

ORDINANCE NO. 087, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES FROM THE FIRE PROTECTION
CAPITAL EXPANSION FEE ACCOUNT WITHIN THE CAPITAL EXPANSION
FEE FUND TO REIMBURSE BUILDING PERMIT APPLICANTS FOR
OVERPAYMENT OF THE FIRE PROTECTION CAPITAL EXPANSION FEE

WHEREAS, in early 2016, City staff initiated a comprehensive review of the City's various impact fees now charged to new development; and

WHEREAS, as part of that review, the City commissioned consultant Duncan Associates ("Duncan") to prepare an impact fee study for the community parkland, neighborhood parkland, police, fire protection and general government capital expansion fees (collectively, "Capital Expansion Fees") which resulted in the "Capital Expansion Fee Study" dated August 2016, in which Duncan identified the need to increase each of the Capital Expansion Fees by various amounts (the "CEF Study"); and

WHEREAS, on June 6, 2017, the City Council adopted Ordinance No. 049, 2017 ("Ordinance No. 049") in which it amended various sections of City Code Chapter 7.5 to implement the fee increases recommended for the Capital Expansion Fees in the CEF Study to be effective October 1, 2017, but in doing so, the Council decided to only increase the Capital Expansion Fees to 75% of the amounts recommended in the CEF Study; and

WHEREAS, Duncan recently discovered that the increased amount for the City's fire protection capital expansion fee (the "Fire CEF") was incorrectly calculated in the CEF Study resulting in the Fire CEF being increased in Ordinance No. 049 to a level that is 90% of the Fire CEF recommended in the CEF Study; and

WHEREAS, this has resulted in those persons and entities applying to the City for building permits since October 1, 2017, to pay the Fire CEF at the 90% level instead of the 75% level intended in Ordinance No. 049; and

WHEREAS, contemporaneously with its consideration of this appropriation Ordinance, the City Council will also consider the adoption of Ordinance No. 086, 2018, to amend Code Section 7.5-30 to fix this error Duncan discovered by reducing the Fire CEF to the 75% level as intended in Ordinance No. 049; and

WHEREAS, this Ordinance appropriates \$130,000 from the Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Fund to reimburse those building permit applicants who have or will overpay the Fire CEF at the 90% level instead of the 75% level intended in Ordinance 049; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to appropriate 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 Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Fund and will not cause the total amount appropriated in the Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Fund to exceed the current estimate of actual and anticipated revenues to be received in that Account during any fiscal year; and

WHEREAS, for the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public's health, safety and welfare, that these funds be appropriated to reimburse those building permit applicants who have or will overpay the Fire CEF because of the error in the CEF Study.

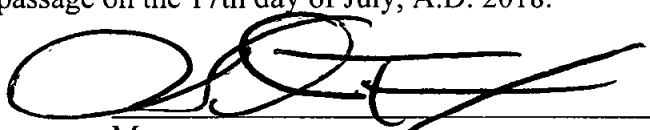
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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 Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Account the sum of ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) for the reimbursement of those building permit applicants who have or will overpay the Fire CEF at the 90% level set in the CEF Study instead of at the 75% level as intended in Ordinance No. 049.


Section 3. This appropriation shall not be effective unless and until Ordinance No. 086, 2018, becomes law to amend Code Section 7.5-30 to reduce the Fire CEF to the 75% level intended by Ordinance No. 049.

Introduced, considered favorably on first reading, and ordered published this 3rd day of July, A.D. 2018, and to be presented for final passage on the 17th day of July, A.D. 2018.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 17th day of July, A.D. 2018.



Mayor Pro Tem

ATTEST:



City Clerk

