

ORDINANCE NO. 195, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 12-32 OF THE CODE OF THE CITY OF
FORT COLLINS TO UPDATE THE RESIDENTIAL WASTE
COLLECTION PROGRAM

A. Colorado Revised Statutes Section 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the “Program”).

B. On April 18, 2023, through Ordinance No. 054, 2023, the Council authorized the City to establish the Program, and through Ordinance No. 055, 2023, authorized the City to enter a contract with a contractor to provide residential waste collection services under the Program. The City’s contractor began providing residential waste collection services under the Program on September 30, 2024, pursuant to a contract for services (the “Contract”).

C. The Contract provides for an annual three percent increase in service rates, and also allows the contractor to petition annually for rate increases above three percent due to uncontrollable cost changes, which are limited to increases in disposal or processing tip fees or regulatory changes.

D. The Code provisions that govern the Program authorize the City Manager to execute amendments to the Contract, but only under certain circumstances. Specifically, Section 12-32(a) of the Code of the City of Fort Collins provides that “[t]he City Manager may approve and execute future amendments to the contract that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate the program, so long as such amendments do not increase costs to program customers without a commensurate service improvement, substantially modify the purposes of the contract, or increase the obligations and responsibilities of the City as set forth in the contract.”

E. City staff has recommended revisions to the Program that are consistent with the original intent of the Program. The Contract authorizes rate increases above three percent when there are uncontrollable cost changes, which would necessitate an amendment to formalize. At the same time, the City Code prohibits the City Manager from executing an amendment without Council approval that increases program costs but does not include a commensurate service improvement. This Ordinance simplifies the amendment process by expressly authorizing the City Manager to execute annual rate increases in accordance with the Contract process without City Council action.

F. Additionally, staff has recommended that the Program be improved by requiring price increases to be finalized not less than 45 days in advance of when they take effect so that ample notice of rate increases can be given to Program customers.

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 that Section 12-32(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-32. City contract; City administrative fee; rates.

- (a) The City may enter into an agreement with a licensed collector to become the City's contracted waste collector, subject to the following:
- (1) The City's contracted waste collector shall provide residential waste collection services under the City's residential waste collection program and the dumpster program. The contract shall establish all appropriate terms and conditions, including rates for residential waste collection services, for the contracted waste collector's provision of residential waste services to the City. The contract shall also establish all appropriate terms and conditions for the dumpster program.
 - (2) All rates under the contract shall be in amounts that reasonably relate to the services provided for such rates.
 - (3) The City Manager may approve and execute future amendments to the contract that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate the program, so long as such amendments do not increase costs to program customers without a commensurate service improvement, substantially modify the purposes of the contract, or increase the obligations and responsibilities of the City as set forth in the contract.
 - (4) The City Manager may also approve and execute future amendments to the contract for an annual rate adjustment, if any, made in accordance with the terms of the contract for an annual rate adjustment. Any amendment to the contract for an annual rate adjustment shall be fully executed not less than 45 days prior to the effective date of the amendment.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: December 12, 2025

Approving Attorney: Ted Hewitt

Exhibit: None