

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 21

DATE: August 17, 1999

STAFF: Michael W. Powers

SUBJECT:

Resolution 99-105 Authorizing the Mayor to Execute an Intergovernmental Agreement Among Larimer County, Weld County, and the Cities of Fort Collins, Loveland and Greeley Concerning the Cache La Poudre Commission.

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

This Resolution authorizes the Mayor to execute an Intergovernmental Agreement between Larimer County, Weld County, and the cities of Fort Collins, Loveland, and Greeley endorsing the recommended appointments to the Cache la Poudre Commission.

BACKGROUND:

In October 1996, the United States Congress adopted Public Law 104-323 that established the Cache la Poudre River Corridor Act. The purpose of this Act is to designate the Cache la Poudre Corridor within the Cache la Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

The following information presents a synopsis of this Law:

Corridor Boundaries

- Extends from the eastern boundary of Roosevelt National Forest to one-quarter mile west of the Cache la Poudre River's confluence with the South Platte River.
- Includes all lands within the 100-year floodplain.

Cache la Poudre Corridor Commission

- 15 members, recommended by the Governor of Colorado and appointed by the Secretary of the Interior for three-year terms.

- Commission composition:
One member each: Secretary of Interior, U.S. Forest Service, Colorado State University, State of Colorado, Northern Colorado Water Conservancy District, City of Fort Collins, City of Greeley, and City of Loveland.
Two members each: Larimer County (one must be agriculture or irrigated water interest) and Weld County (one must be agriculture or irrigated water interest).
Three members representing the general public (Colorado citizens residing in the vicinity of the Corridor).

Powers of the Commission

The Commission may:

- Appoint and fix compensation for staff.
- Procure expert and consultant services.
- Request staff assistance from federal agencies on a reimbursement basis.
- Request administrative support services from the General Services Administration on a reimbursement basis.
- Accept the services of personnel from the State, State agencies, and political subdivisions of the State on a reimbursement basis.
- Hold hearings to carry out this act.
- Use the United States mails in the same manner as agencies of the Federal Government.
- Use its funds to obtain money under programs requiring matching funds.
- Seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services from any source for the purpose of carrying out Commission duties.
- Acquire real property or interest in real property by gift or device, purchase from a willing seller with money given or bequeathed to the Commission, or exchange.
- Enter into cooperative agreements with Federal or State agencies, political subdivisions of the State, and persons.
- Establish advisory groups to ensure communication with, and assistance from, Federal or State agencies, political subdivisions of the State, and persons.
- Modify the Plan as necessary to carry out the Act.
- Assist, with the owner's consent, in the restoration of any identified structures or sites in the Corridor.

Duties of the Commission

The Commission shall:

- Convey any real property or interest in real property they obtain to a non-Federal public agency as soon as practicable after acquisition, without consideration, and on the condition that the property is used to further the goals of the Corridor.
- Seek comments from Federal agencies, State agencies, and political subdivisions of the State that may be affected by any Plan modification.
- Publish a notice of any *significant* Plan modifications in the Corridor and conduct a public hearing regarding them.
- Prepare, obtain approval for, implement, and support the Plan.

- Hold its initial meeting within 90 days of the appointment of its last member, and meet at least quarterly thereafter.
- Approve its budget by the affirmative vote of at least 10 members (a quorum).
- Submit an annual report of their activities to the Governor by May 15 of each year.
- Enhance public awareness and appreciation for the historical, recreational, architectural, and engineering structures in the Corridor, and for archeological, geological, and cultural resources and sites in the Corridor.
- Help interpret the historical, present, and future uses of the Corridor.
- Help establish community, regional, statewide, national, and international recognition for the Corridor.
- Help identify and implement land exchanges by Federal and State agencies that will expand open space and recreational opportunities within the Corridor.

Duties of the Secretary of the Interior

- Acquire, by donation, purchase with donated or appropriated funds, or exchange, land identified by the Commission within the Corridor if the Governor and the political subdivision approve the acquisition and the acquisition has the consent of the owner.
- Provide technical assistance in the preparation and implementation of the Plan upon the Commission's request.
- Detail two employees of the Department of the Interior (in this case, the National Park Service) to the Commission each fiscal year. Duties of the detailed employees under Section 107 of the Act include:
 - Technical assistance in formulating the Commission budget.
 - Technical Assistance in preparing the Commission's Annual report, and
 - Technical assistance with preparation, review, approval, implementation, and support for the Corridor Interpretation Plan, in accordance with Section 108 of the Act.
- Approve or disapprove the Corridor Interpretation Plan within 90 days of its submittal.
- Notify the Governor and the Commission within 60 days if the Corridor Interpretation Plan is disapproved, provide the reasons for the disapproval, and make recommendations for the Plan's revision.

Duties of Other Federal Entities

- Consult with the Commission regarding any activities they undertake that would affect the Cache la Poudre River's flow or natural resources.
- Acquire lands in the Corridor identified by the Commission, by exchange at fair market value for other lands the agency holds in Colorado, provided that the Governor, political subdivision, and property owner concur with the acquisition.
- The General Services Administration may convey surplus lands to the State of Colorado, its political subdivisions, or instrumentalities thereof, which are suitable and desirable to fulfill the purposes of the Corridor.

Effect on Environmental and Other Standards, Restrictions, and Savings Provisions

- This Act *cannot* require compliance with environmental and other standards, restrictions, and savings provisions; such compliance shall be voluntary.

- This Act *cannot* impose any new environmental, occupational, safety, or other rules, regulations, standards, or permit processes on the lands within the Corridor.
- This Act *cannot* impose a more restrictive Federal or State water use designation or water quality standard upon waters within or adjacent to the Corridor.
- This Act *cannot* impose a more restrictive Federal or State water use designation or water quality standard upon waters within or adjacent to the Corridor.
- This Act *cannot* change or restrict any applicable permitting procedures for facilities within or adjacent to the Corridor.
- This Act *cannot* affect the continuing use, operation, repair, rehabilitation, expansion, or construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.
- This Act *cannot* reserve or appropriate water or water rights for any purpose.
- This Act *cannot* require the participation of any agency, organization, or individual in any Commission project.
- This Act *cannot* allow the Secretary of the Interior or the Commission to intervene in the application of Federal, State, or local government authority.
- This Act *cannot* establish or modify any Federal, State, or local government regulatory authority.
- This Act *cannot* modify any Federal, State, or local government policy.
- This Act *cannot* affect in any way the State's authority and jurisdiction regarding the acquisition of lands or water, or interest in lands or water.
- This Act *cannot* reserve or appropriate water or water rights for any purpose.
- This Act *cannot* restrict the construction, repair, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities.
- This Act *cannot* affect in any way the exercise of water rights.
- This Act *cannot* modify any Federal, State, or Local government right to exercise civil and criminal jurisdiction in the Corridor, or the levy taxes in the Corridor.
- This Act *cannot* require private property owners to allow public access to their land.

Authorization of Appropriations

- This Act authorizes the appropriation of \$50,000 to the Commission to carry out this Act for each of the first five fiscal years following the date of enactment of the Act.
- Funds are available only to the extent they are matched by equivalent non-federal funds or other in-kind services or materials.

RESOLUTION 99-105
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN
INTERGOVERNMENTAL AGREEMENT AMONG LARIMER COUNTY,
WELD COUNTY, AND THE CITIES OF FORT COLLINS, LOVELAND AND GREELEY
CONCERNING THE CACHE LA POUFRE COMMISSION

WHEREAS, the Cache La Poudre River Corridor Act (the "Act") was enacted by the Congress in October 1996, with its mission to be carried out by a citizen commission (the "Commission"); and

WHEREAS, the mandate of the Act, under the direction of the Commission, is to develop an interpretive plan for the river corridor from the eastern boundary of Roosevelt National Forest to one-quarter mile west of the confluence of the Cache La Poudre and South Platte Rivers; and

WHEREAS, technical problems with the language of the Act have delayed the appointment of the Commission; and

WHEREAS, the City of Fort Collins, wishing to expedite the will of Congress and of local communities in implementing the mission of the Act, has previously recommended an individual for appointment to the Commission to represent the City of Fort Collins; and

WHEREAS, the City desires to promote the purposes of the Act by recommending the appointment of its designated representative to the Commission, as well as the recommended appointees of the other members of the Commission and by recommending that said appointees commence the work of the Commission in cooperation with the National Park Service.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor be, and hereby is, authorized to execute the Intergovernmental Agreement (Memorandum of Understanding) between Larimer County, Weld County, and the cities of Fort Collins, Loveland and Greeley, concerning the Cache La Poudre Commission, a copy of which is attached hereto and incorporated herein by this reference as Exhibit "A".

Passed and adopted at a regular meeting of the City Council held this 17th day of August, A.D. 1999.

Mayor

ATTEST:

City Clerk

MEMORANDUM OF UNDERSTANDING

Between LARIMER COUNTY, WELD COUNTY, and the cities of FORT COLLINS, LOVELAND and GREELEY, concerning the Cache La Poudre Commission

Whereas, the Cache la Poudre River Corridor Act (The Act), Public Law 104-323, was enacted by the Congress in October 1996, with its mission to be carried out by a citizen commission (The Commission), and

Whereas, the mandate of The Act, under the direction of The Commission, is to develop an interpretive plan for this river corridor, and

Whereas, technical problems with the language of The Act have delayed the appointment of The Commission, and

Whereas, a previous Memorandum of understanding between Weld County, Larimer County and the National Park Service allows the Park Service to cooperate with the local entities on the pre-planning processes for implementing the Act, and

Whereas, Larimer County, Weld County, and the cities of Fort Collins, Loveland and Greeley, wish to expedite the will of Congress and of local communities in implementing the mission of the Poudre Corridor Act, and

Whereas, each entity has previously recommended individuals for appointment to the Commission, as outlined in the Cache La Poudre Corridor Act.

Now, therefore, Larimer County, Weld County, and the cities of Fort Collins, Loveland and Greeley, desire, as an interim measure to forward the purposes of the Poudre Corridor Act, to endorse the recommended appointments to the Commission, and formally support the recommended appointees commencing the work of the Commission and their cooperation with the National Park Service. The Parties further understand that these are recommended appointees and that either the Governor of Colorado or the Secretary of the Interior may accept or change any of these appointments to the Commission at such time as the official appointments are finalized.

Representing:	Name:
Weld County	
Agriculture	James Vetting
Other	Dale Hall
Larimer County	
Agriculture	Richard Seaworth
Other	Frank Lancaster
City of Greeley	Richard Brady
City of Loveland	Kathy Gilliland
City of Fort Collins	Chuck Wanner
Northern Colorado Water Cons. Dist	Brian Werner

National Park Service	Peter Allen
US Forest Service	Peter Clark
State of Colorado	Joe Maurier
Colo. State Univ.	Glenn Hass
At Large	Dan Tyler
	Dick Bond
	Tim Johnson

Adopted by the following local governments:

By: _____
City of Fort Collins

Date: _____

ATTEST:

By: _____
City of Loveland

Date: _____

ATTEST:

By: _____
City of Greeley

Date: _____

ATTEST:

By: _____
Weld County

Date: _____

ATTEST:

By: _____
Larimer County

Date: _____

ATTEST:
