PUBLIC PARTICIPATION OPTIONS

There will be four options for people who would like to participate in the meeting:

- Live via the Zoom online meeting,
- Live via the telephone,
- Live in Council Chambers,
- By submitting emails to Council at CityLeaders@fcgov.com.

All options will be available for those wishing to provide general public comment, as well as public comment during individual discussion items.

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

Individuals who wish to address Council via remote public participation can do so through Zoom at https://zoom.us/j/98241416497. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The Zoom meeting will be available beginning at 5:15 p.m. on the day of the meeting. Participants wanting to ensure their equipment setup is working should join prior to 6:00 p.m. For public comments, the Mayor will ask participants to click the “Raise Hand” button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address Council.

In order to participate, you must:

- Have an internet-enabled smartphone, laptop or computer. Using earphones with a microphone will greatly improve your audio experience.
- Join the Zoom meeting using the link on the front page of the agenda or on the City’s home webpage at www.fcgov.com.
- If you use the City’s home page, simply click on the “Participate remotely in Council Meeting” link shown near the top of the page.
PUBLIC PARTICIPATION (VIA PHONE)

- Dial the public participation phone number, **1-346-248-7799**, and then enter the Meeting ID **982 4141 6497** followed by the pound sign (#).
- The meeting will be available beginning at **5:15 p.m. Please call in to the meeting prior to 6:00 p.m., if possible.** For public comments, the Mayor will ask participants to indicate if you would like to speak at that time – **phone participants will need to press *9 to do this.** Staff will be moderating the Zoom session to ensure all participants have an opportunity to address Council.

**When participating online or by phone, DO NOT Watch/stream FCTV at the same time due to streaming delay and possible audio interference.**

PUBLIC PARTICIPATION (IN PERSON)

To participate in person, individuals should come to City Hall and be prepared to follow strict social distancing, sanitizer and facial covering guidelines.

- A limited number of individuals will be allowed in Council Chambers. Therefore, staging for individuals who wish to speak will occur in the City Hall lobby and outside (weather permitting).
- Individuals will be required to wear masks while inside City Hall and any other City buildings being utilized.
- Individuals who wish to speak will line up at one of the two podiums available in Council Chambers, maintaining physical distancing by standing on the lines marked on the floor. Facial coverings need to stay in place while speaking.
- Once a speaker has provided comments, he or she will be asked to leave Council Chambers to make room for the next speaker.

PUBLIC PARTICIPATION (VIA EMAIL)

Individuals not comfortable or able to access the Zoom platform or participate by phone are encouraged to participate by emailing general public comments to **CityLeaders@fcgov.com**. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send prior to the meeting Tuesday evening.

WATCH THE MEETING

Anyone can view the Council meeting live on Channels 14 and 881 or online at [www.fcgov.com/fctv](http://www.fcgov.com/fctv).

**Note:** Only individuals who wish to address Council should use the Zoom link or call in by phone. Anyone who wants to watch the meeting, but not address Council, should view the FCTV livestream.

**Documents to Share:** If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting.

Persons wishing to display presentation materials using the City’s display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City’s display technology **no later than two (2) hours prior to the beginning of the meeting** at which the materials are to be presented.

**Note:** All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See [Council Rules of Conduct in Meetings](#) for details.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 221-6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.
Proclamations and Presentations
5:30 p.m.

A. Proclamation Declaring November as Transgender Acceptance Month.
B. Proclamation Declaring November 7-8, 2020 as Bison Days.

Regular Meeting
6:00 p.m.

• PLEDGE OF ALLEGIANCE
• CALL MEETING TO ORDER
• ROLL CALL
• AGENDA REVIEW: CITY MANAGER
  • City Manager Review of Agenda.
  • Consent Calendar Review
    This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.
    o Council-pulled Consent Calendar items will be considered before Discussion Items.
    o Citizen-pulled Consent Calendar items will be considered after Discussion Items.

• PUBLIC COMMENT

  Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

  • Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
  • All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
  • The presiding officer will determine and announce the length of time allowed for each speaker.
  • Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
  • A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

  [**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

• PUBLIC COMMENT FOLLOW-UP
Consent Calendar

The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

1. All citizen-pulled items (to be listed by number) will be considered as a group under the heading "Consideration of Citizen-Pulled Consent Items."

2. At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.

3. After the citizen comments, any Councilmember may specify items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all "Citizen-Pulled Consent Items" as a block, by a single motion, second and vote.

4. Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Consideration and Approval of the Minutes of the September 15, 2020 Regular Council Meeting.

The purpose of this item is for consideration and approval of the minutes of the September 15, 2020 Regular Council Meeting.

2. Second Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021.

This Ordinance, unanimously adopted on First Reading on October 20, 2020, allows Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.

3. First Reading of Ordinance No. 127, 2020, Adopting the 2021 Budget and Appropriating the Fort Collins Share of the 2021 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

The purpose of this item is to adopt the 2021 budget for the Northern Colorado Regional Airport and appropriate Fort Collins’ share of the 2021 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the “IGA”), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include financial contributions from the City’s General Fund as it has in previous years because anticipated Airport revenues will provide sufficient revenues for operations,
primarily as a result of the Northern Colorado Law Enforcement Training Center Lease payments by both Cities. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

4. **First Reading of Ordinance No. 128, 2020, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority relating to the Annual Appropriations for the Fiscal Year 2021 and Fixing Mill Levy for the Downtown Development Authority for Fiscal Year 2021.**

The purpose of this item is to set the Downtown Development Authority ("DDA") Budget. The following amounts will be appropriated:

- **DDA Public/Private Investments & Programs**: $8,067,545
- **DDA Operations & Maintenance**: $1,385,349
- **Revolving Line of Credit Draws**: $7,000,000
- **DDA Debt Service Fund**: $7,431,611

The DDA anticipates receiving in 2021 tax increment revenues of approximately $6,630,081 and approximately $788,897 in revenues from its five-mill property tax for the DDA’s operational and maintenance expenditures. The Ordinance also sets the 2021 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority’s financial plan for 2021.

5. **Items Relating to the 2020 Fee Updates.**

A. **First Reading of Ordinance No. 129, 2020, Amending Chapter 7.5 of the Code of the City of Fort Collins to Revise the Capital Expansion Fees and the Transportation Expansion Fee.**

B. **First Reading of Ordinance No. 130, 2020, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.**

C. **First Reading of Ordinance No. 131, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.**

D. **First Reading of Ordinance No. 132, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Stormwater Plant Investment Fees.**

E. **First Reading of Ordinance No. 133, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.**

F. **First Reading of Ordinance No. 134, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Water Supply Requirements Fee.**

The purpose of this item is to review inflation updates effective January 1, 2021, associated with Electric Capacity fees, Water Supply Requirement fees, Water, Sewer and Stormwater Plant Investment fees, Capital Expansion fees and Transportation Capital Expansion fees. Inflation updates are 2.7% for Capital Expansion fees, 0.6% for Transportation Capital Expansion fees, and 3% for Utility fees.

Coordination of Council-approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.
6. First Reading of Ordinance No. 135, 2020, Making a Supplemental Appropriation for the CanDo Community Telework Program and Authorizing the City Manager to Execute the Grant Agreement on Behalf of the City.

The purpose of this item is to consider an appropriation of $4,999 in unanticipated revenue received through a grant for the Colorado Department of Transportation (CDOT) CanDo Community Telework Grant program to be managed by the FC Moves Department. The Ordinance also authorizes the City Manager, in consultation with the City Attorney, to execute the Grant agreement/acceptance on behalf of the City.

7. First Reading of Ordinance No. 136, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from WaterPik, Inc., for Transfer to Social Sustainability in the General Fund for the Equity Indicators Project.

The purpose of this item is to appropriate $10,000 in philanthropic revenue in the General Fund for transfer to Social Sustainability for the support of the Equity Indicators Project as designated by the donor, WaterPik, Inc. In a commitment to advance equitable outcomes, the City has selected the CUNY Institute for State and Local Governance (ISLG) to lead the Equity Indicators project to establish a framework for measuring and understanding the inequities that exist in Fort Collins.

8. First Reading of Ordinance No. 137, 2020, Making Certain Amendments to the Codes of the City of Fort Collins to Eliminate Affordable Housing Fee Waivers and Instead Authorize a Discretionary Credit for Certain Affordable Housing Units to be Constructed in the City.

The purpose of this item is to amend the City Code and Land Use Code to simplify the way affordable housing fee waivers are used to support the development of affordable housing units targeting the city’s lowest wage earners. Instead of calculating precise fee amounts for waivers on a project by project basis, flat amounts of credit will be established and codified for qualifying new construction and adaptive reuse homes targeting households making no more than 30% Area Median Income (AMI). This support will still be subject to Council discretion and appropriation of funding. Not only will this provide greater certainty to the developer and be more efficient to administer by the City, it will also allow all City departments’ fees to be paid in full either by the developer or by the credit that has been appropriated.


The purpose of this item is to consider a Resolution approving the Midtown Business Improvement District 2021 Operating Plan and Budget and making appointments to the District’s board of directors.


The purpose of this item is to approve the Riverside Community Solar Program rules, which define the continuing delivery of credits and other program benefits to participating customers. The Utilities’ Executive Director has approved the Riverside Community Solar Program, as defined by the Program Rules and Continuing Participation Agreement under the authority defined by Code §26-463(a). Council’s approval of the Ordinance, and the Program Rules as attached to it, completes the approval process.

Utilities completed acquisition of the Riverside Community Solar Project on August 28, 2020, assuming all responsibility for program management, customer support, and operations and maintenance. As a result of the transfer, existing customer contracts with Clean Energy Collective for the old program structure terminated. Utilities is re-enrolling participating customers that already own panels in the array of the Program via Continuing Participation Agreements. Current customers who own panels in the solar array (“Customer-owners”) and re-enroll in the Program will continue to receive credits on their bill as they do today, based on the City’s applicable time of day rates as set forth in the City Code.

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2019 IGA between Fort Collins, Loveland and Greeley. The previous IGA named former Chief Judge Kathleen Lane. This agreement is updated to include all current and eligible judges from each jurisdiction.


The purpose of this item is to authorize the Mayor to enter into an intergovernmental agreement (IGA) with Larimer County to financially support the increased testing, and costs associated with the tests administered on a pro rate contribution.

END CONSENT

CONSENT CALENDAR FOLLOW-UP

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

STAFF REPORTS

A. Staff Report: Museum of Discovery: Mind Matters Exhibit (Cheryl Donaldson)

COUNCILMEMBER REPORTS

CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. If attending in person, please sign in at the table in the back of the room. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker’s time.
13. First Reading of Ordinance No. 138, 2020, Being the Annual Appropriation Ordinance Relating to the Annual Appropriations for Fiscal Year 2021; Adopting the Budget for the Fiscal Year beginning January 1, 2021 and Ending December 31, 2021; and Fixing the Mill Levy for Property Taxes Payable in 2021. (staff: Darin Atteberry, Travis Storin, Lawrence Pollack, John Duval; 15 minute presentation; 45 minute discussion)

The purpose of this item is to present the Annual Appropriation Ordinance for First Reading. This Ordinance sets the City Budget for the one-year period (2021) which becomes the City's financial plan for the next fiscal year. This Ordinance sets the amount of $668,909,564 to be appropriated for fiscal year 2021. However, this appropriated amount does not include what is being appropriated by separate Council/Board of Director actions to adopt the 2021 budget for the General Improvement District (GID) No. 1 of $808,791, the 2021 budget for GID No. 15 (Skyview) of $1,000, the Urban Renewal Authority (URA) 2021 budget of $6,706,744 and the Downtown Development Authority 2021 budget of $23,884,505. This results in City-related total operating appropriations of $700,310,604 in 2021. This Ordinance also sets the 2021 City property tax mill levy at 9.797 mills, unchanged since 1991.


   A. First Reading of Ordinance No. 139, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.

   B. First Reading of Ordinance No. 140, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges. This Ordinance has been revised.

The purpose of this item is for Council to consider the above-listed electric and water rate ordinances, adjusting monthly charges for both electric and water services in 2021. The revenue requirements to support the 2021 budget require increasing monthly charges for electric service by 3.0%. Additionally, a reduction in pricing is proposed for the voluntary Green Energy program, reducing the charge per kWh from 1.9 cents per kWh to 1.6 cents per kWh in 2021. A 2% increase for water services is proposed to help offset mitigation costs related to the Cameron Peak Fire. Upon adoption, both rates would be effective January 1, 2021.

• CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS

• Consideration of a motion to adjourn the City Council meeting to conduct the Board meetings listed below then return to the regular City Council meeting:
  A. General Improvement District No. 1 Board Meeting; and
  B. Skyview South General Improvement District No. 15 Board Meeting.

• OTHER BUSINESS

  A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers
     (Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council’s Policy Agenda or initiated by staff.)
• ADJOURNMENT

A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, November 10, 2020 to conduct the annual evaluation of the City Manager, City Attorney and Chief Judge and such other business as may come before Council.

“I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, November 10, in order to consider a motion to go into executive session to conduct annual performance reviews of the Council’s direct report employees, and for such other business as may come before the Council.”

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.
PROCLAMATION

WHEREAS, the City of Fort Collins is committed to making this community a more inclusive, diverse and welcoming place for all; and

WHEREAS, we invite all residents of Fort Collins to join in these efforts, because a community that is inclusive and diverse is a safer community and a stronger community; and

WHEREAS, this month is an opportunity to inspire, inform and educate our community about the contributions of and challenges faced by the transgender and gender non-binary community; and

WHEREAS, this month we remember on this day those in the transgender community who have lost their lives. This month marks the twentieth year of the Transgender Day of Remembrance. On November 20, we memorialize and honor the members of the transgender community who have been killed as a result of being who they are—such as Angie Zapata, an 18-year-old Greeley resident who was killed in 2008; and

WHEREAS, this month, and in all months, we strive to create greater awareness of the transgender community—in memoriam, in honor and also in celebration—and we strive to create an environment, now and in the future, that fosters acceptance and discourages and condemns violence.

NOW, THEREFORE, I, Wade Troxell, Mayor of the City of Fort Collins, do hereby proclaim the month of November as

TRANSGENDER ACCEPTANCE MONTH

in the City of Fort Collins in honor of those lost and those living in the transgender community.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 4th day of November, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
WHEREAS, the Laramie Foothills Bison Conservation Herd has established a nationally acclaimed scientific project, advancing the future of bison research in the country; and

WHEREAS, the Laramie Foothills Bison Conservation Herd was established as a collaborative effort between Larimer County, the City of Fort Collins, the US Department of Agriculture’s Animal and Plant Health Inspection Service, and Colorado State University; and

WHEREAS, the herd is intended to serve as a genetic source for other bison herds where their valuable genetics may strengthen current herds and contribute to genetic conservation of the species; and

WHEREAS, the partners of the Laramie Foothills Bison Herd respect and honor the presence of the bison in a space that has historic meaning for Native American tribes and hope this project continues to re-establish the connect this animal and the land; and

WHEREAS, the Soapstone Prairie Natural Area is a public open space where all people in and around northern Colorado can engage with the bison on its native home range; and

WHEREAS, bison have been given to indigenous tribes and conservation organizations throughout the nation in support of their efforts to grow their own herds and foster that connection on their own lands; and

WHEREAS, re-establishment of bison herds on the prairies of Colorado serve as an important step to reconnect with this natural ecosystem and support the health of the prairie and native species; and

NOW, THEREFORE, I, Wade Troxell, Mayor of the City of Fort Collins, do hereby declare November 7 - 8, 2020, as

BISON DAYS

in recognition of National Bison Day and the five year anniversary of the Laramie Foothills Bison Conservation Herd, the successful partnerships that support the program, and keeping the bison herd accessible for generations to come to study, celebrate and honor this iconic native animal.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 4th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk
AGENDA ITEM SUMMARY
City Council
November 4, 2020

STAFF
Delynn Coldiron, City Clerk

SUBJECT
Consideration and Approval of the Minutes of the September 15, 2020 Regular Council Meeting.

EXECUTIVE SUMMARY
The purpose of this item is for consideration and approval of the minutes of the September 15, 2020 Regular Council Meeting.

ATTACHMENTS
1. September 15, 2020 (PDF)
(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, this meeting has been conducted using a hybrid approach allowing in-person participation with strict protocols and a variety of remote participation options.)

● ROLL CALL
PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
STAFF PRESENT: Atteberry, Daggett, Coldiron

● AGENDA REVIEW: CITY MANAGER
City Manager Atteberry stated Item No. 7, Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards, was amended to more clearly depict the proposed changes. Additionally, a staff report related to the Horsetooth Outlet Project and associated mandatory water restrictions has been added to the agenda. He recommended Item No. 15, Council Consideration of Authorization for Remote Hearings for Historic Preservation Appeal to the Landmark Preservation Commission, be moved to the Discussion Agenda.

Mayor Troxell and City Clerk Coldiron outlined the citizen participation options.

● PUBLIC COMMENT
Adam Eggleston discussed housing affordability and supply issues in Fort Collins. He suggested possible changes to the occupancy ordinance could assist with those issues.

Joshua Judd supported public financing of Council campaigns and stated these 'clean elections' shed light on funding sources and restrict donations to eligible voters only.

Rich Stave commented on Item No. 5, Second Reading of Ordinance No. 111, 2020, Amending Chapter 25 of the Code of the City of Fort Collins Regarding Economic Nexus and the Obligation of Remote Sellers to Collect and Remit Sales Tax, stating it is difficult to use the online portal without standardized taxes. He also commented on Item No.7, Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards, and questioned how the average citizen will be able to access a Code book given their cost. He asked what type of facility is being proposed for the Food Bank building and whether the air handling systems are shared between the proposed shelter area and the Food Bank area.

Wes (no last name given) stated the Fort Collins Police Department should make a symbolic stance about Black Lives Matter. He also suggested murals of those who have lost their lives at the hands of police officers around the country should be painted around town. He stated classes explaining the history of policing and the civil rights movement should be mandatory for all Police officers, random community surveys should occur, and Fort Collins Police Services transparency data should be broken down by race and ethnic categories.

● PUBLIC COMMENT FOLLOW-UP
Mayor Troxell summarized the citizen comments.
Mayor Pro Tem Stephens requested some information regarding the available supply of rental units in the community. She stated public campaign financing could be considered by a future Election Code Committee. She also inquired if Code books are available for the public to view. Rich Anderson, Chief Building Official, replied Code books are available free online though the National Fire Protection Association and a hard copy is available in the City Clerk’s Office.

Mayor Pro Tem Stephens asked about the air handling at the Food Bank building. Jackie Kozak-Thiel, Chief Sustainability Officer, replied the two areas of the building are separate and both building officials and the Larimer County Health Department have toured the property and ensured public health guidance is followed.

Councilmember Gorgol requested Wes submit an email with his specific questions so they can be addressed.

**CONSENT CALENDAR**

Mayor Troxell noted Item Nos. 7, *Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards*, and 8, *Public Hearing and First Reading of Ordinance No. 115, 2020, Amending the Zoning Map of the City of Fort Collins and Amending Ordinance No. 177, 2017, by Changing the Zoning Classification for Property Known as the Spring Creek Rezoning REZ170001 - Correction of Map Errors*, are public hearings.

Rory Heath withdrew Item No. 14, *Resolution 2020-087 Making an Appointment to the Planning and Zoning Board*, from the Consent Agenda.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt and approve all items not withdrawn from the Consent Agenda.

<table>
<thead>
<tr>
<th>RESULT: ADOPTED [UNANIMOUS]</th>
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<tbody>
<tr>
<td>MOVER: Kristin Stephens, District 4</td>
</tr>
<tr>
<td>SECONDER: Emily Gorgol, District 6</td>
</tr>
<tr>
<td>AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff</td>
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1. **Consideration and Approval of the Minutes of the August 10, 2020 Special Meeting, August 11, 2020 Adjourned Meeting and August 18, 2020 Regular Meeting.** (Adopted)

   The purpose of this item is to approve the minutes from the August 10, 2020 Special Meeting, August 11, 2020 Adjourned Meeting and August 18, 2020 Regular Meeting.

2. **Second Reading of Ordinance No. 107, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give for Transfer to Social Sustainability in the General Fund for the Equity Indicators Project.** (Adopted)

   This Ordinance, unanimously adopted on First Reading on September 1, 2020, appropriates $20,000 in philanthropic revenue in the General Fund for transfer to Social Sustainability for the support of the Equity Indicators project as designated by the donor, Bohemian Foundation. In a commitment to advance equitable outcomes, the City has selected CUNY Institute for State and Local Governance (ISLG) to lead an Equity Indicators project which will establish a framework for measuring and understanding the inequities that exist in Fort Collins.

This Ordinance, unanimously adopted on First Reading on September 1, 2020, adopts changes to City Code to align with requirements in the 2020-2025 LEAP Vendor Agreement. Under current billing practices, utility bills are treated as a single customer account payment balance, and payments made to an account are applied equally across utility service products on that account. The Code changes will allow for Low-Income Energy Assistance Program (LEAP) payments to be applied only to electric service (as required in the 2020-2025 LEAP Vendor Agreement), even if a customer has other Fort Collins utility services (e.g., water, wastewater, stormwater and/or broadband).

These Code changes will enable Fort Collins Utilities to remain a LEAP Vendor which benefits the 200+ income-qualified customers that receive LEAP in two ways: (1) they get a more accurate benefit amount because Fort Collins Utilities is able to provide Estimated Home Heating Costs (EHHC) from which LEAP bases benefit calculations, and (2) it is more convenient for the customer because LEAP payments are automatically applied to a customer's utility account.


This Ordinance, unanimously adopted on First Reading on September 1, 2020, adopts amendments to the City's election campaign Code provisions.

On Second Reading, City staff is proposing minor revisions to the Ordinance concerning the campaign finance violation process. The first revision corrects a minor typographical error in proposed Section 7-143(b)(1). The second revision is in proposed Section 7-145(d)(6)(c), which establishes factors for the City Attorney to consider when determining if the respondent to a campaign finance complaint has substantially complied with their legal obligations under the Code. On First Reading, one factor for the City Attorney to consider was stated as whether the respondent's violation appeared to be an “intentional” attempt to mislead the electorate or election officials. The revision changes “intentional” to “knowing” to maintain consistency with the usage of terms within the campaign finance violation Code provisions. The term “knowing” is used elsewhere within those provisions.


This Ordinance was amended on Second Reading to make a minor revision clarifying the effective date on page 6.

This Ordinance, unanimously adopted on First Reading on September 1, 2020, is based on a model ordinance prepared by a working group of municipal attorneys and municipal finance staff, coordinated by the Colorado Municipal League (CML) and requires remote sellers to collect and remit City sales tax. With adoption of the Ordinance, the City Manager will enter into an agreement with the Colorado Department of Revenue to allow such taxpayers to remit tax to the City using the Department’s single point of remittance software.


The purpose of this item is to appropriate $200,000 in Renewable and Clean Energy Challenge grant funds from the Department of Local Affairs (DOLA) for a project to establish the Northside Aztlan Community Center (Aztlan Center) as a resilience hub. The City has been notified of an award of $200,000 in support of energy and storage measures at the Aztlan Center to improve its function as a resilience hub during community emergencies.
The total project cost is $425,000, which includes an additional $200,000 as a required local match, and $25,000 for non-reimbursable project fees. The structure of the funding for the total project would use the $200,000 in grant proceeds from DOLA, $200,000 for the required local match from the 2020 Energy Services budget (already appropriated in the Light & Power Fund), and $25,000 for the non-reimbursable project fees from the 2020 Municipal Innovation Fund (already appropriated in the Keep Fort Collins Great Fund). The $200,000 for the local match from the 2020 Energy Services budget is available as a result of anticipated underspend due to the COVID-19 pandemic.


This item was amended to reflect the amendments being proposed as compared to the current City Code provisions that adopt the National Electric Code. The amended version of the Ordinance clearly reflects these amendments as compared to the current provisions.

The purpose of this item is to adopt the most up-to-date electrical code that will align the City and the minimum State allowed Electrical Code. The National Electrical Code (NEC) as Adopted by the State of Colorado Department of Regulatory Agencies (DORA) is the standard for all electrical installations in the State. By aligning our local adoptions with DORA, we will be in line with the minimum life safety requirement for electrical installations and repairs.

8. **Public Hearing and First Reading of Ordinance No. 115, 2020, Amending the Zoning Map of the City of Fort Collins and Amending Ordinance No. 177, 2017, by Changing the Zoning Classification for Property Known as the Spring Creek Rezoning REZ170001 – Correction of Map Errors.** (Adopted)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to make minor corrections to the legal description for a previously approved rezoning. On January 2, 2018, Council approved a rezoning ordinance for the Spring Creek Rezone with six conditions, following a recommendation of approval from the Planning and Zoning Board. In 2019, staff discovered errors in the legal description related to this rezoning action. The revised Ordinance and attachments correct the errors that have been identified. The City of Fort Collins is the applicant for this item.


The purpose of this item is consideration of an Ordinance exempting certain child care uses from development review and Land Use Code requirements through May 28, 2021. The COVID-19 pandemic has created a need for distributed learning and daycare sites, but the number of buildings already approved for child care in the community is too limited to meet current demands. This Ordinance would allow for child care uses to operate within buildings that have not previously been approved for such use, provided all applicable health and life safety requirements have been met. It would exempt child care centers, as defined in the Land Use Code, from the development review process for a limited timeframe, aligned to the 2020-21 academic school year, to allow for remote learning and daytime care of children. Compliance with building code, fire code, health department requirements, and state licensing would still be required, as applicable.
10. **Resolution 2020-083 Authorizing a Livestock Grazing Lease and Residential Lease on Meadow Springs Ranch with Natural Fort Grazing, LTD. (Adopted)**

The purpose of this item is to seek Council authorization for a grazing lease for up to ten (10) years for grazing rights at Meadow Springs Ranch (MSR). MSR is a 26,500-acre ranch owned by the City wastewater utility with the primary purpose being Biosolids Land Application. MSR also functions as a working cattle ranch and historically has maintained 10-year grazing leases for stability in rangeland management practices. The current lease expires in December 2020.

11. **Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project. (Adopted)**

The purpose of this item is to seek Council approval of a Resolution implementing an Intergovernmental Agreement (IGA) with Larimer County for the "Laramie Foothills Expansion 2020 - Land Conservation Project". The Project will conserve up to 3,533 acres in the Laramie Foothills near Soapstone Prairie Natural Area and adjacent to Red Mountain Open Space or Roberts Ranch Conservation Easement.


The purpose of this item is to obtain Council support for the City to apply for grant money to support enforcement of gray- and black-market marijuana activity for Fort Collins Police Services.

13. **Resolution 2020-086 Supporting the Establishment of a Friendship Cities Partnership Between the City of Fort Collins and Vila Nova De Famalicão, Portugal. (Adopted)**

The purpose of this item is to submit a Friendship City application from Vila Nova de Famalicão (VNF) in Portugal. The City partnered with VNF for 18 months through the International Urban Cooperation program and now the two cities would like to establish a long-term agreement through the Council Friendship City process and a related Memorandum of Understanding (MOU).

- **END CONSENT**

- **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff commented on Item No. 11, **Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project**, as being a good news item.

Councilmember Summers commented on Item No. 7, **Public Hearing and First Reading of Ordinance No. 114, 2020, Adopting the 2020 National Electric Code Standards**. He read parts of a letter indicating the adoption of some of these standards will greatly increase the cost of housing.

Mayor Pro Tem Stephens commented on Item No. 9, **First Reading of Ordinance No. 116, 2020, Suspending Certain Provisions of the City's Land Use Code to Permit Temporary Use of Certain Non-Residential Buildings for Child Care Centers in Response to the COVID-19 Pandemic**, as being a good news item.

Mayor Troxell also commented on Item No. 11, **Resolution 2020-084 Authorizing the Mayor to Execute an Intergovernmental Agreement with Larimer County to Implement the Laramie Foothills Expansion 2020 - Land Conservation Project**, as being a good news item.

- **STAFF REPORTS**
A. COVID and CARES CVRF Update (SeonAh Kendall)

SeonAh Kendall, COVID Recovery Manager, discussed the Community Response Assistance Program and additional funding from CDBG funds to specifically benefit low- and moderate-income individuals. She stated Economic Health just launched its Small Business Assistance Program and noted a written update on all the programs will be provided at the end of the month.

Mayor Pro Tem Stephens asked how the CDBG funds will be allocated. Kendall replied the Social Sustainability Department will be working with the City's CDBG Commission.

City Manager Atteberry commended Kendall's work on these issues.

B. Wildfire Smoke Resiliency Efforts (Cassie Archuleta)

Cassie Archuleta, Air Quality Program Manager, noted efforts around this topic are aligned with Council priorities related to air quality and particle pollution and funding is provided by air quality outreach and monitoring resources in the City's environmental services ongoing budget offer.

Megan DeMasters, Air Quality Specialist, stated staff is working from a definition of a 'smoke ready' community which is based on best practice research. The definition involves public buildings having smoke filtration and providing community members with information to understand health risks associated with smoke exposure and have resources to help themselves. She detailed the specific actions Fort Collins is taking to become a 'smoke ready' community.

- HORSETOOTH OUTLET PROJECT AND MANDATORY WATER RESTRICTIONS

Alice Conovitz, Water Conservation Analyst, stated the Horsetooth Outlet Project is an infrastructure repair project on the Soldier Canyon Dam Outlet. During the project, Fort Collins water providers will be relying on water from the Poudre River and a potential backup system that would draw water from another part of the Horsetooth Reservoir. She outlined the mandatory water restrictions that will begin October 1 and stated the combination of the Cameron Peak fire and hot, dry conditions have increased the likelihood the backup system will be used in October and November; therefore, the mandatory restrictions will lower the risk that demand will exceed pump capacity. She noted now is an ideal time to complete this project given spring runoff after the fire.

Mayor Troxell asked if the Fort Collins-Loveland Water District and ELCO have implemented a similar restriction. Conovitz replied there is support and interest among both entities to enact the same restrictions.

Mayor Troxell asked if commercial car washes are restricted. Conovitz replied in the negative.

Councilmember Pignataro requested additional details around the pump system. Mark Kempton, Utilities Interim Deputy Director, replied the project is scheduled to begin on October 15 and in order to ensure demand is down for that start date, October 1 was chosen as the date to begin restrictions. The project should be done by late November and it is that timeframe during which the pump system would be needed if an issue regarding Poudre River water arises.

Councilmember Pignataro asked about the effect on the water supply of this project not occurring for some reason. Kempton replied Northern Water has provided a timeframe of 30 to 45 days to complete the project and the City has planned for 60 days in case of a possible delay.
Mayor Pro Tem Stephens asked when efforts to address the effects of the fire on the watershed will begin. Kempton replied staff is currently coordinating with the Forest Service and other partners in the watershed to start that work. Alice Conovitz noted the topic will be discussed with Council at an October work session.

- **COUNCILMEMBER REPORTS**

Mayor Pro Tem Stephens reported on a visit to local businesses with Congressman Neguse.

Mayor Troxell commented on the proclamations he issued prior to the meeting for Minority Enterprise Development Week, Constitution Week, and Joe Rubenstein Day. He commented on the passing of former Mayor, John Knezovich.

Councilmember Gorgol announced her upcoming listening sessions regarding the budget and stated the Council ad hoc committee on housing will meet on the 17th from 5-7 PM.

Councilmember Gutowsky reported on the recent Behavioral Health Committee meeting during which grant funding was awarded to mental health providers.

- **DISCUSSION ITEMS**

14. **Council Consideration of Authorization for Remote Hearings for Historic Preservation Appeal to the Landmark Preservation Commission.** (Adopted)

   The purpose of this item is to consider an exception to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow a historic preservation item to proceed to public hearing using remote technology. A suggested motion is provided on page 2 of this Agenda Item Summary.

   Ordinance No. 079, 2020, authorizes Council, Planning and Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to hear quasi-judicial items but specifically excludes appeals from that authorization. The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize LPC hearings for the listed item using remote technology, Council must find that such a hearing is pressing and requires prompt action and that remote technology will provide for sufficient public participation and input. Staff is requesting Council consider allowing the following item to proceed:

   - Appeal of staff decision to deny a Certificate of Appropriateness for 126 S. Whitcomb Street to demolish an historic garage to construct a new structure (appeal to LPC) on a designated Fort Collins Landmark property.

   Jim Bertolini, Historic Preservation Planner, stated this is a request to hear an appeal regarding a staff decision for a project at 126 South Whitcomb Street, which is a landmarked property. He outlined the staff decision to deny a certificate of appropriateness for a proposed demolition of the garage, which is a designated historic structure. Staff is requesting an exception from Council to hold the appeal hearing before the Landmark Preservation Commission remotely.

   Tara Gaffney, property owner, discussed the reasons for the request to demolish the existing garage and replace it with a new structure to provide a secure space for home gym equipment and a home office.

   Mayor Troxell asked if the Landmark Preservation Commission meeting will be run to allow in-person participation. Bertolini replied the Commission members would be attending completely remotely but a conference room would be available for in-person attendance unless permission to hold the hearing completely remotely is granted.
Councilmember Pignataro asked Ms. Gaffney if she is comfortable with a remote meeting. Ms. Gaffney replied in the affirmative.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, that Council find this matter to be pressing and requiring prompt action and that remote technology will provide due process to hear it with sufficient public participation and input, and based upon such findings, authorize a quasi-judicial hearing using remote technology by the Landmark Preservation Commission for the appeal of a staff decision regarding the Fort Collins landmarked property at 126 South Whitcomb Street.

RESULT: MOTION ADOPTED [UNANIMOUS]

MOVER: Kristin Stephens, District 4
SECONDER: Julie Pignataro, District 2
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

15. **Second Reading of Ordinance No. 112, 2020, Amending Section 7-135 of the Code of the City of Fort Collins to Modify and Update Requirements and Procedures for Campaigns in City Elections. (Adopted on Second Reading)**

   This Ordinance, adopted on First Reading on September 1, 2020 by a vote of 5-2 (Nays: Summers, Troxell), adopts amendments to the City’s election campaign Code provisions.

Councilmember Summers remarked he has been a candidate in seven elections at both the local and state level and stated these items are solutions looking for a problem. LLCs represent the majority of small business owners in Fort Collins and those entities should be considered constituents. He noted the percentage of LLC donations is small and each is limited to $75. He stated it is important to realize that donations are provided to candidates and are not to change their views. He also noted there were no direct contributions to candidates from political committees during the last election.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, to adopt Ordinance No. 112, 2020, on Second Reading.

Mayor Pro Tem Stephens stated LLC owners are constituents and allowing donations from both the entity and owners is a work around of campaign donation limits.

Councilmember Pignataro thanked the Election Code Committee for its work and supported the proposed changes.

Councilmember Cunniff stated he wants to have as much transparency and fairness in the financing of Fort Collins elections as possible. He noted LLCs are not natural persons who vote in elections.

Councilmember Gutowsky expressed support for the changes stating they create a more even playing field.

Mayor Troxell opposed the changes stating it is important to keep the messaging coming from candidates. He stated he would support increasing the maximum donation amounts.
16. **Council Consideration of Whether to Authorize, by Motion, Remote Hearings for Appeals to be Heard by the Building Review Board. (Adopted)**

The purpose of this item is to consider two exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow various zoning, development, and historic preservation items to proceed to public hearings using remote technology. A suggested motion is provided on page 3 of this Agenda Item Summary.

Ordinance No. 079, 2020, authorizes Council, the Planning and Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to hear quasi-judicial items but specifically excludes from that authorization decisions related to zoning/rezoning, appeals, and additions of permitted use (APUs). The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input. Staff is requesting Council consider allowing the following items to proceed:

1. Appeal of a decision to deny a license to Chris Ufer of Space Solutions, LLC.
2. Appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Clark Vernon of Summit Builders, LLC.

Rich Anderson, Chief Building Official, stated this item seeks Council approval for holding remote hearings for certain specific appeals to the Building Review Board related to contractor licenses. He stated the items are tentatively scheduled for the September 24 Building Review Board meeting and outlined the benefits of allowing remote hearings for these appeals. Both appellants are willing to participate in remote appeal hearings and the Board can offer a hybrid hearing approach for public participation.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Pignataro, that the City Council finds that the following quasi-judicial matters are pressing and require prompt action and that virtual technology will provide due process to hear them through sufficient public participation and input, and based upon such findings, authorize quasi-judicial hearings using remote technology by the Building Review Board to proceed for the following items: appeal of the decision to deny a license to Chris Ufer of Space Solutions, LLC, and appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Clark Vernon of Summit Builders, LLC.

**RESULT:** MOTION ADOPTED [UNANIMOUS]

**MOVER:** Kristin Stephens, District 4

**SECONDER:** Julie Pignataro, District 2

**AYES:** Pignataro, Gorgol, Gutowsky, Stephens, Summers, Troxell, Cunniff

(Secretary's Note: The Council took a brief recess at this point in the meeting.)
17. **Public Hearing #1 on the 2021 Recommended Budget for the City of Fort Collins. (No Action Taken)**

This is the first public hearing on the City Manager’s 2021 Recommended Budget for the City of Fort Collins. The purpose of this public hearing is to gather public input on the 2021 budget.

In an effort to receive further public input, a second public hearing is scheduled for City Council’s Tuesday, October 6, 2020, regular meeting at 6:00 p.m. in Council Chambers (adhering to all social distancing requirements) with the option for remote participation through the online Zoom meeting platform. Both hearings were set by Council adoption of Resolution 2020-081 at its September 1, 2020, meeting. The City Manager’s 2021 Recommended Budget can be reviewed at the City Clerk’s Office by appointment only and online at fcgov.com/budget.

On May 19, 2020, Council adopted Ordinance No. 067, 2020, suspending the biennial budget term requirement in Code Section 8-1 for fiscal years 2021 and 2022 in order to allow for a one-year budget term for both years, and to return to the biennial budget term required by Code Section 8-1 beginning with fiscal years 2023 and 2024.

City Manager Atteberry stated this is the first of two hearings specifically slated for discussion of the 2021 budget. Additionally, there will be two readings of the budget ordinance during which public participation is also allowed. He noted this is a single-year budget rather than the usual two-year budget given the impact of COVID.

Adam Eggleston expressed concern the budget is too large given projected revenues and the possibility of further economic decline.

Wesley Groves suggested the City should immediately invest in an interactive, user-friendly web tool that can help increase community engagement in Council meetings, invest more in affordable housing, renewable energy, safe injection sites, and housing and rehab systems for homeless individuals. He suggested funding could come from divesting from non-renewable energy agreements and police. He also suggested the City should invest in some type of radio show which would serve to uplift marginalized, anonymous voices and to teach the community how to have difficult, constructive conversations. He stated the structure of Council meetings is outdated and slow.

Brian Farrins discussed the lack of co-responder funding in the budget, particularly given the examination of how policing functions in the community. He also suggested police officers pause their contractual pay raises given the current social unrest related to policing in the community and the impact of COVID on other City employee salaries.

Ryan Brown stated it does not seem like the budget and Council represent the community’s racial diversity. He opposed cuts to the Social Sustainability budget. He agreed that raises for police is both symbolically and practically inappropriate.

Cory Wong stated many citizens have called for reinvesting police funding into community services. She questioned specific budget line items and expressed concern that certain language will allow interactions with homeless individuals in a way that implicitly criminalizes homelessness. She stated Community and Special Services funds should be removed from the police budget and placed into Social Sustainability to better serve the community by producing more equitable outcomes for the most marginalized community members.
MJ (no last name given) stated he would like Council to address how priorities were developed and how they align with the City's commitment to equity, diversity, and inclusion. The budget language is elevated and lacks clarity and transparency.

Chrissy Chard stated the entire budget process feels inaccessible and supported the idea of creating a website that enables community engagement. She thanked Councilmember Gorgol for hosting budget listening sessions but proposed a delay in the approval process until true community engagement has occurred. She stated the budget does not truly represent equity and diversity and questioned who decides how equity is tied to the budget outcomes. She further opposed cuts to the Social Sustainability budget.

Johanna (no last name given) opposed the lack of time provided for citizens to give feedback on the budget. She stated the language in the budget is not transparent or clear.

Leena (no last name given) stated the budget is quite inaccessible for citizens given its size. She opposed the funding cuts for the Neighborhood Livability and Social Health category. She suggested the budget item dedicated to graffiti patrol and abatement would be better utilized on anti-racist education.

Gerry Horak discussed the conservation trust fund and its use for maintenance when it was meant to be for capital improvements for the trails and buying open space. He stated maintenance should be at a lower level if there is lower tax revenue.

Mayor Troxell acknowledged the budget is a long document and suggested examining it from an outcome standpoint. He further offered to meet with any citizens for as long as necessary to gain community input.

Councilmember Gorgol requested input on the Social Sustainability budget. City Manager Atteberry replied the 43% cut mentioned by several citizens is related to Community Development Block Grant allocations in 2020 versus 2021. Additionally, changes to the police budget were partially due to moving the airport from a General Fund payment to a lease payment for the training facility. Travis Storin, Interim Chief Financial Officer, stated the 43% Social Sustainability budget cut is accurate and due to the CDBG program and associated CARES infusion for 2020. If adjusting for those dollars, the Social Sustainability function would have a modest increase going from $2.9 million to $3.2 million. Regarding the budget for the Office of the Police Chief, $400,000 of the roughly $1 million increase is the lease payment to the FAA associated with the airport for the police training facility. The remaining budget increase is a reclassification of overtime charges from other departments such as patrol into the Office of the Chief.

Councilmember Gorgol asked about the pay increase for Fraternal Order of Police officers. City Manager Atteberry replied that is a contractual relationship and he is not aware of the ramifications of not honoring that contract.

Councilmember Cunniff stated he would like to see some alternatives developed for park funding regarding the conservation trust dollars.

Councilmember Pignataro thanked the citizens who spoke and noted the Community Impact Committee has been tasked with looking into the Police Services budget. She questioned the plan for revenues being either lower or higher than expected over the next year. City Manager Atteberry noted the Council Finance Committee has discussed a contingency methodology in the event of further declining revenues and the Committee will further discuss that topic in October. Should
revenues come in higher than expected, a mid-year correction could occur, or dollars be available for the 2022 budget process.

Mayor Pro Tem Stephens commended the idea of a web tool for the future as she would like a way to make the budget more accessible. She acknowledged the shortened budget process noting it was one of the unfortunate impacts of COVID. She thanked Storin for clarifying the Social Sustainability budget numbers and noted there still may be additional federal dollars coming into the community. She commented on the importance of co-responder funding and on the importance of ensuring the language in the budget is understandable.

City Manager Atteberry commented on the importance of creating an understandable budget and stated more community engagement is always a positive thing and makes for a better budget. He outlined the remaining opportunities for public input.

Councilmember Gorgol outlined her upcoming budget listening sessions.

Mayor Pro Tem Stephens thanked staff involved with formation of the budget and noted it will be complex by its nature.

**CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

18. **Resolution 2020-087 Making an Appointment to the Planning and Zoning Board. (Adopted)**

_The purpose of this item is to appoint one individual to fill a vacancy on the Planning and Zoning Board that exists due to the resignation of a previous member._

Rory Heath stated selecting the applicant such as the one recommended who has 33 years of professional experience in the field sets a bad example for citizens who may want to apply for these types of citizen-level positions. He stated Boards should not be a place for retired City employees to directly apply their bias into the development process and opposed the recommended appointment.

Councilmember Cunniff stated there were 36 applicants for the single Planning and Zoning Board vacancy and he and the Mayor ultimately ended up interviewing 12 individuals, including Ted Shepard who is recommended for the position. He stated interviewing teams strive to recommend candidates they believe could achieve a consensus of support from Council. He stated he had initially been concerned about a former City employee serving on a Board, however, Mr. Shepard has come with several ideas for changes to Planning and Zoning Board policies and practices that would increase transparency and attention to conflict of interest provisions that would lead to better independence of the Board from the City Attorney’s Office. He noted there are two back-up choices should Council disagree.

Mayor Troxell commended the process and the qualifications of the interviewed applicants. He commended Mr. Shepard’s ideas and experience.

Councilmember Summers expressed some concern that appointing a former staff member could raise some questions; however, Mr. Shepard’s experience could be indispensable. He asked when Mr. Shepard retired to which City Manager Atteberry replied in early 2019.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt Resolution 2020-087, appointing Ted Shepard to the Planning and Zoning Board with a term expiring December 31, 2021.
Councilmember Gutowsky asked if there is any information regarding the diversity of the Board. Councilmember Cunniff replied there is currently one woman and five men with this single vacancy.

Mayor Pro Tem Stephens noted this appointment is only for a little over a year and there will be an opportunity for additional diversity with future appointments. She stated the 'Reimagining Boards and Commissions' process should include seeking out people with different backgrounds and experience.

Councilmember Pignataro asked if the back-up choices of Kathryn Dubiel and Jerry Gavaldon would automatically be placed on the Board without going through another interview process should another vacancy occur. Mayor Troxell replied in the affirmative.

RESULT:

RESOLUTION 2020-087, ADOPTED [UNANIMOUS]
MOVER: Kristin Stephens, District 4
SECONDER: Emily Gorgol, District 6
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

• ADJOURNMENT

The meeting adjourned at 9:22 PM.

Mayor

ATTEST:

City Clerk
AGENDA ITEM SUMMARY
City Council

November 4, 2020

STAFF

Elizabeth Blythe, Senior Public Engagement Coordinator
Delynn Coldiron, City Clerk
Ingrid Decker, Legal

SUBJECT

Second Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 20, 2020, allows Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, October 20, 2020 (w/o attachments)  (PDF)
2. Ordinance No. 125, 2020  (PDF)
AGENDA ITEM SUMMARY

City Council

October 20, 2020

STAFF

Elizabeth Blythe, Senior Public Engagement Coordinator
Delynn Coldiron, City Clerk
Ingrid Decker, Legal

SUBJECT

First Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021.

EXECUTIVE SUMMARY

The purpose of this item is to allow Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City has 25 boards and commissions that serve in a variety of capacities from advisory to decision-making. Over 200 residents volunteer valuable time and expertise through board membership.

On July 2, 2019, Council adopted a priority to Reimagine Boards and Commissions to explore an improved structure to more closely align with Council goals. A public process is being developed to help explore ways that boards and commissions can provide meaningful experiences for their volunteer members while effectively delivering useful and timely advice to Council from a variety of perspectives.

Due to COVID-19, outreach and public engagement efforts for the Reimagine Boards and Commissions Priority were significantly delayed and have been rescheduled for Q4 of 2020. This has resulted in a delay of the implementation of potential changes to the boards and commission terms and structure to Q1 and Q2 of 2021.

During 2020, as a result of COVID-19, boards and commissions had an increase in resignations. This created vacancies that led to quorum concerns which were filled per Ordinance No. 153, 2019.

This Ordinance extends these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.
BOARD / COMMISSION RECOMMENDATION

Council has received numerous requests from board and commission members to consider short-term appointments in 2020 for the reasons listed above. Those who have expressed an opinion consider short-term appointments to be an effective way of enabling boards and commissions to function successfully until regular replacement appointments and/or structural changes are determined.
ORDINANCE NO. 125, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXTENDING SHORT-TERM APPOINTMENTS TO
CITY BOARDS AND COMMISSIONS TO DECEMBER 31, 2021

WHEREAS, the City has boards and commissions charged with advising the City Council, whose members are appointed by the City Council through an application and interview process; and

WHEREAS, Article III of Chapter 2 of the City Code establishes each board or commission of the City and, for each individual board or commission, states the length of the board members’ terms, which in most cases is four years, and how many terms they may serve (typically two consecutive terms); and

WHEREAS, on July 2, 2019, the City Council adopted a Council Priority to Reimagine Boards and Commissions, to explore improvements to the structure and management of the City boards and commissions (the “Reimagine Project”); and

WHEREAS, the City Clerk’s Office was instructed to pause reappointments and interviews for positions on all boards and commissions during the Reimagine Project, except for quasi-judicial boards and boards and commissions at risk of falling below their quorum number; and

WHEREAS, to ensure boards and commissions could maintain quorums and effectively perform their duties in the face of unplanned absences, the City Council wanted the ability to temporarily fill vacant positions on boards and commission for short periods of time while the Reimagine Project continued in 2020; and

WHEREAS, on January 7, 2020, the City Council adopted Ordinance No. 153, 2019, stating that, notwithstanding any provision of the City Code to the contrary, the City Council could, from January 17 to December 31, 2020, make appointments to City boards and commissions for terms shorter than required by the applicable provisions of Article III, Chapter 2 of the City Code, and specify for each such appointment whether such term will count towards any applicable term limit specified in Article III, Chapter 2 of the City Code; and

WHEREAS, to date 46 short-term appointments have been made pursuant to the authority in Ordinance No. 153, 2019; and

WHEREAS, due to COVID-19, outreach and public engagement efforts for the Reimagine Project were significantly delayed and have been rescheduled for the fourth quarter of 2020, resulting in a delay of the implementation of potential changes to the Boards and Commission terms and structure to the first quarter and second quarter of 2021; and

WHEREAS, to reduce the number of board and commission appointments that need to be filled in the meantime, the City Council wishes to extend the short-term appointments made under Ordinance No. 153, 2019 to expire December 31, 2021 instead of December 31, 2020; and
WHEREAS, the City Council has determined that extending such appointments to City boards and commissions will benefit the City and its residents.

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, notwithstanding any provision of the City Code to the contrary, short-term appointments to City boards and commissions made by the City Council pursuant to Ordinance No. 153, 2019, shall expire on December 31, 2021, unless terminated sooner as provided in the City Code.

Introduced, considered favorably on first reading, and ordered published this 20th day October, A.D. 2020, and to be presented for final passage on the 4th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk
AGENDA ITEM SUMMARY
November 4, 2020

STAFF

Jason Licon, Airport Director
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 127, 2020, Adopting the 2021 Budget and Appropriating the Fort Collins Share of the 2021 Fiscal Year Operating and Capital Improvements Funds for the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

The purpose of this item is to adopt the 2021 budget for the Northern Colorado Regional Airport and appropriate Fort Collins’ share of the 2021 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the “IGA”), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include financial contributions from the City’s General Fund as it has in previous years because anticipated Airport revenues will provide sufficient revenues for operations, primarily as a result of the Northern Colorado Law Enforcement Training Center Lease payments by both Cities. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport’s mission is to provide a fiscally sustainable airport to the region with facilities that meet the highest FAA standards for safety and efficiency while ensuring the long-term ability of the Airport to serve Northern Colorado as a transportation hub and a global gateway for commerce. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately $295.97 million and 1,072 jobs annually.

All revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the IGA. External funding is also received through grants that are applied for and received by the Airport for eligible
projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

This Ordinance appropriates the City’s 50% share ($733,943) of the 2021 Airport operating budget ($1,467,886) and 50% share ($2,783,000) of the 2021 capital budget ($5,566,000), for a total appropriation of $3,516,943 by the City. The City of Loveland will be appropriating the other 50% of the total 2020 Airport budget ($3,516,943). The Airport’s operating budget is used to maintain and operate the facility in compliance with all regulatory standards for safety and security and to achieve goals set by the Northern Colorado Regional Airport Commission. The Airport’s capital budget will be used to complete improvement projects, including the design of a new commercial terminal building and associated support infrastructure, and the repaving of an existing aircraft taxiway.

Financial resources for 2021 are expected from the sources listed below. These include external sources, such as federal and state grants and required grant matches, as well as airport revenues and reserves. These resources will provide the necessary funding for the 2021 operating and capital budgets, and then some:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAA Grants</td>
<td>$6,335,000</td>
</tr>
<tr>
<td>State Grants</td>
<td>$152,000</td>
</tr>
<tr>
<td>Airport Revenues</td>
<td>$1,338,826</td>
</tr>
<tr>
<td>Airport Reserves</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$8,825,826</td>
</tr>
</tbody>
</table>

The $1,000,000 item is an appropriation for use by the Northern Colorado Regional Airport Commission consistent with the approved 2021 Budget for high priority projects. This Airport Reserve appropriation does not require any additional funding from the Cities.

The Northern Colorado Regional Airport Commission approved the proposed 2021 Airport Budget and recommended it for approval by the Fort Collins and Loveland Councils on September 17, 2020. Loveland’s City Council has considered and approved the 2021 Airport budget, with First Reading on October 6, 2020 and Second Reading on October 20, 2020.

**CITY FINANCIAL IMPACTS**

This item appropriates the City’s 50% share of the annual budget for fiscal year 2021 for the Northern Colorado Regional Airport, which totals $3,516,943 and is 50% of the $7,033,886 total combined 2021 Airport operating and capital budget. The proposed budget does not include financial contributions from the City’s General Fund as it has in previous years, as the anticipated Airport revenues will provide for a sustainable revenue source, primarily as a result of the Northern Colorado Law Enforcement Training Center Lease payments by both Cities. The City of Loveland manages the Airport’s budget and finances under the IGA; however, each Council must approve the annual budget under the IGA and, since the City of Fort Collins owns 50% of the Airport, it is necessary for the City to appropriate its 50% portion of the total Airport budget.

**ATTACHMENTS**

1. Airport Commission Resolution (PDF)
RESOLUTION # R-6-2019

A RESOLUTION APPROVING THE 2021 AIRPORT BUDGET AND RECOMMENDING APPROVAL BY THE CITY COUNCILS OF FORT COLLINS AND LOVELAND

WHEREAS, the City of Fort Collins ("Fort Collins") and the City of Loveland ("Loveland") jointly own and operate the Northern Colorado Regional Airport (the "Airport") pursuant to that Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport (the "IGA"), dated January 22, 2015, as amended; and

WHEREAS, pursuant to the IGA, the two Cities formed the Northern Colorado Regional Airport Commission ("Commission") and granted the Commission certain authority, including the authority to develop the Airport budget; and

WHEREAS, the two Cities reserved to themselves the authority to approve the annual Airport budget and the authority to approve each Cities’ annual contributions to and appropriation of the Airport budget; and

WHEREAS, Airport staff has prepared the annual Airport budget for fiscal year 2021 (the "2021 Airport Budget") and the Commission has reviewed the 2021 Airport Budget, which is attached hereto as "Exhibit A" and incorporated herein; and

WHEREAS, after such review, the Commission approves the 2021 Airport Budget, and recommends approval by the two City Councils along with appropriation of the necessary funds for such 2021 Airport Budget.

NOW THEREFORE BE IT RESOLVED BY THE NORTHERN COLORADO REGIONAL AIRPORT COMMISSION AS FOLLOWS:

Section 1. That the 2021 Airport Budget attached hereto as "Exhibit A" is hereby approved.

Section 2. That the Commission recommends that the Fort Collins City Council and the Loveland City Council each approve the 2021 Airport Budget. The Commission further recommends that the City Councils approve each City’s annual contributions to and appropriation of the 2021 Airport Budget.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.
ADOPTED this 17th day of September, 2020.

Wade Troxell, Chair of the
Northern Colorado Regional Airport Commission

ATTEST:

[Signature]
Secretary

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney
ORDINANCE NO. 127, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2021 BUDGET AND APPROPRIATING THE FORT COLLINS
SHARE OF THE 2021 FISCAL YEAR OPERATING AND CAPITAL IMPROVEMENT
FUNDS FOR THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the “Cities”) agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the “Airport”); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest in Airport assets and revenues, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport’s capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the “IGA”), the Airport Manager is responsible for preparing the Airport’s annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, the proposed budget does not include financial contributions from the City’s General Fund as it has in previous years because anticipated Airport revenues will provide sufficient revenues for operations, primarily as a result of the Northern Colorado Law Enforcement Training Center Lease payments by both Cities; and

WHEREAS, because each City has an ownership interest in 50% of the Airport revenues held and disbursed by the City of Loveland as an agent on behalf of the Cities, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA; and

WHEREAS, in accordance with Article V, Section 8(b), of the City Charter, any expense or liability entered into by an agent of the City on behalf of the City, shall not be made unless an appropriation for the same has been made by the City Council; and

WHEREAS, the Airport Manager has submitted for City Council consideration a 2021 Airport budget totaling $7,033,886, of which the City’s 50% share is $3,516,943 ($733,943 for operations and $2,783,000 for capital); and

WHEREAS, the City Council is in the process of considering the City’s 2021 budget and Ordinance No. 138, 2020, which appropriates $186,173 in City funds to be transferred to the Airport operating fund in payment of the City’s share of the rent due under the Lease of a portion of the Airport property for construction and operation of the Northern Colorado Regional Law
Enforcement Training Center, which amount is included in the Land Lease revenues set forth in the 2021 Airport Budget; and

WHEREAS, pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the “Airport Fund”); and

WHEREAS, funding for the Airport’s 2021 operating and capital improvement budgets has been identified as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FAA Grant</td>
<td>$6,335,000</td>
</tr>
<tr>
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<td>152,000</td>
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<tr>
<td>Airport Revenues</td>
<td>1,338,826</td>
</tr>
<tr>
<td>Airport Reserves</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Total</td>
<td>$8,825,826</td>
</tr>
</tbody>
</table>

WHEREAS, the City’s 50% share of the 2021 Airport operating costs, to be held in the Airport Fund, is $733,943; and

WHEREAS, the City’s 50% share of the 2021 Airport capital improvement costs, to be held in the Airport fund, is $2,783,000; and

WHEREAS, the Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects; and

WHEREAS, City Finance staff has reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves in the 2021 Airport Budget meets the required limits set forth in the IGA; and

WHEREAS, this appropriation will not require additional funding from the Cities and is consistent with the IGA.

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 the City Council hereby approves and adopts the 2021 Airport operating and capital budget totaling $7,033,886 ($1,467,886 for operations and $5,566,000 for capital), a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

Section 3. That the City Council hereby appropriates in the Airport Fund $733,943 to be expended to defray the City’s 50% share of the 2021 operating costs of the Airport.

Section 4. That the City Council hereby appropriates in the Airport Fund $2,783,000 to be expended to defray the City’s 50% share of the 2021 capital costs of the Airport.
Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk
### 2021 Airport Budget

#### OPERATING REVENUES

<table>
<thead>
<tr>
<th>Source</th>
<th>2017 Actual</th>
<th>2018 Actual</th>
<th>2019 Actual</th>
<th>2020 Budget</th>
<th>2021 Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hangar Rental</td>
<td>115,834</td>
<td>117,155</td>
<td>131,782</td>
<td>150,000</td>
<td>215,000</td>
<td>Increase to account for additional acquired hangar revenues 30.2%</td>
</tr>
<tr>
<td>FBO Rent</td>
<td>78,216</td>
<td>98,060</td>
<td>88,336</td>
<td>88,250</td>
<td>96,287</td>
<td>Adjusted to reflect lease amount 8.3%</td>
</tr>
<tr>
<td>Gas and Oil Commissions</td>
<td>152,779</td>
<td>199,017</td>
<td>190,731</td>
<td>165,000</td>
<td>180,000</td>
<td>Reduced to account for projected fuel cost -9.1%</td>
</tr>
<tr>
<td>State &amp; County Aircraft Fuel Tax</td>
<td>107,181</td>
<td>112,080</td>
<td>137,981</td>
<td>103,500</td>
<td>103,500</td>
<td>Reduced to account for projected fuel cost -9.2%</td>
</tr>
<tr>
<td>Land Lease</td>
<td>193,554</td>
<td>232,541</td>
<td>650,497</td>
<td>670,539</td>
<td>670,539</td>
<td>Adjusted for new leases, CPI, &amp; NCLETC lease 4.0%</td>
</tr>
<tr>
<td>Terminal Lease and Landing Fees</td>
<td>11,087</td>
<td>8,342</td>
<td>8,229</td>
<td>9,000</td>
<td>9,000</td>
<td>No change 0.0%</td>
</tr>
<tr>
<td>Automobile Parking</td>
<td>13,595</td>
<td>12,850</td>
<td>11,240</td>
<td>10,000</td>
<td>10,000</td>
<td>No change 0.0%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>31,585</td>
<td>31,168</td>
<td>39,467</td>
<td>18,900</td>
<td>19,500</td>
<td>Tied to airline activity and security fees 3.1%</td>
</tr>
<tr>
<td><strong>TOTAL OPERATING REVENUES</strong></td>
<td>703,831</td>
<td>811,213</td>
<td>1,258,263</td>
<td>1,213,150</td>
<td>1,288,826</td>
<td>Total 5.9%</td>
</tr>
</tbody>
</table>

#### OPERATING EXPENSES

<table>
<thead>
<tr>
<th>Source</th>
<th>2017 Actual</th>
<th>2018 Actual</th>
<th>2019 Actual</th>
<th>2020 Budget</th>
<th>2021 Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>549,856</td>
<td>552,509</td>
<td>596,509</td>
<td>703,430</td>
<td>734,737</td>
<td>Increased in accordance with budgetary core costs 4.3%</td>
</tr>
<tr>
<td>Supplies</td>
<td>41,130</td>
<td>55,943</td>
<td>72,675</td>
<td>74,500</td>
<td>85,000</td>
<td>COVID impact planning, aging infrastructure support 12.4%</td>
</tr>
<tr>
<td>Purchased Services</td>
<td>364,460</td>
<td>1,111,515</td>
<td>732,671</td>
<td>514,960</td>
<td>648,149</td>
<td>Additional FTE, utility rate increases, and Remote Tower support 20.5%</td>
</tr>
<tr>
<td><strong>TOTAL OPERATING EXPENSES</strong></td>
<td>955,446</td>
<td>1,719,967</td>
<td>1,401,855</td>
<td>1,292,890</td>
<td>1,467,886</td>
<td>Total 11.9%</td>
</tr>
</tbody>
</table>

#### NONOPERATING REVENUES (EXPENSES)

<table>
<thead>
<tr>
<th>Source</th>
<th>2017 Actual</th>
<th>2018 Actual</th>
<th>2019 Actual</th>
<th>2020 Budget</th>
<th>2021 Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Contributions</td>
<td>520,000</td>
<td>485,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>City Contributions converted to a land lease for the NCLETC in 2019 0.0%</td>
</tr>
<tr>
<td>Interest Income</td>
<td>25,965</td>
<td>31,930</td>
<td>118,764</td>
<td>25,000</td>
<td>50,000</td>
<td>Adjusted to reflect reserve amounts 50.0%</td>
</tr>
<tr>
<td>Capital Expenditures</td>
<td>(878,970)</td>
<td>(986,124)</td>
<td>(989,250)</td>
<td>(1,481,000)</td>
<td>(5,566,000)</td>
<td>Increased for capital improvement projects; primarily grant funded 73.4%</td>
</tr>
<tr>
<td><strong>TOTAL NONOPERATING REVENUES (EXPENSES)</strong></td>
<td>(333,005)</td>
<td>(469,194)</td>
<td>(870,486)</td>
<td>(1,456,000)</td>
<td>(5,516,000)</td>
<td></td>
</tr>
</tbody>
</table>

#### NET INCOME (LOSS) BEFORE CAPITAL CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Source</th>
<th>2017 Actual</th>
<th>2018 Actual</th>
<th>2019 Actual</th>
<th>2020 Budget</th>
<th>2021 Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(584,620)</td>
<td>(1,377,948)</td>
<td>(1,014,078)</td>
<td>(1,535,740)</td>
<td>(5,695,060)</td>
<td>Increased for anticipated federal grant funding 85.8%</td>
<td></td>
</tr>
</tbody>
</table>

#### CHANGE IN NET POSITION

<table>
<thead>
<tr>
<th>Source</th>
<th>2017 Actual</th>
<th>2018 Actual</th>
<th>2019 Actual</th>
<th>2020 Budget</th>
<th>2021 Budget</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve Appropriation</td>
<td>246,915</td>
<td>(391,824)</td>
<td>(809,598)</td>
<td>(613,740)</td>
<td>791,940</td>
<td>Driven by grant funding 177.5%</td>
</tr>
</tbody>
</table>

**(5,516,000)**
AGENDA ITEM SUMMARY

November 4, 2020

City Council

STAFF

Matt Robenalt, DDA Executive Director
Kristy Klenk, DDA Financial Coordinator
John Duval, Legal

SUBJECT


EXECUTIVE SUMMARY

The purpose of this item is to set the Downtown Development Authority (“DDA”) Budget. The following amounts will be appropriated:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDA Public/Private Investments &amp; Programs</td>
<td>$8,067,545</td>
</tr>
<tr>
<td>DDA Operations &amp; Maintenance</td>
<td>$1,385,349</td>
</tr>
<tr>
<td>Revolving Line of Credit Draws</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>DDA Debt Service Fund</td>
<td>$7,431,611</td>
</tr>
</tbody>
</table>

The DDA anticipates receiving in 2021 tax increment revenues of approximately $6,630,081 and approximately $788,897 in revenues from its five-mill property tax for the DDA’s operational and maintenance expenditures. The Ordinance also sets the 2021 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2021.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The DDA was created in 1981 with the purpose, according to Colorado state statute, of planning and implementing projects and programs within the boundaries of the DDA. By state statute the purpose of the ad valorem tax levied on all real and personal property in the downtown development district, not to exceed five (5) mills, shall be for the预算ed operations of the authority. The DDA and the City adopted a Plan of Development that specifies the projects and programs the DDA would undertake. To carry out the purposes of the State statute and the Plan of Development, the City, on behalf of the DDA, has issued various tax increment bonds, which require debt servicing.

CITY FINANCIAL IMPACTS

The DDA is requesting approval of the DDA Public/Private Investments and Programs budget for fiscal year 2021 in the amount of $8,067,545 and DDA Operation and Maintenance budget for fiscal year 2021 in the amount of $1,385,349. It is requesting appropriation of up to $7,000,000 for the 2021 Line of Credit draws. It is also requesting approval of the DDA debt payment commitments in the amount of $7,431,611 for 2021 obligations.
The 2021 Public/Private Investments and Program budget is projected as follows:

**Uses:**
- Alley Operations $175,071
- Alley Capital Reserve Replacement 182,357
- Alley Design and Construction (Tenney, W Oak) 528,324
- Alley Trash Enclosure Lease Payments 27,026
- 140 E Oak Pre-Development 637,129
- 140 E Oak Construction Capital 5,800,811
- Façade Grant Program 163,470
- Gateway Entrances 55,000
- Old Town Square Operations 192,447
- Old Town Square Capital Reserve Replacement 30,453
- Tree Canopy 11,200
- Urban Micro-Space Design Plan 113,314
- Warehouse Operations 10,038
- Other Public/Private Investments & Programs 140,905

**Total** $8,067,545

The 2021 Operations and Maintenance budget is projected as follows:

**Uses:**
- Personnel Services $900,232
- Contractual Professional Services 410,764
- Purchased Supplies and Commodities 40,564
- Other 33,789

**Total** $1,385,349

The 2021 Line of Credit draws, whose debt service payment will be made from the debt service fund, is projected to fund up to $7,000,000:

**Uses:**
- Old Firehouse Alley Parking Garage IGA Payment $300,000
- Multi-Year Reimbursement Payments 633,564
- Project Management Fees 155,752
- Business Marketing and Communications Program 325,000
- Capital Asset General Maintenance Obligations 477,712
- Capital Asset Replacement Reserve 197,926
- Capital Asset Reserve & Replacement Annual Program 73,350
- Future Public/Private Investments & Programs 4,836,696

**Total** $7,000,000

The DDA debt service fund is projected to have sufficient revenue to meet the required debt service payments for 2021:

**Uses:**
- Debt Payment: 2021 $7,431,611

**BOARD / COMMISSION RECOMMENDATION**

At its September 10, 2020 meeting, the Downtown Development Authority Board of Directors adopted its proposed budget for 2021 totaling $23,884,505 and determined the mill levy necessary to provide for payment of administrative costs incurred by the DDA. The amount of $23,884,505 meets the reporting criteria of the City of Fort Collins accounting standards but the DDA would like City Council to be aware that the total amount does not directly reflect the anticipated revenues from Tax Increment or the 5 mills for 2021. The Public/Private Investments and Programs budget of $8,067,545 are previously appropriated unspent funds of which 80% is dedicated to the
qualified affordable housing partnership with Housing Catalyst at 140 E Oak Street. The repayment of the Line of Credit of $7,000,000 is reported as part of the Debt Service Payment total and is then reported separately for anticipated uses.

ATTACHMENTS

1. Boundary Map (PDF)
2. DDA Resolution 2020-05 Determining and Fixing the Mill Levy (PDF)
3. DDA Resolution 2020-06 Determining and Recommending the 2021 Budget (PDF)
4. DDA Resolution 2020-07 Appropriation of the 2021 Line of Credit Draw Service (PDF)
5. DDA Resolution 2020-08 Appropriation for Debt Service (PDF)
6. DDA Resolution 2020-09 Appropriation of Public-Private Investments & Programs (PDF)
Downtown Development Authority Boundary
RESOLUTION 2020-05

OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE DETERMINING AND FIXING OF THE MILL LEVY OF THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, The Fort Collins, Colorado Downtown Development Authority ("DDA") has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA finds a mill levy of five (5) mills to be sufficient to meet the operational and maintenance needs of the DDA for fiscal year 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, to recommend to the City Council of the City of Fort Collins the mill levy rate for taxation upon all the taxable property within the boundaries of The Fort Collins, Colorado Downtown Development Authority for the fiscal year ending December 31, 2021 be set at five (5) mills, which mill levy is sufficient to raise ad valorem revenues for the 2021 Operations and Maintenance Budget as approved by the Board of Directors of The Fort Collins, Colorado Downtown Development Authority and which mill levy represents the amount of taxes for The Fort Collins, Colorado Downtown Development Authority. Said mill levy shall be distributed and certified by the County Assessor and the Board of County Commissioners of Larimer County, Colorado by the City Clerk as provided by law.

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 10th day of September, 2020.

Cheryl Zimlich Secretary

Jenny Schultz, Chair
RESOLUTION 2020-06


WHEREAS, The Fort Collins, Colorado Downtown Development Authority ("DDA") has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA shall under Colorado Revised Statutes, 31-25-816, 1973, as amended, adopt a budget of the estimated revenues and expenditures to be received and incurred during fiscal year ending December 31, 2021.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY that the following budget is adopted for the fiscal year ending December 31, 2021 and therefore recommends to the City Council of the City of Fort Collins the adoption of this budget.

Revenues:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Taxes</td>
<td>$788,897</td>
</tr>
<tr>
<td>Licenses and Permits</td>
<td>1,800</td>
</tr>
<tr>
<td>BMC Specific Ownership Tax</td>
<td>50,000</td>
</tr>
<tr>
<td>BMC Marketing Promotion Fee</td>
<td>33,900</td>
</tr>
<tr>
<td>BMC Gift Card Revenue</td>
<td>25,000</td>
</tr>
<tr>
<td>Investment Earnings</td>
<td>5,000</td>
</tr>
<tr>
<td>Project Management Fees</td>
<td>155,752</td>
</tr>
<tr>
<td>Proj &amp; Prog General Maint Savings</td>
<td>125,000</td>
</tr>
<tr>
<td>Tax Increment Programs</td>
<td>200,000</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,385,349</strong></td>
</tr>
</tbody>
</table>

Expenditures:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Services</td>
<td>$900,232</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>410,764</td>
</tr>
<tr>
<td>Commodities</td>
<td>40,564</td>
</tr>
<tr>
<td>Other</td>
<td>33,789</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,385,349</strong></td>
</tr>
</tbody>
</table>

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 10th day of September, 2020.

Cheryl Zimlich, Secretary
RESOLUTION 2020-07
OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE APPROPRIATION OF UP TO $7,000,000 (SEVEN MILLION DOLLARS) FROM THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY 2021 REVOLVING LINE OF CREDIT FOR THE EXPENDITURE ON PROJECTS AND PROGRAMS, ALL IN ACCORDANCE WITH THE DOWNTOWN DEVELOPMENT AUTHORITY PLAN OF DEVELOPMENT

WHEREAS, The Fort Collins, Colorado Downtown Development Authority has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the DDA's Plan of Development was approved by the City on September 8, 1981, and established the purpose of the DDA and the types of projects in which the DDA would participate; and

WHEREAS, on June 5, 2018 the City Council adopted Ordinance No. 066, 2018 authorizing the renewal of a revolving line of credit to be paid solely with Downtown Development Authority tax increment funds for a six (6) year period to finance DDA projects or programs in accordance with the DDA Plan of Development; and

WHEREAS, the Board of Directors of the DDA has determined that the following projects and programs are in accordance with the Plan of Development, the Downtown Plan and the Downtown Strategic Plan:

EXISTING COMMITMENTS OF $2,163,304
Old Firehouse Alley Parking Garage IGA Payment -- $300,000
Multi-Year Reimbursement Payments -- $633,564
Project Management Fees -- $155,752
Business Marketing and Communication Program -- $325,000
Capital Asset General Maintenance Obligations -- $477,712
Capital Asset Replacement Reserve -- $197,926
Capital Asset Reserve & Replacement Annual Program Contribution -- $73,350

OTHER COSTS OF $4,836,696
Future Public/Private Investments & Projects -- $4,836,696

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY, that it recommends to the City Council the appropriation for expenditure from the Downtown Development Authority Fund in accordance with the Downtown Plan of Development of up to Seven Million Dollars ($7,000,000).

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 10th day of September, 2020.

Cheryl Zimlich, Secretary

Jenny Schultz, Chair
RESOLUTION 2020-08
OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT
AUTHORITY RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE APPROPRIATION OF
$7,431,611 (SEVEN MILLION, FOUR HUNDRED THIRTY-ONE THOUSAND, SIX HUNDRED ELEVEN
DOLLARS) FROM THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY DEBT SERVICE FUND
FOR PAYMENT OF DEBT SERVICE FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, The Fort Collins, Colorado Downtown Development Authority has been duly organized in
accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, pursuant to Ordinance No. 15, 1983, the City Council of the City of Fort Collins established a
special fund consisting of separate accounts for: (1) operation and maintenance expenses of The Fort
Collins, Colorado Downtown Development Authority; (2) tax increment funds received by The Fort
Collins, Colorado Downtown Development Authority; and (3) project funds consisting of proceeds of
bonds, loans, and other forms of indebtedness; and

WHEREAS, Section 2 of Ordinance No. 95, 1987 provides the tax increment monies will be pledged to
the payment of principal and interest on Bonds; and

WHEREAS, on June 5, 2018 the City Council adopted Ordinance No. 066, 2018 authorizing the renewal of
a revolving line of credit to be paid solely with Downtown Development Authority tax increment funds
for a six (6) year period to finance DDA projects or programs in accordance with the DDA Plan of
Development; and

WHEREAS, principal and interest on the bonds and the 2021 line of credit draws is due and payable in
2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO
DOWNTOWN DEVELOPMENT AUTHORITY, that it recommends to the City Council of the City of Fort
Collins the appropriation for expenditure in 2021 from the tax increment fund, the sum of $431,611
(Four hundred thirty-one thousand, six hundred eleven dollars) for payment of debt service on
outstanding tax increment bonds, and the sum of $7,000,000 (Seven million dollars) for payment on the
2021 Line of Credit draws.

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado
Downtown Development Authority this 10th day of September, 2020.

Cheryl Zimlich
Secretary

Jenny Schuler
Chair
RESOLUTION 2020-09
OF THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY APPROVING AND RECOMMENDING TO THE FORT COLLINS CITY COUNCIL THE BUDGET OF THE ESTIMATED AMOUNTS REQUIRED TO PAY THE EXPENSES OF PUBLIC/PRIVATE INVESTMENTS AND PROGRAMS OF THE FORT COLLINS DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2021

WHEREAS, The Fort Collins, Colorado Downtown Development Authority ("DDA") has been duly organized in accordance with the Colorado Revised Statutes 31-25-804, 1973 as amended; and

WHEREAS, the Board of Directors of the DDA shall under Colorado Revised Statutes, 31-25-816, 1973, as amended, adopt a budget of the estimated expenditures to be incurred during fiscal year ending December 31, 2021.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FORT COLLINS, COLORADO DOWNTOWN DEVELOPMENT AUTHORITY that the following budget is adopted for public/private investments and programs for the fiscal year ending December 31, 2021 and therefore recommends to the City Council of the City of Fort Collins the adoption of this budget.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alley Operations</td>
<td>175,071</td>
</tr>
<tr>
<td>Alley Capital Reserve Replacement</td>
<td>182,357</td>
</tr>
<tr>
<td>Alley Design and Construction (Tenney, W Oak)</td>
<td>528,324</td>
</tr>
<tr>
<td>Alley Trash Enclosure Lease Payments</td>
<td>27,026</td>
</tr>
<tr>
<td>140 E Oak Pre-Development</td>
<td>637,129</td>
</tr>
<tr>
<td>140 E Oak Construction Capital</td>
<td>5,800,811</td>
</tr>
<tr>
<td>Façade Grant Program</td>
<td>163,470</td>
</tr>
<tr>
<td>Gateway Entrances</td>
<td>55,000</td>
</tr>
<tr>
<td>Old Town Square Operations</td>
<td>192,447</td>
</tr>
<tr>
<td>Old Town Square Capital Reserve Replacement</td>
<td>30,453</td>
</tr>
<tr>
<td>Tree Canopy</td>
<td>11,200</td>
</tr>
<tr>
<td>Urban Micro-Space Design Plan</td>
<td>113,314</td>
</tr>
<tr>
<td>Warehouse Operations</td>
<td>10,038</td>
</tr>
<tr>
<td>Other Public/Private Investments &amp; Programs</td>
<td>140,905</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>8,067,545</strong></td>
</tr>
</tbody>
</table>

Passed and adopted at a regular meeting of the Board of Directors of The Fort Collins, Colorado Downtown Development Authority this 10th day of September 2020.

[Signatures]

Cheryl Zimlich, Secretary
ORDINANCE NO. 128, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
BEING THE ANNUAL APPROPRIATION ORDINANCE FOR THE FORT COLLINS
DOWNTOWN DEVELOPMENT AUTHORITY RELATING TO THE ANNUAL
APPROPRIATIONS FOR THE FISCAL YEAR 2021 AND FIXING THE
MILL LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY
FOR FISCAL YEAR 2021

WHEREAS, the Fort Collins Downtown Development Authority (the “DDA”) has been
duly organized in accordance with the Colorado Revised Statutes (“C.R.S.”) Section 31-25-804; and

WHEREAS, on September 10, 2020, DDA Board of Directors (the “DDA Board”),
acting under the provisions of C.R.S. Section 31-25-816, adopted a proposed and recommended
DDA budget for the fiscal year beginning January 1, 2021, as reflected in DDA Board Resolutions 2020-06, 2020-07, 2020-08 and 2020-09 (the “Budget”), and determined the mill
levy necessary to provide for payment during fiscal year 2021 of properly authorized operational and maintenance expenditures to be incurred by the DDA; and

WHEREAS, the DDA anticipates receiving in 2021 tax increment revenues of
approximately $6,630,081 and approximately $788,897 in revenues from its five-mill property
tax for the DDA’s operational and maintenance expenditures; and

WHEREAS, it is the desire of the Council to appropriate the sum of TWENTY-THREE MILLION, EIGHT HUNDRED EIGHTY-FOUR THOUSAND, FIVE HUNDRED AND FIVE DOLLARS ($23,884,505) from the DDA Operation and Maintenance Fund and the DDA Debt Service Fund for the fiscal year beginning January 1, 2021 and ending December 31, 2021, to be used as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDA Public/Private Investments &amp; Programs (O&amp;M Fund)</td>
<td>$8,067,545</td>
</tr>
<tr>
<td>DDA Operations &amp; Maintenance (O&amp;M Fund)</td>
<td>1,385,349</td>
</tr>
<tr>
<td>2021 Revolving Line of Credit Draws</td>
<td>7,000,000</td>
</tr>
<tr>
<td>DDA Debt Service Fund</td>
<td>7,431,611</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$23,884,505</strong></td>
</tr>
</tbody>
</table>

WHEREAS, the DDA Board, as reflected in DDA Board Resolution 2020-05, has
recommended to the Council that pursuant to C.R.S. Section 31-25-817 the Council set a mill
levy of five (5) mills upon each dollar of assessed valuation on all taxable property within the
DDA District, such levy representing the amount of taxes necessary to provide for payment
during the 2021 fiscal year for all properly authorized operational and maintenance expenditures
to be incurred by the DDA; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years and, as such, prior voter approval of the proposed levy is not required under Article X, Section 20 of the Colorado Constitution; and

-1-
WHEREAS, C.R.S. Section 39-5-128(1) requires certification of this mill levy to the Larimer County Board of County Commissioners no later than December 15, 2020.

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 the City Council hereby approves the Budget as provided in C.R.S. Section 31-25-816(1).

Section 3. That there is hereby appropriated for fiscal year 2021 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Public/Private Investments and Programs the sum of EIGHT MILLION SIXTY-SEVEN THOUSAND FIVE HUNDRED FORTY-FIVE DOLLARS ($8,067,545), to be expended to fund the payment of the DDA-related obligations that have been entered into or will be entered into in furtherance of the DDA’s approved plan of development.

Section 4. That there is also hereby appropriated for fiscal year 2021 for expenditure from the DDA Operation and Maintenance Fund for the Downtown Development Authority Operation and Maintenance the sum of ONE MILLION THREE HUNDRED EIGHTY-FIVE THOUSAND THREE HUNDRED FORTY-NINE DOLLARS ($1,385,349), to be expended for the authorized purposes of the DDA.

Section 5. That there is hereby appropriated for fiscal year 2021 for expenditure from the Downtown Development Authority 2021 Line of Credit draws the sum of up to SEVEN MILLION DOLLARS ($7,000,000), to be used to finance DDA projects or programs in accordance with the DDA Plan of Development including the multi-year reimbursement payments, and capital asset maintenance obligations.

Section 6. That there is hereby appropriated for the fiscal year 2021 for expenditure from the Downtown Development Authority Debt Service Fund the sum of SEVEN MILLION FOUR HUNDRED THIRTY-ONE THOUSAND SIX HUNDRED ELEVEN DOLLARS ($7,431,611), for payment of debt service on a previously issued and outstanding bond, and for payment on the 2021 Line of Credit draws.

Section 7. That the DDA’s mill levy rate for the taxation upon each dollar of the assessed valuation of all taxable property within the DDA District shall be five (5) mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2021, which levy represents the amount of taxes necessary to provide for payment during fiscal year 2021 of all properly authorized operational and maintenance expenditures to be incurred by the DDA, as appropriated herein. The City Clerk shall certify said mill levy to the County Assessor and the Board of County Commissioners of Larimer County, Colorado, no later than December 15, 2020.
Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
Items Relating to the 2020 Fee Updates.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 129, 2020, Amending Chapter 7.5 of the Code of the City of Fort Collins to Revise the Capital Expansion Fees and the Transportation Expansion Fee.

B. First Reading of Ordinance No. 130, 2020, Amending Chapter 26 of the Code of the City of Fort Collins Regarding Calculation and Collection of Development Fees Imposed for the Construction of New or Modified Electric Service Connections.

C. First Reading of Ordinance No. 131, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Sewer Plant Investment Fees.

D. First Reading of Ordinance No. 132, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Plant Investment Fees.

E. First Reading of Ordinance No. 133, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Plant Investment Fees.

F. First Reading of Ordinance No. 134, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise the Water Supply Requirements Fee.

The purpose of this item is to review inflation updates effective January 1, 2021, associated with Electric Capacity fees, Water Supply Requirement fees, Water, Sewer and Stormwater Plant Investment fees, Capital Expansion fees and Transportation Capital Expansion fees. Inflation updates are 2.7% for Capital Expansion fees, 0.6% for Transportation Capital Expansion fees, and 3% for Utility fees.

Coordination of Council-approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

Since the fall of October 2016, staff has worked to coordinate the process for updating all new development-related fees that require Council approval. This resulted in the completion of two studies, the Capital
Expansion Fee Study in August 2016 (CEF Study) for the neighborhood park, community park, fire, police and general government capital expansion fees (CEFs) and the Transportation Capital Expansion Fee Study in April 2017 (TCEF Study) for the transportation capital expansion fee (TCEF).

Development related fees that are approved by Council are CEFs, the TCEF, and five Utility Fees.

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Fee Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expansion</td>
<td>Neighborhood Park</td>
</tr>
<tr>
<td>Capital Expansion</td>
<td>Community Park</td>
</tr>
<tr>
<td>Capital Expansion</td>
<td>Fire</td>
</tr>
<tr>
<td>Capital Expansion</td>
<td>Police</td>
</tr>
<tr>
<td>Capital Expansion</td>
<td>General Government</td>
</tr>
<tr>
<td>Capital Expansion</td>
<td>Transportation</td>
</tr>
<tr>
<td>Utility</td>
<td>Water Supply Requirement</td>
</tr>
<tr>
<td>Utility</td>
<td>Electric Capacity</td>
</tr>
<tr>
<td>Utility</td>
<td>Sewer Plant Investment</td>
</tr>
<tr>
<td>Utility</td>
<td>Stormwater Plant Investment</td>
</tr>
<tr>
<td>Utility</td>
<td>Water Plant Investment</td>
</tr>
<tr>
<td>Building</td>
<td>Development Review, Building</td>
</tr>
<tr>
<td>Development</td>
<td>Permit &amp; Engineering Fees</td>
</tr>
</tbody>
</table>

Previously, fee updates were presented to Council on an individual basis. However, it was determined that updates should occur on a regular two and four-year cadence and fees updates should occur together each year to provide a more holistic view of the impact of any fee increases.

Fee coordination includes a detailed fee study analysis for CEFs, the TCEFs and Development Review/Building Fees every four years. This requires an outside consultant through a request for proposal (RFP) process where data is provided by City staff. Findings by the consultant are also verified by City staff. For Utility Fees, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. In the future, fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

Below is the current fee timeline:

Phase I of the fee updates included CEFs, TCEFs, Electric Capacity Fees, and Raw Water/CIL (now Water Supply Requirement) fees and were adopted in 2017. Phase II included Wet Utility PIFs and step II of CEFs and TCEFs, which were approved in 2018. Development review and building permit fees were originally included in Phase II but were de-coupled from the 2018 update.
Due to the concern in the development and building community around fee changes, Council asked for a fee working group to be created to foster a better understanding of fees prior to discussing further fee updates. In August of 2017, the Fee Working Group commenced and was comprised of a balanced group of stakeholders - citizens, business-oriented individuals, City staff and a Council liaison. The Fee Working Group met 14 times and was overall supportive of the fee coordination process and proposed fee updates.


2020 fee updates (effective January 1, 2021) include: Building Development fees, Electric Capacity fees, Water Supply Requirement fees, Water, Sewer and Stormwater Plant Investment fees, Capital Expansion fees and Transportation Capital Expansion fees. All fee updates are inflation-only adjustments except for Building Development fees. Building Development fees were planned to update on April 1, 2020; however, due to software (Accela) upgrades and conflicts, implementation was delayed. Flat fees, Engineering Inspection, and Erosion Control fees will be effective January 1, 2021 while Building, Tenant Improvements, and Planning fees will be effective January 1, 2022. The CPI-U index for Denver-Aurora-Lakewood is used for CEF inflation (2.7%) and the Engineering News Record for TCEFs (0.6%). Utility fees (3%) use a 3-year average of the Engineering News Record Construction Cost Index.

After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

CITY FINANCIAL IMPACTS

Fee updates will result in an increase to fee payers.

BOARD / COMMISSION RECOMMENDATION

Fee updates for 2020 were discussed with Council Finance Committee in October and recommended to be presented for First Reading in November 2020.

ATTACHMENTS

1. Council Finance Committee Minutes - October 2019 (PDF)
2. Council Finance Committee Minutes - October 2020 (PDF)
3. Powerpoint Presentation (PDF)
Finance Committee Meeting Minutes
10/21/19
10 am - noon
CIC Room - City Hall

Council Attendees: Mayor Wade Troxell, Ross Cunniff, Ken Summers

Staff: Mike Beckstead, Travis Storin, Carol Webb, Theresa Connor, Lance Smith, Shane Boyle, Dean Klingner, Tom Leeson, Noelle Currell, Jennifer Poznanovic, Kelley Vodden, Jennifer Selenske, Kerri Ishmeal, Renee Callas, John Duval, Tyler Marr, Dave Lenz, Jo Cech, Katie Ricketts, Zach Mozer, Josh Birks, Victoria Shaw, Shannon Hein, Clay Frickey, Carolyn Koontz

Others: Kevin Jones, Chamber of Commerce
Dale Adamy, R1st.org

Meeting called to order at 10:05 am

Approval of Minutes from the August 19, 2019 Council Finance Committee Meeting. Ken Summers moved for approval of the minutes as presented. Ross Cunniff seconded the motion. Minutes were approved unanimously.

A. Development Review Fee Update
Tom Leeson, Director, Community Development & Neighborhood Services
Noelle Currell, Manager, Financial Planning and Analysis
Jennifer Poznanovic, Sr. Manager, Sales Tax / Revenue

SUBJECT FOR DISCUSSION
Development Review and Building Permit Fees Study

EXECUTIVE SUMMARY
As part of the City’s coordinated fee update process, City Staff along with MGT Consulting Group (MGT) conducted an in-depth analysis of the City’s development review and building permit fees. This study evaluated whether these fees are set at appropriate levels, inclusive of all costs, consistent with the City’s goals for cost recovery, and how fees compare to other communities regionally.

Due to the complexities, processes and number of departments involved in development review and the permitting, the Council Finance Committee requested an advisory committee be created to better understand potential impacts of fee and methodology changes and collect feedback and advisement regarding proposed changes.
Staff has extensively evaluated the methodology for calculating fees and is requesting feedback on the change in methodology for calculating building permit and plan check fees from using the valuation of a project to using the square footage of a project (not all project types apply), a flat fee for over-the-counter permits, addition of a new erosion control and storm water inspection fees, as well as updates to current development review fees based on a simplified fee schedule. No methodology changes are being requested for development review fees; however, timing of collection of Utilities development review is being shifted to when services are provided.

**GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED**

Is Council Finance supportive of updated fees and methodology?

Is Council Finance supportive of new Erosion Control & Stormwater Inspection fees?

**BACKGROUND/DISCUSSION**

**Development Review Fee Advisory Committee**

A Development Review Fee Advisory Committee was formed based on Council Finance Committee’s directive to better understand how to simplify the current fee schedule. This included calculation of fees, timing of collection, validation and acceptance of a new methodology and other recommendations. This balanced group was comprised of industry professionals, Fort Collins Citizens, and City staff.

Advisory Committee List: A Blend of Citizens, Industry and Staff

- **Industry:**
  - Jennifer Bray: Affordable Housing Board
  - Adam Eggleston: Ft. Collins Board of Realtors
  - Doug Braden: Home Builders Association

- **Citizen:**
  - Matt Robenalt: Downtown Development Authority
  - Cathy Mathis: Local Legislative Affairs Committee, Development Consultant
  - Braulio Rojas: South Ft. Collins Business Association
  - Linda Stanley: Economic Advisory Commission

- **City Staff:**
  - Mike Beckstead: Project Sponsor
  - Russ Hovland: Fee Owner Building Permit Fees
  - Tim Kemp: Fee Owner Engineering Fees
  - Noelle Currell: Project Manager
  - Tom Leeson: Fee Owner Development Review Fees

**Overview of Meetings and Topics Covered**

The group convened for five (5) two-hour sessions starting in May 2019 with the final meeting September 2019.

**Fee History**

Currently, there are numerous fees across CDNS (Community Development and Neighborhood Services), Utilities, and Engineering, spread over three (3) types of fees; development review, infrastructure inspection (engineering), and building permit. Examples include building permit fee, plan review fee, transportation development review, over-the-counter permits, and engineering inspection fees. The current percentage for cost recovery is set at 100%.
The City Manager is authorized to set fees based on the costs of providing development and building permit review services, pursuant to City Code Sec. 7.5-2. The Land Use Code (Sec. 2.2.3.D) establishes the cost recovery model for development and building permit fees:

1. **Recovery of Costs.** Development review fees are hereby established for the purpose of recovering the costs incurred by the City in processing, reviewing and recording applications pertaining to development applications or activity within the municipal boundaries of the City, and issuing permits related thereto. The development review fees imposed pursuant to this Section shall be paid at the time of submittal of any development application, or at the time of issuance of the permit, as determined by the City Manager and established in the development review fee schedule.

2. **Development Review Fee Schedule.** The amount of the City's various development review fees shall be established by the City Manager and shall be based on the actual expenses incurred by or on behalf of the City. The schedule of fees shall be reviewed annually and shall be adjusted, if necessary, by the City Manager on the basis of actual expenses incurred by the City to reflect the effects of inflation and other changes in costs. At the discretion of the City Manager, the schedule may be referred to the City Council for adoption by resolution or ordinance.

**Fee Calculation Review**

To accurately calculate where fee levels should be set, an inclusive listing of fees was thoroughly reviewed, every staff member involved in a fee activity was identified, and staff members that complete fee related activities were interviewed to determine the amount of time spent per fee item. Calculations were carried out to determine the fully burdened cost of employees. Overhead calculations were also reviewed and included things like buildings, managers, and IT support. Fees were set based on the time and the overhead allocated. Validation steps were taken to ensure proper cost recovery, which included:

- ensuring no individual groups were over-allocated (available work hours versus total time of fee activities)
- estimating revenue forecasts based on 2018 volumes (ensuring revenue does not end higher than cost)
- confirmation with management teams to ensure accurate allocation of each person’s time to the fees (e.g. only allocating 25% of some positions).

**Methodology Changes and Impacts**

*Development Review Fees*

No methodology change for the development review fees (pre-building permit activity, such as Project Development Plan, Minor Amendment, Final Development Plan) is proposed. However, one goal in this area was to reduce the number of fees, through fee consolidation or deletion (e.g. Affected Property Owner mailing costs removed).

Additional changes within the development review fees include adding staff members that are fully engaged in development review activities that have not historically been included within the fee calculations. This includes City Attorney’s Office staff, Forestry staff, and Parks Planning staff. Additionally, Utilities development review fees have historically been collected at time of Building Permit, and those will now be collected at time of development review application to more accurately reflect the time of service.

The impacts of these changes are an increase in development review fees for all application types.

*Infrastructure Inspection Fees*

No methodology change is proposed for the infrastructure inspection fees. These fees were last updated in 1997, so the impact of these changes is an increase in the infrastructure inspection fees.
Building Permit Fees
Staff is proposing a methodology shift for new construction building permit fees from being based on valuation to square footage/building type. The square footage of a project is not subject to disagreements as it is a definite quantity provided within the application; it is known in the early phases of a project, so it provides a stronger basis for calculating accurate fee estimate. Additionally, square footage has a strong correlation to the amount of time it takes to review/process an application and the time it takes to complete inspections.

To help with efficiency and overall fee consistency, over-the-counter permits will go to a flat fee versus valuation based (examples: residential roof, water heater, furnace). Staff time in this area is driven by type of work, not the value.

Tenant finishes and remodels will remain valuation based. Valuation cost breakouts were updated based upon interviews with building inspectors with the result being a decrease in fees for these application types.

It should be noted that sales and use tax is still based on valuation, so applicants will still need to provide the project valuation for tax purposes.

The impacts of these changes, including shifting the timing of collection of the Utility development review fees, are a decrease in building permit fees.

New Fees: Erosion Control & Storm Water Construction Inspection
These are proposed new fees that will cover field inspection personnel. Currently, no fees are collected, and this activity is subsidized by the rate payers and not by established fees. Staff is requesting implementation of an erosion control fee & storm water infrastructure inspection fee to cover the costs of inspections that are currently being executed.

The process completed by Utilities is as follows; Field verification by a City Stormwater Inspector is now required as stated in the project Development Agreement, City Land Use Code Section 3.3.2(E)(1)(e), and Fort Collins Stormwater Criteria Manual Ch 3, Sec 3.1). Project managers should request inspections prior to installation of stormwater features, or at a minimum, keep the City inspector up to date on scheduling.

Inspections target the milestones listed in the feature’s corresponding construction checklist, which is submitted as part of the Site Grading and Drainage Certification (checklists may change as the program evolves).

As part of the certification process, certification checklist documentation is submitted to Utilities’ Water Engineering Department and requires acknowledgment that verification occurred at the intervals specified therein.

Utilities Light and Power are not included in this study.

Developer/Builder Cost Impacts
In order to understand/quantify the impact on development, staff did a comparative study on existing developments. Samples were chosen based upon common application types including: Infill development, Single Family Homes, Multi-family, Affordable Housing, Commercial Buildings and Industrial Uses. Fees within this study generally increased ~30%, however as part of the overall fee stack, the updates resulted in minor changes (from less than 1% to 10% of total City Fees). Additional details are included in attachment 1.
**City Cost/Revenue Impacts**

Since the fees charged are intended to cover the costs to provide the service, an analysis was done to evaluate the costs to the City of development review, infrastructure inspection, and building permits based on the 2018 volume of permit applications. In 2018, the City collected $5.6 million in development related fees, which were intended to cover the costs of those services. The actual total cost in 2018 was closer to $7.6M.

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Current Collections</th>
<th>Future*</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Development Review</td>
<td>$583K</td>
<td>$3,654K</td>
</tr>
<tr>
<td>2. Infrastructure Inspection</td>
<td>$322K</td>
<td>$898K</td>
</tr>
<tr>
<td>New Stormwater Fees</td>
<td>$0</td>
<td>$75k-$100K</td>
</tr>
<tr>
<td>3. Building Permit</td>
<td>$4,751K</td>
<td>$3,008K</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5.6M</strong></td>
<td><strong>$7.6M</strong></td>
</tr>
</tbody>
</table>

The greatest impact on collections is seen in the Utilities Funds and the Transportation fund. In Utilities the changes are driven by the timing of collection, updated cost inputs and addition of Erosion Control and Stormwater Infrastructure Inspections. Within the Transportation fund changes are driven primarily by the infrastructure inspections (which as noted had not had fee updates since 1997) and update to number of Transportation funded Development Staff (e.g. Traffic Engineers and Civil Engineers).

**Next Steps and Public Outreach**

**Advisory Group Summary of Findings**

The group acknowledges and agrees with the overall methodology changes, fee structure, calculations and inputs. The group agrees that though there are increases in some areas, overall the changes make sense and fees will be less complicated. The group agrees with 100% cost recovery. Fees must reflect the cost it takes to provide the service and nothing more. The group notes that any fee increases, particularly to housing, are a concern.
Discussion / Next Steps;

Separate fee for each permit application type
Consolidated and reduced total number of fees from 150 to 106

Mike Beckstead; they have also created a fee calculator which makes it easier early on in the process to understand how much and when fees will be payable. This is a benefit and a simplification.

Ken Summers; what are the overhead costs?

Tom Leeson; direct cost, hourly rate plus overhead costs such as vehicles and uniforms and admin costs. More detail to follow later in the presentation.

Mike Beckstead; we approached this with 100% cost recovery, and we looked at it not just direct costs but including health benefits, retirement contributions, materials used in process and support costs that go with it.

Ken Summers; Is there double accounting? Are we going to reduce the allocation we need for legal?

Mike Beckstead; for the Development Plan Review and Legal -both come out of the General Fund so the revenue we collect doesn’t go into a specific fund - all flows into the General Fund. We don’t segregate the funding or the expenditures that way because they are co-mingled in the General Fund.

Ross Cunniff; what are the pros and cons of creating a dedicated mini fund for obvious transparency? I like the 100% cost recovery but the responsibility that comes with that is for us to ensure that we are not double counting as well as that we are working to try to constrain those costs to exactly what they need to be.
Mike Beckstead; we are having those conversations - we had provided Council some information before trying to estimate costs - this has always been very challenging as it is diffused across the organization. There is clear benefit to going to a dedicated fund - I am not ready to recommend one way or the other yet. The more specific the revenue is the more restrictive we are. We currently have 41 reportable funds - our closest neighbor /peer has 21-25 range. Within Finance, we are discussing – what is the right mix of dedicated / restricted fund revenue? There is complexity and overhead that goes with each fund - but good to discuss this during BFO.

We have 1 City Attorney who spends 100% of his time on Development Review Applications. 2.5 FTEs from Forestry as well

Building Permit Fees - we changed the way we calculate – now based on square footage not valuation -

Have a fair amount of over the counter fees – simple flat rate fees.

Valuation is not going away because we charge sales and use tax.

Ross Cunniff; future number - $2M subsidy towards development review - $1.6M from other entities

Stormwater rates were higher because we weren’t capturing these fees

Mike Beckstead; a bigger portion of it is actually transportation and utilities - General Fund subsidy

The Committee reviewed slides illustrating several different kinds of development and the associated fees and impact of the recent changes;

- Infill/ Mixed Use - Uncommon,
- Residential Single Family - Timbervine
- Residential Multi-Family -The Wyatt
- Affordable Housing - Village on Redwood,
- Commercial - Harmony Commons
- Industrial - South College Storage=

![Key Updates & Impacts](attachment: Council Finance Committee Minutes - October 2019 (9629 : 2020 Fee Updates))
Tom Leeson; we reviewed this information with Darin Atteberry last week and he administratively approved the process changes. The intent is to do an Adoption in Q1 2020 to be effective at the beginning of Q2 2020.

Mike Beckstead; we have this scheduled to come back to Council Finance in December if we get controversy out of outreach, but if the future outreach is similar to what we have had in the past, I am not sure we would need to come back to Council Finance - I wanted to see if there was Committee concurrence on this approach.

Ross Cunniff; a memo would be sufficient.

Mayor Troxell; I have a question about the fee stack, conversations going around to try to get some alignment - continue that in support of our residents - meaningful adjustments in the right direction. I appreciate the amount of work that has gone into this

Mike Beckstead; in 2016 there was a request to take this on because of the sporadic nature of the updates which would come to you at different times - This was great guidance and I applaud Jennifer and her predecessors for the work that has gone into the organization of this - it has taken us 3 years to get through the first round. Starting in 2021, we will be on a 4-year cadence for development fees and 2-year review cadence for utility fees. We had big increases in impact fees in 2017 - $ value increases here but now that we are on a prescribed cadence with routine reviews, we will minimize any big pops.

Ross Cunniff; community measured approach - In answer to questions for Council Finance, I am a yes and a yes
This presentation answered a lot of questions I had and makes it very clear what we are doing and looking for is to specifically support the operations and funding of the development review process. We will want to ratchet up to look at how we could reduce costs – this is not intended to be punitive – it is making sure that we are diligently working to make those costs as low as practical.

Mayor Troxell; I appreciated the specific examples of different types of development - very helpful

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**What is Development Review & Purpose of Fees**

Fees recover the costs to process, review, inspect and record applications pertaining to development applications/activity and issuance permits related thereto.
Ken Summers; I have a question regarding slide 4 (see above) under Development Construction Permit you have Erosion Control and Stormwater – is the proposal to pull these out and put them somewhere else?

Tom Leeson; we are not currently charging for the Erosion Control or stormwater efforts we do as part of the Development Construction Permit. Erosion Control - we have 2 full time dedicated employees who go out to inspect multiple times during the construction phase. The Stormwater - more of the final stormwater measures that put in that also require inspection prior to occupancy - we are proposing to add those into the Infrastructure Inspection Fees.

Mike Beckstead; the costs have always been there, but they were being paid for by the rate payers of those utilities - we didn’t have a unique fee to charge the developer for those activities -

Tom Leeson; the development review center will be reimbursing utilities for that time - that will go into the waste / storm water fund - in essence that fund has been subsidizing the Development Review effort - this has been happening for many years.

Mike Beckstead; the next time Lance does his cost of service / rate analysis he will take all of those into consideration – we have a new revenue source for those kinds of costs which will have an impact on future rate requests - to the degree that it is incremental and isolated I am not sure - I would have to go back and talk with Lance. That is where the other side of this transaction will occur.

Ken Summers; thinking about erosion control measures - seems that these are already tightly regulated at the state level - so, with all the current state regulations in place in terms of keeping dirt on the site and fencing, etc.
- Have there been problems with erosion in the past?

Theresa Connor; The city has an S4 Permit that allows our storm water to drain directly into the river and does not need to go through our sanitary sewer system. Because of having that permit we have to do erosion control inspection; we need to have this in place in order to stay in compliance this is a requirement to do construction inspection. Driven by development taking place in the community.

Ken Summers; I see a couple things happening – for example the $5M we lent to the URA, etc. – feels a bit like we are shaking the couch cushions looking for more money - wondering what are the best ways for us to increase our revenue instead of nickel and diming, fees etc. I think we need to be looking at some efficiencies in this area as well - I want to be comfortable that we have some safeguards in place and are looking at efficiencies - be conscientious in terms of how many visits, how much time it takes. If there is an inspector who is consistently finding lots of problems - the problem may be with the inspector. These are legitimate concerns from the city standpoint.

Theresa Connor; we do have stormwater and the municipal separate stormwater permit through the state and the EPA. We are finding the better part of prescriptive requirements from the state recently on erosion control, visiting every few weeks based on the conditions on the site - so there are some very prescriptive requirements for us from federal and status regulators that we are doing and have been doing for some time. We are constantly looking for efficiency measures out of that and are open to new ideas but we have had these 2 positions on erosion control compliance for some time and it protects our water ways - an ounce of prevention is worth a pound of cure – especially in erosion control keeping that dirt on site will protect our streams - we do comply with prescriptive requirements.

Ross Cunniff; can you speak to what efforts you take to oversee and audit.
Tom Leeson; this question has come up a couple of times in our outreach and is a fair question because we are charging based on time – one of the complaints was if you were more efficient you could charge us less – we took that very seriously and in parallel to this effort, we have spent last 2 years implementing the Lean Methodology on every development application type - trying to get as efficient as we can in terms of development review and our permit processing. We have seen an appropriation recently for our Accela program (the software program that administers all of the permits) was not functioning at a level that could make us as efficient as we want to be – so we are spending a lot of time going through the bidding process to identify the business process and get that fully integrated into Accela - and we are developing a set of metrics around development review so we can understand how long each step should take – how long the review of each stage takes.

Ken Summers; thank you - I appreciate the reassurance that we have systems in place to monitor and that you are on top of it and it shows efficiencies. Sometimes that motivation isn’t as great for a government entity.

Mayor Troxell; Baldrige looks at constant improvements - looking at best practices - by mentioning the Lean Methodology - government can run with efficiency and high performance and be very intentional – we have processed - recognize and make them better and that is built into the entire organization - talk about high performing government and set those expectations - this is one reason we get to a high level of trust with the community because you see activities happen for the purpose they are intended and frankly, I am proud

Tom Leeson; getting into this new regular cadence for reviews will be a good cross check and will ensure that those fees are aligned with the processes we have.

Mike Beckstead; to me the drivers of this fee increase are;
1) we have not updated some of these fees in a long time - some of the methodologies and the cost drivers are different now
2) some of the allocations of cost only assumed a 50% absorption which has now gone to 100%
3) there are the 2 new utility fees that used to be paid by utility rate payers and are now paid by the development fees.

There is a series of methodology and process drivers that are really behind this - we saw the same thing in our Capital Expansion Fees in 2016-17 when we did a deep dive on those because they had not been updated in a while – I truly anticipate a much smoother trajectory going forward with the routine updates and we will avoid these price spikes from infrequent updates.

Mayor Troxell; I appreciate Ken’s concern and this discussion - show me - what is your process and that is the evidence - we are obligated to do things that other governments have been mandated and that adds costs.

Mayor Troxell; we are good

Mike Beckstead; we will come back in December if need be or we will provide a memo at the minimum.
Finance Committee Meeting Minutes  
October 19, 2020  
10:00 am - noon  
Zoom Meeting

Council Attendees: Mayor Wade Troxell, Ross Cunniff, Ken Summers, Susan Gutowsky


Others: Kevin Jones, Chamber of Commerce

Meeting called to order at 10:03 am

Approval of Minutes from the September 21, 2020 Council Finance Committee Meeting. Ken Summers moved for approval of the minutes as presented. Ross Cunniff seconded the motion. Minutes were approved unanimously.

C. 2020 Fee Roadmap  
Jennifer Poznanovic, Sr. Revenue & Project Manager

SUBJECT FOR DISCUSSION  
220 Fee Roadmap

EXECUTIVE SUMMARY  
Coordination of Council approved fees began in 2016 to provide a more holistic view of the total cost impact. Previously, fee updates were presented to Council on an individual basis. After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.


GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED  
1. Does Council Finance Committee support the proposed 2020 roadmap for fee updates?
BACKGROUND/DISCUSSION
Since the fall of October 2016, staff has worked to coordinate the process for updating all new development related fees that require Council approval. This resulted in the completion of two studies, the Capital Expansion Fee Study dated August 2016 (CEF Study) for the neighborhood park, community park, fire, police and general government capital expansion fees (CEFs) and the Transportation Capital Expansion Fee Study dated April 2017 (TCEF Study) for the transportation capital expansion fee (TCEF).

Development related fees that are approved by Council are CEFs, the TCEF, and five Utility Fees.

<table>
<thead>
<tr>
<th>Type of Fee</th>
<th>Fee Name</th>
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</thead>
<tbody>
<tr>
<td>Capital Expansion</td>
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<td>Fire</td>
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<td>Police</td>
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<td>Development</td>
<td>Permit &amp; Engineering Fees</td>
</tr>
</tbody>
</table>

Previously, fee updates were presented to Council on an individual basis. However, it was determined that updates should occur on a regular two and four-year cadence and fees updates should occur together each year to provide a more holistic view of the impact of any fee increases.

Fee coordination includes a detailed fee study analysis for CEFs, the TCEFs and Development Review/Building Fees every four years. This requires an outside consultant through a request for proposal (RFP) process where data is provided by City staff. Findings by the consultant are also verified by City staff. For Utility Fees, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. In the future, fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

Below is the current fee timeline:
Phase I of the fee updates included CEFs, TCEFs, Electric Capacity Fees, and Raw Water/CIL and were adopted in 2017. Phase II included Wet Utility PIFs and step II of CEFs and TCEFs, which were approved in 2018. Development review and building permit fees were originally included in Phase II but were de-coupled from the 2018 update.

Due to the concern in the development and building community around fee changes, Council asked for a fee working group to be created to foster a better understanding of fees prior to discussing further fee updates. In August of 2017, the Fee Working Group commenced comprised of a balanced group of stakeholders – citizens, business-oriented individuals, City staff and a Council liaison. The Fee Working Group met 14 times and was overall supportive of the fee coordination process and proposed fee updates.


2020 fee updates include: Building Development fees, Electric Capacity fees, Water Supply Requirement fees, Water, Sewer and Stormwater Plant Investment fees, Capital Expansion fees and Transportation Capital Expansion fees. All fee updates are inflation only adjustment except for Building Development fees. Building Development fees were planned to update on April 1, 2020; however, due to software (Accela) upgrades and conflicts implementation was delayed. The CPI-U index for Denver-Aurora-Lakewood is used for CEF inflation and the Engineering News Record for TCEFs. Utility fees use a 3-year average of the Engineering News Record Construction Cost Index.

After the 2020 fee update, fee phasing will be complete with regular two and four-year cadence updates beginning in 2021.

Below is the proposed 2020 fee roadmap:

<table>
<thead>
<tr>
<th>Financial Fee Item</th>
<th>October</th>
<th>November</th>
<th>1/1/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expansion Fees</td>
<td>CFC</td>
<td>Council</td>
<td>Effective</td>
</tr>
<tr>
<td>Transportation CEFs</td>
<td>CFC</td>
<td>Council</td>
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<tr>
<td>Building Development Fees</td>
<td>CFC</td>
<td>City Mgr</td>
<td>Effective</td>
</tr>
</tbody>
</table>

**Discussion / Next Steps**

We plan to go to Council in November - all fees would be effective January 1, 2021

Ken Summers; as far as the roadmap is concerned - it is fine. Council will look at those fees in 2022 again – Plan to move forward seems to be on track

Ross Cunniff; the roadmap makes sense

The Fee Working Group is on hiatus right now? is that due to the pandemic?
Jennifer Poznanovic; we had the last Fee Working Group for the Building Development Fees and they did go through that whole process. There wouldn’t be a Fee Working Group going forward.

Ross Cunniff; Would the Fee Working Group be reconvened again in 2022? The next Council would need to weigh in on reconvening the Fee Working Group.

Ken Summers; what kind of inflationary rate?

