

ORDINANCE NO. 070, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATING PRIOR YEAR
RESERVES, AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
CONSTRUCTION OF THE SOUTHEAST COMMUNITY CENTER

A. On April 7, 2015, City voters approved Ballot Issue No. 1, and Ordinance No. 013, 2015, extending an existing twenty-five hundredths percent (0.25%) sales and use tax for the purpose of raising revenue for the “Community Capital Improvement Program (the “2015 CCIP Tax”).” Ordinance No. 013, 2015, includes a requirement that the City construct a Community Center in southeast Fort Collins focused on innovation, technology, art, recreation and the creative process, including a large outdoor leisure pool and meeting spaces dedicated to innovation and creativity (the “SECC”).

B. On November 7, 2023, City voters approved Ballot Issue No. 1 (the “2050 Tax”), increasing by five tenths percent (0.5%) sales and use tax for various purposes. Ordinance No. 168, 2023, further specifies the purposes of the 2050 Tax, including the allocation of fifty percent (50%) of revenues raised for the replacement, upgrade, maintenance, and accessibility of parks facilities and for the replacement and construction of indoor and outdoor recreation and pool facilities.

C. In November 2023, the Colorado Department of Local Affairs (“DOLA”) awarded the SECC Project a \$2,000,000 grant from the Climate Resistance Challenge to support energy resilience, community resilience, climate adaption and mitigation, and emission reduction.

D. On December 19, 2023, the City Council adopted Resolution 2023-112, authorizing the Mayor to execute an intergovernmental agreement (the “Initial SECC IGA”) governing the City’s acquisition of approximately 10 acres of land next to Fossil Ridge High School from Poudre School District (“PSD”) for the SECC, the construction of the SECC (including the an aquatics facility). The Poudre River Public Library District (the “Library District”), which was interested in co-locating a southeast branch library within the SECC, was also a party to the Initial SECC IGA. The Initial SECC IGA was executed by the parties and effective December 20, 2023.

E. On April 16, 2024, by adoption of Resolution 2024-026, and pursuant to the Initial SECC IGA and Resolution 2023-112, City Council authorized the City Manager to execute the Purchase and Sale Agreement with PSD for the Land, which was signed on April 30, 2024.

F. On November 3, 2025, by adoption of Resolution 2025-101, City Council directed staff to take such efforts and actions which may be required for the funding, financing, and construction of the SECC project (the “SECC Project”), and, further, by the resolution, memorialized a project scope, estimated project cost, and proposed sources of funding as the most optimal approach to achieve the important project goals

while efficiently and effectively managing project costs in order to balance the many demands on the City's public resources.

G. On April 21, 2026, City Council, by adoption of Resolution 2026-063, approved an intergovernmental agreement with the Library District (the "City-Library District IGA") to establish terms governing the design and construction of the SECC Project and the financial contribution of the Library District for its share of project costs in the maximum amount of \$23,000,000, including a schedule of payments to the City. Library District payments made pursuant to this City-Library District IGA will be deposited by the City into the City Projects Fund. The parties executed this intergovernmental agreement, which became effective on May 15, 2026.

H. On April 21, 2026, City Council, by adoption of Resolution 2026-064, approved a Joint Use Agreement ("JUA"), establishing the terms governing the operational and maintenance cost share of the City and the Library District and management of the joint use spaces within the SECC. The parties executed the JUA, which became effective on May 15, 2026.

I. On April 21, 2026, City Council, by adoption of Resolution 2026-065, approved a Facilities Use Agreement ("FUA"), establishing the terms governing the shared use of the indoor lap lanes at the Aquatics Facility, along with shared use of lap lanes by PSD at the EPIC pool and the Mulberry Pool. The parties executed this FUA, which became effective on _____.

J. On April 21, 2026, City Council, by adoption of Resolution 2026-066, approved an intergovernmental agreement with PSD (the "City-PSD IGA") to establish governing shared use of certain facilities, cost-sharing responsibilities, and coordination related to the SECC and adjacent properties. The parties executed this intergovernmental agreement, which became effective on April 28, 2026.

K. On May 5, 2026, City Council, by adoption on second reading of Ordinance No. 046, 2026, authorized the issuance of certificates of participation ("Lease COPs") to finance, in part, the construction of the SECC Project and other capital improvements of the City, within the parameters set forth in the ordinance, with City owned property as collateral. Ordinance No. 046, 2026, took effect on May 15, 2026. When received, Lease COPs proceeds for the SECC Project, anticipated to be \$36,000,000, will be deposited into the City Projects Fund, with lease payments to be funded by transfers from the 2050 Tax Parks Rec Transit OCF Fund into the Capital Leasing Corporation Fund and subject to annual appropriation.

