

ORDINANCE NO. 061, 2018  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING AND REENACTING DIVISION 4 IN ARTICLE IV OF CHAPTER 2  
OF THE CODE OF THE CITY OF FORT COLLINS PERTAINING TO THE FORT  
COLLINS URBAN RENEWAL AUTHORITY TO ADDRESS RECENT CHANGES IN  
COLORADO'S URBAN RENEWAL LAW AND CONFIRMING THE APPOINTMENT  
OF ANDY SMITH TO THE AUTHORITY'S BOARD OF COMMISSIONERS

WHEREAS, on January 5, 1982, City Council adopted Resolution 1982-010 establishing within the City of Fort Collins, Colorado (the "City") the Fort Collins Urban Renewal Authority (the "Authority") and designating the Council to serve as the Authority's Board of Commissioners (the "URA Board"); and

WHEREAS, the laws governing the creation, powers and governance of urban renewal authorities are in Colorado's "Urban Renewal Law" in Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes (the "Act"); and

WHEREAS, the City Code provisions governing the Authority are in Division 4 in Article IV of City Code Chapter 2 (the "URA Code"); and

WHEREAS, Sections 31-25-104 and 31-25-107 of the Act were amended in 2015 and 2017, respectively, by the Colorado General Assembly to provide that when the adoption of a new urban renewal plan is being considered on or after January 1, 2016, the membership on the board of commissioners of the affected urban renewal authority is to be increased to include at least three, and potentially four, additional commissioners; and

WHEREAS, one commissioner is to be appointed by the board of county commissioners of the county in which the territorial boundaries of the urban renewal authority area are located, the second commissioner is to be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the urban renewal authority area and the third commissioner is to be an elected member of a board of education of a school district levying a mill levy within the boundaries of the urban renewal authority area; and

WHEREAS, if these three new appointments cause the authority's board to have an even number of commissioners, the mayor of the municipality that has created the urban renewal authority is to appoint a fourth commissioner to restore an odd number of commissioners to the authority's board; and

WHEREAS, a new urban renewal plan is being proposed for properties located at and near the College Avenue and Drake Road intersection, the approval of which will require, among other things, that the URA Board first commission a blight study of the proposed plan area and that the City Council conduct a public hearing to make the blight determination required by the Act before the new plan can be approved by Council (the "New URA Plan"); and

WHEREAS, before either of these actions can be taken, the Act requires that the membership on the URA Board be expanded to include an appointment by the Larimer County

Board of Commissioners (the "County Appointment"), a joint appointment by the Poudre School District and the Thompson School District (the "School District Appointment") and an agreed appointment by all of the special districts levying property taxes within the Authority's boundaries (the "Special District Appointment"); and

WHEREAS, since these three new appointments will increase URA Board membership to ten, an even number, the Act requires the City's Mayor to appoint another new commissioner to the URA Board to restore the Board's membership to an odd number; and

WHEREAS, the City Council has previously adopted Resolution 2015-105 setting out a process to follow for the Mayor's appointment to the URA Board under which the Mayor and one other councilmember are to interview candidates and make an appointment recommendation to Council for its approval by resolution; and

WHEREAS, the candidate interviews under this process have been completed by the Mayor and Councilmember Kristin Stephens and they recommended that Andy Smith be appointed to the URA Board, which appointment was initially approved by Council on May 1, 2018, in Resolution 2018-044 and is hereafter ratified and reaffirmed in Section 6 of this Ordinance; and

WHEREAS, the primary purposes of this Ordinance are to amend Section 2-481 of the URA Code to provide for the new membership on the URA Board and to amend Section 2-483 of the URA Code to recognize that the County Appointment, the School District Appointment and the Special District Appointment are not subject to the conflicts of interest provisions in the City's Charter and Code, but are nevertheless subject to the conflicts of interest provisions in the Act and under other applicable state law; and

WHEREAS, this Ordinance also amends the URA Code to add a definitions section and to amend those sections of the URA Code using these defined terms; and

WHEREAS, the Council finds and determines that the adoption of this Ordinance is in the best interest of the City and 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 Division 4 in Article IV of City Code Chapter 2 is hereby repealed in its entirety and reenacted to read as follows:

*Division 4*  
*Urban Renewal Authority*

**Sec. 2-480. Definitions.**

For purposes of this Division, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

*Authority* shall mean the Fort Collins Urban Renewal Authority established on January 5, 1982, by City Council Resolution 82-10 under the Urban Renewal Law.

*Board* shall mean the board of commissioners of the Authority.

*Commissioner* shall mean a duly appointed member of the Board.

*Urban Renewal Law* shall mean Colorado's Urban Renewal Law in Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes, as amended.

**Sec. 2-481. Creation.**

The Authority has been created and established pursuant to the Urban Renewal Law and City Council Resolution 82-10, and shall be known as the Fort Collins Urban Renewal Authority.

**Sec. 2-482. Membership; term.**

(a) The commissioners on the Board of the Authority shall be:

- (1) all members of the City Council;
- (2) the county, school district and special district appointees required by the Urban Renewal Law; and
- (3) a resident of the City appointed by the Mayor and confirmed by the City Council by resolution if such appointment is required by the Urban Renewal Law.

(b) The appointments, terms, removals and vacancies of commissioners on the Board shall be governed by the Urban Renewal Law, except that the person appointed pursuant to subparagraph (a)(3) of this Section shall be appointed to serve a term of four (4) years and shall be appointed in the manner provided in subparagraph (a)(3).

**Sec. 2-483. - Jurisdiction.**

The Authority shall exercise its powers under the Urban Renewal Law within the boundaries of the Authority, which boundaries shall be the same as the boundaries of the City, and this shall include, without limitation, exercising those powers within any of the urban renewal plan areas that are located within the boundaries of the Authority.

**Sec. 2-484. Conflicts of interest.**

The commissioners, officers and employees of the Authority shall be governed by the rules of ethical conduct in the Urban Renewal Law and other applicable state law. Unless in conflict with the Urban Renewal Law or other applicable state law, the commissioners, officers and employees of the Authority shall also be governed by the applicable rules of ethical conduct contained in Article IV, § 9 of the Charter and in § 2-568 of the Code, except that the county, school district and special district appointees serving as commissioners on the Board shall not be subject to the rules of ethical conduct contained in Article IV, Section 9 of the Charter and in § 2-568 of the Code.

**Sec. 2-485 Functions.**

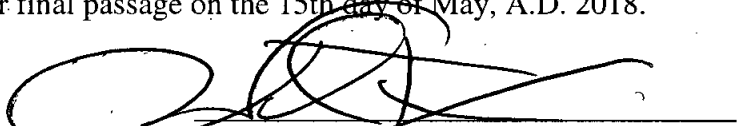
The Authority shall be a body corporate with all the purposes and powers authorized by the Urban Renewal Law and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of the Urban Renewal Law.

**Sec. 2-486. Minutes.**


The Authority shall take and file the minutes of the Board in accordance with the requirements of § 2-73 of this Code.

Section 3. That the City Council's appointment of Andy Smith to the URA Board for a four-year term as approved in Resolution 2018-044, and as provided in Code Section 2-482(a)(3), is hereby ratified and reaffirmed.

Introduced, considered favorably on first reading, and ordered published this 1st day of May, A.D. 2018, and to be presented for final passage on the 15th day of May, A.D. 2018.


  
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Mayor

ATTEST:

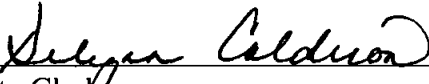
  
\_\_\_\_\_  
City Clerk



Passed and adopted on final reading on the 15th day of May, A.D. 2018.

  
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Mayor Pro Tem

ATTEST:

  
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City Clerk

