation of existing closures to protect wintering areas utilized by deer and elk. However, rather than deferring the question of access entirely to the future – with no certainty that it will ultimately be addressed – CPW and the City should at least define a process by which access will be provided. **TU recommends that the Plan include an agreement in principle to opening Halligan Reservoir to angling access, with recognition of the stewardship needs for the City and CPW that will provide sideboards on how such access is managed.** Full details can then be resolved between CPW and the City in a manner consistent with those guiding principles. We fear that without such an agreement, the potential public benefit of this \$157M investment via access to an excellent, nearby recreation destination will never be realized.

We appreciate the opportunity to comment, and look forward to working with the Commission, CPW staff and the City to address these issues and refine the Plan in a manner that we hope can enjoy broad public support.

ID	Timestamp	1. Do you think the mitigation and enhancement measures provided are adequate? Please include your thoughts.	2. Are there any additional or different mitigation and enhancement measures you would like to see?	3. Do you have other thoughts about the Halligan Water Supply Project?	Zip code of residence.
1	5/2/2023 9:02:40	Yes, they sound like more than enough. If our biggest concerns are bighorn sheep, which the world isn't running out of anytime soon, and a rare mouse, which no one even knows about, we're in great shape. It's my understanding that there's debate about whether the mouse can even be classified as its own species. In any case, if they can't survive the enlargement of one small reservoir, there was no saving them to begin with. I'm glad we're keeping them in mind, but the animals will be fine. Most will be better off it seems. Let's not lose the forest for the trees.	No, I do not think we need to add to our 170 pages of mitigation and enhancement measures.	Let's get this show on the road! Couldn't be clearer that this is a net gain for 95% of all stakeholders, including fish and wildlife.	80528
2	5/8/2023 16:41:52	Yes	Continued and improved per capita water use reductions in Fort Collins.	Intentionally left blank.	80524
3	5/10/2023 17:03:15	Yes, appears to be the best idea with good planning	I have not read the entire brochure, but I will ask my question and see what response comes back. I know from fishing in the streams above Halligan in my youth that there is/was a population of greenback trout in Fish Creek, maybe Dale Creek. Curious to know if they still exist and if so are they part of the consideration? I managed a water treatment project for the University of Colorado at the Mountain Research Center and had the duty to protect the breeding population of Como Creek Greenback Trout, mid 90s, so I know the trout preservation process and watershed protection process is intense.	Too early for access planning for fishing? I used to hike into the streams feeding Halligan and N Fork via Turkey Roost. Once in a while would get a permit from Karl to fish Phantom Canyon until Game and Fish flushed the dam and filled the canyon with debris:)	Puerto Aventuras, Mexico
4	5/11/2023 8:10:11	No. Halligan Dam needs to be torn down.	Halligan Dam needs to be torn down.	The City must focus on water conservation and tear down Halligan Dam.	80521
5	5/11/2023 21:10:58	Yes - thanks for all the work that went into addressing all the issues	I cannot think of any.	An excellent idea. Extremely low impact compared to building a new dam in a different location on the steam. Replaces a very old dam hopefully before it would fail. Updating infrastructure that is this old is always a good idea.	80525

ID	Timestamp	1. Do you think the mitigation and enhancement measures provided are adequate? Please include your thoughts.	2. Are there any additional or different mitigation and enhancement measures you would like to see?	3. Do you have other thoughts about the Halligan Water Supply Project?	Zip code of residence.
6	5/12/2023 16:22:58	<p>I support the following mitigation and enhancements measures:</p> <ul style="list-style-type: none">▪ Flows to reduce 0-water flow days.▪ Ramping up and down of flows and peak flow releases.▪ Increasing winter flows and summer flows.▪ The focus on aquatic native macroinvertebrates and small bodied native fish and rainbow trout.▪ Radio collaring and tracking of big horn sheep to determine movements to ensure increased survival.▪ Fish passage projects and restoration of the stream segment upstream and downstream of the Calloway diversion.▪ No public access on Halligan Reservoir.▪ Maintenance and improvement of PMJM habitat.▪ Managing construction activities to reduce impacts to wildlife and reduce expansion of non-native weeds.▪ Redesign of the canyon diversion for the NPIC canal.▪ Additional monitoring stations.	<p>Yes. I suggest the following.</p> <ul style="list-style-type: none">▪ A bald eagle nest is located 1/2 mile downstream in The Nature Conservancy Preserve. The river and reservoir is also used year round by bald eagles. I do not agree that impacts will be negligible. Construction may cause the bald eagle nest site to be abandoned and may also interfere with foraging and territory occupation. This needs more assessment and in particular avoidance of construction activities prior to and during nesting.▪ Golden eagles nest upstream and downstream of the NPIC canyon diversion. Reconstruction of the diversion may impact golden eagle nesting and territory occupation. This needs more assessment and in particular avoidance of construction activities prior to and during nesting.▪ 3cfs winter flow is a very low and minimal flow offer. This flow barely connects pools and barely helps maintain dissolved oxygen levels. Any increase in winter flows would provide higher survival rates for fish and aquatic insects.▪ 5cfs during the summer months will help, but still does not approach the range of historic flows. I encourage talking with CWCB to explore if their instream flow can be used to enhance flows between Halligan and Seaman reservoirs.▪ Ramping rates used in the past were most effective when delivered over a 3-day period. This occurred via the agreement between TNC and NPIC. 18 hours and 10 hours proposed are too short.▪ The conservation easement on the Roberts Ranch does not allow for public recreational access. Therefore the proposed lease for public hunting and fishing on the Krause Field would be a violation of the easement. The Nature Conservancy should be consulted before any steps are taken on this proposal.	<p>I support the City of Fort Collins being the sole operator of a permitted new Halligan Reservoir. This will ensure all parts of the mitigation and enhancement plan are carried out as permitted.</p>	80536
7	5/15/2023 11:01:11	<p>Yes. An extensive amount of analyses has been performed and it seems apparent that the environmental conditions along the North Fork of the Poudre and in other areas will be improved with the construction of the Halligan Reservoir Supply Project.</p>	<p>The measures provided are extensive and reasonable as presented and I do not believe additional measures are necessary.</p>	<p>The project as presented should provide increased reliability for the City of Fort Collins water supply system with important mitigation and enhancement measures to protect and improve the local fishery and wildlife resources.</p>	80525

ID	Timestamp	1. Do you think the mitigation and enhancement measures provided are adequate? Please include your thoughts.	2. Are there any additional or different mitigation and enhancement measures you would like to see?	3. Do you have other thoughts about the Halligan Water Supply Project?	Zip code of residence.
8	5/15/2023 19:53:17	<p>The planned measures are good but not adequate for the aquatic and streamside ecosystems. They are inadequate because there is no assurance that the goals for these ecosystems will be achieved, and there is no comprehensive adaptive management plan set up for learning and adjusting over time. This is most obvious with the goals for small-bodied native fish, where notably:</p> <p>BIGGEST ISSUE FOR WHICH ADAPTIVE MANAGEMENT EIS NEEDED: Many of the measures in this plan seem ideally suited for ensuring that the brown trout population thrives in the North Fork. Brown trout may be the single most important factor driving down native fish populations. Ensuring 3 cfs in winter and 5 cfs ensures that there will always be sufficiently cool temperatures and sufficient oxygen for brown trout to thrive. Creating connectivity across the current stream flow diversion structures will allow the brown trout to roam at will; currently it is difficult for the brown trout to live downstream of the NPIC structure, and any large browns that get caught below the structure cannot travel back upstream. There is good reason to think that flow and diversion mitigation will make the already strong brown trout population even stronger, and that this stronger population will have even greater negative impact on the native fish.</p> <p>The FWMEP says "Spawning of small-bodied native fish in the North Fork is temporally limited by seasonal water temperatures. Species observed in the North Fork below Halligan Reservoir require temperatures that range from 12 degrees Celsius (°C) to 29°C (Woodling 1985). Based on temperature data analyzed from 2016 to 2020 (Hydros 2021d), the North Fork below Halligan Reservoir currently maintains suitable spawning temperatures for small-bodied native fish from approximately June to October." BUT, current temperatures below Halligan come nowhere close to 29 deg C, which per the above statement is "REQUIRED." It's actually probably not required that high, but there is good evidence that the native populations would benefit from higher temperatures that make trout uncomfortable. And in any case "current" isn't what matters; how the multi-level outlet works will be managed is what matters, but there is little indication of how temperature of releases might be managed to support native fish. (part of the issue here is that there is a commitment to "aquatic life standards", which is a problem here because of the transition-zone status of this stream--what will be done to managing the conflict needs of the fish in this zone?)</p> <p>Ramping rates are based on rough understanding of the ecosystem, and the 3-day duration is also a guess. You don't know how this is going to play out actually. Adaptive management is needed.</p> <p>Other mitigation measures intended to enhance riparian habitat for Prebles, restore stream habitat, and restore/maintain riparian habitat generally are similarly problematic in the absence of adaptive management.</p> <p>The plan says, "Adaptive management in response to environmental monitoring is indirectly incorporated into some mitigation and enhancement measures in the FWMEP, including the MLOW, bighorn sheep collaring and mortality compensation, sediment management, and temporary environmental pool measures." What does "indirectly" even mean in this context, especially for MLOW and TEP? Adaptive begins with setting objectives, monitoring and learning over time, and adjusting in response to learning. As the plan currently stands, there is little in terms of objectives beyond a hope/expectation that native fish and these other ecosystem components will benefit. There is also no clear process for adapting over time; quite the opposite--many of the planned actions are so "locked in" that they could not be adjusted even if there was evidence that they were not working.</p>	<p>Please require a clear, robust, outcomes-based adaptive management plan. Also, include experts and stakeholders outside Fort Collins and CPW.</p>	<p>Overall, I prefer this project to Fort Collins joining NISP.</p> <p>That said, there is a huge missed opportunity to do right by the river, and to be an example for all of Colorado and the West.</p> <p>As a Fort Collins resident, I expect the City to go above and beyond in taking care of all the other species and ecosystems that co-reside with us in and along the Poudre River.</p>	80521

March 19, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist

SUBJECT

Items Relating to Appointments to Various Boards and Commissions.

EXECUTIVE SUMMARY

- A. Resolution 2024-032 Making Appointments to the Active Modes Advisory Board.
- B. Resolution 2024-033 Making Appointments to the Affordable Housing Board.
- C. Resolution 2024-034 Making Appointments to the Air Quality Advisory Board.
- D. Resolution 2024-035 Making Appointments to the Art in Public Places Board.
- E. Resolution 2024-036 Making Appointments to the Building Review Commission.
- F. Resolution 2024-037 Making Appointments to the Citizen Review Board.
- G. Resolution 2024-038 Making an Appointment to the Cultural Resources Board.
- H. Resolution 2024-039 Making Appointments to the Disability Advisory Board.
- I. Resolution 2024-040 Making Appointments to the Economic Advisory Board.
- J. Resolution 2024-041 Making Appointments to the Energy Board.
- K. Resolution 2024-042 Making an Appointment to the General Employees Retirement Committee.
- L. Resolution 2024-043 Making Appointments to the Human Relations Commission.
- M. Resolution 2024-044 Making Appointments to the Human Services and Housing Funding Board.
- N. Resolution 2024-045 Making Appointments to the Land Conservation and Stewardship Board.
- O. Resolution 2024-046 Making Appointments to the Natural Resources Advisory Board.
- P. Resolution 2024-047 Making Appointments to the Parks and Recreation Board.
- Q. Resolution 2024-048 Making Appointments to the Senior Advisory Board.

K. Resolution 2024-049 Making Appointments to the Transportation Board.

S. Resolution 2024-050 Making Appointments to the Water Commission.

T. Resolution 2024-051 Making Appointments to the Women and Gender Equity Advisory Board.

U. Resolution 2024-052 Making Appointments to the Youth Advisory Board.

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

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 order to take appointed office. Each Resolution provides that no person appointed 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.

STAFF RECOMMENDATION

Staff recommends adoption of these Resolutions.

BACKGROUND / DISCUSSION

These Resolutions appoint 81 individuals to fill vacancies left from previous board and commission members. These appointments will begin and expire as noted next to each recommended name shown below and in each of the individual resolutions.

Active Modes Advisory Board

Appointments	Term Effective Date	Expiration of Term
Destiny Dominguez (Seat A)	April 1, 2024	March 31, 2028
Cameron Phillips (Seat B)	April 1, 2024	March 31, 2028
Tim Han (Seat C)	April 1, 2024	March 31, 2028
Bruce Henderson (Seat D)	April 1, 2024	March 31, 2028
Kristina Vrouwenvelder (Seat E)	April 1, 2024	March 31, 2028
Wallace Jacobson (Seat F)	April 1, 2024	March 31, 2026
Kat Steele (Seat G)	April 1, 2024	March 31, 2026
Jared Hanson (Seat H)	April 1, 2024	March 31, 2026
Kevin Krause (Seat I)	April 1, 2024	March 31, 2026

Affordable Housing Board

Appointments	Term Effective Date	Expiration of Term
Claire Bouchard (Seat B)	April 1, 2024	June 30, 2028
Liz Young Winne (Seat E)	July 1, 2024	June 30, 2026
Josh Beard (Seat F)	April 1, 2024	June 30, 2026
Vanessa Montoya (Seat G)	July 1, 2024	June 30, 2026

Air Quality Advisory Board

Appointments	Term Effective Date	Expiration of Term
Adam Schmidt (Seat A)	April 1, 2024	March 31, 2028
Michael Johnson (Seat B)	April 1, 2024	March 31, 2028
Jeremiah Gorske (Seat C)	April 1, 2024	March 31, 2028
Kaori Keyser (Seat E)	April 1, 2024	March 31, 2028
Michael Cheeseman (Seat F)	April 1, 2024	March 31, 2026
Maria Moore (Seat H)	April 1, 2024	March 31, 2026
Matt Ayres (Seat I)	April 1, 2024	March 31, 2026

Art in Public Places Board

Appointments	Term Effective Date	Expiration of Term
Heidi Shuff (Seat F)	April 1, 2024	March 31, 2026
Christopher Staten (Seat G)	April 1, 2024	March 31, 2026

Building Review Commission

Appointments	Term Effective Date	Expiration of Term
Robert Poncelow (Seat F)	April 1, 2024	March 31, 2028
Jeffrey Schneider (Seat G)	April 1, 2024	March 31, 2028

Citizen Review Board

Appointments	Term Effective Date	Expiration of Term
Amy Hoeven (Seat B)	April 1, 2024	March 31, 2028
Veronica Olivas (Seat F)	April 1, 2024	March 31, 2026

Cultural Resources Board

Appointments	Term Effective Date	Expiration of Term
Leslie Walker (Seat F)	April 1, 2024	March 31, 2026

Disability Advisory Board

Appointments	Term Effective Date	Expiration of Term
Jaclyn Menendez (Seat B)	April 1, 2024	March 31, 2028
Kristin White (Seat F)	April 1, 2024	March 31, 2026
Amber Kelley (Seat I)	April 1, 2024	March 31, 2026

Economic Advisory Board

Appointments	Term Effective Date	Expiration of Term
Tim Cochran (Seat B)	April 1, 2024	March 31, 2028

Vallene Kailburn (Seat F)	April 1, 2024	March 31, 2026
Chris Denton (Seat I)	April 1, 2024	March 31, 2026

Energy Board

Appointments	Term Effective Date	Expiration of Term
Eric Shenk (Seat B)	April 1, 2024	March 31, 2028
Wendell Stainsby (Seat F)	April 1, 2024	March 31, 2026
Scott Canonico (Seat H)	April 1, 2024	March 31, 2026
Frederick Wegert (Seat I)	April 1, 2024	March 31, 2026

General Employees Retirement Committee

Appointments	Term Effective Date	Expiration of Term
Jackie Darner (Seat D)	April 1, 2024	December 31, 2024

Human Relations Commission

Appointments	Term Effective Date	Expiration of Term
Beth Jaeger (Seat D)	April 1, 2024	March 31, 2028
Rachel Bryan (Seat H)	April 1, 2024	March 31, 2028

Human Services and Housing Funding Board

Appointments	Term Effective Date	Expiration of Term
Michael Kulisheck (Seat A)	July 1, 2024	June 30, 2028
Lori Kempter (Seat B)	July 1, 2024	June 30, 2028
Jan Stallones (Seat F)	July 1, 2024	June 30, 2026
Christopher Coy (Seat H)	July 1, 2024	June 30, 2026

Land Conservation & Stewardship Board

Appointments	Term Effective Date	Expiration of Term
Ross Cuniff (Seat B)	April 1, 2024	March 31, 2028
Mark Sears (Seat F)	April 1, 2024	March 31, 2026
River Mizell (Seat H)	April 1, 2024	March 31, 2026
Jennifer Gooden (Seat I)	April 1, 2024	March 31, 2026

Natural Resources Advisory Board

Appointments	Term Effective Date	Expiration of Term
Kelen Dowdy (Seat B)	April 1, 2024	March 31, 2028
Sara LoTempio (Seat C)	April 1, 2024	March 31, 2028
Teagan Loew (Seat F)	April 1, 2024	March 31, 2026

Todd Simmons (Seat I)	April 1, 2024	March 31, 2026
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Parks and Recreation Board

Appointments	Term Effective Date	Expiration of Term
Joshua Durand (Seat B)	April 1, 2024	March 31, 2028
Michael Novell (Seat F)	April 1, 2024	March 31, 2026
Lorena Falcon (Seat H)	April 1, 2024	March 31, 2026
John Mola (Seat I)	April 1, 2024	March 31, 2026

Senior Advisory Board

Appointments	Term Effective Date	Expiration of Term
Debbie Bradberry (Seat A)	April 1, 2024	March 31, 2028
Joseph Glomboski (Seat F)	April 1, 2024	March 31, 2026
Sarah Schilz (Seat H)	April 1, 2024	March 31, 2026
Karen Miller (Seat I)	April 1, 2024	March 31, 2026

Transportation Board

Appointments	Term Effective Date	Expiration of Term
Emily Felton (Seat B)	April 1, 2024	March 31, 2028
Edgar Peyronnin (Seat D)	April 1, 2024	March 31, 2028
David Baker (Seat F)	April 1, 2024	March 31, 2026
Lourdes Alvarez (Seat G)	April 1, 2024	March 31, 2026
Alexa Nickoloff (Seat H)	April 1, 2024	March 31, 2026
Amanda Finch (Seat I)	April 1, 2024	March 31, 2026

Water Commission

Appointments	Term Effective Date	Expiration of Term
Nicole Ng (Seat E)	April 1, 2024	March 31, 2028
Nick Martin (Seat F)	April 1, 2024	March 31, 2028

Women and Gender Equity Advisory Board

Appointments	Term Effective Date	Expiration of Term
Emily Gallichotte (Seat A)	April 1, 2024	March 31, 2028
Gina Maez (Seat B)	April 1, 2024	March 31, 2028
Julie Trone (Seat C)	April 1, 2024	March 31, 2028

MK Irvine (Seat D)	April 1, 2024	March 31, 2028
Jebrail Dempsey (Seat E)	April 1, 2024	March 31, 2026
Kendall Stephenson (Seat F)	April 1, 2024	March 31, 2026
Emily Fitzmeyer (Seat G)	April 1, 2024	March 31, 2026

Youth Advisory Board

Appointments	Term Effective Date	Expiration of Term
Sophie Williams (Seat A)	April 1, 2024	March 31, 2026
Scarlett Marske (Seat B)	April 1, 2024	March 31, 2026
Vince Hochhalter (Seat C)	April 1, 2024	March 31, 2026
Maia Turnbull (Seat D)	April 1, 2024	March 31, 2026
Sam Milchak (Seat E)	April 1, 2024	March 31, 2026
Ava Stone (Seat F)	April 1, 2024	March 31, 2026

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. Resolutions for Consideration
2. 2024 Applications (in order by board)

**RESOLUTION 2024-032
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE ACTIVE MODES ADVISORY BOARD**

A. The Active Modes Advisory Board has vacancies because it is newly established.

B. Councilmembers interviewed candidates for this appointment on February 26, 2024, and February 29, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Active Modes 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Active Modes Advisory Board with a term to begin and expire as noted below next to each appointee's name:

Active Modes Advisory Board

Appointments	Term Effective Date	Expiration of Term
Destiny Dominguez (Seat A)	April 1, 2024	March 31, 2028
Cameron Phillips (Seat B)	April 1, 2024	March 31, 2028
Tim Han (Seat C)	April 1, 2024	March 31, 2028
Bruce Henderson (Seat D)	April 1, 2024	March 31, 2028
Kristina Vrouwenvelder (Seat E)	April 1, 2024	March 31, 2028
Wallace Jacobson (Seat F)	April 1, 2024	March 31, 2026
Kat Steele (Seat G)	April 1, 2024	March 31, 2026
Jared Hanson (Seat H)	April 1, 2024	March 31, 2026
Kevin Krause (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

**RESOLUTION 2024-033
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE AFFORDABLE HOUSING BOARD**

A. The Affordable Housing Board has vacancies due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for this appointment on February 21, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Affordable Housing 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Affordable Housing Board with a term to begin and expire as noted below next to each appointee's name:

Affordable Housing Board

Appointments	Term Effective Date	Expiration of Term
Claire Bouchard (Seat B)	April 1, 2024	June 30, 2028
Liz Young Winne (Seat E)	July 1, 2024	June 30, 2026
Josh Beard (Seat F)	April 1, 2024	June 30, 2026
Vanessa Montoya (Seat G)	July 1, 2024	June 30, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

**RESOLUTION 2024-034
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE AIR QUALITY ADVISORY BOARD**

A. The Air Quality Advisory Board has vacancies due to the expiration of certain member's terms and the resignations of Greg Boiarsky, Gavin McMeeking, and Sandra LeBrun.

B. Councilmembers interviewed candidates for this appointment on March 6, 2024.

C. The City Council desires to make appointments to fill these vacancies 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Air Quality Advisory Board with a term to begin and expire as noted below next to each appointee's name:

Air Quality Advisory Board

Appointments	Term Effective Date	Expiration of Term
Adam Schmidt (Seat A)	April 1, 2024	March 31, 2028
Michael Johnson (Seat B)	April 1, 2024	March 31, 2028
Jeremiah Gorske (Seat C)	April 1, 2024	March 31, 2028
Kaori Keyser (Seat E)	April 1, 2024	March 31, 2028
Michael Cheeseman (Seat F)	April 1, 2024	March 31, 2026
Maria Moore (Seat H)	April 1, 2024	March 31, 2026
Matt Ayres (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

RESOLUTION 2024-035
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE ART IN PUBLIC PLACES BOARD

A. The Art in Public Places Board has vacancies due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for this appointment on February 28, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Art in Public Places 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Art in Public Places Board with a term to begin and expire as noted below next to each appointee's name:

Art in Public Places Board

Appointments	Term Effective Date	Expiration of Term
Heidi Shuff (Seat F)	April 1, 2024	March 31, 2026
Christopher Staten (Seat G)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-036
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE BUILDING REVIEW COMMISSION

A. The Building Review Commission has vacancies due to the expiration of terms of certain board members.

B. Councilmembers interviewed candidates for this appointment on February 28, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Building Review Commission.

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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Building Review Commission with terms to begin and expire as noted below next to each appointee's name:

Building Review Commission

Appointments	Term Effective Date	Expiration of Term
Robert Poncelow (Seat F)	April 1, 2024	March 31, 2028
Jeffrey Schneider (Seat G)	April 1, 2024	March 31, 2028

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-037
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE CITIZEN REVIEW BOARD

A. The Citizen Review Board has vacancies due to the expiration of terms of certain board members.

B. Councilmembers interviewed candidates for this appointment on March 6, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Citizen Review 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Citizen Review Board with terms to begin and expire as noted below next to each appointee's name:

Citizen Review Board

Appointments	Term Effective Date	Expiration of Term
Amy Hoeven (Seat B)	April 1, 2024	March 31, 2028
Veronica Olivas (Seat F)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-038
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AN APPOINTMENT TO THE CULTURAL RESOURCES BOARD

A. The Cultural Resources Board has a vacancy due to the expiration of the term of Leslie Walker.

B. Councilmembers Susan Gutowsky and Emily Francis interviewed a candidate on February 22, 2024.

C. The City Council desires to make an appointment to fill this vacancy on the Cultural Resources 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 order to take appointed office.

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 Cultural Resources Board with a term to begin and expire as noted below next to the appointee's name:

Cultural Resources Board

Appointments	Term Effective Date	Expiration of Term
Leslie Walker (Seat F)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-039
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE DISABILITY ADVISORY BOARD

A. The Disability Advisory Board has vacancies due to the expiration of terms of certain board members.

B. Councilmembers interviewed candidates for this appointment on February 22, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Disability 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Disability Advisory Board with terms to begin and expire as noted below next to each appointee's name:

Disability Advisory Board

Appointments	Term Effective Date	Expiration of Term
Jaclyn Menendez (Seat B)	April 1, 2024	March 31, 2028
Kristin White (Seat F)	April 1, 2024	March 31, 2026
Amber Kelley (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-040
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE ECONOMIC ADVISORY BOARD

A. The Economic Advisory Board has vacancies due to the expiration of terms of Mistene Nugent and John Parks.

B. Councilmembers interviewed candidates for this appointment on February 21, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Economic 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Economic Advisory Board with terms to begin and expire as noted below next to each appointee's name:

Economic Advisory Board

Appointments	Term Effective Date	Expiration of Term
Tim Cochran (Seat B)	April 1, 2024	March 31, 2028
Vallene Kailburn (Seat F)	April 1, 2024	March 31, 2026
Chris Denton (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

RESOLUTION 2024-041
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE ENERGY BOARD

A. The Energy Board has vacancies due to the expiration of terms of certain board members.

B. Councilmembers interviewed candidates for this appointment on February 28, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Energy 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Energy Board with terms to begin and expire as noted below next to each appointee's name:

Energy Board

Appointments	Term Effective Date	Expiration of Term
Eric Shenk (Seat B)	April 1, 2024	March 31, 2028
Wendell Stainsby (Seat F)	April 1, 2024	March 31, 2026
Scott Canonico (Seat H)	April 1, 2024	March 31, 2026
Frederick Wegert (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-042
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AN APPOINTMENT TO THE GENERAL EMPLOYEES
RETIREMENT COMMITTEE

A. The General Employees Retirement Committee has vacancies due to the expiration of the terms of Jackie Darner and Del Bernhardt.

B. Councilmember Ohlson interviewed a candidate for this appointment on March 9, 2024.

C. The City Council desires to make an appointment to fill this vacancy on the General Employees Retirement Committee.

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 order to take appointed office.

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 General Employees Retirement Committee with a term to begin and expire as noted below next to the appointee's name:

General Employees Retirement Committee

Appointments	Term Effective Date	Expiration of Term
Jackie Darner (Seat D)	April 1, 2024	December 31, 2024

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-043
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION

A. The Human Relations Commission has vacancies due to the expiration of the terms of certain members.

B. Councilmembers interviewed candidates for these appointments on February 28, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Human Relations Commission.

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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Human Relations Commission with a term to begin and expire as noted below next to each appointee's name:

Human Relations Commission

Appointments	Term Effective Date	Expiration of Term
Beth Jaeger (Seat D)	April 1, 2024	March 31, 2028
Rachel Bryan (Seat H)	April 1, 2024	March 31, 2028

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

**RESOLUTION 2024-044
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE HUMAN SERVICES AND HOUSING FUNDING
BOARD**

A. Vacancies currently exist on the Human Services and Housing Funding Board due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for this appointment on February 21, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Human Services and Housing Funding 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Human Services and Housing Funding Board with a term to begin and expire as noted below next to each appointee's name:

Human Services and Housing Funding Board

Appointments	Term Effective Date	Expiration of Term
Michael Kulisheck (Seat A)	July 1, 2024	June 30, 2028
Lori Kempter (Seat B)	July 1, 2024	June 30, 2028
Jan Stallones (Seat F)	July 1, 2024	June 30, 2026
Christopher Coy (Seat H)	July 1, 2024	June 30, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-045
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE LAND CONSERVATION
AND STEWARDSHIP BOARD

A. The Land Conservation and Stewardship Board has vacancies due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for these appointments on February 15, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Land Conservation and Stewardship 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Land Conservation and Stewardship Board with a term to begin and expire as noted below next to each appointee's name:

Land Conservation and Stewardship Board

Appointments	Term Effective Date	Expiration of Term
Ross Cuniff (Seat B)	April 1, 2024	March 31, 2028
Mark Sears (Seat F)	April 1, 2024	March 31, 2026
River Mizell (Seat H)	April 1, 2024	March 31, 2026
Jennifer Gooden (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-046
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE NATURAL RESOURCES ADVISORY BOARD

A. Vacancies currently exist on the Natural Resources Advisory Board due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for this appointment on February 19, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Natural Resources 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Natural Resources Advisory Board with a term to begin and expire as noted below next to each appointee's name:

Natural Resources Advisory Board

Appointments	Term Effective Date	Expiration of Term
Kelen Dowdy (Seat B)	April 1, 2024	March 31, 2028
Sara LoTempio (Seat C)	April 1, 2024	March 31, 2028
Teagan Loew (Seat F)	April 1, 2024	March 31, 2026
Todd Simmons (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

**RESOLUTION 2024-047
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE PARKS AND RECREATION BOARD**

A. Vacancies currently exist on the Parks and Recreation Board due to the expiration of terms of certain members.

B. Councilmembers interviewed candidates for these appointments on February 14, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Parks and Recreation 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Parks and Recreation Board with a term to begin and expire as noted below next to each appointee's name:

Parks and Recreation Board

Appointments	Term Effective Date	Expiration of Term
Joshua Durand (Seat B)	April 1, 2024	March 31, 2028
Michael Novell (Seat F)	April 1, 2024	March 31, 2026
Lorena Falcon (Seat H)	April 1, 2024	March 31, 2026
John Mola (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

RESOLUTION 2024-048
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE SENIOR ADVISORY BOARD

- A. The Senior Advisory Board has vacancies due to the expiration of terms of certain board members and the resignation of Gabby Rivera.
- B. Councilmembers interviewed candidates for this appointment on March 1, 2024.
- C. The City Council desires to make an appointment to fill these vacancies on the Senior 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Senior Advisory Board with terms to begin and expire as noted below next to each appointee's name:

Senior Advisory Board

Appointments	Term Effective Date	Expiration of Term
Debbie Bradberry (Seat A)	April 1, 2024	March 31, 2028
Joseph Glomboski (Seat F)	April 1, 2024	March 31, 2026
Sarah Schilz (Seat H)	April 1, 2024	March 31, 2026
Karen Miller (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

**RESOLUTION 2024-049
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE TRANSPORTATION BOARD**

A. The Transportation Board has vacancies due to the expiration of terms of certain board members.

B. Councilmembers interviewed candidates for these appointments on February 16, 2024.

C. The City Council desires to make an appointment to fill these vacancies on the Transportation 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Transportation Board with terms to begin and expire as noted below next to each appointee's name:

Transportation Board

Appointments	Term Effective Date	Expiration of Term
Emily Felton (Seat B)	April 1, 2024	March 31, 2028
Edgar Peyronnin (Seat D)	April 1, 2024	March 31, 2028
David Baker (Seat F)	April 1, 2024	March 31, 2026
Lourdes Alvarez (Seat G)	April 1, 2024	March 31, 2026
Alexa Nickoloff (Seat H)	April 1, 2024	March 31, 2026
Amanda Finch (Seat I)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

RESOLUTION 2024-050
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE WATER COMMISSION

A. The Water Commission has vacancies due to the expiration of the terms of Jason Tarry and Kent Bruxvoort.

B. Councilmembers interviewed candidates for these appointments on March 4, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Water Commission.

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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Water Commission with a term to begin and expire as noted below next to each appointee's name:

Water Commission

Appointments	Term Effective Date	Expiration of Term
Nicole Ng (Seat E)	April 1, 2024	March 31, 2028
Nick Martin (Seat F)	April 1, 2024	March 31, 2028

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024
Approving Attorney: Carrie Daggett

**RESOLUTION 2024-051
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE WOMEN AND
GENDER EQUITY ADVISORY BOARD**

A. The Women and Gender Equity Advisory Board has vacancies because it is newly established.

B. Councilmembers interviewed candidates for these appointments on February 23, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Women and Gender Equity 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Women and Gender Equity Advisory Board with a term to begin and expire as noted below next to each appointee's name:

Women and Gender Equity Advisory Board

Appointments	Term Effective Date	Expiration of Term
Emily Gallichotte (Seat A)	April 1, 2024	March 31, 2028
Gina Maez (Seat B)	April 1, 2024	March 31, 2028
Julie Trone (Seat C)	April 1, 2024	March 31, 2028
MK Irvine (Seat D)	April 1, 2024	March 31, 2028
Jebrail Dempsey (Seat E)	April 1, 2024	March 31, 2026
Kendall Stephenson (Seat F)	April 1, 2024	March 31, 2026
Emily Fitzmeyer (Seat G)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

RESOLUTION 2024-052
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPOINTMENTS TO THE YOUTH ADVISORY BOARD

A. The Youth Advisory Board has vacancies that have been open for an extended time.

B. Councilmembers Melanie Potyondy and Tricia Canonico interviewed candidates for these appointments on February 29, 2024.

C. The City Council desires to make appointments to fill these vacancies on the Youth 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 order to take appointed office.

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 persons are hereby appointed to fill the open vacancies on the Youth Advisory Board with their terms to begin and expire as noted below next to each appointee's name:

Youth Advisory Board

Appointments	Term Effective Date	Expiration of Term
Sophie Williams (Seat A)	April 1, 2024	March 31, 2026
Scarlett Marske (Seat B)	April 1, 2024	March 31, 2026
Vince Hochhalter (Seat C)	April 1, 2024	March 31, 2026
Maia Turnbull (Seat D)	April 1, 2024	March 31, 2026
Sam Milchak (Seat E)	April 1, 2024	March 31, 2026
Ava Stone (Seat F)	April 1, 2024	March 31, 2026

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 March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Carrie Daggett

VOLUNTEER APPLICATION

Destiny Dominguez

12/9/2023 3:18 PM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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 Active Modes Advisory Board meets.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	3-6
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	6
Current Occupation:	Youth Activity Coordinator at Teen Activity Center
Current Employer	Laurie Klith, Teen Activity Center
Prior work experience (please include dates):	Strength & Conditioning Supervisor (2019 - 2021) Caregiver (2021 - 2022) Spanish Bike Resource and Education Coordinator Assistant (2022 - 2023) Youth Activity Coordinator (2023 - Current)
Volunteer experience (please include dates):	America Walks - Transportation Audit (2022) Bike to Work Day (2022, 2023)
Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No
Why do you want to become a member of this particular board or commission?	Joining the Transportation Board is an excellent opportunity to contribute to the

Destiny Dominguez

12/9/2023 3:18 PM

Specify any activities which might create a serious conflict of interest if you are appointed:

Please describe your interest regarding active modes of transportation and related issues.

How do you think the City can improve the way people move around in Fort Collins?

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

development of a sustainable and equitable transportation system in the Fort Collins. The Transportation Board is a vital part of the City's efforts to create a balanced transportation network!

BMX racing, mountain biking, utilize bike for transportation in Fort Collins

I would like to improve the biking system and safety measures that are in place, as well as improving the accessibility to active modes of transportation like quality of roads, streets, and crosswalks. I would also like to contribute to the diversity of the board.

Reducing the use and dependency of traveling by car that will lead to improved mobility, congestion, and air quality. This can include infrastructure changes to make more transit systems connect for multiple modes of travel (layered network) and providing support for the cost of switching to a more ecofriendly form of transportation (vouchers, equipment, incentives).

YES

Other (please specify);
Email

VOLUNTEER APPLICATION

Tim Han

1/11/2024 12:05 PM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes Advisory Board

Skills & Interests

Additional Skills / Interests: Learning Korean

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 Active Modes Advisory Board meets.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	Potentially up to 15-20 depending on the work we are doing.
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	4
Current Occupation:	Safe Routes to School Instructional Coordinator
Current Employer	Bike Fort Collins
Prior work experience (please include dates):	Please see attached resume.
Volunteer experience (please include dates):	I am a frequent volunteer at Olander Elementary School for various school events and activities. I also volunteer my time for various FC Moves events and activities.
Have you applied for this board before? If yes, please explain.	No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

As Fort Collins grows, I see two paths that it can take going forward.

1) We become more car dependent. More clusters of homes with no services incorporated within them or immediately adjacent to them. More strodes and strip mall-like services. More car parking in/around stores and services.

2) We develop Fort Collins to be more like cities around the world that promote, encourage, and reward walking, biking, mass transit. More dispersed commerce so that popular businesses are closer to where people live. Better infrastructure for walking, biking, etc. (We ARE better than most US cities our size, but we pale in comparison to cities in Europe, Asia, and South America). More and better bicycle parking at every location in Fort Collins. I love Fort Collins and the people who live here. I've resided in all corners of the US and this is where I came to settle down and raise a family. I believe that path #2 is the way to foster a happier and healthier community, and I want to be an active participant to see that come to fruition.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

Please describe your interest regarding active modes of transportation and related issues.

While our family does own one car, I prefer to walk, bike, or use public transportation to go just about anywhere local. As Fort Collins grows and matures, I want to help develop a city that fundamentally values transportation that is at a human scale and that fosters a sense of harmony and community.

I also want Fort Collins to be a city that is safe for pedestrians, bicyclists, and all users of byways that are not in cars. We, like many cities around the world, are trying to achieve Vision Zero and I want to be an active participant to see that happen on day here!

How do you think the City can improve the way people move around in Fort Collins?

Fort Collins, compared to many US cities I've lived in and visited, has terrific infrastructure that promotes ways of getting around besides using a car, but there is much room for improvement. Here are just a few ideas:

1) I work for Safe Routes to School and we educate over 7000 students annually about using alternate modes of transportation to get to/from school and around their neighborhoods. This means that future generations of Fort Collins residents have

Tim Han

1/11/2024 12:05 PM

these fundamentals instilled in them. However, current adult residents, and those that move to Fort Collins from elsewhere every year, could benefit from all types of exposure and education about alternative modes of transportation here in Fort Collins.

2) I ride all over Fort Collins with my family to get to friends' houses, shops, restaurants, and events. I also use my e-cargo-bike for many errands near and far. While our infrastructure for travel is, as I said, terrific...bicycle parking is severely lacking at most destinations and is downright diasmal at many. Even bicycle parking in Old Town is generally inadequate. Providing ample, up-front, covered (if possible), bicycle parking all over Fort Collins would be an inviting perk to bicycle commuting. Last summer I spent 6 weeks in France and England and bicycle parking there is ample, and the racks are well used!

3) Encouraging/enabling small businesses to open in or adjacent to existing neighborhoods would increase foot and bicycle use to get to those establishments by the local residents. Again referring to my time in France and England, many often-used or needed services were just a 1-5 minute walk or ride from our front door. We walked to the bakery, coffee shop, and mini-market we visited daily. There isn't a real, stand-alone coffee shop within 1.9 miles of where I live here in Fort Collins. If there was one within easy walking distance, my wife would go there everyday!

YES

Other (please specify);
Various individual in FC Moves including Lauren Nagle and Nancy Nichols.

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

Timothy T. Han

EXPERIENCE

Bike Fort Collins, Fort Collins, CO — *Safe Routes to School (SRTS) Instructional Coordinator*

January 2022 - Present

- + Ensure an appropriate number of SRTS Instructors, Lead Instructors and mechanics are on staff to fulfill the school calendar/schedule (this includes recruiting, interviewing and hiring potential new instructors/mechanics as necessary)
- + Train, guide and monitor new SRTS Instructors/Lead Instructors
- + Develop and maintain SRTS Lead Instructor guidelines
- + Evaluate all SRTS Instructors/Lead Instructors (annually)
- + Ensure accurate time reporting by SRTS Instructors/Lead Instructors
- + Communicate with city's SRTS Coordinator and lead the development of the overall school calendar/schedule each semester
- + Meet weekly or bi-monthly with the city's SRTS Coordinator to determine instructor requirements and limits, as well as other scheduling or programmatic items as they arise
- + Meet with participating schools to determine each school's specific needs and create a plan for the appropriate event/training
- + Coordinate communication between schools and SRTS Lead Instructors
- + Communicate with SRTS Lead Instructors to guide proper lead roles & responsibilities
- + Collaborate with the Executive Director in the creation of the SRTS Instructor schedule each semester, and then post and manage the instructor and program schedules accordingly to ensure all assignments are filled
- + Provide effective communication with all SRTS Instructors and mechanics relative to the program schedule and any current and future needs
- + Continually seek to develop and evolve age appropriate curriculum
- + Serve as an SRTS Instructor/Lead Instructor as necessary at events/programs
- + Monitor, manage and approve SRTS team's time entry recording into BFC payroll system
- + Pull appropriate information and ensure program reports for each school are being completed and submitted in a timely fashion by Lead Instructors
- + Working with the Executive Director, support in the development of the SRTS budget each semester (program cost estimating)
- + Support the City of Fort Collins in managing garage supplies for the program, as well as manage any BFC supplies related to the SRTS program
- + Help provide content support in writing grant applications that could support SRTS programming

Blevins Middle School, Fort Collins, CO — *Integrated Paraprofessional*

August 2019 - October 2020

- + Provided one-on-one support for a 6th-grade student assisting in mobility and physical tasks such as note-taking and scribing.
- + Assisted in 6th-grade mathematics
- + Provided PE support for another 6th-grade student and introduced that student to cycling with the use of a hand-powered bicycle.

OCSC Sailing, Berkeley, CA — *Sailing Instructor, Head or Instructor and Club Manager*

May 2006 - May 2018

- + Developed and Lead Performance Sailing Curriculum to introduce racing education to sailing school
- + Oversaw hiring and training of new instructors as well as education and performance evaluation of 40 school instructors
- + Served as liaison between school executive team, customer service staff, and fleet service staff to ensure optimal operation of sailing school
- + Executed sales plans and strategies to both maintain member retention and enroll new members and students
- + Taught sailing courses, from Basic Keelboat to advanced performance, and led student certification examinations

Beaver Creek Ski School, Avon, CO — *Ski Instructor*

September 2004 - MONTH 2010

- + Taught skiing in both group and private sessions to adults, children, and families
- + Certified Level 2 Alpine Instructor
- + Certified in Adaptive Skiing Instruction and Children's Ski Instruction

Summit Hut, Tucson, AZ — *Technical Customer Service and Mail Order*

January 2002 - August 2004

- + Provided ongoing customer and technical support for brands such as Kelte, Mountain Hardware, Dana Designs, and Osprey
- + Maintained mail order sales, service, and shipping

Full Cycle, Tucson, AZ — *Bicycle Mechanic and Sales*

May 1995 - September 2001

- + Built bikes to maintain ongoing inventory of new product, including custom builds and wheels
- + Maintained shop bikes and performed routine bicycle maintenance for customers on an

ongoing basis

- + Repaired bicycles for customers on an ongoing basis
- + Served as sales staff for customers, specializing in both bicycle fitting and bike accessory sales

Towners, Rochester, NY — *Bicycle Mechanic and Sales*

September 1986 - March 1995

- + Built bikes to maintain ongoing inventory of new product, including custom builds
- + Maintained shop bikes and performed routine bicycle maintenance for customers on an ongoing basis
- + Repaired bicycles for customers on an ongoing basis
- + Served as sales staff for customers, specializing in both bicycle fitting and bike accessory sales

EDUCATION

University of Rochester, Rochester, NY — *B.A. Psychology*

1985 - 1989

SKILLS + SPECIAL TRAININGS

Adaptive Coaching for Special Needs Students Bicycle Maintenance + Wheel Building

Project Management

Curriculum Review + Development

Leadership + Communication Training

VOLUNTEER APPLICATION

Jared Hanson

1/9/2024 4:53 PM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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 Active Modes Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10 hours

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> 6

Current Occupation: Business Owner

Current Employer: Oliver Digital Marketing LLC

Prior work experience (please include dates):

- Owner - Oliver Digital Marketing LLC 2018 - present
- Senior Paid Media Specialist - Optimal Digital Marketing - 1/2021 - 7/2023
- Paid Media Specialist - Madwire - 12/2017 - 12/2020
- Customer Success Manager - Encompass Technologies - 5/2016 - 10/2017

Volunteer experience (please include dates):

- BIPOC Initiative Director - FoCo Fondo - 2022 - present
- Media Director - Cross of the North - 2021 - present
- Ride For Racial Justice Alumni - 2021
- Diamond Peaks Mountain Bike Patrol - Overland Mountain Bike Association - 2020 - Present

Jared Hanson

1/9/2024 4:53 PM

Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No
Why do you want to become a member of this particular board or commission?	I am proud of the investments and the way the city of Fort Collins has embraced public transportation, human powered transportation, and working toward close knit neighborhoods and community. I would like to be a part of the growth in the cities ongoing transportation projects and learn more about how these projects come to fruition.
Specify any activities which might create a serious conflict of interest if you are appointed:	N/A
Please describe your interest regarding active modes of transportation and related issues.	As an avid cyclist in Fort Collins since 2010 I am very grateful for the cycling infrastructure we have in our city. Similarly my wife and I both make an active effort to utilize our public transportation when possible. The City of Fort Collins has done an excellent job continuing to grow and improve areas for walking, cycling, public transit, and other methods of movement and I would like to help continue that growth.
How do you think the City can improve the way people move around in Fort Collins?	I believe the city of fort collins can continue focusing and investing in close knit communities that are connected via walking, biking, and multi-use paths to connect residents to businesses, activities, and their neighbors. Similarly I think the city can continue to improve the 'ease of access' to public transit with further improvements to MAX, bus routes, and access to multi-modal transportation options like riding the bus with your bike to complete the journey. The city can continue it's focus on low conflict (car vs pedestrian) solutions like under/over passes, paths, and protected lanes/areas.
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); Lauren Nagle

VOLUNTEER APPLICATION

Bruce Henderson

12/7/2023 1:20 PM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: Bachelors degree

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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 Active Modes Advisory Board meets.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

Expecting around 6 hrs per month, but will engage for as many hours as proves to be valuable.

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>

6

Current Occupation:

Retired.

Current Employer

N/A

Prior work experience (please include dates):

.Hewlett Packard, computer software engineer and software business management; 1973 - 1981
Independent computer consultant; 1981 - 1985.
Hewlett Packard, software business management (various roles); 1985 - 2012.
Bike Fort Collins, Board president, Operations Mgr/Executive Director, 2014-2019.

Volunteer experience (please include dates):

FC Transportation Board. 1997-2004.
FC Parks & Rec Board. 2011-2018.
Senior Advisory Board. 10/2022-3/2024. I am not renewing my expiring term.

Have you applied for this board before? If yes, please explain.

No.

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Senior Advisory Board. Have announced to our staff support person that I will not be extending my current term.

Why do you want to become a member of this particular board or commission?

I have a strong interest in a variety of transportation areas which motivates me to volunteer with the AMAB. Active Modes is a new Board, providing an opportunity to pursue advocacy and make a real contribution in this area.

Over past decades the city of Fort Collins has made great strides in developing a number of bicycle friendly features and becoming a nationally recognized bicycle friendly community. An additional focus on the areas of walking, micro-mobility, other modes of human powered and small electrical devices will provide the next logical advance in Active Modes and Alternative Transportation.

Specify any activities which might create a serious conflict of interest if you are appointed:

None,

Please describe your interest regarding active modes of transportation and related issues.

I have been a recreational, commuting, and sport cyclist for the past 40+ years. In my role with Bike Fort Collins I helped enable a new program expanding social equity in the bicycling, health, and community involvement area of north Fort Collins. This life long involvement in bicycling has resulted in my passion for continuing to expand Fort Collins as a top bicycling community. Adding features to support pedestrian, micro-mobility, and other modes of transportation will help expand our current bicycling success these areas.

Personally I enjoy working with and developing new organizations. One important and interesting challenge is to ensure both the Transportation Board and the Active Modes Board can successfully work together on supporting a collaborative transportation solution for all of Fort Collins.

How do you think the City can improve the way people move around in Fort Collins?

A successful transportation solution consists of multiple integrated forms of transportation. That means driving cars and trucks as well as other motorized vehicles. Adding active modes to the mix provides the need for a general understanding within our community or specific Active Modes. But it also means drivers, bicyclists, pedestrians and others need to understand how the other modes work, creating a safer and effective environment. This could be accomplished by both marketing-like communication and classes focused on improving knowledge in all areas of transportation.

Incorporating Social Equity: seeking

Bruce Henderson

12/7/2023 1:20 PM

incorporating Social Equity, seeking fairness in mobility and accessibility to meet the needs of all community members, is another key focus for improvement.

How we measure improvements in these areas is critical. One key measurement is a focus on Vision Zero metrics. Another is tracking and measuring how any particular mode of travel is safe, secure, improves mobility and accessibility. This should also be tracked in how it fairly enables all people to participate in our transportation solutions.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Social Media;
And through other's involved currently with additional Boards.

VOLUNTEER APPLICATION

Wallace Jacobson

1/15/2024 12:43 PM

Application: **AMAB - Active Modes Advisory Board****Applicant Information**

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes Advisory Board

Skills & Interests

Additional Skills / Interests: Some Spanish

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 Active Modes Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 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> 5

Current Occupation: Retired

Current Employer: None

Prior work experience (please include dates): Colorado Department of Transportation 1977-2003 with experience in land use and environmental impacts related to highways. Coordinated reviews of developments along state highways in Greeley Region and environmental impacts in Durango Region. J. F. Sato & Associates 2003-2006 (Part Time) supported company efforts to obtain environmental assessment contracts.

Wallace Jacobson

1/15/2024 12:43 PM

Volunteer experience (please include dates):

Served on church council as chair of Social & Ecological Justice Ministry (2006-2009) and ongoing leadership for church activities in the area of caring for creation from 2004-2022.. This has included liaison with the Ft. Collins ClimateWise Program from 2005-2020, leading our Bike to Work Day Breakfast Station since 2012, installation of bike racks and many other climate related educational efforts. I continue to be engaged in this work.

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

Having read over the December 2022 Active Modes Plan (AMP), I am excited by the opportunities where I could contribute to the implementation of this very detailed and thorough plan.

Specify any activities which might create a serious conflict of interest if you are appointed:

I do not see any such activities.

Please describe your interest regarding active modes of transportation and related issues.

My interest in active modes has been extensive during my 20 yrs. of living in Fort Collins, particularly as a bicyclist and pedestrian. My wife and I bicycle over 1,000 miles a year for transportation.

How do you think the City can improve the way people move around in Fort Collins?

The city must continue to engage the public and coordinate with relevant stakeholders as it seeks to implement the AMP. It must also prioritize the most cost-effective transportation system improvements to achieve the goals of reaching 50% active modes share for all trips and eliminate all active modes traffic fatalities and serious injuries by 2032. Our trail system is vital for transportation as well as recreation, and must be kept safe for the sake of all users.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Newspaper

VOLUNTEER APPLICATION

Kevin Krause

12/1/2023 9:15 AM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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.

1) Active Modes Advisory Board (I will resign from Natural Resources Advisory Board)

I acknowledge I am available when the Active Modes Advisory Board meets.

NO

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

5

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>

1

Current Occupation:

Small business owner, community leader in the bike community, homemaker, dad.

Current Employer

Please refer to attached resume.

Prior work experience (please include dates):

Please refer to attached resume.

Volunteer experience (please include dates):

City of Fort Collins
Member, Bicycle Advisory Committee (BAC) - 3/2019 to Present
Natural Resources Advisory Board (former Vice Chair) - 1/2020 to Present

Have you applied for this board before? If yes, please explain.

No, it is a new board. I have served on the BAC per above.

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Natural Resources Advisory Board, and also liaison to/member of current Bicycle Advisory Committee.

Why do you want to become a member of this particular board or commission?

I would like the opportunity to continue to work with other community members, staff,

Specify any activities which might create a serious conflict of interest if you are appointed:

Please describe your interest regarding alternative modes of transportation and related issues.

How do you think the City can improve the way people move around in Fort Collins?

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

and council to ensure the Active Modes Plan and Vision Zero are implemented and create the impact necessary to have to make our community safer and more positive for everyone. As a current member of the Bicycle Advisory Committee, I pushed for the 50% active modes/mode share goal, and I would like to be part of seeing that to fruition, to the extent that I can contribute. While I am currently serving on the Natural Resources Advisory Board, and liaison to the BAC, I would plan to resign from NRAB and solely focus on AMAB. That said, it was not published when AMAB will meet so I need to ensure I can support the planned schedule.

I don't believe any activities I partake in create a conflict of interest.

I believe bikes and other active modes simply solve a lot of the problems we are facing globally as well as locally. From climate, air quality, to mental and physical health, rethinking and prioritizing active modes simply checks more boxes than almost any other initiative. I have been pursuing advocacy and growth in this area for years personally and at a community scale. I still feel we have a long ways to go, but I know we can do it and ensure fort collins continues to stand out as a safe city that moves in its own, unique way, that aligns with our unique local culture. I believe we have lost ground in the last handful of years and community members feel less safe using active modes so I'm excited to keep going, and contribute to making collaborative improvements.

In addition to carrying out the adopted plans, I believe we have to consider cultural components required for Fort Collins to continue to be seen as a bike (and generally active modes) city that is safe and joyous to ride/roll/walk in. We have to be willing to make continued bold moves together to accomplish something greater, including simply meeting the 50% active modes/mode share goal. More tactically, I believe e-bikes play a massive roll in the plan. The scooter/bike share has also been huge, with great learnings there, and ways to double down on that should be considered. We also have to ensure all the plans remain inclusive to all users, abilities, and those with limitations. We should take great pride in accommodating everyone and not prioritizing those who drive single occupant vehicles, though also stay aware that this is required for some folks, including mobility limited.

YES

Other (please specify);

Kevin Krause

12/1/2023 9:15 AM

Aware via Bicycle Advisory Committee

Kevin Krause | All-in on Bikes

Experienced leader, driven by an entrepreneurial mentality, community focus, and a passion for creating positive impact through program initiatives. Diverse experience across industries in technology as well as a focus on volunteer and community roles. Strong history of leading teams and strategic collaboration to deliver results.

LinkedIn



COMMUNITY

City of Fort Collins

Member, Bicycle Advisory Committee (BAC)
Natural Resources Advisory Board (former Vice Chair)

1/2020 - Present

3/2019 - Present

Wolfpack NoCo Cycling / SendTown Bike Club

Program Director

1/2022 - Present

PROFESSIONAL EXPERIENCE

Fortward Thinking, LLC – Fort Collins, CO (Self-employed)

Owner / Principal

Product Management, e-commerce, and Amazon marketplace consulting.

2/2018 – Present

Sterling Volunteers – Fort Collins, CO

Senior Director, Product Management

2/2019 – 12/2020

Product leader for Sterling's volunteer & nonprofit offerings, responsible for strategy and execution of ongoing development roadmap.

- Managed independent full-stack web app, supporting screening services and background checks that uniquely catered to the nonprofit sector, including accelerating delivery of features and offerings as a result of the pandemic's impact
- Exceeded growth targets by maintaining customer retention and launching new products, including a sector-first mobile-based identity product offering, increasing safety in volunteering while improving the customer experience
- Developed strategic pivot plan to fundamentally disrupt how screening services are offered in the sector, focusing on growing volunteerism participation (and impact)
- Led initiative to consolidate duplicative product offerings across the company, enabling significant cost reduction goals
- Hired and coached product management professionals and managed UX team resources

Oracle – Fort Collins, CO (Remote employee)

Senior Principal Product Manager, Customer Experience Cloud

12/2017 – 2/2019

Product manager for strategic cloud app unification efforts, driving innovation and increased customer value within Oracle's Customer Experience (CX) Cloud suite.

- Led cross-functional effort supporting initial phases of Customer Data Platform initiative, unifying disparate products including Commerce, Marketing, Data, Service, and Sales Cloud offerings, based a single view of the end-customer
- Strategically influenced roadmaps across organizations to deliver on broader goals in order to deliver noteworthy differentiation in the marketplace
- Spearheaded omni-channel behavioral tracking effort, utilizing tagging and data collection via common Infinity toolset

LivingSocial – Fort Collins, CO (Remote employee)

Lead Product Manager, Messaging Platform

5/2015 – 10/2016

Product owner of LivingSocial's high volume, home grown consumer email and mobile messaging applications.

- Built and iterated on centralized services that allow any internal app/team to send email and push notifications to customers, significantly reducing the time/effort to spin up such messaging (e.g. for new Restaurants Plus program)
- Introduced A/B testing into transactional messaging, while also giving marketing users direct control over content
- Led replacement of third-party services through homegrown applications, including an automated campaign management tool, eliminating external dependencies and reducing costs by over \$200K annually
- Managed evaluation of vendors, leading to replacements and renegotiations that reduced costs by \$175K annually
- Created and optimized tools for external e-commerce partner to send targeted co-branded email campaigns
- Introduced gmail customer experience improvements that increased email system throughput to 75K messages/min.
- Supported wind down and transition of LivingSocial's divested global entities, meeting all contractual obligations

Amazon.com – Seattle, WA

Senior Product Manager, Seller Experience

8/2011 – 5/2014

Global product owner of Amazon Seller Community and self-service support experience within high-growth merchant business. Accountable for end-to-end customer experience and ROI through ownership of multi-year strategic plans, annual program roadmaps and execution, including requirements definition.

- Led launch of forum platform to Amazon sellers in nine marketplaces; worked with global teams to ensure plan addressed unique market requirements, localization, operational support, and technical approach
- Defined goals, guiding metrics, and roadmap for seller forums, integrating and promoting platform as additional support option; through execution, increased adoption by 450%, while maintaining key community indicators
- Refined UI and tools on global support pages using heat maps, usage metrics, and user patterns; increased search usage by 350% and drove click-through to critical help content, while reducing global support contacts by 4% ongoing
- Launched social-based seller support for contacts originating on Facebook and Twitter channels
- Defined and drove implementation of Omniture web analytics for global help system with over 2M monthly page views, enabling ongoing seller experience improvement projects not previously possible
- Piloted and launched targeted seller onboarding email campaign, reducing early lifecycle contacts by 15%
- Launched Google Search Appliance and refined help search, improving results relevancy for common queries by 40%
- Introduced user-reported help content quality feedback mechanism with automated trouble ticket creation based on negative responses, supporting a closed-loop process that drove global editorial team to resolve
- Analyzed case data and user experience to identify top early lifecycle contact-drivers, including deficiencies in payment method management, then drove necessary application changes across teams, reducing related YoY contacts by 21%

OnStar – Detroit, MI

Senior Program Manager, Web and Digital Marketing

7/2009 – 7/2011

As a digital product owner and member of the Chevrolet Volt connected vehicle team, led projects for highly visible web, CRM email and mobile offerings. Keen focus on UX, brand positioning and subscriber retention. Managed launch of MyVolt.com and redesign of OnStar.com. Promoted to Web Manager with 7 direct reports and agency oversight.

- Led requirements definition, creative direction and complete site build for MyVolt.com ahead of 2010 Chevrolet Volt retail sale date; launch generated over 70M initial media impressions
- Developed integrated OnStar/Volt digital experience, including branded monthly diagnostics CRM email
- Improved OnStar subscriber eOnboarding process, directly driving 12% increase in early lifecycle calling plan purchases
- Created comprehensive mobile site plan to drive feature access and increase revenue (implemented after departure)
- Launched site search, improved user authentication, and self-service tools, reducing support costs by \$0.25M annually
- Used Omniture web analytics, customer verbatims and session recordings to prioritize website fixes and enhancements
- Designed mobile site and marketing materials for mobile app launch at 2010 Consumer Electronics Show
- Migrated MyOnStar.com from legacy hosting platform to integrated portal and content management system
- Drove vehicle diagnostics email platform re-architecture that increased flexibility while reducing speed to market
- Developed multiple web pilots and experiments, including a traffic-on-demand service, vehicle theft alert, tablet-based new vehicle delivery process (patent pending), and an à la carte service test platform

Senior Program Manager, Global Engineering

6/2008 – 6/2009

As the technical product owner on the OnStar global expansion team, conducted market need and competitive analysis in emerging countries targeted for telematics service deployment, ensuring service offerings were market appropriate, technically feasible and supported the brand promise.

Senior Systems Operations Engineer

6/2006 – 5/2008

As an operations business owner, originated and executed critical projects to support the expansion of the OnStar product offering and service capabilities, leading to additional revenue, fewer customer issues, improved subscriber retention and reduced costs. Owned initiatives from concept and business requirements through deployment.

Systems Operations Engineer

6/2004 – 5/2006

Identified and drove subscriber-impacting operational initiatives to improve the customer experience, support the OnStar brand promise and reduce costs. Detected and addressed gaps in call center technical support tools, knowledge base and processes by monitoring calls, reviewing customer interactions & metrics and collecting direct agent feedback.

EDUCATION

Carnegie Mellon University

12/2010

MS, Information Technology & Management (received highest distinction faculty recognition)

Michigan State University

4/2004

BA, Telecommunications – Web / Interactive Media & IT (business cognate)

PATENTS

Twenty-eight [patents granted](#) by the US Patent and Trademark Office.

VOLUNTEER APPLICATION

Cam Phillips

12/5/2023 4:06 PM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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 Active Modes Advisory Board meets.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	5-10
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	6
Current Occupation:	Active Transportation Professional
Current Employer	Colorado State University
Prior work experience (please include dates):	Colorado State University 2018-present
Volunteer experience (please include dates):	CSU Campus Bicycle Advisory Council 2021-Present High Plains Hockey Association 2022-Present
Have you applied for this board before? If yes, please explain.	no
Are you currently serving on a City board or Commission? If so, which one?	No
Why do you want to become a member of this particular board or commission?	I'd like to become a member of this board because it directly relates to my work and I am an active cyclist and daily bicycle commuter.
Specify any activities which might create a serious conflict of interest if you are appointed:	none

Cam Phillips

12/5/2023 4:06 PM

Please describe your interest regarding active modes of transportation and related issues.

I currently work as an Active Transportation Professional at Colorado State University. I have lived in Fort Collins since 2017 and highly value the opportunities for active transportation and transit within our community.

How do you think the City can improve the way people move around in Fort Collins?

There are many ways we can improve the way people move around Fort Collins. One that stands out is the promotion of active modes including public transit. Anytime we can take cars off the street we are adding to our values of sustainability and safety. Another is to continue to promote shared transportation from car/van pooling to bike/scooter share.

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 and colleague recommendation

VOLUNTEER APPLICATION

Kat Steele

12/30/2023 8:23 AM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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 Active Modes Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 5

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> 1

Current Occupation: Technical Project Manager

Current Employer: United Way of Larimer County

Prior work experience (please include dates): System Administration 2007-present

Volunteer experience (please include dates): I run WTF Bike, hosting clinics and classes, pop up rides, and content for women/trans/femme/non-binary cyclists. I am a leader of Fort Follies cycling club, and help lead rides with Queer Plus Bikes and OMBA.

Have you applied for this board before? If yes, please explain. n/a

Are you currently serving on a City board or Commission? If so, which one? No;
n/a

Why do you want to become a member of this particular board or commission? I moved to Fort Collins last Summer and I love it here, and I hope to make car-free travel a better experience for all citizens.

Specify any activities which might create a serious conflict of interest if you are appointed: None that i can think of.

Kat Steele

12/30/2023 8:23 AM

Please describe your interest regarding active modes of transportation and related issues.

I'm a lifelong cyclist and currently bike or walk to work. I am considering going car-free in 2024.

How do you think the City can improve the way people move around in Fort Collins?

More traffic calming devices and direct route bike lanes.

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);
friend

VOLUNTEER APPLICATION

Kristina Vrouwenfelder

1/11/2024 9:29 AM

Application: **AMAB - Active Modes Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Doctoral degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Active Modes 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.	Active Modes Advisory Board, Air Quality Advisory Board
I acknowledge I am available when the Active Modes Advisory Board meets.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	6-8
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	6
Current Occupation:	Program Manager for Open Science
Current Employer	American Geophysical Union
Prior work experience (please include dates):	Program Manager, American Geophysical Union: September 2022 - today Technical Project Manager, Department of Energy, National Energy Technology Lab: June - August 2022 Scientific Editor, Cell Press: May 2020 - June 2022 Research and Teaching Assistant, Department of Chemistry, University of Colorado Boulder: Aug 2015 - May 2020
Volunteer experience (please include dates):	Board Member, Mon River Trails Conservancy (https://montrails.org/): Spring 2021 - Fall 2023 The Mon River Trails Conservancy is a local nonprofit in Morgantown, WV managing and maintaining the 50+ mile

network of rail trails centered on the city and advocating for better community access to the local trail network. As a board member of the executive board of the Mon River Trails Conservancy, I led a yearly fundraiser raising 10%+ of our budget as well as providing support and voting on both our regular operations and new strategic initiatives and grants.

Co-Founder and co-Editor in Chief,
Geobites.org: March 2019 - today

Geobites.org is a volunteer-run science communication blog aiming to translate recent advances in the Earth and space sciences for a general audience. I co-founded Geobites.org and serve as co-Editor-in-Chief. In this position, I manage our peer-editing system and guide our new authors through the editing process for their articles. I also promote Geobites.org and teach science communication workshops at scientific conferences.

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I'm a cyclist, former road racer, and lifetime bike commuter who gets around Fort Collins by bike or e-bike. I believe Fort Collins has great potential for active modes of transportation, but we still have big challenges when it comes to safe connectivity and infrastructure. I'd like to join the board to support a mission of making sure that residents have real choices when it comes to their transportation modes and increase transportation mode share for active modes, reducing traffic congestion, improving air quality, and helping Fort Collins meet its climate goals. I'd also like to join the board to advocate for safe, inclusive infrastructure for active modes in Fort Collins that better fits how women in particular use transportation. Within the cycling and bike commuting communities, gender diversity is often lacking. Women are far outnumbered by men as bike commuters in most places, and women's journeys through the day tend to take different paths, for many reasons including a larger share of activities related to care work (see LA Metro's report on this, among others). Also, because fewer women than men see themselves as cyclists, there is a cultural barrier to adopting bikes as a method of transportation. I hope to serve as a voice for these perspectives on the board and advocate for solutions for inclusive active modes.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Please describe your interest regarding active modes of transportation and related issues.

I have been a bike commuter for years and live in a car-lite household (we own 1 car that is driven about once a month). I also ride my bike (mountain, road, and gravel) for pleasure around Fort Collins and I'm a former bike racer on the road. For these reasons, I've been interested in active modes of transportation, and the safe, connected infrastructure, public transit system, and dense city planning that enable active modes of transportation, for a long time now. In the past, before moving back to Colorado, I served on the Executive Board of the Mon River Trails Conservancy in Morgantown, WV, where I was a resident. The MRTC maintained and operated a crucial network of rail trails through the city center, enabling access to downtown and shopping by car-free, separated path, and on the Board I advocated for better neighborhood connectivity to the rail trails, led community rides and outreach efforts to familiarize people with the rail trail system, bike commuting in general, and introduce them to safe paths around the city for active transportation modes. Now, I'd like to continue active modes policy work as a member of the Active Modes Advisory Board in Fort Collins.

How do you think the City can improve the way people move around in Fort Collins?

I think there are a number of ways the city can improve how people move around Fort Collins, some hard, some perhaps easier. Safe infrastructure is needed, in particular to enable women and families to use bikes as transportation - which could take the form of road diets to lower car speeds and reduce intersection conflicts, lower speed limits city wide, and/or separated and protected bike and walking infrastructure. Enforcement of existing regulations is needed as well; cars often run red lights, including at important protected bike/walk crossings on Prospect and on the Pitkin Bikeway, and drivers often speed excessively above already high speed limits city wide. Pathways to enable connectivity not just to downtown or employment centers, but also to shopping and groceries, daycare, etc. can still be improved. Bike parking city wide can be improved. Finally, public transit (e.g. buses) are a crucial component of active modes, particularly walking but also for bikers traveling to further distances. For walkers, frequent buses, safe pathways and crossings to bus stops, and bus prioritization on roads are needed. For bikers, these things plus safe, secure bike parking at bus stations, the ability to know when you'll be able to put your bike onto a

Kristina Vrouwenvelder

1/11/2024 9:29 AM

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

bus rack, and last-mile solutions (if you've had to leave your bike at the bus station) are all needed. (Currently, the Spin bikes and scooters are mainly centered around campus; for trips that don't involve traveling to/from campus—going to the grocery store, going shopping on College, etc.—these are not always effective last mile solutions)

YES

Other (please specify);
I attended the city meeting on Boards & Commissions and also spoke with a city employee of FC Moves

VOLUNTEER APPLICATION

Josh Beard

1/8/2024 2:40 PM

Application: **AHB - Affordable Housing Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Affordable Housing Board

Job Description

☒ I have read the job description

Questions

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> 1

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. Affordable Housing (1), Historic Preservation (2), Parks & Rec (3)

I acknowledge I am available when the Affordable Housing Board meets: 1st Thursday of each month 4 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? up to 10

Current Occupation: Owner/Manager: retail alcohol

Current Employer: Bullfrog Wine & Spirits, Mulberry Max Wine & Spirits

Prior work experience (please include dates): See Attached Résumé

Volunteer experience (please include dates): Currently serving a term on the Board of Director of Outreach Fort Collins and have been on the Board of North Fort Collins Business Association since 2016. Also serving as alcohol industry contact on the NO DUI Larimer (soon to be NO DUI NoCO) steering committee. Current Fellow in the 2023-24 cohort of the Colorado Governor's Fellowship.

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. I applied to be on the Board of directors of the DDA a year or so back.

Why do you want to become a member of this particular board or commission?

As an alcohol retail manager, my role is where the rubber hits the road with respect to the intersection of a lot of local (and national) issues: mental health and addiction, affordable housing/homelessness for starters. Also, as an employer of people on the lower end of the wage spectrum, I get to see on a daily basis how present all these problems are for many Ft Collins citizens. Though I have little experience in lending and housing beyond being a local homeowner myself, I have seen the dream of home ownership slip away from many hourly workers in the last 20 years and watch the impact it makes on our community. I don't have the answers (and if they were easy we would have implemented them already), but I believe we can do better for our citizens somehow. I've had to say goodbye to some of my best staff because they couldn't find an affordable place to live closer than Longmont, and that's simply too far a commute to work retail. Our city will always need people in the service industry, and they deserve to be able to afford to live here.

Regarding meetings: My attendance is dependable. However I do have a schedule conflict for the August 2024 meeting.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No;
nope. Brand new! I do work with some very bright and inspiring people in the world of housing affordability with my Governors Fellowship group in Denver, and so might have some expertise available to me.

Specify any activities which might create a serious conflict of interest if you are appointed:

None that I'm currently aware of. I am on the Board of the NFCBA, but we don't really spend much energy in the housing sector. I am on the Board of Outreach Fort Collins, which is geared towards homeless outreach and engagement. I do not see these as conflicts at this time.

What is your experience with Affordable Housing? Have you or anyone you know well lived in subsidized affordable housing?

I have never personally lived in subsidized housing. I have had social workers in my family all of my life. I interact with people daily (customers and likely staff) who live in subsidized housing. I am seeing this issue increasingly be a barrier for people and I would like to be part of the conversation instead of just watching it all decline around me. I know it is complicated.

Describe what you think of when you hear the words "affordable housing".

There is a gap between how much housing costs and how much some people can afford to pay for housing given their financial situation. If low wage workers cannot afford to live in our community, there could be unintended and undesirable

Josh Beard

1/8/2024 2:40 PM

Are you willing to complete the required training if appointed?

be ripple effects down the road. If we want Fort Collins to thrive and grow as a community, we need to consider all the people who live here, not just the ones who can afford \$500k+ housing.

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Claire Bouchard

1/7/2024 12:57 PM

Application: **AHB - Affordable Housing Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Affordable Housing Board

Job Description

☒ I have read the job description

Questions

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> 1

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. Affordable Housing Board, Human Services and Housing Funding Board

I acknowledge I am available when the Affordable Housing Board meets: 1st Thursday of each month 4 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6-8

Current Occupation: Director of Community Engagement and Communications

Current Employer: Community Foundation of Northern Colorado

Prior work experience (please include dates): Community engagement, marketing, and public relations from 2005- present, including Co-Chair of the Northern Colorado Continuum of care for several years, and serving as a housing and homelessness funder for six years.

Volunteer experience (please include dates): Volunteer for various organizations including event volunteer for Larimer County Extension (2018), Homeward Alliance (2022), and Fort Collins Breakfast Rotary Club (2020-2022).

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

Claire Bouchard

1/7/2024 12:57 PM

Why do you want to become a member of this particular board or commission?

I want to share my community and institutional knowledge and get closer to the work around housing stability. I have lived near the Fort Collins Mission and Catholic Charities, and Murphy Center for nine years. I have a very deep passion for housing security and housing affordability through my time at the United Way, Larimer County Housing Manager (the first ever created), and now through steering donors to housing gaps in the Community Foundation of Northern Colorado. Back in 2014, I was also a consultant who worked on the public engagement of neighborhoods near Red Tail Ponds - and helped sway public opinion through outreach and strategic communications.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

I do think there are any serious conflicts. At the Community Foundation, I oversee some donor funding and some grantmaking in Fort Collins, but I am not a funding decision maker.

What is your experience with Affordable Housing? Have you or anyone you know well lived in subsidized affordable housing?

I myself have not experienced affordable housing, but I have worked with nonprofits and agencies who assist clients with affordable housing options.

Describe what you think of when you hear the words "affordable housing".

I think of housing affordability as a level of housing that a person can pay for that is 30% or less of their take home pay or monthly income. Affordability depends on income or monthly resources. It is different for everyone, and changes throughout our life. As a growing community, we need to ensure that those who want to live here, and are working or contributing to the greater community, should be able to afford to live here.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

Claire Bouchard

Fort Collins, CO 80524 • [REDACTED] • [REDACTED]

Seasoned community engagement professional who elevates projects through strategic partnerships.

A trusted and warm leader who values high quality work, integrity, and discretion.

Strengths: Strategic | Arranger | Positivity | Relator | Responsibility

Professional Experience

Director of Community Engagement and Communications, Community Foundation of Northern Colorado, May 2022-Present

- Responsible for all external relations related to local governments, nonprofits, and community groups.
- Convening lead for the newly created Northern Colorado Water Alliance, composed of 25+ water providers in Larimer and Weld County.
- Leads competitive grant process in four communities (\$1M annually).
- Stewards a portfolio of more than 80 nonprofit endowments and or reserve funds.
- Developed the first strategic nonprofit support program including five key trainings, funding opportunities, and capacity building programs.
- Launched the regional K-16 Pathways to Employment initiative with three community partners.
- Strategic planning for community events, Foundation communications, and nonprofit support.
- Created the Foundation's first Emergency Fundraising and Grantmaking Plan
- Leads five volunteer committees to further the Foundation's mission of impact and legacy philanthropy.
- Graduate of the Water Literate Leaders class.
- Created the Foundation's first Northern Colorado Intersections Report.

Housing Stability Program Manager, Larimer County, 2021-April 2022

- Led the \$23M Federal Emergency Rent Assistance Program to assist low-income renters.
- Responsible for all Federal reporting, compliance, record keeping, and monitoring.
- Delivered professional, concise updates to the Board of County Commissioners.
- Propelled partnerships and strategies for affordable housing in Larimer County and the State of Colorado.
- Member of Senator Michael Benner's Affordable Housing Task Force (one of 30 statewide housing experts).
- Northern Colorado Continuum of Care Governing Board Co-Chair, ESG-CV Grant reviewer.
- Larimer County Behavioral Health Grant and Immediate Needs Grant reviewer.
- Led the County's work in ending homelessness and preserving naturally occurring affordable housing through the purchase of a mobile home park in north Fort Collins.
- Awarded \$250,000 in housing related State grants.

Vice President of Community Impact & Engagement, United Way of Larimer County, 2018- 2021

- Nurtured strategic relationships across public, private, and nonprofit sectors.
- Led a diverse three-person marketing and engagement team with volunteer engagement, organizational messages, creative design, and compelling storytelling.
- Spokesperson for high impact projects such as disaster recovery, housing and childcare.
- Created and led grant strategy for two plus years; managed more than \$4.5M in funds.
- Led the Community Impact team and all nonprofit excellence trainings.
- Led five community partnership committees.
- Valued partner during the launch of the Northern Colorado Continuum of Care – served as the Governing Board Co-Chair, wrote all website and collateral materials.

- Larimer County Fires Long Term Recovery Group Co-Chair (Cameron Peak Fire).
- Co-lead the joint Northern Colorado COVID Response Fund with the Community Foundation of Northern Colorado - \$1.25M in grants to 61 agencies from April-August 2020.
- Catalyst for rebuilding relationships in Loveland and Estes Park resulting in satellite office space and community facilitation projects.

Director of Marketing, SAFEbuilt, Inc., Loveland, CO, 2017 – 2018

- Built relationships with colleagues in 10 states and 55 offices and led marketing efforts with two creative firms and three in-house staff.
- Managed the corporate brand and developed new service line brands, marketing strategies, and content for the company's new national Planning Division and national ICC (International Code Council) certification training program.

Founder and Client Services Director, Slate Communications, Fort Collins, CO, 2013–2017

- Established a new company to fill a need in local government engagement.
 - In four years, grew revenue to over \$700K, hired six staff members.
- Created clear brand vision and marketing strategy for all clients.
- Skillfully operated in dynamic political environments across Colorado.
- Inspired and lead the creative team and staff writers.
- Account executive for all public sector and nonprofit clients.
- Sample projects: Boulder County, City of Boulder, and RTD mass transit engagement and marketing; led Transfort's MAX BRT and FLEX service launch strategies and implementation, including communications, marketing, and events; led all marketing and outreach during Fort Collins' Old Town Square renovation project; Town of Berthoud communications director; Town of Windsor event director; marketing and engagement assessments for Jefferson County Library Department and Poudre River Public Library District; storytelling and messaging for the Cache la Poudre Heritage Alliance (water law, water irrigation inventions, agricultural history, etc.); City of Longmont marketing plan development.

Public Relations Coordinator, City of Fort Collins, 2007-2013

- Researched, designed and managed marketing and communications for complex public projects (FortZED, Mason Corridor, electronic waste, economic health, budgeting process, Urban Renewal Authority, Shop Fort Collins, multiple Downtown Fort Collins alley renovations, and more).
- Supported Mayor's Office with crisp communications, public event management, speaking points, and high-quality presentations.
- Media spokesperson for a variety of projects including building and road construction projects and economic development initiatives.
- Supervised City's new logo, branding process, community engagement & implementation.

Education and Awards

Bachelor of Arts, (B.A.) in Communications, Magna cum Laude, University of Denver, 2005

Professional Network, Training and Certificates:

- Water Literate Leaders graduate, 2023
- Results Based Facilitation, local cohort member with the Bohemian Foundation, 2020-2021
- Leadership Northern Colorado graduate, 2020-2021
- Design Thinking for Innovation, (Coursera) University of Virginia, 2018
- Corporate Social Responsibility, (edX) University of Penn State, 2018
- u.lab: Leading Change in Times of Disruption MIT0x, (edX) MIT, 2018

Awards:

- Women of Distinction Finalist, Nonprofit Leader category, BizWest Media, 2020 and 2023
- First Place, Best Marketing Campaign to Increase Ridership, FLEX Boulder to Fort Collins Express Route, American Public Transportation Association, February 2017
- Three –time Savvy Award winner: City of Fort Collins Quality of Life Materials, Marketing Tools for Economic Development, Home for the Holidays, Shop Fort Collins First, and President's Award, Best Overall Marketing Campaign (800 entries), City of Fort Collins E-Waste, Not for Landfills City-County Communications and Marketing Association (3CMA), 2008-2011

VOLUNTEER APPLICATION

Vanessa Montoya

1/9/2024 12:55 PM

Application: **AHB - Affordable Housing Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: High School
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Affordable Housing Board

Job Description

☒ I have read the job description

Questions

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	1
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.	No
I acknowledge I am available when the Affordable Housing Board meets: 1st Thursday of each month 4 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	15
Current Occupation:	Cashier
Current Employer:	Alter convenient stores
Prior work experience (please include dates):	Customer Service
Volunteer experience (please include dates):	Volunteered at food banks
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 would like to help the city of Fort Collins in the community to find a better solutions to some of the problems that are arising in the city Due to not enough properties and low income, affordable housing in the area.
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	No
Specify any activities which might create a serious conflict of interest if you are appointed:	No

Vanessa Montoya

1/9/2024 12:55 PM

What is your experience with Affordable Housing? Have you or anyone you know well lived in subsidized affordable housing?

Yes, myself and parent. I currently live in SRO. My parent has also lived in low income housing for many years.

Describe what you think of when you hear the words "affordable housing".

A place that somebody can actually afford that doesn't cost them everything that they work for or have income for.

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);
Someone that works on the board

VOLUNTEER APPLICATION

Matt Ayres

1/14/2024 8:07 PM

Application: **AQAB - Air Quality Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors 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?	6-10
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	5
Current Occupation:	Unemployed
Current Employer:	Unemployed
Prior work experience (please include dates):	Shown in resume.
Volunteer experience (please include dates):	Shown in resume.
Are you currently serving on a City board or Commission? If so, which one?	Yes; Air Quality Advisory Board
Have you applied for this board before? If yes, please explain.	Yes, and am current member.
Why do you want to become a member of this particular board or commission?	I have learned about air quality issues in Fort Collins and want to continue to do so.
In your opinion, what are the biggest issues related to air quality regionally and in the City?	The biggest issues related to air quality in the City are GHG emissions and ozone.
What do you think the City should prioritize in air quality management?	The City should prioritize rideshare and add to its Our Climate Future plan. Since climate science is always changing, plans should reflect rapid changes.

Matt Ayres

1/14/2024 8:07 PM

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

Matthew Ayres
Fort Collins, Colorado • [REDACTED]
[REDACTED] • [linkedin.com/mattayres123](https://www.linkedin.com/in/mattayres123)

Career Goal

I am a recent college graduate seeking an entry level position in legislation or environmental policy. I thrive off learning new software and problems that I have not encountered.

Education

Bachelor of Arts in Political Science May 2023
Concentration: Environmental Policy GPA 3.71
Colorado State University, Fort Collins, Colorado
Relevant course: Global Environmental Sustainability

Relevant Experience

Course, Applications of Environmental Sustainability Spring 2023
Colorado State University, Fort Collins, Colorado
• Analyzed current environmental policy around the world

Intern, Clean Energy Action September 2023 - Present
Fort Collins, Colorado
• Assisting Clean Energy Action in office work for reducing emissions in Excel Utilities and promoting more sustainable options.

Sales Associate, Aspen Bikes June 2022 – August 2022
Aspen, Colorado
• Picked up calls and assisted customers
• Rented bikes to customers and assisted them with bikes

Barback and Security, The Anchor Boston June 2021 – July 2021
Boston, Massachusetts
• Stocked bar, set up and took down tables
• Communicated with customers about rules regarding the beer garden

Deckhand, Boston Harbor Cruises May 2019 – August 2019
Boston, Massachusetts
• Worked in a fast-paced environment to assist customers, dock ships, set up and clean up for cruise parties
• Managed customer service and any disputes they had

Double Intern, Boston Harbor Now May 2018 – August 2018
Boston, Massachusetts
• Mapped the Boston Harbor Walk and amenities using GIS software
• Studied spaces along the Boston Harbor and logged data on people's special movement.

Community Engagement, Proficiency, and Certification

Fort Collins Air Quality Advisory Board
• Recommending air quality policies to the Fort Collins City Council May 2023 – Present

Grant Writing Certification, Udemy Grant Writing Master Class August 2023

Proficient in Word, Excel, PowerPoint, Google Workspace, Photoshop

VOLUNTEER APPLICATION

Michael Cheeseman

1/15/2024 1:37 PM

Application: **AQAB - Air Quality Advisory Board**

Applicant Information

Birthday: [REDACTED]

Gender: Male

Education Level: PhD

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? 8-10

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> 6

Current Occupation: Research Scientist

Current Employer: I.M. Systems Group (IMSG) at National Oceanic and Atmospheric Administration (NOAA) / National Environmental Satellite Data and Information System (NESDIS) / Center for Satellite Applications and Research (STAR)

Prior work experience (please include dates): Research Scientist, I.M. Systems Group (IMSG) at National Oceanic and Atmospheric Administration (NOAA) / National Environmental Satellite Data and Information System (NESDIS) / Center for Satellite Applications and Research (STAR). (November, 2022 - Present)

Postdoctoral Associate, University of Maryland, Earth System Science Interdisciplinary Center. (May, 2022 - November, 2022)

Volunteer experience (please include dates):

Are you currently serving on a City board or Commission? If so, which one?

Have you applied for this board before? If yes, please explain.

Why do you want to become a member of this particular board or commission?

In your opinion, what are the biggest issues related to air quality regionally and in the City?

What do you think the City should prioritize in air quality management?

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed?

Research Assistant, PhD, Colorado State University, Department of Atmospheric Science. (2019-2022)

Research Assistant, MS, Colorado State University, Department of Atmospheric Science. (2016-2019)

Americorps / Nevada Conservation Corps (February 2015 - August 2015)

No

No

I hope to use my expertise in air quality investigation to provide valuable and actionable guidance to my local community. Ideally the work we do can help constituents make healthy choices and avoid the negative impacts of wildfires, human-generated emissions, and meteorological events that lead to poor air quality. Finally, I am personally motivated to take this step because I am interested in a career at the intersection of air quality, public health, and governance. Thus, I believe I am a good fit for the Air Quality Advisory Board.

Fort Collins face several air quality challenges but transported smoke from wildfires, both local and across the western US, is a major challenge that is difficult to overcome with traditional regulatory actions. However, there are opportunities to promote air quality conscious decisions during smoke events through community engagement. Finally, local pollution sources, especially from industrial, transportation, and agricultural sources are still major contributors to Fort Collins air pollution and are more easily managed through traditional methods.

Fort Collins should continue to prioritize reducing our dependence on oil and gas, promoting the adoption of EV vehicles, and increasing our reliance on renewable energy. Furthermore, reducing community need for wood-burning stoves for residential heating could improve air quality, especially during winter-time atmospheric inversions, which trap local emissions near the surface.

Since I work with the National Oceanic and Atmospheric Administration, I may be prohibited from providing professional (as opposed to personal) feedback on certain topics. This will require communication with my supervisor on a case-by-case basis.

YES

Michael Cheeseman

1/15/2024 1:37 PM

How did you learn of a vacancy on this board or commission?

Website

Michael Cheeseman

Atmospheric Scientist

github.com/cheesemanmj
linkedin.com/in/m-cheeseman

SUMMARY

- Research Scientist investigating urban and wildfire air pollutants through satellite remote sensing, ground-based monitoring, and machine learning, with special interest in Environmental Justice principles.
- Collaboration with interdisciplinary teams across the US through research partnerships and international conferences.
- Passionate about the intersection between climate change, air quality, and public health.

KEY SKILLS

- Communicate effectively about air quality issues to both expert and lay audiences through oral presentations at international conferences/workshops.
- Write technical reports/manuscripts with limited supervision.
- Analyze air quality datasets from various ground and satellite-based passive and active remote sensing systems.

EDUCATION

PhD in Atmospheric Science, Dept of Atmospheric Science, Colorado State University	2022
MS in Atmospheric Science, Dept of Atmospheric Science, Colorado State University	2018
BS in Environmental Science (Geology and Physics minors), Appalachian State University	2014

RELEVANT EXPERIENCE

Research Scientist November 2022 — Present
IMSG at NOAA/NESDIS/STAR

- Quantified potential impacts of changing EPA national ambient air quality standards (NAAQS) annual average from $12 \mu\text{g m}^{-3}$ to $9 \mu\text{g m}^{-3}$ on the US population count that would be in regions in exceedance of NAAQS. I've also investigated the role that exceptional events such as smoke and dust would play in regional exceedances.
- Identified environmental justice targets and key datasets for analysis using satellite-derived $\text{PM}_{2.5}$ predictions. Aggregated $\text{PM}_{2.5}$ predictions to US census tracts and identified "Red-lined" communities in order to investigate air pollution disparities across racial/ethnic groups.

Post-doctoral Associate May 2022 — November 2022
University of Maryland, Earth System Science Interdisciplinary Center College Park, MD

- Assist with coordination and communication between NOAA satellite teams, mentor interns, and prepare presentations for NOAA Radiance team leads.
- Prepare quarterly and annual reporting material for NOAA satellite teams including but not limited to science accomplishments, challenges, and federal budgets.

Research Assistant, PhD 2019 — March 2022
Colorado State University, Advisor: Dr. Jeffrey Pierce Fort Collins, CO

- Quantified air pollution disparities across racial/ethnic and poverty lines at US public schools.
- Trained citizen scientists to use low-cost optical air quality sensors and participate in NASA funded research.
- Assembled, calibrated, and conducted troubleshooting on aerosol mass and optical depth (AMOD) low-cost sensors.
- Engaged the public on air quality issues in Northern Colorado through blog posts (csu-ceams.com/blog/).

Research Assistant, MS 2016 — 2018
Colorado State University, Advisor: Dr. Scott Denning Fort Collins, CO

- Compared simulations of carbon, water, and energy fluxes from the Simple Biosphere 4 (SiB4) carbon cycle model to a suite of NASA satellite products such as leaf area index and plant productivity.

Michael Cheeseman

Atmospheric Scientist

github.com/cheesemanmj
linkedin.com/in/m-cheeseman

NSF Research Experience for Undergraduates Colorado State University

Summers 2013, 2014
Fort Collins, CO

- Compared simulated global CO₂ fluxes from the Simple Biosphere model (SiB) and Carnegie-Ames-Stanford Approach (CASA) model in order to detect differences in scale and spatiotemporal flux patterns.

University of Southern California's Wrigley Institute

Los Angeles, CA

- Designed and completed experiments in order to study contributing factors (e.g., light levels, soil type) of CO₂ exchange across the soil-atmosphere.

Undergraduate Research Assistant Appalachian State University

Spring 2013
Boone, NC

- Measured atmospheric trace gas concentration using a cryogen-free gas concentration system at Appal AIR monitoring site.

Crew Leader

Nevada Conservation Corps

February 2015 — August 2015
Las Vegas, NV

- Directed a summer chainsaw crew. As such, I was responsible for crew productivity, safety, quality of crew work, and coordinating with NCC's partners such as the BLM and US Forest Service employees.
- Inducted in to Crew Leader Advancement Program that included instruction in crew dynamics and conflict resolution.

SELECT PUBLICATIONS AND PRESENTATIONS

- Michael Cheeseman, Bonne Ford, Susan C. Anenberg, Matthew J Cooper, Emily V. Fischer, Melanie S. Hammer, Sheryl Magzamen, Randall V. Martin, Aaron van Donkelaar, John Volckens, Jeffrey R. Pierce. "Strong disparities of air pollutants across racial, ethnic, and poverty groups at US public schools" *GeoHealth*. 2022. (Accepted).
- Michael Cheeseman, Bonne Ford, Zoey Rosen, Eric Wendt, Alex DesRosiers, Aaron J. Hill, Christian L'Orange, Casey Quinn, Marilee Long, Shantanu H. Jathar, John Volckens, Jeffrey R. Pierce. "Investigating sub-city gradients of air quality: lessons learned with low-cost PM_{2.5} and AOD monitors and machine learning" *Atmospheric Chemistry and Physics*. 2021. In review.
- Michael Cheeseman, Bonne Ford, John Volckens, Alexei Lyapustin, and Jeffrey R. Pierce. "The Relationship Between MAIAC Smoke Plume Heights and Surface PM" *Geophysical Research Letters*. 2020
- Kelsey R. Bilsback, Jill Baumgartner, Michael Cheeseman, Bonne Ford, John K. Kodros, Xiaoying Li, Emily Ramnarine, Shu Tao, Yuanxun Zhang, Ellison Carter, Jeffrey R. Pierce. "Estimated aerosol health and radiative effects of the residential coal ban in the Beijing-Tianjin-Hebei region of China." *Aerosol and Air Quality Research* for the special issue on "Better Air Quality in Asia". November 2019
- M. Cheeseman, B. Ford, J. Volckens, E. Wendt, C. Quinn, Z. Rosen, M. Long, C. L'Orange, S. Jathar, J. Mehaffy, J. R. Pierce. NASA HAQ Panelist presenting "The relationship between MAIAC smoke plume heights and surface particulate matter". Air & Waste Management Association Visibility Conference, 2021.
- M. Cheeseman, B. Ford, Z. Rosen, E. Wendt, J. Volckens, M. Long, C. L'Orange, S. Jathar, J. Mehaffy, J. R. Pierce. Examining Neighborhood Scale Variability of Coincident PM_{2.5} and AOD. American Meteorological Society Annual Meeting (remote), January, 2021.

ACTIVITIES AND AWARDS

Reviewer for: <i>Remote Sensing of the Environment</i> , <i>Journal of Geophysical Research: Atmospheres</i> , <i>Atmospheric Environment</i> , <i>Elementa: Science of the Atmosphere</i>	
Member of American Geophysical Union	2016-2022
Member of American Meteorology Society	2018-2022
School of Global Environmental Sustainability Leadership Fellow	2020 - 2021
NSF Funded Attendee of American Meteorological Society's Summer Policy Colloquium	Summer 2020
Winner of ASCENT student travel grant	2020
Young Adult Advisory Board Member at Freshwater Project International	2019 - 2020
Fort Collins Climate Action Plan Volunteer	2019
Organizing Member of Young Scientist Symposium on Atmospheric Research	2018
Outstanding Senior Award for Environmental Science	2013 - 2014
Outstanding Sophomore Award for Environmental Science	2011 - 2012

PERSONAL

Community organizer for pick-up soccer groups, CSU Rock Climbing Team, hiking, jiu jitsu, indie movies

VOLUNTEER APPLICATION

Michael Johnson

1/6/2024 1:42 PM

Application: **AQAB - Air Quality Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female

Education Level: PhD

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? 6-10

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> 2

Current Occupation: Technical Director at an air quality organization.

Current Employer: Berkeley Air Monitoring Group.

Prior work experience (please include dates): I have been working at Berkeley Air since 2010 (please see my CV).

Volunteer experience (please include dates): Technical Committee Member for ISO 285: Clean Cookstoves and Clean Cooking Solutions working groups 2 (Harmonized Laboratory Protocols – Team Leader of Part III: Voluntary Performance Targets) and 3 (Field Testing Methods), (2014-present).

Board member for Engineers in Technical and Humanitarian Opportunities of Service (2015-2018).

World Health Organization Indoor Air Quality Guidelines Development Group (2012-2014)

Michael Johnson

1/6/2024 1:42 PM

(2012-2014).

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?

Most of my work is international, helping to understand the impacts of energy transitions in the Global South on air quality, health, and climate. I want to be more involved locally, especially as we have two young children growing up in Fort Collins.

In your opinion, what are the biggest issues related to air quality regionally and in the City?

The air quality challenges for Fort Collins will likely be related to wildfire events. I am especially interested in how to protect indoor spaces for vulnerable populations such as elder and child-care facilities, and schools.

What do you think the City should prioritize in air quality management?

Given concerns over wildfire pollution events, I think a focus on awareness, decision-making, and indoor air mitigation strategies are going to be fundamental components of protecting health during these high exposure periods.

Specify any activities which might create a serious conflict of interest if you are appointed:

I do not foresee any conflicts of interest.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Newspaper

Michael Allen Johnson

Technical Director and President | Berkeley Air Monitoring Group

 | www.berkeleyair.com

EDUCATION

PhD in Environmental Health, Science, & Policy, University of California, Irvine, 2009

Concentration: Public Health and Epidemiology

Dissertation: In-field quantification of cookstove greenhouse gas emissions

Advisor: Professor Rufus Edwards

MS in Science Education, Oregon State University, 2002

BA in Physics (cum laude), The Colorado College, 1999

PROFESSIONAL EXPERIENCE

Berkeley Air Monitoring Group: Technical Director and President 2018-present; Senior Scientist and President, 2013-2018; Project Manager, 2010-2013.

Technical Specialist: Advancing Sustainable Household Energy Solutions. Supporting capacity-building and information dissemination on research and initiatives in the household energy sector. Funded by the USEPA and in collaboration with Colorado State University.

Principal Investigator: Characterizing indoor air quality improvements associated with electric heating, cooking, and smart filtration appliances in disadvantaged communities in the San Joaquin Valley. Funded by the US Department of Housing and Urban Development and in collaboration with the Central California Asthma Collaborative.

Technical Lead: Clean Cooking and Climate Consortium, provision of expertise to country governments on the measurement, reporting, and verification for household energy programs included under Paris Agreement commitments. Funded by the Clean Cooking Alliance.

Principal Investigator: Out of Gas Air Quality Study assessing the effect of swapping out gas stoves with induction stoves in low-income housing in New York City and Buffalo. Funded by WE ACT and in collaboration with Columbia University, PUSH Buffalo, and the Rocky Mountain Institute.

Principal Investigator: Field Study on Quantification and Measuring Climate, Health and Gender Co-benefits from Clean Cooking Interventions. Funded by the World Bank's Energy Sector Management Program, and in collaboration with Vital Health Strategies, The Gold Standard Foundation, and Bentley College.

Co-Investigator: Household Air Pollution Intervention Network (HAPIN) trial. Funded by the National Institutes of Health and the Bill and Melinda Gates Foundation, and led by Emory University. Coordinating the exposure and stove use assessment of the

four-country randomized control trial looking at health impacts associated with an LPG intervention.

Principal Investigator: Measuring personal exposure to particulates and carbon monoxide in Bangladesh, funded by Infrastructure Development Company Limited. Berkeley Air is evaluating the impact of Bangladesh's improved stove program on exposure to household air pollution. In collaboration with International Centre for Diarrheal Disease Research, Bangladesh.

Project manager for exposure assessment: Kuboresha Afya Mitaani: Urban MNCH Project Improving Maternal, Newborn and Child Health (MNCH) Outcomes for Vulnerable Women and Newborns in Informal Settlements in Nairobi through a Quality Ecosystem. Funded by USAID (subcontract with Jacaranda Health), and in collaboration with Jacaranda Health and Population Council. Berkeley Air supported this project by conducting an exposure assessment of expecting and new mothers, to characterize the main drivers of PM2.5 exposure for the study population.

Principal Investigator: Technical support and capacity building for testing pellet stoves in China, funded by the United States Environmental Protection Agency. Berkeley Air led a project to support research organizations conducting field tests on pellet stove performance in China. This project included a review of biomass stove performance in China to support policy recommendations.

Principal Investigator: Emissions to exposure in Western Kenya. Funded by the Climate and Clean Air Coalition (via the United Nations Office for Project Management) and managed by the Clean Cooking Alliance. Berkeley Air led a modeling study to develop new approaches for estimating exposure to household air pollution. The models included mass balance, linear regression, and machine-learning approaches. The project was conducted in collaboration with Moi University, the University of Liverpool, and University of California.

Co-Principal Investigator: Household air pollution review, funded by the World Health Organization. Conducted a systematic review of the impact of household energy interventions on personal exposure and kitchen concentrations to particulate matter and carbon monoxide. In collaboration with the University of Liverpool.

Principal Investigator: Evaluation of behavior change communication projects for clean cooking solutions. Funded by the Clean Cooking Alliance and in collaboration with the George Washington University and Colorado State University.

Technical Consultant: Development of evaluation framework for enhanced wood-fueled cookstoves. Funded by the Intellectual Ventures, Global Good, a Bill and Melinda Gates Foundation organization.

Technical Consultant: Policy recommendations for household energy programs in China. Funded by the World Health Organization and Bloomberg Philanthropies.

Principal Investigator: Development and piloting of indoor air quality model in Cameroon and India. Funded by the World Health Organization and in collaboration with the University of California, Berkeley.

Principal Investigator: Pilot evaluation of the diffusion and use of clean cooking technologies in Lagos, Nigeria. Funded by the African Development Bank

Principal Investigator: Kitchen performance testing and stove use monitoring in the Kigeme Refugee Camp. Funded by the IKEA Foundation, and in collaboration with the Inyenyeri and the United National High Commissioner on Refugees.

Technical Consultant: Applying a single zone indoor air quality model in rural Mexico. Funded by the Global Alliance for Clean Cookstoves and in collaboration with the National Autonomous University of Mexico, Morelia.

Principle Investigator: Development of protocols for collection of indoor air quality model parameters. Funded by the World Health Organization.

Technical Consultant: Measurement of indoor air quality and personal exposure for the Airborne study Zhejiang China. Funded by the University of Oslo and in collaboration with the Center for International Climate Research, and Tsinghua University.

Technical Consultant: Measurement of indoor air quality and personal exposure for a randomized control trial in Rwanda. Funded by Portland State University and in collaboration with the London School for Hygiene and Tropical Medicine.

Project Manager: Development of technical specifications for a cookstoves used in refugee camps. Funded by the United Nations High Commissioner for Refugees.

Principal Investigator: Assessment of emissions performance for a forced-draft stove in Cambodia. Funded by the Global Alliance for Clean Cookstoves and in collaboration with SNV Netherlands.

Principal Investigator: Quantification of black carbon emission factors from cookstoves using archived filter samples. Funded by the Global Alliance for Clean Cookstoves.

Co-Investigator: Quantifying the climate, air quality, and health benefits of improved cookstoves: An integrated laboratory, field, and modeling study. In collaboration with Colorado State university and funded by the USEPA STAR program.

Co-Investigator: Scientific study of performances of improved biomass cookstoves under actual use conditions. In collaboration with the India Institute of Technology Delhi and funded by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

Project manager for field testing: Multidisciplinary design of an innovative natural draft, forced diffusion cookstove for woody and herbaceous biomass fuels in East Africa. In collaboration with the University of Washington and funded by the US Department of Energy.

Principal Investigator: Platform for Integrated Cookstove Assessment. Funded by the US Department of Energy and in collaboration with the University of California Berkeley, and EME Systems.

Technical Team Coordinator: Quality assurance and technical support development for the Africa Clean Cooking Energy Solutions program. Funded by The World Bank.

Project Manager: Field assessment of a top-lit-updraft stove in Uganda. Funded by the United States Agency for International Development and collaboration with PATH International.

Principal Investigator: Cookstove Emissions Performance Survey. Funded by the United Nations Foundation through the Global Alliance for Clean Cookstoves.

Project Manager: Cook Stove Field Testing, Training, and Technical Assistance. Funded by the USEPA through the Partnership for Clean Indoor Air.

Project Manager: Kitchen Performance Test training for stove programs in Peru, Nepal, and India. Funded by the USEPA through the Partnership for Clean Indoor Air.

Project Manager: In-home emissions of greenhouse gas pollutants from traditional and rocket biomass stoves in Uganda. Funded by the United States Agency for International Development.

Project manager for monitoring impacts of cookstove programs for the Biomass Energy Initiative for Africa: Funded by The World Bank.

Project Manager: Modeling indoor air pollution from cookstove emissions in developing countries using a Monte Carlo single-box model. Funded by the Shell Foundation.

University of California, Irvine, Research Associate: 2009-2010

Supervised laboratory work to characterize prototype particle monitor response to aerosols for real-time feedback to tobacco smokers.

Supervised field work to collect greenhouse gas and aerosol emissions from small-scale industries in rural Mexico.

Berkeley Air Monitoring Group: Consultant 2008

Measured gaseous and aerosol emissions from charcoal and kerosene stoves in homes in Nairobi, Kenya.

Health, Environment & Economic Development Project, University of California, Berkeley: Consultant. 2006

Performed sensitivity and calibration tests with different aerosol sources to derive mass coefficients for particle monitors used in an indoor air pollution study in India.

Data processing workshop leader, 2005.

Supervised the correction and filtering of particle monitor data for indoor air pollution projects in rural Mexico and India.

TEACHING EXPERIENCE

Teaching Assistant, University of California, Irvine, 2003-2006

Courses: Air Pollution, Climate, and Health (2 quarters); Research and Design (1 quarter); Environmental Analysis and Design (1 quarter).

General responsibilities included planning and leading discussion sections, writing exam questions, and grading.

Physics Teacher, Santa Barbara High School, 2001-2002

Developed and taught classes on mechanics, electricity, waves, and astronomy.

Physics Teacher, Grants Pass High School, 2000-2001

Developed and taught classes on force, work, rate, and resistance.

Assistant Physics Instructor, The Colorado College, 1999

Assisted professors in instruction and setup for classes and labs during a calculus-based introductory physics course covering electricity, magnetism, waves and optics.

PEER-REVIEWED PUBLICATIONS

Clasen, T.F., Chang, H.H., Thompson, L.M., Kirby, M.A., Balakrishnan, K., Díaz-Artiga, A., McCracken, J.P., Rosa, G., Steenland, K., Younger, A., Aravindalochanan, V., Barr, D.B., Castañaza, A., Chen, Y., Chiang, M., Clark, M.L., Garg, S., Hartinger, S., Jabbarzadeh, S., Johnson, M.A., Kim, D.-Y., Lovvorn, A.E., McCollum, E.D., Monroy, L., Moulton, L.H., Mukeshimana, A., Mukhopadhyay, K., Naeher, L.P., Ndagijimana, F., Papageorgiou, A., Piedrahita, R., Pillarisetti, A., Puttaswamy, N., Quinn, A., Ramakrishnan, U., Sambandam, S., Sinharoy, S.S., Thangavel, G., Underhill, L.J., Waller, L.A., Wang, J., Williams, K.N., Rosenthal, J.P., Checkley, W., Peel, J.L., 2022. Liquefied Petroleum Gas or Biomass for Cooking and Effects on Birth Weight. *N Engl J Med* NEJMoa2206734. <https://doi.org/10.1056/NEJMoa2206734>

Johnson, M., Pillarisetti, A., Piedrahita, R., Balakrishnan, K., Peel, J.L., Steenland, K., Underhill, L.J., Rosa, G., Kirby, M.A., Díaz-A.A., McCracken, J., Clark, M.L., Waller, L., Chang, H.H., Wang, J., Dusabimana, E., Ndagijimana, F., Sambandam, S., Mukhopadhyay, K., Kearns, K.A., Campbell, D., Kremer, J., Rosenthal, J.P., Checkley, W., Clasen, T., Naeher, L., null, null, 2022. Exposure Contrasts of Pregnant Women during the Household Air Pollution Intervention Network Randomized Controlled Trial. *Environmental Health Perspectives* 130, 097005. <https://doi.org/10.1289/EHP10295> (accompanied by invited commentary: Kaufman, J.D., 2022. Invited Perspective: A Critical Part of a Real-World Environmental Health Trial Is to Demonstrate That the Intervention Reduced Exposure. *Environmental Health Perspectives* 130, 091304. <https://doi.org/10.1289/EHP11697>)

Clasen, T.F., Chang, H.H., Thompson, L.M., Kirby, M.A., Balakrishnan, K., Díaz-Artiga, A., McCracken, J.P., Rosa, G., Steenland, K., Younger, A., Aravindalochanan, V., Barr, D.B., Castañaza, A., Chen, Y., Chiang, M., Clark, M.L., Garg, S., Hartinger, S., Jabbarzadeh, S., Johnson, M.A., Kim, D.-Y., Lovvorn, A.E., McCollum, E.D., Monroy, L., Moulton, L.H., Mukeshimana, A., Mukhopadhyay, K., Naeher, L.P., Ndagijimana, F., Papageorgiou, A., Piedrahita, R., Pillarisetti, A., Puttaswamy, N., Quinn, A., Ramakrishnan, U., Sambandam, S., Sinharoy, S.S., Thangavel, G., Underhill, L.J., Waller, L.A., Wang, J., Williams, K.N., Rosenthal, J.P., Checkley, W., Peel, J.L., 2022.

- Liquefied Petroleum Gas or Biomass for Cooking and Effects on Birth Weight. *New England Journal of Medicine*. <https://doi.org/10.1056/NEJMoa2206734>
- Iribagiza, C., Sharpe, T., Coyle, J., Nkubito, P., Piedrahita, R., Johnson, M., Thomas, E.A., 2021. Evaluating the Effects of Access to Air Quality Data on Household Air Pollution and Exposure—An Interrupted Time Series Experimental Study in Rwanda. *Sustainability* 13, 11523. <https://doi.org/10.3390/su132011523>.
- Ye, W., Steenland, K., Quinn, A., Liao, J., Balakrishnan, K., Rosa, G., Ndagijimana, F., Ntivuguruzwa, J. de D., Thompson, L.M., McCracken, J.P., Díaz-Artiga, A., Rosenthal, J.P., Papageorgiou, A., Davila-Roman, V.G., Pillarisetti, A., Johnson, M., Wang, J., Nicolaou, L., Checkley, W., Peel, J.L., Clasen, T.F., null, null, 2022. Effects of a Liquefied Petroleum Gas Stove Intervention on Gestational Blood Pressure: Intention-to-Treat and Exposure-Response Findings From the HAPIN Trial. *Hypertension* 79, 1887–1898. <https://doi.org/10.1161/HYPERTENSIONAHA.122.19362>
- Liao, J., Kirby, M., Pillarisetti, A., Piedrahita, R., Balakrishnan, K., Sambandam, S., Mukhopadhyay, K., Ye, W., Rosa, G., Majorin, F., Dusabimana, E., Ndagijimana, F., McCracken, J.P., Mollinedo, E., de Leon, O., Díaz-Artiga, A., Thompson, L.M., Kearns, K., Naeher, L., Rosenthal, J., Clark, M.L., Steenland, K., Waller, L.A., Checkley, W., Peel, J.L., Clasen, T., Johnson, M., 2021. LPG stove and fuel intervention among pregnant women reduce fine particle air pollution exposures in three countries: Pilot results from the HAPIN trial. *Environmental Pollution* 118198. <https://doi.org/10.1016/j.envpol.2021.118198>
- Johnson, M., Piedrahita, R., Pillarisetti, A., Shupler, M., Menya, D., Rossanese, M., Delapeña, S., Penumetcha, N., Chartier, R., Puzzolo, E., & Pope, D. (2021). Modeling approaches and performance for estimating personal exposure to household air pollution: A case study in Kenya. *Indoor Air*, ina.12790. <https://doi.org/10.1111/ina.12790>
- Pope, D., Johnson, M., Fleeman, N., Jagoe, K., Duarte, R., Maden, M., Ludolph, R., Bruce, N., Shupler, M., Adair-Rohani, H., & Lewis, J. (2021). Are cleaner cooking solutions clean enough? A systematic review and meta-analysis of particulate and carbon monoxide concentrations and exposures. *Environmental Research Letters*, 16(8), 083002. <https://doi.org/10.1088/1748-9326/ac13ec>
- Sambandam, S., Mukhopadhyay, K., Sendhil, S., Ye, W., Pillarisetti, A., Thangavel, G., Natesan, D., Ramasamy, R., Natarajan, A., Aravindalochanan, V., Vinayagamoorathi, A., Sivavadivel, S., Uma Maheswari, R., Balakrishnan, L., Gayatri, S., Nargunanathan, S., Madhavan, S., Puttaswamy, N., Garg, S.S., Quinn, A., Rosenthal, J., Johnson, M., Liao, J., Steenland, K., Piedrahita, R., Peel, J., Checkley, W., Clasen, T., Balakrishnan, K., 2020. Exposure contrasts associated with a liquefied petroleum gas (LPG) intervention at potential field sites for the multi-country household air pollution intervention network (HAPIN) trial in India: results from pilot phase activities in rural Tamil Nadu. *BMC Public Health* 20, 1799. <https://doi.org/10.1186/s12889-020-09865-1>
- Johnson, M., Steenland, K., Piedrahita, R., Clark, M. L., Pillarisetti, A., Balakrishnan, K., Peel, J. L., Naeher, L. P., Liao, J., Wilson, D., Sarnat, J., Underhill, L. J., Burrowes, V., McCracken, J. P., Rosa, G., Rosenthal, J., Sambandam, S., de Leon, O., Kirby, M. A., ... HAPIN Investigators. (2020). Air Pollutant Exposure and Stove Use Assessment

- Methods for the Household Air Pollution Intervention Network (HAPIN) Trial. *Environmental Health Perspectives*, 128(4), 047009. <https://doi.org/10.1289/EHP6422>
- Clasen, T., Checkley, W., Peel, J. L., Balakrishnan, K., McCracken, J. P., Rosa, G., Thompson, L. M., Barr, D. B., Clark, M. L., Johnson, M. A., Waller, L. A., Jaacks, L. M., Steenland, K., Miranda, J. J., Chang, H. H., Kim, D.-Y., McCollum, E. D., Davila-Roman, V. G., Papageorgiou, A., ... HAPIN Investigators. (2020). Design and Rationale of the HAPIN Study: A Multicountry Randomized Controlled Trial to Assess the Effect of Liquefied Petroleum Gas Stove and Continuous Fuel Distribution. *Environmental Health Perspectives*, 128(4), 047008. <https://doi.org/10.1289/EHP6407>
- Piedrahita, R., Johnson, M., Bilsback, K. R., L'Orange, C., Kodros, J. K., Eilenberg, S. R., Naluwagga, A., Shan, M., Sambandam, S., Clark, M., Pierce, J. R., Balakrishnan, K., Robinson, A. L., & Volckens, J. (2020). Comparing regional stove-usage patterns and using those patterns to model indoor air quality impacts. *Indoor Air*, n/a(n/a). <https://doi.org/10.1111/ina.12645>
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- Evans, W.D., Young, B.N., Johnson, M.A., Jagoe, K.A., Charron, D., Rossanese, M., Morgan, K.L., Gichinga, P., Ipe, J., 2020. The Shamba Chef Educational Entertainment Program to Promote Modern Cookstoves in Kenya: Outcomes and Dose-Response Analysis. *International Journal of Environmental Research and Public Health* 17, 162. <https://doi.org/10.3390/ijerph17010162>
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Johnson, M., Garland, C., Pennise, D., & Reynolds, E. (2015). Field Performance of a Modified Philips Stove in Gisenyi, Rwanda. Berkeley Air Monitoring Group.

Johnson, M., Delepena, S., Pennise, D., Derby, E., Shrestha, R., Bajracharya, K., ... Maharjan, S. (2015). Assessment of Nepal Consumer Needs, Preferences and Willingness to Pay for Improved Cookstoves: Controlled Cooking Test Results. Kathmandu: Winrock International.

Johnson, M., Smith, K.R., Edwards, R.D., Morawska, L., Nicas, M., (2014). WHO Guidelines for Indoor Air Quality: Model for linking household energy use with indoor air quality.

Balakrishnan, K., Mehta, S., Ghosh, S., Johnson, M., Brauer, M., Naeher, L., Smith, K.R., (2014). WHO Guidelines for Indoor Air Quality: Household Fuel Combustion - Population levels of household air pollution and exposures.

Edwards, R., Karnani, S., Fisher, E.M., Johnson, M., Naeher, L., Smith, K.R., (2014). WHO Guidelines for Indoor Air Quality: Household Fuel Combustion - Emissions of Health-Damaging Pollutants from Household Stoves.

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Johnson, M., Garland, C., Jagoe, K., Pennise, D., Charron, D., Scott, P., ... Khoi, D. D. (2014). Cookstove Emissions Performance Survey: Technical Report. Washington D.C.: Global Alliance for Clean Cookstoves.

Johnson, M., Garland, C., Jagoe, K., Edwards, R., & Pennise, D. (2013). Emissions Performance of Stoves in Benin and India. Berkeley, CA: Winrock International and the United States Environmental Protection Agency.

Berkeley Air, (2012). Stove Performance Inventory Report. Global Alliance for Clean Cookstoves, United Nations Foundation, Washington DC.

Johnson M., Lam N., Pennise D., Charron D., Bond T., Modi V., & Ndemere, J. (2011). In-home emissions of greenhouse gas pollutants from traditional and rocket biomass stoves in Uganda. Washington D.C.: United States Agency for International Development.

Johnson, M., R. Edwards, A. Ghilardi, V. Berrueta, O. Masera. (2007). Why current assessment methods may underestimate carbon savings of improved stoves. *Boiling Point*, 54: 11-15.

Armendáriz Arnez C., Masera, O., Edwards, R., Johnson, M., Serrano, P., Zuk, M., Rojas Bracho, L., Angeles F., Wohnschimmel, H., Cruz, J., Lam N., Martinez, A., & Riojas-Rodríguez, H. (2006). Reducing indoor air pollution through improved cook stove dissemination: The case of Patsari stoves in rural Mexico. *Partnership for Clean Indoor Air (PCIA) Bulletin Issue 7*.

INVITED PRESENTATIONS

Johnson, M. (2023) Plenary discussion: Climate-related overview of major initiatives and research in the clean cooking sector. Presented at the ETHOS Conference, Kirkland, Washington.

Johnson, M. (2022). Plenary discussion: Better data, lower costs: can advances in field monitoring deliver? Presented at the Clean Cooking Forum, Accra, Ghana.

Johnson, M. (2022). A brief history of household air pollution monitoring gizmos. ASHES Webinar.

Johnson, M. (2021). Carrying Out Exposure Assessment Studies: Methodical considerations and case study. India Clean Air Summit, Clean Air for Healthy Living.

Johnson M, (2021). Household Air Pollution Intervention Network (HAPIN) Trial: Exposure contrasts and adherence to the LPG stove and fuel intervention during pregnancy. ASHES Webinar.

Johnson, M. (2019), moderator and speaker. Paying for Outcomes: What's New and What's Coming? Presented at the Clean Cooking Forum, Nairobi, Kenya.

Johnson, M., (2019). ISO standards overview for clean cooking. Presented at the United Nations Framework Convention on Climate Change: Practitioner workshop on methodological issues related to clean cookstoves, safe drinking water, and sampling, Bonn, Germany.

Johnson, Michael. (2019). Field studies of stove emissions and personal exposures. Presented at the Climate Action and Clean Cooking Co-benefits Workshop, hosted by the Clean Cooking Alliance, Washington DC.

Johnson, M. (2019). Development of ISO Voluntary Performance Targets and supporting tools. Presented at the Policy workshop on building country capacity towards clean cooking solutions: The importance of setting standards, Kampala, Uganda.

Johnson, M. (2019). Evaluation of Clean Cooking Behavior Change Communication Interventions. Presented at the Clean Cooking and Behavior Change in Africa: Lessons Learned to Date Workshop, Nairobi, Kenya.

Johnson, M. (2019). Model development of intensive exposure sampling sub-sample of the Household Air Pollution Intervention Network (HAPIN) Trial population. Presented at the Clean Cooking Implementation Science Network Meeting: Looking Forward, Bethesda, MD.

- Johnson, M. (2018). Development of ISO Voluntary Performance Targets and supporting tools. Presented at the Policy workshop on building country capacity towards clean cooking solutions: The importance of setting standards, Kathmandu.
- Johnson, M. (2018). ISO Voluntary Performance Targets. Presented at the Building a Foundation for National Cookstoves Standards Implementation: Final Recommendations and New ISO Standards, Dhaka, Bangladesh.
- Johnson, M. (2018). Making progress towards cleaner indoor and outdoor air quality: An international perspective. Presented at the World Health Organization: Household air pollution and health policy roundtable, Beijing.
- Johnson, M. (2017). Models for estimating air quality and emissions performance. Presented at the Clean Cooking Forum, New Delhi.
- Johnson, M. (2017). Improving household and ambient air quality. Presented at the United Nations International Development Organization, BRIDGE for Cities, Vienna.
- Johnson, M. (2017). Clean cooking and climate. Presented at the Global Alliance for Clean Cookstoves and United Nations Industrial Development Organization: South-South Clean Cooking Workshop, Vienna.
- Johnson, M. (2017). Cookstoves! An overview of household energy, health, and the environment. Presented at the Energy and Natural Resources Seminar, University of Wyoming.
- Johnson, M. (2017). An overview of household energy, health, and the environment. Presented at the Colorado College Physics Department Homecoming, Colorado Springs.
- Johnson, M. (2017). Household Air Pollution Intervention Network Trial. Presented at the USEPA/Winrock Health Studies Webinar, Washington DC.
- Johnson, M. (2017). Household Air Pollution Intervention Network Trial Overview. Presented at the ETHOS Conference, Kirkland, WA.
- Johnson, M., & Garland, C. (2016). In-field black carbon emissions from cookstoves in Asia and Africa. Presented at the Global Methane Initiative Conference, Washington DC.
- Johnson, M. (2016). Part I: In-field black carbon emissions from cookstoves in Asia and Africa; Part II: Platform for Integrated Cookstove Assessment. Presented at the Oregon Stove Summit, Cottage Grove, OR.
- Johnson, M. (2016). Platform for Integrated Cookstove Assessment. Presented at the USEPA/Winrock Webinar: Everything you wanted to know about cookstove field monitoring technologies: Latest advances and FAQs, Washington D.C.
- Johnson, M. (2016). Linking household energy use with indoor air quality. Presented at the USEPA/Winrock Webinar: Using Stove Emissions Data to Estimate Air Quality: An overview of World Health Organization current modeling approaches and future plans, Washington D.C.
- Johnson, M. (2015). Tools, approaches, and practical considerations for monitoring health and environmental indicators in the household energy sector. Presented at the Global

- Alliance for Clean Cookstoves: Climate and health co-benefits of clean cooking, Washington D.C.
- Johnson, M. (2015). Household energy field testing overview. Presented at the USEPA and Beijing University of Chemical Technology Field Testing Workshop, Beijing.
- Johnson, M. (2015). Guidance for linking stove usage with impacts. Presented at the Clean Cooking and Adoption Workshop, Lima.
- Johnson, M. (2015). Supporting program implementation and evaluation with stove usage data. Presented at the Clean Cooking and Adoption Workshop, Lima.
- Johnson, M. (2014). Field Testing Guide. Presented at the Kenya Clean Cookstoves and Fuel Conference, Nairobi.
- Johnson, M. (2014). Measuring stove use and durability. Presented at the Kenya Clean Cookstoves and Fuel Conference, Nairobi.
- Johnson, M., & Garland, C. (2014). Emissions performance of cookstoves in Asia and Africa. Presented at the Global Alliance for Clean Cooking webinar on field testing, Washington D.C.
- Johnson, M., & Thompson, R. (2013). Field Monitoring of Cookstoves. Presented at the USEPA Stove Testing: Training Workshop, Research Triangle Park
- Johnson, M. (2013). Household Energy Field Testing Guide. Presented at the Regional Testing and Knowledge Center Workshop, Zamorano University.
- Johnson M. 2013. Cookstove Emissions Performance Survey. Clean Cooking Forum 2013: Igniting Change, Fueling Markets & Sparking Adoption. Phnom Penh.
- Johnson, M. (2012). Stove Performance Inventory Overview. Presented at the Global Alliance for Clean Cookstoves webinar on stove performance results, Washington D.C.
- Johnson, M. (2012). Summary of International Workshop Agreement on Cookstove Standards. Presented at the Renewable and Appropriate Energy Laboratory Seminar Series, University of California, Berkeley.
- Johnson, M. (2012). IWA Indoor Emissions Tiers. Presented at the ISO International Workshop Agreement: Guidelines for evaluating cookstove performance, The Hague.
- Johnson, M. (2012). Linking Household Energy Use with Indoor Air Quality. Presented at the WHO GRADE+ Meeting, Geneva.
- Johnson, M., & Derby, E. (2011). Stove Testing Overview. Presented at the Partnership for Clean Indoor Air Forum, Lima.
- Johnson, M. (2011). Kitchen Performance Test Training and Implementation in Three Countries. Presented at the Partnership for Clean Indoor Air Forum, Lima.
- Johnson M. (2011). Impacts of Household Fuel Consumption for Biomass Stove Programs in India, Nepal and Peru. Webinar for the Partnership For Clean Indoor Air (USEPA).
- Johnson, M., & Pennise, D. (2011). Sensors; field performance; testing and monitoring and implications for product design. Presented at the US Department of Energy: Clean Cookstoves R&D Technical Meeting, Arlington, VA.

- Johnson, M. (2010). Improved Stoves: Challenges of Meeting Expectations. Presented at the Washing University Seminar Series for the Brown School, Saint Louis, MO.
- Johnson, M. (2010). Co-benefits of improved stoves. Presented at the University of California, Berkeley, School of Public Health Seminar Series, Berkeley.
- Johnson, M. (2010). Benefits of field-based stove emissions monitoring. Presented at the Gold Standard Academy Conference, Istanbul.

SELECTED CONFERENCE AND OTHER PRESENTATIONS

- Johnson, M. and on behalf of the HAPIN investigators (2022). Household Air Pollution Intervention Network (HAPIN) trial: Adherence (stove use) and exposure results through pregnancy. International Society of Exposure Science, Lisbon.
- Johnson, M. and Wickramanayake, A, (2022). Characterizing drivers of increased exposure to air pollutants for mothers and newborns in Nairobi's informal settlements International Conference on Urban Health, Valencia.
- Johnson, M. Abuya, T.,..... Rajasekharan, S. (2022). Air pollution exposure in two Nairobi informal settlements. Air Sensor International Conference, Pasadena.
- Johnson, M. (2020). Emissions-to-Exposure (E2E) Modeling approaches for estimating personal exposure to household air pollution: a case study in Kenya. International Society of Exposure Analysis.
- Johnson, M., Piedrahita, R., Garland, C., Pillarisetti, A., Sambandam, S., Gurusamy, T., ... Clasen, T. (2019). Update on the HAPIN Trial: Exposures to PM_{2.5} associated with pilot LPG stove and fuel interventions. Presented at the ETHOS, Kirkland, WA.
- Johnson, M., Piedrahita, R., Garland, C., Pillarisetti, A., Sambandam, S., Gurusamy, T., ... Clasen, T. (2018). Exposures to PM_{2.5} associated with LPG stove and fuel interventions: Pilot results from the HAPIN Trial. Presented at the International Society of Environmental Epidemiology and International Society of Exposure Science joint conference, Ottawa.
- Johnson, M., Piedrahita, R., Bilsback, K., L'Orange, C., Kodros, J., Eilengerg, R., ... Volckens, J. (2018). Modeling kitchen air pollution concentrations from emissions and stove usage data in Tamil Nadu, India. Presented at the Clean Air Asia: Better Air Quality, Kuching.
- Johnson, M., Piedrahita, R., Garland, C., Pillarisetti, A., Sambandam, S., Gurusamy, T., ... Clasen, T. (2018). Exposures to PM_{2.5} associated with LPG stove and fuel interventions: Pilot results from the HAPIN Trial. Presented at the International Society of Environmental Epidemiology and International Society of Exposure Science joint conference, Ottawa.
- Johnson, M. (2018). What does clean mean? Tools and approaches for connecting technology performance with impact. Presented at the ETHOS Conference, Kirkland, WA.
- Johnson, M. (2016). Platform for Integrated Cookstove Assessment. Presented at the ETHOS Conference, Kirkland, WA.

- Johnson, M., Garland, C., Prasad, R., Tiwari, R., Ranjan, A., & Liedtke, C. (2015). Field testing cookstove performance in Uttar Pradesh and West Bengal, India. Presented at the ETHOS Conference, Kirkland, WA.
- Johnson, M. (2015). Platform for Integrated Cookstove Assessment. Presented at the ETHOS Conference, Kirkland, WA.
- Johnson, M.A., Smith, K.R., Edwards, R., Morawska, L., Nicas, M., Chiang, R., 2014. Linking household energy use with indoor air quality. International Society of Environmental Epidemiology, Seattle.
- Johnson, M., & Chiang, R. (2014). Tossing the Three Stones. Presented at the ETHOS Conference, Kirkland, WA.
- Johnson, M., Smith, K.R., Edwards, R., Morawska, L., Nicas, M. 2013. Linking Stove Performance and Policy: The Emissions Model presented at the ISEE, ISES, ISIAQ Conference. Symposium on New WHO Indoor Air Quality Guidelines for Household Fuel Combustion: Methods, New Evidence, and Plans for Implementation., Basel, Switzerland.
- Johnson M., 2013. Pillarisetti A, Allen T, Charron D, Pennise D, Smith K.R. A robust, low-cost particle monitor and data platform for evaluation of cookstove performance. US EPA Workshop: Air Sensors 2013: Data Quality & Application. Durham, N.C.
- Johnson, M., Bond, T., Weyant, C., Chen, Y., Ellis, J., Modi, V., ... Pennise, D. (2011). In-Home Assessment of Greenhouse Gas and Aerosol Emissions from Biomass Cookstoves in Developing Countries. In Greenhouse Gas Strategies in a Changing Climate Air and Waste Management Association. San Francisco, USA.
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- Johnson M., R. Edwards, C. A. Armendáriz, C., Masera. O. 2008. Reductions in PM and relative fraction of small particles as a result of an improved stove. Indoor Air, Copenhagen.
- Johnson, M., Estimating carbon emission reductions from improved stove projects. 2008. Focus the Nation, University of California, Irvine, CA.
- Johnson, M., R. Edwards, E. Milner, C. A. Armendáriz, L. Rojas, M. Zuk, N. Lam, and O. Masera. 2007. Reduction in benzene exposure associated with the installation of a Patsari improved cookstove. International Society of Exposure Analysis Conference, Durham, NC.
- Johnson M., R. Edwards, V. Berrueta, A. Ghilardi, C. A. Frenk, O. Masera. 2007. Assessing the Patsari Project's impact on GHG emissions. Presented in "Integrated Assessment of the Improved Stove Program in Michoacán" symposium at the International Society of Environmental Epidemiology Conference, Mexico City.
- Johnson, M., R. Edwards, C. A. Arnez, L. Rojas, M. Zuk, P. Serrano, N. Lam, and O. Masera. 2005. Cook stove contributions to mothers' particulate exposure in

Michoacán, Mexico. International Society of Exposure Analysis Conference, Tucson, AZ.

Johnson, M., D. Pennise, N. Lam, S. Brant, D. Charron, C. Gray, R. Edwards, K. Smith, Modeling Indoor Air Pollution Concentrations from Stove Emissions Using a Monte Carlo Single-Box Model. 2010 International Society of Environmental Epidemiology and Exposure Science Conference, Seoul.

Johnson, M., R. Edwards, and O. Masera. 2007. Mitigating carbon emissions with improved stoves in rural Mexico. California Conference on Climate Change, Sacramento, CA.

Johnson, M., and R. Edwards. 2006. Use of dual sensor response to improve real time particulate mass estimates. International Society of Environmental Epidemiology and Exposure Analysis Conference, Paris.

COMMITTEES AND PROFESSIONAL MEMBERSHIPS

Technical Committee Member for ISO 285: Clean Cookstoves and Clean Cooking Solutions working groups 2 (Harmonized Laboratory Protocols – Team Leader of Part III: Voluntary Performance Targets) and 3 (Field Testing Methods), (2014-present).

Board member for Engineers in Technical and Humanitarian Opportunities of Service (2015-2018)

Expert Panel for Gold Standard Foundation development of Black Carbon Methodology (2014-2015).

World Health Organization Indoor Air Quality Guidelines Development Group (2012-2014).

Core committee member to develop cookstove standards for ISO International Workshop Agreement (2011-2012).

Member of committee to develop "Water Boiling Test 4.1.2" for stove performance testing (2010-2011)

Member of Standards and Testing Working Group for the Global Alliance for Clean Cookstoves (2010-2011)

HONORS AND FELLOWSHIPS

"Best Paper Award," as one of the top papers published in Indoor Air during the years 2008-2010 (Armendariz et al. 2008, see above).

Elected as departmental graduate student representative, University of California, Irvine, 2006-2009.

Outstanding Graduate Student Mentor, University of California Irvine, 2005 and 2006.

Elected as the Senior Commencement Speaker, The Colorado College, 1999.

NCAA Preseason Academic All-American as quarterback for football team, The Colorado College, 1998.

Frances-Benton Fellowship, University of California, Irvine 2007.

Social Ecology Dissertation Fellowship, University of California, Irvine, 2007.

Environmental Health, Science, and Policy departmental fellowship, University of California, Irvine, 2006-2007.

Social Ecology Fellowship, University of California, Irvine, 2003-2004.

Oregon Laurels Scholarship, Oregon State University, 2000-2001

High-Demand in Teaching Scholarship, Oregon State University, 2000-2001

Crown-Goodman Presidential Scholarship, The Colorado College, 1997-1999

LANGUAGES AND SKILLS

Native speaking and writing in English

Study design and management of remote field teams

Program and project direction and management

Proficient using internet, email, word processing, presentation, spreadsheet programs and statistical programs (SPSS and STATA).

Pollutant monitoring for personal exposure, ambient and area environments, and small-scale emission sources.

Extensive experience using a variety of air quality instrumentation for measuring particulate matter, size distributions, black and organic carbon, gases, and other pollutants.

Experienced in analysis of compounds using gas chromatography with mass spectrometry and flame ionization detection.

VOLUNTEER APPLICATION

Maria Moore

12/27/2023 9:20 PM

Application: **AQAB - Air Quality Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female 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

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> 2

Current Occupation:

Home Inspector
Specializing in Indoor Air Quality

Current Employer:

ProCheck Inspection Services (self)

Prior work experience (please include dates):

10 years of Indoor Air Quality testing
Licensed Radon Measurement Provider

Volunteer experience (please include dates):

Food Bank 2020-2022
Poudre Valley Hospital in the 80s!

Are you currently serving on a City board or Commission? If so, which one?

Yes;
AQAB

Have you applied for this board before? If yes, please explain.

yes, renewal

Why do you want to become a member of this particular board or commission?

current experience
community outreach/involvement

In your opinion, what are the biggest issues related to air quality regionally and in the City?

actually we cannot control most AQ issues
bc they come from out-of-state and county
sources,
Fire & vehicles

Maria Moore

12/27/2023 9:20 PM

What do you think the City should prioritize in air quality management?

1. Improve communication between City Council and the AQAB
2. Grow the City's indoor AQ programs
3. Focus on achieving the City's 2026 greenhouse gas emissions reduction target
4. Improve preparedness and outreach to deal with wildfire smoke
5. Address Ozone Production

Specify any activities which might create a serious conflict of interest if you are appointed:

work!

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);
NPR

VOLUNTEER APPLICATION

Heidi Shuff

1/12/2024 11:52 AM

Application: **APP - Art in Public Places Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] «

Volunteer Groups Applied For

Art in Public Places 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 Art in Public Places meets: The 3rd Wednesday of each month, 3:30 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 3-6

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> 6

Current Occupation: Architect

Current Employer: Studio S Architecture

Prior work experience (please include dates):
 Studio S Architecture- 1/2011-present
 The Neenan Company- 2/03-6/10
 Eidos Architects- 8/01-2/03
 The Neenan Company- 9/99-8/01

Volunteer experience (please include dates):
 Art in Public Places Board- 2022-present
 (board chair 2023-present)
 Zoning Board of Appeals- 2011-2018
 (board chair 2015-2018)
 Poudre School District Volunteer- 2010-present
 Team BOB (Women's mountain biking club) board member, 2017-present
 Architect Mentor- AIA Mentoring program, 2019
 Community Mentor, IB student project, 2010-11

Heidi Shuff

1/12/2024 11:52 AM

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Art in Public Places (term expires in 2024)

Have you applied for this board before? If yes, please explain.

Yes- I'm currently a board member

Why do you want to become a member of this particular board or commission?

I'm a current board member and have really enjoyed serving on this board. I love what the board stands for & supports, and it brings me great joy to be involved in the process of bringing public art to all areas of our city.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
I'm a current board member.

Specify any activities which might create a serious conflict of interest if you are appointed:

If my husband or I was the Architect on a project that had an Art in Public Places component, I would need to recuse myself from that item.

What is your favorite piece of public art in Fort Collins?

How could I chose just one?? I love the art on the electrical transformers throughout town. They bring such beauty & vitality to an ordinarily drab & mundane utilitarian object! It brings me such joy to see each of these unique pieces of art scattered all over the city! I love the diversity of the artwork on each & how they often relate to their context/ surroundings.

What function do you feel public art serves in the community?

I believe public art can be unifying-expressions of all those represented in our community for all of the community to experience and enjoy. Public art provides beauty, color, playfulness, a sense of wonder, and often a thought provoking experience for the viewer/ participant. It provides a richness and texture to our city that's a large part of what makes this place so special in my opinion.

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);
Email notice

VOLUNTEER APPLICATION

Christopher Staten

1/3/2024 11:33 AM

Application: APP - Art in Public Places Board

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Art in Public Places 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 Art in Public Places meets: The 3rd Wednesday of each month, 3:30 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6

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> 1

Current Occupation: advertising

Current Employer: self-employed

Prior work experience (please include dates): EXPERIENCE

Brand Voice Consultant
 STATEN storyhouse
 Fort Collins, Colo.
 Building brands in CPG, entertainment, Influencer, emerging tech and beyond. I utilize a proprietary DRAMA method for creating Brand Voice Guides designed to tell stories, connect with consumers and ensure consistency across platforms.

Senior Copywriter & Managing Editor
 Lemonade the Agency
 Oakland, Calif.
 Developed ground-up brands in gaming and tech, launched products for new markets in entertainment, repositioned

markets in entertainment, repositioned brands in crisis and helped land Fortune 500 clients with creative thinking and personable pitch skills.

Senior Copywriter
Colorado State University
Fort Collins, Colo.
Roles with both VP of University External Relations and Dean's Office for College of Agricultural Sciences. Spearheaded a more empathetic rebranding at the College of AgSci to better align with 21st agriculture research and inclusive recruitment goals, and developed crisis communication plans for VP of University External Relations.

Senior Copywriter
New Belgium Brewing
Fort Collins, Colo.
Developed the brand voice and verbal identity for Voodoo Ranger line of beers for launch (now most popular IPA brand in the US). Specialized in brand storytelling. Managed New Belgium social media, email marketing, blogs and packaging/paid copy for the brewery's entire family of beers.

Copywriter
Advertising Research Foundation
NYC
Led the Foundation's marketing efforts around advertising research, implementing best practices for event marketing, SEO strategies, social media content development and branding.

Copywriter
Wild Rock PR & Marketing
Fort Collins, Colo.
Developed branding and social media content for clients in outdoor adventure, municipal utilities, government and defense.

Editor
DRAFT Magazine
Phoenix, Ariz.
Editor and reporter for the (then) largest-circulated magazine covering the intersection of consumer lifestyle and craft beer. Spearheaded content for front-of-book, features well, reviews section and developed popular beer reviews YouTube series.

Reporter
Connection Newspapers
McLean, Va.
General assignment newspaper reporter for the (then) largest-circulated local news publisher in the metro Washington, D.C. region.

Christopher Staten

1/3/2024 11:33 AM

Volunteer experience (please include dates):

Art in Public Places: 2022-2024
KRFC: 2021-2024

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Art in public places

Have you applied for this board before? If yes, please explain.

yes, when I served my first term.

Why do you want to become a member of this particular board or commission?

I love art and helping facilitate the visual expression and aesthetic of Fort Collins and our community.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
served prior

Specify any activities which might create a serious conflict of interest if you are appointed:

n/a

What is your favorite piece of public art in Fort Collins?

The new art installation on the Vine overpass turned out fantastic, and I pass under it every day, so it's likely my favorite at this point. Other than that: Murder of Crows on the Poudre Trail.

What function do you feel public art serves in the community?

Community. Identity. Expression. Empathy. Pride.

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);
I'm on the board, so just reapplying for a new term.

VOLUNTEER APPLICATION

Robert Poncelow

1/14/2024 1:20 PM

Application: **BRC - Building Review Commission**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Building Review Commission

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 Building Review Commission meets: Last Thursday of each month at 9:00 a.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 10-15

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> 5

Current Occupation: Retired - Fire Marshal

Current Employer: Retired

Prior work experience (please include dates): Poudre Fire Authority 1978 (FC Fire Dept.) until 2019 (PFA). Served most positions with extensive time in Fire Prevention and Code Enforcement retiring as the Fire Marshal and Division Chief of Community Safety and Service. Several past ICC certifications that expired in 2021/22.

Volunteer experience (please include dates): Heartside Hill Affordable Housing project (2020 to 2023)
 Heart of the Rockies Expansion project (2022-present)
 Vice President and Code Committee Chair for Fire Marshals Assoc. of Colorado
 Chair UFC/ICC Wildland Interface Committee (1998)
 Drafting Committee ICC/SFPE
 Performance Code for Buildings and

Have you applied for this commission before? If yes, please explain.

Facilities (late 90's)
CO Chapter ICC Educational Institute
(Instructor and Organizing Committee
(much of the 90's)

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

Familiar with the work of the committee to support a safe built environment for our community. I have been involved with Building and Fire Code development on the local, state and national level during my 40 years in the fire service, but it is the application of those codes at the local level that is most vital. I have participated with the committee in the past, either during appeals and representing PFA or during code adoption discussions and have not only always enjoyed the participation, but always learned more about the codes and the many industries that support a safe community. I do understand that much of the boards work involves licensing issues, another area vital to energy efficient, sustainable and safe building stock.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;

Represented the PFA during both fire and related building code appeals before both the City of Fort Collins and Larimer County Building Review panels. Also participated in the IBC local adoption process for the city and county as well as the IFC adoption which I led while still employed and participated in as a volunteer after retirement.

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Briefly explain what you believe are the three most important issues facing this board or commission, and how do you believe this board or commission should address each issue? Feel free to upload a separate sheet of paper if necessary.

1. Adoption of the 2024 I codes - The city has a well-established process for code adoption and the board should support this effort with a comprehensive review of the proposed changes, providing timely and specific input. The commission should serve as the local SME's while also providing the local perspective.
2. Advancing and new technologies in the building industry - Engineered wood, 3D printing, smart buildings and many more advances will bring not only stronger, cheaper, more efficient and sustainable buildings, but will also bring many challenges that the codes and industry must solve together, the Building Review Commission must be a vital part of that process when appropriate.
3. Licensing and qualifications - The commission already spends a significant portion of the time dealing with licensure issues and this may only become worse as new systems and designs bring more specialties and certifications. The

Robert Poncelow

1/14/2024 1:20 PM

Are you willing to complete the required training if appointed?

Specialize and certification. The commission will be essential in resolving these issues, bringing a fair and unbiased review.

YES

How did you learn of a vacancy on this board or commission?

Other (please specify);
Neighbor



VOLUNTEER APPLICATION

3/5/2024 8:25 AM

Jeffrey Schneider

3/4/2024 5:51 PM

Application: **BRC - Building Review Commission**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Some College
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Building Review Commission

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. NA

I acknowledge I am available when the Building Review Commission meets: Last Thursday of each month at 9:00 a.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? As many as needed

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> 1

Current Occupation: Own Armstead Construction Inc.

Current Employer: Armstead Construction, Inc.

Prior work experience (please include dates): I have worked for Armstead since June of 1991 and then I became part owner in 1999 and now it out right as 2018.

Volunteer experience (please include dates): BRB 07' to 13', P&Z 13' to 22', Local HBA President in 07' & 13' State HBA President 21', been part of the Cities Code Review Committee 5 times in the past and will be part of it again this year, County Board of Adjustments 09' to 19', on several hiring committees for the building and planning department.

Have you applied for this commission before? If yes, please explain. yes back in 2007

Are you currently serving on a City board or Commission? If so, which one? No

Jeffrey Schneider

3/4/2024 5:51 PM

Why do you want to become a member of this particular board or commission?

I was asked if I was willing to serve again and I said yes. I always like to give back to the community I live in and this one is a good fit with my past experiences and current occupation.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
Served on the board in the past.

Specify any activities which might create a serious conflict of interest if you are appointed:

Nothing at this time

Briefly explain what you believe are the three most important issues facing this board or commission, and how do you believe this board or commission should address each issue? Feel free to upload a separate sheet of paper if necessary.

1- New codes are coming and being part of that is important.
2- Helping clean up some of our IT issues in the building department to help the process easier for everyone to use.
3- Updating the Existing Building Code to meet current requirements and regulations.

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);
Someone asked me to apply!

VOLUNTEER APPLICATION

Veronica Olivas

1/15/2024 1:41 AM

Application: **CiRB - Citizen Review Board****Applicant Information**

Birthay: [REDACTED] Gender: Female Education Level: Bachelors degree
Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Citizen Review 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 Citizen Review Board meets: The 2nd Wednesday of each month at 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? 20-40

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> 4

Current Occupation:

Retired. Contracted Citizen Observer Reporter for League of Women Voters. Craft Show vendor/owner: Hedwig's Garden. Volunteer with Larimer County EOC.

Current Employer:

Grant funded contracted staff with League of Women Voters -grant to end on January 31, 2024.

Prior work experience (please include dates):

Please refer to Resume for details of work assignments:

2008-9/2021 - CSU Housing & Dining Safety Coordinator
1984-2007 - CSU Police Officer, Corporal and Detective
1984-1986 - Larimer County Sheriff Deputy (concurrent with CSU Police)
1985-1987 - Estes Park Police Officer (seasonal & concurrent with CSU Police & 3 months EPPD full time)

Volunteer experience (please include dates):

1/2023 - present - Larimer County
Emergency Operation Center: Logistics
2001 - present - CSU Multicultural Faculty
& Staff Council (formerly known as
"Accion")
2018 - City of Ft. Collins Budget Finance
Operations: Safety Committee Community
Volunteer
2001-2010 - CSU Rape Aggression
Defense System & On Guard self defense
classes @ CSUPD & CSU Recreation
Center
2008 - CSU President's Commission on
Gender and Equity
1984 - 2007 - Larimer County Santa Cops
1985 - 2007 American Red Cross BLS,
CPR & First Aid Instructor
2007- 2008 - ChildSafe Board of Directors
(nonprofit dedicated to treatment of
childhood sexual abuse)
1998 -2003 - Larimer County Child
Advocacy Center (now known as the
Crawford Center): Program Committee
1997 - 2003 - Poudre School District
Parent Volunteer
1998 - 2004 - Boy Scouts of America
Parent Volunteer
1998 - 2003 - Fort Collins Soccer Club &
Baseball Club Assistant Coach
1982 -1983 - Larimer County Crisis &
Information Helpline (nonprofit which was
dedicated to acting as a resource for
people in crisis or in need of resource
referral)

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 former law enforcement of 23 years
with 3 local agencies and thereby have
some understanding of law enforcement
and the challenges of the profession.
Therefore, I believe that I can apply that
knowledge and experience along with my
heritage and community involvement to the
multifaceted efforts of the CRB.
I am a native of Fort Collins and as such,
have some idea of the city's demographics,
challenges and accomplishments. I try to
stay current on public issues by attending
public legislative town halls, public
meetings facilitated by the CSU Center for
Public Deliberation as directed by the city. I
was a former citizen volunteer for the city
safety budget operations as directed by
former city manager; Atteberry. I am a CSU
graduate, longtime employee of CSU and
member of the CSU Multicultural Faculty
and Staff Council. I have volunteered for
many city entities and non profits.
That said, I believe in community
involvement, education, safety and
betterment The CRR is a good fit with mv

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Specify any activities which might create a serious conflict of interest if you are appointed:

Provide an example of when you've had to make a decision contrary to a popular opinion, and what was your decision-making process.

statement. He is a good fit with my values, knowledge and interest so I look forward to this collaborative opportunity!

Yes;

I attended 2 meetings in the last 3 months as a Citizen Observer Reporter for the League of Women Voters.

None at this time

I was the detective involved in an international hunt for a serial pedophile and the "legal" system repeatedly failed the 12 year old female victim. I had found the perpetrator in Warrensburg, Mo and police in Mo. warned him about the forthcoming warrant so he fled. He was arrested at my direction when he entered the U.S. from Mexico and the DA let him go on bail to Oklahoma with his mother, despite my protests. He stole his mother's life savings and fled the country. I found him in Canada but the legal bureaucracy was so slow that he fled again. So despite being told to just enter a warrant in the computer and stop working the case, I called the television show, America's Most Wanted and he was arrested the night the show aired in Edmonton, Canada. I also asked the show if they would air a Fort Collins Police case which involved the death of a CSU coed off campus. That murderer was also found by a tv viewer and extradited from Guatemala.

I also found 2 child victims in Canada with the help of Detective Pogue in Toronto. I was able to coordinate the return of the child victim and her mother in order to testify via the assistance of Senator Ben Nighthorse Campbell and Senator Diane Feinstein since they were in the U.S. and going through a cumbersome Visa process. We got a 2 year Canadian prison sentence and upon extradition, we obtained a 24 year prison sentence in Colorado.

My decisions were guided by the fact that police are held to a higher public trust and we must perform our duty with integrity and a relentless pursuit of justice for victims, especially children and those who lack self advocacy. This perpetrator: Mark Hoosier, was a serial pedophile who himself had been victimized and he violated his own sister, biological daughter and other victims, whose many identities remain unknown to date. He was a significant threat to the community who showed no remorse and stated that therapy was a violation of his religion so he declined it in the Canadian prison.

I have a set of core values which guide my actions and despite possible detriment to self, I know the difference between right

Veronica Olivas

1/15/2024 1:41 AM

If you were Police Chief for the day, give one example of what you would change about the department.

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

sen, I know the difference between right and wrong and take action to do the "right thing" and I can look in the eyes of my son and tell him that I did the right thing and I can live with myself. Often times people define Integrity as "doing the right thing when no one is looking" but I would challenge someone to do the right thing when everyone is looking at you!

Confucius said that humanity is interwoven and the impact of what one does, affects the whole! This is repeatedly exemplified in the Law Enforcement profession which takes action to benefit the community despite possible detriment to self.

Since police nationwide are currently experiencing staff shortages for many current societal challenging reasons, we need to be creative in filling the gap. I would encourage the hiring of more non commissioned law enforcement staff who could be tasked with doing many functions that could free up the officers on patrol to better respond to the calls for service. It is also expensive to buy equipment like vests, weapons etc. as well as the required training so this idea could minimize budget impacts.

Retirees, civilians and volunteers could do things like interviews, assist in investigatory tasks, interviews, canvassing, cold case files, warrants, counter reports and community interface, ambassadorship & programs.

YES

Other (please specify);
I saw it in the newspaper and one of the CRB members advised me of the opportunity as well.

Veronica Olivas

Objective

To use my proven leadership, innovation and initiative in public service and promote community wellness & welfare applicable to diverse constituents. Servant Leadership exemplifies my personal and professional experience and embraces my core values and leadership model. These values have been converted into action by me and incorporate; honesty, integrity, justice, equity & fairness. I believe that among other things, leaders inspire a shared vision, model the way, challenge the process, enable others to act and encourage the heart. I am also a lifelong learner and as such, I have pursued both professional and personal development and speak 3 languages; Spanish, French and Italian. I have grit, passion and tenacity in pursuit of objectives.

Education

Colorado State University Bachelor in Spanish (1997)

State of Colorado Law Enforcement Academy: Colorado Peace Officer Standard Training Certification (1987)

CSU Transcripts available upon request reflecting a 4.0 g.p.a. of multiple classes post graduation through 2018. Took class hiatus due to covid.

Multiple classes & certificates reflecting training in law enforcement, safety & emergency management

Professional Work History

4/2023-Current Colorado Citizen Observer Pilot Project (contracted reporter for League of Women Voters)

2008 - 9/2021 CSU Housing & Dining Safety Coordinator

- NFPA, OSHA, Federal Clery Compliance & Poudre Fire Authority fire compliance reference fire drills, fire alarm equipment & inspection, staff/student education, data documentation and ADA accommodations. Analytics were created to identify hazards & trends in order to propose solutions.

- Life Safety Code inspection & data documentation for residence halls & apartments to facilitate compliance utilizing education, enforcement & resource referrals.

- Environmental Health Liaison for OSHA Blood borne Pathogen Instruction (to include bilingual instruction) & response, coordinated workplace vaccinations for staff, hazardous waste response & disposal, communicable disease and environmental hazard response.

Veronica Olivas

-Public education classes, Safety Fairs and pamphlets; Active Shooter, Fire Safety, Self-Defense classes (R.A.D. & On Guard), Emergency management guidelines & tabletop exercises.

-Safety Colloquium co-chair developing agenda to include safety concerns, liability risks & coordinated education & compliance initiatives.

-Covid protocols for CSU Housing; Quarantine, transportation, accommodation, visitation & disinfection protocol recommendations. Creation of a "Virtual Fire Alarm Drill" to mitigate Covid exposure that was approved by CSU Office of Policy & Compliance.

-Supervision of staff, budget management, administrative compliance, annual reports, hiring, training, mentoring & education initiatives. Networking across campus & community to coordinate & accomplish objectives.

2001-2007 Colorado State University Police Department: Corporal assigned to Patrol

-Acting supervisor in absence of sergeant. Direct supervision of staff & student intern program. Scheduling, duty assignments, prioritization of calls & approve reports. Employee performance evaluations & planning. Recommend policy, procedure, discipline & accolades. Liaison for diversity initiatives. Liaison for biosafety labs at Foothills campus.

1998-2001 Corporal Support & Event Unit

-Manage Campus Service Officers, recruit, hire, evaluate, discipline & dismissal. Assist with fiscal budget. Contract negotiations & scheduling for event management.

1993-1997 Corporal Investigations

-Responsible for complex case management & investigation of serious crimes. Technical expertise for crime scene management, evidence identification, analysis & collection. Network with local, state & federal agencies for multi-jurisdictional & coordinated prosecution. Supervise interns.

1989-1993 Corporal Patrol

1987-1989 Police Officer Patrol

1984-1986 Student Police Officer

1984-1986 Larimer County Detention Deputy (temporarily on loan from CSU)

Veronica Olivas

[REDACTED]
[REDACTED]
[REDACTED]
-Responsible for management of inmates, booking and transports

1985-1987 Estes Park Police Officer (seasonal & 3 months as full-time)

Volunteer Experience:

- Extensive community volunteer experience with positive outcomes and great networking for the following entities:
- Larimer County Emergency Operation Center Volunteer (1/2023 –present)
- City of Ft. Collins: Budget Finance Operations: Safety Committee Community Volunteer (2018 but committee is currently on hiatus due to covid)
- CSU Rape Aggression Defense System & On Guard class for CSU Recreation Center
- CSU President's Commission on Gender and Equity (2008)
- Santa Cops of Larimer County
- American Red Cross BLS, CPR & First Aid Instructor
- ChildSafe Board of Directors (nonprofit dedicated to treatment of childhood sexual abuse victims)
- Larimer County Child Advocacy Center Program Committee (nonprofit dedicated to prevent child abuse & to reduce trauma to children during abuse investigations)
- Poudre School District Parent Volunteer
- Boy Scouts of America Parent Volunteer
- Fort Collins Soccer Club & Baseball Club Assistant Coach
- Larimer County Crisis and Information Helpline (nonprofit which was dedicated to acting as a resource for people in crisis or in need of resource referral)

Accolades

- CSU Women's Caucus: Margaret Hazaleus Award (3/2004)
- CSU Outstanding Achievement Award (11/2000)
- CSU Police Department Commendations for physical fitness & multiple "recognition" awards

Veronica Olivas

[REDACTED]

-America's Most Wanted (TV. show); "Top Cop" of the month (3/99)

VOLUNTEER APPLICATION

leslie walker

12/4/2023 3:54 PM

Application: **CuRB - Cultural Resources Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Cultural Resources 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 Cultural Resources Board meets: 4th Thursday of each month at 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? up to 15 hours/month

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> 6

Current Occupation: retired

Current Employer: retired

Prior work experience (please include dates): 1974-1978-corporate communications at Xcel Energy and Associated Grocers; 1979-1981-internships at Western States Arts Foundation and Arvada Center for the Arts; 1982-1989-regional and national marketing director at Telecommunications, Inc. and Jones Intercable; 1990-1997-development/volunteer director at Foothills Arts Center, Goodwill Industries and University of Colorado (at College of Music and College of Architecture and Planning); 1998-2016-broker/owner/founder of Salida Realty Company

Volunteer experience (please include dates): 1975-78-member of Denver Women's Press Club; 1979-1981-editor of Dance Colorado; board member of Colorado Youth Orchestra; 1982-1989-member of

leslie walker

12/4/2023 3:54 PM

	Women in Cable; 1990-1997-board member of Colorado Historic Society; founder/board member of University of Denver Graduate Alumni program; 1998-2016-founder/board member of Historic Salida, Inc.; appointed to Salida Historic Preservation Commission; board member of Aspen Salida Concerts; 2017-present-member of Junior League; chair/board member of Cultural Resources Commission; volunteer at Street Dog Coalition
Have you applied for this board before? If yes, please explain.	yes, I have been on the board for a term of 2 years
Are you currently serving on a City board or Commission? If so, which one?	Yes; Cultural Resources Board; liaison to Art in Public Places
Specify any activities which might create a serious conflict of interest if you are appointed:	none
How have you been active in the arts, culture or creative sector in our community or other communities and how would your experience benefit the Cultural Resources Board?	As a current member of CURB, I understand the duties of this position, including evaluation of applications from non-profits, community meetings, liaison to group, as a representative of the city of Fort Collins.
The City of Fort Collins has a strong history of supporting arts and culture in our community, through our own facilities and programs and the Fort Fund Grant Program, what opportunities do you see in strengthening that commitment?	I'd like to help the non-profits become stronger, more financially solvent with larger and more diverse audiences and board members.
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); Notification from Davina Lau

VOLUNTEER APPLICATION

Amber Kelley

12/26/2023 8:22 PM

Application: **DAB - Disability Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Disability Advisory Board

Skills & Interests

Additional Skills / Interests: I knew sign language at one time and have 5 years of Spanish but I have only retained vocabulary words but could study up :)

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
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	2
I acknowledge I am available when the Disability Advisory Board meets: 3rd Thursday of each month at 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?	As many as needed to do my job well
Current Occupation:	Housing Provider
Current Employer:	Self
Prior work experience (please include dates):	Werner Elementary as a para professional 1998-2001 Contracted with a company that provided services for Foothill gateway -Carmel Community Living SLS provider for Rick and Julie Schleusener(1 (970) 988-8882) and Fred and Nori Weaver 1999-2001 - stopped because I became unexpectedly

Volunteer experience (please include dates):

pregnant (Did not think I could have children)

Martin Luther Homes(now Mosaic)
1997-2001

1997 - Webber Junior High with Judy Mann

1998- Werner Elementary with Greg Sheets

1999- Riffenburg Elementary

1999-2000- Respite care as needed

1999- 2000 volunteered at annual P.E.P conference leading grief groups for parents. Rick and Julie Schleusener introduced me to Romie Tobin, who encouraged me to get involved.

2006- 2014 -taught preschool for CBS as a volunteer.

2001 Student teacher at Preston with Charlotte Nelson

2001 Student Teacher at Shepardson Elementary with June Holmstrom - taught Pre Algebra and English to ED and moderate needs(I am sure these descriptions have changed)

2001 Student Teacher at Fort Collins High School with Cheryl Hall
Student

1998 -2001 Substitute classified instructional Para to fill in the spaces between work, school and volunteering

2007-2019 - Johnson Elementary PTA board member - organized the fun run one year- helped with the annual veterans day event.

Present -run nocolandlord group hosting a monthly meeting to provide education for local housing providers with 1-40 properties in town. They are wonderful people.

I am sure there are more but I can't remember it all.

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

What experiences do you have interacting with those with disabilities?

With families : Working as an SLS provider I was with the families for extended periods of time. I stayed the whole weekend one time with a family with 3 children and came home very tired. I also see what my residents need with housing challenges. Really enjoyed working with parents at P.E.P- it was a collaboration of Dr's, teachers and parents coming together. I would start each group by having the parents tell me the gifts of their children. Lots of tears and new friends! The family I worked with did the talk on the experience of having a child with a disability so I learned so much about that experience and how it's ok to feel everything you feel and let it teach you.

With Timmy Weaver I realized the thing he

What concerns do you have or have seen in our community that needs to be addressed impacting those with disabilities? And, how would you advocate for those with disabilities?

When Timmy Weaver realized the thing he needed most was friends- so even though I was hired as his SLS provider I took all his friends to Beaujos, took them to movies, had a birthday party with all of them, arranged for them to meet the 80lb 6ft long Boa my High school science teacher had. Participated in adaptive recreation through the city- mostly the dances and fishing at Horsetooth. So fun!

In the schools:

Worked alongside teachers, implemented I.E.P's, sat in on I.E.Ps, taught high schoolers how to take test with the ACE program.

In the family - they don't know what resources are available to them- they are in survival mode- if I had a logic wand I would give each and every family an advocate to navigate the resources an absolute hassle it is to apply and qualify for them. 90% of the reasonable accommodations at my building are because I informed them what is available.

I have a resident with 9 disabilities and just received disability services at age 32 - her Mom has sacrificed a lot for her. I have a dear friend with a traumatic brain injury that lost her husband 7 years ago and raised 3 kids on her own. She is navigating how to retire and ended up with. Mortgage again because when she applied for disability she was denied. I would love to help her but there is only so much she wants me to do for her, because I am her friend (we contribute to each other) and she does not want me to be her caretaker. I would advocate for help for people applying for services.

I would advocate for more support for caregivers, unless I just do not know it is out there.

In housing there are a lot of people that claim to need ESA animals or accommodations that they do not need(to save money) which has created a lack of respect for those that truly need the help. I would like to advocate for honesty and respect for those needing reasonable accommodations. I would also advocate for training for housing providers from someone who understands and has compassion both sides of the picture. The instruction I received regarding fair housing made me feel like a monster and I left the class in tears. I care immensely for the community of people with disabilities but as a housing provider - there seems to be an assumption that I do not care. I would advocate to change this perception

Amber Kelley

12/26/2023 8:22 PM

Why do you want to become a member of this particular board or commission?

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

through collaborative training where people with disabilities teach housing providers what they experience and need and housing providers explain the challenges they face as well.

To learn and serve-it's the best way to enjoy life! :)

I would like to stay out of the mental health range if disabilities as it is not my area of expertise, my daughter is experiencing this and it is too close for me right now.

YES

Other (please specify);
From a friend

Note- I own property at 2803 Kansas Drive (Rigden Farms council district 2) and 3826 Royal Drive just to be transparent (Council district 4 if it were incorporated)

VOLUNTEER APPLICATION

Jaclyn Menendez,

12/1/2023 2:19 PM

Application: **DAB - Disability Advisory Board**

Applicant Information

Birthdate: [REDACTED] Gender: Female

Education Level: PhD

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Disability 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. NA

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> 6

I acknowledge I am available when the Disability Advisory Board meets: 3rd Thursday of each month at 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? 5

Current Occupation: Psychologist

Current Employer: Pinsight

Prior work experience (please include dates): Pinsight 2022-2023, Talogy 2016-2022

Volunteer experience (please include dates): Disability Advisory Board 2021-2023

Have you applied for this board before? If yes, please explain. Yes, I am currently serving on the board.

Are you currently serving on a City board or Commission? If so, which one? Yes; DAB

What experiences do you have interacting with those with disabilities? DAB Board Member.


What concerns do you have or have seen in our community that needs to be addressed impacting those with disabilities? And, how would you advocate for those with disabilities? Ongoing issues regarding transportation and accessibility.

Why do you want to become a member of this particular board or commission? Continued board membership as we've done wonderful work that I'd like to see continue.

Specify any activities which might create a serious conflict of interest if NA

Jaclyn Menendez,

12/1/2023 2:19 PM


you are appointed:

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);
Davina reminded me to reapply :)

VOLUNTEER APPLICATION

Kristin White

1/2/2024 9:33 AM

Application: **DAB - Disability Advisory Board****Applicant Information**

Birthdate: [REDACTED] Gender: Female Education Level: Masters degree
Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Disability 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

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> 5

I acknowledge I am available when the Disability Advisory Board meets: 3rd Thursday of each month at 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? 10 - 12 hours

Current Occupation: Web Applications Developer

Current Employer: Strauss Health Sciences Library, University of Colorado Anschutz Medical Campus

Prior work experience (please include dates):

- Web Services Librarian, California State University, Stanislaus, Turlock, CA, 11/2017 – 1/2019
- Technical Lead & Digital Librarian, NASWA, Washington, DC, 3/2016 – 9/2017
- Technical Information Specialist, United States Geological Survey, Fort Collins, CO, 10/2015 – 3/2016
- Web Services Librarian, RMC Health, Lakewood, CO, 8/2013 – 5/2015
- Digital Services Librarian, Jones eGlobal Library, Centennial, CO, 3/2012 – 8/2013

Volunteer experience (please include dates):

- Big Dog Canine Rescue, Windsor/Wellington, CO, 9/2023 - Present
- Little Read Books, Denver, CO, 1/2021 -

Kristin White

1/2/2024 9:33 AM

Have you applied for this board before? If yes, please explain.

4/2021

- Denver Public Library, Denver, CO,
9/2008 - 12/2010

No

Are you currently serving on a City board or Commission? If so, which one?

No

What experiences do you have interacting with those with disabilities?

I have been interacting with professionals with disabilities and professionals on behalf of people with disabilities since 2012. During my time with Jones eGlobal Library, I worked with academic staff responsible for ADA accommodations for students with disabilities. Together we ensured access to resources found in the digital libraries available to the students through Jones eGlobal Library. After this experience, I have done my best to ensure digital access for information, library resources, and websites in all of my subsequent positions. While I was at CSU Stanislaus, I was on the ADA Committee as well as the ADA Communications Subcommittee. All departments on campus had representation and we worked together with campus facilities to ensure physical accessibility on campus. The Communications Subcommittee worked with campus communications to ensure timely communications concerning any accessibility changes or concerns for students, faculty, and staff.

Currently, I work to ensure web accessibility for the library website and digital resources along with training staff and faculty to create accessible teaching and web content. I was just recently tasked with creating an accessibility statement and putting together a project plan to remediate non-accessible content for HB21-1110 Colorado Laws For Persons With Disabilities.

What concerns do you have or have seen in our community that needs to be addressed impacting those with disabilities? And, how would you advocate for those with disabilities?

Most of the concerns I have seen have been for public access to stores and restaurants. Physical barriers that include no wheelchair access and no paper menus.

Why do you want to become a member of this particular board or commission?

I would like to use my knowledge of digital accessibility (I do have some physical accessibility knowledge, but work regularly with digital accessibility) to help my community and the people who live here. I see an increasing need for this in our world.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

Kristin White

1/2/2024 9:33 AM

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Newspaper

VOLUNTEER APPLICATION

Timothy Cochran

12/7/2023 2:48 PM

Application: **EAB - Economic Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Economic Advisory Board

Skills & Interests

Additional Skills / Interests: Some conversational Spanish and rudimentary Mandarin Chinese.

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 Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? I understand 2-4 is stated but am will to work 10 or more hours as needed in any given month.

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> 1

Current Occupation: Co-Owner

Current Employer: Horse & Dragon Brewing Company

Prior work experience (please include dates): See attached resume please.

Volunteer experience (please include dates):
 Rotary Club of Fort Collins Breakfast: Jan 2014-present
 Colorado Brewer's Guild - Finance Committee Member: May 2014-present
 Wildland Restoration Volunteers - Seasonal Projects: 2013-2023
 CSU Fermentation Science Program

Timothy Cochran

12/7/2023 2:48 PM

	Advisory Board (2x per year): 2014-present Volunteer for numerous community events (Tour de Fat, Green Events runs, New West Fest, Food Bank for Larimer County, etc)- Jan 2013-present
Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	No; I have read the previous meeting minutes and recommendations from the Economic Advisory Board but have no other direct experience with this board.
Please tell us why you believe it is important for the community to understand and invest in its economic health?	Community economic health is an important element of any City Plan that may include other more qualitative guidance for goals and plans. In order to build and drive the development of our community across all dimensions, we must also do the work to encourage and build economic vitality so that our community goals can be achieved.
How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing?	The Economic Health of our community encompasses a holistic view of Fort Collins in which economic activity and success - private and public sectors - is definitely related to other community objectives. Targeting and achievement of economic goals and growth must include considerations across the City Plan and work in coordination with other city priorities.
Specify any activities which might create a serious conflict of interest if you are appointed:	I do not foresee any conflicts of interest.
Are you willing to complete the required training if appointed?	YES
How did you learn of a vacancy on this board or commission?	Website

TIMOTHY L. COCHRAN

[REDACTED], Fort Collins, CO 80524

Tel: [REDACTED]

e-mail: [REDACTED]

SUMMARY

Small Manufacturing Business Owner and Community Contributor: After working 24+ years building and managing businesses primarily overseas, my wife and I decided to invest into the idea that has been with us for many years as a way to participate and contribute to the community that we love. After reviewing a number of locations across the country, we decided to land in Fort Collins where we have both spent so many wonderful times over the years.

WORK EXPERIENCE**Horse & Dragon Brewing Company; January 2013 – present***Partner/Co-Owner, Fort Collins, CO, USA Jan 2013 – present*

Co-leader of our small craft brewery venture in Northern Fort Collins. Developed a complete business plan to secure venture and institutional funding for this new company with plans to launch our beer by the end of the first quarter of 2014. Sharing the managing equity partner duties with my wife covering all functional areas for this entrepreneurial endeavor including: site identification, purchase, and renovation, building operational capability, hiring appropriate experts and staff, development and implementation of all sales and marketing plans and execution of the business plan to establish a sustainable profit-generating enterprise. All company activities and decisions are governed by commitment to our four guiding company values:

- We brew high-quality, interesting and tasty craft beers.
- We conduct business with all stakeholders – customers, consumers, suppliers, employees, community and investors - in an honest, open manner, adhering to the highest ethical standards in all dealings.
- We continually strive to minimize our negative impact on our environment and employ sustainable and careful resource usage.
- We are positive, active and supportive leaders that contribute to our local communities -- in Fort Collins, in Colorado, and across the brewing community.

SABMiller plc/Miller Brewing Company; November 1996 – December 2012*Global Brands LATAM Development Director, Bogotá, COLOMBIA Feb 2010 – Dec 2012*

Led strategy and capability development of Global Brands teams across the SABMiller Latin American operational footprint in 7 brewery and 8 export markets, including Colombia, Peru, Ecuador and El Salvador. Built and trained collaborative marketing and sales teams and managed partnerships within the region. Led organizational development to service our premium Global Brands – Pilsner Urquell, Peroni, Grolsch, and MGD - including building business strategies and sales and marketing plans, and consulting on execution of the Global Brands Way for premium brand development.

- **Team Building:** Built a regional group of Global Brands commercial directors, planned and executed 10 cross-market action-learning opportunities.
- **Marketing Excellence:** Coached and consulted on MGD brand plans across the region leading new local GB teams to build integrated and differentiated marketing programs leveraging BTL and PR to maximize limited funds efficiently. LATAM markets won the majority of Golden Glow Awards given in the first 12 months of this best practice recognition program from the Global MGD team.
- **Business Planning Discipline:** Created and led Premium and Super Premium strategy development guidelines for markets including consumer activations and trade marketing.
- **New Product Development:** Developed and led the LATAM Ultra Premium Challenge, a region-wide innovation contest to develop a commercially viable new craft or specialty beer product entry with country and regional potential.
- **Project Management:** Project lead for regional Miller Lite Creative Platform development. Coordinated creative and research efforts and stakeholders in Panama, Honduras, and Mexico.
- **Success:** Brand Health measures were strong and improving across the region with share and volume increases in all markets. MGD volume in LATAM was +51% in F12 vs PY.

Strategic Projects Manager – Americas, Milwaukee, WI, USA Oct 2008 – Jan 2010

Led development of SABMiller's business expansion into Latin America export markets. Created, implemented and documented the existing standard Market Entry Process used to identify and develop businesses for Latin American and Caribbean export markets for SABMiller's premium brand portfolio.

- Led project for entry into Uruguay market including quantification of opportunity, identification and negotiation with Uruguayan distributor partner and launch plan. Results for F11 and F12 exceeded plans; market now plays large role in the development of MGD as lead premium brand in region.
- *Region Entry Strategy*: Project manager for development of Caribbean business expansion strategy. Led a cross-functional team to identify and develop business growth opportunities for SABMiller portfolio including opportunities in export markets and exploration of possible regional production.
- *LATAM Business Planning*: Led a regional market analysis to identify business opportunities and developed the portfolio strategy for premium brands across the Caribbean and Latin America.
- Developed and led Sales and Marketing On-boarding Training for new MGD distribution partners.

General Manager – Asia Exports, Milwaukee, WI, USA Aug 2006 – Sept 2008

Managed SABMiller portfolio business for all Asia exports and drove increased profitability across this multi-million dollar business (+38% EBITA growth F08 vs F07) on limited budgets. Led key projects to deliver results and improved profitability of the business across 10 export markets including:

International Premium Brands Marketing Development

- Managed Peroni brand launch in Tokyo; launch event deemed one of most successful PR events in system. Led cross-functional team of internal and agency resources in following Global Brands Way.
- Developed and drove re-branding efforts for Miller Lite in Guam to re-build brand health. Developed full portfolio strategy to leverage SABMiller Global Brands alongside mainstream offerings in Guam.

Business Plans Developed and Implemented

- Improved profitability for Taiwan business transitioning from branch to import/distributor. Upgraded the brand image and developed a premium portfolio strategy to return the Taiwan business to profit.
- Led a multi-functional team to develop and recommend new RTM for SABMiller Global Brands in Australia while improving the business across all brands prior to the formation of Pacific Beverages.
- Negotiated additional distributor-funded resources in Micronesia. Included hiring dedicated Miller Brand Manager to improve brand health and increase spending efficiencies.
- Developed and implemented threshold profitability levels for trading markets and introduced quality policy in order to maintain product quality, deleting underperforming markets.

Sales & Distribution Development and Training

- Implemented a restructure of the distributor sales team in Guam to channels of trade focus for improved outlet execution in on and off-premise channels.
- Developed and implemented performance benchmarking, training and tracking of sales team execution of merchandising standards across channels (Retail Look).

General Manager – South East Asia & Australia, Milwaukee, WI, USA; Sept 1999 – July 2006

Responsible for delivering business results for Miller premium brands portfolio in Southeast Asia and the Pacific Islands; charged with growing existing businesses throughout the region (Micronesia, Philippines, Indonesia) as well as managing business development in previously untapped or underdeveloped markets (Australia, Thailand, New Zealand, Indochina) with distributor partners.

- Delivered increasing profitability each year managing the business despite political, civil and economic turmoil in many of the countries in which we operated. EBIT/hl grew +11.8% through F05.
- Negotiated and executed improved financial contribution for Miller brand business in Japan market through Asahi Brewery Co. Ltd.
- Devised and managed business relationships with distributor and license partners throughout region. Managed premium and mainstream brand portfolio, sales and distribution strategies, sales force and trade incentive programs and full annual marketing and business plans.
- Developed and executed MGD marketing plans, integrated varied local and global brand positioning strategies in all key markets (Indonesia, Singapore, Thailand, Philippines, Australia, New Zealand).
- Returned Miller Genuine Draft to growth in the Australian market and managed growth for Pilsner Urquell in the competitive premium imported segment through Lion Nathan Breweries import team.

General Manager – Taiwan Branch, Taipei, TAIWAN; Nov 1996 – Aug 1999

Responsible for performance of Miller Brewing Company business results in Taiwan. Gross revenues exceeded US\$35MM. Successfully managed Miller's transition in Taiwan from a third party importer to Miller branch operation with full importation, sales, distribution, corporate affairs and marketing functions. Hired and managed a team of 21 full-time local employees across all functions.

- Grew volume and market share each year. Volume reached 210 khl in 1999, establishing Miller as the #2 import brand in Taiwan.
- Developed and established company branch operations structure including national distributor and chain account sales force, brand marketing team, effective importation and distribution logistics and all support functions for the company.

GETZ BROS. & CO. INC., San Francisco, CA, USA; September 1988 – October 1996

Succeeded in commercial management positions for this San Francisco-based agency representing trading business across the Asia-Pacific region. Took on increasing responsibility for commercial results, managed sales and marketing teams, and built import brands in a broad range of categories. Selected for Management Training Program culminating in appointment as country manager for Vietnam operation.

General Manager – Vietnam, Ho Chi Minh City, VIETNAM; July 95 – Oct 96

Country manager for Getz Bros. Vietnam subsidiary. Responsible for delivering full P&L performance of existing business, expanding company principal portfolio into industrial business units, and devising corporate strategy for Vietnam. Led all functional responsibilities of branch office.

Business Development Manager – Taiwan, Taipei, TAIWAN; Apr 1994 – Jun 1995

Managed company external marketing and diversification program. Responsible for identifying and securing new FMCG principals from initial contact to product launch, including market research, contract reviews/negotiations, developing launch plans, marketing platform, brand positioning, and distribution.

Marketing Manager – Food Department, Taipei, TAIWAN; Mar 1992 – Mar 1994

Responsible for marketing, sales and distribution management of three imported FMCG product lines contributing US\$11MM to company revenue. Managed all promotions, distribution strategy, product mix, new product introductions, logistics and supervision of market research studies. Developed and implemented individual national marketing plans for each product.

Consumer Products Division Manager, Harmon Village, Guam, USA; Mar 1991 – Feb 1992

Profit/loss responsibility for Consumer Division with annual sales value of US\$8.5MM. Full marketing, sales and distribution management responsibility for 25 principals represented in Guam/Micronesia market. Had full supervision of marketing and sales staff of 20 and coordinated distribution activities. FMCG principals included Nestle, Colgate-Palmolive, Heinz, United Distillers, Heineken Beer, Robert Mondavi Vineyards, Gallo Wines, Dial Corporation, Kimberly-Clark and Abbott/Ross Laboratories.

Marketing Executive – Sourcing Department, HONG KONG; Oct 1989 – Mar 1991

Market Analyst – Corporate Finance Division, San Francisco, CA, USA; Sep 1988 – Sep 1989

EDUCATION

STANFORD UNIVERSITY, Stanford, CA, USA

BA - International Relations, June 1988.

SOPHIA UNIVERSITY, Tokyo, JAPAN

Certificate of Completion - Summer Session, August 1987.

INCAE BUSINESS SCHOOL, Alajuela, COSTA RICA

Programa de Desarrollo Ejecutivo – 4-week full-time course, Feb 2012.

ADDITIONAL

Languages (CEFR Global Scale) - Spanish – Proficiency Level B2; Mandarin Chinese – Proficiency Level A2

Cicerone® Certification Program

- *Certified Beer Server* – 2014
- *Off Flavor Training Course* – 2023

Certified Beer Merchant – completed the SABMiller training and development program for the US craft and import field sales team, Dec 2007

Certificates of Completion – Siebel Institute of Technology, Chicago, Illinois

- *“Start Your Own Brewery” Course*, Apr 2008
- *Master of Beer Styles and Evaluation*, Apr 2013
- *Beer and Food: A Hands on Encounter*, Apr 2013

Strengths: Strategic planning and implementation of specialty brand businesses within larger business units. Managing interpersonal and cross-cultural relationships in team building; ability to develop business strategy, goals and methodology for reaching them in differing markets with widely varying stakeholders.

VOLUNTEER APPLICATION

Chris Denton

1/14/2024 12:21 AM

Application: **EAB - Economic Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Economic 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. I am only applying for 1.

I acknowledge I am available when the Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 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

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> 3

Current Occupation: Facilities Manager

Current Employer: Broadcom Inc

Prior work experience (please include dates): TriQuint Semiconductor (now Qorvo) 2000-2012
RF Monolithics (now Murata) 2000-2000

Volunteer experience (please include dates): Girl Scouts of Colorado-2019
Zach Elementary Lego Robotics 2014
FoCo Spartan Babes Roller Derby 2013

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Have you had any exposure to the board or commission you are applying for? If yes, please explain: No

Please tell us why you believe it is important for the community to understand and invest in its economic health? The backbone of a thriving community is economic health. With the complex economies of today considerable coordination and support is necessary to

Chris Denton

1/14/2024 12:21 AM

How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing?

adapt and adjust to rapidly changing needs and demands. We must work together to share our knowledge so we can maintain our community for the betterment of our friends and families.

Specify any activities which might create a serious conflict of interest if you are appointed:

Economic health has both short and long term components. As I see it, these listed objectives are all part of our economic health. Some are more immediate in their impact and some are long term, but all must be managed today.

Are you willing to complete the required training if appointed?

None that I am aware of.

How did you learn of a vacancy on this board or commission?

YES

Other (please specify);
Through City Employee

Christopher D. Denton

<https://www.linkedin.com/in/chris-denton-5499891/>

SUMMARY:

Leader with 20+ years experience directing personnel and projects to success across diverse organizations including process engineering, equipment engineering, procurement, facilities, maintenance, calibration, and IT. Skilled in developing staff, vision, budgets and systems. Direct experience manufacturing SAW, BAW, FBAR, VCSEL and III-V power amplifiers.

EXPERIENCE:

Avago/Broadcom, Fort Collins, CO

2012 – Present

Sr Manager, Facilities (2023-Current)

- Lead a team of four managers and 40 employees to sustain and grow 185,000 sqft of semiconductor cleanroom facilities.
- Responsible for meeting all corporate and government mandated safety, environmental and fiduciary requirements.

Area Manager (2020-2023)

- Manage a broad team of Process and Equipment engineers, and Maintenance Technicians across five process areas.
- Responsible for KPIs and strategic direction for Diffusion, CVD, Implant, Milling and Planarization operations.
- Responsible for coordination and support of multiple internal customers.
- Responsible for long term direction to exceed business goals.
- Responsible for management and implementation of short and long term R&D efforts as they are needed.
- Responsible for executing multiple internal transfer projects to better support the wide organization.
- Work with peers to keep resources aligned to most critical needs.
- Demonstrated history of minimizing capital outlay by improving utilization of existing assets.

Process Engineering Manager (2015-2020)

- Manage team of 10 engineers and 2 technicians across three process areas and three production lines.
- Drove team to 100% compliance rate for critical Cpk.

- Reduced wafer scrap by 80%.
- Managed multiple capital elimination projects saving >\$18M.
- Released all tools on schedule.
- Maintained level headcount while volumes grew ~60%.
- Implemented Trackable Monitors cleverly using in place software resulting in improved qualification accuracy and a system now being rolled out factory wide.
- Championed integrated process change resulting in significant (>15%) capacity gains for three operations.

Project Manager (2012-2016)

- Managed ~\$700M capacity expansion project.
- Coordinated with Facilities, Equipment and Engineering groups to improve methods and to identify best practices improving on time performance.
- Escalated issues as they arose.
- Pulled delayed projects in as much as 2 months in order to meet factory commitments.
- Managed >6x expansion through 8 nodes on time and under budget.
- Developed budget and scope of plan for 6-8" conversion for factory resulting in doubling of capacity.
- Proposed and then demonstrated FDC at site resulting in improved factory wide quality.

TriQuint Semiconductor, Richardson, TX

2000 –2012

Equipment Engineering Manager (2007-2012)

- Managed \$15M budget supporting 650+ pieces of equipment.
- Directed team of 4 managers, 8 engineers, 65 technicians, 2 buyers.
- Grew team from 26 to 79 over 2 year period.
- Managed purchase and release of 150+ tools for Copy Exact 6" HBT production line. On time and under budget.
- Manage CIM team to successfully release recipe download on more than 10 tool platforms. Also demonstrated R2R and FDC technologies.
- Managed purchase and release of 100+ tools for BAW technology development and production ramp. On time and under budget.
- Developed equipment performance reporting system allowing equipment engineers to effectively and efficiently diagnose issues with tools resulting in more than 2% improvement in uptime for all tools on average. Set goals based on this data and trained staff to use the system consistently.
- Managed cross functional team of procurement, maintenance, operations, and finance leading to a \$5M per year reduction in precious metals use.
- Managed all external audits including TS16949, AS9000, and ISO 9000.

Films Equipment Engineering Manager (2002-2006)

- Managed team of 8-12 technicians and 1 buyer supporting 24/7 fab operation.
- Managed \$6M in equipment spares and consumables for the entire site. Instituted standard inventory control practices improving cycle count accuracy from less than 50% to more than 90% over 18 months.
- Drove effort with internal and external IT resources to design and implement an equipment status tracking system for all factory equipment.
- Modified RF and DC power systems on PVD toolset as well as general refurbishment to improve uptime from less than 50% to more than 80%.
- Refurbished plating system resulting in 35% reduction in gold usage.
- Eliminated all tool service contracts by training internal labor.
- Developed and released equipment set to support VCSEL process for strategic partners.
- Championed initiative to use SECS/GEM protocol to interface with factory floor control. Demonstrated system on initial toolsets and established a new SECS/GEM department.

PVD Equipment Engineer (2000 – 2002)

- Responsible for all PVD, plate, recess, and liftoff equipment for GaAs production.
- Installed and released 20+ new Copy Exact 6" tools with existing process in out of state fab. Personally measured tools at both sites to ensure accuracy. Developed installation plan and personally directed the facilitization and verification of all tools.
- Relocated, refurbished, and baselined over 80 4" tools for GaAs production.
- Conceptualized low cost barcode system for the operations team that was then implemented resulting in >\$2M in annual savings.
- Managed 1 technician.

RF Monolithics (Murata Electronics), Dallas, TX

2000– 2000

Defect Process Engineer

- Demonstrated improved fab yield by working with on the floor operations to address everyday issues and improve documentation.
- Completed step by step analysis of wafer stress and identified primary cause of yield excursions in fab.
- Instituted qualification of nickel hubbed saw blade resulting in 10x cutting speed, lower kerf width, twice the number of cuts per blade. Eliminating the need to purchase additional saws.
- Drove improved relationship between front and back end factories resulting in improved quality to our customer.

EDUCATION:

University of North Texas, Denton, TX

12/1999

- BS Physics, Minor in Math

VOLUNTEERISM:

Girl Scouts of Colorado

2019

- Support outdoor focused troop in canoeing, rock climbing and other activities.

Lego Robotics

2014

- Mentor multiple 5th grade teams through process of Lego engineering

FoCo Spartan Babes Roller Derby

2013

- Coach youth all girls roller derby team.

TECHNICAL SKILLS:

- Microsoft Office Suite, Basic Linux, SQL.
- SPC, FDC, APC, R2R, FMEA, 5s.
- ISO9000, AS9000, TS16949.

VOLUNTEER APPLICATION

Vallene Kailburn

1/2/2024 1:28 PM

Application: **EAB - Economic Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Economic 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 Economic Advisory Board meets: 3rd Wednesday of each month at 4:00 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6

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> 5

Current Occupation: Business Owner

Current Employer: OTM

Prior work experience (please include dates): OTM

Volunteer experience (please include dates):
 2023-Present Northern Colorado
 Legislative Alliance Board Member
 2016-2019 Poudre School District Board
 Member & 2019 Board President
 2015-2019 Rotarian
 2015 - SBDC Consultant
 2015 Leadership Fort Collins Graduate
 2009-2013 Project Smile Board Member &
 2013 Board President

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Have you had any exposure to the board or commission you are applying for? If yes, please explain: Yes;
 Just through what Misty has told me.

Vallene Kailburn

1/2/2024 1:28 PM

Please tell us why you believe it is important for the community to understand and invest in its economic health?

In my opinion, it's important to have a small business voice on the economic commission. We are half of the state's employer base as well as half of the state's income. Colorado is becoming more and more difficult to be an employer in so it would be good to have a variety of voices on the board to round out the conversation.

How do you see Economic Health connecting with other community objectives, such as Climate Action, Zero Waste, Homelessness, and Housing?

Economic health directly correlates to all areas listed: Climate Action, Zero Waste, Homelessness and Housing. Particularly housing and homelessness. Those are two major issues we need to continue to address and create tangible solutions to create a place where the workforce can afford to live.

Specify any activities which might create a serious conflict of interest if you are appointed:

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);
Mistene Nugent and Ashley Kailburn



VOLUNTEER APPLICATION

2/29/2024 9:22 AM

Scott Canonico

2/28/2024 8:59 PM

Application: **EB - Energy Board**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Energy 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 Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e.; February, April, etc.) YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 8

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> 3

Current Occupation: Environment, Health and Safety management; currently seeking next position

Current Employer: Severed from PDC Energy in late 2023 after acquisition by Chevron

Prior work experience (please include dates): VP EHS at PDC Energy starting in 2017

Volunteer experience (please include dates): Colorado Preparedness and Response Network (CPRN), Treasurer - 2022-2023
Frequent community volunteer: Soccer and baseball coach, Science Olympiad coach, Math Olympiad coach, 2010 - 2018
Community Festival Treasurer, Corvallis, Oregon, 2007-2010

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Scott Canonico

2/28/2024 8:59 PM

Why do you want to become a member of this particular board or commission?

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes?

Specify any activities which might create a serious conflict of interest if you are appointed:

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

The Board has an important mission in an area where I have a high degree of personal interest

Community understanding and engagement. Gaining support for the investment and trade-offs is always a challenge.

My wife is on council. I have been employed in the oil & gas industry with a Northern Colorado operator for the last 6.5 years

No

YES

Other (please specify);
Referral

VOLUNTEER APPLICATION

Eric Shenk

1/15/2024 1:15 PM

Application: **EB - Energy Board**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: PhD

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Energy 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. 1) SAB 2) Energy

I acknowledge I am available when the Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e.; February, April, etc.) YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10

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> 4

Current Occupation: owner/administrator Miramont memory Care

Current Employer: self employed

Prior work experience (please include dates): Physician (General Surgery) 2000-2005, sales 2005-2020, residential memory care 2020-present

Volunteer experience (please include dates): FC Transportation Board 2011-2019 (chair 2016-2018)

Have you applied for this board before? If yes, please explain. no

Are you currently serving on a City board or Commission? If so, which one? No

Why do you want to become a member of this particular board or commission? General interest in energy distribution and policy. Being "green" is easy on paper but challenging in practice and at scale. Some of my interest in is board is purely a

Eric Shenk

1/15/2024 1:15 PM

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes?

learning experience to gain a more in-depth knowledge of the energy architecture and delivery of the City . I also want to help FC more forward with it's ambitious renewable goas as set forth in the climate Action Plan.

I think that reaching the CAP goals hinges on equal buy in from the community and the City. Philosophically I think most people and business see the value of a "green" community but in the end it all costs a bit more. Is a resident willing to pay a little bit more for clean electricity, is the City willing to pay a little bit more for infrastructure and utilities enhancements? There's always limited financial resources will impact government and individual decision making. Can the CAP goals be met without being financially detrimental to the City or the residents? That's the tightrope to walk.

Specify any activities which might create a serious conflict of interest if you are appointed:

none

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
Some interaction with the energy board as a liaison from the transportation board (attended 2-3 meetings)

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Wendell Stainsby

1/11/2024 6:42 PM

Application: **EB - Energy Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Energy 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 Energy Board meets: Regular Board meetings meet the second Thursday of each month at 5:30 p.m. - Work Sessions meet the fourth Thursday of even numbered months (i.e.; February, April, etc.) YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6-10

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> 4

Current Occupation: I manage a team that uses AMI data and advanced building energy modeling to provide measurement and verification (M&V) services of commercial energy efficiency projects. Our company implements these energy efficiency programs for utility partners across the United States.

Current Employer: Power Takeoff (Denver, CO - remote). Feb 2020-Present

Prior work experience (please include dates): I attended CSU from 2017-2019 obtaining a M.S. in Systems Engineering. For my thesis, I conducted research at the CSU Energy Institute in partnership with Fort Collins Utilities, where I built a model for estimating behind-the-meter generation of the city's residential and commercial solar installations. Several papers on this topic

Volunteer experience (please include dates):

Have you applied for this board before? If yes, please explain.

Are you currently serving on a City board or Commission? If so, which one?

Why do you want to become a member of this particular board or commission?

were published in 2019-2020.

I helped to develop a PV model (PVSTEM) with John Bleem that the city uses for its Community Wide Solar Visualization tool. In 2019, I interned with Fort Collins Utilities Energy Services department to develop another model to determine the load shifting and potential reduction in energy usage due to the rollout of Time of Use rates in Fort Collins. I used over 20,000 residential meters in the City's AML dataset for this research project.

Prior to my solar/energy graduate work, I worked as an environmental engineer working in the groundwater/soil remediation and landfill gas engineering sectors (2014-2017).

I served as the vice chair of CSU's alternative transportation fee advisory board (ATFAB) from 2017-2019. We oversaw funding of up to \$500,000 a year for various alternative transportation and infrastructure projects at CSU. Since mid-2023 I have volunteered with Bike Fort Collins at various local events.

No I have not

No;
none

I want to be a valued member of this board for several reasons. I have been passionate about energy topics for nearly two decades, and I have developed a wide technical skillset in this area. I also love local and state government and want to be involved in a small piece of my city's operations. I want to give back to Fort Collins and help our community move toward the climate goals that have been set forth.

My background and education in various engineering and energy sectors has equipped me to understand the technical nature of the Board's business and I feel confident to be able to hit the ground running.

My first real exposure to local government was in 2018; I was selected as a fellow for the Colorado Science and Engineering Policy Fellowship in Denver at the State Capitol. We spent the summer crafting policy for a topic of our choosing; mine was to rework Colorado's community solar policy. My policy proposal was sponsored by then State Rep. Chris Hansen, and the Community Solar Gardens Modernization Act (HB 19-1003) was signed into law by Governor Polis in May 2019. I want to continue to be involved in local policy as it

Fort Collins' Our Climate Future plan presents a framework for achieving the community goals of 100% renewable electricity and 80% carbon reduction by 2030. What do you feel are the biggest barriers that need to be addressed to reach these outcomes?

Specify any activities which might create a serious conflict of interest if you are appointed:

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

is one of my favorite "past times".

Finally, I want to help my community move toward our climate and equitable development goals. I am invested in helping make Fort Collins as livable as possible and continue the progress. I believe as a younger member of this city (which is filled with young people attending CSU), I can bring the perspective of a significant and likely underrepresented portion of the population.

A large barrier that I see with OCF plan is related to Big Move #5 "Live, Work, and Play Nearby". Big Move 5 deals with development patterns and the role of transportation. Progress is tracked on walkability and residential proximity / access to commercial businesses. Decreasing vehicle transportation needs is crucial, as 20% of our carbon inventory are from vehicles. With many of our other goals, I feel there are available technical solutions and behavioral changes that we can/should implement. However, changing the density and layout of the City will not happen easily or cheaply. Unfortunately, we cannot just snap our fingers and make the rest of Fort Collins to be as dense and accessible as Old Town.

Today, even if I live in a zero-waste, carbon neutral house and have an electric vehicle, I will still have to get into that electric vehicle to drive to the grocery store from a built environment that exists around 4 lane roads, parking lots, and commercial hubs that are not integrated with residential areas. To redevelop by building new mixed-use in a more-walkable / less-car-required manner will obviously cost millions of dollars and many years. Reshuffling the city-space to allow our citizens to work and play nearer to home will take a lot of effort and I foresee tough barriers toward that goal.

My current company (Power Takeoff) has previously contracted with Fort Collins Utilities for energy efficiency services. I believe the dates were approximately 2020-2022. I was closely involved in the building energy modeling related to this contract when it was active. Power Takeoff and FCU have completed this work, and I believe we still provide the City with ad-hoc analytical work from time to time. This current work, if any, is not something I am involved in nor am I part of negotiations for future work.

Yes;
Yes, before COVID I attended board meetings semi-regularly, as I was working

Wendell Stainsby

1/11/2024 6:42 PM

Are you willing to complete the required training if appointed?

closely with FCU staff at the time (John Phelan, Brian Tholl, Leland Keller, etc.) who were involved in presenting to, and meeting with, the Board. In 2023 I have read the agendas and minutes of past meetings.

YES

How did you learn of a vacancy on this board or commission?

Newspaper

Wendell Stainsby

Fort Collins, CO

| [linkedin.com/in/wendellstainsby](https://www.linkedin.com/in/wendellstainsby)

Who I am:

- Passionate and driven to engineer sustainable solutions
- Background in interval data energy modeling and analysis of utility projects
- Professional experience with public and private sector clients

Professional Experience

Manager, Measurement & Verification Team – Power Takeoff, Remote in CO 2022-Present

I manage a team of four that provides M&V services for Power Takeoff's program delivery group. By 2024, our team has developed software and processes to accurately model over 1,000 commercial buildings daily, which annually account for ~50 gigawatt-hours of energy savings for major utilities coast to coast.

- Oversee all facets of the daily operations and near-term planning of the team, including process improvement, training, hiring, and quality control.
- Plan and develop software features improvements and implementation for our custom in-house software.
- Handle client-facing requests with prime contractors, utilities, and third-party evaluators.
- Primary liaison between M&V team and rest of the company.

Building Energy Analyst – Power Takeoff, Remote in CO 2020-2022

- Analyzed smart meter electricity data and building information to measure and verify energy efficiency project savings.
- Wrote analysis plans and methodologies in external reports and proposals
- Develop python scripts to drastically decrease both manual spreadsheet work and related errors.

Energy Services Intern – Fort Collins Utilities, Fort Collins, CO 2019

- Developed model to analyze a small utility's AMI data by leveraging my graduate research to determine on-peak to off-peak demand shifts and effects of conservation from TOD price signals
- Built python software, calibrated models, managed data collection, developed data visualization, issued findings report

Graduate Research Assistant – CSU Energy Institute, Fort Collins, CO 2017-2019

- Built novel method of estimating behind-the-meter PV generation, simplifying user experience by minimizing required input parameters about the solar array
- Modeled thousands of PV assets in Fort Collins with python tool to enhance the utility's understanding of their residential PV fleet
- Generation was estimated with net-metered AMI data and measured or forecasted weather data

Education

M.S. in Systems Engineering – Colorado State University

2019

GPA: 3.98/4.0

B.S. in Environmental Engineering – University of Florida

2013

GPA: 3.30/4.0

Minor: Sustainability Studies

Wendell Stainsby, E.I.

Fort Collins, CO | ██████████ | ██████████ | [linkedin.com/in/wendellstainsby](https://www.linkedin.com/in/wendellstainsby)

Leadership and Volunteering

Student Ambassador – Energy Institute, Fort Collins, CO 2018-2019

- Conducted tours of the CSU Powerhouse Energy Campus, communicating to local, national, and international energy community audiences
- Aided program development and event coordination to increase awareness of Energy Institute's role within CSU

Vice Chair – Alternative Transportation Fee Advisory Board, Colorado State University 2017-2019

- Successfully achieved first-ever increase in this student fee in 2018 to specifically fund infrastructure and programmatic alternative-transportation projects at CSU
- Analyzed, reviewed project proposals, managing annual budget of \$1.8M
- Organized, planned and conducted biweekly board meetings

Publication

W. Stainsby, D. Zimmerle, G. Duggan, "A method to estimate residential PV generation from net-metered load data and system install date," *Applied Energy*, vol. 267, June 2020.

