

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, June 6, 2023

City Council Chambers at City Hall, 300 LaPorte Ave, Fort Collins, CO 80521

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

## NOTICE:

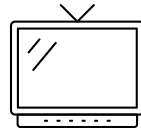
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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](https://fcgov.com/fctv)

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

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

### **Comment in real time:**

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



In person attendees can address the Council in the Chambers.

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



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

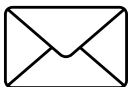
Meeting ID: 982 4141 6497

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](mailto: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

**June 6, 2023 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  
Shirley Peel, 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

Anissa Hollingshead  
City Clerk

## **PROCLAMATIONS & PRESENTATIONS 5:00 PM**

### **A) PROCLAMATIONS AND PRESENTATIONS**

- [PP 1.](#) Declaring May 21-27, 2023 as Flood Awareness Week.
- [PP 2.](#) Declaring June 1-7, 2023 as National CPR and AED Awareness Week.
- [PP 3.](#) Declaring June 4-10, 2023 as Wildfire Awareness and Prevention Week.
- [PP 4.](#) Declaring June 19, 2023 as Juneteenth Independence Day.
- [PP 5.](#) Declaring June 2023 as LGBTQ+ Pride 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/](http://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 Development Review Center page on the city's website 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 recommend 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 May 16, 2023 Regular Meeting and the May 23, 2023 Adjourned Meeting.**

The purpose of this item is to approve the minutes of the May 16, 2023 Regular meeting and the May 23, 2023 Adjourned meeting.

**2. Second Reading of Ordinance No. 072, 2023, Authorizing the Disposition of a Portion of a Shared Parking Easement and the Execution of an Amendment to the Shared Parking and Access Easement Deed and Agreement.**

This Ordinance, unanimously adopted on First Reading on May 16, 2023, approves the reduction of a shared parking and access easement previously dedicated to the City and to authorize the execution of an amendment to the agreement that granted such easement. City Code Section 23-111 requires Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City. The original agreement was to allow for shared parking and access on the property located at the northwest corner of Drake Road and College Avenue for users of the MAX bus line. The goal for amending the shared parking space is to add an additional area for shared parking and additional parking spaces and to revise the original boundary so that it better conforms with proposed development's parking lot layout.

**3. Second Reading of Ordinance No. 073, 2023, Appropriating Unanticipated Revenue from Larimer County and Authorizing Transfers of Appropriations for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony Road and Taft Hill Road Intersection and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on May 16, 2023, appropriates \$3.58 million from Larimer County and authorizes transfers for the design and construction of Connexion in an area near the Harmony Road and Taft Hill Road intersection. At the June 6, 2023 meeting, Council adopted a Resolution to enter into an Intergovernmental Agreement (IGA) to enable the City and Larimer County to collaborate to provide Connexion broadband communication service within unincorporated Larimer County, including within the City's Growth Management Area. The initial project under the IGA to provide service to this area will establish a cost- and revenue-sharing relationship through which the County will provide \$3.58M to fund the design and construction of the expansion of Connexion service on behalf of the County. Upon appropriation of these funds and completion of this work, approximately 1,000 premises will be connected to Connexion service, and Connexion will thereafter share with the County a portion of the service revenue from these areas, subject to annual appropriation. Subsequent projects will be authorized through similar work orders executed pursuant to the IGA.

**4. First Reading of Ordinance No. 075, 2023, Making Supplemental Appropriation of Unanticipated Grant Revenue and Authorizing Transfers for the Development of a Paratransit Mobile Application and Web Portal.**

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort by the Colorado Department of Transportation ("CDOT"), together with unencumbered Transit Services Fund amounts that will satisfy the grant's local match requirement.

Transfort has applied for and been awarded a \$50,000 state grant through CDOT's Office of Innovative Mobility, to be used for the development of a paratransit client web portal and mobile application. This grant requires a \$10,000 local match.

This Ordinance appropriates \$50,000 in state grant revenue, and \$10,000 in local match from the Transit Services Fund.

**5. First Reading of Ordinance No. 076, 2023, Appropriating Prior Year Reserves for the Administration of the Land Use Code Regulations for Designated Areas and Activities of State Interest.**

The purpose of this Ordinance is to appropriate general fund dollars to administer the recently adopted 1041 regulations. The 1041 regulations represent a new permitting program for designated activities of statewide interest, including major domestic water, sewage treatment and highway projects.

**6. First Reading of Ordinance No. 077, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Carnegie Center for Creativity as Designated by the Donor.**

The purpose of this item is to request appropriation of \$200,000 in philanthropic revenue received through City Give for the Carnegie Center for Creativity 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.

**7. First Reading of Ordinance No. 078, 2023, Appropriating 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 \$65,790 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.

**8. First Reading of Ordinance No. 079, 2023, Making 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 prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$255,833 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

**9. First Reading of Ordinance No. 080, 2023, Authorizing Transfers of Appropriations for the Northside Aztlan Resilience Hub Project.**

The purpose of this item is to appropriate supplemental funds for the Northside Aztlan Community Center Resilience Hub Project. Funding originally provided through Ordinance No. 113, 2020, supported the construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center. Project cost overruns arising from escalation, building code changes and design modifications requires Utilities to transfer \$60,000 from the Utilities Energy Services budget to supplement the Northside Aztlan Resilience Hub capital project budget. This funding transfer utilizes anticipated underspend of lapsing funds to accomplish an objective consistent with the purpose of the project. The project also received \$200,000 in funding from the Colorado Department of Local Affairs.

**10. Items Relating to Sales Tax Code Updates.**

A. First Reading of Ordinance No. 081, 2023, Amending Article VIII, Article XI and Article XIV of Chapter 15 of the Code of the City of Fort Collins Relating to Pawnbrokers, Secondhand Dealers, and Outdoor Vendors.

B. First Reading of Ordinance No. 082, 2023, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Relating to Sales and Use Tax.

The purpose of Ordinance A is to amend Chapter 15 of the City Code to include annual renewal dates for pawnbroker and secondhand dealer licenses, to create exemptions from secondhand dealer regulation for flea markets and secondhand furniture stores, and to restrict mobile food truck vendors and pushcart vendors from operating on the renovated portion of Linden Street.

The purpose of Ordinance B is to amend Chapter 25 of the City Code concerning sales and use tax. The updates to Chapter 25 include clarifying the process for a taxpayer to obtain a refund or credit for overpayment of tax discovered in an audit, updating licensing to align with Senate Bill 22-032, and the time period that a business relocating to Fort Collins will owe use tax on items brought into the City that were purchased while a nonresident.

**11. First Reading of Ordinance No. 083, 2023, Amending Chapter 23.5 of the Code of the City of Fort Collins Regarding Special Events.**

The purpose of this item is to update the City Code regarding special event permitting so that it aligns with current standards and practices. The majority of the changes are related to administrative tasks, such as fees, timelines, and permitting authorities. The amendment also includes allowing most of those changes to be handled at the administrative level, with City Manager approval, without coming back to City Council for every change.

**12. First Reading of Ordinance No. 084, 2023, Amending Article IX of Chapter 2 of the Code of the City of Fort Collins Regarding Emergency Management.**

The purpose of this item is to amend the City Code to reflect updates on how emergency management programming is done and where the responsibility for that programming sits. This includes some updated language changes, as well as authorities and roles for staff and elected officials during a critical event.

At Second Reading of the Ordinance, Council will be asked to consider a Resolution to adopt an updated Emergency Operation Plan (EOP) that supports and is consistent with the requested changes in the City Code.

**13. First Reading of Ordinance No. 085, 2023, Repealing and Reenacting Article II of Chapter 9 of the City Code Regarding Open Fire and Burning Restrictions.**

The purpose of this item is to update the City Code provisions regarding restrictions on open fires and burning in the City to update references to the International Fire Code, improve defined terms, better describe what activities are or are not permitted during declared Stage 1 and Stage 2 fire restrictions, and provide a mechanism for Poudre Fire Authority to act quickly to postpone previously permitted burns when changes in weather conditions increase the fire danger.

**14. Resolution 2023-048 Authorizing the Assignment of the City’s 2023 Private Activity Bond Allocation to Housing Catalyst and Colorado Housing and Finance Authority for CARE Housing to Finance the Construction and Rehabilitation of Affordable Homes.**

The purpose of this item is to support the new construction and rehabilitation of affordable housing at several locations in the City by assigning the City’s 2023 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

**15. Resolution 2023-049 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs, and Pavement Markings Within Fort Collins and Within the Fort Collins Growth Management Area.**

The City has a long-standing agreement with the Colorado Department of Transportation (CDOT) to maintain traffic control devices within the City and within the Growth Management Area (GMA). This update increases the amount that CDOT pays to the City for maintenance of signs and pavement markings to more accurately reflect actual costs incurred by the City for this work. Under this new intergovernmental agreement (IGA), the amount paid to the City by CDOT will increase from \$217,568 to \$249,648 annually. The term of this IGA is 5 years.

**16. Public Hearing and Resolution 2023-050 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City’s Affordable Housing Fund, and the City’s Human Services Program.**

The purpose of this item is to approve funding recommendations of the 2023 Spring Cycle of the Competitive Process. This Resolution will complete the 2023 Spring Cycle of the Competitive Process for allocating \$4,180,498 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs.

**END OF CONSENT CALENDAR**

**J) ADOPTION OF CONSENT CALENDAR**

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

**L) STAFF REPORTS** - None.

**M) COUNCILMEMBER REPORTS**

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

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION**

*The method of debate for discussion items is as follows:*

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



- Council discussion
- Final Council comments
- Council vote on the item

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

#### **17. Items Relating to Housing Strategic Plan Implementation: Rental Housing Registration Program.**

A. First Reading of Ordinance No. 086, 2023, Amending Chapter 5 of the Code of the City of Fort Collins to adopt a Rental Housing Registration Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. First Reading of Ordinance No. 087, 2023, Appropriating Prior Year Reserves in the General Fund for the Startup Phase of the Rental Housing Registration Program.

The purpose of this item is to consider the adoption of a Rental Housing Registration Program that includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance. Additionally, this item asks the Council to consider an off-cycle General Fund appropriation in the amount of \$461,375 (with an anticipated two-year total for 2023-2024 of \$1.1 million) to support the startup and implementation phases of the program. The development of a Rental Housing Registration Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 - Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations.
- Our Climate Future Plan, Strategy HAH6 - Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency.

If adopted by the Council, staff anticipates the phased rollout of registration will begin in Q3 2024. The period between adoption and implementation will be used to hire and train staff, implement new software, implement improvements to the complaint-based inspection system and mediation program, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Registration Program. Because the timelines for hiring processes, educational outreach, and software upgrades will impact the overall program implementation timeline, staff will keep City Council updated on the progress of the rollout as milestones are achieved.

The proposed Ordinance and supporting AIS before the Council incorporates the components that a consensus of Councilmembers expressed support for bringing forward at April 18, 2023, Council meeting discussion of rental housing. The components of the proposed program include: (1) rental registration; (2) improvements to the existing complaint-based system, including software; (3) enhanced mediation services; and (4) public education and outreach programs.

## **P) OTHER BUSINESS**

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

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

- OB 2. Consideration of a motion to call a Special Meeting to be held immediately following the Council Work Session scheduled for June 13, 2023, to conduct mid-year reviews for Council's direct report employees:**

"I move, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Tuesday, June 13, 2023, to be held immediately following the 6:00 p.m. Council work session, in the Colorado River Room at 222 Laporte Avenue, Fort Collins, for the purpose of considering a motion to go into executive session to conduct the mid-year reviews of the three Council direct-report employees."

- OB 3. Consideration of a motion to cancel the Tuesday, July 4, 2023, Regular Council meeting:**

"I move, pursuant to City Code Section 2-28(a), that Council cancel its regular meeting of July 4, 2023, in light of the Fourth of July holiday."

## **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.*

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## PROCLAMATION

**WHEREAS**, April to September is the season most-commonly associated with snowmelt flooding and thunderstorm flash flooding; and

**WHEREAS**, Fort Collins has experienced the social, economic, and environmental consequences of loss of life and damage to property caused by flood disasters; and

**WHEREAS**, emergency preparedness depends on the leadership and efforts of public officials dedicated to public safety and requires the establishment of farsighted and proactive public policy; and

**WHEREAS**, Fort Collins Utilities is designated by the Federal Emergency Management Agency as a Community Rating System Class 2 community for its comprehensive Stormwater and Floodplain Management Program; and

**WHEREAS**, Fort Collins citizens have benefited from past investment in stormwater infrastructure and recognize that additional infrastructure is needed to continue to mitigate flooding in areas that are not yet protected; and

**WHEREAS**, by being informed and prepared and taking proper protective action, the residents of Fort Collins can reduce the potential for loss of life and damage to property when threatened by these events.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the week of May 21-27, 2023, as

## FLOOD AWARENESS WEEK

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk



## PROCLAMATION

**WHEREAS**, according to the American Heart Association, more than 356,000 EMS-assessed out-of-hospital cardiac arrests (meaning not related to other trauma) occur annually in the United States and nearly 90 percent are fatal; and

**WHEREAS**, in our community, thanks to the combined efforts of everyone from neighbors and businesses to first responders and elected officials, 19 people who suffered an out-of-hospital cardiac arrest in 2022, went home with the ability to live and function as they did before the incident. This means grandparents holding grandkids, husbands on second honeymoons, and overall, more people with more time together; and

**WHEREAS**, partnerships and teamwork resulted in a 15 percent average survival rate, placing our community well above the national average of around 10 percent; and

**WHEREAS**, CPR and AED deployment, especially if performed immediately, can dramatically improve the chance of survival and hands-only CPR is as effective as traditional CPR in those first minutes before responders arrive; and

**WHEREAS**, hands-only CPR has just two easy steps 1: Call 911 if you see someone collapse and 2: Push hard and fast in the center of the chest to the beat of a song that has 100 to 120 beats per minute, such as “Stayin’ Alive” by the Bee Gees or “Jolene” by Dolly Parton; and

**WHEREAS**, everyone is part of a successful chain of survival; including the bystander that starts CPR, the telecommunicator, and the fire and EMS crews; without the community we could not succeed – first responders encourage you to download the PulsePoint app today.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the week of June 1-7, 2023, as

## CPR AND AED AWARENESS WEEK

in Fort Collins to recognize the life-saving impact that CPR and AEDs have throughout our community and globe.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of June, 2023.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Deputy City Clerk



## PROCLAMATION

**WHEREAS**, Poudre Fire Authority and the City of Fort Collins recognize the increasing threat of wildfires and significant impact of wildfire smoke on air quality and public health; and

**WHEREAS**, we are committed to preparedness and resilience, and acknowledge the importance of proactive measures to protect our community, homes, and natural resources; and

**WHEREAS**, record setting fires and devastation caused by the Marshall and Cameron Peak Fires have put concerns and even fear front and center for some; and

**WHEREAS**, we can all work together to prevent fires and lower our risk; and

**WHEREAS**, the first defense is to maintain a defensible space, so be sure debris such as leaves, twigs, and pine needles are raked at least 5 ft. from homes, and from under decks, porches, and structures and firewood should be at least 30 ft. from structures; and

**WHEREAS**, most homes lost in wildland fires are ignited by traveling embers that enter through windows or vents; one of the most effective ways to protect homes in rural areas or near open areas is to cover exposed eaves or attic vents with 1/8-inch metal mesh screening; and

**WHEREAS**, residents can sign up for wildfire alerts in Larimer County through NoCo Alert and use the Air Quality Index, by the City's Environmental Sustainability group, which helps people make informed decisions when air quality is impacted by wildfires; and

**WHEREAS**, while National Wildfire Preparedness Day is in May, the people of northern Colorado must plan, prepare, and prevent that day and many others.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the week of June 4-10, 2023, as

## WILDFIRE AWARENESS AND PREVENTION WEEK

in Fort Collins to recognize the impact prevention can have on protecting our community.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of June, 2023.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Deputy City Clerk



## PROCLAMATION

**WHEREAS**, after the Emancipation Proclamation was issued on January 1, 1863, it took almost two-and-a-half years for enslaved African Americans in Texas to be informed of their liberation by the Union Army, who did not enforce their emancipation until June 19, 1865; and

**WHEREAS**, that day became known as Juneteenth Independence Day and has been celebrated by the Black and African American community for over 150 years, and is now commemorated nationally as the day when enslaved Black and African Americans were freed; and

**WHEREAS**, not all enslaved people on American soil were liberated until the enactment of the Thirteenth Amendment; and

**WHEREAS**, we recognize the continued impacts of slavery on the Black and African American community today, the continued threat of racist violence, and the continued fight against systemic racism in pursuit of liberation, reparations, and justice; and

**WHEREAS**, the Fort Collins Equity Indicators Report highlights the impacts of discrimination against the local Black and African American community in outcomes connected to criminal justice, safety, economic opportunity, health, education, and housing, and the City commits to action in addressing each of these inequities through truth-telling, reconciliation, and systemic change; and

**WHEREAS**, Governor Jared Polis signed a bill Monday, May 2, 2022, that makes Juneteenth Colorado's eleventh state holiday and the City declared Juneteenth an official city holiday for the first time in 2022; and

**WHEREAS**, the first community-organized Juneteenth celebration in the City of Fort Collins will take place at Foothills Mall the weekend of June 16-18, 2023. The community will celebrate Juneteenth in culturally significant ways that promote remembrance and advocate for racial progress; and

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim June 19, 2023, as

## JUNETEENTH INDEPENDENCE DAY

and further commit to addressing inequitable outcomes that persist for Black and African American community members and encourage the community to join in celebration and solidarity as we recognize the significance of Juneteenth and the continued struggle for liberation.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of June, 2023.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Deputy City Clerk



## PROCLAMATION

**WHEREAS**, the first Pride was a riot at the Stonewall Inn on June 28, 1969; and fifty years later, on June 26, 2015, the U.S. Supreme Court ruled that same-gender couples could marry, establishing a new and long overdue civil right in our country; and

**WHEREAS**, members of the Fort Collins community who are lesbian, gay, bisexual, transgender, queer, two spirit, intersex, and asexual (LGBTQ+) deserve more than civil rights: they deserve to be fully welcomed, to be safe, and to live in our community without the threat of violence, marginalization, erasure, discrimination, or harassment; and

**WHEREAS**, the fight for dignity, belonging, and equity for LGBTQ+ people is reflected in the dedication of advocates, allies, and local organizations such as SPLASH, PFLAG, Eclectic, and the Colorado State University Pride Resource Center; and

**WHEREAS**, the City's PRIDE Employee Resource Group formed to ensure LGBTQ+ people are safe, valued and affirmed within the organization and community, and their work has elevated the Fort Collins Municipal Equality Index from 60 to 100 over the last several years; and

**WHEREAS**, City Council recently updated Chapter 13 of the City Code to prohibit discrimination on the basis of sexual orientation, gender identity, and gender expression; and

**WHEREAS**, we invite our community to celebrate the hard-fought victories of the LGBTQ+ community; and also acknowledge that more work remains in order to achieve full equality, inclusion, representation, and acceptance; and

**WHEREAS**, the City would like to make clear to our LGBTQ+ community: you are valued, you are worthy of celebration, and you should always feel proud of who you are; and to honor the many June LGBTQ milestones and encourage Fort Collins to celebrate diversity and inclusion, rainbow lights will be lit at City Hall throughout the month of June.

**NOW THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby declare the month of June 2023 as

## LGBTQ+ PRIDE MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Rita Knoll, Chief Deputy City Clerk

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### SUBJECT

**Consideration and Approval of the Minutes of the May 16, 2023 Regular Meeting and the May 23, 2023 Adjourned Meeting.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the May 16, 2023 Regular meeting and the May 23, 2023 Adjourned meeting.

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### STAFF RECOMMENDATION

Staff recommends approval of the minutes.

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### ATTACHMENTS

1. Draft Minutes, May 16, 2023
2. Draft Minutes, May 23, 2023

May 16, 2023

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS  
5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

PP 1. **Declaring the Week of May 7-13, 2023 as Public Service Recognition Week.**

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 Shirley Peel  
Councilmember Kelly Ohlson

**STAFF PRESENT**

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

**E) CITY MANAGER'S AGENDA REVIEW**

City Manager Kelly DiMartino and the interpreter outlined Spanish interpretation options for the meeting.

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

- Noting there were no changes to the published agenda.

- Recommending adoption of the consent calendar as presented.
- Noting there are three items for discussion on the agenda.

## 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.)

Karla Wagoner, retired Fort Collins resident, spoke in favor of the minimum wage ordinance and spoke of the need to supplement social security, discussed working in the health care industry and requested Council consider adopting the ordinance to provide residents a livable wage.

Sophie Mariam (remote), analyst at Colorado Fiscal Institute (CFI), spoke in favor of the minimum wage ordinance stating it will support consumer spending, reduce income inequality without reducing employment, will support a stronger local economy, reduce crime, improve infant health, and reduce child abuse and teen pregnancy. Additionally, an increase of minimum wage will positively affect workers in essential jobs.

Erik Cornell, union representative for United Food and Commercial Workers, who represents over 900 grocery workers in northern Colorado, spoke in favor of the minimum wage ordinance, provided background on how a union position improved his family's life, and stated increasing the minimum wage will stimulate economic growth and increase quality of life.

Madeleine Grigg, Fort Collins resident, expressed major concern with the cost of living in Fort Collins and stated the bar needs to be raised to improve quality of life.

Adam Eggleston, District 2 resident, requested a pause on adopting the minimum wage ordinance stating that raising the minimum wage would cause employers to shift to automation and part time employees and other earners could lose benefits because they earn too much, and cost increases will be felt by middle class workers.

Kaori Keyser, District 2 resident, spoke in favor of increasing the minimum wage stating the cost of living and housing have increased and we need to be doing what we can to keep up. Additionally, putting more money in the hands of employees would lead to more money being spent in the community.

Lauren Storeby, business owner, spoke on behalf of hospitality sector businesses and expressed support for paying employees well. However, she questioned what the problem was and who are we trying to help, noting all business expenses are increasing and raising the minimum wage will increase costs and cause employee benefits to be reduced.

Shawn Storeby, Fort Collins resident, opposed the minimum wage ordinance stating restaurants operate under a small profit margin, many small and medium sized restaurants will close or raise menu prices. Rather than focusing on a broad minimum wage increase, work should be done to find solutions that benefit both workers and businesses.

Teresa Edloe (remote), retired Air Force member, speaking on behalf of Together Colorado, a faith-based organization, spoke in favor of adopting the minimum wage ordinance stating Together Colorado addresses and resolves issues at local, state and national levels. Additionally, higher paid employees are more motivated and switch jobs less frequently resulting in a lower cost of training new employees and local minimum wage laws have proven to be effective in driving consumer spending and creating jobs.



Ann Hutchison, District 6 resident and President & CEO of Fort Collins Area Chamber of Commerce, strongly encouraged Council to postpone the minimum wage ordinance indefinitely, opposed actions on 1041 regulations, and stated the City is not ready to act on water adequacy. She thanked Mayor Pro Tem Francis for hosting 'how to testify', Mayor Arndt and City Manager Kelly DiMartino for starting a conversation about a community event to help people to grow the ability to talk in regular conversation, and special thanks to Councilmember Peel for engagement on the 'Everywhere, Every Time' train.

Christinia Eala, Fort Collins resident and psychiatric technician, commented on struggling to pay for housing, food, transportation, and reliance on food stamps, and supported adoption of the minimum wage ordinance.

Adam Vander Sande, owner of 5 locally owned restaurants, opposed the minimum wage ordinance noting the cost of living is at an all-time high and stated businesses must pass increased expenses on to consumers thereby pushing customers to other nearby municipalities.

Eric Sutherland, Fort Collins resident, opposed Item 7, relating to expansion of Connexion services into a new territory outside the city limits stating there is no business plan or cost benefit analysis and Connexion is losing money. Additionally, electric utility ratepayers will be required to backfill the Connexion losses.

Arpi Miller, Fort Collins resident, spoke on behalf of ISAAC (Interfaith Solidarity & Accompaniment Coalition), in favor of minimum wage increase stating many workers are afraid to speak up for fear of employer retribution and workers are leaving to live in other communities because Fort Collins is not affordable.

Alvaro Acevedo (via Spanish interpreter), Fort Collins resident, spoke on behalf of workers who are afraid to speak or could not be here because they are working, stating current incomes do not allow for any discretionary income and people cannot be home with their children because they are working two jobs which has led to mental health issues for children. He encouraged Council to adopt the minimum wage ordinance and provided a document signed by several workers.

Daniela Gonzalez, Fort Collins resident, spoke in favor of a minimum wage increase stating higher wages will help businesses reduce turnover and lower costs and will prevent evictions and stabilize the lives of workers.

Ross Cuniff (remote), Fort Collins resident and Land Conservation and Stewardship Board (LCSB) Chair, thanked Council for passing 1041 regulations on first reading and encouraged Council to adopt the ordinance on second reading. He encouraged Council to consider other areas to be included.

David Rout (remote), District 4 resident and Executive Director of Homeward Alliance, spoke in favor of a minimum wage increase and commented on Homeward Alliance implementing a living wage policy four years ago which has benefitted the organization and noting current local wages are not nearly enough to work and live in Fort Collins.

Jennifer Brooks (remote), Fort Collins resident, stated the U+2 policy has had significant unintended consequences, and has not solved the issues it was meant to solve. The housing crisis impacts students and results in housing discrimination. She encouraged ending the enforcement of the regulation stating it has increased housing costs.

Jesus Castro, Sr. (via Spanish interpretation), Fort Collins resident, spoke in support of an increased minimum wage stating it should at least be at par with the cost of basic needs, which it has not been for many years hindering consumer purchasing ability. In conversations with other workers, many voiced concerns that actions would be taken against them if they spoke up.

Maria Gonzalez (via Spanish interpretation), Fort Collins resident, expressed surprise this topic is still being discussed given the current cost of living. She acknowledged the impact of increasing the minimum wage on business owners, including herself, and commented on the lack of Latino food at the Food Bank.

Zoe Roberts (remote), spoke in support of a minimum wage increase stating many residents are being forced out of the community or cannot move into the community due to the current cost of living and stated having a local minimum wage will require businesses to pay employees appropriately.

Gerard Boyle, Fort Collins resident, owns two restaurants in Fort Collins, commented on the impact of raising the minimum wage on restaurants stating it would be difficult to offset the effect without raising prices and thereby sending customers to other communities.

Jeffrey Noffsinger, former restaurant owner in Fort Collins, spoke on behalf of the Northern Colorado Hospitality Sector Partnership, and stated regionalism is needed to reduce the impact of a minimum wage increase given many workers will not want to work outside Fort Collins because wages are higher. Additionally, small businesses will not be able to compete with national chains.

Sabrina (no last name given) spoke in favor of the minimum wage ordinance citing the need to support the workers who provide the backbone of the community.

Beth (no last name given) spoke in favor of the minimum wage ordinance.

Jennifer Johnson, Fort Collins business owner and employer of 28 employees, stated the timing of this item will create an imbalance to the community economy and expressed concern about unintended consequences of the ordinance.

Gary Wockner, Save the Poudre, thanked Council for moving forward on 1041 regulations on first reading, advocated for stronger regulations related to projects outside the city and supported Council having a work session to discuss those stronger regulations.

Larson Ross, District 2 resident and union organizer, supported adoption of the minimum wage ordinance citing his experience working minimum wage jobs and noting the current state of labor laws allows retribution if workers fight for higher wages.

Greg Zoda, graduate teaching instructor at CSU, spoke in favor of a minimum wage increase and quoted several studies related to the positive effect of increasing the minimum wage.

No name provided (via Spanish interpretation), Fort Collins resident, stated a \$14 an hour wage provides no option but to hold two jobs and not spend time with children and questioned whether that is a fair trade off.

George Grossman, Happy Lucky's Tea House, commented on the importance of a living lifestyle, not solely a living wage, noting the State has a plan for raising the minimum wage and stating an increase in Fort Collins will negatively impact small businesses. Additionally, he encouraged Council to also consider what landlords are charging for rent.

Cristyn (no last name given), Fort Collins resident, expressed support for option 1 of the minimum wage ordinance stating she would not be able to support herself without doing freelance work to supplement her income. She stated an increase will show how the City values all residents and will align with Neighborhood Livability and Social Health strategic outcome principles.

Melanie Potyondy, District 4 resident, stated raising the minimum wage is an area over which the City has direct control, has shown to be effective, and needs to be addressed now. She requested Council read Emily Gallichotte's comments provided.

Public comment concluded at 7:50 p.m.

**PUBLIC COMMENT FOLLOW-UP**

Councilmember Julie Pignataro thanked the speakers and requested staff input regarding Item No. 7, *Items Relating to Connexion Service in Larimer County*. Chad Crager, Connexion Executive Director, replied staff has had numerous conversations with the County about providing service to its residents given the digital disparity between those who live outside the city limits and those who live in areas with municipal broadband. He noted the funding for this specific service expansion will be provided 100% from the County for design through installation and Connexion will be sharing 25% of the revenue back to the County until that amount is paid. Additionally, a construction management consultant will be utilized therefore services to current customers will not be impacted. He noted any property damage caused by technicians is corrected as soon as possible.

Mayor Jeni Arndt thanked the speakers.

**I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

None.

**J) CONSENT CALENDAR****1. Consideration and Approval of the Minutes of the May 2, 2023 Regular Meeting.**

*The purpose of this item is to approve the minutes of the May 2, 2023 regular meeting.*

***Approved.***

**2. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant and HOME Investment Partnership (HOME) Program Funds.**

*A. Second Reading of Ordinance No. 066, 2023, Making Supplemental Appropriations in the Community Development Block Grant Fund.*

*B. Second Reading of Ordinance No. 067, 2023, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.*

*These Ordinances, unanimously adopted on First Reading on May 2, 2023, appropriate the City's FY2023 Community Development Block Grant (CDBG) Entitlement Grant and Fiscal Year (FY) 2023 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), and CDBG program income from FY2021 and FY2022 and HOME Program Income from FY2021 and FY2022.*

***Adopted Both Ordinances on Second Reading.***

**3. Second Reading of Ordinance No. 068, 2023, Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the North College Mobile Home Park Rezoning.**

*This Ordinance, unanimously adopted on First Reading on May 2, 2023, amends the Zoning Map and rezones the North College Mobile Home Park (the "Property") from the Service Commercial (CS) and Low Density Mixed-Use Neighborhood (LMN) zone districts to the Manufactured Housing (MH) zone district. Half the Property is the CS zone district, and the other half is the LMN zone district. With the proposed rezoning both of those would change to the MH zone district, which would cover the entirety of the property. The 33-acre Property is located southwest of the North College Avenue and Willox Lane intersection. The proposed rezoning was initiated by the City and continues a series of rezonings begun in 2020 to rezone existing mobile home parks to the MH zone district to promote the preservation of existing manufactured housing communities.*

The rezoning request is subject to Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Commission. The Planning and Zoning Commission voted 5 to 1 at their March 23, 2023, hearing to recommend approval of the rezoning.

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2022-068.

**Adopted on Second Reading.**

4. **Second Reading of Ordinance No. 069, 2023, Making Supplemental Appropriations, Appropriating Prior Year Reserves, and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on May 2, 2023, appropriates local match funds and enables the City to receive and expend Federal and Colorado Department of Transportation (CDOT) funds to proceed forward with the Project. The funds will be used for the final 100% design and outreach regarding improvements along West Elizabeth Street from Mason Street and the Colorado State University (CSU) campus to Overland Drive. If adopted, the following amounts will be appropriated: (1) \$651,628 from Transportation Capital Expansion Fee and unanticipated revenue from Transfort funds; (2) \$616,124 of matching CSU-provided funds; and (3) \$1,232,248 of Multi-Modal Options Funding grant funds for the Project. The amount of \$6,516 will be appropriated to the Art in Public Places Program.

**Adopted on Second Reading.**

5. **Second Reading of Ordinance No. 070, 2023, Vacating a Portion of Impala Circle Right-of-Way.**

This Ordinance, unanimously adopted on First Reading on May 2, 2023, approves the vacation of Impala Circle right-of-way that is no longer desirable or necessary to retain for street purposes. Portions of the right-of-way area, once vacated, will be retained as public access and emergency access easements to the City to provide continued access for the neighboring properties.

**Adopted on Second Reading.**

6. **First Reading of Ordinance No. 072, 2023, Authorizing the Disposition of a Portion of a Shared Parking Easement and the Execution of an Amendment to the Shared Parking and Access Easement Deed and Agreement.**

The purpose of this item is to approve the reduction of a shared parking and access easement previously dedicated to the City and to authorize the execution of an amendment to the agreement that granted such easement. City Code Section 23-111 requires City Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City. The original agreement was to allow for shared parking and access on the property located at the northwest corner of Drake Road and College Avenue for users of the MAX bus line. The goal for amending the shared parking space is to add an additional area for shared parking and additional parking spaces and to revise the original boundary so that it better conforms with proposed development's parking lot layout.

**Adopted on First Reading.**

**7. Items Relating to Connexion Service in Larimer County.**

*A. Resolution 2023-045 Authorizing the Execution of an Intergovernmental Agreement Between the City and Larimer County for Extension of Broadband Utility Services into Unincorporated Larimer County Beginning with Areas Near the Harmony Road and Taft Hill Road Intersection.*

*B. First Reading of Ordinance No. 073, 2023, Appropriating Unanticipated Revenue from Larimer County and Authorizing Transfers of Appropriations for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony Road and Taft Hill Road Intersection and Related Art in Public Places.*

*The purpose of this item is to enter into an Intergovernmental Agreement (IGA) to enable the City and Larimer County to collaborate to provide Connexion broadband communication service within unincorporated Larimer County, including within the City's Growth Management Area. The initial project under the IGA to provide service to an area near the intersection of Harmony Road and Taft Hill Road will establish a cost- and revenue-sharing relationship through which the County will provide \$3.58M to fund the design and construction of the expansion of Connexion service on behalf of the County. Upon appropriation of these funds and completion of this work, approximately 1,000 premises will be connected to Connexion service, and Connexion will thereafter share with the County a portion of the service revenue from these areas, subject to annual appropriation. Subsequent projects will be authorized through similar work orders executed pursuant to the IGA.*

***Adopted Resolution and Ordinance on First Reading.***

**8. Resolution 2023-046 Appointing Two Board Members to the Boxelder Basin Regional Stormwater Authority Board of Directors Being One Selected by the City and One Jointly Selected by the City and Larimer County.**

*The purpose of this item is to consider making two appointments to the Board of Directors of the Boxelder Basin Regional Stormwater Authority.*

***Adopted.***

**END OF CONSENT CALENDAR**

***Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to approve the recommended actions on items 1-8 on the Consent Calendar.***

***The motion carried 7-0.***

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

Mayor Arndt noted a name spelling correction in the May 2, 2023 minutes.

**L) STAFF REPORTS**

None.

**M) COUNCILMEMBER REPORTS**

Councilmember Shirley Peel

- Attended Community Foundation Celebration of Philanthropy.

- Attended a Fox Meadow Creek walking tour with staff who did a great job with dialogue with the neighborhood regarding the current Land Use Code and what would have been allowed under the Land Development Code.
- Noted the Old Town trolley is back in service, and she participated in the inaugural ride with Mayor Arndt.
- Congratulated the City employees who were recognized at the City Employee Recognition breakfast.
- Attended the wreath laying with Mayor Arndt for Peace Officer Memorial Day and recognized this week as Peace Officer Memorial Week.

#### Councilmember Susan Gutowsky

- Congratulated the City employees who were recognized at the City Employee Recognition breakfast.
- Participated in the VIP inaugural trolley ride.
- Attended Arbor Day festivities at Irish Elementary School and noted the Forestry Department planted ten trees at the school.
- Attended the Homeward Alliance Un-gala at Lory Student Center.
- Recognized National Tourist Week and an associated Visit Fort Collins event at the former Macy's.
- Participated in land use walking tours in Parkwood and on Smith Street.
- Reported on the Land Use Code open house at the Lincoln Center.

#### Councilmember Tricia Canonico

- Thanked the attendees of the Land Use Code open house.
- Attended the unveiling of the Visit Fort Collins new Promise for Fort Collins brand.

#### Councilmember Kelly Ohlson

- Commented on the controversial return of the trolley years ago noting Councilmembers were sued personally and punitively.
- Commented on other controversial issues from the past including natural areas and the Fort Collins Loveland corridor.

#### Mayor Jeni Arndt

- Invited to participate in the National Security Forum in Montgomery, Alabama at the Maxwell Air Force Base.
- Acknowledged those who serve in the armed forces.
- Acknowledged Peace Officers who protect the rule of law.
- Acknowledged CSU students who have participated in the civic process and have worked to build bridges between the city and CSU.
- Attended the CSU Student Association's inaugural ball of its new cabinet.

***Clerk's Note: Mayor Arndt called for a break at 8:06 p.m. The meeting resumed at 8:25 p.m.***

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

None.

## CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

### 9. **Second Reading of Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest.**

*This Ordinance, adopted on First Reading on May 2, 2023, by a vote of 6-1 (Nay: Peel), amends the Fort Collins Land Use Code to include 1041 regulations. The 1041 powers give local governments the ability to regulate particular development projects occurring within their jurisdiction, even when the project has broader impacts. The 1041 regulations would allow for reviewing and permitting of two designated areas and activities of statewide interest: (1) major domestic water, sewage treatment; and (2) highway projects. Staff has amended the Ordinance to reflect the motion adopted by Council on first reading on May 2, 2023.*

Planning, Development and Transportation Deputy Director Paul Sizemore introduced the item before turning the presentation over to Senior Environmental Planner Kirk Longstein who presented as set forth in the slide deck in the agenda packet, including the amendments made as part of the first reading and two additional changes that are being recommended by staff.

#### PUBLIC COMMENT

Joe Rowan, District 5, expressed concern the City cannot manage the program and explained potential issues given decisions would be made by third party consultants, not members of City staff.

#### COUNCIL DISCUSSION

Mayor Arndt thanked staff for the overview and asked staff to address Mr. Rowan's concern regarding consultant selection. Longstein replied the City will be using third-party contractors, selected through a request for proposal process, to get the program set up in the first year and stated staff will be involved in the program administration and project review.

Councilmember Peel asked if the financial guarantees that are included are standard in other processes. Longstein replied it is common when development permits related to environmental protections are being reviewed and financial security to ensure performance is required if the development application is reviewing mitigation plans.

Mayor Arndt asked about estimated costs of obtaining a 1041 permit. Longstein replied permit fees would be approximately \$24,000 for the full permit application plus any third-party consultant fees, though analysis is still being completed. He stated the total timeframe for a full permit will be around six to nine months.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on second reading Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest.***

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to amend the motion on the floor amending the ordinance to include Amendment #1 as included in the Council materials.***

***Motion carried 7-0.***

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to amend the motion on the floor amending the ordinance to include Amendment #2 as included in the Council materials.***

Councilmember Peel asked if additional mitigation is required if there is other development review on top of the 1041 review. Longstein replied the security at the FONSI level is only related to a mitigation plan. Sizemore noted no additional permitting with the City would be required for a project that is issued a FONSI.

***Motion carried 7-0.***

Mayor Arndt requested a report in a year regarding the effectiveness of the regulations and monitoring the financial performance of the program.

Councilmember Ohlson stated this proposal is toned down from other communities in the state and is not dramatic but is very cautious. He noted the County has far more comprehensive 1041 regulations than this proposal.

Mayor Pro Tem Francis stated she would support the item and concurred with the request for a report in a year.

***The motion on the amended motion carried 6-1.***

***Ayes: Councilmembers Ohlson, Canonico, Pignataro, Gutowsky, Mayor Arndt, Mayor Pro Tem Francis.***

***Nay: Councilmember Peel.***

**10. First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.**

*The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.*

Ginny Sawyer, Senior Policy and Project Manager, provided information on the public outreach efforts which have occurred since the item was first discussed in November of 2022. She noted the implementation date for these regulations would be January 1, 2024 thereby providing an adequate timeframe for businesses to adjust and prepare. She noted the regulations would apply to all businesses in Fort Collins.

Sawyer outlined the state minimum wage numbers and stated this ordinance includes two options for timing of a local minimum wage increase.

**PUBLIC COMMENT**

Nathan Hoffman, United Food Workers union steward, supported adoption of the minimum wage ordinance stating workers cannot make ends meet given rising inflation and wages remaining the same.

Charles Brennan, Colorado Center on Law and Policy, commented on the Self Sufficiency Standard report which analyzes the income needs and requirements for households by examining the costs they face in a range of budget areas, including housing, transportation, health care, and childcare. In addition to raising the minimum wage, municipalities can look at addressing housing and childcare costs.

Kendal Stevenson, PhD student at CSU in Economics, spoke in favor of the minimum wage ordinance and offered statistics related to the New York City minimum wage increase which showed the restaurant industry thrived after the increase.

Kevin Caffrey stated the Central Labor Council has yet to be contacted by staff despite representing over 35,000 workers in the area and expressed support for the minimum wage increase.



Joe Rowan, Fort Collins resident, stated wages do not account for many expenses and Council has not discussed the financial consequences of this action. He provided arguments against raising the minimum wage.

## COUNCIL DISCUSSION

Councilmember Tricia Canonico referenced studies for larger cities and asked about studies on smaller cities. Sawyer replied there are few comparable studies for smaller cities and noted direct cause and effect comparisons are difficult to come by.

Mayor Jeni Arndt stated she voted in favor of the minimum wage increase at the state level and concurred with all of the speakers; however, she stated the issue is complicated given businesses could relocate to nearby cities and tipped employees cannot be exempted. She stated Fort Collins businesses treat their employees well and small businesses would be lost or move with this change. She stated she will not be supporting the ordinance.

Mayor Pro Tem Francis asked if work that is performed within the geographic boundaries of Fort Collins would need to abide by the local minimum wage. Sawyer replied in the affirmative.

Mayor Pro Tem Francis stated allowing municipalities to set their own local minimum wage acknowledges that the cost of living varies throughout the state, and it has increased dramatically in Fort Collins. She commented on the importance of supporting local families and students and stated Council does have control over a local minimum wage. She noted much of the Fort Collins workforce commutes in from neighboring communities and stated this ordinance will help alleviate disparities.

Councilmember Pignataro concurred with Mayor Pro Tem Francis' comments regarding the cost of living differing throughout the state. She commented on the history of the topic and expressed support for option B.

Councilmember Canonico stated she can see both sides of this topic and acknowledged it is a tough issue. She noted there are six states with a higher minimum wage than Colorado and fifteen states that include a mechanism for annual minimum wage increases, including Colorado. She stated that Fort Collins is better than most areas of the country despite its high cost of living. She suggested increasing minimum wage by 2.5% over CPI to help alleviate the impacts on businesses.

Councilmember Gutowsky commented on the market driving wages rather than Council imposing a mandated minimum wage. Additionally, she stated many businesses are thriving and care very much for their employees noting 85% of Fort Collins businesses have less than 50 employees and the business owners also need to take home paychecks. She stated she will not be supporting the ordinance.

Councilmember Ohlson stated he felt the staff report should have included all original options and commented on the importance of siding with workers who deserve a fair wage. He stated the worst case scenarios do not usually happen and giving workers more money increases spending at small businesses in the community. He stated this vote is one of the most important of the tenure of this Council and expressed support for the largest minimum wage increase. He noted businesses with fewer than 20 employees and tipped workers cannot be excluded based on state requirements.

Councilmember Peel noted this issue has so many variables and stated regulations drive up costs, which she would prefer to examine to ease the cost of living burden. She stated small businesses drive the Fort Collins economy and the businesses and non-profits she has communicated with have indicated they cannot handle much more regulation.

Mayor Pro Tem Francis commented on the importance of giving people control of their own economy.

Mayor Arndt noted Council would not have any skin in the game if it mandated a minimum wage increase and she commented on governmental enhanced income programs.

Councilmember Canonico suggested adding an item to the legislative agenda regarding amending the minimum wage law at the state level to exclude tipped workers and smaller businesses.

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt on first reading Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.**

**The motion failed 3-4.**

**Nays: Councilmembers Gutowsky, Peel, Canonico, Mayor Arndt**

**Ayes: Councilmembers Pignataro, Ohlson, Mayor Pro Tem Francis**

Councilmember Canonico stated she believes this is a regional conversation and staff should continue to reach out to regional partners; therefore, she suggested continuing outreach with the Boulder Consortium of Cities. Mayor Arndt suggested bringing it up under Other Business.

**11. First Reading of Ordinance No. 074, 2023, Amending the Land Use Code to Include Regulations for Making Water Adequacy Determinations.**

*The purpose of this ordinance is to amend the Fort Collins Land Use Code to include water adequacy determinations for new development and redevelopment. The regulations are divided into three different categories: one for established potable water supply entities, one for new potable water supply entities, and one for non-potable water supply entities. The goal is to comply City of Fort Collins Page 6 of 7 with Colorado state statute (Section 29-20-301, et seq., C.R.S.) and to make sure development has the necessary water supply.*

*Water is a crucial and constrained resource, and the City strives to ensure that development meets the community's vision and expectations for responsible resource management. City Plan includes policies to ensure water is used wisely and our community is prepared for a changing climate. Currently, development within the City only occurs within the boundaries of existing City (Fort Collins Utilities) and special district potable water supply entities, such as Fort Collins Loveland Water District and East Larimer County Water District. A project is determined to have an adequate water supply through the issuance of a "will serve" letter from the established potable water supply entity at the time of development plan or building permit approval.*

*The necessity for an updated water adequacy review program stems from the limited supply and high cost of water resources, which have resulted in developers pursuing more creative ways to provide both potable and non-potable water to their proposed developments, particularly projects striving to provide affordable housing or the denser development patterns called for in City Plan.*

Deputy Director of Planning, Development, and Transportation Paul Sizemore stated this item would create a new water adequacy determination process for development projects and it includes three distinct policy decision points that would impact the way the process functions.

Jenny Axmacher, Principal Planner, noted the requirement for this process stems from a Colorado statute requiring development applications to satisfactorily demonstrate that the proposed water supply will be adequate. Axmacher outlined the current process of 'will serve' letters and detailed the proposed water adequacy evaluation process. She noted that the technical nature of the determinations led staff to believe they should not be appealable as it would be more appropriate for the court to weigh in through a rule 106 action.

Axmacher provided a summary of feedback received from providers and stated staff has identified three decision points for Council consideration: one dealing with the determination timing, one dealing with established provider review, and one dealing with a provision that new providers gain consent from the existing service area provider, which is the most polarizing issue of the three. Axmacher noted the Planning and Zoning Commission recommended that Council not adopt the proposed Code and allow for additional time to consider the impacts of the timing of determination and to further understand implications of appealing the decision of a special district. She stated staff is recommending approval of the proposed changes.

## PUBLIC COMMENT

Tim Goddard, Council for ELCO, noted the discussion on decision point three at the Planning and Zoning Commission was contentious and commented on the process an existing provider is required to follow if an applicant requests to be removed from its service area.

Joe Rowan stated this item is an example of poor planning creating an emergency and commented on the lack of dialogue early in the process. He commented on the history of the creation of water districts and stated the best option would be for Council to postpone consideration of the item.

Max Moss, Montava developer, stated the City must control its own growth, which is dictated by the cost and availability of water supplies, and expressed concern ELCO does not plan to relinquish its right to provide water to the Montava project. He suggested the City does not need to require the consent of existing service providers.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that the City Council go into executive session for the purpose of meeting with the City's attorneys and City management staff to discuss the following matters as permitted under City Charter Article Two, Section Eleven (Two), City Code Section 2-31(a)(2) and Colorado Revised Statutes Section 24-6-402(4)(b):***

- 1. Specific legal questions related to water court litigation affected by the proposed Land Use Code regulations for making water adequacy determinations; and***
- 2. The manner in which the proposed Land Use Code regulations for making water adequacy determinations may be affected by existing or proposed provisions of federal, state or local law.***

***The motion carried 6-1.***

***Ayes: Councilmembers Gutowsky, Peel, Canonico, Pignataro, Mayor Pro Tem Francis, Mayor Arndt***

***Nay: Councilmember Ohlson***

Mayor Arndt called meeting back to order at 10:57 p.m.

## COUNCIL DISCUSSION

Councilmember Peel stated that while a water adequacy policy is necessary, she is not comfortable making a decision on this item tonight and will vote no until she can do additional research.

Mayor Pro Tem Francis stated she would be in favor of postponing the item and having a work session prior to considering the item for a vote. Councilmember Pignataro concurred.

***Mayor Pro Tem Francis moved, seconded by Councilmember Peel, to postpone indefinitely Ordinance No. 074, 2023, Amending the Land Use Code to Include Regulations for Making Water Adequacy Determinations.***

***The motion carried 6-1.***

***Ayes: Councilmembers Peel, Canonico, Pignataro, Gutowsky, Mayor Pro Tem Francis, Mayor Arndt.***

***Nay: Councilmember Ohlson***

## **P) OTHER BUSINESS**

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

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

Councilmember Canonico requested support to continue discussions with the Boulder Consortium of Cities regarding a minimum wage increase and to reach out to other communities to ask them to join as well.

Councilmember Pignataro suggested forming our own regional consortium for resuming work to try to develop a more regional solution to the local minimum wage issue.

Ginny Sawyer, Senior Policy and Project Manager, stated she is engaged with the Boulder Consortium and will continue efforts to work more regionally and will provide reports to Council on progress as it occurs.

Councilmember Canonico requested support to bring the topic to the legislative agenda. Sawyer replied it will be added to the Legislative Review Committee agenda.

### **OB 2. Consideration of a Request to Extend the Time for the Ziegler/Corbett Appeals.**

*City Code Section 2-52(c) authorizes the City Manager at any time prior to the expiration of the time for Council to hear an appeal, to request that Council approve the extension of time for hearing an appeal in the event of scheduling difficulties or notice defects.*

*Two appeals have been filed regarding the Planning and Zoning Commission's March 23, 2023, decision approving the Ziegler/Corbett Overall Development Plan Major Amendment, MJA220004. Questions have arisen regarding the scheduling of the hearing on these appeals. As a result, the City Manager has requested that Council approve the extension of time for hearing these appeals from June 22 to September 5, 2023. Here is the requested motion:*

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that Council extend the time for the hearing of the appeals filed regarding the Planning and Zoning Commission's March 23, 2023, decision approving the Ziegler/Corbett Overall Development Plan Major Amendment, MJA220004, to September 5, 2023.***

***The motion carried 7-0.***

**OB 3. Motion to Adjourn this meeting to 6:00 pm on May 23, 2023:**

***Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, that Council adjourn this meeting to 6:00 p.m. on Tuesday, May 23, 2023, in order to select a second alternate to the North Front Range Metropolitan Planning Council for the June meeting.***

***The motion carried 7-0.***

**Q) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 11:07 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

May 23, 2023

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Adjourned Meeting – 6:00 PM

**Clerk's note:** There was no FCTV broadcast of this meeting. Public comment could be made live in Council Chambers or via Zoom.

**A) CALL MEETING TO ORDER**

Mayor Pro Tem Emily Francis called the meeting to order at 5:59 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado.

**B) ROLL CALL**

PRESENT

Mayor Pro Tem Emily Francis  
Councilmember Julie Pignataro  
Councilmember Susan Gutowsky  
Councilmember Kelly Ohlson  
Councilmember Shirley Peel  
Councilmember Tricia Canonico

ABSENT

Mayor Jeni Arndt

STAFF PRESENT

City Manager Kelly DiMartino  
City Attorney Carrie Daggett  
Assistant City Clerk Amani Chamberlin

**C) ITEMS FOR DISCUSSION**

1. **Resolution 2023-047 Appointing a Backup Alternate Representative to the North Front Range Metropolitan Planning Council.**

*The purpose of this item is to designate a Councilmember as a second alternate to the North Front Range Metropolitan Planning Council.*

There was no public comment or council discussion.

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Resolution 2023-047, Appointing a Backup Alternate Representative to the North Front Range Metropolitan Planning Council, inserting the name Shirley Peel into the Resolution.**

***The motion carried 6-0.***

***Absent: Mayor Arndt***

**E) ADJOURNMENT**

Mayor Pro Tem adjourned the meeting at 6:01 p.m. and stated a work session would be held in the Colorado River Room at 222 Laporte Avenue immediately following this meeting.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

DRAFT

## AGENDA ITEM SUMMARY

City Council



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### STAFF

John Gerwel, Civil Engineer I  
Brad Yatabe, Legal

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### SUBJECT

**Second Reading of Ordinance No. 072, 2023, Authorizing the Disposition of a Portion of a Shared Parking Easement and the Execution of an Amendment to the Shared Parking and Access Easement Deed and Agreement.**

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### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 16, 2023, approves the reduction of a shared parking and access easement previously dedicated to the City and to authorize the execution of an amendment to the agreement that granted such easement. City Code Section 23-111 requires Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City. The original agreement was to allow for shared parking and access on the property located at the northwest corner of Drake Road and College Avenue for users of the MAX bus line. The goal for amending the shared parking space is to add an additional area for shared parking and additional parking spaces and to revise the original boundary so that it better conforms with proposed development's parking lot layout.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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### BACKGROUND / DISCUSSION

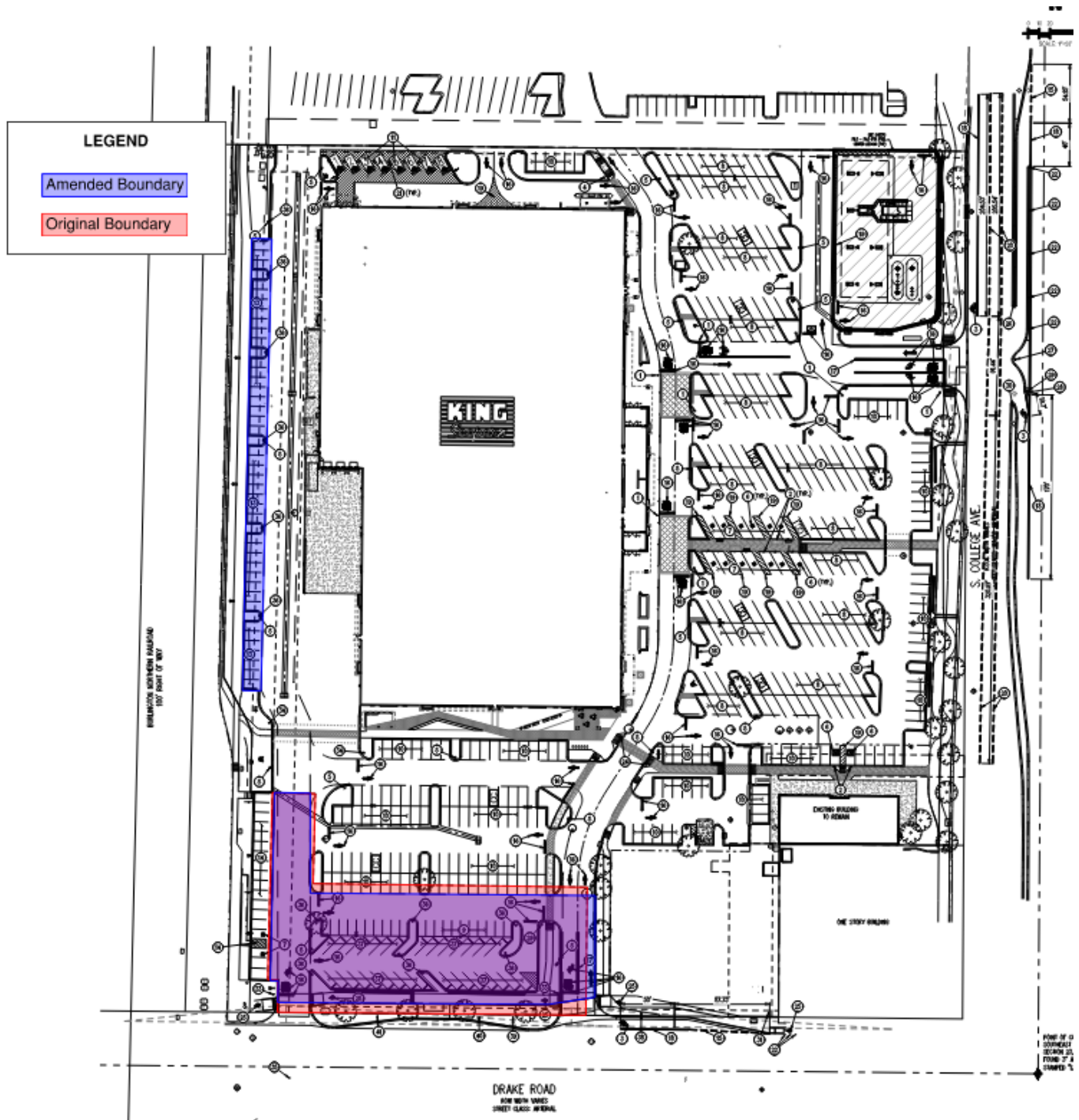
In 2014, at the request of the City of Fort Collins, Dillon Companies, Inc. (d/b/a Dillon Companies, LLC, the "Developer") allocated 37,525 square feet containing 60 parking spaces as shared parking for their customers and commuters of the MAX bus line at the northwest corner of College Avenue and Drake Road (See Figure 1). The Developer has since submitted plans to redevelop the same overall parcel into a King Soopers grocery store. City staff and the Developer have agreed to modify the boundary of the existing shared parking area and add an additional space for shared parking that will increase the amount of shared parking spaces to 94. The boundary of the original parking area requires amending in order to accommodate for modified drive aisles within the Development's proposed parking lot layout, and to better capture the parking spaces in the new layout. Even though the new shared parking area will result in a net gain of shared parking spaces for the City, the original area will slightly decrease size. Per City Code 23-111, the loss of easement space in the original boundary necessitates approval from City Council. The conditions of the original agreement will remain, and the City will not assume any additional burdens of maintenance. Approval of this Ordinance will allow for the original boundary to be amended and reduced, and the new dedicated space to be incorporated into the original agreement. See Figure 2 for the comparison for the original shared area compared to the proposed amended parking area.



Figure 1. Area Map



Figure 2. Proposed Shared Parking Area Versus Original Shared Parking Area



## CITY FINANCIAL IMPACTS

The expansion of this easement will not result in any financial impacts to the City.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

## PUBLIC OUTREACH

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No public outreach was conducted related to the changes to the shared parking easement. It should be noted that during the neighborhood meeting for the redevelopment of this site community members expressed concerns over the lack of parking supply for MAX riders in this location. The additional shared parking was negotiated as part of the development review process and is intended to help serve future riders.

## ATTACHMENTS

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1. Ordinance for Consideration
2. Ordinance Exhibit A

ORDINANCE NO. 072, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE DISPOSITION OF A PORTION OF A SHARED PARKING  
EASEMENT AND THE EXECUTION OF AN AMENDMENT TO THE SHARED PARKING  
AND ACCESS EASEMENT DEED AND AGREEMENT

WHEREAS, City Code Section 23-111 requires City Council authorization to sell, convey, exchange, or otherwise dispose of any and all interests in real property, including easements, owned in the name of the City; and

WHEREAS, in 2014, the City and Dillon Companies, LLC, executed the *Shared Parking and Access Easement Deed and Agreement* (the “Agreement”), Larimer County Clerk & Recorder Reception #20140048657, for sixty parking spaces for users of the Mason Corridor MAX/BRT Project on the property located at the northwest corner of Drake Road and College Avenue (the “Property”); and

WHEREAS, the City and Dillon Companies, LLC, wish to reduce the size of the original easement by approximately 1,500 sq. ft. but provide additional easement area in another portion of the Property and thirty-four additional parking spaces; and

WHEREAS, the reduction of the original easement along with the provision of additional easement area and additional parking spaces constitutes an exchange of the City’s interest in real property requiring City Council authorization; and

WHEREAS, the City and Dillon Companies, LLC, have drafted an amendment to the Agreement (the “Amendment”) to formalize such exchange; and

WHEREAS, City Council finds that the exchange is in the best interests of the City because the reduction in the original easement is more than offset by the additional easement area and parking spaces provided for users of the Mason Corridor MAX/BRT Project.

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

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

Section 2. That the conveyance and exchange of the easement on the Property as provided herein is in the best interests of the City.

Section 3. That the City Manager is hereby authorized to execute the Amendment attached hereto and incorporated herein as Exhibit “A” to exchange the easement on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City, including, but not limited, any necessary changes to the legal

description of the easement, as long as such changes do not materially decrease the size or change the character of the easement.

Introduced, considered favorably on first reading and ordered published this 16th day of May, 2023, and to be presented for final passage on the 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading this 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

**AMENDMENT TO SHARED PARKING AND ACCESS  
EASEMENT DEED AND AGREEMENT**

THIS AMENDMENT TO SHARED PARKING AND ACCESS EASEMENT DEED AND AGREEMENT ("Amendment"), dated \_\_\_\_\_, 2023, is entered into by and between DILLON COMPANIES, LLC, a Kansas limited liability company f/k/a DILLON COMPANIES, INC., a Kansas corporation ("Grantor") and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation ("Grantee").

**Recitals:**

A. Grantor and Grantee entered into a Shared Parking and Access Easement Deed and Agreement on May 29, 2014 and recorded with the Larimer County Clerk and Recorder's on August 28, 2014 at Reception No. 20140048657 (the "Agreement"). (Initially capitalized terms not defined herein have the same meaning as in the Agreement); and

B. Grantor and Grantee have agreed to revise the shared parking areas on the Property;

C. Grantor and Grantee desire to amend the Agreement in the manner and form herein set forth.

NOW, THEREFORE, for good and valuable consideration, Grantor and Grantee hereby agree as follows:

1. BRT Easement Tract. The BRT Easement Tract is amended to add 34 spaces, for a total of 94 spaces, legally described on Exhibit A and depicted on Exhibit B attached hereto and to revise and amend the area of the initial spaces granted to that legally described on Exhibit C and depicted on Exhibit D attached hereto.

2. Parking Spaces. Paragraph 2 is amended to expand the number of Parking Spaces to a total of 94.

3. Grantor's Rights in Easement Area. Paragraph 4 is amended to reflect the expansion of Parking Spaces and the minimum number of spaces is 94.

4. Full Force and Effect. Except as amended herein, all terms and conditions of the Agreement shall continue in full force and effect. The Agreement is hereby ratified and affirmed by the parties, and is binding upon the parties in accordance with its terms.

5. Counterparts. This Amendment may be executed in counterparts which when taken together shall constitute one document.

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

**[SIGNATURE PAGES FOLLOW]**

GRANTOR:

DILLON COMPANIES, LLC, a  
Kansas limited liability company

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF OHIO                    )  
  )ss.  
\_\_\_\_\_ COUNTY            )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 2023, by \_\_\_\_\_ as \_\_\_\_\_ of Dillon Companies, LLC,  
a Kansas limited liability company.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

GRANTEE:

THE CITY OF FORT COLLINS, COLORADO, a  
Municipal corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney

STATE OF COLORADO                    )  
  )ss.  
\_\_\_\_\_ COUNTY                    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of  
\_\_\_\_\_, 2023, by \_\_\_\_\_ as \_\_\_\_\_ of the City of Fort Collins,  
Colorado, a municipal corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



**Exhibit A****LEGAL DESCRIPTION**  
**SHARED PARKING EASEMENT**

A SHARED PARKING EASEMENT OVER PART OF LOT 2, EXTENSION OF K-MART PLAZA PLAT, RECORDED AT BOOK 5, PAGE 4 AND PART OF TRACT 2, K-MART PLAZA PLAT, RECORDED AT BOOK K, PAGE 3 AND PART OF A TRACT DEEDED TO DILLION COMPANY INC., RECORDED AT RECEPTION NO. 20140048658, ALL RECORDED IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, ALL LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO, SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2;

THENCE S01°22'03"W, A DISTANCE OF 87.39 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE S88°37'57"E, A DISTANCE OF 16.96 FEET, MEASURED PERPENDICULAR TO SAID WEST LINE, TO THE POINT OF BEGINNING;

THENCE S88°40'35"E, A DISTANCE OF 15.50 FEET;

THENCE S01°19'25"W, A DISTANCE OF 415.00 FEET;

THENCE N88°40'35"W, A DISTANCE OF 15.50 FEET;

THENCE N01°19'25"E, A DISTANCE OF 415.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 6,432 SQUARE FEET OR 0.148 ACRES.

**BASIS OF BEARING:** THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., LARIMER COUNTY, COLORADO, IS ASSUMED TO BEAR NORTH 00°22'28" EAST, A DISTANCE OF 2640.62 FEET, MONUMENTED AT THE SOUTH END BY A 2-5" ALUMINUM PIPE WITH 3" ALUMINUM CAP IN A RANGE BOX STAMPED LS 17495, 1991 AND MONUMENTED AT THE NORTH END BY A 2.5" ALUMINUM CAP IN A RANGE BOX, STAMPED LS 17495, 1995, WITH ALL OTHER BEARINGS REFERENCED THERETO.

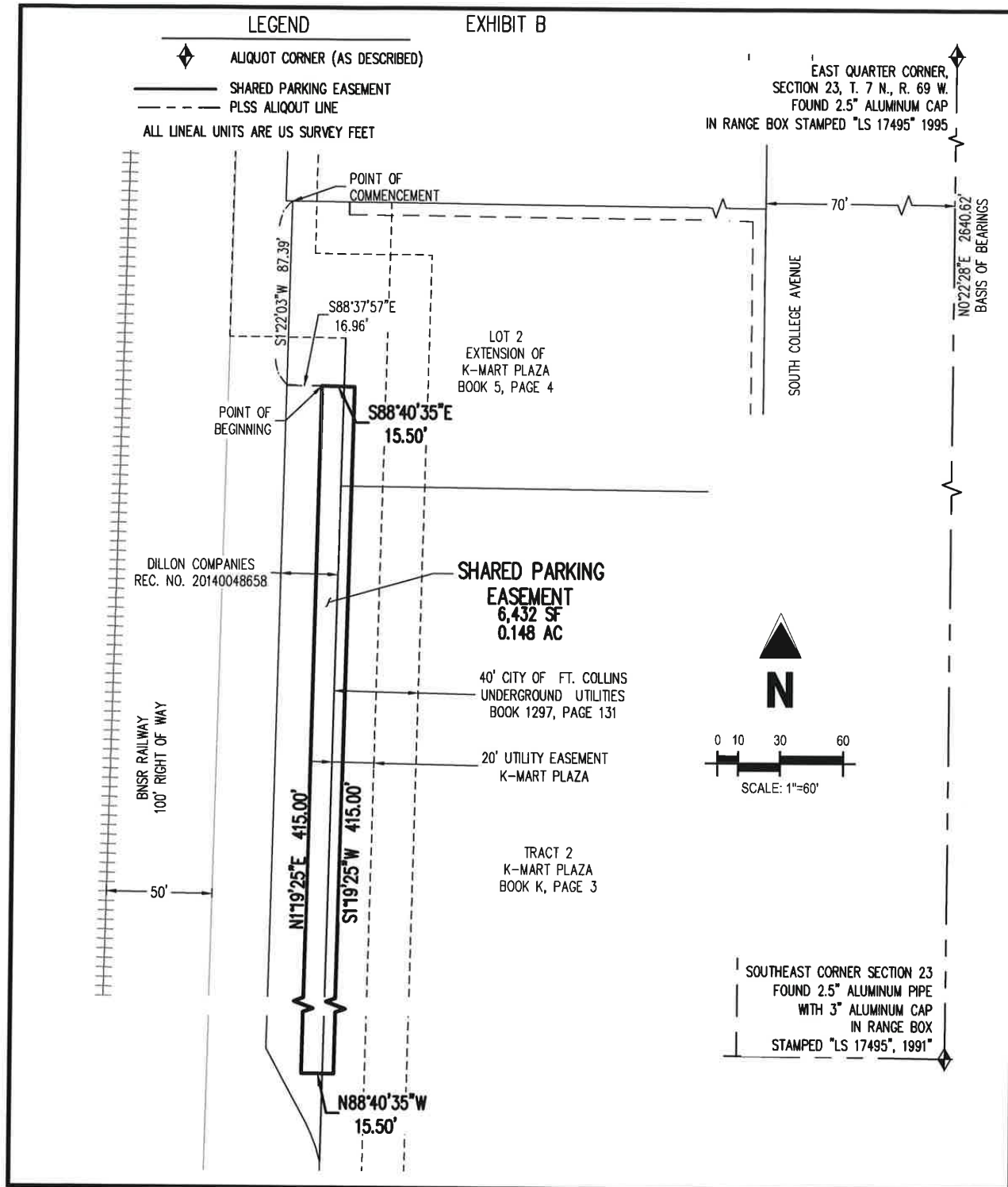
**EXHIBIT B** IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT A - LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT A CONTAINS AN AMBIGUITY, EXHIBIT B MAY BE USED TO RESOLVE SAID AMBIGUITY.



PREPARED FOR AND ON BEHALF OF GALLOWAY  
BY FRANK A. KOHL, PLS# 37067

November 30, 2022

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PART OF THE SOUTHEAST QUARTER OF  
SECTION 23, T. 7 N., R. 69 W. OF THE 6TH P.M.  
CITY OF FORT COLLINS, COUNTY OF LARIMER, COLORADO

SHARED PARKING EASEMENT EXHIBIT

Project No: KSS000018.02

Drawn By: AN

Checked By: FAK

Date: 11/30/2022

**Galloway**

5285 Ronald Reagan Blvd., Suite 210  
Johnstown, CO 80534  
970.800.3300 • [GallowayUS.com](http://GallowayUS.com)

**Exhibit C****LEGAL DESCRIPTION  
SHARED PARKING EASEMENT**

A SHARED PARKING EASEMENT OVER PART OF TRACT 2, K-MART PLAZA PLAT, RECORDED AT BOOK K PAGE 3 RECORDED IN THE LARIMER COUNTY CLERK AND RECORDER'S OFFICE, LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., CITY OF FORT COLLINS, LARIMER COUNTY, COLORADO, SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 2;

THENCE N89°27'52"W, A DISTANCE OF 119.21 FEET ON THE SOUTH LINE OF SAID TRACT 2;

THENCE N00°32'08"E, A DISTANCE OF 16.62 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DRAKE STREET AND POINT OF BEGINNING;

THENCE S81°27'51"W, A DISTANCE OF 44.12 FEET ON SAID NORTH RIGHT-OF-WAY LINE TO AN ANGLE POINT THEREIN;

THENCE N89°31'52"W, A DISTANCE OF 249.71 FEET CONTINUING ON SAID NORTH RIGHT-OF-WAY LINE TO THE EAST LINE OF A TRACT DEEDED TO THE CITY OF FORT COLLINS AT RECEPTION NO. 20140048667;

THENCE ON SAID EAST LINE FOR THE FOLLOWING THREE (3) COURSE;

1. THENCE N01°41'18"E, A DISTANCE OF 19.83 FEET;
2. THENCE N88°54'47"W, A DISTANCE OF 7.28 FEET;
3. THENCE N01°22'06"E, A DISTANCE OF 173.39 FEET;

THENCE S88°39'54"E, A DISTANCE OF 33.02 FEET;

THENCE S00°04'39"E, A DISTANCE OF 91.71 FEET;

THENCE S89°28'09"E, A DISTANCE OF 262.80 FEET;

THENCE S00°01'32"W, A DISTANCE OF 93.89 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 33,065 SQUARE FEET OR 0.759 ACRES.

**BASIS OF BEARING:** THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6<sup>TH</sup> P.M., LARIMER COUNTY, COLORADO, IS ASSUMED TO BEAR NORTH 00°22'28" EAST, A DISTANCE OF 2640.62 FEET, MONUMENTED AT THE SOUTH END BY A 2-5" ALUMINUM PIPE WITH 3" ALUMINUM CAP IN A RANGE BOX STAMPED LS 17495, 1991 AND MONUMENTED AT THE NORTH END BY A 2.5" ALUMINUM CAP IN A RANGE BOX, STAMPED LS 17495, 1995, WITH ALL OTHER BEARINGS REFERENCED THERETO.

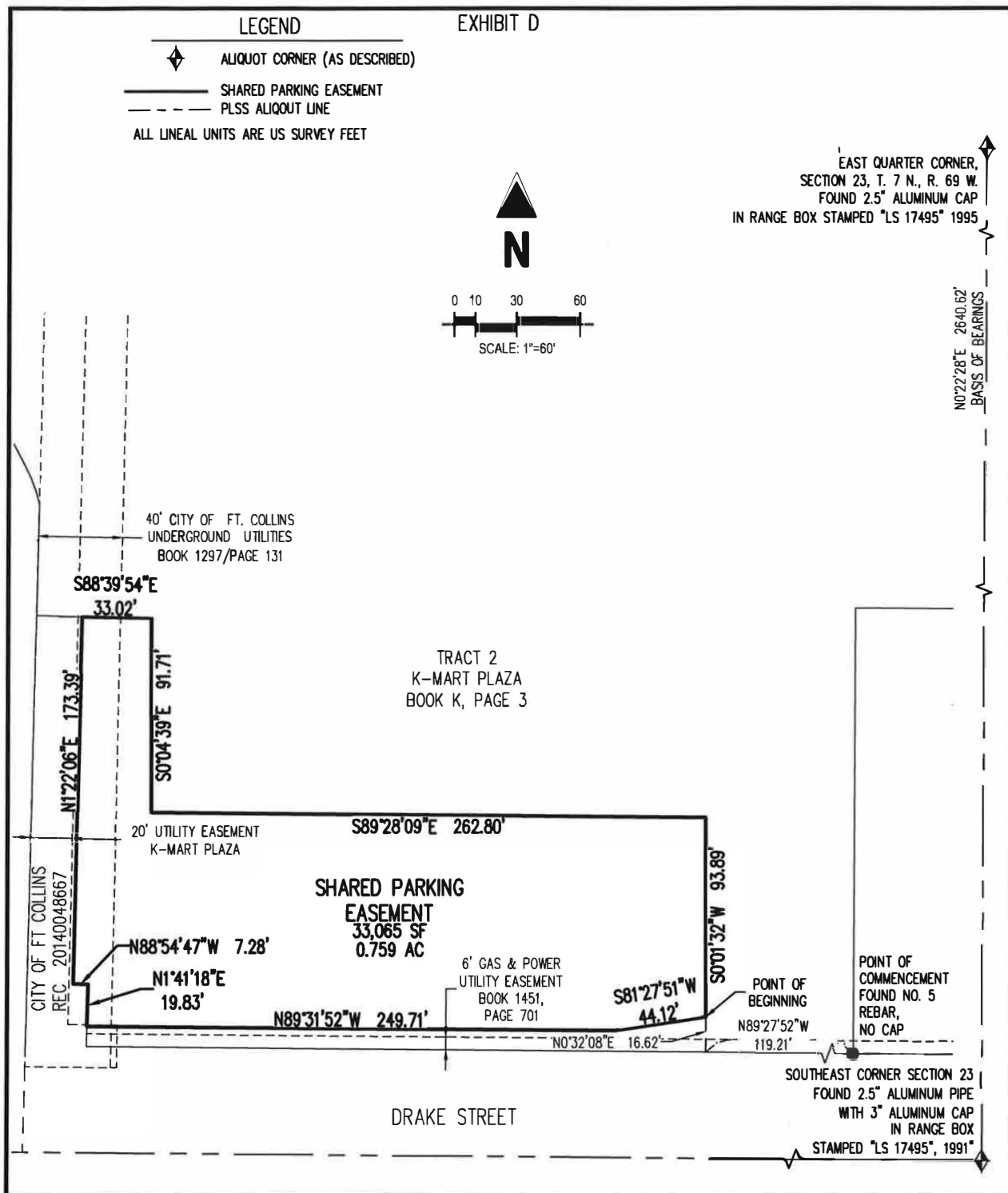
EXHIBIT D IS ATTACHED HERETO AND IS ONLY INTENDED TO DEPICT EXHIBIT C - LEGAL DESCRIPTION. IN THE EVENT THAT EXHIBIT C CONTAINS AN AMBIGUITY, EXHIBIT D MAY BE USED TO RESOLVE SAID AMBIGUITY.

PREPARED FOR AND ON BEHALF OF GALLOWAY  
BY FRANK A. KOHL, PLS# 37067



April 11, 2023

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PART OF TRACT 2, K-MART PLAZA, LOCATED  
 IN THE SOUTHEAST QUARTER OF SECTION 23  
 T. 7 N., R. 69 W. OF THE 6TH P.M. FORT COLLINS, LARIMER COUTY, CO

SHARED PARKING EASEMENT EXHIBIT

Project No: KSS000018.02  
 Drawn By: AN  
 Checked By: FAK  
 Date: 4/11/2023

**Galloway**

5285 Ronald Reagan Blvd., Suite 210  
 Johnstown, CO 80534  
 970.800.3300 • [GallowayUS.com](http://GallowayUS.com)

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Chad Crager, Broadband Executive Director  
Cyril Vidergar, Legal

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### SUBJECT

**Second Reading of Ordinance No. 073, 2023, Appropriating Unanticipated Revenue from Larimer County and Authorizing Transfers of Appropriations for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony Road and Taft Hill Road Intersection and Related Art in Public Places.**

---

### EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 16, 2023, appropriates \$3.58 million from Larimer County and authorizes transfers for the design and construction of Connexion in an area near the Harmony Road and Taft Hill Road intersection. At the June 6, 2023 meeting, Council adopted a Resolution to enter into an Intergovernmental Agreement (IGA) to enable the City and Larimer County to collaborate to provide Connexion broadband communication service within unincorporated Larimer County, including within the City's Growth Management Area. The initial project under the IGA to provide service to this area will establish a cost- and revenue-sharing relationship through which the County will provide \$3.58M to fund the design and construction of the expansion of Connexion service on behalf of the County. Upon appropriation of these funds and completion of this work, approximately 1,000 premises will be connected to Connexion service, and Connexion will thereafter share with the County a portion of the service revenue from these areas, subject to annual appropriation. Subsequent projects will be authorized through similar work orders executed pursuant to the IGA.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

---

### BACKGROUND / DISCUSSION

The City and Larimer County held respective statutory (SB 05-152) elections to enable each to build facilities and deliver local broadband communication services. In serving its residents, the County wishes to provide high-quality broadband communication services efficiently and cost-effectively through collaboration with adjacent municipalities. The County and Connexion worked together to prioritize unincorporated areas for initial service extension based on cost for service, adjacency to municipal broadband infrastructure, underserved areas, and low socio-economic status. The areas with the highest initial rankings include over 1,000 premises in the City's Growth Management Area, northwest and northeast of the Harmony and Taft Hill Roads intersection. Because of its ranking, the initial project under the IGA will be for this area and the Work Order (#001) attached to the IGA as Exhibit A contains details related to the project. Subsequent projects to provide service in other areas of unincorporated Larimer

County will be authorized through similar work orders pursuant to the IGA. The Resolution authorizes the City Manager to sign subsequent work orders, within certain parameters.

In furtherance of serving these residents, the County has agreed to fund all design and construction for Connexion to extend and construct broadband communication facilities and service in these areas under Work Order #001, in the amount provided below. These unanticipated revenues need to be appropriated for Connexion to engage in this collaborative project. In appropriating these funds, the City Code requires appropriate transfers to the City's Art in Public Places (APP) program.

Upon completion of construction and delivery of services for this initial project, subject to annual appropriation, Connexion will share with the County 25% of the service revenue from customer accounts in the constructed areas until the County receives an amount equal to its design and construction funding contributions.

In addition, the County and Connexion will continue to collaborate on identifying funding sources for future opportunities to deliver communication services to County residents under the purposes of the IGA.

### **CITY FINANCIAL IMPACTS**

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The following is a summary of the funding anticipated for the scope of work related to the fiber optic network design and installation associated with Work Order #001. Larimer County will provide all funding required for design and construction of this work:

| <b>Funds to be Appropriated with this Action</b> |                    |
|--|--------------------|
| Larimer Communications Service Funding           | \$3,580,000        |
| <b>Total Appropriations with this Action</b>     | <b>\$3,580,000</b> |

Funds are to be appropriated and expended in the Broadband Fund. Service revenue sharing amounts described in the IGA will be subject to and included in subsequent appropriations and annual budgets brought to Council for review and approval.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Though not through formal presentation, Connexion staff provided the Energy Board on multiple occasions in 2022 and 2023 with details on the regional communication service expansion planning described in the IGA. Staff also answered questions from the Board on these occasions, though did not present the IGA for review by the Board.

### **PUBLIC OUTREACH**

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Larimer County held meetings open to the public in determining priority of the areas funded by this IGA as well as approval of the IGA. Connexion will complete outreach to these neighborhoods for schedule, required property owner permissions, construction impacts, and marketing for available service.

### **ATTACHMENTS**

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1. Ordinance for Consideration

ORDINANCE NO. 073, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED REVENUE FROM LARIMER COUNTY AND  
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE DESIGN AND  
CONSTRUCTION OF CONNEXION INTO AREAS NORTHWEST AND  
NORTHEAST OF THE HARMONY ROAD AND TAFT HILL ROAD INTERSECTION AND  
RELATED ART IN PUBLIC PLACES

WHEREAS, the City is a Colorado home-rule municipality that has established and operates a municipal broadband utility known as Fort Collins Connexion (“Connexion”); and

WHEREAS, in 2016, Larimer County voters authorized the County to provide regional broadband services in unincorporated areas of the County, including entering into intergovernmental agreements to access municipal broadband utility networks; and

WHEREAS, in light of the cost savings and potential future benefits of extending jointly supported regional broadband communication services, contemporaneously with this Ordinance, the City and County entered into an Intergovernmental Agreement for Connexion Communication Services Provision in Larimer County (the “IGA”); and

WHEREAS, in furtherance of benefits under the IGA, the County has agreed to fund design and construction for Connexion to extend broadband communication facilities and services, in exchange for a share of service revenue from customers in unincorporated areas up to the amount of the County’s initial project contribution funding, subject to annual appropriation by the City; and

WHEREAS, consistent with the purposes of the IGA, the City and County prioritized areas for initial service extension, based on cost for service, adjacency to municipal broadband facilities, underserved areas, and socio-economic status, and identified an area including over 1,000 premises near the Harmony Road and Taft Hill Road intersection (the “Project”); and

WHEREAS, the County has committed Three Million Five Hundred Eighty Thousand dollars (\$3,580,000) to be appropriated by the City in the Broadband Fund for the Project; and

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

WHEREAS, contributions to the APP Program by each City utility for art projects is kept and spent in such utility’s own fund, the utility contributes its share of the APP Program’s costs for maintenance, administration, repair and display to the Cultural Services and Facilities Fund as provide in City Code Section 23-303(c); and

WHEREAS, in accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Broadband Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(c) will be used for Broadband Fund purposes and improvements in connection with the Project that

benefit public health, safety and welfare of the citizens of Fort Collins and serve the public purpose of strengthening regional governmental partnerships, broadband utility enterprises, and economically capitalizing on regional municipal broadband opportunities; and

WHEREAS, the amount to be contributed to the APP Program in this Ordinance will be \$35,800; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Broadband Fund and will not cause the total amount appropriated in the Broadband 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; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the transfer of \$35,800 from the Broadband Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

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

WHEREAS, the City Council wishes to designate the appropriation herein for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection Project as an appropriation that shall not lapse until the completion of the project.

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

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

Section 2. That there is hereby appropriated from new revenue or other funds from the IGA in the Broadband Fund the sum of THREE MILLION FIVE HUNDRED EIGHTY



THOUSAND DOLLARS (\$3,580,000) to be expended in the Broadband Fund for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection Project.

Section 3. That the unexpended and unencumbered appropriated amount of TWENTY-SEVEN THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$27,924) in the Broadband 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 4. That the unexpended and unencumbered appropriated amount of SEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$7,160) in the Broadband Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 5. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED SIXTEEN DOLLARS (\$716) in the Broadband Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 6. That the appropriation herein from the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading, and ordered published this 16th day of May, 2023, and to be presented for final passage on the 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading this 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Kaley Zeisel, Interim Director, Transit  
Chris Hayes, Legal

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### SUBJECT

**First Reading of Ordinance No. 075, 2023, Making Supplemental Appropriation of Unanticipated Grant Revenue and Authorizing Transfers for the Development of a Paratransit Mobile Application and Web Portal.**

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### EXECUTIVE SUMMARY

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort by the Colorado Department of Transportation ("CDOT"), together with unencumbered Transit Services Fund amounts that will satisfy the grant's local match requirement.

Transfort has applied for and been awarded a \$50,000 state grant through CDOT's Office of Innovative Mobility, to be used for the development of a paratransit client web portal and mobile application. This grant requires a \$10,000 local match.

This Ordinance appropriates \$50,000 in state grant revenue, and \$10,000 in local match from the Transit Services Fund.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

On March 7, 2023, the Office of Innovative Mobility ("OIM") of CDOT announced approximately \$600,000 in state discretionary funding aimed at helping communities strengthen their transportation demand management efforts by funding innovative mobility solutions.

Transfort applied for and has been awarded \$50,000 in Fiscal Year 2023 CDOT OIM state discretionary funding. This grant requires a local match of \$10,000. Transfort will satisfy this local match, using unencumbered Transit Services Fund amounts. The City has not yet received the finalized CDOT grant agreement, which is anticipated to be signed under the City Manager's direct authority according to City Code Section 1-22(b)(2)b and 2023-24 Adopted Budget Offer 51.3, "Dial-A-Ride."

Transfort will use the CDOT OIM award to create and implement a new client web portal and mobile application for its Dial-a-Ride paratransit service. These new offerings will allow paratransit clients in the Fort Collins service area to schedule their own trips with 24/7 access to the system, to edit their trips to

receive trip alerts, to view real-time vehicle information, and to track their vehicle's location, thereby greatly improving the paratransit client experience and overall program efficiency.

### **CITY FINANCIAL IMPACTS**

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This Ordinance will appropriate \$50,000 in unanticipated grant revenue.

Additionally, Transfort will satisfy the grant's local match requirement through appropriating an unexpended and unencumbered amount of \$10,000 of the Transit Services Fund, which was previously appropriated through the 2023 Budget process.

All funds associated with this grant and project will be appropriated through the Transit Services Fund.

|  |                 |
|--|-----------------|
| <b>Prior Appropriated Funds</b>                  |                 |
| 2023 BFO – Transfort Operational Funds           | \$10,000        |
|  |                 |
| <b>Funds to be Appropriated with this Action</b> |                 |
| Office of Innovative Mobility (OIM) Award        | \$50,000        |
|  |                 |
| <b>Total Project Funds</b>                       | <b>\$60,000</b> |

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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1. Ordinance for Consideration

ORDINANCE NO. 075, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATION OF UNANTICIPATED GRANT  
REVENUE AND AUTHORIZING TRANSFERS FOR THE DEVELOPMENT OF A  
PARATRANSIT MOBILE APPLICATION AND WEB PORTAL

WHEREAS, Transfort's Dial-a-Ride paratransit service contributes greatly to the transportation community of Fort Collins by providing a door-to-door paratransit service for individuals who are prevented from using Transfort's fixed-route system because of a disability; and

WHEREAS, the Colorado Department of Transportation ("CDOT") has awarded the City \$50,000 in state discretionary funding for a paratransit client web portal and mobile application (the "CDOT Grant"); and

WHEREAS, the CDOT Grant requires a local match of \$10,000 from the City; and

WHEREAS, the local match of \$10,000 for the CDOT Grant will come from unexpended and unencumbered amounts of the Transit Services operating budget in the Transit Services Fund; and

WHEREAS, Transfort will use the CDOT Grant to create and implement a new paratransit client web portal and mobile application, allowing paratransit clients in Fort Collins to schedule their own trips with 24/7 access to the system, to edit trips, to receive trip alerts, to view real-time vehicle information, and to track vehicle location, thereby greatly improving the Dial-a-Ride client experience and program efficiency; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of improving Transfort's Dial-a-Ride paratransit service; and

WHEREAS, 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; and

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

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the transfer of \$10,000 from the Transit Services operating budget in the Transit Services Fund to the Transit Services Paratransit Mobile Application project budget in the Transit Services Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

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

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Department of Transportation 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.

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

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

Section 2. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of FIFTY THOUSAND DOLLARS (\$50,000) to be expended in the Transit Services Fund for a Paratransit Mobile Application and Web Portal.

Section 3. That the unexpended and unencumbered appropriated amount of TEN THOUSAND DOLLARS (\$10,000) is authorized for transfer from the Transit Services operating budget in the Transit Services Fund to the Paratransit Program in the Transit Services Fund and appropriated therein to be expended for Paratransit Mobile Application and Web Portal.

Section 4. That the appropriation herein of grant revenues from the Colorado Department of Transportation 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, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Kirk Longstein, Senior Environmental Planner  
Monica Martinez, Finance  
Brad Yatabe, Legal

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### SUBJECT

**First Reading of Ordinance No. 076, 2023, Appropriating Prior Year Reserves for the Administration of the Land Use Code Regulations for Designated Areas and Activities of State Interest.**

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### EXECUTIVE SUMMARY

The purpose of this Ordinance is to appropriate general fund dollars to administer the recently adopted 1041 regulations. The 1041 regulations represent a new permitting program for designated activities of statewide interest, including major domestic water, sewage treatment and highway projects.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

The term "1041" refers to the number of the bill, House Bill 74-1041, that created the 1041 powers in 1974, and the statutes regarding 1041 powers are also referred to as the Areas and Activities of State Interest Act ("AASIA"). The statute authorizes local governments to regulate specified activities and areas, and the proposed regulations address three types of activities listed in the statute.

Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest was adopted on Second Reading on May 16, 2023. The 1041 powers give local governments the ability to regulate particular development projects occurring within their jurisdiction, even when the project has broader impacts. The 1041 regulations would allow for reviewing and permitting of two designated areas and activities of statewide interest: (1) major domestic water, sewage treatment; and (2) highway projects. As an overview, the Council adopted 1041 regulations and sets forth a permitting program summarized in three parts shown in the table below and the Attachment: Finding of No Significant Impact (FONSI) review; full permit review; and any permit conditions.

As directed by the Council, staff recommend a supplemental appropriation to support the administration of 1041 permit applications using professional services and on-call permit review contractors.

To implement the recently adopted 1041 regulations, staff plan to utilize an on-call contractor servicing third party permit review of all phases of the 1041 permit. The scope of these services includes all phases

on the review including pre-application/Finding of No Significant Impact (FONSI), full permit review, and inspections (Permit Conditions). Based on a Request For Information (RFI) issued in the fall of 2022, staff budget up to \$35,000 dollars for each third-party application review, depending on complexity of the project. An additional \$35,000 is estimated for inspections during the permit conditions phase after a permit is approved. By managing these services, City staff intend to mitigate scope-creep and provide cost predictability to future permit applicants. In addition to these pass-through costs, the applicant will provide the City with a guarantee of financial security for all permit conditions. Through each of the permit phases, all costs assessed by the contractor will be paid by the City and fully reimbursed by the applicant. This ordinance will appropriate the budget necessary for the City to incur these costs as well so that staff can administer post approval phases with a third party.

Development review permit fees will also be assessed in addition to the third-party review fees. These fees are based on a preliminary staffing analysis of the required ongoing management needs for the permitting program. As reflected in the table below, staff estimate assessed fees will align closely with the existing development review fees. The FONSI phase is estimated to be assessed a \$15,000 administrative fee and the Full Permit Review is estimated to be assessed a \$25,000 administrative fee. The proposed program design will help staff get the program started soon after adoption with existing staff levels, and better prepare Community Development and Neighborhood Services for a future Budgeting for Outcomes (BFO) offers for administering the 1041 permit review program. The expense budget for these permit review fees will not be appropriated as the assessed revenue will be used to offset the cost of existing staffing levels.

There is some level of uncertainty regarding the number of projects that may be subject to these regulations. Through preliminary review of water provider capital projects, staff estimate at least five (5) potential projects that will require a permit through these new regulations.

| <b>1041 Regulations</b> |                 |   |  |               |
|-------------------------|-----------------|---|--|---------------|
| Permit Phase            | City Permit Fee | On-call Permit Review and Inspection Services | 1041 Application Requirements and Post Approval Conditions |               |
| FONSI Review            | \$15,000        | \$10,000                                      | Conceptual   | LUC 2.2       |
|                         |                 |   | Pre-application Activity Review                            | LUC 6.6.3     |
|                         |                 |   | Public Comment Period                                      | LUC 6.6.4     |
|                         |                 |   | FONSI Determination  | LUC 6.6.5     |
|                         |                 |   | Appeal   | LUC 2.2.12(D) |
| Full Permit Review      | \$25,000        | \$25,000                                      | Neighborhood Meeting                                       | LUC 6.6.6     |
|                         |                 |   | Completeness Check/ Permit Review                          | LUC 6.6.7     |
|                         |                 |   | P&Z Hearing  | LUC 6.6.12    |
|                         |                 |   | City Council Hearing                                       | LUC 6.6.13    |
|                         |                 |   | Issuance of Permit   | LUC 6.6.15    |
| Permit Conditions       | -               | \$35,000                                      | Progress Reports   | LUC 6.12.1    |
|                         |                 |   | Inspections and Monitoring                                 | LUC 6.12.6    |



In addition to budget for on-call permit review services, staff is also requesting a one-time, \$80,000 supplemental appropriation to generate customer tools which support GIS analysis, and professional services that will establish a clear expectation for the applicant and the permit reviewer to meet the code requirements. The initial Scope of these supporting customer tools includes:

- A. Project Management – Create development review workflow, application checklist, completeness review, and permit documents. Support staff in establishing information materials and inspection schedules that inform applicants of the development review process and permit applications.
- B. Regulatory GAP Analysis - Identify data gaps and processes for reviewing submittal documents against the new 1041 review standards and criteria. Comprehensive review and assessment of existing regulatory framework and provide a matrix identifying gaps associated with water and transportation infrastructure projects, particularly those related to river, riparian, and recreational resources. Recommend minimum application submittal information and processes for reviewing submittal documents meeting requirements of the City Code's standards, purposes, and intent.
- C. Natural Resources Inventory – Updates to the natural resources and habitat features inventory GIS map that will serve as a baseline for determining a Finding of No Significant Impact (FONSI). The scope of the project includes defining habitat cover types, matching existing data to the extent possible, initial desktop mapping, ground truthing, and desktop corrections. The Contractor must provide the necessary components consist of desktop mapping and ground truthing. Additionally, the Contractor must provide access and integrate various data sources including Colorado Parks and Wildlife data, Natural Areas Department habitats, wetland data, and others that support the 1041 review standards and criteria.

## **CITY FINANCIAL IMPACTS**

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This Ordinance will appropriate \$350,000 from General Fund Reserves for third-party application review and inspection expenses. This amount assumes five (5) applications for 2023 with a high-end expense of \$70,000 per application for third-party services. The City will receive reimbursement for all third-party expenses from the responsible applicant.

This Ordinance will also appropriate \$80,000 from General Fund Reserves to be used for generating customer tools as outlined above.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Staff heard general support from City Council during the first and second reading to bring forward a supplemental appropriation in support of recently adopted 1041 regulations.

## **PUBLIC OUTREACH**

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Staff public outreach included discussing five (5) key policy questions with stakeholders, one of which asked the opinion of utilizing a third-party on-call contractor verse adding a city full-time staff member to review 1041 permit applications. 1041 regulations decision point 5 asked:

- *Should the Code include the use of third-party contractors to support staff administration of permit applications?*

Feedback themes shared with Council during the first reading adoption of the code on May 2 included:

- **Environmental Groups** support third-party contractors provided they are solely supporting the City, are not biased, and their payments are transparent.
- **Water Providers** do not support outsourcing this important task due to cost control risks, difficulty in assessing ultimate costs, extended timelines.
- **Some Water Providers** favor supplemental appropriation for staff to administer 1041 permit applications, suggesting In-house staff would be more efficient and consistent.

## **ATTACHMENTS**

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1. Ordinance for Consideration
2. 1041 Permit Review

ORDINANCE NO. 076, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES FOR THE ADMINISTRATION OF  
THE LAND USE CODE REGULATIONS FOR DESIGNATED AREAS AND ACTIVITIES  
OF STATE INTEREST

WHEREAS, on May 16, 2023, City Council adopted on second reading Ordinance No. 071, 2023, Amending the Land Use Code to Include Guidelines and Regulations for the Administration of Designated Areas and Activities of State Interest; and

WHEREAS, the Land Use Code and amendments made to the Land Use Code by Ordinance No. 071, 2023, allow the City to retain the services of third-party consultants to assist in the review of proposals and permit applications to conduct designated activities or develop within a designated area, and to conduct follow up inspections and monitoring related to issued permits; and

WHEREAS, it will be necessary for the City to retain the services of third-party consultants to assist City staff with administering the regulations for designated areas and activities of state interest; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of carrying out the effective application and administration of the Land Use Code; and

WHEREAS, 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; and

WHEREAS, 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.

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

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

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of FOUR HUNDRED THIRTY THOUSAND DOLLARS (\$430,000) to be expended in the General Fund for the Administration of the Land Use Code Designated Areas and Activities of State Interest Regulations.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

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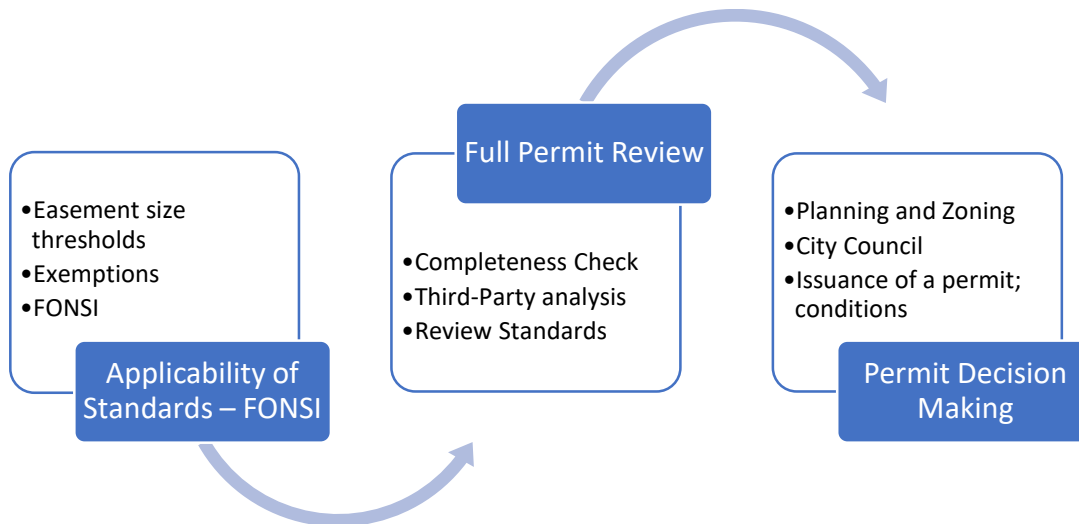
Mayor

ATTEST:

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Chief Deputy City Clerk

## ATTACHMENT – 1041 Permit Review



### **FONSI – Finding of No Significant Impact**

The purpose of the FONSI review is to determine if a permit is required for the proposed development plan, application submittal requirements, procedural requirements, and relevant agencies to coordinate with as part of any permit review process. Once application materials are reviewed, the Director shall make a finding related to whether the proposed development plan will result in significant impacts. If the Director issues a FONSI, the applicant does not need to submit a permit application under these Regulations.

### **Full Permit Review**

If the Director determines a FONSI is not appropriate, the proposed development plan requires a permit and is subject to these Regulations. The Director shall provide the applicant with written comments, to the extent such comments differ from comments provided for any conceptual review, regarding the proposal to inform and assist the applicant in preparing components of the permit application, including a submittal checklist. Once application materials are received, no determination of completeness may exceed sixty (60) days. When the Director has determined that a submitted application is complete including a neighborhood meeting, a City Council hearing is scheduled within 90 days.

### **Permit Decision Making**

The Director may retain third-party consultants at the applicant's expense necessary to assist City staff in reviewing a complete permit application or assist City Council in rendering a decision on a permit. Third-Party Scope of services includes the following:

- A. Review 1041 permit applications and submittal materials including technical environmental studies. Including but not limited to pre-application meetings, formal rounds of review and providing comments to the applicant, and agenda item summary and supporting documentation to be included in a staff report to Council for determining approval or denial of a permit application. The contractor must review construction detail plans and specifications, state and

federal environmental requirements, recommend conditions of the permit's approval for council consideration, attend a Development Construction Permit (DCP) meeting.

**Issuance of a permit; conditions**

If Council approves a permit, the City Council may attach conditions to the permit to ensure that the purpose, requirements, and standards of the Regulations are continuously met throughout the development, execution, operational life, and any decommissioning period. Before any development occurs pursuant to an approved permit issued, the applicant will provide the City with a guarantee of financial security deemed adequate by the Director to accomplish the conditions of the permit. Several conditions may apply; however, inspections and monitoring are required for all projects. The City's third-party contractor will provide inspection services including but not limited to the following:

- A. Construction Site Inspections and reporting - Perform inspections aligned with the project's construction schedule to ensure compliance with 1041 permit stipulations, environmental mitigation, and federal and state permit requirements, as applicable. frequency may vary depending on complexity of the project.
- B. Permit Closeout Monitoring - Ensure compliance with the ongoing mitigation and reclamation requirements of a 1041 applicant and report at least once quarterly (every 3 months) to City staff of project progress and compliance with permit.
- C. Annual Review and Progress Report - Within thirty (30) days prior to each annual date of the granting of a permit, the permittee shall submit a report detailing any and all activities conducted by the permittee pursuant to the permit including, but not limited to, a satisfactory showing that the permit has complied with all conditions of the permit and applicable regulations for administration of the permit.

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Nina Bodenhamer, Director, City Give  
Ted Hewitt, Legal

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### SUBJECT

**First Reading of Ordinance No. 077, 2023, Appropriating Philanthropic Revenue Received Through City Give for the Carnegie Center for Creativity as Designated by the Donor.**

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### EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$200,000 in philanthropic revenue received through City Give for the Carnegie Center for Creativity 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.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

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

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

The current project estimate for the full renovation is \$6,000,000 with \$3,028,078 provided through the generosity of local voters via a 2015 Community Capital Improvement Program ballot measure. A Community Revitalization Grant from the State of Colorado's Colorado Creative Industries provides \$2,400,000 of funding. Private funding is being sought to address final funding needs to bring this important project to fruition.

The grant is awarded by Bohemian Foundation, a Fort Collins-based private family foundation that supports local, national, and global efforts to build strong communities.

## **CITY FINANCIAL IMPACTS**

---

This Ordinance will appropriate \$200,000 in philanthropic revenue received through City Give for The Carnegie Center for Creativity. 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 2023.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

Not applicable.

## **PUBLIC OUTREACH**

---

Not applicable.

## **ATTACHMENTS**

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1. Ordinance for Consideration



ORDINANCE NO. 077, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH  
CITY GIVE FOR THE CARNEGIE CENTER FOR CREATIVITY AS  
DESIGNATED BY THE DONOR

WHEREAS, in 2015, the Fort Collins electorate approved the Community Capital Improvement Program Ballot Measure, which helped to support the renovation of the City's Carnegie Center for Creativity ("Carnegie Center"); and

WHEREAS, renovation work on the Carnegie Center began in 2021; and

WHEREAS, the Bohemian Foundation has generously donated \$200,000 to support the renovation work on the Carnegie Center; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of renovating the Carnegie Center; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

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

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

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

Section 2. That there is hereby appropriated from new philanthropic revenue in the Capital Projects Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the Capital Projects Fund by the Carnegie Center for Creativity renovation project.

Section 3. That the appropriation herein of the funds donated to the Carnegie Center for Creativity is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Nina Bodenhamer, City Give Director  
John Duval, Legal

---

### SUBJECT

**First Reading of Ordinance No. 078, 2023, Appropriating Philanthropic Revenue Received through City Give for Various Programs and Services as Designated by the Donors.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to request appropriation of \$65,790 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

---

### BACKGROUND / DISCUSSION

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

The City received several individual philanthropic donations supporting various departments totaling \$65,790 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 as each donation is described in the attachment.

**CITY FINANCIAL IMPACTS**

---

This Ordinance will appropriate \$65,790 in philanthropic revenue received through City Give for gifts to various City departments support a variety of programs and services.

The funds have been received and accepted per City Give Administrative and Financial Policy. The City Manager is recommending this appropriation. The City Manager has also determined that these appropriations are available and previously unappropriated from their respective funds and will not cause the total amount appropriated in those funds to exceed the current estimate of actual and anticipated revenues and all other funds to be received in those funds during fiscal year 2023.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

Not applicable.

**PUBLIC OUTREACH**

---

Not applicable.

**ATTACHMENTS**

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1. Ordinance for Consideration
2. Exhibit A to Ordinance

ORDINANCE NO. 078, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED THROUGH  
CITY GIVE FOR VARIOUS PROGRAMS AND SERVICES AS  
DESIGNATED BY THE DONORS

WHEREAS, the City has received in 2023 twenty-seven individual philanthropic donations of \$5,000 or less and two individual donations of more than \$5,000 up to \$100,000, which twenty-nine donations total \$65,790, and these funds are currently unappropriated; and

WHEREAS, the donors have directed these donations to be used by the City for certain designated uses within and for the benefit of certain City service areas as each donation is described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, as acknowledged by Section 2.5 for 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"); and

WHEREAS, 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; and

WHEREAS, 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 as directed by each donor as described in Exhibit "A"; and

WHEREAS, 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; and

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

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds from 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; and

WHEREAS, the City Council wishes to designate the appropriation herein for the various City Give donations as appropriations that shall not lapse until the earlier of the expiration of the donations or the City's expenditure of all funds received from such donations; and

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

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

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

Section 2. That there is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2023 to be expended as designated by the donors in support of the various City programs and services as described in Exhibit "A":

|                              |           |
|------------------------------|-----------|
| Cultural Services Fund       | \$ 31,150 |
| Capital Projects Fund        | \$ 15,000 |
| General Fund                 | \$ 10,250 |
| Golf Fund                    | \$ 5,690  |
| Transportation Services Fund | \$ 2,000  |
| Recreation Fund              | \$ 1,700  |

Section 3. That the appropriations herein for various City Give donations 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 donations or the City's expenditure of all funds received from such donations.

Introduced, considered favorably on first reading, and ordered published this 6th day of June 2023, and to be presented for final passage on the 20th day of June 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June 2023.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk



**City Give**  
 215 N Mason Street , 2<sup>nd</sup> Floor  
 Fort Collins, CO 80524  
 970.221.6687  
 nbodenhamer@fcgov.com  
 fcgov.com

## EXHIBIT A TO ORDINANCE NO. 078, 2023

|         |             |                               |                              |
|---------|-------------|-------------------------------|------------------------------|
| 3/24/23 | \$10,000.00 | 9/11 Memorial                 | Super Vac                    |
| 4/28/23 | \$5,000.00  | 9/11 Memorial                 | Wilbur's Total Beverage      |
| 2/27/23 | \$5,000.00  | Art in Public Places          | Greer Foundation             |
| 5/24/23 | \$25,000.00 | Cultural Services, Live Music | Bohemian Foundation          |
| 4/24/23 | \$2,000.00  | FC Moves                      | HSD Law                      |
| 4/6/23  | \$500.00    | FCPS/Explorers                | Santa Cops of Larimer County |
| 4/6/23  | \$2,000.00  | FCPS/K9                       | Carol and Larry Mathena      |
| 3/10/23 | \$5,000.00  | FCPS/Safe Futures             | Peter Springberg             |
| 5/19/23 | \$250.00    | FCPS/Safe Futures             | First United Methodist       |
| 4/30/23 | \$100.00    | Honor Flags, Recreation       | Williams                     |
| 4/30/23 | \$100.00    | Honor Flags, Recreation       | Martinez                     |
| 4/7/23  | \$1,000.00  | Honor Flags, Recreation       | VFW Rocky Mountain Post 1781 |
| 4/21/23 | \$500.00    | Honor Flags/Recreation        | Sertoma Club of Fort Collins |
| 2/17/23 | \$100.00    | Lincoln Center                | Lamport                      |
| 2/20/23 | \$1,050.00  | Lincoln Center                | Feig-Sandoval                |
| 4/24/23 | \$500.00    | Tribute Tree, Forestry        | Annie & Joseph McCarthy      |
| 4/24/23 | \$500.00    | Tribute Tree, Forestry        | Sylvia Cramer                |
| 3/23/23 | \$500.00    | Tribute Tree, Forestry        | Cary & Tonja Rector          |
| 4/6/23  | \$500.00    | Tribute Tree, Forestry        | Chase & Diane Christensen    |
| 2/23/23 | \$500.00    | Tribute Tree, Forestry        | Vincent & Judy Mrstik        |
| 1/26/23 | \$4,240.00  | Youth Golf Scholarship Fund   | Sheesley                     |
| 3/31/23 | \$25.00     | Youth Golf Scholarship Fund   | Online: Cynthia Crosby       |
| 3/31/23 | \$330.00    | Youth Golf Scholarship Fund   | Online: Erika Michalski      |
| 3/31/23 | \$165.00    | Youth Golf Scholarship Fund   | Online: Rebekah Harvey       |
| 3/31/23 | \$165.00    | Youth Golf Scholarship Fund   | Greg Soffe                   |
| 3/31/23 | \$330.00    | Youth Golf Scholarship Fund   | Online: Jack Dennis          |
| 3/31/23 | \$165.00    | Youth Golf Scholarship Fund   | Online: Mike Maguire         |
| 3/31/23 | \$20.00     | Youth Golf Scholarship Fund   | Online: Joshua Sproul        |
| 5/11/23 | \$250.00    | Youth Golf Scholarship Fund   | Online: Rebekah Harvey       |



## AGENDA ITEM SUMMARY

City Council



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### STAFF

Kyle Bendzsa, Forensic Services Unit Sergeant (Police Services)  
Zack Mozer, Financial Analyst  
Dawn Downs, Legal

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### SUBJECT

**First Reading of Ordinance No. 079, 2023, Making Supplemental Appropriation from the Colorado Division of Criminal Justice Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant for the Fort Collins Police Services Forensic Services Unit.**

---

### EXECUTIVE SUMMARY

The purpose of this item is to support Fort Collins Police Services Forensic Services Unit work in prevention and investigation of serious injuries and deaths caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate distribution by appropriating \$255,833 of unanticipated grant revenue from the Colorado Department of Public Safety, Division of Criminal Justice (DCJ).

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

On February 2nd, 2023, Fort Collins Police Services (FCPS), Forensic Services Unit (FSU) was awarded a grant through the Colorado Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance, HB22-1326 - Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program.

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

FCPS will purchase a 5-year license for GrayKey Premier, four 5-year licenses for GrayKey Reveal and two GrayKey units.

GrayKey is a software product produced by a company named Grayshift. GrayKey can unlock a cell phone and then extract the data contained within it which may be evidence in any criminal case. All unlocks and extractions will be done after proper legal authority has been obtained by investigators. A GrayKey unit is the physical interface that is used to connect a cell phone to a computer that is utilizing the GrayKey software.

This software and hardware will be utilized by the four Digital Forensic Examiners in the FSU to obtain evidence from locked and unlocked cell phones to further investigations related to opiate poisoning and distribution. The software can also be used for any other investigation, with proper legal authority.

With FSU's current GrayKey license, the unit has a limited number of cell phone unlocks annually, and a new license for these limited number of unlocks must be purchased each year, incurring an ongoing expense to FCPS. This additional GrayKey Premier license will allow an unlimited number of unlocks each year, for the next 5 years.

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

The award is based on total project costs of \$255,833, with one hundred percent provided by DCJ. As presented in the Grant Agreement (provided as Attachment 2), total project costs pertain to a 5-year license for GrayKey Premier to unlock and acquire digital data from smartphones, four 1-year licenses for GrayKey Reveal to analyze digital data, and two GrayKey units to interface with smartphone and computer. Pursuant to the grant application and award, this funding may only be utilized for the listed products. Project is from April 1, 2023 through June 30, 2024.

### **CITY FINANCIAL IMPACTS**

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This item appropriates \$255,833 in project costs for Fort Collins Police Services' Forensic Services Unit work in prevention and investigation around opiate poisoning and distribution from unanticipated grant revenue in the General Fund from DCJ.

This grant from the DCJ is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to \$255,833.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Grant Award Letter

ORDINANCE NO. 079, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING 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

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

WHEREAS, the Colorado Department of Public Safety, Division of Criminal Justice (DCJ), Office of Adult and Juvenile Justice Assistance, HB22-1326 - Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program provides grant funding across Colorado to support local law enforcement agencies work in prevention, disruption of distribution, and investigation of serious injuries and deaths caused by fentanyl and other illegal synthetic opiate poisoning; and

WHEREAS, the purpose of this item is to appropriate \$255,833 of unanticipated grant revenue from the DCJ to support FCPS Forensic Services Unit work on fentanyl and other synthetic opiate investigations, and any other criminal investigations as needed; and

WHEREAS, GrayKey, is a software product that can unlock a cell phone and extract data which may be used as evidence in a criminal case; and

WHEREAS, the \$255,833 unanticipated grant funding will be used to purchase a 5-year license for GrayKey Premier, four 5-year licenses for GrayKey Reveal and two GrayKey units.

WHEREAS, the FCPS Forensic Services Unit Forensic Examiners will utilize GrayKey to assist in obtaining evidence from locked and unlocked cell phones to further investigations related to fentanyl and opiate poisoning and distribution, and any other criminal investigation as needed; and

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such

appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Division of Criminal Justice 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.

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

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

Section 2. That there is hereby appropriated from new revenue or other funds in the General Fund the sum of TWO HUNDRED FIFTY-FIVE THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS (\$255,833) to be expended in the General Fund for the Fort Collins Police Services Forensic Services Unit.

Section 3. That the appropriation herein of grant revenues received from the Colorado Division of Criminal Justice 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, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Item 8.

Grantee: Fort Collins Police Services

Project: Smartphone Tool for Opioid Prevention (STOP) Project

DCJ Grant #: 2023-FD-23-25

**GRANT AWARD LETTER**  
**(Intergovernmental Grant Agreement)**  
**SUMMARY OF GRANT AWARD TERMS AND CONDITIONS**

|  |   |
|--|---|
| <b>State Agency</b><br>Department of Public Safety, Division of Criminal Justice   | <b>DCJ Grant Number</b><br>2023-FD-23-25  |
| <b>Grantee</b><br>City of Fort Collins   | <b>Federal Unique Entity Identifier (UEI)</b>   |
| <b>Grant Issuance Date (Start Date)</b><br>The later of June 30, 2023 or the date the State Controller or an authorized delegate signs this Grant Letter   | <b>Grant Expiration Date (End Date)</b><br>June 30, 2024  |
| <b>Grant Amount</b><br><br><b>Total for Fiscal Years 2023-2024:</b> \$255,833  | <b>Grant Authority (State Authority)</b><br>The Division of Criminal Justice is authorized to disburse these funds by Colorado Revised Statute 24-33.503 and 507.<br><br>C.R.S. 24-33.5-533. Synthetic Opiate Poisoning Investigation And Distribution Interdiction Grant Program |
| <b>Grant Description</b><br>This project will be used for investigating, enforcing, and prosecuting synthetic opiate importation and high-level distribution networks, including multijurisdictional and multistate investigations and enforcement operations, to reduce the supply of illegal synthetic opiates and precursor chemicals in Colorado. This grant will allow funding for the purchase of technology, equipment, and training to enhance intelligence, information-sharing capabilities, and interagency collaboration among federal, state, and local law enforcement partners regarding synthetic opiate importation and high-level distribution networks. This project will be used to identify, respond to, treat, and offer support to those impacted by the opioid epidemic. Also, to address and reduce opioid abuse and the number of overdose fatalities, as well as to mitigate the impacts on crime victims by supporting comprehensive, collaborative initiatives. |   |
| <b>Grant Purpose</b><br>To provide grants to law enforcement agencies for the purpose of investigating deaths and serious injuries caused by illegal synthetic opiate poisoning and for disrupting synthetic opiate supplies.  |   |
| <b>Exhibits and Order of Precedence</b><br>The following Exhibits and attachments are included with this Grant: <ol style="list-style-type: none"> <li>1. Exhibit A1, Sample Option Letter.</li> <li>2. Exhibit A2, Sample Grant Funding Change Letter</li> <li>3. Exhibit B, Grant Requirements.</li> <li>4. Exhibit C, Special Conditions.</li> <li>5. Exhibit D, Statement of Work.</li> <li>6. Exhibit E, Budget.</li> </ol><br>In the event of a conflict or inconsistency between this Grant and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority: <ol style="list-style-type: none"> <li>1. Exhibit C, Special Conditions.</li> <li>2. The provisions of the other sections of the main body of this Agreement.</li> <li>3. Exhibit B, Grant Requirements.</li> <li>4. Exhibit D, Statement of Work.</li> <li>5. Exhibit E, Budget.</li> </ol>  |   |

Item 8.

Grantee: Fort Collins Police Services

Project: Smartphone Tool for Opioid Prevention (STOP) Project

DCJ Grant #: 2023-FD-23-25

**SIGNATURE PAGE****THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT****STATE OF COLORADO**

Jared S. Polis, Governor  
Department of Public Safety  
Stan Hilkey, Executive Director

DocuSigned by:



14DB46E240044C2...

By: Division of Criminal Justice

☐ Joe Thome, Director, or☒ Debbie Oldenettel, Deputy Director

Date: 04/11/2023 | 7:06:51 AM PDT

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**

DocuSigned by:



363D688003F0405...

By: Lyndsay J. Clelland, Contract and Grant Coordinator, Division of Criminal Justice

Effective Date: 04/11/2023 | 8:14:20 AM MDT

Item 8.

Grantee: Fort Collins Police Services

Project: Smartphone Tool for Opioid Prevention (STOP) Project

DCJ Grant #: 2023-FD-23-25

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### 1. GRANT

As of the Grant Issuance Date, the State Agency shown on the first page of this Grant Award Letter (the “State”) hereby obligates and awards to Grantee shown on the first page of this Grant Award Letter (the “Grantee”) an award of Grant Funds in the amounts shown on the first page of this Grant Award Letter. By accepting the Grant Funds provided under this Grant Award Letter, Grantee agrees to comply with the terms and conditions of this Grant Award Letter and requirements and provisions of all Exhibits to this Grant Award Letter.

### 2. TERM

#### A. Initial Grant Term and Extension

The Parties’ respective performances under this Grant Award Letter shall commence on the Grant Issuance Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Grant Award Letter. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Grant Award Letter in accordance with **§16.D**.

#### B. Early Termination in the Public Interest

The State is entering into this Grant Award Letter to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Grant Award Letter ceases to further the public interest of the State or if State or other funds used for this Grant Award Letter are not appropriated, or otherwise become unavailable to fund this Grant Award Letter, the State, in its discretion, may terminate this Grant Award Letter in whole or

Item 8.

Grantee: Fort Collins Police Services

Project: Smartphone Tool for Opioid Prevention (STOP) Project

DCJ Grant #: 2023-FD-23-25

in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Grant Award Letter in the public interest, the State shall pay Grantee an amount equal to the total reimbursement payable under this Grant Award Letter that corresponds to the Work satisfactorily completed, as determined by the State, less payments previously made. This subsection shall not apply to a termination of this Grant Award Letter by the State for breach by Grantee.

### 3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

- A. **“Budget”** means the budget for the Work described in **Exhibit E, Budget**.
- 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. **“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.
- D. **“CORA”** means the Colorado Open Records Act, §§24-72-200.1, *et seq.*, C.R.S.
- E. **“Grant Award Letter”** means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.
- F. **“Grant Funds”** means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Grant Award Letter.
- G. **“Grant Expiration Date”** means the Grant Expiration Date shown on the first page of this Grant Award Letter.
- H. **“Grant Issuance Date”** means the Grant Issuance Date shown on the first page of this Grant Award Letter.
- I. **“Exhibits”** exhibits and attachments included with this Grant as shown on the first page of this Grant
- J. **“Extension Term”** means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Grant Award Letter
- K. **“Goods”** means any movable material acquired, produced, or delivered by Grantee as set forth in this Grant Award Letter and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.
- L. **“Incident”** means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.
- M. **“Initial Term”** means the time period between the Grant Issuance Date and the Grant Expiration Date.
- N. **“Party”** means the State or Grantee, and **“Parties”** means both the State and Grantee.



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- 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, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101, 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 Grantee as set forth in this Grant Award Letter, and shall include any services to be rendered by Grantee 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. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.
- T. “**State Fiscal Rules**” means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.
- 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 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.
- W. “**Subcontractor**” means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a **procurement** relationship. The subcontractor provides goods or services for the benefit of the purchaser.
- X. “**Subgrantee**” means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a **grant** relationship. The beneficiary, not the purchaser, receives

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benefit from the work. There may be multiple tiers of subgrantees that do not include procurement transactions.

- Y. “**Work**” means the delivery of the Goods and performance of the Services described in this Grant Award Letter.
- Z. “**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 Grant Issuance Date that is used, without modification, in the performance of the Work.

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

#### 4. STATEMENT OF WORK

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

#### 5. PAYMENTS TO GRANTEE

##### A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount for each State Fiscal Year shown on the first page of this Grant Award Letter. 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. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Grant Issuance Date or after the Grant Expiration Date.

##### B. Reimbursement of Grantee Costs

The State shall reimburse Grantee’s allowable costs, not exceeding the maximum total amount described in this Grant Award Letter for all allowable costs described in this Grant Award Letter and shown in the Budget, except that Grantee may adjust the amounts between each line item of the Budget without formal modification to this Agreement as long as the Grantee provides notice to and receives approval from the State of the change, the change does not modify the total maximum amount of this Grant Award Letter or the maximum amount for any state fiscal year, and the change does not modify any requirements of the Work. The State shall only reimburse allowable costs if those costs are: (i) reasonable and necessary to accomplish the Work and for the Goods and Services provided; and (ii) equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).

##### C. Close-Out

Grantee shall close out this Grant within 45 days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as

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defined in this Grant Award Letter and Grantee's final reimbursement request or invoice. The State will withhold allowable costs until all final documentation has been submitted and accepted by the State as substantially complete.

## 6. REPORTING - NOTIFICATION

### A. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out described in §5.C, containing an evaluation and review of Grantee's performance and the final status of Grantee's obligations hereunder.

### B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting this Award. The State may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.

## 7. GRANTEE RECORDS

### A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

### B. Monitoring

The State will monitor Grantee's performance of its obligations under this Grant Award Letter using procedures as determined by the State. Grantee shall allow the State to perform all monitoring based on the State's risk analysis of Grantee. 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 Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. If Grantee enters into a subcontract or subgrant then Grantee shall contain provisions permitting both Grantee and the State to perform all monitoring of that subcontractor or subgrantee.

### C. Final Audit Report

Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee's records that relates to or affects this Grant or the Work, whether the audit is conducted by Grantee or a third party. Additionally, if Grantee is required to perform a single audit under 2 CFR 200.501, *et seq.*, then Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

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

Grantee shall hold and maintain, and cause all Subgrantees and Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Grant Award Letter. Grantee 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. If Grantee or any of its Subgrantees or Subcontractors will or may receive the following types of data, Grantee or its Subgrantees or 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 Grant 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 Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

**B. Other Entity Access and Nondisclosure Agreements**

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

**C. Use, Security, and Retention**

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

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

**D. Incident Notice and Remediation**

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

**E. Safeguarding PII**

If Grantee or any of its Subgrantees or Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of 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. Grantee 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.

**9. CONFLICTS OF INTEREST**

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

**10. INSURANCE**

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

**11. REMEDIES**

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

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**12. DISPUTE RESOLUTION**

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

**13. NOTICES AND REPRESENTATIVES**

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Grant Award Letter shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this §13.

**14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION**

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

**15. 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 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.

**16. GENERAL PROVISIONS****A. Assignment**

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

**B. Captions and References**

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

**C. Entire Understanding**

This Grant Award Letter 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 Grant Award Letter.

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**D. Modification**

The State may modify the terms and conditions of this Grant by issuance 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 Agreement amendments, shall conform to the policies issued by the Colorado State Controller.

- i. The State may, at the State's discretion, issue an updated **Exhibit D, Statement of Work** and **Exhibit E, Budget** by Option Letter substantially equivalent to **Exhibit A1, Sample Option Letter** to reflect changes during the fiscal year. The provisions of the Option Letter shall become part of and be incorporated into this Grant.
- ii. Grantee may terminate the grant if the Grantee cannot adhere to the approved **Exhibit D, Statement of Work** and **Exhibit E, Budget** as updated from time to time.
- iii. The State may, at the State's discretion, use an Option Letter or Grant Funding Change letter substantially equivalent to **Exhibit A1, Sample Option Letter** or **Exhibit A2, Sample Grant Funding Change Letter** to modify the grant agreement. If exercised, the provisions of the Option Letter or Grant Funding Change Letter shall become part of and be incorporated into the grant agreement.
- iv. The State may increase or decrease the quantity of goods/services described **Exhibit D, Statement of Work** and **Exhibit E, Budget** based upon the rates established in the Grant. If the State exercises the option, it will provide written notice to Grantee at least 15 days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.
- v. The State may add or delete the goods/services described **Exhibit D, Statement of Work** and **Exhibit E, Budget** as long as the change does not change the overall scope of the approve grant. If the State exercises the option, it will provide written notice to Grantee at least 15 days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.

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

Any reference in this Grant Award Letter 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 Grant Issuance Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

**F. Digital Signatures**

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

#### G. Severability

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

#### H. Survival of Certain Grant Award Letter Terms

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

#### I. Third Party Beneficiaries

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

#### J. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Grant Award Letter, 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.

#### K. Accessibility

Grantee shall comply with and adhere to Section 508 of the U.S. Rehabilitation Act of 1973, as amended, and §§24-85-101, *et seq.*, C.R.S. Grantee shall 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 and available at <https://www.w3.org/TR/WCAG21/>.



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**EXHIBIT A1, SAMPLE OPTION LETTER**

|   |  |
|---|--|
| <b>State Agency</b><br>Insert Department's or IHE's Full Legal Name   | <b>Option Letter Number</b><br>Insert the Option Number (e.g. "1" for the first option)                  |
| <b>Grantee</b><br>Insert Grantee's Full Legal Name, including "Inc.", "LLC", etc...   | <b>Original Agreement Number</b><br>Insert CMS number or Other Agreement Number of the Original Contract |
| <b>Current Agreement Maximum Amount</b><br>Initial Term<br>State Fiscal Year 20xx \$0.00  | <b>Option Agreement Number</b><br>Insert CMS number or Other Agreement Number of this Option             |
| Extension Terms<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00 | <b>Agreement Performance Beginning Date</b><br>Month Day, Year   |
| Total for All State Fiscal Years \$0.00   | <b>Current Agreement Expiration Date</b><br>Month Day, Year  |

1. **OPTIONS:**

- A. Option to extend for an Extension Term
- B. Option to change the quantity of Goods under the Agreement
- C. Option to change the quantity of Services under the Agreement
- D. Option to modify Agreement rates
- E. Option to initiate next phase of the Agreement

2. **REQUIRED PROVISIONS:**

- A. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current Agreement expiration date shown above, at the rates stated in the Original Agreement, as amended.
- B. **For use with Options 1(B and C):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to Increase/Decrease the quantity of the Goods/Services or both at the rates stated in the Original Agreement, as amended.
- C. **For use with Option 1(D):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to modify the Agreement rates specified in Exhibit/Section Number/Letter. The Agreement rates attached to this Option Letter replace the rates in the Original Agreement as of the Option Effective Date of this Option Letter.
- D. **For use with Option 1(E):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to initiate Phase indicate which Phase: 2, 3, 4, etc, which shall begin on Insert start date and end on Insert ending date at the cost/price specified in Section Number.
- E. **For use with all Options that modify the Agreement Maximum Amount:** The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

3. **OPTION EFFECTIVE DATE:**

- F. The effective date of this Option Letter is upon approval of the State Controller or \_\_\_\_\_, whichever is later.

|   |  |
|---|--|
| <b>STATE OF COLORADO</b><br>Jared S. Polis, Governor<br>INSERT-Name of Agency or IHE<br>INSERT-Name & Title of Head of Agency or IHE<br><br>By: Name & Title of Person Signing for Agency or IHE<br><br>Date: _____ | 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.<br><b>STATE CONTROLLER</b><br><b>Robert Jaros, CPA, MBA, JD</b><br><br>By: _____<br>Name of Agency or IHE Delegate-Please delete if agreement will be routed to OSC for approval<br><br>Option Effective Date: _____ |
|---|--|

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EXHIBIT A2, GRANT FUNDING CHANGE LETTER

|   |  |
|---|--|
| <b>State Agency</b><br>Insert Department's or IHE's Full Legal Name   | <b>Grant Funding Change Letter Number</b><br>Insert the Option Number (e.g. "1" for the first option)  |
| <b>Contractor</b><br>Insert Contractor's Full Legal Name, including "Inc.", "LLC", etc...   | <b>Original Grant Number</b><br>Insert CMS number or Other Contract Number of the Original Contract  |
| <b>Current Contract Maximum Amount</b><br>Initial Term<br>State Fiscal Year 20xx \$0.00<br>Extension Terms<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00<br>State Fiscal Year 20xx \$0.00<br>Total for All State Fiscal Years \$0.00 | <b>Grant Funding Change Letter Contract Number</b><br>Insert CMS number or Other Contract Number of this Option<br><br><b>Contract Performance Beginning Date</b><br>Month Day, Year<br><br><b>Current Contract Expiration Date</b><br>Month Day, Year |

1. GRANT FUNDING CHANGE

In accordance with §Insert Section Number of the Original Grant referenced above, the State Agency listed above commits the following funds to the grant:

A. The funding available for State Fiscal Year 20xx is Increased/Decreased by \$Amount of Change, because Insert Reason For Change.

B. The total funding avail for all State Fiscal Years as of the effective date of this Grant Funding Change Letter is shown as the current contract maximum above.

2. TERMINOLOGY

All terminology used in this Grant Funding Change Letter shall be interpreted in accordance with the Original Grant referenced above.

3. NO ORDER FOR WORK

This Grant Funding Change Letter modifies the available funding only and does not constitute an order or authorization for any specific services or goods under the Grant.

4. GRANT FUNDING CHANGE LETTER EFFECTIVE DATE:

The effective date of this Grant Funding Change Letter is upon approval of the State Controller or , whichever is later.

|  |
|--|
| <p><b>STATE OF COLORADO</b><br/>Jared S. Polis, Governor<br/>INSERT-Name of Agency or IHE<br/>INSERT-Name &amp; Title of Head of Agency or IHE</p> <p>By: Name &amp; Title of Person Signing for Agency or IHE</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><b>STATE CONTROLLER</b><br/><b>Robert Jaros, CPA, MBA, JD</b></p> <p>By: _____<br/>Name of Agency or IHE Delegate-Please delete if contract will be routed to OSC for approval</p> <p>Grant Funding Change Letter Effective Date: _____</p> |

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**EXHIBIT B, GRANT REQUIREMENTS**

The following terms as used herein shall be construed and interpreted as follows:

**1. AUDIT REQUIREMENTS****A. DUE DATE:****I. PROJECT START:**

The Grantee must submit the most recent audit or financial review, including the corresponding management letter, to DCJ within thirty (30) days of request; and, if the most recent audit/financial review has not already been submitted to DCJ, it must be submitted within thirty (30) days of the start of this project.

**II. PROJECT DURATION AND END:**

The Grantee assures that it will procure an audit or financial review, incorporating this grant award, by an independent Certified Public Accountant (CPA), licensed to practice in Colorado. The audit or financial review incorporating this grant award must be completed and received by DCJ within nine (9) months of the end of the fiscal years that includes the end date of the grant, or within thirty (30) days of the completion of such audit or review, whichever is earlier. Failure to do

**B. REPORT/AUDIT TYPE:**

**I.** If your entity expended \$750,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for a single organization-wide audit conducted in accordance with the provisions of Title 2 C.F.R. Subpart F (§ 200.500 et seq.)

**II. [NOT APPLICABLE TO SUBGRANTEES AS DEFINED IN §3.DD. "SUBGRANTEE"]** If your entity expends less than \$750,000 in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for either an audit or financial review as follows:

- 1.** Grantees that have revenue greater than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit.
- 2.** Grantees that have revenue less than \$300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit or financial review. A compilation is not sufficient to satisfy this requirement.

**C. REPORT/AUDIT COSTS:**

The Grantee accepts responsibility for the costs of a financial program audit to be performed by the Department of Public Safety in the event that the audit report or financial review:

- I.** does not meet the applicable federal audit or DCJ standards;
- II.** is not submitted in a timely manner; or,
- III.** does not provide an audit response plan with corresponding corrections made sufficient to satisfy any audit findings.

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**D. FAILURE TO COMPLY:**

The grantee understands and agrees that DCJ or the federal awarding office (DOJ) may withhold award funds, or may impose other related requirements, if the grantee does not satisfactorily and promptly address outstanding issues from audits required by Part 200 Uniform Requirements, by the terms of this award, by the current addition of the DOJ Grants Financial Guide, or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

**2. ADDITIONAL REPORTING REQUIREMENTS**

In addition to quarterly report requirements these grant funds may have additional report requirements. The additional reports may include, but is not limited to, reporting progress and statistics directly into a federal Performance Management Tool (PMT).

**3. FINANCIAL AND ADMINISTRATIVE MANAGEMENT**

- A. The Grantee assures that fund accounting, auditing, monitoring, evaluation procedures and such records as necessary will be maintained to assure adequate internal fiscal controls, proper financial management, efficient disbursement of funds received, and maintenance of required source documentation for all costs incurred. These principles must be applied for all costs incurred whether charged on a direct or indirect basis.
- B. All expenditures must be supported by appropriate source documentation. Only actual, approved, allowable expenditures will be permitted.
- C. The Grantee assures that it will comply with the applicable Administrative Guide of the Division of Criminal Justice (Guide), located at the Division of Criminal Justice Grants website. However, such a guide cannot cover every foreseeable contingency, and the Grantee is ultimately responsible for compliance with applicable state and federal laws, rules and regulations. In the event of conflicts or inconsistencies between the Guide and any applicable state and federal laws, rules and regulations, such conflicts or inconsistencies shall be resolved by applicable state and federal laws, rules and regulations.

**4. PROCUREMENT AND CONTRACTS**

- A. Grantee assures that open, competitive procurement procedures will be followed for all purchases under the grant. All contracts for professional services, of any amount, and equipment purchases over five thousand dollars (per item, with a useful life of at least one year) must receive prior approval by the DCJ. Grantee shall submit Form 16 – Professional Services/Consultant Certification and/or Form 13 – Equipment Procurement Certification Form.
- B. Grantee may not assign its rights or duties under this grant without the prior written consent of the DCJ.

**5. AWARD CHANGE REQUESTS**

- A. Grantee may request budget modifications by submitting a request to DCJ. DCJ reserves the right to make and authorize modifications, adjustments, and/or revisions to the Contract for the purpose of making changes in budget categories, extensions of grant award dates, changes in goals and objectives, and other modifications as described in the body of the Contract.

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Grantee: Fort Collins Police Services

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**EXHIBIT C, SPECIAL CONDITIONS**

The following program specific requirements are imposed by the State concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

The Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program, referred to in this Section as the "grant program":

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

Funds must be utilized for the following:

- Investigating deaths and serious injuries caused by illegal synthetic opiate poisoning;
- Investigating, enforcing, and prosecuting synthetic opiate importation and high-level distribution networks, including multijurisdictional and multistate investigations and enforcement operations, to reduce the supply of illegal synthetic opiates and precursor chemicals in Colorado;
- Technology, equipment, and training to enhance intelligence, information-sharing capabilities, and interagency collaboration among federal, state, and local law enforcement partners regarding synthetic opiate importation and high-level distribution networks;
- Analyzing emergent trends in markets, including the use of the postal service, private courier, commercial cargo, and the internet, for the import and distribution of illegal synthetic opiates through a systematic and standardized approach, including the use of novel, high-frequency, and real-time systems to enhance market surveillance.
- Law enforcement agencies that are awarded grants under the grant program may be subject to an audit by the state auditor to ensure that the grant money is used for the purposes articulated in this section.
- Agencies who are awarded a grant under the Synthetic Opiate Poisoning Investigation and Distribution Interdiction Grant Program are required to submit quarterly reports outlining expenditures of grant funds and to report on the status of Goals and Outcomes set forth by the grantee in the grant application. Funds shall be withheld if quarterly reports are not submitted in a timely and complete manner.

Additional Program Specific Conditions applicable to this Agreement.

1. Grantee and all Subgrantees or Subgrants shall comply with Colorado law including, SB20-200 (CO Secure Savings Program). <https://treasury.colorado.gov/colorado-secure-savings-program>

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**EXHIBIT D, STATEMENT OF WORK**

The Statement of Work contained within the DocuSign Envelope is incorporated herein.

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Grantee: Fort Collins Police Services

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## **EXHIBIT E, BUDGET**

The Budget and Budget Narrative contained within the DocuSign Envelope is incorporated herein.

Unspent funds from Fiscal Year 2023, shall automatically be applied to Fiscal Year 2024 contingent on funding availability as described in the body of this Agreement. If funding becomes unavailable DCJ shall notify the grantee per the terms of this Agreement.

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Grantee: Fort Collins Police Services

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## EXHIBIT D, STATEMENT OF WORK

### Project Summary

This project will be used for investigating, enforcing, and prosecuting synthetic opiate importation and high-level distribution networks, including multijurisdictional and multistate investigations and enforcement operations, to reduce the supply of illegal synthetic opiates and precursor chemicals in Colorado. This grant will allow funding for the purchase of technology, equipment, and training to enhance intelligence, information-sharing capabilities, and interagency collaboration among federal, state, and local law enforcement partners regarding synthetic opiate importation and high-level distribution networks. This project will be used to identify, respond to, treat, and offer support to those impacted by the opioid epidemic. Also, to address and reduce opioid abuse and the number of overdose fatalities, as well as to mitigate the impacts on crime victims by supporting comprehensive, collaborative initiatives.

### Project Description

The Center for Disease Control (CDC) have declared the opioid abuse problem in the United States to be an epidemic. The CDC reports that in the past 16 years, America has witnessed a four-fold increase in opioid-related overdose deaths. Beyond that, it's estimated that 91 Americans die every single day solely from opioid overdoses. These statistics are an alarming indicator of a rapidly growing problem with opioid abuse. And the problem is national too. In fact, almost all states witnessed an increase in drug overdose deaths from 2013 to 2014. Colorado is one of the many states that have felt the disastrous effects of such a rapidly growing substance abuse problem as state opioid overdoses have also quadrupled since 2002. Beyond these numbers, the Colorado Department of Public Health & Environment (CDPHE) released a study showing the extent to which Colorado has been affected by the drug boom. For instance, 4.9% of Colorado residents are reported to use prescription pain relievers outside of their intended medical applications. From 2013 to 2014 alone Colorado saw an increase from 5.4 opioid overdoses per 100,000 to 6.1 per 100,000. Broken down even further, the number of Colorado counties with overdose death rates above 20 per 100,000 rose from one in 2002 to an astounding twelve counties, reflecting an overall rise in death rates in almost every Colorado county. The Colorado Health Institute reports that Colorado's drug death rate is higher than the national average. In fact, several of the state's counties have some of the highest rates of overdose deaths in the entire country. To combat this rapid and potentially catastrophic rise in opioid-related substance abuse problems, it's necessary to first educate yourself on what opioids are, how they affect the body and the mind, and what makes them so addictive and dangerous. Fort Collins is a home rule municipality that is the county seat and the most populous municipality of Larimer County, Colorado, United States. Fort Collins is the principal city of the Fort Collins – Loveland Metropolitan Statistical Area and is a major city of the Front Range Urban Corridor. The city is the fourth most populous city in Colorado. Situated on the Cache La Poudre River along the Colorado Front Range, Fort Collins is located 56 miles north of the Colorado state capitol in Denver. Fort Collins is a midsize college town, home to Colorado State University and Front Range Community College's Larimer campus. In addition to being the fourth most populous city in Colorado, Fort Collins is the 156th most populous city in the United States. The Census Bureau estimates that the city's population was 169,810 in 2020, an increase of 17.94% since 2010. The population of the Fort Collins – Loveland Metropolitan Statistical Area was 310,487 (151st most populous MSA), and the population of the Front Range Urban Corridor was 4,495,181.



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## Goals & Outcomes

### GOAL 1

**Goal 1:** To promote a higher level of cooperation and collaboration among the agencies located within a judicial district as well as with other agencies statewide. To promote more direct involvement with non-participating law enforcement organizations at all levels of government.

#### Outcome 1.1

**Outcome:** The STOP project will maintain statistics regarding the number of smartphones seized, submitted and analyzed using the Graykey. Additionally, statistics will be maintained regarding the outcome of cases, specifically the quantity of illicit drugs, including opioids and Fentanyl, the arrest and sentencing results and the number of firearms seized.

**Measurement:** Fort Collins Police Services (FCPS) will conduct monthly statistical reports to evaluate the effectiveness of the project. FCPS will also collaborate with the coroner's office to report statistics. This proposal will go in effect immediately upon approval of the grant and will be evaluated monthly and quarterly throughout the 16-month project implementation.

**Timeframe:** March 1, 2023 - June 30, 2024

### GOAL 2

**Goal 2:** To improve opioid interdiction and effectiveness of law enforcement to combat illicit opioid use, possession, and distribution.

#### Outcome 2.1

**Outcome:** To conduct thorough, detailed, technically proficient and successful criminal opioid investigations using increased digital forensic tools. Through obtaining Graykey Unlimited and GrayKey Reveal licenses, FCPS will not be limited in number of smartphones being processed as part of a criminal investigations. Technology providing unlimited lock ability eliminates the prioritization of opioid related cases by allowing them all to be investigated. Training FCPS personnel to enhance intelligence, information-sharing capabilities, and interagency collaboration among federal, state, and local law enforcement partners regarding synthetic opiate importation and high-level distribution networks. Obtaining GrayKey Reveal and receiving training on its use, investigators will be able to produce better quality evidence in a shorter period. Training personnel in use of technology and gathering data to allow measurement over time and degree of impact over opioid interdiction and opioid cases will assist in collaborating with other law enforcement agencies.

**Measurement:** Group statistical collection for monthly comparison and quarterly assessments, including dollar value of illegal narcotics confiscated; type and value of confiscated property, including funds, used by offenders for manufacturing and/or distribution of illegal narcotics; and the number of felony drug arrests versus convictions. Group training attended and case and device processing metrics which will be compared year to year.

**Timeframe:** March 1, 2023 - June 30, 2024

Item 8.

Grantee: Fort Collins Police Services  
Project: Smartphone Tool for Opioid Prevention (STOP) Project

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|                    |   |
|--------------------|---|
| <b>GOAL 3</b>      |   |
| Goal 3:            | To support successful prosecution of opioid related cases and exonerate persons falsely accused in opioid related cases.  |
| <b>Outcome 3.1</b> |   |
| Outcome:           | Provide thorough case files regarding possession, distribution, manufacturing, and consumption of illicit opioids to prosecutors. Unlimited ability in unlocking smartphones will support accessing information that supports further investigation and the development of evidence to successfully prosecute opioid related cases. Provide additional benefits in increasing the number of cases successfully prosecuted, as well as increasing the capability in identifying falsely accused persons. |
| Measurement:       | Group statistical collection for monthly comparison and quarterly assessments, including number of illicit opioid cases investigated; type of opioid related case (possession and/or distribution and/or manufacturing and/or consumption); number and type of cases provided to prosecutors for prosecution; number and type of opioid case successfully prosecuted; and number of falsely identified individuals and type of opioid-related case.   |
| Timeframe:         | March 1, 2023 - June 30, 2024   |

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EXHIBIT E - BUDGET

BUDGET SUMMARY

| Budget Categories                             | Year 1 FY23<br>3/1/2023 -<br>6/30/2023 | Year 2 FY24<br>7/1/2023 -<br>6/30/2024 | Total Award<br>Budget |
|---|--|--|-----------------------|
| Personnel                                     | \$0                                    | \$0                                    | \$0                   |
| Supplies & Operating                          | \$255,833                              | \$0                                    | \$255,833             |
| Travel  | \$0                                    | \$0                                    | \$0                   |
| Equipment                                     | \$0                                    | \$0                                    | \$0                   |
| Consultants/Contracts (Professional Services) | \$0                                    | \$0                                    | \$0                   |
| Indirect                                      | \$0                                    | \$0                                    | \$0                   |
| TOTAL BUDGET                                  | \$255,833                              | \$0                                    | \$255,833             |
|   | Year 1 FY23                            | Year 2 FY24                            | Grand Total           |

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Personnel: Budget & Budget Narrative Details  
Year 1 March 1, 2023 - June 30, 2023

| Position Title and Name             | Base Salary | Base Salary to | % To Be Paid | Fringe | Fringe to be  | % To Be | Total Base      | Total Base   | OT - | OT - Base | OT -Fringe | OT -Fringe to | Total to be      |
|-------------------------------------|-------------|----------------|--------------|--------|---------------|---------|-----------------|--------------|------|-----------|------------|---------------|------------------|
|                                     |             | be Paid by     | By Grant     |        | Paid by Grant | Paid By |                 | Salary +     |      | Base      |            |               | be Paid by       |
|                                     |             | Grant Funds    | Funds        |        | Funds         | Funds   | Salary + Fringe | Fringe to be | Base | Salary to |            | be Paid by    | Funds (including |
|                                     |             |                |              |        |               |         |                 |              |      |           |            |               | overtime)        |
| PERSONNEL Year 1 FY23               |             |                |              |        |               |         |                 |              |      |           |            |               |                  |
| N/A                                 | \$0         | \$0            | 0.00%        | \$0    | \$0           | 0.00%   | \$0             | \$0          | \$0  | \$0       | \$0        | \$0           | \$0              |
| Budget Narrative and Justification: |             |                |              |        |               |         |                 |              |      |           |            |               |                  |
| TOTAL PERSONNEL YEAR 1              | \$0         | \$0            | 0.00%        | \$0    | \$0           | 0.00%   | \$0             | \$0          | \$0  | \$0       | \$0        | \$0           | \$0              |
|                                     |             |                |              |        |               |         |                 |              |      |           |            |               |                  |

Personnel: Budget & Budget Narrative Details  
Year 2 July 1, 2023 - June 30, 2024

| Position Title and Name             | Base Salary | Base Salary to<br>be Paid by<br>Grant Funds | % To Be Paid<br>By Grant<br>Funds | Fringe | Fringe to be<br>Paid by Grant<br>Funds | % To Be<br>Paid By<br>Grant<br>Funds | Total Base<br>Salary +<br>Fringe | Total Base<br>Salary +                 | OT - Base      | OT - Base                                 | OT - Fringe               | OT - Fringe to                   | Total to be |
|-------------------------------------|-------------|---|-----------------------------------|--------|--|--------------------------------------|----------------------------------|--|----------------|---|---------------------------|----------------------------------|-------------|
|                                     |             |   |                                   |        |  |                                      |                                  | Fringe to be<br>Paid by Grant<br>Funds | Base<br>Salary | Salary to<br>be Paid by<br>Grant<br>Funds | be Paid by<br>Grant Funds | Funds<br>(including<br>overtime) |             |
| PERSONNEL Year 2 FY24               |             |   |                                   |        |  |                                      |                                  |  |                |   |                           |                                  |             |
| N/A                                 | \$0         | \$0   | 0.00%                             | \$0    | \$0                                    | 0.00%                                | \$0                              | \$0                                    | \$0            | \$0                                       | \$0                       | \$0                              | \$0         |
| Budget Narrative and Justification: |             |   |                                   |        |  |                                      |                                  |  |                |   |                           |                                  |             |
| TOTAL PERSONNEL YEAR 2              | \$0         | \$0   | 0.00%                             | \$0    | \$0                                    | 0.00%                                | \$0                              | \$0                                    | \$0            | \$0                                       | \$0                       | \$0                              | \$0         |
| PERSONNEL GRAND TOTAL               | \$0         | \$0   | 0.00%                             | \$0    | \$0                                    | 0.00%                                | \$0                              | \$0                                    | \$0            | \$0                                       | \$0                       | \$0                              | \$0         |
|                                     |             |   |                                   |        |  |                                      |                                  |  |                |   |                           |                                  |             |

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Agency: Fort Collins Police Services  
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Non-Personnel: Budget & Budget Narrative Details  
Year 1 FY23 March 1, 2023 - June 30, 2023

| Budget Item  | Amount to be<br>Paid by Grant<br>Funds | Budget Narrative and Justification   |
|--|--|--|
| <b>SUPPLIES &amp; OPERATING</b>                      |  |  |
| GrayKey Premier                                      | \$255,833                              | 4 GrayKey Reveal 1 year user license \$26,980 Software program to analyze digital data<br><br>1 GrayKey Premier Unlimited license \$227,678 Software program to unlock and aquire digital data from smartphones (includes 10% discount)<br><br>2 GrayKey Units \$1,100 physical GrayKey unit to interface with smartphone and computer<br><br>\$75 GrayKey Shipping and Handling<br><br>We would pay the quoted price for all 5-years up front in a lump sum fiscal year 1 |
| Supplies & Operating Total                           | \$255,833                              |  |
| <b>TRAVEL</b>  |  |  |
| N/A  |  |  |
| Travel Total   | \$0                                    |  |
| <b>EQUIPMENT</b>                                     |  |  |
| N/A  |  |  |
| Equipment Total                                      | \$0                                    |  |
| <b>CONSULTANTS/CONTRACTS (PROFESSIONAL SERVICES)</b> |  |  |
| N/A  |  |  |
| Consultants/Contracts Total                          | \$0                                    |  |

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|  |  |                                    |
|--|--|------------------------------------|
| INDIRECT (ADMINISTRATIVE ONLY)                   |  |                                    |
| N/A  |  |                                    |
| Indirect Total                                   |  | \$0                                |
| Total Non-Personnel - Year 1 FY23                |  | \$255,833                          |
|  |  |                                    |
| Non-Personnel: Budget & Budget Narrative Details |  |                                    |
| Year 2 FY24 July 1, 2023 - June 30, 2024         |  |                                    |
| Budget Item                                      | Amount to be<br>Paid by Grant<br>Funds | Budget Narrative and Justification |
| SUPPLIES & OPERATING                             |  |                                    |
| N/A  |  |                                    |
| Supplies & Operating Total                       | \$0                                    |                                    |
| TRAVEL   |  |                                    |
| N/A  |  |                                    |
| Travel Total                                     | \$0                                    |                                    |
| EQUIPMENT  |  |                                    |
| N/A  |  |                                    |
| Equipment Total                                  | \$0                                    |                                    |
| CONSULTANTS/CONTRACTS (PROFESSIONAL SERVICES)    |  |                                    |
| CONSULTANTS/CONTRACTS                            |  |                                    |
| N/A  |  |                                    |
| Consultants/Contracts Total                      | \$0                                    |                                    |
| INDIRECT   |  |                                    |
| N/A  |  |                                    |
| Indirect Total                                   | \$0                                    |                                    |
| Total Non-Personnel - Year 2                     |  | \$0                                |
|  |  |                                    |
| GRAND TOTAL NON PERSONNEL                        |  | \$255,833                          |

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Lakewood, CO 80215

cdps\_dcj\_oajjagrants@state.co.us

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Lyndsay J. Clelland

lyndsay.clelland@state.co.us

Contract, Grant and Compliance Coordinator

Division of Criminal Justice

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## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, CDPS Contracts and Grants (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

#### **How to contact CDPS Contracts and Grants:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: sarah.white@state.co.us

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## AGENDA ITEM SUMMARY

City Council



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### STAFF

John Phelan, Energy Services Manager  
Cyril Vidergar, Legal

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### SUBJECT

**First Reading of Ordinance No. 080, 2023, Authorizing Transfers of Appropriations for the Northside Aztlan Resilience Hub Project.**

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### EXECUTIVE SUMMARY

The purpose of this item is to appropriate supplemental funds for the Northside Aztlan Community Center Resilience Hub Project. Funding originally provided through Ordinance No. 113, 2020, supported the construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center. Project cost overruns arising from escalation, building code changes and design modifications requires Utilities to transfer \$60,000 from the Utilities Energy Services budget to supplement the Northside Aztlan Resilience Hub capital project budget. This funding transfer utilizes anticipated underspend of lapsing funds to accomplish an objective consistent with the purpose of the project. The project also received \$200,000 in funding from the Colorado Department of Local Affairs.

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### STAFF RECOMMENDATION

Staff recommends approval of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

The Northside Aztlan Resilience Hub Project supported the construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center to allow the facility to function as a resilience hub during community emergencies. Circumstances presented by COVID-19 and nearby fire events demonstrated the need for and viability of incorporating enhanced resilience, efficiency, and innovation services to the community. The project was funded via a \$200,000 grant from the Colorado Department of Local Affairs (DOLA), \$25,000 from the Keep Fort Collins Great Fund and \$200,000 of matching funds from Fort Collins Utility Services. The City resourced the original \$200,000 in matching funds for this project from the 2020 Energy Services budget (originally appropriated in the Light and Power Fund Operations Budget), available as a result of underspend due to the COVID-19 pandemic. Transfer of the underlying appropriation occurred by Ordinance No. 113, 2020 (attachment 2).

The key outcome of this project is that in the case of a community emergency in which the electric grid cannot deliver power, the new battery system at Northside Aztlan Community Center can power a sufficient level of lighting, ventilation and plug loads so that the facility can be used as a resilience hub to coordinate centralized resource distribution and services for community members. The new battery system passed

initial testing on May 1, 2023, and has been operating since. The new battery and enhanced solar system also provide benefits to the facility by reducing monthly energy charges through the generation of renewable energy and offset of electric demand and can further be used to by Utilities for electric distribution system benefits. Together, these three outcomes (community resilience, lower facility bills, electric distribution operations) demonstrate capabilities expected to be widely deployed in the community to achieve Our Climate Future goals.

The project cost was originally estimated at \$425,000. However, circumstances generated project design changes, incurring a final cost of \$481,389 which has been invoiced in accordance with requirements of the DOLA grant. The following factors and design changes were required to complete the project:

- COVID-19 pandemic forced an extension of the DOLA grant and produced inflationary cost escalations.
- Changes to the Fire Code and existing building construction elements required moving the battery system outside the Northside Aztlan structure to a separate container/building.
- The updated Fire Code required extensive enhancement to the originally proposed fire suppression system.
- City land use rules required completing a Minor Amendment application and review process to allow construction of the container/building.
- Additional project management costs arising from supply chain delays and project timeline extensions related to battery container design, permitting, purchase, installation, security, and landscaping.

### **CITY FINANCIAL IMPACTS**

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The proposed \$60,000 of funding will use unencumbered lapsing funds in the 2023 Energy Services budget. These supplemental funds for the project are consistent with the goals and purposes for which that money was originally appropriated, namely to enhance grid flexibility and reduce greenhouse gas emissions. The transferred funds will be encumbered into the non-lapsing grant funded project budget, therefore there would be no net impact to the Light & Power Fund.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Staff presented this project to the Energy Board on September 10, 2020, concurrent with Council's consideration of Ordinance No. 113, 2020.

### **PUBLIC OUTREACH**

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Public outreach is planned to take the form of an educational placard and various media postings to raise awareness of this innovative demonstration and the value it provides to the community on both a daily basis as well as the important resiliency support functions for the community.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Ordinance No. 113, 2020

ORDINANCE NO. 080, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE  
NORTHSIDE AZTLAN RESILIENCE HUB PROJECT

WHEREAS, through Ordinance No. 113, 2020, City Council approved and appropriated funds to support construction of battery storage and upgraded solar equipment at the Northside Aztlan Community Center to function as a resilience hub during community emergencies (the “Northside Aztlan Resilience Hub Project”), to be overseen by Utilities Energy Services; and

WHEREAS, the project was funded through a \$200,000 grant from the Colorado Department of Local Affairs, \$25,000 from the Keep Fort Collins Great Fund; and \$200,000 of matching funds from Fort Collins Utility Services; and

WHEREAS, project cost overruns due to materials cost escalation, building and fire code changes, and related design modification requirements exceeded the anticipated project budget, requiring additional local funding to satisfy project invoices; and

WHEREAS, City Council authorized expenditures in the 2023 Electric Utility enterprise fund (“Light & Power Fund”) Operations Budget for various Energy Services division purposes, portions of which lapsing funds remain unexpended and unencumbered; and

WHEREAS, to ensure that all expenses for the Northside Aztlan Resilience Hub Project, regardless of funding source, are accounted for collectively as part of the Northside Aztlan Resilience Hub Project, the \$60,000 of previously appropriated funds in the Light & Power Fund Operations Budget, should be transferred to the Northside Aztlan Resilience Hub Project within the Light & Power Fund Project Budget; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the transfer of \$60,000 from the Light & Power Fund Operations Budget to the Light & Power Fund Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project such as the Northside Aztlan Resilience Hub Project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the Northside Aztlan Resilience Hub Project; and

WHEREAS, the transfer described in this Ordinance benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of ensuring more stable standalone operation of the Northside Aztlan Resilience Hub as a community emergency resource center ahead of the next pandemic or emergency; and

WHEREAS, the proposed transfer also continues the original utility purposes advanced by accepting the 2020 DOLA grant funds and Keep Fort Collins Great monies to complete the

Northside Aztlan Resilience Hub project, namely to serve utility ratepayers by enabling installation of energy system features in a community emergency facility that will lower demands on the City's electric grid and leverage outside funding to reduce the financial impact on the Light & Power Fund during the next pandemic or emergency; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Northside Aztlan Resilience Hub Project as an appropriation that shall not lapse until the completion of the project.

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

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

Section 2. That the unexpended and unencumbered appropriated amount of SIXTY THOUSAND DOLLARS (\$60,000) is authorized for transfer in the Light & Power Fund Operations Budget to the Light & Power Fund Project Budget and appropriated therein to be expended for the renovation of the Northside Aztlan Resilience Hub Project.

Section 3. That the appropriation herein for the Northside Aztlan Resilience Hub Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project or 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, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

ORDINANCE NO. 113, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS  
AND AUTHORIZING TRANSFERS OF APPROPRIATIONS  
FOR THE NORTHSIDE AZTLAN RESILIENCE HUB PROJECT

WHEREAS, in the summer of 2019, the Colorado Department of Local Affairs (DOLA) launched the Renewable/Clean Energy Challenge grant program to support energy efficiency efforts that align with needs and opportunities identified by local governments and will help the State of Colorado reach its 2040 100% renewable energy goal; and

WHEREAS, DOLA solicited Clean Energy Challenge grant projects with multiple objectives that targeted renewable energy, energy efficiency, and energy conservation efforts; supported innovations in renewable energy, and served populations with the greatest need; and

WHEREAS, in December 2019, before the COVID-19 pandemic impacted Colorado communities and City facilities, the City filed a Clean Energy Challenge grant application detailing a \$425,000 project to create a resiliency hub at the Northside Aztlan recreation center by adding off-grid energy storage and management capabilities through battery systems to enable operation in emergencies where the electric grid may be impacted (“Northside Aztlan Resilience Hub project”); and

WHEREAS, throughout 2020 in response to the COVID-19 pandemic, the City used the Northside Aztlan Center property and facilities for waves of community sheltering and resiliency service efforts, through which the City demonstrated the community need and viability of the proposed Northside Aztlan Resilience Hub project; and

WHEREAS, DOLA selected the Northside Aztlan Resilience Hub project for a Clean Energy Challenge grant award of \$200,000, conditioned on a \$200,000 local fund match by the City, which staff has identified is available in the 2020 Utilities Energy Services budget from anticipated underspending due to the COVID-19 pandemic; and

WHEREAS, accepting the DOLA grant funds and commitment of matching funds, in conjunction with Keep Fort Collins Great monies and other community funding, to complete the Northside Aztlan Resilience Hub project will serve utility ratepayers by enabling installation of energy system features in a community emergency facility that will lower demands on the City’s electric grid and leverage outside funding to reduce the financial impact on the Electric Utility enterprise fund (“Light & Power Fund”) for the project; and

WHEREAS, appropriating the DOLA grant and other matching and complementary financial resources described in this Ordinance to complete the Northside Aztlan Resilience Hub project benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of ensuring more stable standalone operation of the facility as a community emergency resource center ahead of the next pandemic or emergency; and



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

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Light & Power Fund and will not cause the total amount appropriated in the Light & Power Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year; and

WHEREAS, Article V, Section 10, of the City Charter authorizes the City Council, upon recommendation of 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; and

WHEREAS, the City Manager has recommended the transfer of \$25,000 from the Keep Fort Collins Great Fund to the Light & Power Fund for the Northside Azlian Resilience Hub project and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer of \$200,000 from the Utilities Energy Services operating budget to the Northside Azlian Resilience Hub project and determined that the proposed transfer is from an account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

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

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

Section 2. That there is hereby appropriated from unanticipated grant revenue in the Light & Power Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) for expenditure in the Light & Power Fund for the Northside Azlian Resilience Hub project and appropriated therein.

Section 3. That the unexpended and unencumbered appropriated amount of TWENTY FIVE THOUSAND DOLLARS (\$25,000) is hereby authorized for transfer from the Keep Fort Collins Great Fund to the Light & Power Fund for the Northside Azlian Resilience Hub project and appropriated therein.

Section 4. That the unexpended and unencumbered appropriated amount of TWO HUNDRED THOUSAND DOLLARS (\$200,000) is hereby authorized for transfer from the Energy Services operating budget to the Northside Aztlan Resilience Hub project.

Section 5. That the DOLA Renewable/Clean Energy Challenge grant program terms and conditions, as provided to the City, are approved and agreed to as a condition of accepting the grant funds without entering into a separate grant contract or intergovernmental agreement with the State.

Introduced, considered favorably on first reading, and ordered published this 15th day of September, A.D. 2020, and to be presented for final passage on the 6th day of October, A.D. 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



Passed and adopted on final reading on the 6th day of October, A.D. 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jennifer Poznanovic, Sr. Revenue Manager  
Ryan Malarky, Legal

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### SUBJECT

**Items Relating to Sales Tax Code Updates.**

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### EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 081, 2023, Amending Article VIII, Article XI and Article XIV of Chapter 15 of the Code of the City of Fort Collins Relating to Pawnbrokers, Secondhand Dealers, and Outdoor Vendors.

B. First Reading of Ordinance No. 082, 2023, Amending Article III of Chapter 25 of the Code of the City of Fort Collins Relating to Sales and Use Tax.

The purpose of Ordinance A is to amend Chapter 15 of the City Code to include annual renewal dates for pawnbroker and secondhand dealer licenses, to create exemptions from secondhand dealer regulation for flea markets and secondhand furniture stores, and to restrict mobile food truck vendors and pushcart vendors from operating on the renovated portion of Linden Street.

The purpose of Ordinance B is to amend Chapter 25 of the City Code concerning sales and use tax. The updates to Chapter 25 include clarifying the process for a taxpayer to obtain a refund or credit for overpayment of tax discovered in an audit, updating licensing to align with Senate Bill 22-032, and the time period that a business relocating to Fort Collins will owe use tax on items brought into the City that were purchased while a nonresident.

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### STAFF RECOMMENDATION

Staff recommends adoption of both Ordinances on First Reading.

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### BACKGROUND / DISCUSSION

The various Code changes being requested are as follows:

#### **CHAPTER 15, ARTICLE VIII - Pawnbrokers**

##### **Annual License Fee**

City Code Section 15-263 establishes the fee for an annual license and requires an application for such license. City staff recommends the section be amended to include a specific expiration date for pawnbroker licenses to be December 31<sup>st</sup>. This allows for the tracking and the renewal process to be automated

through the sales tax online portal and effectively decreases the amount of staff time spent monitoring pawnbroker businesses for renewal.

## **CHAPTER 15, ARTICLE XI - Secondhand Dealers**

### **Definitions**

City Code Sections 15-316, 15-317, 15-318, 15-322, 15-323 and 15-327 include regulatory requirements specific to flea markets and/or dealers of secondhand property. Within the Definitions section of Chapter 15, Article XI, City staff recommends creating an exemption from regulatory requirements for flea markets and to amend the Code to make clear that secondhand furniture stores are not considered secondhand dealers. Fort Collins Police Services determined that regulating these types of stores is not necessary. There has not been a reported incident or area of concern at any flea market or secondhand furniture store and the cost of City staff time and effort to monitor and license these types of stores can now be spent on other areas of need.

City staff is further recommending that other regulatory requirements specific to flea markets be removed, and another revision to records retention for tax purposes, the latter of which is properly characterized as a “clean-up” revision.

### **License Required, Annual Fee**

City Code Section 15-317 establishes that secondhand dealers are required to obtain an annual license. City staff recommends amending secondhand dealer license expiration dates to be the same for all secondhand dealer businesses to December 31st of each year. This allows for the license tracking and the renewal process to be automated through the sales tax online portal and decreases the amount of staff time spent monitoring these businesses for renewal.

## **CHAPTER 15, ARTICLE XIV**

### **Sec. 15-387. - Restrictions on Mobile Food Truck Vendors and Pushcart Vendors on Linden Street.**

City Code Section 15-387 imposes license and other regulatory requirements on outdoor vendors. Outdoor vendors include mobile food truck vendors and pushcart vendors that serve food. City staff recommends the Code be amended to make clear that mobile food truck vendors and pushcart vendors be restricted from vending in the new parallel parking spaces on the portion of Linden Street in downtown between Walnut Street and Jefferson Street. The City completed renovation of Linden Street in 2022 into a convertible space that would allow for pedestrian gathering space during special events. The renovation included the conversion of diagonal parking spaces to parallel parking spaces. Under the current regulations, mobile food truck vendors and pushcart vendors are permitted to vend on streets in non-neighborhood zones where parallel parking is allowed. The City did not intend for such vendors to utilize the parallel parking spaces, and therefore, a change to the Code is warranted.

## **CHAPTER 25, ARTICLE III**

### **Exception from Sales/Use Tax License for Remote Sellers**

City Code Sec. 25-91 establishes the requirement that those engaged in the business of retail sales of tangible personal property and taxable services must obtain a sales/use tax license. In the 2022 session, the General Assembly passed Senate Bill 22-032, which places a requirement on the Colorado Department of Revenue in administering the state’s electronic sales and use tax simplification system (SUTS). The requirement is that the Dept. of Revenue collect information from retailers that do not have a physical presence within a local taxing jurisdiction or have only an incidental physical presence within a taxing jurisdiction so that the local jurisdiction can alleviate the retailer of the requirement to have a local sales/use

tax license. The intent of the bill was to streamline the imposition, collection, and administration of sales and use taxes by local jurisdictions.

City staff recommends adding an exception to the City's sales/use tax license requirement to align with SB 22-032. City staff recommends to not require a sales and use tax license for remote sellers that have only an economic nexus with the City, as compared to a physical nexus. The City would issue such businesses an account for City staff to track payment but would not require such businesses to have a City license.

### **Creation of Explicit Process for Refund or Credit of Tax Overpayment during Audit**

City Code Sec. 25-186(c): City staff recommends adding the treatment of tax overpayments determined through audit. Currently, taxpayers have no recourse if an audit determines an overpayment because the statute of limitations for submitting a refund claim would have expired in most audit circumstances. Staff recommends sending a notice of overpayment to the taxpayer that serves as documentation for a claim for refund if the taxpayer signs and submits the claim within 30 days of the notice.

### **Clarification of the Use Tax Exemption for Property Purchase Outside the City**

City Code Sec. 25-74(b) establishes exemptions from the City's use tax. Subsection (b)(4) establishes a limited exemption for property that is either brought into the City temporarily by a nonresident or that is purchased prior to the owner becoming a resident of the City. City staff recommend revising this section into two sections. The first would retain the exemption for property temporarily brought into the City by nonresidents. The second would retain, but clarify, the exemption for property purchased outside the City but brought into the City by a resident to better define a timeframe when property is subject to use tax.

### **CITY FINANCIAL IMPACTS**

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Not applicable.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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Not applicable.

### **ATTACHMENTS**

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

ORDINANCE NO. 081, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE VIII, ARTICLE XI, AND ARTICLE XIV OF CHAPTER 15 OF THE  
CODE OF THE CITY OF FORT COLLINS RELATING TO PAWNBROKERS,  
SECONDHAND DEALERS, AND OUTDOOR VENDORS

WHEREAS, Chapter 15, Articles VIII and XI of the City Code address the regulation and licensure of dealers of second property within the city, which includes flea markets and pawnbrokers; and

WHEREAS, Fort Collins Police Services (“FCPS”), in collaboration with City staff responsible for the administration of such matters (collectively, “City staff”), has identified that regulation is not warranted for flea markets and stores selling secondhand clothing, shoes, or furniture; and

WHEREAS, City staff bases its determination on the fact that there has never been a reported criminal or regulatory incident or violation at any flea market or secondhand clothing or furniture store within the City; and

WHEREAS, City staff recommends that flea markets and secondhand clothing, shoes, and furniture stores be excluded from the regulatory requirements for secondhand dealers in the interest of conserving the staff time and City resources that would otherwise go to administering such regulations; and

WHEREAS, in addition, City staff recommends that an expiration date be set for annual licenses for secondhand dealers and pawnbrokers to increase administrative efficiency and reduce the time and resources needed to track licenses with varying expiration dates; and

WHEREAS, Chapter 15, Article XIV addresses the regulation of outdoor vendors within the city, which includes mobile food trucks and pushcart vendors; and

WHEREAS, the Code allows that mobile food truck vendors and pushcart vendors may vend on streets in locations in non-neighborhood zone districts where parallel parking is allowed; and

WHEREAS, on August 26, 2022, the City completed the renovation of Linden Street between Jefferson Street and Walnut Street into a convertible street that can be closed to vehicular and bicycle traffic and transformed into a pedestrian gathering space during special events; and

WHEREAS, the renovation included the conversion of the diagonal parking spaces to parallel parking spaces; and

WHEREAS, it was not the City’s intention in renovating Linden Street to allow for mobile food truck vendors or pushcart vendors on the renovated section; and

WHEREAS, City staff is recommending that the Code be amended to prohibit mobile food truck vendors and pushcart vendors from operating on the renovated portion of Linden Street to conform the regulations to the City's intent and to maintain an appropriate distance from such vendors and the brick and mortar food establishments in the area, which suffered negative consequences as a result of the two-year reconstruction of Linden Street; and

WHEREAS, City staff's recommendation is to allow for such vendors on Linden Street as part of a licensed special event or as a concessionaire of the City; and

WHEREAS, the City Council hereby finds that amending the City Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety, and welfare of the community by providing for the reduction in regulatory burden on certain secondhand dealers where such regulation is not warranted and also by providing for the appropriate use of the renovated portion of Linden Street.

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

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

Section 2. That Section 15-263 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-263. Annual license fee.**

The annual license fee for carrying on the business of pawnbroking shall be three hundred dollars (\$300.), which shall be submitted together with an application for such license to the Finance Officer. Said license fee is nonrefundable, unless the application is denied. Annual licenses shall expire on December 31<sup>st</sup> of each year, and a business must apply to renew its license no later than forty-five (45) days before the expiration date.

Section 3. That Section 15-316 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-316. Definitions.**

...

*Secondhand dealer* shall mean any person who operates any portion of his or her ~~business~~ **their** business to buy, accept on consignment, sell or barter secondhand property; ~~and any owner or operator of a flea market,~~ provided, however, that this definition and the terms of this Article shall not apply to the following:

...



(6) A flea market or An individual vendor renting a booth or space in a flea market, except that each individual vendor shall be subject to the requirements in § 15-327; and

...

*Secondhand property* shall mean the following items of tangible personal property previously owned and used by another person:

...

(6) Any item of tangible personal property which is marked with a serial or identification number and the selling price of which is thirty dollars (\$30.) or more, except motor vehicles, ranges, stoves, dishwashers, refrigerators, garbage disposals, airplanes, clothes washers, freezers, mobile homes, and nonprecious scrap metal and furniture.

Section 4. That Section 15-317 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-317. License required; annual fee.**

(a) It shall be unlawful for any person, ~~owner or operator of a flea market~~ to engage in the business of secondhand dealing except as provided in and authorized by this Article and without first having obtained a license from the Financial Officer. Such license shall be kept current at all times, and failure to maintain a current license shall constitute a violation of this Section.

(b) The annual license fee for carrying on the business of secondhand dealing shall be one hundred dollars (\$100.), which shall be submitted together with an application to the Financial Officer. Said license fee is nonrefundable, unless the application is denied. Annual licenses shall expire on December 31<sup>st</sup> of each year, and a business must apply to renew its license no later than forty-five (45) days before the expiration date.

Section 5. That Section 15-318 of the Code of the City of Fort Collins is hereby amended by the deletion of Subsection (f) in its entirety.

**Sec. 15-318. Application for secondhand dealer license; renewal; limitation on use; appeals.**

...

~~(f) With respect to flea markets, an owner or operator licensed under this Article shall provide, with each application for a new or renewal license, keep a list of all persons renting a booth or space in the flea market, along with such person's date of birth, address and driver's license or other identifying number. With each application for a renewal license, an An owner or operator shall provide a list of all persons who have rented a booth or space in the flea market at any time since the owner or operator last applied for a license, together with such person's date of birth, address and driver's license or other identifying number and the dates such person rented space at the flea market. In addition, the flea market owner or operator shall keep a list upon the licensed premises,~~



~~open and available for inspection by the City during business hours, of all persons currently renting a booth or space in the flea market, along with such person's date of birth, address and driver's license or other identifying number, and the dates such person rented space at the flea market.~~

Section 6. That Section 15-322 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-322. Records for sales tax collection for flea market sales.**

(a) Every secondhand dealer or any person who is a dealer of new goods who is a retailer and sells such goods at a flea market or similar facility or any nonpermanent location shall keep and preserve suitable records of consignments, barter or sales made and such other books or accounts as may be necessary to determine the amount of tax for the collection of which the dealer is liable under ~~Title 39, Article 26, Part 1, C.R.S.~~ **local, state, or federal law.**

(b) It is the duty of every such person to keep and preserve for a period of three (3) years all invoices of goods and merchandise purchased for resale. All such books, invoices and other records shall be open for examination at any time by the ~~Executive Director of the State Department of Revenue, said Director's~~ **Financial Officer, their** duly authorized agents or any peace officer.

~~(c) In the case of flea markets and similar facilities in which secondhand property is offered for sale, on consignment or barter, the operator thereof shall inform each secondhand dealer of the requirements of this Article and shall provide the form for recording the information required by § 15-320.~~

~~(d) In the case of flea markets and similar facilities in which secondhand property is offered for sale, consignment or barter, the operator thereof shall record the name and address of each secondhand dealer offering secondhand property for sale, consignment or barter at the flea market or similar facility, and the identification number of such dealer as obtained from any of the forms of identification enumerated in Paragraph 15-320(5). Such record shall be mailed or delivered by the operator to Police Services within three (3) days of the date the secondhand dealer offered secondhand property for sale, consignment or barter at the flea market or similar facility. A copy of such record shall be retained by each secondhand dealer offering secondhand property for sale, consignment or barter at the flea market or similar facility.~~

Section 7. That Section 15-323 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-323. Notice; penalties.**

~~Except in the case of flea markets and similar facilities as provided in this Article, every~~ **Every** secondhand dealer shall conspicuously post a notice to be provided by Police Services in a place clearly visible to all buyers and barterers which sets forth the provisions of this Article and of Sections 18-13-114 through 18-13-116, C.R.S., and which sets forth the penalties for violating such sections and for violating Section 18-4-410, C.R.S., concerning theft by receiving. Such

notification shall include information to the effect that stolen property may be confiscated by any peace officer and returned to the rightful owner without compensation to the buyer. Said notice may also include information regarding any reimbursement policy of the dealer. ~~In the case of flea markets and similar facilities, the operator shall post the notice required by this Section in such a manner as to be obvious to all persons who enter the flea market or similar facility.~~

Section 8. That Section 15-327 of the Code of the City of Fort Collins is hereby deleted in its entirety and the remaining section be renumbered accordingly.

**~~Sec. 15-327. Information required/false information.~~**

~~It shall be unlawful for a vendor renting or using a space or booth in a flea market to fail to provide his or her name, address, date of birth, driver's license number and other identifying number to a flea market operator who requests such information pursuant to Subsection 15-318(f) or to provide false identifying information to such operator.~~

Section 9. That Section 15-381 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Linden Street*" which reads in its entirety as follows:

**Sec. 15-381. Definitions.**

*Linden Street* shall mean that portion of Linden Street bounded on the south by the northern edge of the Walnut Street right-of-way and on the north by the southern edge of the Jefferson Street right-of-way.

Section 10. That Section 15-387(p) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 15-387. Restrictions and operation.**

...

(p) The following additional requirements shall apply to particular types of outdoor vendor licenses, as specified:

(1) Mobile food truck vendors shall:

a. Vend only on lots in non-neighborhood zone districts or on streets in locations in non-neighborhood zone districts where parallel parking is allowed, excluding Linden Street as defined in this Article except where permitted as part of licensed special event under Chapter 23.5 of this Code or as a concessionaire of the City;

...

(2) Pushcart vendors shall:

a. Vend only on lots in non-neighborhood zone districts or on streets in locations in non-neighborhood zone districts where parallel parking is allowed, excluding Linden Street as defined in this Article except where permitted as part of licensed special event under Chapter 23.5 of this Code or as a concessionaire of the City;

...

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on this 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

ORDINANCE NO. 082, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE III OF CHAPTER 25 OF THE CODE OF THE CITY OF  
FORT COLLINS RELATING TO SALES AND USE TAX

WHEREAS, Article XX, Section 6(g) of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution; and

WHEREAS, on November 16, 1967, the City Council, in the exercise of its home rule taxing powers, adopted Ordinance No. 058, 1967, to levy, collect, and enforce beginning on January 1, 1968, a sales and use tax on the purchase of tangible personal property sold at retail in the City and on certain taxable services provided in the City (the “Sales and Use Tax Code”); and

WHEREAS, the Sales and Use Tax Code is currently found in Chapter 25, Article III of the City Code, which has been significantly amended many times since its adoption in 1967; and

WHEREAS, City staff has reviewed the Sales and Use Tax Code and has recommended revisions to it to clarify an exemption from use tax for property purchased outside the city and to create an explicit process by which a taxpayer can claim a refund or credit resulting from an overpayment of tax discovered during an audit; and

WHEREAS, City staff has also recommended a change to the sale and use tax license requirements to conform to Senate Bill 2022-032 regarding the simplification of local licensing requirements in coordination with the Department of Revenue’s administration of the state sales and use tax simplification system; and

WHEREAS, City Council hereby finds that amending the City Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City’s taxes.

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

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

Section 2. That Section 25-74 of the Code of the City of Fort Collins is hereby amended by the amendment of Subsection (4) and the addition of a new Subsection (5) to read as follows, with the remaining Subsections renumbered accordingly:

**Sec. 25-74. Imposition of the use tax and exemptions.**

...

(b) Transactions and items exempt from the use tax. The use, storage, distribution or consumption in the City of the following are hereby exempted from the use tax:

...

(4) Tangible personal property brought into the City by a nonresident for that person's own use, storage, distribution or consumption while temporarily in the City, ~~and the tangible personal property of a resident if such property was purchased prior to becoming a resident of the City;~~

(5) Tangible personal property that is first used, stored, consumed or distributed within the City more than one (1) year after the most recent sale of the property if, within the year following such sale, the property has been used in a significant way outside the City for the principal purpose for which it was most recently purchased. This exemption shall not apply to:

(a) construction equipment, tools, and machinery;

(b) construction materials;

(c) vehicles that are capable of moving themselves, or of being moved from place to place upon wheels or endless tracks, excluding bicycles and other devices moved by human power; and

(d) farm machinery and farm machinery parts used in farming operations, but not farm machinery parts installed on farm machinery in the City. Trucks having a manufacturer's rated capacity of one (1) ton or less shall not be considered farm machinery;

...

Section 3. That Section 25-91 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 25-91. Sales/use tax license required.**

(a) Except as provided in § 25-97 **or in this Section**, no person shall engage in the business of selling at retail tangible personal property and taxable services subject to the tax imposed by this Article without first having obtained a license therefor, which license shall be granted and issued by the Financial Officer and shall be in full force and effect until revoked.

(b) Except as provided in § 25-97 **or in this Section**, no person shall use, store, distribute or consume any tangible personal property or taxable services subject to the tax imposed by this Article without first having obtained a license therefor, which license shall be granted and issued by the Financial Officer and shall be in full force and effect until revoked.

...

(e) The requirement to obtain a license under Subsections (a) and (b) shall not apply to a person identified therein who either does not have a physical presence in, or has only an incidental physical presence, in the city as defined in C.R.S. § 39-26-802.9(2)(c) and (e), who has a state standard retail license, and who remits tax to the City through the state electronic sales and use tax simplification system.

Section 4. That Section 25-186 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 25-186. Failure to make return; estimate of taxes; notices; appeal; audit.**

...

(c) The Financial Officer may at any time within three (3) years of the date a tax is due, serve upon any taxpayer personally, by first-class mail or certified mail directed to the last address of the taxpayer on file with the City, or by electronic mail directed to the last such address on file with the City, a written notice of audit notifying the taxpayer that the Financial Officer will be conducting an audit of the taxpayer's books and records to determine the exact amount of any tax, penalty, interest, collection costs and other charges due. Within thirty (30) days of the date such notice is mailed or within such longer time period as permitted by the Financial Officer, the taxpayer shall make available to Financial Officer all of the taxpayer's relevant books and records requested by the Financial Officer for the audit. If as a result of the audit the Financial Officer determines the taxpayer owes the City any additional tax, penalties, interest, collection costs or other charges under this Article, the Financial Officer shall serve upon the taxpayer a notice of determination, assessment and demand for payment for such tax deficiency as provided in paragraph (b) above and payment shall be due and payable twenty-one (21) days from the date such notice is mailed. If as a result of the audit the Financial Officer determines the taxpayer has overpaid tax to the City, the Financial Officer shall serve upon the taxpayer a notice of overpayment. Taxpayer must sign and submit the notice back to the Financial Officer within thirty (30) days from the date such notice is mailed to be entitled to a refund or credit in the amount of the overpayment.

...

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2022, and to be presented for final passage on the 20th day of June, 2022.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading on this 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jim Byrne, Director of Emergency Management  
Elodie Vigneron, Special Events Specialist  
Ingrid Decker, Legal

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### SUBJECT

**First Reading of Ordinance No. 083, 2023, Amending Chapter 23.5 of the Code of the City of Fort Collins Regarding Special Events.**

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### EXECUTIVE SUMMARY

The purpose of this item is to update the City Code regarding special event permitting so that it aligns with current standards and practices. The majority of the changes are related to administrative tasks, such as fees, timelines, and permitting authorities. The amendment also includes allowing most of those changes to be handled at the administrative level, with City Manager approval, without coming back to City Council for every change.

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### STAFF RECOMMENDATION

Staff recommends approval of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

In 2015 a dedicated special event coordinator position was created to centralize permitting efforts across City departments. In 2018, the first substantial City Code update since 1987 was completed, formalizing the model used today. This model is not just an industry standard, but the City of Fort Collins is recognized as a leader in this area. A robust online permit application tool was developed by the City of Fort Collins and a software company. It is now used by jurisdictions, large and small, across the country.

In 2021, special event permitting was moved to Emergency Preparedness and Security (EPS) in recognition of the overlapping resources and planning efforts used for event permitting, emergency management, and security programming. It is a very unique model. The requested Code amendments are a result of changes made, and lessons learned, since 2018. An example would be an event that was permitted in 2018. Police Services was not paid \$7,000 by a promoter, yet the City Code at that time did not allow the City to keep a \$5,000 deposit paid to Parks for the same event.

The proposed updates to Chapter 23.5 addresses administrative changes since the last Code update in 2018. Changes and updates include:

- A requirement that any past-due amounts owed for previous events; permit fees, balances for services provided, or other related costs, must be paid in full or a new permit application can be



restricted or denied, and allows for one deposit for the estimated cost of all services required, instead of multiple deposits across City departments.

- Creating a 30-day deadline from final invoice of services for payment. This lines up with consistent schedules and practices across the City.
- Adding permitting authority for commercial film production through EPS, focusing on public right-of-way and City properties including some reasonable timelines for advance notification.
- Changing the permitting authority for special events to the EPS office and other City staff designated responsible for permit review as coordinated through EPS, including allowing Neighborhood Services to issue permits for block parties.
- Making the Director of EPS, or a designee, responsible for reviewing and issuing event permits.
- Clarifying that permits are issued within five business days after the applicant submits a properly completed application, only if all of the required criteria have been met, including payment of all fees and deposits.
- Expanding language pertaining to what defines grounds for the denial of an application to include things like disruption to the usual activities in the area surrounding the event, not just traffic congestion, or burdening the City's ability to meet its demand for services beyond just emergency services, or failure to provide and adhere to an approved traffic safety plan.
- Permits can also be denied if the event is dependent on City resources or staff that cannot be provided for operational purposes.
- Allowing either EPS or Police Services to revoke a permit, before or during the event, for safety reasons or failure to meet the terms and conditions of the permit.

#### **CITY FINANCIAL IMPACTS**

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Not applicable.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

#### **PUBLIC OUTREACH**

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Not applicable.

#### **ATTACHMENTS**

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1. Ordinance for Consideration

ORDINANCE NO. 083, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 23.5 OF THE CODE OF THE CITY OF FORT COLLINS  
REGARDING SPECIAL EVENTS

WHEREAS, on April 21, 1987, the City Council adopted Ordinance No. 018, 1987, establishing standards for issuing City permits for special events on City property; and

WHEREAS, the Special Event Coordinator position was created in 2015 to facilitate and coordinate the issuance of special event permits by various City departments and provide a central point of contact for event producers, citizens, businesses, and City staff seeking information or guidance about special events; and

WHEREAS, the special events provisions in Chapter 23.5 of the City Code were last updated in 2018 by the City Council's adoption of Ordinance No. 018, 2018; and

WHEREAS, since 2021 coordination of special events has become the responsibility of the Emergency Preparedness and Security (EPS) office, and a new Special Events Coordinator was hired; and

WHEREAS, EPS staff has done a thorough review of Chapter 23.5 and recommends that it be amended to do the following:

- Add requirements specifically for commercial film productions;
- Define a "Permitting Authority", instead of a Coordinator, which may be more than one person designated by the Director of Emergency Preparedness and Security to review and coordinate permit applications and notices;
- Allow the Neighborhood Services department to accept applications and issue permits for block parties;
- Require payment of a deposit for City services at the time of filing a special event permit application and condition issuance of a new permit on payment of any past-due amounts from prior permits;
- Better define the potential grounds for denial of an application; and
- Change existing references to "streets or sidewalks" to "public right-of-way;" and

WHEREAS, the City Council finds that festivals, parades, and other special events contribute to the unique character of Fort Collins; and

WHEREAS, special events can impact public safety and the flow of pedestrian and vehicular traffic, and the public event permit application process allows public safety personnel and the staff of other impacted City departments the ability to plan and manage personnel and resources for special events as well as the everyday needs of City residents; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City and its citizens.

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

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

Section 2. That Section 23.501 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-1. Purpose.**

This Chapter establishes the requirements for special events, commercial film productions, parades, block parties, and demonstrations in the City. Unless expressly stated herein, the requirements of this Chapter do not replace or substitute for other permitting requirements that may apply to activities held on public properties as may be set forth in other chapters of this Code.

Section 3. That Section 23.5-2 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-2. Definitions.**

...

*Commercial film production* shall mean a video and audio recording event conducted by a paid professional crew, with or without actors, sets, or props. Commercial film production shall not include crews of three (3) or fewer persons.

...

*Demonstration* shall mean a rally, picketing, speechmaking, march, vigil, religious service or any similar gathering that primarily involves the communication or expression of views or grievances, engaged in by more than one person, that occurs on a street or highway, including sidewalks, public right-of-way, or on a City-owned outdoor mall or plaza, or on other property owned or leased by the City, which activity does not comply with traffic laws and controls or which may, in the reasonable judgment of the ~~Coordinator~~ Permitting Authority or the service area director responsible for administration of the subject property, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on the property or which may create a significant risk of injury to the general public or participants in the activity.

...

*Parade* shall mean a march or procession not primarily involving the communication or expression of views or grievances, consisting of persons, animals or vehicles, or combination thereof, on any

~~street or highway, including sidewalks public right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic or does not comply with traffic laws or controls.~~

...

*Permittee* shall mean any person or organization who has been issued an event permit by the ~~Coordinator~~ **Permitting Authority**.

***Permitting Authority*** shall mean the Director of Emergency Preparedness and Security or such other City staff persons responsible for the review of a permit application or notice filed under this Chapter, coordinating City service area responses to such application or notice, and issuing a special event permit for an event as authorized by the Director of Emergency Preparedness and Security, or their designee for the exercise of this authorizing role. For the purpose of accepting and reviewing applications and notices for block party permits, and issuing, denying or revoking such permits, pursuant to the requirements of this Chapter, *Permitting Authority* may instead mean the Manager of the Neighborhood Services Department or their designee, or another person or department, if the City Manager has so designated.

...

***Public right-of-way*** shall mean the entire width of public streets, highways, sidewalks, alleys and parking spaces.

*Special event* or *event* shall mean a block party, parade, street fair, festival, outdoor concert, art and craft show, carnival, fun run or walk, bike ride or race or foot race, commercial film production, or other outdoor event which is not a demonstration as defined in this Section, that occurs on a ~~street or highway, including sidewalks,~~ **public right-of-way** or on a City-owned plaza or park, or on other property, including private property and property owned or leased by the City, which event does not comply with traffic laws and controls or which may, in the reasonable judgment of the ~~Coordinator~~ **Permitting Authority** or the service area director responsible for the administration of any City affairs impacted by the event, obstruct, delay or interfere with the normal activities, operations or flow of pedestrian or vehicular traffic on public property or which may create a significant risk of injury to the general public or participants in the event.

...

Section 4. That Section 23.5-3 of the Code of the City of Fort Collins is hereby amended to read as follows:

#### **Sec. 23.5-3. Permit required.**

(a) Any person desiring to conduct an **special** event in the City, including on private property where the event impacts a public right-of-way or adjacent public property uses, shall first obtain a permit under this Chapter. **Additional permits may be required for other event conditions,**

including but not limited to a permit for the sale or possession of alcoholic beverages under §3-83.5 or for a noise variance under § 20-27.

(b) A ~~special~~ event permit shall not be required for the following:

(1) Events that occur exclusively within City natural areas, recreation areas, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to ~~an~~ a lease or other intergovernmental agreement with the City, and do not involve the closure of any ~~streets or sidewalks~~ public rights-of-way that are normally open to the public. All events within City natural areas, recreation areas, or on property owned by other governmental entities, or City-owned property managed by other governmental entities pursuant to ~~an~~ a lease or other intergovernmental agreement with the City, that do involve the closure of such ~~streets or sidewalks~~ public rights-of-way shall be reviewed by the ~~Coordinator~~ Permitting Authority and shall be subject to the permit requirements of this Chapter, but only with regard to that portion of the event which occurs upon or affects the ~~streets or sidewalks~~ public right-of-way. Other activities conducted within the natural areas or recreation areas in conjunction with such events shall be regulated according to the requirements of Chapter 23, Articles IX and X, respectively;

...

(5) Commercial film productions that do not request exclusive use or closure of City-owned or managed buildings, plazas, property or land, and do not involve the obstruction or closure of any public rights-of-way that are normally open to the public.

...

Section 5. That Section 23.5-4 of the Code of the City of Fort Collins is hereby amended to read as follows:

#### **Sec. 23.5-4 Demonstration notice required.**

(a) Any person desiring to conduct a demonstration in the City, including on private property where the activity impacts a public right-of-way or adjacent public property use, shall file a notification of demonstration with the ~~Coordinator~~ Permitting Authority in the manner established by the ~~Coordinator~~ Permitting Authority at least twenty-four (24) hours prior to the demonstration. Failure to provide such notice may result in restriction, relocation, or prohibition of the activity.

(b) The ~~Coordinator~~ Demonstration organizers must notify the Permitting Authority in ~~and public safety officials need advance notice of a demonstration so they~~ the Permitting Authority and public safety officials can advise demonstration organizers of permissible activities pursuant to the City Code, determine whether additional security is needed based upon the number of anticipated participants, and work with demonstration organizers to determine reasonable time, place, manner, location and route restrictions to protect the safety of persons and property.

(c) Any person organizing a demonstration more than twenty-four (24) hours in advance, expected to involve more than fifty (50) persons, or where the activity is expected to substantially impede or interfere with vehicular traffic or pedestrian use of any public right-of-way, is encouraged to contact the ~~Coordinator~~ **Permitting Authority** as soon as practicable prior to the activity, to determine whether elements of such activity not related to the communication or expression of views or grievances are subject to a permit or conditions related to public safety.

Section 6. That Chapter 23.5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 23.5-4.5 which reads in its entirety as follows:

**Sec. 23.5-4.5 Commercial film production notice required.**

(a) Any person desiring to conduct a commercial film production on a public right-of-way, a City-owned plaza or park, or other outdoor property owned or leased by the City, that does not require a special event permit, shall file a notification of the commercial film production with the Permitting Authority in the manner established by the Permitting Authority within the time period set in the administrative rules and regulations. Failure to provide such notice may result in restriction, relocation, or prohibition of the activity or penalty provided by this Chapter.

(b) Commercial film production organizers must contact the Permitting Authority in advance to provide notice of a commercial film production so the Permitting Authority can advise the commercial film production of permissible activities pursuant to the City Code and notify other City service areas and governmental entities. Permits may be required for other conditions of the production, including but not limited to a permit for a noise variance under § 20-27.

Section 7. That Section 23.5-5 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-5. Permit application dates; fees; deposits.**

(a) Any person desiring to obtain an **special** event permit must file a complete application, including all required attachments **and advance monetary deposits**, with the ~~Coordinator~~ **Permitting Authority** within the time periods set in the administrative rules and regulations, and special event terms and conditions.

(b) ~~Prior to issuance of~~ **The Permitting Authority shall not issue** a permit, **until** the applicant ~~shall pay~~ **has paid** to the City:

(1) ~~a~~ **All applicable fees and deposits** in amounts determined by the City Manager in accordance with § 7.5-1 to be sufficient to cover the full cost of processing and investigating such permit application and administering the permit program set forth in this Chapter, **including any fees due to other City departments or Poudre Fire Authority for permitting the event; and**

(2) **A deposit for all City services expected to be required for the event. Full payment for a City service will be due within 30 days of receiving a final invoice. Failure to pay for**

City services as required may result in future denial of or restrictions on special events permits applied for by the permittee until all past-due amounts are paid.

(c) ~~Upon approval of an application for an event permit, the Coordinator shall provide the applicant with a statement of the estimated cost of providing peace officers for traffic control or security at the event. The applicant shall be invoiced for the estimated traffic control or security costs. Traffic control includes clearing the event route or site of unauthorized vehicles, diversion of traffic around the event, and directing pedestrian and vehicular traffic along the route of an event.~~ Costs charged by the City to the applicant for public safety services may include only costs mitigating the general safety risks inherent in the event, not the cost of protecting event participants from the reaction of others.

(d) ~~Traffic control and security charges shall be paid within ten (10) days of the date on the invoice, even if the applicant is seeking appeal under § 23.5-9.~~ Fees and deposits are due at the times specified in this Section even if the applicant is seeking an appeal under § 23.5-9.

Section 8. That Section 23.5-6 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-6. Action on application.**

~~The Coordinator~~ Permitting Authority shall approve, conditionally approve or deny an application on the grounds specified in this Chapter. Such action shall be taken no later than five (5) business days after receiving a ~~completed final~~ application, fully completed with current information, and applicable fees and deposits. If the application is denied or conditionally approved, the ~~Coordinator~~ Permitting Authority shall inform the applicant in writing of the grounds for denial or the conditions on the permit and the applicant's right of appeal under § 23.5-9. If the ~~Coordinator~~ Permitting Authority relied on information about the event other than that contained in the application, ~~he or she~~ they shall inform the applicant of such information. If the ~~Coordinator~~ Permitting Authority refuses to consider a late application, ~~he or she~~ they shall inform the applicant in writing of the reason for the refusal, and of the applicant's right of appeal.

Section 9. That Section 23.5-7 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-7. Grounds for denial of application.**

(a) ~~The Coordinator~~ Permitting Authority shall approve an application for an event permit unless ~~he or she~~ they determines, from a consideration of the completed application and other pertinent information, that:

...

(2) The applicant has failed to complete the application within the time frame permitted by the ~~Coordinator~~ Permitting Authority after having been notified of any additional information or documents required; or

(3) Another event permit or application has been received prior in time, or has already been approved, to hold another event on the same date and time requested by the applicant, or so close in time and place as to **cumulatively** cause undue ~~traffic congestion~~ **disruption to the usual activities of the surrounding area**, or **significantly** burden the City's ability to meet the demand for ~~police, fire or other emergency service anywhere in the City~~ **any City services necessary for the public health, safety and welfare**; or

(4) The **applicant fails to present an approved traffic safety plan, or the** time, route or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a ~~street or highway~~ public right-of-way at a time when it is usually subject to traffic congestion; or

...

(6) The size of the event will require diversion of so great a number of ~~peace officers of the City~~ **staff or resources** to ensure that participants stay within the boundaries or route of the event, or to protect participants in the event, as to ~~prevent~~ **significantly impact normal services or** protection to the rest of the City; nothing herein authorizes denial of a permit **or a required reduction in the size or scope of an event** because of the need to protect participants from the conduct of others, if reasonable permit conditions can be imposed to allow for adequate protection of participants with the number of peace officers **that can be made** available to police the event **taking into account all objectively available resources**; or

(7) The location of the event will substantially interfere with any construction or maintenance work **already** scheduled to take place **near in time to the event** upon or along the City streets, parks, or other City facilities or a previously granted encroachment permit; ~~or~~

...

(11) The applicant has failed to pay costs, fees or deposits for the application or for previous special events permits **including all City services provided for the event**; or

(b) When the grounds for denial of an application for **a** permit specified in Paragraphs (a)(4) through (a)(9) above can be corrected by altering the date, time, duration, route or location of the event, the ~~Coordinator~~ **Permitting Authority** shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of conditions for permit issuance. The conditions imposed shall provide for only such modification of the applicant's proposed event as are necessary to achieve compliance with said Paragraphs.

Section 10. That Section 23.5-8 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-8. Permit conditions.**



The ~~Coordinator~~ **Permitting Authority** may condition the issuance of an event permit by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions may include but are not limited to those described in § 23.5-10 and as set forth in administrative policies and procedures, rules and regulations, and special event terms and conditions adopted by the City Manager.

Section 11. That Section 23.5-9 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-9. Appeal procedure.**

The applicant shall have the right to appeal the denial of a permit, the imposition of a permit condition, or a fee under § 23.5-5. A notice of appeal shall be filed with the City Manager's office with a copy to the ~~Coordinator~~ **Permitting Authority**, setting forth the grounds for the appeal within three (3) business days after receipt of a notice of denial or permit condition. Such receipt of notice shall be presumed three (3) business days after the date of mailing to the address provided in the application. The City Manager or ~~his or her~~ **their** designee shall administratively review the decision to deny the permit or impose conditions no later than five (5) business days after receipt of the appeal notice. No hearing on the matter shall be required. The applicant and the ~~Coordinator~~ **Permitting Authority** may present written evidence to assist the City Manager or designee's review. The City Manager or ~~his or her~~ **their** designee shall render ~~his or her~~ **their** written decision no later than one (1) business day after reviewing the decision. If the City Manager cannot complete such review and decision at least one (1) full business day prior to the time and date of an event, ~~he or she~~ **they** promptly shall so notify the appealing applicant in writing, and said applicant shall be entitled, but not required, to seek judicial review of the permit denial or permit conditions with no further administrative review. The City Manager's decision shall be final, subject only to such judicial review as may be available under the Colorado Rules of Civil Procedure.

Section 12. That Section 23.5-10 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-10. Permit issuance; rules and regulations; terms and conditions.**

- (a) The City Manager or ~~his or her~~ **their** designee is authorized to promulgate such rules and regulations, and permit terms and conditions, as are necessary to effectuate the implementation, administration, and enforcement of this Chapter.
- (b) The ~~Coordinator~~ **Permitting Authority** shall act in accordance with the City Manager's rules and regulations.
- (c) The ~~Coordinator~~ **Permitting Authority** shall issue the event permit once the applicant has acknowledged and agreed in writing to comply with all the rules and regulations and special event terms and conditions of the permit, including but not limited to the following:

...

(11) Traffic safety, general safety, and security requirements;

(12) Restoration and custodial requirements;

...

(15) Any and all additional special event terms and conditions reasonably required by the Permitting Authority because of specific circumstances or characteristics of the event; and

(16) Notice that the permit may be revoked due to force majeure or conditions set forth under § 23.5-11.

...

Section 13. That Section 23.5-11 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-11. Revocation of permit.**

(a) ~~The Coordinator~~ Permitting Authority ~~or a designee~~ may, at any time prior to an event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.

(b) ~~The Coordinator~~ Permitting Authority ~~a designee~~, or Fort Collins Police Services may revoke or terminate the permit prior to or during the course of the event due to a local emergency under §2-666, a national special security event under 6 USC § 601(9), or if continuation of the event presents a clear and present danger to the participants or the public.

(c) ~~The Coordinator~~ Permitting Authority ~~or designee~~ may revoke the permit and terminate the event during the course of the event for noncompliance with special event terms and conditions.

...

Section 14. That Section 23.5-12 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23.5-12. Violations; penalties.**

(a) It is unlawful for any person to sponsor or conduct an ~~in parade, or~~ event requiring an special event permit unless a permit has been issued for the event. It is unlawful for any person to participate in such an event with the knowledge that the sponsor of the event has not been issued a permit.

(b) It is unlawful for any person to interfere with or disrupt a lawful demonstration, ~~or event or parade.~~

(c) It is unlawful for any person to conduct a demonstration requiring a notification of demonstration, ~~or a commercial film production requiring a notice of commercial film production,~~ without first providing the required notice.

(d) It is unlawful for any person to sponsor or conduct a demonstration, ~~or commercial film production,~~ that does not comply with all reasonable time, place, manner, and route restrictions deemed necessary by the ~~Coordinator~~ **Permitting Authority** and public safety officials.

...

(f) In addition to the penalties set forth in § 1-15, the ~~Coordinator~~ **Permitting Authority** may consider the violation of the special event terms and conditions in approving or denying future event applications by the same applicant or organization.

Section 15. That the definition “*Coordinator*” contained in Section 23.5-2 of the Code of the City of Fort Collins is hereby deleted in its entirety.

~~*Coordinator* shall mean the Special Event Coordinator or his or her designee.~~

Introduced, considered favorably on first reading and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading this 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jim Byrne, Director of Emergency Management  
Dennis Day, Lead Specialist  
Ingrid Decker, Legal

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### SUBJECT

**First Reading of Ordinance No. 084, 2023, Amending Article IX of Chapter 2 of the Code of the City of Fort Collins Regarding Emergency Management.**

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### EXECUTIVE SUMMARY

The purpose of this item is to amend the City Code to reflect updates on how emergency management programming is done and where the responsibility for that programming sits. This includes some updated language changes, as well as authorities and roles for staff and elected officials during a critical event.

At Second Reading of the Ordinance, Council will be asked to consider a Resolution to adopt an updated Emergency Operation Plan (EOP) that supports and is consistent with the requested changes in the City Code.

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### STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

Discussions about developing a dedicated office of emergency management within the City began after the 2013 flood. Though City staff performed at high levels, and the City fared well in comparison to regional neighbors, a thorough after-action report noted a lack of pre-planning and coordinated efforts in some critical areas. In 2019 a decision was made to transfer emergency management responsibilities from PFA to a dedicated office within the City, reporting to the city manager. The Office of Emergency Preparedness and Security (EPS) was established in January of 2020, just prior to the COVID-19 pandemic.

The recommended City Code update to Article IX of Chapter 2, and EOP adoption, are a formal acknowledgment of those changes and commitment to current organizational practices. These proposed Code updates and changes are consistent with industry best practices, and align with Federal Emergency Management Agency (FEMA) standards:

- Transfers responsibility for emergency management in the City of Fort Collins from Poudre Fire Authority, to a dedicated City department, Emergency Preparedness and Security (EPS).
- Names the Director of EPS as the "Emergency Manager" for the City of Fort Collins.

- Changes language in the old code that referred to a “Disaster Council” headed by the Mayor during times of emergencies, replacing it with industry standard “Policy Group,” led by the City Manager.
- Members of the “Policy Group” are outlined in the City EOP and must at least include the Mayor, and Emergency Manager, and City Attorney, or their designees.
- Allows the City Manager to adopt updates to the EOP as needed without submitting every change to City Council, but City Council must approve the complete EOP at least once every five years.

#### **CITY FINANCIAL IMPACTS**

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Not applicable.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

#### **PUBLIC OUTREACH**

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Not applicable.

#### **ATTACHMENTS**

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1. Ordinance for Consideration

ORDINANCE NO. 084, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE IX OF CHAPTER 2 OF THE CODE OF THE CITY OF  
FORT COLLINS REGARDING EMERGENCY MANAGEMENT

WHEREAS, in 1990 the City Council created the Office of Emergency Management by adopting Ordinance No. 40, 1990, which codified Article IX of Chapter 2 of the City Code regarding emergency management (the “Emergency Management Code”); and

WHEREAS, for the last 33 years the Emergency Management Code provisions have remained largely the same except for some minor amendments to change names and titles, move responsibility for the Office of Emergency Management from Police Services to Poudre Fire Authority, and establish a method for dissemination of rules and regulations to the public during an emergency; and

WHEREAS, in 2019 the City Manager created the position of Director of Emergency Preparedness and Security (the “Director”) within the City Manager’s Office; and

WHEREAS, the Director and other City staff have conducted a thorough review of the Emergency Management Code provisions and have recommended that such provisions be amended to do the following:

- Formally establish the Office of Emergency Preparedness and Security within the City, instead of the Office of Emergency Management;
- Define the term “emergency organization” as already used in the Code;
- Replace the “Disaster Council” with a “Policy Group” that will provide the strategy and vision for how emergency response and recovery should be conducted;
- Direct the City Manager to appoint a Director of the Office of Emergency Preparedness and Security, instead of the City Manager serving as the Director of Emergency Management;
- Shift responsibility for development of the City’s Emergency Operations Plan from the Disaster Council to the Director, based on the principles and policies set forth in the National Incident Management System (NIMS) adopted by the City pursuant to Resolution 2005-105, with adoption by the City Manager and approval by the City Council; and
- Allow the City manager to adopt updates to the Emergency Operations Plan as needed without submitting every change to the City Council for approval, so long as the City Manager submits the entire Emergency Operation Plan to the City Council for approval at least once every five years; and

WHEREAS, the City Council has determined, and now finds, that the adoption of this Ordinance is necessary for the health, safety and welfare of the public.

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

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

Section 2. That Section 2-666 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-666. Definitions.**

(a) As used in this Article, “emergency organization” shall mean all officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons required to provide service under the provisions of § 2-669(a)(6)c of this Article, be charged with duties incident to the protection of life, health, safety and property in the City, while planning for such emergency or during such emergency.

(b) As used in this Article, “local emergency” shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City, including, but not limited to: fire, flood, storm, earthquake, pandemic, epidemic, infestation, explosion, aircraft crash, hazardous substance incident, oil spill or other contamination of air or water requiring immediate action to avert danger or damage; water or power shortage, civil disturbance, hostile military or paramilitary action; or any other declared disaster that requires the aid and assistance of outside, local, state or federal agencies.

Section 3. That Section 2-668 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-668. ~~Disaster Council membership~~ Policy Group.**

The ~~Disaster Council~~ Policy Group is hereby created to provide the strategy and vision for how emergency response and recovery should be conducted, and shall consist of the following persons or their designees:

- (1) The City Manager, ~~who shall be chairperson~~;
- (2) The Deputy City Manager(s), ~~who shall be vice chairperson~~;
- (3) The Mayor;
- (4) The ~~Director of Emergency Management Coordinator~~ Preparedness and Security; and
- (5) The City Attorney; and

(5) Such Other City staff members as the City Manager may choose to are designated in the emergency operations plan of the City, adopted pursuant to this Article.

The Policy Group shall be immediately activated following a disaster or emergency declaration made by the City Manager, or their appointed designee. Additionally, the City Manager, or their appointed designee, may convene the Policy Group at any point to address the threatened existence or existence of an emergency event. The Policy Group is deactivated by the City Manager, taking into account the existing and potential needs of the City.

Section 4. That Section 2-669 of the Code of the City of Fort Collins is hereby deleted in its entirety.

**~~Sec. 2-669. — Disaster Council powers and duties.~~**

~~The Disaster Council shall have the duty and power to develop and recommend for adoption by the City Council emergency and mutual aid plans and agreements and such ordinances, resolutions and rules and regulations as are necessary to implement such plans and agreements. The Disaster Council shall meet upon call of the chairperson or, in his or her absence from the City or inability to call such meeting, upon call of the vice chairperson.~~

Section 5. That Section 2-670 of the Code of the City of Fort Collins is hereby renumbered as Section 2-669 and amended to read as follows:

**Sec. 2-670~~669~~. – Office of Emergency Management~~Preparedness and Security~~.**

There is hereby created the Office of Emergency Management~~Preparedness and Security~~. The City Manager shall be the ~~appoint a~~ **City Manager** Director of the Office of Emergency Management~~Preparedness and Security~~. ~~The Emergency Management Coordinator shall be the Assistant Director. The Office of Emergency Management shall be located within the Poudre Fire Authority, and the Poudre Fire Authority shall provide the administrative support necessary for the office to carry out its duties.~~

Section 6. That Section 2-671 of the Code of the City of Fort Collins is hereby renumbered as Section 2-670 and amended to read as follows:

**Sec. 2-671~~670~~. Powers and duties of the Directors and Assistant Director of the Office of Emergency Management~~City Manager and Director of Emergency Preparedness and Security~~.**

(a) The ~~Director~~ **City Manager** is hereby empowered:

(1) To proclaim the existence or threatened existence of a local emergency. Whenever a local emergency is proclaimed by the ~~Director~~ **City Manager**, it shall not be continued or renewed for a period more than seven (7) days, except by or with the consent of the City Council. Any such proclamation shall be given prompt and general publicity and shall be filed promptly with the City Clerk or the Larimer County Clerk and Recorder and with the state agency responsible for emergency management.

...



(6) In the event of the proclamation of a local emergency as herein provided or the proclamation of a "state of disaster emergency" by the Governor or other lawfully empowered official of the State:

- a. To make and issue rules and regulations on matters reasonably related to the protection of life, health, safety and property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practical time by the City Council **by ordinance**;
- b. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life, health, safety and property and to bind the City for the fair value thereof in accordance with Chapter 8 and, if required immediately, to commandeer the same for public use;
- c. To require emergency services of any City officer or employee and, in the event of the proclamation by the Governor or other lawfully empowered official of the State of a "state of disaster emergency" in the County, to command the aid of as many citizens of the City as ~~he or she~~ **the City Manager** deems necessary in the execution of ~~his or her~~ **their** duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for civil defense workers;
- d. To requisition necessary personnel or material of ~~the Poudre Fire Authority and/or~~ the City; and
- e. To execute all of the ordinary powers as City Manager, all of the special powers conferred by this Article or ~~by the Emergency Operations Plan adopted by the City Council pursuant hereto~~, and all powers conferred by any statute, by agreement approved by the City Council and by any other lawful authority.

(b) ~~The Director of the Office of Emergency Management~~ **City Manager** shall designate the order of succession ~~to that office~~, to take effect in the event the ~~Director~~ **City Manager** ~~and their designee pursuant to Article III, Section 3 of the Charter~~ **is are both** unavailable to attend meetings and otherwise perform ~~his or her~~ **their** duties during an emergency. ~~Such order of succession shall be as set forth in the Direction and Control Annex to the Emergency Operations Plan adopted pursuant to this Article.~~

(c) ~~The Assistant Office Director~~ **of Emergency Preparedness and Security** shall, ~~under the supervision of the Director and with the assistance of the members of the Disaster Council~~, ~~develop support the development of~~ emergency operations response plans **as needed** and manage the ~~coordination of emergency programs of~~ **programming in** the City; and shall have such other powers and duties as may be assigned by the ~~Director~~ **City Manager**.

(d) In the event of a declaration of military law, the **City Manager** ~~efforts of the emergency organization of the City shall be subject to the direction and approval of the Office of~~ **shall report directly to** the Mayor as head of City government in accordance with Article II, Section 4 of the Charter.

(e) Any rules and regulations made and issued by the ~~Director~~ **City Manager** pursuant to the authorization set forth in Paragraph (a)(6) of this Section shall be disseminated widely to the community by appropriate means given the circumstances and available methods for communicating with the public. A knowing violation of such rules and regulations shall be a misdemeanor punishable under § 1-15 of this Code.

Section 7. That Section 2-672 of the Code of the City of Fort Collins is hereby deleted in its entirety.

**~~Sec. 2-672. -- Emergency organization.~~**

~~All officers and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of § 2-671(a)(6)c of this Article, be charged with duties incident to the protection of life, health, safety and property in the City during such emergency, shall constitute the emergency organization of the City.~~

Section 8. That Section 2-673 of the Code of the City of Fort Collins is hereby renumbered as Section 2-671 and amended to read as follows:

**~~Sec. 2-673~~ **671. - Emergency Operations Plan.****

The ~~Disaster Council~~ **Director of Emergency Preparedness and Security** shall be responsible for:

(a) ~~†~~ **The development and adoption of the Emergency Operations Plan (and any subsequent revisions) for adoption by the City Manager and approval by the City Council, which Plan shall be based on the principles and policies set forth in the National Incident Management System (NIMS) adopted by the City pursuant to Resolution 2005-105, as now in effect or as may be updated in the future. The Emergency Operations Plan shall provide for the effective mobilization of all of the resources of the City to meet any condition constituting a local emergency or state of disaster emergency pursuant to state law; and shall provide for the organization, powers and duties, services and staff of the emergency organization of the City.**

(b) **Development and recommendation for adoption by the City Council, as required, of emergency response plans, mutual aid plans and agreements, and such ordinances, resolutions and rules and regulations as are necessary to implement the Emergency Operations Plan.**

(c) **Conferring with the City Manager regarding the Emergency Operations Plan on a frequency and to the extent the City Manager determines to be beneficial for the development and updating of the Emergency Operations Plan.**

**The City Manager may adopt updates to the Emergency Operations Plan as necessary and appropriate to maintain the emergency preparedness of the City, provided that the City Manager shall submit the Emergency Operations Plan to the City Council for approval at least once every five years.**

Section 9. That Section 2-674 of the Code of the City of Fort Collins is hereby renumbered as Section 2-672.

**Sec. 2-674672. No obstruction.**

It shall be unlawful for any person to willfully obstruct, hinder or delay any person in the exercise of any duty or authority pursuant to the provisions of this Article.

Section 10. That Section 2-675 of the Code of the City of Fort Collins is hereby renumbers as Section 2-673.

**Sec. 2-675673. - Conflicting ordinances, orders, rules and regulations suspended.**

Any orders, rules and regulations promulgated during a proclaimed state of disaster emergency shall take precedence over existing ordinances, rules and regulations if a conflict arises.

Introduced, considered favorably on first reading and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading this 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Jim Byrne, Director of Emergency Management  
Ingrid Decker, Legal

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### SUBJECT

**First Reading of Ordinance No. 085, 2023, Repealing and Reenacting Article II of Chapter 9 of the City Code Regarding Open Fire and Burning Restrictions.**

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### EXECUTIVE SUMMARY

The purpose of this item is to update the City Code provisions regarding restrictions on open fires and burning in the City to update references to the International Fire Code, improve defined terms, better describe what activities are or are not permitted during declared Stage 1 and Stage 2 fire restrictions, and provide a mechanism for Poudre Fire Authority to act quickly to postpone previously permitted burns when changes in weather conditions increase the fire danger.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

Article II of Chapter 9 of the City Code describes limitations on open fires and open burning within the City, including the authority of the City Manager to declare Stage 1 or Stage 2 fire restrictions when weather conditions warrant it.

On June 7, 2022, the City Council adopted Ordinance No. 060, 2022, adopting the 2021 International Fire Code (IFC). As a result, references to the IFC in Chapter 9 require updating. City staff had also, in the past, been asked to specifically address the use of pellet grills and pellet smokers in the open burning Code.

The City Attorney's Office reviewed Article II of Chapter 9 in collaboration with staff from Poudre Fire Authority (PFA), who recommended updating defined terms in the City Code to be more consistent with the IFC and with the definitions used by Larimer County in its open fire/open burning code, as Larimer County is the body that issues burn permits (with the approval of PFA) for open burning within the City, and PFA operates in both the City and the County.

PFA also requested a way to temporarily suspend previously issued permits for open burning in the City even if the City Manager has not yet declared Stage 1 or Stage 2 fire restrictions, when weather conditions indicate it would be too dangerous for the burn to proceed on a particular day.

If adopted, the revisions to Chapter 9, Article II would do the following:

- Add or improve definitions for “agricultural burning,” “air curtain destructor,” “approved,” “fireworks,” “incendiary devices,” “open burning,” “open fire,” “public fireworks display,” “solid fuel,” and “wood pellets.”
- List what types of open fires and open burning are always prohibited in the City under various provisions of the City Code.
- More clearly describes what activities are and aren’t allowed in the City during State 1 and Stage 2 fire restrictions.
- Add a provision describing how the City Manager gives notice to the public of declared fire restrictions, which was not previously defined, by the means the City Manager determines are most appropriate under the circumstances.
- Adds a provision allowing PFA to temporarily suspend the exercise of an issued burn permit within the City, including agricultural burning, due to high fire danger concerns on a particular day, in the absence of, or in addition to, Stage 1 or Stage 2 fire restrictions. Burn permit holders are already required to contact City 911 dispatchers the morning of a planned burn. The updated code would all PFA to notify 911 dispatchers to instruct any open-burn permittees that they may not burn within the City limits due to high fire danger concerns on a particular day.

Because the proposed changes are extensive, the Ordinance would repeal and reenact all of Chapter 9, Article II. However, a version of the Code provisions showing proposed changes tracked against the current Code language is attached as attachment 2.

#### **CITY FINANCIAL IMPACTS**

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Adoption of the Ordinance will not have a financial impact on the City.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

#### **PUBLIC OUTREACH**

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Not applicable.

#### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Open Fire and Burning Restrictions – Tracked Changes

ORDINANCE NO. 085, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING AND REENACTING ARTICLE II OF CHAPTER 9 OF THE CITY CODE  
REGARDING OPEN FIRE AND BURNING RESTRICTIONS

WHEREAS, Article II of Chapter 9 of the City Code describes limitations on open fires and open burning within the City, including the authority of the City Manager to declare Stage 1 or Stage 2 fire restrictions when weather conditions warrant it (the “Open Burning Code”); and

WHEREAS, on June 7, 2022, the City Council adopted Ordinance No. 060, 2022, adopting the 2021 International Fire Code (IFC) and, as a result, references to the IFC in Open Burning Code require updating; and

WHEREAS, City staff had also, in the past, been asked to clarify the use of pellet grills and pellet smokers in the Open Burning Code; and

WHEREAS, in addition, concerns have been raised about agricultural burning within the City on days when weather conditions create an increased fire danger; and

WHEREAS, staff from the City Attorney’s Office and Poudre Fire Authority (PFA) thoroughly reviewed the Open Burning Code, and recommended the following changes:

- Make defined terms in the Open Burning Code more consistent with the IFC and with definitions used by Larimer County;
- Clarify that open burning permits are not issued by PFA, but by Larimer County with approval by PFA;
- Clarify what activities are and aren’t permitted during Stage 1 and Stage 2 fire restrictions;
- Define how the City Manager gives notice to the public of declared fire restrictions; and
- Add a provision allowing PFA to temporarily suspend the exercise of an issued burn permit within the City due to high fire danger concerns on a particular day; and

WHEREAS, the City Council has determined, and now finds, that the adoption of this Ordinance is necessary for the health, safety and welfare of the public.

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

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

Section 2. That Article II of Chapter 9 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

## ARTICLE II. OPEN FIRE AND BURNING RESTRICTIONS

### Sec. 9-21. Application.

This Article shall apply to all open fires or open burning when the restrictions authorized by this Article are in effect.

### Sec. 9-22. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section.

*Agricultural burning* shall mean burning of cover vegetation for the purpose of preparing the soil for crop production; weed control; maintenance of water conveyance structures related to agricultural operations; and other agricultural cultivation purposes, including, but not limited to burning of fence lines or rows, fields, farmlands, and irrigation ditches.

*Air curtain destructor* (also known as *air curtain burners* or *air curtain incinerators*) shall mean an open burning device that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Devices of this type may be constructed above or below ground and with or without refractory walls and floor. (Air curtain devices are not conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular and fluidized bed combustors.)

*Approved* shall mean allowable per the City's adoption of the 2021 International Fire Code and § 20-1 of this Code, or by a burn permit issued as described in this Article.

*Fire Code Official* shall mean the Chief of the Poudre Fire Authority or their designee.

*Fireworks* shall mean "fireworks" as defined in Section 202 of the 2021 International Fire Code adopted and amended in this Chapter. Fireworks shall not include:

- (1) Toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap;
- (2) Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
- (3) Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means; or
- (4) Fireworks which are used in testing or research by a licensed explosives laboratory.

*Incendiary devices* shall mean any object which is combustible, flammable, explodes or is designed to or may cause fire. This includes sky lanterns, exploding ammunition, exploding targets, and tracer ammunition.

*Open burning* shall mean any outdoor fire that a person starts and uses intentionally for land management, including, but not limited to, the following:

- (1) agricultural burning;
- (2) fires used for grassland, rangeland, wildland or forest management, including vegetative, habitat or fuel management; and
- (3) fires in air curtain destructors, pile burning and the burning of refuse or rubbish.

*Open fire* shall mean any outdoor fire started by a person for purposes other than land management, including, but not limited to, the following:

- (1) campfires, warming fires, and cooking fires;
- (2) solid fuel grills, food smokers, stoves, fireplaces, chimineas, fire pits or ovens;
- (3) welding, or operating acetylene or other torches with open flames;
- (4) smoking, and the open discarding of smoking materials;
- (5) the lighting of any fused explosives and fireworks of any kind or brand;
- (6) operating any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained, and in effective working order;
- (7) use of incendiary devices or other explosives and the burning of explosive waste; and
- (8) operating any pest control equipment that relies upon the ignition of flammable gases or liquids.

Fires in fireplaces and stoves that are contained inside buildings are not *open fires*.

*Public fireworks display* shall mean any display of fireworks conducted by a qualified pyrotechnic operator in compliance with the International Fire Code, as amended, and conducted only after the approval by the Fire Code Official and in compliance with any conditions imposed by the Fire Code Official.

*Solid fuel* shall mean charcoal, wood, wood chips, wood pellets, paper and any other similar non-liquid or non-gas fuels.



*Wood pellets* shall mean compressed wood or sawdust pellets specifically manufactured to be used as fuel.

**Sec. 9-23. Prohibited open fires and open burning.**

The following types of open fires and open burning are prohibited in the City at all times:

- (1) Burning of refuse or rubbish except as permitted under Section 20-42(i).
- (2) Use of fireworks, except as allowed under Section 9-2.65.
- (3) Open burning as defined in Section 9-22, except with a permit issued by Larimer County and approved by the Fire Code Official or issued by the Fire Code Official.
- (4) Any open fire or open burning not conducted in compliance with all applicable requirements of the 2021 International Fire Code and § 20-1 of this Code.

**Sec. 9-24. Declaration of Stage 1 fire restrictions.**

(a) Stage 1 fire restrictions are the lowest level of fires restrictions within the City. The City Manager may declare Stage 1 Fire Restrictions in the City, after consultation with the Fire Code Official, if they determine that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources, have created a potential threat of fire or public safety hazards within the City.

(b) The Stage 1 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

**Sec. 9-25. Stage 1 fire restrictions/prohibited and permitted acts.**

When Stage 1 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend, or use an open fire or conduct open burning on public, private, state or federal lands within the City, except for the following activities:

- (1) fires within liquid- or gas-fueled appliances, including portable fireplaces, fire pits, grills, smokers, camp stoves, portable heaters, and tiki torches; and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;

- (2) fires using clean, dry untreated wood, wood pellets, or charcoal within portable, solid-fuel burning fireplaces, fire pits, chimineas or other containers that are approved for such use and used for non-commercial or recreational purposes; and solid fuel grills or food smokers (commercial or non-commercial);
- (3) smoking within an enclosed vehicle or building, a developed recreation site where smoking is permitted, or in an area at least three (3) feet in diameter cleared of all flammable materials;
- (4) fire department training fires;
- (5) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions;
- (6) welding or other torches with an open flame, so long as conducted in an area at least ten (10) feet in diameter cleared of all flammable materials, and while in possession of a chemical pressurized fire extinguisher; and
- (7) fires specifically authorized by a permit issued by Larimer County and approved by the Fire Code Official, or issued by the Fire Code Official, including permitted agricultural burning and professional fireworks displays.

**Sec. 9-26. Declaration of Stage 2 fire restrictions.**

- (a) Stage 2 fire restrictions are the highest level of fire restrictions within the City. The City Manager may declare Stage 2 fire restrictions in the City, after consultation with the Fire Code Official, if they determine that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources have created an imminent threat of fire or public safety hazards within the City.
- (b) The Stage 2 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

**Sec. 9-27. Stage 2 fire restrictions/prohibited and permitted acts.**

When Stage 2 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend or use any open fire or conduct open burning of any kind on public, private, state or federal lands within the City, with or without a permit, including fires in outdoor, solid-fuel

burning fireplaces, fire pits, chimineas or other solid-fuel burning containers (approved or unapproved), except for the following activities:

- (1) fires within liquid- or gas-fueled appliances, including portable fireplaces or fire pits, grills, smokers, camp stoves, portable heaters, and tiki torches; and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;
- (2) fires in wood pellet-fueled grills or smokers at private one- and two-family residences;
- (3) smoking within an enclosed vehicle, trailer or building;
- (4) welding or operating an acetylene torch within an enclosed building;
- (5) fire department training fires;
- (6) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions; and
- (7) solid-, gas- or liquid-fueled commercial cooking or smoking appliances when used for commercial food preparation after review and approval of the Fire Code Official.

**Sec. 9-28. Notice of fire restrictions.**

The City Manager shall promptly issue notice to the public of an administrative order declaring Stage 1 or Stage 2 fire restrictions by the best means available including press release, notification to public safety agencies, or such other means as the City Manager determines is appropriate under the circumstances.

**Sec. 9-29. Temporary suspension of permitted open burns.**

(a) The Fire Code Official has authority to issue burn permits for certain activities as described in Poudre Fire Authority policies, including, but not limited to, fireworks, flame effects and use of explosives. The Fire Code Official also has the authority to approve, deny or condition burn permits issued by Larimer County for activities within the City of Fort Collins. The Fire Code official may temporarily suspend the exercise of an issued burn permit within the City of Fort Collins, including agricultural burning, due to high fire danger concerns on a particular day in the absence of, or in addition to, the issuance of Stage 1 or Stage 2 fire restrictions.

(b) Conditions that may trigger a suspension of open burning permits for a given day in the absence of a Stage 1 or Stage 2 fire restrictions declaration include either one or both of the following:

- (1) Predicted winds in excess of 10 mph;

(2) High fire danger as defined by Poudre Fire Authority policies and procedures.

(c) Burn permittees are required to contact Fort Collins 911 dispatchers the morning of a planned burn. Based on forecast conditions for one or more days, the Fire Code Official may notify Fort Collins 911 dispatchers to instruct any open burn permittees that they may not burn within Fort Collins City limits due to high fire danger concerns on that day.

(d) It shall be unlawful for any person with an open burning permit issued or approved by the Fire Code Official to start, build, maintain, attend or use an open fire or conduct open burning in the City, including public, private, state and federal lands, during a suspension of open burning permits.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading this 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

# TRACKED CHANGES

## ARTICLE II. OPEN FIRE AND BURNING RESTRICTIONS

### Sec. 9-21. Application.

This Article shall apply to all open fires or open burnings when the restrictions authorized by this Article are in effect.

### Sec. 9-22. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section.

Agricultural burning shall mean burning of cover vegetation for the purpose of preparing the soil for crop production; weed control; maintenance of water conveyance structures related to agricultural operations; and other agricultural cultivation purposes, including, but not limited to burning of fence lines or rows, fields, farmlands, and irrigation ditches.

Air curtain destructor (also known as air curtain burners or air curtain incinerators) shall mean an open burning device that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Devices of this type may be constructed above or below ground and with or without refractory walls and floor. (Air curtain devices are not conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular and fluidized bed combustors.)

Approved shall mean allowable per the City's adoption of the 2021 International Fire Code and § 20-1 of this Code, or by a burn permit issued as described in this Article.

Fire Code Official shall mean the Chief of the Poudre Fire Authority or ~~his or her~~ their designee.

Fireworks shall mean "fireworks" as defined in Section 2023302.1 of the 20062021 International Fire Code adopted and amended in this Chapter. Fireworks shall not include:

- (1) Toy caps which do not contain more than twenty-five hundredths of a grain of explosive compound per cap;
- (2) Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
- (3) Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means; or
- (4) Fireworks which are used in testing or research by a licensed explosives laboratory.

Incendiary devices shall mean any object which is combustible, flammable, explodes or is designed to or may cause fire. This includes sky lanterns, exploding ammunition, exploding targets, and tracer ammunition.

Open ~~fire or open~~ burning shall mean any outdoor fire that a person starts and uses intentionally for land management, including, but not limited to, the following:

- (1) agricultural burning;
- (2) fires used for grassland, rangeland, wildland or forest management, including vegetative, habitat or fuel management; and
- (3) fires in air curtain destructors, pile burning and the burning of refuse or rubbish.

Open fire shall mean any outdoor fire started by a person for purposes other than land management, including, but not limited to, the following:

- (1) campfires, warming fires, and cooking fires;
- (2) solid fuel grills, food smokers, stoves, fireplaces, chimineas, fire pits or ovens;
- (3) welding, or operating acetylene or other torches with open flames;
- (4) smoking, and the open discarding of smoking materials;
- (5) the lighting of any fused explosives and fireworks of any kind or brand;
- (6) operating any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained, and in effective working order;
- (7) use of incendiary devices or other explosives and the burning of explosive waste; and
- (8) operating any pest control equipment that relies upon the ignition of flammable gases or liquids.

Fires in fireplaces and stoves that are contained inside buildings are not open fires.

~~, the lighting of model rockets, and the burning of fence lines or rows, grasslands, fields, farm lands, rangelands, wildlands, trash and debris. Open burning shall not include:~~

- ~~(1) fires in liquid fueled or gas fueled stoves, grills or fireplaces;~~
- ~~(2) fires in wood burning fireplaces that are contained within buildings;~~
- ~~(3) fires in charcoal grills at private one and two family residences;~~
- ~~(4) commercial, professional and municipal fireworks displays where specific written approval has been granted by the Fire Code Official; and~~
- ~~(5) prescribed or controlled burns for agricultural or irrigation purposes along ditches located within and completely surrounded by irrigated farmlands where such burning is necessary for crop survival and specific written approval has been granted by the Fire Code Official.~~

Public fireworks display shall mean any display of fireworks conducted by a qualified pyrotechnic operator in compliance with the International Fire Code, as amended, and conducted only after the approval by the Fire Code Official and in compliance with any conditions imposed by the Fire Code Official.

Solid fuel shall mean charcoal, wood, wood chips, wood pellets, paper and any other similar non-liquid or non-gas fuels.

Wood pellets shall mean compressed wood or sawdust pellets specifically manufactured to be used as fuel.

**Sec. 9-23. Prohibited open fires and open burning.**

The following types of open fires and open burning are prohibited in the City at all times:

- (1) Burning of refuse or rubbish except as permitted under Section 20-42(i).
- (2) Use of fireworks, except as allowed under Section 9-2.65.
- (3) Open burning as defined in Section 9-22, except with a permit issued by Larimer County and approved by the Fire Code Official or issued by the Fire Code Official.
- (4) Any open fire or open burning not conducted in compliance with all applicable requirements of the 2021 International Fire Code and § 20-1 of this Code.

**Sec. 9-24. Declaration of Stage 1 fire restrictions.**

(a) Stage 1 fire restrictions are the lowest level of fires restrictions within the City. The City Manager may declare Stage 1 Fire Restrictions in the City, after consultation with the Fire Code Official, if ~~he or she determines they determine~~ that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources, have created a potential threat of fire or public safety hazards within the City.

(b) The Stage 1 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

**Sec. 9-~~25~~24. Stage 1 fire restrictions/prohibited and permitted acts.**

~~(a) The following activities are prohibited when Stage 1 fire restrictions are in place:~~

- ~~(1) open burning of any kind without a permit from the Poudre Fire Authority;~~
- ~~(2) open discarding of cigarettes and smoking materials;~~
- ~~(3) welding or the operation of torches with open flame in outdoor areas, including public parks, greenbelts, open spaces and trail systems without a permit;~~
- ~~(4) operating or using any internal combustion engine (e.g., chainsaw) without a spark arresting device properly installed, maintained and in effective working order; and~~
- ~~(5) operating any pest control equipment which relies upon the ignition of flammable gases or liquids.~~

~~(b) — The following activities are permitted when Stage 1 fire restrictions are in place:~~

When Stage 1 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend, or use an open fire or conduct open burning on public, private, state or federal lands within the City, except for the following activities:

- (1) fires within liquid-fueled or gas-fueled appliances, including portable fireplaces, fire pits, grills, smokers, and camp stoves, portable heaters, and tiki torches; fireplaces within buildings; charcoal grill fires within developed residential or commercial areas; fires within wood-burning stoves and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;
- (2) fires specifically authorized by a permit issued by the Fire Code Official, including permitted professional fireworks displays; fires using clean, dry untreated wood, wood pellets, or charcoal within portable, solid-fuel burning fireplaces, fire pits, chimineas or other containers that are approved for such use and used for non-commercial or recreational purposes; and solid-fuel grills or food smokers (commercial or non-commercial);
- (3) smoking within an enclosed vehicle or building, a developed recreation site where smoking is permitted, or in an area at least three (3) feet in diameter cleared of all flammable materials;

~~(34)~~ fire department training fires;

~~(4) tiki torches; small recreational fires at developed picnic or campground sites contained in permanent fire pits or fire grates having a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height and which are supervised by a responsible person at least twenty-one (21) years of age;~~

(5) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions; ~~and~~

~~(6) wood, gas or liquid fueled commercial cooking or smoking appliances when used for commercial food preparation. welding or other torches with an open flame, so long as conducted in an area at least ten (10) feet in diameter cleared of all flammable materials, and while in possession of a chemical pressurized fire extinguisher; and~~

(7) fires specifically authorized by a permit issued by Larimer County and approved by the Fire Code Official, or issued by the Fire Code Official, including permitted agricultural burning and professional fireworks displays.

~~(c) — It shall be unlawful for any person to start, build, maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 1 fire restrictions in the City, including public, private, state and federal lands, while such restrictions are in effect.~~



**Sec. 9-265. Declaration of Stage 2 fire restrictions.**

(a) Stage 2 fire restrictions are the highest level of fire restrictions within the City. The City Manager may declare Stage 2 fire restrictions in the City, after consultation with the Fire Code Official, if ~~he or she determines they determine~~ that the totality of circumstances, including, but not limited to, current weather conditions, long- and short-term weather forecasts, lack of precipitation, fire restrictions in neighboring communities, regional fires and/or fires in close proximity to the City, live and dead fuel moisture levels, energy release components, atmospheric conditions, degraded air quality, and limited availability of suppression resources have created an imminent threat of fire or public safety hazards within the City.

(b) The Stage 2 restrictions imposed by this Article shall take effect immediately upon the issuance of an administrative order executed by the City Manager, and shall remain in effect until rescinded by a similar order. The City Manager shall notify the City Council within twenty-four (24) hours after the issuance of such administrative order. The authority granted under this Article is ongoing, and administrative orders may be issued from time to time as conditions warrant.

**Sec. 9-267. Stage 2 fire restrictions/prohibited and permitted acts.**

~~(a) — The following activities are prohibited when Stage 2 fire restrictions are in place: When Stage 2 fire restrictions are in place it shall be unlawful for any person to start, build, maintain, attend or use any open fire or conduct open burning of any kind on public, private, state or federal lands within the City, with or without a permit, including fires in outdoor, solid-fuel burning fireplaces, fire pits, chimineas or other solid-fuel burning containers (approved or unapproved), except for the following activities:~~

- ~~(1) — all fires prohibited under Subsection 9-24(a);~~
- ~~(2) — open burning of any kind;~~
- ~~(3) — charcoal grill fires within developed residential or commercial areas;~~
- ~~(4) — burning of explosive wastes by the manufacturer of explosives in areas zoned for industrial use, when the burning is supervised by a fire protection district;~~
- ~~(5) — use of or fires in chimneys, other portable fireplaces or patio fire pits (which are not liquid- or gas-fueled); and~~
- ~~(6) — campfires at developed campgrounds or picnic areas.~~

~~(b) — The following activities are permitted when Stage 2 fire restrictions are in place:~~

- ~~(1) fires within liquid-fueled or gas-fueled appliances, including portable fireplaces or fire pits, grills, smokers, and camp stoves, portable heaters, and tiki torches; and fires in permanently constructed, liquid-fueled or gas-fueled stationary masonry or metal fireplaces specifically designed for the purpose of combustion;~~
- ~~(2) use of all fireplaces and wood-burning stoves within buildings; fires in wood pellet-fueled grills or smokers at private one- and two-family residences;~~
- ~~(3) smoking within an enclosed vehicle, trailer or building;~~

(4) welding or operating an acetylene torch within an enclosed building;

(35) fire department training fires;

(46) open fires or open burning by any federal, state or local officer or member of an organized fire protection district or department in the performance of official fire suppression functions; and

(57) ~~solidwood~~, gas- or liquid-fueled commercial cooking or smoking appliances when used for commercial food preparation after review and approval of the Fire Code Official.

#### **Sec. 9-28. Notice of fire restrictions.**

Notice of Stage 1 or Stage 2 fire restrictions may be given by the best means available including press release, notification to public safety agencies, or such other means as the City Manager determines is appropriate under the circumstances.

#### **Sec. 9-29. Temporary suspension of permitted open burns.**

(a) The Fire Code Official has authority to issue burn permits for certain activities as described in Poudre Fire Authority policies, including, but not limited to, fireworks, flame effects and use of explosives. The Fire Code Official also has the authority to approve, deny or condition burn permits issued by Larimer County for activities within the City of Fort Collins. The Fire Code official may temporarily suspend the exercise of an issued burn permit within the City of Fort Collins, including agricultural burning, due to high fire danger concerns on a particular day in the absence of, or in addition to, the issuance of Stage 1 or Stage 2 fire restrictions.

(b) Conditions that may trigger a suspension of open burning permits for a given day in the absence of a Stage 1 or Stage 2 fire restrictions declaration include either one or both of the following:

(1) Predicted winds in excess of 10 mph;

(2) High fire danger as defined by Poudre Fire Authority policies and procedures.

(c) Burn permittees are required to contact Fort Collins 911 dispatchers the morning of a planned burn. Based on forecast conditions for one or more days, the Fire Code Official may notify Fort Collins 911 dispatchers to instruct any open burn permittees that they may not burn within Fort Collins City limits due to high fire danger concerns on that day.

(d) It shall be unlawful for any person with an open burning permit issued or approved by the Fire Code Official to start, build, maintain, attend or use an open fire or conduct open burning in the City, including public, private, state and federal lands, during a suspension of open burning permits.

(e) It shall be unlawful for any person to start, build, maintain, attend or use an open fire or conduct open burning in violation of the prohibitions of Stage 2 fire restrictions in the City, including public, private, state and federal lands, while such restrictions are in effect.

June 6, 2023

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Sue Beck-Ferkiss, Social Policy and Housing Programs Manager  
Jacob Castillo, Chief Sustainability Officer  
Ted Hewitt, Legal

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### SUBJECT

**Resolution 2023-048 Authorizing the Assignment of the City's 2023 Private Activity Bond Allocation to Housing Catalyst and Colorado Housing and Finance Authority for CARE Housing to Finance the Construction and Rehabilitation of Affordable Homes.**

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### EXECUTIVE SUMMARY

The purpose of this item is to support the new construction and rehabilitation of affordable housing at several locations in the City by assigning the City's 2023 Allocation of Private Activity Bond (PAB) capacity. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

The State of Colorado Private Activity Bond (PAB) allocation program is established by the Colorado Private Activity Bond Ceiling Allocation Act, Colorado Revised Statutes Section 24-32-1707, et seq., (the Allocation Act). PABs are tax-exempt bonds that can be issued by eligible authorities. The proceeds of the sale of the bonds must be used for specific purposes as determined by the federal Internal Revenue Service. Permitted purposes include, but are not limited to, affordable housing development and rehabilitation which is the City's prioritized use. Historically, PAB financing has also been used by the City for economic and industrial development purposes.

In 2023, the total PAB capacity amount available statewide is \$700,791,120. Fifty percent of the state ceiling is allocated directly to statewide authorities and the other half is allocated directly to local governments based on population size. The City has been notified that, pursuant to Section 24-32-1706 of the Allocation Act, its allocation from the state for 2023 is \$10,289,735 (Attachment 2). PAB capacity is merely the authority to take on tax exempt debt and is not an allocation of funding. The City will not incur debt by assigning this allocation and this will not affect the City's credit rating. If a local government does not issue bonds or assign the bond cap to an eligible entity for a local project or projects by September 15 annually, the City allocation automatically reverts to the state's pool of available bond capacity.

The Colorado Housing and Finance Authority (CHFA) offers a 4 percent Low Income Tax Credit Program which is a financing mechanism for the development and rehabilitation of affordable housing. CHFA

requires these types of financing deals to include private activity bonds. Historically, Fort Collins had assigned its annual allocation on a first come, first served basis. From 2009 through 2012, the Fort Collins allocation was not used locally and therefore reverted to the state's pool of available bond capacity. Since 2013, the City has assigned its full allocation to Housing Catalyst (HC) the Fort Collins Housing Authority, and/or to CHFA for the rehabilitation or construction of affordable rental housing units. Both of these entities have bond issuing authority.

In 2018, the City implemented an application process for requesting the City's annual allocation of PAB. The guidelines are set forth in the City's General Financial Policies. Applications are due annually by March 15 and are reviewed by the City PAB committee. Finance policy states that the following factors be considered when making a recommendation for allocation of PAB capacity:

- How well the project meets the land use, economic development and/or affordable housing goals of the City;
- Project feasibility and timing;
- Leverage of other investment into the project;
- Maintenance of or increase in local tax base;
- Competing uses for the City's allocation;
- Whether the City's allocation should be used in multiple projects; and
- Whether the application should be considered by any City board or commission.

This year the City received three (3) requests (attached) for more than twice as much available PAB capacity which are summarized as follows:

| Applicants            | Project                 | Location     | Amount Requested    |
|-----------------------|-------------------------|--------------|---------------------|
| CARE Housing          | Heartside Hill          | Fort Collins | \$ 4,000,000        |
| Housing Catalyst      | Pipeline (Montava)      | Fort Collins | \$ 6,289,735        |
| Steele Properties     | Weatherstone Apartments | Aurora       | \$10,289,735        |
| <b>Total Requests</b> |                         |              | <b>\$20,579,470</b> |
| Available PAB Cap     |                         |              | \$10,289,735        |

CARE Housing is seeking \$4.0 million in PAB Capacity to add to the previously secured \$16.1 million already committed to the project by CHFA. This will provide the Heartside Hill Apartments project with the remaining PAB capacity required to finance the construction of 72 new affordable rental apartments (Location Map for Heartside Hill).

Housing Catalyst is seeking \$6,289,735 in PAB capacity for their pipeline of qualifying projects, which may include affordable housing at Montava, a proposed development in the northeast quadrant of the City (Location Map for Montava). As the City's housing authority, it is Housing Catalyst's mission to provide affordable rental homes to the City's residents. Housing Catalyst has several projects in the planning stages that will require PAB for financing. Once allocated to Housing Catalyst, the PAB cap can be carried over for up to three (3) years. Housing Catalyst typically pursues a low-income housing tax credit application at least every other year. CHFA has set a limit of no more than \$175,000 of PAB cap per unit. This year's request would support at least 36 affordable homes. Since the project's Housing Catalyst is planning about 100 units each, PAB cap must be built up over several years to meet the needs of the pipeline of projects.

Steele Properties is seeking \$10,289,735 in PAB capacity to be assigned to the Aurora Housing Authority for the rehabilitation of the Weatherstone Apartments located in Aurora, Colorado. This 204-unit community

needs substantial renovation. The project will require a total of \$34.0 million in PAB capacity and has received \$7.5 million to date (Location Map for Weatherstone).

### **City PAB Committee's Findings**

The City's PAB committee, made up of staff representatives from Social Sustainability, Economic Health and Finance departments, met and considered the three (3) applications and made the following findings:

- The committee decided that adding restricted housing to the City's affordable housing inventory is a current City priority.
- Leverage of other investments was considered. Applications for projects that already have some PAB committed were credited with leveraging. This year, all applications demonstrated leverage.
- The Committee favored using the 2023 allocation in multiple projects.
- The Committee considered how much of an impact the City's \$10,289,735, or a portion thereof, would make on the proposed development projects.
- Lastly, the Committee decided to bring recommendations to the Affordable Housing Board.

### **City PAB Committee's Recommendations**

Based on the criteria listed in the Finance Policy and the City's affordable housing goals, the Committee recommends approving two applications allocating the City's 2023 PAB capacity as follows:

- \$4.0 million in PAB cap to be assigned to CHFA for CARE Housing's Heartside Hill Apartments
- \$6,289,735 in PAB cap to be assigned to Housing Catalyst for new construction or rehabilitation projects in Fort Collins

This prioritizes local needs, supports multiple projects, and leverages other investments.

Staff requests that Council consider a resolution assigning the 2023 PAB Allocation to Housing Catalyst and to CHFA to allow these agencies to issue bonds for qualifying projects. Additionally, the City will enter into Assignment of Allocation Agreements with the issuers to complete the transaction.

### **CITY FINANCIAL IMPACTS**

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The City will not issue Private Activity Bonds and the bonds will not be the obligations of the City. The debt service on the bonds will be repaid from revenue generated by the housing developments and does not constitute a debt of the City. This action will not affect the City's credit rating. The construction of new units and the rehabilitation of existing housing stock will require goods and labor which will benefit the local economy.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Affordable Housing Board considered this request at their May 2023 meeting and supports the PAB Committee's recommendation.

**PUBLIC OUTREACH**

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The Affordable Housing Board heard this matter at their remote May meeting which was open to the public. The process to seek PAB capacity is detailed on the Social Sustainability Department's web page and the guidelines are set forth in the City's General Financial Policies.

**ATTACHMENTS**

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1. Resolution for Consideration
2. Exhibit A to Resolution
3. Exhibit B to Resolution
4. City Allocation Letter
5. Care Housing Request Letter
6. Housing Catalyst Request Letter
7. Steele Properties Request Letter
8. Heartside Hill Site Location Map
9. Montava Site Location Map
10. Weatherstone Site Location Map
11. Draft Affordable Housing Board Minutes, May 4, 2023 (Excerpt)

RESOLUTION 2023-048  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE ASSIGNMENT OF THE CITY’S 2023 PRIVATE ACTIVITY  
BOND ALLOCATION TO HOUSING CATALYST AND COLORADO HOUSING AND  
FINANCE AUTHORITY FOR CARE HOUSING TO FINANCE THE CONSTRUCTION  
AND REHABILITATION OF AFFORDABLE HOMES

WHEREAS, the City of Fort Collins is authorized and empowered under the laws of the State of Colorado (the “State”) to issue revenue bonds for purposes including the financing of multi-family rental housing projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the “Code”), restricts the amount of tax-exempt bonds (“Private Activity Bonds” or “PAB”) which may be issued in the State (the “State Ceiling”); and

WHEREAS, pursuant to the Code, the Colorado General Assembly adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the “Allocation Act”), providing for the allocation of the State Ceiling among various State and local governmental units, and further providing for the assignment of such allocations from such governmental units to any entity or person with the authority to issue bonds; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has received a direct allocation of the 2023 State Ceiling for the issuance of Private Activity Bonds in the aggregate principal amount of \$10,289,735 (the “2023 Allocation”); and

WHEREAS, if the City does not issue bonds or assign its annual allocation to another entity by September 15 of each year, its allocation is relinquished to the statewide balance; and

WHEREAS, the City received seeking applications for the 2023 Allocation from three entities: Housing Catalyst; CARE Housing; and Steele Properties; and

WHEREAS, the City’s PAB Committee considered the applications and recommends assigning the 2023 Allocation to Housing Catalyst and CARE Housing in the amounts requested by those two entities pursuant to Section 24-32-1706 of the Allocation Act; and

WHEREAS, Housing Catalyst proposes using \$6,289,735 of the 2023 Allocation to develop at least 36 affordable rental homes within the City of Fort Collins (the “Housing Catalyst Projects”); and

WHEREAS, CARE Housing proposes using \$4,000,000 of the 2023 Allocation through the Colorado Housing and Finance Authority (“CHFA”), along with \$16,100,000 of previously secured funds from the CHFA, to develop 72 new affordable rental apartments at Heartside Hill (the “CARE Housing Projects”); and

WHEREAS, CARE Housing, through CHFA, and Housing Catalyst have each expressed its willingness to attempt to issue Revenue Bonds in the amounts proposed; and

WHEREAS, the City Council finds that the 2023 Allocation can be utilized most efficiently by assigning it to CARE Housing, through CHFA, and Housing Catalyst and to issue Private Activity Bonds for financing the Projects, and that such assignment will advance the City's objective of increasing the availability of adequate affordable housing for low- and moderate-income persons and families within the City; and

WHEREAS, the Council wishes to assign the 2023 Allocation to Housing Catalyst and CARE Housing, which assignments are to be evidenced by an Assignment of Allocation #1 to Housing Catalyst and Assignment of Allocation #2 to CARE Housing, through CHFA; and

WHEREAS, a draft of the proposed Assignment of Allocation #1 is attached as Exhibit "A" and incorporated herein by reference and a draft of the proposed Assignment of Allocation #2 is attached as Exhibit "B" and incorporated herein by reference.

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

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

Section 2. That the City Council hereby approves assignment to Housing Catalyst of \$6,289,735 of the City's 2023 Allocation for the Housing Catalyst Projects as described herein.

Section 3. That the City Council hereby approves assignment to CARE Housing, through CHFA, of \$4,000,000 of the City's 2023 Allocation for the CARE Housing Projects as described herein.

Section 4. That the City Council hereby authorizes the Mayor to execute an Assignment of Allocation with Housing Catalyst in substantially the form attached as Exhibit "A" and an Assignment of Allocation with CARE Housing, through CHFA, in substantially the form attached as Exhibit "B," along with such other 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 or effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of June, 2023.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk



## EXHIBIT A TO RESOLUTION 2023-048

**ASSIGNMENT OF ALLOCATION #1**

THIS ASSIGNMENT (the “Assignment”), dated \_\_\_\_\_, 2023 is between the City of Fort Collins, Colorado, a municipal corporation (the “Assignor”), and Housing Catalyst, a body corporate and politic (the “Assignee”).

**RECITALS**

A. The Assignee intends to finance the construction of not less than 36 rental homes within the City of Fort Collins, all for households with incomes ranging from 30% to 80% of area median income, and consistent with the objectives outlined in the City’s Housing Strategic Plan (collectively, the “Projects”). The Projects will each be designed to qualify as a “project” within the meaning of Title 29, Article 4, Part 2, Colorado Revised Statutes, as amended (the “Act”).

B. The Assignee intends to provide for the issuance of its Multifamily Housing Revenue Bonds (the “Proposed Bonds”), pursuant to the provisions of the Act for the purpose of financing the Projects.

C. The Assignee has requested that the Assignor assign to the Assignee \$6,289,735 of the Assignor’s 2023 allocation (the “Allocation”) under the bond ceiling for the State of Colorado and its issuing authorities (“the State Ceiling”) computed under Section 146(d) of the Internal Revenue Code of 1986 (the “Code”) as provided for the Assignor as a “designated local issuing authority” under part 17 of article 32 of title 24, Colorado Revised Statutes (the “Allocation Act”), for use in connection with the financing of the Projects.

D. Subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept, such Allocation from the State Ceiling.

**ASSIGNMENT**

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Assignor hereby assigns and transfers to the Assignee \$6,289,735 of the Assignor’s 2023 Allocation from the State Ceiling for private activity bonds. The Assignor and the Assignee understand that such assigned allocation shall automatically be relinquished to the “Statewide Balance” as defined under the Allocation Act unless (a) the Proposed Bonds are issued by the Assignee on or before September 15, 2023, or (b) Section 24-32-1706(3)(c), C.R.S., applies.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) accepts the assignment of the Assignor’s Allocation from the State Ceiling described above;

(b) agrees to use its best efforts to issue and use the Proposed Bonds for the purpose of financing the Projects; and

(b) agrees to abide by each of the terms and conditions of this Assignment in connection with the use of such Allocation.

4. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

5. This Assignment shall not constitute a debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

[The remainder of this page is intentionally left blank]

EXHIBIT A TO RESOLUTION 2023-048

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

CITY OF FORT COLLINS, COLORADO,  
as Assignor

\_\_\_\_\_  
Jeni Arndt, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
(print name)

HOUSING CATALYST, as Assignee

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

[Signature Page to Assignment of Allocation]

## EXHIBIT B TO RESOLUTION 2023-048

**ASSIGNMENT OF ALLOCATION #2**

THIS ASSIGNMENT (the “Assignment”), dated \_\_\_\_\_, 2023 is between the City of Fort Collins, Colorado, a municipal corporation (the “Assignor”), and the Colorado Housing and Finance Authority, a body corporate and political subdivision of the State of Colorado (the “Assignee”).

**RECITALS**

A. The Assignee intends to facilitate Community Affordable Residences Enterprise, Inc.’s, a Colorado nonprofit corporation (dba CARE Housing) financing of the construction of 72 rental apartments within the City of Fort Collins at the Heartside Hill Apartments, all for households with incomes ranging from 30% to 80% of area median income, and consistent with the objectives outlined in the City’s Housing Strategic Plan (collectively, the “Projects”.) The Projects will each be designed to qualify as a “project” within the meaning of Title 29, Article 4, Part 2, Colorado Revised Statutes, as amended (the “Act”).

B. The Assignee intends to provide for the issuance of its Multifamily Housing Revenue Bonds (the “Proposed Bonds”), pursuant to the provisions of the Act for the purpose of financing the Projects.

C. The Assignee has requested that the Assignor assign to the Assignee \$4,000,000 of the Assignor’s 2023 allocation (the “Allocation”) under the bond ceiling for the State of Colorado and its issuing authorities (“the State Ceiling”) computed under Section 146(d) of the Internal Revenue Code of 1986 (the “Code”) as provided for the Assignor as a “designated local issuing authority” under part 17 of article 32 of title 24, Colorado Revised Statutes (the “Allocation Act”), for use in connection with the financing of the Projects.

D. Subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept, such Allocation from the State Ceiling.

**ASSIGNMENT**

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Assignor hereby assigns and transfers to the Assignee \$4,000,000 of the Assignor’s 2023 Allocation from the State Ceiling for private activity bonds. The Assignor and the Assignee understand that such assigned allocation shall automatically be relinquished to the “Statewide Balance” as defined under the Allocation Act unless (a) the Proposed Bonds are issued by the Assignee on or before September 15, 2023, or (b) Section 24-32-1706(3)(c), C.R.S., applies.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) accepts the assignment of the Assignor's Allocation from the State Ceiling described above;

(b) agrees to use its best efforts to issue and use the Proposed Bonds for the purpose of financing the Projects; and

(b) agrees to abide by each of the terms and conditions of this Assignment in connection with the use of such Allocation.

4. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

5. This Assignment shall not constitute a debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

[The remainder of this page is intentionally left blank]

EXHIBIT B TO RESOLUTION 2023-048

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

CITY OF FORT COLLINS, COLORADO,  
as Assignor

\_\_\_\_\_  
Jeni Arndt, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
(print name)

COLORADO HOUSING AND FINANCE  
AUTHORITY, as Assignee

By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

[Signature Page to Assignment of Allocation]



**COLORADO**  
Department of Local Affairs  
Division of Housing

January 14, 2023

Randy Bailey, Controller  
City of Fort Collins  
City Hall  
300 Laporte Ave.  
Fort Collins, CO 80521

Re: 2023 Private Activity Bond Allocation of \$10,289,735

Dear Mr. Bailey:

I hereby certify that the above amount will be allocated to the respective local government for the purpose of issuing Private Activity Bonds (PAB) in 2023 under the state ceiling imposed by the Internal Revenue Code of 1986, as amended.

In accordance with the provisions of C.R.S. 17-32-1709.5, a fee on bonds issued is due to DOLA for the portion of each issuance that originated from a direct allocation. The amount of this fee is subject to revision, but is currently 0.027% of bonds issued. This fee is also due within five working days of the bond closing. In the event that the full allocation amount is not issued, or the fee rate changes, the fee will be recalculated to reflect the actual amount issued and the rate in effect at the time of closing.

If you have any questions, please contact Wayne McClary at (303) 864-7819 or [wayne.mcclary@state.co.us](mailto:wayne.mcclary@state.co.us).

Sincerely,

Rick M. Garcia  
Executive Director





## City of Fort Collins Private Activity Bonds Request

March 15, 2023

### Applicant Information:

CARE Housing  
1303 West Swallow Road, Bldg. 11  
Fort Collins, CO 80526

Contact: Kim Iwanski, Director of Housing Development  
970-218-1829, [kiwanski@carehousing.org](mailto:kiwanski@carehousing.org)

### Amount requested

CARE Housing is requesting \$4 million in Private Activity Bonds for the construction of Heartside Hill Apartments. This project has previously secured \$16.1 million in Private Activity Bonds from the State of Colorado through the Colorado Housing and Finance Authority.

### Bond counsel contact information

Cory Kalanick  
Sherman and Howard LLC  
675 Fifteenth Street, Suite 2300, Denver, Colorado 80202  
Direct: 303.299.8373 | Main: 303.297.2900  
[ckalanick@shermanhoward.com](mailto:ckalanick@shermanhoward.com)

### Description of applicant's local projects and history of operations

CARE Housing is Northern Colorado's largest local, private nonprofit affordable rental housing developer and housing service provider. During its 30 years in business, CARE has developed seven affordable housing communities in Northern Colorado, providing homes to over 950 individuals, half of whom are children. Six of those communities are in Fort Collins and one is in Windsor.

#### Fort Collins projects:

Greenbriar (1994): New construction, 40 units  
Swallow (1996): New construction, 40 units  
Eagle Tree (1998): New construction, 36 units  
Windtrail (2001): New construction, 50 units  
Fairbrooke Heights (2002): New construction, 36 units  
Provincetowne Green (2011): New construction, 85 units  
Swallow Road Apartments Acquisition and Rehab (2022): Rehabilitation 84 units (44 acquired from Housing Catalyst in 2021)

1303 W. Swallow Road Bldg. 11, Fort Collins, CO 80526  
[www.carehousing.org](http://www.carehousing.org) (970)282-7522 or TTY (800)659-2656







**Number of years doing business in the State of Colorado and a Certificate of Good Standing from the Secretary of State's office**

CARE Housing has been in business in Colorado for 30 years. Attached is our Certificate of Good Standing.

**Description of assets to be purchased or constructed**

This request is to help fund the construction of a multifamily rental community for people who struggle to find affordable housing in Fort Collins. CARE Housing, Inc. (CARE) is in the final development review process for the construction of Heartside Hill Apartments (HHA)— a 72-unit apartment community that will anchor a neighborhood campus in southeast Fort Collins.

HHA will be configured as 6 multifamily, 3-story, 12-plex buildings. The buildings are designed for energy efficiency to meet Enterprise Green Communities standards (EGC), Zero Energy Ready Homes certification requirements (ZERH), Fort Collins 2021 Building Code, and Fort Collins Integrated Design Assistance Program (IDAP) metrics. All buildings will be "Electrification ready" to comply with local code standards and could attain "net zero" energy input with the addition of photovoltaic (PV) electricity generation.

The apartments will be built with durable and allergen-friendly materials, as well as energy efficient and low-water systems. Other amenities will include covered bicycle storage, community Wi-Fi, washers/dryers in each home and a residential clubhouse.

**Explanation of how the project aligns with City objectives**

The 2021 Housing Strategic Plan sets an ambitious vision that everyone in Fort Collins has healthy, stable housing they can afford. Heartside Hill Apartments is one more step towards achieving that goal by adding 72 affordable rental units. The unit mix includes 1-bedroom, 2-bedroom, 3-bedroom and 4-bedroom homes, to provide homes for a range of household sizes.

CARE is the master developer for the Heartside Hill campus. This campus will provide a diversity of housing options to meet a range of affordable housing needs. This includes multifamily rentals; single-family homes for low-income buyers; and homes for adults with intellectual and developmental disabilities.

This development promotes inclusivity, housing diversity, and affordability as outlined in the Housing Strategic Plan. The apartment homes are targeted to people with household incomes between 30%-60% of the area median income. The monthly rent will equate to approximately 30% of a household's income.

1303 W. Swallow Road Bldg. 11, Fort Collins, CO 80526  
[www.carehousing.org](http://www.carehousing.org) (970)282-7522 or TTY (800)659-2656





To enhance the well-being of all residents, Heartside Hill's campus will offer outdoor play areas for children, walking paths, gathering spaces, and community gardens. Additionally, a community center will offer a resident clubhouse with flexible space for community gatherings, along with early childhood education, youth services and additional support services to onsite residents and the surrounding neighborhoods.

To support each family in their emotional, physical, and financial stability, CARE Housing provides housing stability services for families when needed. These services will be available to residents of Heartside Hill. These services include an Eviction Prevention Program (EPP) and an emergency rent assistance program, the Sister Mary Alice Legacy Fund. The resident services program also helps residents navigate other resources in the community and partners closely with other local organizations to do so.

#### **Number of housing units and target demographics**

Heartside Hill Apartments will provide 72 affordable rental homes to people earning below 60% of the area median income. With a mix of units ranging from 1-4 bedrooms, this property will serve individuals with disabilities, single adults, seniors, and families. CARE will partner with Housing Catalyst to provide 16 project-based vouchers (PBV) to help deepen the affordability for residents with (5) 30% AMI units, (8) 40% AMI units, and (3) 50% AMI units.

The breakdown in overall target income levels is as follows:

- 5 units at 0-30% AMI
- 16 units at 31-50% AMI
- 51 units at 51-60% AMI

#### **Statement from bond counsel that project is eligible for Private Activity Bonds**

Attached is a letter of bond qualification from our bond counsel.

1303 W. Swallow Road Bldg. 11, Fort Collins, CO 80526  
www.carehousing.org (970)282-7522 or TTY (800)659-2656





March 15, 2023

Beth Yonce  
Director of Social Sustainability  
City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522

RE: Request for assignment of 2023 Private Activity Bonding Authority

Dear Ms. Yonce:

Housing Catalyst respectfully requests assignment from the City of Fort Collins' 2023 Private Activity Bond (PAB) cap for the purpose of affordable housing development. As the primary developer and operator of affordable housing in Northern Colorado, Housing Catalyst intends to utilize this authorization to further expand affordable housing opportunities within the City of Fort Collins.

As a quasi-governmental entity formed under the state housing statute, Housing Catalyst will be the direct issuer of bonds utilizing the PAB allocation. Therefore, the City of Fort Collins will not be required to provide assistance, nor incur any costs associated with the utilization of the authorized PAB cap.

**Housing Catalyst contact information for this request:**

Kristin Fritz, Chief Real Estate Officer  
415-531-5617 / [kfritz@housingcatalyst.com](mailto:kfritz@housingcatalyst.com)  
1715 W. Mountain Ave.  
Fort Collins, CO 80521

**Amount of Allocation Requested: \$6,289,735**

Housing Catalyst is requesting \$6,289,735 of the City of Fort Collins' 2023 PAB allocation. The 2023 award from the City of Fort Collins will be used to fulfill the PAB requirements for qualifying pipeline projects, which may include affordable housing at Montava. Housing Catalyst is aware that CARE Housing currently needs an additional \$4 million in PAB cap from the City of Fort Collins for their current project. To foster local partnerships and ensure the greatest benefit to the community, Housing Catalyst is therefore requesting the balance of the City's 2023 allocation.

1715 W. Mountain Ave., Fort Collins, CO 80521

P: (970) 416-2910

F: (970) 221-0821



Once the PAB cap is allocated to Housing Catalyst, it can be carried over or maintained for 3 years to allow for its utilization in an approved project. Housing Catalyst maintains a robust development pipeline to continue to address the significant need for affordable housing in the community. Any PAB allocation awarded to Housing Catalyst will be utilized to meet this need, either through partnerships or Housing Catalyst's own pipeline of new construction and preservation projects. CHFA has limited PAB per unit to no more than \$175,000. Utilizing this calculation, the \$6.289 million we are requesting will support 36 affordable housing units. The typical size of Housing Catalyst's pipeline projects is 100 units, so we are requesting allocations now to build enough cap to meet the needs of the pipeline in the future.

#### **PAB Awards for Qualified Affordable Housing Projects**

- *PAB Awarded in 2022:* \$15,230,059 from City of Fort Collins and Larimer County
- *PAB Awarded in 2021:* \$14,998,888 from City of Fort Collins and Larimer County

Over the past 10 years, Housing Catalyst has developed/preserved over 625 affordable housing units utilizing PAB cap from the City of Fort Collins, Larimer County, and the State of Colorado.

***All PAB awarded to Housing Catalyst will be used for current and future affordable housing pipeline projects.***

#### **Bond Counsel Firm:**

Gilmore & Bell, P.C.

15 West South Temple, Suite 250

Salt Lake City, UT 84101

Principal Contact: Ryan Warburton

801-258-2726 / rwarburton@gilmorebell.com

**Description of Applicant's Local Projects and History of Operations:** See Attachment A

**Number of Years Entity has been doing business in State of Colorado:** 51 years

#### **Certificate of Good Standing:**

Housing Catalyst was originally formed as the Housing Authority of the City of Fort Collins in 1971 under state statute. As a result, this legal entity does not maintain a corporate filing with the Colorado Secretary of State office and therefore is not required to maintain a Certificate of Good Standing under that entity.



### **Description of Assets to be Purchased or Constructed:**

Housing Catalyst consistently develops affordable housing units at 30% - 80% AMI and maintains a robust development pipeline to continue to address significant demand for affordable housing in Fort Collins and Larimer County. Selection criteria for projects and partnerships prioritize:

- Creating new affordable housing or preserves or sustains existing affordable housing at risk of being lost or adversely affected,
- Including households that earn 30-50% of Area Median Income (AMI),
- Serving special needs populations, such as elderly or persons with disabilities, in all or some units,
- Securing long-term or permanent affordability, and
- Protecting and utilizing local funding resources wisely

Housing Catalyst has been in conversations with the developers of Montava over the last several years and has planned on developing the affordable housing component of the project. Recently, Housing Catalyst learned more about the risks and barriers for a tax credit development in Montava's selected affordable housing location, which is above the grocery store. This structure requires that Housing Catalyst and the Tax Credit Partnership assume the full financial risk associated with the cost and development of both the grocery store and the housing component. This would not be an acceptable risk for LIHTC funders and investors and is not in alignment with Housing Catalyst's core mission. While Montava does not have an interest in considering other locations for the affordable housing development, there may be some opportunity for a different partnership structure that will still involve Housing Catalyst at this location, and discussions about the possibilities are still in the early stages.

See Attachment B for more project information.

### **Explanation of how project aligns with City objectives:**

Housing Catalyst is the primary affordable housing provider, developer, and operator in the City of Fort Collins and is a public housing authority formed under state statute. All projects of Housing Catalyst align with the objectives outlined in the City of Fort Collins 2021 Housing Strategic Plan.

Largely, Housing Catalyst upholds an objective to assist all affordable housing deals in Northern Colorado to come to fruition. This assistance is achieved in several ways, including education,



tracking and prioritizing developments, providing technical expertise in development and financing, and issuing PAB on their behalf.

#### **Number of Housing Units and Target Demographics:**

There is a significant shortage of affordable housing units in the community with 99% of the affordable housing units in the area occupied. According to a recently conducted market analysis for Housing Catalyst, there is significant demand for additional family LIHTC rental housing in the area, as evidenced by the low vacancy rates; lengthy waitlists and wait times up to 4 years; the projected renter household growth; and the relatively limited supply of new family LIHTC units in the local development pipeline.

As a mission-driven real estate developer, Housing Catalyst forges public-private partnerships to build and preserve affordable homes to meet the vast and growing need in our community. Our goal is to strategically increase the supply of affordable housing, through new development, preservation, acquisitions, and partnerships. With affordable housing real estate development experience spanning more than 15 years and including both new construction and rehabilitation, we use a Triple Bottom Line model to build healthy and sustainable affordable communities. Our development portfolio includes 961 affordable units in 10 developments financed with Low Income Housing Tax Credits, private activity bonds, and other local, state and federal funding sources. An award of the 2023 City of Fort Collins PAB capacity will assist Housing Catalyst in continuing to develop and preserve affordable units.

Housing Catalyst provides more than a place to live. Our goal is to support residents of all ages for long-term stability. Through our Resident Services Program, we provide direct services and connections to local resources that are vital in supporting our residents. We work with dozens of other nonprofits, service providers and initiatives in our community to expand our residents' opportunities and help them reach their educational, employment and economic goals. Our programs focus on four areas:

- **Stability:** We work with residents on their various needs to ensure they can remain in their homes.
- **Health and Wellness:** We provide a range of activities to support our residents' mental, physical and social wellbeing.
- **Education:** We support our resident parents and their children in achieving success at school.



- **Community Engagement:** We organize activities to cultivate community bonds and nurture a sense of belonging.

**Statement from Bond Counsel of Project Eligibility:** See Attachment C

Thank you for your consideration. I am happy to provide any additional information as needed.

Sincerely,



Kristin Fritz  
Chief Real Estate Officer



# ATTACHMENT A



# DEVELOPMENT RESUME

Housing Catalyst is the largest affordable housing developer and property management company in Fort Collins. Housing Catalyst's affordable housing real estate development experience spans more than 15 years and includes both new construction and rehabilitation. Our development portfolio includes 961 affordable units in 10 developments financed with Low Income Housing Tax Credits, private activity bonds, and other local, state and federal funding sources. With this combination of public and private financing, Housing Catalyst secures long-term financing for each development.

Housing Catalyst uses a Triple Bottom Line model to build healthy and sustainable affordable communities. We are led by a skilled executive team with extensive experience in real estate acquisition, development, management, and financial administration. We create vibrant, sustainable communities, incorporating green building design into all our ventures and serving as a model for high standards in asset and property management, as evidenced by numerous awards for project designs, innovations, environmental sustainability, accountability, and financial reporting.



## OAK 140

2023

(79) Studio, 1 & 2 bedroom apartments serving 30% - 80% AMI

- Downtown Fort Collins location
- \$31.5M new construction
- 4% LIHTC, \$13.6M federal and state tax credit investment, \$19.3M Private Activity Bonds, DDA equity, City AHCF

## MASON PLACE PERMANENT SUPPORTIVE HOUSING

2021

- (60) 1 & 2 bedroom apartments
- All units at or below 30% AMI, serving individuals experiencing homelessness
- Midtown Fort Collins, transit-oriented development
- \$19.4M new construction
- 9% LIHTC, \$11.9M tax credit investment
- City AHCF, DOH, CDBG, HOME



2022 HOUSING COLORADO EAGLE AWARD

2022 CITY OF FORT COLLINS URBAN DESIGN AWARD

FINALIST: 2021 AFFORDABLE HOUSING FINANCE READERS' CHOICE AWARDS



## MYRTLE STREET SINGLE ROOM OCCUPANCY

2021

- 16 apartments at or below 50% AMI, serving those experiencing homelessness and reintegrating adult felony offenders
- \$1M renovation
- City of Fort Collins Affordable Housing Fund, Villages, Ltd. equity

## VILLAGE ON SHIELDS

2018

- (285) 1, 2, & 3 bedroom apartments serving 50% - 60% AMI
- \$68M renovation
- 4% LIHTC, \$41.1M federal and state tax credit investment, \$35M Private Activity Bonds, RAD proceeds, CDBG, HOME, Owner loan



*2019 NAHRO AWARD OF EXCELLENCE FOR COMMUNITY REVITALIZATION*  
*2019 NAHRO AWARD OF MERIT FOR COMMUNITY REVITALIZATION*  
*2019 CO NAHRO YES! IN MY BACKYARD AWARD*



## VILLAGE ON HORSETOOTH

2018

- (96) 1, 2, 3 & 4 bedroom apartments serving 30% - 60% AMI
- First City Land Bank Project
- \$27M new construction
- 4% LIHTC, \$12.5M federal and state tax credit investment, \$19M Private Activity Bonds, CDBG-DR, RAD proceeds

*2019 NAHRO AWARD OF MERIT FOR PROGRAM INNOVATION IN AFFORDABLE HOUSING*





## VILLAGE ON REDWOOD

2017

- (72) 1,2,3 & 4 bedroom apartments & townhomes in North Fort Collins serving 30% - 60% AMI
- \$19.4M new construction
- 4% LIHTC, \$10M federal and state tax credit investment, \$12M Private Activity Bonds, RAD proceeds

*2018 NAHRO AWARD OF EXCELLENCE FOR PROJECT DESIGN*

*2018 NAHRO AWARD OF MERIT FOR PROJECT DESIGN*

*2018 FORT COLLINS UTILITIES ENERGY EFFICIENCY AWARD*

## REDTAIL PONDS PERMANENT SUPPORTIVE HOUSING

2017

- (60) 1 & 2 bedroom apartments
- All units at or below 30% AMI, serving individuals experiencing homelessness
- South Fort Collins, transit-oriented development
- \$12.5M new construction
- 9% LIHTC, \$8M tax credit investment, CDBG, HOME



*2017 ULI COLORADO IMPACT AWARD FOR INFLUENCE*

*2016 NAHRO AWARD OF EXCELLENCE FOR PROJECT DESIGN*

*2016 NAHRO AWARD OF MERIT FOR PROJECT DESIGN*

*2015 HOUSING COLORADO EAGLE AWARD*



## VILLAGE ON PLUM

2015

- (95) 1, 2 & 3 bedroom apartments serving 30% - 60% AMI
- \$16.1M renovation
- 4% LIHTC, \$5.3M tax credit investment, \$8.75M Private Activity Bonds, Villages, Ltd. equity; previous grantors: City of Fort Collins, DOH

# ATTACHMENT B

# COMMUNITY NEEDS & DEVELOPMENT PIPELINE PRIORITIES

**Housing Catalyst's goal is to strategically increase the supply of affordable housing, through new development, preservation, acquisitions, and partnerships.**

According to the 2021 City of Fort Collins Housing Strategic Plan, disproportionate increases in housing costs have continued to place a strain on residents. From 2010–2020, rents in Fort Collins increased 68%, the median sales price of single-family detached homes increased 124%, and the median sales price of townhomes and condos rose 164%. During the same time period, wages increased by just 25%.

With demand for rental homes at an all time high, rents continue to rise. In 2012, 50% of the rental housing stock cost less than \$1,000 per month to rent. In 2018, only 20% of the rental housing stock cost less than \$1,000 per month. More than 60% of renters in Fort Collins are considered "cost burdened," spending more than 30% of their income on housing.

Similar trends are taking place at the county level. Larimer County has added about 55,000 residents since 2010. Growth is concentrated in incorporated areas, particularly those along the I-25 corridor. According to Larimer County's 2021 Housing Needs Assessment, the median rent in Larimer County increased from \$849 to \$1,228 per month between 2010 and 2018. Renter incomes did not keep pace with the 45% increase.

Housing market conditions, among other factors, have contributed to the number of people experiencing homelessness in Northern Colorado. According to the Northern Colorado Continuum of Care, an estimated 1,500–2,000 individuals are without a stable home. About 600 are experiencing chronic homelessness, having been without a home for at least one year.

**As a mission-driven real estate developer, Housing Catalyst forges public-private partnerships to build and preserve affordable homes to meet the vast and growing need in our community.**



## DEVELOPMENT PROJECT PRIORITIES & CRITERIA

Housing Catalyst consistently develops affordable housing units at 30% – 80% AMI and maintains a robust development pipeline to continue to address significant demand for affordable housing in Fort Collins and Larimer County. Selection criteria for projects and partnerships prioritize:

- Creating new affordable housing or preserves or sustains existing affordable housing at risk of being lost or adversely affected
  - Including households that earn 30–50% of Area Median Income (AMI)
  - Serves special needs populations, such as elderly or persons with disabilities, in all or some units
  - Securing long-term or permanent affordability
- ecting and utilizing local funding resources wisely



# AFFORDABLE HOUSING AT MONTAVA



Montava is a complete community focused on connecting people to their food, the environment, to nature, and to each other. It aims to meet the basic needs of all residents in the community through integrated land use planning, transportation planning, and community design. It will occupy 1,000 acres in Northeast Fort Collins, 3 miles from downtown Fort Collins and 4 miles from Colorado State University.

**LOCATED IN THE APPROVED MONTAVA METRO DISTRICT**



As part of the approved Metro District, the overall project will ultimately provide 400 affordable homes. The details of the unit mix will be determined based on a future market study, outreach, and the design development process. The units will be located near a park, library, school, town center, and numerous amenities included in the Montava development plans.

The Montava Metro District and Planned Unit Development have been approved by the City of Fort Collins. Construction of infrastructure and site work is expected to begin soon in summer of 2023. The construction of the affordable housing phase is estimated to begin in 2025. All of the homes being built at Montava will strive to meet Department of Energy (DOE) Zero Ready Home (ZERH) Standards.

# ATTACHMENT C



15 West South Temple, Suite 1450  
Salt Lake City, Utah 84101-1531

(801) 364-5080 / (801) 364-5032 FAX / gilmorebell.com

March 7, 2023

Beth Yonce  
Director of Social Sustainability  
City of Fort Collins  
P.O. Box 580  
Fort Collins, CO 80522

Re: Housing Catalyst request for assignment of 2023 Private Activity Bonding Authority  
from the City of Fort Collins

Dear Ms. Yonce:

We serve as bond counsel to Housing Catalyst. You will receive this letter as part of a package requesting an assignment from the City of Fort Collins, Colorado of its 2023 Private Activity Bond (PAB) cap to Housing Catalyst. Housing Catalyst intends to use the PAB authority to issue multifamily housing revenue bonds to finance in part the acquisition, construction and/or rehabilitation of one or more multifamily housing apartment developments within the City of Fort Collins. The proposed bonds can be validly issued by Housing Catalyst under Part 2 of Article 4 of Title 29 of the Colorado Revised Statutes, as amended and Article 56, Title 11, Colorado Revised Statutes, as amended. Further, such bonds will be classified as private activity bonds issued as exempt facility bonds for qualified residential rental projects under Section 142(a)(7) of the Internal Revenue Code of 1986, as amended, and consequently will require an allocation of volume cap.

Should you have any questions with respect to this financing please feel free to contact us at any time.

Very truly yours,

A handwritten signature in blue ink that reads "Gilmore &amp; Bell, P.C.".

Gilmore & Bell, P.C.

cc: Julie Brewen, CEO





March 14, 2023

Sue Beck-Ferkiss  
City of Fort Collins  
222 Laporte Avenue  
Fort Collins, CO 80521  
[sbeckferkiss@fcgov.com](mailto:sbeckferkiss@fcgov.com)

Re: Application for Private Activity Bonds for Weatherstone Apartments

To Whom It May Concern:

Please allow this letter to serve as a request for an Assignment of Private Activity Bonds allocation up to \$10,289,735 to the Aurora Housing Authority ("Issuer") for the Weatherstone Apartments project.

**Applicant**

Steele Properties ("Steele"), is a local affordable housing Developer with extensive experience in the acquisition and rehabilitation of affordable properties. (Please refer to the enclosed resume for Steele Properties and its management partner, Monroe Group for more information)

Deborah Quinlan  
Senior Development Manager  
6875 East Evans Avenue  
Denver, Colorado 80224  
Phone: 303-229-4592  
Email: [dquinlan@steelellc.com](mailto:dquinlan@steelellc.com)

Steele Properties owns and manages over 80 properties in 24 states including 12 communities across Colorado. Monroe Group began in 1980 with a single affordable property. Steele's founding Principal completed the first ever tax credit development in Colorado, and formed Steele Properties many years later to continue his vision of bringing quality, affordable housing to residents across the United States. Recent Colorado projects include:

- Acquisition & rehabilitation of a 60-unit Family, Section 8 property in Trinidad utilizing PAB and 4% Low-Income Housing Tax Credits
- Acquisition & rehabilitation of a 64-unit Senior, Section 8 property in Montrose utilizing PAB and 4% Low-Income Housing Tax Credits
- Acquisition & rehabilitation of a 54-unit Senior, Section 8 property in Aurora utilizing PAB and 4% Low-Income Housing Tax Credits
- New construction of a 100-unit Family, LIHTC property in Greeley utilizing HOME, CDBG, PAB and 4% tax credits

**Project Information**

Weatherstone Apartments is an existing Family, Project-Based Section 8 community located in Aurora, Arapahoe County. Serving 204 Colorado families, the property built in 1979 is in desperate need of a substantial renovation, supportive services, and security measures to preserve the affordability of this community and safety of its residents. Please refer to the enclosed Project Summary for more information regarding the property and the development plan.

**Amount Requested**

Steele is requesting a total of \$34,000,000 in Private Activity Bond (PAB) Cap from Local Issuing Authorities including the City of Fort Collins, City of Aurora, Arapahoe County, and various other municipalities across the state, as well as from CHFA and DOLA. The project has received \$7.5million of PAB to date and is seeking an additional



\$26.5 million in 2023 in order to meet the 50% Test required to utilize 4% Low-Income Housing Tax Credits. Given the competitive nature of PAB in Colorado, we expect that the Cap will be pieced together from different sources in order to meet the need of the project.

**Alignment with City Objectives**

The City's Housing Strategic Plan states that the Vision is "Everyone has healthy, stable housing they can afford". While Weatherstone Apartments is not located within the City of Fort Collins, the property and its 204 families are worthy of this federal resource needed to bring improvements to their homes and preserve this property as affordable housing for the foreseeable future. Affordable Housing is at an all-time low across the State of Colorado. Communities are struggling to house individuals with extremely-low incomes and we cannot afford to lose the existing house stock we have in the state. We all can work together to ensure Colorado families have quality, safe and affordable housing.

**Attachments**

- Project Summary
- Resume for Steele Properties
- Resume for Monroe Group
- Preliminary Opinion from Sherman & Howard (Bond Counsel)

Sincerely,

*Deb Quinlan*

Deb Quinlan  
Senior Development Manager  
Steele Properties

---

# WEATHERSTONE APARTMENTS

---



STEELE  
PROPERTIES

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## Quick Facts

**Project Name:** Weatherstone Apartments

**Project Address:** 15594 E. 12<sup>th</sup> Avenue, Aurora

**Project Type:** Family

**Occupancy:** 98% with waiting list

**Unit Mix:**

|                       |           |
|-----------------------|-----------|
| <u>One-Bedroom:</u>   | 18 units  |
| <u>Two-Bedroom:</u>   | 168 units |
| <u>Three-Bedroom:</u> | 18 units  |

**Site Information:**

|                    |                                      |
|--------------------|--------------------------------------|
| <u>Year Built:</u> | 1981                                 |
| <u>Acreage:</u>    | 9.59 acres                           |
| <u>Buildings:</u>  | 10 residential, 1 community building |

**Affordability:**

LIHTC tenants at or below 60% AMI  
Project-Based Section 8 HAP Contract. Due to the nature of the Section 8 contract, the majority of tenants are at or below 50% AMI

**Proposed Rehabilitation:**

\$55,000 per unit, equivalent to \$11,220,000 of improvements to the property.

## Executive Summary

### Introduction

Steele Properties IV LLC and its affiliates, are seeking acquisition and rehabilitation of the Weatherstone Apartments (“Weatherstone”). Applications will include bond allocations from municipalities across Colorado and Colorado Department of Local Affairs, as well as 4% Low Income Housing Tax Credits (LIHTC) to Colorado Housing Finance Authority.

The goals of the Weatherstone rehabilitation are:

- to improve the **quality of life** for current and potential residents by creating safe and comfortable homes;
- to address current **critical repair needs** and to reduce future repair needs of the building by injecting approximately \$11,200,000 into the rehabilitation;
- to focus on **Resident Services** and community connectivity through a third party Supportive Services specialist
- to **reduce crime** through a variety of safety and security upgrades
- to contribute to the availability of much needed **affordable housing opportunities** in Aurora, Colorado;

According to the National Low-Income Housing Coalition, Colorado (74%) is among the top states with the greatest percentage of extremely low income renter households with severe cost burdens<sup>1</sup>. With only 30 affordable and available Rental Homes per 100 Extremely Low Income Renter Households, this is well below the national average. This is a housing crisis, and it is clear that Aurora cannot afford to lose a significant Section 8 community such as Weatherstone Apartments.

<sup>1</sup> [https://reports.nlihc.org/sites/default/files/gap/Gap-Report\\_2021.pdf](https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf)

## Overview

Weatherstone Apartments is a Project-Based Section 8 community located at 15594 E. 12<sup>th</sup> Avenue in Aurora, CO. The property is located near the major intersection of Colfax and Chambers with sufficient access to public transportation, major employment centers, grocery stores, restaurants, and many shopping retailers. Historically, the property's occupancy has been approximately 98%. There is a considerable wait list, showing the high demand in the market for affordable units.

### **Rehabilitation Scope**

The proposed transaction will result in approximately \$11,220,000 of physical improvements to the community. The rehabilitation will include:

- Improvements to all 204 units including upgrades to flooring, windows and bathrooms; Five percent (11 units) will be fully remodeled to comply with Accessibility standards and two percent (4 units) will be upgraded for hearing and visual disabilities.
- Provide modern enhancements to improve the building's aesthetic appeal, safety, and functionality. Expand community room space for resident activities and resident services.
- Much needed upgrades to the building systems and site work.
- Energy efficient features including LED lighting, water conserving low flow toilets and faucets, updated/ more efficient systems throughout are also part of the planned scope for the project.
- An accomplished development, design, construction and property management team all with considerable experience in Colorado and the affordable housing industry will oversee and complete the renovation.

### **Operational Scope**

Weatherstone Apartments has been under Monroe Group management, our sister management company for over 15 years. We have an advantage of knowing the residents and needs of the property before designing the renovation. We currently own and manage 11 affordable housing apartment complexes in Colorado and are in full CHFA compliance. We have consulted with a third party supportive services company to provide a Community Scan and begin to design substantial resident services. Examples of services that may be included are:

- **Youth Program** – including after school activities, tutoring, games and interactions with peers.
- **Job Skills** – Training fundamental job skills, assisting with applications, perfecting resumes and training for interviews.
- **Neighborhood Development** – “The community has not only been impacted by the pandemic, but also by several recent tragedies surrounding school shooting and teen violence. The community needs a moral boost which can come by the Weatherstone neighborhood having positive social interactions amongst residents.”
- **Building Bridges with Law Enforcement** – Continuing the relationship between the Weatherstone community and local officers will provide a sense of safety and support.

### **Security Arrangements**

In light of the recent teen violence and the proximity of the property to Hinkley High School, the community will benefit from security upgrades including:

- Major upgrades to the security cameras at the property;
- Security patrols/camera monitoring;
- Improved LED site lighting;
- Connectivity with neighboring properties and schools, as well as local law enforcement officers

### **Development and Ownership Expertise**

Steele Properties has successfully completed over \$1 billion in acquisitions, sales and development activity nationally involving over 80 properties and more than 8,500 units, including over 70 tax-credit projects. Our success has come not only from outstanding construction and security enhancements but also from an excellent management team who works daily to ensure the residents are taken care of.



**Financing**

Weatherstone Apartments will be financed with 4% low income housing tax credits and permanent affordable bond financing. The property will also contribute Net Operating Income during the course of construction. To fill the funding gap, the developer will defer a portion of its developer fee.

