

ORDINANCE NO. XXX, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED BY CITY GIVE AND
CONSERVATION TRUST FUNDS FOR THE CONSTRUCTION OF THE 9/11 MEMORIAL
AT SPRING PARK AND RELATED ART IN PUBLIC PLACES

WHEREAS, the City of Fort Collins and Poudre Fire Authority have collaborated to construct a memorial to the events of September 11, 2001, at Spring Creek Park, adjacent to Poudre Fire Authority Station 3 (the “Memorial”); and

WHEREAS, the Memorial will serve as the permanent home for a steel World Trade Center I-beam; and

WHEREAS, the Memorial will honor firefighters, emergency medical technicians, law enforcement officers, and nearly 3,000 others who lost their lives on September 11, 2001; and

WHEREAS, the City has received \$180,765 in donations for the Memorial, including \$80,000 from Poudre Fire Authority; and

WHEREAS, the City possesses Conservation Trust Funds received from the Colorado State Lottery, which per C.R.S. 29-21-101(4) “shall be expended only for the acquisition, development, and maintenance of new conservation sites or for capital improvements or maintenance for recreational purposes on any public site”; and

WHEREAS, under C.R.S. 29-21-101(4), construction of the Memorial is a capital improvement for recreational purposes on a public site; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of facilitating the construction of a public memorial to the tragic events of September 11, 2001; and

WHEREAS, this Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program (“APP Program”); and

WHEREAS, a portion of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by philanthropic revenue received by City Give, the source of these funds; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that these appropriations are available and previously unappropriated from the Conservation Trust Fund and will not cause the total amount appropriated Conservation Trust Fund to exceed the current estimate of actual and anticipated revenues to be received in these funds during this fiscal year; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the transfer of \$3,000 from the Conservation Trust Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a donation, 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 donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Memorial as an appropriation that shall not lapse until the earlier of the expiration of the or donation or the City's expenditure of all funds received from such donation.

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 philanthropic revenue in the Conservation Trust Fund the sum of ONE HUNDRED EIGHTY THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS (\$180,765) to be expended in the Conservation Trust Fund for the 9/11 Memorial at Spring Park.

Section 3. That there is hereby appropriated from prior year reserves in the Conservation Trust Fund the sum of THREE HUNDRED THOUSAND DOLLARS (\$300,000) to be expended in the Conservation Trust Fund for the 9/11 Memorial at Spring Park.

Section 4. That the unexpended and unencumbered appropriated amount of TWO THOUSAND THREE HUNDRED FORTY DOLLARS (\$2,340) in the Conservation Trust Fund

is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 5. That the unexpended and unencumbered appropriated amount of SIX HUNDRED DOLLARS (\$600) in the Conservation Trust Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 6. That the unexpended and unencumbered appropriated amount of SIXTY (\$60) in the Conservation Trust Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 7. That the appropriation herein for the 9/11 Memorial at Spring Park 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 donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading, and ordered published this 7th day of February 2023, and to be presented for final passage on the 21st day of February 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 21st day of February 2023.

Mayor

ATTEST:

City Clerk