

RESOLUTION 2024-070  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE  
INTERGOVERNMENTAL AGREEMENT FOR SOLID WASTE  
PROGRAMMING AND INFRASTRUCTURE IMPROVEMENTS

A. On December 17, 2013, City Council adopted Resolution 2013-111 recognizing that the City's history of public education regarding recycling and solid waste reduction and waste reduction goals from 1985 through the adoption of Resolution 1999-139, which established the goal of diverting 50% of the community's waste stream from landfill disposal by 2010.

B. On October 21, 2014, City Council adopted Resolution 2014-098, establishing the City's Waste Diversion Policy with the goal of achieving "zero waste" by 2030 (with interim goals) and recognizing the City's "Road to Zero Waste" plan created to achieve this policy goal and the resulting direct economic and environmental benefits to the local and global community.

C. In early 2016, the Larimer County Board of Commissioners convened the North Front Range Wasteshed Policy Group, referred to as the North Front Range Regional Wasteshed Coalition (the "Coalition") to identify, analyze, and prioritize solid waste infrastructure and implementation options, resulting in the development of a Solid Waste Infrastructure Master Plan (the "Master Plan") for adoption by Larimer County.

D. On December 19, 2018, the Larimer County Planning Commission adopted the Master Plan, which includes various recommendations for infrastructure and facility improvements, education, licensing, and other program elements to provide solid waste services within Larimer County and increase material diversion from landfill disposal. On January 15, 2019, the City Council adopted Resolution 2019-010 supporting the Master Plan.

E. After adoption of the Master Plan, the County, the City, the City of Loveland and the Town of Estes Park desired to work cooperatively to implement the Master Plan, continue to develop joint programs for consistent public education, evaluate future technologies associated with solid waste management, and establish the respective responsibilities of the members of the Coalition by entering into an Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements (the "IGA"). The City Council authorized the execution of the IGA in Resolution 2019-047. Larimer County, the City of Loveland, and the Towns of Estes Park and Wellington also entered into the IGA (together with the City, the "Parties").

F. The IGA was designed to allow the Parties to develop a comprehensive systems-based approach to waste management in the North Front Range. Specifically, the IGA prioritized the development of a new landfill, transfer station, yard waste facility, food waste composting facility, and construction and demolition waste processing facility. These priorities align with meeting the City's zero waste and climate action goals,

particularly the development of a construction and demolition waste processing facility and food composting facility. The IGA also created the Solid Waste Policy Council to advise the Larimer County Board of Commissioners on implementation of and updates to the Master Plan. The initial term of the IGA is to run through December 31, 2050, with an automatic extension term of ten years. The IGA authorizes its termination in the event of non-appropriation, by a Party giving 18 months' written notice, or by mutual agreement of the Parties.

G. In recent years, elements of the wasteshed and priorities among the Parties have changed. All Parties, except for the City, have amended the IGA to place its requirements in abeyance. A copy of the amendment adopted by the other Parties is attached hereto as Exhibit "A."

H. The City is committed to working in partnership with the County, the City of Loveland, and the Towns of Estes Park and Wellington to develop a new agreement to implement the Master Plan while the IGA is held in abeyance. The City seeks to have the new agreement allow for the implementation of an integrated package of waste disposal services designed to increase diversion and confer health and environmental benefits upon the residents of the City and Larimer County.

I. Article II, Section 16 of the Charter of the City of Fort Collins empowers the City Council to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

J. Under Section 1-22 of the City Code, intergovernmental agreements and other cooperative arrangements between the City and other governmental entities are to be submitted to the City Council for review, unless they fit within one of the exceptions that permit execution by the City Manager.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Mayor is hereby authorized to execute the amendment to the IGA substantially in the form attached hereto as Exhibit "A," with such modifications and additions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes set forth herein and not otherwise inconsistent with this Resolution.

Passed and adopted on May 21, 2024.

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Mayor

ATTEST:

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Interim City Clerk

Effective Date: May 21, 2024  
Approving Attorney: Ted Hewitt