

ORDINANCE NO. 034, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR
THE XERISCAPE INCENTIVE PROGRAM

A. The City owns and operates Fort Collins Utilities (“Utilities”), which includes a water utility that provides water to customers in its service area.

B. Water conservation and efficiency comprise a tool Utilities uses, primarily through the Utilities Water Conservation Division, to manage and reduce the demand for water service by Utilities customers, which is beneficial to the City, the water utility, and its ratepayers by, among other reasons, reducing demand on water supplies and helping to ensure that the demand for water does not exceed supplies.

C. Utilities has developed the Xeriscape Incentive Program (“XIP”) to support customers seeking to transform their large-scale landscapes to use less water from Utilities, such as those of homeowners’ associations and commercial customers.

D. The United States Department of the Interior, Bureau of Reclamation (“Reclamation”) has a Water SMART (Sustain and Manage America’s Resources for Tomorrow) Program that provides grants to water conservation programs. Reclamation previously awarded the City a grant of \$75,000 for XIP.

E. In order to fully utilize such Reclamation grant funds, the City needs to contribute \$75,104 in matching funds. The 2024 appropriated funds in the Water Fund contain sufficient funds that can be transferred to be utilized as such matching funds.

F. 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.

G. The City Manager has recommended the transfer of \$75,104 from the Water Fund Operating Budget to the Water Fund Xeriscape Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for the Water Fund Xeriscape Incentive Program, 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 the City’s expenditure of all funds received from such grant.

I. The City Council wishes to designate the appropriation herein for the Water Fund Xeriscape Incentive 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. The unexpended and unencumbered appropriated amount of Water Fund the sum of SEVENTY-FIVE THOUSAND ONE HUNDRED FOUR DOLLARS (\$75,104) to be transferred from the Water Fund's Water Conservation Operating Budget to be expended in the Water Fund for the Xeriscape Incentive Program Grant Budget.

Section 2. The appropriation herein for the Xeriscape Incentive Program Grant 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 February 20, 2024, and approved on second reading for final passage on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 29, 2024
Approving Attorney: Eric Potyondy