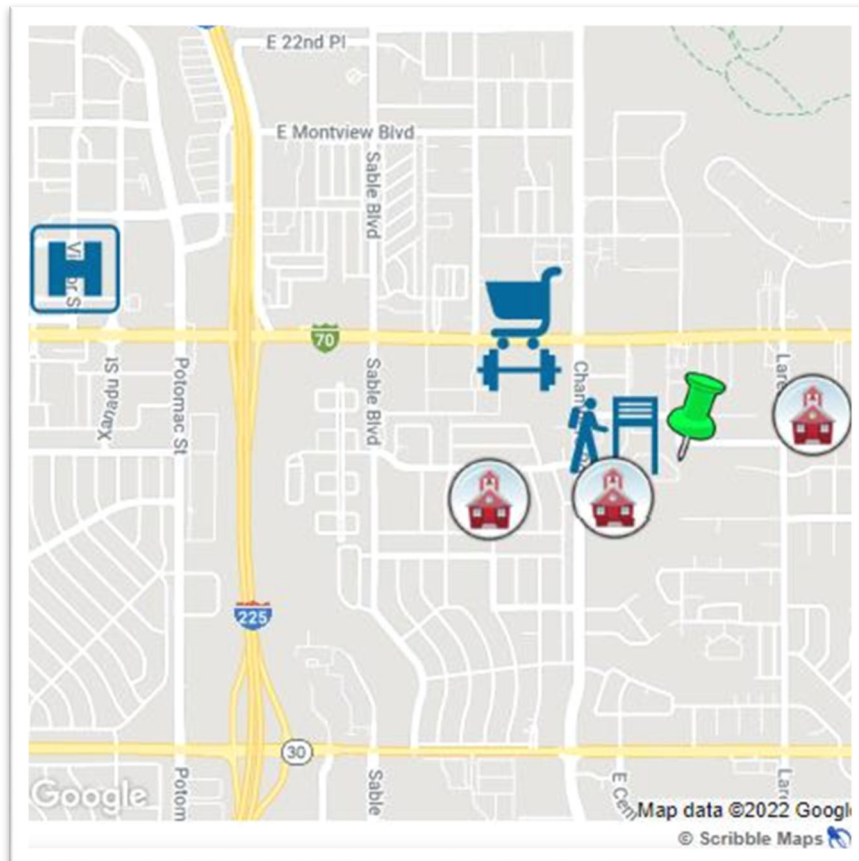
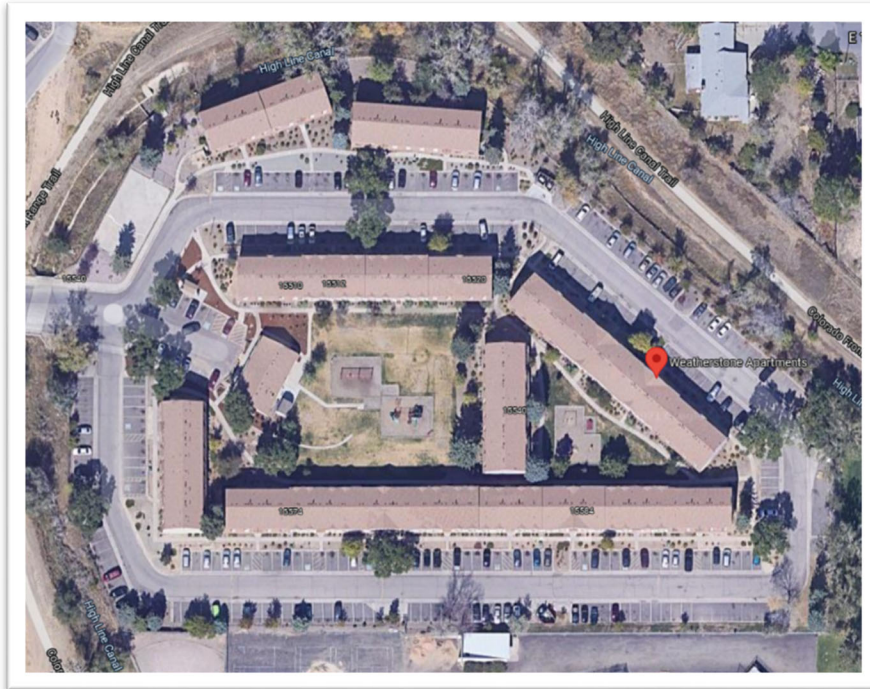
In order to meet full eligibility requirements for 4% low income housing tax credits, at least 50% of the project's aggregate basis must be financed by volume cap tax-exempt bonds (see IRC § 42(h)(4)(B).) In this case, Weatherstone's financing structure must include a minimum of \$34 million of Private Activity Bonds (PAB) to come to fruition. The Weatherstone project is important and worthy of this competitive resource to improve the lives of the residents who call this community "home".

## Timeline

The proposed timeline is subject to change:

|                                  |  |
|----------------------------------|--|
| <b>2022</b>                      | Develop initial construction Scope of Work, Architectural Plan Set |
|                                  | Applications for allocation of Private Activity Bonds              |
|                                  | Total Awarded      \$7,562,934                                     |
| January 2023 –<br>September 2023 | Applications for allocation of Private Activity Bonds              |
|                                  | Total Needed      \$26,437,066                                     |
| September 2023                   | Application to CHFA 4% low income housing tax credits              |
| January 2024                     | Approval of LIHTC application                                      |
| March 2024                       | Transaction Closing<br>Construction begins                         |

## Property Photos





## Project Team

Steele Properties –Developer & General Partner

Monroe Group – Property Manager

*Resumes are attached*



## MISSION

To preserve, improve, and increase needed affordable housing opportunities in communities across the country.



## ABOUT

Steele Properties is a Denver-based national real estate investment company specializing in the acquisition, rehabilitation and new construction of affordable family and senior rental properties. *Steele Properties is currently ranked as one of the top ten companies for substantial rehabs by Affordable Housing Finance.* The company was formed in 2006 with the mission to preserve, improve and increase affordable housing opportunities for vulnerable communities across the country.

## SUCCESS

Steele has successfully completed over \$1 billion in acquisitions, sales and development activity involving over 80 properties and more than 8,000 units, including over 75 tax credit projects. Most of the properties have undergone or are undergoing complex tax credit rehabilitations resulting in significantly improving the lives of residents across the company's expanding portfolio, which includes family and senior properties in 24 states.

## HISTORY

Steele Properties was formed in 2006 as a partnership between Stuart Heller, Hud Karshmer and Chad Asarch to pursue affordable multifamily development and acquisition opportunities. With over 60 collective years of experience in affordable housing, the Principals of Steele Properties have a distinguished reputation for closing complex transactions and structuring winning solutions that meet the goals and objectives of all parties.

## LEADERSHIP

Stuart Heller, who is the founding partner, established the Monroe Group in 1982. Hud Karshmer and Chad Asarch joined Monroe as principals/partners in 2004 and 2006 respectively, and David Asarch was appointed partner in 2016. Justin Boyd was promoted to President in March 2021, and he reports to the partners. Justin leads the Executive Leadership team which also includes Andrew Higdon, Chief Accounting Officer; Michelle Austin, General Counsel; Lisa Trujillo, Vice President - Operations; and Justin Unger, Director of Acquisitions. Together, they guide the company as it expands its portfolio.

Steele Properties has successfully completed over \$1 Billion in acquisitions, sales and development involving over 80 properties in 24 states and 8,000+ units, including over 75 tax credit projects.

## PARTNERSHIPS

Steele Properties' success would not be possible without strong relationships with state, national and federal housing agencies, community leaders, local vendors, non-profit organizations, equity partners and lenders. Through its continual growth and reputable acquisition history, the company has cultivated strong partnerships resulting in a substantial development portfolio of properties.

## CONTACT

6875 East Evans Avenue  
Denver, CO 80224  
303.226.9120

[steellect.com](http://steellect.com)

## MISSION

We believe that everyone deserves a safe, decent and clean place to live regardless of income, age or ability. We are committed to improving the communities where we live and work by providing quality affordable housing, delivering the highest standards of property management, and supporting our residents.



## ABOUT

Monroe Group is a limited liability property management company headquartered in Denver CO. Stuart Heller founded the company over 30 years ago, with a single management contract for an 81-unit property. Today, Monroe Group has grown to become one of the country's fastest-growing affordable housing property management companies with a portfolio of over 70 multi-unit properties with more than 8,000 units in 24 states across the country serving families, seniors and persons with disabilities.

## COMMITMENT

Monroe believes in treating our residents with respect and dignity by providing them with professional and responsive management. We also believe that by supporting and strengthening the communities in which our residents live, we are also improving their quality of life. We support our residents with the resources they need to be good neighbors and engaged members of their community.

## PEOPLE

Monroe Group has over 300 employees who reside in 24 states. We believe our employees are our most valuable asset. Their success is our success. Monroe invests in their employees by providing them with competitive salaries, excellent benefits, career development and training.

## LEADERSHIP

Stuart Heller, who is the founding partner, established the Monroe Group in 1982. Hud Karshmer and Chad Asarch joined Monroe as principals/partners in 2004 and 2006 respectively, and David Asarch was appointed partner in 2016. Justin Boyd was promoted to President in March 2021, and he reports to the partners. Justin leads the Executive Leadership team which also includes Andrew Higdon, Chief Accounting Officer; Michelle Austin, General Counsel; Lisa Trujillo, Vice President – Operations; and Justin Unger, Director of Acquisitions. Together, they guide the company as it expands its portfolio.

Monroe Group manages over 80 properties with over 8,000 units in 24 states across the country making a difference every day for low income families, seniors and persons with disabilities.

## PARTNERSHIPS

Monroe Group's success would not be possible without strong relationships with state, national and federal housing agencies, community leaders, local vendors and non-profit organizations and local government agencies. These partnerships help fulfill the Monroe Group's mission and belief that all people, regardless of their income, age or abilities, deserve a safe, clean place to live.

## CONTACT

6875 East Evans Avenue  
Denver, CO 80224  
303.322.8888

[monroegroup.com](http://monroegroup.com)



March 1, 2023

Mr. Randy Bailey, Controller  
City of Fort Collins  
City Hall  
300 Laporte Ave.  
Fort Collins, Colorado 80521

Housing Authority of the City of Aurora, Colorado  
Qualified Residential Rental Project Bonds  
(Weatherstone Apartments Project)

Dear Mr. Bailey:

We are acting as special counsel to Steele Properties LLC, as the project sponsor, and will likely act as bond counsel in connection with the issuance of the above-captioned bonds (the “Bonds”) by the Housing Authority of the City of Aurora, Colorado or another “issuing authority” (the “Issuing Authority”) under the Colorado Private Activity Bond Ceiling Allocation Act.

The Bonds are to be issued in one or more series in the approximate aggregate principal amount of \$34,000,000, to be determined, of which up to \$10,289,735 of such Bonds require additional tax-exempt bond capacity. Assuming that such additional tax-exempt bond capacity is acquired, the Bonds will constitute private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”). The Issuing Authority is authorized under the laws and constitution of the State of Colorado, including the Housing Authorities Law of the State of Colorado, being Part 2, Article 4, Title 29 of Colorado Revised Statutes, as amended, to issue the Bonds.

The Bonds are intended to finance “qualified residential rental projects” (as defined in Section 142(a)(7) of the Code), including but not limited to the acquisition, rehabilitation and equipping of Weatherstone Apartments. The Bonds will constitute “exempt facility bonds” within the meaning of section 146(f)(5)(A) of the Code.

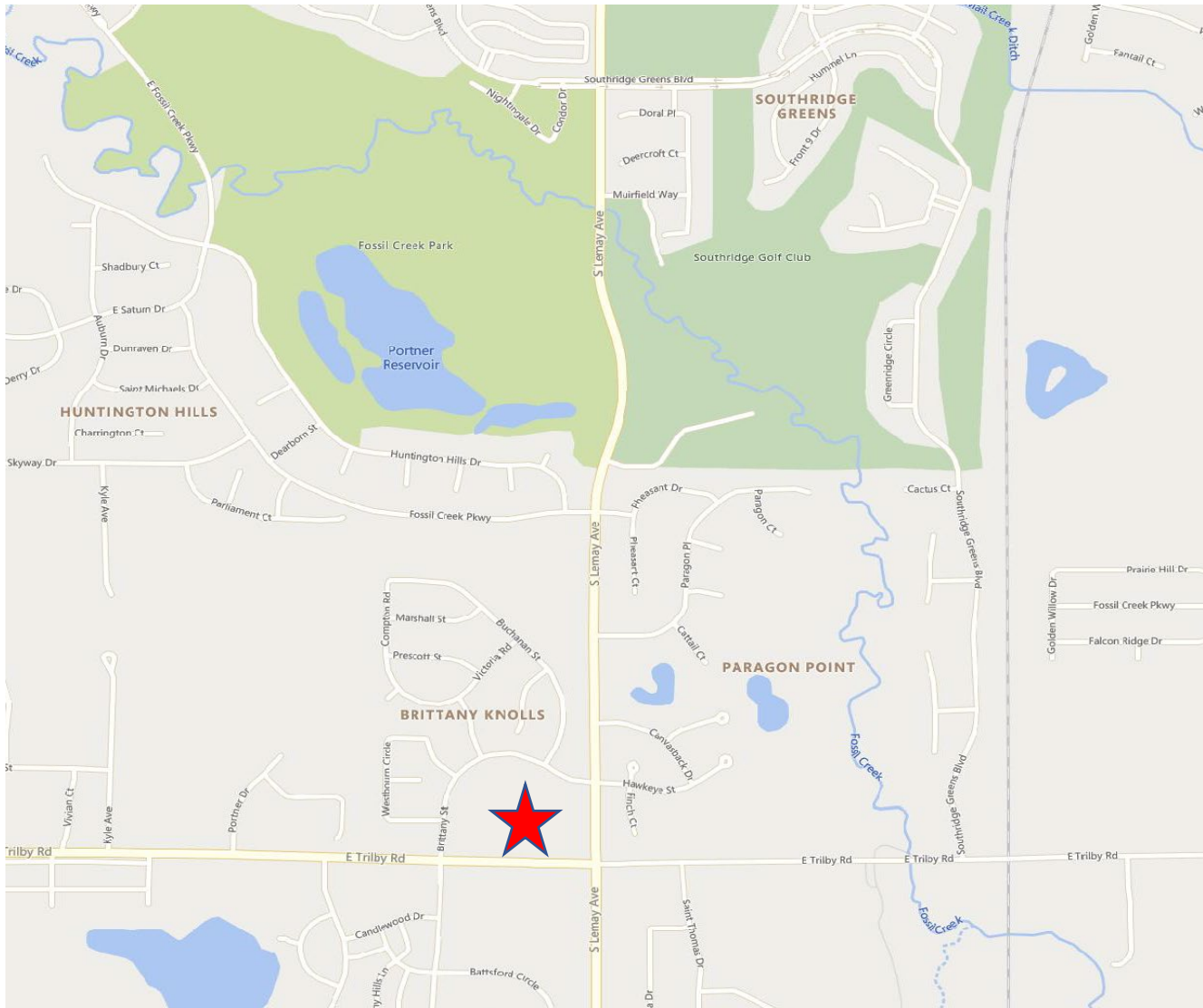
Respectfully submitted,

SHERMAN & HOWARD L.L.C.

56374136.1



## Heartside Hill Apartments Location Map





# Montava Site Location Map

N County  
Road 9

Richards Lake Rd

E County  
Road 52

Country Club Rd

Giddings Rd

Phase G

Mountain Vista Dr

E County  
Road 50



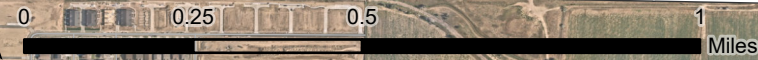
Turnberry Rd

N Timberline Rd

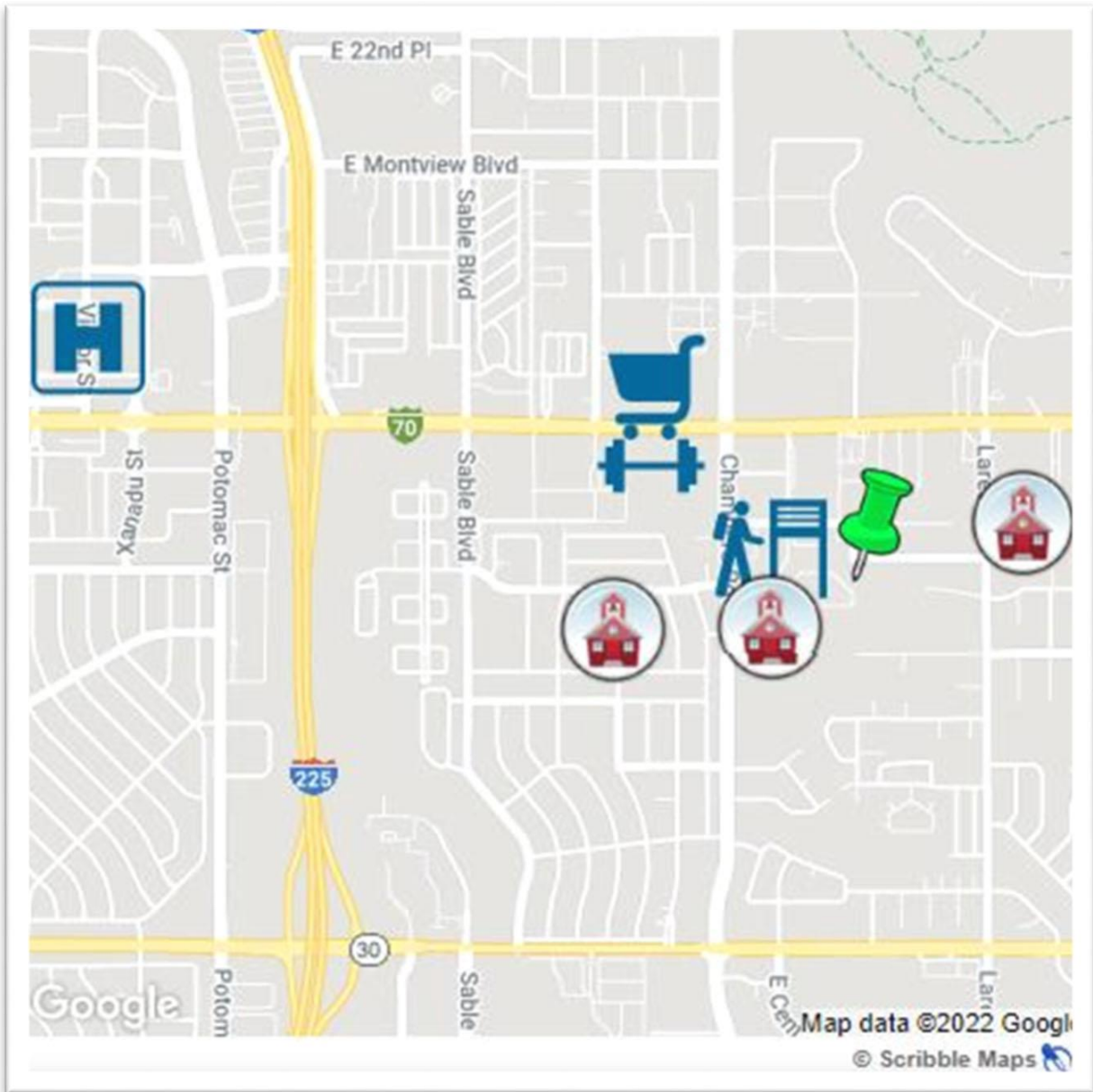
E Suniga Rd

E Vine Dr

E County  
Road 48







# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## AFFORDABLE HOUSING BOARD

### REGULAR MEETING

May 4, 2023, 4:00-6:00pm

Online via Zoom

**DRAFT**

### CALL TO ORDER

At 4:01 PM the meeting was called to order by John Singleton.

### Excerpted to 2023 Private Activity Bond Capacity Requests

#### Agenda item 5B.

#### 2023 Private Activity Bond Capacity Requests – Sue Beck-Ferkiss, Social Sustainability

- Sue Beck-Ferkiss gave the Board a brief overview of Private Activity Bonds and what they can be used for. One of the specified purposes is the construction and rehabilitation of affordable housing, which is a priority use of the bonds at the City. Private Activity Bonds are needed for 4% of low-income housing tax credits, which is a tool most developers are using to build affordable rentals.
- The City of Fort Collins has a Private Activity Bond Committee that considers annual bond requests. This year, there were three total requests asking for double the amount of bond available. Two of these requests were from local organizations CARE Housing and Housing Catalyst, while the third request was from Steele Properties in Aurora, Colorado. Sue explained that PAB capacity can be used anywhere in the state.
- Sue informed the Board that the PAB committee is recommending funding for CARE Housing and Housing Catalyst, but not Steele Properties. This decision was made because the committee wants to prioritize local projects. Sue invited the Board to ask questions, and to make a recommendation to support, not support, or alter the recommendation of the Private Activity Bond Committee.
- The Board asked how local organizations collaborate on splitting bond. Kristin Fritz explained that they strategize with organizations doing development in Northern Colorado to see what needs exist and who has the most immediate need for funding. Ideally, each organization will receive the bond they need, but some years the need may be greater than the amount of bond available.
- The Board asked if there were restrictions on who can apply for bond. Sue Beck-Ferkiss explained that anyone can apply, but not everyone can issue, so the applying organization needs to be working with an issuer.
- The Board asked if companies or investors were purchasing the bonds, or if they were federally allocated. Kristin Fritz explained that the bonds can be publicly sold or placed directly, but since they are specifically a tax-exempt bond, the amount available is limited by the Federal Government.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## AFFORDABLE HOUSING BOARD

### REGULAR MEETING

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- John Singleton invited Bob Pawlikowski and Kristin Fritz to speak to the Board and share their knowledge of Private Activity Bonds at a later date.

**Stefanie Berganini motioned to support the Private Activity Bond Committee's funding recommendation. Jennifer Bray seconded. Approved 4-0.  
Bob Pawlikowski and Kristin Fritz abstained.**

DRAFT

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Caryn Champine, Director, PDT  
Drew Brooks, Interim Deputy Director, PDT  
Tyler Stamey, City Traffic Engineer, PDT  
Aaron Guin, Legal

---

### SUBJECT

**Resolution 2023-049 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado, and the Colorado Department of Transportation for the Maintenance of Traffic Signals, Signs, and Pavement Markings Within Fort Collins and Within the Fort Collins Growth Management Area.**

---

### EXECUTIVE SUMMARY

The City has a long-standing agreement with the Colorado Department of Transportation (CDOT) to maintain traffic control devices within the City and within the Growth Management Area (GMA). This update increases the amount that CDOT pays to the City for maintenance of signs and pavement markings to more accurately reflect actual costs incurred by the City for this work. Under this new intergovernmental agreement (IGA), the amount paid to the City by CDOT will increase from \$217,568 to \$249,648 annually. The term of this IGA is 5 years.

---

### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

---

### BACKGROUND / DISCUSSION

The City's long-standing agreement with CDOT for the maintenance of traffic control devices on state highways within the City and within the GMA has proven beneficial for both CDOT and the City. Since our residents are the primary users of the transportation system in Fort Collins, having local control of signals and other traffic devices allows the City to best serve local needs. At the same time, CDOT is able to operate with less maintenance cost and less duplication of services. City staff reviewed its costs for maintenance of traffic control devices and requested from CDOT an increase in payment for signing/markings based on that review. This agreed increase in payment is reflected in this updated IGA.

## **CITY FINANCIAL IMPACTS**

---

The IGA will require CDOT to reimburse the City of Fort Collins Traffic Operations Department for maintenance of traffic signals, signage and pavement markings on State Highways at the rate of:

10.44 Miles of signs and markings at \$350 per mile = \$3,654 x 12 months = \$43,848/year  
49 Signals at \$350 per month = \$17,150 x 12 months = \$205,800/year  
Total Maximum Annual Cost = \$249,648

Total for the 5-year IGA (\$249,648 x 5) = \$1,248,240

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

## **PUBLIC OUTREACH**

---

Not applicable.

## **ATTACHMENTS**

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1. Resolution for Consideration
2. Exhibit A to Resolution

RESOLUTION 2023-049  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF FORT COLLINS, COLORADO, AND THE COLORADO  
DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE  
OF TRAFFIC SIGNALS, SIGNS, AND PAVEMENT MARKINGS  
WITHIN FORT COLLINS AND WITHIN THE FORT COLLINS  
GROWTH MANAGEMENT AREA

WHEREAS, Colorado Revised Statutes (“C.R.S.”) Section 43-2-135(1)(i) requires the State of Colorado to install, operate, maintain and control, at the State’s expense, all traffic control devices on the State’s highway system within cities and incorporated towns; and

WHEREAS, the State, through the Colorado Department of Transportation (“CDOT”), historically has contracted with the City to maintain traffic control devices within the City and the Fort Collins Growth Management Area (“GMA”); and

WHEREAS, such intergovernmental agreements between the City and CDOT for the City to perform maintenance work on traffic control devices within CDOT’s rights-of-way, historically have been for terms of five years, and the previous agreement will expire on June 30, 2023; and

WHEREAS, CDOT has proposed an updated five-year Intergovernmental Agreement which is attached as Exhibit “A” and incorporated by reference (the “IGA”), which provides for continued traffic control device maintenance by the City, with updated reimbursement rates and amounts; and

WHEREAS, the IGA is for a term of five years beginning from July 1, 2023, through June 30, 2028, establishing a cumulative five-year maximum reimbursement of \$1,248,240; and

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

WHEREAS, 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; and

WHEREAS, the City Council has determined that it is in the best interests of the City for the City to continue to maintain traffic control devices on CDOT’s rights-of-way within Fort Collins and the Fort Collins GMA, and to authorize the Mayor to execute the IGA between the City and CDOT in support thereof.

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



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

Section 2. That 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,” together 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 3. That 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 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 at a regular meeting of the Council of the City of Fort Collins on this 6th day of June, 2023.

---

Mayor

ATTEST:

---

Chief Deputy City Clerk

(State \$Traffic Mtce)  
CITY OF FORT COLLINS

Rev 10/03  
Region: 4 (TCH)

### CONTRACT

**THIS AGREEMENT is entered into by and between the CITY OF FORT COLLINS (hereinafter called the “Local Agency”), and the STATE OF COLORADO acting by and through the Department of Transportation (hereinafter called the “State” or “CDOT”).**

#### **RECITALS:**

1. Authority exists in the law and funds have been budgeted, appropriated and otherwise made available and a sufficient uncommitted balance thereof remains available for payment of project and Local Agency costs. Total Contract Amount: \$1,248,240.00.
2. Required approval, clearance and coordination have been accomplished from and with appropriate agencies.
3. Section 43-2-102 and 103, C.R.S., require the State to maintain State highways (including where such highways extend through a city or an incorporated town), and Section 43-2-135(1)(i), C.R.S., as amended, requires the State to install, operate, maintain and control, at State expense, all traffic control devices on the State highway system within cities and incorporated towns.
4. The parties desire to enter this contract for the Local Agency to provide some or all of the certain Highway maintenance services on State highways that are the responsibility of the State under applicable law, and for the State to pay the Local Agency a reasonable negotiated fixed rate for such services.
5. The parties also intend that the Local Agency shall remain responsible to perform any services and duties on State highways that are the responsibility of the Local Agency under applicable law, at its own cost.
6. The State and the Local Agency have the authority, as provided in Sections 29-1-203, 43-1-106, 43-2-103, 43-2-104, and 43-2-144, C.R.S., as amended, and if applicable, in an ordinance or resolution duly passed and adopted by the Local Agency, to enter into contract with the Local Agency for the purpose of maintenance of traffic control devices on the State highway system as hereinafter set forth.
7. The Local Agency has adequate facilities to perform the desired maintenance services on State highways within its jurisdiction.

#### **THE PARTIES NOW AGREE THAT:**

##### **Section 1. Scope of Work**

The Local Agency shall perform all maintenance services for the specified locations located within the Local Agency's jurisdiction and described in **Exhibit A**. Such services and highways are further detailed in Section 5.

##### **Section 2. Order of Precedence**

In the event of conflicts or inconsistencies between this contract and its exhibits, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of priority:

1. Special Provisions contained in section 21 of this contract
2. This contract
3. **Exhibit A** (Scope of Work)
4. **Exhibit C** (Option Letter)
5. **Exhibit D** (Encumbrance Letter)
6. **Exhibit E** (PII Certification)
7. **Exhibit B** (Local Agency Resolution)

##### **Section 3. Term**

This contract shall be effective upon the date signed/approved by the State Controller, or designee, or on July 1, 2023, whichever is later. The term of this contract shall terminate on June 30, 2028. Provided, however, that the State's financial obligation for each subsequent, consecutive fiscal year of that term after the first fiscal year shall be subject to and contingent upon funds for each subsequent year being appropriated, budgeted, and otherwise made available therefor.

##### **Section 4. Project Funding and Payment Provisions**

- A. The Local Agency has estimated the total cost of the work and is prepared to accept the State funding for the work, as may be evidenced by an appropriate ordinance or resolution duly passed and adopted by the authorized

representatives of the Local Agency, which expressly authorizes the Local Agency to enter into this contract and to complete the work under the project. A copy of any such ordinance or resolution is attached hereto and incorporated herein as **Exhibit B**.

- B. Subject to the terms of this contract, for the satisfactory performance of the maintenance services on the Highways, as described in Section 5, the State shall pay the Local Agency on a lump sum basis, payable in monthly installments, upon receipt of the Local Agency's Statements, as provided herein.
- C. The State shall pay the Local Agency for the satisfactory operation and maintenance of traffic control devices under this agreement at the rates described in **Exhibit A**.
- D. The Local Agency will provide maintenance services as described in **Exhibit A**, for a **total maximum amount of \$249,648.00 per State fiscal year, and a maximum contract total shall not exceed the cumulative five-year total of \$1,248,240.00**. The negotiated rate per location shall remain fixed for the full five-year term of the contract, unless this rate is renegotiated in accord with the procedure set forth herein in Section 17. The total payments to the Local Agency during the term of this contract shall not exceed that maximum amount, unless this contract is amended. The Local Agency will bill the State monthly and the State will pay such bills within 45 days.
- E. The Statements submitted by the Local Agency for which payment is requested shall contain an adequate description of the type(s) and the quantity(ies) of the maintenance services performed, the date(s) of that performance, and on which specific sections of the highways such services were performed, in accord with standard Local Agency billing standards.
- F. If the Local Agency fails to satisfactorily perform the maintenance services or if the Statement submitted by the Local Agency does not adequately document the payment requested, after notice thereof from the State, the State may deduct and retain a proportionate amount from the monthly payment, based on the above rate, for that segment or portion.

#### **Section 5: State & Local Agency Commitments:**

- A. The Local Agency shall perform the maintenance services for the certain State highway system locations described herein. Such services and locations are detailed in **Exhibit A**.
- B. The Local Agency shall operate and maintain the specific traffic control devices, and at the particular locations, all as listed on **Exhibit A**, in a manner that is consistent with current public safety standards on State highways within its jurisdictional limits, and in conformance with applicable portions of the "Manual on Uniform Traffic Control Devices" and the "Colorado Supplement" thereto, which are referred to collectively as the "Manual" and which are incorporated herein by reference as terms and conditions of this agreement. The Local Agency shall provide all personnel, equipment, and other services necessary to satisfactorily perform such operation and maintenance.
- C. The Parties shall have the option to add or delete, at any time during the term of this agreement and subject to §17 of this agreement, one or more specific traffic control devices to the list shown in **Exhibit A** and therefore amend the maintenance services to be performed by the Local Agency under this agreement. The State may amend **Exhibit A** by written notice to the Local Agency using an Option Letter substantially equivalent to **Exhibit C**.
- D. The Local Agency may propose, in writing, other potential specific traffic control devices to be operated and maintained by the Local Agency during the term of this agreement, based on the same rates that had been initially agreed to by the Local Agency in **Exhibit A**. If the State determines in writing that operation and maintenance of those other devices by the Local Agency is appropriate, and is desirable to the State, and if the State agrees to add such devices to this agreement, then the State shall, by written Option Letter issued to the Local Agency in a form substantially equivalent to **Exhibit C**, add such devices to this contract.
- E. The Local Agency shall perform all maintenance services on an annual basis. The Local Agency's performance of such services shall comply with the same standards that are currently used by the State for the State's performance of such services, for similar type highways with similar use, in that year, as determined by the State. The State's Regional Transportation Director, or his representative, shall determine the then current applicable maintenance standards for the maintenance services. Any standards/directions provided by the State's representative to the Local Agency concerning the maintenance services shall be in writing. The Local Agency shall contact the State Region office and obtain those standards before the Local Agency performs such services.

#### **Section 6. Record Keeping**

The Local Agency shall maintain a complete file of all records, documents, communications, and other written materials that pertain to the costs incurred under this contract. The Local Agency shall maintain such records for a period of three (3) years after the date of termination of this contract or final payment hereunder, whichever is later, or for such further period as may be necessary to resolve any matters which may be pending. The Local Agency shall

make such materials available for inspection at all reasonable times and shall permit duly authorized agents and employees of the State and, if applicable, FHWA to inspect the project and to inspect, review and audit the project records.

### **Section 7. Termination Provisions**

This contract may be terminated as follows:

- A. This contract may be terminated by either party, but only at the end of the State fiscal year (June 30), and only upon written notice thereof sent by registered, prepaid mail and received by the non-terminating party, not later than 30 calendar days before the end of that fiscal year. In that event, the State shall be responsible to pay the Local Agency only for that portion of the highway maintenance services actually and satisfactorily performed up to the effective date of that termination, and the Local Agency shall be responsible to provide such services up to that date, and the parties shall have no other obligations or liabilities resulting from that termination.

Notwithstanding subparagraph A above, this contract may also be terminated as follows:

- B. Termination for Convenience. The State may terminate this contract at any time the State determines that the purposes of the distribution of moneys under the contract would no longer be served by completion of the project. The State shall effect such termination by giving written notice of termination to the Local Agency and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination.
- C. Termination for Cause. If, through any cause, the Local Agency shall fail to fulfill, in a timely and proper manner, its obligations under this contract, or if the Local Agency shall violate any of the covenants, agreements, or stipulations of this contract, the State shall thereupon have the right to terminate this contract for cause by giving written notice to the Local Agency of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other material prepared by the Local Agency under this contract shall, at the option of the State, become its property, and the Local Agency shall be entitled to receive just and equitable compensation for any services and supplies delivered and accepted. The Local Agency shall be obligated to return any payments advanced under the provisions of this contract.

Notwithstanding the above, the Local Agency shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the contract by the Local Agency, and the State may withhold payment to the Local Agency for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Local Agency is determined.

If after such termination it is determined, for any reason, that the Local Agency was not in default or that the Local Agency's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the parties shall be the same as if the contract had been terminated for convenience, as described herein.

- D. Termination Due to Loss of Funding. The parties hereto expressly recognize that the Local Agency is to be paid, reimbursed, or otherwise compensated with federal and/or State funds which are available to the State for the purposes of contracting for the project provided for herein, and therefore, the Local Agency expressly understands and agrees that all its rights, demands and claims to compensation arising under this contract are contingent upon availability of such funds to the State. In the event that such funds or any part thereof are not available to the State, the State may immediately terminate or amend this contract.

### **Section 8. Legal Authority**

The Local Agency warrants that it possesses the legal authority to enter into this contract and that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind the Local Agency to its terms. The person(s) executing this contract on behalf of the Local Agency warrants that such person(s) has full authorization to execute this contract.

### **Section 9. Representatives and Notice**

The State will provide liaison with the Local Agency through the State's Region Director, Region 4, 10601 West 10th Street, Greeley, CO 80634. Said Region Director will also be responsible for coordinating the State's activities under this contract and will also issue a "Notice to Proceed" to the Local Agency for commencement of the work. All communications relating to the day-to-day activities for the work shall be exchanged between representatives of the State's Transportation Region 4 and the Local Agency. All communication, notices, and correspondence shall be addressed to the individuals identified below. Either party may from time to time designate in writing new or substitute representatives.

**If to State**

CDOT Region: 4  
Jonathan Woodworth  
Project Manager  
10601 West 10th Street  
Greeley, CO 80634  
970-350-2166  
jonathan.woodworth@state.co.us

**If to the Local Agency**

City of Fort Collins  
Tyler Stamey  
City Traffic Engineer  
626 Linden Street  
Fort Collins, CO 80524  
970-221-6887  
tstamey@fcgov.com

**Section 10. Successors**

Except as herein otherwise provided, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

**Section 11. Third Party Beneficiaries**

It is expressly understood and agreed that the enforcement of the terms and conditions of this contract and all rights of action relating to such enforcement, shall be strictly reserved to the State and the Local Agency. Nothing contained in this contract shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the State and the Local Agency that any such person or entity, other than the State or the Local Agency receiving services or benefits under this contract shall be deemed an incidental beneficiary only.

**Section 12. Governmental Immunity**

Notwithstanding any other provision of this contract to the contrary, 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, protection, or other provisions of the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S., as now or hereafter amended. The parties understand and agree that liability for claims for injuries to persons or property arising out of negligence of the Parties, their departments, institutions, agencies, boards, officials and employees are controlled and limited by the provisions of § 24-10-101, et seq., C.R.S., as now or hereafter amended and the risk management statutes, §§ 24-30-1501, et seq., C.R.S., as now or hereafter amended.

**Section 13. Severability**

To the extent that this contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof.

**Section 14. Waiver**

The waiver of any breach of a term, provision, or requirement of this contract shall not be construed or deemed as a waiver of any subsequent breach of such term, provision, or requirement, or of any other term, provision or requirement.

**Section 15. Entire Understanding**

This contract is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a writing executed by the parties and approved pursuant to the State Fiscal Rules.

**Section 16. Survival of contract Terms**

Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this contract and the exhibits and attachments hereto which may require continued performance, compliance or effect beyond the termination date of the contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the Local Agency.

**Section 17. Modification and Amendment**

This contract is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this

contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this contract shall be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved in accordance with applicable law.

A. Amendment

Either party may suggest renegotiation of the terms of this contract, provided that the contract shall not be subject to renegotiation more often than annually, and that neither party shall be required to renegotiate. If the parties agree to change the provisions of this contract, the renegotiated terms shall not be effective until this contract is amended/modified accordingly in writing. Provided, however, that the rates will be modified in accordance with applicable cost accounting principles and standards (including sections 24-107-101, et seq., C.R.S. and implementing regulations), and be based on an increase/decrease in the "allowable costs" of performing the Work. Any such proposed renegotiation shall not be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved by the State Controller or delegee. Any such rate change will go into effect on the first day of the first month following the amendment execution date.

B. Option Letter

- a. The State may increase/decrease the quantity of goods/services described in **Exhibit A** at the same unit prices (rates) originally established in the contract. The State may exercise the option by written notice to the Local Agency in a form substantially equivalent to **Exhibit C**.
- b. As a result of increasing/decreasing the locations, the State may also unilaterally increase/decrease the maximum amount payable under this contract based upon the unit prices (rates) originally established in the contract and the schedule of services required, as set by the terms of this contract. The State may exercise the option by providing a fully executed option to the Local Agency, in a form substantially equivalent to **Exhibit C**, immediately upon signature of the State Controller or an authorized delegate. The Option Letter shall not be deemed valid until signed by the State Controller or an authorized delegate. Any such rate change will go into effect on the first day of the first month following the option letter execution date.

C. State Encumbrance Letter

The State may encumber the funds up to the maximum amount allowed during a given fiscal year by unilateral execution of an encumbrance letter in a form substantially equivalent to **Exhibit D**. The State shall provide a fully executed encumbrance letter to the Local Agency after execution. Delivery/performance of the goods/services shall continue at the same rate and under the same terms as established in the contract.

## Section 18. Disputes

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract, which is not disposed of by agreement, will 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, the Local Agency mails or otherwise furnishes to the State a written appeal addressed to the Executive Director of the Department of Transportation. In connection with any appeal proceeding under this clause, the 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, the Local Agency shall proceed diligently with the performance of the contract 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 will 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 contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

## Section 19. Does not supersede other agreements

This contract is not intended to supersede or affect in any way any other agreement (if any) that is currently in effect between the State and the Local Agency for other "maintenance services" on State Highway rights-of-way within the jurisdiction of the Local Agency. Also, the Local Agency shall also continue to perform, at its own expense, all such activities/duties (if any) on such State Highway rights-of-ways that the Local Agency is required by applicable law to perform.

## Section 20. Subcontractors

The Local Agency may subcontract for any part of the performance required under this contract, subject to the Local Agency first obtaining approval from the State for any particular subcontractor. The State understands that the Local Agency may intend to perform some or all of the services required under this contract through a subcontractor. The Local Agency agrees not to assign rights or delegate duties under this contract [or subcontract any part of the performance required under the contract] without the express, written consent of the State, which shall not be

unreasonably withheld. Except as herein otherwise provided, this agreement shall inure to the benefit of and be binding only upon the parties hereto and their respective successors and assigns.

## **Section 21. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3)**

These Special Provisions apply to all contracts. Contractor refers to Local Agency.

### **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 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 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. 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.

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**Section 22. SIGNATURE PAGE****THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT**

\* Persons signing for the Local Agency hereby swear and affirm that they are authorized to act on the Local Agency's behalf and acknowledge that the State is relying on their representations to that effect.

|   |  |
|---|--|
| <p align="center"><b>THE LOCAL AGENCY<br/>CITY OF FORT COLLINS</b></p> <p>Name: _____<br/>(print name)</p> <p>Title: _____<br/>(print title)</p> <p>_____<br/>*Signature</p> <p>Date: _____</p> | <p align="center"><b>STATE OF COLORADO<br/>Jared S. Polis<br/>Department of Transportation</b></p> <p>By _____<br/>Keith Stefanik, P.E., Chief Engineer<br/>(For) Shoshana M. Lew, Executive Director</p> <p>Date: _____</p> |
| <p><b>2nd Local Agency Signature if needed</b></p> <p>Name: _____<br/>(print name)</p> <p>Title: _____<br/>(print title)</p> <p>_____<br/>*Signature</p> <p>Date: _____</p>                     | <p align="center"><b>STATE OF COLORADO<br/>LEGAL REVIEW<br/>Philip J. Weiser, Attorney General</b></p> <p>By _____<br/>Signature – Assistant Attorney General</p> <p>Date: _____</p>   |

**ALL AGREEMENTS REQUIRE APPROVAL 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. The Local Agency 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.

|  |
|--|
| <p align="center"><b>STATE OF COLORADO<br/>STATE CONTROLLER<br/>Robert Jaros, CPA, MBA, JD</b></p> <p>By: _____<br/>Colorado Department of Transportation</p> <p>Date: _____</p> |
|--|

**EXHIBIT A - SCOPE OF WORK****City of Fort Collins****Traffic Signals, Traffic Stencil Markings, Traffic Long Line Markings and  
Traffic Control Devices Maintenance Scope of Work****I. General**

The city shall operate and maintain as described below, the traffic signals, all crosswalk markings, stop bar markings, symbol markings, lane striping and traffic control devices under the responsibility of the State in accordance with CRS 43-2-135. All other traffic control devices in the State Right of Way that are not the State's responsibility shall also be maintained by the city in accordance with CRS 43-2-135.

1. Operation and maintenance of identified infrastructure will include items and activities as listed under Section IV and Section V below.
2. CDOT may conduct periodic, random inspections at any time of any device to ensure compliance with this contract. CDOT shall notify the city of the date and locations of inspections along with any findings.

**II. Documentation and Record-Keeping**

1. In accordance with Sections IV and V of this contract, all maintenance, operations, and inspections as required by this contract shall be documented and submitted by April 10<sup>th</sup> annually to CDOT. All inspections shall occur in the corresponding CDOT fiscal year. City shall use the required CDOT form or method agreed upon between the city and CDOT for inspection documentation.

**III. Control of Work in the ROW**

All work as required by this contract shall meet all current CDOT and/or local requirements, standards, laws, guidelines whichever is more stringent as agreed upon between the city and CDOT for the design, construction, maintenance, operation, and repair.

Either agency making changes to traffic control devices, other than routine maintenance or upgrades to current standards, affected by this contract, or new installations of traffic control devices, shall provide adequate notification via email, (4 weeks minimum) of the changes or additions to the other agency to allow analysis, review, and approval. The CDOT Traffic Engineer shall have final approval.

CDOT and the city shall be given minimum three-day (3-day) advance notice of scheduled work related to the Intergovernmental Agreement (IGA) that may affect the traveled way of the highways. CDOT may request copies of traffic control plans, method of handling traffic, or other traffic control engineering as applicable.

The city is responsible for all traffic control for all work related to this IGA. For CDOT projects, in CDOT right-of-way, within the city limits, CDOT shall share the approved traffic controls plans for the project with the city.

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**Traffic Signals****A. Location Listing**

The following list of signalized intersections are to be maintained by the city.

**Table 4-A**

|    | Highway          | Location               | At Milepost      |
|----|------------------|------------------------|------------------|
| 1  | US 287 (College) | Boardwalk              | 287C – MP 342.81 |
| 2  | US 287 (College) | Bockman                | 287C – MP 342.91 |
| 3  | US 287 (College) | Cherry                 | 287C – MP 346.98 |
| 4  | US 287 (College) | Columbia               | 287C – MP 344.54 |
| 5  | US 287 (College) | Conifer/Hickory        | 287C – MP 347.72 |
| 6  | US 287 (College) | Carpenter/CR 32/CO 392 | 287C – MP 339.13 |
| 7  | US 287 (College) | Drake                  | 287C – MP 344.19 |
| 8  | US 287 (College) | Elizabeth              | 287C – MP 345.72 |
| 9  | US 287 (College) | Fairway                | 287C – MP 332.50 |
| 10 | US 287 (College) | Foothills Pkwy         | 287C – MP 343.56 |
| 11 | US 287 (College) | Fossil Creek           | 287C – MP 341.54 |
| 12 | US 287 (College) | Harmony                | 287C – MP 342.17 |
| 13 | US 287 (College) | Harvard                | 287C – MP 343.94 |
| 14 | US 287 (College) | Horsetooth             | 287C – MP 343.19 |
| 15 | US 287 (College) | Kensington             | 287C – MP 342.26 |
| 16 | US 287 (College) | Laporte                | 287C – MP 346.75 |
| 17 | US 287 (College) | Laurel                 | 287C – MP 345.98 |
| 18 | US 287 (College) | Magnolia               | 287C – MP 346.32 |
| 19 | US 287 (College) | Maple/Jefferson        | 287C – MP 346.87 |
| 20 | US 287 (College) | Monroe                 | 287C – MP 343.33 |
| 21 | US 287 (College) | Mountain               | 287C – MP 346.61 |
| 22 | US 287 (College) | Mulberry               | 287C – MP 346.22 |
| 23 | US 287 (College) | Oak                    | 287C – MP 346.51 |
| 24 | US 287 (College) | Olive                  | 287C – MP 346.41 |
| 25 | US 287 (College) | Pitkin                 | 287C – MP 345.49 |
| 26 | US 287 (College) | Prospect               | 287C – MP 345.21 |
| 27 | US 287 (College) | Rutgers                | 287C – MP 344.67 |
| 28 | US 287 (College) | Skyway                 | 287C – MP 340.69 |
| 29 | US 287 (College) | Spring Park            | 287C – MP 344.85 |
| 30 | US 287 (College) | CO 1                   | 287C – MP 348.64 |
| 31 | US 287 (College) | Stuart                 | 287C – MP 344.96 |
| 32 | US 287 (College) | Swallow                | 287C – MP 343.72 |
| 33 | US 287 (College) | Trilby                 | 287C – MP 340.18 |
| 34 | US 287 (College) | Troutman               | 287C – MP 342.53 |
| 35 | US 287 (College) | Vine                   | 287C – MP 347.25 |
| 36 | US 287 (College) | Wilcox                 | 287C – MP 348.26 |
| 37 | US 287           | Shields                | 014C – MP 135.71 |
| 38 | CO 14 (Mulberry) | Greenfields Ct         | 014C – MP 138.26 |

## EXHIBIT A TO RESOLUTION 2023-049

|    |                    |                   |                  |
|----|--------------------|-------------------|------------------|
| 39 | CO 14 (Jefferson)  | Linden            | 014C – MP 134.96 |
| 40 | CO 14 (Mulberry)   | Lemay             | 014C – MP 137.05 |
| 41 | CO 14 (Mulberry)   | Link Lane         | 014C – MP 136.41 |
| 42 | CO 14 (Riverside)  | Lincoln/Mountain  | 014C – MP 135.13 |
| 43 | CO 14 (Mulberry)   | Riverside         | 014C – MP 135.71 |
| 44 | CO 14 (Mulberry)   | Summit View       | 014C – MP 137.62 |
| 45 | CO 14 (Mulberry)   | Timberline        | 014C – MP 137.32 |
| 46 | CO 1(Terry Lake)   | Country Club Road | 001A – MP 0.35   |
| 47 | CO 1(Terry Lake)   | Douglas Road      | 001A – MP 1.84   |
| 48 | CO 392 (Carpenter) | Lemay             | 392A – MP 96.31  |
| 49 | CO 392 (Carpenter) | Timberline        | 392A – MP 97.32  |
|    |                    |                   |                  |

The city shall be responsible for all routine maintenance, periodic inspection and/or testing, and replacement of all non-structural components which includes, but is not limited to, cabinet components, controllers, wiring, signal indications, detection equipment, pedestrian push buttons, pole mounted signs, software, licenses, firmware, and communication devices to keep the signal operational as described herein. The city shall be responsible for all required training as may be required for operation of all associated equipment. The city should adhere to the following requirements regarding certifications:

- 1) Work inside the traffic signal cabinet - Minimum IMSA Level II certification is required or a minimum of 4 years' experience in traffic signals
- 2) Work external to the traffic signal cabinet - Minimum IMSA Level I Traffic Signal Field Technician / Electrician, or Traffic Signal Bench Technician / Signal Technician is required or a minimum of 2 years' experience in traffic signals

The city shall maintain the associated stop lines and crosswalks at each signal listed in Table 4-A. The cost for these markings is included in the cost of maintaining the signal and will not be accounted for in the pavement marking section.

## **B. Periodic Preventative Maintenance Checks**

The following items shall be visually inspected and/or tested on every signal under this contract at least annually:

1. Conflict Monitor is tested and operating correctly
2. Each signal head is in good condition and the backplate is attached and in good condition
3. Each signal lens is operating and visible
4. Detection is working and is detecting vehicles, motorcycles, bicycles, and pedestrians – where applicable
5. Structure is in good conditions – free from cracks and rust
6. Visible portions of the caissons are free from cracks
7. Signal Timing is operating as programmed
8. Controller and Cabinet are clean and in good repair

9. Communication to signal is connected and operating – where applicable
10. Backup power is tested for proper operation– where applicable
11. All luminaries attached to the signal are operating – where applicable
12. Stencil markings at each intersection

Any defects found in the signal inspection shall be remedied within 30 days of discovery. If the signal is not remedied within 30 working days of discovery, then the city shall incur a price reduction to the monthly compensation of (intersection monthly rate) \$350.00/month until the city has sent CDOT documentation and photos of the defective device being remedied.

### **C. Signal Timing**

Signal timing should be based upon current traffic volumes and updated when significant traffic volumes impact the intersection. This may include development, change of use for a property, a new school, or any other traffic generator. Timing should meet CDOT's State Highway Access Code for progression, CRS 42-4-602, and CDOT and industry practices for performance. City shall provide CDOT the traffic signal timing upon request.

### **D. Emergency Maintenance and Repair**

The city shall be responsible for emergency response, emergency signal operation, and repair/replace of damage to all non-structural equipment. If an unforeseen event (lightning strike, extreme power surge, vehicle crash, etc.) destroys any part of the signal pole, mast arm or cabinet and renders the signal and its components damaged beyond repair, the city shall contact CDOT immediately. The city shall partner with CDOT to get the damaged signal components replaced and the signal fully operational as quickly as possible.

The city shall provide an estimated quote (within 48 hours of the incident) using the CDOT provided form, or method agreed upon between the city and CDOT, to CDOT for the repair. CDOT shall respond to the quote (NTP, additional information needed) for the cost of repair or replacement of the damaged non-structural equipment.

All invoices shall be submitted to CDOT within 60 calendar days of completed construction or determination of no insurance claim or other reimbursement to receive payment. Failure to comply with this procedure may result in the city funding the repair entirely.

The city shall respond to traffic signal failures and malfunctions within the following timelines:

- a) Signal power outage - immediate response and appropriate emergency operation, repair as soon as practicable.
- b) Malfunctioning signal - immediate response and interim operation repair as soon as practicable.
- c) Protected phases and red head outage - immediate repair, if redundant indication is not present and operating.
- d) Pedestrian heads - repair within two days.
- e) Permitted phase and non-red head outage - repair within three days.

For the purposes of this section, “immediate” shall mean as soon as possible, but in no case more than two (2) hours after receipt of notification, or as soon as reasonably practicable in the case of a civil emergency or natural disaster.

#### **E. Signal Modifications**

The city shall be responsible for the maintenance of any signals that are reconstructed, modified, or improved by the city pursuant to a city project.

The State shall be solely responsible for the cost of any reconstruction, modification, or improvement to a signal initiated by the State or performed because of a State project.

New signal installations on any state highway within city limits shall be reviewed and approved by CDOT and shall meet all applicable CDOT and city standards and guidelines. CDOT, at its discretion, may incorporate the city standards for color and specialized equipment, but is not obligated to these additions. A determination of who will provide labor, material, and equipment for the installation will be made on a case-by-case basis between the aforementioned contract representatives. Should the representatives not agree, the CDOT Region 4 Traffic Engineer shall have final authority.

Additional signals or changes needed as a result of development, traffic volume growth, crash activity, or other safety or operational analysis or concerns along with any upgrades of the signals or its systems due to new technologies shall be submitted to CDOT via the State Highway Access permit process. The CDOT Region 4 Traffic Engineer shall have final authority.

**Highway Signs and Markings**

All signs and markings in the highway Right of Way segments listed in Table 5-A shall be maintained by the city unless otherwise noted in this contract.

**Table 5-A**

| Highway | Street Name         | Begin             | MP     | End                         | MP          | Length (Miles) |
|---------|---------------------|-------------------|--------|-----------------------------|-------------|----------------|
| 287C    | College             | CO 1 NB stop line | 348.63 | Carpenter Road SB Stop line | 339.13      | 9.50           |
| 14C     | Jefferson/Riverside | US 287 (College)  | 134.77 | Mulberry St                 | 135.71      | 0.94           |
|         |                     |                   |        |                             |             |                |
|         |                     |                   |        |                             |             |                |
|         |                     |                   |        |                             | Total Miles | 10.44          |
|         |                     |                   |        |                             |             |                |

**A. Signs**

The city shall maintain all regulatory and warning signs that can be mounted on perforated steel posts, all delineator posts, all object markers, and all guide signs installed and owned by the city.

1. The State shall maintain all regulatory and warning signs too large to be mounted on city standard posts, all guide signs not installed and owned by the city, and all other signs not maintained by the city.
2. Intersection right-of-way control signs, at city roadways intersecting State highways, shall be maintained by the agency maintaining the intersection.
3. Either agency making changes to signs or markings at the locations listed in Table 5-A shall provide notification using the CDOT provided form or method agreed upon between the city and CDOT, of the changes to the other agency. Notification of changes to regulatory signing shall be made in writing.
4. CDOT reserves the right to install, remove or modify CDOT signage within CDOT right-of-way at its sole cost and expense. This action shall not impact the annual maintenance cost to the city. CDOT will notify the city of changes prior implementation. Approved traffic control plans should be shared between CDOT and the city.
5. The city shall be responsible for all repairs, routine maintenance, periodic inspection and/or testing, and needed replacement as described herein. Highway signs shall be replaced as necessary to ensure each sign has a minimum retroreflectivity reading as stated in the current Manual on Uniform Traffic Control Devices (MUTCD) or the most recent Federal Highway Administration (FHWA) requirement. The city shall list the replaced signs in tabulation on the CDOT provided form or method agreed upon between the city and CDOT.
6. New installations shall meet all applicable CDOT and city standards and guidelines. A

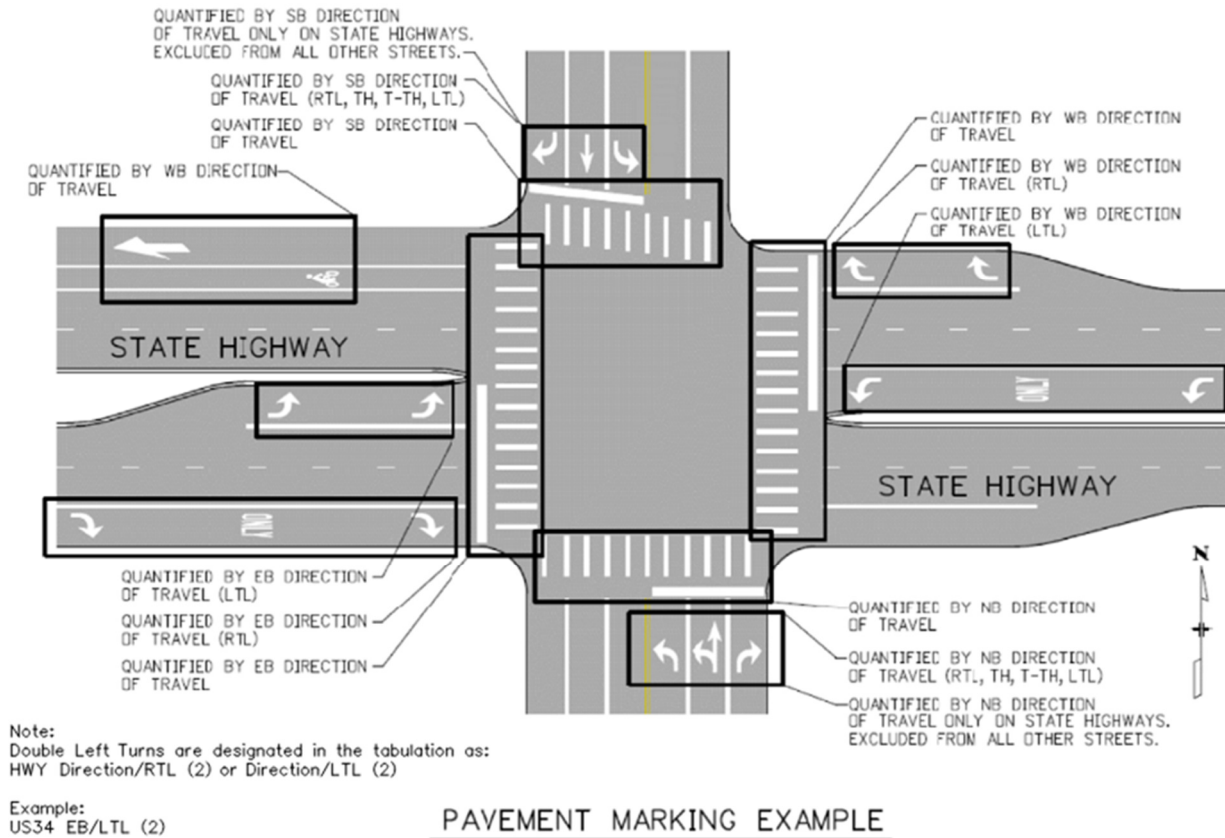


determination of who will provide labor, material, and equipment for the installation will be made on a case-by-case basis between the aforementioned contract representatives. The CDOT Region 4 Traffic Engineer shall have final authority.

7. For all rectangular rapid flashing beacons (RRFB) and all signs with attached power (flashing beacon, internally illumination, or external illumination) the city shall be responsible for all maintenance and associated operational costs. For all new sign installations needing power, the city shall request approval from CDOT using the CDOT State Highway Access permit process.
8. A once per year random visual inspection of 5% of inventory may be done jointly between CDOT and the city to ensure compliance.
9. The city shall use a retroreflectometer to acquire readings at a minimum of 100 randomly selected sign inspection locations and submit these readings to CDOT. CDOT reserves the right to specify the locations for testing.
10. Sign Inspections shall include, but are not limited to:
  - (a) Retroreflective readings
  - (b) Physical condition of the sign
  - (c) Condition of post (damaged, plumb)
  - (d) Fastening hardware checked for tightness
11. Reflectometer readings shall be in compliance with the Federal Register 87 FR 47921.
12. Any defects in signs or markings that are the responsibility of the city, under the terms of this agreement, not remedied within 30 working days of discovery shall incur a price reduction to the monthly compensation of (monthly cost per mile) \$350.00/month until the city has sent CDOT documentation and photos of the defective device being remedied.

**State Highway Stencil Pavement Markings**

All Stencil markings on the highway and on the road approaching the highway shall be maintained by the city in locations listed in Table 5-A. Typical intersection stencil markings are shown in Figure 5-1. Should the city not have markings shown, maintenance of the city's typical intersection markings shall be required.

**Figure 5-1**

1. The city shall be responsible for all repairs, routine maintenance, periodic inspection and/or testing, and needed replacement as described herein. Stencil markings shall be replaced depending on the percent of material (50% minimum) remaining in place and its retroreflectivity. These markings shall maintain an acceptable level of daytime appearance and/or a minimum retroreflectivity as stated in the current MUTCD or the most recent FHWA requirement.
2. New installations shall meet all applicable CDOT, and city standards and guidelines as specified in Section III – Control of Work in the ROW.
3. A once per year random visual inspection of 5% of inventory may be done jointly between CDOT and the city to ensure compliance.

4. The city shall use a retroreflectometer to acquire readings at a minimum of 50 randomly selected stencil locations and submit these readings to CDOT. CDOT reserves the right to specify the locations for testing. CDOT shall provide the city with the selected locations 4 weeks in advance of the testing.
5. Pavement marking inspection shall include, but are not limited to:
  - a. Retroreflectometer readings
  - b. Physical appearance
  - c. Percent of marking in place

These markings shall maintain an acceptable level of daytime appearance and a minimum retroreflectivity listed in the current MUTCD or the latest FHWA requirements.

All stop lines and crosswalks at each signalized intersection are to be paid for as specified in Section IV.A of this agreement.

### **C. Lane Striping**

All lane striping in the highway listed Table 5-A shall be maintained as follows:

The city shall be responsible for all repair, routine maintenance, periodic inspection and/or testing, and cyclical replacement as described herein. Highway lane striping shall be repainted to ensure that the marking has an acceptable level of daytime appearance and meets the minimum retroreflectivity listed in the current MUTCD or the latest FHWA requirement.

New installations shall meet the current CDOT standard (S-627-1) and all city standards and guidelines.

Any pavement marking material used above CDOT specifications (i.e., tape) shall be at no additional cost to CDOT.

The use of any experimental material will be at the city expense with no reimbursement from CDOT.

A once per year random visual inspection of 5% of inventory may be done jointly between CDOT and the city to ensure compliance.

The city shall use a retroreflectometer to acquire readings at a minimum of 50 randomly selected lane locations and submit these readings to CDOT. CDOT reserves the right to specify the locations for testing. CDOT shall provide the city with the selected locations 4 weeks in advance of the testing.

Pavement marking inspection shall include, but are not limited to:

- a. Retroreflectometer readings
- b. Physical appearance
- c. Percent of marking in place

These markings shall maintain an acceptable level of daytime appearance and a minimum retroreflectivity listed in the current MUTCD or the latest FHWA requirements.

VI.

**RATE/PAYMENT SCHEDULE****Traffic Control Device Rate Schedule**

|  |           |                     |
|--|-----------|---------------------|
| 10.44 Miles of signs and markings at \$350.00 per mile = \$3654.00 x 12 mos. | \$        | 43,848.00           |
| 49 Signals at \$350.00/month = \$17,150.00 x 12 mos.                         | \$        | 205,800.00          |
| Total Maximum Annual Cost  | \$        | 249,648.00          |
| <b>Total Contract Cost: \$249,648.00 x 5 years =</b>                         | <b>\$</b> | <b>1,248,240.00</b> |

**EXHIBIT B – LOCAL AGENCY RESOLUTION**

LOCAL AGENCY  
ORDINANCE  
or  
RESOLUTION  
(if applicable)

**EXHIBIT C - SAMPLE OPTION LETTER****SAMPLE IGA OPTION LETTER****Highway or Traffic Maintenance**

(This option has been created by the Office of the State Controller for CDOT use only)

|       |                    |                   |           |
|-------|--------------------|-------------------|-----------|
| Date: | State Fiscal Year: | Option Letter No. | Routing # |
|-------|--------------------|-------------------|-----------|

Vendor name: \_\_\_\_\_

**1) SUBJECT:**

Change in the amount of goods within current term.

**2) REQUIRED PROVISIONS:**

In accordance with Section 17 of contract routing number insert FY, agency code & routing #, between the State of Colorado, Department of Transportation, and insert Local Agency name the state hereby exercises the option to an increase/decrease in the amount of goods/services at the same rate(s) specified in Exhibit A.

The amount of the current Fiscal Year contract value (encumbrance) is increased/decreased by \$ amount of change to satisfy services/goods ordered under the contract for the current fiscal year insert fiscal year. The Contract Encumbrance Amount in Recital 1 is hereby modified to \$amount of new annual encumbrance, and Section 4, B, 1 shall also be modified to show the annual not to exceed amount to \$amount of new annual encumbrance and the Contract (five-year term) not to exceed amount shall be modified to \$amount of the new five-year maximum.

The total contract value to include all previous amendments, option letters, etc. is \$insert accumulated/total encumbrance amount.

**3) EFFECTIVE DATE:**

The effective date of this Option Letter is upon approval of the State Controller or delegate, whichever is later.

**APPROVALS:**

State of Colorado:

**JARED S. POLIS, GOVERNOR**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Keith Stefanik, P.E., Chief Engineer, Colorado Department of Transportation

**ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER**

**CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Local Agency is not authorized to begin performance until such time. If Local Agency begins performing prior thereto, the State of Colorado is not obligated to pay Local Agency for such performance or for any goods and/or services provided hereunder.**

**State Controller**  
**Robert Jaros, CPA, MBA, JD**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Form date: August 16, 2013

**EXHIBIT D – SAMPLE ENCUMBRANCE LETTER****ENCUMBRANCE LETTER**

|                            |   |   |                                 |
|----------------------------|---|---|---------------------------------|
| Date: <input type="text"/> | State Fiscal Year: <input type="text"/> | Encumbrance Letter No. <input type="text"/> | Routing #: <input type="text"/> |
|                            |   | Orig. IGA: <input type="text"/>             | PO: <input type="text"/>        |

**1) Encumber fiscal year funding in the contract.**

- 2) PROVISIONS:** In accordance with Section 4 and Exhibit C of the original Contract routing number Orig Routing # between the State of Colorado, Department of Transportation, and Contractor's Name, covering the term July 1, Year through June 30, Year, the State hereby encumbers funds for the goods/services specified in the contract for fiscal year .

The amount to be encumbered by this Encumbrance Letter is \$ amount of change. The Total contract (encumbrance) amount, including all previous amendments, option letters, etc. is \$ Insert New \$ Amt.

- 3) EFFECTIVE DATE.** The effective date of this Encumbrance Letter is upon approval of the State Controller.

**STATE OF COLORADO**  
**Jared S. Polis, GOVERNOR**  
 Department of Transportation

By: \_\_\_\_\_

Keith Stefanik P.E., Chief Engineer  
 (For) Shoshana M. Lew, Executive Director

Date: \_\_\_\_\_

**ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER**

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract 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 Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

**STATE CONTROLLER**  
**Robert Jaros, CPA, MBA, JD**

By: \_\_\_\_\_

Department of Transportation

Date: \_\_\_\_\_

**EXHIBIT E****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: \_\_\_\_\_



June 6, 2023

## AGENDA ITEM SUMMARY

City Council



### STAFF

Adam Molzer, Human Services Program Manager  
Ted Hewitt, Legal

### SUBJECT

**Public Hearing and Resolution 2023-050 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, and the City's Human Services Program.**

### EXECUTIVE SUMMARY

The purpose of this item is to approve funding recommendations of the 2023 Spring Cycle of the Competitive Process. This Resolution will complete the 2023 Spring Cycle of the Competitive Process for allocating \$4,180,498 in City financial resources to affordable housing and public facility projects, human service programs and administration of the programs.

### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

### BACKGROUND / DISCUSSION

This Resolution establishes which programs and projects will receive funding with CDBG, HOME, Affordable Housing Fund (AHF) and Human Services Program (HSP) funds for the 2023 program year. CDBG and HOME are federal dollars allocated through HUD. AHF and HSP funds are allocated from the General Fund (GF) and the General Fund 0.25% Other Community Priorities (OCP). In 2023, the total dollar amount available is \$5,596,742, with \$4,180,498 being allocated to fulfill the FY2023 project requests as well as the planning and administration needs. The following table shows available dollars in each funding category:

#### FY2023 FUNDING CATEGORIES

| Funding Source                     | Amount             |
|------------------------------------|--------------------|
| FY2023 Housing                     | \$4,216,244        |
| FY2023 Human Service               | \$ 907,977         |
| FY2023 CDBG Public Service         | \$ 169,736         |
| FY2023 Planning and Administration | \$ 302,785         |
| <b>Total</b>                       | <b>\$5,596,742</b> |

Federal funds available for allocation total \$4,150,875. These funds are sourced from nine categories designated by HUD, including: FY2023 Entitlement Grants (CDBG and HOME - new funding), FY2022 and FY2021 Unanticipated Program Revenue (CDBG and HOME - new funding), Prior Year Funds (CDBG and HOME - re-appropriated), and HOME American Rescue Plan Act Funds (new funding).

Unanticipated Revenue Funds include repayments from loans issued for rehabilitation, homebuyer assistance, acquisition and development. Fifteen percent (15%) of CDBG funds received in the current program year can be allocated towards public services. The remaining CDBG and HOME Unanticipated Revenue is available for allocation to housing activities.

Prior Year Funds (CDBG FY2021, HOME FY2019) represent previously Council-committed funds that were unexpended and available for re-allocation in the housing category only.

Total federal contribution to the Housing category is \$3,692,754. This includes \$2,000,000 from a one-time HOME American Rescue Plan Act (HOME-ARP) award which was available for use on housing development projects that met the goals outlined in the HOME-ARP Allocation Plan submitted to HUD in October of 2022.

The maximum limit allowed by HUD regulations in the Public Service category for the CDBG Entitlement grant and current year CDBG Program Income is 15%.

Total federal contribution to the Public Service category is \$169,736: \$166,092 from the FY2023 CDBG Entitlement grant and \$3,644 from CDBG FY2022 Unanticipated Program Income.

HUD regulations allow a maximum of 20% of the CDBG Entitlement grant (\$221,456) to be used for CDBG planning and program administration costs.

HUD regulations allow a maximum of 10% of HOME Entitlement grant (\$66,929) to be used for HOME planning and program administration.

Total federal contribution to the Planning and Program Administration category is \$288,385.

The following table provides a summary of 2023 federal funding sources for Housing, Public Service and Planning/Program Administration:

#### **FEDERAL FUNDS**

| <b>Funding Source</b>           | <b>Total Funds</b> | <b>Housing</b> | <b>Public Service</b> | <b>Planning / Admin</b> |
|---------------------------------|--------------------|----------------|-----------------------|-------------------------|
| FY23 CDBG Entitlement Grant     | \$1,107,281        | \$ 719,733     | \$ 166,092            | \$ 221,456              |
| FY22 Unanticipated Revenue CDBG | \$ 24,296          | \$ 20,652      | \$ 3,644              |                         |
| FY21 Unanticipated Revenue CDBG | \$ 29,564          | \$ 29,564      |                       |                         |

| <b>Funding Source</b>   | <b>Total Funds</b> | <b>Housing</b>     | <b>Public Service</b> | <b>Planning / Admin</b> |
|---|--------------------|--------------------|-----------------------|-------------------------|
| Prior Year CDBG Funds (previously appropriated and available) | \$ 33,636          | \$ 33,636          |                       |                         |
| FY23 HOME Entitlement Grant                                   | \$ 669,292         | \$ 602,363         |                       | \$ 66,929               |
| FY22 Unanticipated Revenue HOME                               | \$ 136,456         | \$ 136,456         |                       |                         |
| FY21 Unanticipated Revenue HOME                               | \$ 145,350         | \$ 145,350         |                       |                         |
| Prior Year HOME Funds (previously appropriated and available) | \$ 5,000           | \$ 5,000           |                       |                         |
| HOME-ARP  | \$2,000,000        | \$2,000,000        |                       |                         |
| <b>TOTAL Federal Funds</b>                                    | <b>\$4,150,875</b> | <b>\$3,692,754</b> | <b>\$ 169,736</b>     | <b>\$ 288,385</b>       |

The City's contribution to the Housing category is \$523,490.

The City's contribution to the Human Service category is \$907,977.(\$904,252 new allocation for FY23, \$3,725 reappropriated from prior year).

A portion of City funds assigned to the Human Services Program is used for planning and program administration costs (\$14,400).

The following table provides a summary of 2023 City Funding for Housing and Human Service, including differentiation between General Fund (GF) and the General Fund 0.25% Other Community Priorities (OCP) sources for each:

#### **CITY FUNDS**

| <b>Funding Source</b>        | <b>Total Funds</b> | <b>Housing</b> | <b>Human Service</b> | <b>Planning / Admin</b> |
|------------------------------|--------------------|----------------|----------------------|-------------------------|
| Human Services Program (GF)  | \$ 528,982         |                | \$ 514,582           | \$ 14,400               |
| Affordable Housing Fund (GF) | \$ 336,359         | \$ 336,359     |                      |                         |
| General Fund OCP             | \$ 576,801         | \$ 187,131     | \$ 389,670           |                         |

| <b>Funding Source</b>   | <b>Total Funds</b> | <b>Housing</b>    | <b>Human Service</b> | <b>Planning / Admin</b> |
|---|--------------------|-------------------|----------------------|-------------------------|
| Prior Year Human Services Program Funds (previously appropriated and available) | \$ 3,725           |                   | \$ 3,725             |                         |
| <b>TOTAL City Funds</b>   | <b>\$1,445,867</b> | <b>\$ 523,490</b> | <b>\$ 907,977</b>    | <b>\$ 14,400</b>        |

### COMBINED FUNDING TOTALS

| <b>Total Funds</b> | <b>Housing</b>     | <b>Human Service and Public Service</b> | <b>Planning / Admin</b> |
|--------------------|--------------------|---|-------------------------|
| <b>\$5,596,742</b> | <b>\$4,216,244</b> | <b>\$1,077,713</b>                      | <b>\$ 302,785</b>       |

The City received 53 housing, human service and public service applications totaling \$4,738,936. In the housing category, six proposals were received totaling \$2,800,000. The available funding in the Housing category equals \$4,216,244, and therefore adequate funding was available to support all requests. In the Human Service category, 43 applications were received totaling \$1,769,200. There is a shortage in Human Service dollars of \$861,223. The CDBG Public Service funds offer the 4 grant recipients multi-year funding support and FY23 was a renewal cycle, which delivers \$169,736 to those programs. The following table summarizes the amount of funding requests compared to the amount of funding available for each of the categories:

### FY2023 FUNDING REQUESTS BY CATEGORY

| <b>Category</b>                 | <b>Number of Applications</b> | <b>Available Funding</b> | <b>Requested Funding</b> | <b>Available Request Difference</b> |
|---------------------------------|-------------------------------|--------------------------|--------------------------|-------------------------------------|
| Administration – CDBG           | *                             | \$ 221,456               | \$ 221,456               | \$ 0                                |
| Administration – HOME           | *                             | \$ 66,929                | \$ 66,929                | \$ 0                                |
| Administration – Human Services | *                             | \$ 14,400                | \$ 14,400                | \$ 0                                |
| Housing                         | 6                             | \$4,216,244              | \$2,800,000              | + \$1,416,244                       |
| Human Service                   | 43                            | \$ 907,977               | \$1,769,200              | - \$ 861,223                        |
| Public Service                  | 4                             | \$ 169,736               | \$ 169,736               | \$ 0                                |
| <b>Totals</b>                   | <b>53</b>                     | <b>\$5,596,742</b>       | <b>\$5,041,721</b>       | <b>+ \$ 555,021</b>                 |

### CITY FINANCIAL IMPACTS

The CDBG and HOME programs provide federal funds from HUD to the City of Fort Collins which can be allocated to housing and community development related programs and projects and administration of the funds, thereby, reducing the demand on the City's General Fund budget to address such needs. In FY2023, the total amount of federal funds available for allocation is \$4,150,875 and the City's contribution is \$1,445,867. These dollars allow applicants to leverage other funding sources to provide needed services in our community.

through the provision of affordable housing, more of Fort Collins' workforce can reside within the community. This means there is an available labor pool within the city, which is a positive benefit to economic sustainability.

Human Service and Public Service programs contribute to economic sustainability and homelessness prevention by providing such programs as education, childcare, counseling, and rent assistance, so workers can maintain their employment and housing.

#### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

---

The Human Services and Housing Funding Board recommends adoption of their affordable housing, CDBG public service and human service funding recommendations made on April 25, 2023 and April 26, 2023. The Board read all project applications, listened to presentations by each housing applicant, and asked clarifying questions. Additionally, in the Housing category, they reviewed the priority rankings of the Affordable Housing Board, the goals of the Affordable Housing Strategic Plan and the priorities of the HUD required Five-Year Consolidated Plan.

In the Human Service categories, they considered the performance of current grantees, the priority areas of the Social Sustainability Strategic Plan, community needs and the program's potential to address community needs. Each Board member then completed a scorecard to reflect their evaluations of the Human Service proposals relative to a series of weighted criteria. The proposals were then placed in descending rank order based on the average scores of the participating Board members who submitted scores. The Board proceeded to deliberate funding recommendations following a rules-based protocol that they had predetermined.

In the CDBG Public Service category, they considered the performance of current grantees, the goals of the HUD required Five-Year Consolidated Plan, and the program's potential to address the HUD goals. The Board was presented with the percentage of CDBG Public Service funding assigned in FY2022 to each program, and the equivalent funding amount using the FY2023 calculations. The Board voted to adopt the recommended funding formula without any changes to the funding distribution.

The evaluation process for the Housing, Human Service and CDBG Public Service categories addressed deeply rooted community needs that pre-date the COVID-19 pandemic and have continued beyond the public health emergency passing. COVID-19 was not a leading determinant in the funding recommendations. Many applicants were supported in 2020-2023 with federal CARES-CVRF and American Rescue Plan Act (ARPA) grants administered by the Social Sustainability Department.

The Human Services and Housing Funding Board members are subject to certain rules of ethical conduct established by the City Charter and Code, including refraining from voting on or attempting to influence any decision in which they have a financial or personal conflict of interest. Board members have been presented with information detailing the City Charter and Code provisions regarding conflict of interest and the disclosure process.

The following tables present the project-specific allocations recommended by the Board to Council within the housing, CDBG public service and human service categories, as well as the accompanying planning and administrative costs:

**PLANNING AND ADMINISTRATION CATEGORY**

| <b>Applicant Project/Program</b>                                     | <b>Funding Request</b> | <b>Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|----------------------------|-------------------------|----------------------------------|
| City of Fort Collins: CDBG Planning/Administration                   | \$ 221,456             | \$ 221,456                 | \$ 0                    | 100%                             |
| City of Fort Collins: HOME Planning/Administration                   | \$ 66,929              | \$ 66,929                  | \$ 0                    | 100%                             |
| City of Fort Collins: Human Services Program Planning/Administration | \$ 14,400              | \$ 14,400                  | \$ 0                    | 100%                             |
| Planning/Administration Total  | \$ 302,785             | \$ 302,785                 | \$ 0                    | 100%                             |

**HOUSING CATEGORY**

In the Housing category, the Human Services and Housing Funding Board determined six of the six housing proposals were projects that would benefit from receiving funding, with each proposal recommended for full funding. Those recommendations and the board's ranked order prioritization are listed in the table below:

| <b>Applicant Project/Program</b>  | <b>Funding Request</b> | <b>HS&amp;HF Board's Prioritized Ranking</b> | <b>Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|---|------------------------|--|----------------------------|-------------------------|----------------------------------|
| CARE Housing: Heartside Hill  | \$ 800,000             | # 1  | \$ 800,000                 | \$ 0                    | 100%                             |
| City of Fort Collins Forestry Division: Homeowner Tree Removal Assistance Program | \$ 100,000             | # 5  | \$ 100,000                 | \$ 0                    | 100%                             |
| Elevation Community Land Trust: Kechter Townhomes                                 | \$ 500,000             | # 2  | \$ 500,000                 | \$ 0                    | 100%                             |
| Fort Collins Habitat for Humanity: Harmony Cottages                               | \$ 200,000             | # 4  | \$ 200,000                 | \$ 0                    | 100%                             |
| L'Arche Fort Collins: L'Arche Homes at Heartside Hill                             | \$ 400,000             | # 6  | \$ 400,000                 | \$ 0                    | 100%                             |
| Villages Ltd.: 2155 West Plum   | \$ 800,000             | # 3  | \$ 800,000                 | \$ 0                    | 100%                             |
| Housing Total   | \$2,800,000            |  | \$2,800,000                | \$ 0                    |                                  |

There was an unallocated balance of \$1,416,244 remaining in City Affordable Housing Funds, CDBG Funds and HOME-ARP Funds after all applications received full funding recommendations. These funds can be allocated for use for future affordable housing projects.

### CDBG PUBLIC SERVICE CATEGORY

In the CDBG Public Service category, 4 eligible programs are recommended to receive a proportional share of the CDBG Public Service funds. These programs were selected by the HSHF Board in 2022 and are considered for renewal annually until the City's current HUD Consolidated Plan expires in September 2025. The FY23 recommendations were recognized as a renewal cycle. All recommendations are listed in the table below:

| <b>Applicant Project/Program</b>                                   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of CDBG Public Service Funds</b> |
|--|------------------------|--|-------------------------|---|
| Catholic Charities: Samaritan House Shelter                        | \$ 52,618              | \$ 52,618                                    | \$ 0                    | 31%   |
| Crossroads Safehouse: Domestic Violence Emergency Shelter Advocacy | \$ 44,132              | \$ 44,132                                    | \$ 0                    | 26%   |
| Family Housing Network: Shelter Program                            | \$ 18,670              | \$ 18,670                                    | \$ 0                    | 11%   |
| Neighbor to Neighbor: Housing Solutions – Direct Rental Assistance | \$ 54,316              | \$ 54,316                                    | \$ 0                    | 32%   |
| Public Service Total   | \$ 169,736             | \$ 169,736                                   | \$ 0                    |   |

### HUMAN SERVICE CATEGORY

In the Human Service category, 43 proposals were received and 36 are being recommended for funding, ranging from 30% to 80% of requests. Seven proposals are not being recommended for funding. There is a funding gap of \$861,223. All recommendations are listed in the table below:

| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| A Little Help: A Little Help for Older Adults in Fort Collins                  | \$ 45,000              | \$ 24,000                                    | \$ 21,000               | 53%                              |
| Alianza NORCO: Bilingual Navigation Services                                   | \$ 30,000              | \$ 17,000                                    | \$ 13,000               | 57%                              |
| Boys and Girls Clubs of Larimer County: Boys and Girls Clubs of Larimer County | \$ 50,000              | \$ 31,000                                    | \$ 19,000               | 62%                              |
| CASA Program: Court Appointed Special Advocates                                | \$ 72,000              | \$ 35,000                                    | \$ 37,000               | 49%                              |
| CASA Program: Family Connections at Harmony House                              | \$ 64,000              | \$ 36,000                                    | \$ 28,000               | 56%                              |



| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| Catholic Charities: Senior Services  | \$ 73,000              | \$ 32,000                                    | \$ 41,000               | 44%                              |
| Children's Speech and Reading Center: Childhood Communication                                | \$ 20,000              | \$ 16,000                                    | \$ 4,000                | 80%                              |
| ChildSafe Colorado: Child Abuse Treatment Program  | \$ 64,500              | \$ 40,000                                    | \$ 24,500               | 62%                              |
| Crossroads Safehouse: Bringing Justice Home Legal Services                                   | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |
| Disabled Resource Services: Disability Services for Independence                             | \$ 35,000              | \$ 25,000                                    | \$ 10,000               | 71%                              |
| Early Childhood Council of Larimer County: Professional Development Scholarships             | \$ 37,900              | \$ 0   | \$ 37,900               | 0%                               |
| Elderhaus Adult Day Program: Direct Care for Fort Collins Residents Living with Disabilities | \$ 60,000              | \$ 30,000                                    | \$ 30,000               | 50%                              |
| Enight Skills Center: Low Vision Rehabilitation Care & Support Services                      | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |
| Exceptional Kids: HighPointe Services  | \$ 50,000              | \$ 15,000                                    | \$ 35,000               | 30%                              |
| Family Housing Network: Sherwood House – Bridge Housing                                      | \$ 20,000              | \$ 15,000                                    | \$ 5,000                | 75%                              |
| FoCo Café: Community Meals   | \$ 18,000              | \$ 0   | \$ 18,000               | 0%                               |
| Food Bank for Larimer County: Kids Café  | \$ 35,000              | \$ 22,000                                    | \$ 13,000               | 63%                              |
| Homeward Alliance: Family Services   | \$ 45,000              | \$ 35,000                                    | \$ 10,000               | 78%                              |
| Homeward Alliance: Murphy Center   | \$ 45,000              | \$ 32,000                                    | \$ 13,000               | 71%                              |
| L'Arche Fort Collins: L'Arche Fort Collins   | \$ 55,000              | \$ 0   | \$ 55,000               | 0%                               |
| Larimer County Partners: Youth Mentoring & Prevention  | \$ 27,500              | \$ 15,000                                    | \$ 12,500               | 55%                              |
| McBackpack: McBackpack Program   | \$ 30,000              | \$ 16,700                                    | \$ 13,300               | 56%                              |
| Meals on Wheels for Fort Collins: Meal Delivery Program                                      | \$ 50,000              | \$ 31,000                                    | \$ 19,000               | 62%                              |
| Neighbor to Neighbor: Rent Assistance Coordination   | \$ 70,000              | \$ 42,000                                    | \$ 28,000               | 60%                              |
| Plan de Salud del Valle: Primary Health Care Services in Fort Collins                        | \$ 60,000              | \$ 0   | \$ 60,000               | 0%                               |
| Project Self-Sufficiency: Project Self-Sufficiency   | \$ 40,000              | \$ 21,000                                    | \$ 19,000               | 53%                              |
| Respite Care: Childcare Scholarships   | \$ 40,000              | \$ 25,500                                    | \$ 14,500               | 64%                              |



| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| Rocky Mountain Youth Medical & Nursing Consultants: Health & Wellness Centers          | \$ 20,000              | \$ 15,000                                    | \$ 5,000                | 75%                              |
| SAVA Center: Sexual Assault Victim Services  | \$ 50,000              | \$ 26,000                                    | \$ 24,000               | 52%                              |
| Sproutin Up: Cooking and Lunch Programs  | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| Teaching Tree Early Childhood Learning Center: Childcare Scholarships                  | \$ 85,000              | \$ 54,000                                    | \$ 31,000               | 64%                              |
| The Arc of Larimer County: Transition Opportunity Scholarship Fund                     | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| The Crawford Child Advocacy Center: Fighting Child Sexual Abuse & Maltreatment         | \$ 22,300              | \$ 17,000                                    | \$ 5,300                | 76%                              |
| The Family Center/La Familia: Family Support Services                                  | \$ 70,000              | \$ 43,277                                    | \$ 26,723               | 62%                              |
| The Matthews House: Youth & Family Center  | \$ 52,000              | \$ 30,000                                    | \$ 22,000               | 58%                              |
| The Quarter Project: The Quarter Project of Northern Colorado                          | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |
| The Salvation Army: Rent & Utilities Assistance  | \$ 35,000              | \$ 19,000                                    | \$ 16,000               | 54%                              |
| The Vegetable Connection: Feeding the Families   | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| United Way of Larimer County: Larimer Child Care Fund                                  | \$ 40,000              | \$ 23,000                                    | \$ 17,000               | 58%                              |
| United Way of Weld County: Coordinated Assessment and Housing Placement System (CAHPS) | \$ 40,000              | \$ 21,000                                    | \$ 19,000               | 53%                              |
| Vindeket Foods: Vindeket Market  | \$ 30,000              | \$ 19,500                                    | \$ 10,500               | 65%                              |
| Volunteers of America: Handyperson Program   | \$ 22,000              | \$ 15,000                                    | \$ 7,000                | 68%                              |
| Volunteers of America: Home Delivered Meals Program                                    | \$ 46,000              | \$ 24,000                                    | \$ 22,000               | 52%                              |
| Human Service Total  | \$1,769,200            | \$ 907,977                                   | \$ 861,223              | 51%                              |

## FUNDING RECOMMENDATIONS BY CATEGORY

A summary of the funding recommendations by category is presented in the following table:

| Category                    | Recommended Funding | % of Total  |
|-----------------------------|---------------------|-------------|
| Planning and Administration | \$ 302,785          | 7%          |
| Housing                     | \$2,800,000         | 67%         |
| Public Service              | \$ 169,736          | 4%          |
| Human Service               | \$ 907,977          | 22%         |
| <b>Total</b>                | <b>\$4,180,498</b>  | <b>100%</b> |

The justifications for the Human Services and Housing Funding Board's recommendations can be found in the draft minutes of the April 25 and April 26, 2023 meetings.

## PUBLIC OUTREACH

A meeting that combined the Human Services and Housing Funding Board and the Affordable Housing Board was held on March 29, 2023, to discuss the merits of the housing proposals, without any funding discussion. Housing applicants also had the opportunity to make presentations at that meeting and respond to questions. The Affordable Housing Board met on April 6, 2023, and created their own project ranking list, which was then made available to the Human Services and Housing Funding Board as a resource to consider during funding deliberations. The Human Services and Housing Funding Board met on April 5, 2023, to discuss the merits of the human services proposals and identify follow-up questions for the applicants, without any funding discussion. The Human Services and Housing Funding Board held a meeting on April 25, 2023, to deliberate the housing proposals and CDBG public service proposals, and again on April 26, 2023, to deliberate the human service proposals, and make funding recommendations. All meetings were open to the public and added to the City calendar.

The City of Fort Collins Citizen Participation Plan for HUD funds requires a 30-day public comment period on the proposed allocation of CDBG and HOME funds prior to Council's final decision. Staff placed an ad in the Coloradoan newspaper on May 4, 2023, presenting the list of recommended funding for programs/projects and indicated the public comment period would start on May 6, 2023, and end on June 6, 2023. The Council meeting on June 6, 2023, will serve as a Public Hearing and comments will be recorded and reported to HUD in August. The public notice of funding recommendations was placed on the Social Sustainability Department's website. It was also distributed to applicants and entities serving a majority of clients in legally protected classes-including those in a racial/ethnic minority, those with a disability, or female heads of households-or serving those community members who might otherwise have barriers to public participation in the City's civic engagement processes. To date, the public comments received have largely been statements of gratitude from the applying agencies.

## ATTACHMENTS

1. Resolution for Consideration
2. Funding Request and Recommendations Summary
3. Affordable Housing Board Priority Rankings
4. Human Services Priorities Distributions
5. Scorecard Rankings
6. HSHF Board Minutes, April 25, 2023
7. HSHF Board Minutes, April 26, 2023

RESOLUTION 2023-050  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING THE PROGRAMS AND PROJECTS THAT WILL RECEIVE FUNDS FROM  
THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, THE  
HOME INVESTMENT PARTNERSHIPS PROGRAM,  
THE CITY'S AFFORDABLE HOUSING FUND, AND THE  
CITY'S HUMAN SERVICES PROGRAM

WHEREAS, the Community Development Block Grant ("CDBG") Program and the Home Investment Partnerships ("HOME") Program are ongoing grant administration programs funded by the Department of Housing and Urban Development ("HUD"); and

WHEREAS, the City has received CDBG Program funds since 1975 and HOME program funds since 1994; and

WHEREAS, the City Council has budgeted General Fund and Keep Fort Collins Great ("KFCG") dollars in the Affordable Housing Fund ("AHF") and the Human Services Program ("HSP") for use in assisting affordable housing programs and projects and community development activities; and

WHEREAS, on January 18, 2000, the City Council adopted Resolution 2000-013, formally adopting a competitive process for the allocation of City financial resources to affordable housing programs and projects and community development activities; and

WHEREAS, on January 20, 2015, the City Council adopted Resolution 2015-009, adopting a revised competitive process that changed from two annual funding cycles, in the spring and fall, to one funding cycle in the spring, with the fall funding cycle being optional and used only when funds are available that were not allocated in the spring or were returned to the City; and

WHEREAS, on November 16, 2021, the City Council adopted Resolution 2021-107, which further revised the competitive process to make process improvements; and

WHEREAS, the Human Services and Housing Funding ("HSHF") Board reviewed applications for the 2023 funding cycle, listened to presentations by applicants, and asked clarifying questions; and

WHEREAS, in the Housing category the HSHF Board also reviewed priority rankings from the Affordable Housing Board, the goals of the Affordable Housing Strategic Plan, and the priorities of the HUD-required Five-Year Consolidated Plan; and

WHEREAS, in the Human Service categories the HSHF Board also considered the performance of current grantees, community needs, and the program's potential to address those needs; and

WHEREAS, the HSHF Board met on April 25 and 26, 2023, to deliberate and prepare a recommendation to the City Council as to which programs and projects should be funded with

FY2023 CDBG and HOME funds, FY2022 and FY2021 CDBG and HOME Unanticipated Program Revenue, HOME American Rescue Plan Act Funds and CDBG and HOME funds carried over from FY2022, as well as City AHF, HSP, and General Fund – Other Community Priorities funds; and

WHEREAS, as required by HUD regulations and the City's Citizen Participation Plan, a 30-day comment period began on May 6, 2023, and any comments will be recorded and reported to HUD in August; and

WHEREAS, the City Council has considered the recommendations of the HSHF Board and has determined that the City's 2023 allocation should be made as set out in this Resolution.