Jennifer Poznanovic;

Capital Expansion Fees use the Denver/ Aurora / Lakewood CPI-U index which I believe is under 3% on CES

Transportation and Utility Fees use the Engineering News Record Construction Cost Index

Committee supports moving to a first reading on November 4th
Why We Have Them

- To support the cost of providing public services and additional infrastructure to support new development

How We Use Them

- Can only be used for the stated purpose of each fee
- Revenue source to build new and maintain assets and infrastructure
Objective:

• Review fee updates together to provide a holistic view of the total cost impact

• Bring impact fees forward per a defined cadence..... 2 - 4 years

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### Fee Timeline

#### Phase 1

- **Capital Expansion Fees**
  - Update
- **Transportation CEFs**
  - Update
- **Electric Capacity Fees**
  - Update
- **Water Supply Requirement**
  - Update
- **Water, Sewer, Stormwater PIFs**
  - Update
- **Building Development Fees**
  - Update

#### Phase 2

- **Capital Expansion Fees**
  - Step II
- **Transportation CEFs**
  - Step II
- **Electric Capacity Fees**
  - Update
- **Water Supply Requirement**
  - Update
- **Water, Sewer, Stormwater PIFs**
  - Update
- **Building Development Fees**
  - Update

#### Phase 3

- **Capital Expansion Fees**
  - Inflation
- **Transportation CEFs**
  - Inflation
- **Electric Capacity Fees**
  - Inflation
- **Water Supply Requirement**
  - Inflation
- **Water, Sewer, Stormwater PIFs**
  - Inflation
- **Building Development Fees**
  - Update

#### Detailed Fee Studies:
- 4 years for CEF, TCEF & Development fees
- 2 years for Utility fees

*In years without updates inflation adjustment occurs*

#### Building Development Fees:
- Approved by City Manager
- Implementation delayed due to software (Accela) Flat fees, Engineering Inspection, and erosion control effective 1/2021
- Building, Tenant Improvements, and Planning will be effective 1/2022

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**Inflation:** CPI-U index for Denver-Aurora-Lakewood for CEFs, Engineering News Record Construction Cost Index for TCEF & Utility Fees
### 2020 Roadmap

<table>
<thead>
<tr>
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- Phasing complete with regular two and four-year cadence
- Most fee categories updates effective in 2021
  - Three building development fee categories delayed to 2022
Does Council Finance Committee support the proposed 2020 roadmap for fee updates?
ORDINANCE NO. 129, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT COLLINS TO IMPLEMENT THE PHASE III INCREASES FOR THE CAPITAL EXPANSION FEES AND INCREASE FOR INFLATION THE CAPITAL EXPANSION FEES AND THE TRANSPORTATION EXPANSION FEE

WHEREAS, the City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, among the City’s home rule powers is the power to regulate, as a matter of purely local and municipal concern, the development of real property within the City and establish impact fees for such development; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees; and

WHEREAS, the City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City; and

WHEREAS, in early 2016, City staff initiated a comprehensive review of its various impact fees now charged to new development, including its community parkland, neighborhood parkland, police, fire protection and general government capital expansion fees (collectively, “Capital Expansion Fees”), and the City’s street oversizing capital improvement expansion fee, now called the transportation expansion fee (“TEF”); and

WHEREAS, as a result of that review, the City commissioned an impact fee study for the Capital Expansion Fees that has resulted in the “Capital Expansion Fee Study” dated August 2016 (the “CEF Study”), which has identified the need to increase such Capital Expansion Fees by various amounts; and

WHEREAS, the City also commissioned an impact fee study for the TEF that has resulted in the “Transportation Capital Expansion Fee Study” dated April 2017 (the “TEF Study”), which has also identified the need to increase and decrease the TEF by various amounts depending on the type of development proposed; and

WHEREAS, City Code Section 7.5-18 provides that the Capital Expansion Fees and the TEF shall also be increased or decreased annually for inflation; and

WHEREAS, in 2017, City Council adopted Ordinance No. 049, 2017, implementing, beginning on October 1, 2017, the Phase I increases of the Capital Expansion Fees to 75% of the increased amounts recommended in the CEF Study and of the TEF to 80% of the increased
amounts recommended in the TEF Study, but fully implementing the recommended reductions to the TEF; and

WHEREAS, in 2018, City Council adopted Ordinance No. 166, 2018, implementing, beginning on January 1, 2019, the Phase II increases of the Capital Expansion Fees to 90% of amounts recommended in the CEF Study, plus inflation, and of the TEF to 100% of the amounts recommended in the TEF Study, plus inflation; and

WHEREAS, in 2019, City Council adopted Ordinance No. 130, 2019, implementing, beginning on January 1, 2020, the Phase III increases of the Capital Expansion Fees, plus inflation, and increasing the TEF for inflation only; and

WHEREAS, this Ordinance increases the Capital Expansion Fees and the TEF for inflation only beginning on January 1, 2021; and

WHEREAS, for the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public’s health, safety and welfare, that the Capital Expansion Fees and the TEF be increased as hereafter provided.

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 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-28. - Community parkland capital expansion fee.

(a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>2020</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2021</td>
<td>2021</td>
<td>2021</td>
</tr>
<tr>
<td>Resid., up to 700 sq. ft.</td>
<td>$2,326.00</td>
<td>$2,619.00</td>
<td>$2,619.00</td>
</tr>
<tr>
<td>Resid., 701 to 1,200 sq. ft.</td>
<td>3,114.00</td>
<td>3,506.00</td>
<td>3,506.00</td>
</tr>
<tr>
<td>Resid., 1,201 to 1,700 sq. ft.</td>
<td>3,400.00</td>
<td>3,828.00</td>
<td>3,828.00</td>
</tr>
<tr>
<td>Resid., 1,701 to 2,200 sq. ft.</td>
<td>3,436.00</td>
<td>3,868.00</td>
<td>3,868.00</td>
</tr>
<tr>
<td>Resid., over 2,201 sq. ft.</td>
<td>3,830.00</td>
<td>4,312.00</td>
<td>4,312.00</td>
</tr>
</tbody>
</table>
In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. That Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-29. - Police capital expansion fee.

(a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>2019</th>
<th>2020</th>
<th>As of January 1, 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resid., up to 700 sq. ft.</td>
<td>$226.00</td>
<td>$254.00</td>
<td>$254.00</td>
</tr>
<tr>
<td>Resid., 701 to 1,200 sq. ft.</td>
<td>305.00</td>
<td>344.00</td>
<td>344.00</td>
</tr>
<tr>
<td>Resid., 1,201 to 1,700 sq. ft.</td>
<td>332.00</td>
<td>374.00</td>
<td>374.00</td>
</tr>
<tr>
<td>Resid., 1,701 to 2,200 sq. ft.</td>
<td>337.00</td>
<td>379.00</td>
<td>379.00</td>
</tr>
<tr>
<td>Resid., over 2,200 sq. ft.</td>
<td>375.00</td>
<td>423.00</td>
<td>423.00</td>
</tr>
<tr>
<td>Commercial buildings (per 1,000 sq. ft.)</td>
<td>284.00</td>
<td>320.00</td>
<td>320.00</td>
</tr>
<tr>
<td>Industrial buildings (per 1,000 sq. ft.)</td>
<td>66.00</td>
<td>74.00</td>
<td>74.00</td>
</tr>
</tbody>
</table>

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. That Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-30. - Fire protection capital expansion fee.

(a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:
In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. That Section 7.5-31(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-31. - General governmental capital expansion fee.

(a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>2019</th>
<th>2020</th>
<th>As of January 1, 2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resid., up to 700 sq. ft.</td>
<td>$549.00</td>
<td>$619.00</td>
<td>$619.00</td>
<td>$635.00</td>
</tr>
<tr>
<td>Resid., 701 to 1,200 sq. ft.</td>
<td>741.00</td>
<td>834.00</td>
<td>834.00</td>
<td>857.00</td>
</tr>
<tr>
<td>Resid., 1,201 to 1,700 sq. ft.</td>
<td>809.00</td>
<td>911.00</td>
<td>911.00</td>
<td>935.00</td>
</tr>
<tr>
<td>Resid., 1,701 to 2,200 sq. ft.</td>
<td>821.00</td>
<td>925.00</td>
<td>925.00</td>
<td>950.00</td>
</tr>
<tr>
<td>Resid., over 2,200 sq. ft.</td>
<td>914.00</td>
<td>1,029.00</td>
<td>1,029.00</td>
<td>1,057.00</td>
</tr>
<tr>
<td>Commercial buildings (per 1,000 sq. ft.)</td>
<td>508.00</td>
<td>572.00</td>
<td>572.00</td>
<td>588.00</td>
</tr>
<tr>
<td>Industrial buildings (per 1,000 sq. ft.)</td>
<td>119.00</td>
<td>134.00</td>
<td>134.00</td>
<td>137.00</td>
</tr>
</tbody>
</table>

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 6. That Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:
Sec. 7.5-32. - Transportation expansion fee.

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the “transportation improvements fund” established in § 8-87. The amount of such fee shall be determined as follows:

TRANSPORTATION EXPANSION FEE SCHEDULE

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>As of January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resid., up to 700 sq. ft.</td>
<td>$2,321.00</td>
<td>$2,336.00</td>
<td>$2,336.00</td>
</tr>
<tr>
<td>Resid., 701 to 1,200 sq. ft.</td>
<td>4,310.00</td>
<td>4,338.00</td>
<td>4,338.00</td>
</tr>
<tr>
<td>Resid., 1,201 to 1,700 sq. ft.</td>
<td>5,596.00</td>
<td>5,632.00</td>
<td>5,632.00</td>
</tr>
<tr>
<td>Resid., 1,701 to 2,200 sq. ft.</td>
<td>6,543.00</td>
<td>6,586.00</td>
<td>6,586.00</td>
</tr>
<tr>
<td>Resid., over 2,200 sq. ft.</td>
<td>7,014.00</td>
<td>7,059.00</td>
<td>7,059.00</td>
</tr>
<tr>
<td>Commercial</td>
<td>8,539.00</td>
<td>8,594.00</td>
<td>8,594.00</td>
</tr>
<tr>
<td>Office and Other Services</td>
<td>6,291.00</td>
<td>6,331.00</td>
<td>6,331.00</td>
</tr>
<tr>
<td>Industrial/Warehouse</td>
<td>2,030.00</td>
<td>2,043.00</td>
<td>2,043.00</td>
</tr>
</tbody>
</table>

Section 7. That Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

(b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2020</th>
<th>As of January 1, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resid., up to 700 sq. ft.</td>
<td>$4,647.00</td>
<td>1,855.00</td>
<td>$4,855.00</td>
</tr>
<tr>
<td>Resid., 701 to 1,200 sq. ft.</td>
<td>2,205.00</td>
<td>2,483.00</td>
<td>2,483.00</td>
</tr>
<tr>
<td>Resid., 1,201 to 1,700 sq. ft.</td>
<td>2,408.00</td>
<td>2,712.00</td>
<td>2,712.00</td>
</tr>
<tr>
<td>Resid., 1,701 to 2,200 sq. ft.</td>
<td>2,433.00</td>
<td>2,740.00</td>
<td>2,740.00</td>
</tr>
<tr>
<td>Resid., over 2,200 sq. ft.</td>
<td>2,712.00</td>
<td>3,053.00</td>
<td>3,053.00</td>
</tr>
</tbody>
</table>
Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
ORDINANCE NO. 130, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS REGARDING CALCULATION AND COLLECTION OF DEVELOPMENT FEES IMPOSED FOR THE CONSTRUCTION OF NEW OR MODIFIED ELECTRIC SERVICE CONNECTIONS

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to 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 of the electric utility, as set forth therein; and

WHEREAS, pursuant to City Code Sections 26-473 through 26-475, the City imposes development fees for new or modified electric service connections, including an Electric Capacity Fee ("ECF") and a Building Site Charge ("BSC"); and

WHEREAS, the ECF is a one-time charge designed to recover the initial cost of adding new development to the electric system, and the BSC is designed to recover actual time and materials costs associated with building on site electric facilities at the specific development; and

WHEREAS, the ECF and BSC together represent the total electric plant investment fee (PIF) for new development; and

WHEREAS, Fort Collins Utilities staff uses an approved cost allocation methodology to calculate ECF and BSC to assign costs based on actual system value, i.e. the “buy-in” approach also used to calculate service connection fees for water and wastewater services; and

WHEREAS, the values and costs used in applying this cost allocation methodology are updated on a two-year cycle; and

WHEREAS, the Energy Board considered the proposed 2021 ECF and BSC inflation-only-based rate adjustments at its meeting on October 8, 2020, and recommended approval of the adjustments; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to update the values and costs applied in calculating ECF and BSC for new or modified electric service connections.

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 26-474(a), (b) and (d) of the Code of the City of Fort Collins are hereby amended to read as follows:
Sec. 26-474. Residential electric development fees and charges.

a) An Electric Capacity Fee ("ECF"), calculated as set forth in this Section and representing the cost to construct the electric distribution system infrastructure for a new or modified residential service shall be paid prior to the scheduling of any construction work required to provide said service. The ECF shall be determined based upon the main disconnect size (not fuse sizing) and the ECF charges in effect at the time of full payment. In the event of a customer request for revision to the system requirements for a new or modified service, construction of infrastructure improvements will cease until the customer has made payment in full of an updated ECF, including any increased construction costs associated with the revised system requirements; such increased amount, if any, shall be paid at the ECF rates in effect at the time it is paid in full.

(b) The ECF shall be the total of the dwelling unit charge and systems modification charge, to be determined as follows:

(1) The dwelling unit charge shall be as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. For a detached single-family panel size with one hundred fifty (150) amp</td>
<td>$1,563</td>
</tr>
<tr>
<td>service (nonelectric heat), per dwelling unit</td>
<td>$1,610</td>
</tr>
<tr>
<td>b. For a detached single-family panel size with two hundred (200) amp service</td>
<td>$1,967</td>
</tr>
<tr>
<td></td>
<td>$2,026</td>
</tr>
<tr>
<td>c. For a detached single-family with electric heat, per dwelling unit</td>
<td>$2,587</td>
</tr>
<tr>
<td></td>
<td>$2,664</td>
</tr>
<tr>
<td>d. For a duplex or multi-family panel size with one hundred fifty (150) amp</td>
<td>$1,382</td>
</tr>
<tr>
<td>service (non-electric heat), per dwelling unit</td>
<td>$1,423</td>
</tr>
<tr>
<td>e. For a duplex multi-family panel size with two hundred (200) amp service or</td>
<td>$2,108</td>
</tr>
<tr>
<td>with one hundred fifty (150) amp service with electric heat, per dwelling</td>
<td>$2,172</td>
</tr>
<tr>
<td>unit</td>
<td></td>
</tr>
</tbody>
</table>

(d) A Building Site Charge ("BSC") for any new or modified residential service shall consist of the total of the applicable charges as described in this Subsection (d), and shall be paid as specified herein.
(2) When any new or modified residential service requires installation by the Utility of secondary service the BSC shall include a secondary service charge (SSC), and shall be paid at the time of building permit and based upon the current rates as of the time of issuance of the building permit. The SSC for detached single-family and duplex residences shall be the total of the secondary service charges, determined as follows:

a. The secondary service charge shall be as follows:

<table>
<thead>
<tr>
<th>Secondary Service Size</th>
<th>Charge (up to 65 feet)</th>
<th>Plus Per-Foot Charge for Each Foot Over 65</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/0 service</td>
<td>$1,248.00 $1,364.00</td>
<td>$8.70 $10.12/Foot</td>
</tr>
<tr>
<td>4/0 Mobile Home Service</td>
<td>$987.00 $1,060.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Section 3. That Section 26-475(a), (b) and (d) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-475. Nonresidential electric development fees and charges.

(a) An Electric Capacity Fee ("ECF"), calculated as set forth in this Section and representing the cost to construct the electric distribution system infrastructure for a new or modified nonresidential service shall be paid prior to the scheduling of any construction work required to provide such service. The ECF shall be determined based upon the main disconnect size (not fuse sizing)amps for each proposed meter, calculated individually then aggregated, and the ECF charges in effect at the time of full payment. The customer shall also be responsible for secondary service installation from the point of delivery to the service panel. In the event of a customer request for revision to the system requirements for a new or modified service, construction of infrastructure improvements will cease until the customer has made payment in full of an updated ECF, including any increased construction costs associated with the revised system requirements; such increased amount, if any, shall be paid at the ECF rates in effect at the time it is paid in full.

(b) The ECF shall be the total of the kVA service charge and systems modification charge, to be determined as follows:

(1) The kVA service charge shall be determined as follows.
a. For customer electric loads served by the utility, the kVA service charge shall be calculated as follows:

ECF shall be calculated as follows:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>$/kW Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary metered services</td>
<td>$351.52 + 21.82 x ln(kW)</td>
</tr>
<tr>
<td>Primary metered services</td>
<td>$233.85 + 6.11 x ln(kW)</td>
</tr>
</tbody>
</table>

Where ln is the natural logarithm

kW is calculated as follows:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>kW Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three phase services</td>
<td>[ A \times V \times \text{SQRT}(3) \times PF \times 0.3/1000 ]</td>
</tr>
<tr>
<td>Single phase services</td>
<td>[ A \times V \times PF \times 0.3/1000 ]</td>
</tr>
</tbody>
</table>

Where A is the requested amperage, calculated individually and aggregated under subsection (a) above. V is requested line to line voltage. PF is the power factor, which is assumed to be 0.9.

(d) A Building Site Charge ("BSC") for extending primary circuitry to the transformer for any new or modified nonresidential service shall be invoiced and paid in the same manner and at the same time as the ECF is invoiced and paid pursuant to § 26-475(a). The BSC shall be the total of the primary circuit charge, transformer installation charge and any additional charges, determined as follows:

1. The primary circuit charge for service from the utility source to the transformer shall be as follows:

   a. For single-phase service, per foot of primary circuit
      - $18.54
      - $18.65
   b. For three-phase service, per foot of primary circuit
      - $27.61
      - $27.81

2. The transformer installation charge shall be as follows:

   a. For single-phase service, per transformer
      - $1,708.51
      - $1,653.30
b. For three-phase service, per transformer

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3,166.54</td>
</tr>
<tr>
<td></td>
<td>$3,230.37</td>
</tr>
</tbody>
</table>

... 

Section 4. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2021.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
ORDINANCE NO. 131, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO REVISE SEWER PLANT INVESTMENT FEES

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 water and for other 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, Article IV, Chapter 26 of the City Code establishes and sets forth the wastewater utility as a utility service furnished by and an enterprise of the City; and

WHEREAS, City Code Sections 26-283 and 26-284 provide for sewer plant investment fees ("SPIFs") to be based on and used for growth-related capital expansion costs of wastewater collection, transmission, treatment, and administrative facilities that are reasonably related to the overall costs of and required in providing wastewater services to serve new development; and

WHEREAS, City Code Section 26-283 further requires that the City Manager annually review the parameters and rates of the SPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the SPIFs; and

WHEREAS, the Water Board considered the proposed SPIFs inflation-only-based adjustments at its meeting on September 17, 2020, and recommended 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 PIFs 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 any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-284 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-284. - Sewer plant investment fees and surcharges established.

(a) The schedule of sewer plant investment fees, subject to the exceptions and additional requirements provided in this Section, is as follows:
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Unit</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Single-family Per dwelling</td>
<td></td>
<td>$3,590.00</td>
<td>$3,698.00</td>
</tr>
<tr>
<td>B and C</td>
<td>Duplex and Multi-family Per each dwelling unit or mobile home space</td>
<td></td>
<td>$2,590.00</td>
<td>$2,668.00</td>
</tr>
<tr>
<td>D, E, F</td>
<td>Non-residential and Industrial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water meter size (inches) Fee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>¾</td>
<td>$7,710.00</td>
<td>$7,941.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>$17,190.00</td>
<td>$17,706.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1½</td>
<td>$32,350.00</td>
<td>$33,321.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>$67,120.00</td>
<td>$69,134.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 and above</td>
<td>Calculated on an individual basis based on peak wastewater flow (determined in the manner set forth hereinafter) but not less than the charge for a two-inch meter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>User outside</td>
<td></td>
<td>Same as equivalent category, plus any special sanitation district fees</td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Special</td>
<td></td>
<td>Determined pursuant to Subsection (d) of this Section</td>
<td></td>
</tr>
</tbody>
</table>

(d) The amount of the plant investment fee and surcharge for each nonresidential surcharged user, users in Category H and any user that is expected to generate greater than its proportionate share of peak day flow at the treatment plant for the applicable category (including both contributed wastewater volume and volume related to infiltration and inflow), shall be calculated utilizing the following formula:

$$SPIF = Site\ Flow \times [Flows + (BOD \times BOD_s) + (TSS \times TSS_s)] + I&I\ Flow \times [Flows + (200\ mg/l \times BOD_s) + (250\ mg/l \times TSS_s)]$$
Where:

SPIF = Plant investment fee for Category H users and users discharging wastewater with average concentrations of BOD and/or TSS which exceed those average concentrations which are set forth in § 26-282(b) under Category E-34.

Site Flow = The user's proportionate share of peak day flow at the treatment plant based on site flow discharge from user's site.

I&I Flow = That proportionate share of peak day flow due to infiltration and inflow as allocated to user's site flow discharge. I&I Flow is calculated based on Site Flow multiplied by 46.5%.

Flows = Unit cost of facilities attributable to treating wastewater flow Per Gallon $9.84 $10.10

BOD = Average BOD concentration for user category or measured BOD concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 200 mg/l.

BODs = Unit cost of facilities attributable to treating BOD Per mg/l $0.0147 $0.0151

TSS = Average TSS concentration for user category or measured TSS concentration for the user as determined in accordance with Subsection (c) of this Section, but not less than 250 mg/l.

TSSs = Unit cost of facilities attributable to treating TSS Per mg/l $0.0117 $0.0121

... Section 4. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2021.
Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

_______________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

_______________________________
City Clerk
ORDINANCE NO. 132, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO REVISE THE STORMWATER PLANT INVESTMENT FEES

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 water and for other 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, Article VII, Chapter 26 of the City Code establishes the stormwater utility as a utility service furnished by and an enterprise of the City; and

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

WHEREAS, in 1998, City Council adopted ordinance No. 168, 1998, determining that all lands within the City benefit by the installation of such stormwater facilities; and

WHEREAS, existing stormwater rate payers have paid for the design, right of way, and construction of stormwater facilities identified in the drainage basin master plans that will benefit and be utilized by new development; and

WHEREAS, City Council has determined that new development should pay its proportionate share of the costs of capital stormwater facilities in existence at the time of development in the form of a stormwater plant investment fee as established by City Code Section 26-512 (“Stormwater PIF”); and

WHEREAS, City Code Section 26-511 requires that the City Manager review the rates and parameters for the Stormwater PIF annually and present them to City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the Stormwater PIF as set forth herein; and

WHEREAS, the Water Board considered the proposed Stormwater PIF inflation-only-based adjustments for at its meeting on September 17, 2020, and recommended 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 Stormwater PIF 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 any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-512 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-512. - Stormwater plant investment fees established.

. . .

(2) Plant investment fee base rate. The stormwater plant investment fee base rate is hereby established as follows:

| Per gross acre of area | $9,447 | $9,730 |

. . .

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2021.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

_____________________________
Mayor

ATTEST:

_____________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

_____________________________
Mayor

ATTEST:

_____________________________
City Clerk
ORDINANCE NO. 133, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO REVISE WATER PLANT INVESTMENT FEES

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 water and for other 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, Article III, Chapter 26 of the City Code establishes and sets forth the water utility as a utility service furnished by and an enterprise of the City; and

WHEREAS, City Code Sections 26-120 and 26-128 provide for water plant investment fees ("WPIFs") to be based on and used for growth-related capital expansion costs of water supply, storage, transmission, treatment and distribution, and administrative facilities that are reasonably related to the overall costs of and required in providing water services to serve new development; and

WHEREAS, City Code Section 26-120 further requires that the City Manager annually review the parameters and rates of the WPIFs and also requires that the City Manager present such fees to the City Council for approval no less frequently than biennially; and

WHEREAS, the City Manager and City staff have also recommended to the City Council adjustment of the WPIFs, as set forth herein; and

WHEREAS, the Water Board considered the proposed WPIFs inflation-only-based adjustments at its meeting on September 17, 2020 and recommended 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 WPIFs 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 any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-128 of the Code of the City of Fort Collins is hereby amended to read as follows:
Sec. 26-128. Schedule C, water plant investment fees.

The water plant investment fee prescribed in § 26-120 shall be payable by users both inside and outside of the City, as follows:

<table>
<thead>
<tr>
<th>(1) Single-family residential buildings.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For a single-family residential lot greater than one-half (½) acre in size, the lot size shall be deemed to be one-half (½) acre for the purpose of this fee calculation. For each additional tap or meters larger than three-fourths (¾) inch, the nonresidential rate shall apply.</td>
<td></td>
</tr>
<tr>
<td>a. For the first three-fourths-inch water tap or meter</td>
<td>$730.00</td>
</tr>
<tr>
<td>b. For the first one-inch water tap or meter to accommodate residential fire suppression systems based upon the criteria established in the International Building Code as adopted and amended pursuant to Chapter 5 of this Code.</td>
<td>$1,237.00</td>
</tr>
<tr>
<td>c. Plus, for each square foot of lot area</td>
<td>$0.39</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) Residential buildings of two (2) or more dwelling units (including fraternity and sorority multi-family housing)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The fee will provide for one (1) tap per residential building and an adequate number of additional taps to serve common irrigable areas, if any. The number and size of taps shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.</td>
<td></td>
</tr>
<tr>
<td>a. For each residential building unit</td>
<td>$550.00</td>
</tr>
<tr>
<td>b. Plus, for each square foot of lot area</td>
<td>$0.29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) Mobile home parks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The size of the tap shall be determined by the Utilities Executive Director based upon the criteria established in the Uniform Plumbing Code as amended pursuant to Chapter 5 of this Code.</td>
<td></td>
</tr>
<tr>
<td>a. For each residential building unit</td>
<td>$550.00</td>
</tr>
<tr>
<td>b. Plus, for each square foot of lot area</td>
<td>$0.29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(4) Hotels, fraternity and sorority dormitory housing and similar uses.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The nonresidential rate shall apply.</td>
<td></td>
</tr>
</tbody>
</table>

| (5) Nonresidential service |  |
a. Service to all nonresidential taps, including, but not limited to, taps for commercial and industrial service, shall be charged according to the size of the meter pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Meter Size (inches)</th>
<th>Non-residential Plant Investment Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾</td>
<td>$8,790.00 $9,054.00</td>
</tr>
<tr>
<td>1</td>
<td>$23,060.00 $23,752.00</td>
</tr>
<tr>
<td>1½</td>
<td>$45,610.00 $46,978.00</td>
</tr>
<tr>
<td>2</td>
<td>$78,820.00 $81,185.00</td>
</tr>
</tbody>
</table>

b. The fee for all meters larger than two (2) inches shall be calculated by multiplying the estimated peak daily demand by the following charge per gallon, but shall not be less than the charge for a two-inch meter.

$5.23 $5.39

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2021.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk
Passed and adopted on final reading on the 17th day of November, A.D. 2020.

________________________
Mayor

ATTEST:

_______________________________
City Clerk
ORDINANCE NO. 134, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO REVISE THE WATER SUPPLY REQUIREMENTS FEES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to 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 of the water utility, as set forth therein; and

WHEREAS, the City owns and operates a water utility that provides treated water service to customers with its service area; and

WHEREAS, through various water supply furnishing or development programs, the City has historically required that persons desiring new or increased water service from the water utility, among other things, furnish or otherwise provide to the City certain rights to use water or payments of cash-in-lieu thereof in order to offset the impacts of the requested water service, which requirements are currently set forth in Sections 26-129 and 26-146 through 26-150 of the Code of the City of Fort Collins as the water supply requirements (“WSR”); and

WHEREAS, the Water Board considered the proposed WSR inflation-only-based adjustments for at its meeting on September 17, 2020, and recommended approval of the proposed adjustments; and

WHEREAS, City staff has completed a review of the WSR and has determined that an increase in the cash-in-lieu related excess water use surcharge rate is necessary to ensure that, among other things, the impacts of new and increased water service are offset and that the water utility has sufficient water supplies and infrastructure to serve customers of the water utility with an adequate level of service.

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 26-129 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-129. - Schedule D, miscellaneous fees and charges.

The following fees and service charges shall be paid by water users, whether inside or outside the City limits:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Connection fees and service charges shall be as set forth in Subsection 26-712(b).</td>
<td></td>
</tr>
<tr>
<td>(b) The fire hydrant fees and charges shall be as follows:</td>
<td></td>
</tr>
</tbody>
</table>
For installation of meter  Per meter  $43.00
(2) For removal of meter  Per meter  $43.00
(3) For daily rental for meter and fittings  Per meter  $8.60
(4) For water service  Per 1,000 gallons  $13.36  $13.76

A deposit may be required in the amount of the charges for the anticipated water usage and rental.

(c) The fees and requirements for water supply shall be as follows:

(1) To satisfy Water Supply Requirement (WSR) with cash payments  Per acre-foot of WSR  $21,500.00  $22,145.00
(2) Excess water use surcharge assessed on commercial and irrigation taps when water use is in excess of the applicable annual allotment  Per 1,000 gallons  $10.09  $10.39
(3) The annual water allotment, based on the minimum WSR shall be as follows:

<table>
<thead>
<tr>
<th>Meter Size (inches)</th>
<th>Annual Allotment (gallons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾</td>
<td>293,270</td>
</tr>
<tr>
<td>1</td>
<td>739,680</td>
</tr>
<tr>
<td>1½</td>
<td>1,538,020</td>
</tr>
<tr>
<td>2</td>
<td>2,577,480</td>
</tr>
<tr>
<td>Above 2</td>
<td>325,851 gallons per acre foot of WSR</td>
</tr>
</tbody>
</table>

Section 3. That the modifications set forth above shall be effective for all fees paid on or after January 1, 2021.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk
Passed and adopted on final reading on the 17th day of November, A.D. 2020.

Mayor

ATTEST:

__________________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
November 4, 2020

STAFF
Melina Dempsey, Transit Planner
Claire Havelda, Legal

SUBJECT
First Reading of Ordinance No. 135, 2020, Making a Supplemental Appropriation for the CanDo Community Telework Program and Authorizing the City Manager to Execute the Grant Agreement on Behalf of the City.

EXECUTIVE SUMMARY
The purpose of this item is to consider an appropriation of $4,999 in unanticipated revenue received through a grant for the Colorado Department of Transportation (CDOT) CanDo Community Telework Grant program to be managed by the FC Moves Department. The Ordinance also authorizes the City Manager, in consultation with the City Attorney, to execute the Grant agreement/acceptance on behalf of the City.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
The Colorado Department of Transportation (CDOT) has awarded a $4,999 grant to the City of Fort Collins (the “City”) to develop and provide information and resources to businesses regarding the benefits of teleworking and other non-single occupant vehicle (SOV) mobility options. Employers in Northern Colorado who request assistance will be provided best practices, resources, and tools so they may implement their own telework programs. The project will focus on all employers in Fort Collins and may expand out to other Northern Colorado communities. The maximum request for this project is $5,000 and does not require a local match. $4,000 of the funds will be utilized to pay a City intern to assist in the development of a web-based toolkit and implementation of an outreach campaign. The remaining funds of $999 will be used to develop marketing and outreach materials in support of the program.

The updated vision of FC Moves [drafted early 2020] is a community with the safest, most environmentally sustainable, and equitable transportation system in the county. An important element in achieving that mission is advancing telework to lessen or eliminate the necessity to commute. In addition to the many benefits associated with teleworking, it has become a necessity and requirement for many in response to COVID-19.

Employers in Fort Collins and beyond, including the City, have had to respond quickly to remote work environments in response to COVID-19, with varying degrees of readiness in place. This grant will provide additional staff capacity to develop resources including a web-based toolkit and best practices for employers in Fort Collins and Northern Colorado. The project will include marketing materials and outreach to employers so that they may implement their own telework programs.

This project is part of a larger campaign within the City comprising of four strategies to support sustainable transportation and Transportation Demand Management (TDM) programming. The project also addresses public health by promoting the environmental, physical, and mental health benefits of telework programs for employers and employees alike. It will encourage the continuation of teleworking for businesses that have implemented policies and will educate and provide resources for those businesses that do not currently have policies.
Teleworking supports community and environmental goals such as increasing physical activity, reducing air pollution, reducing congestion, and reducing transportation-related greenhouse gas emissions. Before the COVID-19 outbreak, on average people in Fort Collins spent about 40 minutes commuting to and from work each day. This project will contribute to the larger goal of reducing the number of SOVs on the road and reducing or eliminating commute trips during, and beyond, COVID-19.

With more employees teleworking and less contact in office spaces, the goal is to reduce the spread of illnesses like COVID-19 and a general increase in the mental and physical health satisfaction of employees. In a recent City of Fort Collins employee survey on teleworking, 55% of respondents indicated their physical well-being has been positively impacted while working from home during the Stay-at-Home order. Additionally, 60% of respondents indicated their mental well-being has been positively impacted as well. These results are a strong indicator overall of the positive impacts teleworking can have at other businesses in the area.

This grant supports the following components of the 2019 City Plan:

**Principle T 8:** Manage the transportation system to ensure reliable traffic and transit flow through travel demand management and transportation system optimization.

**Policy T 8.1 - Transportation Demand Management**
Promote and facilitate transportation options that reduce dependence on automobile trips (e.g., carpools, regional vanpools, telecommuting, electronic access, new vehicle types, vehicle sharing, transit, walking, biking, employee programs, market pricing for parking, road-user charges, etc.).

**Principle T 9:** Utilize the transportation system to support a healthy and equitable community.

**Policy T 9.8 - Air Quality**
Supports efforts to improve air quality through the prioritization of transportation infrastructure and travel demand programmatic investments that reduce vehicle miles traveled. Incorporate air quality impacts into transportation planning decisions through the use of the Fort Collins Air Quality Impacts Tool.

**Policy T 9.9 - Climate Action Plan**
Prioritize transportation planning projects and programs that support CAP and GHG-reduction goals.

**CITY FINANCIAL IMPACTS**

This action will appropriate the unanticipated revenue received from the CDOT CanDo program, in the amount of $4,999, as a new expenditure in the Transportation Fund.

**BOARD / COMMISSION RECOMMENDATION**

Letters of support were provided by Northern Colorado Clean Cities and by the North Front Range Metropolitan Planning Organization.

**PUBLIC OUTREACH**

The means of fulfilling the objective of this grant is through outreach to businesses and organizations within the City of Fort Collins. A survey will be sent to hundreds of organizations to gauge interest in this program and the resources that will be developed. Staff will also promote the program and materials through various City mediums such as newsletters, email and City web pages.
ATTACHMENTS

1. CDOT Purchase Order - October 7, 2020 (PDF)
**SPECIAL INSTRUCTIONS**

*9/15/20: Telework Grant for the City of Fort Collins-Outreach and Education Initiative. The Small Dollar Grant Award Terms and Conditions supersede CDOT's Standard Terms and Conditions and can be found on our website:*

[https://www.codot.gov/business/procurement-and-contract-services](https://www.codot.gov/business/procurement-and-contract-services) or directly at:

[https://drive.google.com/file/d/1SPHvQQpes69ghjik3Gf_aOBUoCGjBo2B/view](https://drive.google.com/file/d/1SPHvQQpes69ghjik3Gf_aOBUoCGjBo2B/view)

**INSTRUCTIONS TO VENDOR**

1. If for any reason, delivery of this order is delayed beyond the delivery/installation date shown, please notify the agency contact named at the top left (Right of cancellation is reserved in instances in which timely delivery is not made). 2. All chemicals, equipment and materials must conform to the standards required by OSHA.

3. **NOTE:** Additional terms and conditions on reverse side or at address shown in Special Instructions.

---

### LINE PRODUCT NUMBER PRODUCT CATEGORY DESCRIPTION UOM PLANT QUANTITY UNIT COST TOTAL ITEM COST

| 00001  | 96102 | Fort Collins Telework Program | AU 8001 | 4,999.99 | 1.00 | 4,999.99 |

---

**Payment will be made by this agency**

**Ship**

TO: Colorado Dept of Transportation
2829 W Howard Place
Denver CO 80204

**Delivery/Installation Date: 05/31/2021**

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**FOR THE STATE OF COLORADO**

Authorized Signature: Date

Signature not required if PO transmitted electronically.

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**Packet Pg. 101**
ORDINANCE NO. 135, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION
FOR THE CANDO COMMUNITY TELEWORK PROGRAM
AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT
ON BEHALF OF THE CITY

WHEREAS, the Colorado Department of Transportation ("CDOT") awarded the City $4,999.99 in unanticipated grant revenue to enable the City to support CDOT’s “CanDo Community Telework Program,” (“CanDo”); and

WHEREAS, the CanDo program was developed to support communities in creating innovative Transportation Demand Management programs and tools that draw from the lessons learned during the COVID-19 pandemic; and

WHEREAS, with this funding, the City will meet a number of the CanDo program goals by developing and providing information and resources to businesses regarding the benefits of teleworking and other mobility options; and

WHEREAS, the CanDo program aligns with the updated vision of Fort Collins Moves such as reducing dependence on automobile trips for work commuting, supporting improved air quality, and supporting Climate Action Plan and Green House Gas reduction in line with that Plan; and

WHEREAS, this appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of promoting and facilitating reduced dependence on automobile trips, improving air quality and supporting the City’s Climate Action Plan objectives; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, 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 Transportation Services Fund and will not cause the total amount appropriated in the Transportation Services Fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during any fiscal year.

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 grant revenue in the Transportation Services Fund the sum of FOUR THOUSAND NINE HUNDRED NINETY-NINE DOLLARS ($4,999) for expenditure from the Transportation Services Fund for the Can Do Community Telework Program.

Section 3. That the City Council hereby authorizes the City Manager, after consultation with the City Attorney, to execute the CanDo Grant accepting the CDOT emergency funds on behalf of the City.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

______________________________
Mayor
ATTEST:
______________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

______________________________
Mayor
ATTEST:
______________________________
City Clerk
AGENDA ITEM SUMMARY
November 4, 2020

STAFF
Nina Bodenhamer, City Give Director
Ingrid Decker, Legal

SUBJECT
First Reading of Ordinance No. 136, 2020, Appropriating Unanticipated Philanthropic Revenue Received by City Give from WaterPik, Inc., for Transfer to Social Sustainability in the General Fund for the Equity Indicators Project.

EXECUTIVE SUMMARY
The purpose of this item is to appropriate $10,000 in philanthropic revenue in the General Fund for transfer to Social Sustainability for the support of the Equity Indicators Project as designated by the donor, WaterPik, Inc. In a commitment to advance equitable outcomes, the City has selected the CUNY Institute for State and Local Governance (ISLG) to lead the Equity Indicators project to establish a framework for measuring and understanding the inequities that exist in Fort Collins.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
In a commitment to advance equitable outcomes, the City is contracting with CUNY Institute for State and Local Governance (ISLG) to lead an Equity Indicators project and establish a framework for measuring and understanding the inequities that exist in Fort Collins.

ISLG will collect and analyze data disaggregated by race, ethnicity, and other demographic factors to examine the broader landscape of disparities in outcomes in Fort Collins and work closely with the City and community to develop a set of Equity Indicators that will be used to track progress in reducing key disparities.

The project’s goal is to develop a baseline quantitative framework that can be used by City staff and community members alike to better measure inequities in our community, particularly equality gaps connected to racial justice.

While the Equity Indicators themselves cannot directly address inequities, they will inform the City’s equity work moving forward, and can help to increase transparency and accountability. It will enable the City to monitor changes in the disparities for different groups over time and will offer an opportunity for City staff and community members to work in collaboration to devise and implement course correction and to celebrate progress.

Equity Indicators measures equality across multiple outcomes, including economy, education, health, housing, justice, and services to be defined and finalized once the project launches.
The charitable gift is awarded by WaterPik, Inc, headquartered in Fort Collins. WaterPik’s intent is to strengthen their ties to our community and foster an inclusive workplace to attract diverse talent and maintain WaterPik’s history of breakthrough innovation.

The City Manager recommends the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in the General Fund during this fiscal year. The City Manager is also recommending the transfer described herein and has determined that the purpose for which the transferred funds are to be expended remains unchanged.

**CITY FINANCIAL IMPACTS**

This item will appropriate $10,000 of philanthropic revenue to supplement a total project budget of $95,000.

The revenue is being appropriated in the General Fund for transfer to the Social Sustainability Department in the General Fund. The funds have been received and accepted per City Give Administrative and Financial Policy.

**PUBLIC OUTREACH**

ISLG, in partnership with the City, will engage stakeholders throughout the Equity Indicators project to ensure that the data collection, analysis, and indicator development are responsive to the Fort Collins community and the equity work that has already been done.

This engagement will include two stages: ISLG will gather initial input from government stakeholders and data partners on key inequity issues and disaggregated data sources for a preliminary landscape analysis. The second stage will be a robust and inclusive engagement effort, including community listening sessions, an online survey, and other outreach methods, where community members can respond to the preliminary analysis and help to determine which inequity issues will be selected as Equity Indicators.
ORDINANCE NO. 136, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE FROM WATERPIK, INC., FOR TRANSFER TO SOCIAL SUSTAINABILITY IN THE GENERAL FUND FOR THE EQUITY INDICATORS PROJECT

WHEREAS, the City is preparing to launch the Equity Indicators project, through a contract with the CUNY Institute for State and Local Governance, to collect and analyze data to measure and understand inequities in Fort Collins (the “Project”); and

WHEREAS, the total Project budget is now $95,000; and

WHEREAS, on September 15, 2020, the City Council adopted Ordinance No. 107, 2020, appropriating a grant of $20,000 from the Bohemian Foundation to help support the Project; and

WHEREAS, this Ordinance would appropriate an additional $10,000 received by the City as a charitable gift from WaterPik, Inc., to further support the Project; and

WHEREAS, the remaining $85,000 of the Project budget is already appropriated and available for expenditure in the General Fund; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of helping the City analyze disparities in outcomes among City residents, particularly equality gaps connected to racial justice; and

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 these appropriations are available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues to be received in these funds during the 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 account to another fund or capital project account, provided that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer described herein and determined that the purpose for which the transferred funds are to be expended remains unchanged.
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 philanthropic revenue in the General Fund the sum of TEN THOUSAND DOLLARS ($10,000) for transfer to the Social Sustainability Department in the General Fund and appropriated therein for the Equity Indicators Project.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

__________________________________
Mayor
ATTEST:
_______________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

__________________________________
Mayor
ATTEST:
_______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
November 4, 2020

STAFF
Sue Beck-Ferkiss, Social Policy and Housing Program Manager
Ingrid Decker, Legal

SUBJECT
First Reading of Ordinance No. 137, 2020, Making Certain Amendments to the Codes of the City of Fort Collins to Eliminate Affordable Housing Fee Waivers and Instead Authorize a Discretionary Credit for Certain Affordable Housing Units to be Constructed in the City.

EXECUTIVE SUMMARY
The purpose of this item is to amend the City Code and Land Use Code to simplify the way affordable housing fee waivers are used to support the development of affordable housing units targeting the city's lowest wage earners. Instead of calculating precise fee amounts for waivers on a project by project basis, flat amounts of credit will be established and codified for qualifying new construction and adaptive reuse homes targeting households making no more than 30% Area Median Income (AMI). This support will still be subject to Council discretion and appropriation of funding. Not only will this provide greater certainty to the developer and be more efficient to administer by the City, it will also allow all City departments' fees to be paid in full either by the developer or by the credit that has been appropriated.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
Historically, the City has provided financial subsidy and forgone certain development fees for affordable housing projects to incentivize the creation of affordable housing. The City has long been committed to affordable housing, and the need for financial support continues to be demonstrated by the increase in the number of applications for local and federal funds in the City's Competitive Process and the oversubscription of available affordable housing in our City. Fee waivers have been one of the consistent incentives available to developers of affordable housing in the City. In fact, before 2013, most development fees of the Fort Collins Housing Authority were traditionally waived.

In March 2013, Council amended its policies on fee waivers for affordable housing to allow for more discretion in determining the kinds of projects for which City fees should be waived. This was after a large waiver was granted to a project that was being developed primarily by CARE Housing, a local non-profit, with the housing authority having only a very small interest.

This change limited waiver eligibility to only the housing authority, and then only for projects constructed for:
- persons experiencing homelessness;
- disabled persons; or
- households whose income is no greater than 30% of the area median income (AMI) of all City residents.
Furthermore, waivers of only certain fees were to be granted at the discretion of Council upon a determination that the proposed waiver will not jeopardize the financial interests of the City or the timely construction of the capital improvements to be funded by the fees for which a waiver is sought.

While the City’s waiver policy greatly restricted the types of projects that qualify for waivers, this policy recognizes that households earning no more than 30% AMI cannot afford market rate housing in our City at this time. The fee waiver program offered by the City is currently the City’s only mechanism to specifically incentivize units which serve households that earn 30% or less of AMI. These units are the hardest to obtain since they have the largest cost gap to construct. Further, the median rent in the City is almost $1,400 a month. A one-person household at 30% AMI would have a total monthly income of about $1,650 - meaning 85% of that person’s income would go to rent for an unsubsidized unit. Ideally, renters would never pay more than 30% of their income on housing. Developers need public subsidy in some form to produce housing that this demographic can afford.

Recognizing that housing units targeting household’s earning no more than 30% AMI require public support to be offered at rates affordable to such a low income level, in 2017, Council expanded this incentive to include all developers bringing 30% AMI units to the City. While this allows all developers of units targeting this income bracket to request affordable housing fee waivers, granting fee waivers is still at the discretion of Council and subject to a showing that granting the request will not jeopardize the finances of the City or delay any capital improvements funded by impact fees. Further, the City’s practice has been to reimburse City departments for certain waived capital expansion fees and enterprise fees from either General Fund Reserves, the Affordable Housing Capital Fund, or both.

Fees historically considered eligible for waiver include:

- City Development Review Fees
- Building Permit Fees
- City Capital Expansion Fees (Fire, Police, Streets, General Government and Parks)

Under the current program, fee waivers are calculated using the sum of eligible fees, prorated by the percent of the development’s total units which are restricted to serve ≤30% AMI. The process to determine the exact amount of each fee waiver request has been labor intensive and administratively difficult. It involves several City departments and, depending on when in the process the request is made, all fee calculations may not be final.

**Proposed Process Improvements**

To improve the process, City staff initiated a LEAN program evaluation. This kicked off an effort to simplify the process to allow more certainty to developers early in their project and to alleviate needing to have all fees finally calculated before a fee waiver amount could be accurately communicated.

The proposed process would include a flat amount per qualifying unit. This amount would be deposited as a credit into a trust account owned by the City and used by the developer to pay any balances owed to the City. By providing an offset to fees in this manner, all fees are paid and therefore there is no need to reimburse City departments with backfill funding. For staff, there would be no need to do iterative calculations on waiver amounts nor create a different financial model for each development. The processing time involved is also greatly reduced by using the trust account method which also benefits developers.

Units would still need to serve persons experiencing homelessness, disabled persons or those households making no more than 30% AMI to qualify. This credit would still be discretionary with Council upon a finding that the affordable housing support will not jeopardize the finances of the City. The amount of the credit will be based on those fees that have been historically waived and will be updated whenever any of those fees are updated. For 2020, staff is recommending flat fees of $14,000 per unit for new construction and $5,500 for adaptive reuse of buildings that have already paid impact fees.
CITY FINANCIAL IMPACTS

The change is intended to be financially neutral to both the City and Affordable Housing developers and improves the accuracy and administration of Affordable Housing support in relation to development review fees which have traditionally been waived.

BOARD / COMMISSION RECOMMENDATION

Council Finance Committee, Affordable Housing Board and Planning and Zoning Board have all approved of this process improvement. (Attachments 1, 2 and 3)

PUBLIC OUTREACH

In addition to the Committee and Board considerations referenced above, staff conducted informal consultation with several affordable housing developers who have or will apply for fee waivers. All supported the process improvement.

ATTACHMENTS

1. Council Finance Committee Minutes - March 2020 (PDF)
2. Affordable Housing Board Minutes - July 2020 (PDF)
3. Planning and Zoning Board Minutes (Draft) (PDF)
Finance Committee Meeting Minutes
March 16, 2020
10 am - 11:30 am
CIC Room - City Hall

Council Attendees: Mayor Wade Troxell, Ross Cunniff (via phone), Ken Summers

Staff: Darin Atteberry, Jeff Mihelich, Kelly DiMartino, Travis Storin, Nina Bodenhamer, Noelle Currell, Victoria Shaw, Ginny Sawyer, Carolyn Koontz

Others: Collin Garfield
Kevin Jones, Chamber of Commerce

Meeting called to order at 10:35 am

Approval of Minutes from the February 24, 2020 Council Finance Committee Meeting. Ken Summers moved for approval of the minutes as presented. Mayor Troxell seconded the motion. Minutes were approved unanimously.

A. Digital Equity Program Review
Nina Bodenhamer, Director, City Give

SUBJECT FOR DISCUSSION
Digital Equity: A Blueprint for Income-Qualified Internet Rate

EXECUTIVE SUMMARY
The City of Fort Collins is committed to increasing digital equity and reducing the digital divide. Informed by community poverty benchmarks, today’s presentation is a review of the blueprint for Digital Equity’s overall program structure, suggested income eligibility, and compatibility with exciting income-qualified City programs.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED
- Objective: Informational and Update Only
- Desired Outcome: Council input regarding Digital Equity’s overall program elements and suggested income eligibility.

BACKGROUND/DISCUSSION
An income-qualified rate to increase the equitable access to the internet and reduce the digital divide is a Council and Leadership priority. Recommendations for a Digital Equity program includes three (3) core components:
market, simplify it - we have made some real progress but we still don’t have 100% participation but that is our goal.

Nina Bodenhaemer; one of our goals is to come forward with a plan to reduce barriers for enrollment - including comfort in sharing the information, eligibility need and resident status.

Darin Atteberry; timing is good - doing process review of the various desperate programs that we have, and better understanding of what the user needs are, what are the opportunities to get better at the programs distributed throughout the organization - resource a 21-22 BFO offer

Ken Summers; this sound good and we are on track.

Nina Bodenhaemer; the PILOT fund is metered by build out and take rate - we have that time to drill down and understand the best service for our community and our capacity. We look forward to returning with firms details but this is the high level, big picture as of today.

Ross Cunniff; the market that we are trying to address - the cost we are trying to present - variables for us to figure out to optimize the service that we provide to a segment of our community

Mayor Troxell; Nina, great job - any next steps for Council?

Travis Storin; you will see an offer come forward in the BFO 2021-2022 cycle. Much of that offer will be informed by what you have seen here. We are testing this with you for support then crafting an offer that gets to the Council priority.

B. Affordable Housing Fee Waiver Process
Victoria Shaw, Sr. Analyst, Finance
Noelle Currell, Manager, FP&A
Sue Beck-Ferkiss, Lead Specialist, Social Sustainability

SUBJECT FOR DISCUSSION: Affordable Housing Fee Waiver Process

EXECUTIVE SUMMARY
The purpose of this item is to seek feedback on a proposed change to the City’s process for waiving eligible fees to support Affordable Housing. Fee waivers are available to subsidize the development of units which serve families that earn up to 30% of Area Median Income (AMI). The proposed change would be financially neutral to the City and not alter which units are eligible to receive a fee waiver but would yield staff time savings and benefit prospective applicants.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED
Is Council Finance supportive of the proposed new administrative structure for Affordable Housing Fee Subsidy?
BACKGROUND/DISCUSSION
The fee waiver program offered by the City of Fort Collins is currently the City’s only mechanism to specifically incentivize units which serve households that earn 30% or less of AMI. These units are the hardest to obtain since they have the largest cost gap. Most mechanisms to incentivize Affordable Housing are available for units that serve up to 80% of AMI. The table below illustrates the 2019 AMI thresholds for the Fort Collins – Loveland MSA.

<table>
<thead>
<tr>
<th>Number of People/Household</th>
<th>Median (100%)</th>
<th>80% AMI</th>
<th>60% AMI</th>
<th>50% AMI</th>
<th>30% AMI</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$61,100</td>
<td>$48,850</td>
<td>$36,660</td>
<td>$30,550</td>
<td>$18,350</td>
</tr>
<tr>
<td>2</td>
<td>$69,800</td>
<td>$55,800</td>
<td>$41,880</td>
<td>$34,900</td>
<td>$20,950</td>
</tr>
<tr>
<td>3</td>
<td>$78,500</td>
<td>$62,800</td>
<td>$47,100</td>
<td>$39,250</td>
<td>$23,550</td>
</tr>
<tr>
<td>4</td>
<td>$87,200</td>
<td>$69,750</td>
<td>$52,320</td>
<td>$43,600</td>
<td>$26,150</td>
</tr>
<tr>
<td>5</td>
<td>$94,200</td>
<td>$75,350</td>
<td>$56,520</td>
<td>$47,100</td>
<td>$28,250</td>
</tr>
<tr>
<td>6</td>
<td>$101,200</td>
<td>$80,950</td>
<td>$60,720</td>
<td>$50,600</td>
<td>$30,350</td>
</tr>
</tbody>
</table>

Fee waivers are currently calculated using the sum of eligible fees, prorated by the percent of the development’s total units which are restricted to serve ≤30% AMI. Fees historically considered eligible for waiver include:
- City Development Review Fees
- Building Permit Fees
- City Capital Expansion Fees (Fire, Police, Streets, General Government and Parks)

Other fees collected by the City that are not considered eligible for waivers include fees which are collected on behalf of other agencies (such as Larimer County, Poudre Fire Authority and Poudre School District) and plant investment fees for utilities. The detailed breakdown of total fees and waived fees for a recent project can be found in Attachment 2.

Since 2015, the City has issued fee waivers on 5 Affordable Housing developments. Those projects yielded a total of 169 units serving the ≤30% AMI level. After issuing recent fee waivers, City staff from Sustainability and Planning, Development, & Transportation Service Areas mapped out the end-to-end process and identified multiple inefficiencies.

Staff between the Service Areas collaborated to identify opportunities to simplify the process. The proposed new process would include a flat amount per qualifying unit. This amount would be deposited into a trust account owned by the City and used by the developer to pay any balances owed to the City. By providing an offset to fees in this manner, all fees are paid and therefore there is no need to reimburse City departments with backfill funding.

There is a large benefit to the developer in that they would know early in the project the exact amount of fee offset they will receive (currently this must be calculated and is not solidified until later in the project). In addition, there is a benefit to developer cash flows as they would not have to bring money to the project first and wait for reimbursement. For City Staff there would be no need to do iterative
calculations on waiver amounts nor create a different financial model for each development. The processing time involved is also greatly reduced by using the trust account method.

Staff recommends the fee offset amount be set to $13,500 per qualifying unit in a new development project and $5,500 per qualifying unit in a re-development project. These amounts are based on analysis which calculated what would have been issued to previous projects if they were constructed under the updated 2020 fee structure. The results of that analysis are included in the below table. Fixing the amount of the fee offset per unit would be more predictable for the City and for prospective developers.

<table>
<thead>
<tr>
<th>Project</th>
<th>Year</th>
<th>Fee Waivers</th>
<th># of 30% AMI Units</th>
<th>Waiver per Qualifying Unit</th>
<th>Proforma 2020 Waiver Amount</th>
<th>Proforma Waiver per Qualifying Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redtail Ponds</td>
<td>2015</td>
<td>$274,762</td>
<td>40</td>
<td>$6,869</td>
<td>$512,300</td>
<td>$12,808</td>
</tr>
<tr>
<td>Village on Redwood</td>
<td>2017</td>
<td>$100,708</td>
<td>13</td>
<td>$7,747</td>
<td>$185,842</td>
<td>$14,296</td>
</tr>
<tr>
<td>Oakridge Crossing</td>
<td>2018</td>
<td>$90,923</td>
<td>13</td>
<td>$6,994</td>
<td>$172,882</td>
<td>$13,299</td>
</tr>
<tr>
<td>Village on Horsetooth</td>
<td>2018</td>
<td>$352,319</td>
<td>43</td>
<td>$8,193</td>
<td>$595,737</td>
<td>$13,854</td>
</tr>
<tr>
<td>Mason Place</td>
<td>2020</td>
<td>$326,081</td>
<td>60</td>
<td>$5,435</td>
<td>$317,572</td>
<td>$5,293</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$1,144,793</td>
<td>169</td>
<td>$6,774</td>
<td>$1,784,333</td>
<td>$10,558</td>
</tr>
</tbody>
</table>

While any Affordable Housing units that serve ≤30% AMI currently qualify for a fee waiver, the individual requests are evaluated, approved, and appropriated separately by the City Council. Council can then provide direction on which funding sources to use for the appropriation. This would continue under the proposed fee offset process.

