

# Revenue

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Issued by: Revenue and Project Manager

## **Objective:**

*Monitoring and controlling revenues is important to the City of Fort Collins. Through its revenue policy, the City primarily aims to maintain a diversified revenue system which will protect it from possible short-term fluctuations in any of its various revenue sources. To accomplish this, revenues are monitored on a continuous basis. An understanding of the economic and legal factors which directly and indirectly affect the level of revenue collections is an important part of the City's revenue policy.*

## **Applicability:**

*This policy applies to all City Revenues. This policy does/does not apply to or govern revenues generated by City-owned general improvement districts, DDA, URA, PFA or Library District.*

## **Authorized by:**

*City Council, Resolutions 1994-174, 2013-093, 2016-096, 2021-010*

## **2.1 Limitations under TABOR (Taxpayer Bill of Rights)**

### **A. Background**

The City of Fort Collins' revenue and expenditures are limited by Colorado's Taxpayer's Bill of Rights in Article X, Section 20 of the Colorado Constitution (TABOR). While TABOR limits both revenue and expenditures, its primary application is in limiting revenue collections. Growth in revenue is limited to the increase in the Denver-Boulder-Greeley Consumer Price Index plus local growth (new construction and annexation). This percentage is added to the preceding year's revenue base, giving the dollar limit allowed for revenue collection in the ensuing year. Any revenue collected over the limit must be refunded to the residents unless the voters approve the retention of the excess revenue. Federal grants or gifts to the City are not included in the revenue limit. City enterprises (electric, water, wastewater and stormwater utilities) are also exempt from the imposed limits. In 2003, the Golf Fund revenue sources was considered for enterprise status for purposes of TABOR.

B. 'De-Brucing'

In November 1997, Fort Collins' voters approved a ballot measure that allows the City to retain revenues that exceed the growth limit imposed by TABOR. The measure specified that any retained revenues over the growth limit must be used for certain designated purposes.

- Public Health and Safety (including, but not limited to, environmental monitoring and mitigation)
- Transportation
- Growth Management
- Maintenance and Repair of Public Facilities

C. TABOR Notice for New Tax or Tax Increase

- Develop revenue forecasts that are reasonable and factor in the implications of over collection.
- Review these forecasts with the appropriate leadership staff.

D. Monitor New Tax Revenue

- Staff will monitor actual revenue against the forecast revenue disclosed in the TABOR notice.
- In the second year, confirm first years' actual revenue to forecast and determine if any action is needed. Provide a report to the City Council with results and any recommended action.

E. TABOR Legislation and Judicial Decisions

Staff shall monitor new TABOR legislation, judicial decisions and actions taken by other governments to see if they affect the City. This will include working with the City's outside consultants, such as special bond counsel and CML. When such matters are discovered affecting the City, staff will confer to determine what actions, if any, the City should take in response.

F. Documentation of 'Fiscal Year Spending' under TABOR

Although the City has de-Bruced, current interpretations of TABOR section 20(3)(c) merits the need for the ongoing calculation of "fiscal year spending". Staff will maintain and update records annually to calculate the City's fiscal year spending under TABOR. These records shall be kept for at least six years. Also, documentation shall be kept current that defines which related agencies, funds and types of revenues are required under TABOR to be included in fiscal year spending and those that can be excluded.

## 2.2 Revenue Review, Objectives and Monitoring

### A. Review and Projections

The City reviews estimated revenue and fee schedules as part of the budget process. The major revenue sources in the General Fund are sales and use tax, property tax, lodging tax, intergovernmental revenues, fines and forfeitures, user fees and charges, and transfers from other funds. Conservative revenue projections are made for the budget term. The projections are monitored and updated as necessary.

### B. Principles

The City has established six (6) general principles that will be used to guide decisions on revenue:

#### 1. Develop and maintain stable revenue sources.

The City will strive to maintain stable revenue sources by:

- a. Targeting revenue sources with minimal volatility
- b. Monitoring current revenue sources for variability
- c. Adjusting forecasts as necessary to accommodate unanticipated increases and declines
- d. Monitoring and adjusting expenditures for unanticipated revenue gains/losses

#### 2. Develop and maintain a diverse revenue base.

For all general government operations, the City will strive to maintain diverse revenue sources. The City recognizes that becoming too dependent upon one revenue source would make revenue yields more vulnerable to economic cycles. Therefore, the City will strive to maintain diverse revenue sources by:

- a. Targeting revenue from multiple sources
- b. Working to expand fee based revenue where possible
- c. Working to minimize overdependence on any single revenue source
- d. Staff will monitor dependency on sales and use tax to ensure an over reliance does not occur

#### 3. Cultivate revenue sources that are equitable among residents of different economic levels.

The City will strive to preserve a revenue stream that does not overburden low income residents by:

- a. Providing low income residents with opportunities to participate in programs through reduced fee structures and scholarships
- b. Providing a Sales Tax on Food and Utility rebate to lessen the burden of taxes and fees on low income residents

- c. Ensuring fees do not exceed cost to provide service
- 4. Generate adequate revenue to maintain service levels in line with resident expectations.

