

ORDINANCE NO. 121, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF
UNANTICIPATED GRANT REVENUE, PRIOR YEAR RESERVES,
AND AUTHORIZING TRANSFERS FOR THE POUDBRE WATER
SUPPLY INFRASTRUCTURE WILDFIRE READY ACTION PLAN

A. The City owns and operates a water utility that provides water service to customers within its water service area. The Cache la Poudre River provides a key source of water for the City and its water utility. Water in the Cache la Poudre River originates in various watersheds, including several watersheds near Cameron Pass, namely the Joe Wright Creek Watershed, Peterson Lake Watershed, and Upper Michigan River Watershed (collectively, "Watersheds").

B. The Cache la Poudre River and these Watersheds also provide key sources of water for the City of Greeley ("Greeley") and the Water Supply and Storage Company ("WSSC").

C. Water supplies and infrastructure in the Watersheds face various challenges, including risks associated with wildfires. Protecting water supplies and infrastructure within the Watersheds is a high priority for the City, Greeley, and WSSC to, among other things, ensure all current and future water demands are met, and to continue providing their communities, customers, and shareholders with reliable, safe, and high-quality water.

D. The State of Colorado, through the Colorado Water Conservation Board ("CWCB"), has a program to assist in the development of wildfire ready watershed action plans, including via grant funding. Such plans are generally intended to help stakeholders develop actionable plans to address the impacts from wildfires through actions that may be taken both before and after wildfires.

E. The City, Greeley, and WSSC desire to develop a wildfire ready watershed action plan for the Watersheds ("Plan"). Accordingly, pursuant to Resolution 2024-066, they have entered into the Agreement Regarding a Wildfire Ready Watershed Action Plan for the Joe Wright Creek, Peterson Lake, and Upper Michigan River Watersheds, dated May 21, 2024, the purpose of which is to coordinate their joint efforts related to developing the Plan, including funding a consultant to assist with the development of the Plan. Pursuant to that agreement, Greeley will contribute \$9,063 and WSSC will contribute \$10,000.

F. The City has been awarded \$209,688 from the State of Colorado, acting through the Colorado Water Conservation Board and its Wildfire Ready Watershed Grant Program to develop the Plan. The agreement for said grant is addressed in Resolution 2024-099.

G. As presented in the Budget, Exhibit C, to the agreement, the City is required to contribute in matching funds to accept the grant. The appropriations set forth herein will allow the City to accept the grant and thus receive the benefit of the grant to develop the Plan to benefit the City's water supplies.

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

I. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Water Fund and will not cause the total amount appropriated in the Water 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.

J. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

K. The City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Water Fund and will not cause the total amount appropriated in the Water 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.

L. 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.

M. The City Manager has recommended the transfer of \$9,063 from the Water Fund Watershed Protection budget to the Water Fund Watershed Protection Grant Project Budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

N. Article V, Section 11 of the City Charter authorizes the 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 the City's expenditure of all funds received from such grant.

O. The City Council wishes to designate the appropriation herein for the State of Colorado through CWCB's Wildfire Ready Watershed Grant Program and Monetary contributions from Greeley and WSSC as appropriations that shall not lapse until the expiration of the grants or the City's expenditure of all funds received from such grants.

P. All of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them from the State of Colorado through CWCB, the source of these funds.

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. There is hereby appropriated from new revenue or other funds in the Water Fund the sum of TWO HUNDRED NINE THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS (\$209,688) to be expended in the Water Fund for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

Section 2. There is hereby appropriated from new revenue or other funds in the Water Fund the sum of NINETEEN THOUSAND SIXTY-THREE DOLLARS (\$19,063) to be expended in the Water Fund for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

Section 3. There is hereby appropriated from prior year reserves in the Water Fund the sum of TWENTY-EIGHT THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$28,125) to be expended in the Water Fund for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

Section 4. The unexpended and unencumbered appropriated amount of NINE THOUSAND SIXTY-THREE DOLLARS (\$9,063) is authorized for transfer from the Water Fund Watershed Protection budget to the Water Fund Watershed Protection Grant Project Budget and appropriated therein to be expended for the Poudre Water Supply Infrastructure Wildfire Ready Action Plan.

Section 5. The appropriation herein for the State of Colorado through CWCB's Wildfire Ready Watershed Grant Program are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on the 20th day of August 2024, and approved on second reading for final passage on the 3rd day of September 2024.

Mayor Pro Tem

ATTEST:

City Clerk

Effective Date: September 13, 2024
Approving Attorney: Eric Potyondy