Discussion / Next Steps;

Noelle Currell; we want to change this to achieve process efficiency savings. I personally spent 100 hours on the process for one of our current projects. We are proposing to hold our own cash in a trust – a much simpler easier process for the developers and a better cash situation as well - they will know the amount much earlier in the process – the city currently holds trust accounts for some of our larger developers - much easier as their contractors come in to pull the permit for each individual house -

Mayor Troxell; does this increase the outlay based on the proforma? (chart above)

Noelle Currell; the amount goes up for every development listed because of all of the fee updates that have happened in recent years.

Travis Storin; the left-hand side of this chart if what they would have paid, and the right-hand side is based on today’s fee structure for this proposed change in waivers – what would they have paid under today’s fees.

Ken Summers; Are the yellow shaded boxes what they would pay today? So, we are looking at more of a process change than a fixed dollar amount. Will it help or hurt contractors and developers?
Travis Storin; It is a process change in substance and in form it is a code change so it would need to come forward to Council for consideration.

Noelle Currell; we had a meeting about this with Housing Catalyst and they were very happy about it because of the advantage of knowing it much earlier in the process

Ross Cunniff; it would certainly help both the cash flow and the predictability for financing.

Mayor Troxell; is there a downside?

Ross Cunniff; downside would be that we have to appropriate more money into this fund

Ken Summers; I like the win/win slide

Ross Cunniff; Anyone who hasn’t paid their impact fees yet is eligible, right?

Victoria Shaw; yes, any developer bringing a qualified unit - we don’t anticipate any applications until the second half of 2020 - historically our waivers were only available to housing catalyst, but code changed, and they are now available to anyone.
1. CALL TO ORDER: 1:02

2. ROLL CALL
   - Board Members Present: Jen Bray, Catherine Costlow, Diane Cohn, Bob Pawlikowski, Tatiana Zentner, Kristin Fritz
   - Board Members Absent: None
   - Staff Members Present: Lindsay Ex, Victoria Shaw, JC Ward, Ryan Mounce, Yaz Haldeman, Noelle Currell, Sue Beck-Ferkiss, Brittany Depew
   - Guests: Marilyn Heller, Mark Bishop

3. AGENDA REVIEW

4. CITIZEN PARTICIPATION - NONE

5. APPROVAL OF MINUTES
   Diane moved to approve May minutes. Bob seconded. Approved unanimously 6-0-0.

6. NEW BUSINESS
   A. Introduce Lindsay Ex, Interim Housing Manager
      City was in process of hiring a Housing Manager, and Lindsay was appointed when the hiring freeze (due to COVID-19) took effect. Lindsay introduced herself, shared information about her background and experience working for the City for the past 10 years. Former board member for CARE Housing.

   B. Update on Manufactured Housing Community Livability and Preservation work—Ryan Mounce and JC Ward, Planning and Neighborhood Services Departments
      Manufactured homes represent a significant portion of Fort Collins’ affordable housing stock. Council initiated a moratorium on development in manufactured housing communities (MHC) to implement mitigation and preservation strategies. In 2019-2020, the team worked on MHC Resident’s Rights Handbook, neighborhood liaisons, neighborhood mini grants, website, and local complaint system. JC reviewed state and municipal legislation relevant to MHC, as well as ways MHC are empowered to organize, build leadership, access resources.

      Ryan presented on Manufactured Housing (M-H) Zone District, which is meant as preservation measure. Would encourage manufactured housing as primary goal of the zone. Challenging to balance priorities from various perspectives (Council, community, landowners, etc.)

      • Option A: more limited set of uses, greater preservation potential
Sue: What are you hearing from property owners?
  o  Ryan: Not all the property owners are local. Some are private, some are part of corporations, and we haven’t spoken directly with everyone. There is recognition what the City is trying to do but they also recognize the restrictions it places on them.
  o  Jen: It sounds like there is support for this, though we recognize property owners’ rights and have concerns about affordability not being directly addressed.

Diane moved to recommend manufactured housing preservation through a new zone district. Tatiana seconded.
Motion passed 5-1

Diane moved to support the staff’s recommendation on livability issues. Bob seconded.
Motion passed 6-0

C. Process Improvement for Affordable Housing Fee Waivers—Victoria Shaw, Sustainability Services Area

Fee waivers are the only development incentive at the 30% AMI level, so they are critically important for affordable housing. Victoria spoke about current fee waiver process (% of project) and specific benefits to making change to flat fee waiver amount. Proposed new structure: Grant a lump sum amount per unit, deposit that amount into trust account held with the City which the developer may draw from. Amount per unit would be updated every 4 years and would require code updates to implement. Recommend flat fee amount of $13,500 per new development unit and $5,500 per re-development unit.

Comments/Q&A:
  o  Diane: What happens when the fees rise?
    o  Victoria: We revisit the amount with the same cadence as other fees.
    o  Diane: Is that language built into this change?
    o  Victoria: We haven’t begun writing the code change, but that language will be in there.
  o  Kristin: This is a great process improvement. Is there a different process for applying for fee waivers?
    o  Victoria: Approval at Council would still happen on an individual development basis, but the amount will be predictable ahead of time.
    o  Kristin: Will the backfill be budgeted?
    o  Victoria: Council could direct the funds come from the same places they have in the past (general fund, affordable housing capital fund, etc.). It would be a case-by-case basis.

Kristin moved to support process improvements and the board would also welcome specific budget allocation as the next step in the process. Diane seconded.
Motion passed 6-0.
Chair Hansen called the meeting to order at 6:00 p.m.

Roll Call: Haefele, Hansen, Hogestad, Katz, Schneider, Shepard, Whitley

Absent: None

Staff Present: Sizemore, Yatabe, Stephens, Claypool (list Staff from Planning, Traffic, Engineering & Others), and Manno

Chair Hansen provided background on the board’s role and what the audience could expect as to the order of business. He described the following procedures:

- While the City staff provides comprehensive information about each project under consideration, citizen input is valued and appreciated.
- The Board is here to listen to citizen comments. Each citizen may address the Board once for each item.
- Decisions on development projects are based on judgment of compliance or non-compliance with city Land Use Code.
- Should a citizen wish to address the Board on items other than what is on the agenda, time will be allowed for that as well.
- This is a legal hearing, and the Chair will moderate for the usual civility and fairness to ensure that everyone who wishes to speak can be heard.

Agenda Review

Interim PTD Director Sizemore reviewed the items on the Consent and Discussion agendas, stating that all items will be heard as originally advertised.
Public Input on Items Not on the Hearing Agenda:

None noted.

Consent Agenda:

1. Draft Minutes from November 16, 2017, P&Z Hearing
2. Draft Minutes from September 3, 2020, Special P&Z Hearing
3. CSU Raw Water Site Plan Advisory Review
4. Affordable Housing Fee Waiver Process Update
5. Maple Hill Park Minor Amendment

Public Input on Consent Agenda:

None noted

Chair Hansen did a final review of the items that are on consent and reiterated that those items will not have a separate presentation unless pulled from the consent agenda.

Member Whitley made a motion that the Planning and Zoning Board approve the Consent agenda which consist of the Draft Minutes from the September 3, 2020 hearing, the CSU Raw Water Site Plan Advisory Review, the Affordable Housing Fee Waiver Process Update and the Maple Hill Park Minor Amendment. This approval is based on the agenda materials, the information that was presented during the work session, this hearing discuss and the information, analysis, finding of fact and conclusion contained in the staff report including the agenda materials and the hearing that are adopted by this Board. Member Shepard seconded the motion. Vote: 7:0.
ORDINANCE NO. 137, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING CERTAIN AMENDMENTS TO THE CODES OF THE CITY OF FORT COLLINS
TO ELIMINATE AFFORDABLE HOUSING FEE WAIVERS AND INSTEAD
AUTHORIZE A DISCRETIONARY CREDIT FOR CERTAIN
AFFORDABLE HOUSING UNITS TO BE CONSTRUCTED IN THE CITY

WHEREAS, by adoption of Ordinance No. 065, 1999, the City Council exempted from
the imposition of the City’s capital improvement expansion fees the land development projects
of housing authorities formed pursuant to the provisions of Section 29-4-101, et seq., and
specified various other City fees from which such projects are also to be exempted; and

WHEREAS, on March 19, 2013, the City Council adopted Ordinance No. 037, 2013,
which made amendments to the City Code and Land Use Code limiting the types of projects for
which housing authorities could request fee waivers, and specifying that those waivers are to be
granted at the discretion of City Council upon a determination that proposed waivers will not
jeopardize the financial interests of the City or the timely construction of capital improvements
to be funded by the fees; and

WHEREAS, on November 21, 2017, the City Council adopted Ordinance No. 148, 2017,
to create an incentive for all developers to provide units affordable to those making less than
30% AMI by amending the City Code and Land Use Code to allow all developers of units
targeting that income bracket, not just the housing authority, to request fee waivers for the
affordable portion of their projects; and

WHEREAS, the City Code currently provides that the City Council can waive, by
ordinance, fees that would otherwise be imposed for any affordable housing project only if the
City Council determines that: (1) the proposed project is intended to house homeless or disabled
persons, as such terms are defined by the Department of Housing and Urban Development
(HUD), or households with an annual income that does not exceed 30% of the area median
income (AMI) for the applicable household size in the Fort Collins-Loveland metropolitan
statistical area, as published by HUD; and (2) the proposed waiver will not jeopardize the
financial interests of the City or the timely construction of the capital improvements to be funded
by the fees for which a waiver is sought; and

WHEREAS, the general categories of fees that the City Council can consider waiving
include capital expansion fees, development review fees and building permit fees; and

WHEREAS, the fee waiver program is based on the recognition that households earning
less than 30% AMI cannot afford market rate housing in Fort Collins, and that developers need
public subsidies to produce housing that residents in this demographic can afford; and

WHEREAS, the process to determine the exact amount of fees eligible for waiver early
in a development project is labor intensive and administratively difficult, so City staff used a
LEAN program evaluation to develop a simplified process that would provide developers more
certainty early in their projects about what amount of financial support they will receive; and

-1-
WHEREAS, the proposed new process would develop a flat, per-unit amount per qualifying affordable unit (a “Credit”) that the City would fund and deposit in a trust account owned by the City, and the developer could then direct that amount to be spent on fee balances owed to the City during the development of the project; and

WHEREAS, a developer would be still be required to request a Credit prior to the City issuing any certificates of occupancy for a project; and

WHEREAS, whether to grant a Credit for a particular project would still be in the discretion of the City Council and subject to a finding that granting the request will not jeopardize the City’s financial interests; and

WHEREAS, the amount of the Credit would be based on those fees that have historically been waived under the City’s fee waiver program, and would be updated whenever the City Council approves updates to such fees; and

WHEREAS, the initial amount of the Credit would be $14,000 per each new qualifying affordable unit, and $5,500 per unit for adaptive reuse of existing units for which impact fees were already paid when the units were first constructed; and

WHEREAS, the City Council believes it is in the best interests of the City to amend the City Code and Land Use Code accordingly.

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 outlined in the recitals set forth above.

Section 2. That Section 7.5-19(b) of the Code of the City of Fort Collins is hereby repealed and the remaining subsections are renumbered accordingly.

Section 3. That Section 7.5-48(e) of the Code of the City of Fort Collins is hereby repealed and the remaining subsections are renumbered accordingly.

Section 4. That 7.5-71(c) of the Code of the City of Fort Collins is hereby repealed and the remaining subsections are renumbered accordingly.

Section 5. That Chapter 7.5 of the Code of the City of Fort Collins is hereby amended by the addition of a new Article VIII to read as follows:
ARTICLE VIII.
FEE CREDITS FOR AFFORDABLE HOUSING

Sec. 7.5-100. Declaration of purpose.

There is hereby established a program to provide funding that the City may use to pay all or a portion of City development and capital expansion fees on behalf of a developer when such developer is constructing affordable housing units for rent or for sale that meet the requirements of this Article.

Sec. 7.5-101. Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Affordable housing unit shall mean an affordable housing unit for rent or an affordable housing unit for sale, or both such units.

Affordable housing unit for rent and affordable housing unit for sale shall have the same meanings as set forth in § 26-631 of this Code.

Credit shall mean funds designated and appropriated by the City Council to be applied towards the payment of fees as described in this Article.

Sec. 7.5-101. Application for credit.

(a) A developer of affordable housing units wanting to apply for a credit must do so in accordance with City application requirements established by the City Manager prior to the City’s issuance of any certificates of occupancy for the project that is the subject of the credit request.

(b) The City Council may, by ordinance, approve a credit if the City Council, in its sole discretion, determines that:

(1) the affordable housing units are intended to house homeless or disabled persons, as such terms are defined by the United States Department of Housing and Urban Development, or households with an annual income that does not exceed thirty (30) percent of the area median income for the applicable household size in the Fort Collins-Loveland metropolitan statistical area, as published by the United States Department of Housing and Urban Development;

(2) the proposed credit will not jeopardize the financial interests of the City.
Sec. 7.5-102. Amount of credit and payment process.

(a) The maximum credit shall be $14,000 per eligible affordable housing unit for new construction projects and $5,500 per eligible affordable housing unit for adaptive reuse projects. This amount is calculated based on the current amount of the development review fees and capital expansion fees the City has historically waived for affordable housing projects, and shall be updated annually with City fee updates that are approved by the City Council.

(b) If a credit is approved by the City Council for a project, the City shall deposit a lump sum equal to the total amount of the credit into a trust account held by the City for the benefit of the project developer, from which the developer may direct the City to pay balances due to the City for development review fees and capital expansion fees, except as otherwise expressly prohibited or provided in this Code or other applicable law.

(c) If any credit remains unused in the trust account one (1) year after the last certificate of occupancy for the project has been issued, or if construction of the project is not commenced within three (3) years of the effective date of the ordinance approving the credit, then the trust account shall terminate and the remaining credit shall be redeposited in the fund or funds from which the credit was originally paid.

Section 6. That Section 10-28(h) of the Code of the City of Fort Collins is hereby repealed.

Section 7. That Section 2.2.3(D)(3) of the Land Use Code of the City of Fort Collins is hereby repealed.

Section 8. That Section 2.13.3(E) of the Land Use Code of the City of Fort Collins is hereby repealed.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020 and to be presented for final passage on the 17th day of November, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
Passed and adopted on final reading on this 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
November 4, 2020

STAFF

Clay Frickey, Redevelopment Program Manager
John Duval, Legal

SUBJECT

Resolution 2020-099 Approving the Midtown Business Improvement District 2021 Budget and Operating Plan.

EXECUTIVE SUMMARY

The purpose of this item is to consider a Resolution approving the Midtown Business Improvement District 2021 Operating Plan and Budget and making appointments to the District’s board of directors.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On December 5, 2017, Council adopted Ordinance No. 165, 2017, creating and establishing the Midtown Business Improvement District (BID), approving the BID’s initial operating plan and budget, and appointing the BID’s initial board of directors. On November 6, 2018, a TABOR election regarding the formation of the BID passed unanimously.

The Council created the BID under, and in accordance with, the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the “Act”). Section 31-25-1211 of the Act requires that the Council review and either approve or disapprove by December 5th of each year the BID’s budget and operating plan for each upcoming fiscal year. The BID has submitted its proposed 2021 Operating Plan and Budget for Council’s consideration and approval. The Resolution, if adopted by Council, approves the BID’s 2021 Budget and Operating Plan. It will also reappoint to the BID’s board for new three-year terms four current directors: Rayno Seaser, David Fritzler, Luke McFetridge and Lauren DeRosa.

The BID’s Vision for Midtown

Midtown has recently seen significant change. With the opening of the new Foothills Mall and significant investment taking place throughout the corridor, stakeholders envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities and unique urban living opportunities. A distinctive identity, placemaking, events, activities and people-oriented uses will create a new shopping and entertainment hub in the heart of Fort Collins, providing distinctive options and opportunities for locals and visitors to the community.

Item # 9 Page 1
The BID’s Role in Midtown

The development of the Midtown BID provides an opportunity to create a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for - and directly fund - needed improvements as Midtown comes into a new era. The Midtown BID aims to:

- Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
- Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown and facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown’s character and personality, communicate it succinctly, and bring it to life.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

BID Boundaries

The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue in the City of Fort Collins, County of Larimer, State of Colorado.

BID Assessment Method and Budget

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. The initial assessment will be $10 per linear foot, annually. Only commercially-assessed properties will be included. The BID will raise approximately $160,000 in 2021.

2021 Proposed BID Budget and Services

The following table lays out the proposed 2021 budget for the Midtown BID:

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Proposed 2021 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff/Administration</strong> Hiring effective staff/contractors to support the board and administer the programs and projects will be a critical first step for the BID.</td>
<td>$15,000</td>
</tr>
<tr>
<td><strong>Branding, Marketing and Activation</strong> In 2021, the BID will continue to build on the work done in 2020 to brand the BID and put more focus and attention on building the brand through the community while working on specific campaigns to help business sales.</td>
<td>$58,000</td>
</tr>
<tr>
<td><strong>Placemaking and Maintenance</strong> A critical aspect of the BID work is to enhance the visible impact on the district. The BID will continue to leverage City and other funding to implement notable urban projects.</td>
<td>$100,000</td>
</tr>
</tbody>
</table>
**Other Fees**  These may include:
- 1% collection fee for BID Funds
- Legal costs
- Accounting
- Creation of a reserve account

<table>
<thead>
<tr>
<th>Total Expenditures</th>
<th>$20,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$193,000</td>
</tr>
</tbody>
</table>

The Operating Plan and Budget (Exhibit A to the Resolution) provides a comprehensive overview of the BID’s finances. Due to COVID-19, the Midtown BID did not spend its entire budget in 2020. The BID projects to have $85,000 in cash reserves at the end of 2020. Given their proposed expenses of $193,000 and $160,000 in revenue for 2021, the BID should have $52,000 in cash reserves at the end of 2021.

**BID Bonding**

As allowed by law, the BID may issue bonds or other multiple-year financial obligations *only if the BID is authorized to do so by its operating plan, budget and its voters in a future election*. The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.

**BID Board Members**

Per Ordinance No. 165, 2017, and Resolution 2020-080, the Midtown BID Board consists of nine members appointed by the Mayor and confirmed by Council. Council will be reappointing the following current Board members to their second consecutive and final terms, beginning January 1, 2021, and expiring December 31, 2023:

- Rayno Seaser
- David Fritzler
- Luke McFetridge
- Lauren DeRosa

The other Board members listed below have terms that expire December 31, 2021:

- John Hoxmeir
- Mike Dellenbach
- Spiro Palmer
- Patrick Bunyard
- Carrie Baumgart

**ATTACHMENTS**

1. Boundary Map  (PDF)
RESOLUTION 2020-099
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE MIDTOWN BUSINESS IMPROVEMENT
DISTRICT 2021 OPERATING PLAN AND BUDGET

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 165, 2017, creating the Midtown Business Improvement District (the “District”) in accordance with the provisions of the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the “Act”); and

WHEREAS, the City Council also appointed the District’s initial board of directors (the “Board”) in Ordinance No. 165, 2017; and

WHEREAS, on August 18, 2020, the City Council adopted Resolution 2020-080 approving, reaffirming and ratifying the appointment of certain persons as directors on the Board; and

WHEREAS, the Board has approved and submitted to the City Clerk the District’s 2021 Operating Plan, which includes the District’s proposed 2021 budget, which Operating Plan is attached hereto as Exhibit “A” and incorporated herein by reference (the “2021 Operating Plan and Budget”); and

WHEREAS, the Operating Plan and Budget proposes the reappointment of four current directors to the Board, whose current terms will end on December 31, 2020, and their reappointment will be for a three-year term beginning January 1, 2021, and ending on December 31, 2023; and

WHEREAS, the directors proposed for reappointed are Rayno Seaser, David Fritzler, Luke McFetridge and Lauren DeRosa (collectively, the “Appointees”); and

WHEREAS, the City Council is authorized in Section 31-25-1209(1)(b) of the Act to appoint the Board’s directors; and

WHEREAS, Section 31-25-1211 of the Act provides that the City Council shall either approve or disapprove the 2021 Operating Plan and Budget by December 5, 2020, and, if approved, the District’s services, improvements and financial arrangements for 2021 are to conform as far as practicable to the 2021 Operating Plan and Budget unless amended with the City Council’s prior approval; and

WHEREAS, the City Council has reviewed the 2021 Operating Plan and Budget and finds and determines that it satisfies the requirements of the Act and should be approved and the Appointees should be appointed to serve as directors on the Board.

NOW, THEREFORE, BE IT RESOLVED 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 the District’s 2021 Operating Plan and Budget is hereby approved and, as required by the Act, the District’s 2021 services, improvements and financial arrangements shall conform as far as practicable with the 2021 Operating Plan and Budget.

Section 3. That as provided in the Operating Plan and Budget, the Appointees are hereby appointed to serve as directors on the Board for a three-year term beginning January 1, 2021, and ending on December 31, 2023.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of November, A.D. 2020.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk
BID NAME
The BID shall operate as the Midtown Business Improvement District (BID).

LEGAL AUTHORITY
A BID in Colorado is organized pursuant to the Business Improvement District Act, Section 31-25-1201, et seq., Colorado Revised Statutes. A BID is legally created via the following process:
▪ Stakeholders acquire petition signatures of commercial property owners representing a majority of the total assessed value and a majority of the total acreage of the proposed BID area.
▪ The City adopts an ordinance establishing the district, following notice and a public hearing.

ABOUT MIDTOWN
Midtown is a growing, thriving hub in central Fort Collins. The properties adjacent to College Avenue, from approximately Drake south to Boardwalk, as well as the Foothills Mall, make up Midtown. In total, the corridor spans slightly over one and a half miles. Today, Midtown is an active place with a wide range of commercial activities and a limited amount of residential and institutional uses. Automobile dealerships make up a significant portion of the business mix, while big box retailers, and in-line strip retail characterize the shopping offer. Within the last few years, there has been renewed commitment to and interest in supporting a revitalized Midtown with a focus on a long-term strategy to support the strength of the district, both physically and economically.

THE VISION FOR MIDTOWN
Midtown has recently seen significant change. With the opening of the new Foothills Mall and significant investment taking place throughout the corridor, stakeholders envision a refreshed future for the district, one that continues to invigorate the area with destination retail, higher-density development, commercial opportunities, and unique urban living. A distinctive identity, placemaking, sub-district identity development, events, activities and people-oriented uses will create multiple new shopping and entertainment areas in the heart of Fort Collins, providing distinctive options and opportunities for locals and visitors to the community. Historically characterized as the strip retail corridor of Fort Collins, the emerging vision of Midtown will incorporate urban redevelopment, urban design, and enhanced pedestrian spaces to begin a long term transition to a place where citizens need to go for services but want to stay once they arrive.

Continuous BID and City investment in revitalization will ensure the City’s Comprehensive Plan (City Plan) of the corridor will be realized and the retail core of the community will be stable.

THE BID’S ROLE IN MIDTOWN
The development of the Midtown BID provides an opportunity to create a sustainable funding source to leverage public sector investments and provide private sector stakeholders in the area with a stronger platform through which to advocate for – and directly fund – needed improvements as Midtown comes into a new era. The Midtown BID aims to:
▪ Create a collective voice to accomplish the goals of the neighborhood, provide leadership for the neighborhood, and champion the vision of Midtown.
▪ Serve as the activator of the Midtown neighborhood, providing programming, marketing and activities year-round.
- Purposefully improve and advance Midtown urban design to facilitate economic growth and overall increased vitality in Midtown.
- Develop and establish Midtown’s character and personality, communicate it succinctly, and bring it to life. A custom logo is being developed and specific character elements are being added to enhance the sense of place. Working with the City’s previously developed Midtown Plan and Midtown in Motion Plan, various improvements are envisioned over the next 10-15 years that will transform the Midtown Corridor from classic suburban strip, to vital exciting urban form.
- Create synergistic relationships with the City of Fort Collins to create an accessible and desirable place for locals and visitors.
- Find interesting, active and creative uses for shops, sidewalks and open spaces that can boost the economy, thus diversifying the mix and adding new business opportunities.
- Provide awareness, recognition, promotion and education about Midtown.
- Keep Midtown safe, clean and welcoming.
- Be an administrative umbrella that brings the neighborhood together and maximizes funding opportunities for the future of Midtown.

**BID BOUNDARIES**
The Midtown BID includes parcels fronting South College Avenue from Drake Road in the north to Boardwalk Drive in the south, as well as those fronting East Foothills Parkway between East Swallow Road and South College Avenue, in the City of Fort Collins, County of Larimer, State of Colorado.

**BID SERVICES**
The specific types of services that the BID will fund were developed and prioritized by the business and property owners of Midtown, and include:

- **Midtown Promotion, Management, and Business Support:** The BID aims to be the go-to resource for Midtown, providing leadership and business support, while championing stakeholders’ needs to create an environment that’s welcoming to the larger community and visitors. Projects to support the stakeholders will include:
  - Administrative support to help manage Midtown, advocate for Midtown needs, and focus on leveraging resources and improvements for the area.
  - Promotion of Midtown commercial sector development that supports strategic economic growth and creates a vibrant environment in which Midtown businesses can thrive.
  - Supplementing the BID budget and identifying strategic funding opportunities to leverage and enhance the base assessments collected from year to year.
  - Building partnerships and developing strategies to increase community participation, leadership and coordination, including (but not limited to) partnerships with the City of Fort Collins, the Fort Collins Downtown Development Authority, and the Downtown Fort Collins Business Association.
  - Providing business support for Midtown businesses, serving as the “concierge” for all things Midtown and helping businesses succeed by providing them with useful tools and resources, including tracking policies, data, and other useful information.
  - Shaping the retail, restaurant and overall storefront experience in Midtown by developing and implementing a strategy for strengthening the offer on the ground level and enhancing the existing business mix in Midtown.
  - Growing the base of Midtown to lengthen the urban influence area.
- **Midtown Branding, Marketing, and Activation:** The BID aims to develop and deliver a unique experience that encourages locals and visitors to explore Midtown, and to establish a strong identity that is recognizable and highlights the distinctive Midtown offer. Projects may include:
  - Development of an authentic, compelling and clear brand for Midtown that uniquely identifies its offer and potential.
  - Producing targeted marketing and messaging to the community and visitors.
  - Developing year-round programming, events and activities that draw in diverse demographic groups to experience and explore Midtown and give them a reason to stay, explore and spend money in the district.
  - Facilitating events that attract customers into businesses and leveraging partnerships with Midtown stakeholders.
  - Public and community relations in support of growing the Midtown corridor that help promote why Midtown is a destination in its own right.

- **Midtown Placemaking and Maintenance:** The BID will work to activate the public realm in Midtown and develop a clean, safe and friendly environment, offering enhancements and amenities that create a welcoming destination and support larger-scale infrastructure projects proposed for the area. Projects will include:
  - Creation of a unique Midtown ambiance and sense of place that is safe, accessible, walkable and easy to park.
  - Development of a unifying aesthetic for Midtown’s public spaces and right of way through the addition of public realm amenities throughout Midtown, including more benches, bike racks, public art and trash/recycling cans.
  - Investments in unique Midtown wayfinding signage and gateways that create a sense of place and help guests explore the area whether by car, by bicycle, or on foot.
  - Adding color and vibrancy to the district by funding banners, holiday lighting and public art.

**BID ASSESSMENT METHOD AND BUDGET**

The BID will utilize an assessment method that is based upon linear frontage of a property on College Avenue and Foothills Parkway within the BID boundary. The assessment will be **$10 per linear foot, annually.** Only commercially-assessed properties will be included. The BID will raise approximately $160,000 annually.

Additionally, the BID will have the ability to raise the assessment annually not to exceed the Consumer Price Index for all Urban Consumers (CPI-U) for the Denver-Boulder-Greeley, Colorado metropolitan area. This decision will be at the discretion of the BID board.

Bringing in revenue and contributions in addition to the BID assessment will increase impact and help the organization to best leverage investments into Midtown. To that end, the BID will work to procure supporting funding from the City of Fort Collins as well as grants, donations, sponsorships, memberships, fee-for-service projects, crowdsourcing and partnerships on top of the BID special assessment. The BID Board, with City approval, would determine the annual operating budget each year of BID operations, based upon the priorities set out in this plan.

Properties adjacent to, but not within the BID boundaries, may elect to participate in the BID. Upon
request, the BID would provide technical assistance to help. To do so, the owners of such properties would be required to file a written petition with the City of Fort Collins, requesting that their property be included in the BID. The petition shall be accompanied by a deposit of money sufficient to pay all costs of the inclusion or exclusion proceedings. Public notice will be given, a public hearing will be held and an ordinance may be adopted by Fort Collins City Council. The determination of assessment for properties joining the BID which do not have frontage on either College Avenue or Foothills Parkway shall be assessed the same frontage rate as the rest of the BID for their particular frontage on the street they are located.

2021 Proposed BID Budget and Services
The following table lays out the proposed Year One budget for the Midtown BID, as well as some considerations for each proposed expenditure:

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Annual Budget Amount</th>
</tr>
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<tbody>
<tr>
<td><strong>Staff/Administration</strong></td>
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<td></td>
</tr>
<tr>
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<td>$100,000</td>
</tr>
<tr>
<td><strong>Other Fees</strong></td>
<td></td>
</tr>
<tr>
<td>These may include:</td>
<td></td>
</tr>
<tr>
<td>▪ 1% collection fee for BID Funds</td>
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<tr>
<td>▪ Legal costs</td>
<td></td>
</tr>
<tr>
<td>▪ Accounting</td>
<td></td>
</tr>
<tr>
<td>▪ Creation of a reserve account</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL 2021 BUDGET</strong></td>
<td>$193,000</td>
</tr>
</tbody>
</table>

Continuing to build the BID brand and soliciting feedback from the rate payers will establish success in the early years and will enable the BID to attract more participants and grow the base. With revenues being spent on marketing, urban design, and promotion, the visual influence and future revenue potential will grow much as it has in downtown.

**BID BONDING**
As allowed by law, the BID may issue bonds or other multiple-year financial obligations only if the BID is authorized to do so by its operating plan, budget and its voters in a future election. The election must comply with all applicable state requirements, including the TABOR Amendment, and would limit the amount of debt that may be issued to no more than the amount that is approved by the BID voters.
BID GOVERNANCE

The BID statute allows for a board of 5 to 11 members who are BID electors. The Midtown BID Board consists of nine appointed members from the Midtown BID area. The terms of office shall be staggered to encourage continuity in BID governance. The maximum length of a term is three (3) years and the consecutive term limit shall be two (2) terms. After a member has fulfilled two consecutive terms, that person may not be a member of the Midtown BID governing body for three (3) years before being reappointed.

The Midtown BID’s current Board of Directors is comprised of the following nine individuals serving the terms indicated below. By approving this Operating Plan, City Council: (1) affirms the current terms of each of the Directors identified below, and (2) appoints or reappoints each of the Directors identified below to a new term for the duration indicated.

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Affiliation</th>
<th>Rationale for Board Inclusion</th>
<th>Current Term</th>
<th>New Term Approved in this Operating Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Hoxmeir</td>
<td>Gilded Goat Brewing</td>
<td>Long standing Fort Collins business owner will help represent the restaurant users along the corridor</td>
<td>Jan. 1, 2020 – Dec. 31, 2021</td>
<td>N/A</td>
</tr>
<tr>
<td>Rayno Seaser</td>
<td>The Egg &amp; I/First Watch Restaurants</td>
<td>Long standing Fort Collins business owner and resident who has participated and will also help represent the restaurant users along the corridor</td>
<td>Dec. 5, 2017 – Dec. 31, 2020</td>
<td>Jan. 1, 2021 – Dec. 31, 2023</td>
</tr>
<tr>
<td>Mike Dellenbach</td>
<td>Dellenbach Chevrolet</td>
<td>Long standing Fort Collins business owner and resident who will help represent the car dealers along the corridor</td>
<td>Jan. 1, 2020 – Dec. 31, 2021</td>
<td>N/A</td>
</tr>
<tr>
<td>David Fritzler</td>
<td>BBVA</td>
<td>Well established and respected member of the business community who will help represent the financial institutions along the corridor</td>
<td>Dec. 5, 2017 – Dec. 31, 2020</td>
<td>Jan. 1, 2021 – Dec. 31, 2023</td>
</tr>
<tr>
<td>Spiro Palmer</td>
<td>Palmer Properties</td>
<td>Long standing Fort Collins business owner and resident who will help represent the shopping centers and general businesses along the corridor</td>
<td>Jan. 1, 2020 – Dec. 31, 2021</td>
<td>N/A</td>
</tr>
<tr>
<td>Patrick Bunyard</td>
<td>Foothills Mall</td>
<td>GM of Foothills Mall, representing a catalyst project in Midtown and demonstrating the Mall’s commitment to the BID by serving on the board</td>
<td>Jan. 1, 2020 – Dec. 31, 2021</td>
<td>N/A</td>
</tr>
<tr>
<td>Carrie Baumgart</td>
<td>Markley Motors</td>
<td>Chief Operating Officer of Markley Motors representing the car dealers in the district</td>
<td>Jan. 1, 2020 – Dec. 31, 2021</td>
<td>N/A</td>
</tr>
</tbody>
</table>

BID MANAGEMENT STRUCTURE

The Midtown BID expects to work with the South Fort Collins Business Association (SFCBA) to deliver its services and hire staff. The SFCBA is a 501(c)(6) organization that supports the development of Midtown Fort Collins.
**BID TERM**

BIDs in Colorado may be perpetual. However, the Midtown BID will have an initial ten-year term. This will allow for property and business owners to evaluate the BID’s effectiveness at the end of the term. If the BID is deemed successful, the BID Board will request that the City Council renew the BID by ordinance after the initial period. If the BID is not considered to be successful, it will sunset at the end of the initial term.

**CITY SERVICES**

BID services will be designed to supplement existing City services and will be in addition to City services that are currently provided in Midtown. BID services will not replace any existing City services.

The Midtown BID will provide a number of benefits to the City of Fort Collins, including:

- A collective leader and champion for the vision of Midtown, and clear partner with which the City can work
- Help the City of Fort Collins advance its key strategic objectives
- Clear economic benefits, including but not limited to:
  - Increased sales revenue through the activation, marketing and promotion of Midtown creating more visitors and more spending in the area
  - Development of Midtown as an entertainment and shopping hub
  - Interesting, active and creative uses for shops, sidewalks and open spaces
- Opportunity to further demonstrate the commitment to Midtown outlined in the City’s Midtown Plan
- Create a second activity center in Fort Collins and a “place” beyond downtown in Fort Collins for visitors and locals
- Beautification of the City through a refreshed and invigorated area

**ANNUAL REVIEW**

The BID Act requires the BID to file an annual operating plan and budget with the City on or before September 30 of each year. The City will review and approve the operating plan and budget as provided by law.

**DISSOLUTION**

Under Colorado law, the BID may be dissolved following a public hearing if property owners representing at least 50% of acreage within the BID and at least 50% of total assessed value within the BID submit petitions for dissolution to City Council. City Council also retains discretion to initiate dissolution proceedings if the BID fails to submit an operating plan and budget for two successive years.
AGENDA ITEM SUMMARY

November 4, 2020

City Council

AGENDA ITEM SUMMARY

November 4, 2020

City Council

STAFF

John Phelan, Energy Services Manager
Cyril Vidergar, Legal

SUBJECT

Resolution 2020-100 Approving the Administrative Rules, Regulations and Standards for the Riverside Community Solar Program.

EXECUTIVE SUMMARY

The purpose of this item is to approve the Riverside Community Solar Program rules, which define the continuing delivery of credits and other program benefits to participating customers. The Utilities’ Executive Director has approved the Riverside Community Solar Program, as defined by the Program Rules and Continuing Participation Agreement under the authority defined by Code §26-463(a). Council’s approval of the Ordinance, and the Program Rules as attached to it, completes the approval process.

Utilities completed acquisition of the Riverside Community Solar Project on August 28, 2020, assuming all responsibility for program management, customer support, and operations and maintenance. As a result of the transfer, existing customer contracts with Clean Energy Collective for the old program structure terminated. Utilities is re-enrolling participating customers that already own panels in the array of the Program via Continuing Participation Agreements. Current customers who own panels in the solar array (“Customer-owners”) and re-enroll in the Program will continue to receive credits on their bill as they do today, based on the City’s applicable time of day rates as set forth in the City Code.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Clean Energy Collective (“CEC”) has been the owner, developer and operator of the Riverside Community Solar Project since its construction in 2014-2015 on a site leased from the City at the intersection of Riverside Avenue and Mulberry Street. The Project contains 2,035 solar photovoltaic (PV) modules, at a total capacity of 621 kW, and Fort Collins Utilities customers "subscribed" to the Project by purchasing solar panel assets. The Project was fully subscribed with ~205 participating customers before construction was complete in the summer of 2015. In 2019, the Project generated a net of 834 megawatt-hours of electricity. Customer-owners participating in the Project earned a total of $54,332 in City utility bill credits in 2019.

Pursuant to Resolution 2020-055 Authorizing Acquisition of Certain Assets and Operational Control of the Community Solar Project Located at the Riverside Avenue and Mulberry Street Intersection, approved by Council on June 16, 2020, Utilities staff and the City Attorney’s Office completed the transfer of ownership from CEC of the Riverside Community Solar Project. As of the closing of that transaction on August 28, 2020, Utilities assumed responsibilities for delivery of the Riverside Community Solar Program.

Utilities has developed a Continuing Participation Agreement and associated Program Rules that define the terms and conditions for customers owning solar panels in the Project (“Customer-owners”) to participate in the...
Riverside Community Solar Program and receive its benefits. Agreements between the Customer-owners and CEC which previously defined the program and participation terms and conditions were terminated on August 28, 2020.

While staff anticipates all Customer-owners will want to continue participating in the Program, owners are at liberty not to sign the Continuing Participation Agreement and still retain their ownership of modules.

- Customer-owners may choose either to execute the new participation agreement with Utilities or sell their panels to another customer with an active City electric utility account. Utilities will not purchase panels from Customer-owners.
- Customer-owners who continue in the Program may donate their bill credits to another customer account without having to sell their ownership share.
- Customer-owners may become inactive in the Program by failing to sign a new participation agreement or not maintaining an active electric service account. Bill credits that accrue for inactive Customer-owners will be donated to the Payment Assistance Fund.

All rights to bill credits under the Program shall expire for any Customer-owner who does not enroll in the Program as of the next business day following December 31, 2020.

As the Project is fully subscribed, new customers can only join when an existing Customer-owner wants to sell. Utilities maintains a wait list and offers to connect interested parties for ownership transfers.

**CITY FINANCIAL IMPACTS**

Administrative rules for the Riverside Community Solar Program hold the group of Customer-owners responsible for costs associated with operating, maintaining, and decommissioning the Project. By assuming ownership of the Project from CEC, Utilities has reduced the costs associated with selling the energy produced to Platte River Power Authority and repurchasing it for the benefit of the Customer-owners. These savings are amount to approximately $20,000 per year.

**BOARD / COMMISSION RECOMMENDATION**

The Energy Board has supported prior Council actions related to the acquisition of the Riverside Community Solar Project and will review this Ordinance at their November 12 meeting. Pending Council approval on First Reading, the Board’s recommendation will be included in the materials for Second Reading.

**PUBLIC OUTREACH**

Utilities notified customers by email on June 4, 2020, advising them of Council’s consideration of Resolution 2020-055 on June 16 and how to participate in the discussion about City acquisition of the Project. The notice also alerted customers that the acquisition would require customers to sign a new participation agreement with Utilities, and their prior participation agreement with CEC would be nullified.

Utilities notified Customer-owners by email on July 24 of the pending transaction with CEC and asked customers to verify or provide the correct email or US Postal Service address they preferred for signing the new participation agreement. Those who did not respond were defaulted to US Mail communications. On September 22, Utilities contacted Customer-owners with a confirmation of the customer’s preferred channel and address for receiving the Continuing Participation Agreement (email or US Mail).

Utilities is now in the process of sending participation agreements to Customer-owners along with a copy of the Program Rules. Customer-owners electing email communications receive a DocuSign envelope to sign electronically. Customer-owners electing paper communications by US Mail will also receive a pre-addressed stamped return envelope. Utilities plans to remind unresponsive Customer-owners to sign the new agreement multiple times before December 31 with the goal of enrolling all existing Customer-owners.
ATTACHMENTS

1. Enrollment and Continuing Participation Agreement (PDF)
2. Executive Director Authorization (PDF)
Community Solar Program Enrollment and Continuing Participation Agreement
September 2020

Participating Customer Contact Information:
[Participant::Full Name]
[Participant::Full address block]

Account Information for Community Solar credits: Premises# [PREM#]
[Credit Beneficiary::Electric account holder FULL NAME]
[Credit Beneficiary::Full address block]

Community Solar Array: Riverside Community Solar Array, 910 E. Mulberry Street, Fort Collins, CO
Effective Date of Agreement: November 28, 2020
Customer Support: 970-212-2900

1) Introduction.
This Enrollment and Continuing Participation Agreement, incorporating by reference the Riverside Community Solar Program Policies, (this "Agreement") is the agreement between you (also referred to as "your" or "Customer") and the City of Fort Collins, though the City’s Utility Services department (referred to as "the Utility or "we" or "us" or "our") for continued operation of your Selected Solar Panels (as previously purchased from Clean Energy Collective, LLC or CEC Solar #1038, LLC; collectively “CEC”), and the subsequent transfer to the Utility of Solar Output from those panels in exchange for credit on your electric utility bill (“Bill Credits”) through the City of Fort Collins Community Solar Program. For purposes of the Program, “Solar Output” shall refer to the total solar power generated by the Riverside Community Solar Array (the "Array"), and “Customer Output” shall refer to the proportionate share of Solar Output attributed to a customer.

The Program terms and conditions replace and supersede all prior agreements regarding your Selected Solar Panels, which prior agreements terminated as of the closing of the asset transfer transaction between the Utility and CEC on August 28, 2020 (the “Transfer Date”).

Your rights and obligations under the Program shall be as reflected in the Program terms, conditions, and administrative rules, as described below.

2) Solar Energy Transfer.
As detailed below, the Utility currently offers a community solar program whereby customers subscribing to a community solar project can transfer project-generated electricity to the Utility in exchange for bill credits based on a codified net-metering community solar rate and operational terms, conditions and administrative rules (the “Program”), as amended from time to time. You previously acquired specific solar photovoltaic panels (the "Selected Solar Panels") located in the Community
Community Solar Program Enrollment and Continuing Participation Agreement

Array listed above, as detailed in Appendix A. You acknowledge your enrollment in the Program qualifies as the transfer of beneficial use of generation from a Customer Portion of the facility, and that the interest you own is in the Selected Solar Panels, not in the Array in general.

The actual generated electricity produced by the Selected Solar Panels is referred to herein as the “Solar Output.” During the Program Term, we will provide the services described herein. Your rights to locate the Selected Solar Panels within the Array end upon termination of the Program, as do our obligations in regard to the Selected Solar Panels. Voluntary termination of your participation in the Program is described below.

3) No Additional Purchases.

Participation in the Program does not involve additional purchase of panels or other interests in the Array. All amounts previously paid to purchase your interest in the Select Solar Panels have been retained by CEC/the selling customer.


a) Co-Location. As used for the Program, “Co-Locate” means connection of your Selected Solar Panels to the Array. Upon enrolling in the Program, you have the continuing right to have us Co-Locate the Selected Solar Panels at the Array, at the location(s) we designate, during the Program Term.

b) You agree to accept the Array in its “as-is” condition. Likewise, you acknowledge and agree that you shall have no right to change, modify or add equipment to the Array. You may, however, subject to the terms and conditions of the Program, make arrangement for the removal of your Selected Solar Panels from the Array.

5) The Program.

a) Description. The Program, is based on net-metering community solar rate schedules set forth in the Fort Collins City Code, and posted operational terms, conditions and administrative rules (collectively, “Program Policies”). You acknowledge and agree, your qualification for Program Bill Credits is subject to the Program Policies, as may be amended from time to time.

b) Program Policies. The Program operational terms, conditions and administrative rules are posted and available at http://fcgov.com/communitysolar and are incorporated herein by this reference.

6) Change of Utility Service Location or Solar Panel Ownership.

Changes to Utility Service Location, solar panel ownership or processes for assignment of billing credits may be available, as defined in the Program Policies.

7) Other Termination of Utility Service.

In the event your utility service at the Utility Service Location terminates for any reason and you fail to comply with Program Policies related to a change of Utility Service Location or solar panel ownership, then as of the time of utility service termination, you will cease to receive Bill Credits or other Program benefits and your Program participation shall terminate 14 calendar days thereafter if not cured and amounts due paid in full.

8) Term.

The "Term" of the Program shall be as set forth in the Program Polices and City Code, unless the Program is terminated earlier or extended as provided below. If the Program continues or is extended, the Program Terms and Conditions shall remain in effect.

[Signature]
Community Solar Program Enrollment and Continuing Participation Agreement

beyond an initial period of 20 years, the Utility may extend the Program (an “extended Term”) (i) for as long as the balance of the O&M Fund is sufficient to pay all costs associated with operations during such extended Term, in relation to our services or the Array in general, or (ii) until the City Council directs.

9) Termination.

Your participation in the Program will end without liability to either party upon the termination of the Program, and as otherwise set forth in the Program Policies.

10) Choice of Laws.

The Program will be governed by and construed in accordance with the laws of the State of Colorado.

11) Indemnification.

See Program Policies for details on indemnification requirements applicable to third party claims and agreements.

12) Assignment.

You may not assign any right, title or interest under the Program to any other person or entity. You may change the Utility Service Location, but any such change or transfer shall not operate as an assignment of your interest in the Program.

13) Entire Agreement.

This Agreement constitutes the entire agreement between the Parties relating to the subject matter hereof and supersedes any other agreement or understanding, written or oral.

14) No Partnership.

Nothing contained in this Agreement or the Program will constitute either party hereto this as a joint venture, employee, or partner of the other, or render either party to this Agreement liable for any debts, obligations, acts, omissions, representations, or contracts of the other, including without limitation your obligations to the Utility for electric service.

[Signatures appear on following page]
Community Solar Program Enrollment and Continuing Participation Agreement

By checking 'I Accept the Terms & Conditions' and entering a name below, the participating Customer/Owner (Applicant) acknowledges and agrees:

• I understand this is a sworn statement and making false, fictitious, or fraudulent representation in this application is punishable under criminal laws.

• I certify that all the Applicant information contained within this application is true and factual.

• As the signatory, I further affirm I am the customer and/or property owner at the project premises described in this application and have the authority to submit this application in relation to the terms and conditions listed above and as referenced elsewhere."

I accept the terms and conditions of this agreement:

I affirm that I am familiar with net metering rates and credits:

PARTICIPATING CUSTOMER:

[Participant::Full Name]

Signed:___________________________

Date: [SIGNATURE DATE]

Electric Account Number: [Participant::Customer Account#]

Contact information for Participant:

[Participant::Address]
[Participant::City], [Participant::State] [Participant::ZIP Code]
Telephone: [Participant::Tele]
Email: [Participant::email]

OPTIONAL: Check the box below and complete Appendix B only if you wish to assign your Community Solar Credits to an electric account other than the account specified above.

☐ Participating Customer also identifies a DESIGNATED BENEFICIARY to receive all Program bill credits, as set forth in Appendix B, attached hereto and incorporated by this reference.
## Community Solar Program Enrollment and Continuing Participation Agreement

### Appendix A

#### Customer and Array Information for Participating Customer

<table>
<thead>
<tr>
<th>Customer Name(s):</th>
<th>[Participant::Full Name]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer's Location:</td>
<td>[Participant::Address] [Participant::City], [Participant::State] [Participant::ZIP Code]</td>
</tr>
</tbody>
</table>

| Capacity controlled by Customer: | [Number of panels] panels | [System Size] Watts |
|--------------------------------|---------------------------|

<table>
<thead>
<tr>
<th>Customer Portion:</th>
<th>[Customer Portion] %</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Current monthly O&amp;M Fund contribution from Customer bill credits:</th>
<th>9.38%</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Array Name:</th>
<th>Riverside Community Solar Array</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Array Location:</th>
<th>910 E. Mulberry Street Fort Collins, CO</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date of Array Commercial Operation:</th>
<th>July 7, 2015</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Effective Date of Customer Portion inclusion in Program:</th>
<th>November 28, 2020</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Panels information (e.g., serial #):</th>
<th>Panel serial #s</th>
</tr>
</thead>
</table>

---
YOU SHOULD ONLY COMPLETE THIS PAGE IF YOU INTEND TO ASSIGN 100% OF YOUR BILL CREDITS UNDER THE PROGRAM TO ANOTHER FORT COLLINS UTILITIES ELECTRIC CUSTOMER.

OWNER CUSTOMER INFORMATION:

Customer name: [Participant::Full Name]
Electric Account Number: [Participant::Customer Account#]

I hereby designate the customer named below as beneficiary of the Bill Credits and other benefits associated with the Customer Portion and Customer Output, under this Agreement and the Riverside Community Solar Array Program and revoke any previous beneficiary designation. The Utility Service Location under this Agreement shall be amended to correspond to the address where such designated beneficiary receives utility services from Fort Collins Utilities.

Customer Signature: ________________________________     Date: ______________

BENEFICIARY CUSTOMER INFORMATION:   (Please print clearly)

Customer name: __________________________________________________________
Utilities Account number (last 5 digits only): ________________________________
If a business, Contact: ___________________________ Title: ______________________
Service or Mailing Address: _______________________________________________
City, State, ZIP Code: ___________________________________________________
Phone number: ___________________ Email address: __________________________
MEMORANDUM

TO: Theresa Connor, Interim Utilities Executive Director  
FROM: John Phelan, Energy Services Senior Manager Cyril Vidergar, Assistant City Attorney  
DATE: September 24, 2020  
RE: Riverside Community Solar Program Rules Approval

BOTTOM LINE
The purpose of this memo is to verify approval by the Utilities Executive Director of the Riverside Community Solar Program Rules (attached) and to share the customer Continuing Participation Agreement (attached).

BACKGROUND
Pursuant to Resolution 2020-055 Authorizing Acquisition of Certain Assets and Operational Control of the Community Solar Project Located at the Riverside Avenue and Mulberry Street Intersection, approved by City Council on June 16, 2020, Utilities staff and the City Attorney’s Office have completed the transfer of ownership from Clean Energy Collective of Riverside Community Solar Project.

Fort Collins Utilities has assumed responsibilities for delivery of the Community Solar Program and has developed a Continuing Participation Agreement and associated Program Rules. The new agreement and rules define the terms and conditions for customers owning solar panels in the project to participate in the program and receive its benefits.

The energy credits earned by program participants are defined by the Community Solar Net Metering rate in Municipal Code, Sec. 26-464 (r). Municipal Code Sec. 26-464 (h) authorizes the establishment of program rules and regulations with the approval of the Utilities Executive Director. This Program reduces energy consumption and system peak demands consistent with Council-adopted policies applicable to the utility. These rules may be revised administratively as determined necessary. The City Attorney’s Office has also determined that these rules should be formally acknowledged by City Council (pending).

Approved
The Utilities Executive Director approves the rules and regulations (Rev. 1) attached hereto and extends delegation of authority to the Fort Collins Utilities Energy Services Senior Manager position to manage implementation of the Community Solar Program.

Theresa Connor, Interim Utilities Executive Director

CC: Gretchen Stanford, Interim Deputy Director Utilities Customer Connections  
Leland Keller, Energy Services Engineer
WHEREAS, Section 26-463 of the City Code provides that rules, regulations, and standards applicable to electric service and persons receiving electric service provided by the City may be adopted by the Utilities Executive Director and approved by ordinance of the City Council; and

WHEREAS, in 2014, the City entered into an agreement with Clean Energy Collective (CEC) to develop a community solar project through which City Electric Utility customers could participate in “virtual net metering” in lieu of locating solar panels on their own properties; and

WHEREAS, the City and CEC thereafter collaborated to build and operate the Riverside Solar Project (the “Project”) on City property at Riverside Avenue and Mulberry Street from mid-2015 through August 28, 2020; and

WHEREAS, on June 16, 2020, City Council adopted Resolution 055, 2020 authorizing the City Manager to execute an asset purchase agreement with CEC and complete steps necessary to acquire the operating assets of the Project, which transaction closed on August 28, 2020 (the “Closing”); and

WHEREAS, City utility customers originally purchased 25-year subscription-ownership interests in the Project from CEC and received utility bill credits directly on their City utility bills based on a power purchase agreement between the City and CEC, which agreement terminated at the Closing; and

WHEREAS, as a condition of the Closing, the City agreed to maintain the bill credit formula provided during CEC’s operation of the Project for 90 days following the Closing (expiring on November 28, 2020), during which time Utility staff would develop a continuing customer participation agreement and Project rules, regulations, and standards; and

WHEREAS, on October 2, 2020, the Interim Utilities Executive Director approved the continuing customer participation agreement and administrative rules, regulations and standards that define the terms and conditions for customers owning solar panels in the Project to continue participating in the Riverside Community Solar Program after November 28, 2020 (the “Riverside Community Solar Program Rules”); and

WHEREAS, the Riverside Community Solar Program Rules clarify relationships between the electric service standards, rates and credits adopted by Council and the benefits available to customers through the Program; and

WHEREAS, the Riverside Community Solar Program Rules also provide continuity for operation of the Project and ensure predictability for customers subscribing to and managing interests in the Project; and
WHEREAS, on October 8, 2020, the Energy Board reviewed the Riverside Community Solar Program Rules, and unanimously recommended approval by Council; and

WHEREAS, the Interim Utilities Executive Director recommends Council approve the Riverside Community Solar Program Rules attached hereto as Exhibit “A,” incorporated by this reference, to complete the transfer of Project operation from CEC to the City; and

WHEREAS, the City Council has determined the continued operation of the Project directly benefits electric utility ratepayers by facilitating local renewable energy generation, and the recommended administrative rules, regulations, and standards set forth in the Riverside Community Solar Program Rules are in the best interests of the electric utility and its customers.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the Riverside Community Solar Program Rules set forth in Exhibit “A,” attached hereto and incorporated herein by this reference, are hereby approved by the City Council pursuant to §26-463(a) of the City Code.

Introduced, considered favorably on first reading, and ordered published this 4th day of October, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

________________________________________
Mayor

ATTEST:

________________________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020

________________________________________
Mayor

ATTEST:

________________________________________
City Clerk
Riverside Community Solar Program Rules

Objective:
The purpose of the rules for the Riverside Community Solar Program is to provide specific details and procedures in alignment with Fort Collins Municipal Code Section 26-464 (r) and 26-464(h). Nothing contained herein is intended to supersede the Fort Collins Municipal Code.

Applicability:
This policy applies to the Utility Service Areas of the City.

Authorized by:
Utilities Executive Director, September 2020

Owners of solar panels located in the Riverside Community Solar Project at 910 E. Mulberry Street (the "Array", or the "Project") may participate in the Riverside Community Solar Program (the "Program"), subject to requirements, terms and conditions, and rules (the "Program Policies") set forth herein.

1. Applicability.
These Program Policies shall apply to all Owners of solar panels ("you", "your", "they"), and the panels they own (the “Selected Solar Panels”) located in the Array. Owners on August 28, 2020 retained title to panels in the Array previously acquired from Clean Energy Collective, when Clean Energy Collective, LLC (including CEC #1038, LLC and any subsidiary controlling such assets) (CEC) transferred title and control of all Project assets to the City of Fort Collins on such date (the “Closing Date”). The Bill Credit formula in effect on the Closing Date shall remain in effect for eligible Owners until the earlier of 90 days following the Closing Date or until the Owner enrolls in the Program. All rights to Bill Credits under the Program shall expire for any customer who does not enroll in the Program as of the expiration of that 90-day period (estimated to occur on the next business day following November 28, 2020).