The City will generate adequate revenue to maintain core service levels by:

- a. Ensuring fees for service do not exceed cost to provide service
- b. Maintaining a cost recovery model
- c. Monitoring service level performance annually through the Community Scorecard
- d. Regularly reviewing services to assess core vs. desired

- 5. Maintain healthy reserves.

The City will maintain healthy reserves by:

- a. Adhering to State mandated reserve and internal reserve policies
- b. Maintaining a Tabor (State) reserve for the General Fund of 3% or more of the City's fiscal year spending
- c. Meeting City policy for the General Fund of an additional contingency of 60 days or 17% of next year's adopted budgeted expenditures

- 6. Fees for Services are fairly born by those who use those services.

### C. Monitoring

In an annual summary financial report the major sources revenue and the associated percentages will be reviewed by the Council Finance Committee.

## 2.3 Fee Policy

As a home rule municipality, the City of Fort Collins has the ability to determine the extent to which fees should be used to fund City facilities, infrastructure and services. There are two kinds of fees that the City may establish: Impact Fees and Special Service Fees. Impact fees are typically one-time charges levied by the City against new development. Impact fees are based on current levels of service and act as a buy-in method for new development. The revenue can only be used for capital infrastructure needs created by the impact of the new development. However, the City may and does employ other methodologies legally available to calculate its impact fees. Special service fees are charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed. This Policy sets forth principles for identifying: (1) the kinds of services for which the City could appropriately impose fees; (2) methods for calculating the percentage of costs to be recovered by such fees; and (3) the manner in which the fees should be allocated among individual fee payers.

### A. Fees should be cost related

The amount of a fee should not exceed the overall cost of providing the facility,

infrastructure or service for which the fee is imposed. Cost may include direct and indirect costs. That is:

1. Costs which are directly related to the provision of the service; and,
2. Support costs which are more general in nature but provide support for the provision of the service.

#### B. Percentage of cost recovery

The extent to which the total cost of service should be recovered through fees depends upon the following factors:

1. The nature of the facilities, infrastructure or services. In the case of fees for facilities, infrastructure as well as governmental and proprietary services, total cost recovery may be warranted. In the case of governmental services, it may be appropriate for a substantial portion of the cost of such services to be borne by the City's taxpayers, rather than the individual users of such services.
2. The nature and extent of the benefit to the fee payers. When a particular facility or service results in substantial, immediate and direct benefit to fee payers, a higher percentage of the cost of providing the facility or service should be recovered by the fee. When a particular facility or service benefits not only the fee payer but also a substantial segment of the community, lower cost recovery is warranted.
3. The level of demand for a particular service. Because the pricing of services can significantly affect demand, full cost recovery for services is more appropriate when the market for the services is strong and will support a high level of cost recovery.
4. Ease of collection. In the case of impact fees, ease of collection is generally not a factor. In the case of fees for services, however, such fees may prove to be impractical for the City to utilize if they are too costly to administer.

#### C. Establishment and Modification of Fees and Charges

The following Impact Fees imposed by the City are established by the City Council by ordinance and may be modified only by ordinance of the City Council.

1. Six Capital Expansion Fees: Transportation, Neighborhood Park, Community Park, Fire, Police and General Government
2. Five Utility Fees: Water Supply Requirement, Electric Capacity, Sewer Plant Investment, Stormwater Plant Investment, Water Plant Investment

Fee updates occur on a regular two and four-year cadence and fee updates occur together to provide a more holistic view of the impact of any fee increases. Detailed

fee study analysis for all six Capital Expansion Fees occurs every four years. This requires an outside consultant through a request for proposal (RFP) process where data is provided by City staff. Findings by the consultant are also verified by City staff. For Utility Fees, a detailed fee study is planned every two years. These are internal updates by City staff with periodic consultant verification. Fee study analysis will be targeted in the odd year before Budgeting for Outcomes (BFO). In years without an update, an inflation adjustment occurs.