L. On May 5, 2026, City Council, by adoption on second reading of Ordinance No. 047, 2026, approved an agreement to provide the Library District a lease to occupy and operate a public library for ninety-nine (99) years within a designated portion of the SECC. The parties executed this lease, which became effective on June 4, 2026.

M. 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.

N. 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.

O. The City Manager has recommended the appropriations described herein and determined that these appropriations are available and previously unappropriated from the 2050 Tax Parks Rec Transit OCF Fund, the Capital Leasing Corporation Fund, and the Capital Projects Fund, as applicable, and that these appropriations will not cause the total amount appropriated in the 2050 Tax Parks Rec Transit OCF Fund, the Capital Leasing Corporation Fund, or the Capital Projects Fund, as applicable, to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

P. The City Manager has recommended the appropriation of \$22,450,000 contributions for the SECC Project, (the "City-Library District IGA") , and determined that the funds to be appropriated are available and previously unappropriated from the Capital Projects Fund and that this appropriation will not cause the total amount appropriated in the Capital Projects 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.

Q. 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.

R. The City Manager has recommended the transfer of \$11,339,000 from the 2050 Tax Parks Rec Transit OCF Fund to the Capital Projects Fund; \$500,000 of anticipated revenue from the 2050 Tax Parks Rec Transit OCF Fund to the Capital Leasing Corporation Fund; \$250,000 of anticipated revenue from the 2050 Tax Parks Rec Transit OCF Fund to the Capital Projects Fund; and \$473,390 from the Capital Projects Fund to the Arts and Culture Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

S. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Arts and Culture Fund for a contribution to the Art in Public Places program (“APP Program”).

T. A portion of the project cost of \$47,339,000 has been used to calculate the contribution to the APP Program.

U. The amount to be contributed to the APP Program in this Ordinance will be \$473,390.

V. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project or 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 completion of the capital project or 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.

W. The City Council wishes to designate the appropriation herein for the SECC Project as an appropriation that shall not lapse until the completion of the project.

X. The City Council finds and determines that the adoption of this Ordinance is necessary for the public’s health, safety, and welfare, and therefore, wishes to authorize the expenditures described in this Ordinance.

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 prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund the sum of ELEVEN MILLION THREE HUNDRED THIRTY-NINE THOUSAND DOLLARS (\$11,339,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for transfer to the Capital Projects Fund to be expended therein for the SECC Project.

Section 2. There is hereby appropriated from new revenue or other funds in the 2050 Tax Parks Rec Transit OCF Fund the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for transfer to the Capital Leasing Corporation Fund to be expended therein for debt service costs for the SECC Project.

Section 3. There is hereby appropriated from new revenue or other funds in the 2050 Tax Parks Rec Transit OCF Fund the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for transfer to the Capital Projects Fund to be expended therein for the Southeast Community Center.

Section 3. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund from the proceeds of the Lease COPs authorized by Ordinance No. 046, 2026 the sum of THIRTY-SIX MILLION DOLLARS (\$36,000,000) to be expended in the Capital Projects Fund for the SECC Project.

Section 4. There is hereby appropriated from new revenue or other funds in the Capital Projects Fund DOLA grant funds in the sum of TWO MILLION DOLLARS (\$2,000,000) to be expended in the Capital Projects Fund for the SECC Project.

Section 5. There is hereby appropriated from new revenue or other funds received from Library District payments, made pursuant to the City-Library District IGA, in the Capital Projects Fund the sum of TWENTY-TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$22,450,000) to be expended in the Capital Projects Fund for the SECC Project.

Section 6. The unexpended and unencumbered appropriated amount of THREE HUNDRED SIXTY-NINE THOUSAND TWO HUNDRED FORTY-FOUR DOLLARS (\$369,244) in the Capital Projects Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 7. The unexpended and unencumbered appropriated amount of NINETY-FOUR THOUSAND SIX HUNDRED SEVENTY-EIGHT DOLLARS (\$94,678) in the Capital Projects Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 8. The unexpended and unencumbered appropriated amount of NINE THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$9,460) in the Capital Projects Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 9. The appropriations herein for the SECC 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 completion of the project.

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: Dianne Criswell

Exhibit: None