

ORDINANCE NO. 080, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM THE COLORADO
DEPARTMENT OF LOCAL AFFAIRS, AUTHORIZING A TRANSFER OF
APPROPRIATED FUNDS, AND APPROVING AN INTERGOVERNMENTAL
AGREEMENT FOR THE TRANSIT ORIENTED COMMUNITIES INFRASTRUCTURE
PROGRAM

A. The Transit Oriented Communities Infrastructure Grant Program (“TOCI”) is administered by the Colorado Department of Local Affairs (“DOLA”). The purpose of the TOCI program is to provide grants to local governments to upgrade infrastructure and support regulated affordable housing in Transit Centers and designated Neighborhood Centers within certified Transit-Oriented Communities.

B. The City recently completed TOCI-certification with DOLA, an eligibility requirement for the program. DOLA has awarded the City a TOCI grant (the “Grant”) for the Switchgrass Crossing, an affordable housing development located within a TOCI-certified Transit Center. Grant and local match funding will support the construction of onsite utility, stormwater, and related site infrastructure improvements. A copy of the Grant is attached hereto as Exhibit A and incorporated herein by reference. The State of Colorado has executed the Grant and it does not require execution by the City.

C. The appropriation and transfer herein benefit the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of contributing to transit-accessible affordable housing in the City.

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

E. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation 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.

F. Article V, Section 10 of the City Charter authorizes 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.

G. The City Manager has recommended the transfer of \$264,144 from the Community Capital Improvement Program Fund to the project budget in the Community Capital Improvement Program Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

I. City Council wishes to designate the appropriation herein for the 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.

J. Section 1-22 of the City Code requires that all intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to City Council for review, and any approval thereof shall be by ordinance or resolution of City Council, subject to certain exceptions. Further, the City is authorized to enter into intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and C.R.S. § 29-1-203.

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 General Fund the sum of SEVEN HUNDRED NINETY-TWO THOUSAND FOUR HUNDRED THIRTY-FOUR DOLLARS (\$792,434) to be expended in the General Fund for the construction of infrastructure to support the Switchgrass Crossing affordable housing development.

Section 2. The unexpended and unencumbered appropriated amount of TWO HUNDRED SIXTY-FOUR THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS (\$264,144) is authorized for transfer from the budget in the Community Capital Improvement Program Fund to the capital project account in the Community Capital Improvement Program Fund and appropriated therein to be expended for the Transit Oriented Communities Infrastructure Program project.

Section 3. The appropriation herein for the Grant 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 4. City Council hereby approves of the Grant, which is attached hereto as Exhibit A.

Introduced, considered favorably on first reading on June 16, 2026, and approved on second reading for final passage on July 21, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: July 31, 2026
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – State of Colorado Intergovernmental Grant Agreement