S. Yuan, W. Stainsby, M. Li, K. Xu, M. Waite, D. Zimmerle, R. Feiock, A. Ramaswami, and V. Modi, "Future Energy Scenarios with Distributed Technology Options for Residential City Blocks in Three Climate Regions of the United States," *Applied Energy*, vol. 237, pp. 60 – 69, 2019.

W. Stainsby, et al. "An Analysis of Time-of-Day Electricity Rate Impacts using AMI Data in Fort Collins, Colorado." Prepared for Fort Collins Utilities, November 2019.

W. Stainsby, "Disaggregation of Net-Metered Advanced Metering Infrastructure Data to Estimate Photovoltaic Generation," M.S. Thesis, Dept. of Systems Engineering, Colorado State Univ., 2019.

Bleem, J.R., Duggan, G.P., Stainsby, W., Zimmerle, D., 2019. *PV Modeling as a Community Resource*. Presented at the ASES National Solar Conference 2019, Minneapolis, MN, p. 9.

Skill ██████████	General	Data analysis and visualization, statistics, client communication
	Software	Salesforce, Microsoft Office, Atlassian suite. Working knowledge of: Python, NumPy, Pandas, SciPy, MySQL workbench, LaTeX



VOLUNTEER APPLICATION

3/5/2024 7:55 PM

Jackie Darner

3/5/2024 4:51 PM

Application: **GERC - General Employees Retirement Committee**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Some College
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

General Employee's Retirement Committee

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 General Employee's Retirement Committee meets: 2nd Thursday of each month at 11 a.m.	YES
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	2
Current Occupation:	Happily Retired
Current Employer:	n/a
Prior work experience (please include dates):	Please see resume
Do you have any experience working with a defined benefit plan? Please explain.	I was/am a member of the City of Fort Collins GERP since 1985.
Do you understand the role of a fiduciary related to defined benefit plans? Please explain.	I believe there is going to be fiduciary training in 2024 for all GERC members.
Volunteer experience (please include dates):	Larimer County United Way through the City of Fort Collins
Are you currently serving on a City board or Commission? If so, which one?	Yes; GERC
Why do you want to become a member of this particular board or commission?	The GERC has asked me to stay on the committee till approximately the end of 2024.
Specify any activities which might create a serious conflict of interest if you are appointed:	n/a
Are you willing to complete the required training if appointed?	YES

Jackie Darner

3/5/2024 4:51 PM

How did you learn of a vacancy on this board or commission?

Other (please specify);
I'm currently on the GERC and I've been
asked to stay on the committee until
approximately December 2024.

VOLUNTEER APPLICATION

Rachel Bryan

12/6/2023 2:52 PM

rbryan@newbelgium.com

Application: **HRC - Human Relations Commission**

Applicant Information

Birthdate: [REDACTED] Gender: Female Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Relations Commission

Job Description

☒ I have read the job description

Questions

Current Occupation: DEI Specialist- Internal Programs at New Belgium Brewing Company

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 Human Relations Commission meets: Second Thursday of each month at 5:30 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 6-8 hours/month

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> 1

Current Employer: New Belgium Brewing Company

Prior work experience (please include dates): New Belgium Brewing Company

DEI Specialist – Internal Programs

Jan 2023 – Present

Support DEI Coworker Council, Coworker Community Groups, Recognition Days and Months, and the Human Rights Campaign's Corporate Equality Index

University of Michigan's Center for Campus Involvement

Program Advisor for Student Development

Program Advisor for Student Development

Dec 2021 – Dec 2022

Design and execute and inclusive leadership development program for students, as well as launch the department's DEI Working Group

Jalen Rose Leadership Academy (Detroit)

College Bound Scholars Teacher

Aug 2020 – Mar 2021

Taught 9th and 11th graders about social identity and career development, in addition to volunteering on the Scholar Code of Conduct Committee to shift disciplinary policies and center restorative justice

Chitralada School (Bangkok, Thailand)

EFL Instructor

May 2019 – Oct 2019

Taught English to Grade 7 through Grade 12 and served as Grade 10 Course Coordinator

University of Michigan's Office of Multi-Ethnic Student Affairs

Interim Program Manager

Jan 2019 – Ap 2019

Advised the Native American Student Association, facilitated Identities Abroad: Students of Color panel, ran Queer and Transgender People of Color (QTPOC) Community Dinners

Graduate Intern

Aug 2017 – Dec 2018

Implemented programming for Native American Heritage Month, Arab Heritage Month, and the Dance for Mother Earth Powwow

University of Michigan's Office of the
Provost

Engaged Michigan Project Coordinator

Aug 2018 – Dec 2018

Create companion materials for a free
online course called Community
Engagement: Collaborating for Social
Change

University of Pennsylvania's Center for
Minority Serving Institutions

Research Assistant

May 2018 – Jul 2018

Composed research briefs, listicles, and a
book chapter on Tribal Colleges and
Universities to identify pathways of
success for Native American students

University of Michigan's English Language
Institute

Student Coordinator

Jan 2016 – Apr 2017

Assessed student employee onboarding
and performance, program effectiveness,
and Graduate Student Instructor needs in
collaboration with faculty members

Undergraduate Consultant

Jan 2015 – Dec 2015

Evaluated international Graduate Student
Instructors on different learning and
language concepts to prepare them for
their English certification

University of Michigan's Undergraduate
Research Opportunity Program

Peer Advisor

Aug 2015 – Apr 2017

Mentored 30 underclassmen each year via
weekly office hours and biweekly social
science research seminars

Volunteer experience (please include dates):

University of Michigan's Nam Center for Korean Studies

Cultural Liaison

Jul 2016 – Aug 2016

Facilitated activities for Korean study-abroad students, engaging scholars through cultural and language-based activities and events

University of Michigan's Residence Education

Instructor

Feb 2022 – Apr 2022

Designed lesson plans and taught ALA 421: Creating Inclusive Communities to the university's Residential Advisors

Americorp's Breakthrough Collaborative (Austin, TX)

Teaching Fellow

Jun 2017 – Aug 2017

Taught rising 7th graders about identity and civic action through English and Language Arts, as well as public speaking skills through an All School Meeting explorations course

Have you applied for this commission before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I moved to Fort Collins in February for my role at New Belgium, and I was quickly informed about the City's DEIA Talent Network. In my conversations with other local DEI practitioners like Andrew Magaña, I expressed my deep gratitude to have moved somewhere that values diversity, equity, and inclusion. As I learn about Fort Collins and build my local support networks, my cup continues to be filled by seeing the City's commitment to this work, the opportunities it provides, and its continual efforts to make Fort Collins a welcoming community. For example, after I spoke on the Chamber's Inclusion in the Workplace panel, I was able to talk to small-business owners and employees about how inclusion shows up in their workplace, learn about their goals, and become energized by their passion for this work. I've also had the privilege of hosting an ERG Meet and Greet at New Belgium

an LEO meet and greet at New Belgium, where I could witness support being exchanged across underrepresented employees in Fort Collins, thanks to the resources provided by the City and the Chamber. As I continue learning about these opportunities, I also consider my coworkers who move inclusion forward at New Belgium. It was such a joy to nominate my coworker and see her receive an award at the Disability Advisory Board's award ceremony, and my heart was singing to be sitting in a room filled with empathy, curiosity, and determination. I'd love the opportunity to devote my time to this commission to showcase my gratitude for these opportunities. I look forward to hearing from you, and I hope that I can contribute ideas and solutions surrounding inclusion to replicate the incredible experience I have had in getting to know this City and feeling immediately at home.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Briefly explain what you believe are the three most important issues facing this board or commission, and how do you believe this board or commission should address each issue? Feel free to upload a separate sheet of paper if necessary.

1. The continual cultural and social changes surrounding diversity, equity, and inclusion. It will be essential that each member of the commission keeps a pulse on DEI so we can best serve our community and its diverse citizens. Then, we can educate our citizens on how they can best empower and support each other, improving the social health and safety of Fort Collins.
2. Operationalizing diversity, equity, and inclusion across city-wide decision making. While this commission is essential in thought leadership and expertise, it is necessary to integrate inclusive processes across the City's processes to achieve inclusion in Fort Collins. This comes with the responsibility to uphold our values across all spaces, especially spaces where decisions are being made that will impact the underrepresented communities of Fort Collins.
3. Maintaining offerings of public engagement. While issues surrounding diversity, equity, and inclusion continue to shift and can come with an increased risk, it is important for the commission to show the diverse citizens of Fort Collins that these values are prioritized by the City and all are welcome- this can be achieved by prioritizing identity-based events and creating intentional spaces for dialogue, learning, and celebration.

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):

Rachel Bryan

12/6/2023 2:52 PM

I nominated a New Belgium Brewing coworker to the Disability Advisory Board awards and met Tricia Canonico at the awards ceremony. She told me about the opportunity and recommended that I apply!



Rachel Bryan

Professional Experience

New Belgium Brewing Company

DEI Specialist, Internal Programs | Jan 23 – Present

- Complete and submit Human Rights Campaign Corporate Equality Index, maintaining NBB's perfect score and upholding its reputation as a leader in LGBTQ+ inclusive corporate policies, practices, and benefits
- Dissect demographic insights from corporate climate survey, defining DEI strategy and solutions based on employee experience across race/ethnicity, gender, sexual orientation, veteran status, and ability
- Plan, facilitate, and run monthly DEI Coworker Council meetings, empowering coworkers across underrepresented identities to connect with executives and provide input on corporate strategy, policy, and procedure
- Define strategy and draft communications for Recognition Days and Months, adjusting communication across platforms and audiences while centering underrepresented voices, incorporating resources, and calling to action
- Identify opportunities to adjust the corporate lexicon and create systemic shifts to more inclusive language in partnership with the Communications team and Executive leadership
- Integrate a DEI lens into departmental collaborations to operationalize DEI and build competency, providing inclusivity audits for Learning and Development, HR, and Communications departments
- Maintain engagement within and across Coworker Community Groups including Pride@NBB, Women@NBB, BIPOC@NBB, Veterans@NBB, and Persons with Disabilities@NBB to improve sense of belonging

University of Michigan, Center for Campus Involvement

Program Advisor, Student Development | Sep 21 – Dec 22

- Held CCI's Learning and Development portfolio, identifying and meeting the needs of 1,600+ student organizations across campus
- Designed and piloted OrgLead, a cohort program that provides student organizations with inclusive leadership education and organizational development workshops
- Led recruitment and logistics management for Leadership Connection, an intensive one-week leadership development program
- Supervised 2 Graduate Interns and 5 undergraduate Organization Peer Advisors, providing mentorship and professional development
- Collaborated with unit leadership to write, distribute, and analyze a climate survey, informing the integration of equitable processes
- Launched CCI's DEI Working Group to create a more inclusive employee experience via professional development and resource management
- Analyzed and integrated inclusive hiring practices as Search Chair, resulting in 25% more applications from people of color and 15% more from protected veterans than the institutional average

University of Michigan, Office of Multi-Ethnic Student Affairs

Interim Program Manager | Jan 19 – Apr 19

Graduate Intern | Aug 17 – Dec 18

- Created relationship management database for Native American Heritage Month (NAHM), organizing partner data to optimize engagement, marketing, and philanthropy
- Ran Queer and Transgender People of Color (QTPOC) Community Dinners, empowering students to build community with QTPOC faculty, staff, and community members
- Compiled assessment data from programs, participants, and employees into MESA's first Impact Report, a public-facing resource that informed data-driven improvements across the department
- Wrote MESA's first in-house outreach plan to implement best practices in communication and promotion across the website, the newsletter, and all social media content
- Served as NAHM Coordinator, designing, executing, and evaluating over 20 events that were shaped by the perspectives and needs of the local Native population
- Provided resources and guidance to Native leaders on the 46th Annual Dance for Mother Earth Powwow committee, one of the largest student-run powwows in the nation

Professional Achievements

- Panelist, City of Fort Collins Inclusion in the Workplace Panel [Sep 23]
- Member, City of Fort Collins DEIA Talent Network [Mar 23]
- Speaker, University of Michigan's Student Life DEI Conference- Striving for Inclusion: A Case Study in Recruitment and Hiring [Feb 22]
- Author, New Directions for Student Services, Chapter 4- The Influence of TCUs on Native American Student Persistence [Sep 19]

Learning and Development Experience

University of Michigan	ALA 421 Creating Inclusive Communities Feb 22 – Apr 22 Ann Arbor, MI
Jalen Rose Leadership Academy	College Bound Scholars Aug 20 – Mar 21 Detroit, MI
Chitralada School	English as a Foreign Language May 19 – Oct 19 Bangkok, Thailand
Breakthrough Collaborative, AmeriCorps	English and Language Arts Jun 17 – Aug 17 Austin, TX

MA Higher Education: Diversity and Social Justice University of Michigan – Ann Arbor | Dec 18

BA Linguistics, Minor in Gender and Health University of Michigan – Ann Arbor | May 17

VOLUNTEER APPLICATION

Christopher Coy

12/13/2023 11:46 AM

Application: **HSHFB - Human Services and Housing Funding Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Services and Housing Funding 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.	Energy, Human services, Citizen Review
I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 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?	20-30
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	6
Current Occupation:	Self Employed
Current Employer:	Self Employed
Prior work experience (please include dates):	Self Employed 2012-Present
Volunteer experience (please include dates):	Empowered Sol - 2021-Present Cultural Enrichment Center of Fort Collins - 2020-present Foco Cafe - Various Dates
Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No
Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.	Grant funding should be broken up into two categories General Funding - Supports the creation, continuation, or expansion of a programs general principles and focus Project Funding - Supports a program for a specific set of goals with a dedicated start

Christopher Coy

12/13/2023 11:46 AM

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?

and end point

I believe our focus should be providing housing with a focus on sustainability and accessibility, not just overall price.

Why do you want to become a member of this particular board or commission?

I currently am involved with non-profits focused on cultural diversity and energy independence. My hope is to support our community by supporting growth in both of these areas.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

none

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Lori Kempter

1/10/2024 7:10 PM

Application: **HSFHB - Human Services and Housing Funding Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Services and Housing Funding 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. NA

I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 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? As many as needed. I understand that most months are only a few hours with the exception of March and April that are closer to 15-20 hours.

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> 4

Current Occupation: I currently serve as the Executive Director of Crossroads Safehouse in Ft. Collins.

Current Employer: Crossroads Safehouse, Inc.

Prior work experience (please include dates): 3/2023-Present Crossroads Safehouse Executive Director-Domestic violence and interpersonal abuse services.

7/2020-3/2023 Aspire 3D Executive Director-Resident services for Loveland Housing Authority residents, serving youth and families, veterans, older adults.

2018-2020 Thrive-Haven Therapist-Youth residential facility

2016-2017 Unaccompanied Student

Volunteer experience (please include dates):

Have you applied for this board before? If yes, please explain.

Are you currently serving on a City board or Commission? If so, which one?

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?

Initiative

House Parent-Pilot youth house for unaccompanied minors age 16-18 years experiencing homelessness

2012-2020 Family Promise of Cheyenne Executive Director-Family Emergency Shelter- homeless prevention/diversion/ rapid rehousing, aftercare and supportive services for children and their families experiencing homelessness.

Meals on Wheels of Berthoud and Loveland-Board of Directors-Current
Wyoming and Colorado Childrens Society- Board of Directors-Current
Family Promise National Affiliate Council-2019-2020
Cheyenne Interfaith Council 2012-2020
Wyoming Homeless Collaborative 2012-2020
Laramie County Community Partnership- Strong Families Initiative, Chair 2016-2020
City of Cheyenne Community Housing and Development Advisory Board 2014-2018
Recover Wyoming- Board of Director's 2014-2018
United Way of Laramie County-Emerging Leaders, Serve Committee Co-Chair 2014-2016

Yes, I am currently serving a partial term on this committee.

Yes;
Human Services and Housing Funding Board

I look at the basic requirements of the funding source and first assure those requirements are met. Once that is verified, I look at the priorities of the funding source and the commission. Next, I look at their ability to meet requirements for previous funding they received. Finally, I look at the impact they are making with the funds received. This does not always mean they are serving more people with fewer funds, sometimes the impact is fewer clients served but with a longer or higher level of impact.

I think there are a variety of ways the City should address social issues around poverty and housing insecurity. This includes funding those services, assisting with codes and fee waivers that make it easier for affordable housing to be built in our community, using their platform to share about the issues of poverty and housing insecurity in our community and ways in which others can support and engage. I think they assist in holding those agencies they fund accountable in the services they provide. They can look at areas that uplift our neighbors such as

Lori Kempter

1/10/2024 7:10 PM

Why do you want to become a member of this particular board or commission?

minimum wage. I think there are many ways the city can examine the causes and barriers and how we as a community can come together to address those and help our neighbors thrive.

I believe that the strongest communities are those that bring together individuals, businesses, nonprofits, and government entities. I think it is crucial for community members to be involved in their communities and some of the decisions that are being made on how funding is being prioritized and distributed. I think I can provide a unique perspective because of my longstanding nonprofit experience. I am also passionate about housing and human services and have dedicated much of my professional and personal life to this work and advocating for others who may not feel comfortable or know how to advocate for themselves. I think that I can continue to make a positive impact in my community through this committee.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;

I am currently serving a partial term.

Specify any activities which might create a serious conflict of interest if you are appointed:

My employer, Crossroads Safehouse, applies for funds from this committee so I would have to recuse myself when those applications are voted on. I have served in this capacity on similar committees and this has never been an issue. It does not alter in any way how I view or advocate for other agencies applying for funding through the committee.

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);
Current member



VOLUNTEER APPLICATION

12/7/2023 2:43 PM

Michael Kulisheck

10/17/2023 6:35 AM

Application: **HSFHB - Human Services and Housing Funding Board**

Applicant Information

Birthdate: [REDACTED] Gender: Male

Education Level: PhD

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Services and Housing Funding 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.

HSHF

I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 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?

20

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>

3

Current Occupation:

Public Opinion Consultant

Current Employer:

Benenson Strategy Group

Prior work experience (please include dates):

BSG: 2015 to Present
Harstad Strategic Research: 2001-2015

Volunteer experience (please include dates):

Human Service Housing Funding Board –
City of Fort Collins
January 2020 - Present
Sathi Fund for Social Innovators
September 2016 - Present
Economic Advisory Commission – City of
Fort Collins
January 2011 – May 2015
Budget Advisory Committee – Poudre
School District
January – April 2010
Community Development Block Grant
(CDBG) Commission – City of Fort Collins
January 2003 – December 2010

Michael Kulisheck

10/17/2023 6:35 AM

Have you applied for this board before? If yes, please explain.

Yes.

Are you currently serving on a City board or Commission? If so, which one?

Yes;
On HSHF Board. issues with my appointment

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

I am interested in the impact organizations have on the FC community in the area they work. Some organizations / project help a large number of people a little, while other help fewer people a lot. The important thing is that they are providing valuable assistance efficiently and effectively.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?

Yes. FC has a responsibility to make sure its residents are housed and have affordable opportunities to live and raise their families. The market is not addressing these needs sufficiently. We as a community - through and in partnership with the city - needs to address these issues.

Why do you want to become a member of this particular board or commission?

The HSHF Board affects people's lives each year through its funding cycle for housing and human services programs. I want to volunteer my time in a way that helps people in this way.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
I have served on this board in the past

Specify any activities which might create a serious conflict of interest if you are appointed:

none

How did you learn of a vacancy on this board or commission?

Other (please specify)

VOLUNTEER APPLICATION

Jan Stallones

12/20/2023 1:25 PM

Application: **HSFHB - Human Services and Housing Funding Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Human Services and Housing Funding 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.

whichever would serve the needs of people experiencing homelessness best

I acknowledge I am available when the Human Services and Housing Funding Board meets: 2nd Wednesday of each month at 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?

what is required and more when i can

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>

1

Current Occupation:

Retired but working part time in education

Current Employer:

Colorado Department of Education
Literacy Cohort and Western States Center

Prior work experience (please include dates):

I have worked as a classroom teacher, school district literacy coordinator, assistant professor, adjunct professor, on a California state literacy team, for Pearson and Educational Testing Services from 1986 to present.

Volunteer experience (please include dates):

Habitat, ReStore, neighborhood associations, public school clubs, university advisory board, church youth groups from 1084 to present.

Have you applied for this board before? If yes, please explain.

NO

Are you currently serving on a City board or Commission? If so, which one?

No

Jan Stallones

12/20/2023 1:25 PM

Please describe your personal perspectives, motivations or other factors that may influence how you evaluate grant funding proposals.

I have not written or approved grant proposals but have been part of education work funded by a federal grant and understand the benefits it afforded to our students, faculty, and the body of knowledge surrounding the work.

How do you believe the City of Fort Collins should address the social issues of poverty and housing insecurity in our community?

I believe in following proven models from other municipalities, innovating to fit the unique character and needs of our city, and in working to provide dignity and pride of ownership in entry level or assisted housing situations.

Why do you want to become a member of this particular board or commission?

I am noticing an increasing number of people experiencing homelessness and food insecurity in our region and want to be part of doing something to address those growing needs.

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

No

Specify any activities which might create a serious conflict of interest if you are appointed:

none

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);
communication with city officials

VOLUNTEER APPLICATION

Ross Cunniff

12/20/2023 12:38 PM

Application: **LCSB - Land Conservation and Stewardship Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Land Conservation & Stewardship 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 Land Conservation & Stewardship Board meets: 2nd Wednesday of each month at 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?	20
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	5
Current Occupation:	Engineering Manager
Current Employer:	NVIDIA
Prior work experience (please include dates):	Hewlett-Packard, 1985-2001
Volunteer experience (please include dates):	PSD Board of Education, 1999-2007. Parks and Recreation Board member, 1999-2003. Energy board member, 2011-2013. Land Conservation and Stewardship Board member, 2022-present
Have you applied for this board before? If yes, please explain.	Yes, appointed in 2022
Are you currently serving on a City board or Commission? If so, which one?	Yes; Land Conservation and Stewardship
Why do you want to become a member of this particular board or commission?	I have a passion for conserving the natural habitat in and around Fort Collins. It is this habitat that is what "Colorado" means to people.
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	Yes; Member of the board from 2022-present.

Ross Cunniff

12/20/2023 12:38 PM

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Please describe your experience in one of the following areas – land conservation, ecosystem restoration, environmental protection, outdoor recreation, or real property transactions.

Member of the LCSB from 2022-present.
City Council representative for District 5,
2013-2021

Why are Natural Areas in Fort Collins important to you?

If we don't protect these natural areas, they will disappear. They are an enduring legacy for our descendants. Unlike every other human-created environment, the natural areas can endure for perpetuity if protected from development and encroachment. And the plants and wildlife that live in these natural areas will disappear if we do not protect them.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

River Mizell

12/4/2023 9:37 AM

Application: **LCSB - Land Conservation and Stewardship Board**

Applicant Information

Birthday: [REDACTED] Gender: Other Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Land Conservation & Stewardship 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.	NA
I acknowledge I am available when the Land Conservation & Stewardship Board meets: 2nd Wednesday of each month at 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?	10
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	5
Current Occupation:	Head of Marketing
Current Employer:	Atmos Financial
Prior work experience (please include dates):	Marketing Specialist, Mothers Out Front SCUBA Instructor
Volunteer experience (please include dates):	DEI advisor, Denver Zoo
Have you applied for this board before? If yes, please explain.	Yes, current board member
Are you currently serving on a City board or Commission? If so, which one?	Yes; LCSB
Why do you want to become a member of this particular board or commission?	To continue the work being done by the board
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	Yes; Current board member
Specify any activities which might create a serious conflict of interest if you are appointed:	None

River Mizell

12/4/2023 9:37 AM

Please describe your experience in one of the following areas – land conservation, ecosystem restoration, environmental protection, outdoor recreation, or real property transactions.

Masters in conservation science,
environmental storyteller

Why are Natural Areas in Fort Collins important to you?

It connects fort collins to the natural work.
we aren't a city of buildings we're a
connection of wild places

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);
Sitting member

VOLUNTEER APPLICATION

Mark Sears

12/7/2023 3:44 PM

Application: **LCSB - Land Conservation and Stewardship Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Land Conservation & Stewardship 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 Land Conservation & Stewardship Board meets: 2nd Wednesday of each month at 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? 20+

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> 4

Current Occupation: Unemployed - Grandpa, Dad, Husband, Travel Planner, Driver, Handyman, and Volunteering

Current Employer: Retired - working for grandkids, kids, wife, and friends and non-profits

Prior work experience (please include dates): See Attached Bio for more complete information
 1978 - 1980 - Construction Manager for consultant
 1980 - 1999 - Project Engineer/Manager for City of Fort Collins Transportation
 1999 - 2021 - Natural Areas Manager for City of Fort Collins

Volunteer experience (please include dates): See Attached Bio of more complete information
 1983 - 2020 - Highlands Camp and Retreat Center
 1978 - 2023 - Multiple positions at Church and other Non-profits

Mark Sears

12/7/2023 3:44 PM

	<p>2013 - 2021 - Mentor for Partners Mentoring Partners</p> <p>2023 - Poudre Valley Community Farm Board - Treasurer</p> <p>2023 - Land Conservation and Stewardship Board</p>
Have you applied for this board before? If yes, please explain.	Yes, currently serving a one year term on the board.
Are you currently serving on a City board or Commission? If so, which one?	Yes; Currently serving a one year term on the LCSB,
Why do you want to become a member of this particular board or commission?	Having served as the Natural Areas Manager for 22 years, I feel that I have experience, knowledge and passion that I can share with the Board and Council. I love the City of Fort Collins and especially appreciate and enjoy our Natural Areas, open spaces, and trails. I would like to see these continue to expand, be well stewarded, and well restored to provide meaningful wildlife habitat, nature experiences and solace for all people.
Have you had any exposure to the board or commission you are applying for? If yes, please explain:	Yes; Currently serving on the board and while serving as the Natural Areas Manager I was the staff liaison to the board for approximately 20 years.
Specify any activities which might create a serious conflict of interest if you are appointed:	None
Please describe your experience in one of the following areas – land conservation, ecosystem restoration, environmental protection, outdoor recreation, or real property transactions.	As the Natural Areas Manager I was directly involved in all of these activities for 22 years.
Why are Natural Areas in Fort Collins important to you?	As an avid user of the natural areas for 40 plus years: I have enjoyed hiking, horseback riding, or bike riding in every natural area; I took my children hiking, canoeing, fishing, wildlife watching; now I'm taking my grandchildren. Natural areas and open spaces provide us solace from the busyness of life, they allow us to experience the beauty and awe of nature, and the lift our spirits. Mental health is fragile, natural areas provide soothing and healing like nothing else, they are essential to our mental and physical health.
Are you willing to complete the required training if appointed?	YES
How did you learn of a vacancy on this board or commission?	Website

VOLUNTEER APPLICATION

Kelen Dowdy

12/18/2023 3:51 PM

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Natural Resources 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 Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 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
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	5
Current Occupation:	Water Resources Planning Manager
Current Employer:	City of Greeley, CO
Prior work experience (please include dates):	Water Resource Planning Manager, City of Greeley 2019-2023 Water Resources Administrator, City of Greeley 2018-2019 Research Manager, USGS Fort Collins, CO 2016-2018 Graduate Research Assistant 2013-2016 Research Assistant 2012-2013
Volunteer experience (please include dates):	Catholic Charities, dinner server once monthly, 2019-2021
Have you applied for this board before? If yes, please explain.	No
Are you currently serving on a City board or Commission? If so, which one?	No
Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?	Healthy riparian areas and managed open space. After the Cameron Peak fire and

Kelen Dowdy

12/18/2023 3:51 PM

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

Marshall fire I am a concerned citizen living in the wildland urban interface. As Fort Collins continues to grow, planning and prioritization of natural barriers and healthy natural areas is of the utmost concern to me.

As the Water Resources Planning and Watershed manager for the City of Greeley I work in Natural Resources every day. I specifically work to integrate climate change into the way we plan for the future. Personally, I recreate with my family in Fort Collins managed natural areas, state parks and Larimer county open spaces. I also sit on the board for the Coalition for the Poudre River Watershed.

Any knowledge of City of Fort Collins water rights acquisitions.

YES

Other (please specify);
City newsletter

VOLUNTEER APPLICATION

Jeremiah Gorske

1/15/2024 11:07 AM

jeremiah.gorske@gmail.com

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthdate: 07/29/1987

Gender: Male

Education Level: Masters degree

Address: 616 Joanne Street
Fort Collins, CO 80524

Phone: (M) (814) 359-9757 <<

Volunteer Groups Applied For

Natural Resources 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 Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 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> 4

Current Occupation: Social scientist

Current Employer: U.S. Forest Service

Prior work experience (please include dates):
2023 Presidential Management Fellow -
U.S. Forest Service
2023-Present
Social Scientist
SALUTE National Honor Society
2022-2023
Program Coordinator
Veterans to Farmers Market Farming
Program
May to October 2022
Veterans to Farmers Member
National Park Service
2019-2021
Back Country Ranger
National Park Service
2018-2019
Interpretive Ranger
Leave No Trace Center For Outdoor Ethics

Jeremiah Gorske

1/15/2024 11:07 AM

jeremiah.gorske@gmail.com

Leave No Trace Center For Outdoor Ethics
Summer 2017
Field Leader
Student Conservation Association
Summer 2015
Wildland Firefighter

Volunteer experience (please include dates):

Recreation, Park and Tourism
Management Student Society, 2014-
present; LifeLINK PSU; on campus
program for students with disabilities,
Spring 2015; The ARC; volunteer;
recreation activities and life skills
development; 2005-2007. Fort Collins
adopt a neighbor program 2022

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

I think buffering the community against climate change through the use of urban green cover is extremely important. Reducing the heat island effect of our community will help protect our vulnerable community members. This could be coupled with agroforestry practices, such as food forests, to both provide climatic benefits while also providing educational opportunities on perennial systems.

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

My father for the last twenty two years has been the mayor of the small town I grew up in, I watched my dad demonstrate what service to your community looks like. I have been very fortunate to have learned to listen to the community and make the hard calls that must be made for the benefit of the community. I believe this observation of my dad has prepared me for community service more then anything else I have experienced.

Specify any activities which might create a serious conflict of interest if you are appointed:

I occasional have to travel for Alaska for work, this is usually once every four to six months for a period of two weeks. This would be the only conflict that may get in the way of my service.

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);
A friend recommended the position to me.

VOLUNTEER APPLICATION

Kaori Keyser

1/14/2024 4:20 PM

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Natural Resources 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.

1. Planning & Zoning Commission, 2. Water Commission, 3. Natural Resources Advisory Board

I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 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 hours/month with flexibility for additional time as needed

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>

2

Current Occupation:

Engineer-In-Training II

Current Employer:

Colorado Department of Transportation

Prior work experience (please include dates):

Field Environmental Engineer - Terracon - March 2021-January 2022
Media Specialist - CSU Walter Scott Jr., College of Engineering October 2016-May 2020

Volunteer experience (please include dates):

Various political campaigns - 2016-present

Have you applied for this board before? If yes, please explain.

no

Are you currently serving on a City board or Commission? If so, which one?

No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

I'm most passionate about protecting our environment through pollution and waste reduction, protecting our open spaces, and protecting our limited resources. I believe that maintaining a clean, safe, and healthy environment should be our community's

Kaori Keyser

1/14/2024 4:20 PM

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

priority given the current climate crisis.

As a CSU Student, I served as an Eco-Leader and the peer mentor for the Eco-Leaders' program. Through that, I learned about and educated others about local sustainability related issues. At my job at Terracon, I learned about environmental protection and remediation. In my current job, I focus on water issues including drainage, flooding, and water quality.

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Teagan Loew

12/9/2023 8:43 AM

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Natural Resources 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.	Natural Resources, Land Conservation
I acknowledge I am available when the Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	4-8
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	4
Current Occupation:	Senior Ecologist
Current Employer:	Cedar Creek Associates, Inc.
Prior work experience (please include dates):	Senior Ecologist, Headway Environmental 1/2023 to 10/2023 Ecological Group Manager, STONE Environmental 6/2015 to 1/2023 Ecologist, ENVIRON 7/2014 to 6/2015 Ecologist, Aspen Environmental Group 3/2014 to 7/2014 Ecologist Ohio EPA 6/2012 to 3/2014
Volunteer experience (please include dates):	- Botanical Surveys with City of Fort Collins, twice, July and August 2023 - Society of Ecological Restoration 2025 International Meeting Volunteer - Transportation Research Board 2022 Annual Meeting Scientific Paper Reviewer - Environmental Analysis and Ecology Committee Member, Transportation Research Board: National Academies of

Teagan Loew

12/9/2023 8:43 AM

Have you applied for this board before? If yes, please explain.

Are you currently serving on a City board or Commission? If so, which one?

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

Sciences; 2022 – Present

- Society of Wetland Scientists Member, 2015 - Present; Volunteer, Joint Aquatic Science Meeting; May 2022
- Science Committee Member, Friends of the Lower Olentangy Watershed (FLOW); 2021- Present
- Potentially Threatened Kirtland's Snake Surveyor, U.S. Fish and Wildlife Service; 2018
- Vernal Pool Ecologist, Ohio Wetlands Association; 2015 – 2019
- GIS/Remote Sensing Analyst, African Water Projects; 2013 – 2016

No

No

My interest is mostly focused on land use/ environmental planning and proposed development and how it may impact natural resources around Fort Collins. Water resources and sensitive species should especially be prioritized when making natural resource management decisions. This should be reflected in the Land Use Code but also be sensible and feasible for sustainable development to occur.

I've worked an ecologist for 15 plus years, previously serving as a regulator for the EPA, and serving as a consultant since 2014. I'm an expert in the Clean Water Act, especially wetland and stream assessments and regulation, and federal/ state listed species coordination and surveys. I routinely coordinate with regulators and permit reviewers at the federal, state, and local level, as well as represent clients with mixed interests. I try to understand all sides of the issues when assessing natural resource management (proposed development versus avoidance and/or mitigation, etc.). My expertise and ability to work with all sides/viewpoints has prepared me to serve on an Advisory Board.

I'm a consultant and may work City environmental projects or may represent a developer on a project that the City is reviewing. I'm working on several now. If a Project/topic was presented that I was involved in, I could remove myself from participating on that Project/topic.

YES

Other (please specify);

Teagan Loew

12/9/2023 8:43 AM

LinkedIn



Education

MS, Geo/Env. Science, 2012
Focus: Water Resources
Bowling Green State University

Geospatial Certificate, 2012
Bowling Green State University

BA, Environmental Studies, 2008
Focus: Ecology
Bowling Green State University

Areas of Expertise

- Ecological Surveys
- Wetland/Stream Delineations & Quality Assessments
- Endangered Species Act and State Listed Species
- Clean Water Act Permitting & NEPA Documentation
- Restoration Plans and Monitoring
- GIS Analysis

Professional Certifications

Certified Senior Ecologist
Professional Wetland Scientist (PWS) No. 2800
Certified Erosion, Sediment, and Stormwater Inspector (CESSWI)
Ohio Department of Natural Resources Approved Malacologist
U.S. Fish and Wildlife Service Approved Running Buffalo Clover Surveyor
Ohio EPA Qualified Data Collector
ODOT PreQualifications for Ecological Surveys, Waterway Permits, Categorical Exclusions, and Section 4(f)
HAZWOPER 40-hr

TEAGAN LOEW, CERT SR ECOLOGIST, PWS, CESSWI

Cedar Creek Associates, Inc., Fort Collins, CO

Senior Project Manager/Ecologist October 2023 – Current

- o Serve as wetland/stream lead for firm.
- o Complete ecological surveys, wetland/stream delineations/assessments, federal/state listed species surveys, botanical inventories, rare plant surveys, and noxious weed surveys.
- o Clean Water Act 404 and 401 permitting.
- o Environmental Impact Statement section writing and coordination.
- o Mitigation banks for listed species and water resources.
- o GIS tasks to support a variety of projects.

Headway Environmental, Fort Collins, CO

Senior Project Manager/Ecologist January 2023 – October 2023

- o Business development to establish a client base for a new, start-up consulting firm.
- o Manage several ecological/GIS staff and lead/support a wide variety of tasks/projects:
 - Wetland/stream delineations and quality/functional assessments.
 - Federal/state listed species surveys and coordination and biological reviews.
 - 401, 404, and nationwide permitting.
 - Restoration/mitigation plans.
 - Ecological surveys per local municipality requirements.
 - NEPA Documentation.
 - Advanced GIS tasks and GPS data collection.
- o Managing several staff overseeing ecological and GIS services.

STONE Environmental Engineering & Science, Columbus, OH

Ecological/Natural Resources Division Manager, June 2021 – Jan 2023

Sr Ecologist, June 17' – June 21'; Project Ecologist, June 15' – June 17'

- o Developed the ecological services for STONE over 7 years, built a strong client pool of private and public clients, continuously earned the respect/trust of regulatory agencies, and grew ecological group to 3 fulltime staff and 2 shared staff.
- o Manager of all ecological and GIS services, including:
 - Restoration/mitigation plans, planting plans, and monitoring of restoration/mitigation sites.
 - Wetland/stream delineations and qualitative biological assessments.
 - 401/404, nationwide, and isolated wetland permitting.
 - NEPA documentation (ODOT certified in several categories).
 - Federal/state listed species surveys and coordination.
 - Aquatic biological surveys for amphibians, macroinvertebrates, and freshwater mussels.
 - Advanced GIS tasks (ex: deer collision hotspot model for ODOT), map/figure creation, spatial analysis, GPS collection.

TEAGAN LOEW
Page PAGE 2

Presentations

Churn Creek Collaboration: Dam Decommissioning and Amphibian Breeding Habitat Improvements (WMAO 2022)
 Common Errors and Inconsistencies for Wetland Delineation and Assessment in Ohio (OTEC 2020)
 Transportation and the Freshwater Mussel (OTEC 2018)
 Freshwater Mussels: The Not So Silent Sentinels (WMAO 2016)

Continuing Education

OCA Future Leaders Course
 Ohio Rapid Assessment Method for Wetlands
 Ohio Headwater and Habitat Evaluation Index
 Ohio Vegetation Index of Biotic Integrity
 USACE Restoration of Streams and Riparian Areas
 USACE 38-hour Wetland Delineation
 USACE SWVM and HGM Workshop
 Sedges (Cyperaceae) Field Course
 Grasses, Sedges, and Rushes Workshop
 Advanced Wetland Botany Identification Workshop
 Vernal Pools Workshop
 USFWS Running Buffalo Clover Surveyor Training
 Freshwater Mussel ID Course
 Benthic Macroinvertebrate Collection and Family ID Course
 Qualitative Habitat Evaluation Index (QHEI) Course
 ODOT – Waterway Permits, Ecological Surveys, NEPA, CE, Section 4(f)/6(f), Cultural Resources, Public Involvement
 OSHA 40-hr HAZWOPER
 OSHA 10-hr Construction
 Stormwater BMP Trainings

AECOM, Cincinnati, OH

Wetland Ecologist, April 2015 – June 2015

- Performed wetland/water delineations and completed reports.
- Assessed wetland and streams by state and federal indices.
- Performed threatened and endangered species surveys/coordination.

ENVIRON International Corp. (now Ramboll), Los Angeles, CA

Associate Scientist, July 2014 – April 2015

- Completed biological surveys, including wetland, stream, and riparian areas, and focused surveys for special status listed vegetation, wildlife, and habitat communities.
- Routinely implemented sampling plans and collected samples, including, stormwater, groundwater, soil, sediment, and grab samples from streams.
- Managed and analyzed data, completed chain-of-custodies, and documented field assessments.
- Worked with high-level clients to ensure compliance with NPDES and waste discharge permits and advised on 401/404 permit activity.
- Researched and wrote affected environment and impact analysis sections for Environmental Impact Report (CEQA) and Environmental Impact Statement (NEPA) documents, including geomorphic function and floodplain modifications for a major housing development.
- Assisted in the development of remediation action plans, restoration plans, Phase I reports, and sampling plans.
- Performed advanced GIS tasks on a daily basis and served as the sole GIS analyst on several projects.

Aspen Environmental Group, Los Angeles, CA

Environmental Scientist, March 2014 – July 2014

- Performed vegetation and biological surveys for special status listed species, assessed habitat, identified vegetation communities, and estimated probable direct and indirect impacts.
- Completed research and technical writing of impact analysis, affected environment, and mitigation sections for water, biological, mineral, and soil/geological resources for various EIS, EA, and EIR documents.
- Completed GIS tasks such as figure and map creation and spatial analysis of data for report findings.
- Gained an understanding of both the NEPA and CEQA process.
- Left position to move into a higher and more field-oriented position with ENVIRON.

TEAGAN LOEW
Page PAGE 2

Publications

Animal Vehicle Collision (AVC) Hotspot Analysis, Transportation Research Record Journal, 2022 (Submitted 7/22, pending approval) Improvements to Total Maximum Daily Load (TMDL) Measurements and Monitoring by Satellite Remote Sensing Applications, Ohio Link, 2012

Memberships/Volunteer

Transportation Research Board 2022 Annual Meeting Scientific Paper Reviewer
 Associate Board of Supervisors, Franklin County Soil and Water Conservation District; 2022 - Present
 Environmental Analysis and Ecology Committee Member, Transportation Research Board: National Academies of Sciences; 2022 – Present
 Society of Wetland Scientists Member, 2015 - Present; Volunteer, Joint Aquatic Science Meeting; May 2022
 Science Committee Member, Friends of the Lower Olentangy Watershed (FLOW); 2021- Present
 Water Management Association of Ohio; 2018 - Present
 State Threatened Kirtland's Snake Surveyor, U.S. Fish and Wildlife Service; 2018
 Vernal Pool Ecologist, Ohio Wetlands Association; 2015 – 2019
 GIS/Remote Sensing Analyst, African Water Projects; 2013 - 2016

Ohio Environmental Protection Agency/Ohio Department of Natural Resources, Columbus, OH

Environmental Specialist, June 2012 – March 2014

- Reviewed 401 Water Quality Certifications and Surface Mining and Control Reclamation Act Permits applications.
- Reviewed restoration/mitigation plans, planting plans, and monitored over 100 restoration/mitigation sites.
- Introduced to Rosgen stream assessment/restoration methods, as well as OSU/ODNR methods.
- Gained in-depth understanding of regulatory compliance and Federal laws/rules, with emphasis on the Clean Water Act and Endangered Species Act.
- Received certifications in Ohio Rapid Assessment Method for Wetlands (ORAM), Headwater Habitat Evaluation Index (HHEI), and Vegetation Index of Biotic Integrity (VIBI).
- Completed aquatic biological surveys, vegetation transects, and geomorphic transects.
- Performed/reviewed wetland and water delineations and collected water quality samples.
- Collected, post processed, and managed spatial data, created project maps, applied models, and other miscellaneous advanced GIS tasks, used GPS units, TerraSync, ArcPad, Pathfinder Office, ArcCatalog, and ArcMap.
- Performed ongoing technical writing tasks.
- Learned the importance of producing quality, accurate, and honest work, and ensuring you've earned the respect/trust of various regulatory agencies.

Bowling Green State University, Bowling Green, OH

Graduate Research Assistant, August 2010 – May 2012

- Worked under the National Oceanic and Atmospheric Administration (NOAA) "Great Lakes Grant", focusing on monitoring the water quality of Lake Erie by satellite remote sensing.
- Completed water quality sampling, in-field measurements, and sample prep for lab analysis.
- Built algorithms/water quality models to effectively and accurately measure/map algal blooms (cyanobacteria), by image processing techniques, GIS, and statistical analysis.
- Quarterly scientific report submission to NOAA to confirm grant goals were being met.

Ohio Environmental Protection Agency, Columbus, OH
401/Mitigation Monitoring Intern, May 2010 – August 2010

- Regulatory compliance and environmental permitting related to surface water, including 401/404 permits and mitigation/restoration.
- Completed certifications and applied Ohio Rapid Assessment Method for Wetlands (ORAM), Headwater Habitat Evaluation Index (HHEI), Headwater Macroinvertebrate Field Index (HMFIEI), and Vegetation Index of Biotic Integrity (VIBI).
- Gained familiarity with state water quality standards, Clean Water Act Sections 303, 401, 402, and 404.
- Performed wetland delineations, stream surveys, and biological surveys.
- Monitored over 50 restoration/mitigation sites across the state.
- Applied advanced ArcGIS tools to examine the hydrology at specific sites, build databases, and manage years of data; collected and managed field data using ArcPad on a GPS system.
- Worked along the US Army Corp of Engineers, USEPA, US Fish and Wildlife, applicable state agencies, as well as various consultants, applicants, and interested environmental groups.

Student Conservation Association, Boston, MA & Chesterton, IN
Biotech Summer Intern, May 2008 – August 2008; May 2009 – August 2009

- Twice served as a seasonal intern for the SCA, an environmental nonprofit organization aimed at conservation practice, with both experiences focusing on botanical surveys and ecosystem restoration.
- Learned aspects of botany, identification skills, and all facets of invasive species management, including early species detection, phenology monitoring, and various treatment methods.
- Gained an understanding of ecosystem restoration through hands on planning, planting of natives, seed germination, and monitoring of success.
- Collected and managed mapping data of different restoration sites, invasive species identified and treated, and native species planted.
- Recorded and entered data into National Park inventories and databases.

VOLUNTEER APPLICATION

Sara LoTempio

1/15/2024 2:07 PM

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: PhD
 Address: [REDACTED] Phone: [REDACTED] «

Volunteer Groups Applied For

Natural Resources 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 Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6-8 hours

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> 2

Current Occupation: Assistant Professor of Human Dimensions of Natural Resources (Focus on nature and health)

Current Employer: Colorado State University

Prior work experience (please include dates):

- Graduate Research Assistant, University of Utah Department of Psychology, 2017-2022
- Instructor, University of Utah Department of Psychology, 2019, 2022
- Graduate Teaching Assistant, University of Utah Department of Psychology, 2017, 2020
- Ski instructor, Keystone Resort, 2016-2017
- Wilderness Instructor, Keystone Science School 2016-2017
- Summit Caretaker, Green Mountain Club, 2016-2016 (seasonal work)
- Research Assistant, Colby College Department of Psychology, 2013-2016
- Research Assistant, Colby College

Volunteer experience (please include dates):

Research Assistant, Colby College
Department of Environmental Studies,
2014-2015

Larimer County Master Gardener
Apprentice (2023-present)
Volunteer, Letters to a Pre-Scientist (2023-present)
Volunteer, Salt Lake County Mutual Aid, (2020-2022)
Volunteer, STEM Community Alliance (2022)
Mentor, Snowsports Outreach Society, Park City (2017-2022)
Kathryn W. Davis Projects for Peace (2014)
Alternative Spring Break Leader (2014)
More volunteer experiences available upon request

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why?

I am primarily interested in working on issues that can guide the City towards meeting its goal of carbon neutrality. Within this goal, I am interested in working on green transportation, as well as greenhouse gas emissions reductions. I am interested in working on this issue because I see climate change as an imminent threat to the safety and vitality of our city, Colorado, and the world, and I am eager to do my part as a citizen of Fort Collins to combat climate change. I am particularly passionate about green transportation because adequate public transportation can give our residents an important tool they need to act pro-environmentally while also improving health and reducing inequality.

In addition to climate change issues, I would also be interested in promoting access to nature, potentially through public transit. My research has shown that spending time in nature can improve health and quality of life, as well as foster pro-environmental attitudes. Therefore, I would feel passionately about implementing solutions that allow for better access to nature.

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

I have several experiences that I believe would prepare me to serve. Professionally, I have a bachelor's degree in environmental studies, as well as a master's and PhD in the cognition and neural sciences. I am currently an Assistant Professor in Human Dimensions of Natural Resources. My research has primarily focused on how spending time in nature can promote positive mental and physical health outcomes (<https://>

Sara LoTempio

1/15/2024 2:07 PM

sites.warnercnr.colostate.edu/raainlab/). However, I am also engaged in research that examines aspects of pro-environmental behavior and science communication, as well as general basic research into how our brains stay on task. Recently, my colleagues and I published a policy brief outlining ways in which policymakers could consider using nature to promote the health of their communities (<https://journals.sagepub.com/doi/abs/10.1177/23727322231197578?journalCode=bbsa>). Finally, as a professor, I also have extensive experience facilitating discussions on complex, sensitive, and multifaceted topics.

My community experience as a Master Gardener (and Certified Colorado Gardener) has taught me that many people will make pro-environmental and healthy choices when they are given the resources to do so. This volunteer experience has also equipped me with knowledge about horticulture, native plants, and other related topics, which may be useful on the board.

Finally, personally, throughout my life I have been a passionate user of public transportation, as well as an avid cyclist. However, many of my friends and family members are physically unable to use existing green transportation options, don't feel safe on public transit, or live in areas with poor access. It would mean a lot to me to be able to work on solutions.

Specify any activities which might create a serious conflict of interest if you are appointed:

None immediately come to mind

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);
My colleague, Dawson Metcalf.

DR. SARA B. LOTEMPLIO, PHD

Assistant Professor
Human Dimensions of Natural Resources

Professional Experience

Assistant Professor (2022-Present)
Department of Human Dimensions of Natural Resources
Warner College of Natural Resources
Colorado State University

Co-Director (2023-Present)
Collective for Nature Immersion Science and Practice (cNISP)
Colorado State University

Affiliate Faculty (2022-Present)
Columbine Health Center for Healthy Aging
Colorado State University

Education

PhD in Cognition and Neural Sciences, University of Utah, 2022
Master of Science in Cognition and Neural Sciences, University of Utah, 2018.
Bachelor of Arts in Psychology with a concentration in neuroscience (honors) and in Environmental Science with a concentration in marine science (distinction), both from Colby College 2016.

Research Interests

My academic interests largely center around investigating how environmental influences affect the basic dynamics of attention and cognitive control, and the neural systems that govern them. I use a variety of tools in my research including behavioral tasks, pupillometry, electrocardiogram (ECG), and cognitive electrophysiology (EEG). My goals are to 1) further understand the basic science of how nature can influence cognitive health, stress recovery, and wellbeing 2) develop applications to optimize nature's health and wellbeing benefits across the lifespan and across different individuals and 3) continue further basic work aimed at understanding human cognitive control and attention, especially as it relates to health and wellness outcomes. As a passionate science communicator and educator, I am also interested in understanding the basic science of how individuals engage with science to promote the wellbeing of themselves, their communities, and the environment.

Research Funding (over \$190,000 current or completed, \$165,000 as PI or Co-PI)*Current (\$175,000)*

1. REI Cooperative Action Grant. *Role:* Co-PI. 06/1/23-06/1/25. "Nature Immersion Science and Practice Collective, and the Colorado Nature and Human Health Network." \$150,000. Co-PIs: Sarah Walker and Jill Zarestky.
2. WCNR Dean's Fund for Transdisciplinary Approaches to Environmental Wicked Problems. *Role:* Co-I. 07/1/23-07/1/24. "Evaluating the potential for informal greenspaces to support biodiversity, deliver ecosystem services, and promote equity in urban landscapes." \$25,000. PI: Liba Pejchar

Under Review (\$1,475,000)

1. National Institute on Aging (NIA) R21. *Role:* PI. 01/2025- 12/2026. "Aging Naturally: Investigating How Spending Time in Nature Can Affect Executive Functioning and Heart Rate Variability in Older Adults." \$275,000. CO-Is: Deana Davalos, Francisco Ortega, Stephen Aichele, Victoria Interrante
2. NSF HCC Medium. *Role:* Co-PI. 07/2024-06/2028. "A Unifying Approach to Virtual Natural Environments for Stress Reduction." \$1,200,000. Co-PIs and Co-Is: Francisco Ortega, Deana Davalos, Victoria Interrante

Completed (\$17,000)

1. College of Natural Sciences Dean's Success Role. *Role:* PI. 05/1/23- 06/30/23. "Nature, Aging & Virtual Reality." \$17,220

Not Funded:

1. Pilot Funding for IN REACH. *Role:* PI. 02/15/23-07/15/24. "Aging Naturally: Harnessing the Effects of Nature to Improve Cognition and Well-Being in Older Adults." \$49,859.
2. AAUW Publication Grant. *Role:* PI. 07/1/23-07/1/24. "Aging Naturally: Understanding How Spending Time in Nature Affects Older Adult's Executive Functioning and Heart-Rate Variability." \$22,120.
3. WCNR Dean's Fund for Transdisciplinary Approaches to Environmental Wicked Problems. *Role:* Co-PI. 07/1/23-07/1/24. "Nature Immersion and Human Wellbeing: A Transdisciplinary Approach to Bridge Research and Practice." \$25,000
4. Seed Funding. *Role:* PI. 07/01/23-07/01/28. "Center for Nature Immersion Science and Practice: Leveraging the human nature connection for health & wellbeing." \$403,351

Publications (* denotes student author, † denotes 2 authors contributed equally to manuscript)

LoTemplo, S., McDonnell, A.M., Nadkarni, N., Walker, S., Gallegos-Riofrío, C., Scott, E.E., Bettman, J.E., Rojas-Rueda, D., Dahl, J., Powers Tomasso, L., Lawler, J., Davalos, D., & Strayer, D.L. (2023). Healthy by Nature: Policy Practices Aimed at Maximizing the Human Health Benefits of Nature Contact. *Policy Insights from Brain and Behavioral Sciences*, 10(2), 247-255.

LoTemplo, S., Bettmann, J., Scott, E.E., Blumenthal, E.* (2023). Do Mental Health Changes in Nature Co-Occur with Changes in Heart Rate Variability and Executive Functioning? A Systematic Review. *Current Environmental Health Reports*, 10(3), 278-290.

LoTemplo, S., Silcox, J., Murdock, R., Strayer, D.L., Payne, B.R. (2023). To err is human- to understand error-processing is divine: Contributions of working memory and anxiety to error-related brain and pupil responses. *Psychophysiology*, e14392

Jecmen, D.*, & LoTemplo, S. (2023). Improvements in Depressive Symptoms in Nature are Partly Caused by Improvements in Vagal Tone: A Review and Theoretical Perspective. *Ecopsychology*. <https://doi.org/10.1089/eco.2023.0007>

LoTemplo, S., Lopes, C., McDonnell, A.M., Scott, E.E., (2023). An Updated Understanding of the ERN's Relationship to Task-Related Behavior: A Brief Review and Suggestions for Future Research. *Frontiers in Human Neuroscience*, 17, 138. doi: 10.3389/fnhum.2023.1150244

Scott, E.E.†, Crabtree, K.W.*†, McDonnell, A.S., LoTemplo, S.B., McNay, G.D., & Strayer, D.L. (2023). Measuring Affect and Complex Working Memory in Natural versus Urban Environments. *Frontiers Journal of Psychology - Environmental Psychology*, 14, 1039334. doi:10.3389/fpsyg.2023.1039334

Scott, E.E., McDonnell, A.M., *LoTemplo*, S., Uchino, B. & Strayer, D.L. (2021). Toward a Unified Model of Stress Recovery and Cognitive Restoration in Nature. *Parks Stewardship Forum*, 37(1), 46-60.

LoTemplo, S., Silcox, J., Federmeir, K., Payne, B.R. (2020). Inter- and intra-individual coupling between pupillary, electrophysiological, and behavioral responses in a visual oddball task. *Psychophysiology*, 58(4).

LoTemplo, S., Scott, E.S., McDonnell, A., Hopman, R.J., Castro, S.C., McNay, G.D., McKinney, T.L., Greenberg, K., Payne, B.R., Strayer, D.L. (2020). Nature as a Potential Modulator of the Error Related Negativity: A Registered Report. *International Journal of International Psychophysiology*, 156, 49-59.

Scott, E.E., *LoTemplo*, S., McDonnell, A.M., McNay, G.D., Greenberg, K.G., McKinney, T.L., Uchino, B.N., Strayer, D.L. (2020) Immersion in Nature is Associated with Changes in Heart Rate and Heart Rate Variability. *Psychophysiology*, 58(4).

Hopman, R.J., *LoTemplo*, S., Scott, E.E., McKinney, T.L., Strayer, D.L. (2020). Neuroelectric Biomarkers of Attention Change from Prolonged Exposure in a Natural Environment. *Cognitive Research: Principles and Implications*, 5(1), 1-13.

LoTemplo, S., Reynolds, T., Eshete, A., Abrahams, M., Bruesewitz, D., & Wall, J. A. (2017). Ethiopian Orthodox church forests provide hydrological ecosystem services: evidence from stream sediment and aquatic insect analyses. *African Journal of Ecology* 55, 247-251.

Awards & Fellowships (\$176,400 total)

Dean's Transdisciplinary Travel Award, \$3,000, Colorado State University, Warner College of Natural Resources (2023)

Nancy B Klekas Outstanding Service Award, \$1000, University of Utah, Department of Psychology (2022)

Commendation for Service, University of Utah Department of Psychology (2021)

Department Award for Online Studies, \$200, University of Utah Department of Psychology (2021)

B Jack White Memorial Award, \$1250, University of Utah Department of Psychology (2021)

Research Training Grant, \$3500, Society for Psychophysiological Research (2020)

Travel Award, \$300, Associated Students of the University of Utah (2019)

Graduate Travel Award, \$1000, University of Utah College of Social and Behavioral Sciences (2019)

Commendation for Service, University of Utah Department of Psychology (2019)

Commendation for Research, University of Utah Department of Psychology (2019)

Clayton Award for Graduate Research Excellence, \$2850 University of Utah Department of Psychology (2019)

Graduate Research Fellowship, \$138,000, National Science Foundation (2019-2022)

Graduate Travel Award, \$1,000, University of Utah Graduate School (2018)

Commendation for Service, the University of Utah Department of Psychology (2018)

Special Projects Grant, \$500, Colby College (2016)

Presidential Scholar Opportunity Grant, \$3000 Colby College (2016)

Special Projects Grant, \$500 Colby College, (2014)

Kathryn W. Davis Projects for Peace, \$10,000 Kathryn W. Davis Foundation, (2014)

Special Projects Grant, \$500 Colby College, (2014)

Invited Talks

LoTemplo, S., (2023, October). Your brain on nature: from the lab to the outdoors and beyond. Presentation given to the Environmental Studies Department at Colby College

LoTemplo, S., (2023, October). Your brain on nature: from the lab to the outdoors and beyond. Presentation given to the Psychology Department at Colby College

LoTemplo, S. (2023, February). A Tale of Nature and Human Health CO. Presentation given to the Nature and Human Health Utah organization.

LoTemplo, S. (2022, November). Science Communication Training & Resources. Presentation given to the University of Utah Psychology Department Outreach Committee.

LoTemplo, S. (2022, October). Cognition in the wild: using cognition and neural sciences to understand how spending time in nature affects the mind. Presentation given to the Colorado State Psychology Department.

LoTemplo, S., Silcox, J. (2021, December). The eye as a window into the mind and brain. Insights from simultaneous pupillometry and electrophysiology, Presentation given remotely to the Neural Oscillatory Reading Group (NORG), University of Utah.

LoTemplo, S. (2021, October). The neural basis of cognitive control: from the lab to the wilderness and beyond. Presentation given remotely to the Amygdala Memory Enhancement Group, which includes members from Washington University in St. Louis, MO, University of Utah in Salt Lake City, UT and Emory University in Atlanta, GA.

LoTemplo, S. (2016, April). Is God Green?: Religious influences on climate change beliefs. Presentation given at the 2016 CLAS Highlights Address, Waterville, ME

Presentations at International Conferences

LoTemplo, S., (2022, October). Effects of state worry and working memory load manipulations on psychophysiological indices of error-processing. Presented at the 2022 Society for Psychophysiological Research Meeting in Vancouver, BC.

LoTemplo, S., Scott, E.E., McDonnell, A.M., Hopman, R.J., McNay, D.M., Greenberg, K.G., McKinney, T.M., Castro, S.C., Payne, B.R., Strayer, D.L. (2019, November). Nature as a Potential Modulator of the ERN. Presented at the 2019 Psychonomic Society Meeting in Montreal, QC.

Presentations at National Conferences

Maddock, J.E., *LoTemplo, S.*, Gerst, M. & Johnson, S. (2023, September). Nature and Health Alliance. Interactive workshop presented at the SHIFT annual summit, Bend OR.

LoTemplo, S., Walker, S. Zarestky, J., Tamlyn, K. & Johnson, S. (2023, September). Theory to Practice: Bridging the Nature and Human Wellbeing Science and Practice Gap. Interactive workshop presented at the SHIFT annual summit, Bend OR.

Lotempio, S., (2022, October). This is Your Brain On Nature: Using Cognitive Neuroscience to Understand Why Nature Improves Cognition. Presented at the 2022 SHIFT Conference. Fort Collins, CO.

LoTemplo, S. (2021 October). Neurophysiological Correlates of Cognitive Control Changes in Nature. Presented at the 2021 Virtual Nature and Health Conference.

Silcox, J.W., *LoTemplo, S.*, Federmeier, K., & Payne, B.R. (2021 October). The eye as a window to the brain: Co-registration of pupillometry and event-related brain potentials in human cognition.

LoTemplo, S., Scott, E.E., McDonnell, A.M., Hopman, R.J., McNay, D.M., Greenberg, K.G., McKinney, T.L., Castro, S.C., Payne, B.R., & Strayer, D.L. (2021 October). Effects of nature exposure on EEG indices of cognitive control. Presented at the 2021 Virtual Society for Psychophysiology Research Meeting.

LoTemplo, S., Silcox, J., Payne, B., & Federmeier, K. (2020, October). Distinct pupillary and neural responses to semantic and syntactic violations in sentence processing. Presented at the 2020 Virtual Society for Psychophysiology Research Meeting.

LoTemplo, S., Scott, E.E., McDonnell, A.M., Hopman, R.J., McNay, D.M., Greenberg, K.G., McKinney, T.L., Castro, S.C., Payne, B.R., & Strayer, D.L. (2020, October). Nature as a Modulator of the Error-Related Negativity. Presented at the 2020 Virtual Society for Psychophysiology Research Meeting.

LoTemplo, S., Scott, E.E., McDonnell, A.M., Hopman, R.J., McNay, D.M., Greenberg, K.G., McKinney, T.M., Castro, S.C., Payne, B.R., Strayer, D.L. (2019, October). Nature as a Potential Modulator of the ERN. Presented at the 2019 Shaping How We Invest for Tomorrow Conference in Jackson, Wyoming.

LoTemplo, S., Silcox, J., Payne, B., & Federmeier, K. (2019, September). Simultaneous EEG-pupillometry reveals coupling between electrophysiological and pupillary responses in a visual oddball task. Presented at the 2019 Society for Psychophysiological Research Meeting in Washington, DC.

Hopman, R.J., *LoTemplo, S.*, Scott, E., & Strayer, D.L. (2019, September). Modulation of Cognitive Restoration Dependent on Time Spent in Natural Environments. Presented at the 2019 Society for Psychophysiological Research Meeting in Washington, DC.

LoTemplo, S., Payne, B., & Federmeier, K. (2018, November). Co-registration of Pupillary and Electrophysiological Responses in a Visual Oddball Task. Presented at the 2018 Psychonomic Society Meeting in New Orleans, Louisiana.

Hopman, R.J., *LoTemplo, S.*, Scott, E., & Strayer, D.L. (2018, November). Modulation of Cognitive Restoration Dependent on Time Spent in Natural Environments. Presented at the 2018 Psychonomic Society Meeting in New Orleans, Louisiana.

LoTemplo, S., Reynolds, T., Bruesewitz, D. Pearson, A. (2014, August). Ethiopian Orthodox church forests provide hydrological ecosystem services: evidence from stream sediment and aquatic insect analyses. Presented at the 2014 Meeting of the Ecological Society of America, Sacramento, CA.

Presentations at Regional or Local Conferences (* denotes a student co-author)

- Platten, S.*, Jecmen, D*, Faulkner, J.*, *LoTemplio, S.*, & Payne, B. (2022, February). Neither worry nor cognitive load affects how our brains process errors. Presented at the 2022 University of Utah Virtual Undergraduate Research Symposium, Salt Lake City, UT.
- Platten, S.*, Jecmen, D*, Faulkner, J.*, *LoTemplio, S.*, & Payne, B. (2022, February). Neither worry nor cognitive load affects how our brains process errors. Presented at the 2022 Research on Capitol Hill Symposium, Salt Lake City, UT.
- Caines, N.*, Jecmen, D.*, Beekhuizen, J.*, *LoTemplio, S.* & Strayer, D.L. (2020, April). Assessment of Glucose's Role in Cognitive Control. Presented at the 2020 University of Utah Virtual Undergraduate Research Symposium, Salt Lake City, UT.
- LoTemplio, S.*, Silcox, J., Payne, B., & Federmeir, K. (2019, September). Simultaneous EEG-pupillometry reveals coupling between electrophysiological and pupillary responses in a visual oddball task. Presented at the 2019 Utah Chapter of Society for Neuroscience Meeting, Snowbird Resort, UT.
- LoTemplio, S.*, Legault, M., Coane, J.H. (2016, April). Is God Green?: Religious influences on climate change beliefs. Presented at the 2016 Colby Liberal Arts Symposium, Waterville, ME.
- LoTemplio, S.*, Legault, M., Coane, J.H. (2016, March). Is God Green?: Religious influences on climate change beliefs. Presented at the 2016 Meeting of the Eastern Psychological Association, New York, NY.
- LoTemplio, S.*, Reynolds, T., Bruesewitz, D. Pearson, A. (2014, September). Ethiopian Orthodox church forests provide hydrological ecosystem services: evidence from stream sediment and aquatic insect analyses. Presented at the 2014 Inauguration of President David A. Greene, Waterville, ME.
- LoTemplio, S.*, Reynolds, T., Bruesewitz, D. Pearson, A. (2014, August). Ethiopian Orthodox church forests provide hydrological ecosystem services: evidence from stream sediment and aquatic insect analyses. Presented at the 2014 Colby Undergraduate Summer Research Retreat, Forks, ME.
- LoTemplio, S.*, Coane, J.H. (2014, April). Does Dog Prime Head? Priming for New Associations. Presented at the 2014 Colby Liberal Arts Symposium, Waterville, ME.
- LoTemplio, S.*, Valentin, M., Rabjohns, J., & Cooke, M. (2014, April). Reputation, Marketing, and the Pursuit of Green. Presented at the 2014 Colby Liberal Arts Symposium, Waterville, ME.
- Termonen, M. L., Coane, J. H., *LoTemplio, S.*, & Boland, S. (2014, March). Rat-Hat or Bat-hat: Association strength in orthographic and phonological priming. Presented at the 2014 Meeting of the Eastern Psychological Association, Boston, MA.
- LoTemplio, S.*, Coane, J.H. (2013, December). Does Dog Prime Head?. Presented at the 2013 Colby College Psychology Fall Poster Session, Waterville, ME.

Teaching Experience

Human Dimensions Instructor, Natural Resources Measurements, Colorado State University (2023)
Instructor, Psychology as a Science and Profession, University of Utah (2022)
Instructor, Cognition in the Wild, University of Utah (2019)

Graduate Teaching Assistant, Advanced Cognitive Electrophysiology, University of Utah (2020)
Graduate Teaching Assistant, Cognitive Psychology, University of Utah (2017)
Tutor, Introduction to Psychology, Colby College (September 2014- May 2016)
Tutor, Cognitive Psychology, Colby College (2014)

Mentoring Experience

Mentor of Independent Project- Calvin Giddings, University of Utah Department of Psychology, (2023-present)
Dissertation Committee- Kaiya Tamlyn, Colorado State University Department of Human Dimensions of Natural Resources (2023- present)
Master's Thesis Committee (chair)- Sara-Ashley Collins, Colorado State University Department of Human Dimensions of Natural Resources (2023-present)
Dissertation Committee- Rachel Masters, Colorado State University Department of Computer Science (2023-present)
Dissertation Committee- Analeigh Dao, Colorado State University Department of Psychology (2022-present)
Internship Supervisor- Sharde Johnson, Colorado State University Department of Sports Management (2023)
Undergraduate Honors Thesis Advisor- Devon Jecmen, University of Utah (2022)
Undergraduate Research Opportunity Project Mentor- Shaylie Platten, University of Utah (2021-2022)
Undergraduate Research Opportunity Project Mentor- Devon Jecmen, University of Utah (2021)
Summer Program for Undergraduate Research Mentor, University of Utah (2021)
Undergraduate Honors Thesis Advisor- Rachel Morse, University of Utah (2020)
Undergraduate Research Opportunity Project Mentor - Rachel Morse, University of Utah (2020)
Summer Program for Undergraduate Research Mentor, University of Utah (2020)
Undergraduate Research Opportunity Project Mentor- Nate Caines, University of Utah (2019-2020)
Office of Undergraduate Research Certified Mentor, University of Utah (2019)

Professional Service

Ad-hoc Reviewer, Multiple journals, including but not limited to Psychophysiology, International Journal of Psychophysiology, Experimental Brain Research, IEEE Transactions on Visualization and Computer Graphics, Urban Forestry and Urban Greening, Frontiers in Neuroscience, (2020-present). I have reviewed conference submissions for Rocky Mountain Psychological Association (2024).
Chair of Research Committee, Nature and Health Alliance (2023- present)
Diversity Committee, Colorado State University Department of Human Dimensions of Natural Resources (2022-present)
Founder of the Graduate Student Mutual Aid Fund, University of Utah Psychology Department (2021)
Graduate Committee Student Representative, University of Utah Psychology Department (2020-2021)
Grant Reviewer, Branch Out Foundation (2019, 2021)
Diversity Committee Social Media Coordinator, University of Utah Psychology Department (2018-2020)
Diversity Graduate Application Advisory, University of Utah Psychology Department (2018- present)
Outreach Committee, University of Utah Psychology Department (2018 - present)
Diversity Committee Member, University of Utah Psychology Department, (2017 - present)
Task Force for the Globalization of Colby, Colby College (2016)
Search Committee for Director of Outdoor Education, Colby College (2013)

Extension, Science Communication, and Outreach

Participating Scientist, Letters to a Pre-Scientist (2024)
Co-Director, Nature and Health Northern Colorado, (2022-present)

Guest Presentation on Neuroscience, Saranac Elementary School (2021, June)
NSF STEM Ambassador Program Mentor, University of Utah (2021)
Guest Presentation on Neuroscience, Science Community Alliance Program (2021, March)
NSF STEM Ambassador Program Fellow, University of Utah (2021)
Guest Presentation on Neuroscience, Christ School (2020, December)
Science Communication Fellow, Utah Natural History Museum (2020-2021)
Guest Presentation on Being a Scientist, Saranac Elementary School (2019, November)
Organized Girls in STEM outreach day, University of Utah (2019, February)
Judge, Salt Lake Valley High School Science and Engineering Fair (2018 & 2019, February)
Participating Scientist, Skype a Scientist (2018-2022)
Maintaining Science Communication Blog, saralotemplio.com (2018-present)
Guest Presentation on Neuroscience, Saranac Elementary School (2017, December)

Skills

Proficient in R, Matlab, PsychoPy, E-Prime, Excel, SPSS, BrainVision & BioPac
Experience with Python

Membership in Professional Associations

Nature and Health Alliance
Society for Psychophysiological Research
Psychonomics Society
Rocky Mountain Psychological Association
Psi Chi

VOLUNTEER APPLICATION

Todd Simmons

1/9/2024 8:31 AM

Application: **NRAB - Natural Resources Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Natural Resources 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 Natural Resources Advisory Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10-15

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: Director of local literary arts non-profit, Wolverine Farm Publishing, and community event space, Wolverine Farm Public House.

Current Employer: Wolverine Farm Publishing

Prior work experience (please include dates): National Park Service 2001-2002
Colorado State Forest Service 1999
Keystone Science School 1998-1999

Volunteer experience (please include dates): Save the Poudre, 2004-present
Bike Fort Collins 2005-2007

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Which natural resource issue facing the City of Fort Collins community are you most impassioned to work on, and why? Water. Water in the West is the driving issue affecting humanity and our ability to adapt to a changing climate.

Todd Simmons

1/9/2024 8:31 AM

Please describe a personal, professional, or community experience that has most prepared you to serve on the Natural Resources Advisory Board.

I've been an active and engaged member of the Fort Collins community for over 20 years, and have attended dozens of meetings related to natural resource issues. I am a good listener and enjoy research, collaboration, and positive compromise toward equality and justice.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

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);
City e-newsletter

Todd Simmons

[REDACTED], Fort Collins, CO 80521

Professional Summary

Successful communications and entrepreneurial professional with 20+ years experience in media, project planning and management, fund-raising, business development, and public engagement environments. Strong sustainability and forward-thinking emphasis based on science, research, and data analysis. Excellent written and verbal communicator with a proven ability to see ideas and projects through to completion.

Work History

Wolverine Farm Publishing Fort Collins, CO

Founder/Director | 04/2002 - Current | 40-50 hours/week

- Successfully created and grew non-profit organization to a staff of 12.
- Created and published over 100 original and unique books, newspapers, broadsides, and websites, including all marketing, social media, and public events.
- Cultivated a strong work culture with high retention centered around sustainability, creativity, community engagement, and place making.
- Operated a volunteer-run, donations-based bookstore for 12 years.
- Redeveloped an underutilized commercial space into a thriving and culturally significant community event space.
- Consulted and collaborated on dozens of community building events and projects with entities such as Colorado State University, City of Fort Collins, and New Belgium Brewing.

National Park Service Moscow, ID

Scientific Aide | 01/2001 - 04/2002 | 40 hours/week

- Developed and conducted field surveys in over a dozen national parks.
- Performed data analysis and synthesis and wrote reports for park personnel.

Natural Resources Field Work/Education Summit County, CO

Educator/Surveyor | 07/1998 - 10/2000 | Avg. 40 hours/week

- Developed and taught environmental education.
- Performed water quality monitoring, noxious weed control, and restoration projects on state and county public lands.
- Conducted a field survey of Mountain Pine Beetle infestations in Summit and Eagle Counties using GIS mapping techniques.

Skills

- Project Management
- Writing and Editing
- Publication Layout and Design
- Natural Resource Stewardship
- Community Engagement
- Budgeting and Finance
- Grantwriting

Education

Bachelor of Science
Land Use and Conservation
University of Kansas
Lawrence, KS
1999

Publications

- *The Life in Us is Like the Water in the River*, nonfiction, 2023
- *Best of Boneshaker*, essay, 2016
- *A Poetic Inventory of Rocky Mountain National Park*, poem, 2013
- *Pulse of the River*, essay, 2006

Volunteer

Bike Fort Collins
Northern Colorado
Rebuilding Network
Save the Poudre

VOLUNTEER APPLICATION

Joshua Durand

12/12/2023 12:25 PM

Application: PRB - Parks and Recreation Board

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: Bachelors degree

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Parks & Recreation 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 Parks & Recreation Board meets: 4th Wednesday of each month January - October at 5:30 p.m. and 1st Wednesday of December YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10

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> 2

Current Occupation: Capital Project Consultant

Current Employer: The Boutet Company

Prior work experience (please include dates): I worked in a handful of roles for the Parks and Recreation Department in Anchorage Alaska from 2010 to 2022. Prior to that I worked for landscape architecture and design build firms from 1997 to 2010.

Volunteer experience (please include dates): I served on the P&R Board for all of 2023. Prior to this role on the board my family and I would volunteer for trail and landscape improvement events on summer weekends from 2013 to 2021.

Have you applied for this board before? If yes, please explain. Yes, and I was selected for a one year term that expires this coming March of 2024.

Are you currently serving on a City board or Commission? If so, which one? Yes; Parks and Recreation

Joshua Durand

12/12/2023 12:25 PM

Why do you want to become a member of this particular board or commission?

Parks, trails and recreational opportunities are a very important component for what my family and I consider high quality of life. This passion and professional background in parks & recreation positions me to advocate for important matters for the department and review matters related to development.

Please describe the community benefits of highly functioning Parks & Recreation Departments.

The benefits are a healthy, happy and strong community that others will wish to join.

How have you engaged in the benefits of the current Parks and Recreation systems?

My family and I use the network of trails for both transportation and recreation. We also use recreational programming for summer camps at the farm, cheerleading and flag football. Another benefit is the seasonal lighting and annual flower program downtown.

Specify any activities which might create a serious conflict of interest if you are appointed:

No conflicts.

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);
Email from Davina Lau.

VOLUNTEER APPLICATION

Lorena Falcon

1/9/2024 9:47 PM

Application: **PRB - Parks and Recreation Board**

Applicant Information

Birthay: [REDACTED] Gender: Female Education Level: Bachelors degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Parks & Recreation 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. (1) Planning and Zoning Commission (2) Parks and Recreation Board (3) Land Use Review Commission

I acknowledge I am available when the Parks & Recreation Board meets: 4th Wednesday of each month January - October at 5:30 p.m. and 1st Wednesday of December YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10-20 hrs

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> 2

Current Occupation: Landscape Architect/Designer

Current Employer: Norris Design

Prior work experience (please include dates): Norris Design - Design Intern - May 2021-August 2021, Penn Landscape - Design Intern, May 2020-August 2020

Volunteer experience (please include dates): NA

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Why do you want to become a member of this particular board or commission? I moved to Fort Collins. I didn't grow up here, and I can confidently say that the way the open spaces and parks here in the city are designed, ran, and maintained, significantly improve the quality to a person living here. The parks and open spaces here in Fort Collins are what makes the

Lorena Falcon

1/9/2024 9 47 PM

Please describe the community benefits of highly functioning Parks & Recreation Departments.

city the booming and lively city it is and it takes an army to make it happen. I love Fort Collins so much and I would love help bring together my knowledge of design and creative planning together to help foster these spaces so they can continue to serve the city. I want to have more hands on work with community members and be able to hear their wants and needs for spaces here in the city.

How have you engaged in the benefits of the current Parks and Recreation systems?

Parks an Rec departments are one of the most important departments in a city. They are the ones that ensure that the community is receiving what they need in terms of space to recreate and explore. The biggest projects like the large 20 acre park down the street that is being constructed to the new trash receptable that is being placed in the high traffic trail are all done by the parks department and with out those resources, the community is not getting the infrastructure it needs to maintain or grow. This department brings together people and community and creates spaces for the city to gather and celebrate together.

Specify any activities which might create a serious conflict of interest if you are appointed:

Oh course! I came from a city that had weak park and recreation systems and coming to Fort Collins, I'm SPOILED! The miles of bike trails are my favorite to ride on and Spring Canyon Park is my favorite for the summer volleyball leagues. I constantly take advantage of all the parks and spaces in the city and love how they are all so different!

Are you willing to complete the required training if appointed?

I am apart of the development side of Fort Collins where I work, so there could be some overlap.

How did you learn of a vacancy on this board or commission?

YES

Other (please specify);
Facebook

LORENA J. FALCON

OBJECTIVE

Seeking a position on the City of Fort Collins Parks and Recreation Board

SKILLS

- Creative Design Skills
- Knowledge of Fort Collins Code
- Adaptive Learner
- Collaborate with Colleagues Easily
- Professional Communication Skills
- Punctual and Dependable

EDUCATION

University of Illinois Urbana-Champaign

Bachelor of Landscape Architecture

Champaign Urbana, IL

August 2019-May 2022

Illinois Central College

Associates in Arts and Science

East Peoria, IL

August 2017-May 2018

WORK EXPERIENCE

Norris Design

Fort Collins, CO

Landscape Designer

July 2022 - Present

- Design functional and attractive spaces for clients
- Collaborate with project consultants on day-to-day progress
- Project manage team members and subconsultants

Norris Design

Fort Collins, CO

Design Intern

May 2021 - August 2021

- Design functional and attractive spaces for clients
- Collaborate with project consultants on day-to-day progress

Penn Landscaping and Sunburst Nursery

Bloomington, IL

Design Intern

May 2020 – August 2020

- Design unique and personalized landscapes for clients
- Work alongside the designer and owner for landscaping projects
- Assist customers with questions about plants and landscaping ideas

EDUCATIONAL/LEARNING EXPERIENCES

CITY WORKS

Fort Collins, CO

City of Fort Collins

March 2022 - May 2022

- Learn ins and outs of the governmental structure of the City of Fort Collins
- Meet and network with city staff and community members

VOLUNTEER APPLICATION

John Mola

12/7/2023 7:53 AM

Application: **PRB - Parks and Recreation Board**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: PhD

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Parks & Recreation Board

Skills & Interests

Additional Skills / Interests: Spanish reading comprehension (but not conversant in "Spoken" form)

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. Parks and Recreation; Land Conservation and Stewardship

I acknowledge I am available when the Parks & Recreation Board meets: 4th Wednesday of each month January - October at 5:30 p.m. and 1st Wednesday of December YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 8

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> 1

Current Occupation: Assistant Professor of Forest Ecology with an emphasis in urban systems and pollinator conservation

Current Employer: Colorado State University

Prior work experience (please include dates): 2022 - Present, Colorado State University
2019 - 2022 - U.S. Geological Survey, Fort Collins Colorado

Please see attached CV for full work experience.

Volunteer experience (please include dates):

2021 - Present, Volunteer, Northern Colorado Disc Golf Club
2015-2019 - Various positions associated with ecological management at University of California Davis
2008-2011 - Director, Students for Sensible Drug Policy at Florida State University

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I see substantial opportunity to incorporate forest ecology, pollinator conservation, and urban ecological principles into improving parks and expanding recreational opportunities for residents. I believe we can achieve restoration and recreation outcomes through shared land use.

Please describe the community benefits of highly functioning Parks & Recreation Departments.

Improved recreational opportunities and access to parks are associated with decreased hospitalizations, improved health outcomes (especially those associated with mental health and cardiovascular health), and reduced load on our economic systems as residents remain active and functioning. Well functioning parks departments can also help demonstrate the value of local governance to residents and therefore improve civic engagement more broadly.

From an ecological perspective, parks can be entry points for conservation management programs - although traditional perspectives may suggest these opportunities are only available in "natural areas", there is substantial research suggesting formal and informal green spaces in parks can be important for the conservation of pollinators and other forms of wildlife.

How have you engaged in the benefits of the current Parks and Recreation systems?

I am a little unclear of what this question is asking so I'll answer both options I see.

1. In my professional capacity my research group (molalab.org) works with parks departments to conduct research aimed at improving conservation outcomes for pollinators and other insects in urban environments. This past summer we conducted a survey on native bee and butterfly use across 25 parks in Denver in close collaboration with Denver Parks and Recreation. We also hosted outreach events aimed at engaging Denver residents. I also have meet with Fort Collins Parks and Recreation staff to discuss disc golf as part of my volunteer role with Northern Colorado Disc Golf Club.

2 I engage with parks primarily through my

John Mola

12/7/2023 7:53 AM

Specify any activities which might create a serious conflict of interest if you are appointed:

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

~~2. I engage with parks primarily through my hobby of disc golf.~~

I volunteer with the Northern Colorado Disc Golf Club, though I wouldn't say this is a "serious" COI, as I understand that parks are designed to accommodate multiple recreational pursuits and balance the needs of various community members.

YES

Newspaper

CURRICULUM VITAE

CV SECTION 1: Employment History/Awards

NAME

John Michael Mola

ADDRESS

Department of Forest and Rangeland Stewardship
 Warner College of Natural Resources
 Colorado State University
 Fort Collins, CO 80523-1472

CONTACT

email [REDACTED]
 lab website: molalab.org

EDUCATION

2019 Ph.D., Ecology, University of California Davis
 2014 M.S., Biological Sciences, Humboldt State University
 2011 B.S., Environmental Studies, Florida State University

ACADEMIC POSITIONS

October 2022 – present	Assistant Professor, Colorado State University, Department of Forest and Rangeland Stewardship
October 2019 – September 2022	Mendenhall Postdoctoral Fellow, U.S. Geological Survey
August 2013 – May 2018	NSF GRFP Fellow, Humboldt State University and University of California Davis

HONORS AND AWARDS

2021	United States Geological Survey Star Award
2020	United States Geological Survey Performance Award
2018-19	University of California Davis, Professors for the Future Fellow
2013-18	National Science Foundation Graduate Research Fellowship
2014-16	University of California Davis, Graduate Group in Ecology Fellowship
2013	Humboldt State University, Allistair and Judith McCrone Graduate Fellowship

PUBLISHED WORKS

H-index: 13, i10-index: 13, Citations: 501 (as of 2023-10-17, [Google Scholar link](https://scholar.google.com/citations?user=JmMola))

Mentees are underlined, **Mola** in bold

PD Post-Doctoral Scholar

UG Undergraduate Student

UG Undergraduate Student

Refereed Journal Articles

1. Janousek, W. M., M. R. Douglas, S. Cannings, M. A. Clément, C. M. Delphia, J. G. Everett, R. G. Hatfield, D. A. Keinath, J. B. U. Koch, L. M. McCabe, **J. M. Mola**, J. E. Ogilvie, I. Rangwala, L. L. Richardson, A. T. Rohde, J. P. Strange, L. M. Tronstad, and T. A. Graves. 2023. Recent and future declines of a historically widespread pollinator linked to climate, land cover, and pesticides. *Proceedings of the National Academy of Sciences* 120:e2211223120.
2. Kendall, L. K., **J. M. Mola**, Z. M. Portman, D. P. Cariveau, H. G. Smith, and I. Bartomeus. 2022. The potential and realized foraging movements of bees are differentially determined by body size and sociality. *Ecology*:e3809.
3. Montero-Castaño, A., J. B. U. Koch, T.-T. T. Lindsay, B. Love, **J. M. Mola**, K. Newman, and J. K. Sharkey. 2022. Pursuing best practices for minimizing wild bee captures to support biological research. *Conservation Science and Practice* 4:e12734.
4. Otto, C. R. V., A. C. Schrage, L. L. Bailey, **J. M. Mola**, T. A. Smith, I. Pearse, S. Simanonok, and R. Grundel. 2022. Addressing detection uncertainty in *Bombus affinis* (Hymenoptera: Apidae) surveys can improve inferences made from monitoring. *Environmental Entomology*:nvac090.
5. Rundlöf, M., C. Stuligross, A. Lindh, R. L. Malfi, K. Burns, **J. M. Mola**, S. Cibotti, and N. M. Williams. 2022. Flower plantings support wild bee reproduction and may also mitigate pesticide exposure effects. *Journal of Applied Ecology*.
6. **Mola, J. M.**, J. Hemberger, J. Kochanski, L. L. Richardson, and I. S. Pearse. 2021. The importance of forests in

bumble bee biology and conservation. *BioScience* 71:1234–1248.

7. **Mola, J. M.**, L. L. Richardson, G. Spyreas, D. N. Zaya, and I. S. Pearse. 2021. Long-term surveys support declines in early season forest plants used by bumblebees. *Journal of Applied Ecology* 58:1431–1441.
8. **Mola, J. M.**, C. Stuligross, M. L. Page, D. Rutkowski, and N. M. Williams. 2021. Impact of “non-lethal” tarsal clipping on bumble bees (*Bombus vosnesenskii*) may depend on queen stage and worker size. *Journal of Insect Conservation* 25:195–201.
9. **Mola, J. M.**, M. R. Miller, S. M. O’Rourke, and N. M. Williams. 2020. Forests do not limit bumble bee foraging movements in a montane meadow complex. *Ecological Entomology* 45:955–965.
10. **Mola, J. M.**, M. R. Miller, S. M. O’Rourke, and N. M. Williams. 2020. Wildfire reveals transient changes to individual traits and population responses of a native bumble bee *Bombus vosnesenskii*. *Journal of Animal Ecology* 89:1799–1810.
11. LoPresti, E. F., J. Goidell, **J. M. Mola**, M. L. Page, C. D. Specht, C. Stuligross, M. G. Weber, N. M. Williams, and R. Karban. 2019. A lever action hypothesis for pendulous hummingbird flowers: experimental evidence from a columbine. *Annals of Botany* 125:59–65.
12. **Mola, J. M.**, and N. M. Williams. 2019. A review of methods for the study of bumble bee movement. *Apidologie* 50:497–514.
13. Williams, N. M., **J. M. Mola**, C. Stuligross, T. Harrison, M. L. Page, R. M. Brennan, N. M. Rosenberger, and M. Rundlöf. 2019. Fantastic bees and where to find them: locating the cryptic overwintering queens of a western bumble bee. *Ecosphere* 10:e02949.
14. LoPresti, E. F., J. I. V. Wyk, **J. M. Mola**, K. Toll, T. J. Miller, and N. M. Williams. 2018. Effects of wildfire on floral display size and pollinator community reduce outcrossing rate in a plant with a mixed mating system. *American Journal of Botany* 105:1154–1164.
15. **Mola, J. M.**, and N. M. Williams. 2018. Fire-induced change in floral abundance, density, and phenology benefits bumble bee foragers. *Ecosphere* 9.
16. **Mola, J. M.**, J. M. Varner, E. S. Jules, and T. Spector. 2014. Altered Community Flammability in Florida’s Apalachicola Ravines and Implications for the Persistence of the Endangered Conifer *Torreya taxifolia*. *PLOS ONE* 9:e103933.
17. Kreye, J. K., J. M. Varner, J. K. Hiers, and **J. M. Mola**. 2013. Toward a mechanism for eastern North American forest mesophication: differential litter drying across 17 species. *Ecological Applications* 23:1976–1986.

Manuscripts Submitted/In Review

1. **Mola, J. M.**, I. S. Pearse, M. L. Boone, E. Evans, M. J. Hepner, R. P. Jean, J. M. Kochanski, C. Nordemeyer, E. Runquist, T. A. Smith, J. P. Strange, J. Watson, J. B. U. Koch. (In Prep) Range-wide genetic analysis of an endangered bumble bee (*Bombus affinis*) reveals population structure, isolation by distance, and low colony abundance. *Journal of Insect Science*

Practitioner Papers/Technical Reports

1. Smith, T. A., J. P. Strange, E. C. Evans, B. M. Sadd, J. C. Steiner, **J. M. Mola**, and K. Traylor-Holzer. 2020. Rusty patched bumble bee, *Bombus affinis*, ex situ assessment and planning workshop: final report. Apple Valley (MN): IUCN SSC Conservation Planning Specialist Group. <https://www.cpsg.org/content/rusty-patched-bumble-bee-ex-situ-assessment-and-planning-workshop-report>

Archived Datasets (Only first-authored datasets included)

1. Kendall, L.; **J. M. Mola**, Z. Portman, D. Cariveau, H. Smith, I. Bartomeus. (2022). Data from: The potential and realized foraging movements of bees are differentially determined by body size and sociality. figshare. Dataset. <https://doi.org/10.6084/m9.figshare.18857654.v8>
2. Rundlöf, M., C. Stuligross, A. Lindh, R. L. Malfi, K. Burns, **J. M. Mola**, S. Cibotti, and N. M. Williams. (2022). Flower plantings support wild bee reproduction and may also mitigate pesticide exposure effects [Dataset]. Dryad. <https://doi.org/10.5061/dryad.1zcrjdfv9>
3. **Mola, J. M.** et al. (2021). Data for: Long-term surveys support declines in early-season forest plants used by bumble bees [Dataset]. Dryad. <https://doi.org/10.25338/B88G96>
4. **Mola, J. M.** et al. (2021). Data for impact of “non-lethal” tarsal clipping on bumble bees (*Bombus vosnesenskii*) may depend on queen stage and worker size [Dataset]. Dryad. <https://doi.org/10.25338/B8CS63>
5. **Mola, J. M.** et al. (2020). Data from: Wildfire reveals transient changes to individual traits and population responses of a native bumble bee (*Bombus vosnesenskii*) [Dataset]. Dryad. <https://doi.org/10.25338/B8VS52>

6. **Mola, J. M.** et al. (2020). Data from: Forests do not limit bumble bee foraging movements in a montane meadow complex [Dataset]. Dryad. <https://doi.org/10.25338/B86G7T>

CONTRACTS & GRANTS

Total Funding: \$789,672.48

Funding Since Starting at CSU: \$789,672.48 (External: \$784,672.48; Internal: \$5,000)

Externally Funded Projects as PI; Total: \$784,672.48

Mola, J. M. (PI), Co-PI: I. S. Pearse. (2023-2027). *Understanding overwintering and long-term demography of imperiled bumble bees*. US Geological Survey (USGS) Cooperative Ecosystem Studies Unit (CESU) Cooperative Agreement. \$200,958.48

Mola, J. M. (PI), Co-PI: Z. L. Steel. (2023-2028). *Assessing wildlife trends and the impacts of ecological disturbance*. US Forest Service, Rocky Mountain Research Station Cooperative Agreement. \$433,714.00

Mola, J.M. (PI). Co-PIs: C.A. Havrilla, V. Champine. (2023 – 2024). *Optimizing plant choices to maximize pollinator habitat, climate resilience, and social values across Denver parks and neighborhoods*. CSU Salazar Center for North American Conservation and Denver Parks and Recreation, Urban Climate Resilience in Denver Research Grant. \$150,000.

Internally Funded Projects as PI; Total: \$5,000

Mola, J.M. (PI). Co-PIs: C.A. Havrilla, V. Champine, L. Mason (2023). *Extension Internship: Urban Plant-Pollinator Conservation*. CSU Extension Internship Program. \$5,000.

Pending funding

External Pending Proposals as PI

Mola, J.M. (PI). Co-PI: T.S. Davis. (2023). *Beyond abundance and richness: determining the influence of ecosystem disturbance on pollinator adaptive capacity, fitness, and occupancy*. USDA-NIFA-National Institute of Food and Agriculture. \$749,213.25.

External Pending Proposals as Co-PI

Davis, T.S. (PI). Co-PI: **J.M. Mola**. (2023). *Competition between managed honeybees and wild bees in the Colorado Front Range*. USDA-NIFA-National Institute of Food and Agriculture. \$742,173.24.

Davis, T.S. (PI). Co-PIs: **J.M. Mola**. (2023). Evaluating competition between managed and wild bees. USDA Western SARE Research and Education. \$350,000 (Pre-proposal invited for full proposal) in a semi-urban agricultural landscape

Other Grants, Awards, and Fellowships Received Prior to Starting at CSU (Total: \$1,141,048)

2022	U.S. Fish and Wildlife Service Support Grant, \$114,000
2021	U.S. Fish and Wildlife Service Region 3 Support, \$48,000
2021	Great Lakes Restoration Initiative Grant (Restoration), \$100,000
2020	Great Lakes Restoration Initiative Grant (Genetics and Pathogens), \$161,000
2020	U.S. Geological Survey Fort Collins Science Center Internal Grant, \$6,000
2018-19	University of California Davis, Professors for the Future Fellow, \$3000

2013-18	NSF Graduate Research Fellowship (GRFP), \$133,500
2014-16	University of California Davis, Graduate Group in Ecology Fellowship, \$43,000
2013	Humboldt State University, Allistair and Judith McCrone Graduate Fellowship, \$3,000
2018	University of California Davis, Henry A. Jastro Graduate Research Award, \$3,300
2017	American Museum of Natural History, Theodore Roosevelt Memorial Fund, \$1,600
2016	University of California Davis, Henry A. Jastro Graduate Research Award, \$3,000
2016	University of California Davis, Natural Reserve System Grant, \$2500
2016	University of California Davis, Mathias Graduate Student Grant, \$3000
2016	Northern California Botanists, Graduate Research Scholarship, \$1,600
2015	University of California Davis, Henry A. Jastro Graduate Research Award, \$2,800
2015	American Museum of Natural History, Theodore Roosevelt Memorial Fund, \$1,560
2015	University of California Davis, Natural Reserve System Grant, \$2500
2014	California Native Plant Society, Callahan Scholarship, \$1,388
2013	Humboldt State University, Master's Student Grant, \$300
2013	Humboldt State University, Brusca Invertebrate Zoology Scholarship, \$1,000
2011	NSF Research Experience for Undergraduates, \$5,000

PAPERS PRESENTED/SYMPOSIA/INVITED LECTURES/PROFESSIONAL MEETINGS/WORKSHOPS

Conference Session Organization

2023. BOMBUSS 3.0. Organized Session: Conservation and IUCN Bumble Bee Specialist Group Update. San Cristóbal de las Casas, Chiapas, Mexico.

2021. Entomological Society of America. Organized Symposium: *Conserving insects in a vertebrate-minded world*. Lead Organizer. Virtual.

Invited Talks (presenter in bold)

2022. **Mola, J.M.** *The importance of forests in bumble bee biology and conservation*. Colorado State University Agricultural Biology Departmental Seminar. Oral Presentation, Fort Collins, Colorado, USA.

2022. **Mola, J.M.** *The importance of forests in bumble bee biology and conservation*. Entomological Society of America. Oral Presentation, Vancouver, British Columbia, Canada. (*canceled due to covid*)

2022. **Mola, J.M.** *Endangered bumble bees: science on the threats and recovery*. U.S. Geological Survey Public Lecture Series. Virtual Presentation (300+ attendees)

2022. **Mola, J.M.** *The response of bumble bees and their floral food sources to wildfire in California*. Sonoma State University Department of Biology Seminar. Virtual Presentation.

2022. **Mola, J.M.**, I.S. Pearse. *Endangered bumble bees: science on the threats and recovery*. U.S. Geological Survey Friday Findings Webinar Series. Virtual Presentation.

2022. **Mola, J.M.** *The importance of forests in bumble bee ecology and conservation*. California State Polytechnic Humboldt Department of Biology Seminar. Virtual Presentation.

2021. **Mola, J.M.** *The impact of western fires on bumble bees*. Natural Areas Conference. Virtual Presentation.

2021. **Mola, J.M.** *The response of bumble bees and their floral food sources to wildfire in California*. Point Blue Conservation Science Seminar Series. Virtual Presentation.

2021. **Mola, J.M.** *Understanding the roles of fires and forests in bumble bee conservation*. Florida State University Ecology and Evolution Departmental Seminar. Virtual Presentation.

2021. **Mola, J.M.** *Appreciating the role of forests in bumble bee conservation*. Colorado State University Natural Resource Ecology Laboratory Soup and Science Seminar Series. Virtual Presentation.

2020. **Mola, J.M.** *Exploring the role of forests in bumble bee conservation*. Meeting of the Pan Pacific Entomological Society. Virtual Presentation.
2019. **Mola, J.M., Strange, J.** *Bumble bee tracking methods*. BOMBUSS 2.0 Conference. Oral Presentation. York, Ontario, Canada
2013. **Mola, J.M.** *Diverse crops and diverse pollinators*. Humboldt State University Sponsored Programs Foundation PI Celebration. Oral Presentation. Arcata, California, USA.
2013. **Mola, J.M.** *The ecology and management of wild bees on Humboldt County organic orchards*. Allistair and Judith McCrone Awards Ceremony. Oral Presentation. Humboldt State University, Arcata, California, USA.

Conference Presentations (presenter in bold)

2020. **Mola, J.M.** *Long-term declines in forest plants critical to bumble bees*. Entomological Society of America Annual Conference. Virtual Presentation.
2020. **Mola, J.M.** *Current research on bumble bees with a focus on the endangered rusty patched bumble bee*. Fort Collins Science Center Seminar Series. Virtual Presentation.
2020. **Mola, J.M., N.M. Williams.** *Postfire environment reveals floral limitation of bumble bee body size, colony abundance, and reproductive output*. Colorado Pollinator Summit. Virtual Poster Presentation.
2019. **Mola, J.M., S. O'Rourke, M. Miller, N.M. Williams.** *The response of bumble bees to grassland wildfire revealed via genetic mark-recapture*. Pacific Branch of the Entomological Society of America. Oral Presentation. San Diego, California, USA.
2019. **Mola, J.M.** *Postfire environment reveals floral limitation of bumble bee body size, colony abundance, and reproductive output*. International Pollinator Conference. Poster Presentation. Davis, California, USA.
2018. **Mola, J.M.** *Foraging range and habitat use of bumble bees in a Sierra Nevada meadow complex*. Entomological Society of America Annual Conference. Oral Presentation. Vancouver, British Columbia, Canada.
2018. **Mola, J.M., S. O'Rourke, M. Miller, N.M. Williams.** *The response of bumble bees to fire revealed via genetic mark-recapture*. Entomological Society of America Annual Conference. Poster Presentation. Vancouver, British Columbia, Canada.
2018. **Mola, J.M., S. O'Rourke, M. Miller, N.M. Williams.** *Bumble bee movement and landscape genetics reveal via high-throughput sequencing*. Keeping Bees Healthy Symposium. Poster Presentation. Davis, California, USA.
2019. **Mola, J.M., S. O'Rourke, M. Miller, N.M. Williams.** *The response of bumble bees to grassland wildfire revealed via genetic mark-recapture*. Pacific Branch of the Entomological Society of America. Oral Presentation. San Diego, California, USA.
2017. **Mola, J.M., S. O'Rourke, M. Miller, N.M. Williams.** *SNPs vs. MSATs – a comparison of costs, utility, and error in sibship reconstructions*. BOMBUSS 1.0 Conference. Oral Presentation. Logan, Utah, USA.
2017. **Mola, J.M.** *Bees benefit from fire due to a lengthened post-fire flowering season*. Ecological Society of America Annual Conference. Oral Presentation. Portland, Oregon, USA.
2017. **Mola, J.M.** *Bees benefit from fire due to a lengthened post-fire flowering season*. Graduate Student Symposium in Ecology. Oral Presentation. Davis, California, USA.
2017. **Mola, J.M.** *Fire-induced change in flowering phenology benefits bumble bees*. Keeping Bees Healthy Symposium. Poster Presentation. Davis, California, USA.

John M. Mola

2016. **Mola, J.M.**, S. O'Rourke, M. Miller, N.M. Williams. *Fine-scale population genetic structure and movement ecology of the yellow-faced bumble bee (Bombus vosnesenskii)*. Keeping Bees Healthy Symposium. Poster Presentation. Davis, California, USA.
2011. **Mola, J.M.**, E.S. Jules, M. Varner. *Contrasting flammability of adjacent plant communities: Florida's Appalachian Bluffs and Ravines*. Ecological Society of America Annual Conference. Poster Presentation. Austin, Texas, USA.

TEACHING

Development of New Teaching Initiatives and Improvements

- 2023 Developed ECOL592 Seminar on Urban Ecology – *I created an interdisciplinary seminar in ecology on topics related to urban ecology, human-dominated landscapes, and ecological restoration within cities. The seminar is intended as a building block towards a more formal urban ecology offering.*
- 2023 Integration of curriculum with Extension goals, Forest Ecology (F311) – *through consultation with partners in CSU Extension I changed the final project in F311 from a term paper to an "extension-style" fact sheet where students use the actual template and software used by CSU Extension to generate their final project. The language used in the guiding document for the project was created in consultation with a CSU Extension specialist to reflect as closely as practical the language used by Extension in the development of their fact sheets.*
- 2023 New curriculum development, Forest Ecology (F311) – *I updated the syllabus for this course and created new lecture and laboratory materials to incorporate topics on Urban Forest Ecology and expand coverage of forest types outside of Colorado (i.e. Eastern temperate deciduous forests, tropical forests). I also added a unit on invasive species within forests with a focus on earthworm invasions in the eastern United States.*
- 2023 Design and implementation of Independent Study Project (F495) – *I developed a research and outreach program for an advanced undergraduate student interested in pollinator conservation and sustainable design. The student worked to create aesthetically pleasing pollinator nesting habitat in consultation with CSU Facilities and Management. The project resulted in a brochure intended for public audiences and instructions for the creation of the pollinator nesting structure.*
- 2023 Developed ECOL592 Seminar on Insect Declines – *I created an interdisciplinary seminar in ecology on topics related to insect declines, species loss, and potential for population recovery.*

Summary of courses taught, credits, and enrollment

Year	Semester	Course No./Title	Cr. Hrs.	Enrollment
2023	Fall	F311- Forest Ecology	3	79
2023	Fall	ECOL 592 – Interdisciplinary Seminar in Ecology ("Urban Ecology")	1	7
2023	Fall	ECOL698 - Research	2	1
2023	Spring	F311 – Forest Ecology	3	98
2023	Spring	F495 – Independent Study	3	1
2022	Fall	ECOL592 – Interdisciplinary Seminar in Ecology ("Insect Declines")	1	18

Guest lectures at CSU

Summary of guest lectures provided

Year	Semester	Course No./Title	Number of Lectures	Delivery
2023	Fall	F101 – Intro to Forest and Rangeland Ecology	1	Face to Face
2023	Spring	ECOL 581A2/AB 581A2 – Insect Ecology	1	Face to Face
2023	Spring	NR312 – Applied Insect Ecology	1	Face to

2023	Spring	F101 – Intro to Forest and Rangeland Ecology	1	Face to Face
2022	Fall	F311 – Forest Ecology	1	Face to Face

Participation in Professional Development Activities Related to Teaching

2018. Course. Seminar on College Teaching. University of California Davis. Approximate Number of Hours: 80

STUDENT ADVISING/GRADUATE SUPERVISION

Advisees

Current Graduate Student Advisees (Total = 4; 2 Ph.D., 2 M.S.):

Laura Lukens (Ph.D., Graduate Degree Program in Ecology; expected Spring 2028). Dissertation: *Pollinator ecology and conservation*.

Kyle Ruskowski (Ph.D., Graduate Degree Program in Ecology; expected Spring 2027). Co-advised with Dr. Jennifer Bousset. Dissertation: *Urban plant-insect interactions*.

Sophia Gultzo (M.S., Graduate Degree Program in Ecology; expected Spring 2025). Thesis: *Insect overwintering and forest ecology*.

Nicki Bailey (M.S., Graduate Degree Program in Ecology; expected Summer 2024). Thesis: *Luxury effects in urban pollinator communities across Denver Parks*.

Graduate Committee Membership (Total = 5; 3 Ph.D., 2 M.S.):

Ryleigh Gelles (Ph.D., GDPE; Department of Forest and Rangeland Stewardship; 2022 – *present*)

Stephanie Eskew (Ph.D., GDPE; Department of Agricultural Biology; 2023 – *present*)

Zachary Brown (Ph.D., Entomology; Department of Agricultural Biology; 2023 – *present*)

Kord Dicke (M.S., GDPE; Department of Biology; 2022 – *present*)

Ashlee Hardin (M.S., GDPE; Ecosystem Science and Sustainability; 2022 – *present*)

Undergraduate mentees

2023 – Research Technician, Urban pollinator restoration, Ava Tolbert (CSU)

2023 – Extension Intern/Research Volunteer, Urban pollinator ecology, Nancy Bartholomew (CSU)

2023 – Research Technician, Pollinator outreach and education, Olivia Thompson (CSU)

2023 – Research Technician, Urban pollinator park designs, Parker Cahill (CSU)

2023 – MURALS scholar, Urban pollution, Hayley Troyan (CSU)

2023 – Research Volunteer, Forest overwintering entomology, Allie McQuiston (CSU)

COMMITTEES AND OTHER UNIVERSITY SERVICE ACTIVITIES (only since starting at CSU)

Colorado State University

2023 First Generation College Student networking and advising meeting

Graduate Degree Program in Ecology

2023— *Present* DEI Committee Chair
 2023 GDPE distinguished speaker host
 2023 FRESES Judge

Department of Forest and Rangeland Stewardship

2023 Restoration Curriculum Committee
 2022 FRS Spring Seminar Committee

PROFESSIONAL AFFILIATIONS AND ACTIVITIES**Memberships in Professional Societies**

2018 – *present* Entomological Society of America (North Central Branch)
 2016 – *present* Ecological Society of America

Journal Referee (*detailed only since the start of 2023*)

Reviewer, Journal Article, *Northeastern Naturalist* (July 2023)
 Reviewer, Journal Article, *Restoration Ecology* (May 2023)
 Reviewer, Journal Article, *Ecological Entomology* (April 2023)
 Reviewer, Journal Article, *Biological Reviews* (January 2023)

30+ reviews for journals conducted before 2023:

Apidologie, Arthropod-Plant Interactions, Basic and Applied Ecology, Biodiversity and Conservation, Biological Reviews, California Agriculture, Conservation Physiology, Ecography, Ecological Entomology, Ecology and Evolution, Forest Ecology and Management, Illinois Natural History Survey, International Journal of Wildland Fire, Journal of Animal Ecology, Journal of Applied Ecology, Journal of Insect Conservation, Journal of Pollination Ecology, Scientific Reports

EXTENSION/ENGAGEMENT ACTIVITIES/ACCOMPLISHMENTS (since starting at CSU)**Presentations and Webinars to Primarily Manager and Practitioner Audiences**

* *Presenter in bold*

2023. **Mola, J.M.** *Rusty patched bumble bees in the Appalachian region*. U.S. Fish and Wildlife Service Research Webinar Series. Virtual Presentation. (Invited Speaker; 40+ attendees)
2023. **Pearse, I.S.**, Mola, J.M. *Long-term monitoring and population demographics of an endangered bumble bee*. U.S. Fish and Wildlife Service Research Webinar Series. Virtual Presentation. (100+ attendees)
2022. **Mola, J.M.** *Rusty patched bumble bee population genetics*. U.S. Fish and Wildlife Service Research Webinar Series. Virtual Presentation. (Invited Speaker; 100+ attendees)

News/Media Coverage

2022 (Q4) Featured in CSU WCNR's [The Source article](#), "Salazar Center, Denver Parks and Recreation Fund Climate Research by CSU Team."

Workshops

2023 (Q2) **Mola, J.M.**, **S. Gultzo**. Identifying and recording bumble bees in your city parks. CSU Spur Campus workshop. Number of Times Delivered: 1; Number of Participants: 25; Percent responsible: 100%

VOLUNTEER APPLICATION

Michael Novell

1/8/2024 4:14 PM

Application: **PRB - Parks and Recreation Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: College degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Parks & Recreation 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. Parks board

I acknowledge I am available when the Parks & Recreation Board meets: 4th Wednesday of each month January - October at 5:30 p.m. and 1st Wednesday of December YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 5-10

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: Swim Coach

Current Employer: Fort Collins Area Swim Team

Prior work experience (please include dates):
 Fort Collins Area Swim Team - 10/2013-Present
 Castle Rock Swim Team - 4/2007-10/2013
 Sun Devil Aquatics - 9/2000-4/2007

Volunteer experience (please include dates):

- Fort Collins Recreation Advisory Board, 2017- Present
- Coach Representative of Colorado Swimming, 2018-2022
- National Junior Team Camp Staff, 2018
- Western Zone Select Camp Staff, 2019
- President of Northern Colorado Swimming League
- Age Group Co-Chair 2008-2012

Michael Novell

1/8/2024 4:14 PM

Have you applied for this board before? If yes, please explain.

Yes, I termed out and would like to stay on the board.

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Parks Board

Why do you want to become a member of this particular board or commission?

I believe that parks and recreation offer a way to reach all individuals of our community and improve their quality of life. As a recreation professional I believe that this is the best application of my skills. I love Fort Collins.

Please describe the community benefits of highly functioning Parks & Recreation Departments.

A highly functioning Parks and Recreation Department will improve the lifestyle and culture of the city by providing places where citizens can be active, form deep bonds with their community, and maintain a better overall quality of life. The departments can assure that all citizens are offered these amenities and they are maintained to the expectations of the people of Fort Collins

How have you engaged in the benefits of the current Parks and Recreation systems?

My program operates out of Eldora Pool and Ice where we teach people of all ages the life long sport of swimming. We bring people from all over Northern Colorado, and the Mountain West to events we host at the facility. We provide a place for children and adults to improve their physical fitness and achieve their own personal goals. The City of Fort Collins has been a great partner in this endeavor.

Specify any activities which might create a serious conflict of interest if you are appointed:

I am the CEO of a non-profit that rents space from the City.

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);
I'm currently a volunteer on the board.

VOLUNTEER APPLICATION

Debbie Bradberry

1/10/2024 6:46 PM

Application: **SAB - Senior Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Associate degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Senior 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. NA

I acknowledge I am available when the Senior Advisory Board meets: 2nd Wednesday of each month at 11:30 a.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 5+

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> 6

Current Occupation: Accounts receivable coordinator for Enterprise Mobility

Current Employer: Enterprise Mobility

Prior work experience (please include dates): Girl Scouts of Historic GA 2002 -2015

Volunteer experience (please include dates): Big Brother Big Sister 35 years ago, several Girl Scout Troops until I took a FT paid position, Ad coordinator for HS Football Program 2002 -2007, president cheerleaders pep club 2003-2007, CL pep club treasurer 2002...

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

Why do you want to become a member of this particular board or commission? Sr in my community are being treated unfairly. I want to correct this as well as making sure all Srs in the Ft Collins are treated right and not abused.

Debbie Bradberry

1/10/2024 6:46 PM

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
I attended a meeting

Specify any activities which might create a serious conflict of interest if you are appointed:

None

What ideas do you have regarding how the Senior Advisory Board might reach out to underserved older populations including older residents who do not have access to the internet or who have access but do not wish to communicate online?

Phone tree, news letters, tv or radio psa

Think about various neighborhood livability challenges that can face older adult residents in Fort Collins (for example - issues concerning: health and wellness, affordable housing, mobility and access to transportation as well as age, cultural, workplace or other discrimination).

Residents passing away and no one know for days. Rent increasing higher than SS checks. vindicate coming to sr communities, neighbor hood watch program set in place for communities to utilize. It can be different levels of need from crime watch to buddy up with a disabled neighbor.

Which older adult challenges are highest priority for you and how might you engage with the Senior Advisory Board to address them in the interest of helping City Council ensure that Fort Collins continues to be a great place to grow up as well as grow old?

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);
I heard opening were coming up at a meeting

VOLUNTEER APPLICATION

Lourdes Alvarez

1/12/2024 8:54 PM

Application: **TB - Transportation Board**

Applicant Information

Birthday: [REDACTED]

Gender: Female

Education Level: PhD

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Transportation 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. Transportation

I acknowledge I am available when the Transportation Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 20

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> 5

Current Occupation: retired

Current Employer: retired

Prior work experience (please include dates):
Provost and Vice-President of Academic Affairs. Our Lady of the Lake University, San Antonio, TX. 2019-2022
Dean of the College of Arts and Sciences. University of New Haven. West Haven, CT. 2012-2018.
for full work history see attachment.

Volunteer experience (please include dates):
Board Member, United Way of Greater New Haven. 2017-2019
Board Member, New Haven Symphony Orchestra. 2012-2019
International Festival of Arts and Ideas, New Haven, CT. 2012-2017
see attachment for full list including committee assignments

Have you applied for this board before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

Growing cities like Fort Collins are faced with a choice. Either the walkable, bike-friendly, slow traffic areas remain concentrated in the costliest, most desirable parts of town, with car traffic choking arterial roads, or the city finds ways to make newly developed and developing areas vibrant in ways that discourage car dependency. I chose Fort Collins, not chasing a rung on the career ladder, but as my retirement home. Hopefully through my service on the Transportation Board I can make a contribution to preserving and expanding what is already awesome about Fort Collins and helping to make it even better.

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Please describe your interest regarding transportation and transportation related issues.

I am a lifelong cyclist, avid walker, and user of public transportation. I am deeply committed to active modes of transportation for environmental, health, and community-building reasons. Safety is a key issue in promoting cycling and walking. This can lead to a virtuous cycle: as I saw in Philadelphia and DC where modest infrastructure improvements led to huge increases in cycling--AND improvements in traffic safety for all road users. I have seen over and over again how devastating it can be to an older person in a car-dependent place to lose the ability to drive. How to start implementing some of the principles of the 15-minute city into zoning and development here? This would be huge.

How do you think the City can improve the way people move around in Fort Collins?

The short answer is increase active mobility and fight sprawl. Many parts of Old Town are admirably pedestrian- and bike-friendly. As one moves away from that center, there is more distance between safe places to cross busy roads (like Shields, for example) and the speed limits on those roads are higher. This can put vulnerable road users (cyclists, pedestrians, wheelchair users) at risk and/or encourage car dependency. Road diets, infrastructure changes, reduced speed limits are all potential solutions. Closely studying parking (where it is free, where there is a charge and how that impacts transportation patterns and choices) may yield some potential improvements. Transportation is very much a multi-factorial issue: zoning, tax policy, development patterns, lighting, traffic enforcement and so forth all play a role.

Are you willing to complete the required training if appointed?

YES

Lourdes Alvarez

1/12/2024 8:54 PM

How did you learn of a vacancy on this board or commission?

City News (Utility Bill Insert)

Lourdes María Alvarez

Academic and Administrative Positions

2019-present | Our Lady of the Lake University, San Antonio, TX. Provost and Vice-President of Academic Affairs.

2012-2018 | University of New Haven, West Haven, CT. Professor of Modern Languages | Dean, College of Arts and Sciences (Feb 2012-Dec 2017).

2001-2011 | Catholic University of America, Washington, DC. Associate Professor of Spanish [promoted from Assistant Professor, 2006] | Chair of the Department of Modern Languages and Literatures (2010-2011) | Director, Medieval and Byzantine Studies Program (2008-10) | Coordinator, Spanish Section (2007-2011).

2000-2001 | Fulbright Senior Research Fellow, Rabat, Morocco.

1993-2000 | Bard College, Annandale-on-Hudson, NY. Assistant Professor of Spanish, Director of Spanish section | Director, Interdisciplinary Program in Latin American and Iberian Studies (1995-2000).

Education

Ph.D. Spanish | 1994 | Yale University

M.A. Spanish | 1989 | San Francisco State University

B. A. Neurobiology | 1983 | University of California at Berkeley

Administrative Experience

Provost and Vice-President of Academic Affairs, Our Lady of the Lake University, July 2019-present.

Oversee all aspects of academic operations of College of Arts and Sciences which includes the Escobedo School of Mass Communications, School of Business and Leadership, and College of Professional Studies, including the Worden School of Social Work and the Woolfolk School of Communication Sciences and Disorders. Enrollment is currently 2750, including students at our San Antonio, Houston and La Feria (RGV)

campuses and in our national online programs.
Oversee the University Library and Registrar's Office.

Dean, College of Arts and Sciences, University of New Haven, Feb 2012-Dec 2017

During my tenure as Dean, the College provided core curriculum and over 55% of instruction to an undergraduate student body of 6835. Arts and Sciences offered 29 majors (including in allied health professions Dental Hygiene, Nutrition and Dietetics), as well as 32 minors. Graduate programs included Cell and Molecular Biology, Education (closed in 2016), Environmental Science, Human Nutrition, Community Psychology and Industrial/Organizational Psychology. A&S courses are staffed by approximately 150 FT faculty and 225 adjuncts.

Accomplishments and strengths:

- **Faculty recruitment and hiring:** Implemented new search processes to increase faculty diversity and quality. New standards addressed the composition and training of search committees, writing inclusive position announcements, actively recruiting deep and diverse candidate pools, and improving the campus visit experience for candidates. Ethnic minorities on the full-time faculty increased by 250%. Women hired to formerly all-male and nearly all-male departments (Mathematics, Physics and Music).
- **Curriculum and teaching**
 - o Allocated budget to decrease class sizes in key areas (English, Math, History, Modern Languages); worked with department chairs and coordinators on strategies to implement heightened academic demands and more rigorous assessment of student learning.
 - o Promoted active learning and problem-based learning across the College by sponsoring (and personally attending) workshops and seminars for faculty, underwriting faculty attendance at conferences and training sessions, and assessing the impact of these practices on student success.
 - o Collaborated with faculty on development and implementation of new, scaffolded core curriculum based on LEAP standards including: team-taught interdisciplinary critical thinking course, more rigorous standards for First-Year Writing and Writing Across the Curriculum; a new required course in
 - o Communication focusing on key skills for academic and career success. Championed a new interdisciplinary minor in Race and Ethnic Studies
 - o Added Persian language (Farsi) and re-launched Chinese language instruction. Brought Fulbright Foreign Language Teaching Assistants to strengthen language offerings in Arabic and Russian.
- **Leadership development and mentoring:** Led multifaceted efforts to nurture in-house talent to assume leadership roles as the College faced a wave of retirements of department chairs and senior faculty. Instituted rotating assistant dean role for early career faculty with an interest in academic leadership.
- **Accreditation:** Worked with faculty and staff teams for successful initial NASAD accreditation (granted 2017), ABA re-accreditation for paralegal program (2017), ACEND re-accreditation for undergraduate dietetics program (2017), initial ACEND accreditation for Dietetic internship program (2016), CODA re-accreditation for Dental

Hygiene (2016) and initial NCATE accreditation for graduate Education program (2012).

- **Development and fundraising:** Collaborated actively with Development office and University president in cultivating donors and developing funding opportunities. Built an active College Advisory Board of alumni pledging leadership gifts, serving as outside advisors and connecting our students to internships and career opportunities. Collaborating on University-wide efforts connected to Charger Challenge, Comprehensive Campaign.
- **Faculty orientation and development:** Organized full-day, interactive new faculty orientation, a new adjunct “on-ramp” program, well-attended College Teaching Circles, actively supported department- and discipline-specific orientations and in-service events; developed Teaching Mentors programs (individual assistance for faculty); worked closely with Chairs on providing faculty with constructive feedback to improve teaching; promoted faculty pursuit of grants and fellowships.
- **Diversity:** My position as the senior female leader in Academic Affairs and the senior Latinx leader at the institution empowered me to lead on diversity, equity and inclusion issues. I co-chaired the University’s Inclusion, Diversity, Equity and Access (IDEA) Council (2012-2014). I identified and addressed gender disparities in adjunct compensation and worked with the Provost on gender inequities in salaries for the fulltime faculty. My office has done aggressive grant-writing for funds to support strategies to address disparities in minority student retention and graduation rates.
- **Facilities:** Collaborated on development of new marine science facilities at Canal Dock (involving federal, state and local government funding in collaboration with the University), Biology research and computer labs, remodeling of Art and Design facilities, new teaching laboratories, upgraded facilities for Dental Hygiene clinic. Member of planning/design committee for new Bergami Center for Science, Technology and Innovation.
- **Annual Women’s Leadership Conference:** Organized an annual intergenerational Women’s Leadership Conference (now in its fourth running) bringing together prominent women leaders, successful alumnae, women from the wider community, graduate and undergraduate students and students from local high schools.

Chair, Department of Modern Languages and Literatures, Catholic University of America, June 2010-December 2011

During my tenure as Chair, Modern Languages offered seven majors (Spanish, Spanish for International Service, Spanish for Secondary Education, French, French for Secondary Education, German and Italian), minors in Arabic and Chinese, and the MA and Ph.D. in Spanish. Because Catholic University requires two full years of language study for undergraduate students, the department carries an instructional staff of nearly 50 and administers two language instruction technology labs.

Accomplishments:

- Added four new languages: Mandarin Chinese, Modern Standard Arabic, Portuguese and Irish (with special endowment support) to bring the total number of languages to nine.
- Instituted a new certificate program in Spanish for Health Care Professionals in cooperation with the School of Nursing and an interdisciplinary certificate program in European Studies .
- Devised and instituted a program of 1-credit active language immersion courses for intermediate-level students (e.g. Italian cooking, French theater, flamenco dancing).

- Initiated adoption of department-wide language proficiency assessment tools, strategies and benchmarks to provide students independent confirmation of their progress and gather program-level data for assessment and continuous improvement.

Director, Center for Medieval and Byzantine Studies, Jan. 2009-Jun 2010

Oversaw interdisciplinary programs at the graduate and undergraduate levels and coordinated over forty affiliated faculty from Schools across the University. The Center sponsors lecture series, workshops and other activities and is the most active interdisciplinary program on campus. Instituted curricular changes at both the graduate and undergraduate levels that allowed the creation of two new tracks (Arab and Islamic track and Byzantine and Orthodox Studies track) to supplement the existing focus on Christian Europe.

Spanish Section Coordinator, Catholic University, 2007-2011

As section coordinator, I oversaw admissions to the MA and PhD programs, drafted assessment protocols and handled data-gathering, took a leadership role in faculty searches and adjunct hiring, led faculty discussions about curriculum, student recruitment, advising, I supervised and hired faculty and teaching assistants in Spanish and led discussions on Spanish curriculum.

Spanish Study Abroad Advisor, Catholic University, 2001-2008

Evaluated and assessed a range of study abroad programs in Latin America and Spain for the University's Study Abroad office. Worked with students on program and course selection, organized predeparture orientation and handled transfer credit issues. (The University has since revamped and greatly expanded its study abroad office, so those functions are now centralized.)

Spanish Section Coordinator, Bard College, 1994-2000 Director of Program in Latin American and Iberian Studies, Bard College, 1995-2000

As section coordinator, I supervised and hired faculty and teaching assistants in Spanish and led discussions on Spanish curriculum. I coordinated faculty schedules, served as academic advisor, handled the organization of our January-term courses in Oaxaca, Mexico, and evaluated study abroad programs throughout Latin America and Spain for the College.

Director and Program Designer, Bard Summer Program in the Regional High School of Excellence (1999 & 2000). "Deconstructing the Tower of Babel: A Cultural and Linguistic Introduction to the Middle East."

I organized and supervised academic and co-curricular programming for a two-week residential summer program for rising high school juniors and seniors. The program offered students a choice of Intensive Hebrew or Arabic language instruction and brought both the two groups together daily for lectures and films on Middle Eastern history, culture, religion and politics. Field trips included a synagogue and mosque.

Academic Consulting

Dartmouth College (Sept 2008-present)

Faculty Recruitment. Dartmouth College's partnership with the American University of Kuwait (AUK) calls for external evaluation and review of candidates for all faculty positions at AUK. As a member of the review team, I provide independent assessments (in writing) of finalists for positions in Arabic, English, and the humanities, and participate in semiannual Washington, DC interviews for all candidates.

General Education Redesign. External review and consultation on planned overhaul of general education requirements (begins April 2019). Meet in Kuwait with faculty, students, administrators and other stakeholders, lead workshops and discussions, provide analysis and recommendations. Our common goal is to make the general education/ core curriculum more distinctive, relevant, and rigorous.

Fellowships, Grants and Awards

2009	American Institute for Maghreb Studies Grant (Fes, Morocco)
2006	Provost's Award for Research and Scholarship (CUA)
2004-2005	CUA Grant-in-Aid for Research at the British Library and Cambridge University
2003-2004	CUA Grant-in-Aid for Manuscript Research in the Staatsbibliothek zu Berlin
2000-2001	Fulbright Senior Research Fellowship for Morocco (Rabat)
2000	CASA III fellow (Center for Arabic Studies Abroad) at the American University in Cairo, Egypt
1990-1994	Richard M. Franke Fellowship, Yale University

Publications

"Tunis" IN *Europe: A Literary History 1348-1418*. Ed. David J Wallace. Oxford: Oxford University Press, 2016 (II: 170-182).

A Sea of Stories: Writings and Reflections in Honor of María Rosa Menocal. Eds. Lourdes María Alvarez and Ryan Szpiech. Critical Cluster in *La Corónica: A Journal of Medieval Hispanic Languages and Cultures*. 43:1 (2014) 93-255.

"Literatures: Aljamiado literature," "Calila e Digna," "Convivencia," and "Abū al-Ḥasan al-Shushtarī" IN *Oxford Dictionary of the Middle Ages*. Ed. Robert E. Bjork. Oxford: Oxford University Press, 2010.

Abū al-Hasan al-Shushtarī: Songs of Love and Devotion. Preface by Michael Sells. Classics of Western Spirituality Series, Paulist Press, 2009.

"Prophecies of Apocalypse in 16th-century Morisco Writings and the Wondrous Tale of Tamim al-Dari." *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* 13:3 (2007), 566-601.

"Reading the Mystical Signs in the Songs of Abū al-Ḥasan al-Shushtarī" in *Muwashshahāt: Proceedings of the International Conference on Arabic and Hebrew Strophic Poetry and its Romance Parallels*, School of Oriental & African Studies, London, 8-10 October 2004." London: RNR Books and School of Oriental and African Studies, Music Department, 2006 (23-35).

"The Mystical Language of Daily Life: Vernacular Sufi Poetry and the Songs of Abū al-Ḥasan al-Shushtarī." *Exemplaria* 17:1(2005): 1-32.

"That Still-flickering Light: Reading and Teaching the Women Poets of al-Andalus." *La Corónica*, 32:1 (2003)79-87

"Beastly Colloquies: On Plagiarism and Pluralism in Two Medieval Disputations Between Animals and Men" *Comparative Literature Studies* 39.3 (2002): 179-200.

"Anselm Turmeda: The Visionary Humanism of a Muslim Convert and Catalan Prophet" IN *The Foreigner in the Middle Ages*. Ed. Albrecht Classen, New York: Routledge, 2002 (172-191).

"Petrus Alfonsi" IN *Cambridge History of Arabic Literature: Al-Andalus*. Eds. María Rosa Menocal and Raymond Scheindlin. Cambridge: Cambridge University Press, 2000 (282-291).

Articles and entries in *Encyclopedia of Arabic Literature*. Eds. Julie Meisami and Paul Starkey. London: Routledge, 1998.

Articles: “Muwashshaḥāt” (563-5), “Spain” (728-35).

Entries: “Abū Ḥāmid al-Gharnāṭī” (33), “Aljamía” (80-1), “al-Ghazāl” (250-1), “Ibn ‘Abd Rabbih” (302-3), “Ibn Arfaʿ Ra’suhu” (313), “Ibn Bassām al-Shantarīnī” (318), “Ibn Ḥamdīs” (330), “Ibn Khamīs” (345), “Ibn Quzmān” (362), “Ibn Sanā’ al-Mulk” (369), “Ibn Sayyid al-Nās” (370), “Ibn Shuhayd” (372), “Ibn al-Zaqqāq” (384), “Ibn Zaydūn” (384-5), “Wallāda bint al-Mustakfī” (803-4), “Zajal, medieval” (818-20).

Invited Academic Lectures and Conference Papers

“Tarab: Musical Ecstasy and Mystical Practice in Modern Morocco.” Invited talk. SouthNext: A Festival of Art, Music and Ideas, South Orange, NJ. November 2018.

“*Destiny* or Philosopher’s Flamenco.” Invited talk. Georgetown University. Washington, DC. November 2016.

“Marketing Mysticism: Shushtari, From the Medieval Suq to the Festival Circuit,” Invited talk. Encuentros/Encounters 2014 Sounding Communities: Music and the Abrahamic Religions of Medieval Iberia. Columbia University, New York, NY. February 2014 and Medieval Iberian Festival. University of California at Riverside. Riverside, CA. February 2014.

“The End(s) of Tolerance: Medieval Spain and the Defenders of Pluralism.” Invited talk. Lehigh University, Lehigh, PA. October 2012.

“Boasting Rights: Wallada and Andalusī Exceptionalism.” Invited talk. Columbia University Arabic Seminar. New York, NY. September 2011.

“Imagining the Almohads in Said Naciri’s “Abdou Chez Les Almohades.” Kalamazoo International Medieval Studies Conference. Kalamazoo, MI. May 2011.

“Saintly Fictions: Revisiting Andalusian Sufism in the Novels of Abd al-Ilah bin-‘Arafah of Morocco.” Middle East Studies Association annual conference. San Diego, CA. November 2010.

“In black and white, in Christian and in Jew”: Sufis of al-Andalus and the Question of Religious Difference.” Invited talk. Counter-Stories and Entangled Histories: Shared Heroes in Judaism, Christianity and Islam. Columbia University Institute for Israel and Jewish Studies. New York, NY. November 2010.

“Archiving Andalusian Women: Poetry and the Case for Female Erudition in Islamic Spain.” Invited talk. University of Pennsylvania, Philadelphia, PA. October 2010.

“A Natural Disposition to Eloquence: Remembering the Female Poets of al-Andalus.” Kalamazoo International Medieval Studies Conference. Kalamazoo, MI. May 2009.

“On Almoravid Jurists, Sufi Opposition, a Poisoned Eggplant and Ibn Qasī’s Revolt.” Middle East Studies Association annual conference. Washington, DC. November 2008.

“Hearts Afire: Sufism and Sufi Cultural Expression on the Indian Subcontinent.” Invited talk. Crossing Borders/Breaking Boundaries, Summer Institute for Arts Educators. University of Maryland. College Park, MD. June 2008.

“Al-Andalus: Crosscurrents of Cultures.” Invited talk. Temple University, Philadelphia, PA. March 2008.

