

RESOLUTION NO. 2024-063  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
CONFIRMING AND APPROVING AN APPOINTMENT TO THE BOARD OF  
COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY

A. On January 5, 1982, City Council adopted Resolution 1982-10 establishing within the City of Fort Collins (the “City”) the Fort Collins Urban Renewal Authority (the “Authority”) and designating the Council to serve as the Authority’s Board of Commissioners (the “URA Board”).

B. The laws governing the creation, powers and governance of urban renewal authorities are in Colorado’s “Urban Renewal Law” in Part 1 of Article 25 of Title 31 of the Colorado Revised Statutes (the “Act”).

C. Sections 31-25-104 and 31-25-107 of the Act were amended in 2015 and 2017, respectively, by the Colorado General Assembly to provide that when the adoption of a new urban renewal plan is being considered on or after January 1, 2016, the membership on the board of commissioners of the affected urban renewal authority is to be increased to include at least three, and potentially four, additional commissioners.

D. One commissioner is to be appointed by the board of county commissioners of the county in which the territorial boundaries of the urban renewal authority area are located, and the second commissioner is to be a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the urban renewal authority area and the third commissioner is to be an elected member of a board of education of a school district levying a mill levy within the boundaries of the urban renewal authority area.

E. If these three new appointments cause the authority’s board to have an even number of commissioners, the mayor of the municipality that has created the urban renewal authority is to appoint a fourth commissioner to restore an odd number of commissioners to the authority’s board.

F. As required by the Act, in 2018 the membership on the URA Board expanded to include an appointment by the Larimer County Board of Commissioners, a joint appointment by the Poudre School District and the Thompson School District, and an agreed appointment by the special districts levying property taxes within the Authority’s boundaries, and these three appointees, or their successors, continue to serve on the URA Board.

G. Since these three new appointments increased the URA Board membership to ten, an even number, the Act required the City’s Mayor to appoint another new commissioner to the URA Board to restore the Board’s membership to an odd number.

H. The City Council adopted Resolution 2015-105 setting out a process to follow for the Mayor’s appointment to the URA Board under which the Mayor and one

other councilmember are to interview candidates and make an appointment recommendation to Council for its approval by resolution.

I. After following that process, the City Council adopted Resolution 2018-044 to appoint Andy Smith to serve as the eleventh commissioner on the URA Board for a 4-year term beginning on May 25, 2018.

J. On May 15, 2018, the City Council adopted Ordinance No. 061, 2018, repealing and reenacting Division 4 in Article IV of City Code Chapter 2 to implement the General Assembly's 2015 and 2017 amendments to the Act (the "URA Code") and reaffirming Commissioner Smith's appointment to the URA Board.

K. Section 2-482(a)(3) of the URA Code provides that the seat held by Commissioner Smith is to be a "resident of the City appointed by the Mayor and confirmed by the City Council by resolution."

L. On May 3, 2022, the City Council adopted Resolution 2022-056 to reappoint Commissioner Smith for a second term expiring on May 25, 2026.

M. Commissioner Smith accepted a position with the City of Fort Collins in early 2024, and therefore has had to resign from the URA Board.

N. After following the process outlined in Resolution 2015-105, and an interview on April 3, 2024, with a committee comprised of Mayor Jeni Arndt, Councilmember Kelly Ohlson and Councilmember Melanie Potyondy, Mayor Jeni Arndt has appointed Dan Sapienza to serve as Commissioner Smith's replacement and is requesting that the City Council Confirm this appointment as required in Section 2-482(a)(3) of the URA Code.

O. The City Council has determined that it is in the best interests of the City and the URA that Dan Sapienza's appointment by Mayor Arndt be confirmed by the City Council.

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 Mayor Arndt's appointment of Dan Sapienza to serve as a commissioner on the URA Board is hereby confirmed and approved by the City Council, with such term to begin upon adoption of this Resolution and expire on May 25, 2026.

Passed and adopted on April 16, 2024.

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Mayor

ATTEST:

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Interim City Clerk

Effective Date: April 16, 2024

Approving Attorney: Carrie Daggett