

ORDINANCE NO. 107, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES DESIGNATED FOR
FIRE PROTECTION SERVICES IN THE FIRE PROTECTION CAPITAL EXPANSION FEE
ACCOUNT WITHIN THE CAPITAL EXPANSION FEE FUND FOR PAYMENT TO THE
POUDRE FIRE AUTHORITY TO BE USED BY IT FOR A
NEW HEADQUARTERS BUILDING

WHEREAS, Article II of City Code Chapter 7.5 imposes, as an impact fee on new development, capital expansion fees for community parkland, police, fire protection, general government, and transportation; and

WHEREAS, the fire protection capital expansion fee is imposed in City Code Section 7.5-30(a) (“Fire Protection CEF”) and the revenues collected from it are required to be used to fund capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services; and

WHEREAS, such “capital improvements” are defined in Code Section 7.5-17 to include “the purchase or long-term lease or lease-purchase of real property”; and

WHEREAS, Code Section 7.5-30(b) requires that all revenues collected from the Fire Protection CEF be deposited in the Fire Protection Capital Expansion Fee Account established in Code Section 8-97 (“Fire Protection CEF Account”); and

WHEREAS, Code Section 8-97 provides that the Fire Protection CEF Account is an account within the Capital Expansion Fee Fund established in Code Section 8-92 (“CEF Fund”); and

WHEREAS, the current administrative headquarters of the Poudre Fire Authority (the “Authority”) is located at 102 Remington Street, and it houses Fire Prevention and Community Risk Reduction as well as Operations and the administrative personnel of the Authority whose duties include the management and coordination of public education and emergency services; and

WHEREAS, acquiring additional space or a new, larger building to house the Authority’s administrative headquarters has been a priority for the Authority since 2014 due to shortages of space in meeting both current and future needs at the 102 Remington facility and is included in the Authority’s 2023 PFA Long-Range Financial Plan, adopted by the Authority’s Board of Directors; and

WHEREAS, City Code Section 7.5-30(a) requires that capital expansion fees for fire services be used only for capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services; and

WHEREAS, the Authority’s staff has been working with the City’s Real Estate Services on options to acquire additional office space and has identified the property and building at 301 Remington Street (the “New Facility”) and the Authority has made an offer to its owner to purchase it for \$3.8 million, which offer the owner has tentatively accepted; and

WHEREAS, the funding for this purchase of the New Facility is proposed to be provided from the following sources:

City’s CEF Fund	\$3,511,575
Poudre Fire Authority Existing Appropriations	<u>288,425</u>
Total	\$3,800,000

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

WHEREAS, the City Manager has recommended this appropriation and determined that the funds for it are available in and previously unappropriated from the Fire Protection CEF Account in the CEF Fund and will not cause the total amount appropriated in the CEF Fund to exceed the current estimate of unappropriated prior year reserves plus actual and anticipated revenues and all other funds to be received in the CEF Fund during this fiscal year.

NOW, THEREFORE, BE IT ORDAINED 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 there is hereby appropriated from prior year reserves in the Fire Protection CEF Account in the CEF Fund, the sum of THREE MILLION FIVE HUNDRED ELEVEN THOUSAND FIVE HUNDRED SEVENTY-FIVE DOLLARS (\$3,511,575), to be expended from the CEF Fund for payment to the Authority for it to use in its purchase of the New Facility.

Introduced, considered favorably on first reading, and ordered published this 15th day of August, 2023, and to be presented for final passage on the 5th day of September, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk

Passed and adopted on final reading on the 5th day of September, 2023.

Mayor

ATTEST:

City Clerk