



City of Fort Collins

# 2015 Legislative Priorities



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Environmental Protection Agency  
Administrator Gina McCarthy listens  
to discussion during Fort Collins tour  
in February 2014





## Introduction

Fort Collins is a community of more than 155,000 residents located at the foot of the Rocky Mountains along Colorado’s Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The Fort Collins City Council annually adopts a broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community.

The City is a data-driven municipal organization that strives to fulfill its mission, “Exceptional service for an exceptional community,” through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The 2015 City of Fort Collins Legislative Policy Agenda identifies a broad range of important issues for the City of Fort Collins. The Agenda expresses policies and positions on issues that affect the quality of life and the governance of our community. Our policy agenda is structured to address areas of local concern and also to reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

The City’s Legislative Priorities are issues Fort Collins is focused on in the 2015 Colorado General Assembly and United States Congress. These priority topics, similar to the City’s overall policies, are reviewed and updated annually. Revisions to the policy agenda and priorities are adopted in November ahead of the Colorado General Assembly session.

Partnership and interagency collaboration are important methods for achieving optimal legislative outcomes. On many federal and state issues, Fort Collins shares the concerns of others within the community, within the region and other communities statewide. In these cases, Fort Collins will seek opportunities to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community’s priorities. Fort Collins’ outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability; Safe Community; and Transportation. The Policy Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

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# City of Fort Collins Legislative Review Committee

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Wade Troxell, Chair
- Councilmember Lisa Poppaw
- Councilmember Ross Cunniff

## Legislative Review Process

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by the Legislative Policy Manager. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, the Legislative Policy Manager conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins works with the Colorado Association of Municipal Utilities (CAMU), which represents 29 municipal utilities throughout the state on utility issues. Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.



## Legislative Priorities

### Objective:

**Cooperate with stakeholders on refinement of Urban Renewal Authority laws**

### Issue:

An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of communities deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding source for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

URA law has been frequently modified by the General Assembly, including many changes supported by the City. Fort Collins supports dialogue on URA refinement but does not support bills that would eliminate the use of URA or TIF.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl.



The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas



Fort Collins supports studying and better understanding the health and community impacts of oil and gas extraction

### Objective:

#### **Support local control of oil and gas operations**

### Issue:

Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral rights ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to its fullest potential, but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City is monitoring the work of the Governor’s appointed Oil and Gas Task Force and will provide comments as permitted.

### Objective:

#### **Support allowing local governments to provide broadband and enhanced communication services**

### Issue:

In 2005, the Colorado General Assembly passed SB 152, “Competition in Utility and Entertainment Services.” The legislature’s stated intent behind the act was predictability, uniformity, and fairness in the cable television, telecommunications and high-speed Internet access industries, especially where affected by municipal actions.

SB 152 prohibits local governments from directly or indirectly providing cable television service, telecommunications service or advanced service. “Advanced service” is defined as “high-speed internet access capability in excess of two hundred fifty six kilobits per second both upstream and downstream.” Wired and wireless broadband services are included in this category.

Fort Collins Information Technology Department can provide wired and wireless broadband services to City offices and City-owned facilities, but is precluded from doing so by state law. The City supports modifying or repealing the provisions of SB05-152 to allow municipalities to provide this “advanced service” in their own buildings and facilities.

## Objective:

### **Advocate solutions to nuisance and safety issues related to railroad proximity**

## Issue:

Communities throughout the United States are wrestling with issues related to railroad proximity – these include the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to clean our air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaborate with railroads to train local emergency personnel



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Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

### Objective:

#### **Support marijuana law clarifications and alignment with Colorado Constitution**

### Issue:

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restrict packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug, this designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

### Objective:

#### **Participate in federal, state and regional efforts to foster resilient communities**

### Issue:

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.



**Objective:**

**Support regional transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system**

**Issue:**

Funding for vital transportation infrastructure continues to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

We strongly support preservation of federal funding levels and full allocation of federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long-range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs.

Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

The City supports a long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.



**Objective:**

**Pursue federal policies and resources needed to attain City-adopted climate action goals**

**Issue:**

Fort Collins has adopted aggressive climate action and greenhouse gas reduction goals. The City supports policies and legislation helping communities to achieve specific greenhouse gas reductions, gather scientific data supporting climate actions and to invest in needed infrastructure to limit or reduce greenhouse gas emissions.

The "Empowering Local Clean Energy Action" federal policy agenda identifies key policies and resources needed for local governments to sustain cleaner energy progress. These include investments in federal programs such as the Department of Energy's Energy Efficiency and Conservation Block Grants, EPA's Climate Showcase Communities, HUD's Sustainable Communities, and other programs that provide direct support for local sustainability initiatives.

Fort Collins supports clarification at the federal and state levels of Property Assessed Clean Energy (PACE) programs. PACE financing, an alternative to a loan, is designed to encourage the installation of renewable-energy systems and improve energy efficiency by helping property owners overcome the barrier of high up-front energy equipment and installation costs. Home energy efficiency can be a significant contributor to community energy efficiency and GHG-reduction goals.



Halligan Reservoir

### Objective:

#### **Support comprehensive water resource management**

### Issue:

Water resources from the Mountain West to California are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City’s water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address water needs, preserve its water rights portfolio, and to encourage conservation of water resources. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in the development of the Colorado Water Plan and the development of the federal Environmental Protection Agency’s (EPA) Waters of the United States rulemaking.

### Objective:

#### **Support waste stream management, reduction and resource strategies**

### Issue:

The Fort Collins community is just one member of a regional “waste shed” in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

The City relies on regional and state-wide infrastructure and systems for conventional landfill disposal alternatives such as commercial-scale composting, bio-digesters, recycled-content manufacturers, and specialty landfills. We can be more effective at meeting the community’s waste reduction goals through partnerships aimed at reduction, management and resources strategies.

HB07-1288, the Recycling Resources Economic Opportunity Act, will sunset in 2017. The City supports extending the provisions of this bill, which established a grant fund for recycling projects using revenue from a seven-cents/ton surcharge on trash placed in Colorado landfills. The City supports the grant program and further seeks steps to increase funding for this high-performing recycling program.

## Objective:

### **Support a comprehensive approach to reduce the impacts of poverty, housing affordability and homelessness**

## Issue:

Poverty and homelessness are persistent issues in Fort Collins and across Colorado. Fort Collins is committed to making homelessness rare, short-lived and non-recurring. The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Create an affordable housing fund
- Implement the Earned Income Tax Credit
- Fix the Child Care Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law

## Objective:

### **Support the innovation economy**

## Issue:

Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve city programs and services



The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

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