

ORDINANCE NO. 141, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM THE
VOLKSWAGEN SETTLEMENT FUNDS FOR THE PURCHASE OF
TWO ELECTRIC VEHICLES TO REPLACE END OF LIFE DIESEL
VEHICLES AND ASSOCIATED CHARGING EQUIPMENT

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 applied to receive Settlement Funds by leveraging previously awarded Congestion Mitigation and Air Quality (“CMAQ”) grant funds in the amount of \$775,000 and previously appropriated local matching funds in the amount of \$105,000 to purchase two new zero-emission vehicles (“ZEV”) and depot chargers; and

WHEREAS, Transfort was awarded \$1,137,640 in Settlement Funds toward the two ZEVs and depot chargers and this Ordinance will appropriate the funds related to the acquisition of the two ZEVs and depot chargers into a non-lapsing fund to be used to acquire the two ZEVs and depot chargers; and

WHEREAS, the City Charter provides that all appropriations unexpended or unencumbered at the end of the fiscal year shall lapse to the applicable general or special fund, except that appropriations for capital projects shall not lapse until the completion of the capital project; and

WHEREAS, the abovementioned CMAQ funds and local matching funds for the ZEV and depot chargers were previously appropriated in the 2019/2020 Budgeting For Outcomes process into a fund that will lapse at the end of this year and so this Ordinance will also re-appropriate these previously appropriated funds into a non-lapsing capital fund to be used to acquire the two ZEVs and depot chargers; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of providing low-emission 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; and

WHEREAS, Article V, Section 10, of the City Charter authorizes the City Council to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged; the purpose for which the funds were initially appropriated no longer exists; or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

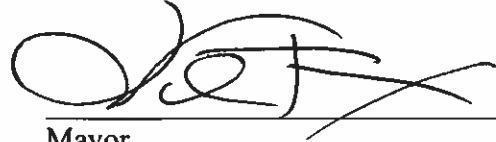
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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 MILLION ONE HUNDRED THIRTY-SEVEN THOUSAND SIX HUNDRED FORTY DOLLARS (\$1,137,640) for expenditure in the Transit Services Fund for the purchase of two zero emission buses and associated charging infrastructure.

Section 3. That the unexpended appropriated amount of EIGHT HUNDRED EIGHTY THOUSAND DOLLARS (\$880,000) in a lapsing business unit within the Transit Services Fund is authorized for transfer to a non-lapsing business unit within the Transit Services Fund and appropriated therein for expenditure for the purchase of two zero emission buses and associated charging infrastructure.

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