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

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

Section 2. That the City Council hereby authorizes City staff to submit an application to HUD based on the following recommended funding allocations:

#### **Planning and Administration Category**

| <b>Applicant Project/Program</b>                                     | <b>Funding Request</b> | <b>Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|----------------------------|-------------------------|----------------------------------|
| City of Fort Collins: CDBG Planning/Administration                   | \$ 221,456             | \$ 221,456                 | \$ 0                    | 100%                             |
| City of Fort Collins: HOME Planning/Administration                   | \$ 66,929              | \$ 66,929                  | \$ 0                    | 100%                             |
| City of Fort Collins: Human Services Program Planning/Administration | \$ 14,400              | \$ 14,400                  | \$ 0                    | 100%                             |
| Planning/Administration Total  | \$ 302,785             | \$302,785                  | \$ 0                    | 100%                             |

#### **Housing Category**

| <b>Applicant Project/Program</b>  | <b>Funding Request</b> | <b>HS&amp;HF Board's Prioritized Ranking</b> | <b>Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|---|------------------------|--|----------------------------|-------------------------|----------------------------------|
| CARE Housing: Heartside Hill  | \$ 800,000             | # 1  | \$ 800,000                 | \$ 0                    | 100%                             |
| City of Fort Collins Forestry Division: Homeowner Tree Removal Assistance Program | \$ 100,000             | # 5  | \$ 100,000                 | \$ 0                    | 100%                             |

| <b>Applicant Project/Program</b>                      | <b>Funding Request</b> | <b>HS&amp;HF Board's Prioritized Ranking</b> | <b>Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|---|------------------------|--|----------------------------|-------------------------|----------------------------------|
| Elevation Community Land Trust: Kechter Townhomes     | \$ 500,000             | # 2  | \$ 500,000                 | \$ 0                    | 100%                             |
| Fort Collins Habitat for Humanity: Harmony Cottages   | \$ 200,000             | # 4  | \$ 200,000                 | \$ 0                    | 100%                             |
| L'Arche Fort Collins: L'Arche Homes at Heartside Hill | \$ 400,000             | # 6  | \$ 400,000                 | \$ 0                    | 100%                             |
| Villages Ltd.: 2155 West Plum                         | \$ 800,000             | # 3  | \$ 800,000                 | \$ 0                    | 100%                             |
| <b>Housing Total</b>                                  | <b>\$ 2,800,000</b>    |  | <b>\$ 2,800,000</b>        | <b>\$ 0</b>             |                                  |

### **CDBG Public Service Category**

[Note: These programs are eligible to receive a proportional share of the CDBG Public Service ("CDBG/PS") funds, which will be renewed annually until the City's current HUD consolidated Plan expires in September 2025.]

| <b>Applicant Project/Program</b>                                   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of CDBG Public Service Funds</b> |
|--|------------------------|--|-------------------------|---|
| Catholic Charities: Samaritan House Shelter                        | \$ 52,618              | \$ 52,618                                    | \$ 0                    | 31%   |
| Crossroads Safehouse: Domestic Violence Emergency Shelter Advocacy | \$ 44,132              | \$ 44,132                                    | \$ 0                    | 26%   |
| Family Housing Network: Shelter Program                            | \$ 18,670              | \$ 18,670                                    | \$ 0                    | 11%   |
| Neighbor to Neighbor: Housing Solutions – Direct Rental Assistance | \$ 54,316              | \$ 54,316                                    | \$ 0                    | 32%   |
| <b>Public Service Total</b>  | <b>\$ 169,736</b>      | <b>\$ 169,736</b>                            | <b>\$ 0</b>             |   |

### Human Service Category

| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| A Little Help: A Little Help for Older Adults in Fort Collins                                | \$ 45,000              | \$ 24,000                                    | \$ 21,000               | 53%                              |
| Alianza NORCO: Bilingual Navigation Services   | \$ 30,000              | \$ 17,000                                    | \$ 13,000               | 57%                              |
| Boys and Girls Clubs of Larimer County: Boys and Girls Clubs of Larimer County               | \$ 50,000              | \$ 31,000                                    | \$ 19,000               | 62%                              |
| CASA Program: Court Appointed Special Advocates  | \$ 72,000              | \$ 35,000                                    | \$ 37,000               | 49%                              |
| CASA Program: Family Connections at Harmony House  | \$ 64,000              | \$ 36,000                                    | \$ 28,000               | 56%                              |
| Catholic Charities: Senior Services  | \$ 73,000              | \$ 32,000                                    | \$ 41,000               | 44%                              |
| Children's Speech and Reading Center: Childhood Communication                                | \$ 20,000              | \$ 16,000                                    | \$ 4,000                | 80%                              |
| ChildSafe Colorado: Child Abuse Treatment Program  | \$ 64,500              | \$ 40,000                                    | \$ 24,500               | 62%                              |
| Crossroads Safehouse: Bringing Justice Home Legal Services                                   | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |
| Disabled Resource Services: Disability Services for Independence                             | \$ 35,000              | \$ 25,000                                    | \$ 10,000               | 71%                              |
| Early Childhood Council of Larimer County: Professional Development Scholarships             | \$ 37,900              | \$ 0   | \$ 37,900               | 0%                               |
| Elderhaus Adult Day Program: Direct Care for Fort Collins Residents Living with Disabilities | \$ 60,000              | \$ 30,000                                    | \$ 30,000               | 50%                              |
| Ensign Skills Center: Low Vision Rehabilitation Care & Support Services                      | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |
| Exceptional Kids: HighPointe Services  | \$ 50,000              | \$ 15,000                                    | \$ 35,000               | 30%                              |
| Family Housing Network: Sherwood House – Bridge Housing                                      | \$ 20,000              | \$ 15,000                                    | \$ 5,000                | 75%                              |
| FoCo Café: Community Meals   | \$ 18,000              | \$ 0   | \$ 18,000               | 0%                               |
| Food Bank for Larimer County: Kids Café  | \$ 35,000              | \$ 22,000                                    | \$ 13,000               | 63%                              |
| Homeward Alliance: Family Services   | \$ 45,000              | \$ 35,000                                    | \$ 10,000               | 78%                              |

| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| Homeward Alliance: Murphy Center   | \$ 45,000              | \$ 32,000                                    | \$ 13,000               | 71%                              |
| L'Arche Fort Collins: L'Arche Fort Collins                                     | \$ 55,000              | \$ 0   | \$ 55,000               | 0%                               |
| Larimer County Partners: Youth Mentoring & Prevention                          | \$ 27,500              | \$15,000                                     | \$ 12,500               | 55%                              |
| McBackpack: McBackpack Program   | \$ 30,000              | \$ 16,700                                    | \$ 13,300               | 56%                              |
| Meals on Wheels for Fort Collins: Meal Delivery Program                        | \$ 50,000              | \$ 31,000                                    | \$ 19,000               | 62%                              |
| Neighbor to Neighbor: Rent Assistance Coordination                             | \$ 70,000              | \$ 42,000                                    | \$ 28,000               | 60%                              |
| Plan de Salud del Valle: Primary Health Care Services in Fort Collins          | \$ 60,000              | \$ 0   | \$ 60,000               | 0%                               |
| Project Self-Sufficiency: Project Self-Sufficiency                             | \$ 40,000              | \$ 21,000                                    | \$ 19,000               | 53%                              |
| Respite Care: Childcare Scholarships   | \$ 40,000              | \$ 25,500                                    | \$ 14,500               | 64%                              |
| Rocky Mountain Youth Medical & Nursing Consultants: Health & Wellness Centers  | \$ 20,000              | \$ 15,000                                    | \$ 5,000                | 75%                              |
| SAVA Center: Sexual Assault Victim Services                                    | \$ 50,000              | \$ 26,000                                    | \$ 24,000               | 52%                              |
| Sproutin Up: Cooking and Lunch Programs  | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| Teaching Tree Early Childhood Learning Center: Childcare Scholarships          | \$ 85,000              | \$ 54,000                                    | \$ 31,000               | 64%                              |
| The Arc of Larimer County: Transition Opportunity Scholarship Fund             | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| The Crawford Child Advocacy Center: Fighting Child Sexual Abuse & Maltreatment | \$ 22,300              | \$ 17,000                                    | \$ 5,300                | 76%                              |
| The Family Center/La Familia: Family Support Services                          | \$ 70,000              | \$ 43,277                                    | \$ 26,723               | 62%                              |
| The Matthews House: Youth & Family Center                                      | \$ 52,000              | \$ 30,000                                    | \$ 22,000               | 58%                              |
| The Quarter Project: The Quarter Project of Northern Colorado                  | \$ 25,000              | \$ 15,000                                    | \$ 10,000               | 60%                              |

| <b>Applicant Project/Program</b>   | <b>Funding Request</b> | <b>HS&amp;HF Board's Recommended Funding</b> | <b>Unfunded Balance</b> | <b>Percent of Request Funded</b> |
|--|------------------------|--|-------------------------|----------------------------------|
| The Salvation Army: Rent & Utilities Assistance  | \$ 35,000              | \$ 19,000                                    | \$ 16,000               | 54%                              |
| The Vegetable Connection: Feeding the Families   | \$ 15,000              | \$ 0   | \$ 15,000               | 0%                               |
| United Way of Larimer County: Larimer Child Care Fund                                  | \$ 40,000              | \$ 23,000                                    | \$ 17,000               | 58%                              |
| United Way of Weld County: Coordinated Assessment and Housing Placement System (CAHPS) | \$ 40,000              | \$ 21,000                                    | \$ 19,000               | 53%                              |
| Vindeket Foods: Vindeket Market  | \$ 30,000              | \$ 19,500                                    | \$ 10,500               | 65%                              |
| Volunteers of America: Handyperson Program   | \$ 22,000              | \$ 15,000                                    | \$ 7,000                | 68%                              |
| Volunteers of America: Home Delivered Meals Program                                    | \$ 46,000              | \$ 24,000                                    | \$ 22,000               | 52%                              |
| <b>Human Service Total</b>   | <b>\$ 1,769,200</b>    | <b>\$ 907,977</b>                            | <b>\$ 861,223</b>       | <b>51%</b>                       |

Section 3. That, subject to the appropriation of funds by the City Council, the City County hereby authorizes the City Manager to execute any agreements necessary to implement the funding allocations described herein on terms and conditions consistent with this Resolution, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Section 4. This Resolution shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 6th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk



## HS&HF Board Competitive Funding Process FY23

### Summary of Organizations Requesting Funding & Recommendations

#### HOUSING

##### **CARE Housing - Heartside Hill**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$800,000 | <b>Recommendation:</b> \$800,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

CARE Housing provides affordable housing, advocacy and supportive services to empower working families in Northern Colorado. This proposal supports the development costs associated with the construction of 71 new multi-family rental units that will serve low-income households between 30%-60% of the Area Median Income.

##### **City of Fort Collins Forestry Division**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$100,000 | <b>Recommendation:</b> \$100,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

The City of Fort Collins Forestry Division's objective is to sustain a safe, healthy and resilient urban forest through frequent and sound management practices. This proposal supports a pilot program to assist 20+ low-income homeowners with the cost of emergency tree removal at their primary owner-occupied homes.

##### **Elevations Community Land Trust - Kechter Townhomes**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$500,000 | <b>Recommendation:</b> \$500,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

Elevations Community Land Trust partners with communities to offer strategic, cross-sector interventions to address the growing issues of affordable homeownership in Colorado. This proposal assists with the purchase cost of 54 units of attached single family housing that are currently in development on a City Land Bank parcel.

##### **Fort Collins Habitat for Humanity - Harmony Cottages**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$200,000 | <b>Recommendation:</b> \$200,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

Habitat for Humanity helps low-income families realize home-ownership by offering 0% interest loans that don't exceed 28% of a family's income. This proposal supports the building costs of 4 homes (2 duplexes) in Harmony Cottages.

##### **L'Arche Fort Collins - L'Arche Housing**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$400,000 | <b>Recommendation:</b> \$400,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

L'Arche Fort Collins is a nonprofit organization that provides support for adults with intellectual and development disabilities through an inclusive community of volunteers, bound together by intentionally mutual relationships. This proposal supports development costs associated with the development of two "group homes" serving persons with developmental disabilities at Heartside Hill. The project consists of the construction of two six-bedroom single family homes, each occupied by 3 persons with disabilities and 3 staff.

**Villages, Ltd. - 2155 West Plum**

|                           |                                  |                         |
|---------------------------|----------------------------------|-------------------------|
| <b>Request:</b> \$800,000 | <b>Recommendation:</b> \$800,000 | <b>Percentage:</b> 100% |
|---------------------------|----------------------------------|-------------------------|

Villages, Ltd., the nonprofit arm of Housing Catalyst, is a Fort Collins, mission-driven real estate developer that designs, builds and serves communities with homes that are affordable in Northern Colorado. This proposal supports the rehabilitation of 15 units that will be transitioning out of public housing into the Villages permanent affordable housing inventory. The current occupants are primarily extremely low-income households.

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**CDBG PUBLIC SERVICE****Catholic Charities - Samaritan House Shelter**

|                          |                                 |  |
|--------------------------|---------------------------------|--|
| <b>Renewal:</b> \$52,618 | <b>Recommendation:</b> \$52,618 | <b>Percentage:</b> 100%<br>31% of Available CDBG PS \$ |
|--------------------------|---------------------------------|--|

Catholic Charities provides shelter, food, case management, resource navigation, benefits application assistance, and transitional housing help in support of the homeless and near homeless.

**Crossroads Safehouse - Emergency Shelter Advocacy**

|                          |                                 |  |
|--------------------------|---------------------------------|--|
| <b>Renewal:</b> \$44,132 | <b>Recommendation:</b> \$44,132 | <b>Percentage:</b> 100%<br>26% of Available CDBG PS \$ |
|--------------------------|---------------------------------|--|

Crossroads Safehouse operates a domestic violence shelter providing emergency housing, crisis intervention and other services and outreach.

**Family Housing Network - Shelter Programs**

|                          |                                 |  |
|--------------------------|---------------------------------|--|
| <b>Renewal:</b> \$18,670 | <b>Recommendation:</b> \$18,670 | <b>Percentage:</b> 100%<br>11% of Available CDBG PS \$ |
|--------------------------|---------------------------------|--|

Family Housing Network supports families experiencing homelessness with a full range of emergency and stabilizing services, including overnight shelter, day center support and case management.

**Neighbor to Neighbor - Homelessness Prevention Assistance**

|                          |                                 |  |
|--------------------------|---------------------------------|--|
| <b>Renewal:</b> \$54,316 | <b>Recommendation:</b> \$54,316 | <b>Percentage:</b> 100%<br>32% of Available CDBG PS \$ |
|--------------------------|---------------------------------|--|

Neighbor to Neighbor provides short-term and mid-term rent assistance with supportive services and case management to assist people in housing crises to identify, secure, and maintain affordable, sustainable rental housing. This proposal supports the direct client (rent) assistance.

## **HUMAN SERVICES**

### **A Little Help**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$45,000 | <b>Recommendation:</b> \$24,000 | <b>Percentage:</b> 53% |
|--------------------------|---------------------------------|------------------------|

A Little Help helps older adults age in place by providing connections to important resources and services necessary for them to maintain independence in their homes.

### **Alianza NORCO**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$30,000 | <b>Recommendation:</b> \$17,000 | <b>Percentage:</b> 57% |
|--------------------------|---------------------------------|------------------------|

Alianza NORCO supports bilingual, culturally informed navigation services that include guidance for obtaining driver's licenses for immigrants, notary services, passport appointments, rent assistance, and ITIN/tax preparation.

### **Boys & Girls Clubs of Larimer County**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$50,000 | <b>Recommendation:</b> \$31,000 | <b>Percentage:</b> 62% |
|--------------------------|---------------------------------|------------------------|

B&G Clubs provides after-school and school-break youth development programs at their Fort Collins location to kids 6-18 years.

### **CASA (Court Appointed Special Advocates)**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$72,000 | <b>Recommendation:</b> \$35,000 | <b>Percentage:</b> 49% |
|--------------------------|---------------------------------|------------------------|

CASA provides a voice in court for children who have been physically or sexually abused or neglected. Trained community advocates, or CASAs, work with each child they are assigned to and provide neutral recommendations regarding the best interests of the child.

### **CASA (Court Appointed Special Advocates) - Harmony House**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$64,000 | <b>Recommendation:</b> \$36,000 | <b>Percentage:</b> 56% |
|--------------------------|---------------------------------|------------------------|

Harmony House is a specialized visitation center that serves as a safe, conflict-free public place for family interactions. Harmony House staff are responsible for documenting information used in deciding the child's permanent placement.

### **Catholic Charities - Senior Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$73,000 | <b>Recommendation:</b> \$32,000 | <b>Percentage:</b> 44% |
|--------------------------|---------------------------------|------------------------|

Catholic Charities in Fort Collins provides supportive services to vulnerable populations, including services that allow low-income seniors age 60 and over to maintain self-sufficiency.

**Children's Speech & Reading Center**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$20,000 | <b>Recommendation:</b> \$16,000 | <b>Percentage:</b> 80% |
|--------------------------|---------------------------------|------------------------|

CSRC provides children that suffer from speech-language and reading delays with high quality therapy on a sliding fee scale.

**ChildSafe Colorado**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$64,500 | <b>Recommendation:</b> \$40,000 | <b>Percentage:</b> 62% |
|--------------------------|---------------------------------|------------------------|

ChildSafe provides comprehensive outpatient treatment to victims of childhood abuse, primarily sexual abuse, and their non-offending family members.

**Crossroads Safehouse - Bringing Justice Home Legal Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$25,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 60% |
|--------------------------|---------------------------------|------------------------|

Crossroads Safehouse operates a domestic violence shelter providing emergency housing, crisis intervention and other services and outreach. This proposal supports the legal representation and advisement for victims of domestic violence, sexual assault, and stalking in civil cases arising from their victimization.

**Disabled Resource Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$35,000 | <b>Recommendation:</b> \$25,000 | <b>Percentage:</b> 71% |
|--------------------------|---------------------------------|------------------------|

DRS is the only Center for Independent Living in Larimer County for people with disabilities (physical, cognitive, mental, neurological, deaf, blind, etc.). It is consumer-driven allowing participants to choose the goals they want to pursue to help them live in the community with independence, dignity and equality.

**Early Childhood Council for Larimer County**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$37,900 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

ECCLC works to improve services for children and families by supporting early childhood educators, building expertise, and working collaboratively to support all young children.

**Elderhaus Adult Day Program**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$60,000 | <b>Recommendation:</b> \$30,000 | <b>Percentage:</b> 50% |
|--------------------------|---------------------------------|------------------------|

Elderhaus provides therapeutic daytime programs for adults with disabilities: Down syndrome, Cerebral Palsy, dementia, traumatic brain injuries, etc.

**Enight Skills Center**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$25,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 60% |
|--------------------------|---------------------------------|------------------------|

Enight Skills Center provides quality healthcare services to residents who are visually impaired.

**Exceptional Kids – HighPointe Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$50,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 30% |
|--------------------------|---------------------------------|------------------------|

Exceptional Kids – HighPointe Services provides services to clients who have significant developmental and physical disabilities. This proposal will support the purchase of a 15-passenger bus to provide transportation for client day trips.

**Family Housing Network - Bridge Housing / Sherwood House**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$20,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 75% |
|--------------------------|---------------------------------|------------------------|

Family Housing Network supports families experiencing homelessness with a full range of emergency and stabilizing services, including overnight shelter, day center support and case management. This proposal supports the residential sheltering efforts for families at the newly opened Sherwood House.

**FOCO Café**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$18,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

FOCO Café provides nutritious and delicious meals to the people of Fort Collins regardless of their ability to pay while using mostly local, organic, and sustainably grown ingredients.

**Food Bank for Larimer County - Kids Café**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$35,000 | <b>Recommendation:</b> \$22,000 | <b>Percentage:</b> 63% |
|--------------------------|---------------------------------|------------------------|

Kids Café is the largest of the Child Nutrition programs offered by the Food Bank. Free, healthy meals and snacks are provided to kids after school and during school breaks at multiple locations, many in schools with high numbers of free and reduced lunch eligible families.

**Homeward Alliance – Family Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$45,000 | <b>Recommendation:</b> \$35,000 | <b>Percentage:</b> 78% |
|--------------------------|---------------------------------|------------------------|

Homeward Alliance provides multiple programs that offer a continuum of services to individuals and families who are homeless or at-risk of becoming homeless. This proposal provides bilingual resource navigation, financial assistance, basic need items, and quarterly Family Resource Fairs to families experiencing homelessness or housing insecurity.

**Homeward Alliance – Murphy Center**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$45,000 | <b>Recommendation:</b> \$32,000 | <b>Percentage:</b> 71% |
|--------------------------|---------------------------------|------------------------|

Homeward Alliance manages and operates the Sister Mary Alice Murphy Center for Hope. In addition to the programs of Homeward Alliance, they provide oversight of the facility and the programs that provide services to people who are homeless or at-risk of becoming homeless.

**L'Arche Fort Collins**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$55,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

L'Arche Fort Collins is a nonprofit organization that provides support for adults with intellectual and development disabilities through an inclusive community of volunteers, bound together by intentionally mutual relationships.

**Larimer County Partners**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$27,500 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 55% |
|--------------------------|---------------------------------|------------------------|

Partners Mentoring Youth supports mentoring relationships between positive adult role models and youth facing challenges in their personal, social and academic lives.

**McBackpack**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$30,000 | <b>Recommendation:</b> \$16,700 | <b>Percentage:</b> 56% |
|--------------------------|---------------------------------|------------------------|

McBackpack provides nutritional food to children and families within the Poudre School District who may otherwise go without food over the weekend.

**Meals on Wheels for Fort Collins**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$50,000 | <b>Recommendation:</b> \$31,000 | <b>Percentage:</b> 62% |
|--------------------------|---------------------------------|------------------------|

Meals on Wheels provides hot, noontime meals delivered to homebound seniors and persons with disabilities unable to safely prepare their own meals.

**Neighbor to Neighbor - Rent Assistance Coordination**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$70,000 | <b>Recommendation:</b> \$42,000 | <b>Percentage:</b> 60% |
|--------------------------|---------------------------------|------------------------|

Neighbor to Neighbor provides short-term and mid-term rent assistance with supportive services and case management to assist people in housing crises to identify, secure, and maintain affordable, sustainable rental housing. This proposal supports the staffing needs to run the homelessness prevention programming.

**Plan de Salud del Valle – Salud Clinic**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$60,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

Salud operates two clinics in Fort Collins and provides comprehensive medical, dental, pharmacy and behavioral health care services.

**Project Self-Sufficiency**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$40,000 | <b>Recommendation:</b> \$21,000 | <b>Percentage:</b> 53% |
|--------------------------|---------------------------------|------------------------|

Project Self-Sufficiency assists single parent families to become self-sufficient through career planning, wrap around services and support that removes barriers and empowers parents to complete education and training goals.

**Respite Care**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$40,000 | <b>Recommendation:</b> \$25,500 | <b>Percentage:</b> 64% |
|--------------------------|---------------------------------|------------------------|

Respite Care provides short-term care for children with developmental disabilities and other supportive services that provide respite for families. Support is available 24/7 all year for children from infancy to age 21.

**Rocky Mountain Youth Medical & Nursing Consultants**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$20,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 75% |
|--------------------------|---------------------------------|------------------------|

RMYM&NC provides school-based health center program at two PSD school: Centennial HS and Lincoln MS. Any PSD student may enroll in care services, which include physical and behavioral/mental health services from the convenience of school locations.

**Sexual Assault Victim Advocate Center - Victim Services**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$50,000 | <b>Recommendation:</b> \$26,000 | <b>Percentage:</b> 52% |
|--------------------------|---------------------------------|------------------------|

SAVA provides crisis intervention, advocacy and counseling to all those affected by sexual violence.

**Sproutin Up**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$15,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

Sproutin Up works with youth in under-resourced neighborhoods to provide nutrition education, cooking programs, physical activity games, gardening, job skill training and education about sustainable farming.

**Teaching Tree Early Childhood Learning Center**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$85,000 | <b>Recommendation:</b> \$54,000 | <b>Percentage:</b> 64% |
|--------------------------|---------------------------------|------------------------|

Teaching Tree provides accessible and affordable early childhood care and education programs that teach children skills to lower their risk factors and begin kindergarten with social, emotional and academic skills to allow them to learn.

**The Arc of Larimer County**

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$15,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

The Arc of Larimer County promotes and protects the civil rights of people with intellectual and developmental disabilities through individual and systemic advocacy and education.

**The Crawford Child Advocacy Center**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$22,300 | <b>Recommendation:</b> \$17,000 | <b>Percentage:</b> 76% |
|--------------------------|---------------------------------|------------------------|

The Crawford Child Advocacy Center provides comprehensive response to child abuse working with law enforcement, child protection, prosecution, mental health, medical and victim advocacy to investigate abuse, help children heal from abuse and hold offenders accountable.

### The Family Center / La Familia

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$70,000 | <b>Recommendation:</b> \$43,277 | <b>Percentage:</b> 62% |
|--------------------------|---------------------------------|------------------------|

The Family Center / La Familia provides services to help strengthen and stabilize low-income families through affordable child care for infants, toddlers and preschool-aged children, parent and community enrichment programs and adult education.

### The Matthews House

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$52,000 | <b>Recommendation:</b> \$30,000 | <b>Percentage:</b> 58% |
|--------------------------|---------------------------------|------------------------|

The Matthews House empowers young adults and families in transition to navigate difficulties on the road to self-sufficiency; many have been in foster care, justice system, generational poverty, etc.

### The Quarter Project

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$25,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 60% |
|--------------------------|---------------------------------|------------------------|

The Quarter Project offers a weekly afterschool hands-on program for girls from low-income and minority populations to become more confident and comfortable working in a STEM arena.

### The Salvation Army

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$35,000 | <b>Recommendation:</b> \$19,000 | <b>Percentage:</b> 54% |
|--------------------------|---------------------------------|------------------------|

The Salvation Army in Fort Collins offers a variety of programs to support human service needs of vulnerable populations in the community, including rent and utility assistance, food boxes, clothing and hygiene items, meals, back-to-school items, disaster relief and more.

### The Vegetable Connection

|                          |                            |                       |
|--------------------------|----------------------------|-----------------------|
| <b>Request:</b> \$15,000 | <b>Recommendation:</b> \$0 | <b>Percentage:</b> 0% |
|--------------------------|----------------------------|-----------------------|

The Vegetable Connection is a local, nonprofit Community Supported Agriculture (CSA) farm that operates a 'Feeding the Families' program to assist low-income families in becoming members of the CSA for an entire growing season by subsidizing their market-priced shares.

### United Way of Larimer County

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$40,000 | <b>Recommendation:</b> \$23,000 | <b>Percentage:</b> 58% |
|--------------------------|---------------------------------|------------------------|

UWLC is a community impact organization addressing systems-level change for health and human services. The Childcare Scholarship Fund provides sliding scale scholarships to income-eligible families who receive care through providers of their choice.



**United Way of Weld County**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$25,000 | <b>Recommendation:</b> \$21,000 | <b>Percentage:</b> 53% |
|--------------------------|---------------------------------|------------------------|

UWWC develops and supports programs that improve lives and catalyze social change and serves as the fiscal agent for Coordinated Assessment and Housing Placement System (CAHPS) efforts in Fort Collins.

**Vindeket Foods**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$30,000 | <b>Recommendation:</b> \$19,500 | <b>Percentage:</b> 65% |
|--------------------------|---------------------------------|------------------------|

Vindeket Foods partners with grocery stores, restaurants, & farms to reduce wasted food and ensure all individuals and families feel empowered and dignified in accessing nutritious food and participating in the food system.

**Volunteers of America - Handyperson Program**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$22,000 | <b>Recommendation:</b> \$15,000 | <b>Percentage:</b> 68% |
|--------------------------|---------------------------------|------------------------|

The Fort Collins VOA provides services to seniors (60+) who are frail and/or home-bound to help them remain healthy, safe, socially connected and independent. The Handyperson program offers VOA clientele safety-related home modifications and repairs utilizing volunteers.

**Volunteers of America - Home Delivered Meal Service**

|                          |                                 |                        |
|--------------------------|---------------------------------|------------------------|
| <b>Request:</b> \$46,000 | <b>Recommendation:</b> \$24,000 | <b>Percentage:</b> 52% |
|--------------------------|---------------------------------|------------------------|

The Fort Collins VOA provides services to seniors (60+) who are frail and/or home-bound to help them remain healthy, safe, socially connected and independent. The meal delivery program offers weekly boxed meals or frozen meals and nutrition risk assessments, nutrition education/counseling, information/referral to community resources, etc.

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**AFFORDABLE HOUSING BOARD (AHB)**  
CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



April 6, 2023

From: Affordable Housing Board Chair John Singleton

To: Human Services & Housing Funding Board

Re: 2023 Affordable Housing Applications

At the April 6 Regular Meeting of the Affordable Housing Board, the board reviewed and discussed the 6 applications submitted for funding consideration by the Human Services and Housing Funding Board. The five participating members unanimously agreed on the following ranking of projects in order of priority:

1. HO-1 CARE Housing – Heartside Hill
2. HO-3 Elevation Community Land Trust – Kechter Townhomes
3. HO-6 Villages, Ltd. – 2155 W. Plum
4. HO-4 Fort Collins Habitat for Humanity
5. HO-5 L'Arche Fort Collins – L'Arche Housing
6. HO-2 City of Fort Collins Forestry Division

Board comments:

**It is important to note that the Board thought all these projects were great and deserving of support.**

While the Board really liked the L'arche model and the focus on their targeted demographic, they had some concerns with this project's readiness to proceed.

The fact that the Forestry Division was asking to fund the entire program raised some concerns about sustainability of the program. While excited about the value the pilot program brings, the Board did not want to see the program lapse if funding from this source was not available in the future.

Some Board members commented that they were influenced by the number of units or residents served by each project and prioritized projects that provided the most housing units.

The Board appreciated the mix of projects – especially L'Arche and Forestry Division because they support a more holistic view of housing needs and supports, even if these projects ended up lower in the board's overall ranking.

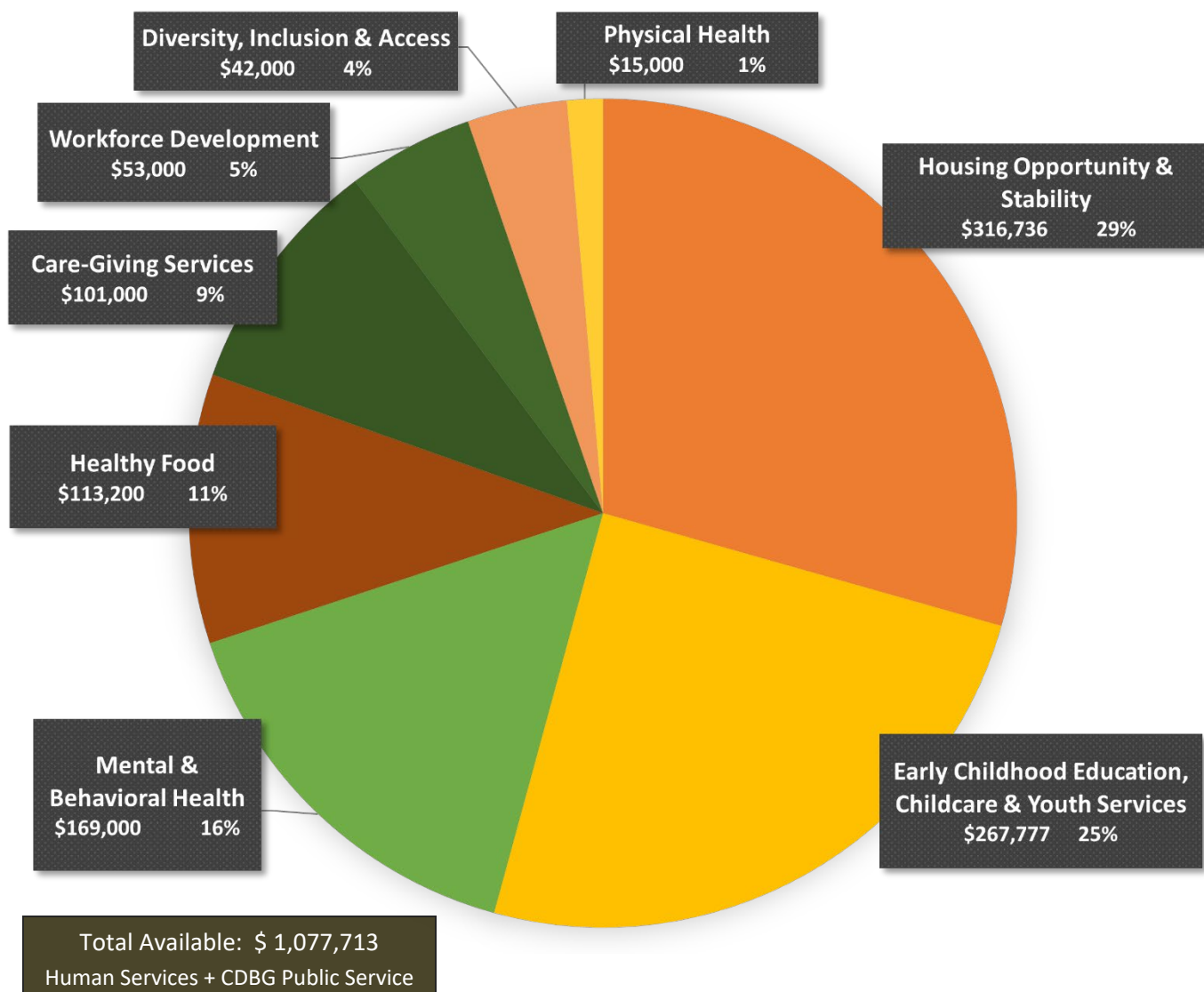
Respectfully,

John Singleton - Affordable Housing Board Chair

A handwritten signature in black ink, appearing to be "John Singleton", written over a horizontal line.

# Human Services Priorities

## Distribution of FY23 Recommended Funding



The Human Services priorities are identified within the Social Sustainability Strategic Plan. Each priority is further defined with demographic or strategy concentrations to clarify the targeted needs of underserved groups and low-income residents. For example, Care-Giving Services identifies Seniors and People with Disabilities as vulnerable populations to support.

Applicants were required to clearly demonstrate in their funding proposal how the program directly addresses and advances 1-2 of the priorities and concentrations. The distribution of funds shown in the chart above reflects the primary priority of the program, however; many programs also support a secondary priority. For example, a senior meal delivery program is foremost a Care-Giving (Senior) priority, with Healthy Food as its secondary priority.

Further, there are four FY23 programs receiving federal CDBG Public Service funds (\$169,736) and they are all aligned with the Housing Opportunity & Stability priority above.

Scorecard Rankings for 2023 Human Services Proposals

|         |                   | Agency   | Program   | Request     | RECOMMENDED FUNDING |
|---------|-------------------|--|---|-------------|---------------------|
| RANKING | SCORE - 102 Total |  |   |             |                     |
| 1       | 90.43             | Homeward Alliance                                  | Family Services                                     | \$45,000    | \$35,000            |
| 2       | 89.88             | The Family Center/La Familia                       | Family Support Services                             | \$70,000    | \$43,277            |
| 3       | 88.86             | Homeward Alliance                                  | Murphy Center                                       | \$45,000    | \$32,000            |
| 4       | 88.75             | CASA of Larimer County                             | Family Connections at Harmony House                 | \$64,000    | \$36,000            |
| 5       | 87.25             | CASA of Larimer County                             | Court Appointed Special Advocates                   | \$72,000    | \$35,000            |
| 6       | 86.50             | United Way of Weld County                          | Coordinated Assessment and Housing Placement System | \$40,000    | \$21,000            |
| 7       | 86.13             | Boys & Girls Clubs of Larimer County               | Boys & Girls Clubs of Larimer County                | \$50,000    | \$31,000            |
| 7       | 86.13             | ChildSafe Colorado                                 | Child Abuse Treatment Program                       | \$64,500    | \$40,000            |
| 9       | 85.75             | Teaching Tree Early Childhood Learning Center      | Childcare Scholarships for Low Income Families      | \$85,000    | \$54,000            |
| 10      | 85.13             | Neighbor to Neighbor                               | N2N Rent Assistance Coordination                    | \$70,000    | \$42,000            |
| 11      | 85.00             | Respite Care                                       | Childcare Scholarships for Low-Income Families      | \$40,000    | \$25,500            |
| 12      | 84.00             | Project Self-Sufficiency                           | Project Self-Sufficiency                            | \$40,000    | \$21,000            |
| 13      | 83.88             | Alianza NORCO                                      | Bilingual Navigation Services program               | \$30,000    | \$17,000            |
| 13      | 83.88             | The Crawford Child Advocacy Center                 | Fighting Child Sexual Abuse & Maltreatment          | \$22,300    | \$17,000            |
| 15      | 83.75             | The Matthews House                                 | Youth and Family Center                             | \$52,000    | \$30,000            |
| 16      | 83.63             | Food Bank for Larimer County                       | Fort Collins Kids Cafe                              | \$35,000    | \$22,000            |
| 17      | 81.88             | Volunteers of America                              | Home Delivered Meals Program                        | \$46,000    | \$24,000            |
| 18      | 81.63             | Meals on Wheels for Fort Collins                   | Meal Delivery Program                               | \$50,000    | \$31,000            |
| 19      | 81.13             | United Way of Larimer County                       | Larimer Child Care Fund                             | \$40,000    | \$23,000            |
| 20      | 80.88             | The Salvation Army                                 | Rent and Utilities Assistance                       | \$35,000    | \$19,000            |
| 21      | 80.13             | Children's Speech and Reading Center               | Childhood Communication                             | \$20,000    | \$16,000            |
| 22      | 80.00             | Disabled Resource Services                         | Disability Services for Independence                | \$35,000    | \$25,000            |
| 23      | 79.75             | Vindeket Foods                                     | Vindeket Market                                     | \$30,000    | \$19,500            |
| 24      | 79.63             | Sexual Assault Victim Advocate Center              | Sexual Assault Victim Services                      | \$50,000    | \$26,000            |
| 25      | 79.13             | A Little Help                                      | A Little Help for Older Adults in Fort Collins      | \$45,000    | \$24,000            |
| 26      | 78.63             | Family Housing Network                             | Sherwood House - Bridge Housing                     | \$20,000    | \$15,000            |
| 27      | 78.13             | Crossroads Safehouse                               | Bringing Justice Home                               | \$25,000    | \$15,000            |
| 28      | 77.88             | Elderhaus Adult Day Program                        | Direct Care for Residents Living with Disabilities  | \$60,000    | \$30,000            |
| 29      | 76.25             | Larimer County Partners                            | Youth Mentoring and Prevention                      | \$27,500    | \$15,000            |
| 30      | 76.00             | McBackpack   | McBackpack Program                                  | \$30,000    | \$16,700            |
| 31      | 75.38             | Catholic Charities                                 | Senior Services Samaritan House Ft Collins          | \$73,000    | \$32,000            |
| 32      | 74.38             | Plan de Salud del Valle                            | Primary Health Care Services in Fort Collins        | \$60,000    | \$0                 |
| 32      | 74.38             | The Quarter Project                                | The Quarter Project of Northern Colorado            | \$25,000    | \$15,000            |
| 34      | 73.25             | Rocky Mountain Youth Medical & Nursing Consultants | Health & Wellness Centers                           | \$20,000    | \$15,000            |
| 35      | 72.63             | Volunteers of America                              | Handyperson Program                                 | \$22,000    | \$15,000            |
| 36      | 72.13             | Ensign Skills Center                               | Low Vision Rehabilitation Care and Support Services | \$25,000    | \$15,000            |
| 37      | 70.63             | Exceptional Kids                                   | HighPointe Services                                 | \$50,000    | \$15,000            |
| 37      | 70.63             | The Arc of Larimer County                          | Transition Opportunity Scholarship Fund             | \$15,000    | \$0                 |
| 39      | 65.00             | Feeding Our Community Ourselves                    | Community Meals                                     | \$18,000    | \$0                 |
| 40      | 64.63             | The Vegetable Connection                           | Feeding the Familes                                 | \$15,000    | \$0                 |
| 41      | 64.50             | Early Childhood Council of Larimer County          | Professional Development Scholarships for ECE       | \$37,900    | \$0                 |
| 42      | 62.88             | Sproutin Up  | Cooking and Lunch Programs                          | \$15,000    | \$0                 |
| 43      | 49.13             | L'Arche Fort Collins                               | L'Arche Fort Collins                                | \$55,000    | \$0                 |
|         |                   | TOTAL:   |   | \$1,769,200 | \$907,977           |

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

**DRAFT**

### SPECIAL MEETING

April 25, 2023 at 5:30 PM

1200 Raintree Dr, Fort Collins – Foxtail 1 Meeting Room

#### 1. CALL TO ORDER

- At 5:45 PM the meeting was called to order by Josh Johnson.

#### 2. ROLL CALL

- Board Members Present
  - Josh Johnson, Chair
  - Olga Duvall, Vice Chair
  - Christine Koepnick
  - Erma Woodfin
  - Michaela Ruppert
  - Mike Kulisheck
  - Mike Nielsen
  - Pat Hastings
- Staff Members Present
  - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
  - Beth Rosen, Social Sustainability – City of Fort Collins
  - Hannah Tinklenberg, Social Sustainability – City of Fort Collins
  - Tamra Leavenworth, Social Sustainability – City of Fort Collins
  - Sue Beck-Ferkiss, Social Sustainability – City of Fort Collins
  - Dianne Tjalkens, Social Sustainability – City of Fort Collins
- Community Members in Attendance
  - Kim Iwanski, CARE Housing
  - Dustin Barrington, L'Arche Fort Collins
  - Linda Drees, L'Arche Fort Collins
  - Lori Kempter, Crossroads Safehouse

Due to the duration and extent of the housing preliminary grant review, the summary of the meeting reflected in the minutes below may not include all details of the HSHF-Board's discussion. For further information, details and insight, and audio recording, resources are available by contacting the HSHF-Board staff liaison.

#### 3. AGENDA REVIEW

Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

#### 4. PUBLIC PARTICIPATION

Guests from the public introduced themselves. No additional public comments.

#### 5. BOARD MEMBER REPORTS

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

None.

#### 6. STAFF REPORTS

- The Wednesday, April 26<sup>th</sup> meeting will begin at 4:00pm to deliberate funding for the human services grant applications.

#### 7. UNFINISHED BUSINESS

None.

#### 8. NEW BUSINESS

- a. Deliberations to Formulate Funding Recommendations – CDBG Public Services (renewal funding)
  - Beth Rosen provided a brief overview of the CDBG Public Service funds to the Board, explaining that since these awards were originally allocated in FY22, then FY23 is the first year the Board must consider and vote on renewal funding. CDBG Public Service funds are distributed to organizations that provide emergency sheltering and services or provide housing stabilization services. The funds are distributed in percentages (of the eligible CDBG funding total for Public Service) over a 5-year period.
  - Beth Rosen gave an overview of each organization's funding request, what the funds will be used for, how many clients will be served, and the organization's progress over the last year. Several board members followed up with clarifying questions for Beth Rosen and Hannah Tinklenberg.
  - Olga Duvall motioned to approve the 2023 CDBG Public Service funding recommendations at the percentages presented. Mike Nielsen seconded. Approved 8-0.
  - The CDBG Public Service funds will be renewed for FY23 as follows:
    - Catholic Charities – Samaritan House Fort Collins Shelter – \$52,618 (31% of available funding)
    - Crossroads Safehouse – Domestic Violence Emergency Shelter Advocacy – \$44,132 (26% of available funding)
    - Family Housing Network of Fort Collins, Inc. – Family Housing Network Shelter Program – \$18,670 (11% of available funding)
    - Neighbor to Neighbor, Inc. – N2N Housing Solutions – Direct Rental Assistance – \$54,316 (32% of available funding)
- b. Deliberations to Formulate Funding Recommendations – Affordable Housing
  - The Affordable Housing Board's rankings of the housing proposals were presented.
  - A total of 6 proposals were submitted, requesting \$2.8 million total for housing projects and programs. Adam Molzer explained that the Board would first vote to support funding for each project, then rank each project in order of priority.
  - Beth Rosen provided an overview of the funding considerations and reviewed the Housing Strategic Plan goals, encouraging Board members to consider how each project relates to these goals when making their decisions.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

- Olga Duvall motioned to approve funding for HO-1 CARE Housing. Josh Johnson seconded. Approved 8-0.
- The Board engaged in discussion about HO-2 City of Fort Collins Forestry Department. They discussed several conditions that could be added to the contract to ensure the program operates smoothly and equitably. The Board also discussed other funding possibilities the Forestry Department could pursue in future years to assess the project's financial sustainability.
- Josh Johnson motioned to support funding for HO-2 City of Fort Collins Forestry Division with the condition that funding is only applied to owner-occupied primary residences and that they serve a minimum of 20 households with the funds. Olga Duvall seconded. Approved 8-0.
- Olga Duvall motioned to approve funding for HO-3 Elevation Community Land Trust. Michaela Ruppert seconded. Approved 8-0.
- Pat Hastings motioned to approve funding for HO-4 Habitat for Humanity. Erma Woodfin seconded. Approved 8-0.
- The Board engaged in discussion about HO-5 L'Arche Fort Collins – expressing concerns about the program's commitment to diversity, equity, and inclusion, and readiness to proceed.
- Olga Duvall motioned to approve funding for HO-5 L'Arche Fort Collins. Pat Hastings seconded. Approved 6-1-1. Erma Woodfin abstained.
- Josh Johnson motioned to approve funding for HO-6 Villages, Ltd. Mike Nielsen seconded. Approved 8-0.
- Erma Woodfin motioned to adopt the Affordable Housing Board's prioritized ranking of projects. Olga Duvall seconded. Josh Johnson proposed a friendly amendment to move HO-2 City of Fort Collins Forestry Division to Priority #5 and HO-5 L'Arche Fort Collins to Priority #6. Erma Woodfin and Olga Duvall accepted the friendly amendment. The final priority ranking list was presented as follows:

Priority #1 – **HO-1: CARE Housing – Heartside Hill**

Priority #2 – **HO-3: Elevation Community Land Trust – Kechter Townhomes**

Priority #3 – **HO-6: Villages, Ltd. – 2155 W. Plum**

Priority #4 – **HO-4: Fort Collins Habitat for Humanity – Harmony Cottages**

Priority #5 – **HO-2: City of Fort Collins Forestry Division – Tree Removal Pilot Program**

Priority #6 – **HO-5: L'Arche Fort Collins – L'Arche Housing**

Motion to pass the FY23 prioritization as presented passed 8-0.

Housing projects are ranked in priority order. If a project receives funding through the City from another source and/or withdraws their proposal, the funding recommendation will be withdrawn, and funds will be made available to the next eligible, prioritized project.

## 9. OTHER BUSINESS

None.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

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#### 10. NEXT MEETING

Wednesday, April 26, 2023 | 4:00 PM | Location: 222 Laporte Avenue – Colorado River Room

#### 13. ADJOURNMENT

Josh Johnson adjourned meeting at 7:57 PM.

Minutes were finalized and approved by the Human Services & Housing Funding Board on \_\_\_\_\_

DRAFT



# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

**DRAFT**

### SPECIAL MEETING

April 26, 2023 at 4:00 PM

222 Laporte Ave, Fort Collins – Colorado River Room

[Additional viewing option via Zoom](#)

#### 1. CALL TO ORDER

- At 4:09 PM the meeting was called to order by Josh Johnson.

#### 2. ROLL CALL

- Board Members Present
  - Josh Johnson, Chair
  - Olga Duvall, Vice Chair
  - Christine Koepnick
  - Erma Woodfin
  - Michaela Ruppert
  - Mike Kulisheck
  - Mike Nielsen
  - Pat Hastings
- Staff Members Present
  - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
  - Javier Echeverría Díaz, Sustainability Service Area – City of Fort Collins
  - Beth Rosen, Social Sustainability – City of Fort Collins
  - Amanda McGimpsey, Social Sustainability – City of Fort Collins
- Community Members in Attendance
  - Nathan Shaw, Vindeket Foods
  - Dustin Barrington, L'Arche Fort Collins
  - Jane Barber, Disabled Resource Services
  - Sharlene Johnson, Food Bank for Larimer County (online)
  - Katie Dockery, Exceptional Kids (online)
  - Kelli Pryor, United Way of Weld County (online)
  - Emma

Due to the duration and extent of the human services preliminary grant review, the summary of the meeting reflected in the minutes below may not include all details of the HSHF Board's discussion. For further information, details and insight, and video recording, resources are available by contacting the HSHF Board staff liaison.

#### 3. AGENDA REVIEW

Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

#### 4. PUBLIC PARTICIPATION

Guests from the public introduced themselves. No additional public comments.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

**5. APPROVAL OF MINUTES – April 5, 2023 Regular Meeting**

Olga Duvall moved to approve the April 5, 2023 meeting minutes as presented. Erma Woodfin seconded. Josh Johnson abstained due to absence at the April 5 meeting. Approved 7-0.

**6. BOARD MEMBER REPORTS**

None.

**7. STAFF REPORTS**

None.

**8. UNFINISHED BUSINESS**

None.

**9. NEW BUSINESS**

**a. Deliberations to Formulate Funding Recommendations – Human Services**

Adam Molzer provided a review of the goals of deliberation and the methods used to evaluate each Board member's scorecard. Javier Echeverría Díaz provided the Board members with a brief overview of the data analysis process, explaining that each Board member's scorecard was reviewed for accuracy and deviations. In his evaluation, Javier noted that all members' scores were well-balanced throughout the applications from high to low scores. No adjustments were necessary.

Deliberations protocol has Board members begin at the top of the ranking list, with each proposal open to further discussion. Funding recommendations will be made with a first and second motion, and friendly amendments are permitted.

Adam Molzer noted that funding recommendations will go before Council in June and the grant cycle will begin October 2023. Adam presented the Board with the available funding amount (\$907,977) and provided an overview of the ranking spreadsheet.

**HS-18: Homeward Alliance – Family Services Programs**

Motion by Josh Johnson to fund at \$35,000. Seconded by Pat Hastings. Approved 7-0-1. Christine Koepnick abstained.

**HS-34: The Family Center/La Familia – Family Support Services**

Motion by Olga Duvall to fund at \$42,700. Seconded by Mike Nielsen. Approved 8-0.

**HS-19: Homeward Alliance – Murphy Center**

Motion by Pat Hastings to fund at \$32,000. Seconded by Michaela Ruppert. Approved 7-0-1. Christine Koepnick abstained.

**HS-5: CASA of Larimer County – Family Connections at Harmony House**

Motion by Josh Johnson to fund at \$36,000. Seconded by Olga Duvall. Approved 8-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

#### **HS-4: CASA of Larimer County – Court Appointed Special Advocates**

Motion by Olga Duvall to fund at \$35,000. Seconded by Erma Woodfin. Approved 8-0.

Adam Molzer provided an update of funds: remaining balance is ~\$727,000.

#### **HS-40: United Way of Weld County – Coordinated Assessment and Housing Placement System**

Motion by Olga Duvall to fund at \$21,000. Seconded by Josh Johnson. Approved 8-0.

#### **HS-3: Boys & Girls Club of Larimer County – Boys & Girls Clubs of Larimer County**

Motion by Pat Hastings to fund at \$31,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-8: ChildSafe Colorado – Child Abuse Treatment Program**

Motion by Erma Woodfin to fund at \$40,000. Seconded by Mike Nielsen. Approved 8-0.

#### **HS-31: Teaching Tree Early Childhood Learning Center – Childcare Scholarships for Low-Income Families**

Motion by Mike Kulisheck to fund at \$54,000. Seconded by Josh Johnson. Approved 8-0.

#### **HS-24: Neighbor to Neighbor – N2N Rent Assistance Coordination**

Motion by Josh Johnson to fund at \$42,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-27: Respite Care – Childcare Scholarships for Low-Income Families**

Motion by Mike Kulisheck to fund at \$25,500. Seconded by Olga Duvall. Approved 8-0.

#### **HS-26: Project Self-Sufficiency – Project Self-Sufficiency**

Motion by Erma Woodfin to fund at \$21,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-2: Alianza NORCO – Bilingual Navigation Services Program**

Motion by Olga Duvall to fund at \$17,000. Seconded by Erma Woodfin. Approved 8-0.

#### **HS-33: The Crawford Childhood Advocacy Center – Fighting Child Sexual Abuse & Maltreatment**

Motion by Michaela Ruppert to fund at \$17,000. Seconded by Christine Koepnick. Approved 8-0.

#### **HS-35: The Matthews House – Youth and Family Center**

Motion by Josh Johnson to fund at \$30,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-17: Food Bank for Larimer County – Fort Collins Kids Cafe**

Motion by Pat Hastings to fund at \$22,000. Seconded by Josh Johnson. Approved 8-0.

#### **HS-43: Volunteers of America – Home Delivered Meals Program**

Motion by Mike Kulisheck to fund at \$24,000. Seconded by Olga Duvall. Approved 8-0.

#### **HS-23: Meals on Wheels for Fort Collins – Meal Delivery Program**

Motion by Mike Nielsen to fund at \$31,000. Seconded by Mike Kulisheck. Approved 8-0.

#### **HS-39: United Way of Larimer County – Larimer Child Care Fund**

Motion by Erma Woodfin to fund at \$20,000. Seconded by Christine Koepnick. Friendly amendment by Pat Hastings to fund at \$23,000. Accepted by Erma Woodfin and Christine Koepnick. Approved 8-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

#### **HS-37: The Salvation Army – Rent and Utilities Assistance**

Motion by Mike Kulisheck to fund at \$19,000. Seconded by Erma Woodfin. Approved 8-0.

Adam Molzer provided an update of funds: remaining balance is ~\$309,777.

#### **HS-7: Children’s Speech and Reading Center – Childhood Communication**

Motion by Pat Hastings to fund at \$16,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-10: Disabled Resource Services – Disability Services for Independence**

Motion by Michaela Ruppert to fund at \$25,000. Seconded by Olga Duvall. Approved 8-0.

#### **HS-41: Vindeket Foods – Vindeket Market**

Motion by Pat Hastings to fund at \$18,000. Seconded by Michaela Ruppert. Friendly amendment by Mike Kulisheck to fund at \$19,500. Accepted by Pat Hastings and Michaela Ruppert. Approved 8-0.

Discussion: The Board expressed their appreciation for the ways in which this organization addresses both hunger and food waste.

#### **HS-29: Sexual Assault Victim Advocate Center – Sexual Assault Victim Services**

Motion by Erma Woodfin to fund at \$26,000. Seconded by Mike Kulisheck. Approved 8-0.

#### **HS-1: A Little Help – A Little Help for Older Adults in Fort Collins**

Motion by Josh Johnson to fund at \$24,000. Seconded by Mike Nielsen. Approved 8-0.

Adam Molzer provided an update of funds: remaining balance is ~\$199,000.

Adam Molzer called for a short break at 5:24 PM and the meeting resumed at 5:51 PM.

#### **HS-15: Family Housing Network – Sherwood House - Bridge Housing**

Motion by Olga Duvall to fund at \$15,000. Seconded by Pat Hastings. Approved 8-0.

#### **HS-9: Crossroads Safehouse – Bringing Justice Home**

Motion by Erma Woodfin to fund at \$15,000. Seconded by Olga Duvall. Approved 8-0.

#### **HS-12: Elderhaus Adult Day Program – Direct Care for Residents Living with Disabilities**

Motion by Mike Kulisheck to fund at \$30,000. Seconded by Josh Johnson. Approved 8-0.

#### **HS-21: Larimer County Partners**

Motion by Olga Duvall to fund at \$15,000. Seconded by Michaela Ruppert. Approved 8-0.

#### **HS-22: McBackpack – McBackpack Program**

Motion by Josh Johnson to fund at \$15,000. Seconded by Olga Duvall. Friendly amendment by Erma Woodfin to fund at \$17,000 was declined. The motion fails 4-4. Opposed by Michaela Ruppert, Pat Hastings, Mike Kulisheck, and Erma Woodfin.

Adam Molzer provided an update that if McBackpack were funded at \$15,000, the remaining balance would be ~\$112,500.

Motion by Mike Kulisheck to fund at \$18,000. Seconded by Erma Woodfin. Friendly amendment by Mike Nielsen to fund at \$16,500 was declined. The motion fails 3-5. Opposed by Josh Johnson, Olga

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

Duvall, Christine Koepnick, Pat Hastings, and Mike Nielsen.

Motion by Pat Hastings to fund at \$16,700. Seconded by Erma Woodfin. Approved 8-0.

Discussion: The Board discussed the important role of this program in the community since it provides children who may depend on school meals on the weekdays with food for the weekends. Some Board members felt it was unfair to fund this project higher than the median when higher-ranked projects received a lower percentage of funds.

#### **HS-6: Catholic Charities – Senior Services Samaritan House Fort Collins**

Motion by Josh Johnson to fund at \$32,000. Seconded by Michaela Ruppert. Approved 8-0.

Adam Molzer reminded the Board that 12 programs remained to be discussed and provided an update of funds: remaining balance is ~\$75,577.

#### **HS-25: Plan de Salud del Valle – Primary Health Care Services in Fort Collins**

Motion by Pat Hastings to fund at \$0. Seconded by Josh Johnson. Approved 7-1. Opposed by Erma Woodfin.

Discussion: Board members noted that City funding would make up only a small portion of this organization's total budget and that the funds could have a greater impact on another organization or program.

#### **HS-36: The Quarter Project – The Quarter Project of Northern Colorado**

Motion by Pat Hastings to fund at \$15,000. Seconded by Olga Duvall. Approved 6-1-1. Opposed by Mike Kulisheck. Erma Woodfin abstained.

Discussion: Some Board members felt funds could be better utilized by organizations addressing urgent needs in the community. Other Board members argued for the long-term investment of this program, stating the importance of the educational STEM opportunities it provides to children who may not otherwise have access. The Board also discussed the importance of balancing fund distribution to support both urgent needs and long-term investments in the community.

#### **HS-28: Rocky Mountain Youth Medical & Nursing Consultants – Health & Wellness Centers**

Motion by Josh Johnson to fund at \$15,000. Seconded by Erma Woodfin. There is a 4-4 tie, and the motion fails. Opposed by Olga Duvall, Michaela Ruppert, Pat Hastings, and Mike Kulisheck.

Motion by Olga Duvall to fund at \$0. Seconded by Mike Kulisheck. Approved 6-2. Opposed by Christine Koepnick and Erma Woodfin.

Discussion: Some Board members expressed concern that this program serves a smaller number of clients than others and that funding could go further elsewhere. The Board also noted the importance of this program since it helps provide healthcare services to children from underserved communities within the Poudre School District.

#### **HS-42: Volunteers of America – Handyperson Program**

Motion by Olga Duvall to fund at \$15,000. Seconded by Josh Johnson. Approved 8-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

#### **HS-13: Enight Skills Center – Low Vision Rehabilitation Care and Support Services**

Motion by Michaela Ruppert to fund at \$15,000. Seconded by Olga Duvall. Approved 8-0.

#### **HS-14: Exceptional Kids – HighPointe Services**

Motion by Olga Duvall to fund at \$15,000. Seconded by Pat Hastings. Approved 5-3. Opposed by Christine Koepnick, Michaela Ruppert, and Erma Woodfin.

Discussion: Board members noted that City dollars would not be able to fully fund this project, but that they could be used as a down payment. Adam Molzer explained that the organization would have until September 2024 to use the funds and if they were not able to, they would have to forfeit the funds, which would be reallocated into the 2025 grant cycle.

Adam Molzer provided an update of funds: remaining balance is ~\$15,577.

#### **HS-32: The Arc of Larimer County – Transition Opportunity Scholarship Fund**

Motion by Pat Hastings to fund at \$15,000. Seconded by Olga Duvall. The motion fails 2-6. Opposed by Josh Johnson, Christine Koepnick, Michaela Ruppert, Mike Nielsen, Mike Kulisheck, and Erma Woodfin.

Discussion: Board members in support of this project argued that it would be the first of its kind in Northern Colorado and offer educational opportunities to individuals who would otherwise not have access. Board members in opposition noted that it serves the lowest number of clients of all applicants and that students would be required to secure additional funding elsewhere since the program doesn't guarantee full scholarships.

#### **HS-28: Rocky Mountain Youth Medical & Nursing Consultants – Health & Wellness Centers**

Motion by Josh Johnson to fund at \$15,000. Seconded by Erma Woodfin. Approved 7-1. Opposed by Olga Duvall.

#### **HS-32: The Arc of Larimer County – Transition Opportunity Scholarship Fund**

Motion by Josh Johnson to fund at \$0. Seconded by Mike Nielsen. Approved 7-1. Opposed by Pat Hastings.

#### **HS-16: Feeding Our Community Ourselves – Community Meals**

Motion by Olga Duvall to fund at \$0. Seconded by Christine Koepnick. Approved 8-0.

#### **HS-38: The Vegetable Connection – Feeding the Families**

Motion by Michaela Ruppert to fund at \$0. Seconded by Mike Kulisheck. Approved 8-0.

#### **HS-11: Early Childhood Council of Larimer County – Professional Development Scholarships for ECE**

Motion by Pat Hastings to fund at \$0. Seconded by Mike Nielsen. Approved 8-0.

#### **HS-30: Sproutin Up – Cooking and Lunch Programs**

Motion by Josh Johnson to fund at \$0. Seconded by Michaela Ruppert. Approved 7-0-1. Olga Duvall abstained.

#### **HS-20: L'Arche Fort Collins – L'Arche Fort Collins**

Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 8-0.

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## Human Services & Housing Funding Board

### SPECIAL MEETING

Adam Molzer provided an update of funds: remaining balance is \$577.

**HS-34: The Family Center/La Familia – Family Support Services**

Motion by Olga Duvall to fund at \$43,277. Seconded by Michaela Ruppert. Approved 8-0.

**Slate Proposals:**

Motion by Pat Hastings to adopt the recommended funding slate for Human Services true dollars and percentages as discussed and presented. Seconded by Erma Woodfin. Approved 8-0.

Adam Molzer applauded the Board members for the work achieved in Housing and Human Services over the last few months and weeks.

**10. OTHER BUSINESS**

Adam Molzer shared that a 360-review of the grant recommendation process will be presented at the next regular meeting on May 10, 2023.

**11. NEXT MEETING**

Wednesday, May 10, 2023 | 5:30 PM | Location: Zoom/Online

**13. ADJOURNMENT**

Josh Johnson adjourned the meeting at 7:12 PM.

Minutes were finalized and approved by the Human Services & Housing Funding Board on \_\_\_\_\_



# AGENDA ITEM SUMMARY

## City Council



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### STAFF

Caryn Champine, Director, Planning, Development and Transportation  
Meaghan Overton, Housing Manager, Sustainability Services  
Marcy Yoder, Manager, Neighborhood Services  
Marcus Coldiron, Chief Building Official  
Holly Coulehan, Legal

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### SUBJECT

**Items Relating to Housing Strategic Plan Implementation: Rental Housing Registration Program.**

### EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 086, 2023, Amending Chapter 5 of the Code of the City of Fort Collins to adopt a Rental Housing Registration Program as an Implementation Action of the Housing Strategic Plan and the Our Climate Future Plan.

B. First Reading of Ordinance No. 087, 2023, Appropriating Prior Year Reserves in the General Fund for the Startup Phase of the Rental Housing Registration Program.

The purpose of this item is to consider the adoption of a Rental Housing Registration Program that includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance. Additionally, this item asks the Council to consider an off-cycle General Fund appropriation in the amount of \$461,375 (with an anticipated two-year total for 2023-2024 of \$1.1 million) to support the startup and implementation phases of the program. The development of a Rental Housing Registration Program implements policy direction in both the Housing Strategic Plan (2021) and the Our Climate Future Plan (2021):

- Housing Strategic Plan, Strategy 20 - Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations.
- Our Climate Future Plan, Strategy HAH6 - Explore the option of mandated rental licensing/rental registry with minimum standards for health, safety, stability, and efficiency.

If adopted by the Council, staff anticipates the phased rollout of registration will begin in Q3 2024. The period between adoption and implementation will be used to hire and train staff, implement new software, implement improvements to the complaint-based inspection system and mediation program, and conduct education and outreach with landlords, tenants, property managers, and others impacted by the Rental Housing Registration Program. Because the timelines for hiring processes, educational outreach, and software upgrades will impact the overall program implementation timeline, staff will keep City Council updated on the progress of the rollout as milestones are achieved.



The proposed Ordinance and supporting AIS before the Council incorporates the components that a consensus of Councilmembers expressed support for bringing forward at April 18, 2023, Council meeting discussion of rental housing. The components of the proposed program include: (1) rental registration; (2) improvements to the existing complaint-based system, including software; (3) enhanced mediation services; and (4) public education and outreach programs.

## **STAFF RECOMMENDATION**

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Staff recommends the adoption of both Ordinances on First Reading.

## **BACKGROUND / DISCUSSION**

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### **ISSUE IDENTIFICATION**

Safe and stable housing provides a foundation that allows individuals, families, and communities to thrive. Livable housing has a positive impact on health, economic security, educational attainment, and the overall stability of families and communities. In engagement processes related to housing, renters are a critical stakeholder group who are often underrepresented and may have concerns about bringing issues of living conditions to a public forum.

#### **Current State – Rental Market**

In Fort Collins, the best available data suggests that more than 40% of all housing units are renter occupied. The 2019 Corona Insights Rental Market Study found that 68,815 Fort Collins residents are renters in approximately 29,000 households.<sup>1</sup> Fort Collins Utilities data estimates that approximately 38,000 homes in Fort Collins are rental units. The renter community in Fort Collins makes up a significant portion of the population but has little control over the condition or maintenance of its rental home. Because of Fort Collins' consistently low rental vacancy rate, renters have little choice in their housing options.

Renters in Fort Collins have additional challenges to changing their living situation. Those in a position to potentially purchase a home experience a housing market with few available "starter homes" at market entry-level prices. Investors own 80% of all townhomes, 86% of all duplexes/triplexes, and an outsized share of lower-priced single-family homes (with the average investor-owned single, detached unit costing approximately \$70,000 less than the average owner-occupied single, detached unit).<sup>2</sup>

#### **Current State – Complaint-Based Inspections and Warranty of Habitability**

The City does not currently conduct proactive rental property inspections for health, safety, and habitability. The City offers complaint-based rental inspections to promote safe and habitable housing for renters, which requires the tenant to file a complaint with the City. The complaint is not anonymous, requires notification of the landlord, is only available in English, and must be filed via email or in person at the City's Building and Development Review Center during business hours. This complaint-based inspection system identifies the renter as the initiating party to the landlord and does not address power dynamics faced by tenants who may fear retaliation, increased rental payments, damaged relationships with property owners, or eviction that can result from filing a complaint about living conditions in the unit.<sup>3</sup>

<sup>1</sup> Corona Insights, "Rental Market Study: Market Trends, Occupancy Ordinance, and Short Term Rentals", *FCGov.com*, Jan. 15, 2019, [www.fcgov.com/neighborhoodservices/files/corona-insights-rental-market-report-to-fort-collins-2019-01-15.pdf](http://www.fcgov.com/neighborhoodservices/files/corona-insights-rental-market-report-to-fort-collins-2019-01-15.pdf).

<sup>2</sup> Root Policy Research to Fort Collins Housing Strategic Plan, April 12, 2022, "Investor Ownership Analysis Memorandum", pg. 4-5, retrieved from [mccmeetings.blob.core.usgovcloudapi.net/fortcollco-pubu/MEET-Packet-71444ef2f9d14106a7c3219dcaee3e52.pdf](http://mccmeetings.blob.core.usgovcloudapi.net/fortcollco-pubu/MEET-Packet-71444ef2f9d14106a7c3219dcaee3e52.pdf) pg. 30.

<sup>3</sup> Chisholm, E., Howden-Chapman, P., and Fougere, G. (2020). Tenants' responses to substandard housing: Hidden and invisible power and the failure of rental housing regulation. *Housing, Theory and Society*, 37(2), 139-161.

Currently, complaints requesting rental property inspections can only be submitted via email or in paper form in person at 281 N. College Avenue. The forms are only available in English and contain long-form questions requiring a narrative about the issues.

The types of issues uncovered in complaint-based inspections that required repair provide a glimpse into the types of issues experienced by renters in Fort Collins. In early 2023, 148 complaint-based rental inspections from the past 7 years were compiled and analyzed to gather data on the types of issues requiring repair in Fort Collins rental homes. Properties were inspected based on minimum health and safety requirements under the International Property Maintenance Code. On average, rental inspections resulted in landlords being asked to complete 13 “required actions” that would bring their property into compliance. The range for the number of “required actions” per unit was 1 to 44. The following is a more detailed description of the types of compliance issues discovered:

| Complaint Category                                    | Description  |
|---|--|
| Interior General<br>(including Light and Ventilation) | <ul style="list-style-type: none"> <li>• Effectiveness at keeping out the elements</li> <li>• General condition under International Property Maintenance Code</li> <li>• Violations mean:               <ul style="list-style-type: none"> <li>○ Home is not secure against the elements (doors, windows, and roof) or intruders (doors and locks)</li> <li>○ Holes in the walls or ceiling</li> <li>○ Vermin infestation</li> <li>○ No windows/windows are too small</li> <li>○ Hallways/stairways are not properly lit</li> <li>○ Inadequate ventilation from windows, no/inoperable exhaust fans in bathrooms, and issues with exhaust vents for clothes dryers</li> </ul> </li> <li>• The Occupancy portion of this category refers to the general privacy for individuals</li> <li>• Violations mean:               <ul style="list-style-type: none"> <li>○ Bedrooms are not private</li> <li>○ Lack of easy access to a common bathroom</li> <li>○ Food preparation area lacks enough space and equipment (such as a refrigerator) to prepare and store foods in a sanitary manner</li> </ul> </li> </ul> <p><i>Note: Most of the complaints were centered around the state of repair of the home’s interior, its ability to keep out the elements, or defected/damaged surfaces.</i></p> |
| Electrical Facilities                                 | <ul style="list-style-type: none"> <li>• Presence of, and state of, electrical service and outlets</li> <li>• Most common violation:               <ul style="list-style-type: none"> <li>○ Lack of GFCI protection in kitchen and bathroom outlets, which can pose a very serious risk of harmful electric shock.</li> </ul> </li> </ul>  |

| Complaint Category       | Description  |
|--------------------------|--|
| Exterior General         | <ul style="list-style-type: none"> <li>Area outside the home such as the yard, sidewalk, outbuilding, fences, decks, and stairways that are damaged, in disrepair, or infested by vermin</li> <li>Hazards due to tripping/falling/collapse risk</li> </ul> <p><i>Note: This category is not concerned with aesthetic issues such as an overgrown lawn or fallen leaves that haven't been picked up.</i></p>  |
| Mechanical Facilities    | <ul style="list-style-type: none"> <li>State of repair of mechanical appliances</li> <li>Violations mean: <ul style="list-style-type: none"> <li>Mostly cited state of heating and related fuels in the home for homes unable to be heated to 68 degrees or higher during the fall/winter months</li> <li>Mechanical appliances related to heating do not have proper ventilation</li> <li>Risk of a fuel leak from mechanical appliances</li> </ul> </li> </ul> |
| Fire Safety Requirements | <ul style="list-style-type: none"> <li>Smoke alarms and carbon monoxide detectors</li> <li>Means to escape the dwelling in the case of a fire including lack of egress doors/windows</li> <li>Difficulty escaping in case of a fire</li> <li>Lack of smoke alarms or carbon monoxide detectors</li> </ul>  |
| Plumbing Facilities      | <ul style="list-style-type: none"> <li>State of and access to sinks, showers, toilets, and laundry facilities</li> <li>Lack of functional and sanitary toilets, showers, and sinks, or failure to properly connect to the sewers</li> <li>Lack of hot water or water pressure.</li> </ul>  |

Currently, rental units in Fort Collins are regulated by both the State of Colorado's 'Implied Warranty of Habitability' and the International Property Maintenance Code, adopted by Fort Collins' Building Services. These baseline requirements are enforced in different ways. Complaint-based rental inspections follow the International Property Maintenance Code. Landlords, property owners, and property managers expressed concern about the financial burden of bringing their rental into compliance with the International Property Maintenance Code.

The Implied Warranty of Habitability is a state law that requires landlords renting out residential spaces to maintain those spaces to be "fit for human habitation" and generally safe.<sup>4</sup> Examples of habitability standards include:<sup>5</sup>

- Waterproofing and weather protection** that are maintained in good working order on the roof, outside walls, windows, and doors;
- Plumbing or gas facilities** that are maintained in good working order and that complied with the applicable building codes when they were installed;
- Running hot and cold water** that are furnished to the appropriate fixtures in the property and are connected to the appropriate sewer system;

<sup>4</sup> 2020 Colorado Revised Statutes Title 38 - Property - Real And Personal Article 12. Tenants and Landlords Section 38-12-503. Warranty of habitability.

<sup>5</sup> Colo. Rev. Stat. § 38-12-505

- Functioning **heating facilities** that are in good working order and that complied with the applicable building codes when they were installed. (NOTE: There is no requirement that the landlord provide air conditioning or cooling systems of any sort.);
- **Locks or security devices** that are in good working order on all exterior doors and openable windows; and
- Functioning **appliances** maintained in good working order.

The City of Fort Collins utilizes the International Property Maintenance Code for complaint-based rental inspections.

Enforcement of the Warranty of Habitability falls to the tenant. The tenant must inform the landlord in writing of a health or safety concern about the home. If the landlord does not respond with a plan to repair (or for some issues begin repairs) within the appropriate timeframe under the law, the tenant has a series of options to enforce the Warranty of Habitability through the court. Some judicial decisions throughout the life of the case may result in penalties for the tenant from the court even if a violation of the Warranty of Habitability is later determined to be valid. Local nonprofit legal service providers do not take on Warranty of Habitability cases due to the cost and staff time, length of the cases, and the likelihood of success for the tenant compared to the rest of their caseload.

### **Current State - Mediation**

Mediation is an alternative dispute resolution technique that brings parties in conflict together with a neutral mediator to collaboratively resolve the conflict and reach a mutual agreement on how to proceed with their interactions. The City of Fort Collins offers free, community mediation services through the Mediation and Restorative Justice Program. This program has provided landlord/tenant and other types of mediation for more than 20 years. Around 40% of the calls they receive are housing disputes among landlords, tenants, and roommates where people may be at risk of eviction.

Over 90% of landlord/tenant mediation requests received by the City are tenant-initiated. Although tenants contact Mediation and Restorative Justice with an interest in mediation, an average of only 5.5% get to a mediation process and of those, 30-40% fail to reach an agreement. In 2022, the City's Mediation Team received more than 100 mediation requests for landlord/tenant issues and 8 landlord/tenant mediations were held. The low rate of mediation held compared to the number of contacts can be attributed to challenges with getting all parties to the table such as face to face nature of mediation, lack of enforceable protection against retaliation for engaging in the process, and willingness of landlords or property managers to participate.

### **Current State - Education and Outreach**

Outreach for the complaint-based rental inspections is largely reactive in response to tenant inquiries to the City about resolving livability issues in their rental unit. The Building Services webpage contains information on the inspections and the Neighborhood Services webpage offers a variety of other resources for self-advocacy like mediation services, Landlord-Tenant Handbook, and educational videos from Landlord-Tenant and Fair Housing Workshops.

Mediation and Restorative Justice has up-to-date brochures available in English and Spanish. The complaint-based inspections and other landlord-tenant resources do not currently have written promotional materials. The rental complaint form and the landlord-tenant handbook are only available in English and the handbook can only be accessed online.

### **PROPOSED PROGRAM DESIGN**

Throughout the two years of discussion on rental housing policy, the primary goal agreed upon by all sectors of the public and City Council is that the outcome for this program should be improving living

conditions for renters without displacement. The following program components for Council's consideration were developed through a community-centered approach that includes input from previous engagement efforts; public comment at the hearings; and guidance from City Council, and updated inputs from nonprofit community partner organizations, renters, and landlords. If the program moves forward, additional collaborative work on program implementation will continue with a wide range of stakeholders.

## 1. Rental Property Registration

| Items funded under the proposal                          |
|--|
| Registration/Complaint-Based Inspection Software Upgrade |
| Rental Housing Program Manager 1.0 FTE                   |
| Administration/Technician 1.5 FTE                        |
| Data Collection  |

The proposed program would require landlords/property owners to enroll their properties into the program and update contact information annually. To maintain complete and timely information, all property owners who rent to tenants would be required to enroll their rental properties into the program, including both owner-occupied rental properties and fully renter-occupied properties.

The rental registration information collected would include, but is not limited to:

- Name and contact information of the property owner(s), whether LLC or natural person
- Contact information for the property manager, if one is used; language(s) spoken by property manager
- A local contact located no more than 70 miles from the property, if applicable
- A complete list of additional rental properties owned by the property owner, if applicable
- Types of units at the property
- Commercial name of the property (example: "Horsetooth Ridge Townhouses") if any
- Age of units
- Monthly rent\*
- Utilities or services included in the rent\*
- Average length of tenancy per unit/Unit turnover\*
- Is this a restricted-occupant unit (example: in a 55+ community, income-qualified, business-provided workforce housing)
- Has a third-party inspection been completed in the last year?

\*Nonprofit partners and tenant advocacy groups support requiring disclosure of monthly rent per unit and information on the types of leases currently utilized in Fort Collins as part of this program, but some landlords opposed this as a registration requirement. Program implementation could include these as optional disclosures and set a timeline to review their inclusion and optional nature.

Additional reporting could be required in the future if the startup phase reveals the need for specific information that could enable more data-informed decision-making.

## 2. Improvements to Complaint-Based Inspections

| Items funded under the proposal                                  |
|--|
| See #1, Registration/Complaint-Based Inspection Software Upgrade |
| Rental Inspectors 2.0 FTE  |
| Vehicles x 2   |

- **Upgrades to software** – this would automate the process for notifications of violations, track reinspection, and resolutions of violations, and provide baseline data. This will improve consistency, efficiency, and data collection/analysis for complaint-based inspections.
- **Improve access and processes** – for complaint-based rental inspections. Intake processes and forms will be reworked to ensure they are accessible, and that process is understood by all parties.
- **Extend timeline for reporting** – Many complaint-based rental inspections are made when the tenant plans to move out. This reduces the potential for retaliation by the landlord and may be made after the tenant has found other suitable accommodations. The current “right of entry” for complaint-based inspections in the Municipal Code allows only the current resident to grant permission. This program proposes an internal policy change to allow Rental Inspectors to contact property owners regarding permission for a complaint-based “move-out inspection” initiated by a former tenant up to two weeks following the end of the tenancy.

## 3. Enhanced Mediation

| Items funded under the proposal                                 |
|---|
| See #4, Education and Outreach Engagement Specialists (2.5 FTE) |

- **Proactive Mediation Agreements** – Nonprofit service providers have negotiated agreements with many landlords who provide affordable housing to proactively agree to participate in mediation before attempting to evict the tenant. Program funds and staffing could be leveraged for the expansion of this initiative.
- **Additional Engagement Staff** – Engagement staff would assist with some education and outreach related to mediation in addition to other duties under this program. Their primary functions would be to build relationships with stakeholders including nonprofit partners, renters, and low-income/fixed-income landlords; establish best practices to decrease displacement and provide culturally competent engagement opportunities.
- **Collaborative Working Group** – This program could assist with establishing a collaborative working group among mediation service providers to consider options for working with the court to provide mediation services for landlords and tenants in the time between an eviction filing and a judicial hearing.

The City’s Mediation and Restorative Justice Program and several housing-related nonprofits provide mediation services under the Eviction Legal Fund. The City’s program and the nonprofits’ programs function differently. The nonprofits are exploring a promotor’s model where community members are trained in mediation and wrap-around housing resources/navigation and deliver those services in the neighborhoods where they live. The City’s program is carried out by volunteers from neighborhoods across the city, focuses on the mediation program, and cannot refer participants to other service providers or community resources. However, the City’s program has funding and potential for capacity-building for housing-related mediation services that the nonprofits do not.

Larimer County Court currently provides hearings in Forcible Entry and Detainer or “eviction” proceedings before multiple judges that can be scheduled any day of the week when that courtroom has an opening in the docket. Other Colorado county courts require mediation prior to a judge



hearing an eviction case. There are indications that Larimer County Court may be interested in further discussions around their process and a potential local pilot program, however there is currently not enough capacity between the Mediation and Restorative Justice Program and the nonprofit Eviction Legal Fund service providers combined to facilitate such a pilot.

Enhancements to housing-related mediation services are intended to build trust and remove barriers to participation with the acknowledgment that it may be difficult for enhanced mediation services to demonstrate outcomes quickly.

#### 4. Education and Outreach

| Items funded under the proposal   |
|---|
| Engagement Specialists 2.5 FTE (2 full-time and 1 part-time)  |
| Development of educational materials, warranty of habitability and rental minimum standard guidelines disclosures, and resource booklet |
| Voluntary, educational community assessments for minimum health and safety standards  |
| Mitigation Grant Fund Pilot (funding would require a separate Council action and appropriation)   |
| Exploration of low/no-interest loan options for landlords (funding would require a separate Council action and appropriation)           |

The following strategies are included in the proposed funding:

- **Additional Engagement Staff** – Two full-time and one part-time engagement staff would build relationships with stakeholders including nonprofit partners, renters, low-income/fixed-income landlords, and property managers/property owners; establish best practices to decrease displacement; and provide culturally competent engagement opportunities.
- **Additional minimum health and safety materials** – The Chief Building Official for the City of Fort Collins developed draft rental inspection guidelines (*see Attachment*) that address minimum health and safety standards for potential use in rental inspections moving forward which outlines expectations of the unit, achieving the result of improved living conditions and decreasing the fear of the potential financial impact of necessary repairs for property owners through transparency and education. Additional descriptive guidance documents, photographs, and videos would be available on the rental housing webpage.
- **Development of Warranty of Habitability/Rental Housing Inspection disclosure and resource booklet for landlords and tenants** – Colorado Legal Services has an excellent one-page, educational brochure on the Warranty of Habitability and minimum living conditions for rental properties that could be used for this purpose immediately. All educational materials, resource links, and details on the standards would be available to the public on a City-maintained website.
- **Voluntary, educational community assessments for minimum health and safety standards** – In a model like the successful Healthy Homes program, these assessments would be voluntary, educational in-home assessments, conducted by trained community members as a companion to the complaint-based inspection system to assist landlords with voluntary compliance and calculation of potential financial impacts. Tenant-requested educational community assessments would also help delineate life, health, and safety issues of the built environment in need of immediate repair from issues that fall outside the scope of enforcement for the City of Fort Collins. Components could include a mini Do-It-Yourself toolkit for landlords uncomfortable with in-home assessments. Training community members in minimum health and safety standards also improves general community awareness and builds skills for a possible career pipeline into City positions.

- **Pilot grant fund for low-income landlords to improve substandard living conditions (2024)** – Building on the success of the Mobile Home Park Mini-Grant outcomes from 2020, piloting a grant fund for mitigation of habitability issues would provide data on uptake rates, depth of issues within a single rental unit, breadth of issues across the city, and affordability metrics.

A proposed pilot \$100,000 mitigation grant fund in 2024 would be available for income-qualified landlords who voluntarily participate in educational community assessments detailed below. A pilot grant fund would assist with determining the scope of health and safety issues citywide and per rental unit and uptake rates from landlords and create a new pathway to voluntary compliance. Grant recipients could be required to cap rent increases to no more than 3% per lease period per improved unit for a specified period of time commensurate with grant amounts, as outlined in the Rental Housing Program Equity Assessment.

- **Exploration of a low-interest/no-interest loan product for landlords** – Modeled after Fort Collins Utilities' Epic Loan Program, feasibility and options will need additional time to be investigated. If desired, Staff could present Council with options and research findings in the future.

The following additional strategies are supported by stakeholder engagement feedback, success of existing analogous City programs, and City Councilmembers' input and could be part of the rental housing program implementation although they are not current commitments under the proposed funding.

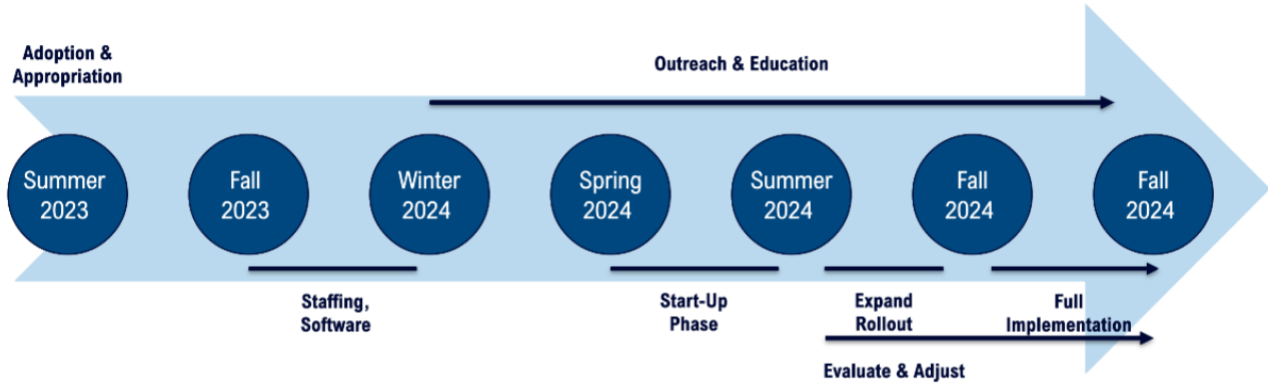
- **Neighborhood-level clean-up and repair volunteer days** – This component would require the development of partnerships with skilled volunteers from nonprofit organizations like Habitat for Humanity and businesses with home repair expertise. These repair days are envisioned for lower-income neighborhoods and areas with high concentrations of rental properties.
- **Building Permit "Coupon Weeks" for limited, specific permit applications related to health and safety** – In the past and in the interest of equity, Building Services has temporarily decreased the cost of certain permits for specific neighborhoods to increase safety and voluntary compliance. This program proposes similar reduced rate permits for a limited time and manner for improvements in substandard living conditions by property owners. This may require funding from a BFO offer or grant funding.
- **Ask Inspector events and anonymous online forum**
- **Expansion of landlord and tenant training sessions, online materials, and stakeholder-specific cohorts**
- **Addressing outreach challenges** – Increasing access to and awareness of the existing complaint-based rental inspection program may result in the loss of some rental units, particularly for owner-occupied properties with some associated rental units (such as a home where the owner has roommates). The threat of costs associated with compliance may encourage these landlords to stop renting out their units but remain in the home as a non-rental property, eliminating the cost of compliance and fear of inspection by decreasing available rental housing stock and displacing current tenants.

Ninety point three percent (90.3%) of rental home investors in Fort Collins only own one (1) rental property, making them less likely to use rental income as their primary source of income than investors who own multiple properties and are less likely to participate in industry associations. This combination creates a need for engagement and education delivery models that focus on the individual property owner rather than on affiliate organizations, which takes longer and must include design elements that are customized.

Additional research into the feasibility of components with financial impacts or those requiring more complex coordination will be conducted and reported to Council following the onboarding of program staff.



## TIMELINE



### Q3 2023

- Hiring and Onboarding Staff
- Improve Complaint-Based Access
- Determine Program Metrics

### Q4 2023

- Software Upgrades and IT Improvements
- Enhanced Mediation
- Education on Complaint-Based Inspections
- Recruitment for Community Assessment Team
- Begin Exploring Loan Product

### Q1 2024

- Rental Registration Outreach
- Training for Community Assessment Team
- Hire Remaining Staff

### Q2 2024

- Begin Rental Registration
- Mitigation Grant Program Pilot for Income-Qualified Landlords
- Begin Voluntary Community Assessments

## PROPOSED FEE STRUCTURE

The proposed Rental Housing Program fee structure has been designed to cover all administrative costs as projected for the first six years of implementation. Regular analysis of fees to evaluate cost recovery will be included in the administrative tasks of the Rental Housing Program staff, similar to many other fee-based City programs.

To balance the impact of fees across different types of landlords and properties, staff proposes a hybrid fee structure that allocates program costs to both the rental property (75% of the cost) and each unit being rented (25% of the cost). Staff's intent in proposing a hybrid fee structure is to provide a more equitable distribution of costs among different property types.

### Proposed Fee Table (75% based on property and 25% based on units)

| Annual Fees  | Per Property | Per Unit |
|--------------|--------------|----------|
| Registration | \$37         | \$10     |

## PROPOSED STAFFING AND STARTUP COSTS

The proposed staffing and startup costs of the Rental Housing Program are based on a phased approach to hiring during the startup phase. Hiring would start with four staff to begin education, outreach, and implementation. Then additional staff will be added as needed to support implementation. In total, the staff is requesting an appropriation of \$1.1 million over a 2-year period (\$461,375 in 2023 and \$614,700 to be appropriated in late 2023 for 20up phase of the proposed program. Note that all appropriations for 2024 will be made by separate ordinance in late 2023, including the \$100,000 potential funding for a mitigation grant fund pilot.

|  | FTE         | Per FTE Cost | 2023 Costs (from June-Dec. 2023) | 2024 Costs       |
|--|-------------|--------------|----------------------------------|------------------|
| <b>Compensation</b>  |             |              |                                  |                  |
| Program Manager  | 1           | \$ 90,000    | \$ 45,000                        | \$ 90,000        |
| Lead Rental Inspector  | 1           | \$ 80,000    | \$ 40,000                        | \$ 80,000        |
| Rental Inspector   | .5          | \$ 35,000    | \$ 17,500                        | \$ 35,000        |
| Engagement Specialist – Landlords                                | 1           | \$ 65,000    | \$ 32,500                        | \$ 65,000        |
| Engagement Specialist – Tenants                                  | 1           | \$ 65,000    | \$ 32,500                        | \$ 65,000        |
| Part-Time Engagement Specialist (Connector or Housing Navigator) | .5          | \$ 30,000    | \$ 15,000                        | \$ 30,000        |
| Admin/Tech   | 1.5         | \$ 75,000    | \$ 25,000                        | \$ 75,000        |
| <b>Total FTE</b>   | <b>6.5</b>  |              | <b>\$207,500</b>                 | <b>\$440,000</b> |
| <b>Benefits</b>  | <b>0.25</b> |              | <b>\$ 51,875</b>                 | <b>\$110,000</b> |
| <b>Total Compensation</b>  |             |              | <b>\$259,375</b>                 | <b>\$550,000</b> |

| <b>One-Time Costs</b>              |          |           |                 |                 |
|------------------------------------|----------|-----------|-----------------|-----------------|
|                                    | Quantity | Cost/Item | Total Cost 2023 | Total Cost 2024 |
| Software (Complaint-Based System)  | 1        | \$75,000  | \$ 75,000       | \$0             |
| Vehicle                            | 2        | \$30,000  | \$ 60,000       | \$0             |
| Computer Hardware – Non-Inspectors | 6        | \$ 1,500  | \$ 9,000        | \$0             |
| Computer Hardware – Inspectors     | 2        | \$ 2,800  | \$ 5,600        | \$0             |
| Outreach and Program Supplies      | N/A      | N/A       | \$ 5,000        | \$ 10,000       |

**One-Time Costs**

|                             | Quantity | Cost/Item  | Total Cost 2023  | Total Cost 2024  |
|-----------------------------|----------|------------|------------------|------------------|
| Tools                       | 2        | \$ 100     | \$ 200           | \$0              |
| Mitigation Grant Fund Pilot | N/A      | \$100,000* | \$0              | \$0              |
| <b>Total One-Time Costs</b> |          |            | <b>\$154,800</b> | <b>\$ 10,000</b> |

\* Will pursue a 2024 Appropriation.

**Ongoing Annual Costs**

|                                   | Quantity | Cost/Item | Total Cost 2023 | Total Cost 2024 |
|-----------------------------------|----------|-----------|-----------------|-----------------|
| Vehicle Maintenance/Fuel          | 2        | \$10,000  | \$20,000        | \$20,000        |
| Translation                       | N/A      | N/A       | \$10,000        | \$10,000        |
| Postage                           | N/A      | N/A       | \$10,000        | \$10,000        |
| Phone                             | 7        | \$ 600    | \$ 4,200        | \$ 4,200        |
| Marketing                         | N/A      | N/A       | \$ 2,500        | \$10,000        |
| Uniforms (Inspectors)             | 2        | \$ 250    | \$ 500          | \$ 500          |
| <b>Total Ongoing Annual Costs</b> |          |           | <b>\$47,200</b> | <b>\$54,700</b> |

| <b>Total Costs 2023 and 2024</b> |                        |                        |
|----------------------------------|------------------------|------------------------|
|                                  | <b>Total Cost 2023</b> | <b>Total Cost 2024</b> |
| Total Compensation               | \$259,375              | \$550,000              |
| One-Time Costs                   | \$154,800              | \$ 10,000              |
| Ongoing Costs                    | \$ 47,200              | \$ 54,700              |
| <b>Total Costs</b>               | <b>\$461,375</b>       | <b>\$614,700</b>       |

**PREVIOUS COUNCIL DIRECTION**

- The most recent community discussion about rental housing strategies began in 2020 as part of the development of the Housing Strategic Plan. In December 2020, the Council Ad Hoc Housing Committee expressed interest in exploring rental licensing to support healthy, stable housing for people who rent their homes. The Committee encouraged consideration of a pilot program for rental registration or licensing.
- At the October 26, 2021 work session, staff shared information with Council about the history of rental housing strategies, findings from recent demographic and market analysis, a summary of peer cities research, and an outline of a proposed roadmap to implement rental housing strategies. Several Councilmembers supported additional community engagement in early 2022 to further explore the potential design of a rental registration/licensing program.
- Staff conducted community engagement during an 8-month period between December 2021-July 2022. The outcomes and themes from community engagement, recommendations from a Rental Housing Task Force composed of community members, a summary of best practices, and an

exploration of potential next steps toward implementation were the focus of a work session with Council on August 23, 2022. At this work session, Council directed staff to design a Rental Housing Program that included proactive inspections.

- In response to Council feedback, a cross-departmental staff team designed a Rental Housing Program comprised of two essential components: 1) property registration; and 2) proactive inspections. The proposed program would have required an initial appropriation of \$1.6 million for its startup phase. An overview of the proposed program and its expected financial impact was presented to the Council Finance Committee on December 1, 2022. The Committee supported bringing the Rental Housing Program before the full Council for consideration on First Reading.
- At the first reading on January 17, 2023, Council voted to table the Rental Housing Program as presented and asked staff to bring scaled options to a future work session.
- At the February 28, 2023 work session, Council reviewed scaled options for a Rental Housing Program. Three options were presented: rental registration with improved complaint-based inspections (Option 1), rental registration with delayed proactive inspections (Option 2), and rental registration with proactive inspections (Option 3). Proposed improvements to the complaint-based inspection program in Option 1 included the expansion of landlord/tenant mediation support, enhanced education and outreach, and additional staff capacity to perform rental inspections. Most Councilmembers supported Option 2 and staff scheduled First Reading of an ordinance encompassing Option 2 for April 4, 2023.
- At the April 4, 2023 meeting, Council approved on First Reading a rental housing registration and proactive inspection program by a 4-3 vote.
- In response to community concerns about unintended consequences, at the Second Reading of an ordinance to create a rental housing registration and proactive inspection program on April 28, 2023, City Council voted to indefinitely postpone further discussion or decisions on that ordinance. Council then directed staff to bring forward a rental registration program that included improvements to the existing complaint-based inspection system, including software upgrades; enhanced mediation; and increased inclusive education and outreach tools and resources.

## **CITY FINANCIAL IMPACTS**

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On December 1, 2022, staff presented initial estimates of the proposed Rental Housing Program's initial and ongoing costs and anticipated fee structure, which was designed to make the program self-sustaining upon full implementation. Two of three Council Finance Committee members were supportive of an appropriation of \$1.6 million from General Fund reserves (\$750,000 in 2023 and \$850,000 in 2024) to fund the first two years of the program in its startup phase.

The currently proposed option described herein has lower startup costs than the program presented in December. In total, the staff is requesting an appropriation of approximately \$1.1 million from General Fund reserves (\$461,375 in 2023 and \$614,700 to be appropriated in late 2023 for 2024). A 2024 Revision offer will be completed during the revision process in July of 2023 to gain Council approval to appropriate the 2024 amount from General Fund reserves needed for this program. Note that the \$100,000 potential funding for a mitigation grant fund pilot would require a separate appropriation request for 2024 from the program appropriation request for 2024.

The fees are set at the full cost recovery amounts, the revenue projection exceeds the appropriation request and would recover the startup costs within five years.

## **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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An overview of the proposed program and its expected financial impact was presented to the Affordable Housing Board and the Council Finance Committee on December 1, 2022.

## PUBLIC OUTREACH

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Public engagement processes that assisted with shaping the proposed Rental Housing Registration Program components included:

|  |                 |
|--|-----------------|
| Housing Strategic Plan engagement                              | 2020-2021       |
| Rental industry presentations                                  | Feb. 2022       |
| Rental Industry Questionnaire                                  | Feb.-March 2022 |
| Rental Housing Task Force                                      | March-Aug. 2022 |
| Community Questionnaire  | August 2022     |
| Housing Nonprofit, Renter, Small Landlord Stakeholder Meetings | April-May 2023  |

Outreach for the development of the rental housing program focused on landlords, property managers, and property owners. An initial rental industry questionnaire and educational presentations were provided to industry stakeholders in early 2022 but a parallel engagement track for renters had fewer formal opportunities to provide input and nonprofit entities that work in the housing sector had no dedicated engagement for the program development. There was previous engagement with renters during the Housing Strategic Plan process expressing support for changes. The Rental Housing Taskforce did include participants from the renter or former renter category and from landlords, property managers, or real estate professionals. Stakeholders from rental housing program engagement activities stated an interest in follow-up regarding the proposed program design on proactive rental inspections, occupancy policy, and rental registration before the proposal went to Council for consideration but some felt they had limited opportunities to review or provide additional feedback.

Nonprofit community partners expressed concern related to the lack of opportunities for nonprofits and renters to provide feedback or guidance in the process, citing unintended consequences for renters and low-income landlords they believe were not considered or acknowledged as risk factors in the program development. Since the Second Reading of the previous ordinance, Neighborhood Services staff has been collaborating closely with nonprofit community partners, renters, and fixed-income/low-income landlords to co-create educational program components and proposed incentives for voluntary compliance with the minimum habitability standards and participation in mediation. The proposed program design reflects the outcomes of this community-centered work.

## ATTACHMENTS

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1. Ordinance A for Consideration
2. Ordinance B for Consideration
3. Rental Market Study - Corona Insights (2019)
4. Warranty of Habitability - Colorado Legal Services
5. Equity Assessment 2023
6. Proposed Rental Housing Minimum Requirements
7. Rental Registration Presentation

ORDINANCE NO. 086, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF FORT COLLINS  
TO ADOPT A RENTAL HOUSING PROGRAM AS AN IMPLEMENTATION ACTION OF  
THE HOUSING STRATEGIC PLAN AND THE OUR CLIMATE FUTURE PLAN

WHEREAS, livable housing has a positive impact on health, economic security, educational attainment and the overall stability of individuals and families in communities; and

WHEREAS, in Fort Collins, the best available data suggests that more than 40% of all housing units are renter-occupied; and

WHEREAS, the renter community, which makes up a significant portion of the City's population, would benefit from proactive rental property registrations and continued complaint-based inspections conducted by the City to ensure the health, safety and habitability of their rental housing; and

WHEREAS, the City Council has thoroughly considered options for advancing the objectives of the Council-adopted Housing Strategic Plan (Strategy 20) and Our Climate Future Plan (Strategy HAH6) through a rental housing program; and

WHEREAS, the City Council has determined that the approach that best balances the costs and benefits of a rental housing program includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance; and

WHEREAS, in order to pursue that preferred approach, this Ordinance amends Chapter 5 of the City Code to adopt a rental housing program (the "Program"); and

WHEREAS, as part of the Program, the City will maintain a complaint-based rental inspection system to promote safe and habitable housing for renters and will engage and maintain communication with nonprofit organizations and landlord groups to understand the impacts and effect of this rental housing registration program on renters and landlords; and

WHEREAS, through the Program the City will provide information and education to tenants and landlords regarding the prohibition against renter retaliation for making complaints or reporting instances of unsafe housing; and

WHEREAS, in order for staff to initiate the Program in 2023, Council is also considering the appropriation of funds for startup and implementation of the Program; and

WHEREAS, the Council has determined, and now finds, that the adoption of this Ordinance is necessary to ensure safe and stable housing that allows individuals, families and communities to thrive and is necessary for the public's health, safety and welfare.

