

RESOLUTION 2023-046
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING TWO BOARD MEMBERS TO THE BOXELDER BASIN REGIONAL
STORMWATER AUTHORITY BOARD OF DIRECTORS BEING ONE SELECTED BY THE
CITY AND ONE JOINTLY SELECTED BY THE CITY AND LARIMER COUNTY

WHEREAS, the City of Fort Collins, Colorado (“City”), the Board of Commissioners of Larimer County, Colorado (“County”), and the Town of Wellington, Colorado (“Town”) are parties to that certain Intergovernmental Agreement for Stormwater Cooperation and Management, dated August 20, 2008, and First Amendment to Intergovernmental Agreement for Stormwater Cooperation and Management, dated June 16, 2014, as amended (collectively, “Agreement”) for the purpose of creating the Boxelder Basin Regional Stormwater Authority (“Authority”); and

WHEREAS, the Agreement states that the Authority shall be governed by a Board of Directors (“Board”) consisting of five Directors, one each appointed by the City, the Town, and the County, and two unaffiliated Directors, representing the public at large; and

WHEREAS, the Agreement states that one of the unaffiliated Directors shall be appointed by mutual agreement of the City and the County, with the other unaffiliated Director appointed by agreement of the Town and the County upon mutual agreement and that no more than one of such unaffiliated members shall be employed by or an elected official of the City, County, or Town; and

WHEREAS, the Directors serve for staggered terms of three years; and

WHEREAS, Richard Seaworth, who is not employed by or an elected official of the City, County, or Town, is the unaffiliated Director jointly appointed by the Town and the County; and

WHEREAS, on July 7, 2015, the Fort Collins City Council (“City Council”) adopted Resolution 2015-066, adopting Council retreat priorities for 2015-2017, one of which called for appointment of members of the Board by Council rather than by City staff; and

WHEREAS, on April 5, 2016, City Council adopted Resolution 2016-034, appointing then Mayor Pro Tem Gerry Horak to the Board as the City-appointed Director, and on April 23, 2019, City Council adopted Resolution 2019-054, re-appointing Mr. Horak as the City-appointed Director until such time as the City Council acts to modify his appointment; and

WHEREAS, on May 5, 2020, City Council adopted Resolution 2020-044, appointing former Mayor Pro Tem Gerry Horak as the unaffiliated City-County-jointly-appointed Director and Theresa Connor, Deputy Director of Fort Collins Utilities, as the City-appointed Director; and

WHEREAS, former Mayor Pro Tem Gerry Horak resigned as the member of the Board in 2021; and

WHEREAS; after solicitation of applications for the City-County-jointly-appointed-Director position, one application was received and that applicant, Theresa Connor, was approved by the Board of County Commissioners to fill the jointly-appointed Board seat at its September 14, 2021, meeting; and

WHEREAS, although a selection committee was previously appointed to recommend an appointee to be the City-County-jointly-appointed Director, since there was only one application for the joint position from an existing Director, staff did not convene that committee to review the single application, and the process moved forward without selection committee action; and

WHEREAS, on September 21, 2021, City Council adopted Resolution 2021-089, appointing Mayor Jeni Arndt as the City-appointed Director, which had been vacated by Theresa Connor as a result of her appointment to the joint City-County-jointly-appointed Director; and

WHEREAS, Theresa Connor is no longer employed by or affiliated with the City; and

WHEREAS, considering these developments, City Council wishes to appoint Jennifer Dial as the City-County-jointly-appointed Director, and further wishes to reappoint Mayor Jeni Arndt as the City-appointed Director.

NOW, THEREFORE, BE IT RESOLVED 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 Jennifer Dial is hereby appointed, effective immediately, as the Director on the Authority's Board jointly appointed by the City and the County, to continue until April 1, 2026, or until such time as the City and the County jointly approve a replacement appointee.

Section 3. That Mayor Jeni Arndt is hereby reappointed, effective immediately, to serve as the Director on the Authority's Board appointed by the City, to continue until April 1, 2026, or until such time as the City Council approves a replacement appointee.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of May, 2023.

Mayor

ATTEST:

City Clerk