

**ORDINANCE NO. 078, 2021  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROVING EMERGENCY RULE AND REGULATION NO. 2021-01 PERMITTING  
UTILITY BILLING PAYMENT PLANS FOR PAST DUE AMOUNTS ON TERMS OTHER  
THAN THOSE SET FORTH IN THE FORT COLLINS MUNICIPAL CODE AND  
ENACTED BY THE CITY MANAGER PURSUANT TO THE  
LOCAL COVID-19 EMERGENCY AND TEMPORARILY SUSPENDING IN PART THE  
APPLICATION OF CITY CODE SECTION 26-713(e)**

WHEREAS, the City of Fort Collins is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, in early March 2020 declarations of emergency regarding COVID-19 were issued by then-President Trump, Governor Polis and the Larimer County Department of Public Health and Environment; and

WHEREAS, on March 13, 2020, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and in order to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City's Office of Emergency Management, proclaimed a "local emergency" in accordance with Section 2-671(a)(1) of the City Code and activated the Emergency Operations Plan established pursuant to Section 2-673 of the City Code; and

WHEREAS, the City Council extended the local emergency until such time as the City Manager determines in writing that the conditions justifying the local emergency no longer exist, with the adoption of Resolution 2020-030 on March 20, 2020; and

WHEREAS, having proclaimed a local emergency, the City Manager has issued emergency rules and regulations to protect the health and safety of City residents and visitors; and

WHEREAS, at its adjourned meeting on March 31, 2020, the City Council adopted Resolution 2020-032, approving the Emergency Rules and Regulations that the City Manager had issued as of that date, including the following:

- a. Emergency Regulation No. 2020-01, dated March 17, 2020;
- b. Emergency Regulation No. 2020-02, dated March 19, 2020;
- c. Emergency Regulation No. 2020-03, dated March 19, 2020;
- d. Emergency Regulation No. 2020-04, dated March 20, 2020; and
- e. Amended Emergency Regulation No. 2020-05A, dated March 30, 2020 (terminated on May 24, 2021);

and

WHEREAS, at its regular meeting on April 7, 2020, the City Council adopted Resolution 2020-036, approving the Emergency Rules and Regulations that the City Manager had issued as of that date, including the following:

- a. Emergency Regulation No. 2020-06, dated April 1, 2020;
- b. Emergency Regulation No. 2020-07, dated April 1, 2020 (terminated on June 14, 2020); and
- c. Emergency Regulation No. 2020-08, dated April 4, 2020;

and

WHEREAS, at its regular meeting on April 21, 2020, the City Council adopted Resolution 2020-038 approving the Emergency Rules and Regulations that the City Manager had issued as of that date, including the following:

- a. Emergency Regulation No. 2020-09 (suspended on April 28, 2020);
- b. Emergency Regulation No. 2020-010;
- c. Emergency Regulation No. 2020-011; and
- d. Emergency Regulation No. 2020-012 ;

and

WHEREAS, at its regular meeting on May 5, 2020, the City Council adopted Emergency Ordinance No. 070, 2020, approving the Emergency Rules and Regulations that that the City Manager had issued as of that date, including the following:

- a. Emergency Regulation No. 2020-013 ;
- b. Emergency Regulation No. 2020-014; and
- c. Amended Emergency Regulation No. 2020-015A;

and

WHEREAS, at its regular meeting on May 19, 2020, the City Council adopted Emergency Ordinance No. 073, 2020, approving the Emergency Rules and Regulations that that the City Manager had issued as of that date, including Emergency Regulation No. 2020-016; and

WHEREAS, at its regular meeting on June 20, 2020, the City Council adopted Emergency Ordinance No. 080, 2020, approving the Emergency Rules and Regulations that the City Manager had issued as of that date, including the following:

- a. Emergency Regulation No. 2020-017; and
- b. Emergency Regulation No. 2020-018 (terminated on May 17, 2021);

and

WHEREAS, at its regular meeting on October 6, 2020, the City Council adopted Emergency Ordinance No. 124, 2020, approving the Emergency Rules and Regulations that the City Manager had issued as of that date, including updated Amended Emergency Regulation No. 2020-17A; and

WHEREAS, the declared local emergency and Emergency Rules and Regulations No. 2020-01 through 2020-018, except those expressly terminated and expressly amended (the "Existing Emergency Rules and Regulations") remain in full force and effect; and

WHEREAS, since the Council's adoption of Emergency Ordinance No. 124, 2020, the City Manager has issued Emergency Rule and Regulation No. 2021-01 (referred to as the "New Emergency Rule and Regulation"), relating to resuming certain Utility customer billing practices suspending under Emergency Regulation No. 2020-004 (subsequently terminated on July 2, 2020) and permitting customer payment plans for past due utility billings without payment of all outstanding amounts as otherwise required by the City Code in light of the continued economic emergency resulting from the pandemic; and

WHEREAS, Section 2-671(a)(6)(a) of the City Code provides that the emergency rules and regulations must be confirmed at the earliest practical time by the City Council; and

WHEREAS, the Council has determined that the New Emergency Regulation (No. 2021-01) described above is reasonably necessary to the protection of life, health, safety and property of the residents of and visitors to Fort Collins; and

WHEREAS, approval of the New Emergency Rule and Regulation by ordinance will ensure it is enforceable to the fullest extent of the law and express waiver and temporary partial suspension of Section 26-713(e) of the City Code, and Council therefore wishes to approve the New Emergency Rule and Regulation by the adoption of this 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 the determinations and findings contained in the recitals set forth above.

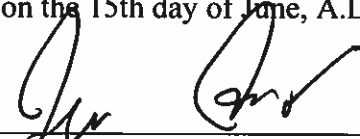
Section 2. That the City Council hereby finds that the City Manager's establishment of the New Emergency Rule and Regulation attached hereto as Exhibit "A", and incorporated herein by this reference, was necessary in the interest of protecting the life, health, safety and property of the citizens of Fort Collins.

Section 3. That the City Council hereby confirms, ratifies and approves the New Emergency Rule and Regulation as of the date of its establishment by the City Manager.

Section 4. That the City Council hereby expressly waives and temporarily suspends the application of Section 26-713(e) of the City Code, to the extent necessary to effectuate the provisions of the New Emergency Rule and Regulation through December 31, 2021.

Section 5. That the City Council hereby approves the recommencement of Utilities customer billing practices described in the New Emergency Rule and Regulation (Emergency Regulation No. 2021-001) as necessary and proper for the operation of the City's utilities, consistent with the Article XII of the City Charter.

Introduced, considered favorably on first reading, and ordered published this 1st day of June, A.D. 2021, and to be presented for final passage on the 15th day of June, A.D. 2021.

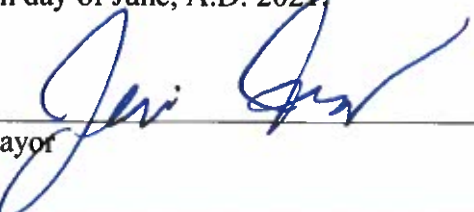
  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



Passed and adopted on final reading on this 15th day of June, A.D. 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk - Deputy





**COLORADO**  
**Department of Local Affairs**  
 Division of Local Government

GBMJ
GAX

December 22, 2020

The Honorable Wade Troxel, Mayor  
 City of Fort Collins  
 P O Box 580  
 Fort Collins, CO 80522

**RE: GBMJ 21011 - City of Fort Collins Law Enforcement  
 Gray and Black Marijuana Enforcement Grant Program Award and Next Steps**

Dear Mayor Troxel:

The Colorado Department of Local Affairs has reviewed your application for the Gray and Black Market Marijuana Enforcement Grant Program. As DOLA's Executive Director, I am pleased to inform you that I have approved this recommendation for funding. Your application and DOLA's award letter serves as your contract with the State. Grantees of these funds do not require any additional contracts. By opting in to this grant program, you are eligible to receive an award in the amount of **\$41,564.00** for expenses related to investigations and prosecutions of unlicensed marijuana cultivation and/or distribution operations. This grant will close on **June 30, 2022**.

By submitting your application you have agreed to the following:

- Grant funds will only be spent on costs associated with the investigation and prosecution (including large-scale operations, organized crime, and operations that divert marijuana outside of Colorado) of unlicensed marijuana cultivation or distribution operations conducted in violation of state law. Recipient counties and municipalities who spend any grant funds outside of this statutory intent understand that any such funds must be returned to the Department of Local Affairs and agree to do so within 30 days of identification of improper fund use.
- Recipient counties and municipalities must provide DOLA with quarterly itemized reports on how grant funds were spent in that quarter.
- Recipient counties and municipalities will be randomly selected for detailed monitoring of grant fund expenditures. Supporting documentation for grant fund expenditures must be provided promptly to DOLA, if requested, to conduct necessary monitoring. DOLA or the State reserves the right to initiate detailed monitoring or auditing of any recipient county or municipality at its sole discretion.
- Recipient counties agree to cooperate with and make grant funds available to District Attorneys for costs associated with prosecution of unlicensed marijuana cultivation or distribution operations conducted in violation of state law.
- Program Staff will annually conduct monitoring of a random selection of approximately 30% of all participating grantees. Monitoring may be onsite or by desk review and will include verification of quarterly reports using receipts and other financial documentation as provided by the grantee. The review shall provide assurance that the information self-reported by eligible entities is accurate and complete, and identify unallowable or questionable expenditures for

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follow-up. When concerns are noted during the review process, documentation to verify the eligible entities' expenditures or accounting practices shall be provided to DOLA. Funds spent outside of the statutory intent must be returned to DOLA within 30 days of identification of improper use.

- Recipient counties and municipalities acknowledge that, if NO grant funds are spent in any given state fiscal year, they may not receive grant funds in the following year. Due to appropriation limitations in statute, ANY grant funds not spent by the specific spend-by date(s) above must be returned to the Department of Local Affairs.

**Next Steps:**

- You will make a single request for your full award amount.
- Payment requests will be made using DOLA's online portal system with the attached "Advance Payment Request" form, and must be submitted within 90 days after the performance start date of this signed grant award letter.

These grant funds will come from state marijuana tax proceeds that may cause you to go to an election to receive and spend these funds. Please confer with your appropriate staff to determine if such an election is necessary.

Thank you for your interest in the Gray and Black Market Marijuana Enforcement Grant Program. Please contact Ella Bowman at (720) 682-0270 if you have any questions.

Sincerely,

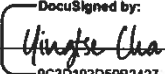


Rick M. Garcia  
Executive Director

- cc: James Lenderts, Officer  
Ella Bowman, DOLA Grants Manager  
Chis LaMay, DOLA Regional Manager

In accordance with §24-30-202 C.R.S., this Grant is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER  
Robert Jaros, CPA, MBA, JD

DocuSigned by:  
  
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By: Yingtse Cha, Controller Delegate  
Department of Local Affairs  
Effective Date 1/29/2021 | 1:26 PM MST

CMS#: 167138

VCUST#: 14149

ADDR: CN001 WARR

DLG#: F21GBMJ21011