

RESOLUTION 2022-110
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE MIDTOWN BUSINESS IMPROVEMENT
DISTRICT 2022 AND 2023 OPERATING PLANS AND PROPOSED BUDGETS AND
APPOINTING DISTRICT DIRECTORS

WHEREAS, on December 5, 2017, the City Council adopted Ordinance No. 165, 2017, creating the Midtown Business Improvement District (the “District”) in accordance with the provisions of the Business Improvement District Act in Part 12 of Article 25 in Title 31 of the Colorado Revised Statutes (the “Act”); and

WHEREAS, Section 31-25-1211 of the Act, requires a business improvement district (“BID”) to submit by September 30 of each year to the clerk of the municipality that established it, the BID’s proposed operating plan and proposed budget for the upcoming year; and

WHEREAS, on September 29, 2021, the District timely submitted to the City Clerk the District’s proposed 2022 operating plan, a copy of which is attached as Exhibit “A” and incorporated herein by reference (the “2022 Operating Plan”), and the District’s proposed 2022 budget, a copy of which is attached as Exhibit “B” and incorporated herein by reference (the “2022 Budget”); and

WHEREAS, it was recently discovered that, due to an oversight, the 2022 Operating Plan and the 2022 Budget were not presented to City Council in 2021 for its consideration and approval; and

WHEREAS, on September 30, 2022, the District timely submitted to the City Clerk the District’s proposed 2023 operating plan, a copy of which is attached as Exhibit “C” and incorporated herein by reference (the “2023 Operating Plan”), and the District’s proposed 2023 budget, a copy of which is attached as Exhibit “D” and incorporated herein by reference (the “2023 Budget”);

WHEREAS, Section 31-25-1211 of the Act provides that the City Council shall either approve or disapprove the 2023 Operating Plan and the 2023 Budget by December 5, 2022, and, if approved, the District’s services, improvements and financial arrangements for 2023 are to conform as far as practicable to the 2023 Operating Plan and the 2023 Budget unless amended with the City Council’s prior approval; and

WHEREAS, the City Council has reviewed the 2023 Operating Plan and the 2023 Budget and finds and determines that they satisfy the requirements of the Act and should be approved; and

WHEREAS, the City Council has also reviewed the 2022 Operating Plan and the 2022 Budget and, while they were not previously approved by Council by the December 5, 2021, deadline as required under Section 31-25-1211 because of the City’s oversight, the Council finds and determines that they satisfy the requirements of the Act for the year 2022 and should be approved retroactively to December 5, 2021, to the full extent permitted by law.

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 the 2023 Operating Plan and the 2023 Budget are hereby approved and, as required by the Act, the District's 2023 services, improvements and financial arrangements shall conform as far as practicable with the 2023 Operating Plan and the 2023 Budget.

Section 3. That the District's directors and their corresponding terms set forth in the 2023 Operating Plan are hereby appointed and approved.

Section 4. That the 2022 Operating Plan and the 2022 Budget are hereby ratified and approved retroactively to December 5, 2021, and, as required by the Act, the District's 2022 services, improvements and financial arrangements shall conform as far as practicable with the 2022 Operating Plan and the 2022 Budget.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of November, A.D. 2022.

Mayor

ATTEST:

City Clerk