

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 No. 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:

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

Section 2. That 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 (the "Second Amendment") attached hereto as Exhibit "A" and incorporated herein by reference is hereby approved.

Section 3. That the Mayor is authorized to execute the Second Amendment together with such changes as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City provided such changes are materially consistent with the terms of this Ordinance and the intended purpose of the Second Amendment.

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2019, and to be presented for final passage on the 4th day of June, A.D. 2019.


Mayor

ATTEST:



Chief Deputy City Clerk



Passed and adopted on final reading on the 4th day of June, A.D. 2019.


Mayor Pro Tem

ATTEST:


City Clerk



**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.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. That Section 2.B. of the IGA is hereby amended to read 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 a business within the Airport area of influence as defined in the Airport Master Plan; provided that such member shall not be an employee or city council member of the Cities. The "Joint Citizen Member" is defined as an individual residing within the GMA of either of the Cities, or owning or leasing real property or operating a business within the Airport area of influence as defined in the Airport Master Plan; provided that such member shall not be an employee or city council member of the Cities. Citizen Members shall serve a term of four years at the pleasure of the appointing City Council, subject to removal at any time without cause. The Joint Citizen Member shall serve a term of four years, subject to removal at any time without cause upon the mutual agreement of the City Councils. Effective upon appointment of the Citizen Members and the Joint Citizen Member for the term beginning on or about July 1, 2019:

- the Loveland appointed Citizen Member shall serve an initial term of two years with each following term to be four years;
- the Fort Collins appointed Citizen Member shall serve an initial term of three years with each of the following terms to be four years; and
- the Joint Citizen Member shall serve an initial term of four years with each following term to be four years as set forth above.

The purpose of such initial appointments is to create staggered terms for the citizen members such that only one appointment expires each year with one year with no appointments expiring. City Council members and employees of the Cities appointed as members of the Commission shall have no fixed term, but shall be subject to reappointment or removal at the pleasure of the appointing City Council. Appointments to fill vacancies by Citizen Members or the Joint Citizen Member shall be made for the remainder of the term and shall be filled by the appointing City Council, or, in the case of the Joint Citizen Member, by the mutual agreement of the City Councils.

2. That except as amended by this Second Amendment, all other provisions of the IGA shall remain in full force and effect.

IN WITNESS HEREOF, this Second Amendment has been executed the day and year first above written.

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