2. Program Requirements.
To participate in the Program and be eligible for Bill Credits to your Utility account based upon Fort Collins Utility’s ("our", "we", or "Utility") acceptance of your Solar Output, you must
a) be (or your designated account or beneficiary must be) and remain a customer of the Utility for electric service,

b) submit an Enrollment and Continuing Participation Agreement ("Participation Contract"), as approved by the Utility, in which you designate the Utility account to which we can post Program Bill Credits (which shall be at the "Utility Service Location", including Designated Beneficiary attachment, unless changed pursuant to Section 6(c) below, and

c) be (or your designated account or beneficiary must be) and remain in compliance with these Program Policies and conditions of receiving services from the Utility throughout your participation. In addition, your ability to participate in the Program is subject to the limitations described in Section 5(c) below.

3. **Term.**
   
a) **Initial Useful Life of Array.** The anticipated useful life of the Array is 20 years from the Closing Date (estimated as December 31, 2040). That period is also the anticipated Program Term, subject to earlier termination by City Council.

b) **Program Extension.** Upon direction of City Council, the Utility may extend the Program beyond an initial 20 years (an "extended Term")
   
   i. for as long as the balance of the O&M Fund is sufficient to pay all costs associated with operations, in relation to our services or the Array in general, or
   
   ii. until City Council terminates the Program.

4. **Energy Services**
   
   a) **Net Metering Credits.** The actual generated electricity produced by the Selected Solar Panels is referred to herein as the "Solar Output." During the Program Term and while the Selected Solar Panels remain located in the Array, we will assist in transmitting Customer Output to the Utility and provide the services described herein. Your rights to locate the Selected Solar Panels within the Array end upon termination of the Program, as do our obligations in regard to the Selected Solar Panels. The Term and termination of the Program are as set forth in Sections 3 and 10.

   b) **Transfer of Solar Output.** We agree to, and you hereby appoint and assign to us full power and authority to, take possession, deliver, and transfer all Customer Output by and through the Utility and/or third parties pursuant to these Program Policies and other applicable agreement(s), and to post Bill Credits to your utility account.

   c) **Bill Credits.** You, or a Designated Beneficiary, will be eligible to receive Bill Credits on your Utility bills for the Utility Service Location, based on Customer Output and according to these Program Policies. Bill Credits are calculated pursuant to the Program and applied solely by the Utility. **Bill Credits conform to the prevailing Community Solar Net Metering**
credit rate per Municipal Code Sec. 24-464. You acknowledge that the duration, terms
and conditions of the Program Policies are subject to change by the Utility, and that the
Net Metering Bill Credits are subject to change by the Utility as approved by Fort Collins
City Council. The prevailing Community Solar Net Metering credit rate is available on the
Residential Electric Rates web page (www.fcgov.com/TOD) under TOD Pricing – Solar
Customers: Community Solar.

5. Ownership and Program Participation.
   (a) Removal. Upon your request, we will remove the Selected Solar Panels from the Array,
   provided you give us at least thirty (30) days prior written notice of the requested removal. In
   such case, we will deliver the Selected Solar Panels to you at a Utilities facility on a mutually
   agreed date. You agree to pay the reasonable costs of the removal and delivery of the Selected
   Solar Panels following a request for removal made by you under this Section.

   (b) Liens and Encumbrances. At all times during the Term (or any extension Term), you will
   ensure that you will not directly or indirectly place a lien, security interest or other encumbrance
   against the Selected Solar Panels, the Array, any electrical energy produced from the Array, or
   any Environmental Attributes associated with the Selected Solar Panels, or any other property
   relating to the Array.

   (c) Maximum Capacity. The electric generating capacity of your Selected Solar Panels
   cannot exceed the limitations set forth in Municipal Code Chapter 26. **You agree the Utility is not obligated to make Bill Credits from your Solar Output to the extent the electric generating capacity of your Selected Solar Panels exceeds the limitations** in effect under the Program and the Participation Contract (at Appendix A) will be deemed automatically amended to reflect any
   revisions to such limitations or other terms of the Program, and any excess ownership interests
   or capacity will be allocated to the Default Beneficiary (as defined below). In such event, we
   will provide you with a description of such changes within the thirty (30) day period following
   any such change.

   (d) Interaction with Utility. Customer Information which the Utility may request from you
   includes your name, home address, billing address, Utility Service Location (as designated in the
   Participation Contract), email address, fax number, Utility account number, your Solar Output,
   and information regarding your Selected Solar Panels. You hereby authorize us to use your
   Customer Information in connection with the Program. You agree to execute each document
   the Utility may request for purposes of the Program.

   (a) O&M Services. During the Term, we will be responsible for operation and maintenance
   of the Array. You acknowledge and grant to us exclusive authority to designate in our sole
   discretion affiliates or third parties to help operate and maintain the Array including, but not
   limited to, your Selected Solar Panels.
i. We or our designee will operate the Array and provide maintenance services designed to help maintain the Array in working condition. Such maintenance services shall be performed in accordance with industry standards upon terms and conditions we determine to be necessary.

ii. During an emergency, or to protect the safety of personnel or the operation of the Array or the Utility's system, and at periodic intervals for improvements, maintenance and repairs, the Solar Output of the Selected Solar Panels may be interrupted. You acknowledge and agree no compensation is due to you for any interruptions or variations in Solar Output.

(b) **O&M Funding.**

i. In addition to amounts deposited with the City by CEC for operation and maintenance, an O&M Fee of 9.38375% of net solar credits generated by the Array is assessed on a monthly basis against the total net generation of the entire Array before the remaining Bill Credits are applied to individual Owners. Such amounts are retained in a restricted account for O&M purposes (the “O&M Fund”). The fee is subject to change at the Utility’s sole discretion for the purpose of providing for operation, maintenance of the array and site, and decommissioning of the Array at end of life.

ii. Monies placed into the O&M Fund will be dedicated solely to payment of costs of operation and maintenance of the Array. We will continue to pay each month into the O&M Fund based on Customer Output per kWh generated by the Array, as identified in your Participation Contract (at Appendix A), and transferred in the prior calendar month (the "Recurring O&M Fee"), pursuant to these Program Policies.

iii. For purposes of determining decommissioning costs, as used in this Section, such costs shall include expenses associated with disposing of PV modules, associated wiring, and expired inverter and other plant equipment, and as may be determined by the Utility at the time, returning the Project site to the original brownfield status, prior to Project development. Expenses associated with soils remediation will not be include in amounts paid from the O&M Fund unless remediation is required to address issues created by construction or operation of the Array.

(c) **Costs exceeding O&M Fees.** Any costs of operating and maintaining the Array that exceed the amount of collected O&M Fees will be the obligation of Owners to pay.

(d) **Owner Assessment.** If the expense to repair, replace or decommission the Array exceeds funds available in the O&M Fund and/or from any casualty insurance proceeds, we reserve the right to seek additional funds from Owners to cover such expenses, or to suspend or permanently cease offering the Program, pursuant to Section 10 below.
(e) **Return of O&M Fees.** In case of a surplus balance in the O&M Fund at the end of the Program Term after decommissioning the Project, Owners will be credited for their proportionate share of the surplus balance.

(f) **Loss and Insurance.** We will make reasonable efforts to secure the Site, but shall have no obligation to police the Site or to prevent damage or loss to the individual panels you own (as identified in the Participation Contract at Appendix A) or to the Array beyond the measures we put in place to secure the Array in the Utility’s normal course of business.

i. At all times, we will keep a replacement-value property insurance policy in place with regard to the Array (not to include the individual panels you own) to insure against covered perils; such policy shall not be required to cover the Selected Solar Panels owned by customers.

ii. We shall be entitled to reimbursement from the O&M Fund of all costs of insurance and will determine the acceptability of such policy(s) in our sole discretion.

iii. **SHOULD YOU DETERMINE ADDITIONAL INSURANCE IS REQUIRED TO PROTECT YOUR INTERESTS IN THE SELECTED SOLAR PANELS YOU INDIVIDUALLY OWN, YOU ARE SOLELY RESPONSIBLE FOR PROCURING AND PAYING FOR SUCH ADDITIONAL INSURANCE.**

7. **Disclaimer.**

   (a) You understand and accept the Solar Output associated with the Array (including the Selected Solar Panels) may fluctuate from time to time based upon weather, seasonality, degradation and other conditions.

   (b) **WE DO NOT REPRESENT OR WARRANT ANY MINIMUM SOLAR OUTPUT, CUSTOMER OUTPUT, BILL CREDIT, OR BENEFIT RECOVERY AMOUNT. WE DO NOT REPRESENT OR WARRANT UNINTERRUPTED OR ERROR FREE OPERATION OF THE ARRAY OR ANY PART THEREOF INCLUDING THE PROJECT ASSETS OR ANY SOLAR PANELS. WE DO NOT REPRESENT OR WARRANT THERE WILL BE NO CHANGES TO THE PROGRAM OR RATE OF BILL CREDITS.**

   (c) **WE DO NOT REPRESENT OR WARRANT A DUTY TO REPAIR OR REPLACE THE INDIVIDUAL PANELS YOU OWN (AS IDENTIFIED IN THE PARTICIPATION CONTRACT) NOR THE ARRAY, FOLLOWING A CATASTROPHIC EVENT OR WHEN DAMAGE OR LOSS DUE TO ANY CAUSE EXCEEDS 30% OF THE THEN-PRESENT VALUE OF THE ARRAY. WE DO NOT REPRESENT OR WARRANT THE TIMLINESS OF ANY REPAIR WE MAY ELECT TO PERFORM AND HAVE NO OBLIGATION TO SPEND AMOUNTS FOR SUCH REPAIRS IN EXCESS OF FUNDS AVAILABLE IN THE O&M FUND AND RECEIVED PURSUANT TO INSURANCE SECURED UNDER THESE PROGRAM POLICIES.**

8. **Changes in services.**
(a) **Advance Notice.** You agree to provide us with thirty (30) days advance written notice of any change or event that may result in the termination of your Utility service at the Utility Service Location.

(b) **New Service Location within Utility Service Territory.** You agree that you may change your Utility Service Location within the Utility's service territory, and you agree within ninety (90) days of such change you will take all necessary steps and provide all information and documentation required under the Program to substitute your new service location for the Utility Service Location identified in the Participation Contract, including contacting Fort Collins Utilities staff supporting the Program. You further agree the Participation Contract shall continue in effect upon such change of the Utility Service Location. You acknowledge, if the Utility Service Location or any new service location exceeds the Program Limitations or otherwise does not comply with these Program Policies, you will not be entitled to receive Bill Credits in excess of the Program Limitations. Excess Bill Credits may be donated to the Default Beneficiary identified below.

(c) **Owner Assignment.**
   
i. You may not assign the Participation Contract or any right, title or interest under the Program to any other person or entity without express written consent from the Utility. You may change the Utility Service Location pursuant to Section 8(b) above, but any such change or transfer shall not operate as an assignment of your Program interests.
   
   ii. You may designate beneficial use of the Bill Credits generated by your panels to your own active electric service account with Fort Collins Utilities, or to another active account which is not registered to you, i.e. a “Designated Beneficiary”. You must make a Designated Beneficiary allocation through communication with staff supporting the Program, and the allocation may not be for less than 100% of such credits, i.e. no partial or divided allocations.

(d) **Abandoned Panels.** In the event the electric service account designated to receive the Bill Credits under the Program becomes inactive for any reason, the Select Solar Panels will be considered abandoned and all associated Bill Credits will be assigned to the Default Beneficiary.

(e) **Default Beneficiary of Bill Credits.** All Bill Credits not disbursed to Owners, Designated Beneficiaries, or the O&M Fund on a monthly basis shall be donated by deposit into the Fort Collins Utilities Payment Assistance Fund as the “Default Beneficiary”. Donated Bill Credits are not refundable to Owners once donated.

9. **Sale/Transfer of Selected Solar Panels.**

   Notwithstanding anything in these Program Policies to the contrary, you may sell, donate or make any other arrangement to transfer ownership of some or all of your Selected Solar Panels (a “Transfer”) to any eligible customer (a “Recipient”) maintaining an active residential electric service
account in good standing with the Utility. You agree that we will not be bound to acknowledge any such Transfer until you provide us with notice of such Transfer (such as a fully executed bill of sale), and that upon the receipt of such notice the Participation Contract will terminate as to the Selected Solar Panels so transferred with no further obligation of either Party hereto. We agree that if the Recipient meets the same customer requirements as set forth in the Participation Contract and these Program Policies, we will offer a Participation Contract to the Recipient; whereby the Recipient will be allowed to continue co-locating the Selected Solar Panels within the Array and to receive Program benefits, according to Program Policies. The Utility may, but is not required to, assist with the sale/transfer of title of the Selected Solar Panels to another customer.

10. **Termination.**

Your eligibility to participate in the Program will terminate without liability to either party upon any of the following:

   (a) the expiration of the Term or early termination as directed by City Council.

   (b) if you materially fail to fulfill any of your obligations as expressed in these Program Policies for more than sixty (60) days after written notice from us of such failure.

   (c) at such time as we receive a request from you for the removal of the Selected Solar Panels under Section 5 above.

   (d) at such time as we receive notice of Delegation or Transfer, per Section or 9 above.

   (e) If the Participation Contract is terminated prior to the time you request removal of the Selected Solar Panels under Section 5, you will have an additional sixty (60) days to request the removal of the Selected Solar Panels pursuant to the terms and conditions of Section 5(a) above. If you fail to so request the removal of the Selected Solar Panels within such sixty (60) day period, we may consider the panels abandoned, take possession of the Selected Solar Panels and dispose of them in the manner we choose.

11. **Dispute Resolution; Choice of Laws.**

   a) **Credit or Payment Dispute.** If you dispute the amount of any Bill Credits made in connection with this Agreement, you shall have those administrative remedies and rights to appeal set forth in Chapter 26 of the City Code.

   b) **Applicable Law.** The Program will be governed by and construed in accordance with the laws of the State of Colorado.

12. **Indemnification.** To the fullest extent permitted by law, you agree to indemnify and hold the City of Fort Collins and its directors, officers, managers, members, partners, employees, representatives, agents and Affiliates (together “Related Parties”) harmless from any and all claims, demands, actions, liabilities and expenses (including reasonable attorneys' fees) of any kind or nature arising out of or relating to your negligence or intentional acts or breach of the Program Policies; provided,
that nothing herein shall require you to indemnify us for our negligence or intentional acts or breach of the Program Policies. The provisions of this paragraph shall survive termination or expiration of the Program.

13. Reporting and Marketing. You grant the Utility permission to access and use customer data and information produced or recorded by the electrical generation system, system components or sensors installed at the Array to monitor it for reporting and operational purposes. You authorize access of this information by and provided to Utilities and/or Affiliates. Use of such information is subject to Fort Collins Utilities Privacy Policies and the Colorado Open Records Act.

14. Notices. In the event any notice or other communication is required, we will use the information in the customer signature block and as set forth in Appendix A of the Participation Contract. Customer can find our contact information at http://fcgov.com/communitysolar

15. Miscellaneous.

    a) Authority. The Parties represent and warrant that they have full authority to deliver and perform their obligations pursuant to these Program Policies, and that the person whose signature appears on the Participation Contract is duly authorized to enter into such commitment on behalf of the respective party. You agree that we may delegate any of our obligations under these Program Policies to any Affiliate or third party, provided we remain ultimately responsible for the performance of our obligations hereunder. To the extent of any such delegation, the authorizations you provide us by continuing to participate in the Program under these Program Policies shall extend to any such Affiliate or third party.

    b) Confidentiality. The Parties agree to treat as confidential (a) all information owned by and/or obtained from the other Party, or that relates to the business of the other Party, or that is used by the other Party in carrying on business, and (b) all information that is proprietary to a third party (including our customers and suppliers). The Parties shall not disclose such information to any person not having a legitimate need-to-know and approved by the other party, nor use such information in any form to obtain an economic or other benefit for itself, or any third party. If such information is required by the Colorado Open Records Act, §24-72-201 et seq., CRS or other law, regulation or court order to be disclosed, the subject Party’s disclosure shall not be greater than that which is required, and in the event of such disclosure, the disclosing Party shall furnish a copy of the Program Policies to anyone requiring such disclosure and promptly advise the other Party in writing of each required disclosure.

    c) LIMITATION ON DAMAGES: NEITHER PARTY SHALL BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, PUNITIVE, EXEMPLARY OR INDIRECT DAMAGES, LOST PROFITS OR OTHER BUSINESS INTERRUPTION DAMAGES, BY STATUTE, IN TORT OR CONTRACT, UNDER ANY INDEMNITY PROVISION OR OTHERWISE.
d) **Severability.** Should any terms of the Program Policies be declared void or unenforceable by any arbitrator or court of competent jurisdiction, such terms will be amended to achieve as nearly as possible the same economic effect for the parties as the original terms and the remainder of the Program Policies will remain in full force and effect.

e) **No Partnership.** Nothing contained in these Program Policies or the Participation Contract will constitute either party hereto as a joint venturer, employee, or partner of the other, or render either party under the Program liable for any debts, obligations, acts, omissions, representations, or contracts of the other, including without limitation your obligations to the Utility for electric service.

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**Exhibit 1**

**Definitions**

Capitalized terms used in the Program Rules are defined as follows:

"**Affiliate**" means any person or entity that directly, or indirectly through one or more intermediaries, controls or is controlled by or partnered with, or is under common control with the person or entity specified.

"**Bill Credits**" means the dollar value credit earned for Your Solar Output according to the prevailing Community Solar Net Metering credit per Municipal Code.

"**Co-Locate**" shall have the meaning set forth in Section 4(a) of the Participation Contract.

"**Customer Information**" shall have the meaning set forth in Section 3(d) above.

"**Customer Portion**" means the fraction or percentage obtained by dividing (i) your Nameplate Capacity by (ii) the total nameplate generating capacity of all panels at the Array.

"**Dwelling Unit**" means real property improved with a house, apartment, condominium or similar improvement that provides basic living accommodations including sleeping space, bathroom and cooking facilities.

"**Environmental Attributes**" means the full set of environmental, power source and emissions characteristics, whether in the form of credits (including Renewable Energy Credits), emissions reductions, offsets, allowances, financial incentives, benefits or by any other designation, attributable now or in the future to all or any portion of the Array, its electrical production, or its electrical capacity.

"**Owner**” means the customer holding title to the Select Solar Panels and controlling allocation of beneficial use of associated Bill Credits.

"**Selected Solar Panels**" means the solar panels described by serial number in Appendix A to the Participation Contract.
"Solar Interest", "Output" or "Your Solar Output", for any given period, means the actual generated electrical output, measured in kilowatt hours, that is delivered from the Selected Solar Panels during that period. For this purpose, you agree that each panel in the Array shall be considered to have the same efficiency per Watt of Nameplate Capacity at any given time. The Solar Output from the Selected Solar Panels for the period shall be equal to the actual generated electrical output, measured in kilowatt hours, that is delivered by the Array during that period, multiplied by the Customer Portion. You acknowledge that the amount of electrical output delivered by the Array to the Interconnection Point shall be net of any energy consumed by the Array to support its operation.

"Utility" means the Fort Collins municipal electric utility division of Fort Collins Utility Services.
AGENDA ITEM SUMMARY

City Council
November 4, 2020

STAFF

Jill Hueser, Chief Judge
Ingrid Decker, Legal

SUBJECT


EXECUTIVE SUMMARY

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2019 IGA between Fort Collins, Loveland and Greeley. The previous IGA named former Chief Judge Kathleen Lane. This agreement is updated to include all current and eligible judges from each jurisdiction.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On occasion, the Municipal Judge may be prevented from sitting on the bench by reason of personal conflict of interest, illness, vacation, or other reason, and the Assistant Municipal Judge presiding over and conducting the Municipal Court in such event may also be unavailable.

Executing an intergovernmental agreement (IGA) is a cost-effective method of providing for judicial services in the event of an absence of the Municipal Judge.

The City Charter gives Council the authority to name the Municipal Judge and any alternate judge.

The Resolution authorizes the Mayor to execute the agreement with the Cities of Greeley and Loveland as described in the Resolution. The Resolution names the Loveland Municipal Judge, the Honorable Geri Joneson, and Loveland’s Deputy Municipal Judges, the Honorable Marco Scalise, the Honorable Courtenay Patterson, and the Honorable Carrie Clein as well as the Greeley Municipal Judge, the Honorable Mark Gonzales, and Greeley’s Assistant Municipal Judges, the Honorable Diane Knutson, the Honorable Keith Coleman, and the Honorabale Amy Penfold-Rutz, attorneys who are both reputable and qualified to act as the Fort Collins Municipal Judge, to provide judicial services to the City in the absence of the current Municipal Judges, through calendar year 2020.

The City Attorney’s Office has reviewed public records related to each of these judges’ status and reputation and has confirmed their good standing as attorneys in Colorado and their reputations and qualifications.

- Judge Joneson has been a licensed attorney for 28 years and has been licensed in Colorado since 2000. She has been the Municipal Judge for Loveland since May 2015.

Item # 11 Page 1
• Judge Scalise has been a licensed attorney in Colorado since 1994. He has had a private law practice in Loveland since 1998 and has been the Loveland Deputy Municipal Judge since July 2015.
• Judge Patterson was admitted to the Colorado Bar in 2015 and appointed in Loveland in 2019.
• Judge Clein was admitted to the Colorado Bar in 1984 and appointed in Loveland in 2019.
• Judge Gonzales was admitted to the Colorado Bar in 2000 and has been the Greeley Municipal Judge since May 2018. Before that he served as a Weld County District Court Magistrate for nine years. He has also served as a Weld County Deputy District Attorney and a Greeley Assistant City Attorney.
• Judge Knutson was admitted to the Colorado Bar in 1980 and has previously served as the Presiding Municipal Judge for the City of Durango and as the Municipal Judge for the Town of Ignacio prior to her appointment as an Assistant Municipal Judge for the City of Greeley in 2012.
• Judge Coleman was admitted to the Colorado Bar in 1994 and appointed in Greeley in 2018.
• Judge Penfold-Rutz was admitted to the Colorado Bar in 2012 and appointed in Greeley in 2018.
RESOLUTION 2020-101
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITIES OF FORT COLLINS, GREELEY AND LOVELAND FOR THE EXCHANGE
OF JUDICIAL SERVICES, AND APPOINTING TEMPORARY JUDGES

WHEREAS, on occasion, Municipal Judges may be prevented from sitting on the bench by reason of personal conflict of interest, illness, vacation, or other reasons, and the Assistant Municipal Judge presiding over and conducting the Municipal Court in such event may also be unavailable; and

WHEREAS, in order to provide cost-effective special judicial services to temporarily replace the services of its Municipal Judge in the event of a conflict of interest or other circumstance, the City should cooperatively exchange the services of the City’s Municipal Judge with those of other entities; and

WHEREAS on April 16, 2019, the City Council approved Resolution 2019-046, authorizing an intergovernmental agreement (“IGA”) between the City and Loveland, with the option to add Greeley, for the exchange of judicial services through 2020; and

WHEREAS, since then, Fort Collins Municipal Court Judge Kathleen Lane retired, and the parties wish to enter into an updated IGA to include Fort Collins’s new Chief Judge Jill Hueser and new assistant municipal judges from each City; and

WHEREAS, because of residency requirements in the Greeley City Charter, Judge Hueser is currently the only Fort Collins or Loveland judge who can provide special judicial services to the City of Greeley; and

WHEREAS, City staff has discussed with Loveland’s and Greeley’s representatives the proposed terms of an updated IGA to provide for the exchange of judicial services if needed to temporarily substitute when a Municipal Judge and temporary or assistant judges are unavailable, including the provision of replacement judicial services and compensation for costs directly incurred to provide such services; and

WHEREAS, the new IGA would replace the current IGA and expire October 31, 2022; and

WHEREAS, the Loveland City Council voted to approve the proposed IGA at its regular meeting on October 20, 2020, and the City of Greeley is scheduled to vote on the matter at its regular meeting on November 3, 2020; and

WHEREAS, Article VII, Section 1 of the City Charter sets forth the requirements for the appointment of the Municipal Judge and temporary judge, including that the temporary judge be a reputable and qualified attorney; and

WHEREAS, the City Council has the authority to designate reputable and qualified attorneys to serve as temporary judges through October 2022; and
WHEREAS, based on research conducted by the Chief Judge and the City Attorney’s Office, the City Council recognizes that the Loveland Municipal Judge, the Honorable Geri Joneson; the Loveland Deputy Municipal Judges, the Honorable Marco Scalise, the Honorable Courtenay Patterson, and the Honorable Carrie Clein; the Greeley Municipal Judge, the Honorable Mark Gonzales; and Greeley’s Assistant Municipal Judges, the Honorable Diane Knutson, the Honorable Keith Coleman, and the Honorable Amy Penfold-Rutz, are all reputable and qualified attorneys; and

WHEREAS, pursuant to Colorado Revised Statutes Section 29-1-203, governments may cooperate or contract with one another to provide any function or service lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the Mayor be authorized to execute an IGA between the Cities of Fort Collins, Loveland and Greeley in support thereof.

NOW, THEREFORE, BE IT RESOLVED 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 the City Council hereby authorizes the Mayor to execute an intergovernmental agreement between the City and the Cities of Loveland and Greeley, consistent with this Resolution, for the purpose of appointing Judges Geri Joneson, Marco Scalise, Courtenay Patterson, Carrie Clein, Mark Gonzales, Diane Knutson, Keith Coleman, and Amy Penfold-Rutz, as the temporary judges for Fort Collins, with such language as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or further the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of November, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
November 4, 2020

STAFF
SeonAh Kendall, Economic Health Manager
Darin Atteberry, City Manager
Chris Van Hall, Legal

SUBJECT
Resolution 2020-102 Approving an Intergovernmental Agreement with Larimer County for COVID-19 Test Funding.

EXECUTIVE SUMMARY
The purpose of this item is to authorize the Mayor to enter into an intergovernmental agreement (IGA) with Larimer County to financially support the increased testing, and costs associated with the tests administered on a pro rate contribution.

STAFF RECOMMENDATION
Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION
Larimer County has entered into an intergovernmental agreement ("CSU-IGA") with Colorado State University ("CSU") to increase diagnostic testing for COVID-19 for residents of the County, in which CSU will perform testing services and increase lab testing capacity.

Seven municipalities within Larimer County have agreed to support the additional COVID-19 testing and lab capacity performed by CSU on behalf of Larimer County. The CSU-IGA estimates total cost of testing services and increased lab capacity to total $990,000. The Colorado Department of Public Health and Environment (CDPHE) has agreed to pay 50% of each test for residents of Larimer County. This item authorizes the Mayor to enter into an IGA with Larimer County in which the City agrees to pay a portion of the County’s share of the cost of the testing of $490,000 on a pro rata contribution. The City of Fort Collins population distribution is 58.9% or equivalent to $291,555 as its contribution toward securing additional testing capacity. Funds not used for testing by December 30, 2020 will be reimbursed to the City, unless otherwise negotiated.

CITY FINANCIAL IMPACTS
On July 28, 2020, Emergency Ordinance No. 094, 2020 was adopted to appropriate unanticipated revenue in the general fund from the Coronavirus Relief Fund (CVRF), CARES Act, Title V. The City will seek reimbursement from the State of Colorado Department of Local Affairs (DOLA) through CARES CVRF. Expenses related to supporting the regional health initiatives, such as increased testing support through regional partners is an eligible expenditure of CARES CVRF.
WHEREAS, Larimer County (the “County”) has entered into an intergovernmental agreement (“CSU-IGA”) with Colorado State University (“CSU”) to increase diagnostic testing for COVID-19 for residents of the County, in which CSU will perform services and increase lab testing capacity and the total cost of the testing services and increased lab capacity is currently estimated to total $990,000; and

WHEREAS, the Colorado Department of Public Health and Environment (“CDPHE”) has agreed to pay for approximately 50% of each test for residents of Larimer County and so the County will be responsible for paying $490,000 of the additional testing services and increased lab capacity; and

WHEREAS, seven municipalities within the County, including the City, wish to enter into separate intergovernmental agreements (“IGA”) with the County to pay for the County’s share of $490,000 under the CSU-IGA for the additional COVID-19 testing and lab capacity; and

WHEREAS, the City’s population distribution within the County is 58.9% and the City wishes to enter into a proposed IGA with the County to pay 58.9% of the County’s share of $490,000 under the CSU-IGA, which would require the City to contribute $291,555 to the additional testing services and increased lab capacity; and

WHEREAS, Council previously adopted Emergency Ordinance No. 094, 2020 that appropriated unanticipated revenue in the general fund from the Coronavirus Relief Fund (“CVRF”), CARES Act, Title V to cover various COVID-19 related costs, including supporting increased testing support through regional partners, and the City plans to fund the IGA using CVRF funds; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the City enter into the IGA with the County to provide the public benefit of additional COVID-19 testing services and increased lab capacity during the COVID-19 pandemic and the Mayor is authorized to execute the IGA.

NOW, THEREFORE, BE IT RESOLVED 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 the Mayor is hereby authorized to enter into the IGA substantially in the form attached hereto as Exhibit A, together with such additional terms and conditions as the
City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of November, A.D. 2020.

_________________________________
Mayor

ATTEST:

_____________________________
City Clerk
Fort Collins Larimer County COVID-19 IGA for testing with CSU

INTERGOVERNMENTAL AGREEMENT FOR COVID-19 TEST FUNDING

This Intergovernmental Agreement, dated October 22, 2020 (the “Agreement”), is entered into by and between Larimer County, Colorado (“County”), and the City of Fort Collins, Colorado (the “Municipality”).

Background:

The County has entered into an intergovernmental agreement (“CSU-IGA”) with Colorado State University (“CSU”) to increase diagnostic testing for COVID-19 for residents of the County. The CSU-IGA is attached and incorporated herein as Exhibit A. The CSU-IGA outlines the processes and financial elements of the increased testing as agreed to between the County and CSU. The Municipality agrees, subject to the terms of the CSU-IGA, that it will pay for a portion of the County’s share of the cost of testing as follows:

Section 1. Services.

1.1 CSU will perform the testing services described in the CSU-IGA.

Section 2. Compensation.

2.1 CSU has entered into an agreement with the County and with the Colorado Department of Public Health and Environment to perform testing services and to increase their lab testing capacity. As part of that agreement CDPHE has agreed to pay for 50% ($50.00) of each test for residents of Larimer County. Larimer County has agreed to pay CSU for the remaining 50% ($50.00) for each test processed for residents of Larimer County.

2.2 The Municipality agrees to pay County a set amount of $291,555.00 as its contribution toward securing the additional testing capacity and to help fund the County’s share (50%) ($50.00) of each test administered for a resident of the County. All payments from the Municipality pursuant to this Agreement will be kept in a separate account and used to pay CSU for the administration of tests. As the County incurs costs from the testing described in Section 2.1, the County will attribute costs to the Municipality’s account based on the pro rata contribution that is assigned to the Municipality in Exhibit B. Any money left in the Municipality’s account, which is not used for testing by December 30, 2020, will be reimbursed to the Municipality, unless otherwise negotiated by the parties.

2.3 The County will invoice the Municipality for its full contribution of $291,555.00 by October 23, 2020 and the Municipality shall pay within 21 days.

Section 3. Contractual Relationship. In the performance of all services to be rendered hereunder: no party shall be authorized or empowered to act as agent for the other party for any purpose and shall not on the other party’s behalf attempt to enter into any contract, agreement, warranty, or representation as to any matter. It is understood and agreed by the parties that the County is an independent contractor with respect to the Municipality and that this Agreement is not intended and shall not be construed to create an employer/employee or a joint venture relationship between the Municipality and the County. The County shall be free from the direction and control of the Municipality in the performance of the County’s obligations under this Agreement. To avoid any doubt, this Agreement does not intend to create any joint venture, partnership, “teaming” or joint collaborative arrangement between the County and the Municipality.
Section 4. Meetings and Communication. Throughout the term of this Agreement, the County shall regularly communicate with the Municipality regarding any Services or results.

Section 5. Record Keeping

5.1 The County understands that the Municipality intends to submit for reimbursement under the Corona Virus Relief Fund (CVRF) the expense incurred under this agreement to the Colorado Department of Local Affairs. The County will retain records of the CSU-IGA, this Intergovernmental Agreement, invoices received from CSU, and evidence of payment of said invoices. These materials shall be available to the Municipality upon request as documentation of the eligibility of the expense incurred by the Municipality.

Section 6. Term and Termination.

6.1 Project Period. The Agreement will be effective as of the latest of the execution dates set forth below, and continue at all times through December 30, 2020, unless terminated earlier below. This period may be amended by mutual written agreement of the Municipality and the County.

6.2 Extensions of Project Period. The parties may by mutual agreement in writing extend the project period.

6.3 Termination. Either party may terminate this agreement on ten (10) days prior written notice to the other. Upon termination, the County shall return any unused funds deposited by Municipality to the Municipality.

Section 7. Notices. All notices and other communications required or permitted under this Agreement shall be in writing and shall be sent by confirmed e-mail or facsimile transmission (FAX) to the number or addresses set forth below (in each such case notice shall be deemed given on the date of transmission), or by overnight air courier service or by registered or certified mail, return receipt requested, postage prepaid and properly addressed, to the addresses set forth below, or such other address as a party may hereafter provide notice of to the other:

If to the County:
Tom Gonzales,
Public Health Director
1525 Blue Spruce Dr,
Fort Collins, CO 80524
970-498-6700

and

Frank Haug
Larimer County Attorney’s Office
224 Canyon Avenue
Fort Collins, CO 80521
970-498-7450
Fort Collins Larimer County COVID-19 IGA for testing with CSU

If to the Municipality

Darin Atteberry  
City Manager  
P.O. Box 580  
Fort Collins, Co 80522  
Email datteberry@fcgov.com

and

Carrie Daggett  
City Attorney  
P.O. Box 580  
Fort Collins, Co 80522

Section 8. Miscellaneous.

8.1 **Entire Agreement.** This Agreement expresses the entire agreement between the parties. All prior negotiations, understandings, promises and agreements, oral or written, are superseded hereby.

8.2 **Amendments.** Any amendment to this Agreement or any exhibit or attachment to this Agreement must be in writing and signed by the parties. No waiver of any term or required performance of this Agreement shall be valid and enforceable unless in writing and signed by the authorized representative for the party granting the waiver. The waiver by any party of a breach of any term or required performance of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any party or a breach of the entire Agreement.

8.3 **Severability.** If any of the provisions of this Agreement shall be determined to be illegal or unenforceable by a court of competent jurisdiction, the other provisions shall remain in full force and effect.

8.4 **Force Majeure.** No party will be responsible for delays resulting from causes beyond its reasonable control, including without limitation fire, explosion, flood, war, strike, or riot; provided that the non-performing party uses reasonable efforts to avoid or remove those causes of nonperformance and continues performance under this Agreement with reasonable dispatch whenever the causes are removed.

8.5 **Interpretation.** Words expressed in the singular number shall include the plural and vice versa, and words expressed in the masculine shall include the feminine and neuter genders and vice versa. References to “day” or “days” are to calendar days. The words “include,” “includes,” and “including” are deemed to be followed by “without limitation” whether or not they are in fact followed by such words or words of similar import. The headings contained in this Agreement and in the schedules and exhibits hereto are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement, including the meaning or intent of the provision that follows.

8.6 **No Third-Party Beneficiary.** Except as expressly provided herein, this Agreement is for the sole benefit of the parties and their permitted successors and assignees and nothing herein expressed or implied will give or be construed to give any person, other than the parties and such successors and assignees, any legal or equitable rights hereunder.
8.7 **Counterparts.** This Agreement may be executed simultaneously in one or more counterparts, and by different parties hereto in separate counterparts, each of which when executed shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

8.8 **Immunity.** No term or condition of this Agreement shall be construed or interpreted as a waiver, either express or implied of any of the immunities, rights, benefits or protections available to either party under the Colorado Governmental Immunity Act as now in effect or hereafter amended.

8.9 **Funding Availability.** The Municipality’s and County’s financial obligations under this Agreement are contingent upon the annual appropriation, budgeting and availability of specific funds to discharge those obligations, and that no change orders will be issued for the project unless appropriations exist to cover any increased costs to the Municipality and County. Nothing in this Agreement shall create a payment guaranty by either party or a debt or a multiple-fiscal year financial obligation under the Colorado Constitution or any similar provisions of the Municipality’s charter or ordinances.

* * *

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Fort Collins Larimer County COVID-19 IGA for testing with CSU
Fort Collins Larimer County COVID-19 IGA for testing with CSU

The parties have each affixed their signatures below and enter into this Agreement as of the date first set forth above.

Board of County Commissioners
Larimer County, Colorado

By: _________________________
Date: _______________________

City of Fort Collins, Colorado

By: _________________________

Printed Name: _________________________
Title: _________________________
Date: _________________________

ATTEST

Deputy Clerk
INTERGOVERNMENTAL AGREEMENT FOR COVID-19 TESTING

This Intergovernmental Testing Agreement, dated August 8, 2020 (the “Agreement”), is entered into by and between Larimer County, Colorado (“County”), and the Board of Governors of the Colorado State University System acting by and through Colorado State University (the “University”), located at Fort Collins, CO 80523-2002.

Background:

The County through its Department of Health and Environment seeks to increase diagnostic testing for COVID-19 for residents of the County. They have requested that the University provide testing services for County collected samples. The County and the University have agreed to enter into this Agreement to memorialize the agreement of the parties with respect to testing services to be provided to the County by the University.

Section 1. Services.

1.1 The University agrees to perform the testing services described in the Scope of Work attached hereto (the “Services”) and made a part hereof as Exhibit A, under the direction and supervision of Dr. Kristy Pabilonia.

1.2 All Services rendered pursuant to this Agreement shall be supervised by only duly qualified personnel having the necessary skills to supervise the performance of the Services (or their respective portion thereof) in the manner contemplated by this Agreement.

1.3 Within the Scope of Work, the parties will agree on a mutually acceptable workflow or protocol for receipt of samples from the County, return of results to the County and final disposition of samples. Additional matters may be addressed as well and the parties may with mutual consent update or modify the Scope of Work document. Generally, the test results will be returned within 72 hours of submission. However, the University reserves the right to notify the County that such testing returns may take longer due to backlogs or other unforeseen circumstances.

Section 2. Compensation.

2.1 The University has entered into an agreement with Colorado Department of Public Health and Environment to perform testing services and to increase their lab testing capacity. As part of that agreement CDPHE has agreed to pay for 50% of each test for residents of Larimer County. Larimer County has agreed to pay CSU for the remaining 50% for each test processed for residents of Larimer County. The tests shall be performed for $100.00. The University will invoice the County for its share of the payment for each test processed for a resident of Larimer County.

2.2 Invoices will be presented to the County no more frequently than once a month. Payment is expected no later than 45 days after date of invoice. The University will not be responsible for billing any individual or insurance carrier.

Section 3. Work Standards. The University agrees at all times relevant hereunder: (i) to perform the Services by applying sound and accepted scientific principles and methodologies; (ii) to perform all Services (A) in a workmanlike and safe manner, and (B) in compliance with all applicable federal, state, and local laws and University rules, policies and regulations (collectively, “Laws”); (iii) to report any Results truthfully and accurately to the County in a prompt manner; (iv) handle all County
materials in a safe and lawful manner; and (v) without the County’s written consent, not deviate in any material respect from the Scope of Work.

Section 3. Facilities and Equipment.

Except as may be otherwise provided below, the University shall provide all resources necessary or desired to perform and complete any Services required under this Agreement or as contemplated herein, including all personnel; and any physical facilities and equipment (collectively, “Facilities”).

Section 4. Contractual Relationship. In the performance of all services to be rendered hereunder: no party shall be authorized or empowered to act as agent for the other party for any purpose and shall not on the other party’s behalf attempt to enter into any contract, agreement, warranty, or representation as to any matter. It is understood and agreed by the parties that the University is an independent contractor with respect to the County and that this Agreement is not intended and shall not be construed to create an employer/employee or a joint venture relationship between the University and the County. The University shall be free from the direction and control of the County in the performance of the University’s obligations under this Agreement, except that the County may indicate specifications, standards requirements and deliverables for satisfaction of the University’s obligations under this Agreement. To avoid any doubt, this Agreement does not intend to create any joint venture, partnership, “teaming” or joint collaborative arrangement between the County and any other person employed by the University.

Section 5. Meetings and Communication. Throughout the term of this Agreement, the University shall regularly communicate with the County regarding any Services or results.

Section 6. Use of Names and Marks. Neither party obtains by this Agreement any right, title, or interest in, or any right to reproduce or to use for any purpose, the name, tradenames, trade- or service marks, or logos (the “Marks”), or the copyrights of the other party. Neither party will include the name of the other party or of any employee of that party in any advertising, sales promotion, or other publicity matter without the prior written approval of that other party. In the case of the University, prior written approval is required from the University Vice President for Research. In the case of the County, prior written approval is required from an authorized representative of the County.

Section 7. Liability; Insurance.

7.1 Each party hereto agrees to be responsible for its own wrongful or negligent acts or omissions, or those of its officers, agents, or employees to the full extent allowed by law. Liability of the University and the County are at all times herein strictly limited and controlled by the provisions of the Colorado Government Immunity Act, C.R.S. secs. 24-10-101, et seq. as now or hereafter amended. Nothing in this Agreement shall be construed as a waiver of the protections of said Act.

7.2 No party shall be liable for any indirect, special, incidental, consequential or punitive loss or damage of any kind, including but not limited to lost profits (regardless of whether or not University knows or should know of the possibility of such loss or damages). The liability of either party under this Agreement shall not exceed the amount paid or payable to the University under this Agreement, except where such party’s actions were willful or grossly negligent.

Section 8. Term and Termination.
8.1 **Project Period.** The Agreement will be effective as of the latest of the execution dates set forth below, and continue at all times through December 30, 2020, unless terminated earlier below. This period may be amended by mutual written agreement of the University and the County.

8.2 **Extensions of Project Period.** The parties may by mutual agreement in writing extend the project period.

8.3 **Termination.** Either party may terminate this agreement on ten (10) days prior written notice to the other.

8.4 **Effect of Termination.** The following provisions survive the expiration or termination of this Agreement: Sections 10.1

**Section 9. Notices.** All notices and other communications required or permitted under this Agreement shall be in writing and shall be sent by confirmed e-mail or facsimile transmission (FAX) to the number or addresses set forth below (in each such case notice shall be deemed given on the date of transmission), or by overnight air courier service or by registered or certified mail, return receipt requested, postage prepaid and properly addressed, to the addresses set forth below, or such other address as a party may hereafter provide notice of to the other:

If to the County:
Tom Gonzales,
Public Health Director
1525 Blue Spruce Dr,
Fort Collins, CO 80524
970-498-6700

and

Frank Haug
Larimer County Attorney’s Office
224 Canyon Avenue
Fort Collins, CO 80521
970-498-7450

If to the University:

Office of the General Counsel
01 Administration Building
0006 Campus Delivery
Colorado State University
Fort Collins, CO 80523-0006
Tel: 970-491-6270

**Section 10. Miscellaneous.**
10.1 AT NO TIME SHALL ANY PARTY BE LIABLE TO THE OTHER FOR ANY SPECIAL OR CONSEQUENTIAL DAMAGES SUFFERED BY ANY PERSON (INCLUDING ANOTHER PARTY) RESULTING FROM SUCH PARTY’S BREACH OF OR DEFAULT UNDER THIS AGREEMENT OR THE PROVISION, USE OR HANDLING OF ANY COUNTY MATERIALS.

10.2 **Entire Agreement.** This Agreement expresses the entire agreement between the parties. All prior negotiations, understandings, promises and agreements, oral or written, are superseded hereby.

10.3 **Amendments.** Any amendment to this Agreement or any exhibit or attachment to this Agreement must be in writing and signed by the University and the County. No waiver of any term or required performance of this Agreement shall be valid and enforceable unless in writing and signed by the authorized representative for the party granting the waiver. The waiver by any party of a breach of any term or required performance of this Agreement shall not operate or be construed as a waiver of any subsequent breach by any party or a breach of the entire Agreement.

10.4 **Severability.** If any of the provisions of this Agreement shall be determined to be illegal or unenforceable by a court of competent jurisdiction, the other provisions shall remain in full force and effect.

10.5 **Force Majeure.** No party will be responsible for delays resulting from causes beyond its reasonable control, including without limitation fire, explosion, flood, war, strike, or riot; provided that the non-performing party uses reasonable efforts to avoid or remove those causes of nonperformance and continues performance under this Agreement with reasonable dispatch whenever the causes are removed.

10.6 **Interpretation.** Words expressed in the singular number shall include the plural and vice versa, and words expressed in the masculine shall include the feminine and neuter genders and vice versa. References to “day” or “days” are to calendar days. The words “include,” “includes,” and “including” are deemed to be followed by “without limitation” whether or not they are in fact followed by such words or words of similar import. The headings contained in this Agreement and in the schedules and exhibits hereto are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement, including the meaning or intent of the provision that follows.

10.7 **No Third-Party Beneficiary.** Except as expressly provided herein, this Agreement is for the sole benefit of the parties and their permitted successors and assignees and nothing herein expressed or implied will give or be construed to give any person, other than the parties and such successors and assignees, any legal or equitable rights hereunder.

10.8 **Counterparts.** This Agreement may be executed simultaneously in one or more counterparts, and by different parties hereto in separate counterparts, each of which when executed shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

* * *
The parties have each affixed their signatures below and enter into this Agreement as of the date first set forth above.

Larimer County, Colorado

By: [Signature]

Date: Sept. 15, 2020

The Board of Governors of the Colorado State University System, acting by and through Colorado State University:

By: [Signature]

Printed Name: Diana Ehrlich

Title: Senior Contracting Officer

Date: September 8, 2020

Approved as to form

[Signature]

Assistant County Attorney

9/11/20
EXHIBIT A

STATEMENT OF WORK
To Original Contract Number _______________________

These provisions are to be read and interpreted in conjunction with the provisions of the contract specified above.

I. Project Description:
This project serves to increase the COVID-19 capacity throughout Colorado. This project consists of purchasing additional laboratory equipment for the Colorado State University's (CSU) Clinical Laboratory Improvement Amendment (CLIA) Certified Veterinary Diagnostic Laboratory (VDL). Additionally, the project consists of testing samples for COVID-19.

II. Definitions:
1. CDPHE - Colorado Department of Public Health and Environment
2. CLIA - Clinical Laboratory Improvement Amendment
3. CSU - Colorado State University
4. VDL - Veterinary Diagnostic Laboratory

III. Work Plan

<table>
<thead>
<tr>
<th>Goal #1: To increase COVID-19 testing capacity in Colorado.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective #1: No later than the expiration date of the contract, test COVID-19 samples on additional equipment purchased.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Activity #1</th>
<th>The Contractor shall increase the testing capacity of the CSU CLIA certified VDL lab.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Activities #1</td>
<td>1. The Contractor shall purchase additional laboratory equipment.</td>
</tr>
<tr>
<td></td>
<td>2. The Contractor shall install additional laboratory equipment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Activity #2</th>
<th>The Contractor shall test samples for COVID-19.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub-Activities #2</td>
<td>1. The Contractor shall report test results to the submitter.</td>
</tr>
<tr>
<td></td>
<td>2. The Contractor shall report test results to CDPHE.</td>
</tr>
<tr>
<td></td>
<td>3. The Contractor shall track the number of tests completed.</td>
</tr>
<tr>
<td></td>
<td>4. The Contractor shall track the turnaround time from sample receipt to results processing and patient notification.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Primary Activity #3</th>
<th>The Contractor shall prepare a Final Report.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Standards and Requirements</th>
<th>1. The content of electronic documents located on CDPHE and non-CDPHE websites and information contained on CDPHE and non-CDPHE websites may be updated periodically during the contract term. The contractor shall monitor documents and website content for updates and comply with all updates.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Additional laboratory equipment is listed in Attachment #1 and is incorporated and made a part of this contract by reference.</td>
</tr>
<tr>
<td></td>
<td>3. The Contractor shall report results within 72 hours of sample receipt. If the Contractor is unable to meet this reporting timeline the Contractor shall notify CDPHE.</td>
</tr>
<tr>
<td></td>
<td>4. The Final Report shall include the following:</td>
</tr>
</tbody>
</table>
EXHIBIT A

<table>
<thead>
<tr>
<th>Expected Results of Activity(s)</th>
<th>1. The State of Colorado will have an increased capacity to test samples for COVID-19.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurement of Expected Results</td>
<td>1. Number of COVID-19 tests completed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Deliverables</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Contractor shall email the CDPHE Contract Monitor and State Laboratory Director when the additional laboratory equipment has been installed.</td>
<td>No later than two (2) business days after installation.</td>
</tr>
<tr>
<td>2. The Contractor shall submit the Final Report via email to the CDPHE Contract Monitor.</td>
<td>No later than 12/20/20</td>
</tr>
</tbody>
</table>

IV. Monitoring:

CDPHE’s monitoring of this contract for compliance with performance requirements will be conducted throughout the contract period by the CDPHE Contract Monitor. Methods used will include a review of documentation determined by CDPHE to be reflective of performance to include progress reports and other fiscal and programmatic documentation as applicable.

V. Resolution of Non-Compliance:

The Contractor will be notified in writing within (10) calendar days of discovery of a compliance issue. Within (15) calendar days of discovery, the Contractor and the State will collaborate, when appropriate, to determine the action(s) necessary to rectify the compliance issue and determine when the action(s) must be completed. The action(s) and time line for completion will be documented in writing and agreed to by both parties. If extenuating circumstances arise that requires an extension to the time line, the Contractor must email a request to the CDPHE Contract Monitor and receive approval for a new due date. The State will oversee the completion/implementation of the action(s) to ensure time lines are met and the issue(s) is resolved. If the Contractor demonstrates inaction or disregard for the agreed upon compliance resolution plan, the State may exercise its rights under the provisions of this contract.
<table>
<thead>
<tr>
<th>Municipality</th>
<th>Population Distribution</th>
<th>Proposed Contribution</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pro Rata Percentage</td>
<td>Contribution</td>
<td></td>
</tr>
<tr>
<td>Fort Collins</td>
<td>58.90%</td>
<td>$291,555</td>
<td>$291,555 Within Council authorized amount</td>
</tr>
<tr>
<td>Loveland</td>
<td>27.28%</td>
<td>$135,036</td>
<td>$120,000 Amount previously approved by Council</td>
</tr>
<tr>
<td>Wellington</td>
<td>3.62%</td>
<td>$17,919</td>
<td>$20,000 Authorized by Council</td>
</tr>
<tr>
<td>Timnath</td>
<td>1.72%</td>
<td>$8,514</td>
<td>$8,514 Pending with Council</td>
</tr>
<tr>
<td>Berthoud</td>
<td>3.10%</td>
<td>$15,345</td>
<td>$15,345 Pending with Council</td>
</tr>
<tr>
<td>Estes Park</td>
<td>2.22%</td>
<td>$10,989</td>
<td>* See note below.</td>
</tr>
<tr>
<td>Johnstown</td>
<td>0.52%</td>
<td>$2,574</td>
<td>$2,574 Pending with Council</td>
</tr>
<tr>
<td>Windsor</td>
<td>2.64%</td>
<td>$13,068</td>
<td>$13,068 To Council on Oct 12</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100.00%</strong></td>
<td><strong>$495,000</strong></td>
<td><strong>$471,056</strong></td>
</tr>
</tbody>
</table>

*Estes Park residents are very unlikely to drive down to Fort Collins or Loveland to access the County’s testing collection sites. Also, the Town has exhausted their CVRF allocation. Estes Park will be seeking additional funding through the High Needs Communities reserve through DOLA and may be able to contribute later in the year.
Mental Health: Mind Matters exhibition at FCMoD
Cheryl Donaldson and Laura Valdez
October 3, 2020- January 10, 2021
Mental Health: Mind Matters is an interactive exhibit that provides experiences for the community that will help open the door to greater understanding, conversations, and empathy toward the challenges of mental health.
An exhibit for all ages.
Community Partners
- Larimer County Behavioral Health Services
- Larimer County Health District
- SummitStone Health Partners
- Early Childhood Council of Larimer County
- Alliance for Suicide Prevention of Larimer County
- Heart Centered Counseling
- CSU- College of Health and Human Sciences
- Poudre School District
- Poudre River Public Library District
- BIPOC Alliance
- Music Minds Matter
- City of Fort Collins- Natural Areas
- City of Fort Collins- Cultural Services
- And more!
Exhibit and admission are made possible with the generous support from:
FCMoD hours:
Wednesday-Sunday 10 a.m.- 6 p.m.

The museum is completely free during this exhibit October 3, 2020-January 10, 2021

Timed tickets can be reserved at https://fcmod.org/

Thank you for your on-going support.

Questions?
AGENDA ITEM SUMMARY
City Council

November 4, 2020

STAFF
Darin Atteberry, City Manager
Travis Storin, Interim Chief Finance Officer
Lawrence Pollack, Budget Director
John Duval, Legal

SUBJECT

EXECUTIVE SUMMARY
The purpose of this item is to present the Annual Appropriation Ordinance for First Reading. This Ordinance sets the City Budget for the one-year period (2021) which becomes the City’s financial plan for the next fiscal year. This Ordinance sets the amount of $668,909,564 to be appropriated for fiscal year 2021. However, this appropriated amount does not include what is being appropriated by separate Council/Board of Director actions to adopt the 2021 budget for the General Improvement District (GID) No. 1 of $808,791, the 2021 budget for GID No. 15 (Skyview) of $1,000, the Urban Renewal Authority (URA) 2021 budget of $6,706,744 and the Downtown Development Authority 2021 budget of $23,884,505. This results in City-related total operating appropriations of $700,310,604 in 2021. This Ordinance also sets the 2021 City property tax mill levy at 9.797 mills, unchanged since 1991.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
This budget would have typically been created using the City’s priority-based Budgeting for Outcomes (BFO) process, which has been used since 2005. Given the uncertainty caused by the global pandemic, it was determined that modifications needed to be made to our process and timeline. As part of those modifications, Council approved Ordinance No. 067-2020 to temporarily suspend City Code to allow the adoption of a one-year budget and revise the City’s budgeting process.

There are three primary components of these modifications:

1. For 2021, Council will consider and adopt a one-year budget instead of the usual two-year (biennial) budget. This practice will continue for the City’s 2022 budget. Thereafter, the City will return to a two-year budget and the standard cadence of strategic planning and budgeting that Councilmembers, the community, and staff have come to expect.

2. The budgeting process became more tactical, as we were not able to utilize the BFO Teams who play such an important role in the BFO process through the evaluation of budget requests (Offers) and generation of Offer rankings.
3. Due to the delays in the budget process while staff addressed the immediate 2020 public health and fiscal implications of the pandemic, we were not able to conduct a standard public engagement process prior to the delivery of this recommended budget. Outreach work continued into the fall to help inform Council's decisions related to the adoption of the budget.

While significantly modified, key components of our budgeting process still remain, including budget requests that are based on the specific programs and services provided to the community. This is a key aspect of Budgeting for Outcomes compared to traditional budgeting practices. Budget requests still specify direct linkage to at least one strategic objective in the City's adopted 2020 Strategic Plan, as well as include performance measures directly related to the proposed program/service.

City Council reviewed the Recommended Budget during three Council work sessions. In addition, residents have been able to provide input to Councilmembers through two public hearings. From these discussions and additional information provided by staff, City Council has provided direction and guidance for the following changes that have been incorporated into First Reading of the 2021 Budget.

Changes to Offers originally included in the City Manager's Recommended Budget

- Based on Council dialogue during the 2021 budget work sessions on September 8 and 22, staff heard requests for funding the following two Offers:

  27.9 - Reduction: Scaled Down Climate Commitment (City- and Community-Led Climate Engagement) – A proposed reduction of $28,465

  27.10 - Reduction: Scaled Down Air Quality Programming: Engagement & Monitoring Equipment – A proposed reduction of $47,959

Staff now proposes these two Offers are not included in the 2021 Budget. Instead, the equivalent amount of $76,424 in General Fund reserves will be used to restore the funding originally proposed to be reduced in these two Offers.

- At the request of Poudre Fire Authority (PFA) the amount of $20k of PFA funding will be included in ‘Offer 18.26 - Redeploy: Police Campus West and Bike Patrol to Homelessness Coordinator (1.0 FTE), Street Outreach and Restorative Justice.’ The PFA funding will go towards the Homelessness Coordinator position for a collaborative, interagency approach. This will enable 20K of funding from Police Services to further contribute to Neighborhood Livability and Social Health objectives and other 2021 budget initiatives. This change also reduces the direct City funding of PFA in ‘Offer 73.1 - Poudre Fire Operation, Maintenance & Capital (General Fund)’ by an equivalent $20k.

- The 2021 Budget for the Downtown Development Authority (DDA) was approved by its Board of Directors on September 10, 2020. ‘Offer 74.1 - DDA Operating and Capital Budget’ has been updated to reflect the final DDA 2021 Budget, as approved by the Board.

- The amount of ‘Offer 43.4 - Redeploy: Conservation Trust Trail Construction to Park Maintenance’ has been reduced by $115k. The Offer now has $400k of Conservation Trust funding to be shifted for one year from recreational trail development to Parks operations and maintenance. The offset of $115k to balance this change comes from a $50k one-year reduction in the amount fertilizer used in the Parks system and $65k from General Fund reserves.

Utility Rates

The utility electric rate increase in the City Manager’s Recommended Budget is included, as proposed, in First Reading of the 2021 Budget at 3.0%. In addition, there is also a need for an increase to utility water rates of 2.0% in 2021 due to the impacts of the Cameron Peak Fire on the Cache La Poudre River and the surrounding watersheds. There is no appropriation related to that rate increase included in the 2021 Budget. As the
impacts of the wildfires are more widely known, along with understanding the resources available through disaster relief aid and regional collaboration, information will be brought to Council, along with the associated appropriation requests. This table includes the utility rate increases included in this budget.

<table>
<thead>
<tr>
<th>Utility</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>3.0%</td>
</tr>
<tr>
<td>Water</td>
<td>2.0%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>-</td>
</tr>
<tr>
<td>Stormwater</td>
<td>-</td>
</tr>
</tbody>
</table>

This annual Appropriation Ordinance sets the amount of $668,909,564 to be appropriated for fiscal year 2021. It does not include the 2021 adopted budgets for the General Improvement District (GID) No. 1 of $808,791, the GID No. 15 (Skyview) of $1,000, the Urban Renewal Authority (URA) of $6,706,744 and the Downtown Development Authority of $23,884,505. This results in City-related total operating appropriations being $700,310,604 in 2021. Below is a summary of the City’s proposed 2021 total operating budget:

### TOTAL BUDGET (in Millions)

<table>
<thead>
<tr>
<th></th>
<th>Amended 2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating</td>
<td>$652.1</td>
<td>$636.6</td>
</tr>
<tr>
<td>Debt</td>
<td>19.7</td>
<td>22.3</td>
</tr>
<tr>
<td>Capital</td>
<td>47.9</td>
<td>41.4</td>
</tr>
<tr>
<td><strong>Total City Appropriations</strong></td>
<td><strong>$719.7</strong></td>
<td><strong>$700.3</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Less</th>
<th>Amended 2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Internal Service Funds</td>
<td>($83.8)</td>
<td>($79.9)</td>
</tr>
<tr>
<td>Transfers to Other Funds</td>
<td>(71.5)</td>
<td>(66.5)</td>
</tr>
<tr>
<td>GIDs</td>
<td>(0.5)</td>
<td>(0.8)</td>
</tr>
<tr>
<td>URAs</td>
<td>(6.6)</td>
<td>(6.7)</td>
</tr>
<tr>
<td>DDA</td>
<td>(19.5)</td>
<td>(23.9)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>($182.1)</td>
<td>($177.8)</td>
</tr>
</tbody>
</table>

**Net City Budget** $537.6 $522.5 -2.8%

* This includes the GID #1, GID #15, URA and DDA all of which are appropriated in separate ordinances

### CITY FINANCIAL IMPACTS

This Ordinance sets the annual appropriation for fiscal year 2021 in the amount of $668,909,564. The Ordinance also sets the City property tax mill levy at 9.797 mills, unchanged since 1991.

### BOARD / COMMISSION RECOMMENDATION

Various City boards and commissions submitted memos to City Council for its consideration of what they believed should be included in the 2021 Budget.
PUBLIC OUTREACH

Public outreach for the 2021 Budget was modified, as indicated above, due to the pandemic. The City was not able to conduct its standard public engagement process prior to the delivery of the City Manager’s Recommended Budget. Rather, outreach work was conducted from August through early October to help inform Council’s decisions related to the adoption of the budget. During that time there were public online forums, engagement with the Boards and Commissions, as well as two public hearings. Additionally, online and digital engagement was conducted that resulted in over 2,800-page visits on ourcity.fcgov.com, as well as over 32,000 people reached on Facebook and over 31,000 Twitter impressions.

ATTACHMENTS

1. Budget Presentation (PDF)
First Reading of the City’s 2021 Budget
City Council – November 4, 2020
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 8th</td>
<td>Work Session • Culture and Recreation</td>
</tr>
<tr>
<td></td>
<td>• Economic Health</td>
</tr>
<tr>
<td></td>
<td>• Environmental Health</td>
</tr>
<tr>
<td></td>
<td>• Transportation</td>
</tr>
<tr>
<td>September 15th</td>
<td>Council Meeting • Budget Public Hearing #1 of 2</td>
</tr>
<tr>
<td>September 22nd</td>
<td>Work Session • Neighborhood Livability and Social Health</td>
</tr>
<tr>
<td></td>
<td>• Safe Community</td>
</tr>
<tr>
<td></td>
<td>• High Performing Government</td>
</tr>
<tr>
<td>October 6th</td>
<td>Council Meeting • Budget Public Hearing #2 of 2</td>
</tr>
<tr>
<td>October 13th</td>
<td>Work Session • General Discussion – Final Council Direction</td>
</tr>
<tr>
<td>Nov. 4th (Wed)</td>
<td>Council Meeting • First Reading</td>
</tr>
<tr>
<td>November 17th</td>
<td>Council Meeting • Second Reading</td>
</tr>
</tbody>
</table>
City of Fort Collins Leadership System

Values:
- Collaboration
- Excellence
- Integrity
- Outstanding Service
- Safety & Well-being
- Stewardship

Mission:
Exceptional service for an exceptional community

Vision:
To provide world-class municipal services through operational excellence and a culture of innovation

City of Fort Collins Leadership System
2020 Strategic Plan

The 2021 Budget Reflects Community Needs and Council Priorities Identified in the 2020 Strategic Plan
Minimizing Impacts to Service Delivery
2021 Budget Themes

Strategic Service Enhancements and Redeploys
2021 Budget Themes

Focus on Council Priorities and Support Equity Advancement
Capital Project Investments – Current and Future
2021 Budget Themes

Difficult Trade-offs
2021 Budget Themes

Maintain Focus on our Workforce
Summary of Public Engagement

• Discussion and Dialogue
  – Public online forums
    • Two town hall meetings
    • Two Councilmember Listening Sessions
  – Boards and Commissions Engagement
  – Two Public Hearings

• Online/Digital Engagement
  – Over 2,800 page visits on ourcity.fcgov.com
  – Social Media: +32,000 reached on Facebook
  – Social Media: +31,000 Twitter impressions
Offer Changes for 1st Reading

• The following two Reduction Offers are not included in 1st Reading; General Fund reserves were utilized instead to provide the $76k offset
  
  27.9 - Reduction: Scaled Down Climate Commitment (City- and Community-Led Climate Engagement)
  
  27.10 - Reduction: Scaled Down Air Quality Programming: Engagement & Monitoring Equipment

• Poudre Fire Authority has contributed $20k towards the Homelessness Coordinator position (Offer 18.26)
• The Downtown Development Authority (DDA) Offer 74.1 has been updated to reflect the 2021 Budget approved by the DDA Board of Directors on September 10, 2020

• Offer 43.4 to redeploy Conservation Trust (Lottery) revenues from recreation trail building to Parks operations and maintenance has been reduced from $515k to $400k
  - 2021 Conservation Trust revenue is forecasted at $1.6M
  - Council guidance was to us a maximum of 50% for Parks O&M = $800k
  - Total Conservation Trust for Parks O&M in Recommended Budget = $915k
  - Shift of $115k back to trail development offset by $50k reduction in parks fertilizer and $65k from General Fund reserves
City Intra-Fund Loans

History and policy

- Council can authorize a loan between City funds
- Past City Intra-Fund loans have utilized interest rates found in the City’s Investment Policy for Inter-agency loans -- currently 2.75% to 4%
  - No formal policy exists for intra-fund loans
- Council has the discretion to change these terms for City Intra-Fund loans

Council Inquiry on Conservation Trust

- At Council direction, General Fund is able borrow from Conservation Trust for O&M
## 2021 Utility Rate Increases

<table>
<thead>
<tr>
<th>Service</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>3.0%</td>
</tr>
<tr>
<td>Water*</td>
<td>2.0%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>0%</td>
</tr>
<tr>
<td>Stormwater</td>
<td>0%</td>
</tr>
</tbody>
</table>

* There is no appropriation associated with the water rate increase; that is expected in early 2021
## TOTAL BUDGET (in Millions)

<table>
<thead>
<tr>
<th></th>
<th>Amended 2020</th>
<th>2021</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating</strong></td>
<td>$652.1</td>
<td>$636.6</td>
<td>-2.4%</td>
</tr>
<tr>
<td><strong>Debt</strong></td>
<td>19.7</td>
<td>22.3</td>
<td>13.4%</td>
</tr>
<tr>
<td><strong>Capital</strong></td>
<td>47.9</td>
<td>41.4</td>
<td>-13.5%</td>
</tr>
<tr>
<td><strong>Total City Appropriations</strong></td>
<td>$719.7</td>
<td>$700.3</td>
<td>-2.7%</td>
</tr>
<tr>
<td><strong>Less</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internal Service Funds</td>
<td>($83.8)</td>
<td>($79.9)</td>
<td>-4.7%</td>
</tr>
<tr>
<td>Transfers to Other Funds</td>
<td>(71.5)</td>
<td>(66.5)</td>
<td>-7.1%</td>
</tr>
<tr>
<td>GIDs</td>
<td>(0.5)</td>
<td>(0.8)</td>
<td>53.4%</td>
</tr>
<tr>
<td>URAs</td>
<td>(6.6)</td>
<td>(6.7)</td>
<td>1.5%</td>
</tr>
<tr>
<td>DDA</td>
<td>(19.5)</td>
<td>(23.9)</td>
<td>22.3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>($182.1)</td>
<td>($177.8)</td>
<td>-2.3%</td>
</tr>
<tr>
<td><strong>Net City Budget</strong></td>
<td>$537.6</td>
<td>$522.5</td>
<td>-2.8%</td>
</tr>
</tbody>
</table>

* This includes the GID #1, GID #15, URA and DDA all of which are appropriated in separate ordinances.
Summary of City’s Fiscal Health

• Overall revenue growth has been trending better than the revised forecast
• 2020 cost containment has been effective
• Underspend of 2020 revised budgets creates reserves for future use
• Expenses drivers and community service level expectations will continue to grow as the City recovers from the pandemic
• These factors will contribute to future challenging budget cycles
A Look Ahead to the 2022 Budget

• Q1 2020: Outreach for the 2022 Budget will begin
  – Evaluating methods to hear community ideas for budget requests (Offers)

• Community engagement on the Offers being considered
  – Feedback from late May will be shared with BFO Teams
    o informs BFO Team ranking of Offers
  – Feedback through June will be shared with the executive team
    o informs the City Manager’s Recommended Budget
  – Feedback through September
    o Informs the adopted 2022 Budget

• 1st two weeks of September: How to read the budget and Q&A sessions
• Evaluating how to concurrently engage for inputs to 2022 Strategic Plan
Balanced and Fiscally Responsible Budget addresses Council Priorities and Community Needs

- Maintains investments in critical services related to transportation, transit, police, fire, and community amenities important to residents and businesses
- Maintains key city infrastructure and invests in prudent capital replacement
- Minimizes service delivery to the community
- Continues community sustainability priorities in the areas of economic, environmental and social health
ORDINANCE NO. 138, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
BEING THE ANNUAL APPROPRIATION ORDINANCE
RELATING TO THE ANNUAL APPROPRIATIONS
FOR FISCAL YEAR 2021; ADOPTING THE BUDGET FOR
THE FISCAL YEAR BEGINNING JANUARY 1, 2021, AND ENDING
DECEMBER 31, 2021; AND FIXING THE MILL LEVY FOR
PROPERTY TAXES PAYABLE IN 2021

WHEREAS, City Charter Article V, Section 2 provides that the City Manager shall file
with the City Clerk on or before the first Monday in September preceding each “budget term” the
proposed budget for that ensuing budget term; and

WHEREAS, City Charter Article V, Section 1 provides that the City Council is to set by
ordinance the number of fiscal years that shall constitute the City’s “budget term”; and

WHEREAS, in 2010, the City’s budget term was set in City Code Section 8-1 as being
two fiscal years, so a biennial budget term; and

WHEREAS, under Code Section 8-1, the City’s next biennial budget term would be for
fiscal years 2021 and 2022 (the “2021-22 Budget Term”); and

WHEREAS, on May 19, 2020, City Council adopted Ordinance No. 067, 2020,
(“Ordinance No. 067”) suspending for only the 2021-22 Budget Term the biennial budget term
required by Code Section 8-1 to allow for one-year budget terms for both fiscal years 2021 and
2022 due to the economic turmoil and uncertainty that has occurred because of the COVID-19
global pandemic; and

WHEREAS, on September 1, 2020, the City Council adopted Resolution 2020-081
(“Resolution 2020-081”) setting the dates for two such public hearings to be conducted on September 15, 2020, and on
October 6, 2020, at regularly scheduled City Council meetings, and City Council ordered notice
of these hearings to be published in the Fort Collins Coloradoan; and

WHEREAS, such notice was published in the Coloradoan on September 6, 2020; and
WHEREAS, both public hearings were held and conducted on those dates and persons were given the opportunity to appear before City Council and comment on any or all items and estimates in the Proposed 2021 Budget; and

WHEREAS, Article V, Section 4 of the City Charter requires that after the public hearing and before the last day of November of each fiscal year, the City Council shall adopt the budget for the ensuing budget term by ordinance and appropriate by ordinance on a fund basis and by individual project for capital projects and federal or state grant projects, such sums of money as it deems necessary to defray all expenditures of the City during the ensuing fiscal year, based upon the budget as approved by the City Council; and

WHEREAS, the appropriations in this Ordinance also include appropriations as needed to transfer monies from the dedicated funds receiving the revenues to the funds from which those monies will be expended; and

WHEREAS, Article V, Section 5 of the City Charter provides that the annual appropriation ordinance shall also fix the tax levy in mills upon each dollar of the assessed valuation of all taxable real property within the City, such levy representing the amount of taxes for City purposes necessary to provide for payment during the ensuing fiscal year for all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary for the public’s health, safety, and welfare and therefore, wishes to approve the Proposed 2021 Budget, as hereafter amended, and authorize the expenditures described in this Ordinance for the 2021 fiscal year.

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. Budget.

a. That the City Council has reviewed the Proposed 2021 Budget, a copy of which is on file with the office of the City Clerk, and has determined that the amendments described in Exhibit "A" attached hereto and incorporated by reference should be made to it.

b. That the Proposed 2021 Budget, as amended by in Exhibit "A", is hereby adopted in accordance with the provisions of Article V, Section 4 of the City Charter and incorporated herein by reference (the “2021 Adopted Budget”0.
c. That the 2021 Adopted Budget shall be on file with and maintained in the office of
the City Clerk and identified as "The Budget for the City of Fort Collins for the Fiscal
Year Ending December 31, 2021, as Adopted by the City Council on November 17,
2020."

Section 3. Appropriations. That there is hereby appropriated out of the reserves
and revenues of the City of Fort Collins, for the fiscal year beginning January 1, 2021, and
ending December 31, 2021, the sum of SIX HUNDRED SIXTY-EIGHT MILLION NINE
HUNDRED NINE THOUSAND FIVE HUNDRED SIXTY-FOUR DOLLARS ($668,909,564)
to be raised by taxation and otherwise, which sum is deemed by the City Council to be necessary
to defray all expenditures of the City during said budget year, to be divided and appropriated for
the following purposes, to wit:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$182,363,393</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterprise Funds</td>
<td></td>
</tr>
<tr>
<td>Golf</td>
<td>$3,631,315</td>
</tr>
</tbody>
</table>

Light & Power

<table>
<thead>
<tr>
<th>Operating Total</th>
<th>$140,369,413</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Projects</td>
<td></td>
</tr>
<tr>
<td>Data Management Program and Analytics Platform</td>
<td>$228,627</td>
</tr>
<tr>
<td>Art in Public Places</td>
<td>$14,220</td>
</tr>
<tr>
<td>CMMS-Maintenance Management</td>
<td>$250,000</td>
</tr>
<tr>
<td>Dist. System Impr. &amp; Replace.</td>
<td>$1,972,000</td>
</tr>
<tr>
<td>New Capacity-Circuits</td>
<td>$712,000</td>
</tr>
<tr>
<td>Operational Technology</td>
<td>$1,045,500</td>
</tr>
<tr>
<td>PARENT-Service Center</td>
<td>$110,000</td>
</tr>
<tr>
<td>PARENT-Substation Cap Prj</td>
<td>$250,000</td>
</tr>
<tr>
<td>Capital Projects Total</td>
<td>$4,582,347</td>
</tr>
<tr>
<td>Total Light &amp; Power</td>
<td>$144,951,760</td>
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</tbody>
</table>

Water

<table>
<thead>
<tr>
<th>Operating Total</th>
<th>$25,729,475</th>
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</thead>
<tbody>
<tr>
<td>Capital Projects</td>
<td></td>
</tr>
<tr>
<td>2019-Enviro Learn Center Dam</td>
<td>$500,000</td>
</tr>
<tr>
<td>Data Management Program and Analytics Platform</td>
<td>$153,608</td>
</tr>
<tr>
<td>Poudre Canyon Raw Waterline Improvements</td>
<td>$3,200,000</td>
</tr>
<tr>
<td>Galvanized Service Replacement</td>
<td>$500,000</td>
</tr>
<tr>
<td>North Mason Waterline</td>
<td>$100,000</td>
</tr>
<tr>
<td>Distribution Replacement Program</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Operational Technology Asset Replacement Prgm (SCADA)</td>
<td>$515,000</td>
</tr>
<tr>
<td>Art in Public Places</td>
<td>$60,500</td>
</tr>
<tr>
<td>CMMS-Maintenance Management</td>
<td>$166,285</td>
</tr>
<tr>
<td>PARENT-Distro Small Projects</td>
<td>$1,540,000</td>
</tr>
<tr>
<td>PARENT-Water Prod Replcmnt Prgm</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>PARENT-Watershed Protection</td>
<td>$80,000</td>
</tr>
<tr>
<td>PARENT-Wtr Meter Replacement</td>
<td>$850,000</td>
</tr>
<tr>
<td>Capital Projects Total</td>
<td>$9,665,393</td>
</tr>
<tr>
<td>Total Water</td>
<td>$35,394,868</td>
</tr>
</tbody>
</table>
## Wastewater

### Operating Total

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Wastewater</td>
<td>$18,142,466</td>
</tr>
</tbody>
</table>

### Capital Projects:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>DWRF N. Process Train Clarifier Rplcmnt Design &amp; Const.</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Meadow Springs Ranch Vehicle Storage Facility</td>
<td>$300,000</td>
</tr>
<tr>
<td>North Mason Sewer Main - Design</td>
<td>$100,000</td>
</tr>
<tr>
<td>Developer Repayments</td>
<td>$750,000</td>
</tr>
<tr>
<td>Collection Replacement Program</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Data Management Program and Analytics Platform</td>
<td>$110,741</td>
</tr>
<tr>
<td>Operational Technology Asset Replacement Prgrm (SCADA)</td>
<td>$7,500</td>
</tr>
<tr>
<td>Art in Public Places</td>
<td>$119,500</td>
</tr>
<tr>
<td>CMMS-Maintenance Management</td>
<td>$166,285</td>
</tr>
<tr>
<td>PARENT-Collect Small Projects</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>PARENT-Cured In Place Pipe</td>
<td>$600,000</td>
</tr>
<tr>
<td>PARENT-Water Recl Replcmnt Prgm</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Total Capital Projects</td>
<td>$13,854,026</td>
</tr>
</tbody>
</table>

### Total Wastewater

| Total Wastewater | $31,996,492 |

## Stormwater

### Operating Total

| Stormwater Operating Total | $10,818,183 |

### Capital Projects:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Stormwater</td>
<td>$10,692,124</td>
</tr>
</tbody>
</table>

### Capital Projects:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017-Castlerock SW Remediation</td>
<td>$750,000</td>
</tr>
<tr>
<td>2017-Magnolia St Outfall Ph 1</td>
<td>$500,000</td>
</tr>
<tr>
<td>2019 - N Mason Area Drainage</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Data Management Program and Analytics Platform</td>
<td>$100,024</td>
</tr>
<tr>
<td>Art in Public Places</td>
<td>$77,100</td>
</tr>
<tr>
<td>Stream Rehabilitation Program</td>
<td>$3,100,000</td>
</tr>
<tr>
<td>Poudre Levee Program (Design and some construction)</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Boxelder Watershed Dams</td>
<td>$200,000</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>$250,000</td>
</tr>
<tr>
<td>Glenmoor Pond Enhancements</td>
<td>$250,000</td>
</tr>
<tr>
<td>Cured-in-Place Pipe Lining</td>
<td>$450,000</td>
</tr>
<tr>
<td>CMMS-Maintenance Management</td>
<td>$55,000</td>
</tr>
<tr>
<td>Developer Repays</td>
<td>$510,000</td>
</tr>
<tr>
<td>Master Planning</td>
<td>$450,000</td>
</tr>
<tr>
<td>Stormwater Basin Improvements</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Total Capital Projects</td>
<td>$10,692,124</td>
</tr>
</tbody>
</table>

### Total Stormwater

| Total Stormwater | $21,510,307 |

## Broadband

| Broadband | $19,563,710 |

## TOTAL ENTERPRISE FUNDS

| Total Enterprise Funds | $257,048,452 |

## INTERNAL SERVICE FUNDS

<table>
<thead>
<tr>
<th>Internal Service Funds</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>$36,329,581</td>
</tr>
<tr>
<td>Data &amp; Communications</td>
<td>$10,403,689</td>
</tr>
<tr>
<td>Equipment</td>
<td>$12,077,533</td>
</tr>
<tr>
<td>Self Insurance</td>
<td>$5,318,250</td>
</tr>
</tbody>
</table>
Utility Customer Service & Administration $18,935,437

TOTAL INTERNAL SERVICE FUNDS $83,064,490

SPECIAL REVENUE & DEBT SERVICE FUNDS

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expansion</td>
<td>$5,409,839</td>
</tr>
<tr>
<td>Capital Leasing Corporation</td>
<td>$4,795,226</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>$773,514</td>
</tr>
</tbody>
</table>

Cultural Services & Facilities

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Total</td>
<td>$3,755,537</td>
</tr>
<tr>
<td>Capital Projects:</td>
<td></td>
</tr>
<tr>
<td>Art in Public Places</td>
<td>$188,512</td>
</tr>
<tr>
<td>Capital Projects Total</td>
<td>$188,512</td>
</tr>
<tr>
<td>Total Cultural Services &amp; Facilities</td>
<td>$3,944,049</td>
</tr>
</tbody>
</table>

General Employees' Retirement $5,729,250
Keep Fort Collins Great $2,906,991
Museum $1,079,098
Natural Areas $12,635,594
Parking $2,663,243
Perpetual Care $26,027
Recreation $8,227,939
Sales and Use Tax $7,822,657
Transportation Capital Expansion Fee $2,159,054
Transit Services $23,368,114
Transportation Services $34,872,691

TOTAL SPECIAL REVENUE & DEBT SERVICE FUNDS $116,413,286

CAPITAL IMPROVEMENT FUNDS

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Projects Fund</td>
<td></td>
</tr>
<tr>
<td>Operating Total</td>
<td>$66,000</td>
</tr>
<tr>
<td>General City Capital Projects:</td>
<td></td>
</tr>
<tr>
<td>CCIP Arterial Intersection Imp</td>
<td>$400,000</td>
</tr>
<tr>
<td>CCIP Bicycle Infrastructure Imp</td>
<td>$350,000</td>
</tr>
<tr>
<td>CCIP Bus Stop Improvements</td>
<td>$44,414</td>
</tr>
<tr>
<td>CCIP Nature in the City</td>
<td>$250,000</td>
</tr>
<tr>
<td>CCIP Pedestrian Sidewalk - ADA</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>City Bridge Program</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>College Signals</td>
<td>$969,000</td>
</tr>
<tr>
<td>East District Maint Fac</td>
<td>$4,800,000</td>
</tr>
<tr>
<td>Lemay/Vine Grade Sep Crossing</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Oak Street Plaza Renovation</td>
<td>$85,000</td>
</tr>
<tr>
<td>Parks Raw Water Study</td>
<td>$150,000</td>
</tr>
<tr>
<td>Railroad Crossing Replacement</td>
<td>$125,000</td>
</tr>
<tr>
<td>Vine/Timberline Intersection</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>General City Capital Projects Total</td>
<td>$23,073,414</td>
</tr>
</tbody>
</table>
Total Capital Projects Fund $23,139,414

Community Capital Improvement
Capital Projects:
Afford Housing Capital Program $500,000
Arterial Intersection Imprvmt $400,000
Bicycle Infrastructure Imprvmt $350,000
Bus Stop Improvements $100,000
Gardens Visitor Ctr Expansion $40,000
Lincoln Avenue Bridge $36,000
Linden St Renovation $12,000
Nature in the City $250,000
Pedestrian Sidewalk - ADA $1,200,000
Poudre River Proj (CCIP only) $50,000
Willow Street Improvements $11,000
Capital Projects Total $2,949,000
Total Community Capital Improvement $2,949,000

Conservation Trust
Operating Total $942,174
Capital Projects:
Poudre Trail at I-25 $1,500,000
Capital Projects Total $1,500,000
Total Conservation Trust $2,442,174

Neighborhood Parkland
Operating Total $389,355
Capital Projects:
East Comm Pk Maint Fac $1,000,000
Side Hill Neighborhood Park $100,000
Capital Projects Total $1,100,000
Total Neighborhood Parkland $1,489,355

TOTAL CAPITAL IMPROVEMENT FUNDS $30,019,943
TOTAL CITY FUNDS $668,909,564

Section 4. Mill Levy.

a. That the mill levy rate for the taxation upon each dollar of the assessed valuation of all the taxable real property within the City of Fort Collins shall be 9.797 mills to be imposed on the assessed value of such property as set by state law for property taxes payable in 2021, which levy represents the amount of taxes for City purposes necessary to provide for payment during the 2021 budget year of all properly authorized expenditures to be incurred by the City, including interest and principal of general obligation bonds.

b. That the City Clerk shall certify this levy of 9.797 mills to the County Assessor and the Board of Commissioners of Larimer County, Colorado, in accordance with the

-6-
applicable provisions of law, as required by Article V, Section 5 of the City Charter and no later than December 15, 2020.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
AGENDA ITEM SUMMARY
November 4, 2020

STAFF
Randy Reuscher, Utility Rate Analyst
Lance Smith, Utilities Strategic Finance Director
Cyril Vidergar, Legal
Eric Potyondy, Legal

SUBJECT
Items Relating to Electric and Water Rates, Fees and Charges.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 139, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.

B. First Reading of Ordinance No. 140, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees, and Charges. This Ordinance has been revised.

The purpose of this item is for Council to consider the above-listed electric and water rate ordinances, adjusting monthly charges for both electric and water services in 2021. The revenue requirements to support the 2021 budget require increasing monthly charges for electric service by 3.0%. Additionally, a reduction in pricing is proposed for the voluntary Green Energy program, reducing the charge per kWh from 1.9 cents per kWh to 1.6 cents per kWh in 2021. A 2% increase for water services is proposed to help offset mitigation costs related to the Cameron Peak Fire. Upon adoption, both rates would be effective January 1, 2021.

STAFF RECOMMENDATION

Staff recommends adoption of both Ordinances on First Reading.

BACKGROUND / DISCUSSION

The following table summarizes the proposed increase for 2021 by fund. Currently, there are no proposed changes to wastewater or stormwater service fees associated with the City Manager’s Recommended budget.
Electric

Staff is proposing a 3% rate increase for the electric fund in 2021. This includes a 0.4% proposed increase in wholesale expenses for Fort Collins, and the remaining 2.6% to increase operating revenues enough to offset operating expenses and reductions in reserves, allowing funds to be set aside for future capital improvements.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRPA wholesale energy costs</td>
<td>1.4%</td>
<td>0.3%</td>
<td></td>
</tr>
<tr>
<td>3 yr ave Operating Income &lt; 0</td>
<td>5.0%</td>
<td>3.9%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Debt Coverage Ratio &lt; 2.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Available Reserves less Capital Need &lt; 0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sum of Above</td>
<td>6.4%</td>
<td>5.3%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Lesser of 5.0% or the sum of above</td>
<td>5.0%</td>
<td>5.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Increase Carried Forward</td>
<td>1.4%</td>
<td>0.3%</td>
<td>----</td>
</tr>
</tbody>
</table>

The electric cost-of-service (COS) model is updated every two years. Rate class adjustments are driven by many factors, including rate class consumption, growth in customer counts, load factors, and the peak demands put on the distribution system. Recent model updates show slightly larger impacts for small to mid-sized commercial classes, and slightly less for residential, industrial, and substation customers. All rate class variations are within 1%, up or down, from the 3% baseline.
Platte River Power Authority (Platte River) is proposing a 1.5% increase to the wholesale rate for 2021, but the impacts to each of the 4 cities varies, with Fort Collins seeing less of an impact than the other cities and is projected to be 0.4%. The lesser impact is driven largely by the elimination of the premium intermittent energy charge, where Fort Collins has up to this point purchased a higher percentage of renewables than the load share allocation. The increase is also lower due to a more favorable load factor, as compared to Loveland, Longmont, and Estes Park.

The percentage changes in the wholesale rate will vary, with an overall shift from energy charges to the demand charges. There will also be a 5.7% increase in the owner charge. The largest change is in a lower intermittent energy charge, where the cost will be lower by just over 1 cent per kWh, or 25.1%, and is the result of the lower trending costs of renewables.

<table>
<thead>
<tr>
<th>Wholesale Costs</th>
<th>2020</th>
<th>2021</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Charge</td>
<td>$9,979</td>
<td>$10,546</td>
<td>$567</td>
<td>5.7%</td>
</tr>
<tr>
<td>Demand Charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transmission</td>
<td>$5.74</td>
<td>$6.14</td>
<td>$0.40</td>
<td>7.0%</td>
</tr>
<tr>
<td>Generation - Summer</td>
<td>$6.24</td>
<td>$5.90</td>
<td>($0.34)</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Generation - Non-Summer</td>
<td>$4.34</td>
<td>$4.45</td>
<td>$0.11</td>
<td>2.5%</td>
</tr>
<tr>
<td>Energy Charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed</td>
<td>$0.01544</td>
<td>$0.01462</td>
<td>($0.00082)</td>
<td>-5.3%</td>
</tr>
<tr>
<td>Dispatchable Variable</td>
<td>$0.01779</td>
<td>$0.01511</td>
<td>($0.00268)</td>
<td>-15.1%</td>
</tr>
<tr>
<td>Intermittent</td>
<td>$0.04122</td>
<td>$0.03088</td>
<td>($0.01034)</td>
<td>-25.1%</td>
</tr>
<tr>
<td>Premium intermittent</td>
<td>$0.04279</td>
<td>-</td>
<td>($0.04279)</td>
<td>-100.0%</td>
</tr>
</tbody>
</table>

Another proposed change for 2021 is related to the Green Energy Program (fcgov.com/greenenergy), which provides an option for customers to subscribe to renewable electricity for 100% of their monthly usage or in predetermined kWh blocks. The proposed 2021 retail price premium is 1.6 cents per kWh, a reduction of nearly 16% from the current 1.9 cents. This considers that customers receive over 50% of their electricity from non-carbon sources from the standard resource mix. In other words, the premium is adjusted by the non-carbon percentage to be more precise when applied to the monthly usage for a customer who wants to be
100% renewable. There is also a small amount built into the premium which will be used to develop future investments in the distribution system over time to allow for higher penetration of local renewables.

Several key resource changes are driving these updates. The new Roundhouse wind and Rawhide Prairie solar projects will both be fully operational next year, joining other existing wind and solar resources from Platte River and dramatically increasing the amount of renewable energy supplied to the cities. In addition, the legacy renewable energy specific wholesale tariff (Tariff 7) will be eliminated in 2021. Fort Collins has historically purchased Tariff 7 energy in amounts greater than the City’s load ratio share.

<table>
<thead>
<tr>
<th>Green Energy Program Summary</th>
<th>2020</th>
<th>2021</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program</td>
<td>1.9 cents</td>
<td>1.6 cents</td>
<td>16% decrease</td>
</tr>
<tr>
<td>Price per kWh</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wind Mix</td>
<td>100%</td>
<td>77%</td>
<td>Colorado and Wyoming sources</td>
</tr>
<tr>
<td>Solar</td>
<td>0%</td>
<td>23%</td>
<td>Local and Rawhide locations</td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Cameron Peak Fire (CPF) ignited on August 13th, 2020 in the Arapaho and Roosevelt National Forests. Prior to the fire, the budget process was starting, and a 10-year rate and debt issuance forecast was presented to the Council Finance Committee. The table below shows the 10-year rate and debt issuance forecast for this utility as it stood then. It reflects the anticipated capital investment needs and ongoing operations and maintenance (O&amp;M) expenses associated with the water utility for the next decade without the fire.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rate Increase</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt Issuance</td>
<td>$55-65M</td>
<td>$30-35M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

$209M of capital work is expected to be needed between 2020 and 2030 in addition to the current capital appropriations.

As discussed at the October 13th Work Session and with the Council Finance Committee on October 19th, it is anticipated that there will be some costs associated with this fire that will be the obligation of the Water Enterprise Fund. Additional capital investments and O&M expenses resulting from the fire will require either realizing additional revenues through a rate increase, drawing down reserves ahead of the next debt issuance or delaying other capital investments. While it is still not certain what mitigations will be necessary or allowed on the burned areas, the impacts to the water quality will need to be addressed.

Fort Collins is again partnering with other affected water providers to realize both economies of scale in the mitigation efforts and a coordinated request for federal assistance. At this point, mitigation costs are estimated to cost between $8M and $32M depending on several factors. It is expected that there will be a matching federal grant available for these efforts which would reduce the cost to ratepayers to $1-4M. If the proposed 2.0% rate increase for 2022 were to be implemented in 2021, this would increase revenues in 2021 by approximately $600,000.

Residential Bill Impacts

The typical residential customer’s total utility bill will increase in 2021, under the proposed rate changes, by 1.8% on average, per month, or $3.33. The table below shows the impacts of the proposed rate change for a typical residential customer that receives all four services from Fort Collins Utilities.
CITY FINANCIAL IMPACTS

**Electric:** In 2021, the proposed 3.0% increase would add an estimated $3.3M to operating revenues, which will fully address ongoing operating losses. The attached one-page budget summary for the Light and Power Enterprise Fund shows the budget assuming this proposed 3.0% rate increase is adopted. Because reserves have been drawn down already, any reduction in the proposed 3.0% rate increase would need to be offset by a corresponding amount in the accepted budget offers.

The rate increases implemented in the previous budget cycle were necessary to increase operating revenues at a rate faster than operating expenses have been growing. Operating expenses are being actively managed. In 2020, mid-year budget reductions totaling $1.0M were identified and implemented. These reductions, including a hiring freeze and no salary adjustments in 2021, were necessary to minimize the amount of increase being requested here. The proposed 2021 ongoing operations and maintenance (O&M) budget of $130.8M reflect these efforts. The 5-year growth on O&M is 4.4% (1.1% annualized) higher than the 2017 actual O&M, which is below inflation for the same period.

**Water:** The 2% water increase is expected to generate approximately $600,000 in 2021 that was unanticipated during the budget process. This additional revenue in 2021, along with unanticipated operating revenues in 2020, will help to offset the anticipated fire mitigation expenses which are expected to be between $1.0M and $4.3M to the Water Fund.

**BOARD / COMMISSION RECOMMENDATION**

**Electric:** At the September 10, 2020, meeting, the Energy Board voted unanimously to support the 2021 electric rate increase and changes, as proposed by staff.

**Water:** The proposed increase to the Water Fund related to fire mitigation expenses has not been presented to the Water Board for formal consideration yet. Staff provided the Water Board with a memo on the fire dated October 6th which discusses the potential rate increase. At the time of the memo the next step was to discuss the potential with the Council Finance Committee on October 19, 2020.

---

### Fort Collins Utilities
**Comparative Residential Monthly Bill**

<table>
<thead>
<tr>
<th>Utility</th>
<th>2020</th>
<th>2021</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>$78.83</td>
<td>$81.19</td>
<td>$2.36</td>
<td>3.0%</td>
</tr>
<tr>
<td>Water</td>
<td>$48.07</td>
<td>$49.03</td>
<td>$0.96</td>
<td>2.0%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>$34.25</td>
<td>$34.25</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Stormwater</td>
<td>$21.74</td>
<td>$21.74</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Total Average Bill</td>
<td>$182.89</td>
<td>$186.22</td>
<td>$3.33</td>
<td>1.8%</td>
</tr>
</tbody>
</table>
PUBLIC OUTREACH

Customer Accounts staff has been communicating with customers in recent months the potential for a 3.0% overall electric rate increase for 2021. The need for a water rate increase has arisen more recently, therefore this has not been communicated to customers at this point.

Electric utility customers receiving service outside the City limits received a postcard 30 days before Council’s consideration of this Ordinance, describing the proposed rate increase and their opportunities to participate in Council’s public hearing process.

ATTACHMENTS

1. Light and Power 2021 Budget Summary (PDF)
2. Energy Board Minutes (PDF)
3. Powerpoint Presentation (PDF)
## LIGHT & POWER FUND

### REVENUE PROJECTION

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Revenue</td>
<td>$128,730,192</td>
<td>$131,699,040</td>
<td>$135,131,321</td>
<td>$135,573,000</td>
<td>$140,395,000</td>
<td>$137,900,000</td>
<td>$137,900,000</td>
</tr>
<tr>
<td>% Change</td>
<td>2.3%</td>
<td>2.6%</td>
<td>2.9%</td>
<td>3.6%</td>
<td>-1.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atached PIF / Contributions</td>
<td>$5,490,709</td>
<td>$4,302,440</td>
<td>$4,392,813</td>
<td>$3,230,000</td>
<td>$3,230,000</td>
<td>$2,830,000</td>
<td></td>
</tr>
<tr>
<td>% Change</td>
<td>-21.6%</td>
<td>-18.8%</td>
<td>-24.9%</td>
<td>-19.0%</td>
<td>-10.9%</td>
<td>-12.4%</td>
<td></td>
</tr>
<tr>
<td>All Other Revenues</td>
<td>$2,785,561</td>
<td>$2,553,726</td>
<td>$2,903,175</td>
<td>$2,069,886</td>
<td>$1,844,020</td>
<td>$1,467,660</td>
<td></td>
</tr>
<tr>
<td>% Change</td>
<td>-8.3%</td>
<td>13.7%</td>
<td>-19.0%</td>
<td>-10.9%</td>
<td>-20.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Revenues</td>
<td>$137,006,462</td>
<td>$138,555,206</td>
<td>$141,527,309</td>
<td>$140,872,686</td>
<td>$145,469,020</td>
<td>$142,197,660</td>
<td>$142,197,660</td>
</tr>
<tr>
<td>% Change</td>
<td>1.1%</td>
<td>2.1%</td>
<td>-0.5%</td>
<td>3.3%</td>
<td>-2.2%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### CURRENT OFFERS

<table>
<thead>
<tr>
<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Actual 2017</th>
<th>Actual 2018</th>
<th>Actual 2019</th>
<th>Budget 2019</th>
<th>Budget 2020</th>
<th>Budget 2021</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.1</td>
<td>OTHER</td>
<td>Utilities: Light &amp; Power - Payments and Transfers</td>
<td>$17,180,271</td>
<td>$16,119,250</td>
<td>$15,940,250</td>
<td>$17,189,780</td>
<td>$17,568,978</td>
<td>$17,224,819</td>
<td>-6.2%</td>
</tr>
<tr>
<td>11.1</td>
<td>ECON</td>
<td>Wholesale Purchased Power</td>
<td>$89,413,232</td>
<td>$92,104,424</td>
<td>$91,707,977</td>
<td>$94,441,000</td>
<td>$97,817,000</td>
<td>$93,740,000</td>
<td>3.0%</td>
</tr>
<tr>
<td>12.121</td>
<td>ENV</td>
<td>Purchase Pwr - Community Renewables (Tariff 7)</td>
<td>$1,900,007</td>
<td>$1,899,993</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
<td>0.0%</td>
</tr>
<tr>
<td>12.122</td>
<td>ENV</td>
<td>Purchase Pwr - Community Renewables</td>
<td>$754,063</td>
<td>$770,017</td>
<td>$1,315,861</td>
<td>$1,528,300</td>
<td>$1,771,500</td>
<td>$2,014,700</td>
<td>2.1%</td>
</tr>
<tr>
<td>11.2</td>
<td>ECON</td>
<td>L&amp;P Operations</td>
<td>$10,034,802</td>
<td>$10,836,548</td>
<td>$9,857,112</td>
<td>$10,467,457</td>
<td>$10,756,362</td>
<td>$10,188,792</td>
<td>6.2%</td>
</tr>
<tr>
<td>12.123</td>
<td>ENV</td>
<td>Energy Services</td>
<td>$4,529,922</td>
<td>$4,803,655</td>
<td>$3,375,430</td>
<td>$4,630,758</td>
<td>$4,674,927</td>
<td>$4,732,842</td>
<td>-2.8%</td>
</tr>
<tr>
<td>12.125</td>
<td>ENV</td>
<td>Utilities: Light &amp; Power - Renewable Customer Programs</td>
<td>$825,680</td>
<td>$1,026,050</td>
<td>$630,764</td>
<td>$625,000</td>
<td>$625,000</td>
<td>$625,000</td>
<td>-7.3%</td>
</tr>
<tr>
<td>12.124</td>
<td>ENV</td>
<td>Demand Response</td>
<td>$586,908</td>
<td>$665,824</td>
<td>$756,177</td>
<td>$629,460</td>
<td>$638,663</td>
<td>$739,000</td>
<td>13.7%</td>
</tr>
<tr>
<td>24.2</td>
<td>HPG</td>
<td>City Manager's Office</td>
<td>$108,145</td>
<td>$111,390</td>
<td>$111,389</td>
<td>$111,389</td>
<td>$111,389</td>
<td>$111,389</td>
<td>3.0%</td>
</tr>
<tr>
<td>67.1</td>
<td>HPG</td>
<td>General Legal Services</td>
<td>$86,407</td>
<td>$89,000</td>
<td>$79,244</td>
<td>$79,244</td>
<td>$79,244</td>
<td>$79,244</td>
<td>0.0%</td>
</tr>
<tr>
<td>25.1</td>
<td>SAFE</td>
<td>City Managers Office: Office of Emergency Management</td>
<td>$12,000</td>
<td>$13,000</td>
<td>$16,316</td>
<td>$16,316</td>
<td>$16,316</td>
<td>$16,316</td>
<td>8.3%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subtotal Current Offers</td>
<td>$125,224,885</td>
<td>$128,225,761</td>
<td>$125,483,571</td>
<td>$131,618,307</td>
<td>$135,965,820</td>
<td>$131,271,765</td>
<td>-3.8%</td>
</tr>
</tbody>
</table>

### CAPITAL PROJECTS

<table>
<thead>
<tr>
<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Actual 2017</th>
<th>Actual 2018</th>
<th>Actual 2019</th>
<th>Budget 2019</th>
<th>Budget 2020</th>
<th>Budget 2021</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.3</td>
<td>ECON</td>
<td>Utilities: Light &amp; Power - Ongoing Capital - System Addition/Replacement</td>
<td>$4,564,438</td>
<td>$5,355,077</td>
<td>$5,427,922</td>
<td>$5,943,120</td>
<td>$5,585,120</td>
<td></td>
<td>17.3%</td>
</tr>
<tr>
<td>11.4</td>
<td>ECON</td>
<td>Utilities: Light &amp; Power - Ongoing Capital - Vehicles &amp; Equipment</td>
<td>$372,000</td>
<td>$522,000</td>
<td>$575,000</td>
<td></td>
<td>($369,000)</td>
<td>($206,000)</td>
<td>2.9%</td>
</tr>
</tbody>
</table>
## ECON Utilities: Light & Power - Ongoing Capital

<table>
<thead>
<tr>
<th>% Change</th>
<th>Utilities: Ongoing Capital - Substation Capital Upgrades</th>
<th>$649,000</th>
<th>$624,000</th>
<th>$748,000</th>
<th>($498,000)</th>
<th>$250,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Change</td>
<td>Utilities: Ongoing Capital - Electric Distribution Transformer Replacement</td>
<td>$577,500</td>
<td>$922,600</td>
<td>$970,000</td>
<td>($250,000)</td>
<td>$720,000</td>
</tr>
<tr>
<td>% Change</td>
<td>Utilities: Ongoing Capital - Attrition Based LED Streetlight Conversion</td>
<td>$341,360</td>
<td>$351,000</td>
<td>$642,000</td>
<td>($300,000)</td>
<td>$642,000</td>
</tr>
<tr>
<td>% Change</td>
<td>Utilities: Ongoing Capital - System Cable Replacement</td>
<td>$500,000</td>
<td>$500,000</td>
<td>$1,100,000</td>
<td>($490,000)</td>
<td>$610,000</td>
</tr>
<tr>
<td>% Change</td>
<td>Utilities: Ongoing Capital - Distribution Automation</td>
<td>$160,000</td>
<td>$160,000</td>
<td>$160,000</td>
<td>$160,000</td>
<td>$160,000</td>
</tr>
</tbody>
</table>

## CUL Utilities Capital Project: Art in Public Places

| % Change | Utilities Capital Project: Art in Public Places | $14,800 | $14,076 | $14,076 | $14,220 |

## Subtotal Capital Projects

<table>
<thead>
<tr>
<th>% Change</th>
<th>Subtotal Capital Projects</th>
<th>$7,809,737</th>
<th>$8,361,648</th>
<th>$10,152,196</th>
<th>$0</th>
<th>$8,187,340</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Change</td>
<td>TOTAL WITH CAPITAL PROJECTS</td>
<td>$139,428,044</td>
<td>$144,327,468</td>
<td>$141,423,961</td>
<td>($456,268)</td>
<td>$139,002,837</td>
</tr>
</tbody>
</table>

## ENHANCEMENTS / REDUCTIONS / REDEPLOY

<table>
<thead>
<tr>
<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.1</td>
<td>REDUCTION</td>
<td>Light &amp; Power Operations</td>
<td>($391,009)</td>
</tr>
<tr>
<td>12.128</td>
<td>REDUCTION</td>
<td>Energy Services</td>
<td>($297,259)</td>
</tr>
<tr>
<td>12.132</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Epic Loans Capital Accounting</td>
<td>$3,060,000</td>
</tr>
<tr>
<td>30.13</td>
<td>ENHANCEMENT</td>
<td>Energy Code Compliance Specialist Redeployment</td>
<td>$0</td>
</tr>
<tr>
<td>13.21</td>
<td>ENHANCEMENT</td>
<td>Exadata</td>
<td>$181,796</td>
</tr>
<tr>
<td>11.13</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Asset Management - Advanced Metering Infrastructure Equipment and Technology Upgrade</td>
<td>$541,000</td>
</tr>
<tr>
<td>11.19</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Capital Project - System Relocations Due to Road, Intersection, and Alley Improvements</td>
<td>$478,000</td>
</tr>
<tr>
<td>12.131</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Demand Response Technology Upgrade</td>
<td>$679,000</td>
</tr>
<tr>
<td>11.15</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Capital Project - Advanced Distribution Management System (ADMS) Additional Functionality</td>
<td>$150,000</td>
</tr>
<tr>
<td>11.18</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Capital Project - Drake &amp; Dixon Automated Tie Circuit</td>
<td>$572,000</td>
</tr>
<tr>
<td>11.23</td>
<td>ENHANCEMENT</td>
<td>Purchased Power Rate Increase</td>
<td>$753,000</td>
</tr>
<tr>
<td>13.19</td>
<td>ENHANCEMENT</td>
<td>Data Management Program and Analytics Platform</td>
<td>$228,627</td>
</tr>
<tr>
<td>11.21</td>
<td>ENHANCEMENT</td>
<td>Light &amp; Power - Joint Training Field with Poudre Fire Authority</td>
<td>$110,000</td>
</tr>
<tr>
<td>13.20</td>
<td>ENHANCEMENT</td>
<td>Asset Risk Register</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

## Total Enhancements

| Subtotal Enhancements | $1,409,481 | $3,943,423 | ($688,268) | $2,432,655 |

## Total with Enhancements

| TOTAL WITH ENHANCEMENTS | $139,428,044 | $145,736,949 | $141,423,961 | ($456,268) | $141,002,837 |

## Revenue Projection Less All Offers

| REVENUE PROJECTION LESS ALL OFFERS | $1,444,642 | ($267,929) | $762,168 |
ENERGY BOARD
REGULAR MEETING – NOTES ABRIDGED FOR 2021 RATES & FEES UPDATE
September 10, 2020 – 5:30 pm
Remote – Zoom Meeting

ROLL CALL
Board Members Present: Amanda Shores, Jeremy Giovando, Bill Becker, Dan Gould, Alan Braslau, Marge Moore, Steve Tenbrink, Sue McFaddin
Board Members Absent: John Fassler (Sue McFaddin departed the meeting early)

OTHERS PRESENT
Staff Members Present: John Phelan, Christie Fredrickson, Cyril Vidergar, Tim McCollough, Lance Smith, Randy Reuscher, Jamie Gaskill, Cyril Vidergar, Rhonda Gatzke
Platte River Power Authority: Trista Fugate
Members of the Public: Rich Stave

2021 RATES & FEES UPDATE
Randy Reuscher, Lead Analyst, Utility Rates
John Phelan, Energy Services Senior Manager

Staff is proposing a 3% increase in the Electric Fund, which is composed of 0.3% carryover from the prior year’s rate smoothing, 0.3% wholesale cost increase for 2021, and 2.4% due to negative operating income and future capital project needs. The electric rate impact across class shows the residential class at a 2.6% increase, some of which is due to the Time of Day rate structure and a reduction of the Utility’s demand costs. Since no other services are increasing in 2021, the average residential utility customer who receives all four services can expect an increase of 1.3% per bill, per month as compared to 2020.

Mr. Reuscher said staff also monitors surrounding utility rate increases, and though they do not drive decisions it is useful to benchmark.

Staff is also proposing a 3% increase in Electric Capacity Fees (ECFs). These fees are presented every two years (along with other City-wide fee adjustments) along with model updates, and in the alternating year an inflationary factor is applied. 2021 is a year to apply the inflationary factor and these increases apply to all residential and commercial developments equally.

Subscribing to the Green Energy program with the City means that a customer can claim their home or business is powered from renewable energy. In the current Green Energy program, the additional charge is paying for the price premium through a renewable energy tariff with Platte River Power Authority. In 2021, staff is proposing a price premium of 1.5 cents per kWh, which is a 20% decrease from 2020’s 1.9 cents per kWh. Currently, the product offered to subscribed customers is 100% wind, but moving forward it will be composed of 13% local solar (from the Solar Power Purchase Program), and the remaining will come from Platte River’s intermittent energy product. This should ultimately total 23% solar energy and 77% wind energy.

Mr. Phelan said there are plans to rebrand this program, potentially in naming and outreach, as staff capacity becomes available. The price premium change was prompted by the new Roundhouse wind project and the Rawhide Prairie solar project both coming online, which is driving an overall decrease in the cost of the intermittent product, as well as the dissolution of Tariff 7 wholesale surcharge. He added that approximately 5% of the 1.5 cents will be initially dedicated toward accruing funding that will be used for future investment in the distribution system to enhance the City’s ability to host more DERs.
ENERGY BOARD

REGULAR MEETING

Board member Braslau asked how the Green Energy Program drives increased investment in renewable resources, beyond what the City is already doing? Mr. Phelan said beyond the 5% investment allocation of the premium, there are no specific plans to take those funds to build new investments. Board member Braslau asked if it makes sense to retain the 20% decrease and build a fund for infrastructure from that. Mr. Phelan said staff hopes the lower price premium will encourage more subscriptions. Board members expressed concern that people who are buying green energy are buying it because they already believe in it, and there is less weight in the price point.

Board member Becker asked if the proposed 3% increase is meant to be equally applied across the board or how it will distribute? Mr. Reuscher explained the 3% is at the fund level, but once the components are built in there are more variables. The wholesale components (roughly 70% of the rate) are direct pass throughs to each rate class. The distribution only portion will either go into the fixed charge or the energy or demand component, which is dependent on the rate class.

Board member McFaddin asked what happens for solar rate payers. Mr. Reuscher said the charges will go up 3% depending on their rate class, but the credit rate will remain flat as it did in 2020.

Mr. McCollough added if the Board would like to review individual rate components at their October 8 meeting, there should be enough time between the Board meeting and the November 4 Council Meeting material deadline.

Board member Becker moved the Energy Board support the proposed changes to 2021 electric utility rates and fees, as presented. Board member Braslau seconded the motion.

Discussion:
Board members want to discuss the individual rate component and policy implications of the fees with their Council Liaison (Ross Cunniff), ideally at their October meeting. Mr. Phelan asked the Board to provide specific set of principles for Mr. Reuscher to consider, and he can and provide additional feedback and options in October.

Mr. McCollough said Mr. Reuscher has a set of driving principles that guide the rate design, so there are no fundamental changes from previous years. If the Board desires a policy level change, that information would be helpful for Mr. Reuscher.

Board member Becker feels strongly that the Utility needs to work toward a fixed charge recovery as it continues to encourage customers to use less electricity. Board members Tenbrink and Moore agreed with Mr. Becker’s opinion, and would like to hear more about the rate components in the future. Mr. Becker suggested adding language to his proposed motion:

Board member Becker moved to support the proposed changes, but the Board will discuss the allocation of rate components and policy implications at their October meeting. Board member Braslau seconded the motion.