The amounts of all other service and administrative fees may be determined by the City Manager as provided in City Code Chapter 7.5, Article I, absent any provision of the City Charter the contrary. Development Review/Building Fees follow the same four-year cadence as the Capital Expansion Fees.

All fee revenues will be estimated by the City Manager and submitted to the City Council as part of the City Manager’s recommended budget.

D. Rebate Programs

If the amount of a particular fee is considered to be too high to accommodate the needs of particular segments of the community and the public interest would be served by adjusting the amount or manner of payment of such fees in particular instances, the amount of the fee may be waived, rebated, or deferred as appropriate. In the case of fees established by ordinance, the criteria for waiving, rebating, or deferring payment of such fees shall be established by the City Council by ordinance.

## 2.4 Sales and Use Tax Distribution

Sales and Use Tax shall be used and accounted for as intended by the voters. Details of how the different segments of sales and use tax are used are outlined in the City Code Chapter 25. The following is a summary for informational purposes only.

The City’s Sales and Use Tax currently totals 3.85 cents on a \$1.00 purchase, developed as follows:

In effect through December 31, 2020

1968 - General City uses	1.00 cent
1980 - General City uses	1.00 cent
1982 - General City uses	0.25 cent
2015 - Street Maintenance	0.25 cent*
2015 - Community Capital Improvement Program	0.25 cent*
2006 - Natural Areas & Open Space	0.25 cent*
2011 - Keeping Fort Collins Great	<u>0.85 cent**</u>
	3.85 cents

\* Excludes sales and use tax on grocery food for home consumption

\*\* Excludes sales and use tax on grocery food for home consumption and manufacturing

equipment

Taxes effective beginning January 1, 2021

<b>Begin</b>	<b>Through</b>	<b>Uses</b>	<b>Rate per \$1.00</b>	
1968	No end	General City Purposes	1.00 cent	
1980	No end	General City Purposes	1.00 cent	
1982	No end	General City Purposes	0.25 cent	
2016	2025	Street Maintenance	0.25 cent	*
2016	2025	Community Capital Improvement Program	0.25 cent	*
2006	2029	Natural Areas & Open Space	0.25 cent	*
2021	No end	General City Purposes	0.60 cent	**
2021	2030	General City Purposes	0.25 cent	**
			3.85 cents	

\* Excludes sales and use tax on grocery food for home consumption

\*\* Excludes sales and use tax on grocery food for home consumption and manufacturing equipment

## 2.5 Philanthropic Contributions

The City of Fort Collins (City) will pursue philanthropic support consistent with the City's goals and objectives, and in the best interests of Fort Collins residents. The City will always consider the public trust and comply with all applicable laws when soliciting and accepting philanthropic donations.

Strong oversight of philanthropic gifts is a priority, and the City has created multiple layers of accountability and transparency for donated funds and the projects receiving donated funds. Charitable gifts to the City can only be used for the intended purpose designated by donors. Charitable gifts to the City delivered directly into the budgets of benefiting projects, and can't be redirected by elected officials or City staff.

The City reserves the right to decline any charitable gift if, upon review, acceptance of the donation offer is determined in the sole discretion of the City not to be in the best interests of the City.

In 2019, the City of Fort Collins adopted Administrative Policy 52-City Give to create standards and protocols for the acceptance and governance of charitable gifts, and for the orchestration of philanthropic practices. Additionally, the City adopted Finance Governance Policy to establish protocols for City Give, staff and officials regarding the acceptance and documentation of philanthropic gifts, and procedures to responsibly and efficiently manage charitable gifts.



## Definitions

**Governmental Services:** *services provided by the City for the public good such as regulating land use, maintaining streets, and providing police and fire protection.*

**Impact Fees:** *usually one-time charges, levied by the City against new development to offset the impacts of the new developments*

**Proprietary Services:** *services provided for the benefit and enjoyment of the residents of the City, at their discretion, such as parks and recreation services*

**Rebate:** *a return of a portion of a fee within a specified time. Unlike a waiver or discount, the rebate is given after the fee has been paid in full*

**Special Service Fee:** *charges imposed on persons or property that are designed to defray the overall cost of the particular municipal service for which the fee is imposed*

**Waiver:** *when a portion of a fee is reduced before being paid by a buyer*

## Getting Help

*Please contact the Revenue and Project Manager with any questions at 970.221.6626.*

## Related Policies/References

*City Code Chapter 25 Taxation, Article III Sales & Use Tax*

*City Code Chapter 26 Utilities*

*Administrative Fee*