

ORDINANCE NO. 133, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE CHILDCARE
SPACE MODIFICATIONS AT THE NORTHSIDE AZTLAN COMMUNITY
CENTER AND RELATED ART IN PUBLIC PLACES

WHEREAS, City Council appropriated \$721,932 for the Childcare Space Modification at the Northside Aztlan Community Center (the “Project”) for the 2023 fiscal year; and

WHEREAS, on April 4, 2023, Council adopted Ordinance No. 040, 2023, appropriating an additional \$260,000 to cover the overage in the original construction estimate; and

WHEREAS, City staff is requesting an additional \$196,000 from Recreation Reserves to cover costs incurred due to modifications to the Project to allow for new underground utilities to be installed and to address safety concerns; and

WHEREAS, the Recreation Fund currently contains sufficient reserves to fully fund the Project; and

WHEREAS, this appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of making improvements to a public recreation center; and

WHEREAS, 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 Cultural Services and Facilities Fund for a contribution to the Art in Public Places program (“APP Program”); and

WHEREAS, the total amount of this project to date including this Ordinance is \$1,177,932; and

WHEREAS, the project cost of \$421,932 contributed by the American Rescue Plan Act (ARPA) in the 2023-2024 Budget Offer #43.23 is not applicable for contribution to the APP Program due to the funding restrictions in place; and

WHEREAS, the project cost of \$300,000 appropriated from General Fund Reserves in the 2023-2024 Budget Offer #43.23 is applicable for contribution to the APP Program and contributed in Ordinance No. 040, 2023; and

WHEREAS, the project cost of \$260,000 appropriated from Recreation Fund Reserves in Ordinance No. 040, 2023, is applicable for contribution to the APP Program and contributed in the referenced Ordinance; and

WHEREAS, the project cost of \$196,000 in this Ordinance contributed by Recreation Fund Reserves is applicable for contribution to the APP Program; and

WHEREAS, the amount to be contributed in this Ordinance will be \$1,960; 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 Recreation Fund and will not cause the total amount appropriated in the Recreation 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 \$1,960 from the Recreation Fund to the Cultural Services & Facilities 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 capital projects 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; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Project as appropriations that shall not lapse until the completion of the capital project.

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 Recreation Fund the sum of ONE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED SIXTY DOLLARS (\$197,960) to be expended in the Recreation Fund for the Childcare Space Modifications at the Northside Aztlan Community Center project. The appropriation 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 capital project.

Section 3. That the unexpended and unencumbered appropriated amount of ONE THOUSAND FIVE HUNDRED TWENTY-NINE DOLLARS (\$1,529) in the Recreation Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program. The appropriation 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 capital project.

Section 4. That the unexpended and unencumbered appropriated amount of THREE HUNDRED NINETY-TWO DOLLARS (\$392) in the Recreation Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 5. That the unexpended and unencumbered appropriated amount of THIRTY-NINE DOLLARS (\$39) in the Recreation Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Introduced, considered favorably on first reading, and ordered published this 3rd day of October, 2023, and to be presented for final passage on the 17th day of October, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 17th day of October, 2023.

Mayor

ATTEST:

City Clerk