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

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

Section 2. That Section 5-236 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

**~~Sec. 5-236. -- Definitions.~~**

~~For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:~~

~~Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use Code, International Building Code, International Fire Code, Land Use Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words *dwelling unit*, *dwelling*, *premises*, *building*, *rooming house*, *rooming unit*, *housekeeping unit* or *story* are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~*Electronic record* shall mean a record created, generated, sent, communicated, received or stored by electronic means and reproducible in a physical document.~~

~~*Owner* shall mean any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without actual possession thereof, or has charge, care or control of any dwelling or dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person, group of persons, company, association or corporation who holds only a security interest or easement on the real property upon which the dwelling or dwelling unit is situated.~~

~~*Property manager* shall mean any person, group of persons, company, firm or corporation charged with the care and control of rental housing as defined below who performs services with respect to such rental housing under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing.~~

~~*Rental dwelling unit* shall mean one (1) or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services or the sharing of expenses) and that is located in a boarding house or a single family, two family or multi family dwelling.~~

~~Rental housing shall mean any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any dwelling unit, or guest room which is leased, rented or sublet to a family or person(s) for compensation (including money or services, and the sharing of expenses).~~

Section 3. That a new Section 5-221 is hereby created in Chapter 5 of the Code of the City of Fort Collins to read as follows:

## **ARTICLE VI. HOUSING STANDARDS**

### *Division 1 Generally*

#### **Sec. 5-221. Definitions.**

For the purposes of this Article, certain terms, phrases, words and their derivatives shall be construed as expressly stated herein and as follows:

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular. Where terms are not defined in this Division and are defined in the City Code, Land Use Code, International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code or National Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings in the context used. Whenever the words *long-term residential rental dwelling unit*, *dwelling unit*, *dwelling*, *premises*, *building*, *rooming house*, *rooming unit*, *housekeeping unit* or *story* are stated in this Article, they shall be construed as though they were followed by the words “or any part thereof.”

*Agent* shall mean any person legally authorized to act on behalf of or in place of the owner or lessee of a long-term residential rental dwelling unit and for receipt of notices and legal service of process related to a long-term residential rental dwelling unit. An *agent* may also be the local contact.

*Applicant* shall mean any person who seeks to register a long-term residential rental dwelling unit as a long-term residential rental under this Division.

*Building* shall mean a structure with the capacity to contain, and is designed for the shelter of, humans, animals, or personal property of any kind. Building shall include, without limitation, any house, office building, store, warehouse, or any other residential or nonresidential structure of any kind, whether or not such structure is permanently affixed to the ground upon which it is situated, and any trailer, semi-trailer, trailer coach, mobile home, or other vehicle designed or used for occupancy by persons for any purpose.



*Building official* shall mean the Chief Building Official with the administrative and enforcement authority as provided in this Article, and their designees.

*Director* shall mean the Director of Community Development and Neighborhood Services with the administrative and enforcement authority provided in this Article, and their designees.

*Electronic record* shall mean a record created, generated, sent, communicated, received or stored by electronic means and reproducible in a physical document.

*Imminent danger* shall mean an existing condition that is reasonably likely to cause immediate serious or life-threatening injury or death.

*Lease* shall mean an agreement by which an owner of residential rental property conveys the right to use and occupy such property to an occupant or tenant or lessee, in exchange for consideration.

*Lessee* or *tenant* shall mean a person having a possessory interest in a property under an oral or written lease agreement.

*Local contact* shall mean one or more persons legally authorized by the owner to access the long-term residential rental dwelling unit, to make decisions regarding the long-term residential rental dwelling unit, to accept service of notices of noncompliance with this Article's requirements in lieu of the owner and have a physical residential or business address no more than seventy (70) miles from the registered long-term residential rental dwelling unit in order to respond to any issues raised by the lessee or the City.

*Long-term residential rental dwelling unit* shall mean one or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building that is leased, rented or sublet for compensation (including money or services or the sharing of expenses), in part or in whole, for periods of thirty (30) consecutive days or more. *Long-term residential rental dwelling unit* shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

*Municipal court* or *court* shall mean the municipal court of the City as established in Article VII, Section 1 of the Charter.

*Owner* shall mean any person whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any long-term residential dwelling or long-term residential rental dwelling unit, with or without actual possession thereof, or has charge, care or control of any long-term residential dwelling or long-term residential rental dwelling or long-term residential rental dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include any person who holds only a security interest or easement on the real property upon which the long-term residential rental dwelling unit is situated.

*Person* means any individual, corporation, association, firm, joint venture, estate, trust, business trust, syndicate, fiduciary, partnership, limited partnership, limited liability company, and body politic and corporate, and all other groups and combinations.

*Property manager* shall mean any person charged with the care and control of rental housing or long-term residential rental dwelling unit who performs services with respect to such rental housing or long-term residential rental dwelling unit under a contract with the owner thereof or who otherwise acts as representative of an owner with respect to such rental housing or long-term residential rental dwelling unit.

*Registered premises* or *premises* shall mean a long-term residential rental dwelling unit that has a valid registration issued pursuant to Division 3 allowing long-term residential rental of such long-term residential rental dwelling unit.

*Rental housing* shall mean any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any long-term residential rental dwelling unit, or guest room which is leased, rented or sublet to a family or person(s) for compensation (including money or services, and the sharing of expenses) in part or in whole, for periods of thirty (30) consecutive days or more. *Rental housing* shall not include such land, buildings, and residential units owned by the Board of Governors of the Colorado State University System or utilized by Colorado State University for the housing of students or faculty or for other educational purposes.

Section 4. That reserved sections in Division 1, Article VI of Chapter 5 of the Code of the City of Fort Collins will be Section 5-222 to Section 5-236.

Section 5. That Article VI of Chapter 5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Division 3, to read in its entirety as follows:

### *Division 3*

### *Long-Term Rental Registration*

### *Subdivision A. Generally*

#### **Sec. 5-280. Purpose.**

This registration of long-term residential rental properties is implemented pursuant to this Division to ensure the health and safety of renters of long-term residential properties, to promote safe and stable housing for renters and to improve the City's overall livability.

#### **Sec. 5-281. Administration.**

The Director and Building Official shall administer the provisions of this Division and are authorized to jointly promulgate rules and regulations for its administration and implementation.

**Sec. 5-282. Reserved.**

***Subdivision B. Registration***

**Sec. 5-283. Registration required.**

An owner of a long-term residential rental dwelling unit shall register it with the City and comply with the requirements pursuant to this Division.

**Sec. 5-284. Application for registration.**

(a) Any person seeking to register a particular long-term residential rental dwelling unit pursuant to this Division, or renew an existing registration, must file a complete application and pay all applicable fees. The Director may approve or deny registration based on whether the applicant and the premises proposed to be registered or renewed satisfy all the requirements of this Division.

(b) The Director may require additional information and documentation as the Director deems necessary to determine whether an initial or renewal application meets the requirements of this Division.

(c) At the time of an initial or renewal application for registration, each applicant shall pay a fee in an amount set by the City Manager in accordance with § 7.5-1.

**Sec. 5-285. Registration requirements.**

(a) The following are the minimum requirements that must be satisfied by the applicant for the issuance or renewal of a long-term residential rental dwelling unit registration.

(1) The applicant must provide documentation satisfactory to the Director that the applicant is the owner of the long-term residential rental dwelling unit, or the owner's authorized agent.

(2) The long-term residential rental dwelling unit must comply with all applicable federal, state, and local laws including, but not limited to, this Code and the City's Land Use Code.

(3) The property and long-term residential rental dwelling unit must comply with all applicable building, sanitation, mechanical, electrical, structural and fire safety requirements in Chapter 5 of the Code in addition to the administrative regulations adopted pursuant to § 5-281 of the Code.

(i) The applicant shall certify that the property and long-term residential rental dwelling unit comply with all applicable building, sanitation, mechanical, electrical, structural and fire safety requirements in Chapter 5 of the Code in addition to the administrative regulations adopted pursuant to § 5-281 of the Code.

(b) If applicable, the applicant may identify one or more persons who can serve as the local contact. Any such person must have access to the long-term residential rental dwelling unit and be authorized to make decisions regarding the long-term residential rental dwelling unit.

#### **Sec. 5-286. Issuance of registration.**

Upon the applicant's compliance with the requirements of this Division, the Director shall register the long-term residential rental dwelling unit.

(a) Each registration shall be applicable only to the long-term residential rental dwelling unit for which approval is granted by the Director and no registration shall be transferrable.

(b) A registration shall terminate upon transfer of ownership of the registered long-term residential rental dwelling unit.

#### **Sec. 5-287. Term of registration and renewal.**

Registration issued pursuant to this Division shall be valid for one (1) year. Registration must be renewed annually.

(a) Renewal applications shall be reviewed by the Director in consultation with the Building Official, and are subject to § 5-288 and § 5-308, must meet the standards set forth in § 5-285 and, if applicable, enforcement under § 5-306.

(b) Any prior violation of the provisions of this Article may be considered by the Director during the registration renewal review and may result in non-renewal. In the Director's discretion, after consultation with the Building Official as necessary, the Director may impose conditions upon a registration at the time of renewal to address non-compliance with the terms of the registration, the provisions of this Article, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the registration pursuant to § 5-308 and, if applicable, enforcement under § 5-306.

#### **Sec. 5-288. Registration regulations.**

Upon completion of registration pursuant to this Division, the following requirements must be met for the registration to remain valid.

(a) The owner shall comply with the terms of the registration and all applicable provisions of this Code, including, but not limited to, this Chapter 5, Chapter 20 regarding nuisances, the Land Use Code, and any other applicable provision of federal, state, and local law.

(b) The owner shall maintain the long-term residential rental dwelling unit in compliance with the minimum rental housing requirements as provided in § 5-296.

#### **Sec. 5-289. Fees**

The fees authorized and imposed under this Division shall be paid by the owner to the City as directed in any notice provided under this Article.

#### **Sec. 5-290. Grounds for denial.**

(a) The following are each grounds for the Director's denial of an application for registration or renewal:

(1) Registering the long-term residential rental dwelling unit would violate any applicable federal, state, or local law, and any rules and regulations adopted pursuant thereto.

(2) The premises of the long-term residential rental dwelling unit does not comply with the requirements of the Land Use Code or with any applicable provisions of Chapters 5, 9, 12 or 20 of this Code.

(3) The applicant fails any inspection, fails to obtain necessary permits for the premises of the long-term residential rental dwelling unit or is in violation of any applicable federal, state, or local law, and any rules and regulations adopted pursuant thereto.

#### **Sec. 5-291. Appeal.**

An owner may appeal any decision whether to grant, renew, suspend, or revoke an application or registration under this Division to the City Manager in accordance with Chapter 2, Article VI of this Code. The City Manager's decision shall be final.

#### **Secs. 5-292 – 5-295. Reserved.**

#### *Subdivision C. Inspections*

#### **Sec. 5-296. Complaint-Based Inspections.**

The Building Official has the right to inspect a property pursuant to any other provision of this Chapter 5, including, but not limited to, inspections based on a request of a tenant, owner, manager, or complainant.

#### **Secs. 5-297 – 5-305. Reserved.**

#### *Subdivision D. Violations and Penalties*

#### **Sec. 5-306. Violations and penalties.**

(a) In addition to the suspension, revocation or refusal to renew any registration hereunder and except as provided in subsection (b) below, any owner who violates any provision of this Division

may be punished by a fine or imprisonment or both in accordance with § 1-15 of this Code as described below. Each day that a violation of this Division continues shall be deemed a separate offense. Additionally, the City may take any other legal action available to address violations of the provisions of this Article.

(b) It shall be unlawful for any owner to lease or to allow the use, maintenance, or occupancy of any long-term residential rental dwelling unit that does not have a current, valid registration as described in §§ 5-285 and 5-287. Such violation is a civil infraction pursuant to § 1-15(f) of this Code.

#### **Sec. 5-307. Enforcement.**

(a) The Director or Building Official may cause to be issued a summons and complaint for prosecution in municipal court in accordance with the procedures established in Chapter 19 of this Code.

(b) Upon conviction of any person for a violation of this Division, the Director may place a notice of the violation on the City's website that contains the address of the subject long-term residential rental dwelling unit and a statement that the long-term residential rental dwelling unit was found not to comply with a requirement or limitation of this Division. Such notice shall remain on the City's website only until such time as the owner of the subject long-term residential rental dwelling unit establishes, to the reasonable satisfaction of the City, that the condition that caused the violation has been corrected.

#### **Sec. 5-308. Suspension, revocation, or nonrenewal of registration.**

(a) In addition to the grounds set forth in § 5-306, the Director may suspend, revoke, or not renew any registration issued pursuant to this Division if the Director determines that either of the following have occurred:

(1) Fraud, material misrepresentation or false statement in the initial application for registration or any renewal application; or

(2) Failure to comply with the requirements of § 5-288.

(b) Procedures for investigation of registration violations and for suspension, revocation or other registration sanctions as a result of any such violation shall be as provided in § 5-307 of this Division and any rules and regulations promulgated as provided in § 5-281.

(c) The suspension or revocation of a registration shall not affect any lease or other arrangement for possession between the owner and the tenant. However, the owner shall not enter into any new arrangement for possession, nor renew any arrangement, during active suspension or revocation of its registration. Additionally, the owner must comply with any conditions related to the disciplinary action.

**Sec. 5-309. Public nuisance.**

A violation of any provisions of this Division is hereby declared to be a public nuisance, subject to abatement by the City in accordance with the procedures established in Chapter 20 of this Code.

**Secs. 5-310 – 5-344. Reserved.**

Section 6. That the Council directs the City Manager to develop and implement the administrative and financial processes for this registration program.

Section 7. That the Council directs the City Manager to bring this matter to the attention of the Council for a progress report and update from City staff in a work session no later than July 2024.

Section 8. That Section 5-256 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 5-256 Enforcement authority; rules and procedures.**

The Building Official is hereby authorized and directed to enforce all of the provisions of this Article. For such purposes, the Building Official shall have the authority to adopt and promulgate administrative rules and procedures consistent with the provisions of this Article; to interpret and implement the provisions of this Article; to secure the intent thereof; to enforce all provisions of this Article pursuant to the **terms of this Article or pursuant to the** authority granted by the Chief of Police under Paragraph ~~2-504~~**2-503**(b)(2); and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Article, or of violating accepted engineering methods involving public safety.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk

Passed and adopted on final reading this 20th day of June, 2023.

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Mayor

ATTEST:

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Chief Deputy City Clerk



ORDINANCE NO. 087, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND FOR THE  
STARTUP PHASE OF THE RENTAL HOUSING REGISTRATION PROGRAM

WHEREAS, livable housing has a positive impact on health, economic security, educational attainment and the overall stability of individuals and families in communities; and

WHEREAS, in Fort Collins, the best available data suggests that more than 40% of all housing units are renter-occupied; and

WHEREAS, the renter community, which makes up a significant portion of the City's population, would benefit from proactive rental property registrations and continued complaint-based inspections conducted by the City to ensure the health, safety and habitability of their rental housing; and

WHEREAS, the City Council has thoroughly considered options for advancing the objectives of the Council-adopted Housing Strategic Plan (Strategy 20) and Our Climate Future Plan (Strategy HAH6) through a rental housing program; and

WHEREAS, the City Council has determined that the approach that best balances the costs and benefits of a rental housing program includes rental registration, improvements to the complaint-based inspection system and software, enhanced mediation, education and outreach, and incentives for voluntary compliance; and

WHEREAS, in order to pursue that preferred approach, the Council has considered and adopted Ordinance No. 086, 2023, amending Chapter 5 of the City Code to adopt a rental housing program (the "Program"); and

WHEREAS, as part of the Program, the City will maintain a complaint-based rental inspection system to promote safe and habitable housing for renters and will engage and maintain communication with nonprofit organizations and landlord groups to understand the impacts and effect of this rental housing registration program on renters and landlords; and

WHEREAS, through the Program the City will provide information and education to tenants and landlords regarding the prohibition against renter retaliation for making complaints or reporting instances of unsafe housing; and

WHEREAS, in order for staff to initiate the Program in 2023, it is necessary for Council to appropriate funds for startup and implementation of the Program; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of ensuring safe and stable rental housing that allows individuals, families and communities to thrive; and

WHEREAS, 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; and

WHEREAS, 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.

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

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

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of FOUR HUNDRED SIXTY-ONE THOUSAND THREE HUNDRED SEVENTY-FIVE DOLLARS (\$461,375) to be expended in the General Fund for the Startup Phase of the Rental Housing Registration Program.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, 2023, and to be presented for final passage on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

Passed and adopted on final reading on the 20th day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

# Rental Market Study

Market Trends, Occupancy Ordinance, and  
Short-Term Rentals



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INSIGHTS LOADING...



# Executive Summary: Key Findings

## Rental Market Overview, 2005 to 2010

### *Market forces 10 to 15 years ago conspired against the rental market.*

In 2007, the City began actively enforcing the Occupancy Ordinance, which was expected to create new rental demand as larger households disbanded to form a higher number of smaller households. This occurred at a time when the city's rental market was healthy, with a slight surplus of vacant rental units, so the expectation of resulting decreases in vacancy rates was not of major concern.

However, in December of 2007, the Great Recession began, resulting in a major slowdown of new home construction. The population of Fort Collins continued to grow, creating more demand for housing than the construction market could meet.

In addition, several market forces specifically increased demand in the rental market. In addition to the ordinance enforcement and general population growth, the economy likely created new renters due to foreclosures, and the new Condo Defects Law likely stunted the development of condominiums that are a traditional path from renting to home ownership. The result was a steep decline in rental vacancy rates that created a very challenging market for renters in the 2010 to 2012 time frame, as shown on the following page.

We conclude that the ordinance was one of several forces that led to the decrease in vacancy rates during this period, which would have contributed to increasing rental prices.

# Executive Summary: Snapshot – 2005 to 2012

## 2005 to 2007 Era

Rental Vacancy Rate  
5.4%

Excess Rental Units  
Above Ideal Vacancies  
+100 units

1,200 violator  
households

## Intervening Events

### The Great Recession

- Slowdown in construction
- Increased rental demand due to foreclosures, lack of supply, financial issues
- “Lost renters” due to lower household formation or other issues

### Population Growth

Increased natural rental demand

### Ordinance Enforcement

Increased rental demand as households reformed

## 2010 to 2012 Era

Rental Vacancy Rate  
1.2%

Rental Unit Shortage  
Below Ideal Vacancies  
-1,000 units

550 violator  
households

**3.9 percent per year rental cost increases**

# Executive Summary: Key Findings

## Rental Market Overview, 2010 to 2018

### *A slow recovery over the past several years*

As the recession ended, Fort Collins' rental market was more or less gridlocked, with a very low vacancy rate. In the light of this supply shortage, construction surged. However, the population was still growing and prices were on the rise quickly, creating new challenges. While construction began making headway in moving the market back toward a healthy level, it barely outpaced increased demand. In addition, pent-up demand from the recession was released, bringing new households into the market.

Likely a result of housing affordability and other issues, home ownership rates continued to drop, albeit at a slower rate than they had in the recession. Additionally, a new market phenomenon arrived on the scene to siphon off the rental housing supply. Short-term rentals are a relatively small force, but nonetheless diverted some of the housing supply from long-term rentals to short-term rentals.

In response to this, some households began doubling up for different reasons than we saw in the recession. The result is more households that violate the occupancy ordinance, but they are not so much the college students who used to represent that population. A majority are now non-students, often with children.

The result has been a slow movement toward a healthy rental market, but not yet enough. The market has improved, but remains unbalanced in favor of landlords and against tenants, as shown on the following page.



# Executive Summary: Snapshot – 2010 to 2017

## Intervening Events

### Construction Boom

Tripling of home construction rates

### Population Growth

Continued population growth

### Affordability

Slower road to home ownership,  
more ordinance violators

### Short-Term Rentals

New demands on housing stock (though  
small compared to other forces)

### Ordinance

Compliance continued to increase rental demand and  
contribute to low vacancy rates (and thus cost increases)

**4.2 percent per year rental cost increases**

### 2010 to 2012 Era

Rental Vacancy Rate  
1.2%

Excess Rental Units  
-1,000 units

550 violator  
households

### 2015 to 2017 Era

Rental Vacancy Rate  
2.4%

Excess Rental Units  
-800 units

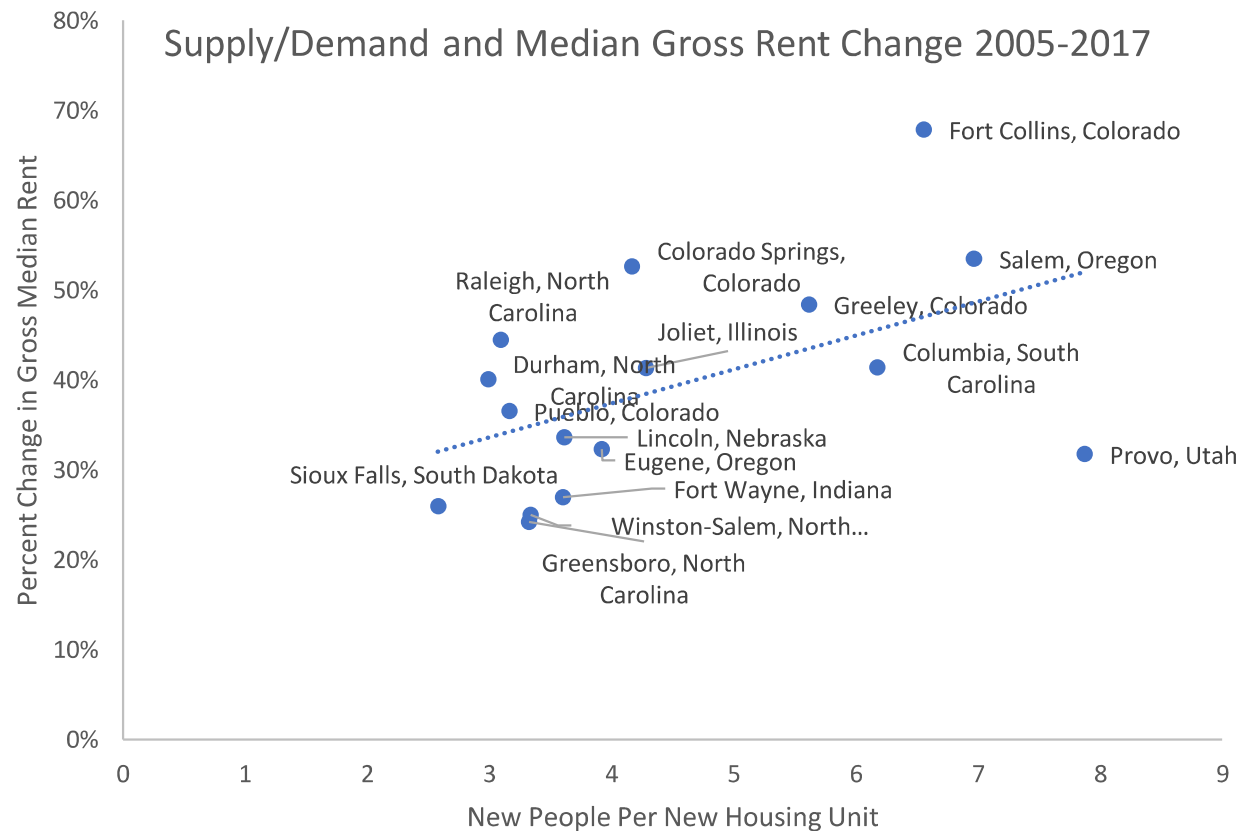
1,200 violator  
households

# Executive Summary: Key Findings

## Rental Market Trends

### *The population has grown faster than the housing supply*

A comparison of population growth to housing supply growth shows that Fort Collins is an outlier compared to a number of similar communities around the United States. Fort Collins' population has grown faster than the change in housing supply, with nearly 7 new people joining the population for each new housing unit being built. This is primarily due to the shortfall of new supply in the 2005 to 2010 time period, which is still affecting the market today.



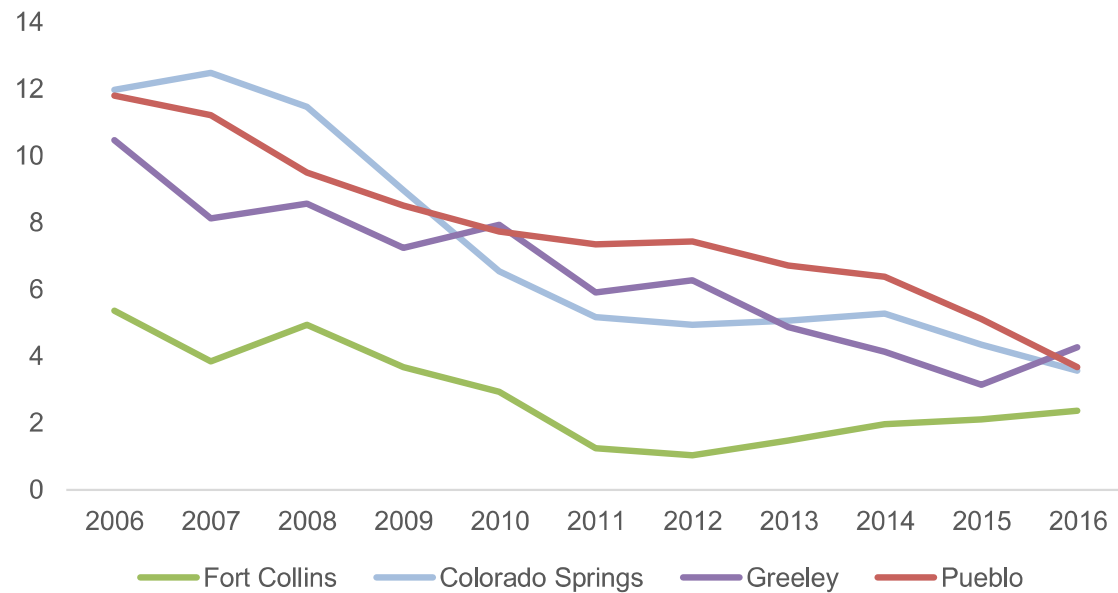
# Executive Summary: Key Findings

## Rental Market Trends

***Fort Collins has lower vacancy rates than other comparable markets in Colorado\****

While other standalone Colorado metro areas faced many of the same market forces as Fort Collins, they were generally starting at a higher vacancy rate, so the declines in vacancy rates moved them from an unhealthy (high) vacancy rate to a generally healthy vacancy rate. In contrast, these forces pushed Fort Collins from a generally healthy vacancy rate to an unhealthy (low) vacancy rate. The Fort Collins market has been slowly moving back to a healthy level since 2011, but is still a challenging market for renters.

Total Rental Vacancy Rate (Three Year Average)



\*Yearly data were not available for the fourth standalone metro area of Grand Junction

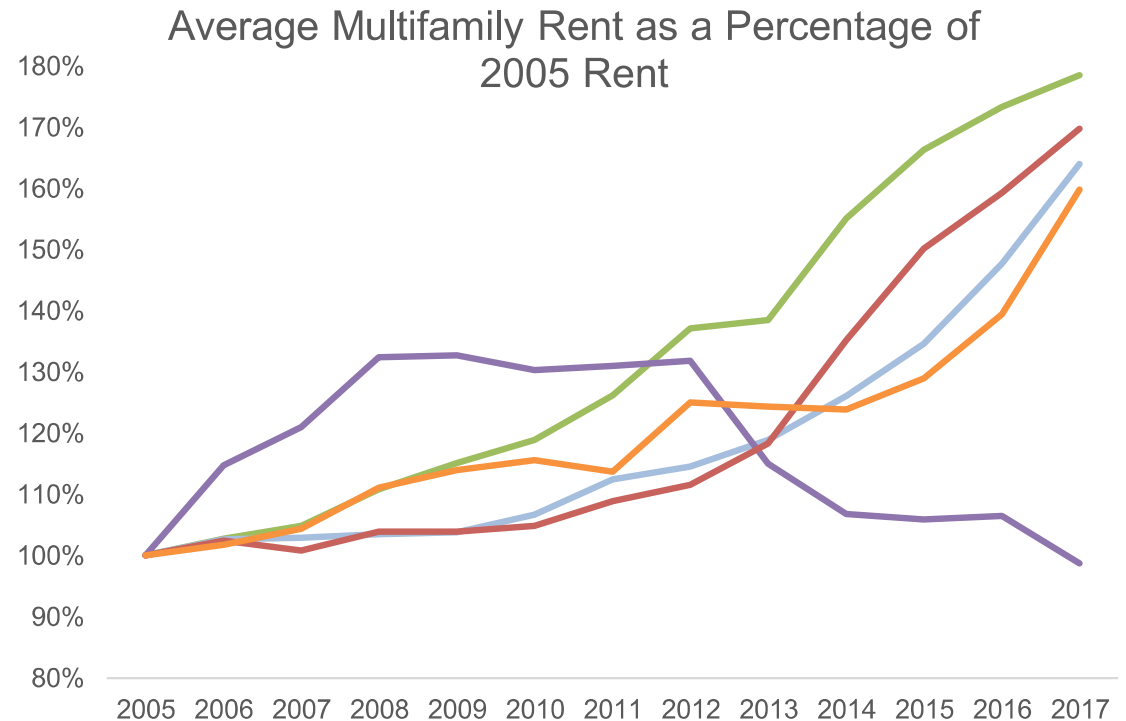
# Executive Summary: Key Findings

## Rental Market Trends

*Fort Collins' rental costs have increased faster than other comparable markets in Colorado\**

In the face of low vacancy rates, market competition will push prices higher. While this has driven prices upward in other Colorado markets as well (with the exception of Grand Junction), the impact has been largest for Fort Collins.

(The graph at right is a rental cost index that controls for base differences in rent. It measures each metro area at a 2005 value of 100.) Rents in Fort Collins are 78 percent higher in 2017 than they were in 2005.



# Executive Summary: Key Findings

## Rental Market Dynamics

*Rental households are getting larger, and owner occupancy is declining*

| Era       | Rental Households | Rental Population | Average Renter Household Size | Proportion of Households Who Are Renters |
|-----------|-------------------|-------------------|-------------------------------|--|
| 2005-2007 | 23,130            | 48,790            | 2.11                          | 43.1%                                    |
| 2010-2012 | 26,044            | 59,530            | 2.29                          | 45.6%                                    |
| 2015-2017 | 28,871            | 68,815            | 2.38                          | 46.4%                                    |

Over the past ten years, the size of rental households has increased notably from an average of 2.11 people per household to 2.38 people. This is a notable increase in size, and means that nearly 8,000 additional people are living in rental units solely due to this increase. The result is that rental properties are more densely occupied now than they have been in the past.

Also of interest is the continuing increase of rental households among the population. Comparing the current rate to ten years ago, we can conclude that approximately 950 households are renting now, and in past years would have owned their homes. This places more demand on the rental market.

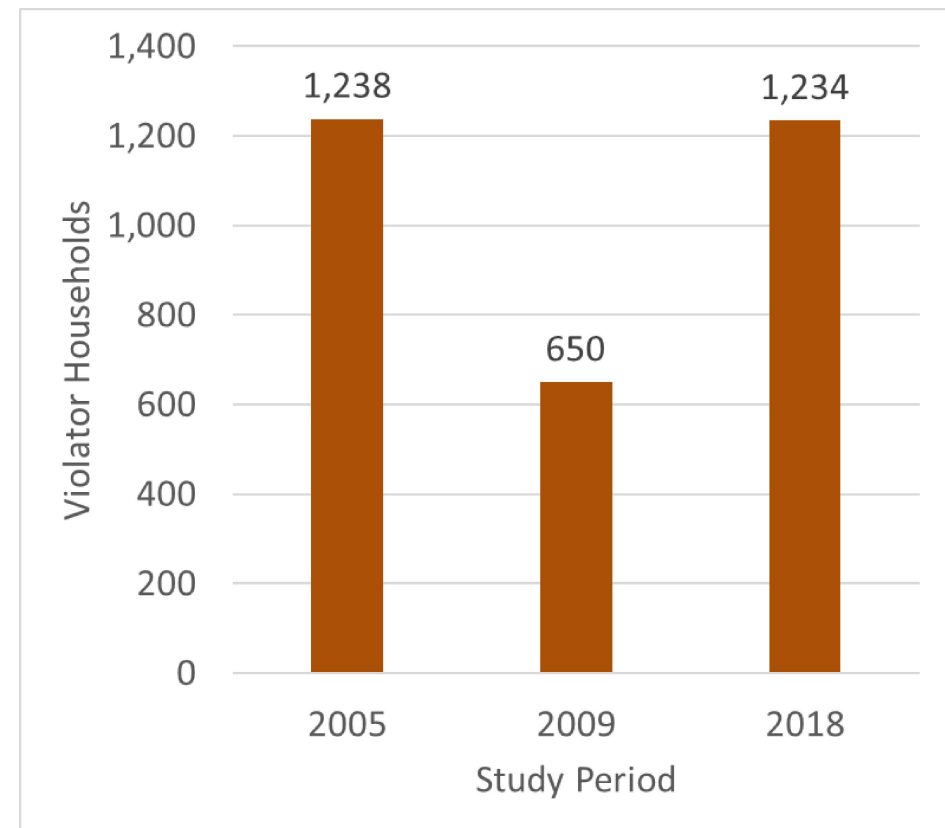
# Executive Summary: Key Findings

## Occupancy Ordinance Compliance

*The number of households not in compliance with the Occupancy Ordinance has increased*

Three studies have been conducted over the past 15 years to estimate the number of households that are violating the occupancy ordinance. Prior to active enforcement of the ordinance, the number was estimated at slightly more than 1,200. The figure declined by nearly 50 percent after enforcement began, but has since risen back to roughly the original number.\*

However, as described on the following pages, the types of households that are in violation have evolved since 2005.



\* - Note that due to population growth, the proportion of violator households relative to the population is somewhat

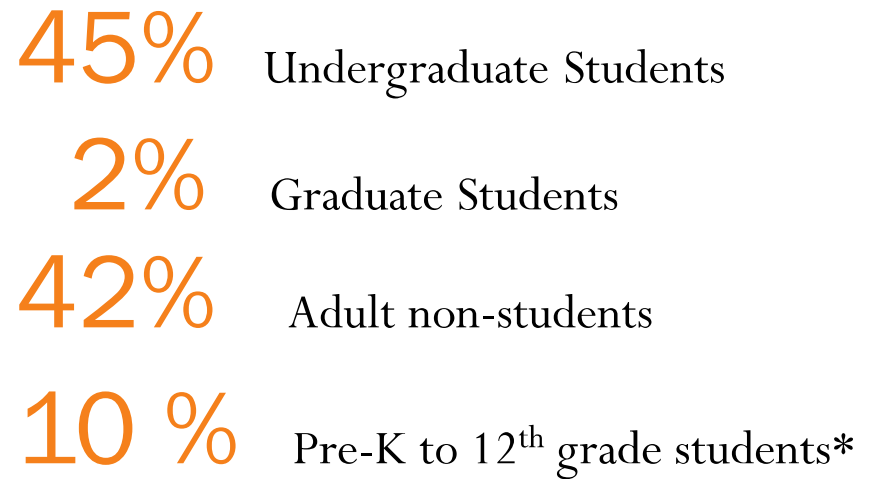
# Executive Summary: Key Findings

## Profile of Occupancy Ordinance Violators

*College students are no longer the most common type of violator*

In the initial 2005 study, it was estimated that 71 percent of ordinance violators were college students. In the 2018 study, the proportion has shifted dramatically. Only 47 percent of violators are now estimated to be college students, with 53 percent estimated to be non-students.

This is a notable change because it implies that affordability may be an issue among non-student populations that is leading to larger households.



\*These are minor school-age children of other segments.

# Executive Summary: Key Findings

## Profile of Occupancy Ordinance Violators

*Violator households are mobile, generally unrelated, and live in houses*

Violator households tend to either form quickly or be mobile, as nearly half moved into their home within the past year. This mobility may increase the likelihood of conflict if they are new to a neighborhood.

Of particular note is the age profile. While 40 percent are 18-21 year old adults, 47 percent are older, and 13 percent are children. This influx of adults with children represents a change in the profile over time.

|     |  |
|-----|--|
| 47% | have moved into their home in the past 12 months |
| 40% | are age 18 to 21                                 |
| 73% | live in single-family homes or duplexes          |
| 25% | of households have children                      |
| 13% | are children                                     |
| 61% | have no related people (all roommates)           |

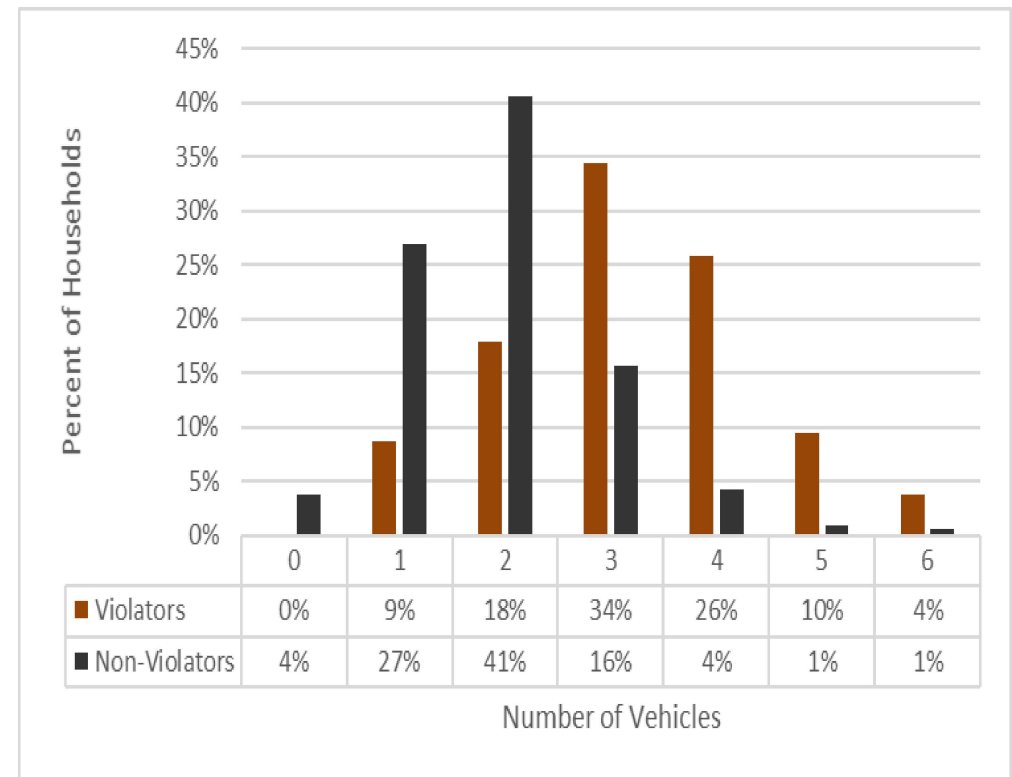


# Executive Summary: Key Findings

## Profile of Occupancy Ordinance Violators

### *Violator households tend to have numerous vehicles*

When residents were surveyed about the prevalence of eight different neighborhood issues, the most commonly seen issue was inappropriate parking of vehicles. Violator households are vulnerable to this issue because they tend to have numerous vehicles.



\* - Note that due to population growth, the proportion of violator households relative to the population is somewhat

# Executive Summary: Key Findings

## Perceptions of Occupancy Ordinance

### *Support outweighs opposition, though many are neutral*

The ordinance is well known, with 89 percent of residents being aware of it. Many are neutral towards it, but more residents support the ordinance (42 percent) than oppose it (24 percent). The biggest split is that homes with a college student are more likely to oppose the ordinance than support it, while homes without a student have the opposite stance.

|                                | Total | Region         |                |                   | Dwelling Type |              | Tenure |        | College Student in Home |      | Aware of Occupancy Ordinance |     |
|--------------------------------|-------|----------------|----------------|-------------------|---------------|--------------|--------|--------|-------------------------|------|------------------------------|-----|
|                                |       | West of campus | East of campus | Remainder of city | Single family | Multi-family | Owner  | Renter | Yes                     | No   | Yes                          | No  |
| Base                           |       |                |                |                   |               |              |        |        |                         |      |                              |     |
| Unweighted                     | 1328  | 355            | 498            | 475               | 1044          | 284          | 1049   | 271    | 202                     | 1064 | 1167                         | 123 |
| Opinion of Occupancy Ordinance |       |                |                |                   |               |              |        |        |                         |      |                              |     |
| Support                        | 42%   | 38%            | 44%            | 43%               | 45%           | 37%          | 53%    | 30%    | 19%                     | 47%  | 43%                          | 28% |
| Neutral                        | 31%   | 34%            | 26%            | 31%               | 29%           | 34%          | 25%    | 38%    | 31%                     | 31%  | 29%                          | 40% |
| Oppose                         | 24%   | 26%            | 25%            | 23%               | 22%           | 27%          | 19%    | 29%    | 44%                     | 19%  | 24%                          | 27% |
| No opinion                     | 3%    | 3%             | 4%             | 3%                | 4%            | 3%           | 3%     | 4%     | 7%                      | 2%   | 3%                           | 5%  |

\* - Note that due to population growth, the proportion of  
v households relative to the population is somewhat

# Executive Summary: Key Findings

## Perceptions of Occupancy Ordinance

*Most residents don't see the ordinance impacting their neighborhood and are split on enforcement*

Nearly 4 in 5 residents don't believe that the ordinance has an impact on their neighborhood.

Among those who do see an impact, it's more positive than negative. The one exception is that residents in homes that contain college students are more likely to see a negative impact than a positive impact (17 percent negative versus 11 percent positive).

Residents generally prefer the current level of enforcement over more/less strict enforcement. Again, the exception is residents in homes with college students, who strongly prefer less strict enforcement (8 percent more strict, 34 percent less strict).

78%

don't believe that ordinance has an impact on their neighborhood.

- 15% see a positive impact
- 8% see a negative impact

38%

like the current level of enforcement

- 17% want more strict enforcement
- 18% want less strict enforcement
- 28% have no opinion

# Executive Summary: Key Findings

## The Short-Term Rental Market

### *Short-Term Rentals (STRs) are a growing market*

STRs have consistently grown in number over the past three years. The figures below represent the number of listed units each month for the time period for which data were available at the time of this report.

Revenues for proprietors have risen from an estimated \$500,000 citywide in 2014 (annualized estimate) to roughly \$9.6 million citywide in 2018 (annualized estimate).

| Year | Month |     |     |     |     |     |     |     |     |     |     |     |
|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|      | 1     | 2   | 3   | 4   | 5   | 6   | 7   | 8   | 9   | 10  | 11  | 12  |
| 2014 |       |     |     |     |     |     |     |     |     | 86  | 88  | 100 |
| 2015 | 109   | 99  | 103 | 117 | 140 | 148 | 176 | 176 | 185 | 192 | 213 | 241 |
| 2016 | 256   | 266 | 277 | 282 | 329 | 343 | 364 | 376 | 414 | 434 | 445 | 465 |
| 2017 | 477   | 473 | 501 | 491 | 533 | 524 | 549 | 541 | 525 | 527 | 541 | 562 |
| 2018 | 556   | 528 | 524 | 514 |     |     |     |     |     |     |     |     |

# Executive Summary: Key Findings

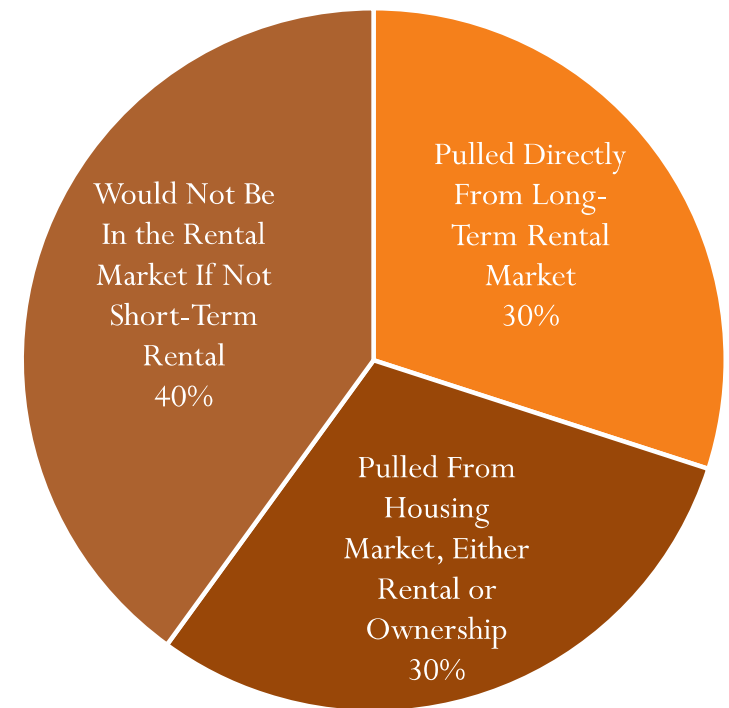
## The Short-Term Rental Market

### *Short-Term Rentals (STRs) partially cannibalize units from the rental supply*

In a tight rental housing market, a concern might arise that STRs are removing long-term rentals from the market. While this is true to some extent, not all STRs do so. Approximately 40 percent of STRs are units that would not otherwise be on the market if they weren't STRs. (For example, they might be a spare bedroom that would just be used as a spare bedroom.)

Another 30 percent of STRs are estimated to be directly converted from long-term rentals, and the remaining 30 percent are removed from the housing market, but it cannot be determined if they would have been rental units or owned units.

As such, STRs to date do negatively impact rental vacancy rates, but they are currently a smaller force than other market forces.

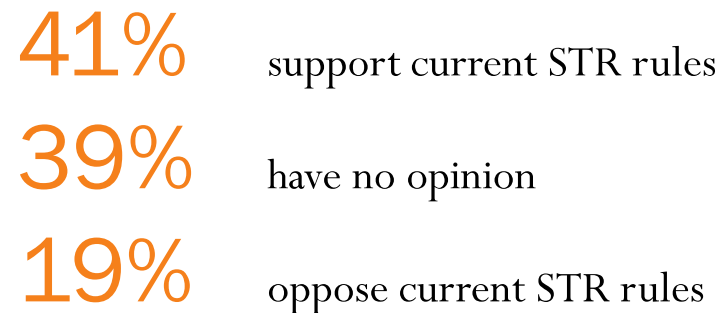


# Executive Summary: Key Findings

## Perceptions of STR Licensing Rules

*Support generally outweighs opposition, though many aren't aware of the rules*

Only 31 percent of residents were aware of STR licensing rules. However, when asked about support or opposition, residents were more likely to support the current rules than oppose them.



# Executive Summary: Key Findings

## Neighborhood Quality - Citywide

*Residents generally rate their neighborhood as having positive qualities*

Four measures of neighborhood quality were tested, and all received positive ratings. Peace and quiet, lawn maintenance, and home maintenance received particularly high ratings, while sense of community was lower (but still positive). The neighborhood west of campus is rated lower by its residents than other parts of the city, and renters tend to rate their neighborhood lower than owners.

|                       |      | Region         |                |                   | Tenure |        | College Student in Home |      |
|-----------------------|------|----------------|----------------|-------------------|--------|--------|-------------------------|------|
|                       |      | West of campus | East of campus | Remainder of city | Owner  | Renter | Yes                     | No   |
| Peace and quiet       | 1.12 | 0.80           | 1.14           | 1.24              | 1.27   | 0.94   | 1.17                    | 1.11 |
| Maintenance of lawns  | 1.05 | 0.77           | 0.87           | 1.18              | 1.10   | 0.99   | 1.13                    | 1.04 |
| Maintenance of houses | 1.07 | 0.78           | 0.90           | 1.20              | 1.20   | 0.90   | 0.89                    | 1.10 |
| Sense of community    | 0.48 | 0.25           | 0.56           | 0.55              | 0.76   | 0.13   | 0.21                    | 0.54 |

Very good = 2, Fair = 0, Very bad = -2, Not applicable = excluded

# Executive Summary: Key Findings

## Neighborhood Quality and Ordinance Violators

*Proximity to suspected ordinance violators is correlated with lower neighborhood quality ratings*

Even within neighborhoods, proximity to suspected ordinance violators tends to correlate with lower ratings on neighborhood quality.

|                       | Total | West of campus-<br>Neighbor(s) violating<br>occupancy ordinance |      | East of campus-<br>Neighbor(s) violating<br>occupancy ordinance |      | Remainder of city-<br>Neighbor(s) violating<br>occupancy ordinance |      |
|-----------------------|-------|---|------|---|------|--|------|
|                       |       | Yes   | No   | Yes   | No   | Yes  | No   |
| Peace and quiet       | 1.13  | 0.52  | 0.92 | 0.78  | 1.24 | 0.85   | 1.3  |
| Maintenance of lawns  | 1.08  | 0.51  | 0.97 | 0.57  | 0.93 | 0.72   | 1.28 |
| Maintenance of houses | 1.08  | 0.5   | 0.96 | 0.83  | 0.95 | 0.49   | 1.31 |
| Sense of community    | 0.49  | -0.11   | 0.44 | 0.45  | 0.58 | 0.03   | 0.65 |

Very good = 2, Fair = 0, Very bad = -2, Not applicable = excluded



# Executive Summary: Key Findings

## Neighborhood Quality and Short-Term Rentals

*Proximity to suspected STRs in areas where they are not allowed is correlated with lower neighborhood quality ratings*

Overall, there is a negative correlation between perceived neighborhood quality and proximity to STRs. However, this is an issue only in areas where STRs are not allowed.

|                       | Total | Neighbor(s) operate STRs |      | No STRs allowed- Neighbor(s) operate STRs |      | Primary STRs only- Neighbor(s) operate STRs |      |
|-----------------------|-------|--------------------------|------|---|------|---|------|
|                       |       | Yes                      | No   | Yes                                       | No   | Yes   | No   |
| Peace and quiet       | 1.13  | 1.07                     | 1.14 | 1.1                                       | 1.27 | 1.17  | 1.08 |
| Maintenance of lawns  | 1.07  | 0.91                     | 1.09 | 0.71                                      | 1.14 | 1.15  | 1.09 |
| Maintenance of houses | 1.07  | 0.93                     | 1.09 | 0.90                                      | 1.18 | 0.96  | 0.98 |
| Sense of community    | 0.5   | 0.36                     | 0.52 | 0.37                                      | 0.68 | 0.40  | 0.38 |

Very good = 2, Fair = 0, Very bad = -2, Not applicable = excluded

# Executive Summary: Key Findings

## Neighborhood Issues - Citywide

*Residents generally observe few problems amongst their neighbors*

Among the tested issues, the most common are parking vehicles inappropriately and loud noises other than parties. The latter is reported much more commonly by renters than by owners.

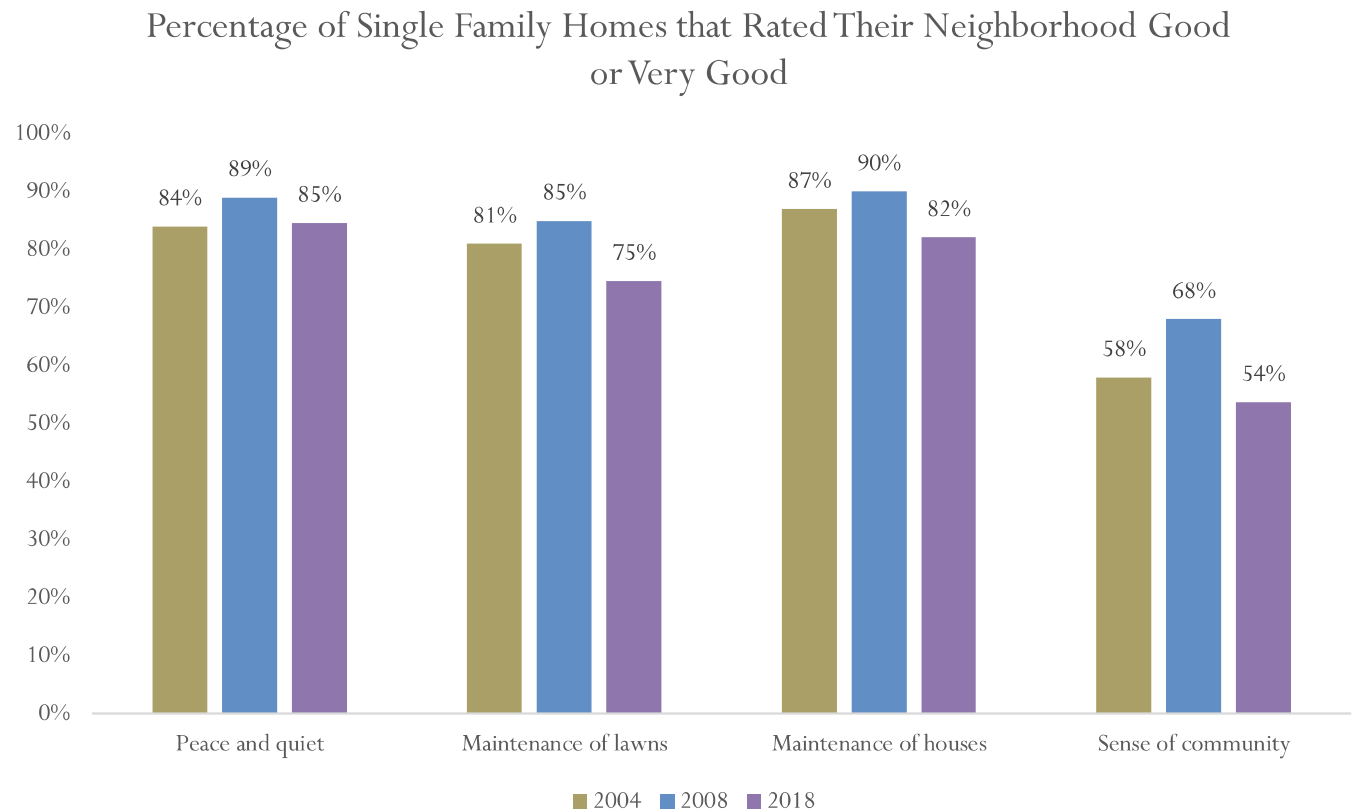
|   | Total | Region         |                |                   | Tenure |        | Opinion of Occupancy Ordinance |         |        |
|---|-------|----------------|----------------|-------------------|--------|--------|--------------------------------|---------|--------|
|   |       | West of campus | East of campus | Remainder of city | Owner  | Renter | Support                        | Neutral | Oppose |
| Uncontrolled pets running loose                           | 0.51  | 0.69           | 0.47           | 0.45              | 0.43   | 0.6    | 0.58                           | 0.53    | 0.39   |
| Criminal activity   | 0.33  | 0.62           | 0.34           | 0.23              | 0.16   | 0.54   | 0.35                           | 0.31    | 0.27   |
| Disruptive parties  | 0.36  | 0.74           | 0.3            | 0.24              | 0.24   | 0.5    | 0.35                           | 0.45    | 0.3    |
| Loud noise other than parties, such as stereos or yelling | 0.59  | 1.12           | 0.55           | 0.4               | 0.37   | 0.86   | 0.56                           | 0.66    | 0.59   |
| Parking vehicles inappropriately                          | 0.66  | 1.03           | 0.64           | 0.53              | 0.59   | 0.74   | 0.71                           | 0.66    | 0.59   |
| Snow on sidewalks (snow not shoveled)                     | 0.54  | 0.83           | 0.66           | 0.43              | 0.58   | 0.49   | 0.59                           | 0.6     | 0.36   |
| Trash or junk in the yard                                 | 0.49  | 0.91           | 0.51           | 0.34              | 0.39   | 0.62   | 0.59                           | 0.46    | 0.39   |
| Poorly maintained house                                   | 0.36  | 0.6            | 0.54           | 0.25              | 0.34   | 0.39   | 0.41                           | 0.36    | 0.28   |

# Executive Summary: Key Findings

## Trends in Neighborhood Quality- Citywide

*Residents generally rate their neighborhood as having positive qualities*

Neighborhood quality ratings rose from 2004 through 2008 for single-family homes, and have declined since. While this appears to correlate with the increases and decreases in violator households, the pattern was also reported by residents who did not live in proximity to ordinance violators.



# Executive Summary: Key Findings

## Neighborhood Issues and Ordinance Violators

*Proximity to suspected ordinance violators is correlated with more incidents of neighborhood issues*

Loud noise and inappropriately parked vehicles stand out as issues that seem associated with proximity, particularly in the area west of campus.

|  | Total | West of campus-<br>Neighbor(s) violating<br>occupancy ordinance |      | East of campus-<br>Neighbor(s) violating<br>occupancy ordinance |      | Remainder of city-<br>Neighbor(s) violating<br>occupancy ordinance |      |
|--|-------|---|------|---|------|--|------|
|  |       | Yes   | No   | Yes   | No   | Yes  | No   |
| Uncontrolled pets running loose                              | 0.51  | 1.02  | 0.54 | 0.66  | 0.42 | 0.77   | 0.4  |
| Criminal activity  | 0.31  | 1.07  | 0.45 | 0.93  | 0.23 | 0.54   | 0.14 |
| Disruptive parties   | 0.36  | 1.42  | 0.44 | 0.7   | 0.19 | 0.6  | 0.18 |
| Loud noise other than parties,<br>such as stereos or yelling | 0.59  | 1.75  | 0.84 | 1.49  | 0.39 | 0.76   | 0.35 |
| Parking vehicles inappropriately                             | 0.63  | 1.78  | 0.67 | 1.47  | 0.49 | 0.86   | 0.44 |
| Snow on sidewalks (snow not<br>shoveled)                     | 0.53  | 1.55  | 0.47 | 1.35  | 0.5  | 0.87   | 0.35 |
| Trash or junk in the yard                                    | 0.48  | 1.53  | 0.58 | 1.53  | 0.32 | 0.91   | 0.25 |
| Poorly maintained house                                      | 0.35  | 1.07  | 0.33 | 1.19  | 0.42 | 0.89   | 0.15 |

# Executive Summary: Key Findings

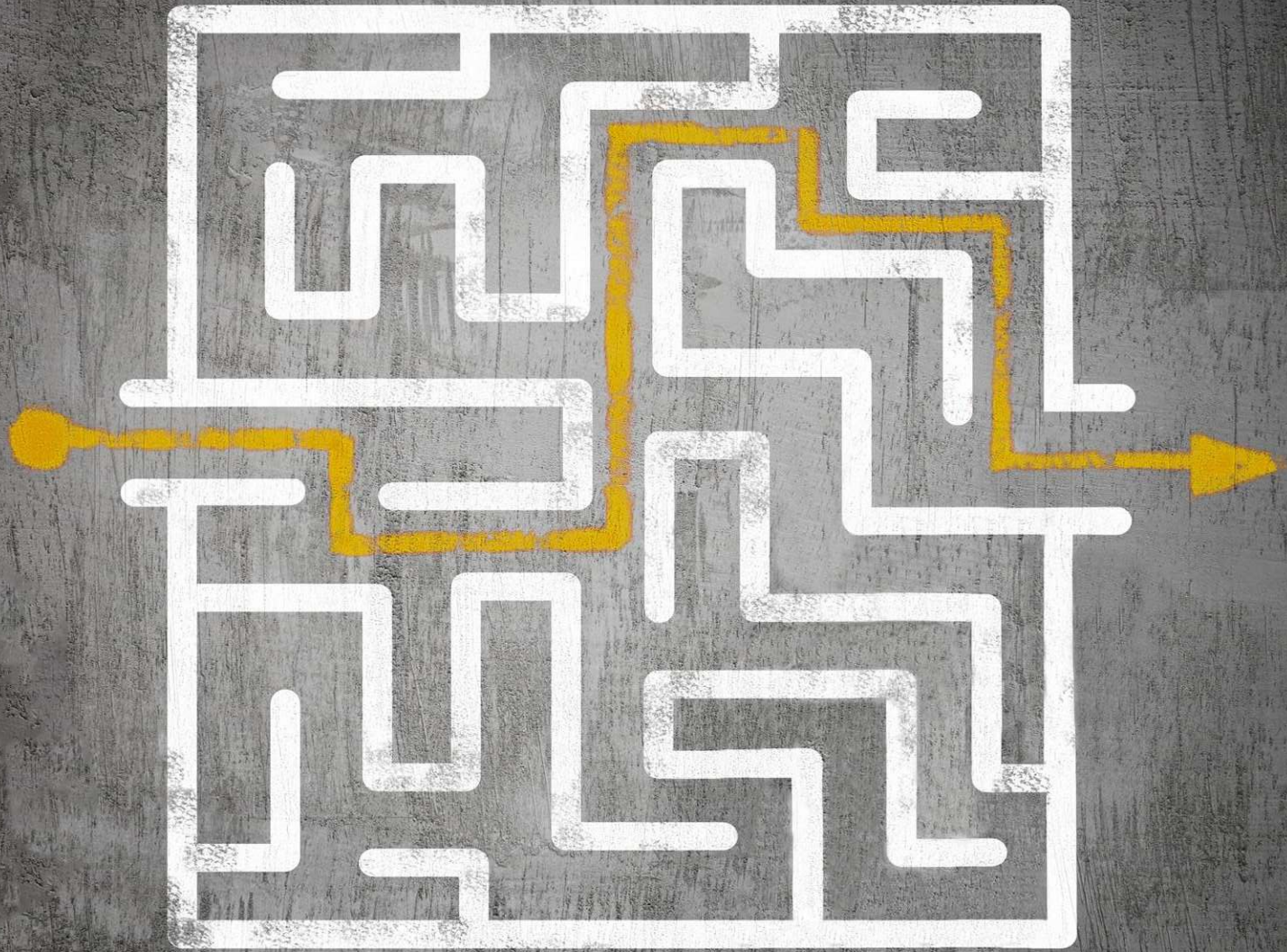
## Neighborhood Quality and Short-Term Rentals

*Proximity to suspected STRs is correlated with more incidents of neighborhood issues*

The impact is smaller than that seen for ordinance violators, but nonetheless negative impacts are reported, particularly in areas where STRs are not allowed.

|   | Total | Neighbor(s) operate STRs |      | No STRs allowed- Neighbor(s) operate STRs |      | Primary STRs only- Neighbor(s) operate STRs |      |
|---|-------|--------------------------|------|---|------|---|------|
|   |       | Yes                      | No   | Yes                                       | No   | Yes   | No   |
| Uncontrolled pets running loose                           | 0.51  | 0.82                     | 0.47 | 0.85                                      | 0.47 | 0.78  | 0.46 |
| Criminal activity   | 0.3   | 0.56                     | 0.26 | 0.52                                      | 0.15 | 0.68  | 0.35 |
| Disruptive parties  | 0.35  | 0.56                     | 0.33 | 0.63                                      | 0.24 | 0.55  | 0.37 |
| Loud noise other than parties, such as stereos or yelling | 0.57  | 0.84                     | 0.54 | 0.88                                      | 0.39 | 0.91  | 0.63 |
| Parking vehicles inappropriately                          | 0.63  | 0.87                     | 0.60 | 1.03                                      | 0.52 | 0.8   | 0.66 |
| Snow on sidewalks (snow not shoveled)                     | 0.53  | 0.77                     | 0.50 | 1.08                                      | 0.51 | 0.5   | 0.54 |
| Trash or junk in the yard                                 | 0.47  | 0.67                     | 0.44 | 0.76                                      | 0.38 | 0.65  | 0.45 |
| Poorly maintained house                                   | 0.35  | 0.64                     | 0.32 | 0.71                                      | 0.33 | 0.63  | 0.32 |





# Introduction



# Introduction: Background

In 2018, the City of Fort Collins retained Corona Insights to conduct an examination of rental market conditions in Fort Collins, particularly with respect to the City's occupancy ordinance. The initial research questions were:

- > Has the occupancy ordinance had an impact on neighborhood quality?
  - Our conclusions are shown on Page 4 and 7 of the Executive Summary.
- > Does the occupancy ordinance impact the affordability of housing?
  - Our conclusions are shown on Page 22 and 26 of the Executive Summary.

This report is a followup to two previous studies conducted for the city in 2005 and 2009. The previous studies contained some common elements to this study, but generally had somewhat different emphases.

- > The 2005 study focused primarily (but not exclusively) on estimating the impacts of the ordinance on the rental market if it were fully enforced, but also included measures of neighborhood quality among single-family home residents.
- > The 2009 study focused primarily on the impacts of the ordinance enforcement on various constituency groups. It also included a tracking survey of neighborhood quality.
- > This 2018 report steps back and takes a larger view of the rental market, updates the tracking survey, and provides the first examination of the impact of Short-Term Rentals on the market and on neighborhood quality. The 2018 report also expanded the survey to include all households rather than just single-family home residents.

# Introduction: Occupancy Ordinance

The occupancy ordinance states that

"Occupancy in a residential dwelling unit (single-family, duplex, and multifamily) is restricted to:

one family as defined below (Section 5.1.2) and not more than one additional person;

OR

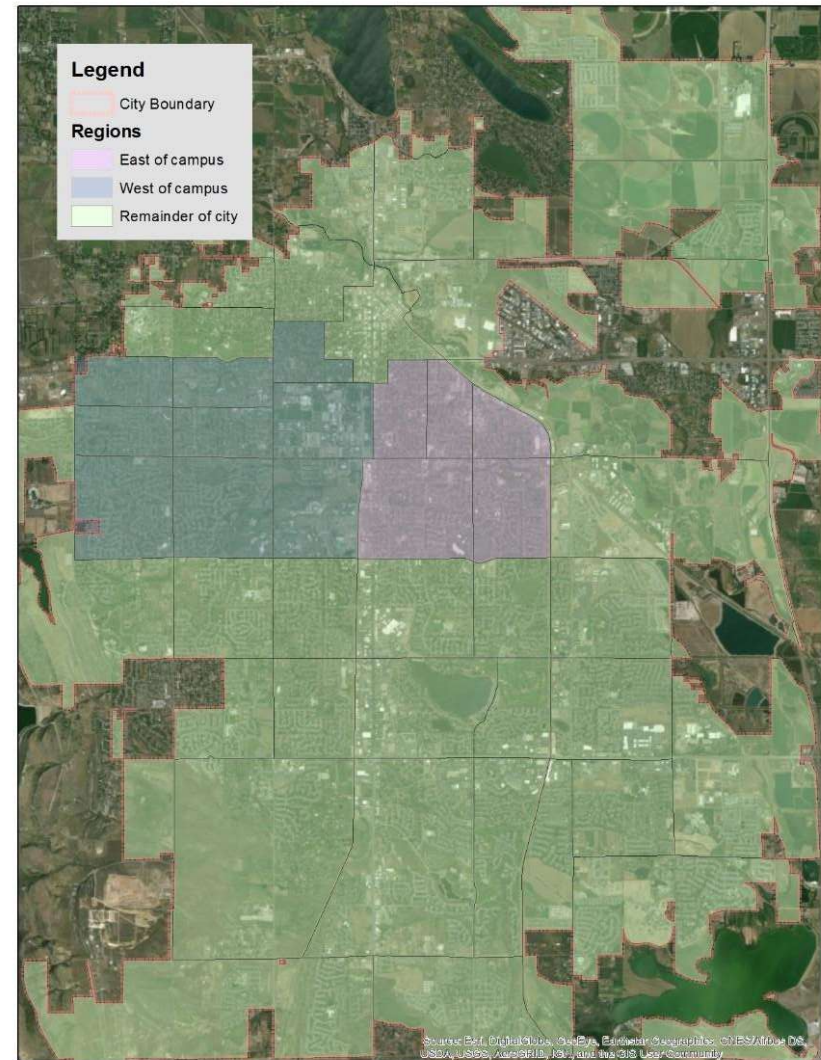
one adult and their dependents (if any), a second adult and their dependents (if any), and not more than one additional person."

The ordinance has existed for many years, but was enforced actively beginning in 2007.



# Introduction: Geographical Analysis Areas

Because the occupancy ordinance has been of particular focus in areas near the Colorado State University campus, several analyses in this report break down citywide results into three areas, as shown here.



# Introduction: Report Layout

The report addresses housing in terms of overall market trends as well as specific topics. The layout follows the order below. Each sub-section includes unique key findings.

## Section 1. Rental Market Trends

Comparisons to Other Colorado Metro Areas  
 Comparison to a Selection of Nationwide Cities  
 Recent Trends in Fort Collins

## Section 2. Ordinance Violators

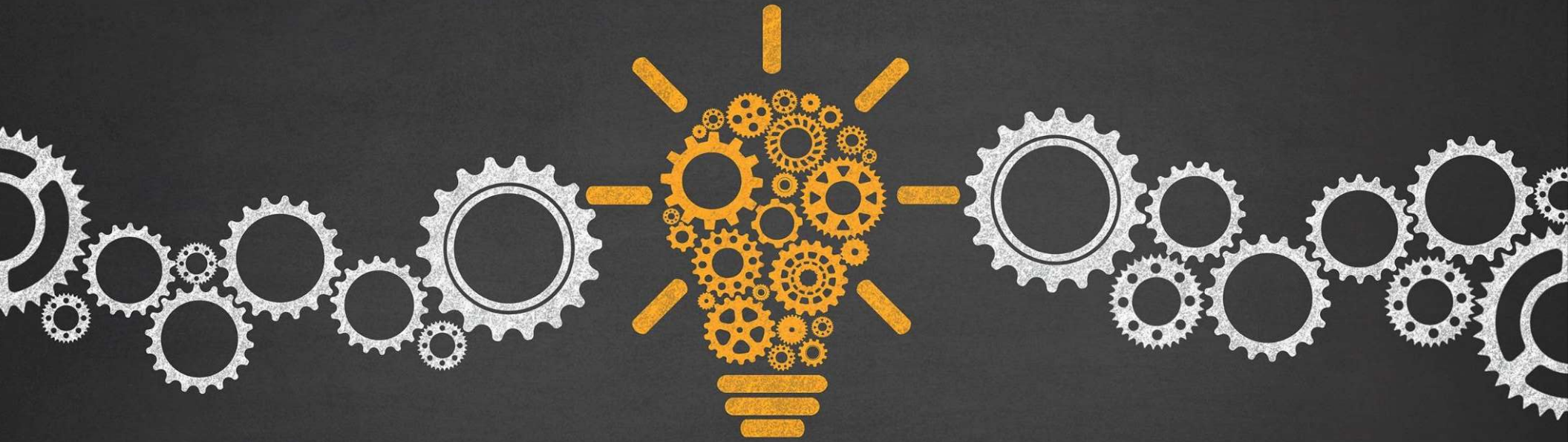
Estimated Number  
 Profile of Violators  
 Investigation Outcomes  
 Public Sentiment Toward Ordinance

## Section 3. Short-Term Rentals

Profile of Units and Revenues  
 Rental Hosts and Properties  
 Public Sentiment Toward STR Rules

## Section 4. Neighborhood Quality

Citywide Quality Measures  
 Proximity to Ordinance Violators  
 Proximity to Short-Term Rentals



## Section 1.1

# Rental Market Trends

*Fort Collins Compared to Other Colorado Metro Areas*

1.1.1 Change in Demand

1.1.2 Change in Supply

1.1.3 Change in Vacancies

1.1.4 Change in Average Rent

# Key Findings: Colorado Comparisons

- ➔ While population growth in Fort Collins is higher than most comparable areas, the highest rates in the city were concentrated pre-ordinance.
- ➔ The average size of rental households increased over the long term.
- ➔ The proportion of homes that were renter-occupied increased over the long term.
- ➔ Housing supply trends in Fort Collins are largely consistent with other Colorado markets across time periods. The city had a significant decrease in new residential building permits between 2004-2009 that has since rebounded.
- ➔ While the entire state has seen a decrease in rental vacancy rates over the last two decades, Fort Collins has had a significantly lower (in relative and absolute terms) vacancy rate in the post-ordinance era.
- ➔ While trends in the cost of rent in Fort Collins were similar to comparable cities pre-ordinance, the rate of increase has been much higher (in relative and absolute terms) in the post-ordinance era. Nonetheless, most comparable Colorado cities have seen a steep increase in rent between 2013-2017.

[A description of the methodology is found in the appendix.](#)

## Section 1.1.1

### Change in Demand



# Population growth in Fort Collins is fairly consistent with similar metro areas

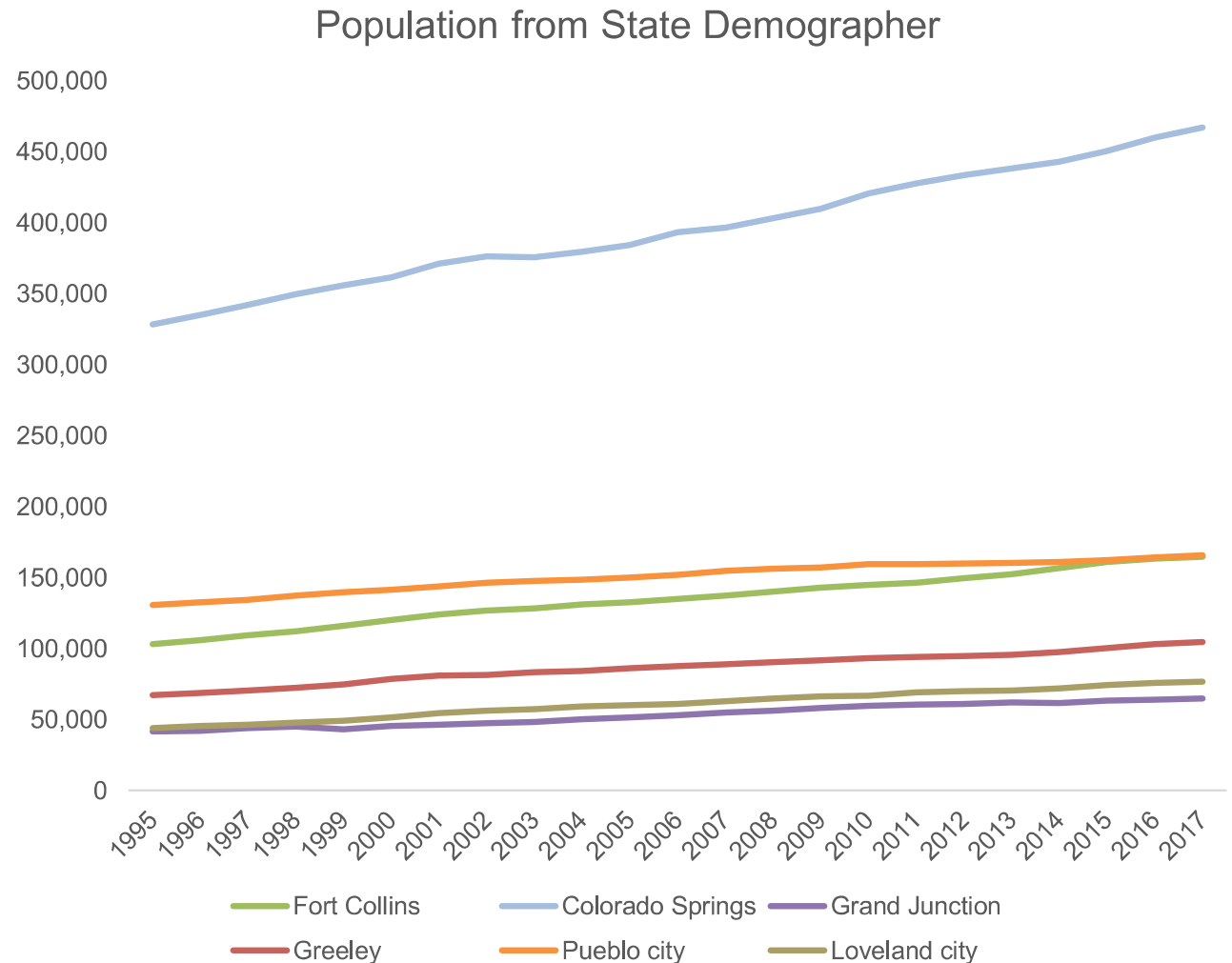
## Average Population from State Demographer

|                       | Average Population |        |               |        |                |        |               |        |                |        |
|-----------------------|--------------------|--------|---------------|--------|----------------|--------|---------------|--------|----------------|--------|
|                       | 1998-2001<br>I     |        | 2002-05<br>II |        | 2006-09<br>III |        | 2010-13<br>IV |        | 2014-2017<br>V |        |
| Fort Collins/Loveland | 169,179            |        | 188,187       |        | 202,794        |        | 217,593       |        | 236,169        |        |
| Fort Collins          | 118,195            |        | 129,874       |        | 138,852        |        | 148,360       |        | 161,421        |        |
| Loveland              | 50,985             |        | 58,313        |        | 63,942         |        | 69,233        |        | 74,749         |        |
| Colorado Springs      | 359,794            |        | 379,203       |        | 400,872        |        | 430,156       |        | 455,163        |        |
| Grand Junction        | 45,188             |        | 49,417        |        | 55,839         |        | 61,029        |        | 63,677         |        |
| Greeley               | 76,804             |        | 84,062        |        | 89,758         |        | 94,571        |        | 101,572        |        |
| Pueblo                | 140,737            |        | 148,286       |        | 155,100        |        | 160,084       |        | 163,532        |        |
| Population Change     |                    |        |               |        |                |        |               |        |                |        |
|                       | I-II               |        | II-III        |        | III-IV         |        | IV-V          |        | I-V            |        |
| Fort Collins/Loveland | 11%                | 19,008 | 8%            | 14,607 | 7%             | 14,800 | 9%            | 18,576 | 40%            | 66,990 |
| Fort Collins          | 10%                | 11,679 | 7%            | 8,978  | 7%             | 9,508  | 9%            | 13,061 | 37%            | 43,226 |
| Loveland              | 14%                | 7,329  | 10%           | 5,629  | 8%             | 5,291  | 8%            | 5,516  | 47%            | 23,764 |
| Colorado Springs      | 5%                 | 19,409 | 6%            | 21,669 | 7%             | 29,285 | 6%            | 25,007 | 27%            | 95,369 |
| Grand Junction        | 9%                 | 4,229  | 13%           | 6,422  | 9%             | 5,190  | 4%            | 2,648  | 41%            | 18,489 |
| Greeley               | 9%                 | 7,258  | 7%            | 5,696  | 5%             | 4,813  | 7%            | 7,001  | 32%            | 24,767 |
| Pueblo                | 5%                 | 7,548  | 5%            | 6,814  | 3%             | 4,984  | 2%            | 3,448  | 16%            | 22,795 |

# Fort Collins' population has converged with Pueblo

The last 20 years has seen Fort Collins' population increase by around 51%. While at the higher end of these similar metro areas, this growth is fairly similar to Grand Junction and Greeley, which have both seen an increase of 48% during the same time period.

Fort Collins' convergence with Pueblo is largely the product of a smaller increase of only 23% in the latter.

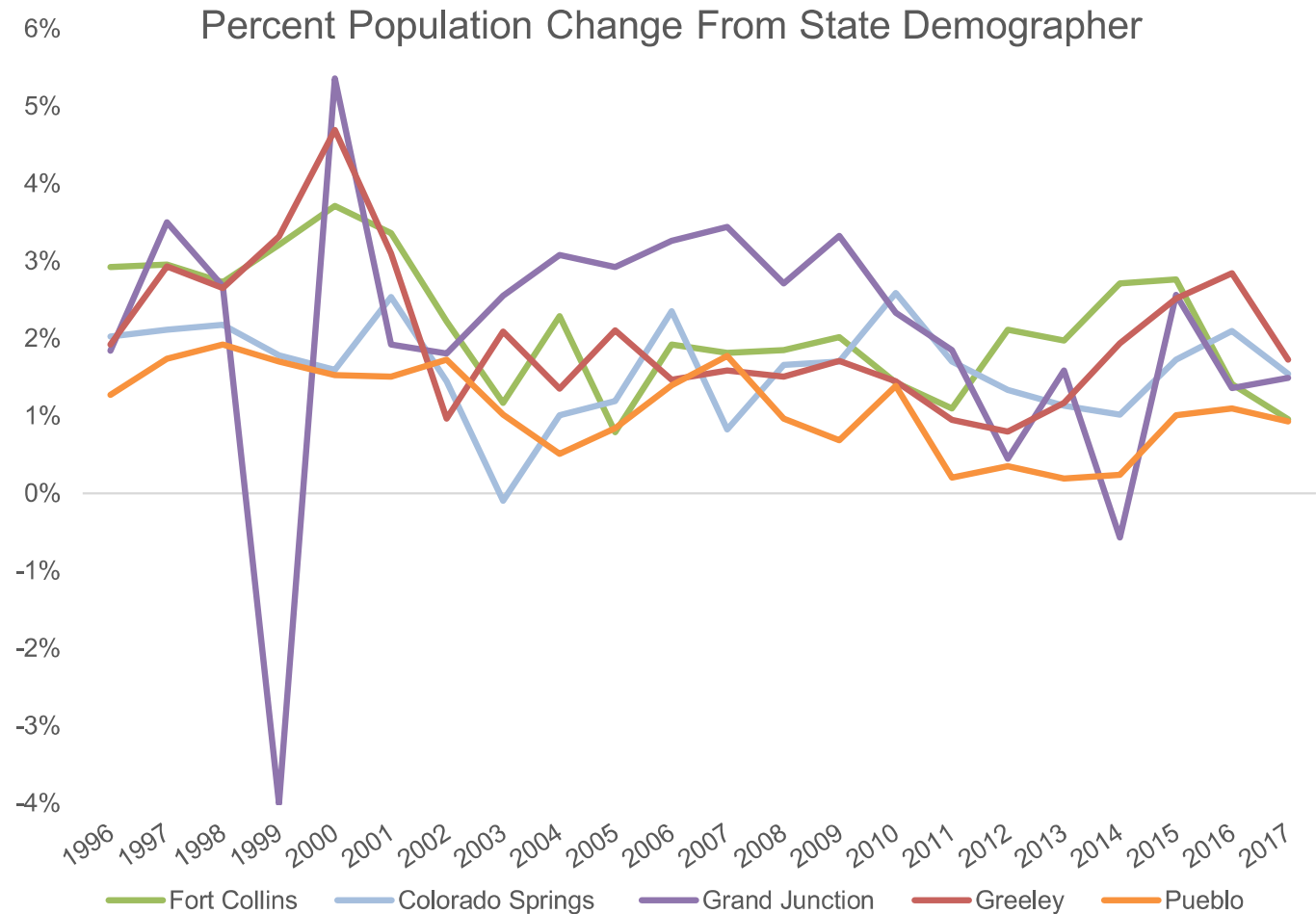




# Population growth rate in Fort Collins is consistent with similar metro areas

Yearly population growth in Fort Collins is similar to comparable state metro areas.

The city's annual population growth rate was the highest between 1998 and 2001, averaging 3.25%. While the last four years have seen higher rates, Fort Collins' annual population growth rate has not been above 3% since 2001.



## The renter population is growing, and so is the average number of people living in rented homes

| Era       | Rental Households | Rental Population | Average Renter Household Size | Proportion of Households Who Are Renters |
|-----------|-------------------|-------------------|-------------------------------|--|
| 2005-2007 | 23,130            | 48,790            | 2.11                          | 43.1%                                    |
| 2010-2012 | 26,044            | 59,530            | 2.29                          | 45.6%                                    |
| 2015-2017 | 28,871            | 68,815            | 2.38                          | 46.4%                                    |

Because Fort Collins is a growing community, we would expect the number of rental households to increase, along with number of people living in rental households. However, the more interesting analysis is how rental households are changing within the housing landscape.

Over the past ten years, the size of rental households has increased notably from an average of 2.11 people per household to 2.38 people per household. This is a notable increase in size, and essentially means that nearly 8,000 additional people are living in rental unit solely due to this increase in household size. There could be many reasons for this, but affordability is a likely suspect, potentially forcing more roommate situations or delaying home buying for families.

Also of interest is the continuing increase of rental households among the population. Comparing the current rate to ten years ago, we can conclude that approximately 950 households are renting now, and in past years would have owned their homes.

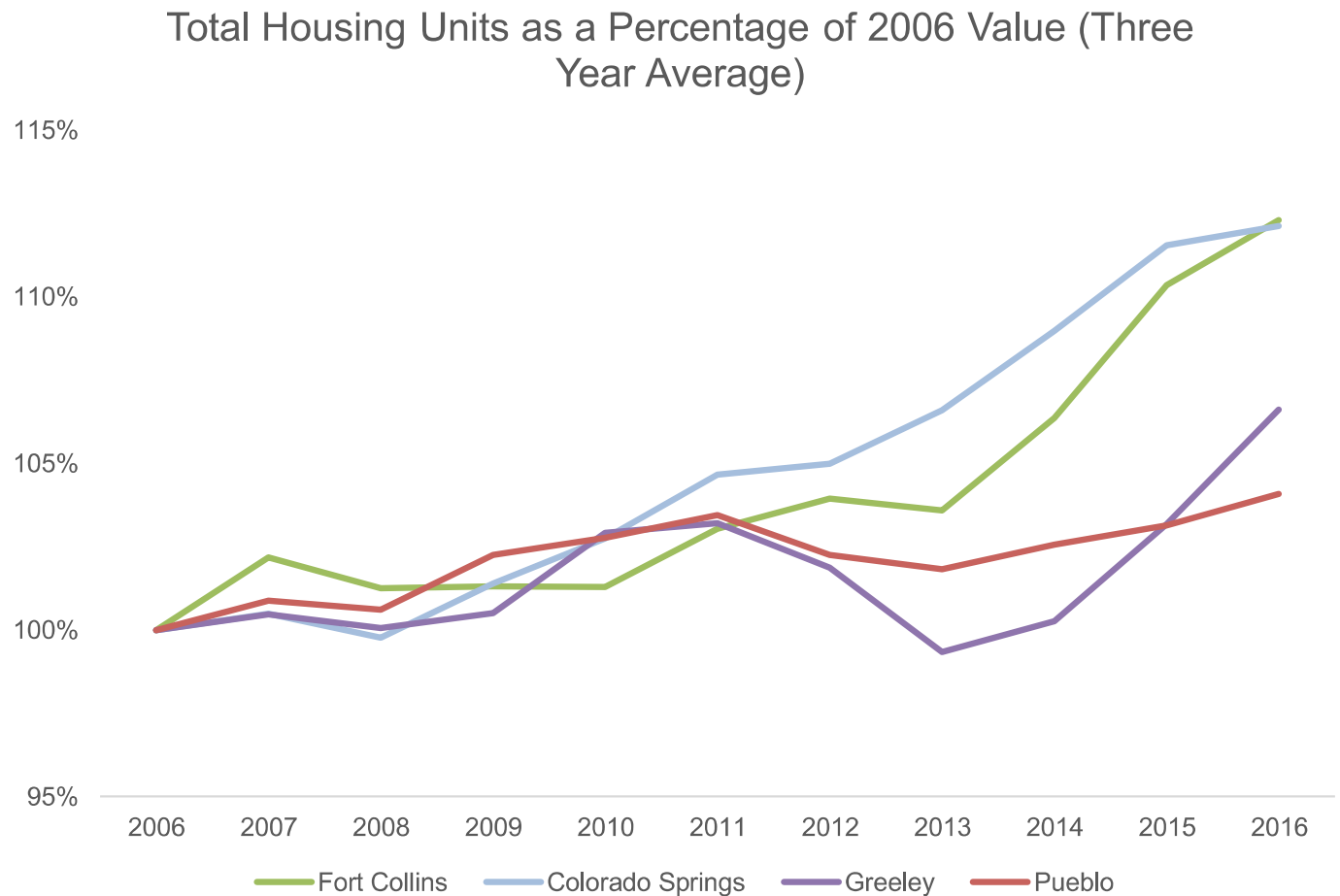
## Section 1.1.2

### Change in Supply

# Growth in housing unit supply has increased significantly since 2013

This graph normalizes housing supply growth as a percentage of each city's 2006 value, allowing for a more effective comparison.

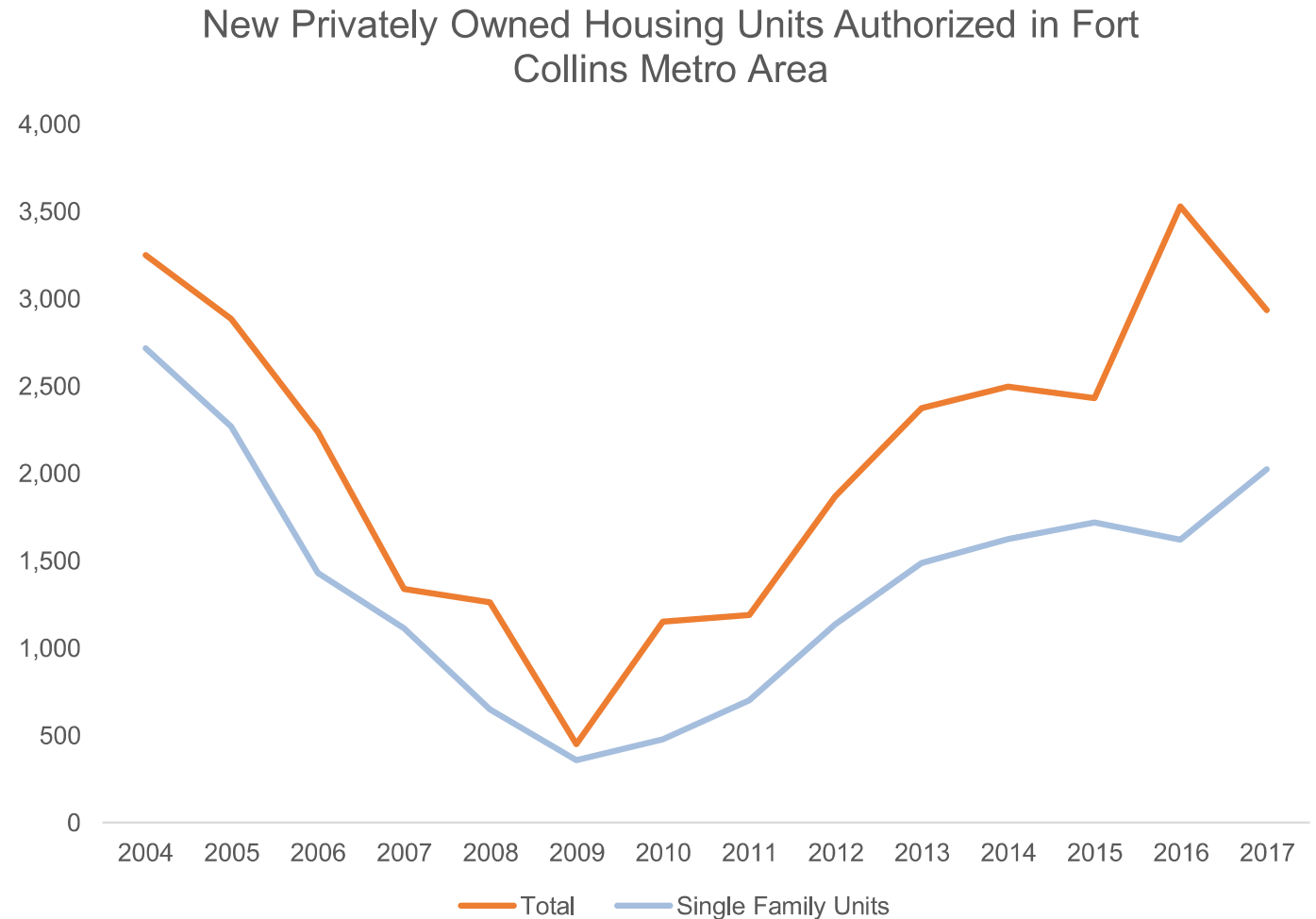
While housing supply in Fort Collins was fairly stagnant between 2005 and 2010 the last five years has seen a higher rate of expansion in housing units.



# Housing development in Fort Collins bottomed out in 2009

The US Census' Building Permits Survey shows that the creation of new housing units in Fort Collins was in decline before the 2008 housing crisis and reached its nadir in 2009.

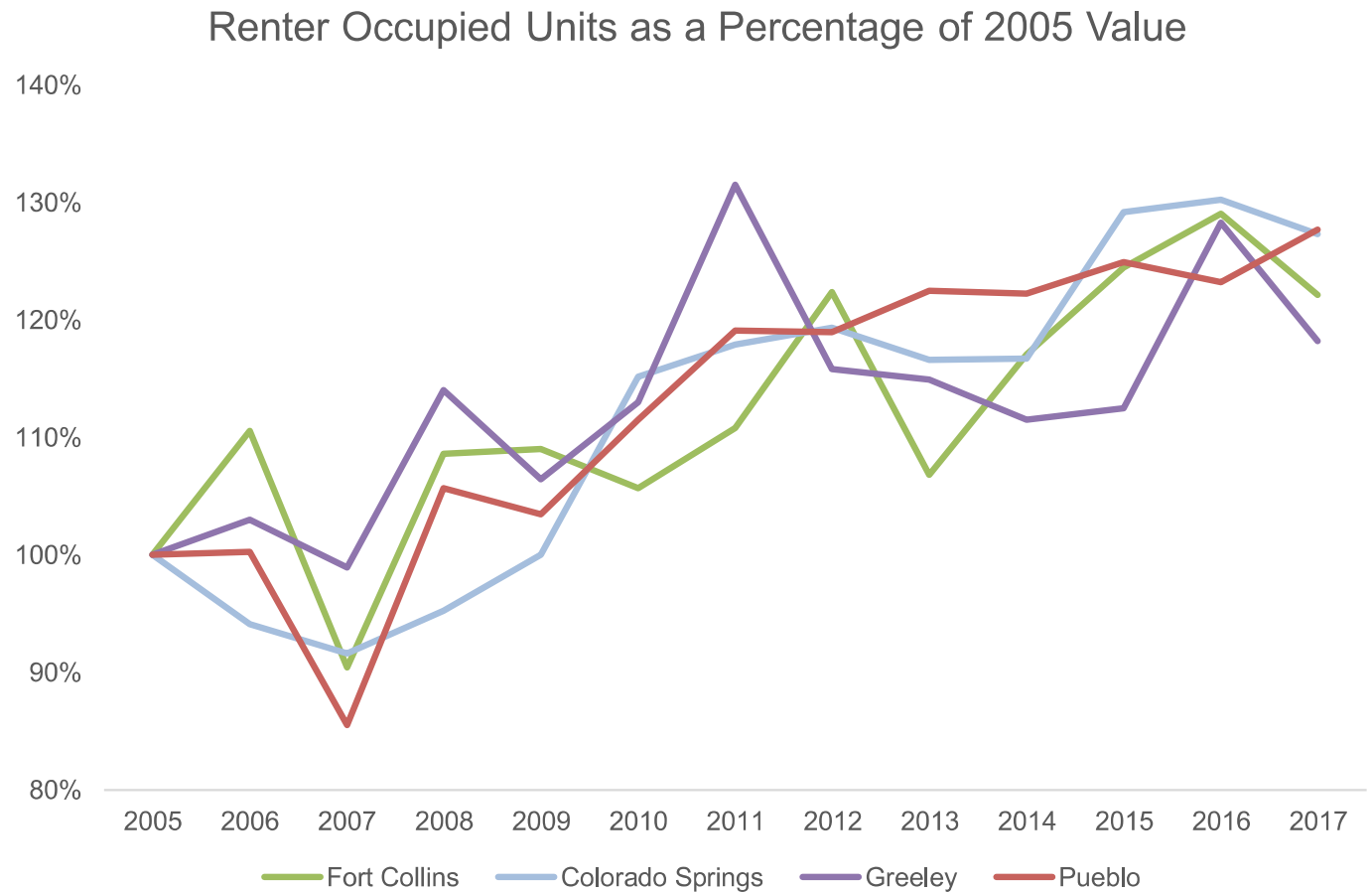
The increase seen in overall housing units after 2013 is mirrored in the growth of newly authorized units.



# Growth in renter occupied units is consistent with similar metro areas

All four Colorado metro areas have seen a steady increase in renter occupied units.

The increase in renter occupied units is coming from both increases in housing units and a decrease in home ownership rate.