Meet me in the Tavern: On Mystical Poetry of Abū al-Ḥasan al-Shushtarī." Invited talk. University of Chicago Divinity School. Chicago, IL. February 2008.

"Shuhshtari's Guide for Novices: The Risāla 'Ilmiyya fī al-Taṣawwuf." Middle East Studies Association annual conference. Toronto, Canada. November 2007.

"Just Understand Me': Poetry, Mysticism and Dissent in 13th-Century Islamic Spain." Invited talk.
 "'They shall call you a monk': A Sufi's Poetic Pilgrimage to a Christian Monastery." Seminar presentation. Department of Comparative Literature, Stanford University, Stanford, CA. October 2006.

"Mystics of Andalusia." Medieval Studies Lecture Series. Medieval and Byzantine Studies Program. Catholic University of America, October 2006.

"Songs in an Andalusian Key: Musical Style, Identity Politics and Andalusian Nostalgia in Pop Music from Spain, North Africa and Israel." Invited talk. Jewish Studies Program lecture series, University of Minnesota, Minneapolis, MN. September 2006.

Ideas of the Archive. Invited seminar. Center for Cultural Analysis, Rutgers University, NJ. May 2006.

"Boasting for God: Shushtarī and the Pleasures of the Text." Invited talk. Bridwell Medieval Distinguished Lecture, Fall 2005, Southern Methodist University, Dallas, TX, November 2005.

"Religious Persecution and the Rhetoric of Conversion: Muslims and Jews in 15th-century Spain." NEH Summer Seminar, Persecutions in Early Modern Cultures. University of Maryland, College Park, June 2005.

"Mystical Journeys and Desert Nights: Two Andalusian Sufis and the Desert Ode." International Congress on Love of Words, Words of Love, University of Arizona, Tucson, Arizona, April 2005.

"Translating Arabs: Don Quijote and other Tales from the Orient." Keynote address, Maine Humanities Council 8th Annual Winter Weekend. Bowdoin College, Brunswick, Maine. March 2005.

"Thieves of Baghdad: Hollywood Recreates the Arabian Nights." Media Studies Lecture Series, Media and the Arab World, Catholic University of America, Washington, DC, February 2005.

"The Gullible Thief and the Sea of Stories: Arabic Storytelling Traditions and the "West." Fall Lecture Series, Mosaic Foundation, Washington, DC. December 2004.

"Crass Forgeries, Syncretism or Religious Idealism?: The Moriscos and the Sacromonte Plomos on the Eve of the Expulsion." Middle East Studies Association annual conference. San Francisco, CA. November 2004.

"Ain't No One Like My Baby: Reading the Mystical Signs in the Poetry of Abū al-Ḥasan al-Shushtarī," Conference on Arabic and Hebrew Strophic Poetry and its Romance Parallels. School of Oriental and African Studies (SOAS), London, 8-10 October, 2004.

"Wondrous Journeys and Talking Beasts: "Oriental" Stories in Early Modern Europe" IN The Impact of Islamic Culture on the Arts of the Renaissance. (Lecture in week-long NEH seminar) University of Maryland, College Park, MD. July 2004.

"Kalila wa Dimna: Storytelling, Statecraft and Dissidence" Approaches to Teaching the Middle East (lecture in week-long seminar). Georgetown University, Washington, DC. June 2004.

"Muslims at the Monastery: A Medieval Andalusian Mystic and His Critics." Modern Language Association annual convention. San Diego, CA. December 2003.

"Faking it with an Arab Accent." Modern Language Association annual convention. San Diego, CA. December, 2003.

"The Mystical Language of Daily Life: The Arabic Vernacular Songs of Abū al-Hasan al-Shushtarī." Iberian Mystics Conference. Georgetown University, Washington, DC. December, 2003.

"Flamenco Nights: Popular Arabic Music (videos) and Andalusian Nostalgia." Seminar on Globalization and Middle Eastern Music. Invited seminar. Department of Arabic Language, Literature and Linguistics, Georgetown University, Washington, DC. November 2003.

"Tamim al-Dari and Prophecies of the Apocalypse in Sixteenth-century Morisco Writings." Middle East Studies Association annual conference. Anchorage, Alaska, November, 2003.

"Contemporary Sufi Movements and the Struggle to Define Islamic Modernity." International Symposium on the Symbolism and Politics of the Sacred. Washington, DC, March 2003.

"Songs of Divine Intoxication: The Mystical Poetics of Ibn al-ʿArabī and Shushtarī." Invited talk. Center for Medieval Studies, University of Minnesota, Minneapolis, MN. February 2003.

"Poverty or Ostentation?: Social Protest, Public Piety and Shushtarī's Intervention in the Controversy over Sufi Dress." Invited talk. School of Oriental and African Studies, University of London, January 2003.

"Reconstructing al-Andalus after 9/11." Invited talk. Emory University. November 2002.

"Surfaces and Sacred Metaphor: Shushtarī and the Controversy over Sufi Dress." Invited talk. Emory University. November 2002.

"Building Socially-Engaged Learning Environments: Challenges and Opportunities for Students of Spanish Language and Culture." MLA Conference, New Orleans. December 2001.

"Journey to the End of Time: Shushtarī's Risāla al-Miʿrājīyya." Middle East Studies Association Conference, San Francisco. November 2001.

"The Peacock's Tail: An evening of poetry from Islamic Spain." Invited talk. Poets House, New York. May 2000.

"Bye Bye Baghdad: The Invention of al-Andalus, Decolonization in a Medieval Islamic Context." Postcolonial Moves: Ninth Annual Symposium for Medieval, Renaissance and Baroque Studies at the University of Miami. February 2000.

"Singing Songs in the Key of Life: Abū al-Hasan ʿAlī al-Shushtarī as Mystic Poet and Sufi Saint." Mid-Hudson Medieval Circle. October 1999.

"Confessions of a Convert: Petrus Alfonsi, Fray Anselmo de Turmeda and the Rhetoric of Medieval Religious Polemic" Bard College Faculty Seminar. April 1998.

"The Wiles of the Witty: The Arabic Maqāma and the Spanish Picaresque" Bard College Faculty Seminar. April 1996.

"The Arabic and Hebrew Maqāma and the Book of Good Love: A Controversy Revisited." MLA Conference, Chicago, Illinois. December 1995.

Courses Taught

Catholic University of America

Graduate courses

- Historia de la(s) lengua(s) española(s)
- Graduate Proseminar: Research methods and theoretical approaches
- Medieval Iberian Lyric (Arabic, Hebrew and Romance traditions)

- Shahrazad's Legacy: Medieval Storytelling Traditions from Damascus to Toledo
- The Book of Good Love and Medieval Discourses on Love
- Chronicles and Prophecies: Medieval Iberian Approaches to History and its Ends

Undergraduate courses

- Medieval Spain: Muslims, Christians and Jews
- Spanish Translation I & II
- Spanish for Bilinguals
- Spanish Composition and Conversation II
- Senior Seminar for Spanish for International Service
- Humanities Honors Course: From Charlemagne to Chaucer

Bard College

- Shahrazad's Legacy: Storytelling Traditions in Medieval and Early Modern Spain
- Al-Andalus
- The Bilingual Muse: Literary and Cultural Crosscurrents in Medieval Spain
- Cervantes' Don Quijote
- Honor, Wit and Madness: An Introduction to Golden Age Studies
- Spanish Picaresque and the Origins of the Novel
- La isla que se repite: Literature of the Spanish Caribbean
- History of the Spanish Language (graduate and undergraduate level)
- Language as System: An Introduction to Linguistics
- Federico García Lorca and his Times
- 20th Century Spanish Theater and Performance
- 20th Century Latin American Theater
- Interpretation of Hispanic Texts: An Introduction to Literary Studies in Spanish
- Spanish for Bilingual Students
- Spanish Language at all levels

Non-profit Board Service

- United Way of Greater New Haven (2017-present) Development Committee (2018-present)
- New Haven Symphony Orchestra (2012-present)
Strategic Planning Committee (2018-), Diversity and Inclusion Committee (2017-present),
search committee for music director (2016-2018), HR committee (2014-2016)
- International Festival of Arts and Ideas (2012-2017)
- Canal Dock Boathouse, Inc. (2016-2017)
- Engineering and Science University Magnet School Business Advisory Board (2015-2017)

Public Speaking and Media

- "Skills for Changemakers: Communication and Media," (Moderator) Careers, Life, and Yale Event, New Haven, CT (November 2018).

- “One Feisty Latina on Claiming Our Power for Good.” University of Connecticut Law School Diversity Week, Hartford, CT (March 2018).
- Hispanic Heritage Month Celebration; Law Offices of Shipman and Goodwin, Hartford, CT (October 2017).
- Graduation speaker: Engineering and Science University Magnet School High School graduation (June 2016). Excerpt appeared in the local paper:
<https://www.registercitizen.com/opinion/article/Forum-A-UNH-dean-offers-highschoolgrads-some-11980676.php>.
- “Increasing Higher Educational Attainment for Foster Care Children.” Department of Children and Families, Bridgeport, CT (October 2016).
- “Celebrating Latino Leaders: Leading from Where You Are” (Panelist) Progreso Latino Fund of the Community Foundation for Greater New Haven (September 2015).
- Scholar interview and consultant for Cities of Light: The Rise and Fall of Islamic Spain (First broadcast on PBS August 2007).
- Featured guest on MLA radio series What’s the Word? “Muslim, Christian, Jewish Coexistence in Medieval Spain” (first aired fall 2005).

Languages

Spanish and English: Native bilingual (U.S. born).

Arabic: Classical and Modern Standard, advanced proficiency; good Moroccan colloquial; basic knowledge of Egyptian and Levantine colloquials.

French: Advanced proficiency.

Catalan, Italian and Portuguese: Reading knowledge.

January 12, 2024

Members of the Selection Committee:

Please accept this letter as my application to serve the City of Fort Collins as a member of the Transportation Board. I chose to settle in Fort Collins for my retirement, attracted by the diverse and active cycling scene, the city's clear commitment to rider and pedestrian safety as reflected in the network of trails, cycling infrastructure, and traffic calming measures; the excellent recreation facilities, parks and natural areas. I was buoyed to see the Transportation Board's mission statement aligns with my own lifelong commitment to reducing vehicle miles, promoting mobility for all, and to sustainability. I would be honored to participate in the important work of this Board.

Though I have no formal training in transportation or city planning, I can draw on my experiences--both positive and negative--living in, cycling, and taking public transportation in Berkeley, CA, New Haven, CT, Washington, DC, Philadelphia, PA, and San Antonio, TX. I have also lived in Madrid, Spain; Rabat, Morocco, and traveled extensively in Switzerland. I know how important transportation design and planning is to making places truly livable and inviting for all residents and building community.

My professional experience as university administrator (provost and dean) and my service on a variety of non-profit boards has given me valuable experience in working in complex organizations with diverse colleagues and constituencies. As an avid cyclist and lifelong bicycle commuter, I would welcome the opportunity to serve on the Bicycle Advisory Committee. Should the work of the committee include public outreach, especially to underserved communities, it might be helpful that I am a native bilingual speaker of Spanish and English and comfortable with public speaking.

A handwritten signature in blue ink, appearing to read 'L. Alvarez', with a stylized, flowing script.

Lourdes Alvarez

Two lines of blacked-out text, likely redacting contact information such as a phone number and email address.

VOLUNTEER APPLICATION

David Baker

1/13/2024 10:19 AM

Application: TB - Transportation Board

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Transportation 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 Transportation Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? up to 8-10, if needed

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> 5

Current Occupation: Research and Development Engineering Manager for a company who develops commercial electric vehicles

Current Employer: Lightning eMotors

Prior work experience (please include dates):

- Nov 2020 - present: Research and Development (R&D) Engineering Manager at Lightning eMotors
- Jul 2019 - Nov 2020: Senior Research and Development Engineer at Lightning eMotors
- Jan 2018 - Jul 2019: Hybrid Calibration Project Engineer at AVL Powertrain Engineering
- Aug 2015 - May 2017: Graduate Teaching Assistant at Colorado State University

Volunteer experience (please include dates):

- Winter 2023: Fort Collins Adopt A Neighbor snow shoveling support
- Mar 2015: Week long volunteer trip to Biloxi, MS helping rebuild from Hurricane

Katrina with Livingston CARES
- Mar 2014: Week long volunteer trip to Kissimmee, FL volunteering in Give Kids The World Foundation
- May 2013: Week long volunteer trip to Biloxi, MS helping rebuild from Hurricane Katrina with Livingston CARES
- Mar 2013: Week long volunteer trip to Kissimmee, FL volunteering in Give Kids The World Foundation
- May 2012: Week long volunteer trip to Biloxi, MS helping rebuild from Hurricane Katrina with Livingston CARES

Have you applied for this board before? If yes, please explain.

I have not applied previously.

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I am looking to get more involved in the community, and I think the Transportation Board is a great fit for my interests and experience. I am very interested in transportation in general; not only within vehicle transportation, but also all other modes. Within Fort Collins, my partner and I almost exclusive use non-vehicle forms for transportation, while my career is committed to reducing the environmental impact of the transportation sector. The Transportation Board is a great avenue for me to get more involved in the community while bringing a unique perspective and skillset to the Board.

Specify any activities which might create a serious conflict of interest if you are appointed:

I do not foresee this becoming an issue, as I am involved in Research and Development and am removed from sales and marketing of the company I work for. However, I could see the potential appearance of a conflict of interest if the city council is considering buying more electric commercial vehicles and Lightning eMotors could be part of the evaluation. If a situation like this were to occur where a conflict of interest might arise, I am willing to abstain from involvement on those topics.

Please describe your interest regarding transportation and transportation related issues.

Not only am I interested in different forms of transportation, but I am also interested in understanding how infrastructure impacts the efficiency (or inefficiencies) of transportation. While earning a master's degree at Colorado State University, I researched potential implementations of current technology to increase the fuel economy of hybrid electric vehicles, I currently work in the R&D department of a commercial electric vehicle company, and I am an avid biker throughout Fort Collins. I am very passionate about electrification of transportation within the US (and our community), as well as other methods for increasing efficiency of moving people and goods throughout our community.

David Baker

1/13/2024 10:19 AM

How do you think the City can improve the way people move around in Fort Collins?

First, I will start by saying that I think Fort Collins is ahead of many cities around the country in terms of transportation within the city - particularly the bikeability (both infrastructure and driver respect), and micro-mobility. However, I think there are certainly still improvements that we can make. I think continuing to increase the infrastructure for non-vehicle centric modes of transportation is needed. This could be a multitude of things - including more "bicycle first" roadways such as the recent change Pitkin between Remington and Smith, or increased roads that do not allow motor vehicles (either all the time or periodically) like Linden. Two bigger areas that appear to need improvement are traffic signal synchronization and public transportation utilization. I will admit to being frustrated driving along College Ave and getting caught at traffic lights that seem to not be synchronized to enable the flow of traffic to continue throughout green lights (when traveling the speed limit). An example of this would be on 287 through downtown Loveland is synchronized such that the flow of traffic will make it through downtown without hitting various red lights. A second area that I think could use improvement is the utilization of public transportation - particularly busses. I know this is a challenge all across the US, and there have been evaluations of making Transfort permanently fare free, but it seems utilization is still relatively low. I am not sure what other studies have been completed on this front, but perhaps evaluating some case studies of cities that have a higher utilization rate of public transport (possibly in Europe?) to understand a wider array of adoption factors may help identify improvement opportunities.

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);
Fort Collins social media

David A. Baker

OBJECTIVE

Contribute my leadership, collaboration, problem solving, controls development, and testing skills in a fast-paced, team-oriented, sustainable energy focused environment.

EDUCATION

Colorado State University, Fort Collins, CO M.S. - Mechanical Engineering Aug '17
 Master of Science - **Mechanical Engineering** GPA: 4.0/4.0

State University of New York at Geneseo, Geneseo, NY, B.S. - Applied Physics May '15
 Bachelor of Science - **Applied Physics** GPA: 3.73/4.0

RELEVANT EXPERIENCE AND SKILLS

Lightning eMotors - Research & Development Engineering Manager Nov '20 - present

- Lead team of R&D engineers in developing new features, products, and prototype vehicles
- Provide technical advice and strategic direction to engineers
- Collaborate cross-functionally to ensure company objectives are met
- Develop processes in a maturing, fast-paced company; maintain technology roadmap

Lightning eMotors - Senior Research & Development Engineer Jul '19 - Nov '20

- Given high-level objectives conceptualize, design, and test new systems and products for application in Lightning eMotors vehicles
- Develop and integrate controls for new components/systems onto vehicle controller
- Create and execute DVP&Rs for new technologies
- Commission, test, and troubleshoot new products both in lab and on vehicle

AVL Powertrain Engineering - Hybrid Calibration Project I Engineer Jan '18 - Jul '19

- Develop, execute, validate, and document hybrid calibration test procedures
- Serve as single point of contact with customer
- Commission hybrid powertrains and instrumentation in test cells

EcoCAR 3 Colorado State University - Engineering Manager Jun '16 - Jun '17

- Provide technical assistance of controls development, powertrain integration, calibration and testing to 35+ undergraduate students
- Lead in-vehicle testing and calibration, provide in-depth technical assistance to the Controls, Modeling, and Electrical Integration sub-teams

Graduate Research

- Study impact of prediction error on FE benefit via NN based speed prediction Jun '16 - Aug '17

Graduate Teaching Assistant - Colorado State University Aug '15 - May '17

- Engineering Design Practicum (Senior Design), Dynamics of Machines

Software Skills

MATLAB/Simulink, ATI Vision, AVL CAMEO, Vector tools, MotoHawk, Raptor, LabVIEW, Microsoft Office

VOLUNTEER APPLICATION

Emily Felton

1/15/2024 10:04 AM

Application: **TB - Transportation Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Transportation 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 Transportation Board meets: 3rd Wednesday of each month at 6 p.m. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 6 Hours

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> 2

Current Occupation: Office Leader and Project Manager, Civil Engineer

Current Employer: Kimley-Horn

Prior work experience (please include dates): I've been at the same firm for 12 years

Volunteer experience (please include dates):
 Volunteer in the city in Asphalt Art activity (2023)
 Volunteer at Bike to work day for past 2 years (Summer)
 Volunteer at Children's local school for teacher appreciation throughout the year (2020-2023)

Have you applied for this board before? If yes, please explain. NO

Are you currently serving on a City board or Commission? If so, which one? No

Why do you want to become a member of this particular board or commission? Fort Collins is know for innovative transportation and is continuing to implement exciting programs. I'm

Specify any activities which might create a serious conflict of interest if you are appointed:

Please describe your interest regarding transportation and transportation related issues.

How do you think the City can improve the way people move around in Fort Collins?

Are you willing to complete the required training if appointed?

How did you learn of a vacancy on this board or commission?

passionate about bringing transportation to folks of a variety of socio-economic status, and finding ways to create a more connected City. The bus route near my house no longer operates due to low ridership. Rethinking the current transportation offerings and leaning into options the city is working to roll out (shared car pool, bikeshare) and thinking of new transportation ideas (Employer incentives for shared bikes/Scooters, detection for pedestrians and cyclists at intersections, parking technologies, and autocycles). The time in transportation technology and innovation is fascinating at the moment, and having the ability to collaborate with a group of people dedicating to keeping a high bar of transportation around the city excites me!

Kimley-Horn previously did the Downtown parking master plan for Fort Collins (2017) and Kimley-Horn is currently engages in some contracts to help with Connexions and helping with Fiber to the city. Kimley-Horn also serves in doing on-call work with CSU for Transportation and Vision Zero work. I do not believe any of those would be a conflict of interest.

I also really identify with the City's goal of vision zero. I played a part in helping CSU with their Vision Zero Plan and implementing the bicycle round about, enhanced pedestrian crossings and bike lanes on campus. Creating a safe community that prioritizes people above cars is important to me. I understand the need to have a good level of service on our roads, however safety is very important to me. I live near some of the high risk areas (District 2) where I've seen the negative impacts of old ways of planning curb cuts and roads on streets which lead to accidents. Helping rethink existing infrastructure to provide more safety is really important to me as my family uses sidewalks, roads and bike lanes in the city.

I would like to encourage the City to think about how to use others to encourage active modes of transportation. Looking at European counterparts and their reliance on mopeds and other small vehicles and knowing the emergence of the Autocycle technology, I would like the city to consider having technology that provides fast yet safe transportation methods. I also want to encourage the city to rethink downtown parking in a way that prioritizes and encourages businesses, reduces confusion and conflicts.

YES

Other (please specify);

Emily Felton

1/15/2024 10:04 AM

Leadership Fort Collins Program

VOLUNTEER APPLICATION

Amanda Finch

1/14/2024 12:06 PM

Application: **TB - Transportation Board****Applicant Information**

Birthday: [REDACTED] Gender: Female

Education Level: Bachelors degree

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Transportation Board

Skills & Interests

Additional Skills / Interests: My Spanish is not as conversational as I would like. I am working with a local club, The Fort Collins Conversational Spanish Group, to improve my conversational Spanish. I graduated in 1999 with a B.A. in Spanish.

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.

Choice 1. Transportation, Choice 2. Senior Advisory Board, Choice 3. Active Modes

I acknowledge I am available when the Transportation Board meets: 3rd Wednesday of each month at 6 p.m.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

30

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>

5

Current Occupation:

Strategic Project & Marketing Manager at Remote Data Backups. Recent graduate of American Public University/American Military University with a Master's of Public Administration Degree.

Current Employer:

Remote Data Backups

Prior work experience (please include dates):

I have worked at Remote Data Backups since January 2014. My position has changed over the years, developing into a leadership role. Before this, I worked at

Volunteer experience (please include dates):

Spring Creek from 2009 through 2014 as a nurse and part of the management team.

Volunteer Master Naturalist Program/
Larimer County, Instructor Susan Kenney
2011

Church of Immanuel/Fort Collins, CO
International Feng Shui Guild –Elected
Board Secretary 2018-2021

Community leader for The Holistic
Practitioner Network of Northern Colorado
2020-present

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No;

I recently graduated and now have the time to serve my community. I enjoy research and would like to contribute my time to supporting my city.

Why do you want to become a member of this particular board or commission?

As a Fort Collins resident, I have first-hand experience with the challenges of our growing population. Transportation management will continue to be a key issue that will require long-term and short-term problem identification and solution in Fort Collins, and beyond. Because of my academic background, and the research on transportation I have worked on over the last few years, I believe that this Board is a good fit.

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Please describe your interest regarding transportation and transportation related issues.

Over the last few years, many of my academic projects were transportation-themed. I am passionate about supporting the federal Moving Towards Zero Death initiative and wrote at length about it in my final Capstone Project. The City of Fort Collins Transportation Master Plan is an expertly crafted resource to use as a framework for prioritizing initiatives and developing programs to meet our goals. Our transportation system includes award-winning bike trails (and culture), safer-than-average public transportation, red-light camera technology, better-than-average walkability scores, ADA compliance, great roads, signage, and more. However, the work and problem identification to keep up with the increasing population and density, and to exceed standards, is a constant variable that will continue to present challenges today and in the future. I believe that my commitment to supporting a level of greatness in the management of my hometown, and my educational background, can assist City decision-makers.

How do you think the City can improve the way people move around in Fort Collins?

I25 Accessibility Problem
One major issue contributing to Fort Collins motor-vehicle traffic congestion is that the original small town did not foresee

the great future expansion that would occur. It is situated miles from highways that would more easily facilitate the outward movement of traffic flow. We are all aware that this creates congestion and air-pollution. And it also creates the need for ambitious solutions to keep traffic flowing safely.

Successful Models

The City of Fort Collins is experiencing many of the same problems in urban transportation that other municipalities face in our world and nation. I've learned that one tactic to discover innovative solutions to transportation problems is by comparing and contrasting other cities in the United States and abroad.

AVIS Speed Camera Legislation

The City of Fort Collins could consider implementing the recent AVIS legislature to use speed cameras along identified roadways. Speed cameras in dangerous stretches could change the public perception of traffic norms in northern Colorado, and prevent accidents.

Public Transportation & Public Education

I have learned that many cities could benefit from efforts to increase the public's awareness of transportation by providing increased public education campaigns on the "how to" and "why's" of using the public bus system. Better public understanding of our fleet's routes, fees, and schedule may create increasing public comfort-levels with public transportation that increases ridership. Many I have researched have made tried constructing friendly and safer bus stop shelters. Perhaps, creating incentives to encourage bus ridership through a point system that saves riders monies through tax-breaks to is another idea.

A Japanese Small Town's Friendly Fleet

I wrote about a city in Japan that decided to wrap busses in specific Disney characters. The friendly wraps that identified individual busses in the fleet were successful in changing public attitudes, and ridership increased.

Pedestrian Protection

For years as a Feng Shui Consultant, I have helped clients enjoy a more harmonious environment. In every consultation I have done, I find ways to better support the client through identifying areas lacking backing, foundation or protection within their environments. When people feel protected, it reduces anxiety, allowing for personal comfort-

levels that assist in achieving our goals.

Fort Collins has beautiful, wide, well-maintained sidewalks. And I am grateful for them! I've noticed that there are certain stretches of College Ave. and Harmony that may make pedestrians feel unprotected from traffic as a result of the high-volumes and high speeds. In these identified areas, a lack of protective barrier exists between pedestrians and traffic. Pedestrians could benefit from a barrier between roadway and sidewalk in identified potentially dangerous exposed stretches, (in the same way a homeowner near a busy road benefit from constructing a protective barrier). Mid-town is an example where this idea could be piloted, incorporating these safe buffered areas into its community plan.

Feasibility

Economic feasibility is required for each one of these ideas to be successful. And funding is finite. For this reason, the Transportation Board must balance the solutions with the best rate of feasibility.

London's Pilot to Reduce Congestion and Increase Ridership

One last example to share, that I learned about in my program, was how the City of London approached reducing traffic congestion using an aggressive fee-based solution. After many failed attempts, the City created a successful pilot-program to restrict traffic congestion in problematic areas during the busiest times of the day. This program was enforced using steep fines to control traffic levels. This pilot encouraged public transportation and reduced traffic congestion. Fort Collins is not yet at those levels of congestion experienced by London, however futures-thinking and bench-marking examples like this could encourage out-of-the-box innovative solutions to solve transportation problems in Fort Collins more quickly than in the past.

Transportation Master Plan Goals

The ten goals presented in the introduction of the Transportation Master Plan are certainly comprehensive. As a Transportation Board member, my first action would be to fully understand and grasp both the vision and challenges for each goal. And to work with the board to identify immediate priorities and the most-important long-term areas. I would also be willing to research and present un-biased reports in areas that require more information before making decisions.

Amanda Finch

1/14/2024 12:06 PM

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Ed Peyronnin

12/1/2023 2:36 PM

Application: **TB - Transportation Board**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: Doctoral degree

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Transportation 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.

Transportation Board

I acknowledge I am available when the Transportation Board meets: 3rd Wednesday of each month at 6 p.m.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

5

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>

5

Current Occupation:

Retired

Current Employer:

N/A

Prior work experience (please include dates):

IT Management-Colorado State University
1993-2021
US Army Officer 1979-1992

Volunteer experience (please include dates):

Transportation Board 2023

Have you applied for this board before? If yes, please explain.

Yes. Current Member

Are you currently serving on a City board or Commission? If so, which one?

Yes;
Transportation Board

Why do you want to become a member of this particular board or commission?

I want to provide input to help the city maintain and improve its transportation system.

Specify any activities which might create a serious conflict of interest if you are appointed:

N/A

Please describe your interest regarding transportation and transportation related issues.

I am interested in making transportation more safe, equitable, and green.

Ed Peyronnin

12/1/2023 2:36 PM

How do you think the City can improve the way people move around in Fort Collins?

Advocacy for public transportation and replacement of traffic signals with roundabouts.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website;
My name is spelled wrong. It is Edgar Peyronnin, not Ed Pedyronnin.

VOLUNTEER APPLICATION

Nick Martin

12/29/2023 4:04 PM

Application: **WC - Water Commission**

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: Masters degree

Address: [REDACTED]

Phone: [REDACTED] <<

Volunteer Groups Applied For

Water Commission

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 you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission.

1- Water Commission, 2- Land Conservation and Stewardship Board

I acknowledge I am available when the Water Commission meets:
Regular Meetings - Third Thursday of each month.
Work sessions - 1st Thursday every other month (even-numbered months) from 5:30-7:30 p.m.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member?

10-15

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>

3

Current Occupation:

Business Development Director (Water Resources)

Current Employer:

RESPEC (<https://www.respec.com/>)

Prior work experience (please include dates):

See attached CV

Volunteer experience (please include dates):

2023: 4 open access, scientific journal publications (publication creation, editing, and revision is not a billable work component and is done on a voluntary basis)
2021-2022 American Water Resources Association (AWRA) Future Risk Committee Finance Chair

Have you applied for this commission before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Nick Martin

12/29/2023 4:04 PM

What is your experience (technical/legal/research/regulatory/volunteer/political, etc) in matters related to water as it pertains to our region, other regions, municipal water utilities, water resources?

I have over 20 years of experience in designing and implementing water resources-related scientific studies and experiments (see attached CV) in CO, many other regions in the US, and various parts of the world. My technical specialties are risk assessment, risk management, and explicit incorporation of uncertainty into decision making.

What priorities do you feel the water commission should highlight in advising/directing city staff and council?

Water supply expectation for the future is same to reduced water supply (from natural and human-induced climate variations). Water demand expectation for the future is an increased number of demands from population growth and economic development.
Priorities that need to be highlighted:
- Fresh and cleanable/treatable water is and will be a scarce resource at times (and maybe in focused sub-regions). This means that there will be allocation winners and losers. Winners can't just be free riders, and losers can't just be left to fend for themselves.
- Conservation, stewardship, and circularity of water resources is a central paradigm for planning in semi-arid regions.

Please describe your motivation/passion to be on the water commission and what (expertise/viewpoints/background/differing perspective) you may bring to the table.

My motivation to be on the water commission is that I am fundamentally a conservationist but one that recognizes the need for natural resources to be used/leveraged in a responsible and circular manner so that the community as a whole can thrive.

Specify any activities which might create a serious conflict of interest if you are appointed:

I am not aware of any potential conflicts.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Newspaper

NICK MARTIN

Phone: [REDACTED]
[REDACTED]

www.linkedin.com/in/nick-martin-aa0aa68

<https://github.com/nmartin198>

Surface water and groundwater hydrologist and applications developer with more than 20 years of experience. Focused on numerical modeling of fluid flow and transport, computer application development, environmental site characterization, environmental restoration, and risk assessment. Specialized in probabilistic analysis and modeling to quantify uncertainty and define environmental and economic risk.

PROFESSIONAL EXPERIENCE

RESPEC, Rapid City, SD and Fort Collins, CO 2023 to present

Business Development Director

- Lead market analysis to assess growth potential, prioritize investments, and create an aligned growth strategy
- Develop, build, and manage relationships with strategic partners and customers, both public and private, to build a pipeline of projects

Southwest Research Institute (SwRI), San Antonio, TX 2018 to 2023

Principal Scientist

- Awarded three competitive research grants ~ \$640,000
- Lead technical and analysis teams for surface water and groundwater interaction, water resources climate risk assessments, and permitting risk management assessment

DHI Water & Environment, Lakewood, CO 2017 to 2018

Project Manager/Lead Engineer

- Executed and managed hydrology and hydrogeological studies and associated software development
- Extended software tools and methodologies related to mining, water resources, and data analysis

GoldSim Technology Group, Issaquah, WA 2014 to 2017

Senior Simulation Engineer

- Provided software user training, technical support, solution development, technical consulting and project management, marketing, sales
- Developed and proto-typed cloud offerings

Ausenco, Denver, CO 2012 to 2014

Senior Hydrogeologist

- Provided technical management including scope generation, budget creation, oversight, and technical review for multi-discipline projects
- Supervised and trained two colleagues

Denver Water, Denver, CO 2010 to 2012
Applications Developer

- Provided technical expertise and programming for the Platte and Colorado River Simulation Model (PACSM) integrated system of water rights and water supply computer programs and associated RDMBS
- Designed and implemented distributed Source Code Management (SCM) system

Bechtel Corporation, San Francisco, CA 2008 to 2010
Senior Hydrologist

- Prepared and reviewed hydrologic and hydrogeologic data, studies, and calculations

Clearwater Hydrology, Berkeley, CA 2006 to 2008
Hydrologist

- Designed, provided project management, and supervised construction of five stream and wetland restoration projects

Flow Science Incorporated, Harrisonburg, VA 2004 to 2006
Associate Scientist

- Conducted coastal, estuarine, and reservoir hydrodynamics and transport modeling studies

Stanford University, Palo Alto, CA 1999 to 2004
Hydrogeology Research and Teaching Assistant

RESEARCH GRANTS, PREVIOUS 5 YEARS

SwRI Internal Research and Development Grant, 15-R6209 2021 to 2023
“Integration of Process-Driven and Data-Driven Hydrologic Models in an Environment of Process Uncertainty”

- Goal: Integrate Entity Aware Long Short-Term Memory Network (EALSTM), deep learning models with process-based water budget models
- PI, total budget of \$285,508
- Publications: Martin and White (2023); Martin and Yang (2023); Martin (2023)

SwRI Internal Research and Development Grant, 15-R6015 2020
“Local Two-Way Coupling between Watershed and Karst Aquifer Models”

- Goal: Loose, dynamic coupling between HSPF and MODFLOW 6 for karst environments with rapid stream–aquifer interactions
- PI, total budget of \$74,912

SwRI Internal Research and Development Grant, 15-R8937 2019 to 2020
“Stochastic Simulation of Recharge Trends Resulting from Global Climate Change”

- Goal: Develop probabilistic risk assessment (PRA) framework for water resources impacts analysis from climate change
- PI, total budget of \$281,062
- Publications: Martin (2021a); Martin (2021b)

INSTRUCTOR FOR SOFTWARE END-USER TRAINING

FEFLOW 3-Day Introductory Training Course , Lakewood, CO	June 2018
GoldSim 3-Day Training Course , Vancouver, BC	April 2017
GoldSim 3-Day Training Course , Columbus, OH	August 2016

PUBLICLY ACCESSIBLE PUBLICATIONS

Journal Publications

- Martin, N. (2023). "Incorporating Weather Attribution to Future Water Budget Projections" *Hydrology* v. 10, 12: 219. <https://doi.org/10.3390/hydrology10120219>
- Martin, N. and Yang, C. (2023). "Statistical learning of water budget outcomes accounting for target and feature uncertainty" *Journal of Hydrology*, 624 129946, <https://doi.org/10.1016/j.jhydrol.2023.129946>
- Martin, N. (2023). "Dynamic Assimilation of Deep Learning Predictions to a Process-Based Water Budget" *Hydrology* v. 10, no. 6: 129. <https://doi.org/10.3390/hydrology10060129>
- Martin, N., and White, J. (2023). "Flow Regime-Dependent, Discharge Uncertainty Envelope for Uncertainty Analysis with Ensemble Methods" *Water* v. 15, n. 6: 1133. <https://doi.org/10.3390/w15061133>
- Martin, N., Nicholaides, K., and Southard, P. (2022). "Enhanced Water Resources Risk from Collocation of Disposal Wells and Legacy Oil and Gas Exploration and Production Regions in Texas." *JAWRA - Journal of the American Water Resources Association*, v. 58, n. 6. <https://doi.org/10.1111/1752-1688.13048>
- Martin, N. (2021b). "Risk Assessment of Future Climate and Land Use/Land Cover Change Impacts on Water Resources." *Hydrology*, v. 8, n. 38. <https://doi.org/10.3390/hydrology8010038>
- Martin, N. (2021a). "Watershed-Scale, Probabilistic Risk Assessment of Water Resources Impacts from Climate Change." *Water*, v. 13, n. 40. <https://doi.org/10.3390/w13010040>
- Martin, N. and Gorelick, S.M. (2005). "MOD_FreeSurf2D: A MATLAB surface fluid flow model for rivers and streams", *Computers & Geosciences*, v. 31, p. 929-946. [Awarded International Association for Mathematical Geology Best Paper of 2005] <https://doi.org/10.1016/j.cageo.2005.03.004>
- Martin, N. and Gorelick, S.M. (2005). "Semi-analytical method for departure point determination." *International Journal for Numerical Methods in Fluids*, v. 47, p. 121-137. <https://doi.org/10.1002/flid.799>

Technical Reports

(Peer-Reviewed)

Martin, N., and others. (2019). “Blanco River Aquifer Assessment Tool – A Tool to Assess How the Blanco River Interacts with Its Aquifers: Creating the Conceptual Model.” Technical Report. San Marcos, TX: Meadows Center for Water and the Environment, Texas State University. <https://gatodocs.its.txstate.edu/jcr:3a5f9f4d-454d-4cf4-9d12-6cc643a64368>

Conference Papers

(Peer-Reviewed)

Martin, N. and Gabora, M. (2018). “Modeling Complex Mine Water Closure Challenges using a Coupled FEFLOW-GoldSim Model.” Mine Water – Risk to Opportunity (Vol I) – Wolkersdorfer, Sartz, Weber, Burgess, & Tremblay (eds), Tshwane University of Technology, Pretoria, South Africa p. 41–47. <https://toc.proceedings.com/41658webtoc.pdf>

Gabora, M., Martin, N. and Clements, N. (2014). “Application of the Null Space Monte Carlo Method in a Groundwater Flow Model of Mine Pit Dewatering.” An Interdisciplinary Response to Mine Water Challenges – Sui, Sun & Wang (eds), China University of Mining and Technology Press, Xuzhou, ISBN 978-7-5646-2437-8. p.14-18. https://www.imwa.info/docs/imwa_2014/IMWA2014_Gabora_14.pdf

PRESENTATIONS, WEBINARS, AND INVITED SHORT COURSES

Invited Presentation, “Numerical Experiments for Water Resources Planning: The Future is Risky and Uncertain,” Colorado Groundwater Association (CGWA) Monthly Members Meeting, October 2023.

Invited Presentation, “Models, Planning, What-If Scenarios and Uncertainty: A Climate Change Impacts Example from Val Verde County, TX,” Edwards Aquifer Authority (EAA) EDTalks, September 2023.

Paper Presentation, “Flow Regime-Dependent, Discharge Uncertainty Envelope for Uncertainty Analysis with Ensemble Methods,” 2023 PEST Conference: The Path from Data to Decisions, March 2023.

Paper Presentation, “3D Visualization of Groundwater Model Hydrostratigraphy in (and beyond) GIS,” American Water Resources Association (AWRA) 2022 Annual Water Resources Conference, November 2022.

Paper Presentation, “Future Scenarios and Future Weather for Water Resources Risk Analysis: Incorporating ‘Extra’ Variability into Climate Projections,” American Water Resources Association (AWRA) 2022 Spring Conference: Water Risk Under a Rapidly Changing World - Evaluation & Adaptation, April 2022.

Paper Presentation, “Water Resources Risk and Uncertainty Assessment from Combined Climate and Land Use and Land Cover Changes,” American Water Resources Association (AWRA) 2022 Spring Conference: Water Risk Under a Rapidly Changing World - Evaluation & Adaptation, April 2022.

Paper Presentation, “BRAATWURST: Blanco River Aquifers Assessment Tool for Water and Understanding Resiliency and Sustainability Trends – Tool Creation and Initial Implementation,” American Water Resources Association (AWRA) Annual Conference, November 2021.

Paper Presentation, “Probabilistic Assessment of Watershed-Scale, Water Resources Risk and Uncertainty from Climate Change Projections,” American Meteorological Society (AMS) 101, 101st Annual Meeting, January 2021.

Paper Presentation, “Produced Water Probabilistic Risk Assessment Framework – Disposal and Legacy Wells,” International Petroleum Environmental Conference (IPEC), October 2019.

Paper Presentation, “Quantifying Potential Changes in Recharge from Changes in Weather Patterns,” Texas Groundwater Summit, August 2019.

Paper Presentation, “Challenges of Incorporating Climate Change into Water-Resource Models,” South Central Texas Water Resources Interest Group (SCTWRIG) 11th Bi-Annual Meeting, December 2018.

Paper Presentation, “Modeling Complex Mine Water Closure Challenges using a Coupled FEFLOW-GoldSim Model,” 11th International Conference on Acid Rock Drainage (ICARD) 2018 International Mine Water Association (IMWA), September 2018.

Poster Presentation, “Assessment of Climate Change Risk to Watershed-scale Water Resources,” American Water Resources Association (AWRA) Annual Conference, November 2020.

Poster Presentation, “External Element Linking HEC-HMS and GoldSim,” GoldSim User Conference, September 2015.

Webinar, “Monte Carlo Simulation: Uncertainty and Probability,” GoldSim Monthly Webinar, October 2015.

Webinar, “Time Series Analysis with GoldSim,” GoldSim Monthly Webinar, May 2015.

Webinar, “Modeling Unsaturated Flow Using Material Delays,” GoldSim Monthly Webinar, February 2015.

Webinar, “Sensitivity Analysis in GoldSim,” GoldSim Monthly Webinar, March 2014.

Workshop, “Produced Water Disposal Risk Assessment for Southern Texas: the 5 Biggest Risks and Mitigation Strategies,” International Petroleum Environment Conference (IPEC) Connect Subject Matter #2 Session, April 2021.

Workshop, “Rural Water Resources Management: Cultivation, Innovation, Collaboration – Innovation,” 10th Annual Texas Rural Challenge, June 2019.

Workshop, “Monte Carlo Simulation Techniques,” GoldSim User Conference, September 2015.

Workshop, “Event-based Modeling and Discrete Events,” GoldSim User Conference, September 2015.

PROFESSIONAL CERTIFICATIONS/LICENSES

Certified Floodplain Manager (CFM), Association of State Floodplain Managers (ASFPM), 2023 to present

Professional Hydrologist (PH) Surface Water, American Institute of Hydrology (AIH), 2014 to present

Professional Geologist (PG), California Board for Professional Engineers, Land Surveyors, and Geologists, 2014 to present

Microsoft Certified Solutions Expert (MSCE): Cloud Platform and Infrastructure, Microsoft, 2017 to 2018

EDUCATION

MS	Stanford University, Hydrogeology	2004
BS	Virginia Tech, Geophysics	1999
MA	Johns Hopkins - SAIS, International Relations	1993
BA	Johns Hopkins, International Studies	1992

PROFESSIONAL AFFILIATIONS

American Institute of Hydrology (AIH), 2014-Present

American Water Resources Association (AWRA), 2019-present

Association of State Floodplain Managers (ASFPM), 2023-present

National Groundwater Association (NGWA), 2004-present

Society for Risk Analysis (SRA), 2023-present

LANGUAGES

English: Native Language

Spanish: Novice

COMPUTER SKILLS

Programming: Python, Cython, Java, C#, Fortran (1977-2008), R

Platforms: Microsoft SQL Server (T-SQL), PostgreSQL, Microsoft Azure, AWS

VOLUNTEER APPLICATION

Frederick Wegert

12/21/2023 5:30 PM

Application: **WC - Water Commission**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Water Commission

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 you have applied to or plan to apply to more than one board/commission please list in order of interest your choices for volunteering. Enter N/A if you have not applied to more than one board/commission. Affordable Housing Board, Water Commission

I acknowledge I am available when the Water Commission meets:
 Regular Meetings - Third Thursday of each month. YES
 Work sessions - 1st Thursday every other month (even-numbered months) from 5:30-7:30 p.m.

How many hours per month are you willing to put in (including research, work, and meeting time) as a commission member? 8 hours per month

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> 2

Current Occupation: civil engineer

Current Employer: Northern Engineering

Prior work experience (please include dates): June 1998 - Dec 2023

Volunteer experience (please include dates): 0

Have you applied for this commission before? If yes, please explain. No

Are you currently serving on a City board or Commission? If so, which one? No

What is your experience (technical/legal/research/regulatory/volunteer/political, etc) in matters related to water as it pertains to our region, other regions, municipal water utilities, water resources? Over the past nine years, I designed the utilities and stormwater design for multiple projects within Fort Collins. A small example of Fort Collins projects include The Elizabethan Hotel, Fort Collins Utilities Administration Building, Poudre Garage, The Confluence, Lyric Cinema, and The Music District.

Frederick Wegert

12/21/2023 5:30 PM

What priorities do you feel the water commission should highlight in advising/directing city staff and council?

The Water Commission's priorities should be related to water rights, stormwater, water and wastewater treatment, and good stewardship of the City's water and utility resources.

Please describe your motivation/passion to be on the water commission and what (expertise/viewpoints/background/differing perspective) you may bring to the table.

I'm a civil engineer with a Master's in environmental engineering and 25 years of experience in utility and stormwater design. My engineering experience includes working for both municipal and private developers. I created water distribution models of entire towns, researched different wastewater treatment alternatives, and designed the utility and stormwater infrastructure for many different types of developments. I bring a very strong, development oriented background to the Water Commission.

Specify any activities which might create a serious conflict of interest if you are appointed:

If a developer where I am the engineer of record has business before the Water Commission would be a clear conflict of interest.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website



FREDERICK S. WEGERT, PE
CIVIL ENGINEER

PROFESSIONAL EXPERIENCE

I am a Senior Engineer at Northern Engineering with land development experience in Colorado since 1998. My experience covers commercial, residential, municipal, and stormwater projects for private developers and small towns on the Western Slope. Areas of engineering design experience include site planning, municipal water distribution, wastewater treatment design, roadway design and grading, earthwork calculations, drainage studies, and site utility design. For the past nine years, I transitioned to urban infill and redevelopment projects located within Old Town Fort Collins. Since working at Northern Engineering, I gained knowledge of the local development review process.

Most recent experience pertaining to the Water Commission includes preparation and approval of the Town of Ault Wastewater Master Utility Plan by North Front Range Water Planning Association. This project entails an update of the Town of Ault 208 Plan due to unexpected growth within the past five years. At Northern Engineering, I provide technical expertise regarding stormwater and drainage design and infrastructure for Northern Colorado projects. I designed the drainage and utilities for several local award winning projects in Fort Collins.

RELEVANT PROJECT EXPERIENCE

AULT

Wastewater Master Utility Plan

EAGLE

Eagle County Ballfields

EDWARDS

Arrowhead Metropolitan District Improvements
Shaw Cancer Center

FORT COLLINS

CSU Powerhouse Hydrogen Generator Project
The Confluence
Elizabeth Hotel & Old Firehouse Alley Parking
Structure
Fort Collins Utilities Administration Building
Lyric Cinema
The OBC Wine Project
Poudre Garage
Poudre School District (PSD) Bamford Elementry
School

GLENWOOD SPRINGS

Spring Valley Ranch

GREELEY

Promontory Tract A Single Family
Promontory Multifamily Apartments

GYP SUM

McHatten & BLM Water Tanks
Town of Gypsum Municipal Engineering Services

MINTURN/REDCLIFF

Conceptual Wastewater Treatment Plant
Alternatives
Battle Mountain Resort
Town of Red Cliff Municipal Engineering Services

NORTH DAKOTA

Bakken Oil Field Man Camps

WINDSOR

Village East Multifamily West Apartments

YEARS OF EXPERIENCE

25

EDUCATION

BS, Civil Engineering, Colorado
School of Mines

MCE, Environmental
Engineering, Norwich
University

REGISTRATIONS

Professional Engineer,
Registration No. 45018, Colorado

VOLUNTEER APPLICATION

Jebrail Dempsey

12/5/2023 1:32 PM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Bachelors degree
 Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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.

Human Services and Housing Funding Board, Women and Gender Equity Advisory Board, Affordable Housing Board

I acknowledge I am available when the Women and Gender Equity Advisory Board meets.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

20

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>

6

Current Occupation:

PhD student

Current Employer:

Colorado State University

Prior work experience (please include dates):

UT Southwestern Medical Center, June 21, 2021-May 12, 2023, Research Technician II
 Johns Hopkins Hospital, October 1, 2020-May 19, 2021, Clinical Lab Assistant

Volunteer experience (please include dates):

Women Involved in Learning and Leadership, January 2016-May 2019
 Achievement and Inspiration through Mentorship, August 2016-May 2018

Jebrail Dempsey

12/5/2023 1:32 PM

Oak Cliff Veggie Project, August 2021-May 2022

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I would like to join the Women and Gender Equity Advisory Board because I believe I provide a unique experience as a woman of color living in Fort Collins. Additionally, I have unfortunately been a victim of sexual harassment in Fort Collins and would like to participate in challenging patriarchal thinking and misogynist sentiments in my community. I would commit myself to improving the gender relations and inequities in Fort Collins.

Specify any activities which might create a serious conflict of interest if you are appointed:

PhD research (approximately 30 hours per week)

Please describe your interest regarding gender equity and gender equity related issues.

Since my undergraduate career, I have constantly and consistently served as a gender equity activist through volunteering with or leading organizations. My time in these roles has provided me with a desire to not only unlearn internalized gender violence but also understand how to work with other individuals to provide what they need to feel included.

How do you think the City can improve gender equity in Fort Collins?

Fort Collins could benefit from more community engagement events emphasizing the importance of diversity, equity, inclusion, and belonging. From there, opportunities could arise to celebrate differences and find similarities between different identities. Being a gender advocate not only means uplifting women and marginalized gender identities, but also unlearning and de-centering patriarchy, white supremacy, and colonization. Cultural acceptance and exposure to other experiences and identities is one step forward.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Emily Fitzmeyer

1/14/2024 7:32 PM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthdate: [REDACTED] Gender: Female Education Level: Bachelors degree

Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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 Women and Gender Equity Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 5-8

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> 6

Current Occupation: Graduate Research Assistant

Current Employer: CSU

Prior work experience (please include dates): Food service/student - 2012-2015
Postbac IRTA fellow (NIH, NIAID, RML) - 2017-2019
Grad research assistant - 2019-2024

Volunteer experience (please include dates): School service trip w/ habitat - 01/2015
Special Olympics NH - Nov 2014, 2015, 2016
Science Olympiad - 2015, 2016, 2017
VA hospital - 2015-2017

Emily Fitzmeyer

1/14/2024 7:32 PM

Biomedical research after school scholars program (BRASS) - 2017
Grad student panel - 09/2020, 08/2022
Science on tap - 05/2022
DARPA forward event - 08/2022
Infectious disease research and response training program, executive committee student rep - 2023
Abstract workshop for local venture students - 11/2023

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

Somewhere in the vastness of the internet, someone wrote "Do you remember what a little relief feels like? It feels like a lot." I believe that this board is in the business of providing people a little relief. That is something I would like to be a part of.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

Please describe your interest regarding gender equity and gender equity related issues.

I am particularly interested in gender equity in healthcare, particularly reproductive healthcare. I think that discussing, normalizing, and making widely available, all forms of birth control (and menstruation products!!) is hugely important to promoting the health and equity of all genders.

How do you think the City can improve gender equity in Fort Collins?

I would love to see some promotion of awareness about CO's laws regarding insurance covering all forms of birth control (including sterilization).

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);
Emily Gallichotte

VOLUNTEER APPLICATION

Emily Gallichotte

1/13/2024 10:35 AM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: PhD
 Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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 Women and Gender Equity Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 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> 6

Current Occupation: Research Scientist

Current Employer: CSU

Prior work experience (please include dates): Graduate Worker - University of North Carolina Chapel Hill, Aug 2013-Dec 2018
Research Technician - Fred Hutchinson Cancer Research Center, Aug 2010-Aug 2013

Volunteer experience (please include dates): Member of City of Fort Collins Rental Housing Task Force, April-August 2022
Steering Committee member of Fort Collins Sustainability Group, Nov 2021-

Emily Gallichotte

1/13/2024 10:35 AM

Have you applied for this board before? If yes, please explain.

Dec 2022

Steering Committee member of Ranked Choice Voting Fort Collins, May 2021-Sept 2022

Are you currently serving on a City board or Commission? If so, which one?

Dec 2021, I was interviewed, but because of ongoing internal issues, the board was closed

no

Why do you want to become a member of this particular board or commission?

I've spent the last two plus years working with councilmembers and city staff to expand the scope of the board (including gender equity), reimagine the duties and goals of the board, and work to reopen it so gender equity issues, and issues facing women can again be addressed within a board. Every equity indicator (housing, transportation, health wages, etc.) shows that women, LGBTQIA+, etc are worse off than their male/heterosexual counterparts. This board has not been active for many years, but that does not mean the issues facing women and others haven't existed, and there is a lot of work to be done, to catch up on those missed years.

Specify any activities which might create a serious conflict of interest if you are appointed:

NA

Please describe your interest regarding gender equity and gender equity related issues.

I've been working towards improving gender equity issues since I moved to Fort Collins 5 years ago. I have been very involved in Fort Collins politics during that time, and while the city is doing good work on many topics, gender equity is an area I haven't seen the city make big progress on.

How do you think the City can improve gender equity in Fort Collins?

I think the city can work to improve language within city documents to make it gender inclusive (e.g. using 'the speaker' instead 'he/she'), improving access to gender inclusive restrooms in city buildings, and throughout Fort Collins, fighting the stigma against menstruation, by updating city utilities documents to call menstrual products, menstrual products and not "feminine" or "sanitary" products (periods are neither exclusively 'feminine' nor 'sanitary/unsanitary'), ensuring menstrual products are provided for free in all city building bathrooms, etc.

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):
involved in the process of updating the board

VOLUNTEER APPLICATION

MK Irvine

1/3/2024 1:23 PM

Application: **WGEAB - Women and Gender Equity Advisory Board****Applicant Information**

Birthday: [REDACTED] Gender: Other Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity Advisory Board

Skills & Interests

Additional Skills / Interests: Danish

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 Women and Gender Equity Advisory Board meets.

YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

8

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>

6

Current Occupation: Software engineer

Current Employer: Self

Prior work experience (please include dates): See resume

MK Irvine

1/3/2024 1:23 PM

Volunteer experience (please include dates):

I have a long track record of volunteering. Since 2012, I have volunteered for: Hurricane Sandy recovery efforts (2012-2016) and supported various non-profits (Black Girl Magic, Diverse Fort Collins) with web development.

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

Because I feel that trans/nonbinary voices are underrepresented

Specify any activities which might create a serious conflict of interest if you are appointed:

None

Please describe your interest regarding gender equity and gender equity related issues.

I am a huge advocate for gender diversity and equity. I believe that we are in a time where the rights of women and trans folks are being challenged everywhere. As a former government employee myself (federal/FEMA and local/NYC DOHMH), I have been able to see firsthand how important it is for government to engage with maintaining actively and promoting what are - to me - essential human rights.

How do you think the City can improve gender equity in Fort Collins?

I believe that Fort Collins - like any city - will have room to grow on it's own internal DEI initiatives, as well as how the city interfaces with the public. My particular interest lies in how the city ensures that the genderqueer/trans/nonbinary population feels seen and supported. I believe my previous experience leading and participating in DEI initiatives in both private and public settings will be able to add value.

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);
Friend who works for city

VOLUNTEER APPLICATION

Gina Maez

1/10/2024 12:59 PM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthday: [REDACTED]
 Gender: Female
 Education Level: Some College
 Address: [REDACTED]
 Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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 Women and Gender Equity Advisory Board meets. YES
 How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 8+
 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> 2
 Current Occupation: Owner/Operator (and full time mom :))
 Current Employer: Black Tie Events LLC
 Prior work experience (please include dates): Please see resume
 Volunteer experience (please include dates): Please see resume
 Have you applied for this board before? If yes, please explain. No
 Are you currently serving on a City board or Commission? If so, which one? No
 Why do you want to become a member of this particular board or commission? I want to help encourage the advancement and inclusion of women and minorities

Gina Maez

1/10/2024 12:59 PM

Specify any activities which might create a serious conflict of interest if you are appointed:

within our community.

N/A

Please describe your interest regarding gender equity and gender equity related issues.

I believe that a community is best served through inclusion, kindness, and equal access.

How do you think the City can improve gender equity in Fort Collins?

I love our community because I believe it to be a community of open-mindedness and inclusion, but I would like to do my part to encourage women and other minorities to get involved in our community by helping provide advocacy, encouragement, and access to resources.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website



CONTACT



[REDACTED]



[REDACTED]

[REDACTED]
[REDACTED]

PHILANTHROPY & COMMUNITY ENGAGEMENT

2023- Present Greens at Collindale

- HOA Vice President

2022 National Active 20-30

- Communications Committee as
Director of Social Media

2020-2022 For Goodness Cakes

- Volunteer Baker for Children In Foster
Care

2020-2022 Valley Kids Foundation

- Beneficiary Liason
- Board Member

2020-2022 Valley of the Sun Active 20-30

- Beneficiary Liason
- Board Member

2019-2022 AASK

- Mentor for Teen in Foster Care

GINA MAEZ

I am a serial entrepreneur within the hospitality industry, seeking opportunities where I can contribute to the betterment of my community and continue on my path towards growth and personal development. I believe that passion, hard work, kindness, and community are the keys to a fulfilling and successful life. Let's inspire success together!

WORK EXPERIENCE

Black Tie Events LLC

Owner

December 2011- Present

- Corporate and private event staffing service in Northern Colorado

January 2015- December 2023

- Alcohol Concessions Vendor for City of Fort Collins Recreation; Club Tico, Northside Aztlan Center, Fort Collins Senior Center

Fort Collins Academy of Bartending LLC

Owner

January 2011- Present

- Director of Corporate Staff Training & Private Lessons
- Bartending 101, Mixology 201, & Bar Management 301 program creation and approval through Colorado Board of Higher Education

EDUCATION BACKGROUND

Hotel Administration- Food & Beverage Management

UNLV- University of Nevada Las Vegas

August 2002- May 2008

Alpha Xi Delta Sorority

High School Diploma

Cheyenne East High School

August 1999-May 2002

DECA Nationals 2000- 2002

Speech & Debate 1999-2002

Cheerleader 2002

VOLUNTEER APPLICATION

Kendall Stephenson

1/14/2024 6:35 PM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthday: [REDACTED] Gender: Male Education Level: Masters degree
 Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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 Women and Gender Equity Advisory Board meets.	YES
How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?	8-10
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	6
Current Occupation:	Graduate Teaching Instructor
Current Employer:	CSU
Prior work experience (please include dates):	Senior Economist, New York City Council, 2015-2020 Research Assistant, Regional Economic Development Institute (REDI), 2020-2022
Volunteer experience (please include dates):	Community Volunteer, LegalHand Crown Heights, 2017 Labor Organizer, various unions, multiple campaigns in private and public sector, 2013-present

Kendall Stephenson

1/14/2024 6:35 PM

Have you applied for this board before? If yes, please explain.

No

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I have been actively engaged in the feminist economics community for many years and seek to use my knowledge and skills in this area to improve my community.

Specify any activities which might create a serious conflict of interest if you are appointed:

None.

Please describe your interest regarding gender equity and gender equity related issues.

As a labor economist, organizer, and educator, I am committed to gender equity. In particular, I am interested in centering any and all efforts to defend, strengthen, enforce, and expand workplace protections, with gender and racial justice lens. I believe that public policy over the past 100 years has acted (intentionally and inadvertently) against the interest of many specific groups in society, including women. Much must be done to counter these entrenched inequities, and I hope to contribute to these efforts in my career and personal life. Serving on this advisory board would be one such avenue.

How do you think the City can improve gender equity in Fort Collins?

As a public sector economist, I was frequently tasked with performing fiscal impact statements related to legislation introduced at the New York City Council - to determine the "cost" such legislation might incur the City. Such statements, while important from a public finance perspective, almost always leave out the gender and racial impacts of legislation. I would like to see our City start using equity impact statements on top of fiscal impact statements. These would help our local government systematically examine how different groups could be affected by proposed legislation or rule making.

I believe this advisory board would be a great place to put heads together to figure out how this could be accomplished and normalized/regularized.

Beyond the above, I believe this Board must look into the following key areas to address currently existing gender inequities: infrastructure access, equity, and equality; rent, housing, and homelessness; and issues affecting our older/aging population.

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);

Kendall Stephenson

1/14/2024 6:35 PM

Community member (Emily Gallichotte),
who asked me if I would be interested.

VOLUNTEER APPLICATION

Julie Trone

12/27/2023 2:34 PM

Application: **WGEAB - Women and Gender Equity Advisory Board**

Applicant Information

Birthday: [REDACTED]
 Gender: Female
 Education Level: Masters degree
 Address: [REDACTED]
 Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Women and Gender Equity 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 Women and Gender Equity Advisory Board meets. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10

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> 3

Current Occupation: Retired

Current Employer: N/A

Prior work experience (please include dates):

- Educator - Front Range Community College 2015-2022
- Self-employed business owner 2008 - 2016
- Educator/Athletic Director/Coach - National Presbyterian School 1996 - 1999
- Educator/Coach - St. Matthew's Parish School 1995-1996
- Educator/Coach - Manhattan Beach Public School District 1994-1995

Volunteer experience (please include dates):

Quality Control Technician - Sony Pictures/
Larimer Pictures 1988-1993
Editor - Disney Channel - 1986-1987
Producer/Director/Associate Producer -
Home Team Sports 1983-1986

Have you applied for this board before? If yes, please explain.

Zonta International 2017 - present
Poudre School District - various volunteer
positions 2009 - 2020

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

No

The work I do with Zonta International at the local, state, district, national, and International levels includes this topic. I have spent the past six years advocating for women who are victims of violence, child marriage, and human trafficking; and those who lack educational resources for a better life. Our club has provided education, advocacy, opportunities, and scholarships with many partners in the community including but not the entire list: our Mayor, domestic violence shelter director and staff (Fort Collins and Loveland), Front Range Community College, Women Give, Project Self-Sufficiency, and CSU. Over the past three years, I have worked with a Zonta Club in Australia where the Zonta Says NOW to Gender Equal Climate Action campaign began. I was instrumental in widening the interest and notoriety of this campaign with the help of the founder and others. We managed to go from a club campaign to an international campaign in 2 years. Our parent organization, Zonta International has formally adopted this campaign as a result. With all of my experience, knowledge, and interest in the subject I feel I can add value to the committee.

Specify any activities which might create a serious conflict of interest if you are appointed:

Currently serve as Club President (until June 1, 2024) of the Zonta Club of Fort Collins. Our board meets at 6 pm on the first Thursday of the month and our club meetings are on the third Thursday of the month at 5:30 pm. I cannot miss the meetings to attend this committee meeting at this time.

Please describe your interest regarding gender equity and gender equity related issues.

My interest was peaked when the U.N. Sustainable Development Goals were announced with Gender Equality as #5. Since then I have learned how equality and equity are quite different. We need both and women and girls must be included in decision-making and leadership positions to build a solid foundation while helping our planet avoid catastrophe. The research is fascinating and supports this statement. I intend to be as active as possible to make this a priority. I also have an interest in

Julie Trone

12/27/2023 2:34 PM

How do you think the City can improve gender equity in Fort Collins?

equity/equality/safety for people with varied gender identities.

The city can improve relations with the communities at risk. Leadership in F.C. is already balanced and where not balanced there tends to be more women. To improve gender equity we need to look at how inequality, discrimination, and divisive thinking are perpetuating a lack of equity. Educating our youth, and adults of all gender identities through varied communication strategies that are mindful and peaceful may be helpful over time. A process that is planned with a long-range forecast in mind is necessary to improve gender equity.

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);
Received an email from fcgov.com

JULIE S. TRONE, M.Ed.

Fort Collins, CO 80528 |

OBJECTIVE | Improve the lives of women and girls through education, advocacy, service, and leadership

SKILLS & ABILITIES | Leadership:

Zonta International Member since 2017

Club President Zonta Club of Fort Collins 2020 - 2024

Committee Chair – Action for Environment and Gender Equality committee (District 12)

Co-chair - Zonta USA Caucus Gender Equal Climate Action committee/Zonta Says Now

Member/Co-Host of Intercontinental Presentations - International workgroup Zonta Says NOW to gender equal climate action

Presentation:

Co-Presenter – Zonta Says NOW to Gender Equal Climate Change presentations 2020 – present

Includes presenting at NGO CSW 66 and in March NGO CSW68; Zonta International Convention

Hamburg, Germany 2022, Zonta North American District Conference 2023, Zonta District 12 Governor's

Conferences and District Seminars 2022 – present, local Rotary Club of Fort Collins, and Zonta club presentations in various Districts in the USA.

Legislative Advocate – Since 2008 to improve the lives of school children with life threatening food allergies; since 2017 to improve the lives of women and girls

WORK EXPERIENCE | Since 2008:

WELLNESS COMMITTEE CHAIR – Front Range Community College, Larimer Campus 2017 - 2022

YOGA/MEDITATION INSTRUCTOR:

Gentle & Adaptive Chair Yoga Instructor – Home based online classes

Front Range Community College, Fort Collins, CO – PED department 2015-16, 2017; Wellness

NUTRITION EDUCATION SPECIALIST/Yoga Instructor

AWAREFULL Counseling Therapy Center 2015-16

Individual and group nutrition education counseling

CEO - ALLERGY FREE TABLE, LLC

Author, online course creator and trainer -food allergy safety; speaker, blogger, and legislative advocate 2008 - 2016

EDUCATION | **FRAMINGHAM STATE UNIVERSITY, FRAMINGHAM, MA (ONLINE)**

M.Ed. NUTRITION EDUCATION 2015

My Vinyasa Practice Studio: Online Yoga Certification 300 hour 2019

FRONT RANGE COMMUNITY COLLEGE, FORT COLLINS, CA Yoga Certification/200 hour 2015

CALIFORNIA STATE UNIVERSITY, COMPTON, CA

POST BACCULAUREATE – PHYSICAL EDUCATION TEACHER CREDENTIALING PROGRAM 1995

UNIVERSITY OF MARYLAND, COLLEGE PARK, MD 1980

B.A., Independent Studies - 'Athletic Promotion/Public Relations'

MISCELLANEOUS | Volunteer positions:

Days for Girls Fort Collins Chapter

Poudre School District – Wellness Advisory Board, District Advisory Board, PTO, 4th Grade Math helper

Mother of twin sons, wife of 23.5 years, and dog owner

Speak intermediate Spanish and continuing to learn.

Participate in many outdoor sports activities with family and friends.

