

ORDINANCE NO. 116, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM THE EXTENDED PRODUCER
RESPONSIBILITY PROGRAM FOR RECYCLING EDUCATION AND OUTREACH
AND CURBSIDE RECYCLING COLLECTION

A. In 2022, the State of Colorado enacted the Extended Producer Responsibility Program, codified at Colorado Revised Statutes § 25-17-701 et seq, ("EPR"). EPR shifts responsibility for the cost of recycling paper and packaging from consumers to producers and creates a financial mechanism to incentivize recycling.

B. Under EPR, large companies that make and sell covered materials in Colorado pay dues for the cost of recycling those materials to the Circular Action Alliance ("CAA"). CAA will distribute these funds to service providers for providing residential recycling services. Service providers may apply and establish a service agreement with CAA to receive reimbursement for the cost of recycling covered materials in accordance with EPR requirements.

C. To participate in EPR, the City will enter into a service agreement with CAA under which CAA will provide grant funds to the City for education and outreach and City-provided curbside recycling services. The agreement will define service standards, allowable expenses and require regular reporting. The agreement will outline the following funding amounts that CAA will provide to the City: \$185,525 for education and outreach, \$40,000 for administrative costs, and \$5,300,000 for curbside recycling collection. Subject to execution of that agreement, the funds appropriated through this Ordinance will supplement the recycling education and outreach, provide funding for City administrative costs and offset the cost of recycling for residents in the City's residential trash and recycling collection program.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of encouraging and supporting paper and packaging recycling.

E. Article V, Section 9 of the City Charter permits 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.

F. The City Manager has recommended the appropriation 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.

G. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or 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 federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

H. City Council wishes to designate the appropriation herein for the Extended Producer Responsibility Program 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.

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. Upon the City's execution of an agreement with the Circular Action Alliance for funding for recycling education and outreach and residential recycling services, there is hereby appropriated from new revenue or other funds in the General Fund the sum of FIVE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND FIVE HUNDRED TWENTY-FIVE DOLLARS (\$5,525,525) to be expended in the General Fund for recycling outreach education activities and offset the cost of residential recycling service.

Section 2. The appropriation herein for the Extended Producer Responsibility Program 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 September 1, 2026, and approved on second reading for final passage on September 15, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: September 25, 2026

Approving Attorney: Ted Hewitt

Exhibit: None