

ORDINANCE NO. 142, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM THE
VOLKSWAGEN SETTLEMENT FUNDS FOR THE PURCHASE OF
THREE ALTERNATIVE FUEL BODY-ON-CHASSIS STYLE BUSES

WHEREAS, Volkswagen Group of America and certain related entities (collectively, “Volkswagen” or “VW”) have admitted that they violated the federal Clean Air Act from 2009 to 2016 by selling vehicles with diesel engines that emitted more air pollution than the Clean Air Act allows and by cheating on federal emission tests to hide the excess pollution; and

WHEREAS, VW partially settled its civil liability for these violations of the Clean Air Act by entering into two judicial consent decrees which required VW to pay more than \$2.9 billion into an environmental mitigation trust fund to be administered by an independent trustee (the “Settlement Funds”); and

WHEREAS, in Colorado, such Settlement Funds are overseen by Colorado Department of Public Health and Environment (“CDPHE”) and Colorado Department of Transportation (“CDOT”) and eligible transit agencies were able to apply for the Settlement Funds through a competitive process; and

WHEREAS, Transfort was previously awarded \$197,220 in Funding Advancements for Surface Transportation and Economic Recovery Act of 2009 (“FASTER”) funds for three cutaway style buses and there is currently an appropriated local match of \$49,308 for that purchase; and

WHEREAS, the City leveraged the previously awarded FASTER funds to apply for Settlement Funds and was awarded \$116,268 to upgrade the cutaway buses from diesel fuel to propane; and

WHEREAS, these alternative fuel cutaway buses are leased to Transfort’s fixed route service contractor to provide service for Route 33 and the late-night Gold Route; and

WHEREAS, this Ordinance will appropriate the \$116,268 in Settlement Funds for the alternative fuel cutaway buses; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of providing alternate fuel public transportation to citizens of Fort Collins.

WHEREAS, Article V, Section 9, of the City Charter permits the City Council 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 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 to be received in that fund during any 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 unanticipated revenue in the Transit Services Fund the sum of ONE HUNDRED SIXTEEN THOUSAND TWO HUNDRED SIXTY-EIGHT DOLLARS (\$116,268) for expenditure in the Transit Services Fund for the purchase of three alternative fuel chassis-on-body style buses.

Introduced, considered favorably on first reading, and ordered published this 3rd day of December, A.D. 2019, and to be presented for final passage on the 17th day of December, A.D. 2019.



Mayor

ATTEST:



City Clerk



Passed and adopted on final reading on the 17th day of December, A.D. 2019.



Mayor

ATTEST:



City Clerk