Yoga and meditation practitioner

Travel enthusiast, veggie and herb gardener, cook, photography geek

VOLUNTEER APPLICATION

Vincent Hochhalter

1/9/2024 10:10 AM

Application: YAB - Youth Advisory Board

Applicant Information

Birthday: [REDACTED] Gender: Male

Education Level: High School

Address: [REDACTED]

Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Youth Advisory Board

Job Description

☒ I have read the job description

Questions

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> 2

What school do you attend? If not attending traditional school please list alternative method of school. Timnath High School

I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 16

What is your expected date of graduation? 2025

Volunteer experience (please include dates): On February 20, 2022, I volunteered to help at the food shelter. I helped package tomatoes after sorting imports.

On September 23, 2023, I volunteered to help set up the school dance.

Have you applied for this board before? If yes, please explain. No

Why do you want to become a member of this particular board and what do you hope to gain from this experience? I am applying to learn more about our city government and to be able to help make a difference while representing the youth. I hope to gain knowledge as well as to be able to put this on my resume and applications to colleges.

If applicable, please list any other clubs, groups, or other organizational bodies that you are a member. I am a 3-year football, wrestling, and track team captain. I am also a member of the

Vincent Hochhalter

1/9/2024 10:10 AM

student athletic committee at my high school. I previously have been on the student council and have taken a leadership class. I also used to be a vice president in my youth church classes.

YES

I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Website

VOLUNTEER APPLICATION

Sam Milchak

1/7/2024 7:21 PM

Application: **YAB - Youth Advisory Board**

Applicant Information

Birthday: [REDACTED]
 Gender: Male
 Education Level: High School
 Address: [REDACTED]
 Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evening	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Youth Advisory Board

Job Description

☒ I have read the job description

Questions

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> 3

What school do you attend? If not attending traditional school please list alternative method of school. Fossil Ridge Highschool

I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10

What is your expected date of graduation? May 2026

Volunteer experience (please include dates): Vindeket foods: July 2022- Until present, working 2.5 hour shifts once a month every month

Have you applied for this board before? If yes, please explain. No

Why do you want to become a member of this particular board and what do you hope to gain from this experience? I would love to become a member of this board for experience in leadership opportunity as well as to support my fellow youth. I am hoping that through the Youth Advisory Board I will be able to help become a leader within my community and learn more about what I can do to help others.

If applicable, please list any other clubs, groups, or other organizational bodies that you are a member of. -Speech and Debate
-Science Olympiad
-Track and Field

Sam Milchak

1/7/2024 7:21 PM

I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner.

YES

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);
Advertised through my high school

Youth Advisory Board Application

Name: Ava Stone

Phone Number: [REDACTED]

Email: [REDACTED]

Date of Birth: [REDACTED]

Address: [REDACTED]

RECOMMENDED QUALIFICATIONS:

Follow this link to view the duties and requirements for each board:

<https://www.fcgov.com/cityclerk/boards/youth-advisory>

Each member of the Board shall be under the age of nineteen (19) years at the time of appointment and currently enrolled in high school or an equivalent program such as home school or distance learning.

Meetings are held the 1st Thursday of each month at 5:30 p.m.; No meetings June-August.

Please note: You must reside within the Fort Collins Growth Management Area during your board service.

1. I acknowledge I am available when the Youth Advisory Board meets (the 1st Thursday of each month at 5:30 p.m.).
 - a. Yes
 - b. No

2. How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?

As many as possible but I am in high school and college courses so the work load is pretty big. I'd say around 4?

3. Current Occupation:

Customer service associate at Walgreens.

4. Current Employer:

Walgreens.

5. Prior work experience (please include dates):

Culver's- April 2021-November 2022

6. Volunteer experience (please include dates):

Nextgen volunteer program (trial summer)- 2020 or 2021

Nextgen volunteer program (first official year)- 2023

(Projects for the Gardens on Spring Creek, city of Fort Collins, traffic operations center, recycling center, etc)

Work for the Foco Cafe- 2023

Youth climate rally volunteer work for vendekit foods- 2023

7. Have you applied for this board before? If yes, please explain.

No.

8. Are you currently serving on a City board or Commission? If so, which one?

No.

9. Why do you want to become a member of this particular board and what do you hope to gain from this experience?

I want to become a member of this board because I'm interested in helping my community grow and I feel like younger people offer a unique perspective. Since our community will be our responsibility in the future, I think more youth should be involved in its planning.

10. If applicable, please list any other clubs, groups, or other organizational bodies that you are a member.

None at the moment.

11. I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner.

a. Yes

b. No

12. Are you willing to complete the required training if appointed?

Yes.

13. How did you learn of a vacancy on this board or commission?

My grandma used to work for the city so she's well informed of different things happening in town.

VOLUNTEER APPLICATION

Maia Turnbull

12/16/2023 4:31 PM

Application: **YAB - Youth Advisory Board**

Applicant Information

Birthday: [REDACTED]
 Gender: Female
 Education Level: High School
 Address: [REDACTED]
 Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Afternoon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Volunteer Groups Applied For

Youth Advisory Board

Job Description

☒ I have read the job description

Questions

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> 3

What school do you attend? If not attending traditional school please list alternative method of school. Fossil Ridge High School

I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10, a couple hours a week

What is your expected date of graduation? may of 2027

Volunteer experience (please include dates): summer of 2023 NextGen, Middle School WEB leaders february-august 2022.

Have you applied for this board before? If yes, please explain. no

Why do you want to become a member of this particular board and what do you hope to gain from this experience? I want to become a member of YAB because I want to help the community, I want to practice my leadership skills and learn more about government as a career, and I want to meet new people.

If applicable, please list any other clubs, groups, or other organizational bodies that you are a member. none

I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner. YES

Are you willing to complete the required training if appointed? YES

Maia Turnbull

12/16/2023 4:31 PM

How did you learn of a vacancy on this board or commission?

Other (please specify);
a friend

VOLUNTEER APPLICATION

Sophie Williams

12/14/2023 11:02 PM

Application: YAB - Youth Advisory Board

Applicant Information

Birthday: [REDACTED] Gender: Female

Education Level: High School

Address: [REDACTED] Phone: [REDACTED] <<

Availability

	S	M	T	W	T	F	S
Morning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Afternoon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evening	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Volunteer Groups Applied For

Youth Advisory Board

Job Description

☒ I have read the job description

Questions

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> 3

What school do you attend? If not attending traditional school please list alternative method of school. Fossil Ridge High School

I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES

How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 24 hours I think is a good time but I'm willing to put in the time needed and I'm not sure what that is at the moment

What is your expected date of graduation? 2027

Volunteer experience (please include dates): Summer of 2023 nextgen
Fall of 2022 cans around the oval
2022 web leaders(helping 6th graders)
Summer of 2022 solich leadership academy

Have you applied for this board before? If yes, please explain. No

Why do you want to become a member of this particular board and what do you hope to gain from this experience? Being involved with over youth who are interested in city government and I hope to improve the city of Fort Collins in the benefit of the youth

If applicable, please list any other clubs, groups, or other organizational bodies that you are a member. Fossil ridge tennis and genesis tennis, young life, mock trial, model UN,

I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely YES

Sophie Williams

12/14/2023 11:02 PM

manner.

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);
City employees told me about it

March 5, 2024

AGENDA ITEM SUMMARY

City Council



STAFF

Josh Birks, Deputy Director, Sustainability Services Area

SUBJECT

Strauss Lakes Metropolitan Districts Conceptual Review Hearing.

EXECUTIVE SUMMARY

The purpose of this item is to conduct a Conceptual Review Hearing pursuant to the City Policy for Reviewing Service Plans for Metropolitan Districts (Metro District Policy) to allow Council and members of the public to provide preliminary comments in response to an applicant's Letter of Interest so that the applicant may better determine whether or not to submit a formal application and what a formal application should include.

Metropolitan Districts (Metro Districts) must provide exceptional public benefits in a variety of categories to gain Council approval. Staff evaluates the Metro Districts' proposed public benefits guided by the current 2021 Council-approved Metro District Policy, which includes a score card related to housing and residential development. The City's Metro District Policy requires this Conceptual Review Hearing with Council to give the applicant the opportunity to present its proposal and to seek feedback from Councilmembers and the public about the proposed Metro Districts, which the applicant may use to determine whether to submit a formal application.

Hearing Process Overview

The process for reviewing and considering approval of Metro Districts generally proceeds as follows:

1. Applicant submits Letter of Interest
2. Staff reviews Letter of Interest and provides an informal, non-binding response
3. Council Conceptual Review is conducted, where Council considers and discusses the public benefits proposed in the Letter of Interest
4. If Applicant decides to proceed, Applicant submits formal application for Metro District(s) along with Service Plan
5. Staff reviews application and Service Plan
6. Council Finance Committee reviews submittal and provides feedback to applicant
7. Council considers application and Service Plan at a public hearing

As stated in the Metro District Policy, if it so chooses to do so, Council may consider a motion at the conclusion of the hearing to express its opinion whether the service plan of the Strauss Lakes Metro

Districts, as proposed, should be brought forward to Council for its formal consideration. That motion may also include any recommendations Council may have concerning what should or should not be included in the applicant's formal application. However, the Policy also clearly states that any such motion adopted and any comments, suggestions, or recommendations made by any Councilmember concerning the proposal will not bind or otherwise obligate any Councilmember or other City decision maker to any course of conduct or decision in any subsequent formal application under the Policy. Sample motions are provided below.

It should be noted that the Council is not required to adopt a motion related to the Metro Districts, and the Conceptual Review Hearing is meant solely for Councilmembers to provide feedback on the proposed Metro Districts and is not meant for the Council to comment on, or make specific recommendation regarding, any development aspects that may later come to Council for review and decision-making.

Strauss Lakes is a proposed mixed-use development at the northeast corner of Horsetooth Road and Ziegler Road proposed by Cottonwood Land and Farms, LLC ("Cottonwood"). On February 5, 2024, Cottonwood submitted a revised Letter of Interest outlining the public benefits to be provided by the proposed Strauss Lakes Metropolitan Districts, pursuant to the City's Metro District Policy. Staff finds the applicant's proposed public benefits generally conform with the requirements of the Metro District Policy, however, all elements of the proposed public benefits will require additional analysis by staff to confirm they meet the requirements of the Metro District Policy. Staff will provide a final assessment and recommendation on the Strauss Lakes Districts upon formal submittal.

STAFF RECOMMENDATION

Staff recommends Council consider adopting a motion addressing whether Council believes the applicant's application for Council's consideration of the service plan for Strauss Lakes Metro Districts, as proposed, should proceed to Council for formal consideration.

Sample Motions:

- I move that the City Council recommend to the applicant that it not proceed with its formal application for Council's consideration of the proposed service plan for the Strauss Lakes Metro Districts unless that application includes the following: [Describe recommended modifications or additions to the formal application].
- I move that the City Council recommend to the applicant that it proceed with its formal application for Council's consideration of its proposed service plan for the Strauss Lakes Metro Districts.

BACKGROUND / DISCUSSION

Policy Context

Council adopted Resolution 2008-069 in July 2008 to establish policies and guidelines related to forming and reviewing Metro Districts (2008 Policy). Metro Districts are a special district providing at least two types of governmental services. Typically, developers form a Metro District to facilitate building, financing, and maintaining infrastructure. A Metro District service plan is the document that authorizes the establishment of a Metro District and grants to it the powers it may have to issue debt, impose taxes and fees, construct public improvements, and provide certain governmental services (Service Plan). The Service Plan for a Metro District to be organized within the City must first be approved by Council. The 2008 Policy provided that the City would not consider Service Plans that proposed Metro Districts to serve only residential development, but instead would only consider Service Plans for "predominately commercial" developments, meaning developments having an estimated assessed value for "non-residential uses" of no less than 90% of the entire development.

Since adopting the 2008 Policy, Council has adopted a series of amendments to this policy in 2018, 2019, and 2021. With Resolution 2018-079, Council permitted consideration of Metro Districts that were predominately residential. Residential Metro Districts must provide public benefits that are secured through Public Benefits Agreements. Resolution 2018-079 also contained Model Service Plans that served as templates for new Metro Districts. Resolution 2019-016 amended the Metro District Policy to refine the Council approval process and add workforce and attainable housing as public benefits.

Council most recently adopted Resolution 2021-045 approving an amended Metro District Policy on April 20, 2021. This new Policy applies to Metro Districts where more than 10% of the estimated assessed value of the project is residential. The application process includes an additional residential scorecard with minimum requirements. Applications gain points by providing public benefits in a number of categories. As part of this approval process, the new Metro District Policy requires a pre-application hearing with Council called a "Conceptual Review". This Conceptual Review hearing allows Council and members of the public the opportunity to provide direction and feedback on the Metro District's proposed public benefits prior to submitting a formal application.

Pursuant to the Metro District Policy, the City may support the formation of a metropolitan district where it will deliver extraordinary public benefits that align with the goals and objectives of the City. In determining whether the district delivers extraordinary public benefits, the City may consider:

1. Ways in which the proposed improvements exceed the City's minimum requirements and standards
2. Ways in which the existence of the district facilitates the public benefits and whether the benefits are feasible without the district
3. Ways in which the proposed extraordinary benefits work together as a system to deliver greater benefit to the community than individually
4. Any other factors the City deems relevant under the circumstances.

In addition to requiring extraordinary public benefits, those districts proposed to serve predominately residential development shall be evaluated under the Residential Metro Districts Evaluation Points System table that is part of the City's policy. The Residential Metro Districts Evaluation Points System applies to Cottonwood's proposed development. Ultimately, it is Council's sole discretion whether or not to approve proposed Metro Districts' Service Plan.

Process Overview

The process for reviewing and considering approval of Metro Districts generally proceeds as follows:

1. Applicant submits Letter of Interest
2. Staff reviews Letter of Interest and provides an informal, non-binding response
3. Council Conceptual Review is conducted, where Council considers and discusses the public benefits proposed in the Letter of Interest
4. If Applicant decides to proceed, Applicant submits formal application for Metro District(s) along with Service Plan
5. Staff reviews application and Service Plan
6. Council Finance Committee reviews submittal and provides feedback to applicant
7. Council considers application and Service Plan at a public hearing

Staff received an initial Letter of Interest from the applicant on November 27, 2023. After reviewing the Letter of Interest, the applicant team and Staff review team met to discuss Staff's initial comments. Staff compiled their comments and submitted a formal response to the applicant team on January 9, 2024. The

applicant amended their Letter of Interest based on Staff feedback and submitted a revised Letter of Interest on February 5, 2024.

It should be noted that the applicant has previously submitted a Letter of Interest, which was set for a conceptual review hearing before Council on February 15, 2022. However, the applicant withdrew its application and no hearing was held.

Development Overview

Strauss Lakes is a proposed mixed-use development of approximately 185 acres located at the northeast corner of Horsetooth and Zeigler Road (the Property) in and immediately adjacent to Fort Collins city limits. The majority of the subject property is not yet annexed into the City. As the applicant states in the Letter of Interest:

"Cottonwood is proposing to redevelop the Property into a mixed-use development with a wide variety of housing options. These options will include single family and multifamily homes offered at a variety of price points including some affordable housing. In addition to housing, the proposed development would include a diverse array of business and commercial uses. It will also increase the community's access to recreational opportunities, including multimodal transportation options. Cottonwood is proposing a multiple metropolitan district structure to accommodate the diversity of uses within the districts as well multiple planned phases of development. Cottonwood asserts that the development will be economically feasible through a metropolitan district financing structure."

Letter of Interest

The applicant's Letter of Interest contains all of the necessary sections in conformance with the Metro District Policy. They also provided the required notices to the property owners and public as required by the City's policy.

According to the applicant's Letter of Interest the Strauss Lakes Metro Districts will meet the requirements of the evaluation scorecard in the following ways:

Category	Min. Points Required	Points Expected	Proposed Public Benefits
Housing	5	5	1(B) Limit unit size – 3 points . 2(A) - 10% affordable rental housing - 2 points
Energy Conservation and Renewables	10	10	1(A) - DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation - 4 points (for both affordable and market) . 2(A) Heat with electric heat – 2 points (affordable only). 2(C) - Air-tight homes with balanced whole dwelling ventilation with heat or energy recovery - 1 point (market only) . 2(E) - Installing qualified connected thermostats - 1 point (both affordable and market) . 2(F) Air source heat pump electric water heater – 2 points (affordable only) . 2(G) EV-installed charging for R-1 or R-2 occupancies – 1point (both affordable and market) . 3(A) - Installing solar to meet 50-75% of overall energy need - 3 points (market only)
Indoor Water Conservation	3	3	4(b) – Install leak detection and notification system - 1 point . 4(C) - Sub-metering - 1.5 points . 4(D) Efficient plumbing design - .5 points
Outdoor Water Conservation	7	7	5(A) - Efficient residential irrigation systems - 2 points . 5(B) - Water efficient landscaping for residential front yards - 2 points . 5(C) - Separate drip systems for trees within parkways and medians - 2 points . 5(E) – Stormwater Innovation- 1 point
Neighborhood Livability	5	5	1(A) - Off-site trail connections - 1 point . 1(C) - Level 3 EV charging stations - 1 point 1(D) - Trail connection provided to a school - 1 point . 2(C) - Community gathering spaces - 1 point . 3(A) - Access to parks & open spaces - 1 point

Section 5 (Pg 8) of the Letter of Interest also addresses the overall Additional Public Benefits that Cottonwood proposes to meet the baseline of providing community benefits, not just those related to housing and residential development.

Staff Comments

As an important reminder, the scorecard above was provided by the applicant as a self-assessment and does not reflect substantive analysis by City Staff. Additionally, Staff has not conducted formal Development Review processes, as those processes are outside the scope of this Conceptual Review

process and will occur at such time the applicant submits actual development proposals. The applicant's proposed means of accumulating points may meet the threshold requirements of the evaluation system, however, some areas of note include:

To achieve the points for providing solar energy to the development, Strauss Lakes will have to achieve the energy generation targets for the development, not just certain phases of the development.

- Staff will require more detail on the proposed air source heat pump water heaters to determine if Strauss Lakes will score points.
- As the project moves forward, Staff will want to understand the size, amenities and qualitative aspects of each park and open space to ensure each qualifies as a park or open space. Additionally, Staff will evaluate access through an equity lens to ensure all residents have equal access to parks and open space through an interconnected system of sidewalks, trails, pedestrian bridges, and bike lanes.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Required notice was published, and a letter sent to the property owner.

ATTACHMENTS

1. Letter of Interest Resubmittal
2. Letter of Interest Response
3. Affidavit of Publication of Council Conceptual Review
4. Letter to Property Owner
5. Metropolitan District Policy with Exhibits A and B
6. Applicant Presentation
7. Staff Presentation



February 5, 2024

City of Fort Collins
Attention: Kim Meyer, AICP, Principal Planner
Via Email: kimeyer@fcgov.com

LETTER OF INTEREST

Strauss Lakes Metropolitan Districts

Dear Ms. Meyer:

Our firm represents Cottonwood Land and Farms, LLC (“**Cottonwood**”) with respect to its interest in organizing the proposed Strauss Lakes Metropolitan Districts (the “**Districts**”). As required under Section 3.B. of the City of Fort Collins’s (the “**City’s**”) Policy for Reviewing Service Plans for Metropolitan Districts (the “**Policy**”), Cottonwood submits this Letter of Interest for the City’s review.

1. Summary Narrative of Proposed Development and District

Cottonwood currently owns approximately 185 acres at the northeast corner of Horsetooth Road and Ziegler Road (the “**Property**”) in and immediately adjacent to the City, which is proposed to be included in the Districts. In the past, the Property has been used for sand and gravel mining, as well as a concrete batch plant. In conjunction with and supported by the proposed Districts, Cottonwood is proposing to redevelop and change the use of the Property in a way that will deliver significant community-wide benefits.

Cottonwood’s proposed development plans for the Property contemplate a mixed-use development with a wide variety of housing options. Specifically, the development will include a mix of high-quality single-family and multi-family residences that will be offered with a diversity of price points accommodating both market rate attainable housing, as well as affordable housing. The development will be made economically feasible through a metropolitan district financing structure.

In addition to the housing outlined above, the mixed-use development proposed would support a diverse array of business and commercial utilizations, including neighborhood support service uses. Because Cottonwood’s goal for the development is to create a community

where employment and housing options are harmoniously integrated, these business and commercial uses would be intentionally developed to complement surrounding housing options.

The proposed development also represents a prime opportunity to increase the community's access to recreational opportunities as well as utilization of the City's open space. Multimodal transportation options will be highly emphasized. Cottonwood envisions transforming the property into a walkable and bikeable community with multiple connections from housing, business, and commercial uses to surrounding open spaces, community parks, and trail systems. Cottonwood will collaborate with the City on trail and road connections to provide appropriate access to these amenities, responsibly maximizing their use and beneficial impacts on the community, including the possibility of making this area an alternative transportation hub for residents with convenient bus access to and from the park and Colorado State University.

Cottonwood is proposing a multiple metropolitan district structure to accommodate the diversity of uses within the Districts, as well as the multiple planned phases of development. As detailed herein, Cottonwood anticipates that the Districts will conform to the City's Model Service Plan.

2. Sketch Plan – Please see attached Exhibit 1 for the current sketch plan.

3. Why Districts Are Needed

The development within the Districts (the “**Project**”) involves and necessitates construction of significant public infrastructure, including, as an example, the reconstruction of the intersection at Horsetooth and Zeigler and several bridges over the Fossil Creek Reservoir Inlet Ditch (“**FCRID**”). Considering the extensive investment into public infrastructure required, the Project would not be workable using solely private financing methods.

The organization of the Districts would enable the development to provide the necessary capital infrastructure through the issuance of tax-exempt bonds for the Project. The financing structures that the Districts may access to finance construction of the public infrastructure make the Project as a whole economically feasible, including the additional public benefits that are only included in the Project because of the Districts. Access to lower cost public financing enables the provision of additional public improvements and extends the project's capability to provide valuable public benefits, as described in more detail below.

Additionally, in financing public improvements through metropolitan district financing, residents and property owners of the Districts ultimately pay their proportionate share of the public improvements over a 30-year period of time, as opposed to having those costs front-loaded through lot prices or premiums, or through special assessments imposed by a master homeowners' association. Further, those property owners within the Districts itemizing their taxes may be able to deduct their tax payments for the capital infrastructure on their individual tax returns. Further, residents and business owners within the Districts will realize benefits through the Districts, as opposed to a homeowners' association or other entity, by means of: (1) enhanced transparency and accountability above and beyond that which is required in the association context; (2) the ability to collect operational revenues through taxes (resulting in the same deduction benefits referenced above); and (3) lower, more cost-efficient operational costs.

4. **Explanation of Public Benefits and Satisfaction of Exhibit B Residential Evaluation Points System**

The planned development within the Project is anticipated to provide significant public benefit to the City and the community at large. The dynamic mixed-use ecosystem contemplated by Cottonwood would increase the number of employment opportunities available in the City, as well as decreasing motor vehicle traffic as compared with the City's more traditional zoning designations because residents can work in the same community in which they live. Cottonwood has also pledged to collaborate with the City on trail and road connections to provide appropriate access to both the new recreation and open space amenities to be created on the Property, as well as existing City resources in the vicinity.

In addition to the substantial public benefits provided by the critical public infrastructure and extensive public improvements outlined above, the Project will also meet and exceed the City's Residential Evaluation Points System ("REPS") requirements, as detailed below. The development team is committed to achieving at least the minimum required points in each category. However, potential design shifts are possible as the development team and builders work with City staff through the development application process, which may require adjustments among the categories REPS points.

a. Housing – 5 Points Required - 5 Points Expected

HOUSING (Points Required: 5)	
	Points Achieved
1. Housing Supply, Diversity, and Choice	
A. 10% Home Ownership at <120% AMI	--
B. Limit Unit Size for 20% single family homes	3
C. Accessory Dwelling Units (ADU's)	--
2. Affordable Rental Housing	
A. 10% Affordable Rental Housing	2
B. 10% Affordable Rental Housing that does not utilize competitive funding sources	--
Points Achieved	5

Housing Supply, Diversity, and Choice (3 Points). Cottonwood is working with its homebuilder partners to ensure that 20% of the single-family homes within the Project will be of limited size that will not exceed 2,200 square feet,¹ and at least 5% of the attached or detached single family units will fall within two of the City's identified breakpoint ranges (currently targeting 5% between 1,300 to 1,600 square feet and 5% between 1,600 and 2,200 square feet) (2

¹ Consistent with industry standards that are reflected on the Larimer County Tax Assessor's website, Realtor.com, Zillow.com, and other realtor group publications, unfinished basements are not included in the density calculations for allotted square footage that have been used by the applicant in preparation of this LOI. Please see **Exhibit 2** for additional information.

points). Additionally, the housing units within the Project will meet the DOE Zero Energy Ready (ZER) standard, earning the additional point under this category (1 point).

Affordable Rental Housing (2 Points). Cottonwood is exploring the conveyance of approximately 7.5 acres of the Property to McDermott Properties LLC (“**McDermott**”). Cottonwood anticipates this portion of the Property will be developed by McDermott to include at least 10% of the total dwelling units for the Project as affordable rental units serving an income average that does not exceed 60% AMI, as prescribed under the City’s affordable housing regulations.

b. Energy Conservation and Renewables – 10 Points Required – 10 Points Expected

ENERGY CONSERVATION & RENEWABLES (Points Required: 10)		
	Points - Affordable Builder	Points - Market Builder
1. Enhanced Energy Performance		
A. DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation	4	4
B. OR HERS index of 47 or less without solar and single family detached and attached dwellings must achieve 2.0 or less ACH50 and provide balanced mechanical whole dwelling ventilation	--	--
C. OR Energy Rating Index (ERI) path single family detached and attached dwellings must achieve 2.0 or less ACH50 with balanced mechanical whole dwelling ventilation	--	--
D. OR Net Zero Energy Home Performance Path - HERS of 0 or less with balanced mechanical whole dwelling ventilation	--	--
2. Energy Components		
A. Heat homes with efficient electric heat	2	--
B. Build to Passive House Standard	--	--
C. Build airtight homes with balanced whole dwelling ventilation with heat or energy recovery	--	1
D. District Heating and Cooling for Neighborhood	--	--
E. Install qualifying connected thermostat	1	1
F. Install air source heat pump electric water heater	2	
G. Provide EV-Installed charging for buildings containing R-1 or R-2 occupancies	1	1
3. Renewable		

A. Install % of total energy need in solar (50/75/100%)	--	3
B. Smart storage and grid interactivity	--	--
Points Achieved	10	10

Market Homebuilder Single-Family Product.

Cottonwood is in discussions with several market homebuilders to construct homes within the Project. The homebuilder has indicated that it would be able to incorporate the following Energy Conservation and Renewables benefits into the residential units it constructs within the Project: (1) DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation (4 points); (2) air tight homes with balanced whole dwelling ventilation with heat or energy recovery (1 point); (3) qualifying connected thermostats (1 point); and (4) installation of 100% of total energy need in solar (3 points).

Affordable and Other Product.

McDermott and Cottonwood have indicated that they would be able to incorporate the following Energy Conservation and Renewables benefits into the residential units they construct within the Project, including the affordable housing units: (1) DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation (4 points); (2) heat homes with efficient electric heat (2 points); (3) qualifying connected thermostats (1 point); and (4) air source heat pump electric water heater (2 points).

Project-Wide Benefits.

Additionally, Cottonwood and its building partners will provide EV-Installed charging for 7% of the total parking spaces for buildings containing R-1 or R-2 occupancies, earning an additional point under this category for the project as a whole.

c. Indoor Water Conservation – 3 Points Required – 3 Points Expected

4. Indoor Water * (Points Required: 3)	
	Points Achieved
A. WaterSense fixtures performing above code	--
B. Install leak detection and notification system	1
C. Sub-metering	1.5
D. Efficient plumbing design	0.5
E. Indoor Water Use Innovation	--
Points Achieved	3.0

Within the Project, Cottonwood and its building partners intend to satisfy the Indoor Water REPS requirements with the following: (1) leak detection and notification systems (1 point), (2) sub-metering for multifamily units throughout the development (1.5 points), and (3) efficient

plumbing design through achievement of Section 3.3 of WaterSense New Home Specifications (1 point).

d. *Outdoor Water Conservation – 7 Points Required – 7 Points Expected*

5. Outdoor Water (Points Required: 7)	
	Points Achieved
A. Efficient Residential irrigation systems	2
B. Water efficient landscaping for residential front yards	2
C. Separate drip system for trees within parkways and medians	2
D. Common area water use performing above code	--
E. Stormwater Innovation	1
F. Rain barrels	
G. Outdoor Water Use Innovation	
Points Achieved	7

To meet the Outdoor Water REPS requirements, Cottonwood and its building partners plan to include (1) efficient residential irrigation systems, including WaterSense certified pressure reducing heads and weather-based irrigation controllers throughout the Project (2 points), (2) water efficient landscaping for residential front yards, with an average of 10 gallons or less of water usage per square foot, including high efficiency nozzles, flow sensors and master valves (2 points), (3) separate drip system for trees in all landscape areas (2 points), and (4) stormwater innovation, including Low Impact Development, as defined and illustrated in the City's LID Implementation Manual (1 point).

Cottonwood acknowledges the City's requirement that the Project treat 75% of the stormwater it generates through filtration devices. Though the Project is still in preliminary design, Cottonwood and its building partners plan to provide a high level of Low Impact Development (LID) integration that exceeds the City's requirement through the strategic utilization of the scale, layout, and drainage patterns of the Property. Vegetated buffers and bioswale features along the site perimeters will direct storm flows through LID features. Storm sewers will be limited to conveying flows from roadways and building sites to the primary surface conveyance features, such as bioswales. The mixed-use, apartment, and paired home project sites will treat runoff via rain gardens, sand filters, permeable pavers, or similar LID methods on individual sites prior to discharge. A mixture of permeable pavers and rain gardens on Townhome sites will coordinate with planned vegetated buffers, bioswale, and rain garden features on the adjacent out lot and park spaces to drain stormwater. Single family home lots will drain through vegetated buffers prior to entering drainage swales or similar features. The overall approach plans to integrate the LID features from the point sources through the project downstream to the detention facility and discharge from the Property. Cottonwood will work closely to investigate and utilize the current best management practices and LID techniques.

e. *Neighborhood Livability – 5 Points Required – 5 Points Expected*

NEIGHBORHOOD LIVABILITY (Points Required: 5)	
1. Transportation	
	Points Achieved
A. Off-site Trail Connection	1
B. Exemplary Bicycle and Pedestrian Improvements	--
C. Level 3 EV Charging Stations	1
D. Trail Connection provided to a School	1
E. Transportation Innovation	--
2. Neighborhood Amenities	
A. Access to Essential Neighborhood Services	--
B. Vertical Mixed-Use Buildings	--
C. Community Gathering Spaces	1
D. Community Workspace	--
E. Common Areas Food Production	--
F. Innovative Neighborhood Amenities	--
3. Natural Environment	
A. Access to Parks & Open Spaces	1
B. Enhanced Habitat	--
C. Expansion of Adjacent Natural Habitat	--
D. Innovation in Natural Environment Protection	--
4. Health, Culture & Education	
A. Universal Design	--
B. 0.5% for Arts & Culture	--
C. Sustained Educational Programing	--
D. Excellence in Community Engagement	--
E. Health, Culture or Education Innovation	--
Points Achieved	5

Cottonwood's plans for the Project are anticipated to exceed the City's REPS requirements in the category of Neighborhood Livability. The Project is anticipated to include (1) numerous off-site trail connections to the Poudre Trail and existing city trails, including trails along William Neal and the two irrigation canals that run through the Project, as well as bike lanes on Ziegler Road (1 point); (2) level 3 EV Charging Stations in the mixed-use area (1 point); (3) connection to on-street and off-street trails to Fort Collins High School (1 point); (4) access to essential neighborhood services in the mixed-use area (1 point); (5) vertical mixed-use buildings anticipated in mixed use area (2 points); (6) community gathering spaces in the neighborhood parks as discussed in more detail below (1 point); (7) and access to parks and open space through East Community Park (1 point).

The open space plan for the Project is one that the development team is very proud of. It has been designed to ensure that every residential unit within the community is located within 1320 feet (a five-minute walk) or less from at least one of the Project's four parks. This design feature is illustrated in **Exhibit 3** to this submittal. The four parks within the Project will be the Silver Poplar Park, Flatiron Pond Park, Morrison Park, and Pollinator Park, and the Project will include numerous pedestrian and vehicular connections to the City's East Community Park. Silver Poplar Park, will be centrally located, and silver poplars will be propagated and incorporated prominently into the landscape design. Flatiron Pond Park, a site that would qualify for fill and development, would instead serve as an active recreation site for fishing, canoeing and paddle boarding, and would include walking trails for residents and the general public. Morrison Park will be designated for more passive recreation, while Pollinator Park will include plants and gardens that are intended to support pollinator species within the community. Other qualitative aspects of the Open Space Plan include a plaza/outdoor gathering space in mixed-use area, a number of tree-lined trails, and intentional placement of landscape along streets with ornamental grasses, low water, and low maintenance native plants as opposed to traditional turf in tree lawns.

5. Additional Public Benefits

In addition to the other public benefits mentioned above, all of which are synchronized with Exhibit B of the City's service plan policy, the Cottonwood has also, and through the development of the Project, will deliver additional considerable Public Benefits that align with the examples contemplated in Exhibit A of the City's service plan policy. These examples include the following:

Historical – Open Space, Parks, and Water

- Donation of the Strauss Cabin and surrounding property for preservation.
- Donation of 200+ acres of Open Space, now the Riverbend Ponds Natural Area.
- Donation of approximately 200 acres of Open Space, now the Running Deer Natural Area.
- Donation of 15 acres to the City. Now the Hageman Earth Cycle Operation.
- Bargain Sale and Donation of topsoil and fill material for the East Community Park. Estimated total gift value of approximately \$2,600,000.00.
- Coordination with the City on the removal of 700,000 yards of fill from the Rigden Reservoir to maximize storage capacity. Estimated total cost savings to the City of \$1,800,000.00.
- Donation of access easements to the POE Natural Area and East Community Park.
- The Foothills drainage channel and Drake drainage channel conveyances to City.

Future – Environmental Sustainability

- District Wide DOE Zero Energy Ready (ZER) Home Performance Path Certified compliance.
- Wider than required sidewalks and enhanced pedestrian crossings will be constructed throughout the project including over the FCRID and Box Elder Ditches.
- Up to 9 new bridges will be constructed over the Foothills Drainage Channel, FCRID and Box Elder Ditches, as well as removing and replacing the Horsetooth Road Bridge.

- Multiple electric vehicle charging stations will be located in the development.
- Limit individual yards. Replacing them with individual xeriscape courtyards, low water pocket parks and greenspaces (see additional detail below).

Future – Critical Public Infrastructure

- East Community Park access points through vehicle, bike and pedestrian connections.
- Contribute to the improvement of the Horsetooth and Zeigler intersection.
- Contribute to the improvement of Horsetooth Road east to the Box Elder Ditch so it meets Larimer County Street standards. Including the Horsetooth FCRID bridge.
- Contribute to the improvement of Zeigler Road including signalization at the William Neal Parkway intersection, and sidewalk improvements on the east side of Zeigler Rd.
- Construction of the Foothills Drainage Channel Auto/Bike/Pedestrian Bridge.
- Construction of a Bike/Pedestrian Bridge from the corner parcel to the east.
- Construction of a Bike/Pedestrian Bridge over FCRID along William Neil Parkway.
- Construction a multiple Bike/Pedestrian trails throughout the development to connect subdivisions to the west of Zeigler Road to the East Community Park.
- Contribute to the improvement of trails to connect to the Poudre River Trail.

Future – High Quality and Smart Growth Management

- Alley loaded construction.
- Smaller lot size, including use by easement of neighbors' lots.
- Live/Work units.
- Increased Multifamily Development and Attached Single Family homes.
- Wider than required sidewalks.
- Enhanced pedestrian crossings, trails, and bridges.
- Trail system enhancements.
- Improved bus stop on William Neal.
- Four parks along with multiple greenspaces throughout the development.
 - Flatiron Pond Park (approximately 22 acres)
 - Pollinator Park (approximately 1.5 acres)
 - Silver Poplar Park (approximately 1.6 acres)
 - Morrison Park (approximately 2.0 acres)

Future – Strategic Priorities

- Affordable Housing for AMI's ranging from 30-60% at least 10% of the total developed units.
- Consolidate wetlands.
- Facilitate job growth and sales tax.

6. Service Plan Specifics

Cottonwood anticipates that the Districts' powers, purpose, and maximum mill levies will conform to the corresponding provisions outlined in the City's Model Service Plan.

Likewise, the term of the Districts will conform to the parameters in the City's Model Service Plan. Cottonwood anticipates that one or more of the Districts will operate certain of the Public Improvements not dedicated to other governmental entities, so such Districts would continue to operate those Public Improvements until such operations are no longer necessary. The build-out period for the Project is estimated to be 20 years. Cottonwood hopes to work with the City for approval of the Districts' Service Plan in time to proceed with an organizational election on November 5, 2024. As mentioned above, the property within the Project is currently zoned industrial, and development approvals related to re-zoning of the property for the Project are proceeding through the City's review processes concurrently with the City's review of the proposed Districts.

The Project will require significant public infrastructure, both off-site and on-site. Based on current plans, and subject to revisions based on discussions with the City's Planning and Zoning team, on-site public infrastructure is anticipated to include water, storm and sanitary sewer, streets, landscaping, parks, recreation, and trail improvements. Off-site improvements are expected to include reconstruction of the Horsetooth and Zeigler intersection; demolition and replacement of the Horsetooth Road; sidewalk and road improvements to Zeigler Road and Horsetooth Road; construction of two additional bike and pedestrian bridges over FCRID; and construction of bike and pedestrian trails connecting to the Poudre River Trail and to Rigden Farm. Based on current plans, and subject to revisions based on discussions with the City's Planning and Zoning team, Cottonwood currently estimates the cost of the public improvements related to and required for the Project will be approximately \$92,482,466.95.

We appreciate the City's time in reviewing this Letter of Interest and look forward to answering any questions that you may have. Cottonwood will deliver to the City the Letter of Interest Submittal Fee in the amount of \$2,500 in conjunction with this submittal. Under the City's Policy, Staff is anticipated to provide a written response to the Letter of Interest within 30 days of receipt of the Letter of Interest and related Fee. Please let us know as soon as possible if the City anticipates that additional time may be needed. Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert G. Rogers".

Robert G. Rogers, Esq.
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Enclosures

Exhibit 1
Strauss Lakes Sketch Plan

STRAUSS LAKES SKETCH PLAN

01.25.24

LEGEND

- PROPERTY BOUNDARY
- CONCEPTUAL DEVELOPMENT BUBBLES
- 50' DITCH BUFFER (TOP OF BANK)
- 100' FLATIRON POND OFFSET
- POTENTIAL FUTURE CONNECTION
- CONCEPTUAL PARK LOCATIONS

RESIDENTIAL DENSITY CALCULATIONS	
GROSS ACREAGE (EXCLUDING EAST COMMUNITY PARK)	182.91 AC
NET ACREAGE	130.19 AC
NATURAL HABITATS AND FEATURES	45.34 AC
PARKS AND OPEN SPACE	5.33 AC
DEDICATED PEDESTIRAN / BICYCLE PATH CONNECTIONS	2.05 AC
TOTAL UNITS	1,323 UNITS
GROSS RESIDENTIAL DENSITY	7.23 DU/AC
NET RESIDENTIAL DENSITY	10.16 DU/AC

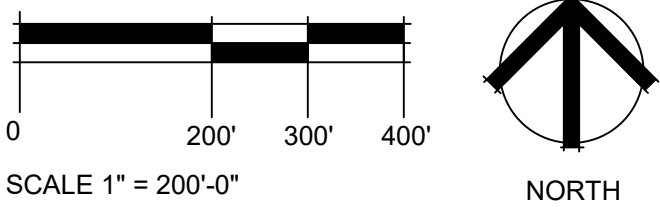


Exhibit 2
Square Footage Information

Basement Discussion

1. How is actual square footage determined?

The Assessor's Office uses exterior measurements of homes and buildings. This may cause the Assessor's estimate of square footage to differ from that estimated by the builder or realtor since they frequently use interior measurements. The valuation procedures used by the Assessor are adjusted to account for the use of exterior measurements, which helps to assure correct values.

Source: larimer.gov/assessor/faq

2. Generally, appraisers and listing agents don't count a basement toward the overall square footage of a home. Most appraisers will never count a basement if it's below grade, meaning it is beneath ground level.

Source: FastExpert.com

3. As a general rule of thumb, listing agents and appraisers don't count a finished basement toward the overall square footage, especially if the basement is completely below grade—a term that means below ground level.

Source: Realtor.com

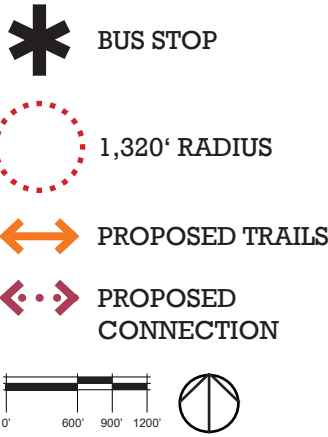
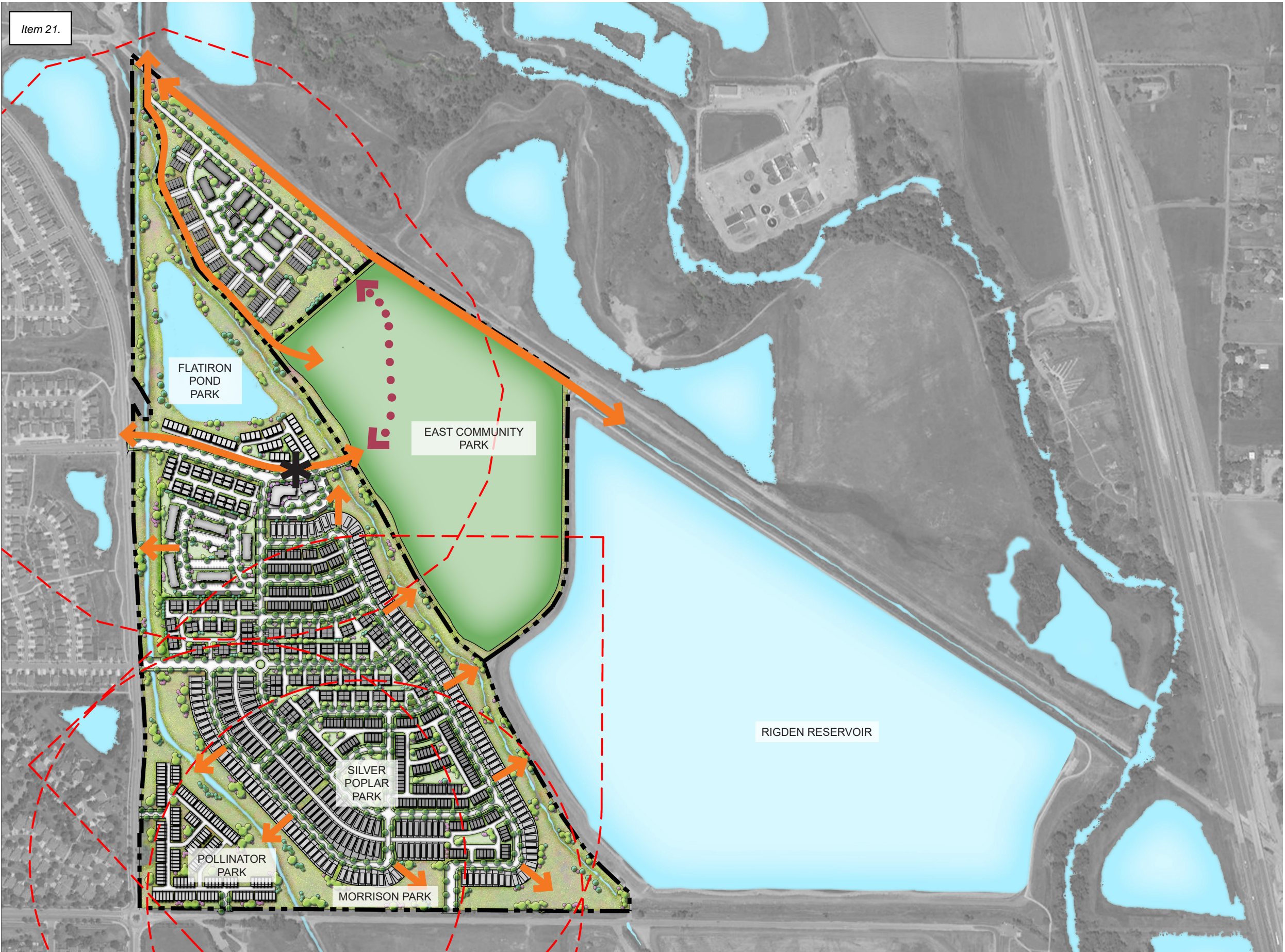
4. What is not included in a home's square footage?

All unfinished areas in the home are not included in the home's square footage. These typically include the following:

- Garage
- Attic
- Rooms with a sloping ceiling
- Unfinished basement
- Separate storage area
- Pool House
- Guesthouse
- Detached in-law quarters

Source: raleighrealityhomes.com/blog/measure-square-footage/

Exhibit 3
Strauss Lakes Open Space Plan



STRAUSS LAKES - OPEN SPACE PLAN



Sustainability Services
222 Laporte Ave
PO Box 580
Fort Collins, CO 80522
970-221-6324
jbirks@fcgov.com

January 9, 2024

Robert G Rodgers, ESQ.

White Bear Ankele Tanaka & Waldron
2154 East Commons Ave, Suite 2000
Centennial, CO 80122

Dear Robert,

Thank you for submitting the Letter of Interest for the proposed Strauss Lakes Metro District. We respond to this letter to you in accordance with Section 3 (B) of the City's Metro District Policy.

We plan to submit the LOI for City Council's consideration as part of their pre-application meeting for the proposed Metro District on March 5, 2024. Our staff team has reviewed the Letter of Interest (LOI) and seeks clarity on the following elements. In order to meet the deadlines for that March 5th meeting, please update the information submitted to the City to sufficiently address the following comments no later than Monday, February 5, 2024:

Housing

1. To obtain points in Section 2 for rental housing, 10% of the total units in the development will need to be deed restricted and affordable for a minimum of 20 years. Please clarify how many units are planned for the total development and of those, how many will be deed restricted as affordable. The PUD document that was presented at the December 21, 2023, Planning & Zoning Commission hearing illustrates 1,323 units, which differs from the attachment to this LOI document.
2. Thank you for stating the intention to income-average the affordable rental housing to 60% of Area Median Income (AMI). Please include the AMI range you anticipate for the affordable component of the project as well if that is available (for example, units ranging between 30-80% AMI, income-averaged to 60% AMI).
3. To obtain points in Housing Section 1(B), only single-family detached and single-family attached units qualify. Your letter states that at least 5% of the single-family units will be between 1,300 to 1,600 square feet and another 5% between 1,600 and 2,200 square feet. Please clarify how the project will achieve the required 20% of single-family homes being of limited size.

Energy Conservation and Renewables

4. Please explain how the EV-installed charging for the R-1 and R-2 occupancies exceed City requirements?

Indoor Water Conservation

5. Please confirm that all buildings throughout the development will use WaterSense toilets that use 1.0 gallons or less per flush and shower heads throughout the development that use 1.5 gallons of water per minute or less.

Outdoor Water Conservation

6. FYI - WaterSense (WS) Certified pressure reducing heads and weather-based irrigation controllers are required for all residential irrigation systems. Equipment not certified by WS, including high efficiency nozzles, flow sensors and master valves, are also required. Staff can send more details on these standards to you upon request. For residential front yards, staff will calculate the average water use on a lot-by-lot basis. All residential lots throughout the entire development may use no more than 10 gallons per square foot to score 2 points.
7. Please clarify how you plan to obtain points for stormwater innovation and how the plan exceeds the City's existing stormwater standards. The standard is that development treats 75% of the stormwater it generates through some sort of filtration device. Please provide some clarity on how you will utilize Low Impact Development (LID) to achieve this result.

Neighborhood Livability

8. For all the measures listed in this section, staff encourages the applicant team to critically consider how it plans to ensure these elements are integrated into the development plans, as there will be guarantees and timing triggers for these public benefits documented through a Public Benefits Agreement.

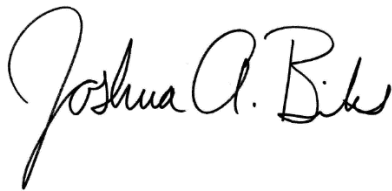
Extraordinary Public Benefits

9. Sections 1.D and 2.A.1 of the City's metropolitan district policy indicate the requirement that a district deliver "extraordinary public benefits." Please elaborate on your answer in paragraph 4 of your LOI on those elements of the proposed development that are anticipated to provide benefits to the greater community, beyond what might be generally required by current codes and standards. You may revisit Exhibit A of the policy for some examples of such benefits. This is required for any approved District and is in addition to the Residential Evaluation Point System.

For this matter to be ready for City Council consideration of the Letter of Intent, you must comply with the notice requirements in the City's Metropolitan District Policy. Notice must be provided no later than 30 days before the hearing. Please provide us with copies of the Notice, the mailing letter list and proof of newspaper publication. The 30-day deadline before hearing date for March 5 would be February 3, 2024.

Since full development details were not provided in the LOI, staff reserves the right to provide additional comments based on the actual plans. Please let us know if you have any questions, comments, or concerns on the above. We look forward to receiving your response with clarifications as requested.

Happy New Year. Best regards,

A handwritten signature in black ink that reads "Joshua A. Birks". The signature is written in a cursive, flowing style.

Josh Birks

Deputy Sustainability Director

O: 970-221-6324



Colorado

PO Box 631823 Cincinnati, OH 45263-1823

GANNETT

PROOF OF PUBLICATION

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 Centennial CO 80122-1880

STATE OF WISCONSIN, COUNTY OF BROWN

The Fort Collins Coloradoan, a daily newspaper printed and published in the city of Fort Collins, Larimer County, State of Colorado, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

01/26/2024

and that the fees charged are legal.
 Sworn to and subscribed before on 01/26/2024

Kygan Laven
 Legal Clerk

M. V. V. V.
 Notary, State of WI, County of Brown

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 Notary Public
 State of Wisconsin

NOTICE OF HEARING RE CITY
 COUNCIL CONCEPTUAL
 REVIEW

STRAUSS LAKES METROPOLITAN DISTRICTS, CITY OF FORT COLLINS, LARIMER COUNTY, STATE OF COLORADO

NOTICE IS HEREBY GIVEN that, a public conceptual review hearing in connection with the proposed formation of the Strauss Lakes Metropolitan Districts (the "Districts") will be held by the City Council (the "City Council") of the City of Fort Collins on March 5, 2024, at 6:00 P.M. at the Council Chambers at City Hall West, 300 Laporte Avenue, Fort Collins, Colorado, or as soon thereafter as the City Council may hear such matter.

The purpose of the hearing is to present the proposal for the Districts and for the City Council and the public to provide preliminary comments.

A general description of the land contained within the boundaries of the proposed Districts are as follows: approximately 185 acres at the northeast corner of Horsetooth Road and Ziegler Road in the City of Fort Collins, Colorado to serve a mixed-use development (the "Project"). The purpose of the Districts will be to fund, operate, and maintain public improvements associated with the Project.

Additional information regarding the hearing may be obtained by contacting our offices or by visiting the City's website in advance of the hearing.

By: WHITE BEAR ANKELE
 TANAKA & WALDRON

Attorneys at Law

General Counsel to the proposed Districts

9769130

Coloradoan

Jan. 26, 2024



Robert G. Rogers
Shareholder

303-858-1800
rrogers@wbapc.com

January 22, 2024

VIA FIRST CLASS U.S. MAIL

Cottonwood Land and Farms, LLC
c/o William McDowell
PO Box 229
Boulder, CO 80306

Dear Mr. McDowell:

Our firm serves as legal counsel to Cottonwood Land and Farms, LLC ("**Cottonwood**") in connection with the proposed formation of the Strauss Lakes Metropolitan Districts (the "**Districts**"). Cottonwood intends to organize the Districts on approximately 185 acres at the northeast corner of Horsetooth Road and Ziegler Road in the City of Fort Collins, Colorado (the "**City**") to serve a mixed-use development. As the fee title owner of property within the proposed Districts' boundaries, please be advised that a Letter of Interest ("**Letter of Interest**") to organize the Districts has been filed with the City. A copy of the Letter of Interest is enclosed herewith. A hearing on the proposal contained within the Letter of Interest will be held on March 5, 2024, at 6:00 P.M. at the Council Chambers at City Hall West, 300 Laporte Avenue, Fort Collins, CO. Additional information regarding the hearing may be obtained by contacting our offices or by visiting the City's website in advance of the hearing.

Sincerely,

WHITE BEAR ANKELE TANAKA & WALDRON

A handwritten signature in blue ink, appearing to read 'Rob Rogers', written over a horizontal line.

Robert G. Rogers
Shareholder

Enclosures

NOTICE OF HEARING RE CITY COUNCIL CONCEPTUAL REVIEW

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By: WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law
General Counsel to the proposed Districts

Published in: Coloradoan
Published on: January 26, 2024



November 27, 2023

City of Fort Collins
Attention: Kim Meyer, AICP, Principal Planner
Via Email: kimeyer@fcgov.com

LETTER OF INTEREST

Strauss Lakes Metropolitan Districts

Dear Ms. Meyer:

Our firm represents Cottonwood Land and Farms, LLC (“**Cottonwood**”) with respect to its interest in organizing the proposed Strauss Lakes Metropolitan Districts (the “**Districts**”). As required under Section 3.B. of the City of Fort Collins’s (the “**City’s**”) Policy for Reviewing Service Plans for Metropolitan Districts (the “**Policy**”), Cottonwood submits this Letter of Interest for the City’s review.

1. Summary Narrative of Proposed Development and District

Cottonwood currently owns approximately 185 acres at the northeast corner of Horsetooth Road and Ziegler Road (the “**Property**”) in and immediately adjacent to the City, which is proposed to be included in the Districts. In the past, the Property has been used for sand and gravel mining, as well as a concrete batch plant. In conjunction with and supported by the proposed Districts, Cottonwood is proposing to redevelop and change the use of the Property in a way that will deliver significant community-wide benefits.

Cottonwood’s proposed development plans for the Property contemplate a mixed-use development with a wide variety of housing options. Specifically, the development will include a mix of high-quality single-family and multi-family residences that will be offered with a diversity of price points accommodating both market rate attainable housing, as well as affordable housing. The development will be made economically feasible through a metropolitan district financing structure.

In addition to the housing outlined above, the mixed-use development proposed would support a diverse array of business and commercial utilizations, including neighborhood support service uses. Because Cottonwood’s goal for the development is to create a community where employment and housing options are harmoniously integrated, these business and commercial uses would be intentionally developed to complement surrounding housing options.

The proposed development also represents a prime opportunity to increase the community’s access to recreational opportunities as well as utilization of the City’s open space.

Multimodal transportation options will be highly emphasized. Cottonwood envisions transforming the property into a walkable and bikeable community with multiple connections from housing, business, and commercial uses to surrounding open spaces, community parks, and trail systems. Cottonwood will collaborate with the City on trail and road connections to provide appropriate access to these amenities, responsibly maximizing their use and beneficial impacts on the community, including the possibility of making this area an alternative transportation hub for residents with convenient bus access to and from the park and Colorado State University.

Cottonwood is proposing a multiple metropolitan district structure to accommodate the diversity of uses within the Districts, as well as the multiple planned phases of development. As detailed herein, Cottonwood anticipates that the Districts will conform to the City's Model Service Plan.

2. Sketch Plan – Please see attached **Exhibit 1** for the current sketch plan.
3. Why Districts Are Needed

The development within the Districts (the “**Project**”) involves and necessitates construction of significant public infrastructure, including, as an example, the reconstruction of the intersection at Horsetooth and Zeigler and several bridges over the Fossil Creek Reservoir Inlet Ditch (“**FCRID**”). Considering the extensive investment into public infrastructure required, the Project would not be workable using solely private financing methods.

The organization of the Districts would enable the development to provide the necessary capital infrastructure through the issuance of tax-exempt bonds for the Project. The financing structures that the Districts may access to finance construction of the public infrastructure make the Project as a whole economically feasible, including the additional public benefits that are only included in the Project because of the Districts. Access to lower cost public financing enables the provision of additional public improvements and extends the project's capability to provide valuable public benefits, as described in more detail below.

Additionally, in financing public improvements through metropolitan district financing, residents and property owners of the Districts ultimately pay their proportionate share of the public improvements over a 30-year period of time, as opposed to having those costs front-loaded through lot prices or premiums, or through special assessments imposed by a master homeowners' association. Further, those property owners within the Districts itemizing their taxes may be able to deduct their tax payments for the capital infrastructure on their individual tax returns. Further, residents and business owners within the Districts will realize benefits through the Districts, as opposed to a homeowners' association or other entity, by means of: (1) enhanced transparency and accountability above and beyond that which is required in the association context; (2) the ability to collect operational revenues through taxes (resulting in the same deduction benefits referenced above); and (3) lower, more cost-efficient operational costs.

4. Explanation of Public Benefits and Satisfaction of Residential Evaluation Points System

The planned development within the Project is anticipated to provide significant public benefit to the City and the community at large. The dynamic mixed-use ecosystem

contemplated by Cottonwood would increase the number of employment opportunities available in the City, as well as decreasing motor vehicle traffic as compared with the City's more traditional zoning designations because residents can work in the same community in which they live. Cottonwood has also pledged to collaborate with the City on trail and road connections to provide appropriate access to both the new recreation and open space amenities to be created on the Strauss Lakes Property, as well as existing City resources in the vicinity.

In addition to the substantial public benefits provided by the critical public infrastructure and extensive public improvements outlined above, the Project will also meet and exceed the City's Residential Evaluation Points System ("REPS") requirements, as detailed below. The development team is committed to achieving at least the minimum required points in each category. However, potential design shifts are possible as the development team and builders work with City staff through the development application process, which may require adjustments among the categories REPS points.

a. Housing – 5 Points Required - 5 Points Expected

HOUSING (Points Required: 5)	
	Points Achieved
1. Housing Supply, Diversity, and Choice	
A. 10% Home Ownership at <120% AMI	--
B. Limit Unit Size for 20% single family homes	3
C. Accessory Dwelling Units (ADU's)	--
2. Affordable Rental Housing	
A. 10% Affordable Rental Housing	2
B. 10% Affordable Rental Housing that does not utilize competitive funding sources	--
Points Achieved	5

Housing Supply, Diversity, and Choice (3 Points). Cottonwood is working with its homebuilder partners so that 20% of the single-family homes within the Project will be of limited size, satisfying the requirements for Section 1.B. under REPS. At least 5% of the attached or detached single family units will fall within two of the identified breakpoints (currently targeting 5% between 1,300 to 1,600 square feet and 5% between 1,600 and 2,200 square feet). Additionally, the housing units within the Project will meet the DOE Zero Energy Ready (ZER) standard, earning the additional point under this category.

Affordable Rental Housing (2 Points). Cottonwood is exploring the conveyance of approximately 7.5 acres of the Property to McDermott Properties LLC ("McDermott"). Cottonwood anticipates this portion of the Property will be developed by McDermott to include at least 10% of the total dwelling units for the Project as affordable rental units serving an income average that does not exceed 60% AMI, as prescribed under the City's affordable housing regulations.

b. Energy Conservation and Renewables – 10 Points Required – 10 Points Expected

ENERGY CONSERVATION & RENEWABLES (Points Required: 10)		
	Points - McDermott & Others	Points - Nat'l Builder
1. Enhanced Energy Performance		
A. DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation	4	4
B. OR HERS index of 47 or less without solar and single family detached and attached dwellings must achieve 2.0 or less ACH50 and provide balanced mechanical whole dwelling ventilation	--	--
C. OR Energy Rating Index (ERI) path single family detached and attached dwellings must achieve 2.0 or less ACH50 with balanced mechanical whole dwelling ventilation	--	--
D. OR Net Zero Energy Home Performance Path - HERS of 0 or less with balanced mechanical whole dwelling ventilation	--	--
2. Energy Components		
A. Heat homes with efficient electric heat	2	--
B. Build to Passive House Standard	--	--
C. Build air tight homes with balanced whole dwelling ventilation with heat or energy recovery	--	1
D. District Heating and Cooling for Neighborhood	--	--
E. Install qualifying connected thermostat	1	1
F. Install air source heat pump electric water heater	2	
G. Provide EV-Installed charging for buildings containing R-1 or R-2 occupancies	1	1
3. Renewable		
A. Install % of total energy need in solar (50/75/100%)	--	3
B. Smart storage and grid interactivity	--	--
Points Achieved	10	10

National Homebuilder Single-Family Product.

Cottonwood is in negotiations with a well-known national homebuilder to construct homes within the Project. The homebuilder has indicated that it would be able to incorporate the following Energy Conservation and Renewables benefits into the residential units it constructs within the Project: (1) DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation (4 points); (2) air tight homes with balanced whole dwelling ventilation with heat or energy recovery (1 point); (3) qualifying connected thermostats (1 point); and (4) installation of 100% of total energy need in solar (3 points).

McDermott and Other Product.

McDermott and Cottonwood have indicated that they would be able to incorporate the following Energy Conservation and Renewables benefits into the residential units they construct within the Project, including the affordable housing units: (1) DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation (4 points); (2) heat homes with efficient electric heat (2 points); (3) qualifying connected thermostats (1 point); and (4) air source heat pump electric water heater (2 points).

Project-Wide Benefits.

Additionally, Cottonwood and its building partners will provide EV-Installed charging for 7% of the total parking spaces for buildings containing R-1 or R-2 occupancies, earning an additional point under this category for the project as a whole.

c. *Indoor Water Conservation – 3 Points Required – 4.5 Points Expected*

4. Indoor Water * (Points Required: 3)	
	Points Achieved
A. WaterSense fixtures performing above code	2
B. Install leak detection and notification system	1
C. Sub-metering	1.5
D. Efficient plumbing design	--
E. Indoor Water Use Innovation	--
Points Achieved	4.5

Within the Project, Cottonwood and its building partners intend to satisfy the Indoor Water REPS requirements with the following: (1) WaterSense fixtures performing above code (2 points), (2) leak detection and notification systems (1 point), and (3) sub-metering for multifamily units throughout the development (1.5 points).

d. *Outdoor Water Conservation – 7 Points Required – 7 Points Expected*

5. Outdoor Water (Points Required: 7)	
	Points Achieved

A. Efficient Residential irrigation systems	2
B. Water efficient landscaping for residential front yards	2
C. Separate drip system for trees within parkways and medians	2
D. Common area water use performing above code	--
E. Stormwater Innovation	1
F. Rain barrels	
G. Outdoor Water Use Innovation	
Points Achieved	7

To meet the Outdoor Water REPS requirements, Cottonwood and its building partners plan to include (1) efficient residential irrigation systems, including WaterSense certified pressure reducing heads and weather-based irrigation controllers throughout the Project (2 points), (2) water efficient landscaping for residential front yards, with an average of 10 gallons or less of water usage per square foot, including high efficiency nozzles, flow sensors and master valves (2 points), (3) separate drip system for trees in all landscape areas (2 points), and (4) stormwater innovation, including Low Impact Development, as defined and illustrated in the City's LID Implementation Manual (1 point).

e. Neighborhood Livability – 5 Points Required – 5 Points Expected

NEIGHBORHOOD LIVABILITY (Points Required: 5)	
1. Transportation	
	Points Achieved
A. Off-site Trail Connection	1
B. Exemplary Bicycle and Pedestrian Improvements	--
C. Level 3 EV Charging Stations	1
D. Trail Connection provided to a School	1
E. Transportation Innovation	--
2. Neighborhood Amenities	
A. Access to Essential Neighborhood Services	--
B. Vertical Mixed-Use Buildings	--
C. Community Gathering Spaces	1
D. Community Workspace	--
E. Common Areas Food Production	--
F. Innovative Neighborhood Amenities	--
3. Natural Environment	
A. Access to Parks & Open Spaces	1
B. Enhanced Habitat	--

C. Expansion of Adjacent Natural Habitat	--
D. Innovation in Natural Environment Protection	--
4. Health, Culture & Education	
A. Universal Design	--
B. 0.5% for Arts & Culture	--
C. Sustained Educational Programing	--
D. Excellence in Community Engagement	--
E. Health, Culture or Education Innovation	--
Points Achieved	5

Cottonwood's plans for the Project are anticipated to exceed the City's REPS requirements in the category of Neighborhood Livability. The Project is anticipated to include (1) numerous off-site trail connections to the Poudre Trail and existing city trails, including trails along William Neal and the two irrigation canals that run through the Project, as well as bike lanes on Ziegler Road (1 point); (2) level 3 EV Charging Stations in the mixed-use area (1 point); (3) connection to on-street and off-street trails to Fort Collins High School (1 point); (4) access to essential neighborhood services in the mixed-use area (1 point); (5) vertical mixed-use buildings anticipated in mixed use area (2 points); (6) community gathering spaces in the neighborhood parks as discussed in more detail below (1 point); (7) and access to parks and open space through East Community Park (1 point).

The open space plan for the Project is one that the development team is very proud of. It has been designed to ensure that every residential unit within the community is located within 1320 feet (a five-minute walk) or less from at least one of the Project's four parks. This design feature is illustrated in **Exhibit 2** to this submittal. The four parks within the Project will be the Silver Poplar Park, Flatiron Pond Park, Cottonwood Park, and Pollinator Park, and the Project will include numerous pedestrian and vehicular connections to the City's East Community Park. Silver Poplar Park, will be centrally located and named for one of the oldest popular tree groves in Fort Collins, and silver poplars will be propagated and incorporated prominently into the landscape design. Flatiron Park, a site that would qualify for fill and development, would instead serve as an active recreation site for fishing, canoeing and paddle boarding, and would include walking trails for residents and the general public. Cottonwood Park will be designated for more passive recreation, while Pollinator Park will include plants and gardens that are intended to support pollinator species within the community. Other qualitative aspects of the Open Space Plan include a plaza/outdoor gathering space in mixed-use area, a number of tree-lined trails, and intentional placement of landscape along streets with ornamental grasses, low water, and low maintenance native plants as opposed to traditional turf in tree lawns.