Vote on the motion:
It passed, 7-0, with two absent.
## 2021 Proposed Changes

<table>
<thead>
<tr>
<th>UTILITY</th>
<th>2021 PROPOSED INCREASE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELECTRIC</td>
<td>3%</td>
</tr>
<tr>
<td>WATER</td>
<td>2%</td>
</tr>
<tr>
<td>WASTEWATER</td>
<td>0%</td>
</tr>
<tr>
<td>STORMWATER</td>
<td>0%</td>
</tr>
</tbody>
</table>
### Electric Rate Adjustment Financial Metrics

<table>
<thead>
<tr>
<th>Criteria</th>
<th>2019</th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PRPA wholesale energy costs</td>
<td>1.4%</td>
<td></td>
<td>1.4%</td>
</tr>
<tr>
<td>2. 3 yr ave Operating Income &lt; 0</td>
<td></td>
<td>5.0%</td>
<td>0.3%</td>
</tr>
<tr>
<td>3. Debt Coverage Ratio &lt; 2.0</td>
<td></td>
<td>3.9%</td>
<td>2.4%</td>
</tr>
<tr>
<td>4. Available Reserves less Capital Need &lt; 0</td>
<td></td>
<td></td>
<td>3.0%</td>
</tr>
<tr>
<td>Sum of Above</td>
<td>6.4%</td>
<td>5.3%</td>
<td>3.0%</td>
</tr>
<tr>
<td>5. Lesser of 5.0% or the sum of above</td>
<td>5.0%</td>
<td>5.0%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Increase Carried Forward</td>
<td>1.4%</td>
<td>0.3%</td>
<td>----</td>
</tr>
</tbody>
</table>

- **Criteria 2019**
  - PRPA wholesale energy costs 1.4%
  - 3 yr ave Operating Income < 0 5.0%
  - Debt Coverage Ratio < 2.0
  - Available Reserves less Capital Need < 0
  - Sum of Above 6.4%
  - Lesser of 5.0% or the sum of above 5.0%
  - Increase Carried Forward 1.4%

- **Criteria 2020**
  - PRPA wholesale energy costs
  - 3 yr ave Operating Income < 0 3.9%
  - Debt Coverage Ratio < 2.0
  - Available Reserves less Capital Need < 0
  - Sum of Above 5.3%
  - Lesser of 5.0% or the sum of above 5.0%
  - Increase Carried Forward 0.3%

- **Criteria 2021**
  - PRPA wholesale energy costs 0.3%
  - 3 yr ave Operating Income < 0
  - Debt Coverage Ratio < 2.0
  - Available Reserves less Capital Need < 0
  - Sum of Above 3.0%
  - Lesser of 5.0% or the sum of above 3.0%
  - Increase Carried Forward ----
2021 Electric Rate Impacts
Based on 2020 Cost of Service Study

<table>
<thead>
<tr>
<th>Category</th>
<th>% Rate Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2.6%</td>
</tr>
<tr>
<td>Small Commercial</td>
<td>3.6%</td>
</tr>
<tr>
<td>Medium Commercial</td>
<td>3.9%</td>
</tr>
<tr>
<td>Large Commercial</td>
<td>3.9%</td>
</tr>
<tr>
<td>Industrial</td>
<td>2.3%</td>
</tr>
<tr>
<td>Substation</td>
<td>2.0%</td>
</tr>
</tbody>
</table>

Legend:
- Full COS adjustments
- System Rate Change
### Fort Collins Utilities
#### Comparative Residential Monthly Bill

<table>
<thead>
<tr>
<th>Utility</th>
<th>2020</th>
<th>2021</th>
<th>$ Change</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric</td>
<td>$78.83</td>
<td>$81.19</td>
<td>$2.36</td>
<td>3.0%</td>
</tr>
<tr>
<td>Water</td>
<td>$48.07</td>
<td>$49.03</td>
<td>$0.96</td>
<td>2.0%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>$34.25</td>
<td>$34.25</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Stormwater</td>
<td>$21.74</td>
<td>$21.74</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total Average Bill</strong></td>
<td><strong>$182.89</strong></td>
<td><strong>$186.22</strong></td>
<td><strong>$3.33</strong></td>
<td><strong>1.8%</strong></td>
</tr>
<tr>
<td>City</td>
<td>Electric</td>
<td>Water</td>
<td>WW</td>
<td>Stormwater</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-------</td>
<td>----</td>
<td>------------</td>
</tr>
<tr>
<td>Longmont</td>
<td>5.9%</td>
<td>9%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Greeley</td>
<td>N/A</td>
<td>6%</td>
<td>10%</td>
<td>8%</td>
</tr>
<tr>
<td>Loveland</td>
<td>3%</td>
<td>7%</td>
<td>7%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Fort Collins</td>
<td>3%</td>
<td>2%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Boulder</td>
<td>N/A</td>
<td>8%</td>
<td>5%</td>
<td>12%</td>
</tr>
<tr>
<td>Colorado Springs</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Green Energy Program

Green Energy Program Summary

<table>
<thead>
<tr>
<th>Program</th>
<th>2020</th>
<th>2021</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price per kWh</td>
<td>1.9 cents</td>
<td>1.6 cents</td>
<td>16% decrease</td>
</tr>
<tr>
<td>Wind Mix</td>
<td>100%</td>
<td>77%</td>
<td>Colorado and Wyoming sources</td>
</tr>
<tr>
<td>Solar</td>
<td>0%</td>
<td>23%</td>
<td>Local and Rawhide locations</td>
</tr>
</tbody>
</table>

Sources

- Solar Power Purchase Program: 13%
- Platte River Intermittent Energy: 87%

Resource Mix

- Local Solar: 10%
- Wind mix: 77%
- Rawhide solar mix: 13%
## 2019 Impact – Payment Assistance

### Income-Qualified Assistance Program
- **Participants:** 700 average participants per month
- **Total Benefit:** $146,180
- **Savings:** 23% savings per customer

### Medical Assistance Program
- **Participants:** 167 average participants per month
- **Total Benefit:** $38,787
- **Savings:** 22% savings per customer

### Payment Assistance Fund
- **Participants:** 364 people served
- **Total Benefit:** $85,751
- **Savings:** $236 average assistance payment

---

**Discounted Rate**
ORDINANCE NO. 139, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO REVISE ELECTRIC RATES, FEES, AND CHARGES

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to 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 of the electric utility, 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, revenues 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, the City purchases bulk wholesale electric power from Platte River Power Authority (“PRPA”) pursuant to an Amended Contract for Supply of Electric Power and Energy, dated May 30, 2019; and

WHEREAS, Utilities staff has determined the increased local distribution costs will require an additional average 3% rate increase in 2021 in order to remain consistent with Article XII, Section 6, of the City Charter; and

WHEREAS, the Energy Board considered the proposed electric rates and methods of application at its September 10, 2020 and October 8, 2020 regular meetings, and provided recommendations of approval of proposed rate sets to City Council; and

WHEREAS, the City Council Finance Committee considered the proposed electric rates and methods of application at its October 19, 2020 regular meeting, and provided recommendations of approval of proposed rate sets to the full City Council; and

WHEREAS, the City Manager and staff have recommended to the City Council the following electric rate adjustments and City Code rate language clarifications for all billings issued with meter readings on or after January 1, 2021; and

WHEREAS, based on the foregoing, it is the desire of the City Council to amend Chapter 26 of the City Code to revise the electric 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 Sections 26-464 (c) through (f), (p), and (r) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-464. - Residential energy service, schedule R.

... (c) Monthly rate. The monthly rates for this schedule shall be the sum of the following charges applied to all energy consumption on or after January 1, 2020 2021.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>b. Fixed Charge</td>
<td>Per account</td>
<td>$7.55</td>
<td>$8.10</td>
</tr>
<tr>
<td>c. Distribution facilities charge (applied to energy charges in d.1. and d.2. below)</td>
<td>Per kWh</td>
<td>$0.0256</td>
<td>$0.0275</td>
</tr>
<tr>
<td>d. Wholesale Energy Charge (combined energy and demand costs)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Summer. For billings based on consumption during the months of May, June, July, August, and September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.2183</td>
<td>$0.2585</td>
</tr>
<tr>
<td>(b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0710</td>
</tr>
<tr>
<td>2. Non-summer. For billings based on consumption during the months of January through April and October through December.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.2195</td>
</tr>
<tr>
<td>(b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0710</td>
</tr>
<tr>
<td>e. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)</td>
<td>Per kWh</td>
<td>$0.0216</td>
<td>$0.0229</td>
</tr>
<tr>
<td>f. Income-qualified assistance discount. Discount applied to effective monthly charges in &quot;a.&quot;, &quot;b.&quot;, &quot;c.&quot; and “d.” for</td>
<td></td>
<td>23 percent</td>
<td></td>
</tr>
</tbody>
</table>
IQAP participating residential customers, as further described in Section 26-724 of the Code.

(d) *Medical assistance program.*

. . .

(3) a. Durable Medical Equipment (DME). The discounted monthly rates for customers with electrical durable medical equipment only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2020 2021:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all</td>
<td>Per</td>
<td>$7.55</td>
<td>$8.00</td>
</tr>
<tr>
<td>component charges pursuant to this Section</td>
<td>account</td>
<td>$8.10</td>
<td>$8.59</td>
</tr>
<tr>
<td>2. Fixed Charge</td>
<td>Per</td>
<td>$0.0256</td>
<td>$0.0275</td>
</tr>
<tr>
<td>3. Distribution facilities charge (applied to energy charges in 4.a) and</td>
<td>Per kWh</td>
<td>$0.0290</td>
<td>$0.0283</td>
</tr>
<tr>
<td>4.b) below</td>
<td></td>
<td>$0.0578</td>
<td>$0.0591</td>
</tr>
<tr>
<td>4. Energy and demand charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Summer. For billings based on consumption during the months of May,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June, July, August, and September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1271</td>
<td>$0.1288</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.1528</td>
<td>$0.1541</td>
</tr>
<tr>
<td>(ii) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0290</td>
<td>$0.0283</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0578</td>
<td>$0.0591</td>
</tr>
<tr>
<td>b) Non-summer. For billings based on consumption during the months of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January through April and October through December.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1271</td>
<td>$0.1288</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.1271</td>
<td>$0.1288</td>
</tr>
<tr>
<td>(ii) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0290</td>
<td>$0.0283</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0578</td>
<td>$0.0591</td>
</tr>
<tr>
<td>5. Energy efficiency tier charge, per kilowatt hour</td>
<td>Per kWh</td>
<td>$0.0216</td>
<td>$0.0232</td>
</tr>
<tr>
<td>for total consumption over 700 kWh in a billing month (regardless of</td>
<td></td>
<td>$0.0216</td>
<td>$0.0232</td>
</tr>
<tr>
<td>on-peak or off-peak)</td>
<td></td>
<td>$0.0216</td>
<td>$0.0232</td>
</tr>
</tbody>
</table>

(4) a. Air Conditioning (A/C). The discounted monthly rates for customers with medical needs requiring air conditioning only shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2020 2021:
<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>2. Fixed Charge</td>
<td>Per account</td>
<td>$7.55</td>
<td>$8.00</td>
</tr>
<tr>
<td>3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)</td>
<td>Per kWh</td>
<td>$0.0256</td>
<td>$0.0275</td>
</tr>
<tr>
<td>4. Energy and demand charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Summer. For billings based on consumption during the months of May, June, July, August, and September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0710</td>
</tr>
<tr>
<td>(ii) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0710</td>
</tr>
<tr>
<td>b) Non-summer. For billings based on consumption during the months of January through April and October through December.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.2195</td>
</tr>
<tr>
<td>(ii) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0710</td>
</tr>
<tr>
<td>5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)</td>
<td>Per kWh</td>
<td>$0.0216</td>
<td>$0.0229</td>
</tr>
</tbody>
</table>

(5) a. Durable Medical Equipment (DME) & A/C. The discounted monthly rates for customers with electrical durable medical equipment and medical needs requiring air conditioning shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2020 2021:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>2. Fixed Charge</td>
<td>Per account</td>
<td>$7.55</td>
<td>$8.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$8.10</td>
<td>$8.59</td>
</tr>
</tbody>
</table>
3. Distribution facilities charge (applied to energy charges in 4.a) and 4.b) below)

<table>
<thead>
<tr>
<th>Component</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0256</td>
</tr>
<tr>
<td></td>
<td>$0.0275</td>
</tr>
</tbody>
</table>

4. Energy and demand charge

a) Summer. For billings based on consumption during the months of May, June, July, August, and September

| (i) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays) | Per kWh | $0.0414 | $0.0404 | $0.0710 |
|                                                        | (ii) Off-Peak                     | Per kWh | $0.0290 | $0.0283 | $0.0578 |

b) Non-summer. For billings based on consumption during the months of January through April and October through December.

| (i) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays) | Per kWh | $0.1271 | $0.1288 | $0.1618 |
|                                                        | (ii) Off-Peak                     | Per kWh | $0.0290 | $0.0283 | $0.0578 |

5. Energy efficiency tier charge, per kilowatt hour for total consumption over 700 kWh in a billing month (regardless of on-peak or off-peak)

| Per kWh | $0.0216 | $0.0232 | $0.0229 | $0.0246 |

(e) Renewable resource. Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (e). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

<table>
<thead>
<tr>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175</td>
</tr>
<tr>
<td></td>
<td>$0.015</td>
</tr>
</tbody>
</table>

(f) Excess capacity charge. The monthly capacity charge kilowatt set forth in this Subsection (f) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.
(5) The customer-generator’s consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rates under Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows, applied to all generation returned to the grid on or after January 1, 2020 2021.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distribution facilities credit (applied to credits in 2. and 3. below)</td>
<td>Per kWh</td>
<td>$0.0217</td>
<td></td>
</tr>
<tr>
<td>2. Energy and demand credit - For billings based on generation during the months of May, June, July, August and September</td>
<td>Per kWh</td>
<td>$0.2183</td>
<td>$0.2400</td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td></td>
<td>$0.2201</td>
<td>$0.2418</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0634</td>
</tr>
<tr>
<td>3. Energy and demand credit - For billings based on generation during the months of January through April and October through December</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.2032</td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td></td>
<td>$0.1840</td>
<td>$0.2057</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0634</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0621</td>
</tr>
</tbody>
</table>
(r) **Net metering—Community solar projects.**

(3) The customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rates under Subsection (c) of this Section. The method used to measure energy produced and issue credits under this Section shall be the same for subscriber-owned facilities and dedicated program-managed facilities. The energy produced by the customer-generator shall be credited to the customer monthly as follows, applied to all generation returned to the grid on or after January 1, 2020 2021.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distribution facilities credit (applied to credits in 2. and 3. below)</td>
<td>Per kWh</td>
<td>$0.0109</td>
<td></td>
</tr>
<tr>
<td>2. Energy and demand credit - For billings based on generation during the months of May, June, July, August and September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.2183</td>
<td>$0.2201</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0404</td>
</tr>
<tr>
<td>3. Energy and demand credit - For billings based on generation during the months of January through April and October through December</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.1840</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0404</td>
</tr>
</tbody>
</table>

Section 4. That Sections 26-465 (c) through (f), (q), and (r) of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-465. - All-electric residential service, schedule RE.**

(c) **Monthly rate.**

(1) The monthly rates for this schedule shall be the sum of the following charges, applied to all energy consumption on or after January 1, 2020 2021.
a. Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section 6 percent

| b. Fixed Charge | Per account | $7.55 | $8.00 |
|                |             | $8.10 | $8.59 |

| c. Distribution facilities charge (applied to charges in d.1. and d.2. below) | Per kWh | $0.0330 | $0.0354 |
| d. Energy and demand charge |

| 1. Summer. For billings based on consumption during the months of May, June, July and August, and September |
| a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays) | Per kWh | $0.2183 | $0.2201 | $0.2664 | $0.2708 |
| b) Off-Peak | Per kWh | $0.0414 | $0.0404 | $0.0789 | $0.0804 |

| 2. Non-summer. For billings based on consumption during the months of January through April and October through December |
| a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays) | Per kWh | $0.1815 | $0.1840 | $0.2274 | $0.2326 |
| b) Off-Peak | Per kWh | $0.0414 | $0.0404 | $0.0789 | $0.0804 |

e. Income-qualified assistance program ("IQAP") discount. Discount applied to monthly charges in "b.", "c." and “d” above for IQAP participating residential customers, as further described in Section 26-724 of the Code 23 percent

| (d) Renewable resource. Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility |

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175</td>
</tr>
</tbody>
</table>

| Billed Charge |
| $0.019 | $0.016 |

(e) Excess capacity charge. The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.
<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kW</td>
<td>$2.32</td>
<td>$2.46</td>
</tr>
<tr>
<td></td>
<td>$2.39</td>
<td>$2.53</td>
</tr>
</tbody>
</table>

(f) **Standby service charges.** Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) **Monthly standby distribution charge:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted standby service, this charge shall be in lieu of the distribution facilities charge</td>
<td>Per kW</td>
<td>$2.34</td>
<td>$2.48</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2.41</td>
<td>$2.55</td>
</tr>
<tr>
<td>For all metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$7.00</td>
<td>$7.42</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$7.21</td>
<td>$7.64</td>
</tr>
</tbody>
</table>

... 

(q) **Net metering.**

... 

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rates under Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows, applied to all generation returned to the grid on or after January 1, 2020.  

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distribution facilities credit (applied to credits in 2. and 3. below)</td>
<td>Per kWh</td>
<td>$0.0279</td>
<td></td>
</tr>
</tbody>
</table>

| Description                                                                 | Unit   | Component Credit | Bill Credit |
| 2. Energy and demand credit - For billings based on generation during the months of May, June, July, August and September | Per kWh| $0.2183          | $0.2462     |
| a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)                       | Per kWh| $0.2201          | $0.2480     |
| b) Off-Peak                                                                  | Per kWh| $0.0414          | $0.0693     |
|                                                                             |        | $0.0404          | $0.0683     |
3. Energy and demand credit - For billings based on generation during the months of January through April and October through December

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.2094</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.1840</td>
<td>$0.2119</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0693</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0683</td>
</tr>
</tbody>
</table>

(r) Net metering—community solar projects.

... 

(3) The customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rates under Subsection (c) of this Section. The method used to measure energy produced and issue credits under this Section shall be the same for subscriber-owned facilities and dedicated program-managed facilities. The energy produced by the customer-generator shall be credited to the customer monthly as follows, applied to all generation returned to the grid on or after January 1, 2020 2021.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Distribution facilities credit (applied to credits in 2. and 3. below)</td>
<td>Per kWh</td>
<td>$0.0141</td>
<td></td>
</tr>
<tr>
<td>2. Energy and demand credit - For billings based on generation during the months of May, June, July, August and September</td>
<td>Per kWh</td>
<td>$0.2183</td>
<td>$0.2324</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.2201</td>
<td>$0.2342</td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 2 pm to 7 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0555</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0545</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0555</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0545</td>
</tr>
<tr>
<td>3. Energy and demand credit - For billings based on generation during the months of January through April and October through December</td>
<td>Per kWh</td>
<td>$0.1815</td>
<td>$0.1956</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.1840</td>
<td>$0.1981</td>
</tr>
<tr>
<td>a) On-Peak (Mon-Fri, 5 pm to 9 pm, excluding holidays)</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0555</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0545</td>
</tr>
<tr>
<td>b) Off-Peak</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0555</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
<td>$0.0545</td>
</tr>
</tbody>
</table>

... 

Section 5. That Sections 26-466 (c), (d), (e), (q), and (r) of the Code of the City of Fort Collins are hereby amended to read as follows:
### Sec. 26-466. - General service, schedule GS.

... 

(c) **Monthly rate.** The monthly rates for this schedule shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Payment in lieu of taxes (PILOT) and franchise. A charge based on all component charges pursuant to this Section</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>(2) Fixed Charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Single-phase, two-hundred-ampere service</td>
<td>Per account</td>
<td>$4.77</td>
<td>$5.25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5.25</td>
<td>$5.56</td>
</tr>
<tr>
<td>b. Single-phase, above two-hundred-ampere service</td>
<td>Per account</td>
<td>$14.09</td>
<td>$15.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15.50</td>
<td>$16.61</td>
</tr>
<tr>
<td>c. Three-phase, two-hundred-ampere service</td>
<td>Per account</td>
<td>$7.27</td>
<td>$8.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$8.00</td>
<td>$8.58</td>
</tr>
<tr>
<td>d. Three-phase, above two-hundred-ampere service</td>
<td>Per account</td>
<td>$17.24</td>
<td>$18.96</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$18.96</td>
<td>$20.32</td>
</tr>
<tr>
<td>(3) Distribution facilities charge (added to demand and energy charges below for “Billed Charge” shown in (5))</td>
<td>Per kWh</td>
<td>$0.0324</td>
<td>$0.0356</td>
</tr>
<tr>
<td>(4) Demand charge</td>
<td>Per kWh</td>
<td>$0.0314</td>
<td>$0.0330</td>
</tr>
<tr>
<td>a. Summer. For billings based on meter readings in the months of June, July, August, and September</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Non-summer. For billings based on meter readings in the months of January through May and October through December</td>
<td>Per kWh</td>
<td>$0.0192</td>
<td>$0.0200</td>
</tr>
<tr>
<td>c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Energy charge</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.1115</td>
</tr>
<tr>
<td>a. Summer. For billings based on meter readings in the months of June, July, August,</td>
<td></td>
<td>$0.0414</td>
<td>$0.1115</td>
</tr>
</tbody>
</table>
and September

| b. Non-summer. For billings based on meter readings in the months of January through May and October through December | Per kWh | $0.0414 | $0.0404 |
| c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate | | | $0.0986 | $0.1018 |

(d) **Renewable resource.** Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175</td>
<td>$0.015</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.019</td>
</tr>
</tbody>
</table>

(e) **Excess capacity charge.** The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kW</td>
<td>$2.32</td>
<td>$2.39</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2.46</td>
</tr>
</tbody>
</table>

(q) **Net metering.**

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy credit for billings based on generation during the months of June, July, August, and September</td>
<td>Per kWh</td>
<td>$0.0414</td>
</tr>
</tbody>
</table>
(r) *Net metering—community solar projects.*

... 

(3) Both the customer's consumption of energy from the utility and interest in the production of energy that flows into the utilities' distribution system shall be measured on a monthly basis. The energy from Fort Collins Utilities consumed by the customer shall be billed at the applicable seasonal tiered rate as outlined in Subsection (c) of this Section. The energy produced by the customer's portion of the qualifying facility shall be credited to the customer monthly as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy and demand credit</td>
<td>Per kWh</td>
<td>$0.0414</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
</tr>
</tbody>
</table>

Section 6. That Sections 26-467 (c) through (f) and (r) of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-467. - General service 25, schedule GS25.**

... 

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Payment in lieu of taxes (PILOT) and franchise.</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>A charge based on all component charges pursuant to this Section</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Fixed Charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Single-phase, two-hundred-ampere service</td>
<td>Per account</td>
<td>$4.99</td>
<td>$5.29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$5.54</td>
<td>$5.87</td>
</tr>
<tr>
<td>b. Single-phase, above two-hundred-ampere service</td>
<td>Per account</td>
<td>$14.74</td>
<td>$15.60</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$16.33</td>
<td>$17.31</td>
</tr>
<tr>
<td>c. Three-phase, two-hundred-ampere service</td>
<td>Per account</td>
<td>$7.60</td>
<td>$8.06</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$8.44</td>
<td>$8.94</td>
</tr>
<tr>
<td>d. Three-phase, above two-hundred-ampere service</td>
<td>Per account</td>
<td>$18.00</td>
<td>$19.08</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$19.98</td>
<td>$21.18</td>
</tr>
<tr>
<td>3. Distribution facilities charge (applied to energy charges in 5. below)</td>
<td>Per kWh</td>
<td>$0.0257</td>
<td>$0.0286</td>
</tr>
<tr>
<td>4. Demand charge</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
a. Summer. For billings based on meter readings in the months of June, July, August, and September

| Per kW       | $9.69 | $10.20 | $10.27 | $10.81 |

b. Non-summer. For billings based on meter readings in the months of January through May and October through December

| Per kW       | $5.53 | $5.75  | $5.86  | $6.10  |

c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate

5. Energy charge

a. Summer. For billings based on meter readings in the months of June, July, August, and September

| Per kWh      | $0.0414 | $0.0404 | $0.0711 | $0.0731 |

b. Non-summer. For billings based on meter readings in the months of January through May and October through December

| Per kWh      | $0.0414 | $0.0404 | $0.0711 | $0.0731 |

(d) Renewable resource. Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175 $0.015 $0.019 $0.016</td>
</tr>
</tbody>
</table>

(e) Excess capacity charge. The monthly capacity charge kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kW</td>
<td>$2.32 $2.39</td>
</tr>
</tbody>
</table>

(f) Standby service charges. Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

1. Monthly standby distribution charge
<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted standby service, this charge shall be in lieu of the distribution facilities charge</td>
<td>Per kW</td>
<td>$4.25</td>
<td>$4.51</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$4.38</td>
<td>$4.64</td>
</tr>
<tr>
<td>For all metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$12.77</td>
<td>$13.53</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$13.15</td>
<td>$13.94</td>
</tr>
</tbody>
</table>

... 

(r)  *Net metering.*

... 

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy credit for billings based on generation during the months of June, July, August, and September</td>
<td>Per kWh</td>
<td>$0.0414</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0404</td>
</tr>
</tbody>
</table>

Section 7. That Sections 26-468 (c) through (g), and (u) of the Code of the City of Fort Collins are hereby amended to read as follows:

**Sec. 26-468. - General service 50, schedule GS50.**

... 

(c)  *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Payment in lieu of taxes (PILOT) and franchise.</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>A charge based on all component charges pursuant to this Section</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2). Fixed Charge</td>
<td>Per account</td>
<td>$12.62</td>
<td>$14.64</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>(3) Coincident demand charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Summer. For billings based on meter readings in the months of June, July, August, and September</td>
<td>Per kW</td>
<td>$13.68</td>
<td>$14.57</td>
</tr>
<tr>
<td>b. Non-summer. For billings based on meter readings in the months of January through May and October through December</td>
<td>Per kW</td>
<td>$10.39</td>
<td>$11.56</td>
</tr>
<tr>
<td>c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Distribution facilities charge</td>
<td>Per kW</td>
<td>$8.69</td>
<td>$10.08</td>
</tr>
<tr>
<td>(5) Energy charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Summer. For billings based on meter readings in the months of June, July, August, and September</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0404</td>
</tr>
<tr>
<td>b. Non-summer. For billings based on meter readings in the months of January through May and October through December</td>
<td>Per kWh</td>
<td>$0.0414</td>
<td>$0.0404</td>
</tr>
</tbody>
</table>

(d) Renewable resource. Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175</td>
<td>$0.019</td>
</tr>
<tr>
<td></td>
<td>$0.015</td>
<td>$0.016</td>
</tr>
</tbody>
</table>

(e) Excess capacity charge. The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kW</td>
<td>$2.32</td>
<td>$2.46</td>
</tr>
<tr>
<td></td>
<td>$2.39</td>
<td>$2.53</td>
</tr>
</tbody>
</table>
(f) **Standby service charges.** Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

1. Standby distribution charge.

   a. Monthly standby distribution charge shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted standby service, this charge shall be in lieu of the distribution facilities charge</td>
<td>Per kW</td>
<td>$5.46 $5.62</td>
<td>$5.79 $5.96</td>
</tr>
<tr>
<td>For all metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$15.92 $16.40</td>
<td>$16.87 $17.38</td>
</tr>
</tbody>
</table>

   . . .

(g) **Excess circuit charge.** In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

1. Monthly charge shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted backup capacity per month</td>
<td>Per kW</td>
<td>$1.11 $1.14</td>
<td>$1.18 $1.21</td>
</tr>
<tr>
<td>Metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$3.36 $3.46</td>
<td>$3.56 $3.67</td>
</tr>
</tbody>
</table>

   . . .

(u) **Net metering.**

. . .

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly
basis. The energy from the utility consumed by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy credit for billings based on generation during the months of June, July, August and September</td>
<td>Per kWh</td>
<td>$0.0414 $0.0404</td>
</tr>
</tbody>
</table>

Section 8. That Sections 26-469 (c) through (g) and (v) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 26-469. - General service 750, schedule GS750.

... (c) **Monthly rate.** The monthly rates for this schedule shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Payment in lieu of taxes (PILOT) and franchise.</td>
<td></td>
<td>6 percent</td>
<td></td>
</tr>
<tr>
<td>A charge based on all component charges pursuant to this Section</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Fixed Charge</td>
<td>Per account</td>
<td>$24.49 $28.75</td>
<td>$25.96 $30.48</td>
</tr>
<tr>
<td>a. Additional charge for each additional metering point</td>
<td>Per account</td>
<td>$14.94 $17.54</td>
<td>$15.83 $18.59</td>
</tr>
<tr>
<td>(3) Coincident demand charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Summer. For billings based on meter readings in the months of June, July, August, and September</td>
<td>Per kW</td>
<td>$13.47 $13.55</td>
<td>$14.28 $14.36</td>
</tr>
<tr>
<td>b. Non-summer. For billings based on meter readings in the months of January through May and October through December</td>
<td>Per kW</td>
<td>$10.23 $10.75</td>
<td>$10.84 $11.40</td>
</tr>
<tr>
<td>c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Distribution facilities charge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. First seven hundred fifty (750) kilowatts</td>
<td>Per kW</td>
<td>$9.44</td>
<td>$10.04</td>
</tr>
</tbody>
</table>
(5) Energy charge

<table>
<thead>
<tr>
<th>Unit Component</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0407 $0.0398 $0.0431 $0.0422</td>
</tr>
</tbody>
</table>

(b. All additional kilowatts)

Per kW  $5.58  $6.55 $5.91 $6.94

(a. Summer. For billings based on meter readings in the months of June, July, August, and September)

Per kWh  $0.0407  $0.0398  $0.0431  $0.0422

(b. Non-summer. For billings based on meter readings in the months of January through May and October through December)

Per kWh  $0.0407  $0.0398  $0.0431  $0.0422

(d) Renewable resource. Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at the premium per kilowatt hour set forth in this Subsection (d). The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kWh</td>
<td>$0.0175 $0.0150</td>
<td>$0.0190 $0.0160</td>
</tr>
</tbody>
</table>

(e) Excess capacity charge. The monthly capacity charge per kilowatt set forth in this Subsection (e) may be added to the above charges for service to intermittent loads in accordance with the provisions of the Electric Service Standards.

<table>
<thead>
<tr>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per kW</td>
<td>$2.32 $2.39</td>
<td>$2.46 $2.53</td>
</tr>
</tbody>
</table>

(f) Standby service charges. Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility according to the following:

(1) Standby distribution charge.

a. Monthly standby distribution charges shall be paid in the following amounts

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component</th>
<th>Billed</th>
</tr>
</thead>
</table>
(g) *Excess circuit charge.* In the event a utility customer in this rate class desires excess circuit capacity for the purpose of controlling the available electric capacity of a backup circuit connection, this service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable backup demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

1. Monthly charge.

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted backup capacity per month</td>
<td>Per kW</td>
<td>$0.78 $0.80</td>
<td>$0.82 $0.85</td>
</tr>
<tr>
<td>Metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$2.33 $2.40</td>
<td>$2.47 $2.54</td>
</tr>
</tbody>
</table>

(v) *Net metering.*

(5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy credit for billings based on generation during the months of June, July, August, and September</td>
<td>Per kWh</td>
<td>$0.0407</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$0.0398</td>
</tr>
</tbody>
</table>

Section 9. That Sections 26-470 (c), (d), (e), and (s) of the Code of the City of Fort Collins are hereby amended to read as follows:
Sec. 26-470. - Substation service, schedule SS.

... 

(c) *Monthly rate.* The monthly rates for this schedule shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Payment in lieu of taxes (PILOT) and franchise.</td>
<td>6 percent</td>
<td>$58.20</td>
<td>$61.69</td>
</tr>
<tr>
<td>A charge based on all component charges pursuant to this Section.</td>
<td></td>
<td>$58.20</td>
<td>$61.69</td>
</tr>
</tbody>
</table>

(2) Fixed Charge | Per account | $58.20 | $70.42 |

(3) Coincident demand charge

a. Summer. For billings based on meter readings in the months of June, July, August, and September | Per kW | $13.27 | $13.35 |

b. Non-summer. For billings based on meter readings in the months of January through May and October through December | Per kW | $10.08 | $10.59 |

c. The meter reading date shall generally determine the summer season billing months; however, no customer shall be billed more than four (4) full billing cycles at the summer rate

(4) Distribution facilities charge | Per kW | $4.72 | $5.00 |

(5) Energy charge

a. Summer. For billings based on meter readings in the months of June, July, August, and September | Per kWh | $0.0404 | $0.0425 |

b. Non-summer. For billings based on meter readings in the months of January through May and October through December | Per kWh | $0.0404 | $0.0425 |

(d) *Renewable resource.* Renewable energy resources, including, but not limited to, energy generated by the power of wind, may be offered on a voluntary basis to customers at a premium per kilowatt hour. The utility may establish and offer voluntary programs designed to increase and enhance the use of energy generated by renewable energy resources in support of Council-adopted policy applicable to the utility.
(e) **Standby service charges.** Standby service, if available, will be provided on an annual contract basis at a level at least sufficient to meet probable service demand (in kilowatts) as determined by the customer and approved by the utility at the following rates:

1. Standby distribution charge.
   a. Monthly standby distribution charge:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted standby service, this charge shall be in lieu of the distribution facilities charge.</td>
<td>Per kW</td>
<td>$2.81</td>
<td>$2.89</td>
</tr>
<tr>
<td>For all metered kilowatts in excess of the contracted amount</td>
<td>Per kW</td>
<td>$8.43</td>
<td>$8.94</td>
</tr>
</tbody>
</table>

(s) **Net metering.**

... (5) The customer-generator's consumption of energy from the utility and production of energy that flows into the utility's distribution system shall be measured on a monthly basis. The energy consumed from the utility by the customer-generator shall be billed at the applicable rate as outlined in Subsection (c) of this Section. The energy produced by the customer-generator shall be credited to the customer monthly as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Bill Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Energy credit for billings based on generation during the months of June, July, August, and September</td>
<td>Per kWh</td>
<td>$0.0401</td>
</tr>
</tbody>
</table>
Section 10. That Section 26-471 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-471. - Special area floodlighting, schedule FL.

(b) Monthly rate. The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) are as follows:

(1) Charge per lamp, mercury vapor:

<table>
<thead>
<tr>
<th>Description</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. One hundred seventy-five (175) watt</td>
<td>$18.67 $19.23</td>
<td>$19.79 $20.38</td>
</tr>
<tr>
<td>b. Two hundred fifty (250) watt</td>
<td>$21.99 $22.65</td>
<td>$23.31 $24.01</td>
</tr>
<tr>
<td>c. Four hundred (400) watt</td>
<td>$28.82 $29.68</td>
<td>$30.55 $31.47</td>
</tr>
</tbody>
</table>

(2) Charge per lamp, high-pressure sodium:

<table>
<thead>
<tr>
<th>Description</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Seventy (70) watt</td>
<td>$7.89 $8.13</td>
<td>$8.36 $8.61</td>
</tr>
<tr>
<td>b. One hundred (100) watt</td>
<td>$11.16 $11.49</td>
<td>$11.83 $12.18</td>
</tr>
<tr>
<td>c. One hundred fifty (150) watt</td>
<td>$17.65 $18.18</td>
<td>$18.71 $19.27</td>
</tr>
<tr>
<td>d. Two hundred fifty (250) watt</td>
<td>$22.50 $23.18</td>
<td>$23.85 $24.57</td>
</tr>
<tr>
<td>e. Four hundred (400) watt</td>
<td>$29.73 $30.62</td>
<td>$31.51 $32.46</td>
</tr>
</tbody>
</table>
(3) Charge per lamp, LED:

<table>
<thead>
<tr>
<th>Description</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fifty-four (54) watt (Cobra)</td>
<td>$7.74</td>
<td>$7.97</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$8.20</td>
</tr>
<tr>
<td>b. Seventy-two (72) watt (Cobra)</td>
<td>$9.00</td>
<td>$9.27</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$9.54</td>
</tr>
<tr>
<td>c. Eighty (80) watt (Cobra)</td>
<td>$9.58</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10.16</td>
</tr>
<tr>
<td>d. Eighty-eight (88) watt (Cobra)</td>
<td>$10.15</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$10.76</td>
</tr>
<tr>
<td>e. Sixty-five (65) watt (Post Top)</td>
<td>$12.47</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>$13.21</td>
</tr>
</tbody>
</table>

Section 11. That Section 26-472 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-472. - Traffic signal service, schedule T.

(c) Monthly rate. The monthly rates (including a six (6) percent charge in lieu of taxes and franchise) shall be the sum of the following charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit</th>
<th>Component Charge</th>
<th>Billed Charge (including PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Fixed charge</td>
<td>Per account</td>
<td>$80.66</td>
<td>$83.08</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$85.50</td>
</tr>
<tr>
<td>(2) Energy charge</td>
<td>Per kWh</td>
<td>$0.0750</td>
<td>$0.0773</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>$0.0795</td>
</tr>
<tr>
<td>(3) Service extensions and signal installations made by the utility shall be paid for by the City General Fund, subject to material and installation costs at the time of installation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 12. That the modifications set forth above shall be effective for all energy consumption on or after January 1, 2021.
Introduced, considered favorably on first reading, and ordered published this 4th day of October, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

ATTEST:

Mayor

______________________________

City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

ATTEST:

Mayor

______________________________

City Clerk
ORDINANCE NO. 140, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF
FORT COLLINS TO REVISE WATER RATES, FEES, AND CHARGES

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, Article III, Chapter 26 of the City Code establishes the water utility as a utility service furnished by and an enterprise of the City; and

WHEREAS, City Code Sections 26-126 and 26-127 concern various water-related rates, fees, and charges; and

WHEREAS, City Code Section 26-118 requires that the City Manager analyze the operating and financial records of the utility during each calendar year and recommend to the City Council user rates or adjustments to be in effect for the following year; and

WHEREAS, the City Manager and City staff have recommended to the City Council adjustment of the water-related rates, fees, and charges as set forth herein to be effective January 1, 2021; and

WHEREAS, this Ordinance increases the subject water rates by 2% to address mitigation and related costs associated with the Cameron Peak Fire; and

WHEREAS, the Water Board considered the proposed water-related rates, fees, and charges adjustments for 2021 at its meeting on September 17, 2020, and recommended approval of the proposed adjustments by a unanimous vote; 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 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 any and all determinations and findings contained in the recitals set forth above.

Section 2. That Section 26-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-126. - Schedule A, flat rates for unmetered construction water use.

For residential and nonresidential premises under construction with a planned meter size greater than one (1) inch, no flat unmetered water service will be provided. For residential and nonresidential premises under construction with a planned meter size of one (1) inch or less, the following flat rates will apply per month until the permanent meter is set:

<table>
<thead>
<tr>
<th>Category</th>
<th>Component Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾-inch construction service, flat charge per month</td>
<td>$29.56</td>
<td>$31.33</td>
</tr>
<tr>
<td></td>
<td>$30.15</td>
<td>$31.96</td>
</tr>
<tr>
<td>1-inch construction service, flat charge per month</td>
<td>$56.36</td>
<td>$59.75</td>
</tr>
<tr>
<td></td>
<td>$57.49</td>
<td>$60.94</td>
</tr>
</tbody>
</table>

Section 2. That Section 26-127 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-127. - Schedule B, meter rates.

(a) Residential rates.

(1) Residential customers with one (1) dwelling unit shall pay the sum of the following changes:

<table>
<thead>
<tr>
<th>Category</th>
<th>Component Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Base monthly charge for residential customers with one (1) dwelling unit</td>
<td>$16.93</td>
<td>$17.94</td>
</tr>
<tr>
<td></td>
<td>$17.27</td>
<td>$18.30</td>
</tr>
<tr>
<td>b. Quantity monthly charge for residential customers with one (1) dwelling unit (volumetric)</td>
<td>$2.621</td>
<td>$2.779</td>
</tr>
<tr>
<td>Tier 1 - For the first seven thousand (7,000) gallons used per month, per one thousand (1,000) gallons</td>
<td>$2.673</td>
<td>$2.834</td>
</tr>
<tr>
<td>Tier 2 - For the next six thousand (6,000) gallons used per month, per one thousand (1,000) gallons</td>
<td>$3.012</td>
<td>$3.193</td>
</tr>
<tr>
<td></td>
<td>$3.072</td>
<td>$3.257</td>
</tr>
<tr>
<td>Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons</td>
<td>$3.465</td>
<td>$3.673</td>
</tr>
<tr>
<td></td>
<td>$3.534</td>
<td>$3.746</td>
</tr>
</tbody>
</table>
c. Income-qualified assistance discount. Discount applied to monthly base and Tier 1 volumetric charges for IQAP participating residential customers in properties with one (1) dwelling unit, as further described in Section 26-724 of the Code.

<table>
<thead>
<tr>
<th>Category</th>
<th>Component Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Base monthly charge for residential customers with two (2) dwelling units</td>
<td>$17.88</td>
<td>$18.95</td>
</tr>
<tr>
<td>b. Quantity monthly charge for residential customers with two (2) dwelling units (volumetric)</td>
<td>$2.27</td>
<td>$2.316</td>
</tr>
<tr>
<td>Tier 1 - For the first nine thousand (9,000) gallons used per month, per one thousand (1,000) gallons</td>
<td>$2.316</td>
<td>$2.407</td>
</tr>
<tr>
<td>Tier 2 - For the next four thousand (4,000) gallons used per month, per one thousand (1,000) gallons</td>
<td>$2.662</td>
<td>$2.766</td>
</tr>
<tr>
<td>Tier 3 - For all additional gallons used per month, per one thousand (1,000) gallons</td>
<td>$3.063</td>
<td>$3.247</td>
</tr>
</tbody>
</table>

23 percent

(2) Residential customers with two (2) dwelling units shall pay the sum of the following charges:

(3) Residential customers with more than two (2) dwelling units shall pay the sum of the following charges:
b. Quantity monthly charge for residential customers with more than two (2) dwelling units (volumetric)

<table>
<thead>
<tr>
<th>Season</th>
<th>Gallons Used</th>
<th>Winter</th>
<th>Summer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$1.870</td>
<td>$2.337</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1.907</td>
<td>$2.384</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$1.982</td>
<td>$2.477</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2.022</td>
<td>$2.527</td>
</tr>
</tbody>
</table>

The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.

c. Income-qualified assistance discount. A discount applied to the monthly base and volumetric charges above for IQAP participating residential customers in properties with more than two (2) dwelling units who hold water and wastewater service accounts in their own names, subject to Section 26-724 of the Code.

23 percent

(b) Nonresidential rates.

(1) Base charge. Nonresidential, except for special users as described in Subsection 26-127(c) below, customers shall pay a base monthly charge based on meter size as follows:

<table>
<thead>
<tr>
<th>Meter Size (inches)</th>
<th>Monthly Base Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>¾</td>
<td>$15.06</td>
<td>$15.97</td>
</tr>
<tr>
<td></td>
<td>$15.36</td>
<td>$16.28</td>
</tr>
<tr>
<td>1</td>
<td>$42.02</td>
<td>$44.54</td>
</tr>
<tr>
<td></td>
<td>$42.86</td>
<td>$45.43</td>
</tr>
<tr>
<td>1½</td>
<td>$114.25</td>
<td>$121.10</td>
</tr>
<tr>
<td></td>
<td>$116.54</td>
<td>$123.53</td>
</tr>
<tr>
<td>2</td>
<td>$172.17</td>
<td>$182.50</td>
</tr>
<tr>
<td></td>
<td>$175.61</td>
<td>$186.15</td>
</tr>
<tr>
<td>3</td>
<td>$262.60</td>
<td>$278.36</td>
</tr>
<tr>
<td></td>
<td>$267.85</td>
<td>$283.92</td>
</tr>
<tr>
<td>4</td>
<td>$412.26</td>
<td>$437.00</td>
</tr>
<tr>
<td></td>
<td>$420.51</td>
<td>$445.74</td>
</tr>
<tr>
<td>6</td>
<td>$799.74</td>
<td>$847.72</td>
</tr>
<tr>
<td></td>
<td>$815.73</td>
<td>$864.68</td>
</tr>
</tbody>
</table>
(2) **Quantity charges.** Nonresidential customers shall pay monthly charges as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>Component Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winter - per one thousand (1,000) gallons used in the winter season months of November through April</td>
<td>$2.095</td>
<td>$2.221</td>
</tr>
<tr>
<td>Summer - per one thousand (1,000) gallons used in the summer season months of May through October</td>
<td>$2.619</td>
<td>$2.776</td>
</tr>
</tbody>
</table>

The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.

(3) **Charges for excess use.** Nonresidential customers shall also pay monthly water use charges in excess of the amounts specified in the following table:

<table>
<thead>
<tr>
<th>Category</th>
<th>Component Charge</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winter - per one thousand (1,000) gallons used in the winter season months of November through April</td>
<td>$3.010</td>
<td>$3.194</td>
</tr>
<tr>
<td>Summer - per one thousand (1,000) gallons used in the summer season months of May through October</td>
<td>$3.765</td>
<td>$3.994</td>
</tr>
</tbody>
</table>

The meter reading date shall generally determine the seasonal monthly quantity charge; however, no customer shall be billed more than six (6) full billing cycles at the summer quantity charge.

(c) **High volume industrial rates.** High volume industrial rates apply to any customer with an average daily demand in excess of two million (2,000,000) gallons per day. The specific rate for any qualifying customer shall be based upon the applicable peaking factor for that customer as follows:

<table>
<thead>
<tr>
<th>Peaking Factor</th>
<th>Monthly Charge per Thousand Gallons</th>
<th>Billed Charge (with PILOT)</th>
</tr>
</thead>
</table>

Section 3. That the modifications set forth above shall be effective for meter readings on or after January 1, 2021, and in the case of fees not based on meter readings, shall be effective for all fees paid on or after January 1, 2021.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

Mayor

ATTEST:

City Clerk
Passed and adopted on final reading on the 17th day of November, A.D. 2020.

ATTEST:

Mayor

City Clerk
General Improvement District No. 1 Board
Regular Meeting
November 4, 2020
(after the Regular Council Meeting)

- CALL MEETING TO ORDER

- ROLL CALL

1. Consideration and Approval of the Minutes of the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meetings.

The purpose of this item is to approve the minutes from the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meeting.

2. First Reading of Ordinance No. 074 Determining and Fixing the Mill Levy for General Improvement District No. 1 for Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

The purpose of this item is to set the mill levy of 4.924 and authorize the fiscal year 2021 appropriation for General Improvement District No. 1 (GID). The sum of $310,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2021 imposed within the GID’s boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2021 to total $53,135, resulting in an expected revenue total of $363,135 for 2021. The Ordinance appropriates funds in the amount of $809,009 from ongoing revenue and from prior year reserves for the operation of the GID in 2021.

- OTHER BUSINESS

- ADJOURNMENT
AGENDA ITEM SUMMARY
General Improvement District No. 1 Board

November 4, 2020

STAFF
Delynn Coldiron, City Clerk

SUBJECT
Consideration and Approval of the Minutes of the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meetings.

EXECUTIVE SUMMARY
The purpose of this item is to approve the minutes from the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meeting.

ATTACHMENTS
1. August 18, 2020 (PDF)
2. September 1, 2020 (PDF)
GENERAL IMPROVEMENT DISTRICT NO. 1 BOARD

August 18, 2020

7:47 PM

ROLL CALL

PRESENT: Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol
STAFF PRESENT: Atteberry, Daggett, Coldiron

2. First Reading of Ordinance No. 073, Appropriating Prior Year Reserves for Downtown Parks Maintenance. (Adopted on First Reading)

The purpose of this item is to appropriate $175,000 in fiscal year 2020 in the General Improvement District No. 1 (“GID”) for downtown parks maintenance. This funding will come from GID reserves, which at the end of 2019 were about $900,000. Due to the COVID-19 impact on City priorities, we expect lower than budgeted spending for the GID in 2020, therefore, the estimated impact of this item is an additional $58,000 over the 2020 Budget.

The GID can support an additional $175,000 expense without reducing the current level of service for construction and reconstruction of sidewalks, curbs, gutters and streets and/or funding for downtown holiday lights. The City Manager recommends this appropriation and determined the funds are available with previously unappropriated funds from the GID’s prior year reserves and will not cause the total amount appropriated in the GID’s prior year reserves fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year.

Josh Birks, Economic Sustainability Director, stated the purpose of this item is to consider a $175,000 appropriation in the current fiscal year of the General Improvement District No. 1’s prior year reserves to allow the GID to contribute to and cover costs associated with maintaining the City’s downtown enhanced alleys and Old Town Square. Birks discussed the impact of COVID on the Downtown area and stated staff does not expect a long-term impact on the GID’s ability to deliver on its mission.

RESULT: ADOPTED ON FIRST READING [UNANIMOUS]
MOVER: Kristin Stephens, District 4
SECONDER: Susan Gutowsky, District 1
AYES: Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 7:56 PM.

______________________________
President

______________________________
SECRETARY
ROLL CALL

PRESENT: Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol
STAFF PRESENT: Atteberry, Daggett, Coldiron

1. **Second Reading of Ordinance No. 073, Appropriating Prior Year Reserves for Downtown Parks Maintenance.** (Adopted on Second Reading)

   This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates $175,000 in fiscal year 2020 in the General Improvement District No. 1 (“GID”) for downtown parks maintenance. This funding will come from GID reserves, which at the end of 2019 were about $900,000. Due to the COVID-19 impact on City priorities, we expect lower than budgeted spending for the GID in 2020, therefore, the estimated impact of this item is an additional $58,000 over the 2020 Budget.

   The GID can support an additional $175,000 expense without reducing the current level of service for construction and reconstruction of sidewalks, curbs, gutters and streets and/or funding for downtown holiday lights. The City Manager recommends this appropriation and determined the funds are available with previously unappropriated funds from the GID’s prior year reserves and will not cause the total amount appropriated in the GID’s prior year reserves fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year.

   **RESULT:** ADOPTED ON SECOND READING [UNANIMOUS]

   **MOVER:** Kristin Stephens, District 4
   **SECONDER:** Emily Gorgol, District 6
   **AYES:** Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 9:32 PM.

______________________________________________
President

ATTEST:

______________________________________________
Secretary
AGENDA ITEM SUMMARY
General Improvement District No. 1 Board
November 4, 2020

STAFF
Rachel Rogers, Senior Specialist Economic Sustainability
John Duval, Legal

SUBJECT
First Reading of Ordinance No. 074 Determining and Fixing the Mill Levy for General Improvement District No. 1 for Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

EXECUTIVE SUMMARY
The purpose of this item is to set the mill levy of 4.924 and authorize the fiscal year 2021 appropriation for General Improvement District No. 1 (GID). The sum of $310,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2021 imposed within the GID’s boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2021 to total $53,135, resulting in an expected revenue total of $363,135 for 2021. The Ordinance appropriates funds in the amount of $809,009 from ongoing revenue and from prior year reserves for the operation of the GID in 2021.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
This budget is part of the refresh and repositioning of the Downtown GID management - management of the GID shifted to the Economic Health Office (EHO) in 2019 and utilization of GID funds to be assessed by an interdisciplinary team.

The objectives of the program are:
- Overall enhanced management of the GID with an interdisciplinary team will allow for greater transparency and coordination of GID funds and projects.
- Reassessment of GID funds - the Downtown GID capital improvement plan (CIP) was last updated in 2011. An evaluation of the CIP accomplishments and updated prioritization, as well as a planned CIP update in 2021.
- Improved communication with property owners, ELT and Council.

The recommended appropriations are as follows and include funding based on the prioritization of capital work to be done in the GID area to ensure the safety of our residents and businesses, specifically sidewalk and curb construction and tree removal:
GID Expenses

<table>
<thead>
<tr>
<th>Amount</th>
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</table>

Priority sidewalk and curb replacements

Engineering, EHO and DDA staff did a walk-through of the Downtown GID area in September 2020. Engineering is currently compiling a list of priority intersections and paver work for the GID for 2021 and will prioritize repair of intersection corners with the highest safety risk and greatest need for repair.

The 2011 GID Capital Improvement Plan included funding for lighting for the Linden Street project. Due to some other priority uses of GID funds in 2020 and 2021, the GID will fund some paver work along Walnut Street as part of the Linden Street Project rather than the lighting.

These funds will be put into a capital project business unit and will be available for up to two years to ensure that any delays to this work that are due to weather or other events do not impact the availability of funding and ability to get the work done.

DDA Alley Enhancement Program

In 2004, the City’s Fort Collins Downtown Strategic Plan identified the alleys in the Downtown area as an untapped opportunity for enhanced pedestrian connections. The Strategic Plan provides the vision for converting key alleys into a system of vibrant walkways that stimulate business activity and differentiate Fort Collins from other cities in Northern Colorado. In 2021, construction is planned for Tenney Court North and West Oak Street. The GID has historically contributed to this program, with the last contribution in 2018.

DDA Parks Maintenance

This item appropriates $125,000 for a contribution to Downtown parks maintenance, an amount that has historically been funded by the Downtown Development Authority (DDA). In response to the COVID-19 pandemic, the DDA has repurposed a portion of its annual budget to support and operate a Business Marketing and Communications (BMC) program previously provided by the Downtown Business Association. Several approaches to funding the BMC program were explored between City and DDA staff. This Ordinance enacts the recommended plan by offsetting the DDA’s ongoing maintenance obligations for enhanced alleyways and Old Town Square with $125,000 in 2021 from GID funds. As of July 27, the DDA began seamlessly implementing marketing promotions for businesses with variations on program tactics and messaging relative to COVID-19 safety considerations.
Oak Street Plaza Renovation

Approximately three years ago, water runoff from the fountains in the Oak Street Plaza began to infiltrate the north building adjacent to the Plaza, currently occupied by Great Western Bank. To prevent further damage, the fountains were turned off and have not been functioning in the Plaza for several years. Without the fountains, Plaza activity has reduced significantly, resulting in undesirable behavior from some visitors to the Plaza. Reconstructing the fountain will address safety concerns, improve reliability, remove drainage issues, and improve the overall appearance of the Plaza area.

GID Public Engagement and Capital Improvement Plan

The Downtown GID Project Plan includes improved communications with stakeholders as one of the three program objectives. The Public Engagement Plan identifies the tools and techniques that staff intends to incorporate in both internal and external communications, including:

- Outreach, including open house/engagement for updated GID Capital Improvement Plan - Q3/2021 (education) and Q4/2021 (reassess CIP list);
- GID website management and regular, timely updates;
- Materials featuring Historic Projects;
- Social media and press releases on projects.

CITY FINANCIAL IMPACTS

This Ordinance includes the GID’s annual appropriation for 2021 at $809,009. This item also sets the GID mill levy for 2020 at 4.924 mills for taxes payable in 2021, which will generate approximately $310,000 for fiscal year 2021. The mill levy remains unchanged from previous years. Additional 2021 revenue includes automobile specific ownership taxes, ad valorem taxes, and interest which together are projected to be $53,135 in fiscal year 2021.

As of December 31, 2019, the GID’s reserve balance is $930,433 (2019 Consolidated Annual Financial Report). The anticipated reserve balance at the end of 2020 is $777,650. The 2021 proposed budget would bring the forecasted reserves at the end of 2021 to about $330,000.

The current GID financial reserves of over $900,000 allows the GID to:

- Partner with the DDA on unanticipated expenses related to COVID-19 in 2020 and 2021;
- Contribute to the DDA alley enhancement program;
- Contribute additional funding to the downtown holiday lights (to replace funding previously covered by the DBA); and
- Replace the fountain system and restore Oak Street Plaza to its best use for the community.

This assistance from the GID ensures that the Fort Collins Downtown area continues to be the best it can be, the jewel of the City, despite the current economic challenges faced by the City and our businesses.

BOARD / COMMISSION RECOMMENDATION

The GID budget were presented to the Economic Advisory Board as part of the overall Economic Health Office budget on September 16, 2020. (Attachment 2)

PUBLIC OUTREACH

The GID budget was part of the normal Budgeting for Outcomes outreach process.

ATTACHMENTS

1. Boundary Map (PDF)
2. Economic Advisory Commission Minutes (PDF)
3. 2021 Budget Memo (PDF)
General Improvement District #1 Boundary Map

Legend

- General Improvement District #1 Parcels

1 inch = 800 feet
MINUTES
CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

ECONOMIC ADVISORY COMMISSION
TYPE OF MEETING – REGULAR

September 16, 2020 4:00 - 6:00 pm
Via Zoom

1. CALL TO ORDER
   4:03 pm

2. ROLL CALL
   • List of Board Members Present
     - Connor Barry - Chair
     - Julie Stackhouse - new to board this month
     - George Grossman
     - Aric Light
     - Braulio Rojas
     - Ted Settle
     - Renee Walkup
     - John Parks
   
   • List of Board Members Absent – Excused or Unexcused; if no contact with Chair has been made - none
   
   • List of Staff Members Present
     - Josh Birks, Director, Economic Sustainability
     - Lindsay Ex - Interim Housing Manager
     - Clay Frickey - Redevelopment Manager, Economic Sustainability
     - Sylvia Tatman-Burruss - City Planner
     - DeAngelo Bowden - Specialist, Social Sustainability
   
   • List of Guests - none

3. AGENDA REVIEW

4. PUBLIC PARTICIPATION

5. APPROVAL OF MINUTES
   • August minutes were approved as presented with one format correction

6. UNFINISHED BUSINESS
   a. BR&E Follow-up - Confirm next steps - Josh Birks
Several EAC board members have volunteered to help with outreach efforts to businesses. Shannon Hein will reach out to the recent volunteers with guidance.

b. Re-imagining Boards and Commissions - Share engagement dates
   Connor reminded the commission members that a super board meeting is scheduled Monday, September 28 to discuss this issue.
   Ted - Previously, this commission had submitted a suggestion to Council to organize the boards and commissions around particular topics. He asked the commission members who plan to attend that meeting to see if that issue comes up. Josh will follow up on the status of this request.

c. Business COVID recovery
   Josh reported the CARES Act has funded several thing for the City, including a de-escalation training for businesses. He stated if any businesses the board members reach out to need help on this, they can go to www.fcgov.com/business regarding this training. Also, another CARES funded program is the expansion of the small business assistance program, including outreach materials in both English and Spanish
   Connor - Q - What is total amount of money available to give out? A - The city has been cleared to give out $1.6 Million at a maximum of $7500 per business, which would assist approximately 213 businesses who can demonstrate a direct economic injury as a result of COVID.
   Julie - Q - Why is the category of telecommunications substantially down in sales and use tax. A - Josh will follow up and report back to the commission.
   George - Q - Where do on-line sales tax dollars appear on the financial report? A - It can fall under the "Other" or "Miscellaneous" category, depending on their reporting.

