

ORDINANCE NO. 076, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF FEDERAL
EMERGENCY MANAGEMENT ADMINISTRATION'S BUILDING
RESILIENT INFRASTRUCTURE AND COMMUNITIES PROGRAM
GRANT FUNDS AND AUTHORIZING TRANSFERS FOR THE
NATURE-BASED SOLUTIONS PLAN AND STORMWATER PARK
CONCEPT PLAN PROJECT

A. The purpose of this item is to enable the City to receive and expend federal funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project (the "Project").

B. The Project seeks to find a predictable solution for developers who wish to overlay natural habitat protection zoning standards, nature based landscape designs and naturalized stormwater facilities in their neighborhood developments in Fort Collins. The purpose of this Project is to create a comprehensive master plan that integrates Nature-Based Solutions ("NbS") to enhance stormwater management at the neighborhood level and protect ecologically significant features identified by the Fort Collins Land Use Code and buffered from development.

C. The intent of the Project is to find an engineering and landscape design solution that enhances neighborhoods in Fort Collins with a harmonious blend of nature, fostering a sense of place, environmental stewardship, and community well-being. Through the integration of nature-based solutions and natural habitat design standards, staff envision increased community benefit from future development scenarios through:

- Alignment of stormwater management design criteria and natural habitat buffer zones ("NHBZs") established by Citywide policy, codes and standards;
- Added value from Utilities infrastructure and enhanced public benefit from developer requirements; and
- NbS and NHBZs provide improved water quality, stormwater runoff, and recharge groundwater resources.

D. The Colorado Division of Homeland Security and Emergency Management, through the Colorado Department of Public Safety ("CDPS"), awarded the City of Fort Collins \$398,431 of unanticipated revenue to develop the Project and has proposed an intergovernmental grant agreement with the City.

E. This award is part of the Federal Emergency Management Administration's ("FEMA's") Building Resilient Infrastructure and Communities ("BRIC") 2023 program. The \$398,431 award is federal funds. The City has a required cost share of \$245,641 that will be met through City staff time. City staff time will be used through the life of the grant funded Project, from 2025 through October 23, 2027. Based on City staff time being part of annual ongoing fund budgets, the City will use budgets as appropriated by City Council each annual fiscal year associated with such City staff time to meet the required cost share requirement of this grant.

F. Grant and cost share funds will support development of the Project by:

- Appropriating \$398,431 of unanticipated revenue awarded through FEMA's BRIC program;
- Using matching funds in the amount of \$85,378 from existing 2025 appropriations in the Community Development and Neighborhood Services operating budget in the General Fund into this grant Project for staff time;
- Using matching funds in the amount of \$11,841 from existing 2025 appropriations in the Stormwater Engineering operating budget in the Stormwater fund into this grant Project for staff time;
- Using matching funds in the amount of \$5,957 from existing 2025 appropriations in the Communications and Public Involvement operating budget in the General Fund into this grant Project for staff time; and
- Using City staff time in subsequent year 2026 by requesting Council in 2026 to transfer the value of City staff time in 2026 from the operating (lapsing) budget of both the General Fund and the Stormwater Fund to the non-lapsing grant Project.

G. 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.

H. The City Manager has recommended the appropriations described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General 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.

I. 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.

J. The City Manager has recommended the transfer of \$85,378 from the Community Development and Neighborhood Services operating budget to the General Fund Grant Project budget, \$11,841 from the Stormwater Engineering operating budget to the Stormwater Fund Grant Project budget, and \$5,957 from the Communications and Public Involvement operating budget to the General Fund Grant Project budget and

determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

L. The City Council wishes to designate the appropriation herein of the CDPS BRIC grant funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

M. These appropriations benefit the public health, safety, and welfare of the residents of Fort Collins and serve the public purposes of facilitating design, developing predictable solutions, and improving the City's natural habitats and landscapes and stormwater infrastructure relating to neighborhood development.

N. City Council has specifically approved policies, work plan items, Land Use Code updates, stormwater criteria, and priorities that this FEMA BRIC award and the Project are in furtherance of. The Project aligns with the following Council outcome areas and priorities:

- Economic Health: Reliable infrastructure for electricity, water, wastewater and flood protection is critical to ensure community resiliency amidst a changing climate;
- Environmental Health: Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents; and
- Council Priority: Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds.

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 General Fund the sum of THREE HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED THIRTY-ONE DOLLARS (\$398,431) to be expended in the General Fund for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 2. The unexpended and unencumbered appropriated amount of EIGHTY-FIVE THOUSAND THREE HUNDRED SEVENTY-EIGHT DOLLARS (\$85,378) is authorized for transfer from the Community Development and Neighborhood Services operating budget to the General Fund Grant Project budget and appropriated therein to

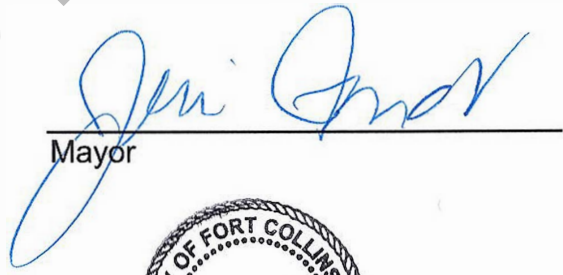
be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 3. The unexpended and unencumbered appropriated amount of ELEVEN THOUSAND EIGHT HUNDRED FORTY-ONE DOLLARS (\$11,841) is authorized for transfer from the Stormwater Engineering operating budget to the Stormwater Fund Grant Project budget and appropriated therein to be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 4. The unexpended and unencumbered appropriated amount of FIVE THOUSAND NINE HUNDRED FIFTY-SEVEN DOLLARS (\$5,957) is authorized for transfer from the Communications and Public Involvement operating budget to the General Fund Grant Project budget and appropriated therein to be expended for matching funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project.

Section 5. The appropriation herein for the CDPS BRIC grant funds for the Nature-Based Solutions Plan and Stormwater Park Concept Plan Project 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 earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on May 6, 2025, and approved on second reading for final passage on May 20, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: May 30, 2025
Approving Attorney: Heather N. Jarvis