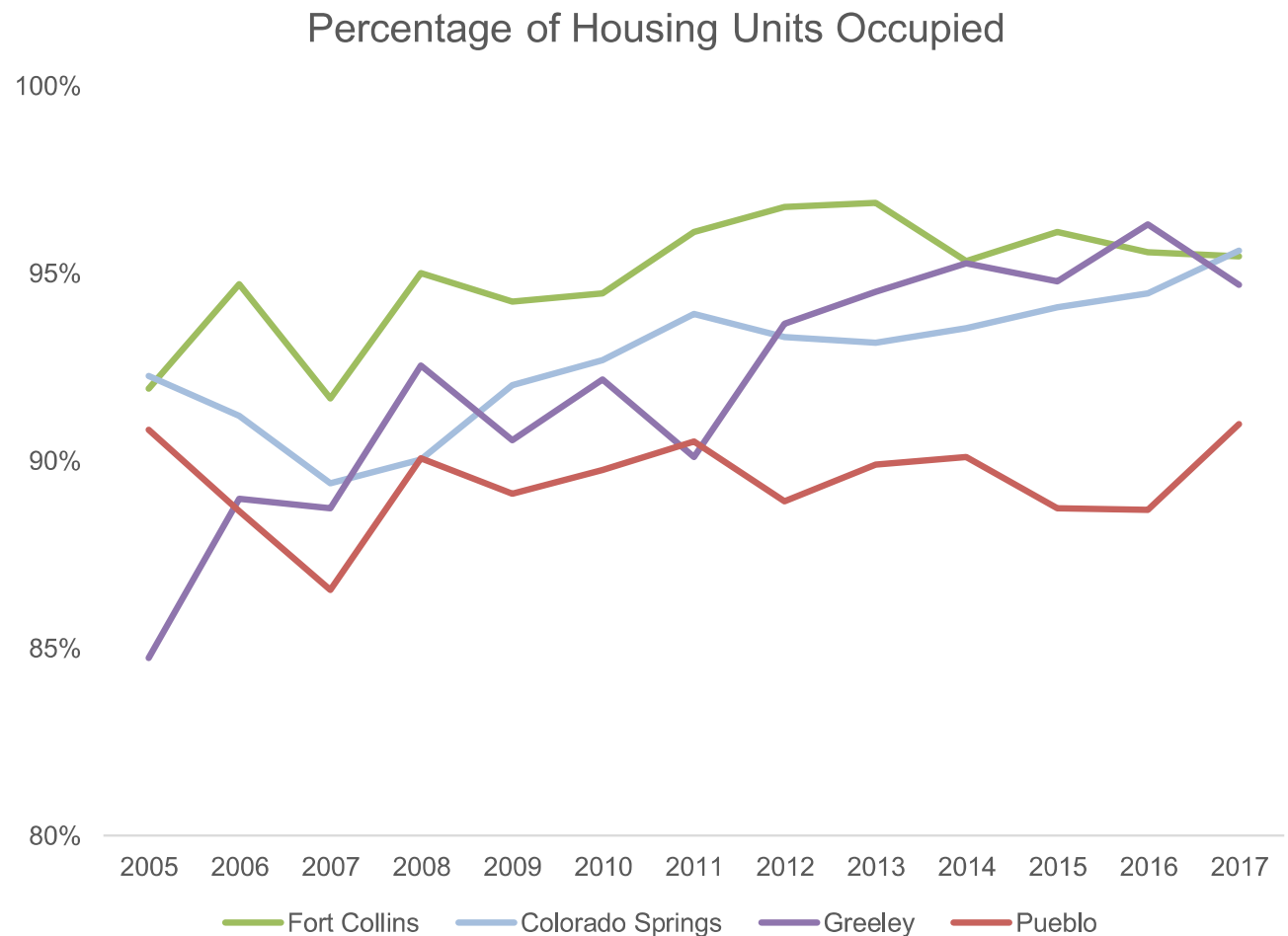
## Section 1.1.3

# Change in Vacancies

# Colorado Springs and Greeley are converging to Fort Collins' high occupancy rate

These Census data, which combine the rental and owner housing markets, show that occupancy rates in Fort Collins have historically been higher than similar metro areas.

More than 95% of all Fort Collins' housing units have been occupied since 2010

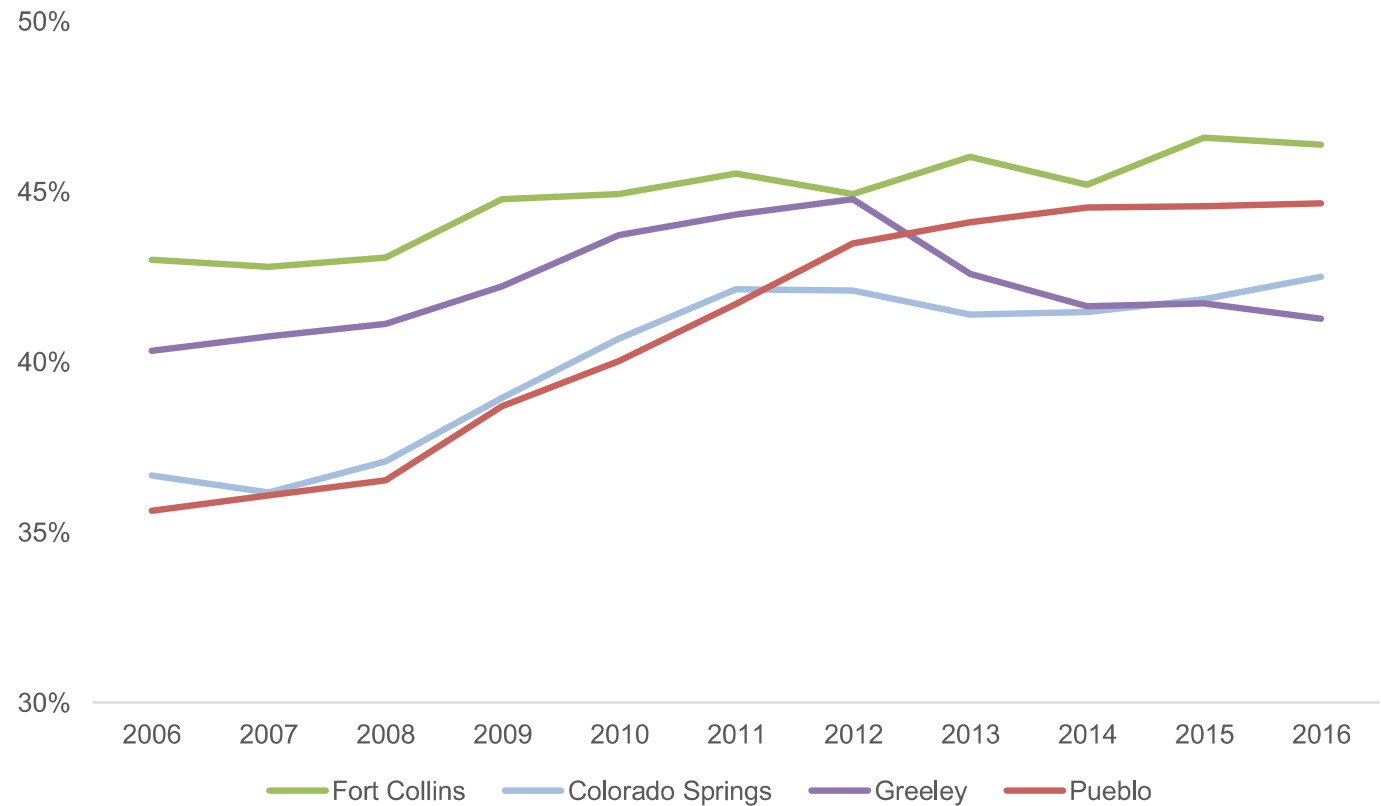




# Renters are making up a higher percentage of occupied units in Fort Collins

Compared to similar metro areas in the state, Fort Collins has had a high percentage of renters in occupied units. The state-wide increase in renting could be attributed to the 2008 financial crisis and increasing costs of home ownership post-recession

Percentage of Occupied Housing Units Occupied by Renters  
(Three Year Average)

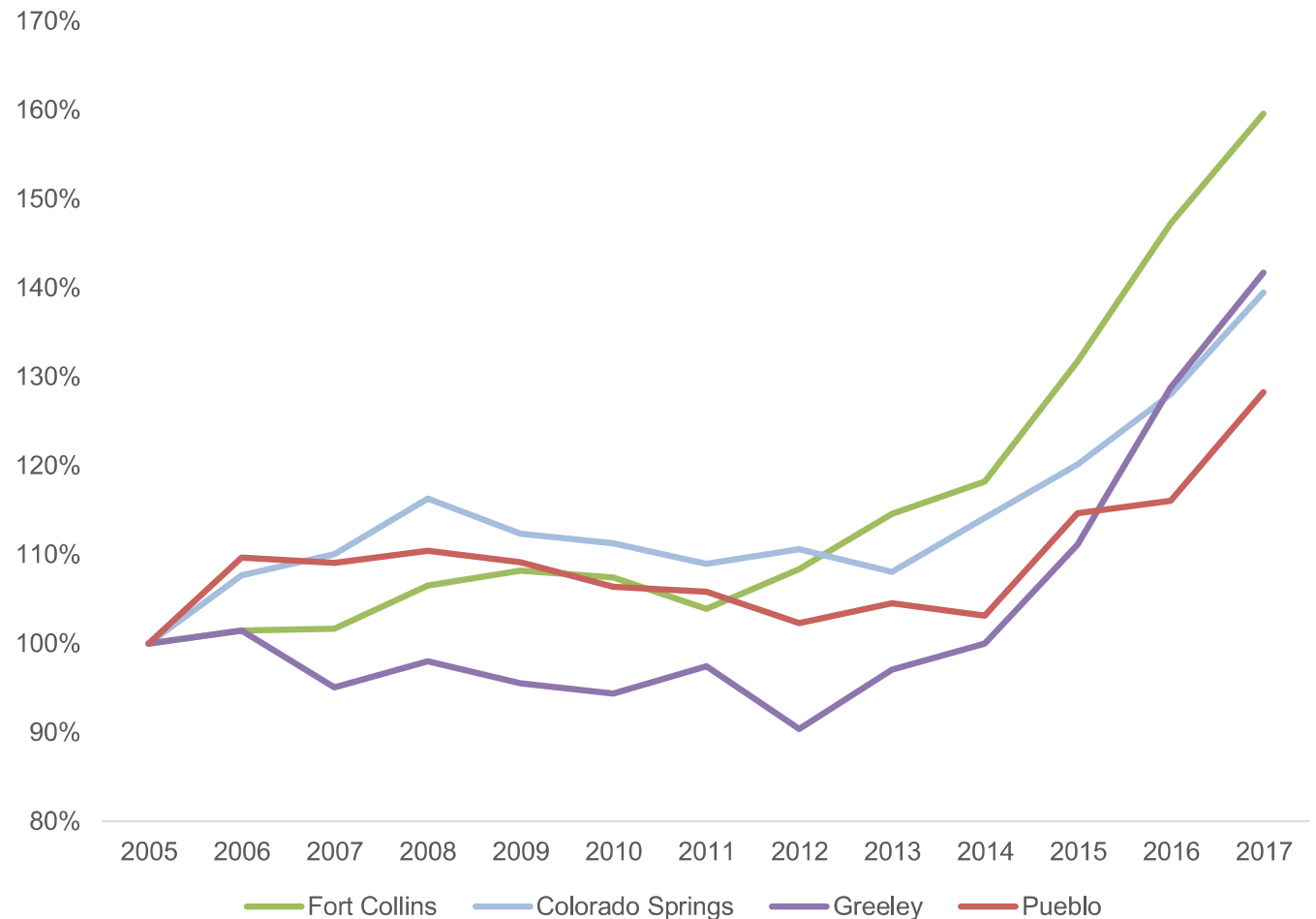


# Colorado has seen a steep increase in home values over the last six years

While median home values in Fort Collins were largely stagnant between 2005 and 2011, the next six years saw about a 50% increase.

While all four metro areas had significant increases in home values between 2005 and 2017, Fort Collins demonstrated the largest percentage with the median home value increasing from \$229,700 to \$366,500

Median Home Value as a Percentage of 2005 Value



# Sale-to-list price in Fort Collins has been increasing over the last few years

Detailed home sale data is only available after 2011 for Fort Collins.

The last few years have seen home buyers paying a higher percentage of list price.

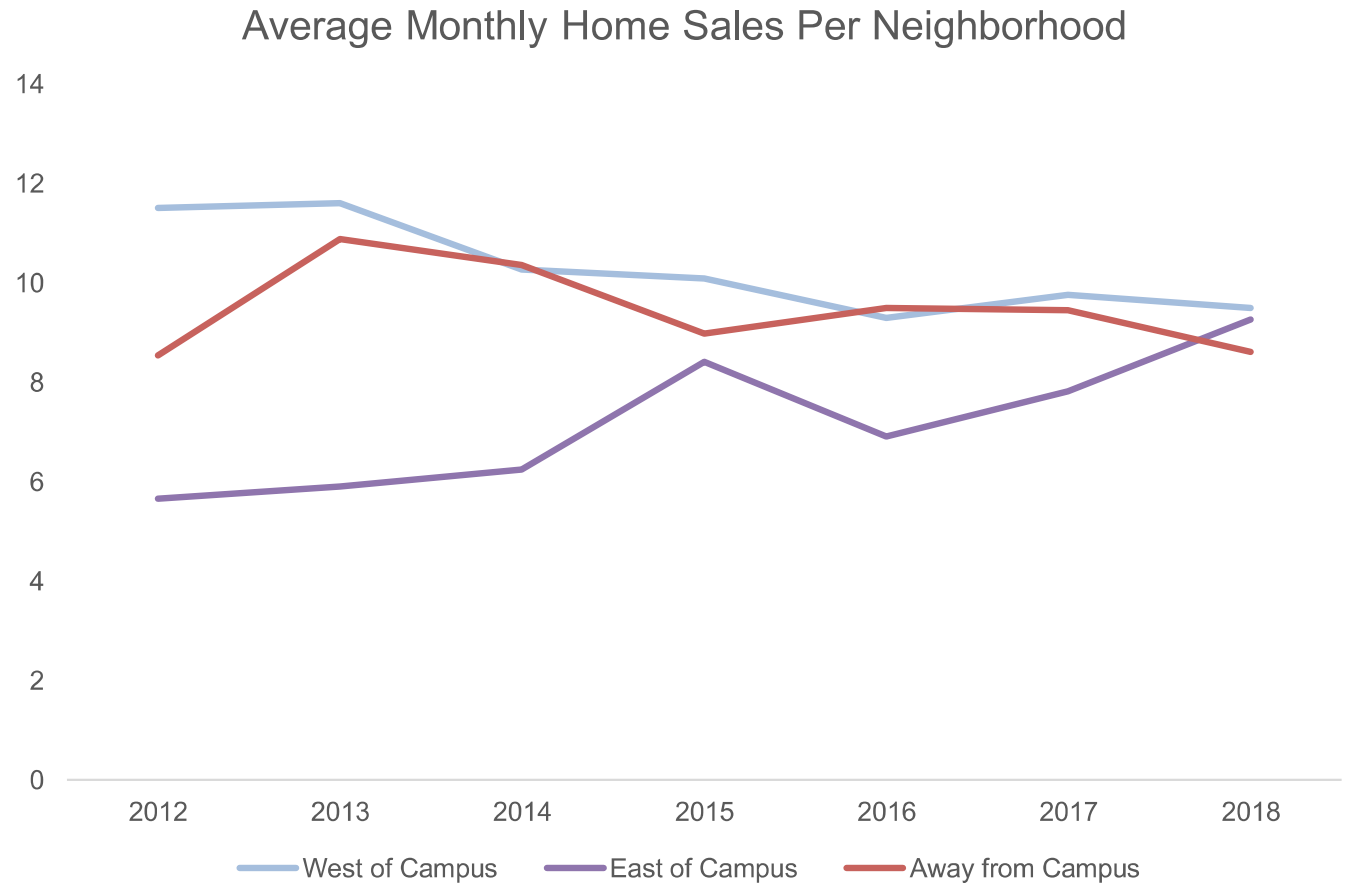
While the sale-to-list price for neighborhoods east of campus appear lower than others, it is important to note that this data is based exclusively on the “University Park” area.



# Sale-to-list price in Fort Collins has been increasing over the last few years

Average monthly home sales west of campus are very similar to those in neighborhoods away from campus over the last few years.

Sales in the University Park area have converged with average rates in other areas of Fort Collins over time.



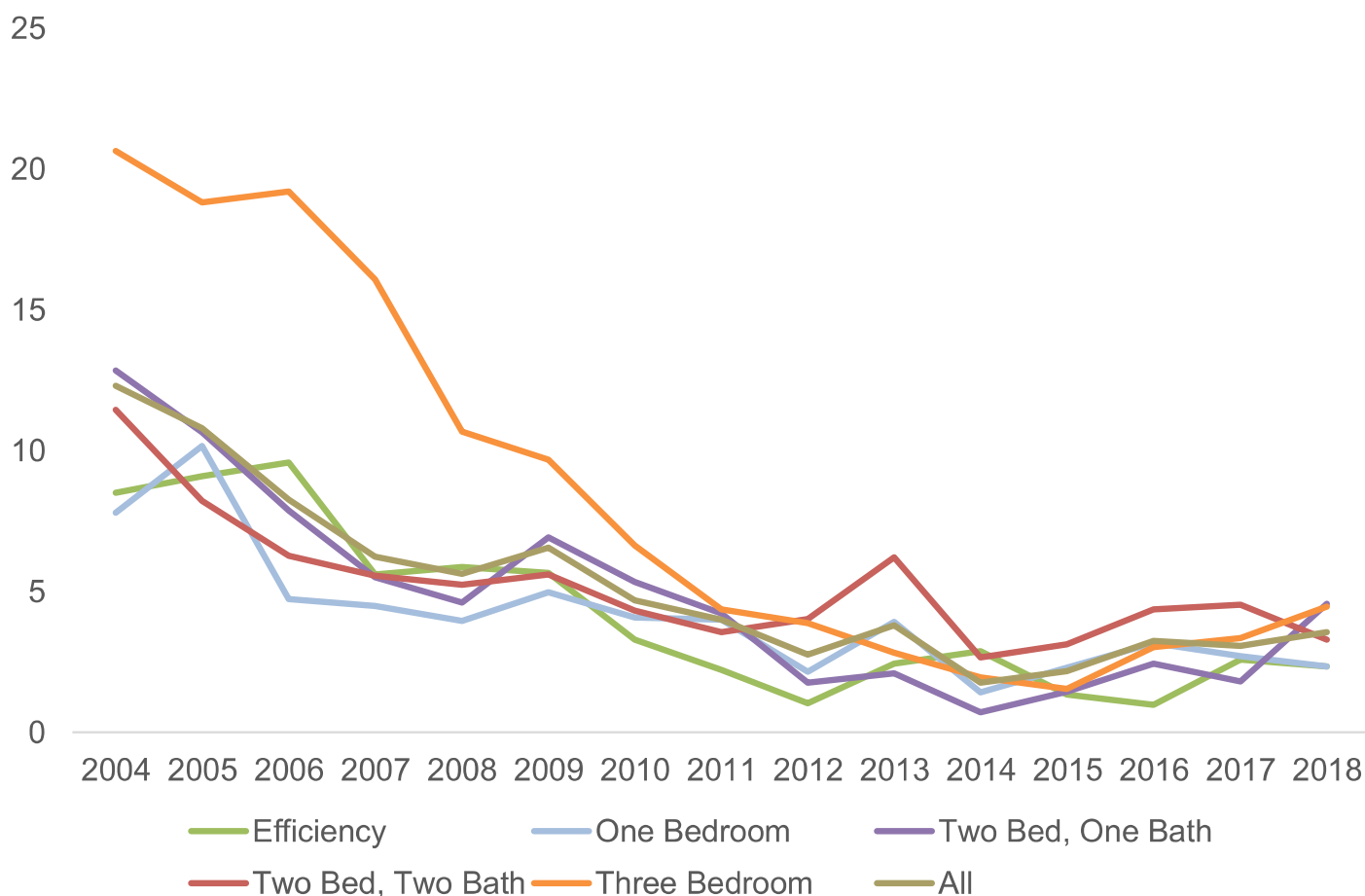
Neighborhood data is calculated from the following areas. West of Campus (Avery Park, Brown Farm, Old Town West, P.O.E.T., Prospect, Rogers Park, and Shields). Away from Campus (Downtown, English Ranch, Foxstone, Huntington Hills, Miramont, Side Hill, The Landings, and Troutman Park). East of Campus (University Park).

# Multifamily vacancy rates in Fort Collins are low across unit types

Rental vacancy rates in Fort Collins steadily decreased across all unit types between 2004 and 2012 and have remained consistently below 5% since.

While three bedroom units experienced significantly higher vacancy rates in the mid 2000s, they have converged to the average rate in the city.

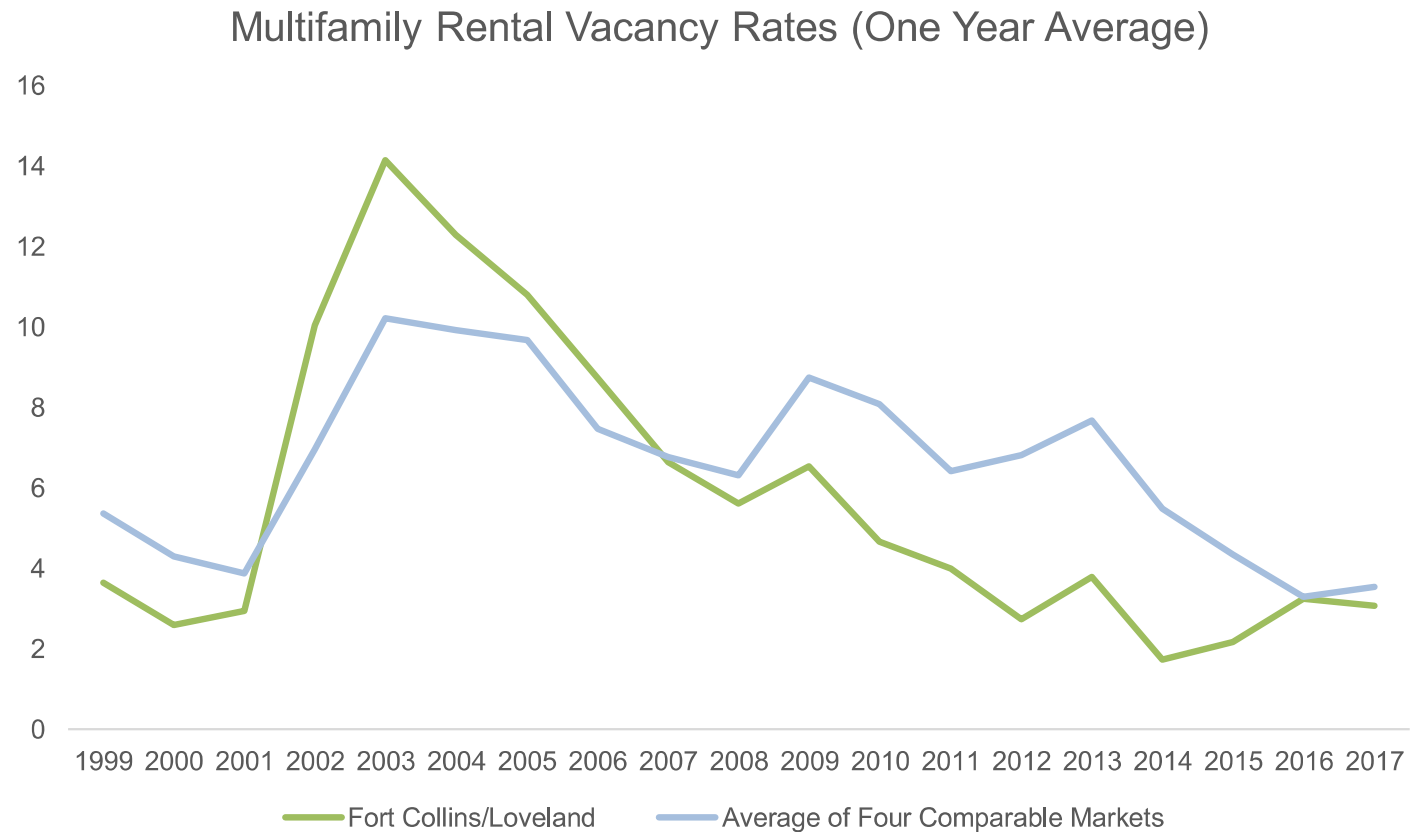
Fort Collins Multifamily Unit Rental Vacancy Rate by Unit Type



# vacancy rates in Fort Collins follow a similar trend to comparable metro areas, but are lower in the post-ordinance era

The four comparable metro areas have demonstrated a similar, but less extreme, decline in rental vacancy rates.

Fort Collins has spent most of the post-ordinance era having a significantly lower rental vacancy rate than similar Colorado markets, although appear to be converging lately.



# Recent vacancy rates in Fort Collins have been lower than similar cities

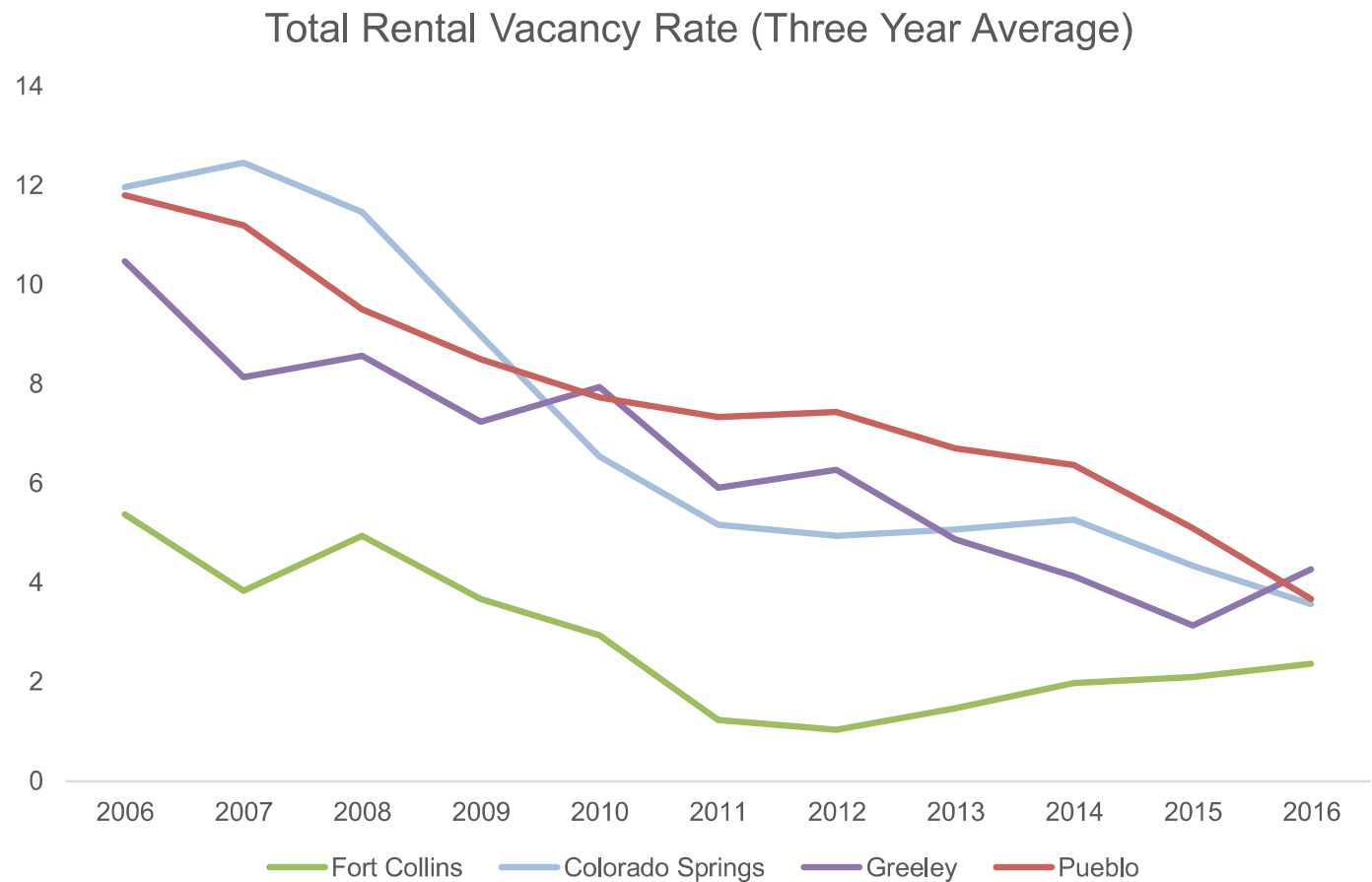
## Average Vacancy Rates - Multi-Family Units

|                       | Average Vacancy Rate        |         |         |         |           |
|-----------------------|-----------------------------|---------|---------|---------|-----------|
|                       | 1998-2001                   | 2002-05 | 2006-09 | 2010-13 | 2014-2017 |
|                       | I                           | II      | III     | IV      | V         |
| Fort Collins/Loveland | 3%                          | 12%     | 7%      | 4%      | 3%        |
| Colorado Springs      | 5%                          | 11%     | 10%     | 6%      | 5%        |
| Grand Junction        | 5%                          | 7%      | 4%      | 9%      | 4%        |
| Greeley               | 3%                          | 10%     | 7%      | 4%      | 3%        |
| Pueblo                | 5%                          | 8%      | 8%      | 10%     | 5%        |
|                       | Average Vacancy Rate Change |         |         |         |           |
|                       | I-II                        | II-III  | III-IV  | IV-V    | I-V       |
| Fort Collins/Loveland | 8.6                         | -5.1    | -3.0    | -1.2    | -0.7      |
| Colorado Springs      | 6.3                         | -0.6    | -3.9    | -0.8    | 0.9       |
| Grand Junction        | 2.1                         | -3.5    | 5.0     | -4.9    | -1.3      |
| Greeley               | 7.0                         | -3.0    | -3.1    | -1.4    | -0.5      |
| Pueblo                | 3.6                         | -0.4    | 1.8     | -5.2    | -0.3      |

# Total renter vacancy rates in Fort Collins are very low

Examining the total rental vacancy rate (single and multifamily homes) from the Census confirms the trends observed in the Colorado Department of Housing data.

Fort Collins has had a lower rental vacancy rate than similar markets in the post-ordinance era. The decrease between 2008 and 2011 has led to an extremely tight rental market with few vacant rental units.





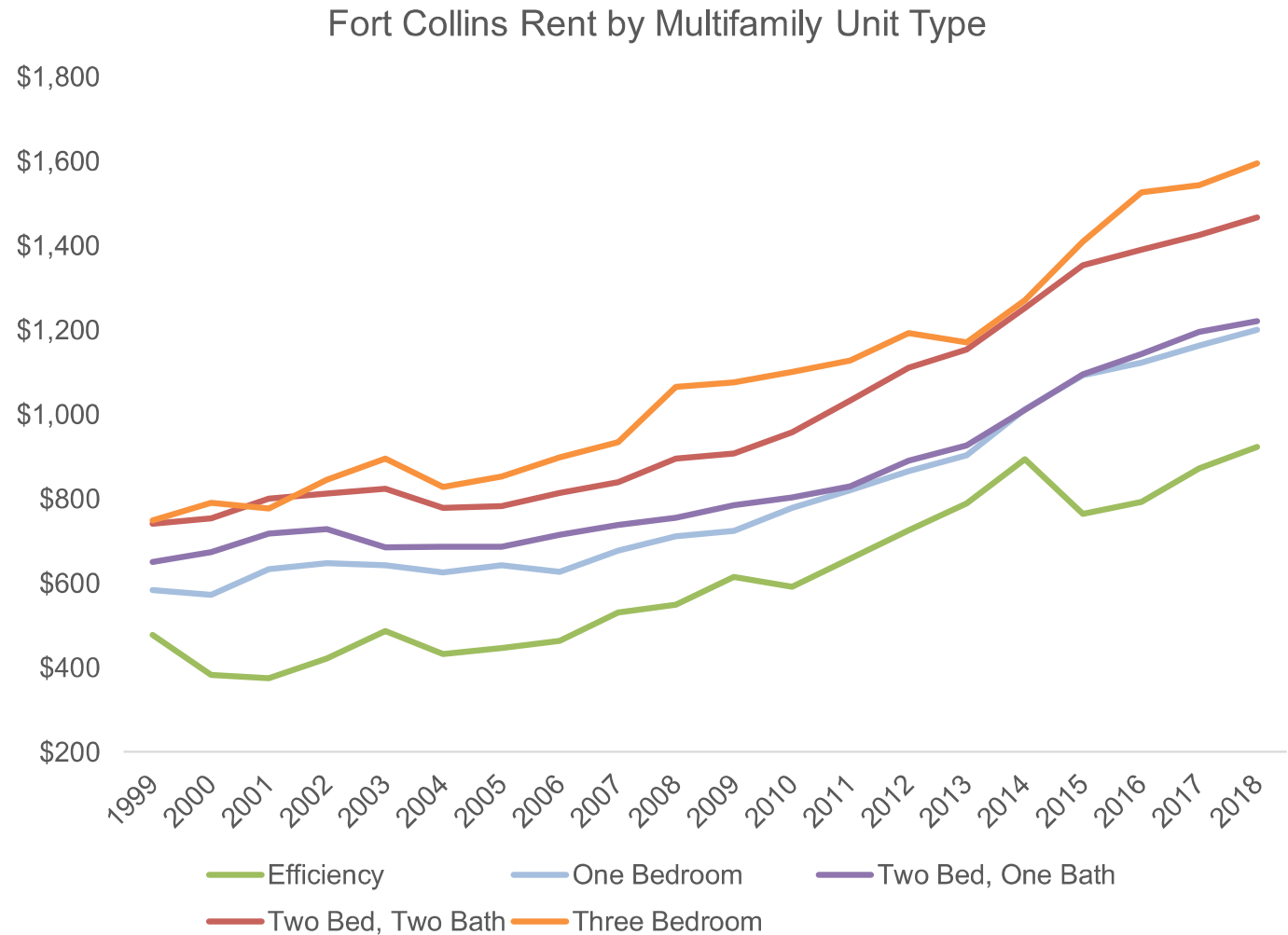
## Section 1.1.4

### Change in Average Rent

# Across unit types, average rent in Fort Collins has nearly doubled over the last 20 years

Rent in Fort Collins is increasing across all unit types. Efficiencies and three bedroom units have seen the largest percentage increase over the last two decades.

2009-2018 saw a 56% increase in the average rent of all unit types. This is significantly higher than the 18% increase observed between 1999-2008.



# Average rent increased in Fort Collins at a higher rate than similar metro areas, especially between 2006-2013

Breaking down the change in average rent across four year segments illustrates how Fort Collins' rent compares to similar metro areas in the state. The percentage change from era I to II shows that Fort Collins followed a similar pattern of steady increase seen across the state. More recently, the change between IV and V shows most metro areas experiencing a steep increase in rental prices. The main period where the Fort Collins' market appears to be unique is the change between III and IV. Here the rate of change is double that of comparable cities.

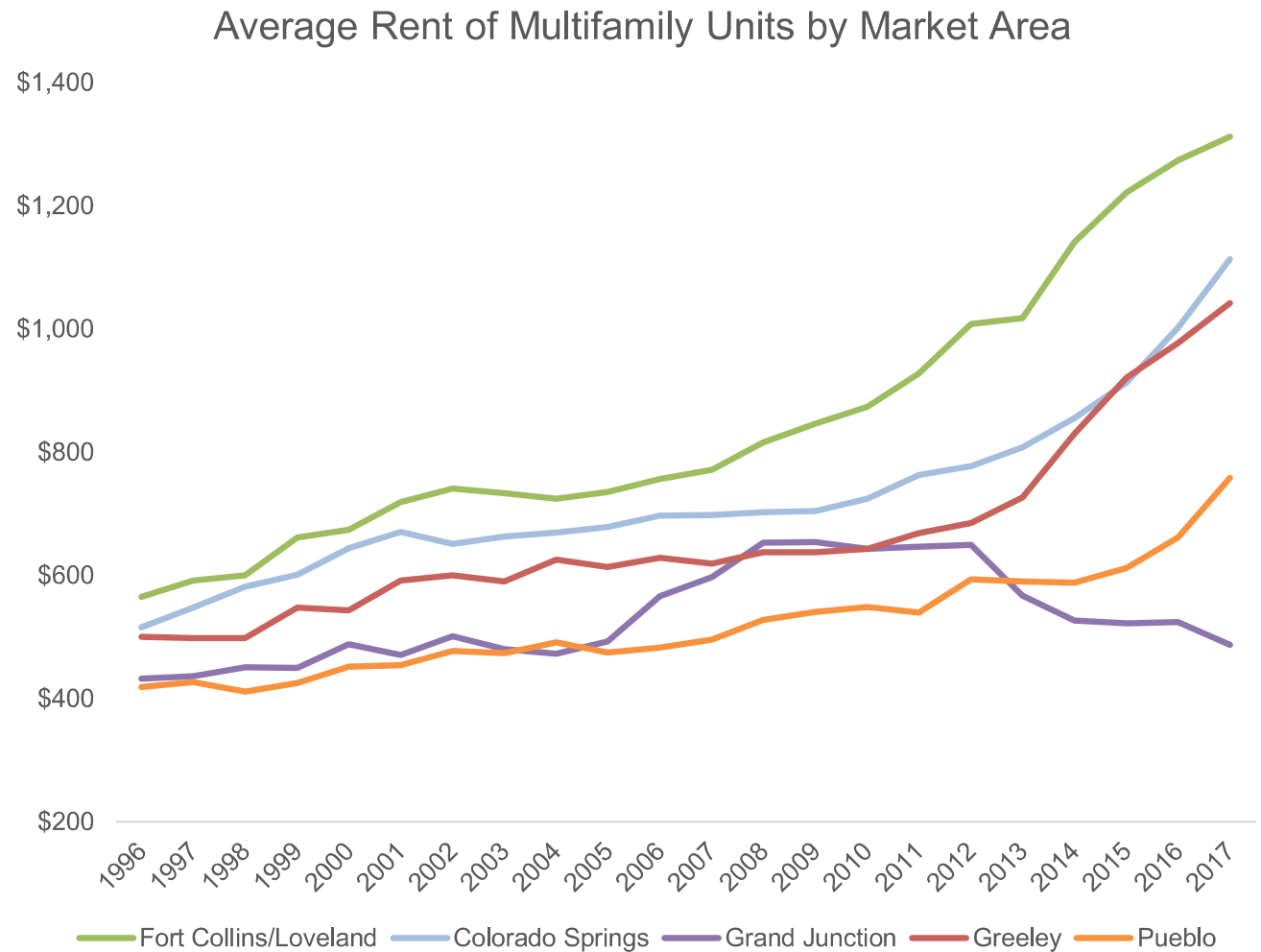
## Rental Prices - Multi-Family Units

|                       | Average Rent |          |         |          |         |          |         |           |                  |            |
|-----------------------|--------------|----------|---------|----------|---------|----------|---------|-----------|------------------|------------|
|                       | 1998-2001    |          | 2002-05 |          | 2006-09 |          | 2010-13 |           | 2014-2017        |            |
|                       | I            |          | II      |          | III     |          | IV      |           | V                |            |
| Fort Collins/Loveland |              | \$656.90 |         | \$733.22 |         | \$799.85 |         | \$956.93  |                  | \$1,237.35 |
| Colorado Springs      |              | \$613.51 |         | \$665.32 |         | \$700.37 |         | \$768.00  |                  | \$970.91   |
| Grand Junction        |              | \$465.27 |         | \$486.76 |         | \$620.62 |         | \$626.14  |                  | \$514.95   |
| Greeley               |              | \$537.49 |         | \$606.97 |         | \$630.59 |         | \$680.35  |                  | \$942.25   |
| Pueblo                |              | \$434.08 |         | \$479.29 |         | \$513.34 |         | \$567.87  |                  | \$655.00   |
| Rental Price Change   |              |          |         |          |         |          |         |           |                  |            |
|                       | I-II         |          | II-III  |          | III-IV  |          | IV-V    |           | Total Change I-V |            |
| Fort Collins/Loveland | 12%          | \$76.33  | 9%      | \$66.63  | 20%     | \$157.08 | 29%     | \$280.41  | 88%              | \$580.45   |
| Colorado Springs      | 8%           | \$51.80  | 5%      | \$35.05  | 10%     | \$67.63  | 26%     | \$202.92  | 58%              | \$357.40   |
| Grand Junction        | 5%           | \$21.49  | 28%     | \$133.86 | 1%      | \$5.52   | -18%    | -\$111.19 | 11%              | \$49.68    |
| Greeley               | 13%          | \$69.48  | 4%      | \$23.62  | 8%      | \$49.76  | 38%     | \$261.90  | 75%              | \$404.76   |
| Pueblo                | 10%          | \$45.20  | 7%      | \$34.05  | 11%     | \$54.54  | 15%     | \$87.13   | 51%              | \$220.92   |

# Average rent in Fort Collins increased at a higher rate than similar metro areas

While rent in Fort Collins has always been higher than comparable metro areas, the last decade has seen rent in the city increase at a faster rate.

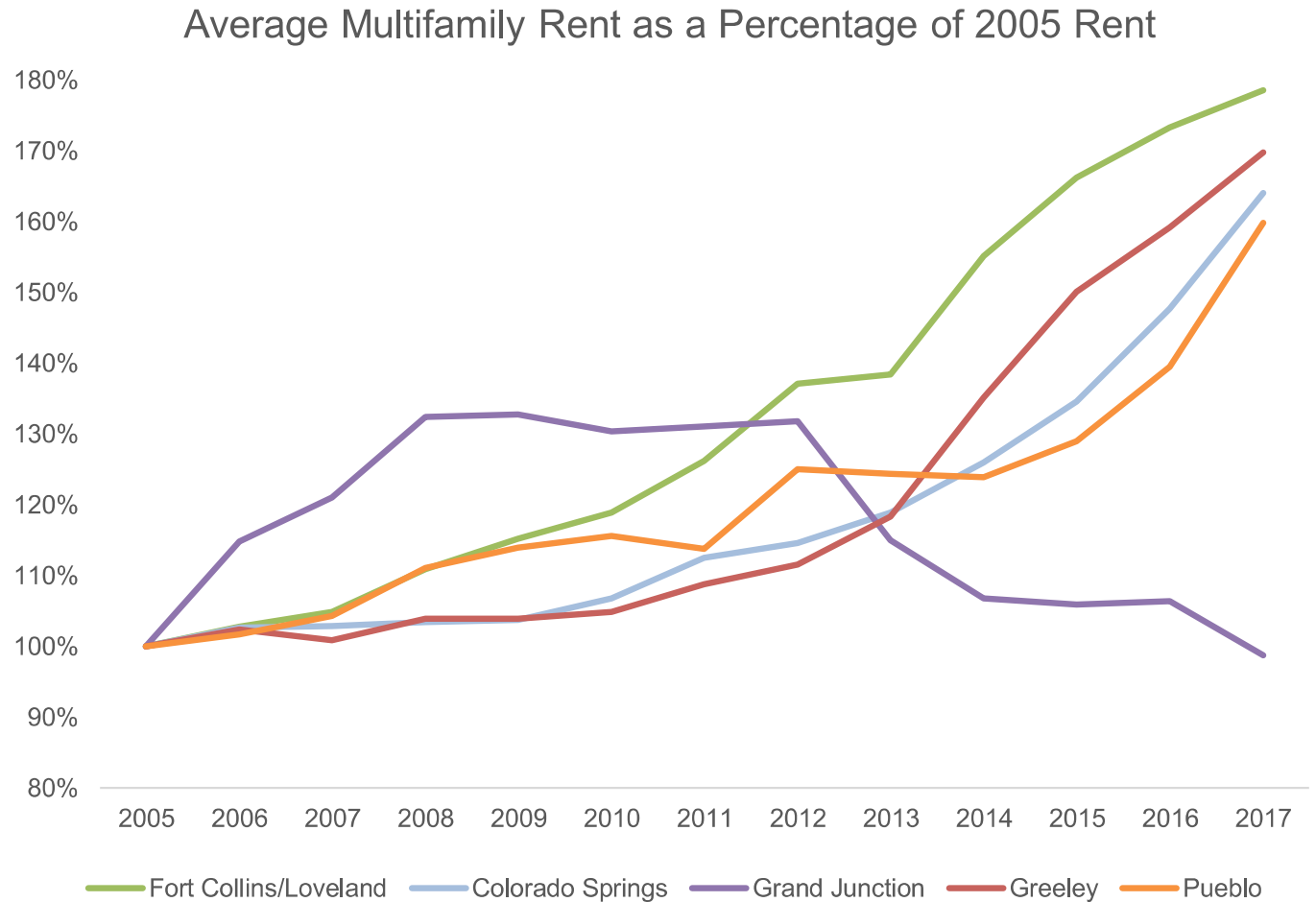
All metro areas, except for Grand Junction, have seen steep increases in multi-family unit rent in recent years.



# Post 2005 rent has increased in Fort Collins at a higher rate than similar metro areas

Examining average rent as a percentage of each city's 2005 value confirms the previously identified pattern.

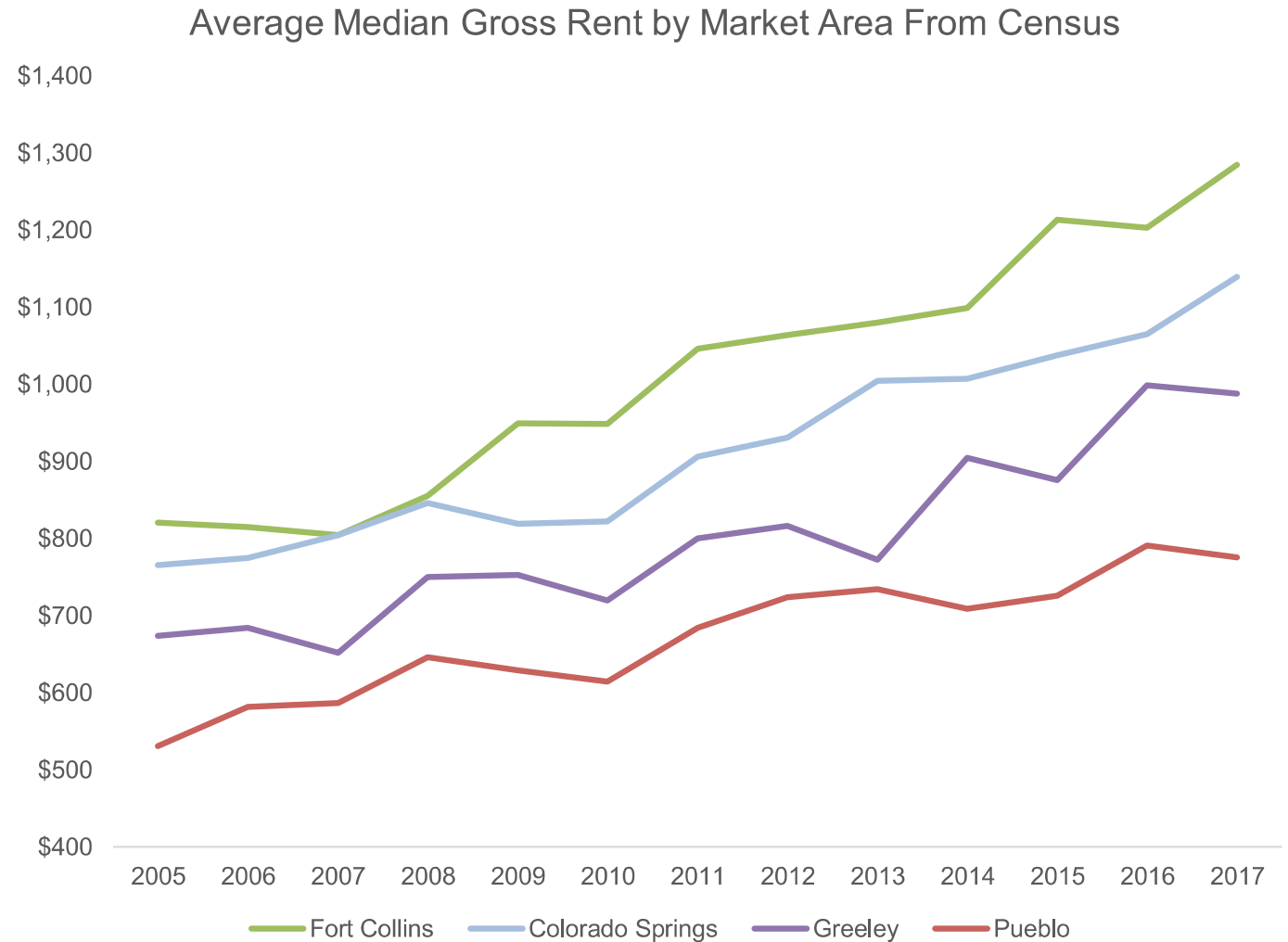
While recent years have brought increased rents across the state, Fort Collins has experienced the most significant rise in rental costs.



# Calculating total median rent from the Census confirms the trend

Examining total median rent (single and multifamily homes) from the Census confirms the trends observed in the Colorado Department of Housing data.

Fort Collins has historically had higher rental costs than comparable metro areas, but has also seen the largest increase during this period - 68% compared to an average of 48% for the three comparable cities.



## Despite similar population trends, rent in Fort Collins increased at a higher rate than similar areas post-ordinance

- The geographic and temporal coverage of the Colorado Department of Housing's data allow for an assessment of pre and post-ordinance trends. The table below shows average yearly changes in population and multifamily rent in two eight year periods before and after the ordinance. In its 2009 report, Corona Insights identified 2006 as the first year that ordinance affected the rental market due to the start of education and registration efforts.
- The table demonstrates that rental costs in Fort Collins grew at a very similar rate to comparable metro areas pre-ordinance. However, rent increased at a much faster rate post-ordinance. A decrease in the average yearly change in population shows that this change is not likely due to a increase in housing demand unique to Fort Collins.

**Population and Multifamily Unit Rent Change Pre and Post-Ordinance**

|                              | <b>Average Yearly Change in Rent</b> |                |                   | <b>Average Yearly Change in Population</b> |                |                   |
|------------------------------|--------------------------------------|----------------|-------------------|--|----------------|-------------------|
|                              | <b>1997-2005</b>                     | <b>2006-14</b> | <b>Difference</b> | <b>1997-2005</b>                           | <b>2006-14</b> | <b>Difference</b> |
| <b>Fort Collins/Loveland</b> | 2.76%                                | 5.28%          | 2.51%             | 2.70%                                      | 1.92%          | -0.77%            |
| <b>Colorado Springs</b>      | 2.73%                                | 2.60%          | -0.14%            | 1.45%                                      | 1.49%          | 0.04%             |
| <b>Grand Junction</b>        | 1.52%                                | -0.89%         | -2.42%            | 2.01%                                      | 1.88%          | -0.12%            |
| <b>Greeley</b>               | 2.63%                                | 3.54%          | 0.91%             | 2.53%                                      | 1.39%          | -1.14%            |
| <b>Pueblo</b>                | 1.34%                                | 2.49%          | 1.15%             | 1.34%                                      | 0.72%          | -0.62%            |

*Average change calculated: (last year/first year)^(1/# years in period)*

## Section 1.2

# Rental Market Trends

*Fort Collins Compared to Selected Nationwide Cities*

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# Key Findings: Nationwide Comparisons

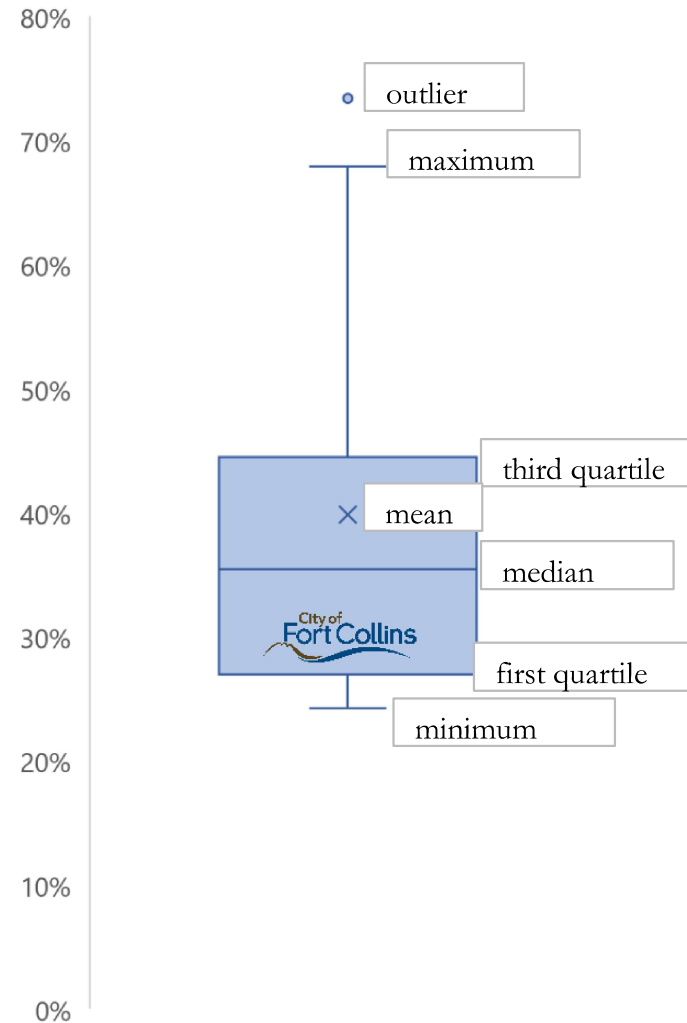
- ➔ While population growth in Fort Collins was higher than comparable national cities in the 1990s, it has regressed toward the mean in the post-ordinance era.
- ➔ Fort Collins' housing supply increased at a relatively high rate in the 1990s, but is near average in the post-ordinance era. Housing stock growth is lower across all comparable cities.
- ➔ The rate that renters have occupied housing units in Fort Collins is higher in absolute and relative terms post-ordinance.
- ➔ Fort Collins' rental vacancy rates are lower (in relative and absolute terms) than similar cities in the post ordinance era.
- ➔ Fort Collins' expansion in demand (population growth) has exceeded supply (housing units).
- ➔ Rental costs in Fort Collins have increased at a faster rate than similar national cities in the post-ordinance era. Fort Collins also had a high increase in rent in the 1990s.

A description of the methodology is found in the appendix.

# How to read a box plot

- ➔ Box plots offer a quick and effective way to identify differences between groups of populations.
- ➔ They show the median value of each population (marked with a line) and a surrounding box that stretches from the 25<sup>th</sup> to 75<sup>th</sup> percentile. The “middle half” of observations are contained in the box.
- ➔ The “whiskers” show the range of the top and bottom 25% of observations respectively. If an observation has a value that is more than 1.5 times the interquartile range (the distance between the 75<sup>th</sup> and 25<sup>th</sup> percentile value), it is deemed an outlier.
- ➔ The City of Fort Collins logo shows where the city falls on the distribution.

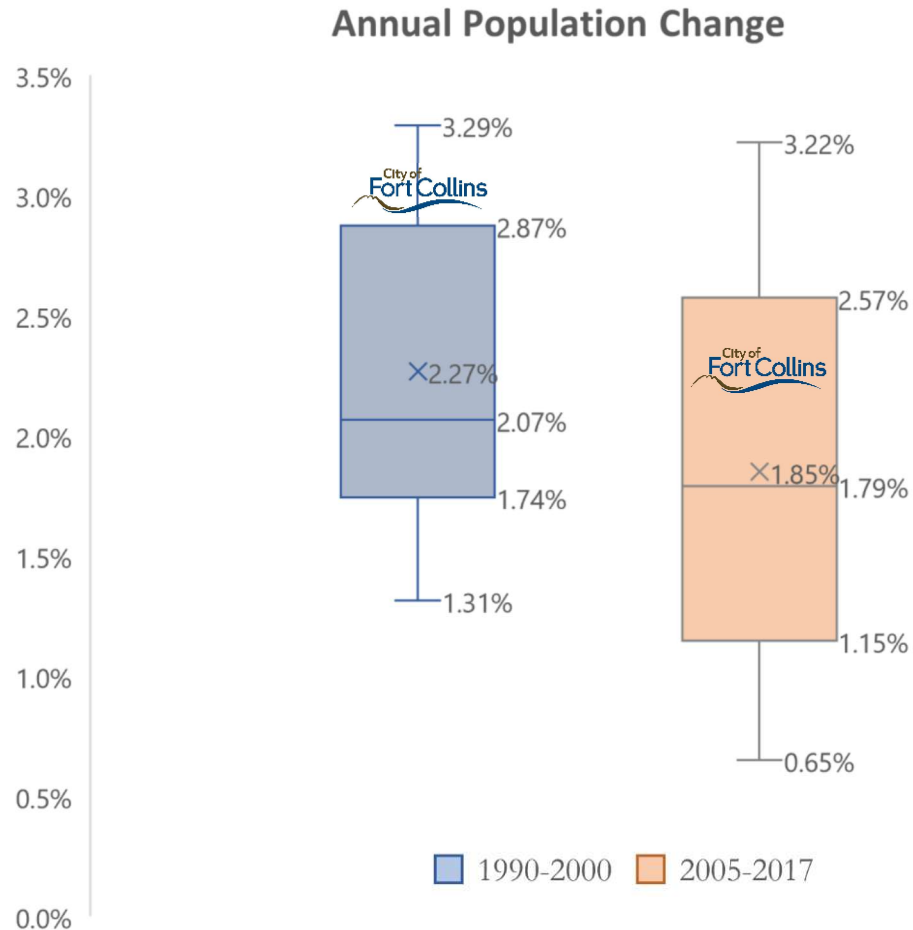
Box Plot Key



# Fort Collins' population growth has regressed toward the mean

Average population growth has generally declined across the case study cities.

Fort Collins' population growth rate has decreased in absolute relative terms. While the city's rate was previously at the higher end of the distribution in the 1990s, it is well within the middle half in the modern era.

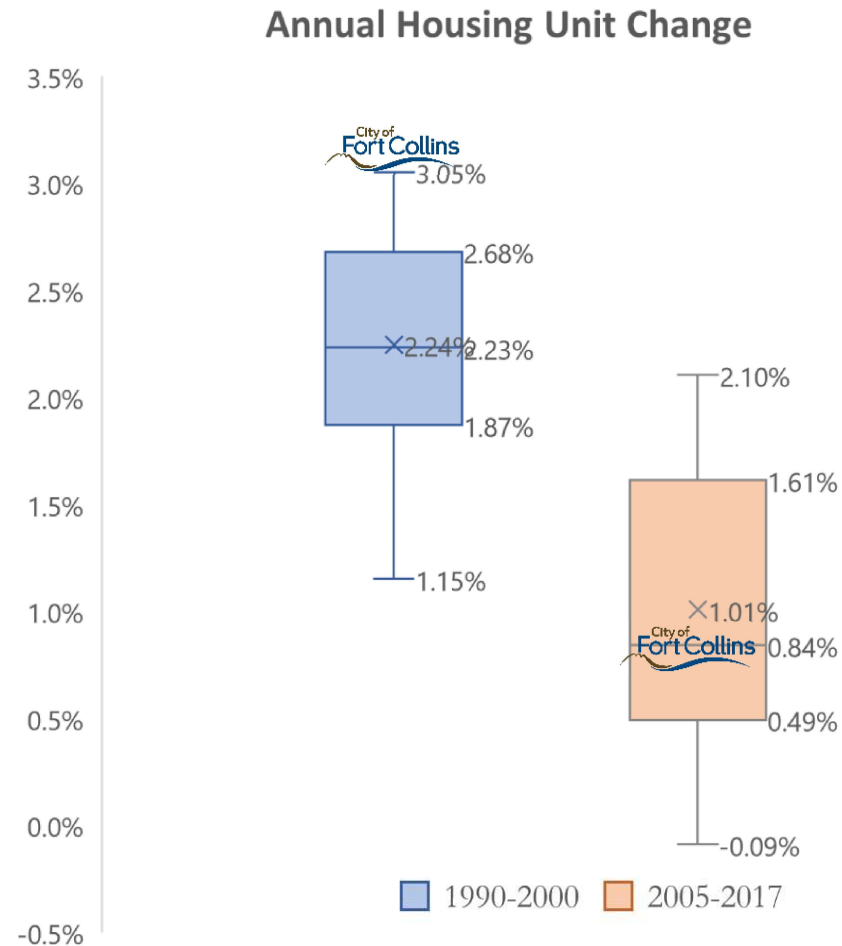


Fort Collins Values:  
3.06%, 2.33%

# The rate of Fort Collins' housing stock growth has significantly decreased

While Fort Collins had the highest rate of housing unit change in the 1990s, this value has decreased in absolute and relative terms.

Given the 2008 housing crisis and subsequent recession, there is a significantly lower rate of housing unit change between 2005-2017 for the entire sample. Nonetheless, Fort Collins went from pacing this group in the first time period to the median in the second.

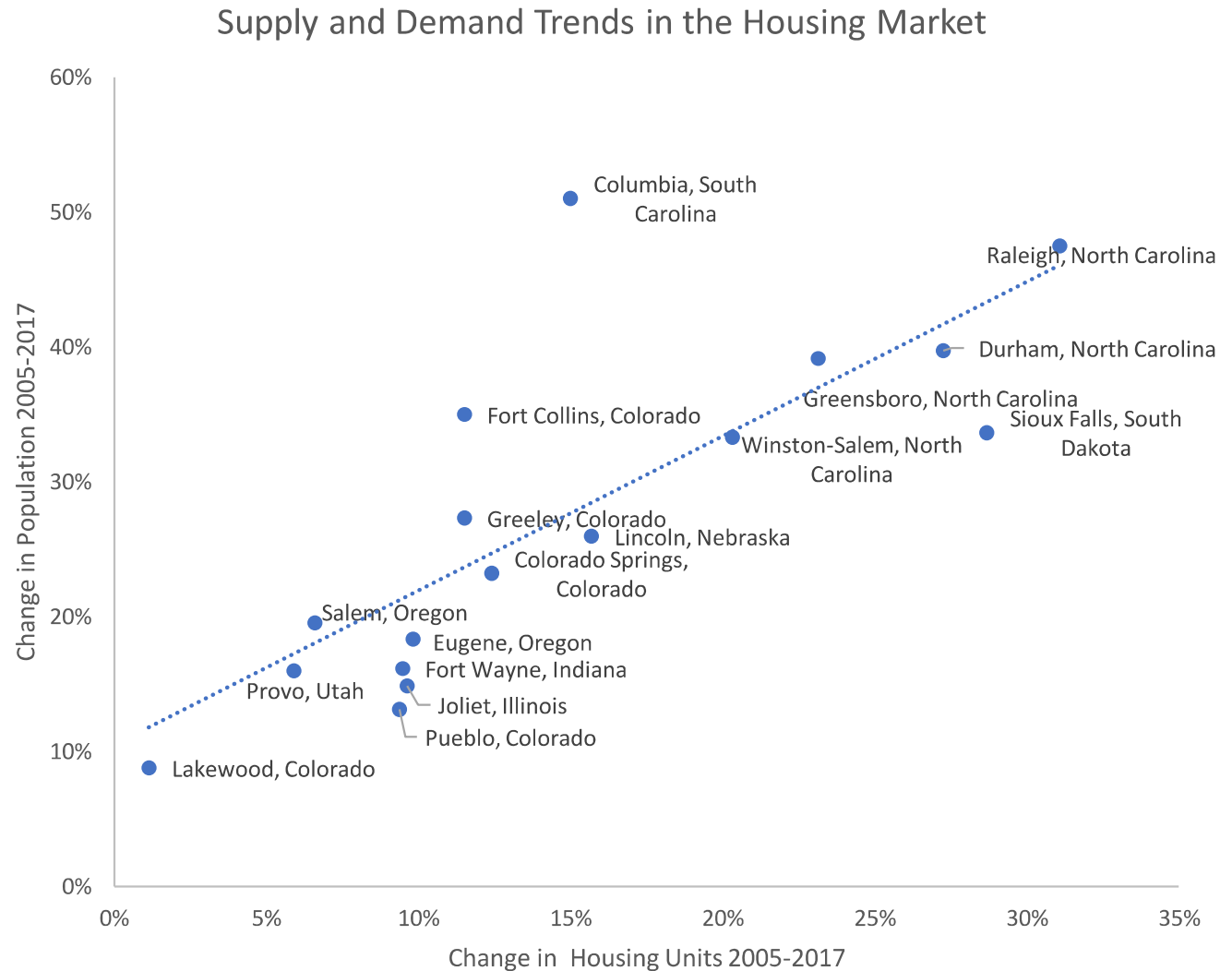


Fort Collins Values:  
3.05%, 0.84%

# Fort Collins' housing growth lags population growth

This graph plots the change in population and housing units between 2005-2017. The Colorado markets from the previous section are added for reference.

The trendline shows the average relationship between supply and demand. Fort Collins and Columbia are notable outliers in that their population growth (demand) exceeds growth in housing units (supply).

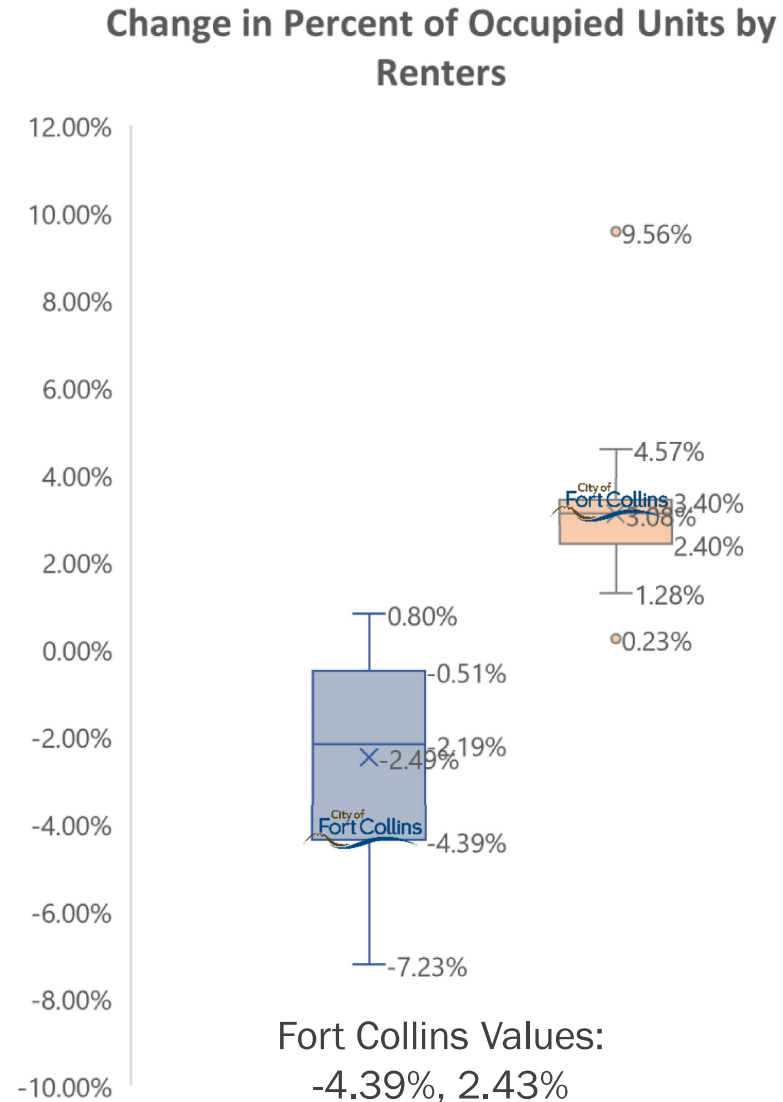


# In general, the percentage of renters is on the rise

As a group, the percentage of occupied units by renters is on the rise amongst the comparison cities.

Fort Collins has seen both an absolute and relative increase in the rate of renters in occupied units in the modern era.

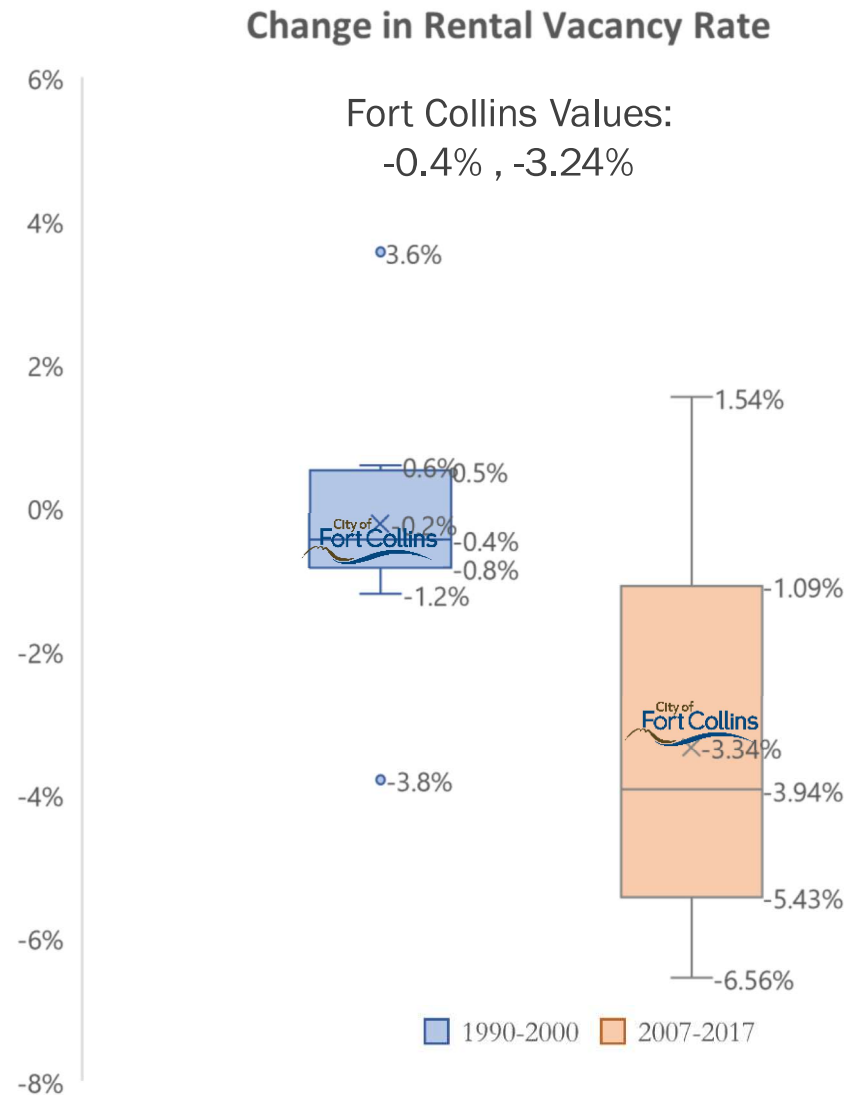
This dynamic has the potential to lower rental vacancy rates and raise the cost of rent, but does not appear to be unique to Fort Collins.



# Change in Fort Collin's rental vacancy rates appears average.

As in the previous state analysis, this comparison demonstrates a general trend in decreasing rental vacancy rates across markets.

While Fort Collins appears to be at the center of each distribution, it is important to remember that these plots are reporting a measurement of change. Unlike population and housing units, vacancy rates are subject to ceiling and floor effects. Once value approaches the floor (0% rental vacancy rate), change becomes less likely.

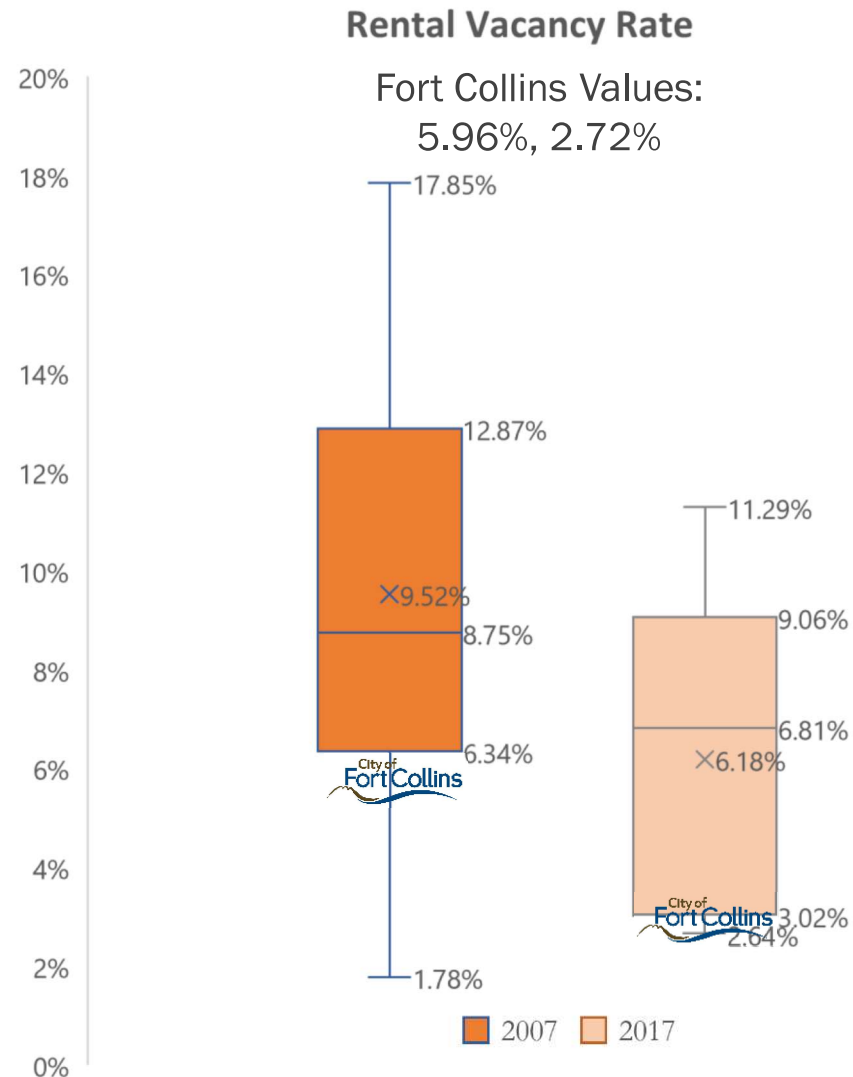


Note: Data limitations reduce sample by six cities.

# However, Fort Collins' vacancy rates are subject to a “floor effect”

Comparing the 2007 and 2017 rental vacancy rates demonstrates that, while the change in these rates is average for this sample, the absolute values are toward the bottom of the distribution.

Again, data show that Fort Collins rental market has been extremely tight in recent years with very few vacant rental units.



Note: Data limitations reduce sample by six cities.

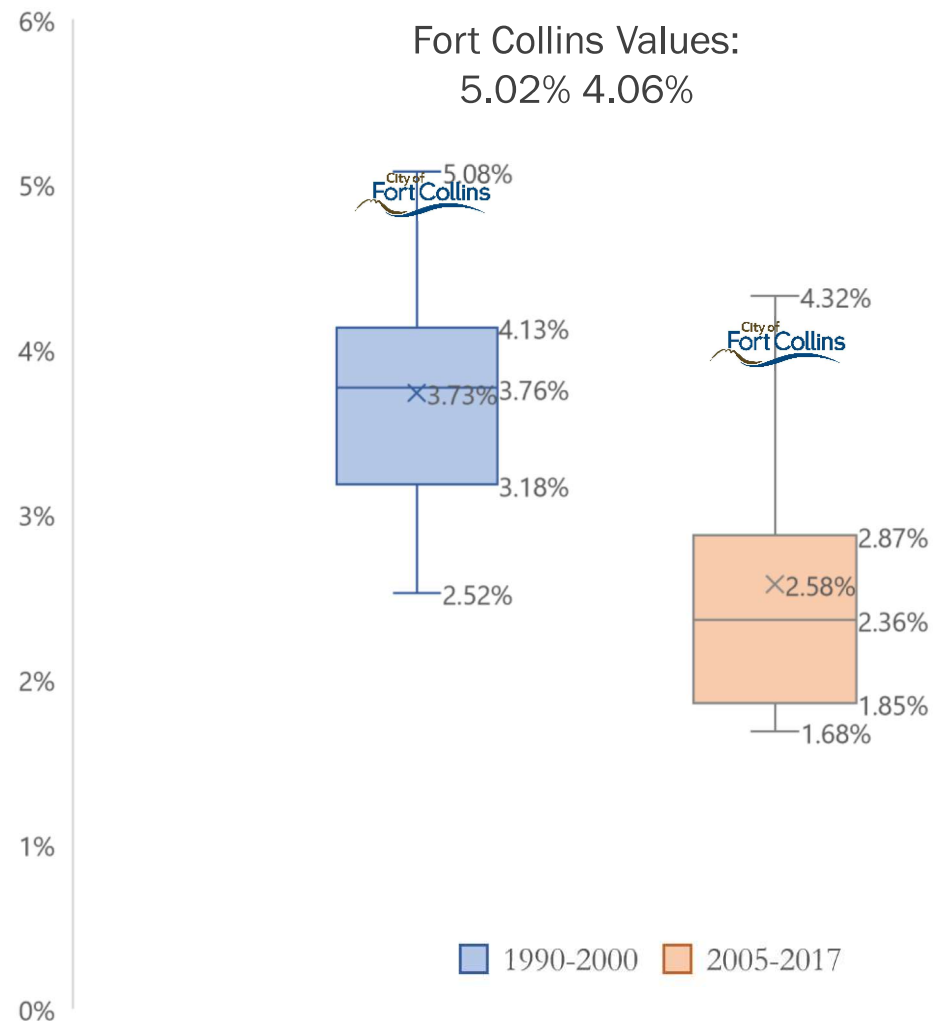


# Rent continues to grow at a relatively high rate in Fort Collins

As with the state analysis, Fort Collins' rate of rent increase is at the high end of the distribution in the modern era. However, this is not necessarily out of the ordinary for this sample as the city was also at the high end of the distribution in the 1990s.

Overall, the rate of change in median rent is lower in the modern era. This trend may be attributed to the great recession.

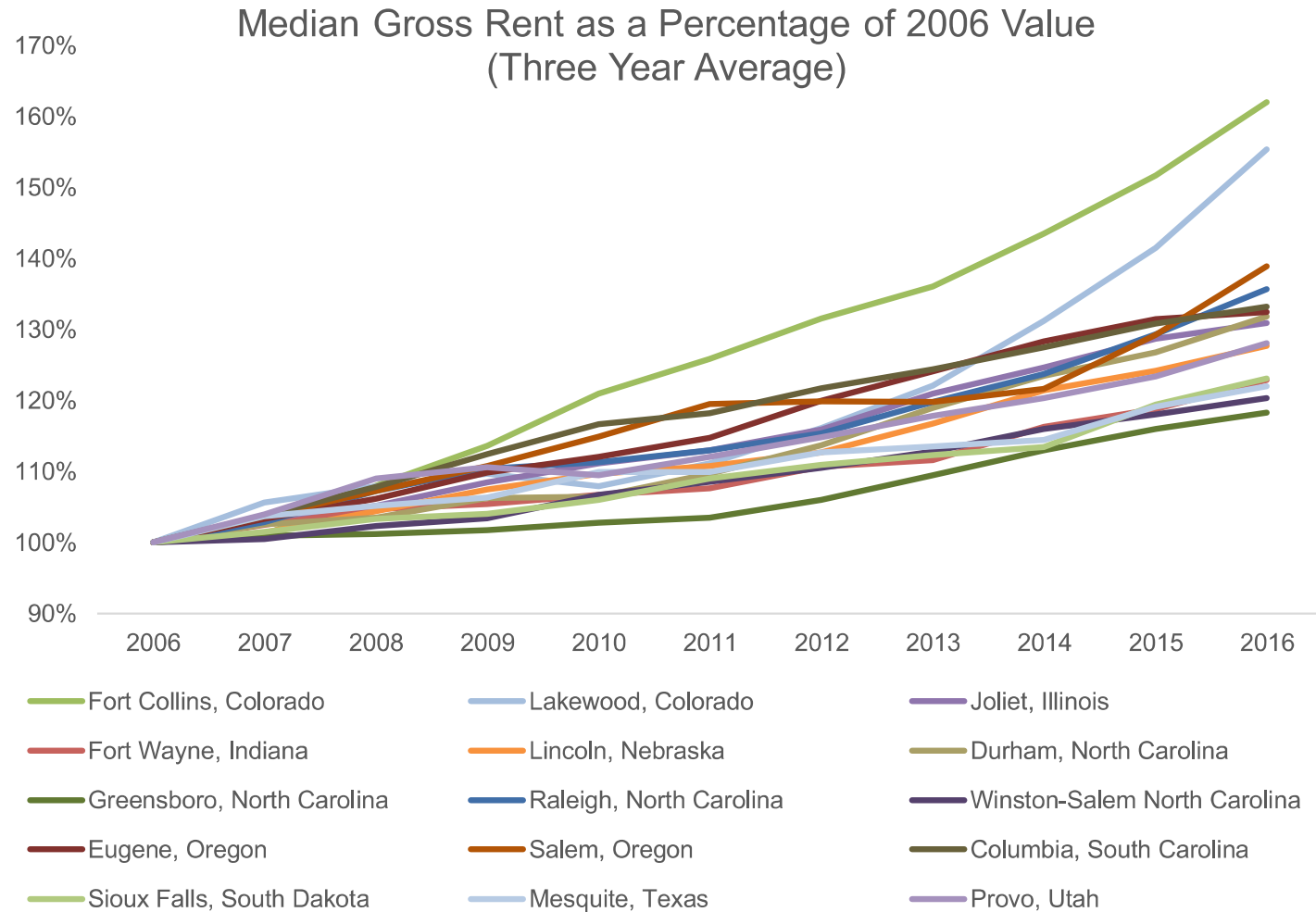
Annual Change in Median Gross Rent



# Fort Collins' rent increase is unmatched by comparable national cities

The dramatic increase of rent in Fort Collins between 2005-2017 is unique in the sample of comparable cities.

The previously observed increase in rent amongst Colorado cities post 2013 is exhibited by Lakewood having a significant increase in rent over the last few years as well.

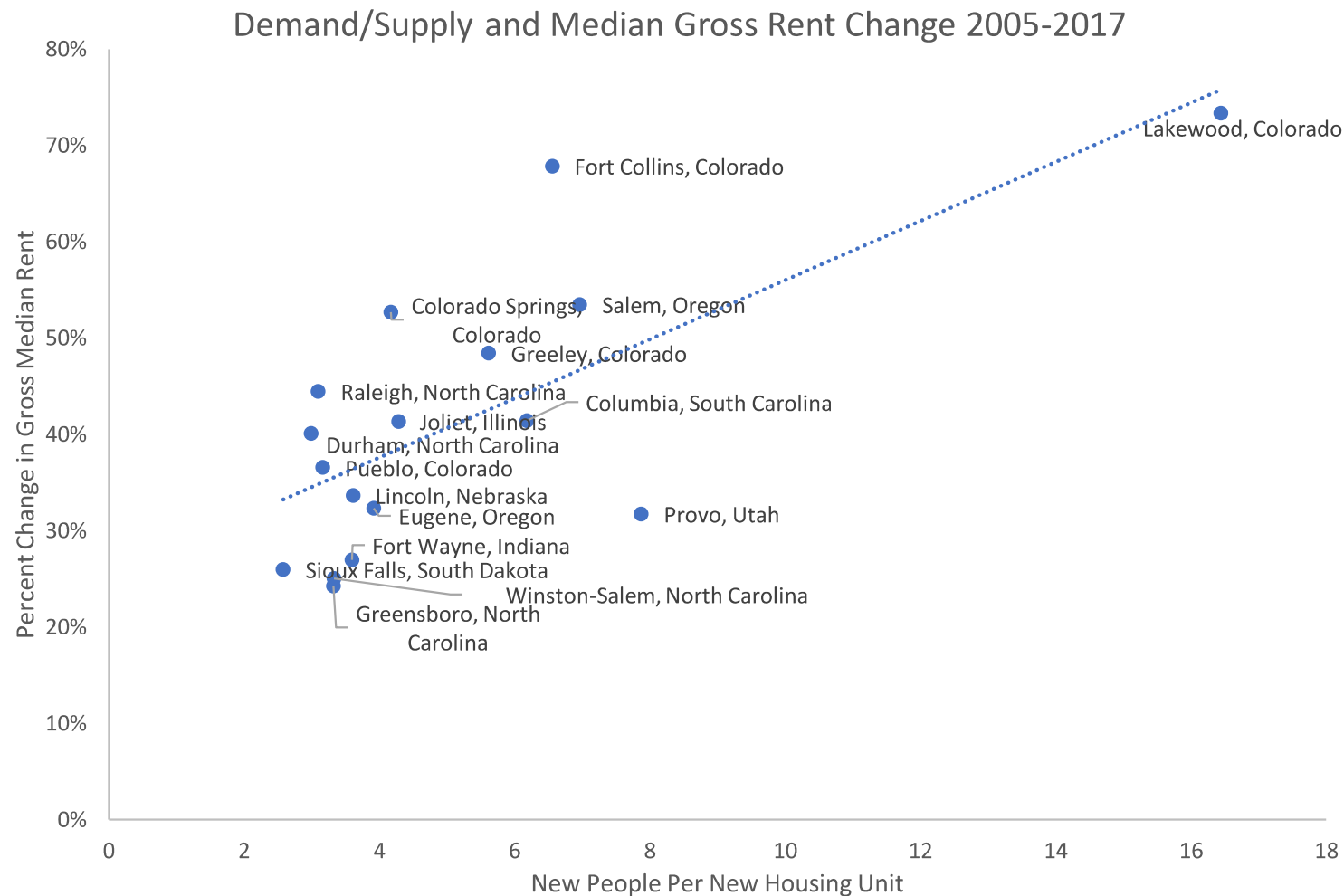


# Changes in rent appear to be (in part) a product of supply and demand

The X axis of this plot calculates the increase in population divided by the increase in housing units between 2005-2017. During this time period, Fort Collins has had 6.6 new individuals for every new housing unit. Lakewood is a notable outlier due to a very small (1%) increase in housing units.

The trendline demonstrates a relationship between excess demand and higher median rents.

Colorado market analysis cities are included for reference.

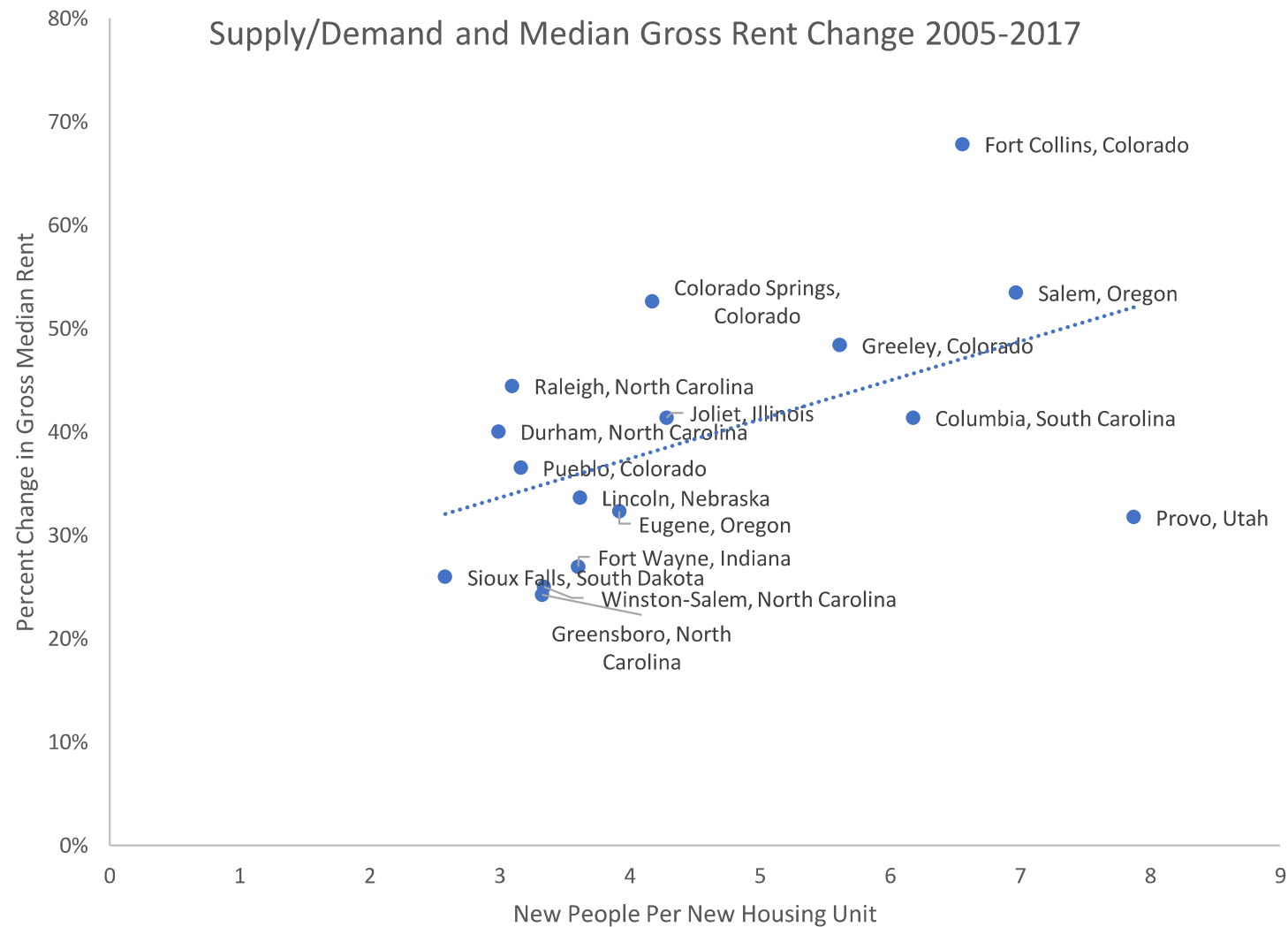


# Changes in rent appear to be (in part) a product of supply and demand (removing Lakewood as an outlier)

The main conclusions of the previous plot are preserved when Lakewood is removed.

Fort Collins' 6.6 new individuals per new housing unit is significantly higher than the remaining sample's average of 4.4.

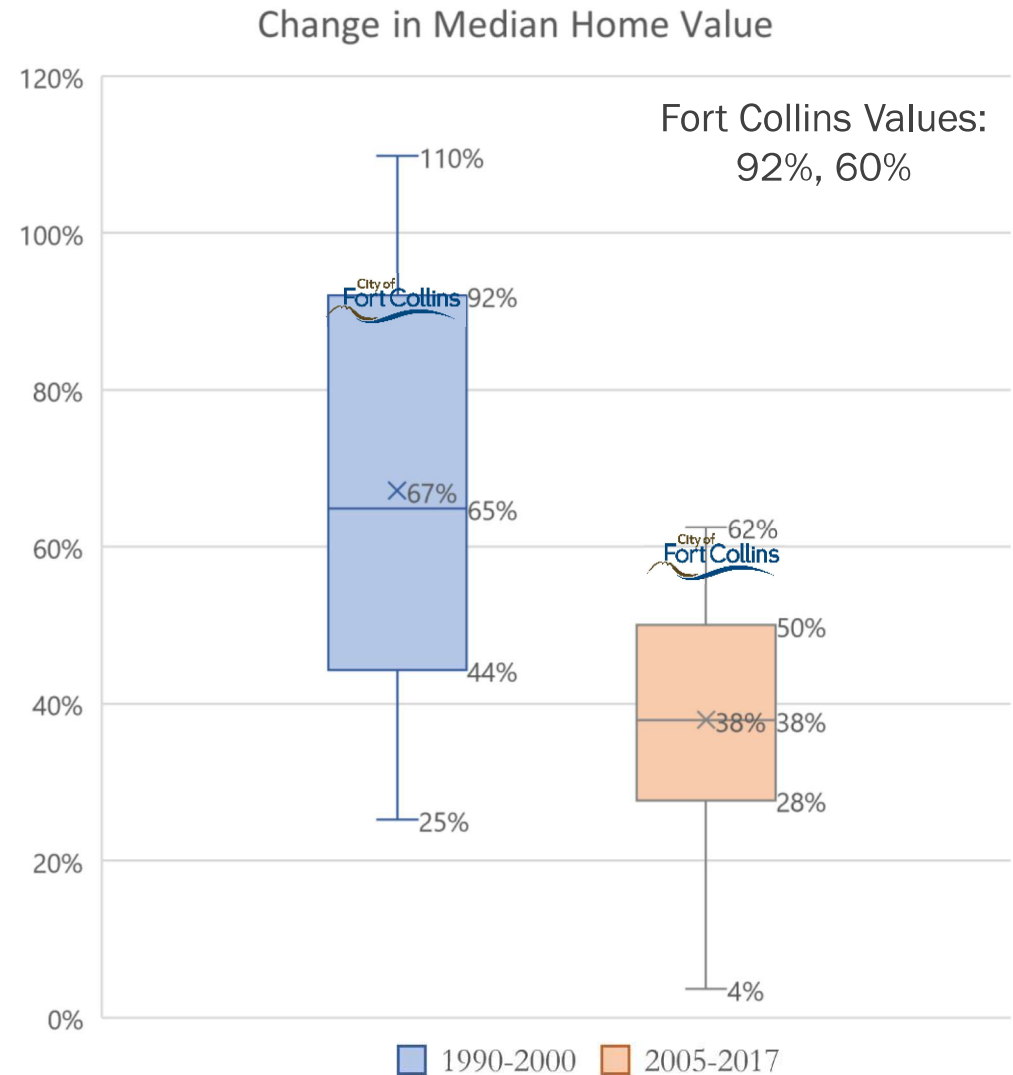
However, it is notable that Fort Collins lies substantially above the trendline in this plot. This location suggests that demand/supply is only one cause, amongst others, of the high rents in the city.



# Increase in rent has been mirrored by home values

In general, the home values in the modern era increased at a lower rate than they did in the 1990s. The lower rate is likely a product of the 2008 housing crisis and subsequent recession.

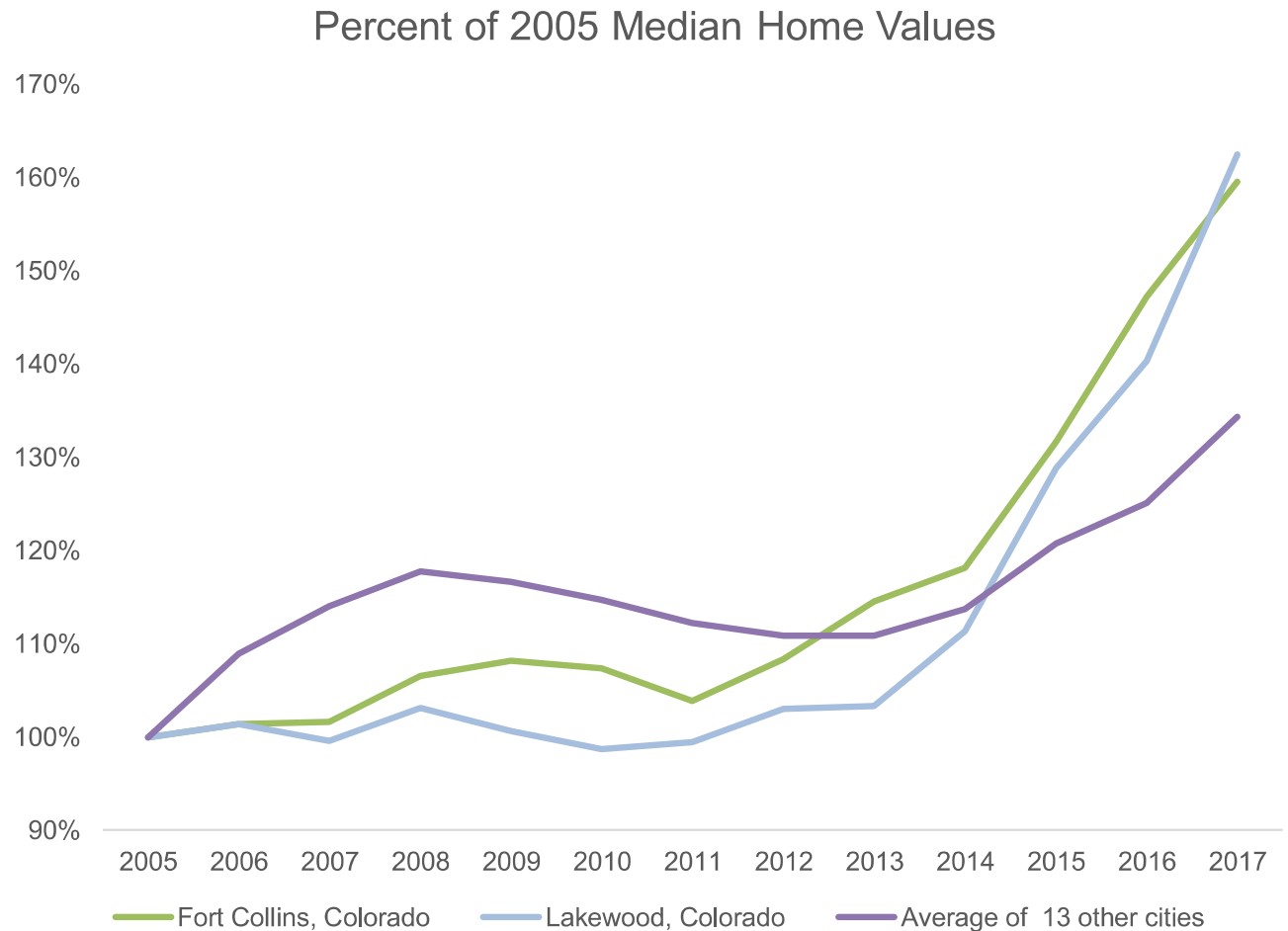
While the rate in Fort Collins decreased in absolute terms, it has increased relatively toward the high end of the distribution.



# Fort Collins and Lakewood follow similar trajectories in home values

The recent trend of increasing rent in Colorado has also been present in median home values.

While Fort Collins and Lakewood show a distinct and drastic increase in median home values after 2011, they previously lagged comparable cities.



