

ORDINANCE NO. 040, 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, the City Council appropriated \$721,932 for Childcare Space Modifications at the Northside Aztlan Community Center (the “Project”) for the 2023 fiscal year; and

WHEREAS, the City issued a Request for Proposals for the Project and the proposals received came in approximately \$260,000 over the original construction estimate; and

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

WHEREAS, the Project is necessary to address safety concerns at the Northside Aztlan Community Center and delay in the Project will cause Project costs to continue to increase; 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 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 contributed by General Fund Reserves in the 2023-2024 Budget Offer #43.23 is applicable for contribution to the APP Program and has not yet contributed; and

WHEREAS, the project cost of \$260,000 in this Ordinance contributed by Recreation Fund Reserves is applicable for contribution to the APP Program; and

WHEREAS, the total applicable project cost of \$560,000 has been used to calculate the contribution to the APP program; and

WHEREAS, the amount to be contributed in this Ordinance will be \$5,600; 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 appropriations described herein and determined that these appropriations are available and previously unappropriated from the Recreation Fund and the General Fund, as applicable, and will not cause the total amount appropriated in the Recreation Fund or the General 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; 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 \$3,000 from the General 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, the City Manager has recommended the transfer of \$2,600 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.

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 TWO HUNDRED SIXTY-TWO THOUSAND SIX HUNDRED DOLLARS (\$262,600) to be expended in the Recreation Fund for the Childcare Space Modifications at the Northside Aztlan Community Center project.

Section 3. That there is hereby appropriated from prior year reserves in the General Fund the sum of TWO THOUSAND THREE HUNDRED FORTY DOLLARS (\$2,340) is hereby authorized to be expended in the General Fund for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. That there is hereby appropriated from prior year reserves in the General Fund the sum of SIX HUNDRED FORTY DOLLARS (\$640) is hereby authorized to be expended

in the General Fund 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 there is hereby appropriated from prior year reserves in the General Fund the sum of SIXTY DOLLARS (\$60) is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 6. That the unexpended and unencumbered appropriated amount of TWO THOUSAND TWENTY-EIGHT DOLLARS (\$2,028) 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.

Section 7. That the unexpended and unencumbered appropriated amount of FIVE HUNDRED TWENTY DOLLARS (\$520) 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 8. That the unexpended and unencumbered appropriated amount of FIFTY-TWO DOLLARS (\$52) 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 21st day of March, 2023, and to be presented for final passage on the 4th day of April, 2023.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 4th day of April, 2023.

Mayor

ATTEST:

City Clerk