

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 15

DATE: February 7, 2006

STAFF: Terri Bryant/
Chuck Seest

SUBJECT

First Reading of Ordinance No. 016, 2006, Amending Chapter 8 of the City Code Relating to the Creation of the Storm Drainage Fund.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance revises the City Code description of the Storm Drainage Fund to be consistent with City Council's adopted policy of city-wide stormwater plant investment fees and the city-wide pay-as-you-go financing policy for the stormwater master plan. The change allows plant investment fees to be used for city-wide capital improvements and no longer restricts funding capital projects in the basin in which the plant investment fees are collected.

BACKGROUND

Prior to the adoption of the Stormwater Financing Plan in 2001 (Resolution 2001-093) and Ordinance No. 194, 2001, amending the City's stormwater fees, monthly stormwater fees contained two components, one for the operation and maintenance of the system and one for capital improvements. The capital improvements portion of the monthly fee varied by basin and was restricted to use only in the basin from which the fee was collected. Starting in January 2002, the monthly fees have been collected city-wide and used for both city-wide capital improvements to the stormwater system and city-wide operation and maintenance of the stormwater system. A similar change from a basin specific capital expansion development fee to a city-wide plant investment fee was made in November 2005 when Ordinance No. 136, 2005 adopting city-wide 2006 stormwater plant investment fees was approved by Council.

The pre-2001 policy was that capital fees (both the fees collected on a monthly basis and at the time of development) could only be utilized for improvements in that specific storm drainage basin from which they were collected. Council policy now states that the improvements in any basin benefit the whole community and as a result improvements are prioritized and funded on a city-wide basis. Chapter 8 of the City Code defines the city's Storm Drainage Fund and still contains language that requires capital improvement fees be accounted for and spent in the basin from which they are collected. This Ordinance is a housekeeping change amending the requirements in Chapter 8 to allow the fees already accounted for to be spent city-wide. This makes Chapter 8 consistent with the provisions contained in Chapter 26, the Utilities/ Stormwater provisions in the Code.

ORDINANCE NO. 016, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF FORT COLLINS
RELATING TO THE CREATION OF THE STORM DRAINAGE FUND

WHEREAS, the Council has adopted stormwater basin master plans identifying stormwater facilities that are necessary to provide for the proper drainage and control of flood and surface waters within the City; and

WHEREAS, the Council has also adopted Ordinance No. 168, 1998 determining that all developed lands within the City benefit by the installation of such stormwater facilities, and Ordinance No. 136, 2005, which revised Section 26-512 of the City Code to impose a uniform and city-wide stormwater plant investment fees; and

WHEREAS, Section 8-86 of the City Code creating the Storm Drainage Fund placed restrictions on the use of fees for capital improvements to the basin in which they are collected; and

WHEREAS, the restriction included in Section 8 of the City Code is no longer consistent with Council's policy that improvements should be prioritized and funded city-wide; and

WHEREAS, for the foregoing reasons, the City Council wishes to amend the City Code in order to allow all stormwater fees collected to be used for purposes in connection with construction of stormwater facilities throughout the city.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 8-86 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 8-86. Storm drainage fund.

There is hereby created a fund to account for stormwater drainage known as the storm drainage fund. Revenues for the fund shall include stormwater ~~basin~~ **plant investment** fees and stormwater utility fees and other monies as might be available for stormwater drainage purposes. Expenditures shall be made for approved purposes in connection with construction of stormwater facilities and operation, administration and maintenance of stormwater facilities. ~~It shall not be necessary that the operations, administration and maintenance expenditures from the fund relate to the particular basin from which such fees were collected, but it shall be necessary that capital expenditures from the fund relate to the particular basin from which the fees for such purposes were collected. To the extent that the stormwater basin fees collected are insufficient to construct the needed stormwater facilities, the cost may be paid from such city fund as may be determined by the City Council, but the City Council may order the reimbursement of such fund if additional fees are collected. All storm drainage funds collected for operation, administration and maintenance shall be separately designated as such and shall be used only for those purposes. All~~

~~funds collected for capital expenditures shall be separately designated and used solely for those purposes:~~

Introduced, considered favorably on first reading, and ordered published this 7th day of February, A.D. 2006, and to be presented for final passage on the 21st day of February, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of February, A.D. 2006.

Mayor

ATTEST:

City Clerk