

RESOLUTION 2023-101  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPOINTING TWO COUNCILMEMBERS TO A JOINT COMMITTEE  
WITH LOVELAND REGARDING AIRPORT GOVERNANCE FOR THE  
NORTHERN COLORADO REGIONAL AIRPORT AND AUTHORIZING  
RELEASE OF A RELATED CONFIDENTIAL LEGAL MEMORANDUM

WHEREAS, in 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, the Airport is operated as a joint venture between the Cities, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs; and

WHEREAS, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for directing the operation of the Airport, including preparing the Airport's annual operating budget and submitting it to the Cities for their approval; and

WHEREAS, in recent years questions have arisen as to whether the current structure and governance of the Airport is optimal to achieve the goals of the Cities for the Airport; and

WHEREAS, in light of this, during 2023 staff has been working to identify the full array of possible options for possible changes to governance at the Airport in order to facilitate and support further discussion by the Cities and particularly by the City Councils of the Cities; and

WHEREAS, as part of the review process, staff worked with joint special legal counsel Dan Reimer, an expert in airport matters, who prepared a confidential and privileged legal memorandum in early October identifying and summarizing the alternatives for Airport governance (the "Reimer Memo"); and

WHEREAS, based on the initial review of the most likely alternatives for updated governance for the Airport, staff has recommended that the two Cities form a joint committee comprised of two representatives from each City Council, to meet to discuss and refine alternatives and, if practicable, provide recommendations about Airport governance; and

WHEREAS, in light of this the Council wishes to designate two Councilmembers to represent the City on said Joint Committee, as set for the below; and

WHEREAS, in order to facilitate a fuller discussion of the options and considerations for Airport governance, the Council wishes to waive the attorney-client privilege and release the Reimer Memo to the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the Council hereby approves the formation of a Joint Committee With Loveland Regarding Airport Governance for the Northern Colorado Regional Airport.

Section 3. That the Council hereby designates \_\_\_\_\_ and \_\_\_\_\_ to said Joint Committee, with such appointments to begin immediately and continue until such time as the Council terminates or modifies such appointments.

Section 4. That, subject to the completion of a similar waiver and release by the City Council of the City of Loveland, the Council hereby waives the attorney-client privilege and confidentiality to which the Reimer Memo is subject, and authorizes and directs the City Attorney and City Manager to release and make available to the public the Reimer Memo.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of November, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk