





City Clerk
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DATE: May 21, 2019

TO: Mayor and City Council

THROUGH: Darin Atteberry, City Manager 
Jeff Mihelich, Deputy City Manager 

FROM: Sara Gonzales, Deputy City Clerk

RE: Item #7-First Reading of Ordinance No. 071, 2019, Approving the Second Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, Now Known as the Northern Colorado Regional Airport.

At its May 16, 2019 meeting, the Northern Colorado Regional Airport Commission voted to recommend that the terms of office for the citizen members be staggered. (Resolution is attached)

The IGA has been amended to implement staggered terms for three citizen members, beginning July 1, 2019.

- The Loveland appointed citizen member will serve an initial term of two years; each following term will be four years.
- The Fort Collins appointed citizen member will serve an initial term of three years; each following term will be four years.
- The joint citizen member will serve an initial term of four years; each following term will be four years.

Amended agenda materials are attached.

Thank you.

RESOLUTION #R-2-2019

**A RESOLUTION RECOMMENDING THAT THE FORT COLLINS AND
LOVELAND CITY COUNCILS APPROVE A MODIFICATION TO THE TERMS
OF THE THREE CITIZEN MEMBERS OF THE NORTHERN COLORADO
REGIONAL AIRPORT COMMISSION**

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

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the "IGA"), which established the Northern Colorado Regional Airport Commission (the "Commission") as the Airport governance structure; and

WHEREAS, Section 2 of the IGA addresses Commission appointments and specifies that the three citizen members ("Citizen Members") of the Commission shall serve four year terms. The initial four year terms of the Citizen Members' appointments will expire on June 30, 2019; and

WHEREAS, the IGA was amended in 2016 to clarify the authorized powers of the Commission and delegate additional Airport duties and responsibilities to the Commission in order to provide more effective and efficient Airport management and operation, as well as to update the name of the Airport throughout the Agreement (the "First Amendment"); and

WHEREAS, the Commission has determined that the terms of the Citizen Members should be modified to provide for staggering of the terms and believes that such modification will better serve the Commission and the two Cities. Such modification requires a second amendment of the IGA (the "Second Amendment") to revise the terms of the Citizen Members, and the Commission desires to recommend that the City Councils approve the Second Amendment accordingly.

**NOW THEREFORE BE IT RESOLVED BY THE NORTHERN COLORADO
REGIONAL AIRPORT COMMISSION AS FOLLOWS:**

Section 1. That the Commission recommends that the Fort Collins and Loveland City Councils approve the Second Amendment to the IGA to amend Section 2.B. of the IGA to state in full as follows:

B. The Commission shall be comprised of seven members as follows: (a) two members shall be appointed by the Loveland City Council which members shall be City of Loveland council members or employees; (b) two members shall be appointed by the Fort Collins City Council which members shall be City of Fort Collins council members or employees; (c) one Citizen Member (defined below) shall be appointed by the Loveland City Council; (d) one Citizen Member (defined below) shall be appointed by the Fort Collins City Council; and (e) one Joint Citizen Member (defined below) shall be appointed by the City Councils upon mutual agreement. A "Citizen Member" is defined as an individual residing within the Growth Management Area ("GMA") of the City of the appointing City Council, or owning or leasing real property or operating

AGENDA ITEM SUMMARY

City Council

May 21, 2019

Highlighted text added 5/17/19

STAFF

Jason Licon, Airport Director
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 071, 2019, Approving the Second Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, Now Known as the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

The purpose of this item is to stagger the terms of the citizen members appointed to the Northern Colorado Regional Airport Commission. The current adopted Amended and Restated Intergovernmental Agreement states that appointed citizen members' terms expire at the same time for all three of the appointed citizen members.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The primary strategic objective of this IGA amendment would be to create a consistent and regularly scheduled process to apply for and request action from the respective City Councils to appoint Airport Commission citizen members serving on the Northern Colorado Regional Airport Commission. The current adopted Amended and Restated Intergovernmental Agreement states that appointed citizen members' terms expire at the same time for all three of the appointed citizen members. Staggered terms will help to maintain consistency and continuity of leadership necessary for stable Airport policymaking and oversight. To accomplish this, the proposed Amendment to the IGA provides for initial terms beginning July 1, 2019 for the three citizen members will be 2 years-Loveland appointed Citizen Member; 3 years-Fort Collins appointed Citizen Member; and 4 years-Joint Citizen Member.

PUBLIC OUTREACH

At its May 16, 2019, meeting, the Airport Commission adopted a resolution recommending adoption by the Cities of the proposed amendment to the IGA staggering the terms of the "Citizen Members" and the "Joint Citizen Member" such that only one appointment expires each year (with one year in which there is no expiring appointment in light of the four year terms).

ORDINANCE NO. 071, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT FOR THE JOINT OPERATION OF THE
FORT COLLINS-LOVELAND MUNICIPAL AIRPORT, NOW KNOWN AS THE
NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the cities of Fort Collins and Loveland (the “Cities”) established a regional general aviation facility and became the joint owners and operators of the Fort Collins-Loveland Municipal Airport (the “Airport”); and

WHEREAS, pursuant to Section 29-1-203 of the Colorado Revised Statutes (and Article II, Section 16, of the Fort Collins City Charter), the Cities are authorized by law to contract with one another to provide for the joint exercise of any function, service or facility lawfully authorized to each of them if such contracts are approved by the Councils of the Cities; and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the “IGA”), which established the Northern Colorado Regional Airport Commission (the “Commission”) as the Airport governance structure; and

WHEREAS, by adoption of Resolution 2015-003 on January 6, 2015, the City Council approved the IGA; and

WHEREAS, by adoption of Ordinance 067, 2017 on June 7, 2016, the City Council approved the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport (the “First Amendment”), which expanded the powers delegated to the Commission, ratified and reaffirmed the approval of the IGA and creation of the Commission as set forth therein in accordance with Article IV, Section 1 of the City Charter regarding the establishment of appointive boards and commissions by ordinance, and recognized the name change of the Airport to the Northern Colorado Regional Airport;

WHEREAS, the Commission, at its May 16, 2019, meeting, approved and recommended adoption by the Cities of a further proposed amendment to the IGA staggering the terms of the “Citizen Members” and the “Joint Citizen Member” such that only one appointment expires each year (with one year in which there is no expiring appointment); and

WHEREAS, the City Council has determined the further amendment of the IGA as recommended by the Commission is necessary and appropriate to maintain consistency and continuity of leadership and to provide more effective and efficient policymaking and oversight for the Airport.

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

**SECOND AMENDMENT TO THE AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT FOR THE JOINT OPERATION OF THE
FORT COLLINS-LOVELAND MUNICIPAL AIRPORT, NOW KNOWN AS THE
NORTHERN COLORADO REGIONAL AIRPORT**

THIS Second Amendment ("Second Amendment") is made and entered into this _____ day of _____, 2019, between THE CITY OF LOVELAND, COLORADO, a municipal corporation, and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation, hereinafter referred to individually as a "City" and collectively as the "Cities."

WITNESSETH:

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

WHEREAS, pursuant to Section 29-1-203 of the Colorado Revised Statutes (and Article II, Section 16, of the Fort Collins City Charter), the Cities are authorized by law to contract with one another to provide for the joint exercise of any function, service or facility lawfully authorized to each of them if such contracts are approved by the Councils of the Cities; and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the "IGA"), which established the Northern Colorado Regional Airport Commission (the "Commission") as the Airport governance structure; and

WHEREAS, in the IGA, the Cities set forth the terms and conditions pursuant to which the Airport will be operated and maintained as the Cities' joint venture; and

WHEREAS, the IGA was amended in 2016 to clarify the authorized powers of the Commission and delegate additional Airport duties and responsibilities to the Commission in order to provide more effective and efficient Airport management and operation, as well as to update the name of the Airport throughout the Agreement (the "First Amendment"); and

WHEREAS, Section 2 of the IGA addresses Commission appointments and specifies that the three citizen members of the Commission shall serve four year terms. All three citizen members' appointments will expire on June 30, 2019; and

WHEREAS, the Cities have further determined that a second amendment of the IGA is necessary to revise the terms of the citizen members to stagger the terms such that no more than one appointment expires each year.

THE CITY OF LOVELAND, COLORADO
A Municipal Corporation

By: _____
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation

By: _____
Darin A. Atteberry, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney