

ORDINANCE NO. 124, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
RELATED TO WATER, WASTEWATER AND ELECTRIC RATES, FEES, AND
CHARGES APPLIED UNDER AN INCOME-QUALIFIED ASSISTANCE PROGRAM

WHEREAS, the City Council is empowered and directed by Article XII, Section 6 of the Charter of the City of Fort Collins, to by ordinance from time to time fix, establish, maintain and provide for the collection of such rates, fees or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations as set forth therein; and

WHEREAS, the rates, fees or charges for utility services set forth herein are necessary to produce sufficient revenues to provide the utility services described herein; and

WHEREAS, the revenue from the rates, fees or charges for utility services set forth herein shall be used to defray the costs of providing such utility services as required by the Charter and the City Code; and

WHEREAS, as presented at the January 30, 2018, City Council work session, staff has identified benefits available through an Income-Qualified Assistance Program (“IQAP”) that improves adoption of conservation practices by qualifying low-income ratepayers who “opt-in” to receive discounts that produce reasonable utility bill affordability; and

WHEREAS, based on direction provided by the City Council on January 30, 2018, staff developed optimal program components, requirements, and utility service discounts for residential water, wastewater, and electric services, as further set forth in Ordinance No. 054, 2018, as adopted by Council on May 1, 2018; and

WHEREAS, Articles III, IV, and VI of Chapter 26 of the City Code establish the water, wastewater, and electric utilities as utility services furnished by and respective enterprises of the City; and

WHEREAS, such provisions require periodic updating and modification for purposes of clarification and to ensure that the Code remains a dynamic document capable of responding to issues identified by staff, customers, and citizens and changing technology for and manner of delivering utility services; and

WHEREAS, Fort Collins Utilities staff has identified provisions of Chapter 26 of the Code where clarification of IQAP qualification and program practices are required to better inform customers and align with current utility practices; and

WHEREAS, the Water Board considered proposed water and wastewater-related rate adjustments for IQAP at its September 19, 2019, regular meeting, and recommended approval of the proposed adjustments; and

WHEREAS, the Energy Board considered proposed electric-related rate adjustments for IQAP customers at its August 8, and September 12, 2019, regular meetings, and supported approval of the proposed adjustments; and

WHEREAS, based on the foregoing, City Council desires to amend Chapter 26 of the City Code to adjust the scope and rate of the electric and water-related rates, fees, and charges as set forth herein.

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 Section 26-724 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-724. - Residential income-qualified assistance program.

...

(b) **Qualification.** As set forth in this Section, a discount on certain components of City utility service rates applied under this Chapter shall be available for qualified customers who satisfy the following criteria:

- (1) Maintain an account in the customer's name directly for City residential electric and/or water and/or wastewater utility services; and
- (2) Have an annual household income that qualifies for the Larimer County Low-Income Energy Assistance Program (LEAP); and
- (3) One or more users at the account address apply for and enroll in LEAP during the preceding or current LEAP program year (November 1 through April 30), and when LEAP qualification is based on a member of the household other than the customer, the customer produces proof of lawful presence in the U.S. in the valid forms accepted by LEAP; and
- (4) Exercise reasonable efforts to improve the water and energy efficiency of the account premise, participate in Active Energy Management Education sessions, and meet program milestones determined according to guidelines established by the Utilities Executive Director, which guidelines may include procedures for disenrollment.


(c) **Applications.** Applications for discounts under this Section must be submitted annually in accordance with an administratively established schedule available from the Fort Collins Utilities.

(d) **Rates.** The discounts applied to monthly base and volumetric rates for qualified IQAP customers shall be as set forth in Sections 26-127(a), 26-280, 26-464(c), and 26-465(c) of this

Code on meter readings during the period of August 1 through July 31 (beginning October 1, 2018 and ending July 31, 2021).

(e) Appeal of decision. A decision that an applicant does not qualify to participate in this program, except when the decision is based on lack of qualification for LEAP, may be appealed to the Utilities Executive Director, who shall, prior to making his or her decision, and as he or she deems appropriate, confer with one (1) or more financial experts in reviewing such appeal, including LEAP officials.

Introduced, considered favorably on first reading, and ordered published this 15th day of October, A.D. 2019, and to be presented for final passage on the 5th day of November, A.D. 2019.



Mayor

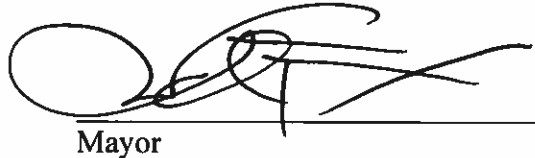
ATTEST:



City Clerk



Passed and adopted on final reading on the 5th day of November, A.D. 2019.



Mayor

ATTEST:



City Clerk

