

ORDINANCE NO. 159, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION AND
AUTHORIZING TRANSFER OF APPROPRIATION FOR THE
SOUTHEAST COMMUNITY CENTER LAND ACQUISITION IN
COMPLIANCE WITH APPROVED INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS,
POUDRE SCHOOL DISTRICT AND POUDRE LIBRARIES

A. On December 19, 2023, the City Council adopted Resolution 2023-112, authorizing the Mayor to execute an intergovernmental agreement (“IGA”) with Poudre School District (“PSD”) and the Poudre River Public Library District. Among other things, the IGA governs the City’s acquisition of approximately ten acres of land for the construction of the Southeast Community Center (“SECC”) from PSD.

B. On April 14, 2024, the City Council adopted Resolution 2024-06, which approved a purchase and sale agreement (“PSA”) for the City’s purchase of PSD land for the construction of the SECC.

C. PSD has a measure on the November 2024 general election ballot that, if approved by the voters, will fund their part of this project, specifically their share of the aquatic facility.

D. The IGA says that if PSD’s measure is approved by the voters, PSD will convey the land at no cost to the City as consideration for part of PSD’s overall capital commitment of 15% towards the capital cost of designing and constructing the aquatic facility. PSD’s contribution is in exchange for the City building the aquatic facility and coordinating PSD’s shared use for its swim programs.

E. The IGA requires that, if the PSD measure is not approved, the City will put the amount of the appraised land value (\$3,180,000) in escrow to be released to PSD on January 31, 2025, unless PSD secures a new funding source for their share of the aquatic base costs. If PSD has not secured alternative funding, the City and PSD may engage in negotiations in the future regarding an aquatic facility at the SECC.

F. The PSA requires that the City and PSD close on the land no later than December 31, 2024, however the IGA states that the parties must close by November 30, 2024. Given this timeline, staff requests that Council approve an ordinance appropriating \$3,180,000 in the Capital Projects Fund with the intended use contingent on the outcome of the ballot measure.

G. The first reading of the City’s annual appropriation and 2025-26 budget ordinance is scheduled for November 4, 2024, and the recommended budget includes Budget Offer 46.10 in the amount of \$15,201,000 for the SECC. If the PSD ballot measure passes, the full appropriated amount will remain as currently budgeted in Budget Offer 46.10. If the PSD ballot measure does not pass, the amount of Budget Officer 46.10

(\$15,201,000) will be reduced by the amount of the appraised land value (\$3,180,000) to make funding available for the appropriation contemplated by this ordinance.

H. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of providing a new community center to residents in south Fort Collins.

I. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

J. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Community Capital Improvement Program Fund and will not cause the total amount appropriated in the Community Capital Improvement Program Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

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

L. The City Manager has recommended the transfer of \$3,180,000 from the Community Capital Improvement Program Fund to the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

M. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue until the completion of the capital project.

N. The City Council wishes to designate the appropriation herein for the Southeast Community Center land acquisition as an appropriation that shall not lapse until the completion of the project.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Community Capital Improvement Program Fund the sum of THREE MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$3,180,000) and is authorized for transfer to the Capital Projects Fund and appropriated therein to be expended for the Southeast Community Center land acquisition requirement as stated within the approved IGA.

Section 2. The appropriation herein for the Southeast Community Center land acquisition is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on November 4, 2024, and approved on second reading for final passage on November 19, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: November 29, 2024

Approving Attorney: Sara Arfmann