5. Service Plan Specifics

Cottonwood anticipates that the Districts' powers, purpose, and maximum mill levies will conform to the corresponding provisions outlined in the City's Model Service Plan. Likewise, the term of the Districts will conform to the parameters in the City's Model Service Plan. Cottonwood anticipates that one or more of the Districts will operate certain of the Public

Improvements not dedicated to other governmental entities, so such Districts would continue to operate those Public Improvements until such operations are no longer necessary. The build-out period for the Project is estimated to be 20 years. Cottonwood hopes to work with the City for approval of the Districts' Service Plan in time to proceed with an organizational election on November 5, 2024. As mentioned above, the property within the Project is currently zoned industrial, and development approvals related to re-zoning of the property for the Project are proceeding through the City's review processes concurrently with the City's review of the proposed Districts.

The Project will require significant public infrastructure, both off-site and on-site. Based on current plans, and subject to revisions based on discussions with the City's Planning and Zoning team, on-site public infrastructure is anticipated to include water, storm and sanitary sewer, streets, landscaping, parks, recreation, and trail improvements. Off-site improvements are expected to include reconstruction of the Horsetooth and Zeigler intersection; demolition and replacement of the Horsetooth Road, Environmental Drive and Percheron Drive Bridges over FCRID; sidewalk and road improvements to Zeigler Road, Horsetooth Road and Environmental Drive; construction of two additional bike and pedestrian bridges over FCRID; and construction of bike and pedestrian trails connecting to the Poudre River Trail and to Rigden Farm. Based on current plans, and subject to revisions based on discussions with the City's Planning and Zoning team, Cottonwood currently estimates the cost of the public improvements related to and required for the Project will be approximately \$92,482,466.95.

We appreciate the City's time in reviewing this Letter of Interest and look forward to answering any questions that you may have. Cottonwood will deliver to the City the Letter of Interest Submittal Fee in the amount of \$2,500 in conjunction with this submittal. Under the City's Policy, Staff is anticipated to provide a written response to the Letter of Interest within 30 days of receipt of the Letter of Interest and related Fee. Please let us know as soon as possible if the City anticipates that additional time may be needed. Should you have any questions or need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert G. Rogers".

Robert G. Rogers
WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

Enclosures

Exhibit 1
Strauss Lakes Sketch Plan

Item 21.



STRAUSS LAKES SKETCH PLAN

09.25.23

LEGEND

- PROPERTY BOUNDARY
- CONCEPTUAL DEVELOPMENT BUBBLES
- 50' DITCH BUFFER (TOP OF BANK)
- 100' FLATIRON POND OFFSET
- POTENTIAL FUTURE CONNECTION
- CONCEPTUAL PARK LOCATIONS

RESIDENTIAL DENSITY CALCULATIONS	
GROSS ACREAGE (EXCLUDING EAST COMMUNITY PARK)	182.91 AC
NET ACREAGE	130.19 AC
NATURAL HABITATS AND FEATURES	45.34 AC
PARKS AND OPEN SPACE	5.33 AC
DEDICATED PEDESTRIAN / BICYCLE PATH CONNECTIONS	2.06 AC
TOTAL UNITS	1,307 UNITS
GROSS RESIDENTIAL DENSITY	7.15 DU/AC
NET RESIDENTIAL DENSITY	10.64 DU/AC

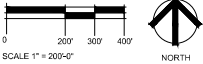


Exhibit 2
Strauss Lakes Open Space Plan

Item 21.



CITY OF FORT COLLINS POLICY FOR REVIEWING SERVICE PLANS FOR METROPOLITAN DISTRICTS

April 20, 2021

Introduction.

This policy establishes the criteria, guidelines and processes to be followed by City Council and City staff in considering and by applicants in submitting to the City service plans for the organization of metropolitan districts or amendments to those plans ("Policy"), as provided in Colorado's Special District Act in Article 1 of Title 32 of the Colorado Revised Statutes (the "Act"). The Act provides that metropolitan districts are quasi-municipal corporations and political subdivisions ("District") that can be organized within the boundaries of a municipality provided the municipality's governing body approves by resolution the proposed service plan for the District. Under the Act, the service plan constitutes the document that delineates the specific powers and functions the District can exercise, including the facilities and services it can provide, the taxes it can impose and its permitted financial arrangements (the "Service Plan"). The Act requires Districts to conform to their Service Plans.

Section 1 – Policy Objectives and Statements.

- A. This Policy generally supports the formation of a District where it will deliver extraordinary public benefits that align with the goals and objectives of the City whether such extraordinary public benefits are provided by the District or by the entity organizing the District because the District exists to provide public improvements.
- B. A District, when properly structured, can enhance the quality of development in the City. The City is receptive to District formation that provides extraordinary public benefits which could not be practically provided by the City or an existing public entity, within a reasonable time and on a comparable basis. It is not the intent of the City to create multiple entities which would be construed as competing or duplicative.
- C. **The approval of a District Service Plan is at the sole discretion of City Council**, which may reject, approve, or conditionally approve Service Plans on a case-by-case basis. Nothing in this Policy is intended, nor shall it be construed, to limit this discretion of City Council, which retains full authority regarding the approval, terms, conditions and limitations of all Service Plans.
- D. **Policy Objectives for All Districts.**

The City will evaluate any proposed District and its Service Plan based on the District's ability to deliver public benefits through extraordinary development outcomes, specific examples are provided in **Exhibit A** and generally occur in the following four focus areas:

1. Environmental Sustainability Outcomes: Development of public improvements that deliver or facilitate the delivery of specific and measurable environmental outcomes, including but

not limited to: (i) reduction of Green House Gases (“GHG”), (ii) conservation of water or energy, (iii) encourage multimodal transportation, (iv) enhance community resiliency – against future environmental events (e.g., flooding, drought, etc.); (v) increase renewable energy capacity; and/or (vi) deliver other environmental outcomes.

2. Critical Public Infrastructure: Development of public improvements that address or facilitate addressing significant infrastructure challenges previously identified by the City, either within or proximate to the District, whether such improvements address a locally-significant challenge or a City-wide challenge.
3. Smart Growth Management: Development of public improvements that deliver or facilitate the delivery of specific design components that: (i) increase the density of development within the District; (ii) establish, enhance or address the walkability and pedestrian friendliness of the District; (iii) increase the availability of transit and/or multimodal oriented facilities; (iv) create compelling public spaces; and/or (v) encourage mixed-use development patterns.
4. Strategic Priorities: Development of public improvements that deliver or facilitate the delivery of strategic priorities specified in the City’s existing long-term strategic planning documents, such as City Plan, Affordable Housing Plan, Economic Health Strategic Plan, and applicable Sub-Area Plans. These priorities include, but are not limited to:
 - a. Affordable Housing: Deliver or facilitate the delivery of additional affordable housing units at the City’s defined level of Area Median Income (“AMI”) or below. The City defines Affordable Housing as units affordable to a household earning 80 percent of AMI.
 - b. Workforce Housing: Deliver or facilitate the delivery of workforce housing units in the City’s defined range of AMI. For purposes of this policy, Workforce Housing units shall be defined as units affordable to a household earning between 81 percent and 120 percent of AMI.
 - c. Infill/Redevelopment: Enable the infill or redevelopment of property within the City, especially when such development is consistent with City Plan.
 - d. Economic Health Outcomes: Enable delivery of specific and measurable economic outcomes, such as: (i) job growth; (ii) retention of an existing business; and/or (iii) construction of a missing economic resource.

In determining whether a proposed District delivers extraordinary public benefits, the City may consider: (i) ways in which the proposed improvements exceed the City’s minimum requirements and standards; (ii) ways in which the existence of the District facilitates the extraordinary public benefits and whether the extraordinary benefits are feasible without the District; (iii) ways in which the proposed extraordinary benefits work together as a system to

deliver greater benefit to the community than individually; and (iv) any other factors the City deems relevant under the circumstances.

E. Policy Objectives for Residential Districts:

1. In addition to being evaluated under the applicable policy objectives in Section 1.D. and the evaluation criteria in Section 2.A., those Districts proposed to serve predominately residential development, shall also be evaluated under the Residential Metro Districts Evaluation Points System table attached hereto as **Exhibit B** and incorporated herein by reference (the “Residential Evaluation Points System”).
2. For purposes of this Policy, a District shall be considered to serve predominately residential development if more than ten percent (10%) of the estimated assessed value of the development to be served by the district will be residential development (“Residential District”).
3. The objective in applying the Residential Evaluation Points System to Residential Districts is to ensure that the developments served by Residential Districts provide certain minimum extraordinary public benefits in the areas of housing, energy conservation and renewables, indoor and outdoor water conservation, and neighborhood livability, in order to help the City achieve its goals set for these areas in the City’s adopted policy plans

F. Policy Statements:

1. Limited Use: The City wishes to exact a high standard of use for Districts thereby limiting their use. An applicant project is expected to deliver extraordinary benefits across multiple City objectives two or more of the objectives described in Section 1.D. of this Policy.
2. Broad and Demonstrable Public Benefit: Districts are expected to provide broad public benefit and the applicant will be asked to demonstrate and provide assurances of those benefits. The City will utilize the Service Plans, development agreements, and other contractual agreements to document and enforce District commitments.
3. District Governance: It is the intent of the City that owner/resident control of Districts occur as early as feasible. Service Plans should include governance structures that encourage and accommodate this. The use of control Districts (also known as “service” or “managing” Districts) that allow developers to control the other Districts that provide the tax revenues beyond the time needed to repay the issued debt, is to be discouraged.
4. Basic Infrastructure Improvements: A District proposing to fund basic infrastructure improvements will not be favorably received except when used to offset higher costs associated with delivering public benefit through extraordinary development outcomes (see **Exhibit A** for examples).

5. Minimum District Size: A District proposed to issue less than \$7 million of authorized debt will not be considered.

Section 2 – Evaluation Criteria

- A. To provide City Council with information and an assessment consistent with this Policy, staff will review and report on all District proposals in the following areas:
 1. Public Benefit Assessment and Triple Bottom Line Scan: To comprehensively and consistently evaluate District proposals, an interdisciplinary staff team, inclusive of representatives from Planning, Economic Health, Sustainability, and other Departments as appropriate, will be formed. This team will rely on the City's Triple Bottom Line evaluation approach, and other means, to assess a District proposal consistent with this Policy and City goals and objectives more broadly.
 2. Financial Assessment: All District proposals are required to submit a Financial Plan to the City for review. Utilizing the District's Financial Plan, and other supporting information which may be necessary, the City will evaluate a District's debt capacity and servicing ability. Additionally, should a District desire to utilize District funding for basic infrastructure improvements, as determined by the City in its sole discretion, staff will assess the value of this benefit against public benefits received in exchange.
 3. Residential Districts: All proposals for a Residential District are required to submit to the City a written report and analysis of how the Residential District and the development it will serve will achieve the minimum points required under the Residential Evaluation Points System.
 4. Policy Evaluation: All proposals will be evaluated by City staff against this Policy and the City's "Model Service Plan" attached as **Exhibit "C"** for single-district Service Plans and as **Exhibit "D"** for multi-district Service Plans, with any areas of difference being identified, evaluated and reported to City Council.

Section 3 – Application Process

- A. Process Overview: The application process is designed to provide early feedback to an applicant, adequate time for a comprehensive staff review, and the appropriate steps and meeting opportunities with decision makers.
- B. Letter of Interest: Applicant will provide City with a Letter of Interest and pay the Letter of Interest fee (refer to fees below). The Letter of Interest shall contain the following:
 1. Summary narrative of the proposed development and District proposal.
 2. Sketch plan showing: property location and boundaries; surrounding land uses; proposed use(s); proposed improvements (buildings, landscaping, parking/drive areas, water treatment/detention, drainage); existing natural features (water bodies, wetlands, large trees, wildlife, canals, irrigation ditches); utility line locations (if known); and photographs (helpful

but not required).

3. Clear justification for why a District is needed.
 4. Explanation of public benefits, making specific reference to this Policy and other relevant City documents. For Residential Districts this shall include a preliminary analysis of how the proposal will achieve the minimum points required under the Residential Evaluation Points System.
 5. District proposal and Service Plan specifics, including: District powers and purpose; District infrastructure and costs; mill levy rate (both debt and, operations and maintenance); term of District; forecasted period of build-out; proposed timeline for formation; and current development status of project.
- C. Staff Response to Letter of Interest: Staff will provide a written response to a Letter of Interest within thirty (30) days of receipt and payment of the Letter of Interest fee.
 - D. Preliminary Staff Meeting with Applicant: Based on an initial review of the Letter of Interest, staff shall meet with the applicant to discuss the District proposal, potential public benefits, initial staff feedback, the evaluation process, fees, and other application elements.
 - E. City Council Conceptual Review: Prior to the applicant submitting its formal application to the City for City Council's consideration of a proposed Service Plan, a hearing shall be scheduled before City Council at which staff and the applicant shall present to City Council the applicant's Letter of Interest for the proposed District(s). No later than thirty (30) days before the hearing, written notice of it shall be mailed by the applicant by first-class mail to all fee title owners of real property within the boundaries of the proposed District(s) and of any future inclusion area proposed in the Letter of Interest. The notice shall also be published once in a newspaper of general circulation. In addition to stating the date, time and location of the hearing, the mailed and published notices shall identify the property to be served by the District(s) and generally describe the proposed District(s) and the development it will serve. The purpose of the hearing will be for City Council members and the public to provide preliminary comments in response to the Letter of Interest to be used by the applicant in determining whether to submit a formal application and, if so, the contents of that application. Also, the City Council may consider at the end of the hearing adopting a motion expressing its opinion whether the Service Plan proposed in the Letter of Interest should be brought forward to City Council for its formal consideration. That motion may also include any recommendations City Council may have concerning what should or should not be included in the applicant's formal application for its proposed Service Plan. Any such motion adopted and any comment, suggestion or recommendation made by any City Council member concerning the Letter of Interest shall not bind or otherwise obligate any City Council member or other City decision maker to any course of conduct or decision pertaining to the any subsequent formal application under this Policy.
 - F. Formal Application and Service Plan Submittal: After taking into account any motion adopted by City Council in the conceptual review hearing conducted under Section 3.E. and any comments from City Council

members, the public and City staff, applicant may submit a formal application for consideration following the requirements specified in the City's District Application, including the Service Plan in which the applicant shall highlight the substantive provisions that deviate from this Policy and the applicable Model Service Plan attached as **Exhibit "C"** or **Exhibit "D"**. The formal application and application fees must be received by the City no later than the third Tuesday of December in the preceding year for a spring election (May) or the third Tuesday of May for a fall election (November). The City cannot commit to timely processing of applications submitted after these dates for their respective elections.

- G. Formal Staff Review: An interdisciplinary staff team will review the applicant submittal along with any follow-up documentation that is requested in order to assess the application according to this Policy and other appropriate City policy. Applicants should expect several rounds of feedback and review from City staff.
- H. Council Finance Committee Meeting: The Council Finance Committee will review all formal applications for a District and provide feedback and recommendations.
- I. Public Hearing Notice: The Service Plan Applicant must cause a written notice of the public hearing to be mailed by first-class mail to all fee title owners of real property within the boundaries of the proposed District(s) and of any future inclusion area proposed in the Service Plan and such notice shall be mailed no later than thirty (30) days before the scheduled hearing date. A notice shall also be published once in a newspaper of general circulation in the City no later than thirty (30) days before the scheduled hearing date. The mailed and published notices shall include the following information:
 - 1. A description of the general nature of the public improvements and services to be provided by the District;
 - 2. A description of the real property to be included in the District and in any proposed future inclusion area, with such property being described by street address, lot and block, metes and bounds if not subdivided, or such other method that reasonably apprises owners that their property will or could be included in the District's boundaries;
 - 3. A statement of the maximum amount of property tax mill levy that can be imposed on property in the District under the proposed Service Plan;
 - 4. A statement that property owners desiring to have the City Council consider excluding their properties from the District must file a petition for exclusion with the Fort Collins City Clerk's Office no later than ten (10) days before the scheduled hearing date in accordance with Section 32-1-203(3.5) of the Colorado Revised Statutes;
 - 5. A statement that a copy of the proposed Service Plan can be reviewed in the Fort Collins City Clerk's Office; and

6. The date, time and location of the City Council's public hearing on the Service Plan.

J. Council Public Hearing: The City Council will conduct a noticed public hearing at a regular or special Council meeting to consider resolution approval of Service Plan. This hearing will occur no later than thirty (30) days prior to the final submittal date to the District Court to order an election. By way of example, for a fall election City Council, which meets on the first and third Tuesdays of the month, must conduct the public hearing no later than the third Tuesday in August.

K. Proceedings at Public Hearing: The hearing shall be conducted under and in accordance with the applicable procedures of the City Council's adopted "Rules of Procedure Governing the Conduct of City Council Meetings and Work Sessions," except that the order of the proceedings of the public hearing on the service plan shall be as follows:

1. Announcement of item;
2. Consideration of any procedural issues;
3. Explanation of the application by City staff;
4. Presentation by the applicant;
5. Public testimony regarding the application;
6. Rebuttal testimony by the applicant;
7. Councilmember questions of City staff and the applicant; and
8. Motion, discussion and vote by City Council.

Section 4 –Service Plan

A. Purpose: In addition to the requirements of the Act, a Service Plan should memorialize the understandings and agreements between the District and the City, as well as the considerations that compelled the City to authorize the formation of the District. The Service Plan must also include all applicable information required by the Act.

B. Compliance with Applicable Law: Any Service Plan submitted to the City for approval must comply with all state, federal and local laws and ordinances, including the Act.

C. Model Service Plan: To clearly communicate City requirements and streamline legal review, the City will require the use of the applicable Model Service Plan attached as **Exhibit "B"** or **Exhibit "C"**. With justification, the City may consider deviations in the proposed Service Plan, but generally all Service Plans should include the following:

1. Eminent Domain NOT Authorized: The Service Plan shall contain language that prohibits the District from exercising the power of eminent domain. However, the City may choose to

exercise its power of eminent domain to construct public improvements within the District in which case the District and the City will enter into an intergovernmental agreement concerning the public improvements and funding for that use of eminent domain.

2. Maximum Mill Levy: The Service Plan shall restrict the District's total mill levy authorization for both debt service and operations and maintenance to fifty (50) mills, subject to adjustment as provided below. A portion of the Maximum Mill Levy may be utilized by the District to fund operations and maintenance functions, including customary administrative expenses incurred in operating the District such as accounting and legal expenses and otherwise complying with applicable reporting requirements. No more than ten (10) mills may be used for operations and maintenance (the "Operations and Maintenance Mill Levy").
 - a. Increased mill levies may be considered for Districts that are predominately commercial in use, at the sole discretion of the City Council.
 - b. The Maximum Mill Levy may be adjustable from the base year of the District as provided for in the Model Service Plan, so that to the extent possible, the actual tax revenues generated by the District's mill levy, as adjusted, for changes occurring after the base year, are neither diminished nor enhanced as a result of the changes.
3. Debt Term Limit: A District shall be allowed no more than forty (40) years for the levy and collection of taxes used to service debt unless a majority of the Board of Directors of the District imposing the mill levy are residents of such District and have voted in favor of a refunding of a part or all of the Debt and such refunding is for one or more of the purposes authorized in C.R.S. Section 11-56-104.
4. District Dissolution: Perpetual Districts shall not be allowed except in cases where ongoing operations and maintenance are required. Except where ongoing operations and maintenance has been authorized, a District must be dissolved as soon as practical upon:
 - a. The payment of all debt and obligations; and
 - b. The completion of District development activity.

In addition, Districts shall have no more than three years from approval of the Service Plan to secure City Council approval by resolution of an intergovernmental agreement and/or a development agreement documenting the public benefits described in the Service Plan. Staff will inform City Council, in writing, of any Districts that have not obtained this approval ninety (90) days in advance of the expiration of the three-year period. This written notice will provide a status update on the Districts progress towards obtaining Council approval and the other activities of the Districts.

5. District Fees: Impact fees, development fees, service fees, and any other fees must be identified with particularity in the District Service Plan. Impact and development fees must not be levied or collected against the end user – i.e., residents and/or non-developer owners.

6. Notice Requirements: The Service Plan shall require that the District use reasonable efforts to assure that all developers of the property located within the District provide written notice to all purchasers of property in the District regarding the District's existing mill levies, its maximum debt mill levy, as well as a general description of the District's authority to impose and collect rates, fees, tolls and charges. The form of notice shall be filed with the City prior to the initial issuance of the debt of the District imposing the mill levy and shall be substantially in the form of **Exhibit E** attached hereto and incorporated by reference.
 7. Annual Report: The Service Plan must obligate the District to file an annual report not later than September 1 of each year with the City Clerk for the year ending the preceding December 31, the requirements of which may be waived in whole or in part by the City Manager. Details of the Annual Report are included in the Model Service Plan.
- D. Service Plan Requirements: In addition to all other information required in a Service Plan by the Act, a Service Plan must include the following:
1. Financial Plan: The Service Plan must include debt and operating financial projections prepared by an investment banking firm or financial advisor qualified to make such projections. The financial firm must be listed in the Bond Buyers Marketplace or, in the City's sole discretion, other recognized publication as a provider of financial projections. The Financial Plan must include debt issuance and service schedules and calculations establishing the District's projected maximum debt capacity (the "Total Debt Limitation") based on assumptions of: (i) Projected Interest Rate on the debt to be issued; (ii) Projected Assessed Valuation of the property within the District; and (iii) Projected Rate of Absorption of the assessed valuation within the District. These assumptions must use market-based, market comparable valuation and absorption data and may use an annual inflation rate of three percent (3%) or the Consumer Price Index for the preceding 12-month period for the Denver-Boulder-Greeley statistical region as prepared by the U.S. Department of Labor Statistics, whichever is lesser.
 - a. Total Debt Limitation: The total debt authorized in the Service Plan must not exceed 100% of the projected maximum debt capacity as shown in the Financial Plan.
 - b. Administrative, Operational and Maintenance Costs: The Financial Plan must also include foreseeable administrative, operational and maintenance costs.
 2. Public Improvements and Estimated Costs: Every Service Plan must include, in addition to all materials, plans and reports required by the Act, a summary of public improvements to be constructed and/or installed by the district (the "Public Improvements"). The description of these Public Improvements must include, at a minimum:

1. A map or maps, and construction drawings of such a scale, detail and size as required by the Planning Department, providing an illustration of public improvements proposed to be built, acquired or financed by the District;
2. A written narrative and description of the public improvements; and
3. A general description of the District's proposed role with regard to the same.

Due to their preliminary nature, the Service Plan must indicate that the City's approval of the Public Improvements shall not bind the City, its boards and commissions, and City Council in any way relating to the review and consideration of land use applications within the District.

3. Intergovernmental Agreement: Any intergovernmental agreement which is required or known at the time of formation of the District to likely be required, to fulfill the purposes of the District, must be described in the Service Plan, along with supporting rationale. The Service Plan must provide that execution of intergovernmental agreements which are likely to cause substantial increase in the District's budget and are not described in the Service Plan will require the prior approval of City Council.
4. Extraterritorial Service Agreement: The Service Plan must describe any planned extraterritorial service agreement. The Service Plan must provide that any extraterritorial service agreement by the District that are not described in the Service Plan will require prior approval of City Council.

Section 5 – Regional Improvements

- A. Purpose: A Service Plan may include a section addressing the planning, design, acquisition, funding, construction, installation, relocation and/or redevelopment of Regional Improvements. Such section is intended to ensure that the privately-owned properties to be developed in a District that benefit from the Regional Improvements pay a reasonable share of the associated costs.
- B. Eligible Improvements: The City, to facilitate transparency, will include a list or exhibit in any Service Plan including a Regional Improvements section that clearly identifies the improvements to be funded, in part or whole, by a Regional Mill to be levied by the District. In selecting improvements to be included in a Service Plan the City will apply the following standards:
 1. Benefit to End User – Regional Improvements should have a clear benefit to the privately-owned properties funding the Regional Mill Levy. The City may establish this connection either through previous identification of the infrastructure need and/or through a technical analysis, such as a traffic impact analysis.
 2. Specificity – When possible, the City should include as much specificity about the Regional Improvements to be included in a Service Plan as possible, while noting that any details are preliminary and may be subject to change as planning, design, acquisition, funding,

construction, installation, relocation and/or redevelopment of the Regional Improvements occurs.

3. No Other Funding Exists – The City will exclude improvements, either in part or whole, for which funding mechanisms exists to support the planning, design, acquisition, funding, construction, installation, relocation and/or redevelopment. By way of example, the City collects Capital Expansion Fees to support street oversizing, however, several bridge structures necessary to facilitate grade separated crossings of railroad infrastructure were not included in the calculation of these Fees; therefore, the bridges would be and eligible Regional Improvement, where the road surface itself would not.

Section 5 – Fees

- A. No request to create a Metro District shall proceed until the fees set forth herein are paid when required. All checks are to be made payable to the City of Fort Collins and sent to the Economic Health Office.
 1. Letter of Interest Submittal Fee: A Letter of Interest is to be submitted to the City's Economic Health Office and a non-refundable \$2,500 fee shall be paid at the time of submittal of the Letter.
 2. Application Fee: An application along with a draft Service Plan (based on the Model Service Plan) is to be submitted to the City's Economic Health Office and a \$7,500 non-refundable fee along with a \$7,500 deposit towards the City's other expenses shall be paid at the time of submittal of the Application and draft Service Plan.
 3. Annual Fee: Each District shall pay an annual fee for the City's on-going monitoring of each Metro District. This annual fee shall be \$500 or if multiple Districts exist serving a single project, then the annual fee shall be \$500 plus \$250 for each additional District beyond the first (e.g., the annual fee for Consolidated ABC Metro Districts 1 to 7 shall be \$500 plus \$250 times six or \$2,000).
 4. Non-Model Service Plan Fee: A District proposal requesting a substantial deviation from this Policy or the applicable Model Service Plan, shall pay an additional non-refundable fee of \$5,000 at the time of submitting its application; the City shall in its sole and reasonable discretion determine if a draft Service Plan proposes a substantial deviation from this Policy or the applicable Model Service Plan.
 5. Other Expenses: If the deposits paid in subsections 2 and 6 are not sufficient to cover all the City's other expenses, the applicant for a District shall pay all reasonable consultant, legal, and other fees and expenses incurred by the City in the process of reviewing the draft Service Plan or amended Service Plan prior to adoption, documents related to a bond issue and such other expenses as may be necessary for the City to incur to interface with the District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.

6. Service Plan Amendment Fee: If a proposed amendment to a Service Plan is submitted to the City's Economic Health Office, it should be submitted with a non-refundable \$2,500 fee along with a \$2,500 deposit towards the City's other expenses and shall be paid at the time of submittal of the application and draft amended Service Plan.

EXHIBIT A

PUBLIC BENEFIT EXAMPLES

The following list of examples is meant to be illustrative of the types of projects that deliver the defined public benefits in this policy. Projects that deliver similar or better outcomes will also be considered on their merits.

Category / Sub-Category	Example Projects
Environmental Sustainability Outcomes	
1. Green House Gas Reductions	- See subsequent sub-categories
2. Water and/or Energy Conservation	<ul style="list-style-type: none"> - District-wide non-potable water system(s) - District-wide renewable energy systems(s) - Delivery of 20% or more rooftop solar - Greywater reuse system(s) - if allowed by law
3. Multimodal Transportation	<ul style="list-style-type: none"> - Buffered bike lanes - Wider than required sidewalks - Enhanced pedestrian crossings - Underpass(es)
4. Enhance Community Resiliency	<ul style="list-style-type: none"> - Significant stormwater improvements (previously identified) - Improvements to existing bridges
5. Increase Renewable Energy Capacity	<ul style="list-style-type: none"> - District-wide renewable energy systems(s) - Set aside land for community solar garden(s) - Utility scale renewable project(s)
Critical Public Infrastructure	
1. Within District Area	<ul style="list-style-type: none"> - Community Park Land (beyond code requirements) - Regional Stormwater Facilities - Major arterial development - Parking Structures (Publicly Accessible)
2. Adjacent to Proposed District	<ul style="list-style-type: none"> - Contribution to major interchange/intersection - Contribution to grade separated railroad crossings

(Continued on next page)

Category / Sub-Category	Example Projects
High Quality and Smart Growth Management	
1. Increase density	<ul style="list-style-type: none"> - Alley load construction - Smaller Lot Size - Increased multifamily development
2. Walkability & Pedestrian Friendliness	<ul style="list-style-type: none"> - Wider than required sidewalks - Enhanced pedestrian crossings - Underpass(es) - Trail system enhancements
3. Increase availability of Transit	<ul style="list-style-type: none"> - Improved bus stops - Restricted access guideways for bus operations - Transfer facilities
4. Public Spaces	<ul style="list-style-type: none"> - Pocket Parks - Neighborhood Parks (beyond code requirements)
Strategic Priorities	
1. Affordable Housing	<ul style="list-style-type: none"> - Units permanently affordable to 80% Area Median Income - Land dedicated to City's land bank program
2. Attainable Housing	<ul style="list-style-type: none"> - Units permanently affordable to 81 to 120% Area Median Income
2. Infill/Redevelopment	<ul style="list-style-type: none"> - Address environmental contamination / concern - Consolidate wetlands or natural area (positive benefits)
3. Economic Health Outcomes	<ul style="list-style-type: none"> - Facilitate job growth (at or above County median income) - Retain an existing business

FORT COLLINS RESIDENTIAL METRO DISTRICTS EVALUATION POINTS SYSTEM

Required Number of Points:

Housing - 5 points
 Energy Conservaton and Renewables - 10 points *
 Indoor Water Conservation - 3 points
 Outdoor Water Conservation - 7 points
 Neighborhood Livability - 5 points

* At least one Enhanced Energy Performance option must also be selected

NOTES		Points
HOUSING		
1. Housing Supply, Diversity, and Choice		
A. 10% Home Ownership at <120% AMI	10% deed restricted, for-sale, single family units not to exceed 120% AMI *Point multiplier: If all housing units meet DOE Zero Energy Ready (ZER) standard, 1 additional point received	4/5*
B. Limit Unit Size for 20% single family homes	A combination of Attached or detached, single family units based on at least 2 of the following breakpoints: 5% less than 800 SF 5% between 800 to 1,100 SF 5% between 1,100 to 1,300 SF 5% between 1,300 to 1,600 SF 5% between 1,600 and 2,200 SF **Option for Point multiplier: If 3 of the following breakpoints are selected, 1 additional point OR If all housing units meet DOE Zero Energy Ready (ZER) standard, 1 additional point received	2/3**
C. Accessory Dwelling Units (ADU's)	Detached or attached Accessory Dwelling Units between 300 and 800 SF in size for a minimum of 10% of the units within the development plan.	2
2. Affordable Rental Housing		
A. 10% Affordable Rental Housing	10% rental units serving an income average not to exceed 60% AMI	2
B. 10% Affordable Rental Housing that does not utilize competitive funding sources	10% rental units serving an income average not to exceed 60% AMI that does not utilize competitive funding sources, i.e.- local limited Private Activity Bonds, Low Income Housing Tax Credits (LIHTC) and City competitive grant process funding (CDBG/HOME/Affordable Housing Fund), or a development that otherwise demonstrates it contributes net-new units of affordable housing into the Fort Collins community.	3
Required number of Housing Points		5

NOTES		Points
ENERGY, RENEWABLES & WATER		
1. Enhanced Energy Performance		
A. DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation	<p>Very similar to current code, but with more rigorous 3rd party inspection. Studies show incremental cost of building to ZER ranges from only 0.9-2.5%, with Fort Collins likely be on lower end with existing stricter building code. ZE and ZER levels of efficiency could be achieved without aggressive or cutting-edge envelope and HVAC solutions.¹</p> <p>Local example - REVIVE: Total Marginal Cost for Zero Ready (4.8%) - Increase monthly mortgage payment=\$84, Monthly savings=\$138. Projected monthly utility energy bill=\$20.²</p> <p>1. Peterson, Gartman, Cordivae, The Economics of Zero Energy Homes, Rocky Mountain Institute, 2019 https://rmi.org/wp-content/uploads/2018/10/RMI_Economics_of_Zero_Energy_Homes_2018.pdf</p> <p>2. McFaddin, Economics of Energy Performance – REVIVE Properties, 2019 https://www.fcgov.com/greenbuilding/files/mcfaddin_green-finance-2019.pdf</p> <p>Building records confirm new homes in Fort Collins built to code are delivering scores of 58-62. Proficient builders are capable of achieving a HERS in the mid 40's resulting in an average annual energy cost savings of \$350-400 over a code built home.³ For Multifamily development, the HERS score shall be in accordance with RESNET Guidelines for Multifamily Energy Ratings</p> <p>3. https://www.hersindex.com/</p>	4
B. OR HERS index of 47 or less without solar and single family detached and attached dwellings must achieve 2.0 or less ACH50 and provide balanced mechanical whole dwelling ventilation		4
C. OR Energy Rating Index (ERI) path single family detached and attached dwellings must achieve 2.0 or less ACH50 with balanced mechanical whole dwelling ventilation	<p>Energy Rating Index (ERI) of 40 or lower. ERI as a metric has a backstop to prevent builders from a reduced envelope performance. Must also achieve 2.0 or less ACH50 and</p>	3
D. OR Net Zero Energy Home Performance Path - HERS of 0 or less with balanced mechanical whole dwelling ventilation	Optional compliance paths that would replace all of the above requirements.	7

NOTES		Points
ENERGY, RENEWABLES & WATER		
2. Energy Components		
A. Heat homes with efficient electric heat	Efficient electric heat is defined as a Geothermal Heat Pump or Cold Climate Air Source Heat Pump (ccASHP) with a COP of 1.9 or greater at a heating design temp of 5° F. Product list of qualifying ccASHP's: https://neep.org/high-performance-air-source-heat-pumps/ccashp-specification-product-list	2
B. Build to Passive House Standard	5% of homes built to either International Passive House Association (IPHA) or Passive House Institute US (PHIUS) standard.	3
C. Build air tight homes with balanced whole dwelling ventilation with heat or energy recovery	Build homes to ≤ 1.5 ACH50 air tightness. Balanced mechanical whole dwelling ventilation via Heat Recovery Ventilator (HRV) or Energy Recovery Ventilator (ERV).	1
D. District Heating and Cooling for Neighborhood	Utilize electric-based centralized heating and cooling systems such as a neighborhood scale ground source heat pump. Usually more cost effective for commercial and mixed use and not residential SF.	3
E. Install qualifying connected thermostat	Install qualifying connected thermostat from Fort Collins Utilities Peak Partners demand response (DR) program. This bolsters the utilities DR effort by increasing the number of homes that can opt-in to the program. https://peakpartnersfortcollins.com/	1
F. Install air source heat pump electric water heater	Fort Collins Utilities Peak Partners connected air source heat pump water heaters get the additional point (up to 3 pts). https://peakpartnersfortcollins.com/	2-3
G. Provide EV-Installed charging for buildings containing R-1 or R-2 occupancies.	Provide EV-Installed charging for 7% of the total parking spaces for buildings containing R-1 or R-2 occupancies. Single family detached and single family attached are excluded as current code requires all new single family homes have EV ready conduit installed from the panel to a junction box located in a garage or carport. https://www.swenergy.org/transportation/electric-vehicles/building-codes#who	1
3. Renewable		
A. Install % of total energy need in solar (50/75/100%)	Installations may be on individual rooftops or in shared as in "solar gardens" and will be virtually net metered. These additional points cannot be used toward total if Enhanced Energy Performance item D - Net Zero Energy Home above is utilized.	1 - 3
B. Smart storage and grid interactivity	Install interactive grid storage system that allows owners to optimize renewable energy storage and energy utilization through smart grid technologies. Points are differentiated by size of battery, and capability of export to the grid (3 pts)	1 - 3
Required number of Energy Saving & Renewable Points		10

NOTES		Points
ENERGY, RENEWABLES & WATER		
4. Indoor Water *		
A. WaterSense fixtures performing above code	New construction provides fixture efficiencies surpassing code standards and must all be WaterSense Certified. <ul style="list-style-type: none"> 1.0 GPF/600 gram MaP score toilets (dual flush code def) & 1.5 gpm showerheads 	2
B. Install leak detection and notification system	Each home or unit must be water shutoff valve enabled and installed by a licensed plumber. Flo by Moen and Phyn Plus Smart Water Assistant are two examples.	1
C. Sub-metering	Privately owned and maintained sub-metering is provided for individual units within multi-family development to help with water management and leak detection.	1.5
D. Efficient plumbing design	Meet Section 3.3 of the WaterSense New Home Specification, which requires that hot water distribution systems store no more than 0.5 gallons of water between the source of hot water and the furthest existing fixtures and provides inspection and compliance methods and details. This is also the standard used in DOE's Zero Energy Ready program.	0.5
E. Indoor Water Use Innovation	The project demonstrates indoor water use innovation and pursuit of building certifications. Points are achieved when applied to all applicable buildings within the development.	1
Required number of Indoor Water Points		3

NOTES		Points
ENERGY, RENEWABLES & WATER		
5. Outdoor Water *		
A. Efficient Residential irrigation systems **	Install efficient irrigation systems for all residential sprinkler systems, WaterSense Certified (WS), where available: <ul style="list-style-type: none"> • 2 Pressure reducing heads (WS) and high efficiency nozzles • 2 Weather-based irrigation controller (WS) • 2 Flow sensor • 2 Master valve 	2
B. Water efficient landscaping for residential front yards	Front yard - Create waterwise, plant friendly landscapes, including a water budget on a 10 gallon or less per SF basis within residential front yards. Consider plant selection, tree protection/selection, mirroring water budget table requirements on the commercial side, but less than 10 gsf	2
C. Separate drip system for trees within parkways and medians	Establish separate drip systems for trees in common areas to support urban forest health and resiliency, especially during water shortages.	2
D. Common area water use performing above code	12 gallons per sq. ft. max or sliding scale (e.g. – 3 pt for 8 gsf or less, 2pts for 9-11gsf, 1pt for 12-14 gsf or something similar). Align metrics to ELCO water budget table	1 - 3
E. Stormwater Innovation	Uses innovative stormwater techniques such as Low Impact Development (LID) or Green Infrastructure to capture and treat runoff at the source as defined and illustrated in the City's LID Implementation Manual. https://www.fcgov.com/utilities/img/site_specific/uploads/fscm-appendix-c.pdf?1549566344	1 - 2
F. Rain barrels	0.5 pt for every two, 100-gallon barrels. 1 pt maximum (CO State Law - 2 x100 gallons per residential unit on units 4 or fewer)	0.5 - 1
G. Outdoor Water Use Innovation	The project demonstrates outdoor water use innovation and pursuit of building certifications. Points are achieved when applied to all applicable buildings within the development: For single family and duplex homes: HERS H20 (No minimum score, but certification required) WERS (No minimum score, but certification required)	1
	Net Blue – offset 25% or more water use from new developments with water efficiency upgrades/retrofits to existing and/or the new development(s), per the Net Blue program	2
Required number of Outdoor Water Points		7

*Compliance with these indoor and outdoor water standards do not alter a project's responsibility to satisfy water supply requirements of ELCO, FCLWD, Fort Collins Utilities or other governing water service district. To receive listed points, measures must be applied to all applicable areas, properties and buildings within the development.

**For water sources other than potable, additional requirements shall be included, such as water filtration, purple pipe and valve box, no cross contamination with potable supplies, and no drip irrigation on non-potable systems.

NOTES		Points
NEIGHBORHOOD LIVABILITY		
1. Transportation		
A. Off-site Trail Connection	Direct connections to off-site bicycle and pedestrian facilities, including but not limited to the regional paved trail system, the low-stress bicycle network and other local paved trail systems.	1
B. Exemplary Bicycle and Pedestrian Improvements	Provide pedestrian and bicycle circulation improvements exceeding Larimer County Urban Areas Street Standards (LCUASS) requirements. e.g. - buffered bicycle lanes, concrete crosswalks, enhanced intersection paving design, enhanced streetscape design, and pedestrian-oriented lighting.	1
C. Level 3 EV Charging Stations	Publicly-accessible Level 3 EV charging stations provided in convenient locations.	1
D. Trail Connection provided to a School	An off-site and off-street trail connection is provided to a neighboring public or private school.	1
E. Transportation Innovation	The project provides innovative transportation improvements.	1
2. Neighborhood Amenities		
A. Access to Essential Neighborhood Services	Includes at least two neighborhood-serving retail or service uses, e.g.- recreation facilities, childcare, daycare, and healthcare facilities in the project (1 point) , or three or more uses (2 points), and 3 points for a grocery store or supermarket.	1 - 3
B. Vertical Mixed-Use Buildings	A mixture of uses are provided in the same building. Lower floors typically include more public uses with private uses on the upper floors. Examples include ground floor retail or services, with remaining floors including residential units.	2
C. Community Gathering Spaces	Provides a plaza, public square, park or other similar public open space within the project that exceeds requirements of Section 4.5.	1
D. Community Workspace	Provide common neighborhood workspaces; (e.g., workshops, maker spaces, over/under live workspaces).	1
E. Common Areas Food Production	Provisions for community gardens, edible landscapes, and/or on-site urban agriculture.	1
F. Innovative Neighborhood Amenities	The project provides innovative neighborhood amenities.	1

NOTES		Points
NEIGHBORHOOD LIVABILITY		
3. Natural Environment		
A. Access to Parks & Open Spaces	Each resident is within 1,320 feet of a park and/or open space, including areas of respite (i.e., places that are quiet, beautiful, naturalistic).	1
B. Enhanced Habitat	Integrate pollinator corridors in design, create and/or enhance wildlife habitat/corridors, ecological restoration of degraded systems using native and adaptive landscaping in common areas.	1
C. Expansion of Adjacent Natural Habitat	If the site is contiguous or adjacent a natural area or natural habitat or feature, creates internally contiguous habitat opportunities a minimum of ten (10) percent greater than the requirements specified in 3.4.1.	1
D. Innovation in Natural Environment Protection	The project provides innovative measures to protect or enhance the Natural Environment.	1
4. Health, Culture & Education		
A. Universal Design	Create interior spaces that are accessible to people with diverse ability levels and that support lifelong living (1 point), e.g.- doorways that provide 32 inches of clearance and a ground floor bathroom accommodating future installation of grab bars . Provide zero step entryways (2 points)	1 - 2
B. 0.5% for Arts & Culture	The amount equal to one half (0.5) percent of the total capital infrastructure construction costs of the Metro District for the planning, design and construction of public art, including "functional art" in community spaces, parks, plazas, playgrounds, or other areas viewable to the public.	1
C. Sustained Educational Programming	Provide long-term funding in infrastructure for ongoing community engagement and educational programming that support learners of all ages (e.g. High Plains Environmental Center, library branch, community college branch).	1
D. Excellence in Community Engagement	Community engagement process follows the National Charrette Institute (NCI) standards that engage diverse constituents in participatory design processes designed to understand and accommodate community aspirations and priorities for the specific site.	1
E. Health, Culture or Education Innovation	The project provides innovative techniques to promote health, culture or education.	1
Required Number of Neighborhood Livability Points		5

EXHIBIT C
MODEL SERVICE PLAN

Strauss Lakes Metropolitan Districts

Conceptual Review

March 5, 2024



Project Team

Cottonwood Land and Farms, LLC

Bill McDowell

White Bear Ankele Tanaka & Waldron

Robert Rogers | Audrey Johnson

TB Group

Cathy Mathis | Cavan Anton

Brownstein Hyatt Farber Schreck

Carolynne White | Angela Hygh

McDermott Properties

Arthur McDermott | Andy Seed

Sanitas Group

Curtis Stevens

Fehr & Peers

Ann Bowers

Cedar Creek Associates

Jesse Dillon

Anderson Consulting Engineers

Brad Anderson | Brian Smith

Purpose of Hearing

An opportunity for City Council members and the public to provide comments in response to the Letter of Interest



Background

- Cottonwood Land and Farms, LLC owns 185 acres located at the northeast corner of Horsetooth Road and Ziegler Road
- Property was previously used for sand and gravel mining, a concrete batch plant, and an asphalt plant



Historical Benefits

Open Space, Parks, and Water

- Donated Property to Open Space
 - Strauss Cabin and Surrounding Land
 - Riverbend Ponds Natural Area
(~200+ acres)
 - Running Deer Natural Area
(~200 acres)
 - Hageman Earth Cycle Operation
(~15 acres)
- Bargain Sale and Donation of Topsoil and Fill Material for East Community Park
- Rigden Reservoir
 - Coordination with the City on the removal of 700,000 yards of fill to maximize storage capacity.
- Access Easements to the POE Natural Area and East Community Park
- Foothills and Drake Drainage Channels



LOT SUMMARY

	LIVE / WORK LOTS	44
	LARGE TOWNHOMES	338
	SINGLE FAMILY HOMES	82
	CARRIAGE HOME LOTS	127
	SMALL TOWNHOMES	192
	MEDIUM TOWNHOMES	32
	CSU / COMMUNITY / WORK FORCE APARTMENTS	204
	PAIRED HOMES	144
	McDERMOTT AFFORDABLE HOUSING	144
	MIXED USE UNITS	16

TOTAL 1,323



Benefits of Metro Districts

Growth Pays Its Own Way



- **Fill the Void** - no other public entity is able to fund public improvements necessary for development
 - Major Infrastructure Examples: Intersection at Horsetooth & Zeigler, multiple bridges over Fossil Creek Reservoir Inlet Ditch, significant drainage improvements
- **Reduce cost** of public improvements through access to low-cost, tax-exempt financing
- **Proportionate** – rather than front-loaded costs of public improvements on new home sales and affordable housing projects, costs are paid via tax-deductible property mill levies over 40 years
 - Homeowners pay proportionate share of use of improvements while they own property

Residential Evaluation Points System

In addition to providing substantial public benefits in the form of critical public infrastructure, the Districts will also enable the Project to meet and exceed the City's requirements for the Residential Evaluation Points System ("REPS")

Category	Required Points	Project Points
Housing	—	5
Energy Conservation and Renewables	—	10
Indoor Water Conservation	3	3
Outdoor Water Conservation	7	7
Neighborhood Livability	5	5
Total	30	30

Energy Conservation & Renewables

Category	Points (Affordable)	Points (Market)
Enhanced Energy Performance: DOE Zero Energy Ready Home Performance Path Certified with balanced mechanical whole dwelling ventilation	4	4
Heat homes with efficient electric heat	2	
Build airtight homes with balanced whole dwelling ventilation with heat or energy recovery		1
Qualifying connected thermostats	1	1
Air source heat pump electric water heaters	2	
Provide EV-installed charging for buildings containing R-1 or R-2 occupancies	1	1
Installation of 50-75% of total energy need in solar, depending on the phase of the project and associated housing type		3
Totals	10	10

Indoor Water Conservation

Category	Required Points	Project Points
Install leak detection and notification system	—	1
Submetering for individual condo and/or multi-family units	—	1.5
Efficient Plumbing Design (WaterSense Section 3.3 New Home Speciation)		0.5
Total	3	3.0

Outdoor Water Conservation

Category	Required Points	Project Points
Efficient Residential Irrigation Systems	—	2
Water efficient Landscaping of residential front yards	—	2
Separate drip system for trees within parkways and medians	—	2
Stormwater Innovation	—	1
Total	7	7

Neighborhood Livability



Category	Required Points	Project Points
Off-Site Trail Connection	—	1
Level 3 EV Charging Stations	—	1
Trail Connection Provided to School	—	1
Community Gathering Spaces	—	1
Access to Parks and Open Spaces	—	1
Total	5	5

Neighborhood Livability

Parks & Open Space

- Every Residence is within a Five-Minute Walk to a Park
 - **Silver Poplar Park** – Focused on preservation and propagation of established silver poplar grove
 - **Flatiron Pond Park** – Active recreation (fishing, canoeing, trails)
 - **Morrison Park** – Passive recreation
 - **Pollinator Park** – Designed to support native pollinator species
- Plaza/Outdoor Gathering Spaces



Housing

Category	Required Points	Project Points
Limit Unit Size for 20% of Single-Family Homes *Includes 2 density breakpoints and the DOE multiplier	—	3
10%+ Affordable Rental Housing	—	2
Total	5	5



Proposed Service Plan

Financing Public Infrastructure

- Estimated Cost of Public Improvements:
\$92,482,466
- On-Site: water, storm and sanitary sewer (including a lift station), streets, landscaping, parks, recreation, and trail improvements
- Off-Site:
 - Horsetooth & Zeigler Intersection
 - Extension of William Neal and Percheron Roads
 - Bridges over FCRID
 - Sidewalk and road improvements to Zeigler, Horsetooth Road
 - Construction of bike and pedestrian trails connecting to Poudre River Trail and Rigden Farm

Adhering to City's Model

- The Districts' proposed Service Plan will conform to the City's Model Service Plan adopted on April 20, 2021
- Land use approvals related to annexation, re-zoning, etc. will proceed through the City's review process concurrently with City review of proposed Districts

Additional Public Benefits

Environmental Sustainability

- DOE Zero Energy Ready (ZER) Home Performance Path Certified
- Wide Sidewalks and Enhanced Pedestrian Crossings
- New Bridges over the Foothills Drainage Channel, FCRID and Box Elder Ditches
- Replacement of the Horsetooth Road Bridge
- Electric Vehicle Charging Stations
- Individual Xeriscape Courtyards, Low Water Pocket Parks, and Greenspaces

Additional Public Benefits

Critical Public Infrastructure

Construction of Pedestrian Improvements:

- Access points to parks via cars, bikes, and pedestrians
- Bike/pedestrian bridges:
 - Foothills Drainage Channel
 - Corner Parcel to the East
 - Over FCRID along William Neil Parkway
- Bike/pedestrian trails connecting subdivisions to the west of Zeigler Road to the East Community Park

Other Contributions:

- Intersection of Horsetooth and Zeigler
- Horsetooth Road east to the Box Elder Ditch
 - FCRID Bridge
- Zeigler Road
 - Signals at William Neal Parkway
 - Eastern Sidewalk Improvements
- Poudre River Trail Connections

Additional Public Benefits

High Quality Smart Growth

- Alley Loaded Construction
- Smaller Lot Size, including use by easement of neighbors' lots
- Live/Work Units
- Increased Multifamily Development and Attached Single Family Homes
- Enhanced Pedestrian Crossings, Trails, and Bridges
- Improved Bus Stop on William Neal
- Wider than required Sidewalks
- Trail System Enhancements
- Four Parks along with Multiple Greenspaces
 - Flatiron Pond Park (~15 acres)
 - Pollinator Park (~1.5 acres)
 - Silver Poplar Park (~1.6 acres)
 - Morrison Park (~2.0 acres)

Additional Public Benefits

Strategic Priorities

- Affordable Housing for AMI's ranging from 30-60% for at least 10% of the total developed units.
- Consolidation of Wetlands.
- Facilitation of job growth and sales tax growth.
- East Community Park access points through vehicle, bike and pedestrian connections.
- Contribute to the improvement of the Horsetooth and Zeigler intersection.
- Contribute to the improvement of Horsetooth Road east to the Box Elder Ditch so it meets Larimer County Street standards. Including the Horsetooth FCRID bridge.
- Contribute to the improvement of Zeigler Road including signalization at the William Neal Parkway intersection, and sidewalk improvements on the east side of Zeigler Rd.
- Construction of the Foothills Drainage Channel Auto/Bike/Pedestrian Bridge.
- Construction of a Bike/Pedestrian Bridge from the corner parcel to the east.

Additional Public Benefits

Strategic Priorities Cont.

- Construction of a Bike/Pedestrian Bridge over FCRID along William Neil Parkway.
- Construction a multiple Bike/Pedestrian trails throughout the development to connect subdivisions to the west of Zeigler Road to the East Community Park.
- Contribution to the improvement of trails to connect to the Poudre River Trail.
- Contribution to the improvement of Zeigler Road including signalization at the William Neal Parkway intersection, and sidewalk improvements on the east side of Zeigler Rd.
- Construction of the Foothills Drainage Channel Auto/Bike/Pedestrian Bridge.
- Construction of a Bike/Pedestrian Bridge from the corner parcel to the east.
- Construction of a Bike/Pedestrian Bridge over FCRID along William Neil Parkway.
- Construction a multiple Bike/Pedestrian trails throughout the development to connect subdivisions to the west of Zeigler Road to the East Community Park.
- Contribution to the improvement of trails to connect to the Poudre River Trail.

Item 21.

Thank you

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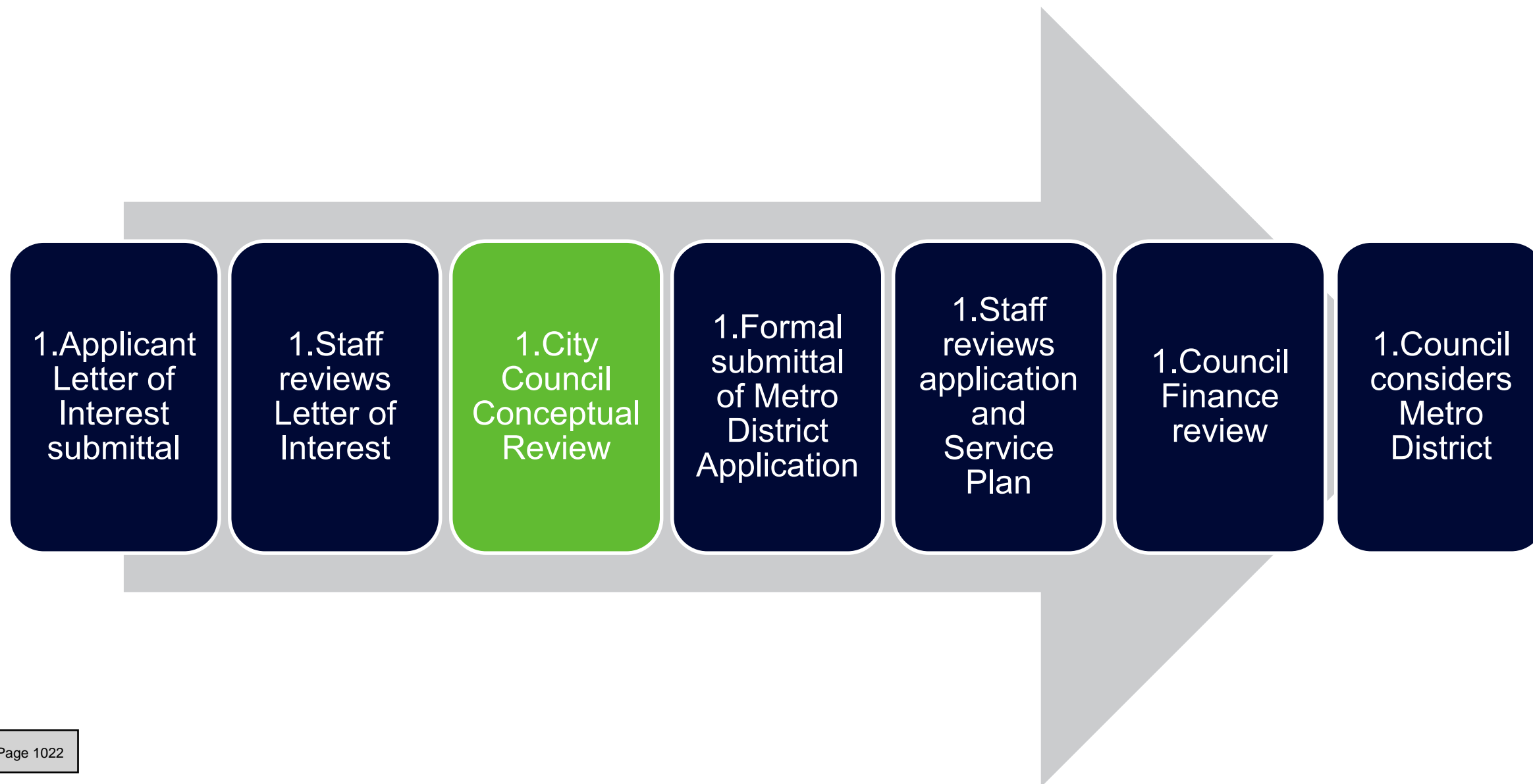
Strauss Lakes Conceptual Review

For Metro District

Josh Birks, Deputy Director, Sustainability Services

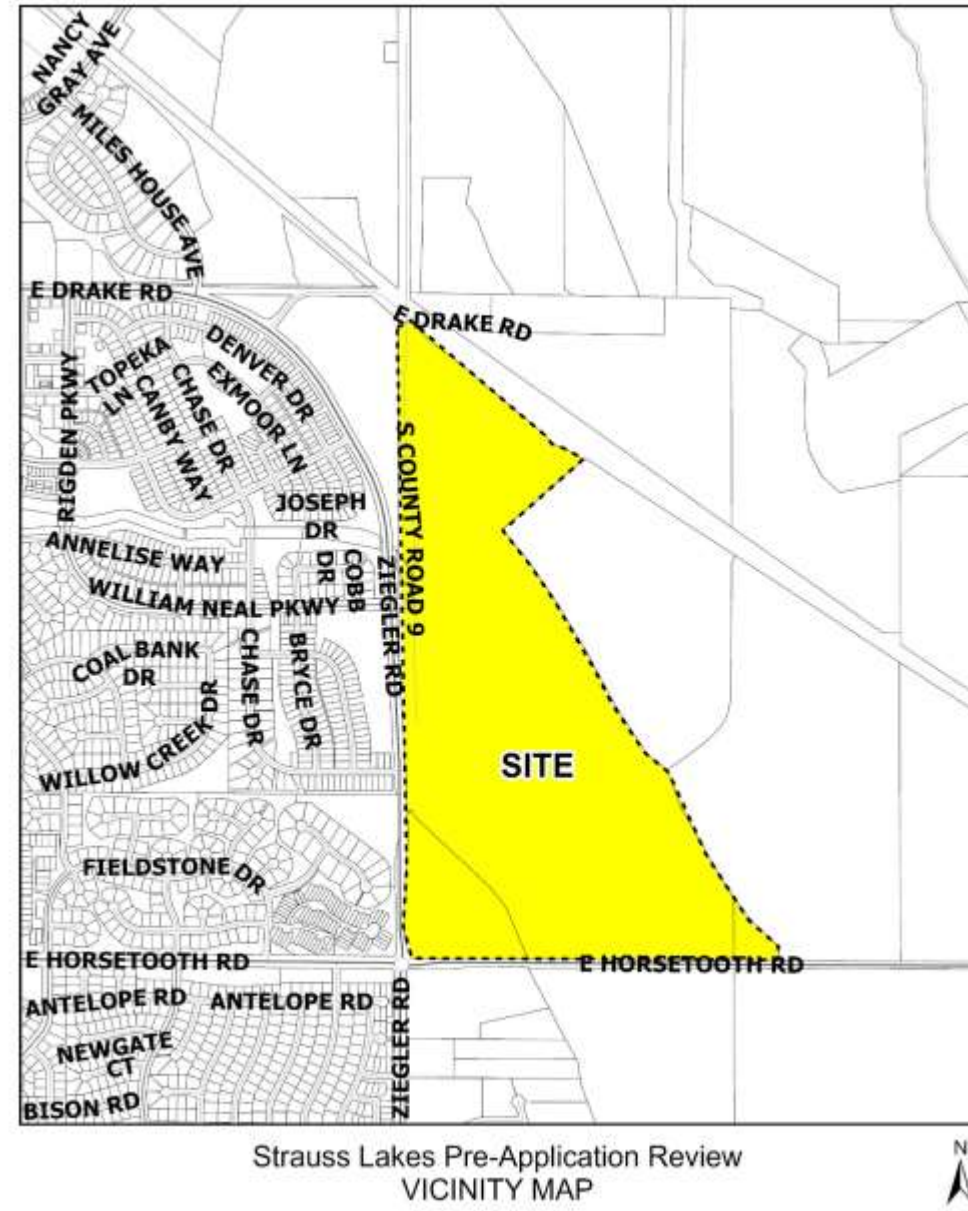
03-05-2024

- Council adopted new Metro District policy in 2021
 - Metro Districts must provide extraordinary public benefits
 - Plus Residential Metro Districts use a score card to guide development of public benefits
- Conceptual Review with Council required
 - Direction and feedback on proposed public benefits
 - This is different from a conceptual review for the Development Review Process



Development Location

At the northeast corner of Ziegler and Horsetooth



Extraordinary Public Benefits

- Required for all Metro Districts

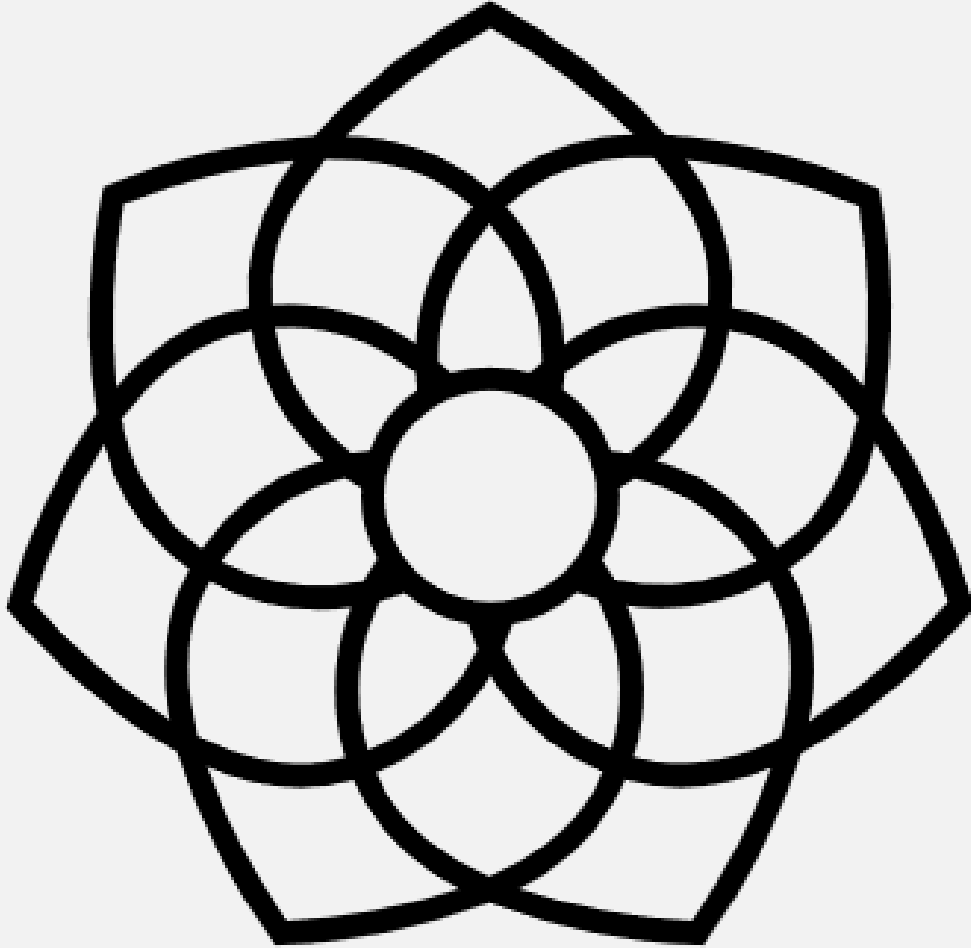
Residential Evaluation Points System

- Required for Residential Metro Districts

Item 21.	Category	Min. Points Required	Points Expected	Proposed Public Benefits
Housing		5	5	<ul style="list-style-type: none"> 1(B) Limit unit size -3 points 2(A) 10% affordable rental housing – 2 points
		10	10	<ul style="list-style-type: none"> 1(A) – DOE Zero Energy Ready (ZER) Home Performance Path Certified with balanced mechanical whole dwelling ventilation – 4 points (both market and affordable) 2(A) Electric Heat – 2 points (affordable only) 2(C) – Air-tight homes with balanced whole dwelling ventilation with heat or energy recovery – 1 point (market only) 2(E) – Installing qualified connected thermostats – 1 point (both market rate and affordable) 2 (F) – Air source heat pump electric water heater- 2 points (affordable only) 2(G) -Ev-installed charging for R1 or R2 – 1 point (both affordable and market) 3(A) – Installing solar to meet 50-75% of overall energy need - 3 points (market only)

<div>Item 21.</div> Category	Min. Points Required	Points Expected	Proposed Public Benefits
Outdoor Water Conservation	7	7	<ul style="list-style-type: none"> 5(A) – Efficient residential irrigation systems – 2 points 5(B) – Water efficient landscaping for residential front yards – 2 points 5(C) – Separate drip systems for trees within parkways and medians – 2 points 5(E) – Stormwater Innovation– 1 point
Neighborhood Livability	5	5	<ul style="list-style-type: none"> 1(A) – Off-site trail connections – 1 point 1(C) – Level 3 EV charging stations – 1 point 1(D) – Trail connection provided to a school – 1 point 2(C) – Community gathering spaces – 1 point 3(A) – Access to parks & open spaces – 1 point
Indoor Water Conservation	3	3	<ul style="list-style-type: none"> 4(B) – Leak Detection & Notification System– 1 point 4(C) – Sub-metering – 1.5 points 4(D) Efficient plumbing design - .5 points

Staff Comments



Conforms to policy generally

Scorecard is self assessment and staff analysis done at next step of process

Formal Development Review Process next if applicant moves forward

More detail review required for numerous elements, including:

Energy & Renewables

Neighborhood Livability

I move that the City Council recommend to the applicant that it not proceed with its formal application for Council's consideration of the proposed service plan for the Strauss Lakes Metro Districts **unless that application includes the following: [Describe recommended modifications or additions to the formal application].**

Or

I move that the City Council recommend to the applicant that **it proceed** with its formal application for Council's consideration of its proposed service plan for the Strauss Lakes Metro Districts.

Reminder:

This Conceptual Review Hearing is an opportunity to provide feedback. It is not an opportunity to make specific recommendations on development aspects that may later come to Council for review and decision-making.

THANK YOU!

