



City of Fort Collins
2017 Legislative Priorities



2017





Introduction

Fort Collins is a community of 161,000 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 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 Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

- The City's Legislative Priorities are broad issues Fort Collins is focused on during the Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence.
- The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

On many federal and state issues, Fort Collins shares the concerns of others within the region and statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; 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 Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

Legislative Review Process

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. 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, staff 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 also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will contract a state lobbyist to:

- Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session



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 the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool 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 the use of urban renewal and tax increment financing 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.

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 City has engaged regional partners in an attempt to develop an equitable process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.

Urban renewal is an important and useful tool and Fort Collins supports an equitable process for utilizing this mechanism locally.



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 and mitigating 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
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- 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; including air emissions transported from outside of our community
- 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 right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their 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 will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

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 extended blockages of community intersections, 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 three rail companies servicing the community 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), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to foster cleaner 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
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections



Fort Collins has two active railroad corridors and three rail companies servicing the community.



Objective:

Support marijuana law clarifications and alignment with Colorado Constitution

Issue:

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The 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 that 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 restricting 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 different 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.



Resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Objective:

Participate in federal, state and regional efforts to foster resilient communities and achieve Climate Action Plan goals

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.

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

Fort Collins adopted aggressive emission reduction goals. The City supports policies and legislation helping communities to achieve these goals, gather scientific data supporting the goal and investing in needed infrastructure to ensure a clean energy future.

City staff are working to develop actions to implement in order to achieve the Climate Action Plan goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals.

The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Climate Action Plan and resilience goals. The Legislative Review Committee will track actions of this group throughout the legislative session and make recommendations of support as appropriate

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.



Objective:

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

Issue:

Funding for vital transportation infrastructure will continue 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.

The City supports Congress's recent 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.

We strongly support preservation or increase of federal levels of funding and allocation of all 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. If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

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.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, sizable funding gaps remain in terms of needed I-25 improvements between SH-402 and SH-66.

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- Tax credit legislation for specific highway projects

Objective:

Support comprehensive water resource management

Issue:

Water resources in Colorado and throughout the West 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 local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

Objective:

Support a comprehensive approach to reduce the impacts of poverty and housing affordability

Issue:

Poverty and lack of affordable housing are persistent issues in Fort Collins and across Colorado. 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:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income 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 reform
- Pilot innovative programs to address housing

Objective:

Support Efforts to Address both Homelessness and Resource Resistant Populations

Issue:

Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

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

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