

RESOLUTION 2026-065  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE CITY MANAGER TO SIGN A FACILITY USE AGREEMENT WITH  
POUDRE SCHOOL DISTRICT R-1 REGARDING USE OF CITY POOL FACILITIES

A. On April 7, 2015, Fort Collins voters approved Ordinance No. 013, 2015, extending for ten years a quarter-cent sales tax dedicated to the Community Capital Improvement Program for capital projects and related operation and maintenance. The Ordinance includes a requirement that the City construct a community center in southeast Fort Collins focused on innovation, technology, art, recreation, and the creative process, including a large outdoor leisure pool and meeting spaces dedicated to innovation and creativity (the "SECC"). The City design for the SECC includes all of these elements and an indoor lap pool.

B. On August 15, 2023, City Council adopted Resolution 2023-074, expressing support for the City to continue to provide access to Poudre School District R-1 ("PSD") students for use of the indoor lap pool at the SECC ("Aquatics Facility") be conditioned upon the City and PSD reaching agreement on PSD's proportionate share of the costs of the Aquatics Facility.

C. On December 19, 2023, City Council approved Resolution 2023-112, authorizing execution of an Intergovernmental Agreement Related to the Southeast Community Center ("Southeast Community Center IGA"). The Southeast Community Center IGA includes an agreement between the City and PSD to enter a facility use agreement to govern PSD's use of City pool facilities, including the Aquatics Facility, once it is operational, as well as use of the pools at the Edora Pool and Ice Center ("EPIC") and the Mulberry Pool. PSD utilizes swim lanes at EPIC and the Mulberry Pool for swim practices and meets of its multiple high school swim teams.

D. The Southeast Community Center IGA conveyed the land upon which the SECC will be located as in-kind consideration as part of an overall capital commitment of 15% toward the total capital cost of designing and constructing an aquatics facility at the SECC in exchange for the City agreeing to build the aquatics facility and coordinate PSD's shared use of the facility for its swim programs.

E. The City and PSD have substantially negotiated an agreement establishing the terms governing the shared use of the indoor lap lanes at the Aquatics Facility, along with shared use of lap lanes by PSD at the EPIC pool and the Mulberry Pool. This City-PSD Facility Use Agreement ("FUA") includes provisions about PSD's priority access to the indoor pools at the SECC, EPIC and the Mulberry Pool, how many lanes will be provided for PSD use, and certain cost allocations for pool use. The City Council desires to authorize the City Manager, in consultation with the City Attorney, to execute the FUA on behalf of the City in substantially the form attached hereto as Exhibit A.

F. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

G. City of Fort Collins Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

H. Section 1-22 of the City Code requires that, with some exceptions, intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review and approval by ordinance or resolution.

I. The City Council finds that approval of the FUA will promote efficient use of public resources, enhance intergovernmental cooperation, and serve the best interests of the community.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that City Council authorizes the City Manager to execute the Facility Use Agreement between Poudre School District R-1 and City of Fort Collins Governing use of City Pool Facilities in substantially the form attached hereto as Exhibit A, together with such modifications and additions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution as set forth above.

Passed and adopted on April 21, 2026.

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Mayor

ATTEST:

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City Clerk

Effective Date: April 21, 2026  
Approving Attorney: Ted Hewitt

Exhibit: Exhibit A – Facility Use Agreement between Poudre School District R-1  
and City of Fort Collins Governing use of City Pool Facilities