## Section 1.3

# Rental Market Trends

### *Recent Trends in Fort Collins*

## Key Findings: Recent Trends in Fort Collins

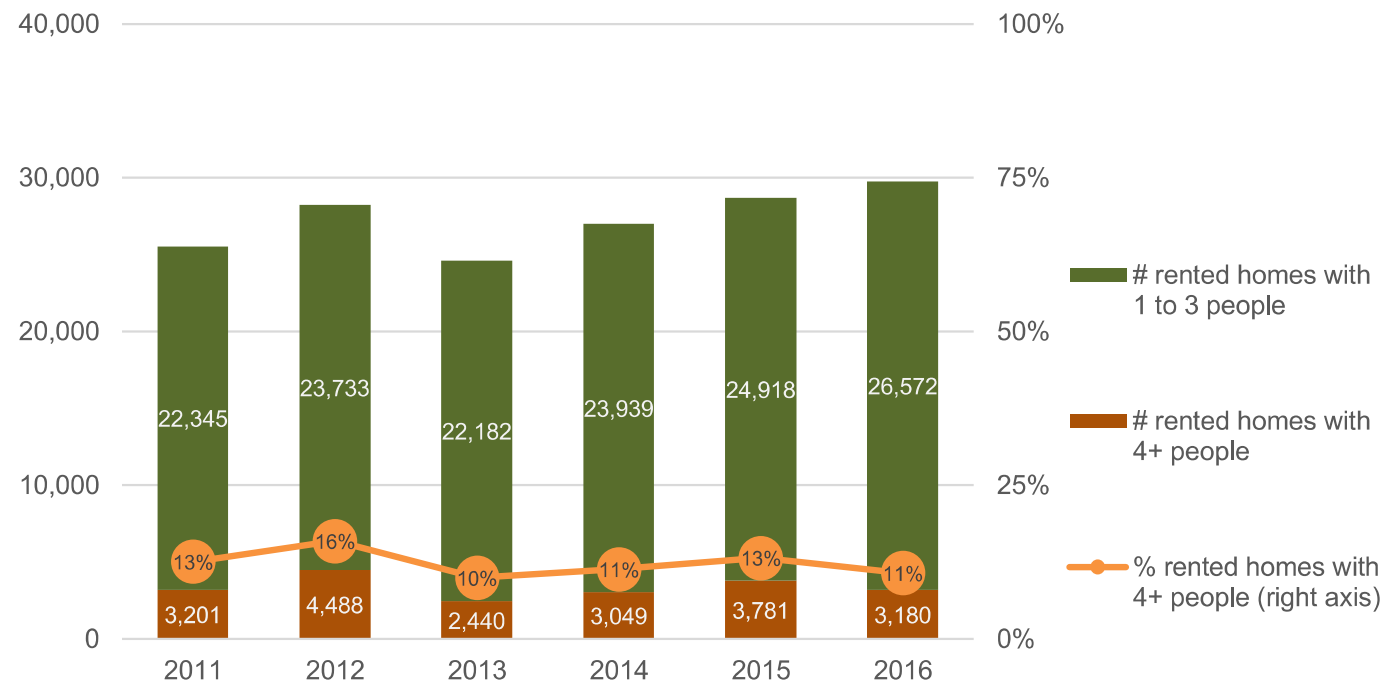
- ➔ Across the last six years, around 12% of rented homes have had four or more occupants. These households could have related occupants or otherwise not be in violation of the occupancy ordinance, so this does not indicate that 12% of rented homes are occupancy ordinance violators.
- ➔ Rented homes with four or more bedrooms is relatively uncommon, typically around 12%.
- ➔ A typical rented home has about 1.6 to 1.7 cars available
- ➔ Over time, the proportion of homes in multi-unit structures stayed about the same



# The proportion of rented homes with four or more occupants hovered around 12%

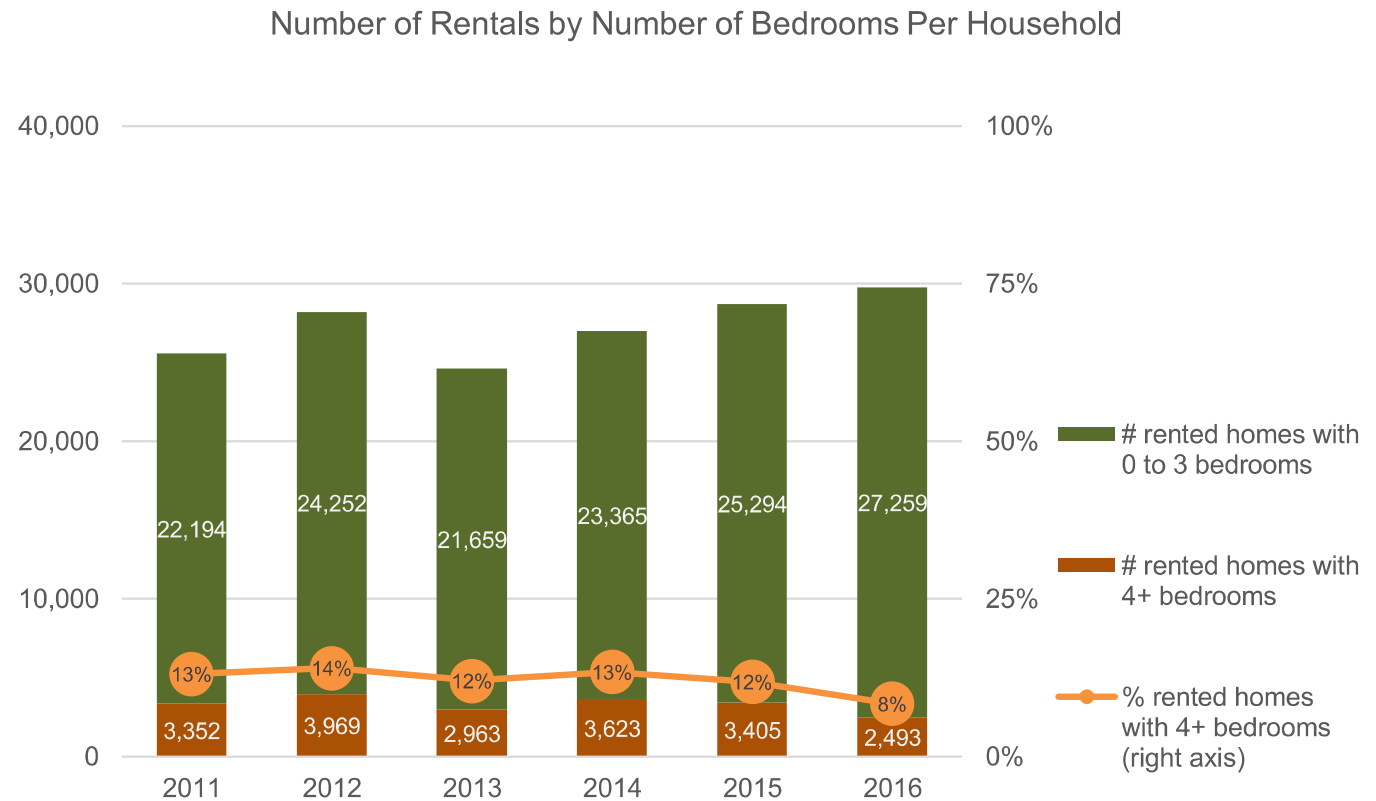
The proportion of rented homes with four or more occupants varied around 12%, but did not steadily increase.

Number of Rentals by Number of Occupants Per Household



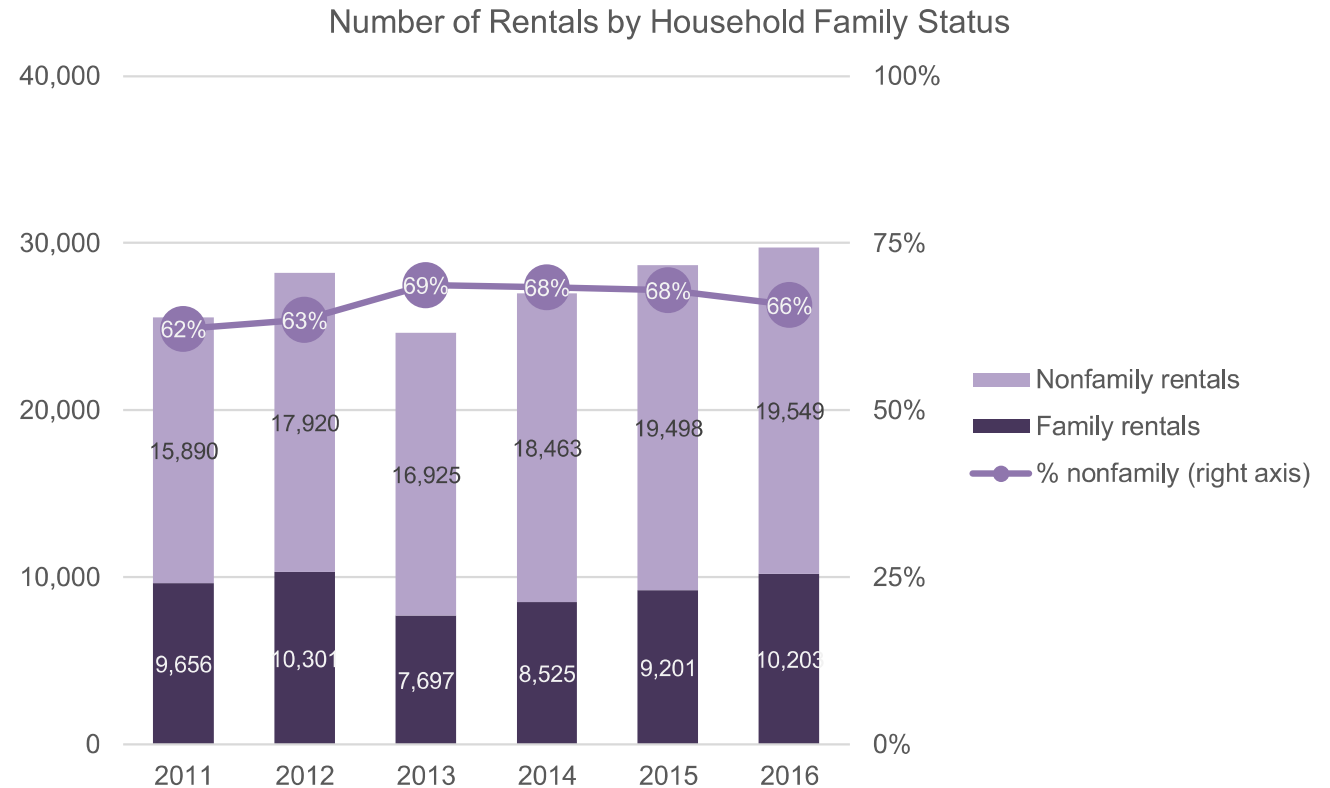
# The proportion of rented homes with four or more bedrooms dipped slightly in 2016

The proportion of rented homes with four or more bedrooms bounced around 12% but did not steadily increase. The pattern of rented home with four or more bedrooms was similar to the proportion of rented homes with four or more occupants.



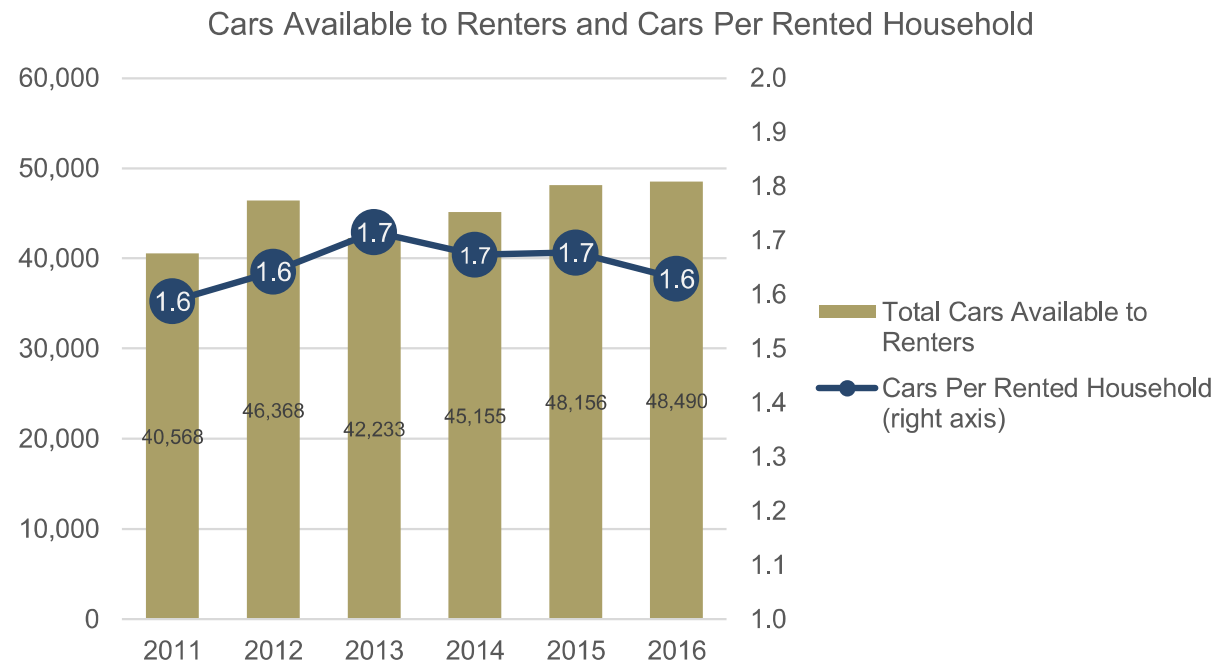
# The proportion of homes rented by non-families increased very slightly from 2011

In 2016, about 66% of rented homes were rented by nonfamilies, which is typically defined as no one in the household is related. This proportion was slightly larger than estimates from 2011 (62%) and 2012 (63%) but similar to estimates from 2013 to 2015. Based on 3-year running averages, there was a very slight increasing trend in the percentage of nonfamily rentals.



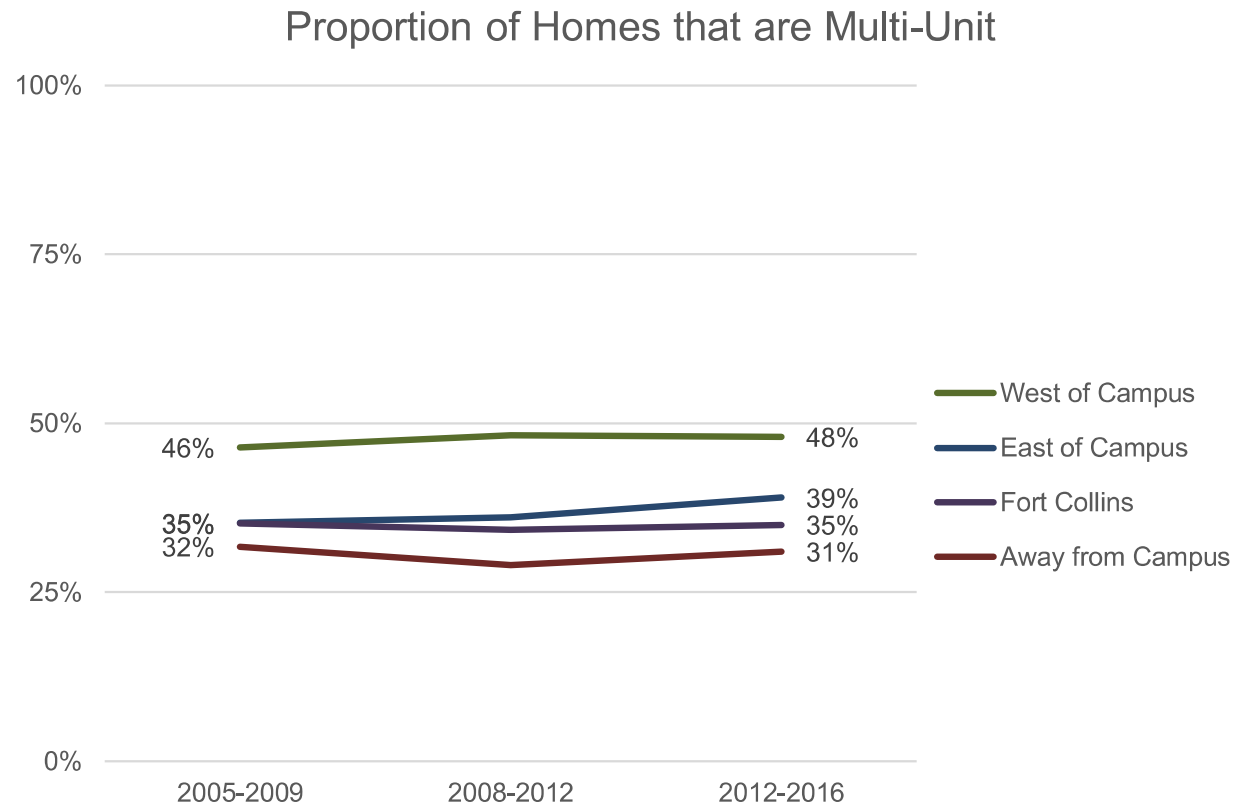
There have been about 1.6 to 1.7 cars available per rented household since 2011

The number of cars available per rented household bounced around 1.6 and 1.7, but it did not substantially change in a sustained pattern between 2011 and 2016.

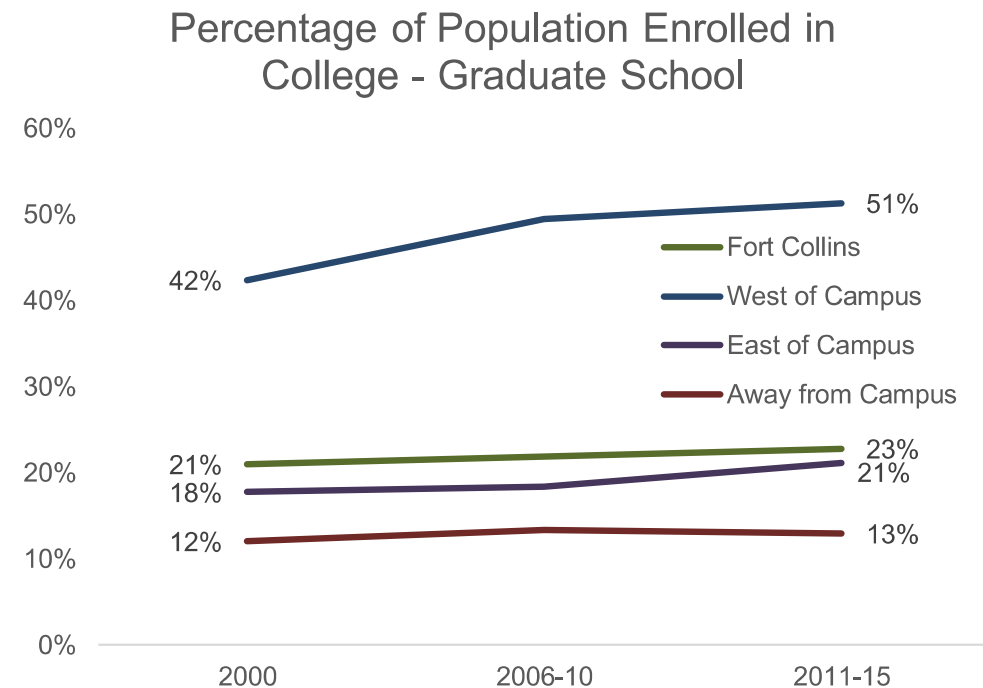
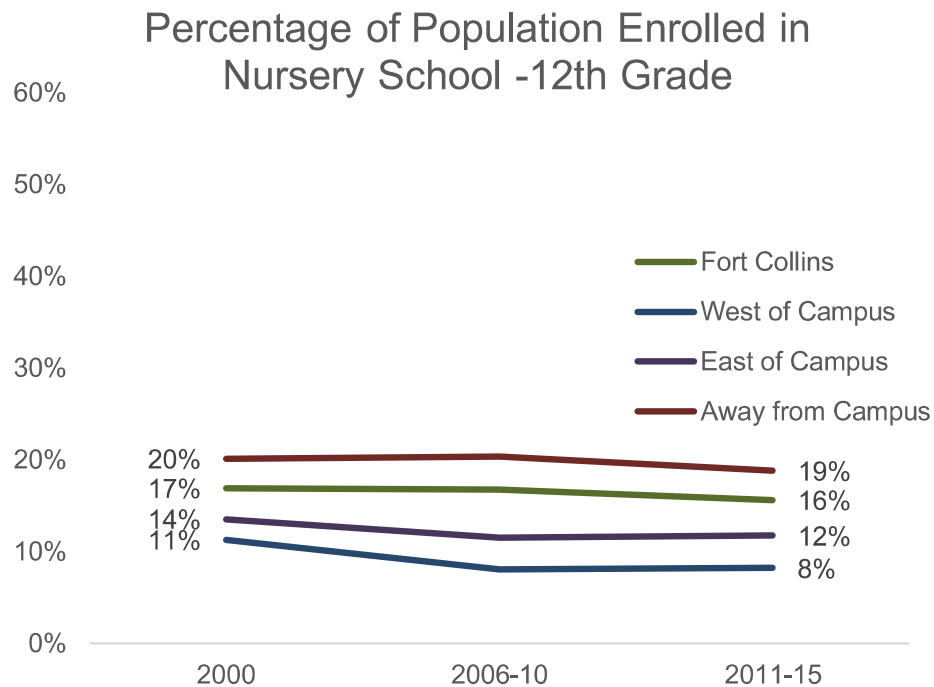


# Over time, the proportion of homes in multi-unit structures stayed about the same

Since pre-2010, the proportion of all homes in multi-unit structures (e.g., apartments, duplexes, etc.) stayed about the same throughout Fort Collins and by region.



# School children (nursery-12) make up a smaller percentage of population in the areas around campus post-ordinance



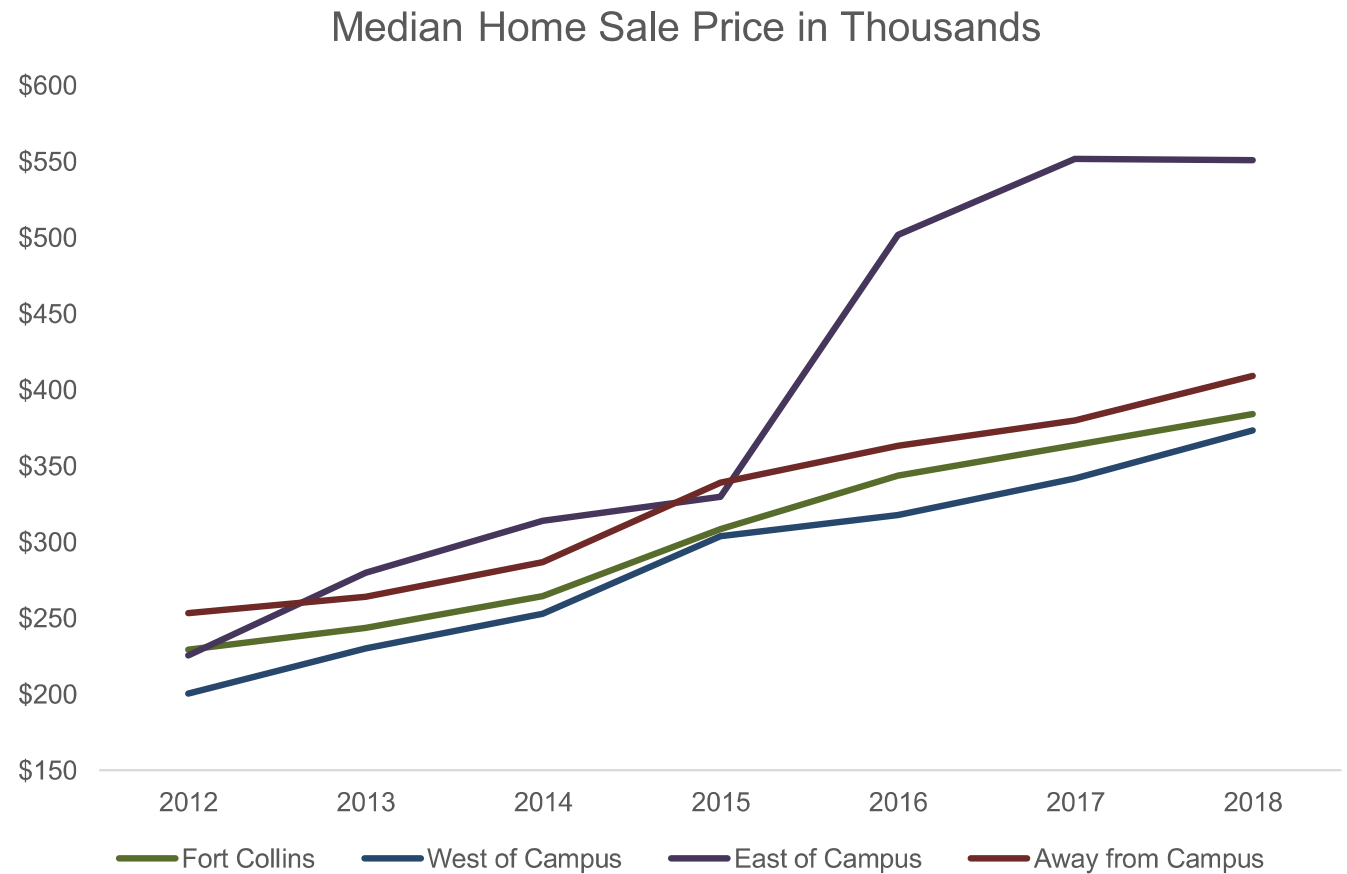
Enforcement of the ordinance has not particularly changed the composition of neighborhoods around campus, as measured by the population of children. The areas around campus have seen a small increase in college students and a small decrease in school children (nursery -12<sup>th</sup> grade) over the past 15 years, though most of that change occurred pre-enforcement.

Due to changing geographic boundaries, Census tract 2 is treated as "Away from Campus" in these calculations. It was split into two (one away and one West) in the 2010 census.

# The price of median home sales has been significantly increasing across neighborhoods in Fort Collins

The median home in Fort Collins sold for \$155,000 more in 2018 than it did in 2012, a 67% increase.

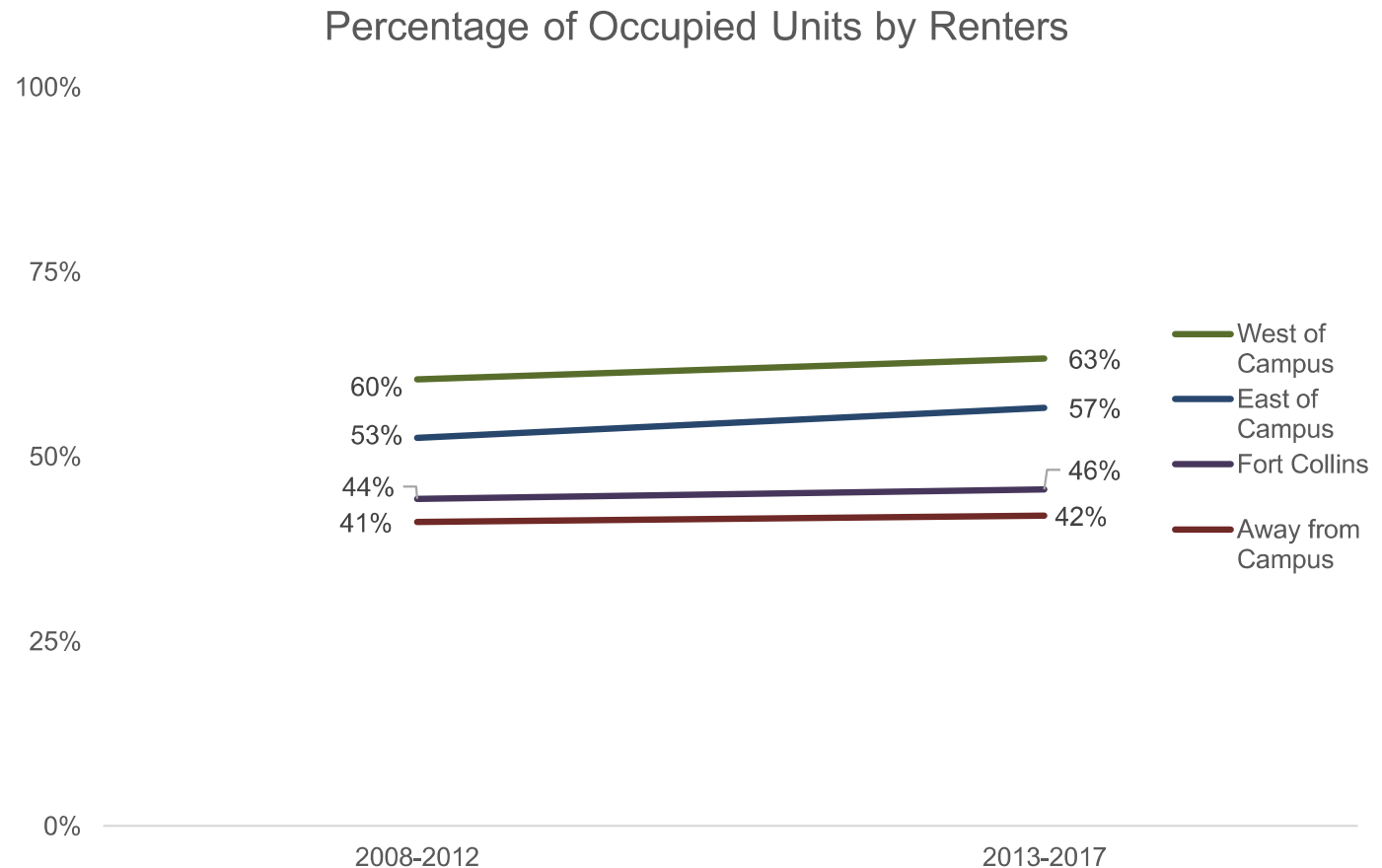
While home values east of campus appear to increase dramatically after 2015, this is based exclusively on data available from the University Park neighborhood.



Neighborhood data is calculated from the following areas. West of Campus (Avery Park, Brown Farm, Old Town West, P.O.E.T., Prospect, Rogers Park, and Shields). Away from Campus (Downtown, English Ranch, Foxstone, Huntington Hills, Miramont, Side Hill, The Landings, and Troutman Park). East of Campus (University Park).

# Renters have been filling occupied units at higher rates across neighborhoods

While the percentage of renters in occupied units has been increasing across all neighborhoods, the largest increase has been seen around campus.

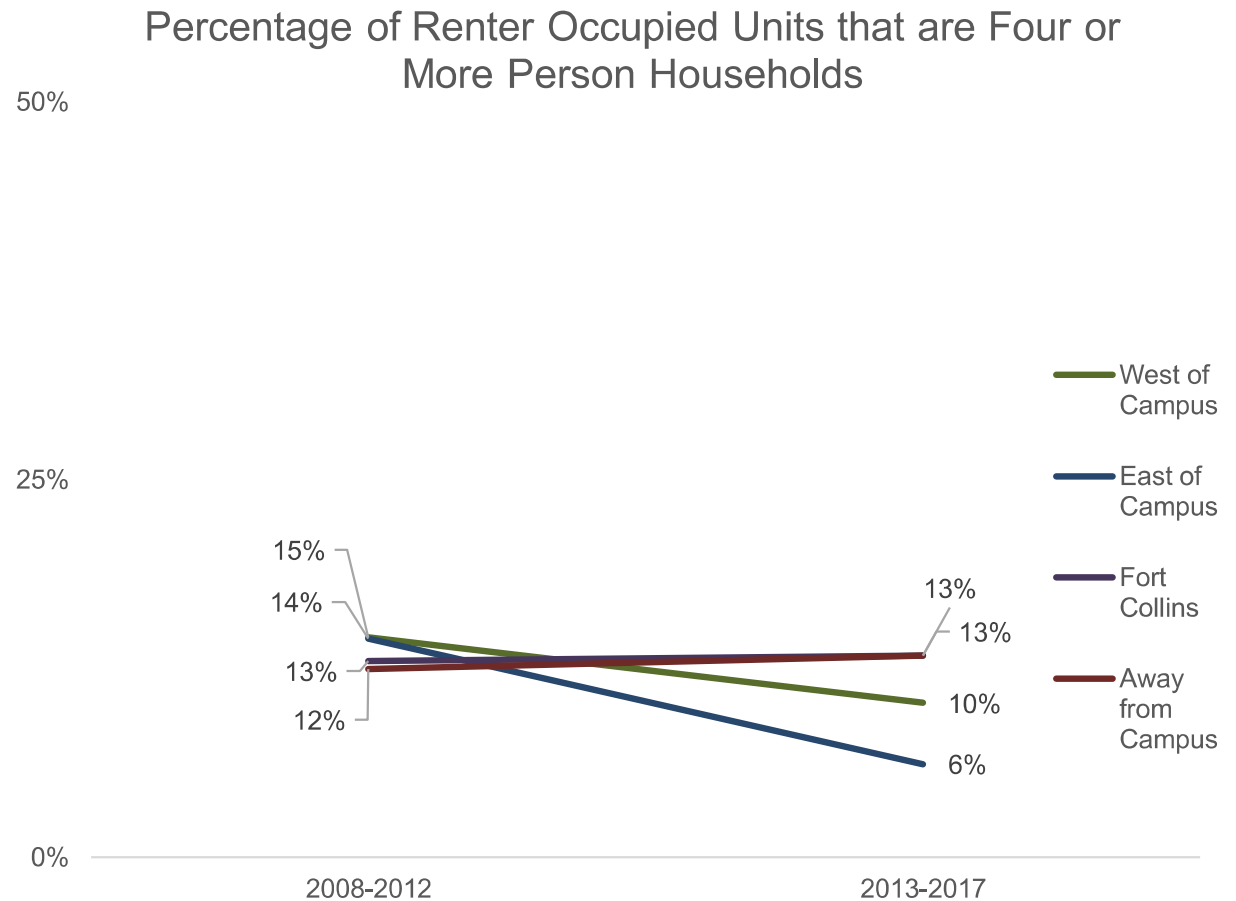




# The percentage of four or more person rental households has decreased around campus

While the percentage of occupied rental households with four or more people has remained constant in the City at large, it has decreased in the areas around campus.

The areas around campus have seen a decrease of renters in one person households and an increase of renters in two person households.



# Warranty of Habitability

By law, every residential lease in Colorado includes a “Warranty of Habitability”.

The Warranty of Habitability requires landlords to maintain living spaces they rent out up to some basic standards. The law requires that rental units are to be general safe and “fit for human habitation.”

## What are the basic requirements under the Warrant of Habitability?

### Landlord Duties

Landlords are required to make sure that their properties have:

- **Waterproofing and weather protection** that are maintained in good working order on the roof, outside walls, windows and doors
- **Plumbing or gas facilities** that are maintained in good working order and that complied with the applicable building codes when they were installed
- **Running hot and cold water** that are furnished to the appropriate fixtures in the property and are connected to the appropriate sewer system
- Functioning **heating facilities** that are in good working order and that complied with the applicable building codes when they were installed. (NOTE: There is no requirement that the landlord provide air conditioning or cooling systems of any sort)
- **Electrical lighting** that is maintained in good working order and complied with the applicable building codes at the time it was installed
- **Common Areas** (if any) that are reasonably clean, sanitary and free of trash, rubbish and debris, bugs and pests
- Appropriate **extermination** if needed to eliminate infestations of rodents or “vermin”
- An appropriate number of outdoor **trash receptacles** in good working order
- **Floors, stairways and railings** that are maintained in good working order
- **Locks or security devices** that are in good working order on all exterior doors and openable windows

- **Compliance with building, housing and health codes** applicable to the property, the violation of which would create a condition that materially interferes with the tenant's life, health or safety
- Functioning **appliances** maintained in good working order
- No **mold** associated with dampness that would interfere with health or safety of tenant.

Failure to provide anything in the above list can cause a property to be **uninhabitable** under the law.

In addition to the things listed above, landlords must make sure that the property is not "materially dangerous or hazardous to the tenant's life, health or safety"

## Tenant Duties

Tenants have some duties under the Warranty of Habitability. Tenants are required to:

- Comply with their duties under local housing, health and building codes significantly affecting health and safety
- Keep the residence reasonably clean, safe and sanitary as permitted by the conditions of the unit
- Dispose of ashes, garbage and other waste in a clean, safe, sanitary and legal way
- Use electrical, plumbing, heating, AC, sanitary, elevators and other facilities and appliances in a reasonable manner
- Act in a way that does not disturb their neighbors' peaceful enjoyment of their dwelling unit
- Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the residence or allow any guest, household member or someone under their control to do so
- Promptly let their landlord know in writing about a problem that makes or would make the property uninhabitable

Since a landlord is not responsible for problems in one of their rentals caused by the tenant, that means that you need to make sure that you are not responsible for the existence of mold in your residence before taking actions to force the landlord to fix the problem. This would include running bathroom exhaust fans and wiping down

wers and not running humidifiers if they are causing mold issues.

## Exceptions to the Warranty of Habitability

If the rental property is a single family home and the landlord does not receive any subsidies from the government, the landlord and a tenant with the skills to perform the work may agree IN WRITING that the tenant will be responsible for doing some (but not all) of the work that may be required to keep the property in compliance with the warranty of habitability. The written agreement must be entered into honestly and sincerely, it must be separate from the lease, and it must be signed by both the landlord and the tenant.

## What should I do if my landlord is failing to maintain or repair my residence?

Your landlord does not have any duty under the Warranty of Habitability to fix your residence until they receive written notice about the repair problems. This is why it is essential that you give your landlord written notice about the details of the problem. A sample form letter for repairs is located here ([Word file](#), [PDF](#)). A sample letter for lease termination is located here ([Word file](#), [PDF](#)). The letter to your landlord must include a reasonably complete description of the problems and must give your landlord permission to enter your residence to make the repairs.

Your lease might tell you how you are supposed to deliver notices. This might include:

- sending a letter to a specific mailing address
- sending an email to a specific email address
- sending a text message to a specific phone number, or
- using an online portal of some kind.

If your lease does not tell you how to deliver a notice, you can do so by mail or by whatever written method you have used to communicate with your landlord in the past.

No matter which way you deliver the notice, it is **essential that you keep records** that the notice was delivered. If you send a letter, you should send it registered or

ified mail and keep copies of the delivery. If you use a web portal you can take screenshots of what you fill out and keep a record that the complaint was submitted. If you submit the complaint through a web portal, it is often a good idea to send another notice by mail just to make sure you are fulfilling your duties under the law.

**Make sure to keep a copy of all notices, communication with your landlord, estimates and proof that notices were sent and received!**

Once you give your landlord this notice, they have to start addressing the needed repairs within a specific amount of time:

- If the problem significantly interferes with your life, health, or safety, your landlord must start taking action within 24 hours of getting the notice
- For other, less urgent issues, the landlord must start taking action within 96 hours (4 days)

***Important! Do not stop paying rent while you are waiting for the landlord to make repairs. If you do, your landlord can evict you.***

## **If your landlord fails to fix the repair issues...**

you have several options, including:

### **1. End the lease and move out (*important to note that this can be risky*)**

To do this, send the landlord another written notice. In this one, write:

- Your name and address
- Tell the landlord again what the condition is that needs to be fixed
- State that you intend to end your lease on a specific date between ten and thirty days from the date of the notice if the repair is not made within five business days from the day the landlord got the notice.

If the landlord **does** make the repair within five business days, you cannot end your lease due to the repair issue. If they do not remedy the problem, you can move out on the date given in your notice. Once you say you are going to end your lease and move out, you are stuck with that decision unless you and your landlord agree in writing to your now staying. If you do not move out as you

and the landlord does not agree to you continuing to stay, the landlord can evict you.

*Note: This can be extremely risky. If your landlord sues you later for breaking your lease, you could be found to owe them rent if you missed a step or did this incorrectly.*

**2. Contact the Health Department and/or your local government agency that enforces building codes.** If the repair issue makes your residence dangerous to your health or the health of your family, you can call your local Health Department. If the problem involves defective heating, plumbing or electrical wiring, you may call your local government agency that enforces building codes. Tell them what your problem is and ask them to inspect the building. They will send an inspector to inspect the building. If conditions violate the health or building codes, they will notify the landlord to make the needed repairs. The landlord will have to make the repairs or pay a fine. However, if the conditions are very bad, the inspector may condemn the property. In that case, you would have to move.

**3. Sue your landlord.**

You can file a lawsuit in County or District Court asking for damages and an order for your landlord to make repairs. This is called injunctive relief. If, on the other hand, you do not want an order for your landlord to make repairs, but only want to sue for money, you can sue the landlord in Small Claims Court for the damages he or she caused you by not making these repairs. For example, if something of yours was damaged, or you had to go to a doctor, you could sue for the bill. Likewise, if you decide to hire someone to make the repairs and you pay for that work, you can sue the landlord for what you spent to get the work done. It is very important to have evidence or proof showing you were harmed, and that it was caused by the landlord's failure to make repairs when going to court seeking money.

**4. You can deduct rent for repairs**

There is a specific method for deducting the cost of repairs from your rent and paying to have that done by a professional. You **cannot** deduct the rent and make the repairs yourself. For important information, see the fact sheet: Tenant's Rights in Colorado: Pay and Deduct for Repairs. The process for doing this can be difficult and there are significant penalties for doing it incorrectly.

## **Use the landlord's failure to repair as a defense in an eviction case brought against you by the landlord**

If a landlord tries to evict you because of the damage or lack of repair issues, or because you did not pay rent while there were habitability problems, you can defend against the eviction by raising the Warranty of Habitability issues as a defense. This normally requires the payment of rent to the court but if the court finds that you are too poor to pay (indigent) the payment can be waived by the court.

## **What about Retaliation?**

Your landlord is not allowed to increase rent, decrease services, bring an eviction or threaten to bring an eviction against you in retaliation for making good faith complaints to them or to a government agency (like the health department) about a violation of the Warranty of Habitability.

If you withhold rent or violate your lease in some other way, your landlord is allowed to threaten eviction or bring an eviction action for these violations of the lease.

If your landlord unlawfully retaliates against you, you can terminate the rental agreement and recover damages against your landlord up to three months rent or three times your actual damages. A landlord may try to retaliate by suddenly trying to enforce a rule that they never enforced in the past. In a case like this, it would be up to a judge to decide whether this constitutes unlawful retaliation or a legitimate enforcement of a lease.

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Last updated on March 22, 2023.

How helpful do you find the information on this page?

# An Equity Assessment for The City of Fort Collins Proposed Rental Housing Program

*Source: This Assessment was adapted from "Equity Framework for City of Fort Collins - Land Development Code Update - May 2022". Gretchen Armijo, Equity Policy Solutions LLC as published for Fort Collins City Council Meeting AIS materials for 1.17.23.*

Safe and stable housing provides a foundation that allows individuals, families, and communities to thrive. High-quality, livable housing has a positive impact on health, economic security, educational attainment, and the overall stability of families and communities.

In Fort Collins, more than 40% of all housing units are renter-occupied. The renter community in Fort Collins makes up a significant portion of the population, but rental housing is not currently required to complete proactive property inspections for health, safety, and habitability. State law implies that every rental agreement includes a warranty of habitability where a landlord is deemed to warrant that the residential premises is fit for human habitation. Neither the implied warranty of habitability nor the City's complaint-based rental inspection system proactively ensure the health, safety, and habitability of rental housing.

The burden to report issues rests primarily on tenants, and a complaint-based system does not adequately address power dynamics between tenants and landlords. In the case of the warranty of habitability, tenants must initiate communication with landlords about their rights and proactively notify their landlords of any breaches. Should a landlord not cure violations after the tenant has submitted notice, a tenant may obtain injunctive relief for the breach of the warranty of habitability in any county or district court. This process may require the tenant to obtain legal counsel for enforcement. This option does not account for tenants' potential fear of retaliation (though retaliation is prohibited by state law) or the possibility of contentious enforcement actions that could result in high legal costs, a significant time investment, and uncertainty of success or recovery of reasonable attorney fees. The City's complaint-based rental inspection system similarly relies on tenants to report life, health, and safety violations. Both existing policies are reactive, and neither ensures equitable access to healthy, safe rental housing due to inconsistency in tenants' willingness and ability to assert their rights.

Research has found that many tenants fear asserting their rights to safe and livable homes due to concerns about retaliation, including increased rental payments, damaged relationships with property owners, and eviction.<sup>1</sup> For these reasons, tenants are often faced with choosing between more expensive, high-quality housing and more affordable housing that does not meet minimum standards of livability.<sup>2</sup> Because of the power dynamics associated with asserting one's right to safe housing, people with higher incomes who can afford newer and higher-quality housing experience privileges in the rental housing market that low-income people do not. In addition, people who struggle to find and pay for stable housing face financial and other resource barriers when they seek to assert their right to livable housing through existing complaint-based processes. During public engagement for the City's adopted Housing Strategic Plan (2021), similar themes emerged around rental housing. Participants mentioned the need for rental inspections focused on health and safety and expressed fears of retaliation up to and including eviction if they reported substandard conditions.

Unequal abilities to access safe and healthy housing can result in drastically different health

<sup>1</sup> Chisholm, E., Howden-Chapman, P., & Fougere, G. (2020). Tenants' responses to substandard housing: Hidden and invisible power and the failure of rental housing regulation. *Housing, Theory and Society*, 37(2), 139-161.

<sup>2</sup> Marquez, E., Dodge Francis, C., & Gerstenberger, S. (2019). Where I live: A qualitative analysis of renters living in poor housing. *Health & Place*, 58, 102143.



outcomes for property occupants, with poorer mental and physical health outcomes associated with cost burden, housing unaffordability, and poor rental housing conditions.<sup>3 4</sup>

The Fort Collins Rental Housing Program has been designed in parallel with this equity assessment to improve access to safe and livable housing within the City for all residents. An equity assessment considers the historic and systemic barriers to safe living conditions experienced by low-income renters and considers how other marginalized groups such as BIPOC (Black, Indigenous, People of Color) individuals and students may be impacted by the City's rental policies. It examines the current structures in place that foster safe living environments and the ability of tenants to assert their rights, identifies gaps, and seeks to reduce historic barriers and disproportionate impacts through specific program features and implementation mechanisms.

If adopted, the proposed Rental Housing Program will help the City implement the policy direction contained in the *Housing Strategic Plan*, in particular Strategy 20. "Explore the option of a mandated rental license/registry program for long-term rentals and pair with best practice rental regulations."<sup>5</sup> The proposed Rental Housing Program will also help the City achieve the Plan's vision that "everyone has healthy, stable housing they can afford" by addressing both the health/safety of housing and stability for renters in Fort Collins.<sup>6</sup>

### **What is Equity?**

"Equity is when everyone, regardless of race, gender, age, neighborhood or financial status, has fair and equal access to opportunity."<sup>7</sup>

Land use planning practices and regulations enacted over the past century resulted in disproportionate negative impacts to certain groups - such as Black, Latinx, and low-income people - more than others. Zoning, which was intended to separate incompatible land uses, was also used to exclude certain groups of people from single-family neighborhoods and to exclude multifamily rental housing from neighborhoods with better access to jobs, transit, and amenities.<sup>8</sup> This historic marginalization has resulted in a significantly greater proportion of BIPOC and low-income people living in rental housing rather than transitioning into homeownership. Consequently, even before pandemic-related challenges in the housing market, 2019 data indicates that homeowners had a median total wealth about 40 times greater than the median household wealth of renters (\$254,900 vs. \$6,270).<sup>9</sup> These wealth disparities are then compounded by health and safety concerns in rental units and the power dynamics that may keep some renters from reporting unsafe living conditions.

<sup>3</sup> Park, G., & Seo, B. K. (2020). Revisiting the relationship among housing tenure, affordability and mental health: Do dwelling conditions matter? *Health & Social Care in the Community*, 28(6), 2225-2232.

<sup>4</sup> Pledger, M., McDonald, J., Dunn, P., Cumming, J., & Saville-Smith, K. (2019). The health of older New Zealanders in relation to housing tenure: Analysis of pooled data from three consecutive, annual New Zealand Health Surveys. *Australian and New Zealand Journal of Public Health*, 43(2), 182-189.

<sup>5</sup> Housing Strategic Plan, p. 57.

<sup>6</sup> Housing Strategic Plan, p. 11.

<sup>7</sup> *Health Equity*. (n.d.). Policy Link. <https://www.policylink.org/our-work/community/health-equity>.

<sup>8</sup> American Planning Association. (2019). *Planning for Equity Policy Guide*. [https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/Planning-for-Equity-Policy-Guide-rev.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Planning-for-Equity-Policy-Guide-rev.pdf).

<sup>9</sup> Lerner, M. (2022, July 13). *Affordability, wealth gap persist in housing market, report finds*. Washington Post. <https://www.washingtonpost.com/business/2022/07/13/affordability-wealth-gap-persist-housing-market-report-finds/>.

A survey conducted in partnership by the Joint Center for Housing Studies at Harvard University and the Farnsworth Group found that a significant portion of renters have serious concerns about the impact of their housing environment on their health. Of a sample of 253 renters, 43% reported worries about their home negatively impacting their health, safety, and wellbeing or the health, safety, and wellbeing of another occupant. Among the 43% of the sample who reported concern about rental property health and safety, the major categories for concern included indoor air quality (54%), pests (36%), flooding/moisture/mold (32%), water quality (32%), and structural safety/comfort (24%).<sup>10</sup> Renters' limited capacity to address these inadequacies often results in health-related inequities for the disproportionately BIPOC, low-income group of people who make up the property-renting population.

The proposed Rental Housing Program is designed to center equitable access to healthy and safe housing for the more than 40% of Fort Collins residents who rent their homes. The program has been crafted to enhance health and safety for renters by requiring **enrollment of all rental properties, proactive inspections of rental units for minimum health and safety standards, reinspection on a regular five-year cadence, and penalties for landlords who fail to participate in the program or to cure health and safety violations.**

### Equity in Fort Collins Plans and Equity Factors to Consider

The *Housing Strategic Plan* identifies strategies that can expand equitable access to housing, including:

- 'Lead with health equity' - prioritize housing strategies that improve health equity and reduce health disparities
- Expand 'equity in the process' - impacted groups participated in strategy prioritization
- Expand access to housing for both current and future residents.

This Equity Assessment also draws from the equity goals in other City plans including the *2020 Strategic Plan*, *Our Climate Future*, and *City Plan*:

- Equitable access to 'high-opportunity areas' with transportation, services, and amenities
- Equitable access to sustainability practices (such as complete neighborhoods)
- Equitable community engagement and outcomes

The Rental Housing Program's features were crafted using the equity framing questions of:

- What are the policy's objectives?
- Who/what will policy changes impact?
- What is the scope of these policy changes?
- How can we set the program up for success?
- Which stakeholders must be involved?

Based on these questions, the Rental Housing work team defined nine criteria by which the

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<sup>10</sup> Will, A. (2022). *New Survey Finds Many Renters Are Concerned about the Impact of Home on Health*. Joint Center for Housing Studies. <https://www.jchs.harvard.edu/blog/new-survey-finds-many-renters-are-concerned-about-impact-home-health>.

program and its components should be evaluated:

1. Improve health and safety for renters
2. Help renters exercise their rights to safe and healthy housing
3. Center equity and Triple Bottom Line (economic, social, environmental) impacts
4. Adapt regulations to community living standards
5. Community health, safety, and livability
6. Scope appropriately based on staff capacity
7. Clarity and transparency
8. Improve consistency and predictability for impacted stakeholders
9. Solutions fit Fort Collins

The Rental Housing Program's features were informed by careful consideration and balancing of competing feedback from the Rental Housing Advisory Taskforce, an extensive community questionnaire, Council feedback during the August 23, 2022 work session, and industry best practices. The program is meant to work in tandem with other housing strategies and initiatives to achieve the Housing Strategic Plan vision that "everyone has healthy, stable housing they can afford."

There are a number of cross-cutting factors that disproportionately impact renters, people of color, and/or those with low incomes. *Equity factors* are overarching systemic conditions that are historically and/or currently present that impact people's ability to reach their full potential for health and prosperity. Though there are countless equity factors the City could consider in the context of countless policy discussions, the ones listed below are closely related to the Rental Housing Program:

- **Health Inequity** - *differences in health outcomes due to race, income, gender, age, disability*
- **Environmental Justice** - *eliminating differences in exposure to climate or environmental impacts, in both the natural and built environments, due to race, income, age, disability*
- **Access to Opportunity** - *access to 'high-opportunity' neighborhoods regardless of race, income, age, disability*
- **Income and Wealth Inequality** - *differences in distribution of income and wealth based on race, age, gender, disability*
- **Pandemic Response & Recovery** - *ability to withstand and recover from pandemic impacts regardless of race, income, age, gender, disability*
- **Community Empowerment** - *access to participating in civic processes regardless of race, income, age, disability, or housing status and the belief that one's participation matters regardless of the same factors*

The disproportionate negative impacts of these factors on some groups can be mitigated or improved through intentional housing policy and regulatory solutions, of which the Rental Housing Program is one component.

### **Equity Policy Levers**

*Policy levers* are tools that governments can use to achieve goals for the public good, including individual and community health and safety. The following policy levers are used in the Rental Housing Program to achieve the equity goals of the *Housing Strategic Plan* and other City plans.

1. **Requiring enrollment** of all rental properties with an identified local contact
2. **Proactively inspecting** rental units for minimum health and safety standards and features

3. **Reinspecting** at a regular five-year cadence
4. **Enforcing penalties** for landlord noncompliance with program requirements
5. **Maintaining a complaint-based inspection option** for off-cycle safety concerns
6. **Utilizing in-house inspectors** to ensure consistency and simplify enforcement/implementation

Taken together, the *equity factors* are addressed using *policy levers* to achieve the City's goals. It is important to state that these policy levers primarily address health inequity concerns, as the main purpose of the program is to enhance and ensure renter health and safety. Nonetheless, these policy levers can also indirectly address environmental justice, access to opportunity, income inequality, pandemic response and recovery, and community empowerment as well. Environmental justice includes equity in the built environment, access to opportunity requires habitable living situations first and foremost, income inequality is a primary factor that contributes to renters' inability to report landlords for violations of health and safety standards, healthy homes are the first line of defense against physical illness, and the Rental Housing Program is meant to give a voice to renters within the City. Thus, while the program primarily addresses health equity, it impacts other equity factors as well.

### Challenges to Achieving Equity Goals

The Rental Housing Program has been designed to advance equity and reduce disparities in access to safe and healthy housing. However, there are a number of program features that may unintentionally result in the creation of new inequities. These may include:

1. **Renter Displacement.** Should inspectors identify living conditions that are imminently dangerous for tenants and require immediate evacuation while the landlord remediates the issue, renters may experience sudden displacement. While renters in this situation would be removed from uninhabitable living conditions, they may not have anywhere else to stay in the interim, especially if property repairs demand significant time to complete.
2. **Increased Rents due to Program Costs for Landlords.** The fees associated with registration and inspection, as well as the cost of repairs for landlords in violation of minimum health and safety standards, may be passed on to tenants through higher rent payments. This challenge is difficult to address because it puts staff and policy analysts in the position of determining the monetary value of equitable access to healthy and safe housing with the knowledge that the financial difference will likely be passed to those with disproportionate cost burdens.
3. **Unfeasible Cost Burdens for Small Landlords.** While large property owners may have the capital on-hand to cure any health and safety violations that inspectors might find, small landlords may not be able to readily invest in high-cost repairs that meet minimum health and safety standards. This could result in fewer rental units being available within the City.

### Addressing Equity Challenges

Any City policy or program change that possesses the potential to create rather than abate inequities requires proactive intervention strategies to avoid these impacts. The rental housing team has brainstormed the following strategies for addressing renter displacement, increased rents, and cost burdens for small landlords.

- In cases of short- and long-term displacement, the City must consider alternative housing options for displaced renters, including but not limited to motel vouchers, referral to outside legal resources, or other strategies the City currently implements to address homelessness.
- The City must also consider how it can bolster its existing tenant/landlord mediation system and direct both parties to this resource for resolving any conflicts that arise in the course of the inspection and repair processes.
- To avoid having inspection fees passed onto tenants, the City must make every effort to design an equitable fee structure that keeps fees to a minimum. Ideally, the fees would be nominal enough for landlords to absorb as an ongoing business expense. If this is not possible or if landlords choose to pass on even nominal fees to their tenants, the City should seek to keep the fees low enough to be manageable for tenants.
- Supporting small landlords may require the City to invest in health and safety repairs and upgrades. The rental housing team is exploring the feasibility of a grant program that would assist small landlords with repairs. To ensure that landlords do not personally profit from repairs and upgrades to rental properties by increasing rents, grant recipients would voluntarily restrict their rent increases to no more than 3% per year/lease period for a specified period of time in return for receiving City assistance.

### **Program Evaluation**

If adopted, the Rental Housing Program will undergo annual evaluation to confirm that it continues to meet program criteria, addresses the identified challenges to achieving equity goals, and is successfully ensuring safe, healthy housing. Adjustments will be made as needed to improve the program and accelerate progress toward safe, healthy housing for renters.

The program criteria as outlined on page 3-4 are:

1. Improve health and safety for renters
2. Help renters exercise their rights to safe and healthy housing
3. Center equity and Triple Bottom Line (economic, social, environmental) impacts
4. Adapt regulations to community living standards
5. Community health, safety, and livability
6. Scope appropriately based on staff capacity
7. Clarity and transparency
8. Improve consistency and predictability for impacted stakeholders
9. Solutions fit Fort Collins

The challenges to achieving equity goals include:

1. Renter displacement
2. Increased rents due to program costs for landlords
3. Unfeasible cost burden for small landlords

Staff also plans to collect data on the following metrics each year, which may be revised or added to upon implementation of the program to address ongoing process and policy improvements.

1. The total number of life, health, and safety violations
2. A detailed breakdown of the types of violations, and the geographic locations and housing/property types in which they most frequently occur

3. The number of complaint-based inspections that the City conducts
4. Rates of voluntary landlord/property owner compliance
5. Rates of landlord/property owner noncompliance
6. Average time it takes landlords to complete necessary repairs (and percentage of time in which landlords complete repairs on or before deadlines instituted by inspectors)
7. Annual fee analysis to ensure the program can recover costs while keeping fees reasonable

### **Future proofing for Equity**

As we now know after two years of the Covid-19 pandemic, any '*shock to the system*' -- such as pandemics/ongoing epidemics, a spike in gas prices, wildfires, flooding, extreme storms, utility outages, supply chain interruptions, cyber-attacks -- can quickly expose whether neighborhoods are complete and designed for resiliency in the face of such threats . Neighborhoods that are 'future proof' must include a diverse housing supply, access to basic services, local food supplies, access to multimodal transit, green space and the outdoors, nearby health and medical services, cooling centers, and potentially most fundamentally, safe and healthy homes. A 'roof over one's head' is needed first in order to deal with external threats. In particular, the COVID-19 pandemic made clear that affordable, safe, and uncrowded homes are a prerequisite for individual and public health and a protective factor against infectious disease..<sup>11</sup> The first step toward future proofing our community from shocks is to ensure safe, healthy housing for all community members to return to at the end of each day.

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<sup>11</sup> National Low Income Housing Coalition . (2021). *The Gap: A Shortage of Affordable Homes*. [https://reports.nlihc.org/sites/default/files/gap/Gap-Report\\_2021.pdf](https://reports.nlihc.org/sites/default/files/gap/Gap-Report_2021.pdf).

## **Rental Housing Minimum Requirements**

### **Required Items in ALL Rental Housing**

#### **Exterior General**

1. Building, sidewalks, outbuildings and fences generally must be in good repair and free from hazards like damaged and loose building components.
2. Yards must not have rodent, vermin or insect infestation and free from hazards such as open holes or broken sidewalks.
3. Stairways must not have loose or broken steps and have handrails solidly attached.
4. Decks and porches 30 inches above the ground must have guardrails that are solidly attached.
5. Window wells within 3 feet of driveways or sidewalks must be protected with guard rails or grate covers.

#### **Interior General**

1. Windows and doors must be capable of keeping wind and elements out.
2. Insect screens are required on windows and doors used for ventilation May to November.
3. Entry doors are required to have locks for security; locks shall operate from inside without a key or special knowledge.
4. Windows located within 6 feet of ground are required to have locks for security.
5. All floors, walls, stairs, doors and windows to be maintained in good repair and free from decay or defective surfaces.
6. All stairs must have handrails and guardrails installed and solidly attached.
7. All interior doors must be securely attached and open and close properly.
8. All interior spaces must be free from rodent, vermin or insect infestation.
9. All walking surfaces must be in generally good repair.

#### **Light**

1. Every habitable space must have a window for natural light with a glazed area sized not less than 8% of the floor area of the room.
2. In buildings containing 3 or more dwelling units, the common hallways and stairways must be provided with one 60 watt bulb per every 200 square feet.

#### **Ventilation**

1. Every habitable space must have at least one openable window for natural ventilation sized not less than 4% of the floor area of the room.
2. Every bathroom and toilet room must have an openable window to the exterior or have an exhaust fan, ducted to the exterior.
3. Every clothes dryer must be exhausted to the exterior through independent ducts.

### **Occupancy General**

1. Dwelling units must be arranged to provide privacy from adjoining spaces.
2. Every bedroom must have access to at least one water closet and lavatory without passing through another bedroom.
3. Spaces used for food preparation must contain suitable space and equipment to store, prepare and serve foods in a sanitary manner.
4. Adequate facilities for temporary storage and sanitary disposal of food waste and refuse are required.

### **Plumbing Facilities**

1. Every dwelling unit must contain its own bathtub or shower, lavatory, water closet and kitchen sink, maintained in safe and sanitary condition.
2. A kitchen sink must not be used as a substitute for the required lavatory.
3. Toilet rooms and bathrooms must provide privacy
4. All plumbing fixtures must be maintained in a safe, sanitary and functional condition, free from obstructions, leaks and defects.
5. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers must have hot and cold running water.
6. The water supply system must have sufficient volume and pressure for proper function of plumbing fixtures.
7. Water heated to a temperature of not less than 110 degrees must be provided.
8. All plumbing fixtures must be connected to an approved sewer system without obstructions, leaks and defects.

### **Mechanical Facilities**

1. Habitable spaces must have heat during the period from September 15 to May 15 and maintain a temperature of not less than 68 degrees F.
2. All mechanical appliances must be properly installed and maintained in a safe working condition.
3. All fuel-burning equipment and appliances except for gas-cooking appliances, must be connected to an approved chimney or vent.
4. All mechanical equipment must have an approved automatic safety fuel shutoff, an accessible manual fuel shutoff valve and a listed appliance fuel connector.
5. Gas cooking appliances must not be used for space heating of any portion of a dwelling or guestroom, and, portable fuel burning appliances are prohibited.

### **Electrical Facilities**

1. Dwelling units must have a three-wire, 120/240 volt, electrical service having a



- rating of not less than 60 amperes.
2. All electrical equipment, wiring and appliances must be properly installed and maintained in a safe and approved manner.
  3. Every habitable space in a dwelling must contain at least (2) separate and remote receptacle outlets.
  4. Every laundry area must contain at least (1) grounded receptacle or a receptacle protected with a ground fault circuit interrupter (GFCI).
  5. Every bathroom must contain at least (1) receptacle protected with a ground fault circuit interrupter.
  6. Receptacle outlets installed in kitchens, garages, unfinished basements and exterior locations must be protected by ground fault circuit interrupters.
  7. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room must contain at least (1) electric light fixture.
  8. Extensions cords must not be wired directly to permanent wiring or installed inside walls, through floors, under carpets or attached to trim or walls.

### **Fire Safety Requirements**

1. All means of egress doors must be openable from the inside without the need for keys, special knowledge or effort.
2. Every rental dwelling unit or guestroom must have access directly to the outside or to a public corridor which leads to an exterior exit.
3. Below grade sleeping rooms must be provided with emergency escape window having a maximum sill height of (48) inches above the floor and a minimum openable area of (720) square inches.
4. Smoke alarms (electric or battery operated) must be installed in each of the following areas:
  - a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
  - b. In each room used for sleeping purposes.
  - c. In each story within a dwelling unit, including basements.
5. Carbon Monoxide Detectors
 

Any single- family dwelling or dwelling unit in a multi-family dwelling used for rental purposes and that includes fuel-fired appliances or and attached garage, on or after July 1, 2009 shall be required to have carbon monoxide detectors installed.

The location shall be on each level that has a lawful sleeping room and shall be located within 15 ft of the entrance to each sleeping room.





## Rental Housing Program: First Reading

### Housing Strategic Plan Implementation

Meaghan Overton, Housing Manager, Sustainability Services  
Marcy Yoder, Neighborhood Services Manager



- **Strategy 20** - Explore the option of a mandated rental license/registry program and pair with best practice rental regulations.



## **Big Move 7: Healthy, Affordable Housing**

- **HAH6:** Explore mandated rental license/rental registry



## Why are we looking at a rental registration and inspection program?

- **Greatest Challenge #7:** Housing policies have not consistently addressed housing stability and healthy housing, especially for people who rent
- **Community engagement:** a desire to proactively ensure **healthy, safe units** and maintain neighborhood **quality of life**

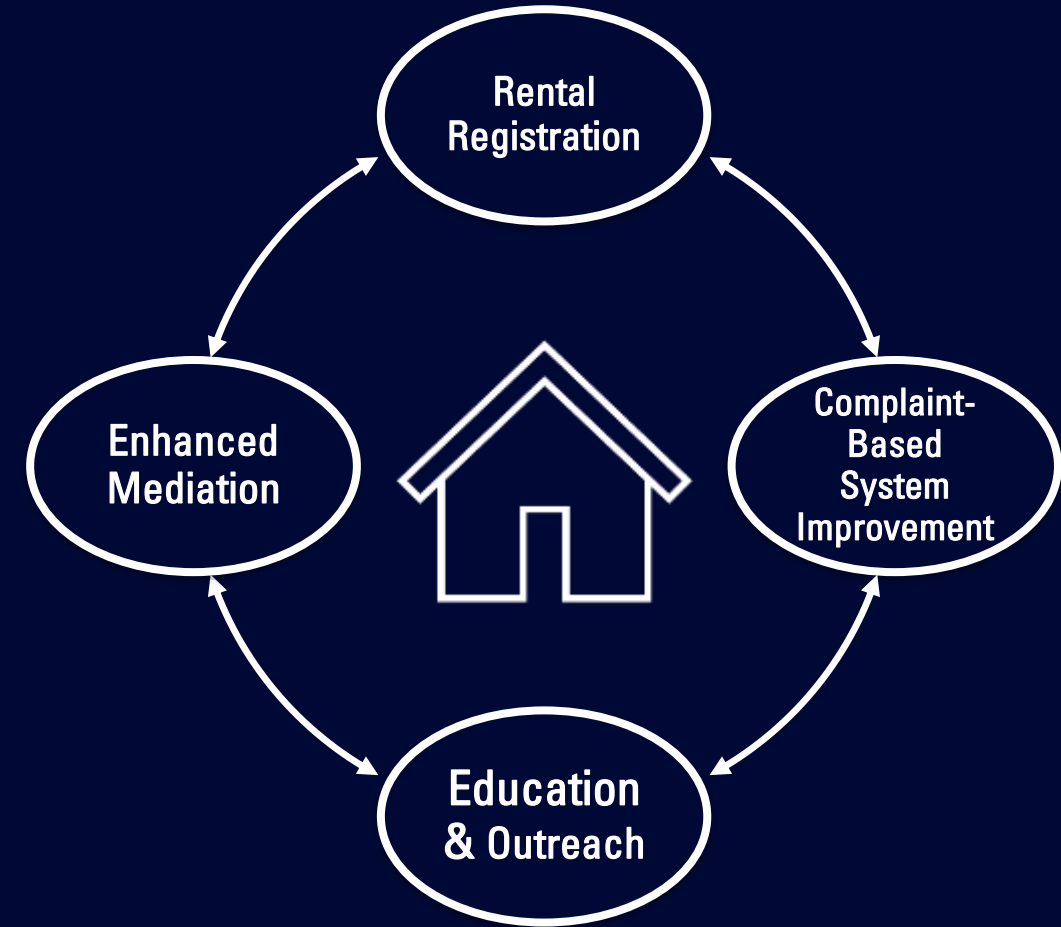


## Purpose of a rental registration program

- Track and manage data about rental properties to better understand housing needs and trends
- Increase education, outreach, and mediation resources for both tenants and landlords
- Improve systems and implementation of complaint-based inspections
- Ensure rental properties meet minimum health and safety standards on a complaint basis

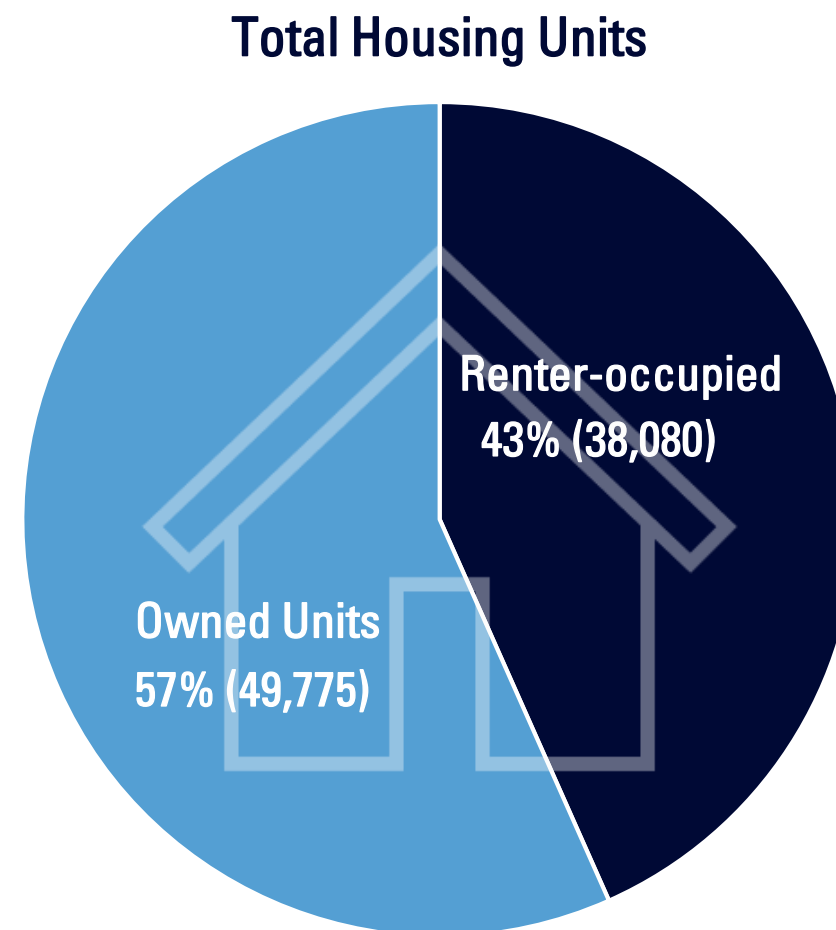


# Issue Identification



## Challenges for Renters

- Low rental vacancy rate limits housing choices
- Special housing needs (e.g., homes without stairs, elevator needs, specific bedroom count) further restrict available options
- A shortage of affordable housing exacerbates the risk of displacement, especially for those in substandard living conditions
- Renters have limited control over the conditions and maintenance of their rental homes



## Current State - Complaint-Based Inspections

- Tenant-initiated, non-anonymous complaints regulate rental property habitability, leading to tenant fear of retaliation
- Complaint-based inspections result in an average of 13 "required actions" per landlord
- Required actions for compliance with the International Property Maintenance Code, ranged from 1 to 44 per property over a 7 year-period

### Complaint Categories

Interior General  
(including Light &  
Ventilation)

Electrical Facilities

Exterior General

Mechanical Facilities

Fire Safety Requirements

Plumbing Facilities



## Current State – Mediation

- Fort Collins offers free mediation services through the Mediation and Restorative Justice Program
- Low mediation rates may be due to challenges in engaging all parties, tenant fear of retaliation, and/or one party's refusal to participate
- An inherent power imbalance exists between landlords and tenants

### City of Fort Collins Mediation Program

- 2019  
Landlord/Tenant  
Mediations  
Conducted 4
- 2022  
Landlord/Tenant  
Mediations  
Conducted 8
- Requests resulting  
in mediation 5.5%
- % of mediation  
processes that fail  
to reach agreement 30%-  
40%

## Current State – Education and Outreach

- Landlord/Tenant Handbook available online (English)
- Pre-recorded educational trainings and videos available online (English)
- Information and forms to request a compliant-based rental inspection available online and in print (English)
- Forms to request mediation and information about mediation services available online and in print (both English and Spanish)

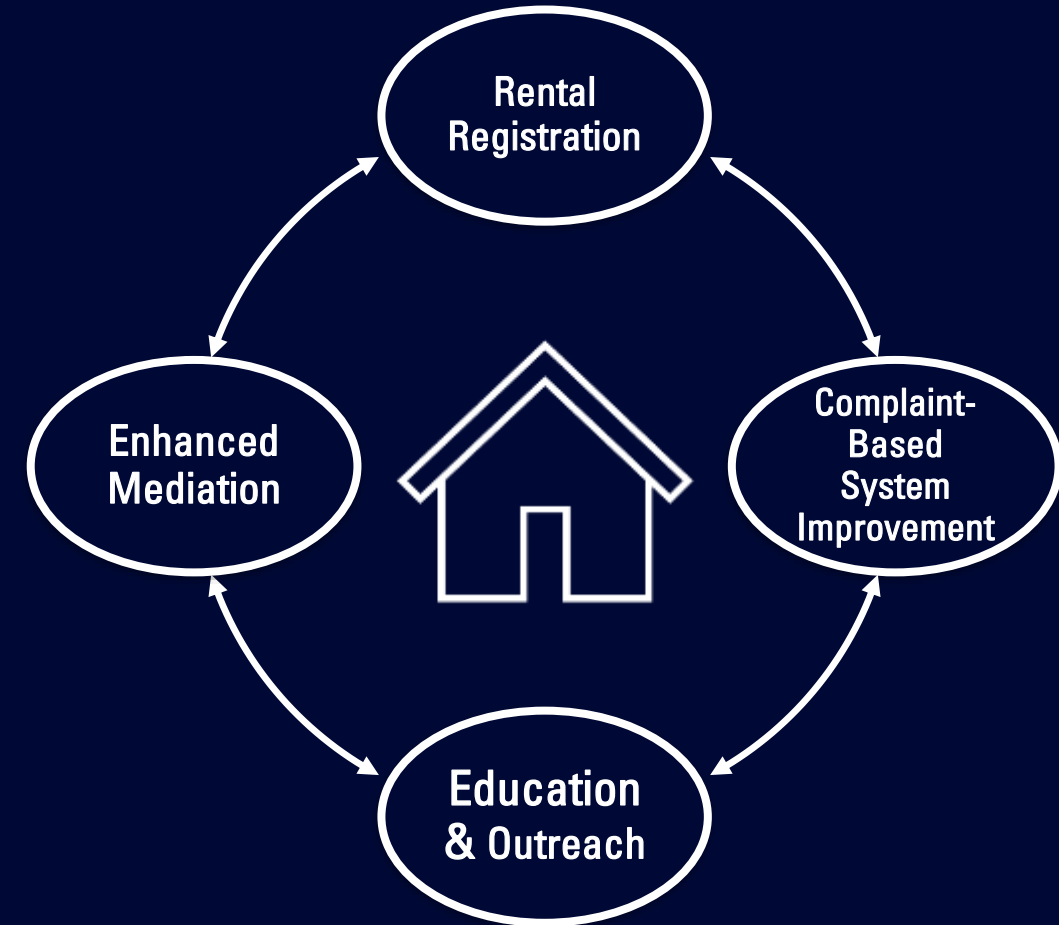


## Summary

- The Rental Housing Task Force recommended rental registration with improved complaint-based inspections
- Nonprofit partners raised concerns potential unintended consequences for renters and low-income landlords
- Collaborative efforts have been made over the last two months with nonprofits, renters, small landlords, and realtors to identify educational components and possible incentives

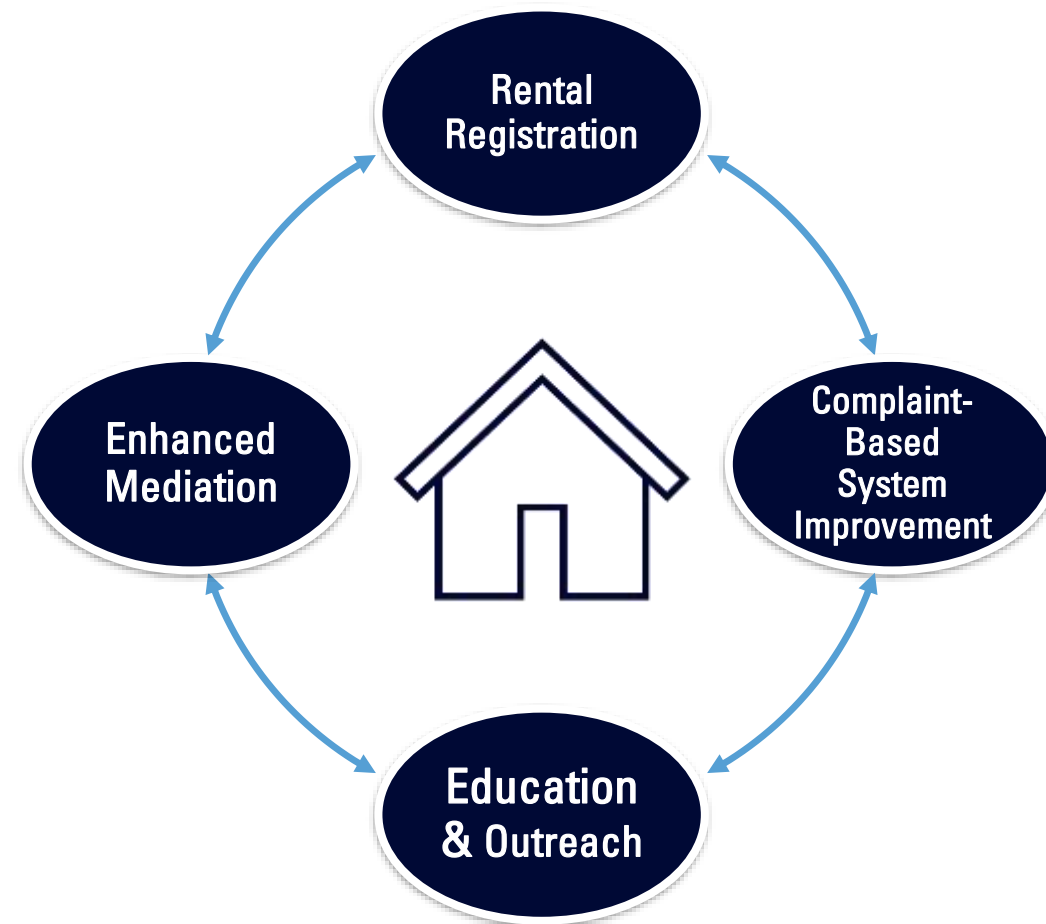
| Group Engaged   | Dates           |
|---|-----------------|
| Housing Strategic Plan engagement                                   | 2020-2021       |
| Rental industry presentations                                       | Feb. 2022       |
| Rental Industry Questionnaire                                       | Feb.-March 2022 |
| Rental Housing Task Force   | March-Aug. 2022 |
| Community Questionnaire   | August 2022     |
| Housing nonprofit, renter, & small landlord stakeholder discussions | April-May 2023  |

# Program Approach & Design



## Items funded in the proposal:

- Mandatory registration program for rental properties
- Improved complaint-based inspection system & software
- Enhancements to landlord/tenant mediation
- Education & outreach programs
- Potential mitigation funding for landlords
- Start-up costs \$1.1 million over a 2-year period
  - 2023 - \$461,375
  - 2024 - \$614,700
- Staffing 6.5 FTE



## Rental Property Registration

### Funded Items

Registration/Complaint-Based Inspection Software Upgrade

Rental Housing Program Manager 1.0 FTE

Administrative Specialist/Technician 1.5 FTE

Data Collection

### Data to be collected includes

- Property ownership, management, & contact information ☐
- Types and locations of units ☐
- Age of units ☐
- Utilities or services included in the rent ☐
- Monthly rent \* ☐
- Average length of tenancy per unit/Unit turnover \* ☐
- Local contact within 70 miles if applicable ☐
- Information about third-party inspections if applicable ☐

## Complaint-Based Inspections

### Funded Items

Registration/Complaint-Based Inspection Software Upgrade

Rental Inspectors 1.5 FTE

Inspector Vehicles (2)

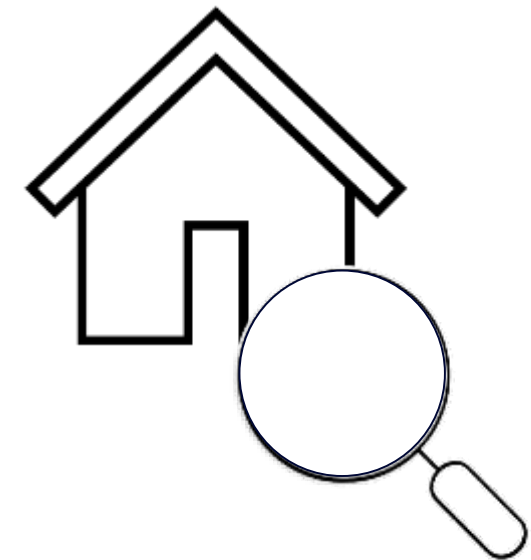
### Opportunities for development during implementation

Improved Complaint Forms & Process

Rental Inspection Guidelines & Educational Materials

"Move Out Inspection" Option for Tenants

Voluntary Community-Based Inspection Program



## Enhanced Mediation

### Funded Items

Additional Engagement Staff

Collaborative Working Group with Community and Nonprofit Partners

### Opportunities for development during implementation

Proactive Mediation Agreements with Landlords

Capacity Building for Mediation Services provided by the City and Community Nonprofit Partners

Assessment for Potential of a Local Pilot Program for Mediation on Eviction Hearing Days at the Larimer County Court





## Education & Outreach

### Funded Items

Engagement Specialists 2.5 FTE (2 full-time & 1 part-time)

Development of educational materials, warranty of habitability & rental minimum standard guidelines disclosures, & resource booklet

Voluntary, educational community assessments for minimum health and safety standards

Mitigation Grant Fund (2024)

Exploration of low/no-interest loan options for landlords (funding would require a separate Council action and appropriation)

### Opportunities for development during implementation

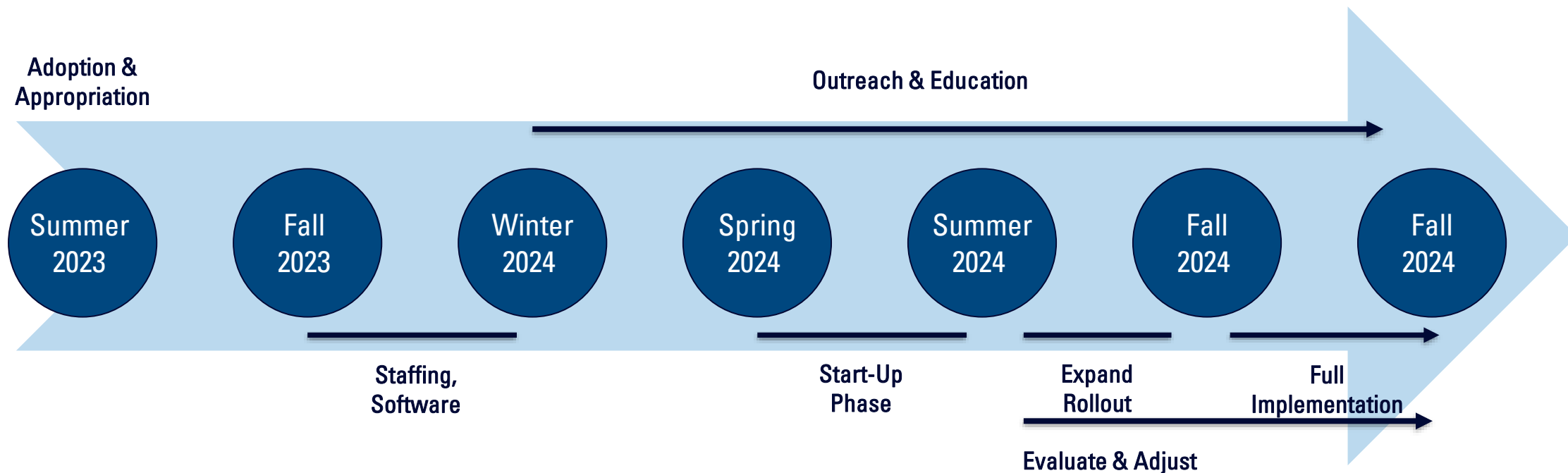
Neighborhood clean-up & volunteer repair days

Building permit "coupon" weeks to temporarily reduce certain permit costs for specific neighborhoods or housing types

Ask An Inspector events & development of an anonymous online forum

Provision of landlord and tenant training sessions, online materials, and stakeholder-specific cohorts





### Q3 - 2023

- Hiring Staff
- Improved Complaint-Based Access
- Determine Program Matrix

### Q4 - 2023

- Software Upgrades & IT Improvements
- Enhanced Mediation
- Education on Complaint-Based Inspections
- Recruitment for Community Assessment Team
- Begin Exploring Loan Product

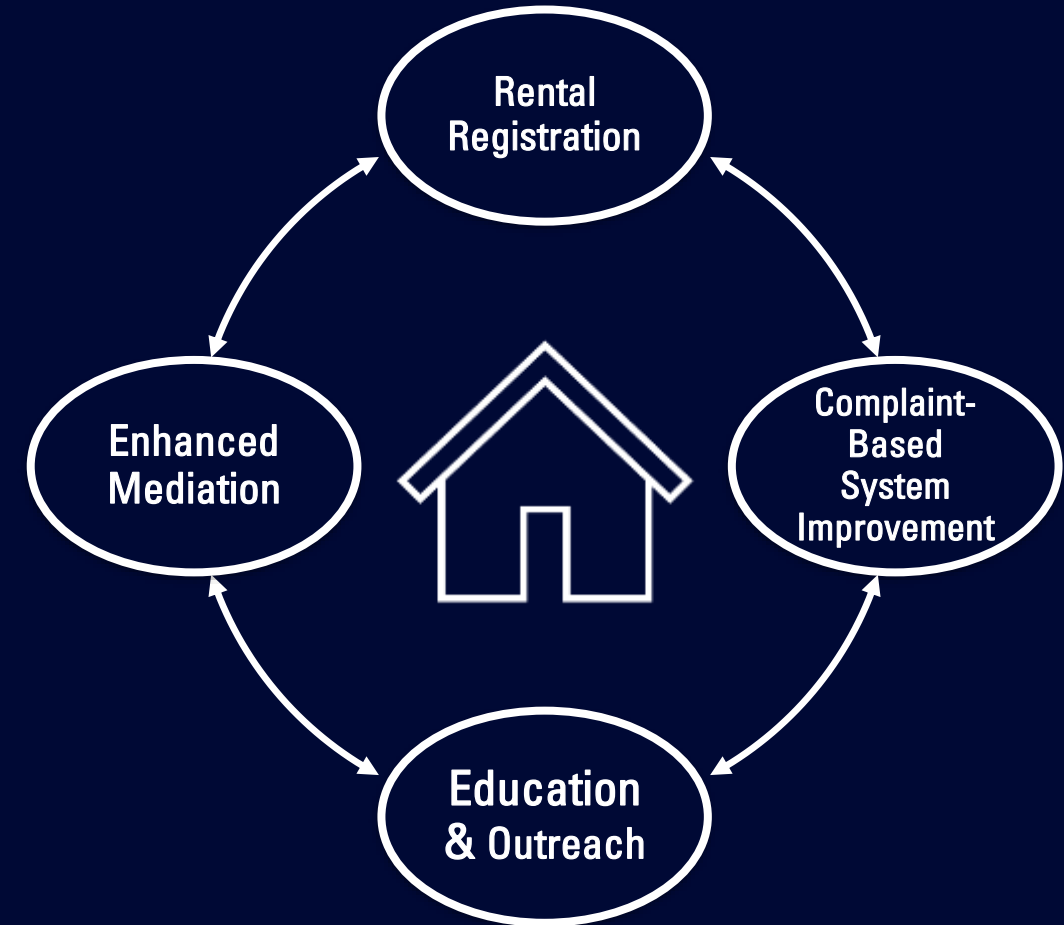
### Q1 - 2024

- Begin Rental Registration Rollout
- Hire remaining staff

### Q2 - 2024

- Begin Rental Registration
- Mitigation Grant Program Pilot for Income-Qualified Landlords
- Begin Voluntary Community Assessments

# Proposed Fee Structure



## Proposed Fees, Staffing, & Startup Costs

| Hybrid (75%<br>property/25% unit)            | Per Property | Per Unit |
|--|--------------|----------|
| Registration fee<br>(paid by all properties) | \$37         | \$10     |

- Hiring will begin with four staff members for program management, complaint-based inspections, education, outreach, and implementation.
  - Additional full-time staff members will be added as needed to support implementation.
- In total, a \$1.1 million appropriation is requested over two years (\$461,375 in 2023 and \$614,700 in 2024) to support the startup phase.

## Proposed Staffing

| Compensation   | FTE         | Per FTE Cost | 2023 Costs (from June-Dec. 2023) | 2024 Costs       |
|--|-------------|--------------|----------------------------------|------------------|
| Program Manager  | 1           | \$90,000     | \$45,000                         | \$90,000         |
| Lead Rental Inspector  | 1           | \$80,000     | \$40,000                         | \$80,000         |
| Rental Inspector   | 0.5         | \$35,000     | \$17,500                         | \$35,000         |
| Engagement Specialist – Landlords                                | 1           | \$65,000     | \$32,500                         | \$65,000         |
| Engagement Specialist – Tenants                                  | 1           | \$65,000     | \$32,500                         | \$65,000         |
| Part-Time Engagement Specialist (Connector or Housing Navigator) | 0.5         | \$30,000     | \$15,000                         | \$30,000         |
| Admin/Tech   | 1.5         | \$75,000     | \$25,000                         | \$75,000         |
| <b>Total FTE</b>   | <b>6.5</b>  |              | <b>\$207,500</b>                 | <b>\$440,000</b> |
| <b>Benefits</b>  | <b>0.25</b> |              | <b>\$51,875</b>                  | <b>\$110,000</b> |
| <b>Total Compensation</b>  |             |              | <b>\$259,375</b>                 | <b>\$550,000</b> |

## Proposed Startup Costs

### One-Time Costs

| Cost Item                          | Quantity | Cost/Item | Total Cost 2023  | Total Cost 2024 |
|------------------------------------|----------|-----------|------------------|-----------------|
| Software (Complaint-Based System)  | 1        | \$75,000  | \$75,000         | \$0             |
| Vehicle                            | 2        | \$30,000  | \$60,000         | \$0             |
| Computer Hardware – Non-Inspectors | 6        | \$1,500   | \$9,000          | \$0             |
| Computer Hardware – Inspectors     | 2        | \$2,800   | \$5,600          | \$0             |
| Outreach & Program Supplies        | N/A      | N/A       | \$5,000          | \$10,000        |
| Tools                              | 2        | \$100     | \$200            | \$0             |
| Mitigation Grant Fund Pilot        | N/A      | \$100,000 | \$0              | \$0             |
| <b>Total One-Time Costs</b>        |          |           | <b>\$154,800</b> | <b>\$10,000</b> |

Proposed Startup Costs

Ongoing Annual

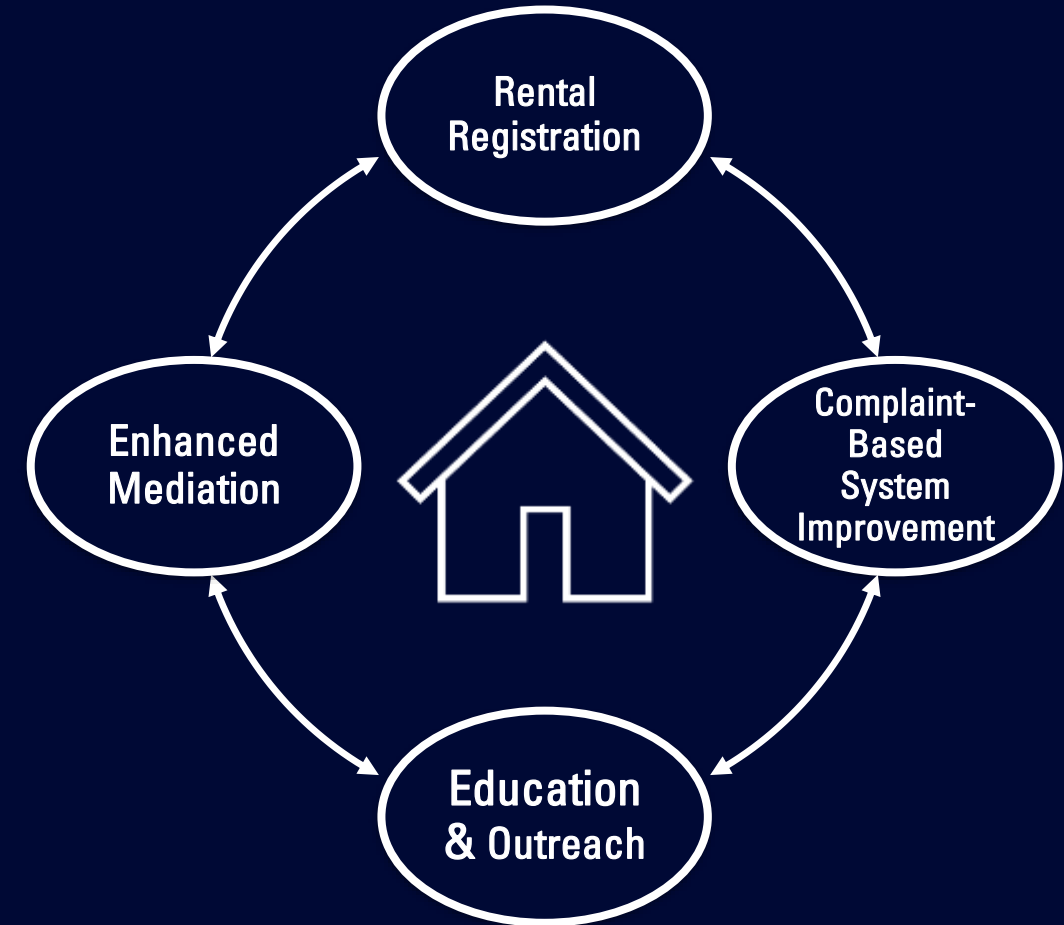
| Compensation               | Quantity | Cost/Item | Total Cost 2023 | Total Cost 2024 |
|----------------------------|----------|-----------|-----------------|-----------------|
| Vehicle Maintenance/Fuel   | 2        | \$10,000  | \$20,000        | \$20,000        |
| Translation                | N/A      | N/A       | \$10,000        | \$10,000        |
| Postage                    | N/A      | N/A       | \$10,000        | \$10,000        |
| Phone                      | 7        | \$600     | \$4,200         | \$4,200         |
| Marketing                  | N/A      | N/A       | \$2,500         | \$10,000        |
| Uniforms (Inspectors)      | 2        | \$250     | \$500           | \$500           |
| Total Ongoing Annual Costs |          |           | \$47,200        | \$54,700        |

Total Costs 2023  
& 2024

| Total Costs        | Total Cost 2023 | Total Cost 2024 |
|--------------------|-----------------|-----------------|
| Total Compensation | \$259,375       | \$550,000       |
| One-Time Costs     | \$154,800       | \$10,000        |
| Ongoing Costs      | \$47,200        | \$54,700        |
| Total Costs        | \$461,375       | \$614,700       |



# City Financial Impacts





- **What:** \$1.1 million appropriation from the general fund
  - 2023 = \$461,375
  - 2024 = \$614,700
- **Why:** Initial outlay for a rental registration program to hire staff, purchase software, and fund program activities and engagement
  - Initial plan had the Council Finance Committee's support for a \$1.6 million appropriation from the General Fund reserves over two years (2023 and 2024).
  - A revised plan proposes lower startup costs, requesting a \$1.1 million appropriation from the General Fund reserves for the same period.
  - A revision offer will be made in July 2023 to secure Council approval for the 2024 funds.

**THANK YOU!**



## Challenges for Potential Homebuyers

- Few “starter homes” available at entry-level prices in the housing market
- Investors own 80-86% of all townhomes, duplexes/triplexes, and condos; and a large share of lower-priced single-family homes

**Investor-owned  
single housing units  
cost an average of**

**\$70,000 less than**

**Owner-occupied  
single housing units**