

ORDINANCE NO. 006, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING APPROPRIATIONS FOR THE 2020 CLIMATE
ACTION PLAN MITIGATION AND RESILIENCE PROJECTS
AND RELATED ART IN PUBLIC PLACES

WHEREAS, Fort Collins Electric Utility and Energy Services teams collaborate closely on planning, implementation and operations in support of community Climate Action Plan (CAP) goals, including 100% renewable electricity (100RE) in ten years, while maintaining the City's historic reliability and affordability; and

WHEREAS, during the 2019/20 Budgeting for Outcomes (BFO) process, portions of the CAP opportunity package were revised, including reduction to the "distribution transformer" offer (Offer 8.70), which required deferment of certain planned Electric Utility transformers purchases, and reduction of "commercial solar rebates" (Offer 9.92), which limited the rebates to 25% of program forecasts; and

WHEREAS, Electric Utility staff has identified unspent resources in the Light & Power fund following completion of 2019 capital projects, which monies are available for redeployment to support projects in 2020, including accelerating transformer replacement deferred after revision of Offer 8.70 and issuing additional commercial solar rebates curtailed after revision of Offer 9.92; and

WHEREAS, staff similarly has identified unspent resources in system additions and operations and maintenance (O&M) accounts that are also available for appropriations to support electric system reliability and resiliency; and

WHEREAS, staff has identified over \$6,000,000 in electric system improvements that can be completed in 2020 through redeployment of \$3,729,759 of unspent 2019 Light & Power reserves, the locations for which are depicted on a GIS map posted on the Utility Services website, including the following:

- electric distribution cable system replacements to improve distribution system reliability;
- cable diagnostic testing equipment;
- electric distribution system connection for Mail Creek Crossing, Strauss Cabin, Fox Hills, and Blehm annexation areas; and
- conversion of overhead electric distribution system areas; and

WHEREAS, staff also recommends appropriating a portion of the unspent funds toward Energy Services projects that advance the City's 2020 Energy Policy, including the following:

- enhancing the commercial solar incentive budget (bringing the total to \$365,000), to address received 2020 project affidavits and develop eight additional sites, adding up to one megawatt (MW) of capacity toward the 2020 Energy Policy 20 MW local solar target;

- realigning 2020 activities to leverage Platte River Power Authority funding to enhance Bring Your Own Thermostat offers, installing Grid Interactive Water Heaters in low income customer premises, engaging battery customers, collaborating with peer utilities to customize carbon-based incentives, and expanding electrification incentives; and

WHEREAS, the proposed redeployment of 2019 Light & Power Fund reserves benefits Electric Utility ratepayers, as required by Article XII, Section 6 of the City Charter, by leveraging existing resources to complete distribution system renewals and replacements to improve overall system reliability and resiliency in the current budget cycle, rather than postponing such system enhancements; and

WHEREAS, this appropriation further benefits Electric Utility ratepayers, as required by the City Charter, and serves the utility purpose of enabling distribution system enlargements and betterments to improve overall grid flexibility and beneficial electrification for all customer rate classes, in tandem with the public purpose of retiring carbon-based energy reliance in alignment with community CAP goals; and

WHEREAS, in 1995, the City Council adopted Article XII of City Code Chapter 23 to establish a program to acquire, exhibit and maintain art in public places, to be funded by contributions in Council appropriations for capital projects, including those by its utilities, equal to 1% of project construction costs; for the City's utilities this contribution is capped at a total of .5% of each utility's "budgeted operating revenue" (the "APP Ordinance"); and

WHEREAS, this project involves construction estimated to cost more than \$250,000, as such, Section 23-304 of the City Code requires one percent of the eligible appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (APP) program; and

WHEREAS, contributions to Art in Public Places for each Utility is kept and spent in such Utility's own fund, except for maintenance, administration, repair and display costs pursuant to City Code Section 23-303; and

WHEREAS, the APP Ordinance requires this appropriation to include a 1% contribution for Art in Public Places on only the eligible portion (\$1,637,759) of the total appropriated amount (\$3,729,759) resulting in a total APP appropriation of \$16,379, allocated between artwork and operation and maintenance; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Light & Power Fund and will not cause the total amount appropriated in the Light & Power 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; and

WHEREAS, in accordance with Article V, Section 10 of the City Charter, the appropriation of reserves for the Project from the Light & Power Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP program established by City Code Section 23-304(a) will be used for Light & Power purposes and improvements in connection with the Project.

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 for expenditure from prior year reserves in the Light & Power Fund the sum of THREE MILLION SEVEN HUNDRED FOURTY-SIX THOUSAND ONE HUNDRED THIRTY-EIGHT DOLLARS (\$3,746,138) for 2020 Climate Action Plan Mitigation and Resilience Projects and appropriated therein as follows:

• 2020 Climate Action Plan Mitigation & Resilience Projects	\$3,729,759
• Art in Public Places Project (Artwork)	12,775
• Art in Public Places Project (transfer to Cultural Services Fund for APP Operations)	3,276
• Art in Public Places Project (transfer to Cultural Services Fund for APP Maintenance)	328
TOTAL	<hr/> \$3,746,138

Section 3. That the unexpended appropriated amount of THREE THOUSAND TWO HUNDRED SEVENTY-SIX DOLLARS (\$3,276) in the Light & Power Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Operations.

Section 4. That the unexpended appropriated amount of THREE HUNDRED TWENTY-EIGHT DOLLARS (\$328) in the Light & Power Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated therein for the Art in Public Places Program Maintenance.

Introduced, considered favorably on first reading, and ordered published this 7th day of January, A.D. 2020, and to be presented for final passage on the 21st day of January, A.D. 2020.

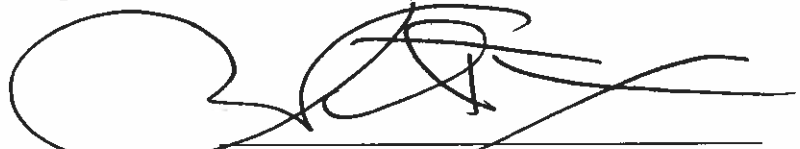

Mayor

ATTEST:


City Clerk



Passed and adopted on final reading on the 21st day of January, A.D. 2020.


Mayor

ATTEST:


City Clerk