7. NEW BUSINESS
   a. 2021 Budget Update (Economic Health Specifics) - Josh Birks
      EAC Statement on the 2021 Budget - Josh summarized what the Economic Health office has responsibility over:
      - EHO budget items;
        - The 2021 EHO budget has been reduced 4%, and funds for Clusters and Innovation have been shifted to COVID recovery.
      - Economic Health Leadership;
        - Attention on policies, the objective of economic resilience, and regional...
activities such as the NoCo Regional Economic development Initiative.

− Internal integration helps put a business lens on expenditures for other policies that might affect businesses.

− There is substantial economic data and analysis, including the Triple Bottom Line

− Overview of the 2021 Economic Health budget:

  − The focus of funding is on communication tools, business listening sessions, sector partnerships, business appreciation breakfast, business retention and expansion, and talent development.

− Business Support;

  − Focus on communication tools, business listening sessions, sector partnerships, business appreciation breakfast, business retention & expansion and talent development

− Clusters & Innovation;

  − Funding here has been reduced significantly with a loss of one position and discontinued support for clusters and climate economy. Focus will remain on Innosphere operational support, and start-up week,

− Business Assistance Rebates; Recovery

  − This is a new focus for the Economic Health Department and will be redeploying $50k for one year to hire one employee to address the economic impacts of COVID, focus on minority-owned businesses, and encourage shopping at local business during the holidays.

− Urban Renewal funding focus;

  − North College final decade, Prospect and College community investment strategy, Drake and College intersection improvements, and dealing with some urban renewal debt.

− GID #1; GID #1 Capital;

  − Focus on funding downtown improvements such as pavers, sidewalk, parks, Oak Street Plaza, and holiday lights.

  − The Economic Health office will also reprioritize and examine funding strategy, future expansion and business engagement.

− Metro Districts

  − Focus on funding policy updates, application review, annual report
review, and information maintenance

- Commission Q&A

  - Renee - Q - What is timeline for development at Drake and College for King Soopers and the City’s improvements at that corner?  
    A - King Soopers will probably begin construction in March 2021 and open 4th quarter 2022. That construction project will do some intersection improvements. The City is investigating getting URA financing for other improvements to coordinate and do it all at one time.

  - Connor - Q - Since the Climate Economy position was eliminated, will other areas focus on climate economy health and resiliency?  
    A - Much was learned from that work and it is now being integrated into the everyday work of the organization, especially the "Our Climate Future" work.

  - Ted - Q - Has the additional exposure of the City’s Economic Health Office to local businesses resulted in any other ancillary benefits to the City?  
    A - Yes. Several things, including how City council is becoming more educated about the local economy being inter-related to other things in the community. More connections with more variety of businesses has given the City more insight into their function in the community.

  - George - Q - The General Improvement District (GID) usually funds infrastructure. Any plans to fund marketing and other "soft" aids for businesses?  
    A - Council initially limited GID to infrastructure. The Economic Health Office is putting together a plan to ask Council to vote to expand the scope. The Downtown Development Authority, has a window to collect taxes as funding sources until about 2030, and then it’s influence on downtown development will change. It is hoped the GID will be able to assist at that time. Various boards and commissions would be contacted about this issue, including the EAC.

  - Barry - Q - What is "Workforce Health" in the EHO budget?  
    A - That part of the budget has funds to help support regional employment activities, along with helping local businesses to acquire, retrain and retain an appropriate workforce from here and along the front range. The City is also expanding focus on industry, healthcare and construction.

  - Julie - Q - Over time what do you see about budget allocation regarding the higher education system, and do you see any issues around this budget when it is submitted to Council?  
    A - COVID has accelerated many economic trends and helped focus this budget on them. Students are a significant economic impact to the local economy. Community colleges often become retraining centers. The value of traditional and mostly privately
funded colleges like CSU is being re-evaluated. It is yet to be seen if student numbers will decline in the future. City Council is currently reviewing the budget, along with public hearings, and are generally supportive of the EHO section of the budget.

− Renee - Q - Will there be a revision of CityPlan as a result of COVID? A - Josh will follow up and get back to the commission.

− Conner asked the commission to discuss thoughts on the City’s overall budget and what items does the commission want to support so the commission can write an advisory memo to Council regarding the 2021 budget. Aric volunteered to draft this recommendation to to be discussed and finalized at the November EAC meeting.

− John - Gave overall support for the budget and would like to note that the budget is going in a proper direction, even though it was accelerated by COVID.

− Josh pointed out the normal two-year budget process was changed to a one-year budget so it could be flexible, in anticipation that more would be known about recovery and other issues in 2021 in order to plan for 2022.

− Connor - Was a little concerned to have a one-time draw down on reserve funds in 2020, and suggested the EAC commission comment to City to keep a close eye on the reserve funds going forward.

b. Affordable Housing Priorities and Affordable Housing Strategic Plan Update

− Lindsay Ex, Interim Housing Manager explained that City policy and planning has been working on affordable housing for about 20 years. Her group is currently updating the City’s Housing Strategic Plan

− Vision of affordable housing - "Everyone has healthy, stable housing they can afford."
  − Planning to expand to the entire housing spectrum includes considering strategies across every income level, consider right way to "bucket" strategies, universal strategies, and targeted strategies.

− Existing conditions assessment - Clay Frickey - Redevelopment Manager, Economic Sustainability
  − This report is a living document and contains the status of the housing market in Fort Collins, sets the stage for the Housing Strategic Plan, contains equity and inclusion, housing data, biggest challenges and questions. The document drew from many sources: 2015-2019 Affordable Housing Strategic Plan; Housing Affordability Policy Study
(HAPS); Trends and Forces Report (Existing Conditions for CityPlan); Caps analysis, Housing and Poverty Sections

- Obstacles
  - Restrictive covenants, health and equity land use decisions
  - Redlining took place on a national level in the past. And, while it never took place in Fort Collins, these legacies contribute to the outcomes we see today in many communities.
    - Julie - Stated she has past experience with the Federal Reserve and agreed redlining was a bad practice. However, she wanted to point out that redlining was originally used as a proxy for credit when there were no credit scoring and credit bureaus back then.
  - Home price escalation affects everyone, especially black, indigenous, and people of color (BIPOC) households, and wages are not keeping up with these cost increases, especially in BIPOC households.
  - Current incentives and financial resources are insufficient for meeting our affordable housing goals. Only 5% of housing stock is currently affordable and city funding for affordable housing is falling short of meeting projected goals.
  - Job growth continues to outpace housing growth, resulting in approximately 46,500 people who work here but live and commute in from elsewhere.
  - The cost of development continues to rise due to increasing land prices, city fees & taxes, zoning restrictions, and other soft costs.
  - Addressing the entire housing spectrum will require new tools and processes to address housing for lower income populations.
  - Unknown questions are:
    - How long will the lasting effects of COVID be?
    - How will housing policies evolve to address health and stability, especially affordability for renters?

- Commission Q&A
  - Renee - Q - What are other similar sized cities doing that is successful? A - There is no silver bullet. It will require creativity, adaptability and reassessment of existing policies and housing availability. We are also looking internationally at cities that are...
working on these same goals.

- Connor - Felt the City needs to address: the fact that the cost of housing is primarily a supply problem, especially for rentals; occupancy restrictions and zoning for density; and increase funding for subsidized housing. Q - What does staff think would be the quickest and most effective way to address the supply problem? A - Plans are being evaluated to align with greatest challenges. and efforts are currently working towards that end

- Julie - Suggested the plan should more strongly emphasize the challenges of the cost of water, the difficulty of changing zoning, reducing emissions, the cost of building, and fluctuating interest rates.

- Braulio - Market failure prevents affordable housing. Many of these factors are out of the City's control. However, making fees and permit fees more affordable for a developer could help increase housing. Rent and income disparity reduce consumption, and at some point will negatively affect the City's income and other economic activity. He feels the City's focus should be on making Fort Collins an affordable place for people to live, rather than a place to work because many people who can't afford to live in Fort Collins but work here, are working from home in another city and not spending money in Fort Collins. Changing You plus 2 is hard to enforce and may not be that effective.

- Arik - Q - Would like more clarity on housing subsidies work. A - Subsidies for homeowners are based off a formula using the percentage of the person's income. The City is contributing a subsidy to developers to build affordable housing that is calculated on historical allocations in relation to the number of units needed. Arik suggested subsidies are important, but realistically did not anticipate an increase in the budget to do it.

- George - Was concerned that CSU is building student housing on valuable land that could have been used for affordable housing. He suggested policy and zoning be adjusted to require them to build on their own land.

- John - Would like to see greenhouse gas emissions from commuters and general transportation be quantified to determine impact to the City's Climate Action Plan. He would also like to see how the homeless issue is being affected by increasing rents.
Connor - Q - What else can the Economic Advisory Committee do to help with this plan. A - Lindsay Ex explained that this will be an ongoing effort and invited the commission members to attend upcoming outreach events so they can engage with the public during strategy identification and then operationalization planning of what the City can do regarding affordable homes.

8. COMMISSION MEMBER AND STAFF REPORTS

9. OTHER BUSINESS

10. ADJOURN 6:12 PM
MEMORANDUM

DATE: October 19th, 2020
TO: Mayor and Councilmembers
CC: Darin Atteberry, City Manager;
    Josh Birks, Economic Health and Redevelopment Director
FROM: Connor Barry, Chair – Economic Advisory Commission;
      Renee Walkup, Vice-Chair – Economic Advisory Commission; and
      Members, Economic Advisory Commission for 2020

RE: 2021 BUDGET PREVIEW

On August 19th, 2020 the Economic Advisory Commission (EAC) heard a presentation from Interim CFO Travis Storin on the 2021 Budget Overview and Process Update. The presentation reviewed the financial conditions that the City anticipates for Fiscal Year 2021 and specific changes to the budgeting process in response to COVID-19.

Summary of Discussion:

- The City noted that due to an expected budget shortfall for 2021, the usual two-year budgeting cycle was updated to a one-year cycle to reflect the budget constraints of the unique circumstances and to promote focus on core City objectives and continuity of service.
  - The Commission noted the prudence of this approach in order to maintain consistent, quality City services and to recognize that current fiscal uncertainty may require a short-term budget that differs from long-term objectives.
- The City reviewed the assumptions used to hold expenses as flat as possible: direct cost reductions of ~$13.2M including a $3M freeze on compensation and hiring. These proposed measures were adopted in order to minimize service reductions, maximize community priorities, and retain the workforce. Additional shortfall would be made up through the use of higher than normal reserve withdrawals of ~$47.5M.
  - Commission members commented on the reliance on the use of reserves and questioned what would be left after this budget year.
  - The City maintains that reserve levels would be sufficient going forward to meet TABOR statutes. However, they recognized that if the economy does not improve in the following years, then reserves would be seriously impacted.
  - Commission members agreed that this point deserved increased attention, suggesting that revenue will quite likely follow the trajectory of the virus and any commensurate federal or state response.
  - Commission members encourage Council and the City to develop a “worst case” scenario that describes the budget cuts that would be required if revenues could not be made up through the use of reserves. The Commission encourages that the results of such a study or subsequent studies be made public.
ORDINANCE NO. 074
OF THE COUNCIL OF THE CITY OF FORT COLLINS, COLORADO
EX-OFFICIO THE BOARD OF DIRECTORS OF GENERAL IMPROVEMENT
DISTRICT NO. 1, DETERMINING AND FIXING THE MILL LEVY FOR GENERAL
IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2021;
DIRECTING THE SECRETARY OF THE DISTRICT TO CERTIFY SUCH LEVY
TO THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY; AND
MAKING THE FISCAL YEAR 2021 ANNUAL APPROPRIATION

WHEREAS, City of Fort Collins General Improvement District No. 1 (the “GID”) in Fort
Collins, Colorado, has been duly organized in accordance with the ordinances of the City and the
statutes of the State of Colorado; and

WHEREAS, the GID staff has considered the amount of money to be raised by a levy on
the taxable property in the GID and recommends that a levy of 4.924 mills upon each dollar of
the assessed valuation of all taxable property within the limits of the GID is required during 2021
to pay the cost of operating the GID; and

WHEREAS, the GID staff estimates a levy of 4.924 mills will result in $310,000 of
revenue; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years so
that prior voter approval of the levy is not required under Article X, Section 20 of the Colorado
Constitution; and

WHEREAS, Colorado Revised Statutes (“C.R.S.”) Section 39-5-128(1) requires
certification of any tax levy to the Board of County Commissioners no later than December 15 of
each year; and

WHEREAS, additional revenue is collected by the GID from such sources as the
automobile specific ownership tax, ad valorem taxes, and interest earnings and that revenue for
2021 is anticipated to be $53,135; and

WHEREAS, the City Council, acting as the ex-officio Board of Directors of the GID,
desires to appropriate the necessary funds for operating costs and capital improvements of the
GID for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and

WHEREAS, the City Council finds that this appropriation is necessary for the public’s
health, safety and welfare, and that the uses of these appropriated funds are consistent with the
purposes for which the GID was created and organized in City Council Ordinance No. 77, 1976,
and as further described in City Council Resolution 92-37 and authorized in Colorado Revised
Statutes Section 31-25-613.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
FORT COLLINS, acting Ex-Officio as the Board of Directors of City of Fort Collins General
Improvement District No. 1, 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 the mill levy rate for taxation upon each dollar of the assessed valuation of all taxable property within the GID’s boundaries shall be 4.924 mills imposed on the assessed valuation of all taxable property as set by state law for the GID’s property taxes payable in 2021.

Section 3. That the City Clerk is hereby designated as the Secretary of the General Improvement District No. 1 and is hereby authorized and directed to certify such mill levy to the Board of Larimer County Commissioners as provided by law and no later than December 15, 2020.

Section 4. That the City Council, acting ex-officio as the Board of Directors of City of Fort Collins General Improvement District No. 1, hereby appropriates out of prior year reserves and the revenues of General Improvement District No. 1 for the fiscal year beginning January 1, 2020, and ending December 31, 2020, to be raised by taxation and additional revenue sources, the sum of EIGHT HUNDRED EIGHT THOUSAND SEVEN HUNDRED NINETY-ONE DOLLARS ($808,791) to be expended for the authorized purposes of the General Improvement District No.1, including, without limitation, for:

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Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

_____________________________
Mayor, Ex Officio President

ATTEST:

_____________________________
City Clerk, Ex Officio Secretary

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

_____________________________
Mayor, Ex Officio President

ATTEST:

_____________________________
City Clerk, Ex Officio Secretary
Skyview South General Improvement District No. 15
Board Meeting
November 4, 2020
(after the Regular Council Meeting)

• CALL MEETING TO ORDER

• ROLL CALL

1. First Reading of Ordinance No. 014, 2020, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

This Ordinance includes the annual appropriation for 2021 of $1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of $32,930 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2021. Additional miscellaneous revenue for GID No. 15 of $1,713 is anticipated to be generated from interest income. The total 2021 revenue for GID No. 15 is expected to be $34,643. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

• OTHER BUSINESS

• ADJOURNMENT
AGENDA ITEM SUMMARY
Skyview South General Improvement District No. 15 Board

November 4, 2020

STAFF
Travis Storin, Interim Chief Finance Officer
John Duval, Legal

SUBJECT
First Reading of Ordinance No. 014, 2020, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

EXECUTIVE SUMMARY
This Ordinance includes the annual appropriation for 2021 of $1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of $32,930 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2021. Additional miscellaneous revenue for GID No. 15 of $1,713 is anticipated to be generated from interest income. The total 2021 revenue for GID No. 15 is expected to be $34,643. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
In 2009, the City annexed Phase 3 of the Southwest Enclave Annexation. The area annexed included the entire GID No. 15. (Attachment 1) Larimer County organized GID No. 15 in 1997. Pursuant to C.R.S. Section 31-25-609, since the annexation area included the entire area within the improvement district boundaries, upon annexation, GID No.15 became a City-operated district and Council has thereafter acted as the ex officio Board of Directors of the District. Under State law, the City is required to set the annual mill levy for the GID No. 15 and to certify the amount of the levy to the Board of County Commissioners for Larimer County. This Ordinance continues the establishment, as in years past, of a mill levy of 10.0.

CITY FINANCIAL IMPACTS
This Ordinance sets the GID No. 15 mill levy at 10.0 mills, which will generate approximately $32,930 for fiscal year 2021. Additional 2021 revenue for GID No. 15 is projected to be $1,713 in fiscal year 2021.

In addition, the 2021 Budget will include the appropriation of $1,000 for the Larimer County Treasurer’s fee for collecting the property tax.

ATTACHMENTS
1. Boundary Map (PDF)
WHEREAS, the Skyview South General Improvement District No. 15 (the “GID”) was created by Larimer County in 1997 and annexed into the City by Phase Three of the Southwest Enclave Annexation in 2009; and

WHEREAS, as a result of the annexation of the entire GID into the City, the GID is now a district of the City and the City Council is to act as the ex-officio board of directors of the GID pursuant to Colorado Revised Statutes (“C.R.S.”) Section 31-25-609; and

WHEREAS, GID staff has considered the amount of revenue to be raised by a levy on the taxable real property within the GID boundaries, and recommends imposing a levy of 10.0 mills upon each dollar of the assessed valuation of all such taxable real property for 2021; and

WHEREAS, GID staff estimates a levy of 10.0 mills will result in $32,930 of revenue; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years and, as such, prior voter approval of the proposed levy is not required under Article X, Section 20 of the Colorado Constitution; and

WHEREAS, C.R.S. Section 39-5-128(1) requires certification of any tax levy to the Board of Commissioners of Larimer County no later than December 15 of each year; and

WHEREAS, additional revenue totaling $1,713 for 2021 is expected to be collected by the GID from interest earnings; and

WHEREAS, an appropriation of $1,000 is needed from the GID’s revenue to pay the $1,000 fee owed to Larimer County for the 2021 collection of the GID’s taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, acting ex-officio as the Board of Directors of the City of Fort Collins Skyview South General Improvement District No. 15, as follows:

Section 1. That the City Council, acting ex-officio as the Board of Directors of the City of Fort Collins General Improvement District No. 15, hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the mill levy rate for taxation upon each dollar of the assessed valuation of taxable real property within the GID boundaries shall be 10.0 mills imposed on the
assessed value of taxable property as set by state law for the GID’s property taxes payable in 2021.

Section 3 That the City Clerk acting ex-officio as the Secretary for the GID shall certify this levy of 10.0 mills to the County Assessor and the Board of Larimer County Commissioners as provided by law and no later than December 15, 2020.

Section 4. That the City Council, acting ex-officio as the Board of Directors of the City of Fort Collins General Improvement District No. 15, hereby appropriates out of the revenues of the GID for the fiscal year beginning January 1, 2021, and ending December 31, 2021, the sum of ONE THOUSAND DOLLARS ($1,000) for payment to Larimer County for its collection of GID property taxes in 2021.

Section 5. That the remainder of the GID revenue to be received in 2021 from taxation and other sources, shall be reserved in fund balance until such future time as the Board of Directors authorizes, by appropriation, such revenue to be used for the purposes of the GID.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

Mayor, Ex Officio President

ATTEST:

City Clerk, Ex Officio Secretary

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

Mayor, Ex Officio President

ATTEST:

City Clerk, Ex Officio Secretary
General Improvement District No. 1 Board  
Regular Meeting  
November 4, 2020  
(after the Regular Council Meeting)

- CALL MEETING TO ORDER
- ROLL CALL

1. Consideration and Approval of the Minutes of the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meetings.

   The purpose of this item is to approve the minutes from the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meeting.

2. First Reading of Ordinance No. 074 Determining and Fixing the Mill Levy for General Improvement District No. 1 for Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

   The purpose of this item is to set the mill levy of 4.924 and authorize the fiscal year 2021 appropriation for General Improvement District No. 1 (GID). The sum of $310,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2021 imposed within the GID’s boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2021 to total $53,135, resulting in an expected revenue total of $363,135 for 2021. The Ordinance appropriates funds in the amount of $809,009 from ongoing revenue and from prior year reserves for the operation of the GID in 2021.

- OTHER BUSINESS
- ADJOURNMENT
AGENDA ITEM SUMMARY
General Improvement District No. 1 Board

November 4, 2020

STAFF
Delynn Coldiron, City Clerk

SUBJECT
Consideration and Approval of the Minutes of the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meetings.

EXECUTIVE SUMMARY
The purpose of this item is to approve the minutes from the August 18, 2020 and September 1, 2020 General Improvement District No. 1 Meeting.

ATTACHMENTS

1. August 18, 2020 (PDF)
2. September 1, 2020 (PDF)
ROLL CALL

PRESENT: Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol
STAFF PRESENT: Atteberry, Daggett, Coldiron

2. First Reading of Ordinance No. 073, Appropriating Prior Year Reserves for Downtown Parks Maintenance. (Adopted on First Reading)

The purpose of this item is to appropriate $175,000 in fiscal year 2020 in the General Improvement District No. 1 (“GID”) for downtown parks maintenance. This funding will come from GID reserves, which at the end of 2019 were about $900,000. Due to the COVID-19 impact on City priorities, we expect lower than budgeted spending for the GID in 2020, therefore, the estimated impact of this item is an additional $58,000 over the 2020 Budget.

The GID can support an additional $175,000 expense without reducing the current level of service for construction and reconstruction of sidewalks, curbs, gutters and streets and/or funding for downtown holiday lights. The City Manager recommends this appropriation and determined the funds are available with previously unappropriated funds from the GID’s prior year reserves and will not cause the total amount appropriated in the GID’s prior year reserves fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year.

Josh Birks, Economic Sustainability Director, stated the purpose of this item is to consider a $175,000 appropriation in the current fiscal year of the General Improvement District No. 1’s prior year reserves to allow the GID to contribute to and cover costs associated with maintaining the City’s downtown enhanced alleys and Old Town Square. Birks discussed the impact of COVID on the Downtown area and stated staff does not expect a long-term impact on the GID’s ability to deliver on its mission.

**RESULT:** ADOPTED ON FIRST READING [UNANIMOUS]

**MOVER:** Kristin Stephens, District 4

**SECONDER:** Susan Gutowsky, District 1

**AYES:** Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 7:56 PM.

______________________________
President

ATTEST:

______________________________
Secretary
ROLL CALL

PRESENT: Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol
STAFF PRESENT: Atteberry, Daggett, Coldiron

1. **Second Reading of Ordinance No. 073, Appropriating Prior Year Reserves for Downtown Parks Maintenance.** (Adopted on Second Reading)

This Ordinance, unanimously adopted on First Reading on August 18, 2020, appropriates $175,000 in fiscal year 2020 in the General Improvement District No. 1 (“GID”) for downtown parks maintenance. This funding will come from GID reserves, which at the end of 2019 were about $900,000. Due to the COVID-19 impact on City priorities, we expect lower than budgeted spending for the GID in 2020, therefore, the estimated impact of this item is an additional $58,000 over the 2020 Budget.

The GID can support an additional $175,000 expense without reducing the current level of service for construction and reconstruction of sidewalks, curbs, gutters and streets and/or funding for downtown holiday lights. The City Manager recommends this appropriation and determined the funds are available with previously unappropriated funds from the GID’s prior year reserves and will not cause the total amount appropriated in the GID’s prior year reserves fund to exceed the current estimate of actual and anticipated revenues to be received in that fund during this fiscal year.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>ADOPTED ON SECOND READING [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Kristin Stephens, District 4</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Emily Gorgol, District 6</td>
</tr>
<tr>
<td>AYES:</td>
<td>Troxell, Cunniff, Stephens, Summers, Gutowsky, Pignataro, Gorgol</td>
</tr>
</tbody>
</table>

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 9:32 PM.

______________________________
President

ATTEST:

______________________________
Secretary
AGENDA ITEM SUMMARY
General Improvement District No. 1 Board
November 4, 2020

STAFF
Rachel Rogers, Senior Specialist Economic Sustainability
John Duval, Legal

SUBJECT
First Reading of Ordinance No. 074 Determining and Fixing the Mill Levy for General Improvement District No. 1 for Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of County Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

EXECUTIVE SUMMARY
The purpose of this item is to set the mill levy of 4.924 and authorize the fiscal year 2021 appropriation for General Improvement District No. 1 (GID). The sum of $310,000 is anticipated to be collected from the mill levy of 4.924 mills for fiscal year 2021 imposed within the GID's boundaries. Additional revenue for the GID from automobile specific ownership taxes and interest earnings are anticipated in 2021 to total $53,135, resulting in an expected revenue total of $363,135 for 2021. The Ordinance appropriates funds in the amount of $809,009 from ongoing revenue and from prior year reserves for the operation of the GID in 2021.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
This budget is part of the refresh and repositioning of the Downtown GID management - management of the GID shifted to the Economic Health Office (EHO) in 2019 and utilization of GID funds to be assessed by an interdisciplinary team.

The objectives of the program are:
- Overall enhanced management of the GID with an interdisciplinary team will allow for greater transparency and coordination of GID funds and projects.
- Reassessment of GID funds - the Downtown GID capital improvement plan (CIP) was last updated in 2011. An evaluation of the CIP accomplishments and updated prioritization, as well as a planned CIP update in 2021.
- Improved communication with property owners, ELT and Council.

The recommended appropriations are as follows and include funding based on the prioritization of capital work to be done in the GID area to ensure the safety of our residents and businesses, specifically sidewalk and curb construction and tree removal:
### GID Expenses

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000</td>
<td>For priority sidewalk and curb replacements in the Downtown area (this includes $29,000 for paver work being done for the Linden Street Project)</td>
</tr>
<tr>
<td>$25,000</td>
<td>For work related to capital improvements in the Downtown area</td>
</tr>
<tr>
<td>$37,000</td>
<td>For residential property tax rebate program</td>
</tr>
<tr>
<td>$6,500</td>
<td>For Larimer County Treasurer's fee for collecting the property tax</td>
</tr>
<tr>
<td>$10,000</td>
<td>For stakeholder engagement in the Downtown area</td>
</tr>
<tr>
<td>$30,509</td>
<td>For other operating expenses (personnel, utilities, etc.)</td>
</tr>
<tr>
<td>$300,000</td>
<td>For a contribution to the Downtown Development Authority (DDA) alley enhancement project planned for 2021 construction, which implements the guiding Capital Improvements Plan (CIP)</td>
</tr>
<tr>
<td>$125,000</td>
<td>For a contribution to Downtown parks maintenance, an amount that has historically been funded by the Downtown Development Authority (“DDA”)</td>
</tr>
<tr>
<td>$85,000</td>
<td>For transfer payment to Parks for Oak Street Plaza fountain replacement and renovation (in Parks offer 40.6)</td>
</tr>
<tr>
<td>$90,000</td>
<td>For transfer payment to Parks for Downtown Holiday Lighting (in Parks offer 40.1)</td>
</tr>
<tr>
<td>$809,009</td>
<td>TOTAL GID Expenses</td>
</tr>
</tbody>
</table>

#### Priority sidewalk and curb replacements

Engineering, EHO and DDA staff did a walk-through of the Downtown GID area in September 2020. Engineering is currently compiling a list of priority intersections and paver work for the GID for 2021 and will prioritize repair of intersection corners with the highest safety risk and greatest need for repair.

The 2011 GID Capital Improvement Plan included funding for lighting for the Linden Street project. Due to some other priority uses of GID funds in 2020 and 2021, the GID will fund some paver work along Walnut Street as part of the Linden Street Project rather than the lighting.

These funds will be put into a capital project business unit and will be available for up to two years to ensure that any delays to this work that are due to weather or other events do not impact the availability of funding and ability to get the work done.

#### DDA Alley Enhancement Program

In 2004, the City’s Fort Collins Downtown Strategic Plan identified the alleys in the Downtown area as an untapped opportunity for enhanced pedestrian connections. The Strategic Plan provides the vision for converting key alleys into a system of vibrant walkways that stimulate business activity and differentiate Fort Collins from other cities in Northern Colorado. In 2021, construction is planned for Tenney Court North and West Oak Street. The GID has historically contributed to this program, with the last contribution in 2018.

#### DDA Parks Maintenance

This item appropriates $125,000 for a contribution to Downtown parks maintenance, an amount that has historically been funded by the Downtown Development Authority (DDA). In response to the COVID-19 pandemic, the DDA has repurposed a portion of its annual budget to support and operate a Business Marketing and Communications (BMC) program previously provided by the Downtown Business Association. Several approaches to funding the BMC program were explored between City and DDA staff. This Ordinance enacts the recommended plan by offsetting the DDA’s ongoing maintenance obligations for enhanced alleyways and Old Town Square with $125,000 in 2021 from GID funds. As of July 27, the DDA began seamlessly implementing marketing promotions for businesses with variations on program tactics and messaging relative to COVID-19 safety considerations.
Oak Street Plaza Renovation

Approximately three years ago, water runoff from the fountains in the Oak Street Plaza began to infiltrate the north building adjacent to the Plaza, currently occupied by Great Western Bank. To prevent further damage, the fountains were turned off and have not been functioning in the Plaza for several years. Without the fountains, Plaza activity has reduced significantly, resulting in undesirable behavior from some visitors to the Plaza. Reconstructing the fountain will address safety concerns, improve reliability, remove drainage issues, and improve the overall appearance of the Plaza area.

GID Public Engagement and Capital Improvement Plan

The Downtown GID Project Plan includes improved communications with stakeholders as one of the three program objectives. The Public Engagement Plan identifies the tools and techniques that staff intends to incorporate in both internal and external communications, including:

- Outreach, including open house/engagement for updated GID Capital Improvement Plan - Q3/2021 (education) and Q4/2021 (reassess CIP list);
- GID website management and regular, timely updates;
- Materials featuring Historic Projects;
- Social media and press releases on projects.

CITY FINANCIAL IMPACTS

This Ordinance includes the GID’s annual appropriation for 2021 at $809,009. This item also sets the GID mill levy for 2020 at 4.924 mills for taxes payable in 2021, which will generate approximately $310,000 for fiscal year 2021. The mill levy remains unchanged from previous years. Additional 2021 revenue includes automobile specific ownership taxes, ad valorem taxes, and interest which together are projected to be $53,135 in fiscal year 2021.

As of December 31, 2019, the GID’s reserve balance is $930,433 (2019 Consolidated Annual Financial Report). The anticipated reserve balance at the end of 2020 is $777,650. The 2021 proposed budget would bring the forecasted reserves at the end of 2021 to about $330,000.

The current GID financial reserves of over $900,000 allows the GID to:

- Partner with the DDA on unanticipated expenses related to COVID-19 in 2020 and 2021;
- Contribute to the DDA alley enhancement program;
- Contribute additional funding to the downtown holiday lights (to replace funding previously covered by the DBA); and
- Replace the fountain system and restore Oak Street Plaza to its best use for the community.

This assistance from the GID ensures that the Fort Collins Downtown area continues to be the best it can be, the jewel of the City, despite the current economic challenges faced by the City and our businesses.

BOARD / COMMISSION RECOMMENDATION

The GID budget were presented to the Economic Advisory Board as part of the overall Economic Health Office budget on September 16, 2020. (Attachment 2)

PUBLIC OUTREACH

The GID budget was part of the normal Budgeting for Outcomes outreach process.

ATTACHMENTS

1. Boundary Map (PDF)
2. Economic Advisory Commission Minutes (PDF)
3. 2021 Budget Memo (PDF)
1. CALL TO ORDER  
   4:03 pm

2. ROLL CALL
   - List of Board Members Present
     - Connor Barry - Chair
     - Julie Stackhouse - new to board this month
     - George Grossman
     - Aric Light
     - Braulio Rojas
     - Ted Settle
     - Renee Walkup
     - John Parks
   - List of Board Members Absent – Excused or Unexcused; if no contact with Chair has been made - none
   - List of Staff Members Present
     - Josh Birks, Director, Economic Sustainability
     - Lindsay Ex - Interim Housing Manager
     - Clay Frickey - Redevelopment Manager, Economic Sustainability
     - Sylvia Tatman-Burruss - City Planner
     - DeAngelo Bowden - Specialist, Social Sustainability
   - List of Guests - none

3. AGENDA REVIEW

4. PUBLIC PARTICIPATION

5. APPROVAL OF MINUTES
   - August minutes were approved as presented with one format correction

6. UNFINISHED BUSINESS
   a. BR&E Follow-up - Confirm next steps - Josh Birks
Several EAC board members have volunteered to help with outreach efforts to businesses. Shannon Hein will reach out to the recent volunteers with guidance.

b. Re-imagining Boards and Commissions - Share engagement dates
   - Connor reminded the commission members that a super board meeting is scheduled Monday, September 28 to discuss this issue.
   - Ted - Previously, this commission had submitted a suggestion to Council to organize the boards and commissions around particular topics. He asked the commission members who plan to attend that meeting to see if that issue comes up. Josh will follow up on the status of this request.

c. Business COVID recovery
   - Josh reported the CARES Act has funded several thing for the City, including a de-escalation training for businesses. He stated if any businesses the board members reach out to need help on this, they can go to www.fcgov.com/business regarding this training. Also, another CARES funded program is the expansion of the small business assistance program, including outreach materials in both English and Spanish.
   - Connor - Q - What is total amount of money available to give out? A - The city has been cleared to give out $1.6 Million at a maximum of $7500 per business, which would assist approximately 213 businesses who can demonstrate a direct economic injury as a result of COVID.
   - Julie - Q - Why is the category of telecommunications substantially down in sales and use tax. A - Josh will follow up and report back to the commission.
   - George - Q - Where do on-line sales tax dollars appear on the financial report? A - It can fall under the "Other" or "Miscellaneous" category, depending on their reporting.

7. NEW BUSINESS
   a. 2021 Budget Update (Economic Health Specifics) - Josh Birks
      - EAC Statement on the 2021 Budget - Josh summarized what the Economic Health office has responsibility over:
         - EHO budget items;
           - The 2021 EHO budget has been reduced 4%, and funds for Clusters and Innovation have been shifted to COVID recovery.
         - Economic Health Leadership;
           - Attention on policies, the objective of economic resilience, and regional
activities such as the NoCo Regional Economic development Initiative.

- Internal integration helps put a business lens on expenditures for other policies that might affect businesses.
- There is substantial economic data and analysis, including the Triple Bottom Line

Overview of the 2021 Economic Health budget:
- The focus of funding is on communication tools, business listening sessions, sector partnerships, business appreciation breakfast, business retention and expansion, and talent development.

Business Support;
- Focus on communication tools, business listening sessions, sector partnerships, business appreciation breakfast, business retention & expansion and talent development

Clusters & Innovation;
- Funding here has been reduced significantly with a loss of one position and discontinued support for clusters and climate economy. Focus will remain on Innosphere operational support, and start-up week,

Business Assistance Rebates; Recovery
- This is a new focus for the Economic Health Department and will be redeploying $50k for one year to hire one employee to address the economic impacts of COVID, focus on minority-owned businesses, and encourage shopping at local business during the holidays.

Urban Renewal funding focus;
- North College final decade, Prospect and College community investment strategy, Drake and College intersection improvements, and dealing with some urban renewal debt.

GID #1; GID #1 Capital;
- Focus on funding downtown improvements such as pavers, sidewalk, parks, Oak Street Plaza, and holiday lights.
- The Economic Health office will also reprioritize and examine funding strategy, future expansion and business engagement.

Metro Districts
- Focus on funding policy updates, application review, annual report
- Renewable and information maintenance
- Commission Q&A

- Renee - Q - What is timeline for development at Drake and College for King Soopers and the City’s improvements at that corner? A - King Soopers will probably begin construction in March 2021 and open 4th quarter 2022. That construction project will do some intersection improvements. The City is investigating getting URA financing for other improvements to coordinate and do it all at one time.

- Connor - Q - Since the Climate Economy position was eliminated, will other areas focus on climate economy health and resiliency? A - Much was learned from that work and it is now being integrated into the everyday work of the organization, especially the "Our Climate Future" work.

- Ted - Q - Has the additional exposure of the City's Economic Health Office to local businesses resulted in any other ancillary benefits to the City? A - Yes. Several things, including how City council is becoming more educated about the local economy being inter-related to other things in the community. More connections with more variety of businesses has given the City more insight into their function in the community.

- George - Q - The General Improvement District (GID) usually funds infrastructure. Any plans to fund marketing and other "soft" aids for businesses? A - Council initially limited GID to infrastructure. The Economic Health Office is putting together a plan to ask Council to vote to expand the scope. The Downtown Development Authority, has a window to collect taxes as funding sources until about 2030, and then it's influence on downtown development will change. It is hoped the GID will be able to assist at that time. Various boards and commissions would be contacted about this issue, including the EAC.

- Barry - Q - What is "Workforce Health" in the EHO budget? A - That part of the budget has funds to help support regional employment activities, along with helping local businesses to acquire, retrain and retain an appropriate workforce from here and along the front range. The City is also expanding focus on industry, healthcare and construction.

- Julie - Q - Over time what do you see about budget allocation regarding the higher education system, and do you see any issues around this budget when it is submitted to Council? A - COVID has accelerated many economic trends and helped focus this budget on them. Students are a significant economic impact to the local economy. Community colleges often become retraining centers. The value of traditional and mostly privately
funded colleges like CSU is being re-evaluated. It is yet to be seen if student numbers will decline in the future. City Council is currently reviewing the budget, along with public hearings, and are generally supportive of the EHO section of the budget.

− Renee - Q - Will there be a revision of CityPlan as a result of COVID? A - Josh will follow up and get back to the commission.

− Conner asked the commission to discuss thoughts on the City's overall budget and what items does the commission want to support so the commission can write an advisory memo to Council regarding the 2021 budget. Aric volunteered to draft this recommendation to to be discussed and finalized at the November EAC meeting.

− John - Gave overall support for the budget and would like to note that the budget is going in a proper direction, even though it was accelerated by COVID.

− Josh pointed out the normal two-year budget process was changed to a one-year budget so it could be flexible, in anticipation that more would be known about recovery and other issues in 2021 in order to plan for 2022.

− Connor - Was a little concerned to have a one-time draw down on reserve funds in 2020, and suggested the EAC commission comment to City to keep a close eye on the reserve funds going forward.

b. Affordable Housing Priorities and Affordable Housing Strategic Plan Update

− Lindsay Ex, Interim Housing Manager explained that City policy and planning has been working on affordable housing for about 20 years. Her group is currently updating the City's Housing Strategic Plan

− Vision of affordable housing - "Everyone has healthy, stable housing they can afford."

  − Planning to expand to the entire housing spectrum includes considering strategies across every income level, consider right way to "bucket" strategies, universal strategies, and targeted strategies.

− Existing conditions assessment - Clay Frickey - Redevelopment Manager, Economic Sustainability

  − This report is a living document and contains the status of the housing market in Fort Collins, sets the stage for the Housing Strategic Plan, contains equity and inclusion, housing data, biggest challenges and questions. The document drew from many sources: 2015-2019 Affordable Housing Strategic Plan; Housing Affordability Policy Study
Obstacles

- Restrictive covenants, health and equity land use decisions
  - Redlining took place on a national level in the past. And, while it never took place in Fort Collins, these legacies contribute to the outcomes we see today in many communities.
  - Julie - Stated she has past experience with the Federal Reserve and agreed redlining was a bad practice. However, she wanted to point out that redlining was originally used as a proxy for credit when there were no credit scoring and credit bureaus back then.

- Home price escalation affects everyone, especially black, indigenous, and people of color (BIPOC) households, and wages are not keeping up with these cost increases, especially in BIPOC households.

- Current incentives and financial resources are insufficient for meeting our affordable housing goals. Only 5% of housing stock is currently affordable and city funding for affordable housing is falling short of meeting projected goals.

- Job growth continues to outpace housing growth, resulting in approximately 46,500 people who work here but live and commute from elsewhere.

- The cost of development continues to rise due to increasing land prices, city fees & taxes, zoning restrictions, and other soft costs.

- Addressing the entire housing spectrum will require new tools and processes to address housing for lower income populations.

- Unknown questions are:
  - How long will the lasting effects of COVID be?
  - How will housing policies evolve to address health and stability, especially affordability for renters?

Commission Q&A

- Renee - Q - What are other similar sized cities doing that is successful?  A - There is no silver bullet. It will require creativity, adaptability and reassessment of existing policies and housing availability. We are also looking internationally at cities that are...
working on these same goals.

- Connor - Felt the City needs to address: the fact that the cost of housing is primarily a supply problem, especially for rentals; occupancy restrictions and zoning for density; and increase funding for subsidized housing. **Q - What does staff think would be the quickest and most effective way to address the supply problem?**
  
  **A - Plans are being evaluated to align with greatest challenges. and efforts are currently working towards that end**

- Julie - Suggested the plan should more strongly emphasize the challenges of the cost of water, the difficulty of changing zoning, reducing emissions, the cost of building, and fluctuating interest rates.

- Braulio - Market failure prevents affordable housing. Many of these factors are out of the City's control. However, making fees and permit fees more affordable for a developer could help increase housing. Rent and income disparity reduce consumption, and at some point will negatively affect the City's income and other economic activity. He feels the City's focus should be on making Fort Collins an affordable place for people to live, rather than a place to work because many people who can't afford to live in Fort Collins but work here, are working from home in another city and not spending money in Fort Collins. Changing You plus 2 is hard to enforce and may not be that effective.

- Arik - **Q - Would like more clarity on housing subsidies work.**
  
  **A - Subsidies for homeowners are based off a formula using the percentage of the person's income. The City is contributing a subsidy to developers to build affordable housing that is calculated on historical allocations in relation to the number of units needed. Arik suggested subsidies are important, but realistically did not anticipate an increase in the budget to do it.**

- George - Was concerned that CSU is building student housing on valuable land that could have been used for affordable housing. He suggested policy and zoning be adjusted to require them to build on their own land.

- John - Would like to see greenhouse gas emissions from commuters and general transportation be quantified to determine impact to the City's Climate Action Plan. He would also like to see how the homeless issue is being affected by increasing rents.
Connor - Q - What else can the Economic Advisory Committee do to help with this plan. A - Lindsay Ex explained that this will be an ongoing effort and invited the commission members to attend upcoming outreach events so they can engage with the public during strategy identification and then operationalization planning of what the City can do regarding affordable homes.

8. COMMISSION MEMBER AND STAFF REPORTS

9. OTHER BUSINESS

10. ADJOURN 6:12 PM
MEMORANDUM

DATE: October 19th, 2020
TO: Mayor and Councilmembers
CC: Darin Atteberry, City Manager; Josh Birks, Economic Health and Redevelopment Director
FROM: Connor Barry, Chair – Economic Advisory Commission; Renee Walkup, Vice-Chair – Economic Advisory Commission; and Members, Economic Advisory Commission for 2020

RE: 2021 BUDGET PREVIEW

On August 19th, 2020 the Economic Advisory Commission (EAC) heard a presentation from Interim CFO Travis Storin on the 2021 Budget Overview and Process Update. The presentation reviewed the financial conditions that the City anticipates for Fiscal Year 2021 and specific changes to the budgeting process in response to COVID-19.

Summary of Discussion:

- The City noted that due to an expected budget shortfall for 2021, the usual two-year budgeting cycle was updated to a one-year cycle to reflect the budget constraints of the unique circumstances and to promote focus on core City objectives and continuity of service.
  - The Commission noted the prudence of this approach in order to maintain consistent, quality City services and to recognize that current fiscal uncertainty may require a short-term budget that differs from long-term objectives.
- The City reviewed the assumptions used to hold expenses as flat as possible: direct cost reductions of ~$13.2M including a $3M freeze on compensation and hiring. These proposed measures were adopted in order to minimize service reductions, maximize community priorities, and retain the workforce. Additional shortfall would be made up through the use of higher than normal reserve withdrawals of ~$47.5M.
  - Commission members commented on the reliance on the use of reserves and questioned what would be left after this budget year.
  - The City maintains that reserve levels would be sufficient going forward to meet TABOR statutes. However, they recognized that if the economy does not improve in the following years, then reserves would be seriously impacted.
  - Commission members agreed that this point deserved increased attention, suggesting that revenue will quite likely follow the trajectory of the virus and any commensurate federal or state response.
  - Commission members encourage Council and the City to develop a “worst case” scenario that describes the budget cuts that would be required if revenues could not be made up through the use of reserves. The Commission encourages that the results of such a study or subsequent studies be made public.
ORDINANCE NO. 074
OF THE COUNCIL OF THE CITY OF FORT COLLINS, COLORADO
EX-OFFICIO THE BOARD OF DIRECTORS OF GENERAL IMPROVEMENT
DISTRICT NO. 1, DETERMINING AND FIXING THE MILL LEVY FOR GENERAL
IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR 2021;
DIRECTING THE SECRETARY OF THE DISTRICT TO CERTIFY SUCH LEVY
TO THE BOARD OF COUNTY COMMISSIONERS OF LARIMER COUNTY; AND
MAKING THE FISCAL YEAR 2021 ANNUAL APPROPRIATION

WHEREAS, City of Fort Collins General Improvement District No. 1 (the “GID”) in Fort
Collins, Colorado, has been duly organized in accordance with the ordinances of the City and the
statutes of the State of Colorado; and

WHEREAS, the GID staff has considered the amount of money to be raised by a levy on
the taxable property in the GID and recommends that a levy of 4.924 mills upon each dollar of
the assessed valuation of all taxable property within the limits of the GID is required during 2021
to pay the cost of operating the GID; and

WHEREAS, the GID staff estimates a levy of 4.924 mills will result in $310,000 of revenue; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years so
that prior voter approval of the levy is not required under Article X, Section 20 of the Colorado
Constitution; and

WHEREAS, Colorado Revised Statutes (“C.R.S.”) Section 39-5-128(1) requires
certification of any tax levy to the Board of County Commissioners no later than December 15 of
each year; and

WHEREAS, additional revenue is collected by the GID from such sources as the
automobile specific ownership tax, ad valorem taxes, and interest earnings and that revenue for
2021 is anticipated to be $53,135; and

WHEREAS, the City Council, acting as the ex-officio Board of Directors of the GID,
desires to appropriate the necessary funds for operating costs and capital improvements of the
GID for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and

WHEREAS, the City Council finds that this appropriation is necessary for the public’s
health, safety and welfare, and that the uses of these appropriated funds are consistent with the
purposes for which the GID was created and organized in City Council Ordinance No. 77, 1976,
and as further described in City Council Resolution 92-37 and authorized in Colorado Revised
Statutes Section 31-25-613.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
FORT COLLINS, acting Ex-Officio as the Board of Directors of City of Fort Collins General
Improvement District No. 1, 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 the mill levy rate for taxation upon each dollar of the assessed valuation of all taxable property within the GID’s boundaries shall be 4.924 mills imposed on the assessed valuation of all taxable property as set by state law for the GID’s property taxes payable in 2021.

Section 3. That the City Clerk is hereby designated as the Secretary of the General Improvement District No. 1 and is hereby authorized and directed to certify such mill levy to the Board of Larimer County Commissioners as provided by law and no later than December 15, 2020.

Section 4. That the City Council, acting ex-officio as the Board of Directors of City of Fort Collins General Improvement District No. 1, hereby appropriates out of prior year reserves and the revenues of General Improvement District No. 1 for the fiscal year beginning January 1, 2020, and ending December 31, 2020, to be raised by taxation and additional revenue sources, the sum of EIGHT HUNDRED EIGHT THOUSAND SEVEN HUNDRED NINETY-ONE DOLLARS ($808,791) to be expended for the authorized purposes of the General Improvement District No.1, including, without limitation, for:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100,000</td>
<td>to be used for priority sidewalk and curb replacements in the Downtown area (including $29,000 for paver work being done for the Linden Street project)</td>
</tr>
<tr>
<td>$25,000</td>
<td>to be used for work related to capital improvements in the Downtown area</td>
</tr>
<tr>
<td>$37,000</td>
<td>for residential property tax rebate program</td>
</tr>
<tr>
<td>$6,500</td>
<td>for Larimer County Treasurer’s fee for collecting the property tax</td>
</tr>
<tr>
<td>$10,000</td>
<td>for stakeholder engagement in the downtown area</td>
</tr>
<tr>
<td>$30,291</td>
<td>for other operating expenses (personnel, utilities, etc.)</td>
</tr>
<tr>
<td>$300,000</td>
<td>to be used for a contribution to the Downtown Development Authority (DDA) alley enhancement project planned for 2021 construction, which implements the guiding Capital Improvements Plan (CIP)</td>
</tr>
<tr>
<td>$125,000</td>
<td>contribution to Downtown parks maintenance, an amount that has historically been funded by the Downtown Development Authority (DDA)</td>
</tr>
<tr>
<td>$85,000</td>
<td>for transfer payment to Parks for Oak Street Plaza fountain replacement and renovation</td>
</tr>
<tr>
<td>$90,000</td>
<td>for transfer payment to Parks for Downtown Holiday Lighting</td>
</tr>
<tr>
<td><strong>$808,791</strong></td>
<td><strong>TOTAL 2021 GID Expenses</strong></td>
</tr>
</tbody>
</table>
Introduced, considered favorably on first reading, and ordered published this 4th day of
November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D.
2020.

ATTEST:

Mayor, Ex Officio President

City Clerk, Ex Officio Secretary

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

ATTEST:

Mayor, Ex Officio President

City Clerk, Ex Officio Secretary
Skyview South General Improvement District No. 15
Board Meeting
November 4, 2020
(after the Regular Council Meeting)

- **CALL MEETING TO ORDER**

- **ROLL CALL**

1. First Reading of Ordinance No. 014, 2020, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

This Ordinance includes the annual appropriation for 2021 of $1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of $32,930 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2021. Additional miscellaneous revenue for GID No. 15 of $1,713 is anticipated to be generated from interest income. The total 2021 revenue for GID No. 15 is expected to be $34,643. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

- **OTHER BUSINESS**

- **ADJOURNMENT**
STAFF

Travis Storin, Interim Chief Finance Officer
John Duval, Legal

SUBJECT

First Reading of Ordinance No. 014, 2020, Determining and Fixing the Mill Levy for the Skyview South General Improvement District No. 15 for the Fiscal Year 2021; Directing the Secretary of the District to Certify Such Levy to the Board of Commissioners of Larimer County; and Making the Fiscal Year 2021 Annual Appropriation.

EXECUTIVE SUMMARY

This Ordinance includes the annual appropriation for 2021 of $1,000 for the expenses of the Skyview South General Improvement District No. 15 (GID No. 15). The sum of $32,930 is anticipated to be collected from the mill levy of 10.0 mills for fiscal year 2021. Additional miscellaneous revenue for GID No. 15 of $1,713 is anticipated to be generated from interest income. The total 2021 revenue for GID No. 15 is expected to be $34,643. The total amount will be used in the future to maintain and repair roads in the Skyview subdivision.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 2009, the City annexed Phase 3 of the Southwest Enclave Annexation. The area annexed included the entire GID No. 15. (Attachment 1) Larimer County organized GID No. 15 in 1997. Pursuant to C.R.S. Section 31-25-609, since the annexation area included the entire area within the improvement district boundaries, upon annexation, GID No.15 became a City-operated district and Council has thereafter acted as the ex officio Board of Directors of the District. Under State law, the City is required to set the annual mill levy for the GID No. 15 and to certify the amount of the levy to the Board of County Commissioners for Larimer County. This Ordinance continues the establishment, as in years past, of a mill levy of 10.0.

CITY FINANCIAL IMPACTS

This Ordinance sets the GID No. 15 mill levy at 10.0 mills, which will generate approximately $32,930 for fiscal year 2021. Additional 2021 revenue for GID No. 15 is projected to be $1,713 in fiscal year 2021.

In addition, the 2021 Budget will include the appropriation of $1,000 for the Larimer County Treasurer’s fee for collecting the property tax.

ATTACHMENTS

1. Boundary Map (PDF)
Skyview South
General Improvement District No. 15

Legend
- General Improvement District #15
- Parcels

1 inch = 600 feet
ORDINANCE NO. 014
OF THE COUNCIL OF THE CITY OF FORT COLLINS, COLORADO
ACTING AS THE EX-OFFICIO BOARD OF DIRECTORS OF SKYVIEW
SOUTH GENERAL IMPROVEMENT DISTRICT NO. 15, DETERMINING AND FIXING
THE MILL LEVY FOR THE SKYVIEW SOUTH GENERAL IMPROVEMENT DISTRICT
NO. 15 FOR THE FISCAL YEAR 2021; DIRECTING THE SECRETARY OF THE DISTRICT
TO CERTIFY SUCH LEVY TO THE BOARD OF COMMISSIONERS OF LARIMER
COUNTY; AND MAKING THE FISCAL YEAR 2021 ANNUAL APPROPRIATION

WHEREAS, the Skyview South General Improvement District No. 15 (the “GID”) was
created by Larimer County in 1997 and annexed into the City by Phase Three of the Southwest
Enclave Annexation in 2009; and

WHEREAS, as a result of the annexation of the entire GID into the City, the GID is now
a district of the City and the City Council is to act as the ex-officio board of directors of the GID
pursuant to Colorado Revised Statutes (“C.R.S.”) Section 31-25-609; and

WHEREAS, GID staff has considered the amount of revenue to be raised by a levy on
the taxable real property within the GID boundaries, and recommends imposing a levy of 10.0
mills upon each dollar of the assessed valuation of all such taxable real property for 2021; and

WHEREAS, GID staff estimates a levy of 10.0 mills will result in $32,930 of revenue; and

WHEREAS, the amount of this proposed mill levy is not an increase over prior years
and, as such, prior voter approval of the proposed levy is not required under Article X, Section
20 of the Colorado Constitution; and

WHEREAS, C.R.S. Section 39-5-128(1) requires certification of any tax levy to the
Board of Commissioners of Larimer County no later than December 15 of each year; and

WHEREAS, additional revenue totaling $1,713 for 2021 is expected to be collected by
the GID from interest earnings; and

WHEREAS, an appropriation of $1,000 is needed from the GID’s revenue to pay the
$1,000 fee owed to Larimer County for the 2021 collection of the GID’s taxes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
FORT COLLINS, acting ex-officio as the Board of Directors of the City of Fort Collins Skyview
South General Improvement District No. 15, as follows:

Section 1. That the City Council, acting ex-officio as the Board of Directors of the
City of Fort Collins General Improvement District No. 15, hereby makes and adopts the
determinations and findings contained in the recitals set forth above.

Section 2. That the mill levy rate for taxation upon each dollar of the assessed
valuation of taxable real property within the GID boundaries shall be 10.0 mills imposed on the
assessed value of taxable property as set by state law for the GID’s property taxes payable in 2021.

Section 3. That the City Clerk acting ex-officio as the Secretary for the GID shall certify this levy of 10.0 mills to the County Assessor and the Board of Larimer County Commissioners as provided by law and no later than December 15, 2020.

Section 4. That the City Council, acting ex-officio as the Board of Directors of the City of Fort Collins General Improvement District No. 15, hereby appropriates out of the revenues of the GID for the fiscal year beginning January 1, 2021, and ending December 31, 2021, the sum of ONE THOUSAND DOLLARS ($1,000) for payment to Larimer County for its collection of GID property taxes in 2021.

Section 5. That the remainder of the GID revenue to be received in 2021 from taxation and other sources, shall be reserved in fund balance until such future time as the Board of Directors authorizes, by appropriation, such revenue to be used for the purposes of the GID.

Introduced, considered favorably on first reading, and ordered published this 4th day of November, A.D. 2020, and to be presented for final passage on the 17th day of November, A.D. 2020.

_________________________________
Mayor, Ex Officio President

ATTEST:

_____________________________
City Clerk, Ex Officio Secretary

Passed and adopted on final reading on the 17th day of November, A.D. 2020.

_________________________________
Mayor, Ex Officio President

ATTEST:

_____________________________
City Clerk, Ex Officio Secretary