

ORDINANCE NO. 143, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION, APPROPRIATING PRIOR
YEAR RESERVES, AUTHORIZING TRANSFERS AND AUTHORIZING
INTERGOVERNMENTAL AGREEMENTS FOR
THE AIR TOXICS COMMUNITY MONITORING PROJECT

WHEREAS, the northern Front Range of Colorado is home to growing population centers and expanding oil and gas production; and

WHEREAS, community concerns are mounting about the adequacy of existing monitoring networks to identify potential air quality issues from oil and gas production and other sources; and

WHEREAS, the City applied for an Air Toxics Community Monitoring Project Grant from the Environmental Protection Agency (EPA) in collaboration with Colorado State University (CSU) and the Larimer County Department of Health and Environment, with support from the Colorado Department of Public Health and Environment and several community organizations; and

WHEREAS, the EPA awarded the City \$499,139 in a three-year Air Toxics Community Monitoring Project Grant (the Grant) to provide air toxic monitoring that responds to concerns of residents in underserved communities, builds a broader understanding of air quality issues through innovative approaches and empowers residents to engage in policy and regulatory discussions (the Project); and

WHEREAS, funding for the Project would total \$623,977, with the City providing \$73,408 in required matching funds, which includes both City personnel time and costs to support community engagement activities, and Larimer County providing in-kind services worth a total of \$51,430; and

WHEREAS, the City Council has previously appropriated funds through Ordinance No, 126, 2022, the 2023-2024 annual appropriation ordinance, to the Environmental Services operating budget in the General Fund that will be transferred by this Ordinance to contribute to the City's required match for the Project; and

WHEREAS, the Air Toxics Community Monitoring Project Grant agreement with the EPA is attached hereto as Exhibit "A"; and

WHEREAS, City staff seek to enter into an intergovernmental agreement with CSU for CSU to conduct monitoring of select hazardous air pollutants using Grant funds; and

WHEREAS, these appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve the public purposes of improving air quality monitoring in the region, including within the City, and building community understanding of air quality issues; and

WHEREAS, 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; and

WHEREAS, 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 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 the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General 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; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the transfer of \$3,230 from the Environmental Services operating budget in the General Fund to the Air Toxics Community Monitoring Project in the General Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, 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, 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 donation or the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Air Toxics Community Monitoring Project Grant 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; and

WHEREAS, Section 1-22 of the City Code requires the City Council to approve intergovernmental agreements and cooperative activities with other governmental entities, except in certain enumerated scenarios.

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 new revenue or other funds in the General Fund the sum of FOUR HUNDRED NINETY-NINE THOUSAND ONE HUNDRED THIRTY-NINE DOLLARS (\$499,139) to be expended in the General Fund for the Environmental Services Air Toxics Community Monitoring Project.

Section 3. That there is hereby appropriated from prior year reserves in the General Fund the sum of SEVENTY THOUSAND ONE HUNDRED SEVENTY-EIGHT DOLLARS (\$70,178) to be expended in the General Fund for Environmental Services Air Toxics Community Monitoring Project.

Section 4. That the unexpended and unencumbered appropriated amount of THREE THOUSAND TWO HUNDRED THIRTY DOLLARS (\$3,230) is authorized for transfer from the Environmental Services operating budget in the General Fund to the Environmental Services Air Toxics Community Monitoring Project.

Section 5. That the appropriation herein for the Environmental Services Air Toxics Community Monitoring Project 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.

Section 6. That the City Council approves the Air Toxics Community Monitoring Project Grant with the Environmental Protection Agency, which is attached hereto as Exhibit "A".

Section 7. That the City Council authorizes the City Manager, in consultation with the City Attorney, to develop and execute an intergovernmental agreement with Colorado State University to conduct monitoring of select hazardous air pollutants using funds from the Air Toxics Community Monitoring Project Grant.

Introduced, considered favorably on first reading and ordered published this 17th day of October, 2023, and to be presented for final passage on the 21st day of November, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 21st day of November, 2023.

Mayor

ATTEST:

City Clerk