



**PROCLAMATION**

**WHEREAS** the City of Loveland recognizes the importance of the contributions of the disabled community; and

**WHEREAS** according to the 2010 census, there are 36 million people who have at least one disability, about 12 percent of the total U.S. population. Those with vision difficulties number 6.5 million, while 19.4 million have problems walking or climbing stairs. Another 13.5 million have difficulty concentrating, remembering, or making decisions; and

**WHEREAS** in 2010, approximately 9.6% of citizens in Colorado are considered disabled; and

**WHEREAS** according to the 2010 census, the number of senior citizens and number of persons with disabilities living in Loveland is over 15% of the City's population; and

**WHEREAS** to give more of a voice to the people with disabilities in Loveland and to assist the City in addressing issues related to persons with disabilities, the City Council formed the Disabilities Advisory Commission in October, 1976. The formation of the Disabilities Advisory Commission 35 years ago predates the Americans with Disabilities Act, which was implemented in 1990. The City also recognizes the important role that the Disabilities Advisory Commission plays in assisting the City to meet the requirements of the ADA and in raising awareness regarding disability issues.

**NOW, THEREFORE**, we, the City Council of Loveland, do hereby proclaim October 12, 2011 as

**DISABILITIES ADVISORY COMMISSION'S 35TH ANNIVERSARY DAY**

Signed this 18th day of October, 2011

Cecil A. Gutierrez,  
Mayor





**PROCLAMATION**

- WHEREAS,** the prevalence of those living with HIV/AIDS continues to increase in communities across our nation; and
- WHEREAS,** the mission of the Northern Colorado AIDS Project (NCAP) is to improve the quality of life for people living with HIV/AIDS and to help reduce the spread and stigma of the disease; and
- WHEREAS,** for twenty-five years, NCAP has advocated for and served those living with HIV/AIDS in an eight-county area of northern Colorado that encompass nearly 16,000 square miles – an area roughly equivalent in size to West Virginia; and
- WHEREAS,** the work performed by NCAP is entirely unduplicated, offering comprehensive assistance through HIV testing, prevention counseling, medical case management and mental health care; and
- WHEREAS,** NCAP’s national recognition in presentations at the Boston School of Social Work National Conference on HIV/AIDS 2008-2011, the Rural Centers for AIDS Prevention National Conference 2010-2011, and The US Conference on AIDS 2010 substantiates its efficacy as a successful model of delivery, programming and management; and,
- WHEREAS,** NCAP has now joined forces with Western Colorado Aids Project, Southern Colorado Aids Project and Denver Colorado Aids Project to form a new centralized, statewide organization to achieve greater efficiencies and benefits to those it serves.

**NOW THEREFORE,** we the City Council of Loveland, do hereby join with the Northern Colorado AIDS Project in its mission to improve awareness through prevention, education and the delivery of care through testing and case management do hereby proclaim November 2nd as

**NORTHERN COLORADO AIDS PROJECT DAY**

in Loveland and ask everyone in healthcare and our citizens as a whole to recognize the importance of prevention, education and testing in our effort to reduce the number of newly diagnosed cases of HIV/AIDS and to join us in thanking NCAP for twenty-five years of continuous service to our community.

Signed this 18th day of October, 2011

Cecil A. Gutierrez, Mayor

City Council Study Session and Special Meeting  
September 27, 2011  
Page 1 of 1

Mayor Gutierrez called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, Heckel, Solt, Klassen, McEwen, Rice, Johnson, McKean and Shaffer. City Manager, Bill Cahill was also present.

#### PLEDGE OF ALLEGIANCE

Consensus of Council was to not hear Item 2 "Poverty and Homelessness in Loveland". This item will be rescheduled to October 11, 2011.

1. ECONOMIC DEVELOPMENT

Destination Loveland Strategic Plan and Tourism Brand Assessment  
Economic Development Director Betsey Hale presented this item to Council. Members of the Community Marketing Commission were also present. Other presenters included Dawn Putney, Tool Box Creative; David Kennedy, Corona Insights; and Ed Goodman, Spiral Experiences, LLC. This is a report to the City Council and Community Marketing Commission on the findings of the brand assessment study and development of a strategic plan to guide the use of the lodging tax. A recommended activation plan for the development of new destination attractions and events is also being presented. City Manager Cahill summarizes Council direction as 1) Community Marketing Commission's Five Point Strategy had no major problems and Council will expect to see a final plan brought back to Council for adoption; 2) hire staff to serve as a hub or coordinator to market the City; 3) bring forward a recommendation to Council on future plans for the Visitor's Center; 4) budget appropriation.

2. DEVELOPMENT SERVICES

Poverty and Homelessness in Loveland – rescheduled to October 11, 2011.

The study session was adjourned at 8:50 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 8:52 PM.

**ROLL CALL** Roll was called and the following responded: McEwen, Solt, McKean, Shaffer, Johnson, Klassen, Rice; Heckel and Gutierrez.

**1. CITY MANAGER**

**A report from the Economic Development Director and consideration of any needed action concerning the ACE Manufacturing and Innovation Park**

At 9:07 p.m., Councilor Johnson moved for the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (45)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation with CAMT and private developers concerning the ACE Park, including, without limitation, the City's sale of the Agilent property recently purchased by the City, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or bargaining advantage; and related to these matters: to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof. Council reconvened from Executive Session at 10:45 p.m. Mayor Gutierrez announced the ACE Manufacturing and Innovation Park will be an agenda item at the October 4, 2011 regular council meeting.

**ADJOURNMENT** Having no further business to come before Council, the September 27, 2010 Special Meeting was adjourned at 10:46 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 5:40 PM.

**ROLL CALL** Roll was called and the following responded: McEwen, Solt, McKean, Shaffer, Johnson, Klassen, Rice; Heckel and Gutierrez.

**1. CITY MANAGER**

**Executive session for Staff Evaluations for City Manager Bill Cahill, Judge Starks and City Attorney John Duval**

At 5:43 p.m., Councilor Johnson moved for the City Council go into executive session, as authorized under CRS Sections 24-6-402(4)(f) and (4)(g) and City Charter Sections 4-4 (c)(5) and (c)(6) to consider and discuss personnel matter, the Council's annual performance evaluations of the City Manager, Municipal Judge and City Attorney and, in connection with this purpose, to receive and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product, and to receive legal advice from the City Attorney. Councilor McEwen seconded the motion and a roll call vote was held with all councilors present voting in favor thereof. Council reconvened from Executive Session at 9:38 p.m.

**ADJOURNMENT** Having no further business to come before Council, the October 5, 2010 Special Meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Johnson, Solt, Shaffer, McEwen and Rice.

**PROCEDURAL INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

**CONSENSUS OF COUNCIL** Mayor Gutierrez announced Items 18 & 19 will not be considered. Please direct any questions about the August 2011 Financial Report to Renee Wheeler and questions about the August 2011 Investment Report to Alan Krcmarik.

**CONSENT AGENDA** Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor McKean asked for Item 11 to be removed from the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 11. The motion was seconded by Councilor Heckel and a roll call vote was taken with all councilors present voting in favor thereof.

**1. MINUTES**

- a) Minutes for the September 13, 2011 study session were approved.
- b) Minutes for the September 20, 2011 regular meeting were approved.

**2. DEVELOPMENT SERVICES**

**Annexation Agreement Amendment Ozzie's First Addition (Habitat for Humanity Restore)**

**Ordinance #5628**

Legislative Action: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN OZZIE'S FIRST ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO" was approved and ordered published on second reading.

**3. DEVELOPMENT SERVICES**

**Easement Vacation Windemere 1<sup>st</sup> Subdivision**

**Ordinance #5629**

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 7, BLOCK 2, WINDEMERE FIRST SUBDIVISION" was approved and ordered published on second reading.

#### 4. DEVELOPMENT SERVICES

##### **Easement Vacation McKee Meadows 9<sup>th</sup> Subdivision (Liquor Max)**

**Ordinance #5630**

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A UTILITY AND DRAINAGE EASEMENT ON LOT 2, BLOCK 1, AMENDED PLAT OF LOTS 1 & 2, BLOCK 1, OF THE AMENDED PLAT OF LOTS 3 & 5, BLOCK 1, MCKEE MEADOWS 9TH SUBDIVISION" was approved and ordered published on second reading.

#### 5. CULTURAL SERVICES

##### **Supplemental Appropriation – Museum Programs and Exhibits**

**Ordinance #5631**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR MUSEUM PROGRAMS AND EXHIBITS" was approved and ordered published on second reading.

City Council adjourned and convened as the Board of Directors for the Loveland General Improvement District #1 (GID).

#### 6. PUBLIC WORKS

##### **Supplemental Appropriation – Traffic Signal & Lighting Upgrades**

**Ordinance #5632**

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 FOR TRAFFIC SIGNAL POLE AND ARM UPGRADES" was approved and ordered published on second reading.

The Board of Directors for the General Improvement District #1 adjourned and reconvened as City Council.

#### 7. PUBLIC WORKS

##### **U.S. 287 and Garfield Avenue Signal Replacement – CDOT Grant**

**a) Resolution #R-58-2011**

Administrative Action: Resolution #R-58-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the State of Colorado, acting by and through the Department of Transportation, for U.S. 287 and Garfield Avenue signal replacement was approved.

##### **RESOLUTION #R-58-2011**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE STATE OF COLORADO, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, FOR U.S. 287 AND GARFIELD AVENUE SIGNAL REPLACEMENT

WHEREAS, the City of Loveland desires to the replace the traffic signal at the intersection of U.S. 287 and Garfield Avenue on the State Highway System in Loveland (the "Project"), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting by and through the Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$301,000, and state funds are available for the Project in the amount of \$33,444 (for a total of \$334,444); and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by reference (the "Intergovernmental Agreement"), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- b) **1<sup>st</sup> Rdg Ord & P.H.** Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR SIGNAL REPLACEMENT AT THE US 287 AND GARFIELD AVENUE INTERSECTION" was approved and ordered published on first reading.

**8. PUBLIC WORKS**

**Supplemental Appropriation – Safe Routes to School Program**

- 1<sup>st</sup> Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE SAFE ROUTES TO SCHOOL PROGRAM" was approved and ordered published on first reading.

**9. PUBLIC WORKS**

**Supplemental Appropriation – Installation of Traffic Signals at I-25 & US34**

- 1<sup>st</sup> Rdg Ord & P.H. Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR MANAGEMENT OF THE INSTALLATION OF THE I-25 AND U.S. 34 TRAFFIC SIGNALS" was approved and ordered published on first reading.

**10. PARKS & RECREATION**

**Dryland Farm Lease Agreement**

- Resolution #R-59-2011 Administrative Action: Resolution #R-59-2011 approving a Dryland Farm Lease on Sauer Open Lands Property was approved.

RESOLUTION #R-59-2011

A RESOLUTION APPROVING A DRYLAND FARM LEASE ON SAUER OPEN LANDS PROPERTY

WHEREAS, the City of Loveland and the City of Fort Collins (the "Owners") own approximately 785 acres of land between Loveland and Fort Collins in May 2000 known as the Sauer Farm (the "Property"); and

WHEREAS, the Owners entered into an Intergovernmental Agreement ("IGA") dated March 22, 2000, regarding their joint ownership of the Property and related rights and responsibilities thereto; and

WHEREAS, the IGA provided that the Owners would use their best efforts to negotiate a lease with Tenant for farming the Property; and

WHEREAS, the IGA further provided that the City of Loveland (the "Managing Entity") was responsible for the management of the Property; and

WHEREAS, the Owners have in previous years entered into a Dryland Farm Lease with Tenant; and

WHEREAS, the City of Loveland desires to enter into a new lease agreement with Tenant for dryland farming of the Property, which is attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Dryland Farm Lease attached hereto and incorporated herein as Exhibit A is hereby approved.



Section 2. That the Mayor is hereby authorized and directed to enter into the Dryland Farm Lease, subject to such modifications in form or substance as the Mayor, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**11. PUBLIC WORKS**

**Support for North I-25 Final Environmental Impact Statement**

Resolution #R-60-2011                      This item was pulled from the consent agenda.

**12. FINANCE**

**Fund Balance Policy**

Resolution #R-61-2011

Administrative Action: Resolution #R-61-2011 adopting a policy establishing minimum fund balances for various City of Loveland Governmental and Enterprise Funds was approved.

RESOLUTION #R-61-2011

A RESOLUTION ADOPTING A POLICY ESTABLISHING MINIMUM FUND BALANCES FOR VARIOUS CITY OF LOVELAND GOVERNMENTAL AND ENTERPRISE FUNDS

WHEREAS, in the early 2000's the Citizen Finance Advisory Commission recommended that the City retain 6% of the General Fund revenue for an economic downturn; and

WHEREAS, although no policy was formally adopted, the City has included a 6% reserve in every General Fund financial master plan since that time; and

WHEREAS, it has not been necessary to appropriate the 6% reserve, notwithstanding severe economic conditions; and

WHEREAS, the City Council desires to adopt a method of establishing appropriate minimum fund balances based on a percentage of expenditures consistent with best practices in the governmental financial management industry for the City's various governmental and enterprise funds to protect against unanticipated events that may adversely affect the financial condition of the City and jeopardize the continuation of necessary public services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Fund Balance Policy attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and adopted, to be implemented with the 2012 Budget and continuing thereafter for each subsequent budget year.

Section 2. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A

**END OF CONSENT AGENDA**

**CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.**

**CITY COUNCIL**

a) Citizens' Reports                      None

b) Business from Council

Rice    Staff will look into the new signs at McDonalds in response to Councilor Rice's inquiry. Councilor Rice mentioned an upcoming Philosophy Class open to the public to be held at

the Library. Public Works Director Keith Reester addressed the matter of the trees in the median of US Highway 34 by Kohl's.

Johnson Councilor Johnson complimented all those involved with the 2011 Governor's Colorado Tourism Conference. The Benson Sculpture party on Thursday was especially well received. The Community Marketing Commission will be moving their meeting date to the third Wednesday of the month.

Solt Councilor Solt announced Loveland's Habitat for Humanity built their 100<sup>th</sup> home in Loveland and held a celebration of the event on September 24<sup>th</sup>. Staff was directed to prepare a report for Council on the amount of fees and other funds waived by the City in support of the homes built by Habitat.

Shaffer Councilor Shaffer stated the Candidate Forum held Monday, October 3<sup>rd</sup> was available for viewing on Comcast Channel 16.

Gutierrez Mayor Gutierrez attended the Cajun Boil fundraiser for the Community Kitchen, a grand opening and ribbon cutting ceremony for the new Loveland Campus of Regis University at 1605 Foxtrail Drive and the Northern Colorado Real Estate Conference that highlighted multi-family housing as one area of positive activity in the region.

c) City Manager Report

d) City Attorney Report None

**PROCEDURAL INFORMATION**

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

**REGULAR AGENDA**

**CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA**

**11. PUBLIC WORKS**

**Support for North I-25 Final Environmental Impact Statement  
 Resolution #R-60-2011**

Administrative Action: Public Works Director Keith Reester introduced this item to Council. This is an administrative action to adopt a resolution expressing support for the Final EIS released by the Federal Highway Administration and the Colorado Department of Transportation to examine improvements to the I-25 corridor from Denver to Wellington in northern Colorado. Councilor Johnson made a motion to approve Resolution #R-60-2011 of the City Council of the City of Loveland expressing support for the North I-25 Final Environmental Impact Statement. Councilor Heckel seconded the motion and a roll call vote was taken with eight councilors voting in favor and Councilor McKean voting against. The motion passed.

**RESOLUTION #R-60-2011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOVELAND EXPRESSING SUPPORT FOR THE NORTH I-25 FINAL ENVIRONMENTAL IMPACT STATEMENT**

WHEREAS, in late 2003, the Federal Highway Administration and the Colorado Department of Transportation initiated an Environmental Impact Statement ("EIS") to examine improvements to the I-25 corridor from Denver to Wellington in northern Colorado; and

WHEREAS, the improvements are needed to provide modal alternatives, correct geometric deficiencies, improve safety, mobility, and accessibility, and replace aging and obsolete infrastructure; and

WHEREAS, the Final EIS identifies and evaluates impacts of multi-modal transportation improvements including three build alternatives and a No-Action Alternative, which provides a baseline for comparison; and

WHEREAS, the Preferred Alternative was developed based on public and agency comments on the Draft EIS and working with public agencies and elected officials through a collaborative decision making process; and

WHEREAS, the Preferred Alternative combines elements of the two build alternatives evaluated in the Draft EIS, and includes I-25 improvements (general purpose lanes, tolled express lanes, and interchange reconstruction), I-25 express bus, US 85 commuter bus, and commuter rail service; and

WHEREAS, the Preferred Alternative meets the project purpose and need and has public support; and

WHEREAS, the City of Loveland, as a participating local agency, has been involved in this process from the beginning and desires to express its support for the Final EIS.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council of the City of Loveland hereby expresses its support for the North I-25 Final Environmental Impact Statement, a copy of which on file with the Loveland City Clerk's Office and is available at [www.coloradodot.info/projects/north-i-25-eis](http://www.coloradodot.info/projects/north-i-25-eis).

Section 2. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

### **13. FINANCE**

#### **2012 Budget**

Administrative and Legislative Actions: Budget Officer John Hartman introduced this item to Council. This is an administrative action to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2012 Budget on First Reading. The adoption of the 2011 mill levy is a legislative action. Included are all the Fee Resolutions and Ordinances necessary to adopt and implement the 2012 Budget. The Mayor opened the public hearing at 7:34 p.m. Bill Porter with Larimer Humane Society spoke in opposition to the 2012 budget because the budget for animal control was decreased. City Council will look at this item in 2012, mid-year. Mr. Porter was asked to provide statistical data to City Council on the types of calls received. Mr. Porter invited Council to the 13th Annual Top Cat & Tails Gala on October 21<sup>st</sup>. Ralph Trenary, chair of the Citizens' Financial Advisory Commission spoke in support of the recommended 2012 budget. Sheila Sharosko shared her concerns about allocating funds for the ponds at ACE Technology Park while decreasing funds for Larimer Humane Society. The Mayor closed the public hearing at 7:59 p.m.

#### **a) Resolution #R-62-2011**

Mayor Gutierrez expressed concern about the proposed fee for appeals to the Planning Commission and City Council. Councilor Johnson made a motion to approve Resolution #R-62-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the City of Loveland, other than services provided by the Water and Power Department and the Stormwater Enterprise, and superseding all prior Resolutions establishing such rates, charges and fees. Councilor Heckel seconded the motion and a roll call vote was taken with seven councilors present voting in favor and Mayor Gutierrez and Councilor Shaffer voting against. The motion passed.

#### **RESOLUTION #R-62-2011**

**A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE CITY OF LOVELAND, OTHER THAN SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT AND THE STORMWATER ENTERPRISE, AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES**

WHEREAS, Section 3.04.025 of the Loveland Municipal Code provides that the City Council shall, by resolution, fix the rates, charges, and fees to be collected by the City for goods and services provided by the City; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City, other than services provided by the Water and Power Department and the Stormwater Enterprise, in Resolution #R-51-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees said services to more accurately reflect the cost of providing said services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Schedule of Rates, Charges and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the City of Loveland, other than services provided by the Water and Power Department and the Stormwater Enterprise, and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-51-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-51-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**b) Resolution #R-63-2011**

Councilor Johnson made a motion to approve on first reading Resolution #R-63-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the Stormwater Enterprise of the City of Loveland and superseding all prior Resolutions establishing such rates, charges and fees. Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**RESOLUTION #R-63-2011**

**A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE STORMWATER ENTERPRISE OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES**

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City's Stormwater Enterprise in Resolution #R-52-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Stormwater Enterprise to more accurately reflect the cost of providing such services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Stormwater Enterprise of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-52-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-52-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- c) Resolution #R-64-2011** Councilor Johnson made a motion to approve on first reading Resolution #R-64-2011 adopting the 2012 Schedule of Rates, Charges, and Fees for services provided by the Water and Power Department of the City of Loveland and superseding all prior Resolutions establishing such rates, charges and fees. Councilor McEwen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

RESOLUTION #R-64-2011

A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, the City Council last set the rates, charges, and fees for services provided by the City's Water and Power Department in Resolution #R-53-2010; and

WHEREAS, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Water and Power Department to more accurately reflect the cost of providing said services to the customers; and

WHEREAS, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Water and Power Department of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-53-2010, for all billings mailed on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-53-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on and after January 1, 2012 as provided herein.

Section 4. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- d) 1<sup>st</sup> Rdg Ord & P.H.** Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2011 MILL LEVY FOR THE GENERAL FUND OF THE CITY OF LOVELAND, COLORADO". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

- e) 1<sup>st</sup> Rdg Ord & P.H.** Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING A 2012 PAY PLAN FOR CITY EMPLOYEES, AND

SUPERSEDING ALL PRIOR ORDINANCES ADOPTING SUCH A PAY PLAN". Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

- f) 1<sup>st</sup> Rdg Ord & P.H. Councilor Johnson made a motion to approve the revised ordinance and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE CITY OF LOVELAND, COLORADO" Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.
- g) 1<sup>st</sup> Rdg Ord & P.H. Councilor Johnson made a motion to approve the revised ordinance and ordered published on first reading "AN ORDINANCE MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012 FOR THE CITY OF LOVELAND, COLORADO". Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.
- h) 1<sup>st</sup> Rdg Ord & P.H. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE AMENDING SECTION 3.08.020 OF THE LOVELAND MUNICIPAL CODE REGARDING PLACEMENT OF GENERAL FUND TAX REVENUES IN A RESERVE ACCOUNT". Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.
- i) 1<sup>st</sup> Rdg Ord & P.H. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE SUSPENDING ANNUAL INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO LOVELAND MUNICIPAL CODE SECTION 16.38.110 FOR 2012". Councilor Klassen seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Mayor Gutierrez and Councilors Shaffer, Solt and McEwen voting against. The motion passed.

#### 14. FINANCE

##### **2012 Budget for the Loveland Special Improvement District #1**

##### **1<sup>st</sup> Rdg Ord & P.H.**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the City Council acts as the governing body for the District. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must have a budget approved by the City Council. The City of Loveland serves as staff for the District. The Mayor opened the public hearing at 8:41 p.m. and hearing no comments the Mayor closed the hearing at 8:41 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1". Councilor Klassen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

At 8:41 p.m., City Council adjourned and Convened as the Board of Commissioners for the Loveland Urban Renewal Authority (LURA)

#### 15. FINANCE

##### **2012 Budget for the Loveland Urban Renewal Authority**

**1st Rdg Ord & P.H.**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes. The Mayor opened the public hearing at 8:42 p.m. and hearing no comments the Mayor closed the hearing at 8:42 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY". Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

At 8:43 p.m., the Board of Commissioners for the Loveland Urban Renewal Authority adjourned and Convened as the Board of Directors for the Loveland General Improvement District #1 (GID)

**16. FINANCE**

**2012 Budget for the Loveland General Improvement District #1**

Administrative and Legislative Actions: Budget Officer John Hartman introduced this item to Council. The ordinance adopting the budget is an administrative action. The ordinance setting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District. The Mayor opened the public hearing at 8:43 p.m. and hearing no comments the Mayor closed the hearing at 8:43 p.m.

**a) 1st Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**b) 1st Rdg Ord & P.H.**

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE SETTING THE 2011 MILL LEVY FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1". Councilor Heckel seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

At 8:45 p.m., the Board of Directors for the General Improvement District #1 adjourned and reconvened as City Council

**17. FINANCE**

**Airport Schedule of Rates, Charges & Fees and 2012 Budget**

Administrative Action: Budget Officer John Hartman introduced this item to Council. This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget. The Mayor opened the public hearing at 8:46 p.m. and hearing no comments the Mayor closed the hearing at 8:46 p.m.

**a) Resolution #R-65-2012**

Councilor Johnson made a motion to approve Resolution #R-65-2012 adopting the 2012 Schedule of Rates, Charges and Fees for the Fort Collins-Loveland Municipal Airport and superseding all prior Resolutions establishing such rates, charges and fees,

effective January 1, 2012. Councilor McKean seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**RESOLUTION #R-65-2011**

A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES AND FEES FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES AND FEES, EFFECTIVE JANUARY 1, 2012.

WHEREAS, the Intergovernmental Agreement (IGA) between the Cities of Loveland and Fort Collins related to ownership and operation of the Fort Collins-Loveland Municipal Airport (the "Airport") provides that the City of Loveland serves as the staff support for administrative services and the City has historically set the Airport rates, charges and fees; and

WHEREAS, the City Council last set rates, charges and fees for the Airport pursuant to Resolution #R-54-2010, for calendar year 2011;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, that:

Section 1. The 2012 Schedule of Rates, Charges and Fees for the Fort Collins-Loveland Municipal Airport is hereby adopted for services provided by the Airport on or after January 1, 2012.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council setting the rates, charges and fees now being set, including those set in Resolution #R-54-2010, except with respect to any fee there under remaining due and owing on or after January 1, 2012.

Section 3. That notwithstanding the foregoing, the rates, charges and fees as set forth in Resolution #R-54-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

Section 4. This Resolution shall take effect as of the date of its adoption.

ADOPTED this 4th day of October, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- b) 1<sup>st</sup> Rdg Ord & P.H. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT". Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

**18. FINANCE**

**August 2011 Financial Report** This item was not heard by City Council. Questions should be directed questions to Renee Wheeler.

**19. CITY MANAGER'S OFFICE**

**Investment Report for August 2011** This item was not heard by City Council. Questions should be directed to Alan Krcmarik.

**20. CITY MANAGER**

**A report from the Economic Development Director and consideration of any needed action concerning the ACE Manufacturing and Innovation Park**

At 8:53 p.m., Councilor Johnson moved that City Council go into executive session as authorized in CRS Sections 24-6-402(4)(a), (4)(b), 4(e) and 4(g) and City Charter Sections 4-4(c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation with CAMT and private developers concerning the ACE Park, including, without limitation, the City's sale of the Agilent property recently purchased by the City, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or



bargaining advantage; and related to these matters; to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Shaffer seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof.

City Council reconvened at 9:51 p.m. Discussion ensued. Councilor Johnson moved that: (1) the City Manager be directed to proceed with negotiations with Cumberland & Western to enter into a thirty-day exclusive right to negotiate agreement for Cumberland & Western's potential purchase of the ACE Park property under a purchase agreement to be negotiated during the 30-day exclusivity period, the terms of which purchase agreement should be consistent with Cumberland & Western's proposal it submitted to the City in response to the RFP; (2) the City Manager be authorized to sign the exclusive right to negotiate agreement on behalf of the city provided it is only for a 30-day term and requires Cumberland & Western to deposit \$150,000 in escrow, but may contain such other terms and conditions as the City Manager determines, in consultation with the City Attorney, are in the City's best interest; and (3) that the City Manager be further directed to return to Council for its ordinance approval, any purchase agreement negotiated with Cumberland & Western. Councilor Klassen seconded the motion and a roll call vote was taken with all councilors present voting in favor thereof. City Manager Cahill stated CAMT supports City Council's decision of selecting Cumberland & Western. Jim Neenan of the Neenan Company thanked Council for their consideration of his proposal.

**ADJOURNMENT**

Having no further business to come before Council, the October 4, 2011 Regular Meeting was adjourned at 11:00 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Teresa G. Andrews, City Clerk

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 5:30 PM.

**ROLL CALL** Roll was called and the following responded: McEwen, Solt, McKean, Shaffer, Johnson, Klassen, Rice and Gutierrez. Mayor Pro-Tem Heckel was absent.

### 1. CITY MANAGER

#### **Executive session for Staff Evaluations for City Manager Bill Cahill, Judge Starks and City Attorney John Duval**

At 5:37 p.m., Councilor Johnson moved for the City Council go into executive session, as authorized under CRS Sections 24-6-402(4)(f), (4)(b) and (4)(g) and City Charter Sections 4-4(c)(3), (c)(5) and (c)(6) to consider and discuss personnel matters, the Council's annual performance evaluations of the City Manager, Municipal Judge and City Attorney and, in connection with this purpose, to receive and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product, and to receive legal advice from the City Attorney. Councilor McEwen seconded the motion and a roll call vote was held with all councilors present voting in favor thereof. Council reconvened from Executive Session at 9:55 p.m.

**Motion** Councilor Johnson moved to give the City Manager and the City Attorney a 2% increase. The motion seconded by Councilor Klassen passed with all councilors present voting in favor thereof. Staff will bring Resolutions for council consideration implementing the 2% increase for the City Manager and the City Attorney, on November 1, 2011.

**ADJOURNMENT** Having no further business to come before Council, the October 5, 2010 Special Meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor



**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 2  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** City Manager  
**PRESENTER:** Bill Cahill

**TITLE:**

Appointment of members to Community Marketing Commission, Human Services Commission, and Open Lands Commission

**DESCRIPTION:**

An administrative item appointing members to the Community Marketing Commission, the Human Services Commission, and the Open Lands Commission

**BUDGET IMPACT:**

Yes  No

**SUMMARY:**

At the June 21, 2011 meeting, City Council reappointed Linda Hughey to a three year term, and appointed Justin Erion, formerly an Alternate Member on CMC, to a full three year term. Rich Harter resigned from the **Community Marketing Commission** ("CMC") in July. This created a partial term vacancy in addition to possible Alternate positions. Three individuals applied. Interviews were held September 20 and September 28, 2011. Diana McKinney is recommended for appointment to CMC for a partial term vacancy effective until June 30, 2013. Kurt Albers and Ingrid Bush are recommended for appointments as Alternates on CMC, each for a one year term effective until October 18, 2012.

**Human Services Commission** ("HSC") has four vacancies. These are the result of a former member not applying for reappointment and the resignation of other members. Three individuals applied and two accepted interviews, which were held September 20, 2011. Rebecca Paulson and Penn Street are recommended for appointment to HSC, each for a three year term effective until June 30, 2014. Recruiting continues for the remaining vacancies.

Joel Johnston resigned from **Open Lands Advisory Commission** ("OLAC") in July, 2011. One applicant was interviewed. The interview committee recommends the appointment of Ted Mioduski, Jr. to OLAC for a term effective until December 31, 2014.

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**LIST OF ATTACHMENTS:**

None

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**RECOMMENDED CITY COUNCIL ACTION:**

Motion to appoint Diana McKinney to the Community Marketing Commission for a partial term effective until June 30, 2013. Motion to appoint Kurt Albers and Ingrid Bush as Alternate members of the Community Marketing Commission, each for a one year term effective until October 18, 2012.

Motion to appoint Rebecca Paulson and Penn Street to the Human Services Commission, each for a three year term effective until June 30, 2014.

Motion to appoint Ted Mioduski, Jr. to the Open Lands Advisory Commission for a term effective until December 31, 2014.

**REVIEWED BY CITY MANAGER:**



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**AGENDA ITEM:** 3  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Keith Reester, Director, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

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**TITLE:**

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland Budget for signal replacement at the US 287 and Garfield Avenue intersection

**DESCRIPTION:**

This is an administrative action to consider the second reading of an ordinance to appropriate federal and state funds for the signal replacement at the US 287 and Garfield Avenue intersection. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

**BUDGET IMPACT:**

Yes  No

The project is funded from federal grant funds and state match funds. The City of Loveland will provide in-kind services for the oversight of the project from within the approved 2011 budget for the Public Works Department, Traffic Division.

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**SUMMARY:**

CDOT will provide federal funds and state match funds to the City of Loveland to reimburse it for the costs, up to \$334,444, to replace the existing traffic signal at the intersection of US 287 and Garfield Avenue. This intersection is on the State Highway system, and the traffic signal is owned by CDOT. The City of Loveland maintains this traffic signal through a maintenance agreement with CDOT.

This project is currently in the preliminary design phase. Construction is planned for late 2012.

Funding Summary:

Federal Funds		\$301,000
Local Agency Match (required)	\$ 0	
Local Over-Matching Funds	<u>\$ 0</u>	
Subtotal Local Funds	\$ 0	\$ 0
State Match Funds		<u>\$ 33,444</u>
 Total Project Funds:		 \$334,444

The City of Loveland will provide in-kind services for the oversight of the project from within the approved 2011 budget for the Public Works Department, Traffic Division.

An ordinance is required to appropriate the federal and state funds as the award of this project occurred after the 2011 budget was adopted. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

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**LIST OF ATTACHMENTS:**

1. An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland Budget for Signal Replacement at the US 287 and Garfield Avenue Intersection
- 

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the Ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**                      October 4, 2011

**SECOND READING**                    October 18, 2011

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR SIGNAL REPLACEMENT AT THE US 287 AND GARFIELD AVENUE INTERSECTION.**

**WHEREAS**, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$334,440 from federal and state grants in the Capital Projects Fund 002 are available for appropriation. Revenues in the total amount of \$334,440 are hereby appropriated for replacement of a traffic signal at US 287 and Garfield Avenue and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Capital Projects Fund 002 - US 287 and Garfield Ave. Signal Replacement**

**Revenues**

002-0270-334.02-00-TS1101	State Grant	33,440
002-0270-334.48-00-TS1101	Federal Grant	301,000

**Total Revenue** **334,440**

**Appropriations**

002-0270-409-09-60-TS1101	Construction	334,440
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**Total Appropriations** **334,440**

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

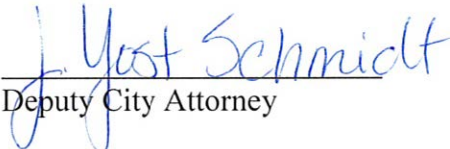
ADOPTED this \_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney





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**PUBLIC WORKS DEPARTMENT**  
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**AGENDA ITEM:** 4  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Keith Reester, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the Safe Routes to School Program.

**DESCRIPTION:**

This is an administrative action. Funding is appropriated for police overtime for enforcement and operating costs for Loveland to host a National Safe Routes to School Training Course. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

**BUDGET IMPACT:**

Yes     No

The entire appropriation is funded with a grant from CANDO Loveland.

**SUMMARY:**

CANDO Loveland is the local facilitator of Livewell Colorado grant funding. They have developed a strategic goal of assisting the City of Loveland maintain and expand the Safe Routes to School (SRTS) program through annual mini-grant opportunities. Past grants received:

April 2009:	\$ 500 for Task Force meetings
October 2009:	\$2,000 for overtime Police enforcement of school zones
April 2010:	\$1,500 for Task Force meetings and activities

These past grants were combined with the existing SRTS project funding.

In June 2011, the City received a new grant of \$3,000 through CANDO Loveland for this program. It is intended that \$1,500 of the funds be used to cover the overtime costs for police

enforcement and the other \$1,500 be used for the City to host a SRTS National Course training opportunity.

An ordinance is required to appropriate these funds as they were awarded after the 2011 budget was adopted. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

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**LIST OF ATTACHMENTS:**

An ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for the Safe Routes to School Program

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**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**            October 4, 2011  
**SECOND READING**        October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE SAFE ROUTES TO SCHOOL PROGRAM.**

**WHEREAS**, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$3,000 from a CANDO Loveland grant in the General Fund 001 are available for appropriation. Revenues in the total amount of \$3,000 are hereby appropriated for police enforcement overtime and operating costs to host the SRTS National Course training opportunity and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
 General Fund 001 - Safe Routes to School Grant**

<b>Revenues</b>		
001-2305-363-00-00 -TSSR14	Contributions	3,000
<b>Total Revenue</b>		<b>3,000</b>
 <b>Appropriations</b>		
001-2102-409-01-21 -TSSR14	Overtime	1,500
001-2305-409-02-99 -TSSR14	Other Supplies	750
001-2305-409-03-21 -TSSR14	Printing	750
<b>Total Appropriations</b>		<b>3,000</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

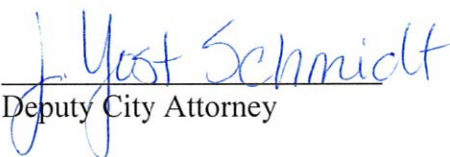
ADOPTED this \_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



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**AGENDA ITEM:** 5  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Keith Reester, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for management of the installation of the 1-25 and U.S. 34 traffic signals.

**DESCRIPTION:**

This is an administrative action. By a contractual arrangement the Centerra Metropolitan District agreed to pay the City a management fee for oversight of the installation of the signals at the I-25 and US 34 interchange. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

**BUDGET IMPACT:**

Yes     No

The appropriation is funded by outside revenue.

**SUMMARY:**

As part of the construction of the interim improvements at the I-25 and US 34 Interchange, the installation of two traffic signals was required. The City of Loveland (City) was working cooperatively with the Centerra Metropolitan District on the overall project. As the City had an existing contract for the installation of traffic signals that allowed for use by other government entities, an Intergovernmental Agreement was executed between the City and the Centerra Metropolitan District for the installation of the traffic signals for this project.

As part of the aforementioned Intergovernmental Agreement, the Centerra Metropolitan District agreed to pay the City an administrative management fee equal to 6.5% of the total cost of the traffic signals. That administrative fee equals \$28,878.85, based on the actual costs of the project, that were determined this summer at the time of completion of the project.

An ordinance is required to appropriate these funds as they were calculated and received after the 2011 budget was adopted. The first reading of this ordinance was approved by City Council at the October 4, 2011 meeting.

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**LIST OF ATTACHMENTS:**

An ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for management of the installation of the 1-25 and US 34 traffic signals

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**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**            October 4, 2011  
**SECOND READING**        October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR MANAGEMENT OF THE INSTALLATION OF THE I-25 AND U.S. 34 TRAFFIC SIGNALS**

**WHEREAS**, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$28,880 from a payment from the Centerra Metropolitan District in the General Fund 001 are available for appropriation. Revenues in the total amount of \$28,880 are hereby appropriated for management of the installation of the of the traffic signals at the I25 and U.S. 34 interchange and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
 General Fund 001 - Traffic Signal Management**

<b>Revenues</b>		
001-2305-368-10-00	Administrative Costs	28,880
<b>Total Revenue</b>		<b>28,880</b>
<b>Appropriations</b>		
001-2305-409-02-15	Computer Equipment	18,880
001-2305-414-03-44	Utility -Electric	10,000
<b>Total Appropriations</b>		<b>28,880</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

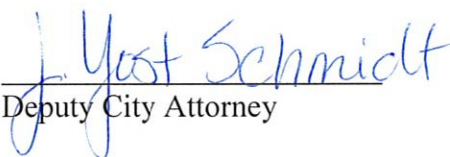
ADOPTED this \_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney





**CITY OF LOVELAND**  
BUDGET OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

**AGENDA ITEM:** 6  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

The adoption of the ordinances and implementing items to approve and implement the 2012 Budget.

**DESCRIPTION:**

This is an administrative action to adopt the fee resolutions and ordinances, except for the mill levy ordinance, to approve the 2012 Budget on Second Reading. By ordinance, the fee resolutions for the Utilities require two readings. The adoption of the 2011 mill levy is a legislative action. Included are all the materials necessary to adopt and implement the 2012 Budget.

**BUDGET IMPACT:**

Yes       No

These items establish the budget for the City of Loveland, Colorado in 2012 and implement fees and rates to meet the revenue projections in the budget.

**SUMMARY:**

The total Net City Budget for January 1 to December 31, 2012 of \$178.5 million is a nearly flat compared to the 2011 Net Adopted Budget of \$178.3 million, with a slight increase of 0.1%. While revenues have begun to recover from the lows of 2009, the Budget reflects an effort to maintain tight control of expenses. The General Fund budget for 2012 at \$63.6 million is reduced from the 2011 Adopted Budget of \$64.2 million by 0.9%.

The 2011 Revised Budget numbers in the material represent supplemental budget appropriations through June, 2011, and the percentage change is a comparison to the 2011 Adopted Budget. Staff believes this is the most accurate assessment of the change in the

budget, since it is not affected by one-time grants that have occurred during the year or incomplete capital projects balances rolled forward.

### **Current Environment**

There are signs that the northern Colorado regional economic picture is improving, even as the national economy shows signs of continued weakness and the possibility of a “double dip” recession. These muddled national economic prospects lead us into an attitude of continued vigilance and caution.

Loveland’s unemployment rate remains well below the national average, and has been trending downward in 2011. Job creation in Loveland has recovered somewhat in 2011, though not enough to generate real optimism of continuance. Retail sales tax revenues for 2011 are exceeding 2010, but use taxes (driven by construction activity) remain very low.

The economic recovery continues to be slow, but improving as demonstrated by the following:

- Sales tax collections through August are higher 5.9% than collections in 2010 through the same time period;
- Building projects remains severely constrained.
- The employment based on August figures has grown by 234 jobs from the same period the previous year.
- Property values have been reduced 4.5% from 2010 values.
- General Fund Revenues are above expenditures by \$1.15 million or 1.8%.

Based on the work done in the Financial Sustainability effort, the current projections indicate the ten year financial plan is balanced, with operating revenue exceeding operating expense in all but one year in the plan. It is important to continue to maintain fund balance reserves for the flexibility to respond to volatile economic conditions and invest in business opportunities that will create sustainable future revenue sources. To maintain those balances, strategic service level decisions will need to be made to continue to balance revenues and expenditures annually. If all the proposals included in the 2012 Budget are accepted by Council for the General Fund, revenue available for operations and capital exceeds expenses, but by a narrow margin. If further unforeseen shocks to the economic environment occur, this picture could change significantly.

### **Priorities for Developing the 2012 Budget**

The 2012 budget was developed based on ensuring that the projected resources exceed the projected expenditures for that year. It was important to evaluate opportunities to generate additional revenue, evaluate reserve contributions, evaluate health care costs, retain the best and brightest employees, be realistic with the cost to provide basic services and maintain the City’s legal commitments. The following paragraphs outline the changes that are included in the proposed budget.

### Revenues

Revenue projections set the parameters for the budget and are based on the following assumptions:

- Property tax revenue is projected to be lower than 2011 by 4.5%.
- The base sales tax is projected to increase 3.0% over the projected 2011 collections.
- Projecting that there will be a slight increase in residential construction, with commercial and multifamily projects staying flat to 2011;
- Increase the transportation fee 10% so that it is generating 60% of the street rehabilitation program cost, up from 50% of that program cost in 2011. This frees up General Fund revenue to be used for street maintenance operations.
- Water rate increase of 6.0%, 1% for raw water reservoir project and 4.0% for treatment plant and distribution system capital improvements and 1.0% for the increase in PILT payments.
- Power rate increase of 5.6% to cover the increase in the wholesale rate from Platte River Power Authority and PILT payments increases.
- Interest is calculated at 1.7% of the beginning fund balance.

### Expenses

Since the Study Session there have been the following changes:

- The funding source for the carrying costs for the ACE campus has been changed from using fund balance to using the Council Incentive Fund. This reduces the appropriation for the incentive fund to just over \$5,000, however it is anticipated that a significant amount of the 2011 appropriation will be unused and be reappropriated.
- The Food Sales tax rebate program had been reduced by \$10,000. Due to the amount of usage we are currently experiencing the reduction has been restored and \$5,000 added to meet the projected need.
- The Legislative budget has been reduced by \$20,000 by reducing the budget for travel, to meet the Council goals for a reduction to their budget as part of the Sustainability process.
- The contribution to the Fire Authority has been reduced by approximately \$300,000, based on the final calculation of the cost split between the Rural District and the City on the agreed 82% City, 18% Rural that was agreed to in establishing the Authority.
- Staff support costs of \$80,220 that had been included in the Lodging Tax Fund have been added to the General Fund.

Details on the General Fund expenses increases are below.

- No base or core budget inflationary increases;
- The employee merit pool is set at 2.0%;
- Continue to manage health claims costs through the new employee health clinic. The opening of the clinic is projected to reduce the inflation in claims costs by more than the cost of the clinic by the third year of operation. This will provide savings to the City in the amount of the claims paid and savings to the employees in deductibles on office visits.

The projected first year cost for setup and operation of the clinic is \$448,420. By reducing the inflation trend in claims costs, staff projects there will be claims savings of \$1.6 million for the five year period 2011-2015. Most of the savings occur in the last two years as the employees become more familiar and more confident in the clinic.

- The Street Rehabilitation Program is restored to full funding after two years of \$600,000 reductions;
- Funding to operate the new Rialto bridge project anticipated to come on-line in early 2012. Revenues from the operations and from a contract to provide facility maintenance in the private areas result in no net new expense.
- \$244,490 for four months carrying costs at the ACE Campus funded from the Incentive fund;
- \$100,000 increase in funding for major facility maintenance projects;
- \$80,000 for a new position and a summer intern in the Finance Department;
- \$40,000 to repair leaks in the Winona Pool, which is losing water;
- \$28,000 for additional Library books and materials;
- \$25,000 for an email archiving system;
- \$25,000 to expand the number of cameras and the data retrieval system for police interviews;
- \$25,000 to increase and administrative position in Development services to full time;
- \$18,750 to fund a Code Administrator position through the summer months;
- \$17,500 for additional cameras to monitor activity at North Lake Park;
- \$15,000 to resume a program for security upgrades to city buildings;
- \$8,260 for lead removal at the police gun range; and
- \$7,800 for building maintenance for city owned buildings downtown.

**Major Capital Projects for 2012 include:**

- \$8.55 million for the first phase of development at Mehaffey Park;
- \$1,100,000 for the Rialto Bridge project funded from the Council Reserve;
- \$164,460 for Recreation Trail expansion funded by Lottery funds;
- \$2.8 million for Open Space acquisitions funded by Open Space sales tax revenue and Open Space CEF fees;
- \$600,000 for major facility maintenance projects, funded by General Fund revenues;
- \$2.37 million for the Transportation Program, funded by Street CEF fees and General Fund TABOR reserves;
- 3.6 for the Street Rehabilitation Program funded by HUTF revenue passed through from the State and the Transportation fee;
- \$515,000 for the replacement of Fire Apparatus;
- \$284,000 to compete the replace of the emergency dispatch consoles;
- \$21.9 million over three years ending in 2014 for the engineering and construction of the 8,400 acre feet Chimney Hollow Reservoir;
- \$671,000 in Water transmission and distribution projects;
- \$663,600 in Water Filter Plant improvements;
- \$2.6 million in Water line replacements over five years

- \$1.0 million in Wastewater line rehabilitation projects;
- \$5.7 million in Wastewater Treatment Plant improvements;
- \$750,000 to complete the Washington Outfall Storm Water replacement project;
- \$6.6 million in Power System improvements over five years; and
- \$2.6 million in 2012 to complete ties between substations to protect against outages;

### **Mill Levy**

The 2011 General Fund mill levy will remain at the same amount as 2010 at 9.564. The 2011 Mill Levy combined with the assessed property value determines the amount of property tax revenue. 2011 Property Taxes are due and payable in 2012 and are used to fund a portion of the 2012 General Fund budget.

Staff believes it is presenting a conservative budget that maintains the services currently provided, while also maintaining our financial stability. Reserves in the operating funds meet the proposed fund balance policy that would require 15% of operating fund expenditures for the purposes of meeting unforeseen contingencies that may occur and to provide the City with a bridge if other economic challenges adversely impact our ability to deliver services.

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### **LIST OF ATTACHMENTS:**

1. Revised Budget pages as a result of eliminating the appropriations in the Lodging Tax Fund.
2. A Resolution on Second Reading adopting the 2012 Schedule of Rates, Charges and Fees for services provided by the Storm Water Enterprise of the City of Loveland, Colorado and superseding all prior resolutions establishing such rates, charges, and fees.
3. A Resolution on Second Reading adopting the 2012 Schedule of Rates, Charges and Fees for services provided by the Water & Power Department of the City of Loveland and superseding all prior resolutions establishing such rates, charges and fees.
4. An Ordinance on Second Reading adopting the mill levy for the General Fund of the City of Loveland, Colorado.
5. An Ordinance on Second Reading adopting a pay plan for city employees, and superseding all prior ordinances adopting such a pay plan.
6. An Ordinance on Second Reading adopting the 2012 budget for the City of Loveland, Colorado.
7. An Ordinance on Second Reading making an appropriation for the fiscal year beginning January 1, 2012 and ending December 31, 2012 for the City of Loveland, Colorado.

8. Staff Report and an Ordinance on Second Reading amending Section 3.08.020 if the Loveland Municipal Code regarding placement of General Fund tax revenues in a reserve account.
  9. Responses to October 4, 2011 questions at the regular council meeting.
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**RECOMMENDED CITY COUNCIL ACTION:**

1. Approval of the Resolution on Second Reading setting the 2012 Rates, Charges and Fees for the Storm Water Enterprise.
2. Approval of the Resolution on Second Reading setting the 2012 rates, Charges and Fees for the Water & Power Department.
3. Approval on Second Reading of an Ordinance adopting the 2011 Mill Levy for the General Fund of the City of Loveland, Colorado.
4. Approval on Second Reading of an Ordinance adopting a pay plan for City employees and superseding all prior ordinances adopting such a pay plan.
5. Approval on Second Reading of an Ordinance adopting the 2012 Budget for the City of Loveland, Colorado.
6. Approval on Second Reading of an Ordinance making an appropriation for the fiscal year beginning January 1, 2012 and ending December 31, 2012 for the City of Loveland, Colorado.
7. Approval on Second Reading of an Ordinance amending Section 3.08.020 of the Loveland Municipal Code regarding placement of General Fund tax revenues in a reserve account.

**REVIEWED BY CITY MANAGER:**

# Total City Budget

The 2012 budget is balanced in accordance with the City Charter, which requires appropriations to be within available resources or show surplus. This budget is in compliance with the provisions of Colorado's TABOR restrictions, and existing service levels are maintained.

The total City budget as shown below is the combined budgets of all parts of the organization except for the Fiduciary Funds and the Other Entities. The table below shows the gross City budget, as well as the net City budget, which excludes transfers, and represents projected actual expenditures.

## Total Budget

	'10 Actual	'11 Adopted Budget	'11 Revised Budget as of June	'12 Budget	'12 Budget / '11 Adopted Change
<b>REVENUE</b>					
<b>Beginning Balance</b>	<b>\$173,485,848</b>	<b>\$145,132,790</b>	<b>\$171,419,660</b>	<b>\$133,753,730</b>	
Taxes	45,632,723	44,466,780	44,966,770	46,331,520	4.2%
Intergovernmental	13,844,831	8,591,400	12,180,790	7,933,110	(7.7%)
Impact Fees	7,452,744	8,196,720	8,196,720	6,267,330	(23.5%)
Charges for Service	32,270,882	32,665,980	32,683,860	33,383,280	2.2%
Interest	1,807,164	3,084,020	3,084,020	2,605,910	(15.5%)
Other	6,360,216	5,044,420	7,385,320	6,154,610	22.0%
Utility Charges	60,799,755	62,979,640	62,979,530	65,941,590	4.7%
Utility Other	2,016,237	2,142,200	2,140,700	2,100,000	(2.0%)
<b>Total Net Revenue</b>	<b>\$170,184,552</b>	<b>\$167,171,160</b>	<b>\$173,617,710</b>	<b>\$170,717,350</b>	<b>2.1%</b>
Transfers	\$19,251,077	\$8,967,690	\$22,922,670	\$17,668,170	97.0%
<b>Total Revenue</b>	<b>\$189,435,629</b>	<b>\$176,138,850</b>	<b>\$196,540,380</b>	<b>\$188,385,520</b>	<b>7.0%</b>
<b>Total Resources</b>	<b>\$362,921,477</b>	<b>\$321,271,640</b>	<b>\$367,960,040</b>	<b>\$322,139,250</b>	<b>0.3%</b>
<b>EXPENSE</b>					
General Fund	63,403,954	64,179,020	69,074,640	63,617,600	(0.9%)
Enterprise Funds	76,246,930	90,845,380	102,255,110	83,336,960	(8.3%)
Internal Service Funds	15,322,190	17,000,460	18,173,810	17,439,420	2.6%
Special Revenue Funds	36,528,743	15,219,640	44,702,750	31,787,350	108.9%
<b>Total Expense</b>	<b>\$191,501,817</b>	<b>\$187,244,500</b>	<b>\$234,206,310</b>	<b>\$196,181,330</b>	<b>4.8%</b>
Less Transfers	\$19,251,077	\$8,967,690	\$22,922,670	\$17,668,170	97.0%
<b>Total Net Expense</b>	<b>\$172,250,740</b>	<b>\$178,276,810</b>	<b>\$211,283,640</b>	<b>\$178,513,160</b>	<b>0.1%</b>
<b>Ending Balance</b>	<b>\$171,419,660</b>	<b>\$134,027,140</b>	<b>\$133,753,730</b>	<b>\$125,957,920</b>	

## General Fund

	'10 Actual	'11 Adopted Budget	'11 Revised Budget as of June	'12 Budget	'12 Budget / '11 Adopted Change
<b>REVENUE</b>					
<b>Beginning Balance</b>	<b>\$27,834,919</b>	<b>\$22,389,510</b>	<b>\$29,163,270</b>	<b>\$23,949,940</b>	
TAXES	45,117,194	44,466,780	44,466,780	45,781,520	3.0%
LICENSES & PERMITS	1,631,549	1,069,800	1,083,680	1,073,180	0.3%
INTERGOVERNMENTAL	6,173,329	6,267,300	6,649,270	5,177,080	(17.4%)
CHARGES FOR SERVICE	3,023,739	3,533,480	3,533,480	3,542,800	0.3%
FINES & PENALTIES	1,060,320	962,400	962,400	1,005,280	4.5%
INTEREST	311,176	447,790	447,790	405,050	(9.5%)
OTHER	5,340,158	4,541,770	4,585,070	5,647,920	24.4%
TRANSFERS	2,074,840	2,059,840	2,132,840	2,062,020	0.1%
<b>Total Revenue</b>	<b>\$64,732,305</b>	<b>\$63,349,160</b>	<b>\$63,861,310</b>	<b>\$64,694,850</b>	<b>2.1%</b>
<b>Total Resources</b>	<b>\$92,567,224</b>	<b>\$85,738,670</b>	<b>\$93,024,580</b>	<b>\$88,644,790</b>	
<b>EXPENSES BY DEPARTMENT</b>					
LEGISLATIVE	106,423	125,880	125,880	126,200	0.3%
EXECUTIVE & LEGAL	1,803,833	1,793,730	1,835,270	1,864,480	3.9%
CULTURAL SERVICES	1,133,935	1,153,890	1,197,500	1,171,810	1.6%
DEVELOPMENT SERVICES	3,186,332	2,689,870	3,606,430	2,637,310	(2.0%)
ECONOMIC DEVELOPMENT	492,384	837,480	1,684,870	721,230	(13.9%)
FINANCE	2,163,129	2,368,140	2,463,140	2,413,690	1.9%
FIRE & RESCUE	7,788,379	7,837,730	8,031,660	-	(100.0%)
HUMAN RESOURCES	865,256	1,004,320	1,027,810	926,550	(7.7%)
INFORMATION TECHNOLOGY	2,931,210	3,037,140	3,354,470	3,221,870	6.1%
LIBRARY	2,394,183	2,295,880	2,383,120	2,337,460	1.8%
PARKS & RECREATION	7,551,789	8,510,040	8,629,510	8,419,070	(1.1%)
POLICE	15,707,233	16,198,110	16,754,480	16,015,060	(1.1%)
PUBLIC WORKS	10,673,095	10,909,760	11,376,540	11,601,910	6.3%
NON-DEPARTMENTAL	1,345,065	883,980	925,590	6,848,740	674.8%
TRANSFERS	5,261,708	4,533,070	5,678,370	5,312,220	17.2%
<b>Total Expense</b>	<b>\$63,403,954</b>	<b>\$64,179,020</b>	<b>\$69,074,640</b>	<b>\$63,617,600</b>	<b>(0.9%)</b>
<b>EXPENSE BY CATEGORY</b>					
PERSONNEL SERVICES	39,725,286	41,315,920	42,332,340	35,812,920	(13.3%)
SUPPLIES	3,574,931	3,304,180	3,493,580	3,317,800	0.4%
PURCHASED SERVICES	13,117,511	13,158,170	15,301,850	17,689,570	34.4%
DEBT SERVICES	38,247	-	-	-	-
TRANSFERS	5,261,708	4,533,070	5,678,370	5,312,220	17.2%
CAPITAL	1,686,270	1,867,680	2,268,500	1,485,090	(20.5%)
<b>Total Expense</b>	<b>\$63,403,954</b>	<b>\$64,179,020</b>	<b>\$69,074,640</b>	<b>\$63,617,600</b>	<b>-</b>
<b>Ending Balance</b>	<b>\$29,163,270</b>	<b>\$21,559,650</b>	<b>\$23,949,940</b>	<b>\$25,027,190</b>	



## Economic Development Department Summary

	'10 Actual	'11 Adopted Budget	'11 Revised Budget as of June	'12 Budget	'12 Budget / '11 Adopted % Change	'11 FTE	'12 FTE
<b>General Fund</b>							
BUSINESS DEVELOPMENT	254,676	565,470	1,411,950	343,090	(39.3%)	1.50	3.00
ECONOMIC GARDENING	64,555	94,910	95,820	73,040	(23.0%)	0.63	0.63
CREATIVE SECTOR DEV.	-	-	-	100,000	100.0%	-	1.00
PARTNER AGENCY CONT.	173,153	177,100	177,100	205,100	15.8%	-	-
<b>Total General Fund</b>	<b>\$492,384</b>	<b>\$837,480</b>	<b>\$1,684,870</b>	<b>\$721,230</b>	<b>(13.9%)</b>	<b>1.63</b>	<b>4.63</b>
<b>Special Revenue Fund</b>							
LODGING TAX	117,129	-	469,530	-	-	-	-
<b>Total Expense</b>	<b>\$609,513</b>	<b>\$837,480</b>	<b>\$2,154,400</b>	<b>\$721,230</b>	<b>(13.9%)</b>	<b>1.63</b>	<b>4.63</b>
<b>REVENUE</b>							
<b>General Fund</b>							
BUSINESS DEVELOPMENT	14,148	10,000	10,000	26,000	160.0%		
OPERATING TRANSFERS	-	-	-	76,130	100.0%		
GENERAL FUND SUBSIDY	478,236	827,480	1,674,870	619,100	(25.2%)		
<b>Total General Fund</b>	<b>\$492,384</b>	<b>\$837,480</b>	<b>\$1,684,870</b>	<b>\$721,230</b>	<b>(13.9%)</b>		
<b>Special Revenue Fund</b>							
LODGING TAX	515,529	-	500,000	550,000	100.0%		
INTEREST	860	-	-	7,300	100.0%		
<b>Total Special Revenue</b>	<b>\$516,389</b>	<b>-</b>	<b>\$500,000</b>	<b>\$557,300</b>	<b>100.0%</b>		
<b>Total Revenue</b>	<b>\$1,008,773</b>	<b>\$837,480</b>	<b>\$2,184,870</b>	<b>\$1,278,530</b>	<b>52.7%</b>		
<b>EXPENSE BY CATEGORY</b>							
PERSONNEL SERVICES	136,371	154,910	275,410	421,510	172.1%		
SUPPLIES	32,845	37,680	42,180	44,280	17.5%		
PURCHASED SERVICES	440,297	644,890	1,833,810	255,440	(60.4%)		
TRANSFERS	-	-	3,000	-	-		
<b>Total Expense</b>	<b>\$609,513</b>	<b>\$837,480</b>	<b>\$2,154,400</b>	<b>\$721,230</b>	<b>(13.9%)</b>		

**Lodging Tax Fund**

The Lodging Tax Fund revenue is from the 3% tax on the lodging price approved by the voters in November of 2009. Money in the fund is to be used to promote tourism, conventions and related activities within the City by marketing the city and promoting community events. The fund is managed by the Economic Development Department. Details on the expenditures are in the Department Summary chapter in the Economic Development Department Section.

**Lodging Tax Fund Summary**

	'10 Actual	'11 Adopted Budget	'11 Revised Budget as of June	'12 Budget	'12 Budget/'11 Adopted Change
<b>Lodging Tax</b>	<b>\$117,129</b>	-	<b>\$469,530</b>	-	-
<b>REVENUE</b>					
<b>Beginning Balance</b>	-	-	<b>\$399,260</b>	<b>\$429,730</b>	<b>100.00%</b>
LODGING TAX	515,529	-	500,000	550,000	100.00%
INTEREST	860	-	-	7,300	-
<b>Total Revenue</b>	<b>\$516,389</b>	-	<b>\$500,000</b>	<b>\$557,300</b>	<b>100.00%</b>
<b>Total Resources</b>	<b>\$516,389</b>	-	<b>\$899,260</b>	<b>\$987,030</b>	<b>100.00%</b>
<b>EXPENSE BY CATEGORY</b>					
PERSONNEL SERVICES	-	-	40,000	-	-
SUPPLIES	9,384	-	2,500	-	-
PURCHASED SERVICES	107,745	-	424,030	-	-
TRANSFERS	-	-	3,000	-	-
<b>Total Expense</b>	<b>\$117,129</b>	-	<b>\$469,530</b>	-	-
<b>Ending Balance</b>	<b>\$399,260</b>	-	<b>\$429,730</b>	<b>\$987,030</b>	

# Staffing Levels

This table represents a comparison of the benefitted positions that are authorized in the budget for all funds from 2010 to 2012. The summary includes all full-time and part-time benefitted positions, but does not include temporary or non-benefitted positions. A benefitted position is defined as receiving health and retirement benefits.

Department	'10 Actual	'11 Adopted Budget	'11 Revised Budget as of June	'12 Budget	'12 Budget / '11 Adopted Change
Executive & Legal	14.25	14.25	14.25	14.25	-
Cultural Services	11.40	11.40	11.40	10.88	(0.52)
Development Services	24.95	25.95	24.95	24.45	(1.50)
Economic Development	1.50	1.50	1.63	4.63	2.33
Finance	22.75	22.75	22.75	22.50	(0.25)
Fire & Rescue	68.00	66.00	66.00	66.00	-
Human Resources	10.00	9.75	9.75	9.00	(0.75)
Information Technology	20.50	20.50	20.50	20.50	-
Library	27.55	29.93	29.93	30.04	0.11
Parks & Recreation	59.02	61.52	61.35	60.44	(1.08)
Police	134.00	134.00	134.00	134.00	-
Public Works	75.78	75.78	75.78	75.78	-
<b>Total General Fund</b>	<b>469.70</b>	<b>473.33</b>	<b>472.29</b>	<b>472.47</b>	<b>(0.86)</b>
Finance/Risk Management	4.00	4.00	4.00	4.00	-
Public Works/Vehicle Maintenance	13.65	13.65	13.65	13.65	-
<b>Total Internal Service Funds</b>	<b>17.65</b>	<b>17.65</b>	<b>17.65</b>	<b>17.65</b>	<b>-</b>
Parks & Recreation/Golf	15.50	13.50	13.50	13.75	0.25
Public Works/Solid Waste	27.62	27.62	27.62	27.62	-
Public Works/Stormwater	14.65	14.35	14.35	14.60	0.25
Water & Power	114.50	114.50	114.50	114.50	-
Finance/Utility Billing & Meter Reading	25.40	24.90	24.90	24.90	-
<b>Total Enterprise Funds</b>	<b>197.67</b>	<b>194.87</b>	<b>194.87</b>	<b>195.37</b>	<b>0.50</b>
Parks & Recreation/Conservation Trust	0.92	0.92	0.92	0.92	-
Community & Business Relations/CDBG	0.80	0.80	0.80	0.80	-
Parks & Recreation/Open Space	1.83	1.83	2.00	2.15	0.32
Cultural Services/Art in Public Places	0.85	0.85	0.79	1.12	0.27
Lodging Tax	-	-	-	-	-
<b>Total Special Revenue Funds</b>	<b>4.40</b>	<b>4.40</b>	<b>4.51</b>	<b>4.99</b>	<b>0.59</b>
<b>Total City Employees (FTE)</b>	<b>689.42</b>	<b>690.25</b>	<b>689.32</b>	<b>690.48</b>	<b>0.23</b>

**FIRST READING**      October 4, 2011

**SECOND READING**   October 18, 2011

**RESOLUTION #R-63-2011**

**A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE STORMWATER ENTERPRISE OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES**

**WHEREAS**, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

**WHEREAS**, the City Council last set the rates, charges, and fees for services provided by the City's Stormwater Enterprise in Resolution #R-52-2010; and

**WHEREAS**, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Stormwater Enterprise to more accurately reflect the cost of providing such services to the customers; and

**WHEREAS**, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Stormwater Enterprise of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

**Section 2.** That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-52-2010, for all billings mailed on or after January 1, 2012.

**Section 3.** That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-52-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on January 1, 2012 as provided herein.

**Section 4.** That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 18<sup>th</sup> day of October, 2011.

---

Cecil A. Gutierrez, Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

  
Assistant City Attorney

# **Exhibit A**

## **City of Loveland, Colorado**

### **Schedule of Rates, Charges and Fees for the Storm Water Utility**

**Effective January 1, 2012**

## **STORM WATER UTILITY – Fund 43**

“Monthly fee” means the fee imposed upon a customer for a utility billing cycle, whether or not such cycle is a calendar month.

“Unit” means a lot, tract, or parcel of land containing an impervious surface.

“Unit size” means the area of a unit as shown on the subdivision or annexation map creating the unit. In the case of two-family and multiple-family dwellings on a single unit, unit size shall be the lot, tract or parcel size divided by the number of dwellings. In the case of multiple industrial, institutional, and commercial uses on a single lot, tract or parcel, unit size shall be the lot, tract or parcel; unit size shall be the lot, tract or parcel size pro-rated among the multiple uses in the same proportions as their building floor areas and related outdoor impervious surfaces bear to each other. Outdoor impervious surfaces used in common by such multiple users shall be prorated in the same proportions as the building floor areas and related outdoor impervious surfaces bear to each other.

There shall be excluded from the unit size for all residential units over one acre that portion of any residential unit in excess of two times the total impervious surface.

“Commercial unit” means any unit devoted to any commercial purpose or any other purpose not included within the definitions of industrial unit, institutional unit or residential unit.

“Industrial unit” means any unit devoted primarily to manufacturing, processing, assembly or storage of tangible personal property, research facilities, experimental or testing laboratories, warehouses, distribution and wholesale uses, utility service facilities, aircraft hangars and repair facilities for aircraft, and caretaker's quarters and other accessory buildings reasonably required for maintenance or security of the uses set out in this section.

“Institutional unit” means any unit devoted primarily to schools, hospitals, churches, libraries, and similar public and quasi-public uses.

“Residential unit” means any unit devoted primarily to one-family, two-family or multiple-family dwellings, as such terms are defined in Chapter 18.04 of the Loveland Municipal Code.

## STORM WATER UTILITY

### Inspection of Storm Drainage Improvements:

Single Family Unit	\$75.00
Duplex Unit	\$50.00
Multi-Family Unit	\$25.00
All other Buildings	\$150.00
Plus \$50 per acre for lots over two (2) acres, per acre	\$50.00

### Storm Water Fee:

<u>Residential Lot Size (square feet)</u>	
Less than 3999	\$4.61
4000-5999	\$5.75
6000-7999	\$8.30
8000-9999	\$10.39
Greater than 9999	\$11.53
<u>Non-Residential, per acre</u>	
Commercial	\$62.97
Industrial	\$52.66
Institutional	\$24.80

**Adjustments to monthly fee:** A non-residential customer may request an adjustment to the regular fee by one of the following methods, in order to allow for less impervious surface than the average for the class of use (Method A) or for on-site detention facilities (Method B). The two methods are not cumulative, and only the method resulting in the lower fee shall be used.

**Method A:** The fee shall be one-half of the regular fee, plus one-half of the regular fee multiplied by the percent of impervious area multiplied by the class factor. The Commercial class factor is 1.11, the Industrial class factor is 1.174, and the Institutional class factor is 2.49.

**Method B:** The fee shall be one-half of the regular fee, plus one-half of the regular fee multiplied by the ratio of the storm water runoff rate calculated to result after construction of detention facilities to the storm water runoff rate which would occur in the absence of detention facilities.

**Administration:** The City Manager or his designee shall implement the provisions of this resolution, and shall have full authority to consider and decide all adjustments to fees.

The fees imposed herein shall be billed in arrears.



**Storm Water System Impact Fee:**

High Density – more than 11 units per acre	\$3,000.00
Medium Density – more than 6 and up to 11 dwellings per acre	\$2,740.00
Low Density – more than 1 and up to 6 dwelling units per acre	\$2,480.00
Estate – up to 1 dwelling unit per acre	\$537.00
Commercial, per acre	\$4,920.00
Industrial, per acre	\$4,630.00
Institution, per acre	\$2,170.00

**FIRST READING**      October 4, 2011

**SECOND READING**   October 18, 2011

**RESOLUTION #R-64-2011**

**A RESOLUTION ADOPTING THE 2012 SCHEDULE OF RATES, CHARGES, AND FEES FOR SERVICES PROVIDED BY THE WATER AND POWER DEPARTMENT OF THE CITY OF LOVELAND AND SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING SUCH RATES, CHARGES, AND FEES**

**WHEREAS**, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

**WHEREAS**, the City Council last set the rates, charges, and fees for services provided by the City's Water and Power Department in Resolution #R-53-2010; and

**WHEREAS**, the City Council periodically adjusts the rates, charges, and fees for services provided by the City's Water and Power Department to more accurately reflect the cost of providing said services to the customers; and

**WHEREAS**, City staff has presented to the City Council a revised "Schedule of Rates, Charges, and Fees," a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Schedule of Rates, Charges, and Fees").

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the Schedule of Rates, Charges, and Fees, attached hereto as Exhibit A, is hereby adopted for services provided by the Water and Power Department of the City of Loveland and shall apply to all billings mailed on or after January 1, 2012.

**Section 2.** That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rates, charges, and fees now being set, including those set in Resolution #R-53-2010, for all billings mailed on or after January 1, 2012.

**Section 3.** That notwithstanding the foregoing, the rates, charges, and fees set in Resolution #R-53-2010 shall continue in full force and effect from the date of this Resolution until they are superseded on and after January 1, 2012 as provided herein.

**Section 4.** That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

ADOPTED this 18<sup>th</sup> day of October, 2011.

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Cecil A. Gutierrez, Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

  
Assistant City Attorney

# CITY OF LOVELAND, COLORADO



## Water and Power Department Schedule of Rates, Charges and Fees

*Effective 1/1/12*

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*City of Loveland, Colorado*  
*Water and Power Department*  
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**SUMMARY**

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**SUMMARY*****Electric Rates***

Annexation Surcharge	5%		
Renewable Energy Premium per 100 kilowatt-hour (kWh)	\$2.20		
		<u>Jan.-June,</u>	
		<u>Oct.-Dec.</u>	<u>July-Sept.</u>
Residential (Schedule R)			
Base Charge per Month	\$7.89		\$7.89
Energy Charge per kWh	\$0.06480		\$0.06900
PILT per kWh	\$0.00572		\$0.00598
Residential Demand (Schedule RD)			
Base Charge per Month	\$16.00		\$16.00
Energy Charge per kWh	\$0.02770		\$0.02770
PILT per kWh	\$0.00448		\$0.00476
Demand Charge per kW	\$7.75		\$8.25
Small General Service (Schedule SG)			
Base Charge per Month	\$12.25		\$12.25
Energy Charge per kWh	\$0.06500		\$0.06750
PILT per kWh	\$0.00536		\$0.00552
Plant Investment Fee per kWh	\$0.00507		\$0.00507
Large General Service (Schedule LG)			
Base Charge per Month	\$63.50		\$63.50
Energy Charge per kWh	\$0.03290		\$0.03350
PILT per kWh	\$0.00450		\$0.00470
Plant Investment Fee per kWh	\$0.00507		\$0.00507
Demand Charge per kW	\$9.99		\$10.49
Primary Service with Customer Owned Transformer (Schedule PT)			
Base Charge per Month	\$75.00		\$75.00
Energy Charge per kWh	\$0.03190		\$0.03340
PILT per kWh	\$0.00370		\$0.00392
Plant Investment Fee per kWh	\$0.00492		\$0.00492
Demand Charge per kW	\$8.99		\$9.49

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*City of Loveland, Colorado*  
*Water and Power Department*  
*2012 Schedule of Rates, Charges and Fees*  
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**Electric Rates Cont'd**

	<u>Jan.-June,</u> <u>Oct.-Dec.</u>	<u>July-Sept.</u>
Primary Service over 4,000 kW with Customer Equipment (Schedule HP)		
Base Charge per Month	\$75.00	\$75.00
Energy Charge per kWh	\$0.02850	\$0.02850
PILT per kWh	\$0.00370	\$0.00392
Plant Investment Fee per kWh	\$0.00492	\$0.00492
Demand Charge per kW	\$12.15	\$12.65
 Interruptible Service by Contract (Schedule IP)		
Area Lighting	<u>Jan.-Dec.</u>	
Rate per watt of bulb	\$0.04530	
PILT per watt of bulb	\$0.00339	
 Flat Rates (Schedule FR)		
Signal Amplifiers	\$26.70	
PILT	\$2.00	
Automatic Sprinkler Controls	\$3.97	
PILT	\$0.30	
Bus Shelters	\$16.41	
PILT	\$1.23	

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*City of Loveland, Colorado*  
*Water and Power Department*  
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**Wastewater Rates**

<u>Monthly Flat Rate</u>	<u>Inside City</u>	<u>Outside City</u>
Single-family residential	\$17.67	\$26.51
Multi-family residential per unit	\$14.22	\$21.33
Non-residential property (Commercial or Industrial)	\$115.23	\$172.83
 <u>Metered Water Service</u>		
Monthly base charge – single-family residential	\$5.63	\$8.45
Monthly base charge – multi-family residential	\$4.83	\$7.24
Monthly base charge – commercial	\$8.00	\$12.00
Monthly base charge – industrial	\$8.00	\$12.00
Volume charge per 1,000 gallons – single-family residential	\$2.60	\$3.90
Volume charge per 1,000 gallons – multi-family residential	\$2.60	\$3.90
Volume charge per 1,000 gallons – commercial	\$3.21	\$4.81
Volume charge per 1,000 gallons – industrial	\$3.36	\$5.04
 <u>High Strength Surcharge</u>		
BOD charge per pound when discharge is greater than 246 mg/l	\$0.32	\$0.48
TSS charge per pound when discharge is greater than 249 mg/l	\$0.17	\$0.26



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*City of Loveland, Colorado*  
*Water and Power Department*  
*2012 Schedule of Rates, Charges and Fees*  
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---

**Water Rates**

## Metered Rates

The monthly service charge shall be the sum of the base charge and the use fee per 1,000 gallons as set forth below:

## Single-Family Residential Base Charge

<u>Tap Size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$4.87	\$7.31
1.00	\$5.74	\$8.61
1.50	\$6.61	\$9.92
2.00	\$9.00	\$13.50
3.00	\$26.56	\$39.84
4.00	\$33.06	\$49.59
6.00	\$48.24	\$72.36

## Multi-Family Residential Base Charge

<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$9.99	\$14.97
1.00	\$10.84	\$16.27
1.25	\$11.29	N/A
1.50	\$11.72	\$17.56
2.00	\$14.10	\$21.15
3.00	\$31.66	\$47.49
4.00	\$38.17	\$57.25
6.00	\$53.34	\$80.00

## Commercial Base Charge

<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$4.87	\$7.31
1.00	\$5.74	\$8.61
1.50	\$6.61	\$9.92
2.00	\$9.00	\$13.50
3.00	\$26.56	\$39.84
4.00	\$33.06	\$49.59
6.00	\$48.24	\$72.36

*City of Loveland, Colorado*  
*Water and Power Department*  
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**SUMMARY**

***Water Rates Cont'd***

Irrigation Base Charge

<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$4.87	\$7.31
1.00	\$5.74	\$8.61
1.50	\$6.61	\$9.92
2.00	\$9.00	\$13.50
3.00	\$26.56	\$39.84
4.00	\$33.06	\$49.59
6.00	\$48.24	\$72.36

Industrial Base Charge

<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$4.87	\$7.31
1.00	\$5.74	\$8.61
1.50	\$6.61	\$9.92
2.00	\$9.00	\$13.50
3.00	\$26.56	\$39.84
4.00	\$33.06	\$49.59
6.00	\$48.24	\$72.36

Charges for larger taps will be set by City Council.

	<u>Inside City</u>	<u>Outside City</u>
Use Fee per 1,000 gallons		
Single-Family Residential	\$1.83	\$2.75
Multi-Family Residential	\$1.68	\$2.52
Commercial	\$1.77	\$2.66
Irrigation	\$2.17	\$3.26
Industrial	\$1.80	\$2.70

Note regarding Industrial rate: Any water customer whose annual water consumption is greater than twenty million gallons, and whose highest month use, as determined by the daily average, is not more than one hundred thirty percent of the average monthly use in a calendar year period, shall qualify for the Industrial rate. Qualification for this rate is subject to annual review by the Water and Power Department and may be revoked if determined that the customer no longer qualifies for this rate.

Hidden Valley Monthly Base Charge for 0.75 inch tap	\$142.21
Excess Water Use – Surcharge per 1,000 gallons	\$0.75

*City of Loveland, Colorado*  
*Water and Power Department*  
*2012 Schedule of Rates, Charges and Fees*  
**SUMMARY**

**Water Rates Cont'd**

Fire Hydrant Charge per month	
Residential	\$2.30
Commercial	\$5.80
Fire Protection Tap Service Fee per month	\$1.70
Tank and Hydrant Rate per 300 gallons	\$1.00

**Plant Investment Fees - Electric**

Residential Service	
Residential over 150 amp service	\$1,600.00
Residential 150 amp service or less	\$1,250.00
Non-Residential per kWh	
Small General Service	\$0.00507
Large General Service	\$0.00507
Primary Service w/customer equipment	\$0.00492
Primary Service over 4,000 kW w/customer equipment	\$0.00492

**System Impact Fees – Wastewater**

	<u>Inside City</u>	<u>Outside City</u>
Detached one-family dwelling	\$2,560.00	\$3,840.00
Attached one-family dwelling, per unit	\$2,180.00	\$3,270.00
Two-family dwelling, per unit	\$2,180.00	\$3,270.00
Multifamily dwelling containing 3-8 dwelling units, per unit	\$2,180.00	\$3,270.00
Multifamily dwelling containing 9 or more dwelling units, per unit	\$1,730.00	\$2,600.00

Nonresidential		
<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$5,160.00	\$7,740.00
1.00	\$17,090.00	\$25,640.00
1.50	\$30,060.00	\$45,090.00

Nonresidential taps above 1.5-inch pays the capital recovery surcharge

**Capital Recovery Surcharge – Wastewater**

Inside City per 1,000 gallons of sewer billed	\$0.760
Outside City per 1,000 gallons of sewer billed	\$1.140

*City of Loveland, Colorado*  
*Water and Power Department*  
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**SUMMARY**

### **System Impact Fees – Water**

	<u>Inside City</u>	<u>Outside City</u>
Detached one-family dwelling	\$4,560.00	\$6,840.00
Attached one-family dwelling, per unit	\$2,910.00	\$4,370.00
Two-family dwelling, per unit	\$2,910.00	\$4,370.00
Multifamily dwelling containing 3-8 dwelling units, per unit	\$2,910.00	\$4,370.00
Multifamily dwelling containing 9 or more dwelling units, per unit	\$1,940.00	\$2,910.00
Nonresidential		
<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$5,440.00	\$8,160.00
1.00	\$17,290.00	\$25,940.00
1.50	\$32,890.00	\$49,340.00
Irrigation		
<u>Tap size (in inches)</u>	<u>Inside City</u>	<u>Outside City</u>
0.75	\$11,790.00	\$17,690.00
1.00	\$30,970.00	\$46,460.00
1.50	\$79,190.00	\$118,790.00
2.00	\$105,160.00	\$157,740.00
3.00	\$258,000.00	\$387,000.00

Tap sizes larger than 3-inch shall be established by City Council. The impact fee for taps larger than 1.5 inch applies only to irrigation meters. Nonresidential taps above 1.5 inch pay the capital recovery surcharge.

#### **Hidden Valley Water Tap Activation Fee:**

This fee applies to all water taps applied for on or after January 1, 2010 to serve lots authorized pursuant to Resolutions #R-35-2004 and #R-83-2005. Payment of this fee shall be due upon application for the water tap. The fee shall be calculated as follows:  $A \times B \times C = \text{fee}$ .

A = Number of months from July 1, 2005 to the activation fee due date

B = \$67.00 per month

C = *Engineering News Record* 20 Cities Construction Cost Index (used to inflate the construction costs to current dollars)

### **Capital Recovery Surcharge - Water**

Inside City per 1,000 gallons of water	\$0.704
Outside City per 1,000 gallons of water	\$1.056

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*City of Loveland, Colorado*  
*Water and Power Department*  
*2012 Schedule of Rates, Charges and Fees*  
**SUMMARY**

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**Fire Tap Plant Investment Fee**

Fire Tap Plant Investment Fee (outside City only)	\$553.00
---	----------

**Raw Water Development Fee**

Detached One-Family Dwelling	\$1,000.00
------------------------------	------------

Attached One-Family Dwelling, per unit	\$1,000.00
--	------------

Multifamily dwelling containing 2-24 dwelling units, per unit	\$626.00
---	----------

Multifamily dwelling containing 25 or more dwelling units, per unit	\$123.00
---	----------

## Nonresidential

Tap size (in inches)

0.75	\$1,000.00
------	------------

1.00	\$1,700.00
------	------------

1.50	\$3,300.00
------	------------

2.00	\$5,300.00
------	------------

3.00	\$10,000.00
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Tap sizes larger than 3-inch shall be established by City Council. The impact fee for taps larger than 1.5 inch applies only to irrigation meters. Commercial taps above 1.5 inch pay the capital recovery surcharge.

**Raw Water Capital Recovery Surcharge Per 1,000 Gallons**

Raw Water Capital Recovery Surcharge Per 1,000 Gallons	\$0.15
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**Electric Fees**

Service Turn-On at the meter	\$35.00
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Service Turn-On at the meter – After Hours	\$65.00
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Service Turn-Off at the meter resulting from an unauthorized Service Turn-On	\$30.00
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Disconnect/Reconnect Services	\$125.00
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Disconnect/Reconnect Services with Upgrade	\$215.00
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Permanent Service Connect (No Disconnect Needed)	\$125.00
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Permanent Disconnect of Service	\$125.00
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**Electric Fees Cont'd**

Charges When Access Denied

Appointment or Special Trip to Read the Meter	\$10.00
Appointment or Special Trip to Read the Meter After Hours	\$15.00
Appointment or Special Trip to Change the Meter	\$35.00
Appointment or Special Trip to Change Meter After Hours or Weekends	\$45.00
Service is disconnected at the junction box or the overhead pole	\$125.00
When access to the pole is denied, actual costs will be billed	

Residential Service Installations

Typical Underground with 1/0 CIC	\$535.00
Typical Underground with 4/0 CIC	\$720.00
Typical Overhead	\$290.00

Multiplex 3-6 Units \$620.00

Field Engineering Deposits

Residential and duplex single phase installations, 1-2 lots	\$800.00
Single commercial buildings, transformer upgrades, raising, lowering, or removing existing power	\$1,200.00
Residential subdivision of 3-25 lots, commercial subdivision of 2-10 lots, raising, lowering, or removing existing power	\$1,600.00
Residential subdivision of more than 25 lots, commercial subdivision of more than 10 lots, malls, shopping centers, hospitals	\$3,000.00

Other Deposits – See Section Fees – Electric “Other Deposits”

Temporary Residential Connections \$130.00

Termination and energizing electric services to small devices \$285.00

Installation of Area Light \$360.00

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**Wastewater Fees**

Pretreatment Inspection Fee	\$70.00	
	<u>Inside City</u>	<u>Outside City</u>
Tapping Fees 4 inch or 6 inch Tap	\$210.00	\$235.00
4 inch Saddle and Stainless Strap	\$50.00	
6 inch Saddle and Stainless Strap	\$75.00	

**Water Fees**

Construction Water Fee	
<u>Tap size (in inches)</u>	
0.75	\$27.00
1.00	\$45.00
1.50	\$91.00
2.00	\$145.00
3.00	\$271.00
4.00	\$450.00
Above 4.00 inch tap will be negotiated with the Water and Power Department	
Water Turn-on Fee – Regular Hours	\$35.00
Water Turn-on Fee – After Regular Hours	\$60.00
Water Turn-off Fee for Unauthorized Service Turn-on	\$30.00
Water Meter Appointment Fee – Regular Hours	\$20.00
Water Meter Appointment Fee – After Regular Hours	\$30.00
Raw Water Cash-in-lieu Fee per Acre-Foot (City Code Sec.19.04.040)	Set by Loveland Utilities Commission
Native Raw Water Storage Fee per Acre-Foot	
Barnes Ditch	\$5,750.00
Big Thompson Ditch & Manufacturing Co.	\$3,530.00
Buckingham Irrigation Co. (Geo. Rist Ditch)	\$7,400.00
Chubbuck Ditch	\$7,400.00
Louden Irrigating Canal and Reservoir Co.	\$6,850.00
South Side Ditch Company	\$6,770.00

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**Water Fees Cont'd**

Construction Hydrant Meter Deposit	\$1,000.00
Hydrant Meter Rental	
Daily Rental	\$5.00
Install Fee	\$20.00
Remove Fee	\$20.00
Moving Meter Fee	\$20.00
Water Use	\$1.00/300 gallons
Meter Fees	
0.75 inch Meter and Readout	\$175.00
1.00 inch Meter and Readout	\$235.00
Install Meter and Inspection	
Meter inspect	\$45.00
Meter install	\$75.00
Water Tapping Fee	
0.75 inch	\$260.00
0.75 inch Corporation Stop	\$40.00
1.00 inch	\$260.00
1.00 inch Corporation Stop	\$55.00
1.50 inch	\$320.00
1.50 inch Corporation Stop	\$105.00
2.00 inch	\$320.00
2.00 inch Corporation Stop	\$175.00
Above 2.00 inch	\$320.00

**Miscellaneous Fees**

Late Payment Penalty	\$12.00
Field Collection Fee	\$18.00
New Account Fee	\$11.00
Reactivation Fee	\$10.00
New Account Meter Reading Fee	\$10.00
Interfering or Tampering with a Meter – electric or water	\$50.00
Return Check (Insufficient Funds) Charge	\$20.00
Filing Fee for Unpaid Bills	\$30.00



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**RATES - ELECTRIC**

**I. Rates - Electric**

***Resale of Electric Current Prohibited***

It is unlawful for any consumer who purchases electric service from the City to sell such service to others.

***Surcharge***

There is imposed a surcharge in the amount of five percent of base charges plus charges for energy, demand, payment-in-lieu-of-taxes (PILT) for the sale of electric power to services that come into existence in all areas annexed to the City after January 31, 1987, which areas were formerly a part of an exclusive service territory granted to a cooperative electric association by the Public Utilities Commission. Such surcharge shall expire ten years after the effective date of annexation of each such area.

***Renewable Energy Premium***

***Availability***

The renewable energy premium is available as an option to all residential, commercial, and industrial customers served under Schedules R, RD, SG, LG, PS, PT and HP. The renewable energy premium is not available to Interruptible, Area Light or Flat Rate customers served under Schedules IP, AL and FR.

***Monthly Rate***

Premium per each 100 kWh increment of energy .....\$2.20

This charge is in addition to all other regular charges the customer incurs for electric service.

***Monthly Minimum***

The minimum bill shall be \$2.20 for each 100 kWh increment requested by the customer in the service agreement, plus the minimum bill as identified in the principal rate schedule for the customer.

***Conditions***

Service Restrictions – The supply of renewable energy is limited to the resources made available to the department by its power supplier, Platte River Power Authority (PRPA), and is therefore subject to all terms and conditions identified in PRPA’s tariff for Renewable Energy Service.

***Service Agreement***

The renewable energy premium is an optional charge and requires the customer to sign a service agreement with Loveland Water and Power.

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**Service Agreement Period**

The renewable energy premium for all eligible rate schedules shall be available for a minimum initial period of 12 consecutive months and then continuing month to month thereafter until terminated. After the minimum period, the obligation to purchase or provide renewable energy may be terminated upon 30 days notice by either party. Termination of the principal service shall also terminate the agreement unless the customer chooses to advance the agreement to the new service address.

**Service Agreement Amount**

Customer may request renewable energy in 100 kWh increments. The billable monthly renewable energy premium will be the number of 100 kWh increments requested by the customer in the service agreement. The actual kilowatt-hours used by the customer in any given month may be more or less than the average.

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### **Self-Generation Rate**

#### **Availability**

The Self-Generation Rate is available as an option to all electric service customers who own, operate and maintain their own generation equipment.

#### **Monthly Rate – System Size 1-50 kW**

	<b>Jan. – June, Oct. – Dec.</b>	<b>July – Sept.</b>
<b>Residential</b>		
Base charge	\$7.89	\$7.89
Energy charge per kWh	\$0.06480	\$0.06900
Buyback charge per kWh	\$0.03872	\$0.04208
Monthly minimum bill	\$7.89	\$7.89
System size limitation	50 kW	50 kW
PILT per kWh	\$0.00572	\$0.00598
<b>Small General</b>		
Base charge	\$12.25	\$12.25
Energy charge per kWh	\$0.06500	\$0.06750
Buyback charge per kWh	\$0.03872	\$0.04208
Monthly minimum bill	\$12.25	\$12.25
System size limitation	50 kW	50 kW
PILT per kWh	\$0.00536	\$0.00552
Plant Investment Fee per kWh	\$0.00507	\$0.00507
<b>Large General</b>		
Base charge	\$63.50	\$63.50
Energy charge per kWh	\$0.03290	\$0.03350
Demand per kW	\$9.99	\$10.49
Buyback charge per kWh	\$0.03872	\$0.04208
Monthly minimum bill	\$63.50	\$63.50
System size limitation	50 kW	50 kW
PILT per kWh	\$0.00450	\$0.00470
Plant Investment Fee per kWh	\$0.00507	\$0.00507

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**Self-Generation Rate Cont'd**  
**Conditions**

The city will net meter all energy consumed by the customer and produced by the customer's generation system. Net metering shall be, for billing purposes, the net consumption as measured at the service meter on a monthly basis. Consumption will be measured monthly and in the event net metering is negative in a given month, such that the customer's generation system production is greater than the customer's consumption, there will not be a monthly cash credit for such production. All such excess energy, expressed in kilowatt-hours, shall be carried forward from month to month and credited against the customer's energy consumption, expressed in kilowatt-hours, in subsequent months. In the event that a negative net consumption balance remains after twelve consecutive months following the effective date of customer's commencing on the Self Generation Rate, or any annual anniversary thereafter, the City will pay the customer for such negative balances at the Self Generation Buyback Charge Rate.

Monthly Rate – System Size 51 – 400 kW

<b>Large General Service</b>	<b>Jan. – Jun. Oct. – Dec.</b>	<b>July – Sept.</b>
Base Energy	\$63.50	\$63.50
Energy Charge per kWh	\$0.03290	\$0.03350
PILT per kWh	\$0.00450	\$0.00470
Plant Investment Fee per kWh	\$0.00507	\$0.00507
Demand per kW	\$9.99	\$10.49
Buyback charge per kWh	\$0.04870	\$0.05880
Monthly Minimum Bill	\$63.50	\$63.50
System Size Limitation	51-400 kW	51-400 kW

The Self-Generating customer must be in compliance with the technical specifications and requirements contained in the Standard for Interconnecting Distributed Resources with the City of Loveland Electric Power System as found in the City's Municipal Code, Section 13.12.240 and must enter into a contract with the City.

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**RATES - ELECTRIC**

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**Residential Service**  
**Schedule R**

**Availability**

Residential Service is available for single-family dwelling units and individually metered multi-family dwelling units at any location within the area served by Loveland Water and Power. Single-family dwelling units and individually metered multi-family dwelling units shall mean those buildings or units used solely as residences and not used in part for any other purpose. This rate is applicable to existing and new residential customers. Service will be delivered through a single meter per dwelling unit, at one point of delivery.

**Monthly Rate**

The rate for Residential Service shall consist of the sum of the base charge, energy charge, and PILT in accordance with the following table:

**Monthly Rate**

The rate for Residential Service shall consist of the sum of the base charge, energy charge, and PILT in accordance with the following table:

	<u>Jan. – June,</u> <u>Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$7.89	\$7.89
Energy charge per kWh	\$0.06480	\$0.06900
PILT charge per kWh	\$0.00572	\$0.00598
Monthly minimum bill	\$7.89	\$7.89

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**Residential Demand Service  
Schedule RD**

**Availability**

Residential Demand Service is available for single-family dwelling units and individually metered multi-family dwelling units at any location within the area served by Loveland Water and Power. Single-family dwelling units and individually metered multi-family units shall mean those buildings or dwelling units used solely as residences and not used in part for any other purpose. Existing accounts may elect service under this schedule by making application to Loveland Water and Power. Service will be delivered through a single meter per dwelling unit, at one point of delivery.

**Monthly Rate**

The rate for Residential Demand Service shall consist of the sum of the base charge, energy charge, demand charge and PILT in accordance with the following table:

	<u>Jan. – June, Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$16.00	\$16.00
Energy charge per kWh	\$0.02770	\$0.02770
PILT charge per kWh	\$0.00448	\$0.00476
Demand charge per kW	\$7.75	\$8.25
Monthly minimum bill	\$16.00	\$16.00

**Billing Demand**

The demand shall be the highest rate of use in kilowatts during any 15 minute interval of the billing period.

**Power Factor Charge**

Power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

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**Small General Service  
 Schedule SG**

**Availability**

Small General Service is required for all non-residential customers with less than or equal to 50 kW demand per month in ten months of a consecutive 12-month period. This also includes temporary power for non-permanent non-residential customers (for example: firework stands and holiday lights).

**Monthly Rate**

The rate for Small General Service shall consist of the sum of the base charge, energy charge and PILT in accordance with the following table:

	Jan. – June, <u>Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$12.25	\$12.25
Energy charge per kWh	\$0.06500	\$0.06750
PILT charge per kWh	\$0.00536	\$0.00552
Plant Investment Fee per kWh	\$0.00507	\$0.00507
Monthly minimum bill	\$12.25	\$12.25

**Conditions**

- A. Whenever metered demand exceeds 50 kW in any three months out of a consecutive 12-month period, Loveland Water and Power will notify the customer and further service provided to such customer shall be furnished at the Large General Service Rate. The department may install such meters as it deems necessary in order to determine the metered demand.
- B. For single-phase, three-wire service, the customer's equipment shall be connected so that the current carried by the neutral conductor shall be not greater than 15 percent of the maximum current in either of the two conductors. For three-phase wye or delta service, the customer's equipment shall be connected so that the current carried by any one-phase conductor shall be no greater than 115 percent of the current in either of the two-phase conductors.

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**Large General Service**  
**Schedule LG**

**Availability**

Large General Service is required for all non-residential customers exceeding 50 kW demand in any three months out of a consecutive 12-month period.

**Continuation for Certain Customers**

Customers on the Large General Service rate on January 31, 1999, with less than three months of 50 kW demand in a consecutive 12-month period will be grandfathered into the LG rate.

**Monthly Rate**

The rate for Large General Service shall consist of the sum of the base charge, energy charge, demand charge and PILT in according with the following table:

	Jan. – June, <u>Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$63.50	\$63.50
Energy charge per kWh	\$0.03290	\$0.03350
PILT charge per kWh	\$0.00450	\$0.00470
Demand charge per kW	\$9.99	\$10.49
Plant Investment Fee per kWh	\$0.00507	\$0.00507
Monthly minimum bill	\$63.50	\$63.50

**Billing Demand**

The demand shall be the highest rate of use in kilowatts during any 15-minute interval of the billing period.

**Power Factor Charge**

Power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.



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**Primary Service with Transformer  
Schedule PT**

**Availability**

Primary Service is available to all non-residential customers exceeding 50 kW demand in any three months within a 12-month period where service is delivered and metered at the available primary voltage and all serving facilities on the customer's side of the metering point are owned, operated and maintained by the customer.

**Monthly Rate**

The rate for Primary Service where the customer owns the transformers shall consist of the sum of the base charge, energy charge, demand charge and PILT in accordance with the following table:

	Jan. – June, <u>Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$75.00	\$75.00
Energy charge per kWh	\$0.03190	\$0.03340
PILT charge per kWh	\$0.00370	\$0.00392
Demand charge per kW	\$8.99	\$9.49
Plant Investment Fee per kWh	\$0.00492	\$0.00492
Monthly minimum bill	\$75.00	\$75.00

**Billing Demand**

The demand shall be the highest rate of use in kilowatts during any 15-minute interval of the billing period.

**Power Factor Charge**

A power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

**Conditions**

Transformer ownership and maintenance is the responsibility of the customer receiving service under this rate schedule. The customer requesting this rate schedule is solely responsible for all costs associated with the installation and maintenance of the primary metering equipment and facilities. See the Water and Power Department's *Contractor Construction Standards* for equipment specifications.

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**Primary Service with Transformer Over 4,000 kW Per Month**  
**Schedule HP**

**Availability**

Primary Service over 4,000 kW per month is available to all non-residential customers exceeding 4,000 kW demand in any three months out of a consecutive 12-month period where service is delivered and metered at the available primary voltage and all serving facilities on the customer's side of the metering point are owned, operated and maintained by the customer.

**Monthly Rate**

The rate for Primary Service shall consist of the sum of the base charge, energy charge, demand charge and PILT in accordance with the following table:

	<u>Jan. – June, Oct. – Dec.</u>	<u>July – Sept.</u>
Base charge	\$75.00	\$75.00
Energy charge per kWh	\$0.02850	\$0.02850
PILT charge per kWh	\$0.00370	\$0.00392
Demand charge per kW	\$12.15	\$12.65
Plant Investment Fee per kWh	\$0.00492	\$0.00492
Monthly minimum bill	\$75.00	\$75.00

**Billing Demand**

The demand shall be the highest rate of use in kilowatts during any 15-minute interval of the billing period. For billing purposes, the billing month starts on the first day of the month and ends on the last day of the month.

**Power Factor Charge**

A power factor charge of one hundred percent of the power factor charge incurred by the City on account of and attributable to service to the customer may be billed to the customer.

**Conditions**

Transformer ownership and maintenance is the responsibility of the customer receiving service under this rate schedule. The customer requesting this rate schedule is solely responsible for all costs associated with the installation and maintenance of the primary metering equipment and facilities. See the Water and Power Department's *Contractor Construction Standards* for equipment specifications.

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## ***Interruptible 115 kV Transmission Voltage Service*** ***Schedule IP***

### **Availability**

Transmission Voltage Service is available to any customer whose premises are adjacent to 115 kV transmission lines which are, or by contract can become, lines which supply wholesale power to the City's system, and whose load is of sufficient magnitude or of an unusual nature such that it cannot be served from the distribution system. The power furnished under Schedule IP will be approximately 115 kV, three phase alternating current and approximately 60 hertz.

### **Monthly Rate**

The rate for Interruptible 115 kV Transmission Voltage Service shall consist of the sum of the energy charge, demand charge, power factor charge and other fees or charges in accordance with the following:

- Energy charge per kWh: one hundred percent of the wholesale kWh charge incurred by City on account of and attributable to service to the customer.
- Demand charge per kilowatt: one hundred percent of the wholesale kilowatt charge incurred by City on account of and attributable to service to the customer.
- Power factor charge: one hundred percent of the power factor charge incurred by City because of and attributable to service to the customer.
- Any fees or charges set forth in the service agreement with the customer or identified in the conditions for eligibility.

### **Conditions**

- A. To qualify for the Interruptible 115 kV Transmission Voltage Service, a customer shall have and maintain a monthly 60-minute integrated demand of 5,000 kilowatts or greater.
- B. To remain eligible for the Interruptible 115 kV Service, a customer must maintain a minimum monthly load factor equal to or greater than 65 percent in six months out of a consecutive 12-month period, which is to include the current month. Failure to maintain the proper load factor will result in all service furnished in such period to be billed at the rates set forth in Schedule LG, PT or HP as is applicable. The customer will not be allowed to resume service on the IP rate schedule until the above load factor criteria are met for two consecutive months.
- C. Service provided under the Interruptible 115 kV Transmission Voltage shall be subject to interruption automatically, with or without notice, when the system frequency is 59.5 hertz or lower for periods not to exceed 140 hours or 15 such interruptions in any period of six consecutive months ending on March 31 or September 30 of any year.
- D. An interruptible customer shall be required to pay a penalty of one hundred percent of any penalty incurred by the City from the power supplier for each month in which said customer either (1) fails to shut down their interruptible load within 10 minutes following notice by the City and/or the power supplier or (2) resumes operation of said interruptible load prior to receiving notice from the City and/or the power supplier that said operation may be resumed. If such interruptible customer is penalized under this clause two times in any consecutive 12-month period, the customer shall not be eligible for this interruptible rate for a period of 12 months from the date of the second penalty.

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***Interruptible 115 kV Transmission Voltage Service***  
***Schedule IP (cont'd)***

- E. Each customer on the IP rate shall contract to reimburse the City and its power supplier for the installed costs of interrupting switches, breakers and remote control equipment required to provide service on this schedule. The City, the power supplier and the interruptible customer shall coordinate facility construction and maintenance to minimize the impact on the electric power system.
- F. The energy charge set forth in Schedule IP shall be increased by an amount equal to any surcharge assessed against the City by its wholesale supplier during the billing period relative to this service.
- G. Where metering for this service is at the low voltage side of the transformer and transformer loss compensators are not used, all metered quantities shall be increased by two percent to compensate for transformation losses.
- H. Service under this category shall be provided pursuant to the rate structure for Schedule IP and as set forth in the customer's approved service agreement with the City and shall be subject to such additional terms, fees and conditions as set forth in such agreement. No service shall be provided under Schedule IP absent a service agreement signed on or after the effective date of this resolution, between the customer and the City. Schedule IP is not available for temporary, standby, supplemental or resale purposes.
- I. The city manager is authorized to enter into service agreements for 115 kV service on behalf of the City provided that such agreements protect the integrity of the electric system, do not impair service to other customers and are designed to recover all costs of the City in providing such service.
- J. For billing purposes, the billing period starts on the first day of the month and ends on the last day of the month. The first day starts at 00:00 hours and ends at 24:00 hours on the last day.
- K. Each customer on Schedule IP shall sign a waiver of all liability for the City and the power supplier for consequential and/or actual damages resulting from interruptions in accordance with this schedule and/or the service agreement.

**Power Factor**

For each billing period, the City and/or the power supplier will determine the customer's ratio between the measured demand (kW) and reactive kilovolt-ampere (kvar) demand. The calculation will be done at the time of the power supplier's monthly peak. If the 60-minute kvar demand is found to be in excess of 33 percent of the maximum kW demand occurring at the same time, and additional monthly charge will be made for each kvar of such excess at one hundred percent of the power factor charge incurred by the City for the amount of and attributable to service to the customer. If facilities are installed by the City and/or the power supplier to achieve power factor correction at the delivery point for the customer, the customer may avoid or reduce this kvar charge by reimbursing the City and/or the power supplier for the cost of such installation.

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***Interruptible 115 kV Transmission Voltage Service***  
***Schedule IP (cont'd)***

**Load Factor**

The monthly load factor will be calculated by taking the total measured kilowatt-hours consumed by the customer in the billing period and dividing that amount by the total hours in the billing period times the greater of (1) the customer's maximum 60-minute integrated kW demand during the billing period or (2) 5,000 kilowatts.

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**Area Lighting**  
**Schedule AL**

**Availability**

Area lights will be furnished to customers who request this service for the purpose of lighting private property or alleys or other areas where City street lighting would normally not be installed. Decisions for location of the lights shall be in the discretion of the City. Applications for area lights should be made at the City of Loveland Water and Power Department.

**Monthly Rate (Jan.-Dec.)**

The rate per watt for area lights shall be.....	\$0.04530
The PILT charge per watt for area lights shall be.....	\$0.00339

**Conditions**

All area lights shall be high pressure sodium vapor units.

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**RATES - ELECTRIC**

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**Flat Rate Service**  
**Schedule FE**

**Availability**

Small devices attached to the City’s electric distribution system for the purpose of amplifying cable TV and telephone signals or operating automatic sprinkler controls in remote locations after June 1, 1992, will not require metering and will be billed on a flat monthly rate. Accounts existing prior to June 1, 1992, shall continue to be metered and billed at their present rate unless the customer requests conversion to the flat rate set forth in this schedule.

**Monthly Rates (Jan.-Dec.)**

Signal amplifiers .....	\$26.70
Signal amplifiers PILT charge .....	\$2.00
Automatic sprinkler controls.....	\$3.97
Automatic sprinkler controls PILT charge .....	\$0.30
Bus shelters .....	\$16.41
Bus shelters PILT charge .....	\$1.23

**Conditions**

- A. Signal amplifiers can be no greater than 5 amps per device.
- B. Automatic sprinkler controls can be no greater than 1.0 amp per device.
- C. The department may randomly install meters as it deems necessary in order to monitor the actual consumption.
- D. A customer with multiple device locations existing prior to June 1, 1992, requesting a conversion of said devices to the Flat Rate Schedule, must convert all devices existing prior to June 1, 1992, to the Flat Rate Schedule.

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**FEES - ELECTRIC**

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## **II. Fees - Electric**

### ***Applications for Electric Service***

Every person desiring a supply of electric current from the City, or an upgrade or other change in existing service, shall make application therefore to the City upon forms furnished for that purpose.

### ***Plant Investment Fee***

Plant Investment Fees provide for the additional electric transmission, substation and distribution facilities made necessary by the extension of electric service to new connections. The Plant Investment Fee provided herein shall be, in addition to, all of the rates and charges made in connection with the furnishing by the City of electric service, and shall be payable as provided for in this section.

- A. Schedule R – Residential Service and Schedule RD – Residential Demand Service.** At the time application is made for any dwelling unit to be built within the corporate boundaries of the City, or at the time of application for electric service for any dwelling unit to be built outside the corporate boundaries of the City, there shall be paid to the City a Plant Investment Fee in the amount of \$1,600.00 for each electric meter to be installed in connection with the dwelling unit with a service size of greater than 150 amps and \$1,250.00 for each electric meter to be installed in connection with the dwelling unit with a service size of 150 amps or less. (Each dwelling unit within a structure containing more than one dwelling unit shall be separately metered). No energization of a permanent connection to any dwelling unit served by the City shall occur unless and until the Plant Investment Fee is paid.

For the purpose of this section, “dwelling unit” means one or more rooms and a kitchen area designed for or occupied as a unit for living and cooking purposes, which is located within a single family, multiple family or mobile home, but excluding congregate care facilities, as those terms are defined in Municipal Code Chapter 18.04. A congregate care facility may receive service under Schedules R, RD, SG, LG, PT or HP.

Upon application, the Water and Power Department may allow a single meter to serve a multiple family dwelling if such multiple family dwelling is a federally assisted and federally supervised project and the project sponsor is required by the federal agency having jurisdiction thereof to include the provision of electric service within the rent structure for the project. Such project may receive service under Schedules R, RD, SG, LG, PT or HP. If any such projects should cease to be federally supervised, then the project shall revert to the requirement of individual metering, the Plant Investment Fee for residential service shall be paid and a credit shall be applied against such Plant Investment Fee in the amount of the Plant Investment Fees paid while receiving service under another class.



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*City of Loveland, Colorado*  
*Water and Power Department*  
 2012 Schedule of Rates, Charges and Fees  
 FEES - ELECTRIC

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### ***Plant Investment Fee (cont'd)***

**B. Schedule SG** – Small General Service. The Plant Investment Fee for accounts receiving small general service shall be collected in each billing period. The amount of the Plant Investment Fee to be billed in each period shall be equal to \$0.00507 per kWh used by the account during the billing period.

In establishing the Plant Investment Fees in 1979, customers served prior to May 1, 1979, are exempt from the Plant Investment Fee at the existing location only. Customers who have paid the five-year Plant Investment Fee for a particular location are exempt from the fee at the location covered.

**C. Schedule LG** – Large General Service. The amount of Plant Investment Fee to be billed in each billing period shall be equal to \$0.00507 per kWh used by the account during the billing period.

**D. Schedule PT and HP** – Primary Service with Transformer and Schedule HP – High Primary Service. The amount of Plant Investment Fee to be billed in each billing period shall be equal to \$0.00492 per kWh used by the account during the billing period.

**E. Discontinuance of Service.** In addition to all of the remedies available to the City, electric service may be discontinued for failure to pay the Plant Investment Fee provided for in this section, and such discontinuance shall be in accordance with the notice procedures set forth in Municipal Code Section 13.02.070.

### ***Service Turn-On Fee at the Meter***

During regularly scheduled work hours, there is imposed a fee in the amount of \$35.00 for each service turn-on where power is energized at the meter.

After regularly scheduled work hours, there is imposed a fee in the amount of \$65.00 for each service turn on where the power is energized at the meter.

After hours fees apply to all requests received after 4 p.m. Monday through Friday, anytime Saturday or Sunday, and all holidays observed by the City of Loveland.

### ***Disconnect and Reconnect Services***

Water and Power will perform a typical service disconnect/reconnect where power is energized or de-energized on the line side of the meter, on a flat fee basis.

There is imposed a fee in the amount of \$125.00 for each typical service disconnect/reconnect and \$215.00 for each typical service disconnect/reconnect with engineering.

A typical service disconnect/reconnect is defined as one where there is no increase in wire size or length.

All other service disconnect/reconnects will be billed at Water and Power's actual cost.

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### ***Permanent Disconnect and Removal of Service***

Where a request for permanent disconnection and removal of single-phase service has been requested, there is imposed a flat fee of \$125.00.

Where a request for permanent termination of three-phase service has been requested, charges will be billed at Water and Power's actual cost.

### ***Charges When Access Denied***

There is imposed a charge as set forth in this section, that shall be due and payable when billed, to cover the additional costs and expenses incurred by the City whenever clear access to the meter location is denied. Clear access shall be deemed to be denied whenever, because of locked gates, animals confined in the same space as the meter location, or for any other reason, and after making a reasonable attempt to locate a person upon the premises to gain access, an authorized representative of the City is unable to read the meter, change the meter, or perform such other function as such representative is lawfully authorized to perform. The amount of such charge shall be as follows:

- A. When clear access is denied for two successive meter readings, and an appointment is made with the consumer or a special trip is made for reading the meter, a charge of \$10.00 is imposed for such appointment or special trip occurring during regular business hours, and \$15.00 for such appointment occurring during off-duty hours and weekends.
- B. When clear access is denied and a special trip is made to change a meter on the department's regular maintenance program, a \$35.00 charge is imposed.
- C. When clear access is denied for the purpose of disconnecting service, and service is disconnected at the junction box or overhead pole, a charge of \$125.00 is imposed.
- D. When clear access is denied for the purpose of disconnecting service at the junction box or overhead pole, the actual costs will be billed.

### ***Residential Service Installations and Upgrades for Single Family and Duplex Dwellings***

- A. A typical new residential service installation will be performed by the Water and Power Department on a flat fee basis. A typical new underground service is defined as having a trench length of 100 feet or less; trenching to be performed in normal soil conditions.
  1. For a service using 1/0 triplex CIC with a panel size of 150 amps or less, the fee is \$535.00 and the Plant Investment Fee, as described in the Resolution Schedule of Rates, Charges and Fees as adopted by City Council, shall also be collected.
  2. For a service using 4/0 triplex CIC with a panel size of 200 amps, the fee is \$720.00 and the Plant Investment Fee, as described in the Resolution Schedule of Rates, Charges and Fees as adopted by City Council, shall also be collected.

A typical new overhead service is defined as a service length of 80 feet or less, does not require setting a pole or transformer, is #2 triplex with a panel size of 150 amps or less, or 1/0 triplex with panel size of 200 amps. The fee for such service is \$290.00.

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***Residential Service Installations and Upgrades for Single Family and Duplex Dwellings (cont'd)***

A service not meeting the above criteria shall be billed at the Water and Power Department's actual cost of installation.

Within the city limits of the City of Loveland, the fees shall be collected by the department issuing the building permit for the residence. If outside the city limits, the fee will be collected by the Water and Power Department before work can proceed.

- B. Residential service upgrades resulting in services larger than 150 amps and no larger than 200 amps shall require a deposit of \$300.00 for overhead, and \$800.00 for underground. This deposit will be applied to the actual costs billed by the Water and Power Department upon completion of work performed.

***Residential Service Installations and Upgrades for Multiplex Service Installations***

- A. For purposes of this Resolution, a "multiplex" is defined as a structure containing not less than three and not more than six dwellings.
- B. A "typical" multiplex electric service installation will be provided by and installed by the contractor per National Electric Code. It will be energized by the Water and Power Department on a flat fee basis.

A typical multiplex service installation will be provided by the contractor in which an electrical secondary source is already in existence. The fee for installation of an electric service in a typical multiplex project is \$620.00 for the project and the Plant Investment Fee, as described in the current Schedule of Rates, Charges and Fees as adopted by the City Council, shall also be collected for each unit.

Multiplexes requiring an underground service in an overhead service area will have an underground service provided by and installed by the contractor per National Electric Code. They will be billed the actual costs incurred by the Water and Power Department.

If there is no existing source for electric service and an extension of secondary power is necessary, the customer shall pay the actual costs incurred by the Water and Power Department to extend the secondary power source.

Requests for overhead multiplex service installations will be evaluated for feasibility by the Water and Power Department. If overhead service is deemed appropriate, it will be installed and billed at the actual cost incurred by the Water and Power Department.

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***Residential Service Installations and Upgrades for Multiplex Service Installations (cont'd)***

All services to multiplexes will be installed as described in the National Electric Code pertaining to commercial services. NOTE: Duplexes will be billed as outlined in the “Residential Service Installations and Upgrades for Single and Duplex Dwellings” section in the current Schedule of Rates and Charges – Electric.

**C. Buildings with greater than six dwelling units:**

Any complex containing more than six dwelling units shall pay the actual costs incurred by the Water and Power Department to have a contractor-installed service energized.

***Field Engineering Deposits***

A customer requesting a new or modified electric service, relocation of facilities, or other work requiring engineering and construction, must make a deposit with the department. If the project is cancelled, the deposit will be applied to the actual charges incurred, any resulting credit or debit will be refunded or billed to the customer. Upon completion of engineering, the customer will deposit with the department the total deposit required.

**ENGINEERING DEPOSITS**

A.	Residential and duplex single phase installations, 1-2 lots.....	\$800.00
B.	Single commercial buildings, transformer upgrades, raising, lowering, or removing existing power.....	\$1,200.00
C.	Residential subdivision of 3-25 lots, commercial subdivision of 2-10 lots, raising, lowering, or removing existing power.....	\$1,600.00
D.	Residential subdivision of more than 25 lots, commercial subdivision of more than 10 lots, malls, shopping centers, hospitals .....	\$3,000.00

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*City of Loveland, Colorado*  
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**Other Deposits**

The following jobs are standard in nature, and specific deposits have been established for them. In all cases actual costs will be tracked and any resulting credit or debit will be refunded or billed to the customer.

A. Install and terminate secondary riser up to 100 feet (no transformer required)	
Residential to 200 amps .....	\$795.00
Commercial (cable supplied and installed by customer) .....	\$705.00
B. Open transformer to pull in secondary and terminate cable up to 130' .....	\$520.00
C. Single phase padmount transformer upgrade (no other customers)	
Upgrade one transformer size .....	\$1,815.00
Upgrade two transformer sizes .....	\$1,940.00
Upgrade three transformer sizes .....	\$2,300.00
D. Single phase padmount transformer upgrade (other customers)	
Upgrade one or two transformer sizes .....	\$1,940.00
Upgrade three transformer sizes .....	\$2,420.00
E. Single phase overhead transformer upgrade (no other customers)	
Upgrade one or two transformer sizes .....	\$1,290.00
F. Single phase overhead transformer upgrade (other customers)	
Upgrade one or two transformer sizes .....	\$2,565.00

Note: Work tickets (not work orders) will be opened for these jobs and the actual costs will be billed. The cutoff for work tickets is \$1,000.00 except for transformer upgrades.

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### ***Temporary Extensions***

The following requirements apply to all temporary extensions/connections necessary to serve customers such as transient shows, carnivals, fairs, circuses, concessions, residential construction work, or others of a temporary nature, excluding commercial development construction as defined in the *Contractor Construction Standards*.

- A. The customer shall pay a flat rate of \$130.00 for the cost of installation and removal of the temporary extension as defined in the *Contractor Construction Standards*, under “Temporary Construction Service”. Customers with extensions not meeting these standards will be billed for the actual costs.
- B. The customer shall pay for electric consumption monthly under the applicable rate.
- C. No temporary service shall continue beyond the time of building occupancy, or eighteen months from connection of such temporary service, whichever occurs sooner, without the consent of the City.
- D. The City may refuse to connect additional customers to temporary extensions until the temporary extensions have become permanent.

### ***Area Lighting***

A 100-watt high pressure sodium vapor fixture will be furnished and installed by the City at a fixed one time charge. Any fixture other than a 100-watt fixture, poles, secondary conductor and other apparatus, if required, will be provided at an additional charge based on actual costs incurred by the Water and Power Department. Decisions for location of the lights shall be at the discretion of the City. Applications for area lights should be made at the City of Loveland Water and Power Department. The fee for the installation of a 100-watt high pressure sodium vapor fixture is \$360.00.

### ***Energizing of Electric Service to Small Devices Qualifying for Flat Rate Service***

There will be a flat fee for the energizing of electric service to small devices attached to the City’s electric distribution system for the purpose of amplifying cable TV and telephone signals or operating automatic sprinkler controls in remote locations. A fee of \$285.00 shall be charged to the customer for the actual installation of the service. No outlets will be permitted, nor shall there be lighting of any kind connected to this type of service. If there is no existing source and an extension of secondary power is necessary, the customer will pay for actual costs to energize the device

### ***Pole Attachment Fee***

Each attachment by a non-City utility to a City of Loveland power pole will be charged \$21.64 per year.

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*City of Loveland, Colorado*  
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 2012 Schedule of Rates, Charges and Fees  
 FEES - MISCELLANEOUS

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### **III.Fees - Miscellaneous**

#### **After Hours**

After hours fees apply to all requests received after 4:00 p.m. Monday through Friday, anytime Saturday or Sunday, and all holidays observed by the City of Loveland.

#### **Fire Hydrant and Fire Protection Tap**

A charge of \$2.30 per residence and \$5.80 per business per month shall be paid by water users outside the city who are located within one thousand feet of a fire hydrant, measured along roads or streets, and \$5.80 per month per tap for each fire protection tap serving premises outside the city. If fire protection tap service is the only city utility service received by the premises, an administrative fee of \$1.70 per month shall also be paid.

#### **Hydrant Meter Guidelines**

General: Fire hydrants are installed for the main purpose of fire protection. Whenever a hydrant meter is placed on a hydrant, that hydrant is, for all practical purposes, out of service and the chances of causing damage to that hydrant are increased. For these reasons and the potential for problems involved with providing hydrant meters on a rental basis, it has become necessary to establish more clearly defined guidelines for the use of hydrant meters.

Intent: The use of fire hydrant meters is intended for only those situations when a large volume of water is needed in a short period of time. These meters shall not be used as a temporary substitute for a permanent water service connection or a permanent irrigation tap. Examples of acceptable and unacceptable uses are as follows:

#### Acceptable:

- Providing water for increasing moisture during earthmoving.
- Filling swimming pools.
- Filling tanks on water truck (No chemicals allowed in tank).

#### Unacceptable

- Masonry work
- Car washes
- Irrigation
- Water for concrete saws
- Washing streets or parking lots

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**Hydrant Meter Guidelines (cont'd)**

Guidelines & Procedures: The following guidelines shall be used for regulating the use of fire hydrant meters:

1. Requests for hydrant meters must be received a minimum of 48 hours prior to the time needed. All requests should be made by contacting the Water and Power Department at 970-962-3701. The applicant must sign the Hydrant Meter Request Form at the Water and Power Department, 200 N. Wilson Avenue, and post a deposit of \$1,000.00 (money order or cashier's check) before the meter will be set. The deposit shall be held until all costs associated with the hydrant rental are paid in full and may be used to offset any such costs not paid within 30 days of issuance of the final invoice.
2. Each request will be reviewed to determine if the proposed use meets the intent of these guidelines. The use of the water from a hydrant meter for other than the stated purposes or misrepresentation of that use will result in the loss of the convenience of obtaining water in this manner.
3. The City will determine on a case-by-case basis whether or not a particular hydrant is acceptable for the installation of a meter. Not all hydrants are available for use with a meter. If the requested hydrant is not available, alternate hydrants will be suggested.
4. Water Utility personnel will install the meter, secure it to the hydrant, and operate the hydrant. Customer shall control flow of water with valve provided on meter assembly. Customer is responsible for securing this valve to prevent the unauthorized use of water by others. Removal of the handle or hand wheel from the control valve is not an acceptable method of securing the valve. ONLY trained City employees will be authorized to operate fire hydrants.
5. During the winter months, hydrant meters will be issued only on a day-to-day basis when outside temperatures are above freezing and are expected to remain above freezing for most of the day. Meters will be installed as soon after 8:00 a.m. as practical, and will be picked up at approximately 3:00 p.m. or earlier if outside temperatures drop below freezing, or if requested.
6. Meters will be issued with a male 2½" National Standard thread connection. No hoses or adapters will be provided.
7. Customer is responsible for all rental fees and other charges. A copy of the current fees is attached. These fees will include charges for all water use.
8. Customer is responsible for any and all damage to the meter and/or fire hydrant while meter is installed. If damage occurs, an invoice will be issued to cover all repair or replacement costs, and customer shall promptly pay the invoiced amount.
9. Number of hydrant meters is limited; therefore the meters are available on a first-come/first-served basis. A separate request form must be submitted for each location and/or time period requested.
10. In accordance with the City Code, it is unlawful to waste water. Every effort should be made to conserve this valuable resource. Wasteful uses will not be allowed.
11. Failure to comply with these guidelines, or illegally obtaining water from, or in any way tampering with a fire hydrant, is in violation of the City Code, and upon conviction is punishable by a fine or imprisonment.

Alternate Source of Water: For building construction projects, water is also available through permanent water taps at a construction billing rate. This source of water is handled by the Building Division, 500 E. 3<sup>rd</sup> Street, 962-2504, and typically issued along with a building permit.



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*City of Loveland, Colorado*  
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 2012 Schedule of Rates, Charges and Fees  
 FEES - MISCELLANEOUS

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**Summary of Hydrant Meter Fees and Charges**

Installation of meter	\$20.00*
Moving meter	\$20.00*
Removal of meter	\$20.00*
Meter rental	\$5.00/day
Water used	\$1.00/300 gallons

\*After hour services (normal hours are Monday through Friday, 7:30 a.m. to 4:00 p.m.) will be charged for overtime labor rates in addition to the \$15.00 charge

**New Account or Reactivation Fee and New Account Meter Reading Fee.** Connection fees in the following amounts are hereby imposed, to be collected with the first utility bill rendered after utility service has been established or a customer account or utility service is reactivated following voluntary or involuntary termination:

Activation or establishment of a customer account for a service address .....	\$11.00
Meter reading charge for service address if read by Utility Billing Division.....	\$10.00
Reactivation of a customer account for a service address .....	\$10.00
Interfering or Tampering with a Meter .....	\$50.00

**Automated Load Profile Metering Program (ALPS). No new ALPS customers will be accepted after 2009.** Commercial and industrial customers will be given the option of utilizing specialized metering equipment that will allow them to monitor their utility consumption on a daily basis through a web-based program. The fees to participate in this program are according to the following schedule:

<b>Monthly Fee Per Meter</b>	
First 9 meters	\$67.50
Meters 10 through 19	\$54.00
Meters 20 and up	\$50.00

Customers that will be enrolling to use this service will need to provide their own telephone line, preferably a line dedicated solely for this purpose. The cost of the telephone line will be borne by the customer. If a customer signs up for the program, and then decides to leave the program in less than one year, the customer will be subject to a \$200 exit fee per meter.

**FIRST READING**      October 4, 2011

**SECOND READING**   October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2011 MILL LEVY FOR THE GENERAL FUND OF THE CITY OF LOVELAND, COLORADO**

**WHEREAS**, the City Council desires, for 2011, to maintain the gross mill levy rate at the same level set for 2010, without any increase in the mill levy rate; and

**WHEREAS**, the 2011 mill levy rate impacts 2011 taxes, due and payable in 2012.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the mill levy rate of 9.564 mills is hereby adopted as the tax rate to be levied upon every dollar of the assessed valuation of all taxable property within the City of Loveland, Colorado, for the year 2011.

**Section 2.** That the City Clerk of the City of Loveland be and is hereby authorized and directed to send a certified copy of this Ordinance to the Board of County Commissioners of Larimer County, Colorado.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

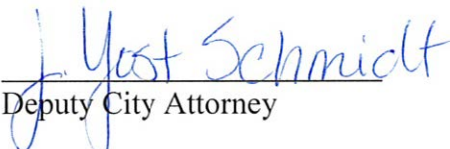
ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
Deputy City Attorney

**FIRST READING**      October 4, 2011

**SECOND READING**    October 18, 2011

**ORDINANCE NO.**

**AN ORDINANCE ADOPTING A 2012 PAY PLAN FOR CITY EMPLOYEES, AND SUPERSEDING ALL PRIOR ORDINANCES ADOPTING SUCH A PAY PLAN**

**WHEREAS**, Chapter 2.68 of the Loveland Municipal Code provides that the City Council shall from time to time adopt, by ordinance, an employee pay plan setting forth pay grades and compensation ranges for city employees; and

**WHEREAS**, the City Council last adopted a pay plan by Ordinance No. 5532 for calendar year 2011; and

**WHEREAS**, City staff has presented to City Council a revised pay plan setting forth pay grades and compensation ranges for calendar year 2012, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference (the "2012 Pay Plan").

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the pay grades and compensation ranges for employees of the City of Loveland for 2012 shall be as set forth in the 2012 Pay Plan, which shall take effect with the first pay period of 2012.

**Section 2.** That the City Manager shall maintain an administrative regulation regarding the use of employee performance bonuses.

**Section 3.** That eleven paid holidays for 2012 shall be designated by the City Manager.

**Section 4.** That this Ordinance shall supersede in all respects all previous ordinances of the City Council which adopted an employee pay plan, including Ordinance 5532, as of the first pay period of 2012.

**Section 5.** That notwithstanding the foregoing, the employee pay plan as set forth in Ordinance 5458 shall continue in full force and effect from the date of this Ordinance until it is superseded on or after January 1, 2012 as provided herein.

**Section 6.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days

after its final publication, as provided in City Charter Section 4-8(b).

Adopted this \_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

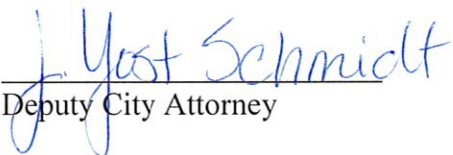
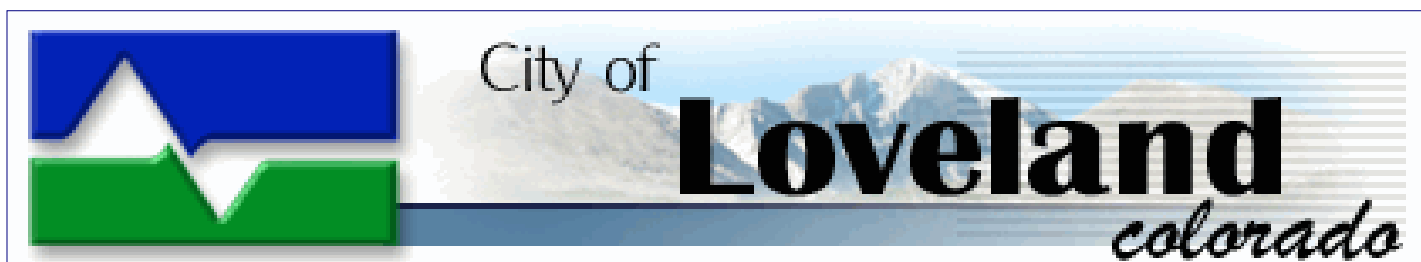
  
\_\_\_\_\_  
Deputy City Attorney

Exhibit A

**City of Loveland  
2011 Pay Plan**



**CITY OF LOVELAND**

**PROPOSED 2012 PAY PLAN**

*The goal of Loveland city government is to deliver cost efficient, high quality services to all citizens of the City of Loveland through dedicated public employees and progressive and innovative leadership.*



## **2012 City of Loveland Pay Plan Development**

As a public employer, the City strives to maintain a balanced pay plan offering competitive pay that is fair and reasonable to both employees and citizens, while supporting organizational goals and business objectives.

The compensation system for City of Loveland Employees is a market based pay plan that strictly adheres to operational and budgetary constraints. This market based compensation system compares an employee's actual salary to other comparable positions found at both public and private employers in the region. Two main salary survey resources are utilized for this process: Mountain States Employers Council and the Colorado Municipal League. Our goal is to annually review and when necessary, adjust the pay plan according to market fluctuations.

The City's regular pay plan consists of approximately 250 job titles and 14 pay levels. Positions are placed within a pay grade level based upon the individual position's market salary. Examining actual pay ensures that the salaries paid to employees are competitive with salaries paid in the market.

City of Loveland employee's salaries are not automatically raised to reflect range movement. Employees receive a merit increase at the end of each year when evaluated on work performance. Supervisors have the ability to reward good work performance through the City's performance management system within the following guidelines: actual employee performance plus the department budget must not exceed total dollars allowed for salaries and an employee must be paid a dollar amount within the range of their pay level classification. The performance management system is designed to better link employee performance with merit pay increases.



## **How Employees Currently Receive Salary Increases at the City of Loveland**

All salary increases must be documented on the Merit Spreadsheet or on a Personnel Action Form that indicates the employee name, employee identification number, effective date, reason for change, signed appraisal (if applicable), department information and appropriate signatures.

### **New Hires**

New employees are normally hired within the minimum to the midpoint of the pay level for their position. The hiring salary depends upon:

1. Experience and education
2. Market demand
3. Internal equity with others in the same position or pay level
4. Department budget and philosophy

### **End of Probation**

Employees who successfully complete their initial 6-month probationary period (12 months for Police Officers) are eligible for a salary increase. This increase will depend on:

1. How well the employee is performing in the position
2. Internal equity with others in the same position
3. Department budget and philosophy

### **End of Year Evaluations**

All employees may receive a year-end evaluation based on the City's performance management system (unless within their probationary period) with a salary increase that is based upon:

1. How well the employee met the performance expectations of the position
2. Range movement within the respective pay level for 2012
3. Internal equity with others in the same position
4. Department budget and philosophy

All year-end increases must have an evaluation attached and must be signed by the employee, supervisor and department director.

# Memorandum



To: **City of Loveland Employees**  
From: **Karen Rees**  
Date: **09/02/2011**  
Re: **2012 Holiday Schedule**

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## The City of Loveland Employee Holiday schedule for 2012 is:

Monday, January 2	Day after New Year's Day
Monday, May 28	Memorial Day
Wednesday, July 4	Independence Day
Monday, September 3	Labor Day
Monday, November 12	Day after Veteran's Day
Thursday, November 22	Thanksgiving Day
Friday, November 23	Day after Thanksgiving
Tuesday, December 25	Christmas Day

The City will also provide 3 floating holidays in 2012

Please contact the Human Resources Department at extension 2371 if you have any questions

BW		BX		FIRE		PAYROLL DATES 2012								
Pay Period	Work Period	Pay Period Dates	Pay Date	Tuesdays	Pay Period	Work Period	Pay Period Dates	Pay Date	Tuesdays	Pay Period	Work Period	Pay Period Dates	Pay Date	Tuesdays
1	Saturday - Friday	12/17/11-12/30/11	1/10/2012		14	Saturday - Friday	6/16/12-6/29/12	7/10/2012		15	Saturday - Friday	6/30/12-7/13/12	7/24/2012	
	Friday - Thursday	12/16/11-12/29/11				Friday - Thursday	6/15/12-6/28/12				Friday - Thursday	6/29/12-7/12/12		
	Fire	12/7/11-1/2/12				Fire	5/27/12-6/22/12				Fire	6/23/12-7/19/12		
2	Saturday - Friday	12/31/11-1/13/12	1/24/2012		16	Saturday - Friday	7/14/12-7/27/12	8/7/2012		17	Saturday - Friday	7/28/12-8/10/12	8/21/2012	
	Friday - Thursday	1/13/12-1/26/12				Friday - Thursday	7/13/12-7/26/12				Friday - Thursday	7/27/12-8/9/12		
	Fire	1/13/12-2/8/12				Fire	6/23/12-7/19/12				Fire	7/20/12-8/15/12		
3	Saturday - Friday	1/28/12-2/10/12	2/21/2012		18	Saturday - Friday	8/11/12-8/24/12	9/4/2012		19	Saturday - Friday	8/25/12-9/7/12	9/18/2012	
	Friday - Thursday	2/10/12-2/23/12				Friday - Thursday	8/10/12-8/23/12				Friday - Thursday	8/24/12-9/6/12		
	Fire	2/9/12-3/6/12				Fire	7/20/12-8/15/12				Fire	8/16/12-9/11/12		
4	Saturday - Friday	2/25/12-3/9/12	3/20/2012		20	Saturday - Friday	9/8/12-9/21/12	10/2/2012		21	Saturday - Friday	9/22/12-10/5/12	10/16/2012	
	Friday - Thursday	3/10/12-3/23/12				Friday - Thursday	9/7/12-9/20/12				Friday - Thursday	9/21/12-10/4/12		
	Fire	3/7/12-4/2/12				Fire	8/16/12-9/11/12				Fire	9/12/12-10/8/12		
5	Saturday - Friday	3/24/12-4/6/12	4/17/2012		22	Saturday - Friday	10/6/12-10/19/12	10/30/2012		23	Saturday - Friday	10/20/12-11/2/12	11/13/2012	
	Friday - Thursday	3/23/12-4/5/12				Friday - Thursday	10/5/12-10/18/12				Friday - Thursday	10/19/12-11/1/12		
	Fire	3/7/12-4/2/12				Fire	9/12/12-10/8/12				Fire - Catch-up	10/9/12-11/4/12		
6	Saturday - Friday	4/7/12-4/20/12	5/1/2012		24	Saturday - Friday	11/3/12-11/16/12	11/27/2012		25	Saturday - Friday	11/17/12-11/30/12	12/11/2012	
	Friday - Thursday	4/6/12-4/19/12				Friday - Thursday	11/2/12-11/15/12				Friday - Thursday	11/16/12-11/29/12		
	Fire	4/3/12-4/29/12				Fire	11/5/12-12/1/12				Fire	11/5/12-12/1/12		
7	Saturday - Friday	4/21/12-5/4/12	5/15/2012		26	Saturday - Friday	12/1/12-12/14/12	12/24/2012		12	Saturday - Friday	5/19/12-6/1/12	6/12/2012	
	Friday - Thursday	4/20/12-5/3/12				Friday - Thursday	11/30/12-12/13/12				Friday - Thursday	5/18/12-5/31/12		
	Fire	4/3/12-4/29/12				Fire	12/2/12-12/28/12				Fire	4/30/12-5/26/12		
8	Saturday - Friday	5/5/12-5/18/12	5/29/2012		13	Saturday - Friday	6/2/12-6/15/12	6/26/2012		13	Saturday - Friday	6/2/12-6/15/12	6/26/2012	
	Friday - Thursday	5/4/12-5/17/12				Friday - Thursday	6/1/12-6/14/12				Friday - Thursday	6/1/12-6/14/12		
	Fire	4/30/12-5/26/12				Fire	5/27/12-6/22/12				Fire	5/27/12-6/22/12		

<b>City of Loveland</b>	<b>Proposed 2012 Employee Pay Plan</b>
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**Pay Level 14**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	42.96	55.85	68.74
Annual	89,359	116,167	142,975
<ul style="list-style-type: none"> <li>*Assistant City Manager</li> <li>*Chief of Police</li> <li>*Director of Development Services</li> <li>*Director of Parks and Recreation</li> </ul>		<ul style="list-style-type: none"> <li>*Director of Public Works</li> <li>*Director of Water and Power</li> <li>*Fire Chief</li> </ul>	

**Pay Level 13**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	38.66	50.26	61.86
Annual	80,423	104,550	128,677
<ul style="list-style-type: none"> <li>*Deputy City Attorney</li> <li>*Director of Economic Development</li> <li>*Fire Division Chief</li> <li>*Human Resources Director</li> </ul>		<ul style="list-style-type: none"> <li>*Information Technology Director</li> <li>*Police Captain</li> <li>*Power Operations Manager</li> <li>*Water Utilities Manager</li> </ul>	

**Pay Level 12**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	34.80	45.24	55.68
Fire Hourly	24.86	32.31	39.77
Annual	72,381	94,095	115,810
<ul style="list-style-type: none"> <li>*Airport Director</li> <li>*Application Services Manager</li> <li>*Assistant City Attorney II</li> <li>*Battalion Chief</li> <li>*Chief Building Official</li> <li>*City Engineer</li> <li>*City Traffic Engineer</li> <li>*Cultural Services Director</li> <li>*Current Planning Manager</li> </ul>		<ul style="list-style-type: none"> <li>*Executive Fiscal Advisor</li> <li>*Infrastructure Services Manager</li> <li>*Library Director</li> <li>*Police Lieutenant</li> <li>*Power Operations Supervisor</li> <li>*Senior Civil Engineer</li> <li>*Senior Electrical Engineer</li> <li>*Streets &amp; Solid Waste Manager</li> </ul>	

**Pay Level 11**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	31.32	40.71	50.11
Annual	65,143	84,686	104,229
<ul style="list-style-type: none"> <li>*Budget Officer</li> <li>*City Clerk</li> <li>*Customer Relations Manager</li> <li>*Facilities Operations Manager</li> <li>*Golf Operations Manager</li> <li>*Parks Manager</li> <li>*Recreation Manager</li> </ul>		<ul style="list-style-type: none"> <li>*Revenue Manager</li> <li>*Risk Manager</li> <li>*Solid Waste Management Superintendent</li> <li>*Street Maintenance Superintendent</li> <li>*Utility Accounting Manager</li> <li>*Utility Information Manager</li> <li>*Water Treatment Manager</li> </ul>	

**\* Positions exempt from overtime provisions of the Fair Labor Standards Act.**

<b>City of Loveland</b>	<b>Proposed 2012 Employee Pay Plan</b>
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**Pay Level 10**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	28.19	36.64	45.10
Fire Hourly	20.13	26.17	32.21
Annual	58,629	76,217	93,806

<ul style="list-style-type: none"> <li>*Administrative Business Manager</li> <li>Assistant Emergency Manager</li> <li>*Assistant City Attorney I</li> <li>*Assistant Library Director</li> <li>Business Analyst Group Leader</li> <li>*Civil Engineer</li> <li>*Compensation and Benefits Manager</li> <li>*Compliance and Payroll Manager</li> <li>Deputy Fire Marshal</li> <li>*Electrical Engineer</li> <li>*Environmental Compliance Administrator</li> <li>*Field Engineering Supervisor</li> </ul>	<ul style="list-style-type: none"> <li>Fire Lieutenant</li> <li>Fire Shift Officer</li> <li>*Fleet Services Manager</li> <li>*Human Resources Manager</li> <li>*Police Communications Manager</li> <li>*Police Information Manager</li> <li>Police Sergeant</li> <li>*Senior Parks Planner</li> <li>*Technical Services Superintendent</li> <li>*Wastewater Treatment Plant Manager</li> <li>*Water Operations Supervisor</li> </ul>
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**Pay Level 9**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	26.38	32.98	39.57
Fire Hourly	18.84	23.56	28.27
Annual	54,876	68,595	82,315

<ul style="list-style-type: none"> <li>Business Analyst</li> <li>*Construction Coordinator</li> <li>Criminalist</li> <li>Electric Metering Supervisor</li> <li>*Facility Maintenance Superintendent</li> <li>Fire Engineer</li> <li>Fire Inspection Technician</li> <li>*Golf Course Professional</li> <li>*Golf Services Superintendent</li> <li>*Industrial Pretreatment Coordinator</li> <li>Line Crew Supervisor</li> <li>*Natural Areas Manager</li> </ul>	<ul style="list-style-type: none"> <li>Network &amp; Systems Administrator</li> <li>*Principal City Planner</li> <li>*Recreation Facility Manager</li> <li>*Sales Tax Manager</li> <li>*Senior Accountant</li> <li>Senior GIS Specialist</li> <li>*Support Services Superintendent</li> <li>*Traffic Operations Superintendent</li> <li>*Transit Manager</li> <li>*Utility Financial/Rate Analyst</li> <li>Water Quality Lab Coordinator</li> </ul>
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**Pay Level 8**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	23.74	29.68	35.62
Annual	49,389	61,736	74,083

<ul style="list-style-type: none"> <li>*Airport Operations/Maintenance Supervisor</li> <li>Associate Engineer</li> <li>*Business Development Specialist</li> <li>Communications Specialist Supervisor</li> <li>*Community Partnership Administrator</li> <li>Computer Support Technician Group Leader</li> <li>*Crew Supervisor</li> <li>*Facilities Management Planner</li> <li>*Human Resources Generalist</li> <li>Journey Lineworker</li> <li>Journey Meter Technician</li> <li>Journey Substation/Hydro Technician</li> <li>Lead Plant Operator</li> </ul>	<ul style="list-style-type: none"> <li>*Librarian III</li> <li>Plans Reviewer</li> <li>Police Officer</li> <li>Police Specialist</li> <li>*Program Supervisor</li> <li>*Public Information Officer</li> <li>Safety Coordinator</li> <li>Senior Building Inspector</li> <li>*Staff Engineer</li> <li>*Stormwater Quality Specialist</li> <li>*Theater Manager</li> <li>Utility Billing Supervisor</li> <li>Warehouse Operations Manager</li> </ul>
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<b>City of Loveland</b>	<b>Proposed 2012 Employee Pay Plan</b>
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**Pay Level 7**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	21.37	26.71	32.06
Fire Hourly	15.26	19.08	22.90
Annual	44,450	55,562	66,675

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|---|---|
| <ul style="list-style-type: none"> <li>*Accountant II</li> <li>Administrative Analyst</li> <li>Apprentice Lineworker II</li> <li>Apprentice Meter Technician II</li> <li>Apprentice Substation/Hydro Technician II</li> <li>Building Inspector</li> <li>*Commercial Accounts Representative</li> <li>Computer Support Technician</li> <li>Customer Service Supervisor</li> <li>*Economic Research Specialist</li> <li>Electric Resource Efficiency Coordinator</li> <li>Facilities Maintenance Technician</li> <li>Facilities Maintenance Tech-Leadworker</li> <li>Field Engineer</li> <li>Field Engineering Coordinator</li> </ul> | <ul style="list-style-type: none"> <li>Firefighter</li> <li>GIS Specialist</li> <li>Golf Services Supervisor</li> <li>Lead Mechanic</li> <li>*Marketing Coordinator</li> <li>Mechanical Maintenance/Technician</li> <li>*Museum Curator</li> <li>Plant Operator A</li> <li>*Police Records Supervisor</li> <li>*Sales Tax Auditor</li> <li>*Senior City Planner</li> <li>Technical Services Control Specialist</li> <li>*Technical Specialist (Water &amp; Power)</li> <li>Telecom Specialist (IT)</li> </ul> |
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**Pay Level 6**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	19.23	24.04	28.85
Annual	40,005	50,006	60,007

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|--|--|
| <ul style="list-style-type: none"> <li>Accounting Technician</li> <li>Apprentice Lineworker I</li> <li>Apprentice Meter Technician I</li> <li>Apprentice Substation Hydro Technician I</li> <li>*Athletics Coordinator</li> <li>*Benefits Administrator</li> <li>Buyer</li> <li>City Planner I</li> <li>City Planner II</li> <li>Communications Specialist Leadworker</li> <li>Community Service Officer</li> <li>Court Administrator</li> <li>Deputy City Clerk</li> <li>Engineering Technician</li> <li>Executive Assistant</li> <li>*Facility Coordinator</li> <li>Field Service Representative</li> <li>Fleet Parts Buyer</li> </ul> | <ul style="list-style-type: none"> <li>GIS Technician</li> <li>Grounds Tech II</li> <li>Lead Equipment Operator</li> <li>Legal Assistant</li> <li>Librarian II</li> <li>Mechanic II</li> <li>Museum Preparator</li> <li>Natural Areas Technician</li> <li>Park Crew Leader</li> <li>Payroll Administrator</li> <li>*Public Art/Business Services Manager</li> <li>Public Works Inspector</li> <li>*Recreation Coordinator</li> <li>Traffic Marking Crew Leader</li> <li>Traffic Signal Technician II</li> <li>*Transit Operations Supervisor</li> <li>Treatment Plant Controls Tech I</li> <li>Treatment Plant Controls Tech II</li> </ul> |
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<b>City of Loveland</b>	<b>Proposed 2012 Employee Pay Plan</b>
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**Pay Level 5**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>		
Hourly	17.31	21.64	25.96		
Annual	36,004	45,005	54,007		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Business Services Coordinator</li> <li>City Planning Technician</li> <li>Code Administrator</li> <li>Communications Specialist</li> <li>Development Center Specialist</li> <li>Groundworker</li> <li>Heavy Equipment Operator</li> <li>Help Desk Technician</li> <li>Human Resources Analyst</li> <li>Investigative Technician</li> <li>Irrigation Technician</li> <li>Librarian I</li> <li>Locator/Construction Inspector</li> <li>Parks Specialist</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Plant Operator B/C</li> <li>Recycling Center Equipment Operator</li> <li>Revenue and Licensing Coordinator</li> <li>Senior Customer Service Representative</li> <li>Senior Meter Reader</li> <li>Senior Utility Billing Clerk</li> <li>Technical Coordinator</li> <li>Traffic Sign Specialist</li> <li>Utility Systems Technician</li> <li>Warehouse Worker</li> <li>Water Meter Technician II</li> <li>Water Quality Specialist I</li> <li>Water Quality Specialist II</li> </ul> </td> </tr> </table>				<ul style="list-style-type: none"> <li>Business Services Coordinator</li> <li>City Planning Technician</li> <li>Code Administrator</li> <li>Communications Specialist</li> <li>Development Center Specialist</li> <li>Groundworker</li> <li>Heavy Equipment Operator</li> <li>Help Desk Technician</li> <li>Human Resources Analyst</li> <li>Investigative Technician</li> <li>Irrigation Technician</li> <li>Librarian I</li> <li>Locator/Construction Inspector</li> <li>Parks Specialist</li> </ul>	<ul style="list-style-type: none"> <li>Plant Operator B/C</li> <li>Recycling Center Equipment Operator</li> <li>Revenue and Licensing Coordinator</li> <li>Senior Customer Service Representative</li> <li>Senior Meter Reader</li> <li>Senior Utility Billing Clerk</li> <li>Technical Coordinator</li> <li>Traffic Sign Specialist</li> <li>Utility Systems Technician</li> <li>Warehouse Worker</li> <li>Water Meter Technician II</li> <li>Water Quality Specialist I</li> <li>Water Quality Specialist II</li> </ul>
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**Pay Level 4**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>		
Hourly	16.23	19.47	22.72		
Annual	33,754	40,505	47,256		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Accounting Clerk II</li> <li>Administrative Technician</li> <li>Airport Maintenance Worker</li> <li>Assistant Golf Professional</li> <li>Bus Driver</li> <li>Bus Driver Sub</li> <li>Desktop Publishing Specialist</li> <li>Equipment Operator</li> <li>Equipment Services Technician</li> <li>Evidence Technician</li> <li>Facilities Planning Specialist</li> <li>Grounds Technician I</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Human Resource Technician</li> <li>Lead Police Records Clerk</li> <li>Maintenance Worker</li> <li>Meter Reader</li> <li>Parks Worker</li> <li>Plant Operator D</li> <li>Technical Assistant</li> <li>Traffic Technician</li> <li>Utility Billing Clerk</li> <li>Vehicle Service Writer</li> <li>Water Meter Technician I</li> </ul> </td> </tr> </table>				<ul style="list-style-type: none"> <li>Accounting Clerk II</li> <li>Administrative Technician</li> <li>Airport Maintenance Worker</li> <li>Assistant Golf Professional</li> <li>Bus Driver</li> <li>Bus Driver Sub</li> <li>Desktop Publishing Specialist</li> <li>Equipment Operator</li> <li>Equipment Services Technician</li> <li>Evidence Technician</li> <li>Facilities Planning Specialist</li> <li>Grounds Technician I</li> </ul>	<ul style="list-style-type: none"> <li>Human Resource Technician</li> <li>Lead Police Records Clerk</li> <li>Maintenance Worker</li> <li>Meter Reader</li> <li>Parks Worker</li> <li>Plant Operator D</li> <li>Technical Assistant</li> <li>Traffic Technician</li> <li>Utility Billing Clerk</li> <li>Vehicle Service Writer</li> <li>Water Meter Technician I</li> </ul>
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**Pay Level 3**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>		
Hourly	14.61	17.53	20.45		
Annual	30,379	36,454	42,530		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Accounting Clerk I</li> <li>Administrative Specialist</li> <li>Aquatics Supervisor</li> <li>Box Office Coordinator</li> <li>Building Attendant</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>Building Supervisor</li> <li>Library Aide</li> <li>Municipal Court Clerk</li> <li>Police Records Clerk</li> <li>Vehicle Service Technician</li> </ul> </td> </tr> </table>				<ul style="list-style-type: none"> <li>Accounting Clerk I</li> <li>Administrative Specialist</li> <li>Aquatics Supervisor</li> <li>Box Office Coordinator</li> <li>Building Attendant</li> </ul>	<ul style="list-style-type: none"> <li>Building Supervisor</li> <li>Library Aide</li> <li>Municipal Court Clerk</li> <li>Police Records Clerk</li> <li>Vehicle Service Technician</li> </ul>
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<b>City of Loveland</b>	<b>Proposed 2012 Employee Pay Plan</b>
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**Pay Level 2**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	13.14	15.77	18.40
Annual	27,341	32,809	38,277

Cashier II  
 Childcare Supervisor  
 Document Management Clerk  
 Office Support Specialist

**Pay Level 1**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Hourly	11.83	14.20	16.56
Annual	24,607	29,528	34,449

Cashier I  
 Mail Distribution Clerk  
 Office Assistant

**\* Positions exempt from overtime provisions of the Fair Labor Standards Act.**



**City of Loveland**

**Proposed 2012 Employee Pay Plan**

**PT1 Pay Level**

	<b>Minimum</b>	<b>Maximum</b>
Hourly	17.80	35.00
Adult Athletics Official II		
Program Instructor IV		

**PT2 Pay Level**

	<b>Minimum</b>	<b>Maximum</b>
Hourly	11.00	17.80
Adult Athletics Official I		Intern II
Certified Youth Athletics Official		Maintenance Technician
Concession Manager		Master Greens Keeper
Day Camp Director		Pool/Beach Manager
Environmental Education Coordinator		Program Instructor III
Facility Supervisor		

**PT3 Pay Level**

	<b>Minimum</b>	<b>Maximum</b>
Hourly	9.00	13.50
Activity/Day Camp Leader		Maintenance Worker II
Assistant Pool/Beach Manager		Museum Registrar
Cultural Events Assistant		Play/Tee Manager II
Escort Van Driver		Program Instructor II
Facility Attendant I		Tournament Director
Front House Coordinator		Youth Athletics Coach
General Laborer II		Youth Athletics Official II

**PT4 Pay Level**

	<b>Minimum</b>	<b>Maximum</b>
Hourly	7.28	11.25
Batting Cage Worker		Lifeguard (Pool/Beach/Chilson)
Cart Range Worker		Maintenance Worker I
Childcare Attendant		Play/Tee Manager I
Clerk/Cashier		Pool Technician
Concession Worker		Program Instructor I
Firefighter Apprentice		Recycling Site Attendant
Fitness Area Supervisor/Trainer		Recycling Site Helper
General Laborer I		Scorekeeper
Golf Pro-Shop Worker		Swim Aide
Intern I		Youth Athletics Official I
Library Page		

Proposed 2012 Pay Plan					
Index of Positions					
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Accounting Clerk I	3	4	Childcare Attendant	PT4	6
Accounting Clerk II	4	4	Childcare Supervisor	2	5
Accounting Technician	6	3	City Clerk	11	1
Activity/Day Camp Leader	PT3	6	City Engineer	12	1
Administrative Analyst	7	3	City Planner I	6	3
Administrative Business Manager	10	2	City Planner II	6	3
Administrative Specialist	3	4	City Planning Technician	5	4
Administrative Technician	4	4	City Traffic Engineer	12	1
Adult Athletics Official I	PT2	6	Civil Engineer	10	2
Adult Athletics Official II	PT1	6	Clerk/Cashier	PT4	6
Airport Director	12	1	Code Administrator	5	4
Airport Maintenance Worker	4	4	Commercial Accounts Representative	7	3
Airport Operations/Maint.Supervisor	8	2	Communications Specialist	5	4
Application Services Manager	12	1	Communications Specialist Leadworker	6	3
Apprentice Lineworker I	6	3	Communications Specialist Supervisor	8	2
Apprentice Lineworker II	7	3	Community Partnership Administrator	8	2
Apprentice Meter Technician I	6	3	Community Service Officer	6	3
Apprentice Meter Technician II	7	3	Compensation and Benefits Manager	10	2
Apprentice Substat./Hydro Tech. I	6	3	Compliance and Payroll Manager	10	2
Apprentice Substat./Hydro Tech. II	7	3	Computer Support Technician	7	3
Aquatics Supervisor	3	4	Computer Support Tech. Group Leader	8	2
Assistant City Attorney I	10	2	Concession Manager	PT2	6
Assistant City Attorney II	12	1	Concession Worker	PT4	6
Assistant City Manager	14	1	Construction Coordinator	9	2
Assistant Emergency Manager	10	2	Court Administrator	6	3
Assistant Golf Professional	4	4	Crew Supervisor	8	2
Assistant Library Director	10	2	Criminalist	9	2
Assistant Pool/Beach Manager	PT3	6	Cultural Events Assistant	PT3	6
Associate Engineer	8	2	Cultural Services Director	12	1
Athletics Coordinator	6	3	Current Planning Manager	12	1
Battalion Chief	12	1	Customer Relations Manager	11	1
Batting Cage Worker	PT4	6	Customer Service Supervisor	7	3
Benefits Administrator	6	3	Day Camp Director	PT2	6
Box Office Coordinator	3	4	Deputy City Attorney	13	1
Budget Officer	11	1	Deputy City Clerk	6	3
Building Attendant	3	4	Deputy Fire Marshal	10	2
Building Inspector	7	3	Desktop Publishing Specialist	4	4
Building Supervisor	3	4	Development Center Specialist	5	4
Bus Driver	4	4	Director of Development Services	14	1
Bus Driver Sub	4	4	Director of Economic Development	13	1
Business Analyst	9	2	Director of Parks and Recreation	14	1
Business Analyst Group Leader	10	2	Director of Public Works	14	1
Business Development Specialist	8	2	Director of Water and Power	14	1
Business Services Coordinator	5	4	Document Management Clerk	2	5
Buyer	6	3	Economic Research Specialist	7	3
Cart Range Worker	PT4	6	Electric Metering Supervisor	9	2
Cashier I	1	5	Electric Resource Efficiency Coordinator	7	3
Cashier II	2	5	Electrical Engineer	10	2
Certified Youth Athletics Official	PT2	6	Engineering Technician	6	3
Chief Building Official	12	1	Environmental Compliance Administrator	10	2

<b>Position</b>	<b>Pay Level</b>	<b>Page</b>	<b>Position</b>	<b>Pay Level</b>	<b>Page</b>
Environmental Education Coordinator	PT2	6	Information Technology Director	13	1
Equipment Operator	4	4	Infrastructure Services Manager	12	1
Equipment Services Technician	4	4	Intern I	PT4	6
Escort Van Driver	PT3	6	Intern II	PT2	6
Evidence Technician	4	4	Investigative Technician	5	4
Executive Assistant	6	3	Irrigation Technician	5	4
Executive Fiscal Advisor	12	1	Journey Lineworker	8	2
Facilities Maintenance Technician	7	3	Journey Meter Technician	8	2
Facilities Maintenance Tech. Leadwkr.	7	3	Journey Substation/Hydro Technician	8	2
Facilities Management Planner	8	2	Lead Equipment Operator	6	3
Facilities Operations Manager	11	1	Lead Mechanic	7	3
Facilities Planning Specialist	4	4	Lead Plant Operator	8	2
Facility Attendant I	PT3	6	Lead Police Records Clerk	4	4
Facility Coordinator	6	3	Legal Assistant	6	3
Facility Maintenance Superintendent	9	2	Librarian I	5	4
Facility Supervisor	PT2	6	Librarian II	6	3
Field Engineer	7	3	Librarian III	8	2
Field Engineering Coordinator	7	3	Library Aide	3	4
Field Engineering Supervisor	10	2	Library Director	12	1
Field Service Representative	6	3	Library Page	PT4	6
Fire Chief	14	1	Lifeguard (Pool/Beach/Chilson)	PT4	6
Fire Division Chief	13	1	Line Crew Supervisor	9	2
Fire Engineer	9	2	Locator/Construction Inspector	5	4
Fire Inspection Technician	9	2	Mail Distribution Clerk	1	5
Fire Lieutenant	10	2	Maintenance Technician	PT2	6
Fire Shift Officer	10	2	Maintenance Worker	4	4
Firefighter	7	3	Maintenance Worker I	PT4	6
Firefighter Apprentice	PT4	6	Maintenance Worker II	PT3	6
Fitness Area Supervisor/Trainer	PT4	6	Marketing Coordinator	7	3
Fleet Parts Buyer	6	3	Master Greens Keeper	PT2	6
Fleet Services Manager	10	2	Mechanic II	6	3
Front House Coordinator	PT3	6	Mechanical/Maintenance Technician	7	3
General Laborer I	PT4	6	Meter Reader	4	4
General Laborer II	PT3	6	Municipal Court Clerk	3	4
GIS Specialist	7	3	Museum Curator	7	3
GIS Technician	6	3	Museum Preparator	6	3
Golf Course Professional	9	2	Museum Registrar	PT3	6
Golf Operations Manager	11	1	Natural Areas Manager	9	2
Golf Pro-Shop Worker	PT4	6	Natural Areas Technician	6	3
Golf Services Superintendent	9	2	Network & Systems Administrator	9	2
Golf Services Supervisor	7	3	Office Assistant	1	5
Grounds Technician I	4	4	Office Support Specialist	2	5
Grounds Technician II	6	3	Park Crew Leader	6	3
Groundworker	5	4	Parks Manager	11	1
Heavy Equipment Operator	5	4	Parks Specialist	5	4
Help Desk Technician	5	4	Parks Worker	4	4
Human Resources Analyst	5	4	Payroll Administrator	6	3
Human Resources Director	13	1	Plans Reviewer	8	2
Human Resources Generalist	8	2	Plant Operator A	7	3
Human Resources Manager	10	2	Plant Operator B/C	5	4
Human Resources Technician	4	4	Plant Operator D	4	4
Industrial Pretreatment Coordinator	9	2	Play/Tee Manager I	PT4	6

<b>Position</b>	<b>Pay Level</b>	<b>Page</b>	<b>Position</b>	<b>Pay Level</b>	<b>Page</b>
Play/Tee Manager II	PT3	6	Technical Assistant	4	4
Police Captain	13	1	Technical Coordinator	5	4
Police Communications Manager	10	2	Technical Services Control Specialist	7	3
Police Information Manager	10	2	Technical Services Superintendent	10	2
Police Lieutenant	12	1	Technical Specialist (W&P)	7	3
Police Officer	8	2	Telecom Specialist (IT)	7	3
Police Records Clerk	3	4	Theater Manager	8	2
Police Records Supervisor	7	3	Tournament Director	PT3	6
Police Sergeant	10	2	Traffic Marking Crew Leader	6	3
Police Specialist	8	2	Traffic Operations Superintendent	9	2
Pool Technician	PT4	6	Traffic Sign Specialist	5	4
Pool/Beach Manager	PT2	6	Traffic Signal Technician II	6	3
Power Operations Manager	13	1	Traffic Technician	4	4
Power Operations Supervisor	12	1	Transit Manager	9	2
Principal City Planner	9	2	Transit Operations Supervisor	6	3
Program Instructor I	PT4	6	Treatment Plant Controls Technician I	6	3
Program Instructor II	PT3	6	Treatment Plant Controls Technician II	6	3
Program Instructor III	PT2	6	Utility Accounting Manager	11	1
Program Instructor IV	PT1	6	Utility Billing Clerk	4	4
Program Supervisor	8	2	Utility Billing Supervisor	8	2
Public Arts/Business Services Manager	6	3	Utility Financial/Rate Analyst	9	2
Public Information Officer	8	2	Utility Information Manager	11	1
Public Works Inspector	6	3	Utility Systems Technician	5	4
Recreation Coordinator	6	3	Vehicle Service Technician	3	4
Recreation Facility Manager	9	2	Vehicle Service Writer	4	4
Recreation Manager	11	1	Warehouse Operations Manager	8	2
Recycling Center Equipment Operator	5	4	Warehouse Worker	5	4
Recycling Site Attendant	PT4	6	Wastewater Treatment Plant Manager	10	2
Recycling Site Helper	PT4	6	Water Meter Technician I	4	4
Revenue and Licensing Coordinator	5	4	Water Meter Technician II	5	4
Revenue Manager	11	1	Water Operations Supervisor	10	2
Risk Manager	11	1	Water Quality Lab Coordinator	9	2
Safety Coordinator	8	2	Water Quality Specialist I	5	4
Sales Tax Auditor	7	3	Water Quality Specialist II	5	4
Sales Tax Manager	9	2	Water Treatment Manager	11	1
Scorekeeper	PT4	6	Water Utilities Manager	13	1
Senior Accountant	9	2	Youth Athletics Coach	PT3	6
Senior Building Inspector	8	2	Youth Athletics Official I	PT4	6
Senior City Planner	7	3	Youth Athletics Official II	PT3	6
Senior Civil Engineer	12	1			
Senior Customer Service Representative	5	4			
Senior Electrical Engineer	12	1			
Senior GIS Specialist	9	2			
Senior Meter Reader	5	4			
Senior Parks Planner	10	2			
Senior Utility Billing Clerk	5	4			
Solid Waste Management Superintendent	11	1			
Staff Engineer	8	2			
Stormwater Quality Specialist	8	2			
Street Maintenance Superintendent	11	1			
Streets & Solid Waste Manager	12	1			
Support Services Superintendent	9	2			
Swim Aide	PT4	6			

<b>2012 Exempt Vacation Leave Eligibility List</b>		
<b>Benefit Level</b>	<b>Position</b>	<b>Pay Plan Level</b>
A	City Manager	
A	City Attorney	
A	Municipal Judge	
A	Assistant City Manager	14
A	Chief of Police	14
A	Director of Development Services	14
A	Director of Parks and Recreation	14
A	Director of Public Works	14
A	Director of Water and Power	14
A	Fire Chief	14
B	Deputy City Attorney	13
B	Director of Economic Development	13
B	Fire Division Chief	13
B	Human Resources Director	13
B	Information Technology Director	13
B	Police Captain	13
B	Power Operations Manager	13
B	Water Utilities Manager	13
B	Airport Director	12
B	Application Services Manager	12
B	Assistant City Attorney II	12
B	Battalion Chief	12
B	Chief Building Official	12
B	City Engineer	12
B	City Traffic Engineer	12
B	Cultural Services Director	12
B	Current Planning Manager	12
B	Executive Fiscal Advisor	12
B	Infrastructure Services Manager	12
B	Library Director	12
B	Police Lieutenant	12
B	Power Operations Supervisor	12
B	Senior Civil Engineer	12
B	Senior Electrical Engineer	12
B	Streets & Solid Waste Manager	12
B	Budget Officer	11
B	City Clerk	11
B	Customer Relations Manager	11
B	Facilities Operations Manager	11
B	Golf Operations Manager	11
B	Parks Manager	11
B	Recreation Manager	11
B	Revenue Manager	11

<b>2012 Exempt Vacation Leave Eligibility List</b>		
<b>Benefit Level</b>	<b>Position</b>	<b>Pay Plan Level</b>
B	Risk Manager	11
B	Solid Waste Management Superintendent	11
B	Street Maintenance Superintendent	11
B	Utility Accounting Manager	11
B	Utility Information Manager	11
B	Water Treatment Manager	11
B	Administrative Business Manager	10
B	Assistant City Attorney I	10
B	Assistant Library Director	10
B	Civil Engineer	10
B	Compensation and Benefits Manager	10
B	Compliance and Payroll Manager	10
B	Electrical Engineer	10
B	Environmental Compliance Administrator	10
B	Field Engineering Supervisor	10
B	Fleet Services Manager	10
B	Human Resources Manager	10
B	Police Communications Manager	10
B	Police Information Manager	10
B	Senior Parks Planner	10
B	Technical Services Superintendent	10
B	Wastewater Treatment Plant Manager	10
B	Water Operations Supervisor	10
C	Construction Coordinator	9
C	Facility Maintenance Superintendent	9
C	Golf Course Professional	9
C	Golf Services Superintendent	9
C	Industrial Pretreatment Coordinator	9
C	Natural Areas Manager	9
C	Principal City Planner	9
C	Recreation Facility Manager	9
C	Sales Tax Manager	9
C	Senior Accountant	9
C	Support Services Superintendent	9
C	Traffic Operations Superintendent	9
C	Transit Manager	9
C	Utility Financial/Rate Analyst	9
C	Airport Operations/Maintenance Supervisor	8
C	Business Development Specialist	8
C	Community Partnership Administrator	8
C	Crew Supervisor	8
C	Facilities Management Planner	8
C	Human Resources Generalist	8

<b>2012 Exempt Vacation Leave Eligibility List</b>		
<b>Benefit Level</b>	<b>Position</b>	<b>Pay Plan Level</b>
C	Librarian III	8
C	Program Supervisor	8
C	Public Information Officer	8
C	Staff Engineer	8
C	Stormwater Quality Specialist	8
C	Theater Manager	8
C	Accountant II	7
C	Commercial Accounts Representative	7
C	Economic Research Specialist	7
C	Marketing Coordinator	7
C	Museum Curator	7
C	Police Records Supervisor	7
C	Sales Tax Auditor	7
C	Senior City Planner	7
C	Technical Specialist Water & Power	7
C	Athletics Coordinator	6
C	Benefits Administrator	6
C	Facility Coordinator	6
C	Public Art/Business Services Manager	6
C	Recreation Coordinator	6
C	Transit Operations Supervisor	6

**FIRST READING**      October 4, 2011

**SECOND READING**   October 18,2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE CITY OF LOVELAND, COLORADO**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the 2012 Budget, which has been filed with the City Clerk’s Office, for all funds for the fiscal year beginning January 1, 2012 and ending December 31, 2012, with revenues and estimated fund balance in the amount of \$322,139,250, and expenditures of \$196,181,330 for capital and departmental operations, is hereby adopted as the budget for all funds of the City of Loveland, Colorado for the year 2012.

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt  
Deputy City Attorney



**FIRST READING**      October 4, 2011

**SECOND READING**   October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE MAKING AN APPROPRIATION FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012 FOR THE CITY OF LOVELAND, COLORADO**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That out of estimated revenues to be derived from all sources, as set forth in the 2012 Budget, to be received from the funds listed below, which together with estimated fund balance on January 1, 2012, make a total of estimated resources listed below, there is hereby appropriated to each such fund for the fiscal year beginning January 1, 2012 the amount listed:

<b>Fund Name</b>	<b>Estimated Revenue</b>	<b>Estimated Fund Balance</b>	<b>Total Resources</b>	<b>Appropriation</b>	<b>Fund Balance</b>
General Fund	64,694,850	23,949,940	88,644,790	63,617,600	25,027,190
Art in Public Places	247,960	291,170	539,130	531,350	7,780
Capital Projects	17,065,900	1,109,300	18,175,200	17,065,900	1,109,300
Park Capital Expansion Fees	554,650	6,111,400	6,666,050	5,831,100	834,950
Recreation Capital Expansion Fees	383,670	3,175,360	3,559,030	250,000	3,309,030
Trails Capital Expansion Fees	86,680	1,020,550	1,107,230	164,460	942,770
Open Space Capital Expansion Fees	136,720	656,650	793,370	-	793,370
General Government Capital Expansion Fees	272,990	5,322,720	5,595,710	-	5,595,710
Fire Capital Expansion Fees	303,850	2,459,420	2,763,270	767,350	1,995,920
Police Capital Expansion Fees	166,490	4,152,540	4,319,030	-	4,319,030
Library Capital Expansion Fees	96,200	257,430	353,630	-	353,630
Cultural Services Capital Expansion Fees	109,050	1,865,510	1,974,560	-	1,974,560
Streets Capital Expansion Fees	831,570	2,042,360	2,873,930	1,095,090	1,778,840
Comm. Dev. Block Grant	275,000	-	275,000	275,000	-
Conservation Trust	579,710	4,545,510	5,125,220	2,143,930	2,981,290
Lodging Tax	557,300	429,730	987,030	-	987,030
Open Space	1,635,790	10,535,820	12,171,610	3,036,170	9,135,440
Parks Improvement	95,790	2,555,560	2,651,350	570,000	2,081,350
PEG Fee	71,000	139,470	210,470	57,000	153,470
Seizure & Forfeiture Fund	-	2,050	2,050	-	2,050
Golf Course	3,559,290	1,397,240	4,956,530	3,447,000	1,509,530
Power	48,601,460	12,165,680	60,767,140	50,598,050	10,169,090
Power Plant Improvement Fee	1,792,670	-	1,792,670	50,000	1,742,670
Raw Water	1,790,060	15,537,730	17,327,790	1,654,180	15,673,610
Solid Waste	6,207,120	3,844,360	10,051,480	4,997,270	5,054,210
Storm Water	4,415,590	2,199,550	6,615,140	4,655,400	1,959,740
Wastewater	7,221,240	5,138,750	12,359,990	6,812,820	5,547,170
Wastewater System Improvement Fee	854,440	-	854,440	221,350	633,090
Water	8,196,990	7,971,420	16,168,410	9,844,910	6,323,500
Water System Improvement Fee	1,418,430	568,290	1,986,720	1,055,980	930,740
Employee Benefits Fund	9,358,610	3,747,220	13,105,830	11,126,500	1,979,330
Fleet Management	1,148,380	7,500,830	8,649,210	654,000	7,995,210
Risk Management	2,395,540	2,663,980	5,059,520	2,520,880	2,538,640
Vehicle Maintenance	3,260,530	396,190	3,656,720	3,138,040	518,680
<b>TOTAL</b>	<b>188,385,520</b>	<b>133,753,730</b>	<b>322,139,250</b>	<b>196,181,330</b>	<b>125,957,920</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon adoption, as provided in City Charter Section 11-5(d).

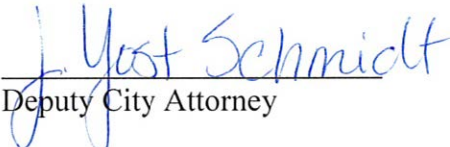
ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

## Staff Report

**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, City Manager's Office/Finance

**TITLE:**

Second Reading on an ordinance amending Section 3.08.020 of the Loveland Municipal Code regarding placement of General Fund tax revenues in a reserve account

**DESCRIPTION:**

Ordinance # 5530 approved October 19, 2010 revised the annual contribution to the City Council Reserve from 5% of General Fund revenue to 2.5% for five years, when it would be restored to 5%. The attached ordinance would retain the 2.5% contribution throughout the planning horizon, freeing up money to address operations and capital needs in the General Fund starting in 2016. The first reading of the ordinance was approved unanimously October 4, 2011 on first reading.

**BUDGET IMPACT:**

Yes       No

If the contribution to the City Council reserve is maintained at 2.5% of the revenues, \$1.3 million would be made available for operations and capital beginning 2016 annually throughout the planning horizon in the General Fund.

**SUMMARY:**

This proposed action does two things: retains the contribution to the City Council reserve at 2.5% throughout the planning horizon for the General Fund and makes the language more flexible with regard to the expenditure of the money (Municipal Code Section 3.08.020 states that it can only be used for capital improvements from January 1, 2012 and December 21, 2015). This is an action for planning purposes and is not necessarily permanent in nature. If the revenue collection were to change significantly in any future year, an action could be taken by the City Council in that year to revise this policy.

The Ten Year General Fund Financial Plan has the funds committed to repaying the inter-fund loan on the 402 property purchase and downtown projects. When the budget is approved the current year's contribution is appropriated. Any use outside the annual budget appropriation must be approved by City Council in separate action. Staff believes that it is fiscally prudent to limit the use of the City Council reserve funds to one-time expenditures that do not impact future year budgets. There could be one-time expenditures that would not have future year impacts and may not be a capital improvement (i.e., equipment under \$250,000, seed money to bridge a gap until new revenue can be generated, grant match).

This change would make \$1.3 million dollars available for operating and capital in the General Fund starting in 2016, when the projected contribution would change from \$2,516,040 to \$1,258,020. This action would require that the placeholder for downtown projects in 2016 be reduced from \$1,000,000 to \$630,000. The balance could be restored in 2017 because the inter-fund loan will be paid in full in 2016. Assuming the contribution were 2.5% in 2017, the projected ending balance in that year would be \$1,369,420.

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**LIST OF ATTACHMENTS:**

- Ordinance (without Red lines)
-

**FIRST READING** October 4, 2011

**SECOND READING** October 18, 2011

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 3.08.020 OF THE LOVELAND MUNICIPAL CODE REGARDING PLACEMENT OF GENERAL FUND TAX REVENUES IN A RESERVE ACCOUNT**

**WHEREAS**, Loveland Municipal Code Section 3.08.020 requires the placement of two and one half percent (2.5%) of all general fund revenues which are derived from any sales tax, use tax or ad valorem property tax, and which are within the annual revenue limitations of Article X, Section 20 of the Colorado Constitution, to be placed in the general fund reserve account during the period from January 1, 2011 and ending December 31, 2015; and

**WHEREAS**, Code section 3.08.020 also provides that expenditures from the reserve account shall be made following appropriation by ordinance of the City Council only for operating programs, special projects or capital improvements for the period ending December 31, 2011, and only for capital improvements during the period commencing January 1, 2012 and ending on December 31, 2015; and

**WHEREAS**, the placement of tax revenues in the general fund reserve account in accordance with Section 3.08.020 for the period from January 1, 2010 and ending on December 31, 2015 was implemented by Ordinance No. 5466 approved by City Council on second reading on October 20, 2009, (the "2009 Ordinance") and amended by Ordinance No. 5530 approved by City Council on second reading on October 19, 2010 (the "2010 Ordinance"); and

**WHEREAS**, the City Council desires to eliminate the end date of December 31, 2015 for placement of tax revenues in the general fund reserve account and permit the use of such reserve for operating programs, special projects or capital improvements after appropriation by ordinance of the City Council effective January 1, 2012 as more fully described herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** Effective January 1, 2012, Section 3.08.020 of the Loveland Municipal Code is amended to read in full as follows:

**3.08.020. General Fund – Reserve Account**

For each fiscal year commencing on January 1, 2012, two and one half percent (2.5%) of all general fund revenues which are derived from any sales tax, use tax or ad valorem property tax and which are within the annual revenue limitations of Article X, Section 20 of the Colorado Constitution shall be placed in the general fund reserve account. Expenditures from the reserve

account shall be made for operating programs, special projects or capital improvements, following appropriation by ordinance of the city council.

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b). .

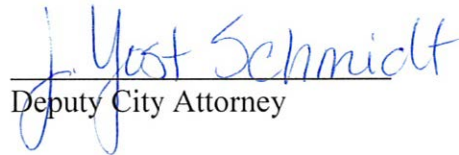
Adopted this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

## Responses to 10/4/11 City Council Meeting

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### **Fees for Appeals to Planning Commission and City Council**

#### **Why is the proposed fee for appeals to Planning Commission higher than for appeals to City Council?**

The Municipal Code contains specific findings that must be made as the basis for any decision on an appeal. In preparation for the Planning Commission public hearing, City staff prepares a detailed report assessing these findings and making a recommendation. This staff report is then included in the City Council packet as the basis for the Council's decision on the appeal with only minor modifications.

#### **What are some of the direct costs for processing an appeal?**

Direct costs to the City include the initial review by the City Attorney's Office to determine if there are any fatal flaws in the appeal, review by City staff to evaluate the merits of the appeal and prepare a staff report, notice of public hearing by publication in the local newspaper, posting of signs on the property, and mailing notices to the neighborhood. In addition, the record provided to the Planning Commission and City Council must include the complete record of any previous proceedings involving the appeal.

### **McDonald's Menu Board Signs**

#### **Why is City staff requiring McDonald's to remove signs installed at their new restaurant on West Eisenhower?**

These signs are not being removed. McDonald's was granted a variance by the Zoning Hearing Office to allow the two menu boards in question to remain. The Loveland Municipal Code (LMC) contains standards limiting the number and size of menu boards. Each of the two menu boards installed by McDonald's exceed the size limitation by 10 square feet. Decisions made by City staff must be in accordance with the standards in the LMC. The LMC requires that any deviation from standards must be approved by the granting of a variance.

### **Habitat for Humanity Fee Waivers**

#### **What would be the cost of increasing the annual fee waivers associated with Habitat for Humanity from 6 to 8 units?**

The cost of building permit, capital expansion, and system impact fees for eight units is approximately \$217,000.00, including \$86,000.00 in Enterprise Fund backfill costs. Non-backfill Fee waivers increase by \$32,750 and direct backfill costs increase by \$21,500.00 respectively when increasing from 6 to 8 units.



## Responses to 10/4/11 City Council Meeting

### Sources of Funds for Open Space

#### What are the funding sources for the purchases of open space?

The City has two sources of funding for open lands purchases. The primary source is the County Open Space Tax. This is a County sales tax of 0.8%, collected by the County then shared with the cities in the County by a distribution formula. The tax will sunset in 2018. The City of Loveland's share has been between \$1.4 and \$1.5 million over the last five years. The City has a Special Revenue fund to keep the revenues and expenses associated with this revenue source separate from other City funds. Please refer to page 4-33 for the financial summaries for the fund and page s 16-15 and 16-16 for details on the funds expenditures in the 2012 Recommended Budget.

The second source is an Open Space Capital Expansion Fee (CEF). This is one of the CEF fees charged to residential development. Annual revenues have been between \$70,000 and \$140,000 for the past five years. Please refer to page 4-25 for the fund summary and the Capital Program Chapter in the 2012 Recommended Budget for details on proposed expenditures.

The maintenance of the open space areas is also funded from the Open Space tax revenues. We reserve 15% of annual tax revenues for future operation and maintenance needs. Our projection is that these funds will provide operation and maintenance funds until 2040 at current levels of expected open lands properties in our capital plan.

#### How many acres of open space does the City own?

##### Open Lands Sites

AREA	TOTAL ACRES	PUBLIC ACCESS
Big Thompson River Corridor	301	Yes
Boyd Lake*	107	Yes
Dakota Ridge	112	Future Access
Devil's Backbone*	602	Yes
Hermit Park*	1,362	Yes
Ft. Collins/Loveland Separator*	1,300	Future Access
Sylvan Dale CE*	766	Reservation
Ryan's Gulch CE*	438	No
<b>Total</b>	<b>4,988</b>	---
*Purchases joint funded with other agencies		

## Responses to 10/4/11 City Council Meeting

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Annual reports with a wealth of information on open space are available on-line (select Parks and Recreation Department and then select Open Space. Look to the right hand panel, click on Annual Reports and then select the year you would like to view.

### Smaller Neighboring City Mill Levies

The mill levies for Berthoud, Johnstown and Windsor are as follows:

Berthoud	9.737 mills
Johnstown	23.947 mills
Windsor	12.030 mills

All are higher than the City of Loveland mill levy of 9.564 mills

### Community Development Block Grant Funds

The City of Loveland is considered an entitlement city in the CDBG program. As an entitlement city, we do not have to apply for the grant each year and the amount we receive is set by an allocation formula based on the amount for the grant program in the federal budget. In 2010 we received \$329,838, in 2011 \$275,178, and we are projecting to be awarded \$275,000 in 2012.

### Other Grants

The City applies for grants as opportunities become available. The 2012 Budget does not include projections for grant receipts except for known formula based grants like the CDBG Program or the Federal Transit Authority (FTA) operating grants. Grants received in 2012 will be added to the budget through a supplemental appropriation as they become available.

For 2011 we currently have \$951,170 budgeted in State grants and \$2,015,730 for all federal grants other than the CDBG allocation and the FTA grants. There is \$1,373,040 currently budgeted in 2011 for FTA grants.

The City has recently entered a contract with eCivis, a grant tracking software system that researches grants available, aids in the grant writing and application process, and provides a platform for tracking the grants through the completion of the project. We anticipate this will result in an increase in grant awards as well as improve the grant administration and reporting.

## Responses to 10/4/11 City Council Meeting

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### **Benefits of increasing the budget for the Partnering with Power Program**

The Partnering with Power Program where we cycle the compressor on air conditioners on and off during the months of June through August, our peak load months, has been our most successful program for shifting the load from on-peak to off-peak times. The maximum system peak typically occurs during the months of July or August primarily due to air conditioning load and the annual system load curve looks like a steep bell curve. The maximum peak load is typically twice as much as the load during the shoulder months of the spring and fall. For example, the purchased power bill from Platte River Power Authority (PRPA) for July 2011 was \$3,554,437 and approximately half this bill was for the peak demand that occurred during one hour of the month. So shifting the load during peak times will reduce our purchased power costs and will help to lower future rate increases from PRPA because this program will delay the need for additional peak generating capacity. Also, reducing the load during peak times will delay the need for capacity additions on our distribution system which will help lower our annual capital budget.

Currently there are 3400 residential customers participating in this program and this has generated annual savings of \$125,000. The additional \$300,000 in the 2012 budget will be used to introduce this program to our commercial customers who typically have larger air conditioning loads and therefore the return on investment should be even more attractive. Currently the projected ROI for residential customers is 7 years and for commercial customers it is 5 years. We expect that both of these ROI time periods will continue to be reduced as we add more customers to the program.


**CITY OF LOVELAND**

BUDGET OFFICE

 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

**AGENDA ITEM:** 7  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

An Ordinance adopting the 2012 Budget for the Loveland Special Improvement District #1.

**DESCRIPTION:**

This is an administrative action. The City serves as the sponsoring agency for the Special Improvement District (SID) and the ex officio Board of Directors. The SID #1 was established to allow for the collection of assessments from property owners in the District to back bonded debt used to construct infrastructure improvements in the district. The City does not have any legal obligation towards this debt. By State law, all special districts with a connection to the City must have a budget approved by the City Council. The City of Loveland serves as staff for the District.

**BUDGET IMPACT:**

Yes       No

This action adopts the budget and appropriates funds for the 2012 expenditures of the District.

**SUMMARY:**

The appropriation is for debt service on bonds issued by the district; supported by the special assessments to the property owners within the district. The City does not have any legal obligation for payment of this debt. Council unanimously approved the ordinance on First Reading on October 4, 2011.

**LIST OF ATTACHMENTS:**

An Ordinance Adopting the 2012 Budget for the Loveland Special Improvement District #1.

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**RECOMMENDED CITY COUNCIL ACTION:**

Approval of the ordinance on Second Reading.

**REVIEWED BY CITY MANAGER:**

FIRST READING October 4, 2011

SECOND READING October 18, 2011

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND SPECIAL IMPROVEMENT DISTRICT #1.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, acting as the governing body of the Loveland Special Improvement District #1:**

**Section 1.** That out of monies and revenues to be derived from all sources, as set forth in the 2012 budget, to be received into the Loveland Special Improvement District #1 during the year 2012, with revenues and cash on hand as of January 1, 2012, make a total of estimated revenue and cash in the sum of \$1,542,340 there is hereby appropriated \$776,190 to the Loveland Special Improvement District #1.

**Section 2.** That the budget for the Loveland Special Improvement District #1 for the year 2012, which has been filed with the City Clerk’s Office, setting forth expenditures of \$776,190 and providing revenues from assessments, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
APPROVED AS TO FORM:

*J. Yost Schmidt*  
\_\_\_\_\_  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 8  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

An Ordinance of the Board of Commissioners of the Loveland Urban Renewal Authority Adopting the 2012 Budget for the Loveland Urban Renewal Authority.

**DESCRIPTION:**

This is an administrative action. City Council serves as the Board of Commissioners for the Loveland Urban Renewal Authority. By State budget law, the Board must approve an annual budget for the Authority. The City of Loveland serves as staff for the District. The Authority is funded by tax increment revenues from property and sales taxes.

**BUDGET IMPACT:**

Yes       No

This action adopts the budget and appropriates funds for the 2012 expenditures of the Authority.

**SUMMARY:**

Currently there are three project areas within the Authority, the Downtown Project Area, the Finley Block Project Area, and the U.S. 34 Crossroads Project Area. Within the Downtown Project Area, \$30,060 is appropriated for developer reimbursements based on existing agreements. Within the Finley Block Project area \$163,470 is appropriated for the payment to the development for infrastructure. Within the U.S. 34/Crossroads Project area, \$50,000 is appropriated for City administrative costs, \$948,840 is appropriated to be paid to the school fund, and \$9,696,930 is appropriated for the transfer of revenue collected within the U.S. 34 Crossroads Project Area to the Centerra Metropolitan District #1 to meet contractual obligations between the Authority and the District under the Master Financing Agreement.

Council approved the ordinance unanimously on First Reading on October 4, 2011.

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**LIST OF ATTACHMENTS:**

An Ordinance of the Board of Commissioners of the Loveland Urban Renewal Authority  
Adopting the 2012 Budget for the Authority.

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**RECOMMENDED CITY COUNCIL ACTION:**

Approval of the Ordinance on Second Reading.

**REVIEWED BY CITY MANAGER:**



FIRST READING October 4, 2011

SECOND READING October 18, 2011

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND URBAN RENEWAL AUTHORITY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, acting as the Board of Commissioners of the Loveland Urban Renewal Authority:**

**Section 1.** That out of monies and revenues to be derived from all sources, as set forth in the 2012 budget, to be received into the Loveland Urban Renewal Authority Fund 37 during the year 2012, with anticipated revenues and estimated fund balance as of January 1, 2012, make a total of estimated revenue and cash in the sum of \$13,188,540, there is hereby appropriated \$10,889,300 to the Loveland Urban Renewal Authority Fund 37.

**Section 2.** That the budget for the Loveland Urban Renewal Authority for the year 2012, which has been filed with the City Clerk’s Office, setting forth expenditures of \$10,889,300 and providing revenues from taxes, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

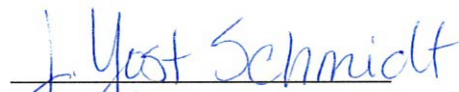
ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 9  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

1. An Ordinance Adopting the 2012 Budget for the Loveland General Improvement District #1; and
2. An Ordinance Setting the 2011 Mill Levy for the Loveland General Improvement District #1.

**DESCRIPTION:**

The ordinance adopting the budget is an administrative action. The ordinance setting the mill levy is a legislative action. City Council serves as the ex-officio Board of Directors for the District. The Board must approve a budget and set the mill levy for the District. The City of Loveland serves as staff for the District.

**BUDGET IMPACT:**

Yes       No

These items establish a budget and appropriate funds for District expenses in 2012, and set the mill levy rate for the property tax collections.

**SUMMARY:**

The 2012 appropriation for the District is \$24,500. The funding is for parking lot repair and maintenance and landscaping maintenance within the District. The mill levy will be the same as in 2010. The District encompasses the downtown area with boundaries of 3<sup>rd</sup> Street on the south, 7<sup>th</sup> Street on the north, Railroad Avenue on the west and Jefferson Avenue to the east, except along 4<sup>th</sup> Street where Washington Avenue is the eastern boundary.

The 2011 mill levy applied to the 2011 Assessed Valuation determines the 2011 Property taxes. These taxes are due and payable in 2012 and the revenue funds the 2012 budget.

Council approved the ordinances on First Reading unanimously on October 4, 2011.

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**LIST OF ATTACHMENTS:**

- A. An Ordinance Adopting the 2012 Budget for the Loveland General Improvement District #1.
  - B. An Ordinance setting the 2011 mill levy for the Loveland General Improvement District #1.
- 

**RECOMMENDED CITY COUNCIL ACTION:**

Approval of the Ordinances on Second Reading.

**REVIEWED BY CITY MANAGER:**

FIRST READING October 4, 2011

SECOND READING October 18, 2011

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE LOVELAND  
GENERAL IMPROVEMENT DISTRICT #1.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
LOVELAND, COLORADO, acting as the ex officio Board of Directors of the Loveland  
General Improvement District #1:**

**Section 1.** That out of monies and revenues to be derived from all sources, as set forth in the 2012 budget, to be received into the Loveland General Improvement District #1 Fund during the year 2012, with revenues and cash on hand as of January 1, 2012, make a total of estimated revenue and cash in the sum of \$107,630, there is hereby appropriated \$24,500 to the Loveland General Improvement District #1 Fund.

**Section 2.** That the budget for the Loveland General Improvement District #1 for the year 2012, which has been filed with the City Clerk's Office, setting forth expenditures of \$24,500 and providing revenues from taxes, which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
APPROVED AS TO FORM:

*J. Yost Schmidt*  
\_\_\_\_\_  
Deputy City Attorney

**FIRST READING**      October 4, 2011

**SECOND READING**   October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE SETTING THE 2011 MILL LEVY FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1**

**WHEREAS**, the City Council, acting as the ex-officio Board of Directors of the Loveland General Improvement District #1, desires to maintain the 2011 mill levy rate at the same level as 2010; and

**WHEREAS**, the 2011 mill levy rate impacts 2011 taxes, due and payable in 2012.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, acting as the ex officio Board of Directors of the Loveland General Improvement District #1:**

**Section 1.** That the mill levy rate of 2.684 mills is hereby adopted as the rate of levy upon every dollar of the valuation for assessment of taxable property within the Loveland General Improvement District #1, for the year 2011.

**Section 2.** That the City Clerk of the City of Loveland be and is hereby authorized and directed to send a certified copy of this ordinance to the Board of County Commissioners of Larimer County, Colorado.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt  
Deputy City Attorney


**CITY OF LOVELAND**

BUDGET OFFICE

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**AGENDA ITEM:** 10  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Finance Department  
**PRESENTER:** John Hartman, Budget Officer

**TITLE:**

An Ordinance Adopting the 2012 Budget for the Fort Collins-Loveland Municipal Airport .

**DESCRIPTION:**

This is an administrative action. The City of Loveland provides staff support to the Airport through the Intergovernmental agreement with the City of Ft. Collins. As a part of this function the City Council approves the Airport budget, which includes the City's share of the Airport Budget.

**BUDGET IMPACT:**

Yes       No

This item appropriates the funds for Airport expenses in 2012.

**SUMMARY:**

The 2012 appropriation for the Ft. Collins-Loveland Municipal Airport is \$1,996,550. The funding is for the operations and capital improvement program at the Airport. Operations expenses of \$779,550 include funding for the Airport staff and day to day operating costs, funded through Airport Revenues. The capital program with appropriations of \$1,217,000 to continue runway improvements is funded by a Federal Aviation Administration entitlement grant, a grant from the State of Colorado, and contributions from the two cities.

Council approved the ordinance unanimously on First Reading on October 4, 2011.

**LIST OF ATTACHMENTS:**

- A. An Ordinance adopting the 2012 budget for the Fort Collins-Loveland Municipal Airport.

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**RECOMMENDED CITY COUNCIL ACTION:**

Approval of the Ordinance on Second Reading.

**REVIEWED BY CITY MANAGER:**



**FIRST READING**      October 4, 2011

**SECOND READING** October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ADOPTING THE 2012 BUDGET FOR THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT.**

**WHEREAS**, the Intergovernmental Agreement (IGA) between the Cities of Loveland and Fort Collins related to ownership and operation of the Fort Collins-Loveland Municipal Airport (the "Airport") provides that the City of Loveland serves as the staff support for administrative services. Under the IGA, both cities budget for their share of the Airport Annual Operating Budget and Capital Budget (collectively, the "Airport Budget"), and the Steering Committee approves the Airport Budget as whole, and the City of Loveland includes the Airport Budget in its City Budget Document for reference purposes; and

**WHEREAS**, the City of Loveland 2012 Budget appropriated Loveland's contribution to the 2012 Airport Budget of \$85,000 and included the 2012 Airport Budget in the City's 2012 Budget Book for reference purposes; and

**WHEREAS**, for transparency to the Council and the public and for governance, management, and audit of the Airport Budget, and to provide a mechanism to track and approve changes to the Airport Budget, it is appropriate for the City of Loveland, as a part of its administrative duties under the IGA, to approve the 2012 Airport Budget as whole and any subsequent changes.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That out of monies and revenues to be derived from all sources, as set forth in the 2012 Airport Budget, to be received into the Fort Collins-Loveland Municipal Airport during the year 2012, with revenues and estimated fund balance as of January 1, 2012, make a total of estimated revenue and cash in the sum of \$3,414,750; there is hereby appropriated \$1,996,550 to the Fort Collins-Loveland Municipal Airport Fund.

**Section 2.** That the 2012 Airport Budget, as set forth on Exhibit A attached hereto and incorporated herein by this reference and which has been filed with the City Clerk's Office, setting forth expenditures of \$1,996,550 which together with all other sources of revenue available to it are adequate to meet the proposed expenditures, be and is hereby approved.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or

the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

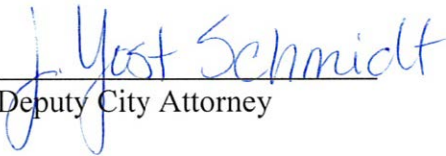
ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
MUNICIPAL AIRPORT

4900 Earhart Road • Loveland, Colorado 80538  
(970) 962-2852 • FAX (970) 962-2855 • TDD (970) 962-2620

**AGENDA ITEM:** 11  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Jason Licon, Airport Director  
**PRESENTER:** Keith Reester, Public Works Director

**TITLE:**

1. A resolution authorizing a grant award and agreement with the U.S. Department of Transportation for a grant pertaining to the Fort Collins-Loveland Municipal Airport.
2. Public Hearing and consideration of an ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins-Loveland Airport budget for the Small Community Air Service Development Program Grant.

**DESCRIPTION:**

These are administrative actions. This Resolution authorizes the City Manager to execute a Grant Agreement with the United States Department of Transportation. The first grant is in the amount of \$221,500.00. The grant will be used to fund the Airport's efforts to address the air service needs of the community through completion of an air service development, communications and marketing plan for the Airport and development of a plan for the wingless flight program. The appropriation is for a Federal Grant and local cash match to enhance service from the Airport.

**BUDGET IMPACT:**

Yes       No

The program is funded with a federal grant. The grant requires a local match of \$19,600, which is funded from reserves.

**SUMMARY:**

With funds made available through the Small Community Air Service Development Pilot Program, the airport, in conjunction with the Cities of Loveland and Fort Collins plan to develop and implement a community based air service strategic plan with goals and objectives of meeting the growth needs of its aviation requirements needs for its citizens and business. This plan will work to increase awareness of airport initiatives, support incumbent carriers, provide new jobs and improve the region's access to the air transportation network. This plan will also

include substantial public engagement in the local airport sponsor communities to further enhance the relationship between the airport and community members, including the general public and business interests.

The funding derived from the grant totals \$221,500, and the Grant requires local matching cash funds in the amount of \$19,602.00 (the “Local Cash Funds”), which are available for appropriation from the Airport Fund balance, and a local matching “in kind” contribution valued at \$16,335.00 to be provided by the Airport.

---

**LIST OF ATTACHMENTS:**

1. A resolution authorizing a grant award and agreement with the U.S. Department of Transportation for a grant pertaining to the Fort Collins-Loveland Municipal Airport.
2. An ordinance enacting a supplemental budget and appropriation to the 2011 Ft. Collins-Loveland Airport budget for the Small Community Air Service Development Program Grant.

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**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a Public Hearing and Approve the Resolution and Adopt the Ordinance on First Reading.

**REVIEWED BY CITY MANAGER:**

**RESOLUTION # R-66-2011**

**A RESOLUTION AUTHORIZING A GRANT AWARD AND AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION FOR A GRANT PERTAINING TO THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT**

**WHEREAS**, the Cities of Fort Collins and Loveland jointly own and operate the Fort Collins-Loveland Municipal Airport (the "Airport"); and

**WHEREAS**, the Cities have applied for a grant under the Small Community Air Service Development Program from the U.S. Department of Transportation ("DOT") in the amount of \$221,500.00 (the "Grant") to fund a the Airport's efforts to address the air service needs of the community through completion of an air service development, communications and marketing plan for the Airport and development of a plan for the wingless flight program; and

**WHEREAS**, the DOT has notified that the Grant has been awarded to the Airport on the terms and conditions set forth in the Grant Award and Agreement attached hereto as **Exhibit A** and incorporated herein by this reference (the "Grant Agreement"); and

**WHEREAS**, the Grant requires local matching cash funds in the amount of \$19,602.00 (the "Local Cash Funds"), which are available for appropriation from the Airport Fund balance, and a local matching "in kind" contribution valued at \$16,335.00 to be provided by the Airport; and

**WHEREAS**, the Grant funds and the Local Cash Funds required under the Grant Agreement will be appropriated as a supplement appropriation to the Airport's 2011 budget.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:**

**Section 1.** That the Grant Agreement and the Grant Assurances attached thereto are hereby approved.

**Section 2.** That the City Manager is authorized, following consultation with the City Attorney, to modify the Grant Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

**Section 3.** That the City Manager and the City Clerk are hereby authorized and directed to execute the Grant Agreement, and the Grant Assurances attached thereto, on behalf of the City of Loveland.

**Section 4.** That this Resolution shall take effect as of the date and time of its adoption.

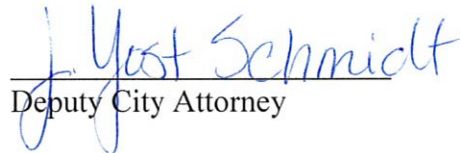
**ADOPTED** this 18<sup>th</sup> day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT A

**GRANT AWARD AND AGREEMENT BETWEEN THE  
U.S. DEPARTMENT OF TRANSPORTATION  
AND THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT,  
ACTING FOR THE COMMUNITIES OF FORT COLLINS AND  
LOVELAND, COLORADO, UNDER THE SMALL COMMUNITY AIR  
SERVICE DEVELOPMENT PROGRAM**

WHEREAS, the Fort Collins-Loveland Municipal Airport (hereinafter referred to as the Sponsor), on behalf of the communities of Fort Collins and Loveland, Colorado, has applied for a Grant under the Small Community Air Service Development Program; now THEREFORE, the U.S. Department of Transportation (DOT), acting for the UNITED STATES, presents this Grant Award and Agreement to the Sponsor for a grant of up to \$221,500 to assist in the Sponsor's efforts to address the air service needs of the community. Unless otherwise defined in this Grant Agreement, capitalized terms shall have the meanings assigned to such terms in Section E hereof.

**THIS GRANT AWARD AND AGREEMENT IS MADE ON AND SUBJECT TO  
THE FOLLOWING TERMS AND CONDITIONS:**

**A. GENERAL CONDITIONS**

1. The maximum obligation of the United States payable under this Grant Agreement shall be \$221,500.
2. Payment of the United States' share of the agreed project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as DOT may prescribe. Final determination of the United States' share may be based upon a final review of the total amount of agreed project costs and settlement will be made for adjustments to the United States' share of costs.
3. The Sponsor shall carry out and complete the Project without undue delays and in accordance with the terms hereof and pursuant to any regulations and procedures as DOT may prescribe.
4. This Grant Award constitutes an obligation of federal funding. This Grant Award shall expire and the United States shall not be obligated to pay any part of the costs of the project unless the Sponsor signs this Grant Agreement on or before **October 30, 2011**, or such subsequent date as may be prescribed in writing by DOT. If the Sponsor makes any substantive changes to this Grant Agreement, such changes shall constitute amendments to this Grant Award and Agreement and further action on the part of DOT is required in order for DOT to accept such amendments to the initial Grant Award obligation. If not signed and returned to DOT without modification by the Recipient on or before October 30, 2011, DOT may unilaterally terminate this Grant Award and Agreement.
5. The Sponsor shall take all steps, including litigation, if necessary, to recover Federal funds when DOT determines, after consultation with the Sponsor, that

such funds have been spent fraudulently, wastefully, or in violation of Federal laws, or misused in any manner in any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or disbursed by the Sponsor that were originally paid pursuant to this Grant Agreement.

6. The Sponsor shall retain all documents relevant to the Grant Award for a period of three years after completion of all projects undertaken pursuant to the Grant Agreement and receipt of final reimbursement from the U.S. Treasury, whichever is later. It shall furnish DOT, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by DOT.
7. The United States shall not be responsible or liable for damage to property or injury to persons that may arise from, or be incident to, compliance with this Grant Agreement.
8. The Sponsor shall ensure compliance with Federal regulations requiring conduct of a Federally-approved audit of any expenditure of funds of \$500,000 or more in a year in Federal awards.
9. The provisions of 49 CFR Part 18.36 (DOT's procurement standards for grants) will apply to the extent that the Sponsor procures property and services in carrying out the approved grant project(s).

## B. SPECIAL CONDITIONS

1. Subject to the terms set forth in this Grant Agreement, DOT reserves the right to terminate the Grant Agreement, and DOT's obligations hereunder, on 90 days' prior written notice, unless otherwise agreed between the Sponsor and DOT, if any of the following occurs:
  - a. The Sponsor fails to provide the local contribution as provided in its application, or alternatives approved by DOT;
  - b. The Sponsor fails to provide the in-kind contributions for the commercial air service and wingless flight plan elements, as provided in its grant application, or alternative in-kind contributions approved in writing by DOT;
  - c. The Sponsor does not meet the conditions and obligations specified under this Grant Agreement;
  - d. DOT determines that termination is in the public interest.
2. Either party may seek to amend or modify this Grant Agreement on 30 days' prior written notice to the other party. The Grant Agreement will be amended or modified only on mutual written agreement by both parties.
3. At any time, on 30 days' prior written notice, the Sponsor may request termination of this Grant Agreement.



4. Subject to the terms set forth in this Grant Agreement, and unless otherwise agreed between the Sponsor and DOT, this Grant Agreement will expire on December 31, 2013.

**C. PROPOSAL SPECIFIC CONDITIONS**

1. Legal Sponsor: The Fort Collins-Loveland Municipal Airport, designated by the communities of Fort Collins and Loveland, Colorado, as the legal Sponsor under the Small Community Air Service Development Program, shall administer the Grant according to the conditions set forth in this Grant Agreement.

Sponsor Contact:

Jason Licon  
 Airport Director  
 Fort Collins-Loveland Municipal Airport  
 4900 Earhart Road  
 Loveland, CO 80538  
 Phone: (970) 962-2850  
 Fax: (970) 962-2855  
[liconj@ci.loveland.co.us](mailto:liconj@ci.loveland.co.us)

2. Project Goals and Objectives

- Promote new commercial air service by creating a detailed new air service development, communications, and marketing plan focused on attracting out-bound business passengers and in-bound leisure passengers.
- Improve the quality of air service for residents of the Fort Collins-Loveland Municipal Airport (FNL) catchment area by studying and developing a wingless flight program that allows FNL to serve as an offsite location for ticketing, check-in, and security screening for flights originating at Denver.

3. Funding

- a. Total Project Cash Costs:     \$241,102  
     Federal Share:                 \$221,500  
     Local Share:                   \$19,602             In-Kind:     \$16,335
- b. Payment by DOT shall not exceed **\$221,500** for the Total Project Cash Costs, which include the costs of studying and developing an air service plan and a new wingless flight program.
- c. The community will provide the in-kind contributions for the commercial air service and wingless flight plan elements as described in its

application, or alternative in-kind contributions approved by DOT, toward implementation of the authorized grant project.

- d. The Sponsor shall pay the costs associated with the Project prior to seeking reimbursement from DOT. If the Sponsor is seeking private contributions to complete the Local Share, the Sponsor is responsible for ensuring that the full Local Share is provided.
- e. To seek reimbursement from DOT, the Sponsor shall submit documentary evidence of all expenditures associated with the Project set forth in paragraph b. above, and included in the Total Project Cash Costs set forth in paragraph a. above (those to be covered by the local and/or state contribution, as well as those covered by the Federal contribution) on a monthly basis. DOT will reimburse the Sponsor on a monthly basis for **91.87 percent** of all valid expenditures submitted (Federal share of total project costs set forth in paragraph a. above), subject to paragraph f. below. All reimbursement requests to DOT shall include sufficient documentation to justify reimbursement of the Sponsor, including invoices and proof of payment of the invoice.
- f. The Sponsor shall submit a copy of the results of each study within 60 calendar days after the completion of the study.
- g. Payment of the final 10 percent of the Federal funding for the project will be made after receipt by DOT of the final report set forth in Section C.4. below.
- h. The Sponsor shall ensure that the funds provided by DOT are not misappropriated or misdirected to any other account, need, project, line-item, or the like.
- i. All requests for reimbursement must be made by the Grantee within 60 calendar days after the date of expiration (see Section B.4) of this Grant Agreement.
- j. All expenses for this Project must be incurred by the date of expiration of this Grant Agreement (see Section B.4), unless otherwise agreed between the Sponsor and DOT.
- k. Should this Grant Agreement be terminated prior to the expiration date provided herein, DOT reserves the right to require that the Sponsor return to DOT any of the funds reimbursed for expenses subsequently deemed ineligible.

#### 4. Reports

- a. Project reports, including progress on milestones as set forth in paragraph b. below, shall be reported to DOT on a quarterly basis, with reports due to DOT as follows: January 15 for the First Quarter, April 15 for the Second Quarter, July 15 for the Third Quarter, and October 15 for the Fourth Quarter. **The first project report is due on January 15, 2012.**
- b. Project reports shall include the following: (i) brief narrative detailing the status of the grant project and the progress being made towards the goals and objectives described in Section C.2., including a description of milestones achieved towards the completion of the studies and air service

plans; (ii) status report on the hiring of any consultants in conjunction with implementation of the authorized grant project; and (iii) status report on progress toward completion of the in-kind contributions committed to implementation of the authorized grant project, including documentation evidencing that in-kind contributions were made;

- c. Final report (in a format to be provided by DOT) of the Sponsor's assessment of the project shall be made to DOT within three months after expiration of this Grant Agreement or conclusion of the grant project, whichever occurs earlier.

#### 5. Sponsor Obligations

- a. The Sponsor shall, within 15 calendar days after their execution, provide DOT with a copy of all agreements executed between the Sponsor and any consultants, air carriers, or other parties with respect to the Project. The Sponsor shall, within 15 calendar days after execution, also provide DOT with notice of any amendment to, or termination of such agreements. The Sponsor shall ensure that all agreements entered into with third parties regarding this grant are consistent with this Grant Agreement and the documents incorporated by reference into the Grant Agreement, and any amendments or modifications executed, pursuant to Section B.
- b. The Sponsor shall provide evidence on a quarterly basis as set forth in Section C.4. above, to demonstrate the progress that it has made toward securing the third party in-kind contributions per Section C.3.a. above and as described in its application, or alternative third party in-kind contributions approved by DOT.
- c. The Sponsor shall ensure that the obligations set forth in this Grant Agreement are met. Failure to do so may result in termination of the Grant Agreement by DOT.

#### D. ASSURANCES

The Sponsor shall execute the attached assurances and certifications (Assurances) in conjunction with its signing of this Grant Agreement and shall ensure compliance by the Grant Recipient with these Assurances and any amendments or modifications thereto.

#### E. DEFINITIONS

**Agreement:** Any written or oral contract, obligation, commitment, or understanding between the Sponsor and/or all parties identified in the community's Grant Application.

**Application or Grant Application:** The complete document submitted by the community/sponsor to DOT in Docket OST-2011-0119, including any amendments.

**Carrier or Air Carrier or Airline:** A citizen of the United States undertaking, by any means, directly or indirectly to provide air transportation, including commuter air carriers and air taxi operators.

**Community:** All parties identified in the Grant Application as participating in the approved Grant Project, including the designated Legal Sponsor.

**DOT:** United States Department of Transportation.

**Execution of Grant Agreement:** Signing of the written Grant Agreement by DOT.

**Federal Share:** Federal funds authorized for use by the grant recipient in implementing the approved grant project.

**Grant Agreement:** The written agreement between DOT and the Sponsor for the Grant Project under the Small Community Air Service Development Program and DOT Order 2011-7-1, incorporating by reference, except to the extent otherwise inconsistent with the terms of the written agreement, the original application filed with Grants.gov on August 2, 2011, in Docket OST-2011-0119, including any amendments, as well as any material submitted in the Docket as Confidential Material.

**Grant Recipient/Grantee:** Community entity/entities receiving the SCASDP grant, including the Sponsor.

**Local Share:** Public, community, state, or private funds described in the Grant Application for use in implementing the Grant Project, excluding third party in-kind contributions.

**Party:** DOT and/or the Sponsor, as the context indicates.

**Project or Grant Project:** The authorized use of Federal and/or local funds to fulfill the goals and objectives detailed in the Grant Agreement.

**Proposal:** Project defined by the community in its Grant Application.

**Quarter or Quarterly:** Calendar quarter. Reports or other information required for submission on a quarterly basis are due no later than 15 calendar days after the close of the calendar quarter.

**Small Community Air Service Development Program (SCASDP):** A grant-in-aid financial assistance program originally established under the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century (AIR-21), P.L. 106-181, as amended by Vision 100—The Century in Aviation Reauthorization Act, P.L. 108-176, and codified in 49 U.S.C. 41743.

**Sponsor Obligations:** Material responsibilities of the Sponsor under this Grant Agreement and those documents incorporated by reference into the Grant Agreement as set forth above (Definition of Grant Agreement).

**Sponsor or Legal Sponsor:** The designated representative of the Grantee to administer and oversee implementation of the Grant Agreement and fulfillment of the authorized grant project.

**In-Kind/Third Party In-Kind Contribution:** Property or services that benefit a federally-assisted project or program and that are contributed by non-Federal third parties without charge to the Grantee or a cost-type contractor under the Grant Agreement.

**Total Project Cash Costs:** Sum of the Federal and local cash shares contributed toward completion of the Grant Project, excluding third party in-kind contributions.

GRANT AWARD

This Grant Award is made in accordance with 49 U.S.C. § 41743 and is subject to the terms and conditions of this Grant Agreement and the Assurances attached hereto and incorporated herein.

Executed this 29th day of September, 2011.

(SEAL)

United States Department of Transportation



Aloha Ley  
Associate Director  
Small Community Air Service Development  
Program

ACCEPTANCE

The undersigned Sponsor agrees to accomplish each element of the Project in compliance with the terms and conditions of this Grant Agreement and the Assurances attached hereto and incorporated herein.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Fort Collins-Loveland Municipal Airport  
Fort Collins, Colorado and Loveland,  
Colorado

(SEAL)

By: \_\_\_\_\_  
Signature of Sponsor's Designated Official Representative

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:  
 That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State (or Commonwealth) of \_\_\_\_\_.  
 Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State (or Commonwealth) and Title 49 U.S.C. In addition, for grants involving projects to be carried out on property not owned by the Sponsor or where Sponsor may make payments to others, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement, including the Assurances, constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

\_\_\_\_\_  
Signature of Sponsor's Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Telephone

Attachments

**OFFICE OF THE SECRETARY  
DEPARTMENT OF TRANSPORTATION**

**TITLE VI ASSURANCE  
(Implementing Title VI of the Civil Rights Act of 1964, as amended)**

**ASSURANCE CONCERNING NONDISCRIMINATION ON THE  
BASIS OF DISABILITY IN FEDERALLY-ASSISTED PROGRAMS  
AND ACTIVITIES RECEIVING OR BENEFITING FROM  
FEDERAL FINANCIAL ASSISTANCE**

(Implementing the Rehabilitation Act of 1973, as amended, and the  
Air Carrier Access Act of 1986)

49 CFR Parts 21 and 27 and 14 CFR Parts 271 and 382

\_\_\_\_\_ (the Grant Recipient) HEREBY AGREES THAT,  
(Name of Grant Recipient)

I. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply: with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d--42 U.S.C. 2000d-4; all requirements imposed by or pursuant to: Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--Effectuation of Title VI of the Civil Rights Act of 1964; and other pertinent directives so that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation. This assurance is required by Title 49, Code of Federal Regulations, section 21.7(a) and Title 14, Code of Federal Regulations, section 271.9(c).

II. As a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with: section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); the Air Carrier Access Act of 1986 (49 U.S.C. 1374(c)); and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 27, Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, Title 14, Code of Federal Regulations, Part 382, Nondiscrimination on the Basis of Handicap in Air Travel; and other pertinent directives so that no otherwise qualified person with a disability, be excluded from participation in, be denied the benefits of, be discriminated against by reason of such handicap in the provision of air transportation, or otherwise be subjected to discrimination under any program for which the Recipient receives Federal financial assistance



from the Department of Transportation. This assurance is required by Title 49, Code of Federal Regulations, section 27.9 and Title 14, Code of Federal Regulations, sections 271.9(c) and 382.9.

III. It will promptly take any measures necessary to effectuate this Grant Agreement. The Recipient further agrees that it shall take reasonable actions to guarantee that it, its contractors and subcontractors subject to the Department of Transportation regulations cited above, transferees, and successors in interest will comply with all requirements imposed or pursuant to the statutes and Department of Transportation regulations cited above, other pertinent directives, and the above assurances.

IV. These assurances obligate the Recipient for the period during which Federal financial assistance is extended. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the statutes and Department of Transportation regulations cited above, other pertinent directives, and the above assurances.

V. These assurances are given for the purpose of obtaining Federal grant assistance under the Small Community Air Service Development Program and are binding on the Recipient, contractors, subcontractors, transferees, successors in interest, and all other participants receiving Federal grant assistance in the Small Community Air Service Development Program. The person or persons whose signatures appear below are authorized to sign this Grant Agreement on behalf of the Grant Recipient.

VI. In addition to these assurances, the Recipient agrees to file: a summary of all complaints filed against it within the past year that allege violation(s) by the Recipient of Title VI of the Civil Rights Act of 1964, as amended, section 504 of the Rehabilitation Act of 1973, as amended, or the Air Carrier Access Act of 1986; or a statement that there have been no complaints filed against it. The summary should include the date the complaint was filed, the nature of the complaint, the status or outcome of the complaint (*i.e.*, whether it is still pending or how it was resolved).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Legal Name of Grant Recipient

By:

\_\_\_\_\_  
Signature of Authorized Official

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
OFFICE OF AVIATION ANALYSIS

CERTIFICATION REGARDING INFLUENCING ACTIVITIES

Certification for Contracts, Grants, Loans,  
and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Influencing Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Grant Recipient

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
OFFICE OF AVIATION ANALYSIS

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS  
IN THE PERFORMANCE OF SMALL COMMUNITY AIR SERVICE PURSUANT TO GRANT AWARD  
UNDER THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM**

- A. The grant recipient certifies that it will, or will continue, to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grant recipient's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about--
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of work supported by the grant award be given a copy of the statement required by paragraph (a);
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment supported by the grant award, the employee will--
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of conviction. Employers of convicted employees must provide notice, including position title, to the Office of Aviation Analysis. Notice shall include the order number of the grant award;
  - (f) Taking one of the following actions, within 30 days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted--
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grant recipient *may*, but is not required to, insert in the space provided below the site for the performance of work done in connection with the specific grant.

Places of Performance (street address, city, county, state, zip code). For the provision of air service pursuant to the grant award, workplaces include outstations, maintenance sites, headquarters office locations, training sites and any other worksites where work is performed that is supported by the grant award.

Check [  ] if there are workplaces on file that are not identified here.

\_\_\_\_\_  
Grant Recipient Signature

\_\_\_\_\_  
Date

## SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM

### GRANT ASSURANCES

**Certification.** The Grantee hereby assures and certifies, with respect to this grant, that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this project, including, but not limited to the following::

#### **1. General Federal Requirements.**

##### **Federal Legislation**

- a. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.
- b. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq. Airport Assurances (9/99)
- c. Hatch Act - 5 U.S.C. 1501, et seq.
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, et seq.
- e. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).
- f. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469a through 469c.
- g. Native Americans Grave Repatriation Act - 25 U.S.C. 3001, et seq.
- h. Clean Air Act, P.L. 90-148, as amended.
- i. Coastal Zone Management Act, P.L. 92-583, as amended.
- j. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.1
- k. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- l. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- m. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq.
- n. Power Plant and Industrial Fuel Use Act of 1978 - Section 403 - 42 U.S.C. 8373.
- o. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.
- p. Copeland Anti-kickback Act - 18 U.S.C. 874.
- q. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.
- r. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- s. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
- t. Section 404 of the Clean Water Act, as amended.

##### **Executive Orders**

Executive Order 13513 – Text Messaging While Driving (see attached clause entitled “Financial Assistance Policy to Ban Text Messaging While Driving”)

Executive Order 11246 - Equal Employment Opportunity

Executive Order 11990 - Protection of Wetlands

Executive Order 11998 – Flood Plain Management

Executive Order 12372 - Intergovernmental Review of Federal Programs.

Executive Order 12898 - Environmental Justice

##### **Federal Regulations**

- a. 14 CFR Part 13 - Investigative and Enforcement Procedures.

- b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- c. 29 CFR Part 1 - Procedures for predetermination of wage rates.
- d. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.
- e. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).
- f. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).
- g. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.
- h. 49 CFR Part 23 - Participation by Disadvantaged Business Enterprise in Airport Concessions.
- i. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.
- j. 49 CFR Part 26 - Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- k. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.

#### **Office of Management and Budget Circulars**

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
- b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations
- c. A-102 - Grants and Cooperative Agreements with State and Local Governments.
- d. Any other applicable OMB Circular based upon the specific grant recipient.

The Sponsor shall ensure that any use of airport funds in conjunction with this project comply fully with all regulations and policies of the Federal Aviation Administration for use of those funds. Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in the grant agreement.

#### **2. Responsibility and Authority of the Grantee.**

It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**3. Funds Availability.** It has sufficient funds available for that portion of the project costs that are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement that it will own or control.

#### **4. Preserving Rights and Powers.**

a. It will not take or permit any action that would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the DOT, and will act promptly to acquire, extinguish, or modify any outstanding rights

or claims of right of others that would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the DOT.

**5. Accounting System, Audit, and Record Keeping Requirements.**

a. It shall keep all project accounts and records that fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984 (31 U.S.C. 7501-7507).

b. It shall make available to the DOT and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The DOT may require that a recipient conduct an appropriate audit. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**6. Minimum Wage Rates.** It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement that involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 3141 et seq.), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**7. Economic Nondiscrimination.** In any agreement, contract, lease, or other arrangement under any project funded under this grant agreement and for which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the Grantee will insert and enforce provisions requiring the contractor to (1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and (2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

**8. Engineering and Design Services.** It will award each contract or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 1101-1104) or an equivalent qualifications-based requirement prescribed for or by the Grantee.

**10. Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

11. **Buy America.** In accordance with DOT annual appropriations restrictions, funds provided under this award must be expended consistent with Sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"). In accepting this award, the Grantee agrees to comply with such provisions and to review the provisions of the Act to ensure that all expenditures made under this award are consistent with such Act.

\_\_\_\_\_  
Grant Recipient

\_\_\_\_\_  
Signature of Authorized Grant Recipient Official

\_\_\_\_\_  
Date

## OFFICE OF THE SECRETARY OF TRANSPORTATION

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

## 2 C.F.R. Part 1200, 49 C.F.R. Part 32

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered



transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters -- Primary Covered Transactions**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Affiliation

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**OFFICE OF THE SECRETARY OF TRANSPORTATION  
CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY AND VOLUNTARY EXCLUSION -- LOWER TIER COVERED  
TRANSACTIONS**

**Instructions for Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion -- Lower Tier Covered Transactions**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Affiliation

\_\_\_\_\_  
Date

**FIRST READING**                      October 18, 2011

**SECOND READING**                      \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 FT. COLLINS-LOVELAND AIRPORT BUDGET FOR THE SMALL COMMUNITY AIR SERVICE DEVELOPMENT PROGRAM GRANT**

**WHEREAS**, the Airport has received funds not anticipated or appropriated at the time of the adoption of the Airport budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Airport budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$19,600 from reserves and \$221,500 from a federal grant in the Airport Fund 018 are available for appropriation. Revenues in the total amount of \$241,500 are hereby appropriated for the Small Community Air Service Development Program and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Airport Fund 018 - Small Community Air Service Development Program Grant**

<b>Revenues</b>	
Fund Balance	19,600
018-0000-302-01-00-AP1110 Federal Aviation Authority Contribution	221,500
<b>Total Revenue</b>	<b>241,100</b>
 <b>Appropriations</b>	
018-5503-409-30-50-AP1110 Professional Services	241,100
<b>Total Appropriations</b>	<b>241,100</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

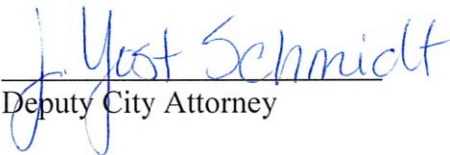
ADOPTED this \_\_\_ day of November, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 12  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Jason Licon, Airport Director  
**PRESENTER:** Jason Licon

**TITLE:**

Public Hearing and consideration of an Ordinance enacting a Supplemental Budget and Appropriation to the 2011 Fort Collins-Loveland Municipal Airport Budget for a General Aviation Facilities Remodeling Project.

**DESCRIPTION:**

This is an administrative action. The Airport currently has a newly renegotiated lease agreement with the Fort Collins – Loveland jetCenter. This lease requires the jetCenter Corporation to contribute \$141,000 worth of improvements to the airport owned facility prior to November 30, 2011, or their leased rate will be increased.

**BUDGET IMPACT:**

Yes  No

This project will be funded through new revenue not anticipated at the time of budget adoption, as a pass through to the airport, as the airport is the owner of the grounds and the associated improvements.

**SUMMARY:**

The Airport owns the fixed base of operations building that is currently leased by Fort Collins – Loveland jetCenter. As part of a recently negotiated lease agreement, the jetCenter has until November 30, 2011 to make infrastructure improvements totaling \$141,000 or more. The jetCenter company will contribute \$141,000 to the Airport directly, and the Airport will then contract the necessary remodeling work to be done within the facility.

**LIST OF ATTACHMENTS:**

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2011 Fort Collins-Loveland Municipal Airport Budget for a General Aviation Facilities Remodeling Project.

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**RECOMMENDED CITY COUNCIL ACTION:**

Conduct a Public Hearing and approve the ordinance on First Reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**                      October 18, 2011

**SECOND READING**                      \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 FORT COLLINS-LOVELAND AIRPORT BUDGET FOR A GENERAL AVIATION FACILITIES REMODELING PROJECT**

**WHEREAS**, the Airport has received funds not anticipated or appropriated at the time of the adoption of the Airport budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Airport budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$141,000 from lease payments from the Loveland-Fort Collins jetCenter in the Airport Fund 018 are available for appropriation. Revenues in the total amount of \$141,000 are hereby appropriated for remodeling the General Aviations Facilities and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Airport Fund 018 - Ft. Collins -Loveland jetCenter Lease**

<b>Revenues</b>		
018-0000-301.25-00-AP1109	Fixed Base Operations Rent	141,000
<b>Total Revenue</b>		<b>141,000</b>
<b>Appropriations</b>		
018-5503-409-03-69 AP1109	Repair and Maintenance	141,000
<b>Total Appropriations</b>		<b>141,000</b>



**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

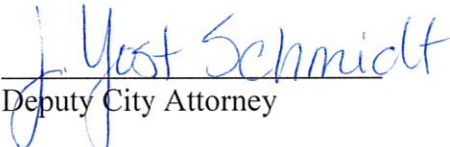
ADOPTED this \_\_\_\_ day of November, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
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**AGENDA ITEM:** 13  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Administration, Public Works Department  
**PRESENTER:** Keith Reester, Public Works Director

**TITLE:**

A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO FOR INSTALLATION AND MAINTENANCE OF GAS, OIL, AND ASSOCIATED COMMUNICATION FACILITIES

**DESCRIPTION:**

This is an administrative action to adopt a resolution granting a non-exclusive utility easement to Public Service Company of Colorado ("PSCo") for installation and maintenance of gas, oil, and associated communication facilities. This easement was requested due to PSCo's need to replace a leaking natural gas pipeline, which is located in an adjacent easement.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

PSCo provides natural gas service to the residents of Loveland and the surrounding region. An existing gas line, originally installed in 1929, passes through land owned by the City at the northwest corner of Taft Avenue and 14<sup>th</sup> Street Southwest and is located within an existing easement. PSCo has identified pipe erosion within the existing line and needs to undertake emergency work to replace the line.

Portions of the existing line, both north and south of the eroded pipe section, have previously been replaced with the construction of Thompson Valley Town Center. To better accommodate the lay of the land and slope issues at this location, PSCo is seeking to relocate this portion of the line to a more direct alignment that requires a new easement approximately 50'-100' west of

the existing easement. The existing line and easement will stay in place to allow service to be provided during construction of the replacement line.

Both the existing easement and new easement are located within property acquired by the City during the recent purchase of the Agilent campus, although they lie on the west side of Taft Avenue, across the street from the generally perceived campus area. Because the property subject to the easements is primarily a large drainage area, the new easement has no current or foreseeable impact on development of the property or future uses of the property by the City.

PSCo will be required to meet all safety and construction standards, reduce any and all environmental impacts, comply with all environmental covenants that may be associated with construction activities on the Agilent campus, and will return the landscape to existing previous condition.

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**LIST OF ATTACHMENTS:**

1. Resolution
2. Easement (attached to the Resolution)

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**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the resolution.

**REVIEWED BY CITY MANAGER:**

**RESOLUTION #R-67-2011**

**A RESOLUTION GRANTING A NON-EXCLUSIVE UTILITY EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO FOR INSTALLATION AND MAINTENANCE OF GAS, OIL, AND ASSOCIATED COMMUNICATION FACILITIES**

**WHEREAS**, Public Service Company of Colorado (“PSCo”) has requested that the City of Loveland grant PSCo a non-exclusive utility easement for installation of gas, oil, and associated communication facilities within a portion of property owned by the City at the northwest corner of Taft Avenue and 14<sup>th</sup> Street Southwest; and

**WHEREAS**, the Public Works Department reviewed PSCo’s request and found that the proposed installation would not affect the City’s operations at that location; and

**WHEREAS**, the City Council desires to grant the requested easement on the terms and conditions set forth in the “Public Service Company of Colorado Easement.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the “Public Service Company of Colorado Easement,” attached hereto as Exhibit A and incorporated herein by reference (“Easement”), is hereby approved.

**Section 2.** That the City Manager and the City Clerk are hereby authorized and directed to execute the Easement on behalf of the City of Loveland.

**Section 3.** That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form or substance of the Easement as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

**Section 4.** That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 18<sup>th</sup> day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Shawn L. Oltz  
Assistant City Attorney

EXHIBIT A

DIVISION	ROW AGENT	DOC. NO.
<b>Cambion</b>	K.M. Wiley	
LOCATION	DESCRIPTION AUTHOR	PLAT/GRID NO.
City of Loveland	<b>SEH-Norm Simonson</b>	
Larimer County, CO	AUTHOR ADDRESS Lakewood, CO	WO/JO/CREG NO.

**PUBLIC SERVICE COMPANY OF COLORADO EASEMENT**

For and in consideration of One Thousand Dollars (\$1,000.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, the undersigned Grantor hereby grants and conveys to Public Service Company of Colorado, a Colorado corporation, Grantee, a non-exclusive easement to install, construct, maintain, alter, repair, replace, reconstruct, operate, and remove pipelines and related appurtenances, fixtures, or devices for the transportation of gas or oil, and associated communication facilities, on, under, over, or through the following described lands in the southwest quarter (SW1/4) of Section 23, Township 5 North, Range 69 West of the 6th Principal Meridian in the County of Larimer, State of Colorado, the easement is described as follows:

**See "Parcel A" and an illustration, "Parcel A – Illustration" attached hereto and made a part hereof for a Legal Description of the herein granted Easement.**

The easement encompasses a continuous strip of land at all points on the property and extends to the boundaries of the adjacent property.

The above sum is acknowledged by the undersigned as full consideration for the easement and also for damages to both land and growing crops occasioned by the initial installation of facilities. The Grantor reserves the right to cultivate, use and occupy said premises for any purpose consistent with the rights and privileges herein granted and which will not interfere with or endanger any of the facilities therein or use thereof. Such reservation by the Grantor shall in no event include the right to construct any buildings or structures upon the easement. The Grantee, at all times, shall have the right of access by a reasonable route to the easement and along and upon the same for the purpose hereof, which include surveying, inspection and testing. The Grantee shall pay the Grantor for actual damages to land, landscaping, other improvements, and growing crops occasioned by any future installations, construction, maintenance, alteration, repairing, replacing, reconstruction, and removal of facilities on the easement.

To have and to hold the said easement unto the said Grantee, its successors and assigns, so long as the same shall be used or useful for the purposes of the Grantee.

This grant of easement is made subject to all matters of record, including the Environmental Covenant recorded with the Larimer County Clerk and Recorder on January 5, 2009 at Reception No. 20090000110, as amended and recorded on February 11, 2011 at Reception No. 20110010350, which documents include a Materials Management Plan governing the Grantee's construction and other activities on the site.

Executed by the Grantor this 18<sup>th</sup> day of October, 2011.

**GRANTOR: City of Loveland, Colorado,  
A municipal corporation**

By: \_\_\_\_\_  
William D. Cahill, City Manager

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF LARIMER         )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of October, 2011 by William D. Cahill as City Manager for the City of Loveland.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



**PARCEL A**

A parcel of land lying in the southwest one-quarter (SW1/4) of Section 23, Township 5 North, Range 69 West, of the 6th Principal Meridian, County of Larimer, State of Colorado, described as follows:

Commencing at the southwest corner of said southwest one-quarter (SW1/4); thence N00°25'00"E, 483.35 feet, along the west line of said southwest one-quarter (SW1/4), to the most southerly corner of that thirty (30) foot wide strip of land as described in Reception Number 99091520, Larimer County Records, the Point of Beginning;

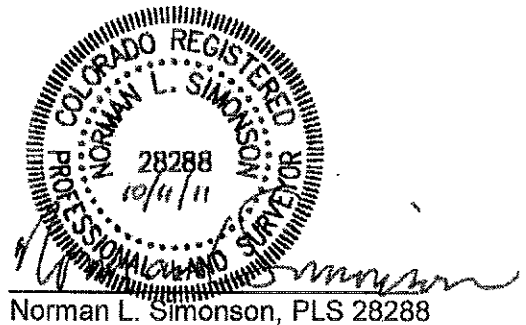
- thence N48°32'39"E, 131.65 feet, along the southwest line of said thirty (30) foot wide strip of land;
- thence S27°41'16"W, 213.95 feet, to the west line of said southwest one-quarter (SW1/4);
- thence N00°25'00"E, 102.29 feet, along said west line, to the Point of Beginning.

Containing 5,015 square feet (0.115 acres), more or less.

An illustration for this description is attached hereto and made a part hereof.

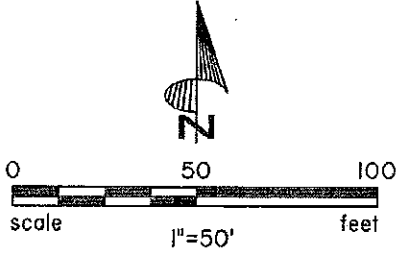
For the purpose of this description, the basis of bearings is the west line of the southwest one-quarter (SW1/4) of said Section 23, assumed to be N00°25'00"E.

The author of this description is Norman L. Simonson, PLS 28288, prepared on behalf of SEH Inc., 390 Union Boulevard, Suite 630, Lakewood, CO 80228, on October 11, 2011 under Job No. PSCOC 115144-13.0, for Public Service Company of Colorado, and is not to be construed as representing a monumented land survey.



# PARCEL A ILLUSTRATION

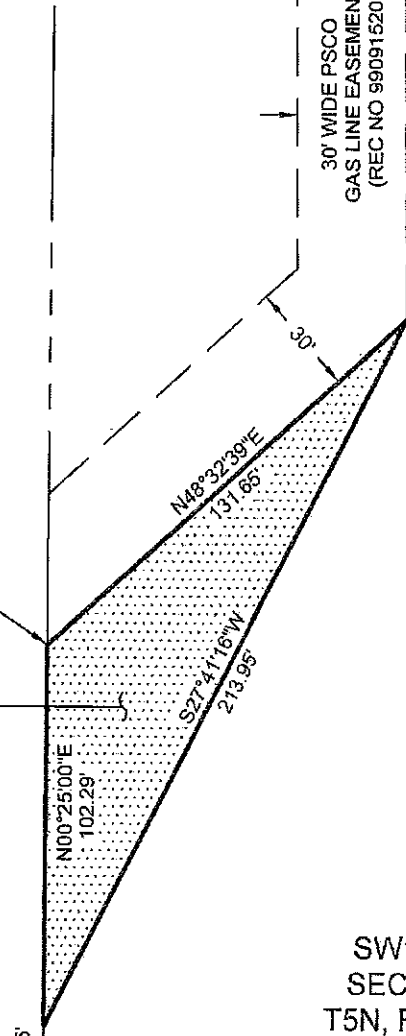
SHEET 2 OF 2



POINT OF BEGINNING  
(MOST S'LY CORNER,  
REC NO 99091520)

PARCEL A  
5,016 S.F. (0.115 AC.) M/L

30' WIDE PSCO  
GAS LINE EASEMENT  
(REC NO 99091520)



SW1/4,  
SEC 23,  
T5N, R69W

N00°25'00"E 483.35'  
W LINE, SW1/4, SEC 23  
(BASIS OF BEARINGS)

POINT OF COMMENCEMENT  
SW COR, SEC 23

S:\survey\land projects (2)\PSCOG 115144-13 (3) W. Main Replacement N of Esjees TOV\Sung\PParcel A - Tract 2.dwg, 10/11/2011, 12:35:49 PM MDT



390 Union Boulevard  
Suite 630  
Lakewood, Colorado 80228  
Phone: 303-586-5800  
FAX: 303-586-5801  
www.sehinc.com



**CITY OF LOVELAND**

CITY COUNCIL

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

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**AGENDA ITEM:** 14  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Bill Cahill, City Manager  
**PRESENTER:** Bill Cahill

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**TITLE:** Resolution of the Loveland City Council in Support of Thompson School District's Mill Levy Override 3a ballot issue on the November 2011 Ballot

**DESCRIPTION:**

This is an administrative item voicing City Council's support for the Thompson Schools Mill Levy Override 3A ballot issue on the November 1, 2011 ballot.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

The Thompson School District is asking for City Council's support for its Mill Levy Override 3A ballot issue on the upcoming November 1, 2011 ballot. Research shows that City Council has previously approved resolutions in support of ballot issues. In 2005, City Council adopted a resolution in support of the Thompson School District's Bond Issue and Mill Levy Override 3A and 3B on the 2005 ballot. The Council is permitted under the Colorado Fair Campaign Practices Act to adopt a resolution in support of a local ballot issue such as the District's proposed Mill Levy Override 3A.

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**LIST OF ATTACHMENTS:**

Resolution

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**RECOMMENDED CITY COUNCIL ACTION:**

Consideration of a resolution in support of the Thompson School District's Mill Levy Override 3A on the 2011 Ballot.

**REVIEWED BY CITY MANAGER:**

**RESOLUTION #R-68-2011**

**A RESOLUTION OF THE LOVELAND CITY COUNCIL  
IN SUPPORT OF THOMPSON SCHOOL DISTRICT'S  
MILL LEVY OVERRIDE 3A BALLOT ISSUE ON THE NOVEMBER 2011 BALLOT**

**WHEREAS**, the Thompson School District (“School District”) has been faced with State funding cuts of \$18.5 million over the past three years; and

**WHEREAS**, the quality of Loveland’s public schools is critical to retaining businesses and attracting other businesses with good paying jobs to the community; and

**WHEREAS**, businesses seeking to expand or relocate to Loveland require strong local schools; and

**WHEREAS**, strong local schools also attract and retain quality physicians, medical facilities and other professionals; and

**WHEREAS**, the School District has placed on this November’s ballot a TABOR ballot issue identified as “Mill Levy Override 3A” (the “Mill Levy Override”); and

**WHEREAS**, the Mill Levy Override will allow the School District to restore teacher and classroom support positions; and

**WHEREAS**, the proceeds from the Mill Levy Override will stay exclusively within the School District; and

**WHEREAS**, the quality of our local schools has a direct impact on the readiness of our workforce; and

**WHEREAS**, the Mill Levy Override will raise an estimated \$12.8 million; and

**WHEREAS**, the Mill Levy Override sunsets in 12 years; and

**WHEREAS**, the City Council is permitted under the Colorado Fair Campaign Practices Act to express its support for the Mill Levy Override by the adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LOVELAND** hereby declares its support for the School District's Mill Levy Override ballot issue that will be on the November 1 ballot. The City Council strongly urges the School District’s registered electors to vote in favor of this Mill Levy Override, as it will directly benefit the entire community.

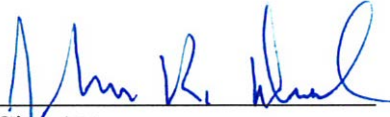
ADOPTED this \_\_\_\_ day of October, 2011

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 15

**MEETING DATE:** 10/18/2011

**TO:** City Council

**FROM:** Rod Wensing, Assistant City Manager  
Alan Krcmarik, Executive Fiscal Advisor

**PRESENTER:** Alan Krcmarik, Executive Fiscal Advisor

**TITLE:**

An Ordinance suspending annual increases in Capital Expansion Fees pursuant to Loveland Municipal Code Section 16.38.110 for 2012

**DESCRIPTION:**

This is a legislative action to approve an Ordinance suspending the normal and customary annual inflationary increase for Capital Expansion Fees for 2012 on second reading.

**BUDGET IMPACT:**

Yes  No

Projections within the Capital Improvements Plan are both a function of rate and activity. The provisions to suspend the Capital Expansion Fee inflationary increase with the attached Ordinance will not impact the capital improvements appropriated for 2012. This is due to the City's policy to only budget funds already collected in previous years.

However, there will be negative financial impacts in future years, as fees collected will be less than if the annual increase were adopted.

**SUMMARY:**

On October 19, 2010 the City Council passed Ordinance #5540 suspending the annual inflationary increases on all Capital Expansion Fees per Municipal Code for 2011. On June 7, 2011 City Council repealed said Ordinance and the 2011 inflationary increase of 8.62% became effective July 1, 2011. The City Council was presented with two options on First Reading:

- Take no action and, pursuant to the provisions of the Municipal Code Section 16.38.110 as reinstated on July 1, 2011 with Ordinance # 5593, the inflationary increases will continue as of January 1, 2012. The increase, effective January 1, 2012, would be 7.79% based on the September, 2011 Construction Cost Index (CCI) published by the Engineering News Record.

- Elect to suspend the inflationary increase for 2012 and maintain Capital Expansion Fees at the current 2011 rate until the CEF major update review can be completed in 2012, by holding a Public Hearing to consider and adopt the attached Ordinance.

On first reading, staff recommended that the annual inflationary increase be implemented by taking no action. After opening the item and conducting a public hearing, Council, by a 5 to 4 vote, approved said Ordinance on first reading suspending the annual inflationary increase for 2012.

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**LIST OF ATTACHMENTS:**

An Ordinance suspending annual increases in Capital Expansion Fees pursuant to Loveland Municipal Code Section 16.38.110 for 2012

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**RECOMMENDED CITY COUNCIL ACTION:**

Staff recommends Council takes no action thereby allowing the annual inflationary increase to occur for 2012.

City Council has the option to approve on second reading an ordinance suspending the CEFs annual inflationary increases.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**      October 4, 2011

**SECOND READING**    October 18, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE SUSPENDING ANNUAL INCREASES IN CAPITAL  
EXPANSION FEES PURSUANT TO LOVELAND MUNICIPAL CODE  
SECTION 16.38.110 FOR 2012**

**WHEREAS**, pursuant to City Code Section 16.38.020, certain capital expansion fees (“CEF’s”) are imposed on development within the City to provide a source of funding for new and expanded capital facilities associated with growth; and

**WHEREAS**, CEF’s are adjusted annually effective January 1 of each year on the basis of the percentage change in specified indices pursuant to City Code Section 16.38.110;

**WHEREAS**, the CEF’s effective for 2011 (the “2011 CEF’s”) and CEF’s as adjusted pursuant to City Code Section 16.38.110 to be effective January 1, 2012 (the “2012 CEF’s”) are set forth on Exhibit A attached hereto and incorporated herein by this reference; and

**WHEREAS**, City Council desires to suspend the annual adjustment of the 2011 CEF’s that would otherwise occur on January 1, 2012 pursuant to City Code Section 16.38.110, leaving the CEF’s in effect at the level of the 2011 CEF’s, without adjustment for 2012.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the Council finds that suspension of adjustment of CEF’s for 2012 will help to make development in Loveland more competitive with communities in the surrounding area during these economically challenging times and provide incentives for real property development within the City, thereby providing jobs in Loveland and increasing tax revenues.

**Section 2.** That notwithstanding the provisions of Section 16.38.110 of the Loveland Municipal Code to the contrary, the annual adjustment of CEF’s that would otherwise occur on January 1, 2012 pursuant to Section 16.38.110.A shall be suspended for calendar year 2012, leaving the 2011 CEF’s in effect, without adjustment, for 2012.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

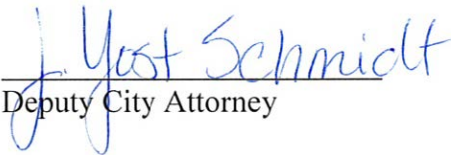
ADOPTED this \_\_\_\_\_ day of October, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

# EXHIBIT A

## Capital Expansion Fees

The Capital Expansion Fees were established by ordinance and incorporated in the City municipal Code in Section 16.38.020. Section 16.38.110 requires the fees to be adjusted annually based on the percentage change in the Construction Cost Index for the Denver area as set forth in the preceding year’s September issue of the Engineering News-Record published by McGraw Hill Companies. However, with respect to the street capital fee, the adjustment factor shall be equal to the most current preceding eight quarters’ average annual percentage change in the construction costs as determined by the Colorado Department of Transportation Construction Cost Index.

The Engineering News-Record index percentage change is 7.79%. The CDOT Construction Cost index percentage change is 0.43%. Below are the 2011 Fees, and the 2012 fees based on the index change.

	<u>2011</u>	<u>2012</u>
<b><u>Residential (amount charged per residential unit)</u></b>		
Fire & Rescue (“Fire”).....	\$736.00.....	\$793.00
Law Enforcement (“Police”).....	\$957.00.....	\$1,031.00
General Government.....	\$1,052.00.....	\$1,133.00
Library .....	\$681.00.....	\$734.00
Cultural Services / Museum (“Museum”).....	\$549.00.....	\$591.00
Parks .....	\$3,351.00.....	\$3,612.00
Recreation .....	\$1,679.00.....	\$1,810.00
Trails .....	\$532.00.....	\$573.00
Open Lands.....	\$824.00.....	\$911.00
<b><u>Commercial (amount charged per square foot)</u></b>		
Fire & Rescue (“Fire”).....	\$0.31.....	\$0.33
Law Enforcement (“Police”).....	\$0.40.....	\$0.43
General Government.....	\$0.44.....	\$0.47
<b><u>Industrial (amount charged per square foot)</u></b>		
Fire & Rescue (Fire) .....	\$0.03.....	\$0.04
Law Enforcement (“Police”).....	\$0.05.....	\$0.05
General Government.....	\$0.06.....	\$0.06

The Street Capital Expansion calculation includes an estimated number of trips generated by the type of use based on the ITE Trip Generation tables and based on the Average Daily Traffic. The current fee basis of \$226.71 per trip will be increased to \$227.68 since the CDOT index rose 0.43%.

The System Impact Fees (SIF) and Plant Investment Fees (PIF) are included within the Stormwater Utility Schedule of Rates, Charges and Fees and the Schedule of Rates, Charges and Fees for the Water & Power Department.





**CITY OF LOVELAND**  
 CULTURAL SERVICES /MUSEUM •ART IN PUBLIC PLACES  
 503 N. Lincoln Avenue • Loveland, Colorado 80537  
 (970) 962-2410 • FAX (970) 962-2910 • TDD (970) 962-2833

**AGENDA ITEM:** 16  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Susan Ison, Cultural Services  
**PRESENTER:** Andrew Svedlow, Visual Arts Commission Chairman

**TITLE:** State of the Arts in Loveland: An Art in Public Places Update

**DESCRIPTION:**

The presentation will provide an annual update regarding the activities of the Visual Arts Commission. Information on projects completed in the last year, projects currently in process with other City departments and an overview of plans for 2012 will be presented. Additionally, the recently revised Handbook of Guidelines will be distributed. Final approval of the handbook by the Visual Arts Commission is expected Tuesday, October 12, 2011, at which point it will be sent to the printer. It will be distributed at this City Council meeting.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

Since Ordinances 3214 and 3215 were adopted in 1985, the Art in Public Places Program has acquired and installed more than 365 artworks within the City's parks, facilities and public right-of-ways. The City enjoys a national reputation as a leader in public art programs, often serving as a model for other cities. In 2011, four major capital projects were commissioned. These projects, as well as upcoming projects for 2012, will be discussed.

The coordination of artwork acquisition, maintenance and preservation require coordinated efforts amongst departments. Pursuant to the City's ordinance, the Visual Arts Commission adopts best practices to administer the program, modifying and clarifying processes, as needed. Present policies, specifically the Acquisition Policy, Deaccessioning Policy, Donation Policy, Maintenance Policy and Right of Way Policy, will be distributed to City Council. The first three policies listed above were reviewed and modified in 2011.

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**LIST OF ATTACHMENTS:**

Art In Public Places Handbook of Guidelines will be distributed following the presentation by Mr. Svedlow.

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**RECOMMENDED CITY COUNCIL ACTION:**

No action is required. This presentation is for information only.

**REVIEWED BY CITY MANAGER:**



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**AGENDA ITEM:** 17  
**MEETING DATE:** 10/18/2011  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

**TITLE:**

Public Hearing and consideration of an ordinance on first reading amending Loveland Municipal Code Section 3.04.070 regarding investment of City Funds and the City Investment Policy

**DESCRIPTION:** This is a legislative action to adopt an ordinance on first reading that will clarify the types of investments that may be made by the City. The ordinance (i) amends Loveland Municipal Code Section 3.04.070 so that City Council may authorize specified investments in addition to those already permitted under state law; and (ii) modifies the City's Investment Policy by adding descriptions, credit rating levels, maturity risk restrictions, and diversification limits for eight types of permitted investments. These changes provide specific guidance regarding investment in securities issued by government sponsored enterprises and corporate entities. The proposed changes provide support for the City to continue investing in the same manner as it has since 2005. The clarification is necessary because of the recent downgrade by Standard & Poor's of United States Treasury issues and securities issued by the United States government sponsored enterprises which constitute the majority of the City's investments.

**BUDGET IMPACT:** This item has a budget impact in that investment earnings on reserve funds are part of the revenues on which the City relies to provide services and build capital improvements. Without this proposed set of amendments, the City would not be able to earn as much on its reserves as it has in the past.

Yes       No

**SUMMARY:** On August 5, 2011, Standard & Poor's, one of three major credit rating firms, announced that it was lowering its rating on U.S. long-term credit. The other two major credit rating firms, Moody's and Fitch, reaffirmed their AAA ratings of the U.S. Treasury and government sponsored enterprise credit. Below, is S&P's summary statement regarding the downgrade.

“We lowered our long-term rating on the U.S. because we believe that the prolonged controversy over raising the statutory debt ceiling and the related fiscal policy debate indicate that further near-term progress containing the growth in public spending, especially on entitlements, or on reaching an agreement on raising revenues is less likely than we previously assumed and will

remain a contentious and fitful process. We also believe that the fiscal consolidation plan that Congress and the Administration agreed to this week falls short of the amount that we believe is necessary to stabilize the general government debt burden by the middle of the decade.

Our lowering of the rating was prompted by our view on the rising public debt burden and our perception of greater policymaking uncertainty, consistent with our criteria. Nevertheless, we view the U.S. federal government's other economic, external, and monetary credit attributes, which form the basis for the sovereign rating, as broadly unchanged.”

S&P also lowered its ratings on government sponsored enterprises (“GSE”), for example the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation and others, from AAA to AA+. Based on discussions with representatives of the State of Colorado, investment professionals from other cities and counties, and investment advisors, this downgrade interacts with provisions of the State law regarding investments. To be able to maintain the current approach of investing in securities issued by the GSEs, the consensus of the discussions was to amend local investment policies because there is a six-month or longer delay in the State legislature taking action to clarify the state investment law.

### **Proposed City Ordinance**

The proposed ordinance makes a change to the Code and a change to the investment policy. The Colorado Revised Statutes regarding municipal investments specifically authorizes “*any home rule city, city and county, town, or county to invest any public funds in any security or other investment permitted under the charter or ordinance of such home rule city, city and county, town, or county.*” Section 1 of the proposed ordinance modifies Section 3.04.070 of the Loveland Municipal Code to allow Council to authorize specified investments for the City’s funds in addition to those already permitted under state law.

The second section of the proposed ordinance makes changes to the investment policy. The amendment is an addition to the existing investment policy Section VIII. Suitable and Authorized Investments. The amendment to the investment policy identifies eight types of investments: U.S. Treasuries, GSEs, State and Local bonds and notes, Corporate Securities, Local Government Investment Pools, Money Market Funds, Repurchase and Reverse Repurchase Agreements, and Bank Deposits as eligible investments. It also establishes the description of each eligible security type, credit rating requirements, maturity risk, and diversification limits.

The investment policy also contains an existing provision, which remains unmodified, regarding the application of the proposed changes in the investment policy to existing investments. Under Section XI. Policy 1. Exemption., each time the investment policy is amended this section is utilized as a “safe harbor” for existing investments.

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### **LIST OF ATTACHMENTS:**

Redlined version of Section 3.04.070  
 Redlined version of the City’s Investment Policy  
 Ordinance on first reading with Exhibit A

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### **RECOMMENDED CITY COUNCIL ACTION:**

Hold a public hearing and approve the Ordinance on First Reading.

**REVIEWED BY CITY MANAGER:**

### 3.04.070 Deposits--Investments.

The city council may from time to time designate by resolution those banks, savings and loan associations, and other such institutions, which meet the qualifications required by the laws of the state for depositories of municipal funds, in which funds and moneys of the city may be deposited. ~~The finance director shall deposit a~~All city funds shall be deposited in the name of the ~~City-director~~ in one or more of such institutions as may from time to time be directed by the city council. The city council ~~may shall~~ by ~~written-resolutionordinance~~ authorize ~~the finance director to invest~~ment of all or any part of such funds and moneys in securities and other investments which are authorized ~~for such investment~~ by the ordinances of the city council or by state law.

***CITY OF LOVELAND***

***INVESTMENT POLICY***

***Update for 2011***

***February, 2003***

Approved by City Council 2-4-03

**CITY OF LOVELAND  
INVESTMENT POLICY  
2011 FEBRUARY, 2003**

- I. Purpose
- II. Scope
- III. Objectives
- IV. Delegation of Authority
- V. Prudence
- VI. Ethics and Conflict of Interest
- VII. Execution, Safekeeping and Custody
  - 1. Executions
  - 2. Authorized Financial Dealers and Institutions
  - 3. Internal Controls
  - 4. Delivery –Vs- Payment
- VIII. Suitable and Authorized Investments
- IX. Investment Parameters
  - 1. Diversification
  - 2. Maximum Maturities
  - 3. Pooling of funds for investment purposes
- X. Reporting
  - 1. Methods
  - 2. Performance Standards
  - 3. Marking to Market
- XI. Policy
  - 1. Exemption
  - 2. Amendments



## **I. PURPOSE**

The purpose of this investment policy is to establish the City's official policy regarding the policy's scope, the objectives of the policy, the delegation of authority in regards to making investment decisions, what the City considers to be appropriate standards of prudence, ethics and conflict of interest, safekeeping and custody, and what are suitable and authorized investments and the parameters for those investments, and the reporting on investments and investment results. This policy will establish guidelines for the efficient management of the City's funds and for the purchase and sale of investments. This Policy Statement recognizes will reflect the fact that the performance of the investment portfolio is subject to public review and evaluation and that the overall program shall be designed and managed with a level of professionalism worthy of the public's trust.

## **II. SCOPE**

This investment policy supersedes all previous investment policies. This investment policy applies to all investment transactions of the City of Loveland, except for certain employee retirement funds that are administered and managed by third party agreements. These pension funds are administered under agreements with outside agencies and are required to comply with specific state statutes concerning plan investments.

Specifically, the scope of this policy applies to all transaction and activities in the following funds:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds
- Internal Service Funds
- Trust and Agency Funds
- Any new fund created by the Loveland City Council, unless specifically exempted by the Loveland City Council.

## **III. OBJECTIVES**

This policy recognizes that within a diversified portfolio occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment return. With this recognition, safety of principal is set as the foremost objective of the City of Loveland's Investment Policy. Each investment transaction shall first seek to ensure that capital losses are avoided. Capital losses are defined as losses that result from securities defaults or the erosion of market value.

As a general rule, investments will be held until maturity but the trading of securities in an attempt to improve investment return through market timing is allowed. The sale of securities prior to maturity is also allowable where the funds are needed to meet the City's cash flow needs, or where there is an identifiable potential for capital loss.

Following safety of principal, the other two primary objectives to be considered in the investment decision process will be (1) whether the investments provides sufficient liquidity to meet operating needs and (2) given the safety and liquidity constraints is the yield appropriate. The investment portfolio of the City of Loveland shall be designed to include income type investments that will provide a market average yield at maturity while considering the City's safety of principal and liquidity constraints.

As a target, no more than 20% of the City's portfolio should be invested in overnight investments unless the yield of longer-term investments is such that it is unattractive to purchase long-term investments. These investments include the City's "sweep account" which is swept into a money market account nightly, other money market instruments and investment pools where funds are available within 24 hours.

The balance of the investment portfolio shall remain sufficiently liquid to meet all the projected cash flow needs of the City that can be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrently with the cash needs. Since all possible cash flow requirements cannot be anticipated, the portfolio shall consist of those securities with an active secondary market or resale market.

Securities shall not be sold prior to maturity unless (1) there is evidence of decline in the quality of the security and an early sale will minimize the loss of principal, (2) a security swap would improve the quality, yield, or target duration in the portfolio or (3) as previously noted, to meet the liquidity needs of the City.

#### **IV. DELEGATION OF AUTHORITY**

In accordance with Section 3.04.070 of the Loveland Municipal Code, the City Council has delegated the authority and responsibility for managing the investment program of the City of Loveland in the Finance Director. The Finance Director shall carry out the investment program in accordance with Colorado State law, C.R.S. 24-75-601, Section 3.04.070 of the Loveland municipal Code and this policy statement.

The Finance Director shall carry out his/her responsibilities through the issuance of procedures and internal controls consistent with this policy statement to assure that the priorities of this policy statement are adhered to. Appropriate procedures shall include, but not be limited to, (1) safekeeping of assets, (2) delivery of securities vs. payment, (3) accounting for investments, (4) selection of investments, (5) banking service contracts and appropriate internal control measures. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Director.

The Finance Director shall be responsible for all investment transactions undertaken and shall establish a system of controls to authorize and monitor all investment activity.

## **V. PRUDENCE**

Investments shall be made applying an industry standard known as the “prudent investor rule”. Under this rule, “investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived”.

Investment officers acting in accordance with the written procedures and this investment policy, state law and local ordinances, and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided that deviations from expectation are reported in a timely fashion and appropriate action is taken to control and minimize losses. This action may include selling securities prior to maturity if it appears that there is a substantial risk of loss of capital and that selling a specific security can minimize that risk or to improve overall return on investment.

## **VI. ETHICS AND CONFLICTS OF INTEREST**

Officers and employees involved in the investment process shall refrain from personal business activity that could, in any way, conflict with or compromise the proper execution and management of the City of Loveland’s investment program, or that could impair their ability to make impartial decisions. These employees and investment officials shall disclose, upon occurrence, any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. These employees and officials are prohibited from undertaking personal investment transactions with the same individual with which business of the City is conducted.

## **VII. EXECUTION, SAFEKEEPING AND CUSTODY**

### **1. Executions**

The responsibility of the execution of security transactions shall rest with such qualified employees as designated by the Finance Director. The selection of outside professional investment services shall be made on the basis of a competitive selection process. The

competitive selection shall consider factors in addition to commissions/cost profile and the low cost provider will not necessarily be the successful competitor. Nothing in this policy shall limit the City to only one outside investment professional.

Security orders shall be placed on the basis of accepted investment practices. The Finance Director shall approve investment firms with whom orders may be executed. A periodic review of the capital adequacy and any legal or regulatory discipline imposed on firms with whom transactions may be considered shall be conducted by the Finance Director and the results reported to the Citizens' Finance Advisory Commission. The Finance Director shall report any changes to the list of approved firms, along with the reasons for the changes, to the Citizens' Finance Advisory Commission.

All confirmations of authorized trades of securities will include information on (1) the date of the trade, (2) the securities par value, (3) maturity date of the security, (4) the security's interest rate, (5) the price of the security, (6) the security's yield to maturity, (7) the settlement date of the trade, (8) a description of the security purchased or sold, (9) any agency's name, (10) the amount due or received, and (11) any third party

## **2. Authorized Financial Dealer and Institution**

Depositories shall be selected through the City of Loveland's banking service procurement process, which shall include a formal request for proposal process to be conducted every five years. In selecting depositories, the credit worthiness of all institutions solicited shall be considered, and the Finance Director shall conduct a thorough and comprehensive review of all-prospective depositories credit characteristics and financial history. References will be required of all prospective depositories.

## **3. Internal Controls**

The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets are protected for loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met.

The concept of reasonable assurance recognizes that (1) the cost of control features should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits require estimates and judgments by management.

Accordingly, the Finance Director shall establish a process for annual independent review by the City's external auditor to assure compliance with policies and procedures. The annual review shall address the following points:

- Control of collusion – Collusion is a situation where two or more individuals are working in conjunction with each other to defraud the employer.

- Separation of transaction authority from accounting and recordkeeping – By separating the person who authorizes or performs the transaction from the parties who record or otherwise account for the transaction, a separation of duties is achieved and works to minimize the opportunity for collusion.
- Custodial safekeeping – Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.
- Avoidance of physical delivery of securities – Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss is increased when securities are physically delivered. For these reasons, actual delivery should be avoided except for extraordinary circumstances, i.e. a contribution to the City made in the form of stocks.
- Clear delegation of authority to others – All staff members must have a clear understanding of their authority and responsibilities to avoid inappropriate or unauthorized actions. Clear delegation of authority is essential to preserve the internal control structure that is dependent on the proper separation of duties among staff members.
- Written confirmation for telephone transactions of investments and wire transfers – Due to the potential for error and/or improprieties arising from telephone transactions, all telephone transactions shall be documented with written confirmation and approved by the appropriate staff member. Written communications may be via fax if on the City's letterhead and if the safekeeping institution has a list of individuals authorized to make an investment or create a wire transfer.
- Development of a wire transfer agreement with the lead bank or third party custodian – This agreement should outline the various controls, security provisions and delineate responsibilities of each party making and receiving wire transfers.

#### **4. Delivery vs. Payment**

All trades, where applicable, will be executed by delivery vs. payment. This ensures that securities are deposited in the eligible financial institution prior to the release of the funds. A third party custodian as evidenced by safekeeping receipts will hold securities.

## VIII. SUITABLE AND AUTHORIZED INVESTMENTS

Most City funds are scheduled for specific purposes with maturities selected to coincide as closely as possible with the periods in which monies will be spent for their intended purpose, even though new money is coming in to replace the expended funds. Since the nature of the yield curve tends to be positive (i.e. the longer the term of investment the higher the rates that are available) the City will attempt to stagger the maturity dates on investments to meet the anticipated cash flow needs based on a cash flow analysis and the available yield curve information. However, it is the intention of the City to maximize investment return within the constraints delineated in this policy and according to investment marketability and diversification. In maximizing investment return, it is anticipated that specific securities may be sold prior to maturity.

### Eligible Investments:

- All investments authorized by C.R.S. 24-75-601 and 24-75-702 (exhibit A) –
- Fully insured and/or collateralized certificates of deposit of commercial banks who have submitted a letter documenting that they are a Colorado Banking Board Eligible Public Depository –
- Interest bearing advances from one city fund to any other city fund –

### Prohibited Investments:

- Purchases on margin or short sales –
- Derivative securities that are in effect a leveraged anticipation of future movements in interest rates or some price indices –
- Collateralized mortgage obligations due to their complexity and prepayment rate uncertainty –
- Lending securities with an agreement to buy them back after a stated period of time.
- If an eligible investment drops in its credit rating below the required level, the investment will be considered a prohibited investment and will be sold as soon as practical.

The following investments will be permitted by this investment policy:

### 1. United States Treasury and Agency Issues

#### Eligible Security Description:

Securities that are issued by the United States Treasury or Agencies of the United States Government for which the full faith and credit of the United States Treasury guarantees fully all principal and interest payments.

#### Credit Rating:

Securities which carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's, Moody's Investor service, or Fitch. Securities qualified under Section 2a-7 will be investment eligible on the agencies' short-term credit scale, requiring a minimum rating of A1/P1/F1 from the respective rating agencies.

Maturity Risk Restriction:

At the time of purchase, securities must have a maturity of no greater than five years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 100% of the total portfolio may be invested in securities purchased in United States Treasury and Agency issues.

**2. Government Sponsored Enterprises ("GSE")**

Eligible Security Description:

Securities issued by federal government sponsored enterprises ("GSE") such as, but not limited to the Federal Agricultural Mortgage Corporation, Federal Farm Credit Bank, the Federal Home Loan Bank, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation. These securities are not guaranteed by the full faith and credit of the United States Government, however, they hold an implied federal guarantee.

Credit Rating:

Must be senior debt obligations which carry two credit ratings with a minimum rating of AA-/Aa3/AA- from standard & Poor's, Moody's, or Fitch. Securities qualified under Section 2a-7 will be eligible for investing on the agencies' short-term credit scale, requiring a minimum rating of A1/P1/F1 from Standard & Poor's, Moody's or Fitch.

Maturity Risk Restriction:

At the time of purchase, securities must have a maturity no greater than five years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 75% of the portfolio may be invested in Government Sponsored Enterprises. No more than 35% of the total portfolio may be invested in the securities of any single GSE.

### **3. State and Local Debt Issues**

Eligible Security Description:

General obligation or revenue obligation of any state of the United States, the District of Columbia, or any territorial possession of the United States, or, of any political subdivision, institution, department, agency, instrumentality, or authority or any such governmental entities.

Credit Rating:

Obligations which carry a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's Moody's or Fitch. Securities qualified under section 2s-7 will be eligible for investing on the agencies' short-term credit scale, requirement a minimum rating of A1/P1/F1 respectively from Standard & Poor's, Moody's, or Fitch. If a short-term rating has not been assigned, then apply the long-term credit scale.

The City may invest in its own bond, lease, or note issues, and those of its urban renewal authority without a rating, consistent with existing state law.

Maturity Risk Restriction:

At the time of purchase, such securities must have a maturity no greater than five years from the date of settlement.

Diversification Limit:

Up to 50% of the portfolio may be invested in State and Local Government debt issues. No more than 10% of the total portfolio may be invested in the securities of any single government entity.

### **4. Corporate Securities**

Eligible Security Description:

United States dollar denominated debt instruments issued by a corporation or bank which is organized and operated within the United States and has a net worth in excess of two hundred fifty million dollars.



Credit Rating:

Must be obligations which carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's, Moody's, or Fitch. Securities qualifies under section 2a-7 will be eligible for investing on the agencies' short-term credit scale, requiring a minimum rating of A1/P1/F1 respectively from Standard & Poor's, Moody's, or Fitch. If a 2a-7 security has no assigned short-term rating, then apply the long-term scale criteria.

Maturity Risk Restriction:

At the time of purchase such securities must have a maturity no greater than three years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 25% of the portfolio may be invested in Corporate Debt, exclusive of any amount invested in GSE securities. No more than 5% of the total portfolio may be invested in the securities of any single corporation.

**5. Local Government Investment Pools (LGIP)**

Eligible Security Description:

Shares in local government investment pools organized and operated per Colorado Revised Statutes.

Credit Rating:

Must carry a minimum rating of AAAM/Aaa from Standard & Poor' or Moody's.

Maturity Risk Restriction:

At the time of purchase of shares in the LGIP, they must be fully redeemable on the next business day.

Diversification Limit:

Up to 100% of the portfolio may be invested in local government pools. No more than 50% of the total portfolio may be invested in shares of any single LGIP.

**6. Money Market Funds**

Eligible Security Description:

Accounts that pool money from many investors, have a fund manager, and trade the fund's assets in accordance with the fund's objective. The Fund must be actively controlled by a registered investment company under the "Investment Company Act of 1940", as amended, and Securities Exchange Commission rule 2a-7 (17 CFR 270.2a-7). The fund must have assets in excess of one billion dollars, hold only securities eligible under C.R.S. section 24-75-601.1, a maximum maturity no greater than three years, and shares redeemable the next business day.

Credit Rating:

Must carry a minimum rating of AAAm/Aaa respectively from Standard & Poor's or Moody's.

Maturity Risk Restriction:

At the time of purchase, shares must be fully redeemable on the next business day.

Diversification Limit:

Up to 50% of the portfolio may be deposited in Money Market Funds. No more than 20% of the total portfolio may be invested in any single fund.

**7. Repurchase and Reverse Repurchase Agreements**Eligible Security Description:

Agreements between a seller and a buyer whereby the seller agrees to repurchase the securities at an agreed upon price and usually at a stated time. Such securities subject to these agreements must have a coupon rate that is fixed from the time of settlement until its maturity date, and must be marketable. The title to or a perfected security interest in such securities, along with any necessary transfer documents, must be transferred to the investing public entity or to a custodian acting on behalf of the investing public entity. Such securities must actually be delivered to a third-party custodian or third-party trustee for safekeeping on behalf of the public entity. The collateral securities of repurchase agreements must be collateralized at no less than one hundred two percent and marked to market no less frequently than weekly. Eligible securities consist of only those referenced in this Section: 1. United States Treasury and Agency Issues and, 2. Government Sponsored Enterprises.

Credit Rating:

The counter-party must carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's, Moody's, or Fitch. Securities qualified under Section 2a.7 will be eligible for investing on the agencies' sort-term credit scale, requiring a minimum rating of A1/P1/F1 respectively from Standard & Poor's Moody's, or Fitch. If a 2a-7 qualified security has no assigned short-term rating, then apply the long-term scale criteria.

Maturity Risk Restriction:

For Repurchase Agreements, at the time of purchase such agreements must have a maturity no greater than one year from the date of settlement to the maximum possible maturity date. The forward delivery period on such securities may not exceed 60 days. For Reverse Repurchase Agreements, at the time of purchase, such agreements must have a maturity no greater than 90 days from the date of settlements to the maximum possible maturity date. Requirements for both Repurchase Agreements and Reverse Repurchase Agreements, at the time of purchase are 1) the forward delivery period on such securities may not exceed 30 days 2) securities must be fully marketable 3) City must have title to or a perfected interest in said securities 4) all required documents must be transferred to acting safekeeping agent 5) securities must be delivered versus payment into the City's safekeeping account 6) securities must be collateralized at no less than one hundred two percent and marked to market value no less frequently than weekly.

Diversification Limit:

Up to 50% of the portfolio may be invested in Repurchase Agreements and up to 20% of the portfolio may be invested in Reverse Repurchase Agreements. No more than 20% of the total portfolio may be invested in either of these agreements with any single counter-party.

**8. Deposits in State or Nationally Chartered Depository Institutions**

Eligible Security Description:

Such depositories must be participants in the State of Colorado Public Deposit Protection Act (PDPA) collateralization program as defined in C.R.S. Section 11-10.5-103, whereby, the bank must pledge their own securities.

Credit Rating:

As depositories are often unrated by nationally recognized credit rating agencies, any deposit and accrued interest above the Federal Depository Insurance Corporation (FDIC) maximum insured amount must be collateralized through the Public Deposit Protection Act. The Colorado Division of Banking and Colorado Division of Financial Services are responsible to monitor and assure adequate collateralization in reserve. For deposits above the FDIC limit and if a long-

term credit rating is available from Standard & Poor's, Moody's, and Fitch, on the bank, then a minimum rating of A-/A3/A- respectively is required. If no such rating is assigned, then the bank must carry an acceptable rating from Bauer Financial.

Maturity Risk Restriction:

Demand Deposit, Savings, and Money Market accounts have no final maturity, therefore, can remain on deposit as long as the financial institution retains a Bauer financial rating of two stars for deposits fully insured by the FDIC or three stars for deposits subject to PDPA. All financial institutions must have an Adjusted Risk Based Capital (RBC) greater than eight as reported on their quarterly Call report.

Diversification Limit:

Up to 75% of the portfolio may be deposited in State of Nationally Chartered Depository institutions. No more than 30% of the total portfolio may be invested in any single type of bank instrument (Demand Deposit, Saving, Time Deposit, Money Market) at one depository.

## **IX. INVESTMENT PARAMETERS**

### **1. Diversification –**

Investments should be diversified by security type and institution.

### **2. Maximum maturities –**

Investments of the City shall be limited to maturities not to exceed five (5) years, unless specific authority is given by the Loveland City Council to exceed that limit. To the extent possible the City will attempt to match its investments with anticipated cash flow needs. Unless matched to a

specific cash flow requirement, the City will not directly invest in securities maturing more than five (5) years from the date of purchase.

### **3. Pooling of City Monies –**

For investment purposes, all City monies will be pooled and no investments will necessarily be directly those of any particular fund except in extraordinary circumstances that may legally or for some other particular reason require separate accountability. All funds will receive their proportionate share of investment earnings.

## **X. REPORTING**

### **1. Methods**

The Accounting Manager shall prepare an investment report no less than semi-annually, including a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made during the preceding period. This management summary will be prepared in a manner that will allow the entity to ascertain whether investment activities during the period are in conformance with this investment policy. The report shall be provided to the Finance Director, the Citizens' Finance Advisory Commission and the City Council. The report will include the following:

- A listing of investments sold prior to maturity and the resulting gains or losses
- A listing of individual securities held at the end of the period in descending order of maturity dates and include the following:
  - The cost basis of the investments
  - The current market value of the investments
  - The current credit rating
  - Unrealized gain or loss
  - The coupon rate of interest
  - The effective yield to maturity
- The average term of the portfolio as a whole
- A percentage breakdown of investments by type

Additional performance indicators may be provided to supplement the above information.

### **2. Performance Standards**

The investment portfolio will be managed in accordance with the parameters specified with this policy. On average, the portfolio should obtain a market average rate of return on an annual basis. To measure performance, the portfolio should be compared to appropriate benchmarks on a regular basis.

## **XI. POLICY**

### **1. Exemption**

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy until the

security matures or is liquidated. All reinvestments of these funds after the date of this policy will be required to meet the requirements of this policy.

## **2. Amendment**

This policy shall be reviewed on an annual basis and amendments recommended by the Citizens' Finance Advisory Commission from time to time as necessary. The City Council shall approve any changes.

**FIRST READING October 18, 2011**

**SECOND READING \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING LOVELAND MUNICIPAL CODE  
SECTION 3.04.070 REGARDING INVESTMENT OF CITY FUNDS AND  
THE CITY INVESTMENT POLICY**

**WHEREAS**, the City is a home-rule municipality under Article XX of the Colorado Constitution, with the authority to exercise as large a measure of home rule in municipal affairs as may be granted in the republican form of government, which the State of Colorado is obligated to maintain under its enabling act ; and

**WHEREAS**, Loveland Municipal Code Section 3.04.070 provides for deposit of City funds and for the investment of City funds as authorized by resolution and state law; and

**WHEREAS**, the City has adopted, by Resolution #R-9-2003, the City of Loveland Investment Policy dated February, 2003 (the “City Investment Policy”), which permits the investment of City funds as authorized by State law; and

**WHEREAS**, Colorado Revised Statutes §24-75-601.1(1)(m)(II) permits the governing body of a public entity to authorize certain investment in corporate or bank securities; and

**WHEREAS**, Colorado Revised Statutes §24-75-601.1(3)(b) expressly states that the statutory limits on investment of public funds do not limit the power of a home rule city to invest in any security or other investment permitted under the charter and ordinances of such city; and

**WHEREAS**, recent credit rating downgrades make it necessary to clarify the investments authorized by Code Section 3.04.070 and to modify the City Investment Policy with respect to investment in securities issued by government sponsored enterprises and corporate securities, to best serve the interests of the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That Section 3.04.070 of the Loveland Municipal Code is hereby amended to read in full as follows:

**3.04.070 Deposits--Investments.**

The city council may from time to time designate by resolution those banks, savings and loan associations, and other such institutions, which meet the qualifications required by the laws of the state for depositories of municipal funds, in which funds and moneys of the city may be deposited. All city funds shall be deposited in the name of the city in one or more of such institutions as may from time to time be directed by the city council. The

city council shall by ordinance authorize investment of all or any part of such funds and moneys in securities and other investments which are authorized by the ordinances of the city or by state law.

**Section 2.** That the City Council hereby amends the City Investment Policy to add the provisions set forth on **Exhibit A** attached hereto and incorporated herein by this reference to Section VIII of the Investment Policy.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

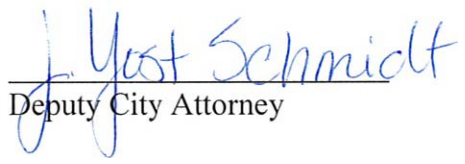
ADOPTED this \_\_\_\_\_ day of November, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



## Exhibit A

*Section VIII. SUITABLE AND AUTHORIZED INVESTMENTS, of the City Investment Policy dated February, 2003 and approved by Resolution on February 4, 2003, shall be amended by the addition of the following provisions to read in full:*

“The following investments will be permitted by this investment policy:

### 1. United States Treasury and Agency Issues

Eligible Security Description:

Securities that are issued by the United States Treasury or Agencies of the United States Government for which the full faith and credit of the United States Treasury guarantees fully all principal and interest payments.

Credit Rating:

Securities which carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor’s, Moody’s Investor service, or Fitch. Securities qualified under Section 2a-7 will be investment eligible on the agencies’ short-term credit scale, requiring a minimum rating of A1/P1/F1 from the respective rating agencies.

Maturity Risk Restriction:

At the time of purchase, securities must have a maturity of no greater than five years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 100% of the total portfolio may be invested in securities purchased in United States Treasury and Agency issues.

### 2. Government Sponsored Enterprises (“GSE”)

Eligible Security Description:

Securities issued by federal government sponsored enterprises (“GSE”) such as, but not limited to the Federal Agricultural Mortgage Corporation, Federal Farm Credit Bank, the Federal Home Loan Bank, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation. These securities are not guaranteed by the full faith and credit of the United States Government, however, they hold an implied federal guarantee.

Credit Rating:

Must be senior debt obligations which carry two credit ratings with a minimum rating of AA-/Aa3/AA- from standard & Poor’s, Moody’s, or Fitch. Securities qualified under Section 2a-7 will be eligible for investing on the agencies’ short-term credit scale, requiring a minimum rating of A1/P1/F1 from Standard & Poor’s, Moody’s or Fitch.

Maturity Risk Restriction:

At the time of purchase, securities must have a maturity no greater than five years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 75% of the portfolio may be invested in Government Sponsored Enterprises. No more than 35% of the total portfolio may be invested in the securities of any single GSE.

**3. State and Local Debt Issues**Eligible Security Description:

General obligation or revenue obligation of any state of the United States, the District of Columbia, or any territorial possession of the United States, or, of any political subdivision, institution, department, agency, instrumentality, or authority or any such governmental entities.

Credit Rating:

Obligations which carry a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's Moody's or Fitch. Securities qualified under section 2s-7 will be eligible for investing on the agencies' short-term credit scale, requirement a minimum rating of A1/P1/F1 respectively from Standard & Poor's, Moody's, or Fitch. If a short-term rating has not been assigned, then apply the long-term credit scale.

The City may invest in its own bond, lease, or note issues, and those of its urban renewal authority without a rating, consistent with existing state law.

Maturity Risk Restriction:

At the time of purchase, such securities must have a maturity no greater than five years from the date of settlement.

Diversification Limit:

Up to 50% of the portfolio may be invested in State and Local Government debt issues. No more than 10% of the total portfolio may be invested in the securities of any single government entity.

**4. Corporate Securities**Eligible Security Description:

United States dollar denominated debt instruments issued by a corporation or bank which is organized and operated within the United States and has a net worth in excess of two hundred fifty million dollars.

Credit Rating:

Must be obligations which carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's, Moody's, or Fitch. Securities qualified under section 2a-7 will be eligible for investing on the agencies' short-term credit scale,

requiring a minimum rating of A1/P1/F1 respectively from Standard & Poor's, Moody's, or Fitch. If a 2a-7 security has no assigned short-term rating, then apply the long-term scale criteria.

Maturity Risk Restriction:

At the time of purchase such securities must have a maturity no greater than three years from the date of settlement to the maximum possible maturity date.

Diversification Limit:

Up to 25% of the portfolio may be invested in Corporate Debt, exclusive of any amount invested in GSE securities. No more than 5% of the total portfolio may be invested in the securities of any single corporation.

**5. Local Government Investment Pools (LGIP)**

Eligible Security Description:

Shares in local government investment pools organized and operated per Colorado Revised Statutes.

Credit Rating:

Must carry a minimum rating of AAAM/Aaa from Standard & Poor' or Moody's.

Maturity Risk Restriction:

At the time of purchase of shares in the LGIP, they must be fully redeemable on the next business day.

Diversification Limit:

Up to 100% of the portfolio may be invested in local government pools. No more than 50% of the total portfolio may be invested in shares of any single LGIP.

**6. Money Market Funds**

Eligible Security Description:

Accounts that pool money from many investors, have a fund manager, and trade the fund's assets in accordance with the fund's objective. The Fund must be actively controlled by a registered investment company under the "Investment Company Act of 1940", as amended, and Securities Exchange Commission rule 2a-7 (17 CFR 270.2a-7). The fund must have assets in excess of one billion dollars, hold only securities eligible under C.R.S. section 24-75-601.1, a maximum maturity no greater than three years, and shares redeemable the next business day.

Credit Rating:

Must carry a minimum rating of AAAm/Aaa respectively from Standard & Poor's or Moody's.

Maturity Risk Restriction:

At the time of purchase, shares must be fully redeemable on the next business day.

Diversification Limit:

Up to 50% of the portfolio may be deposited in Money Market Funds. No more than 20% of the total portfolio may be invested in any single fund.

**7. Repurchase and Reverse Repurchase Agreements**

Eligible Security Description:

Agreements between a seller and a buyer whereby the seller agrees to repurchase the securities at an agreed upon price and usually at a stated time. Such securities subject to these agreements must have a coupon rate that is fixed from the time of settlement until its maturity date, and must be marketable. The title to or a perfected security interest in such securities, along with any necessary transfer documents, must be transferred to the investing public entity or to a custodian acting on behalf of the investing public entity. Such securities must actually be delivered to a third-party custodian or third-party trustee for safekeeping on behalf of the public entity. The collateral securities of repurchase agreements must be collateralized at no less than one hundred two percent and marked to market no less frequently than weekly. Eligible securities consist of only those referenced in this Section: 1. United States Treasury and Agency Issues and, 2. Government Sponsored Enterprises.

Credit Rating:

The counter-party must carry two credit ratings with a minimum rating of AA-/Aa3/AA- respectively from Standard & Poor's, Moody's, or Fitch. Securities qualified under Section 2a.7 will be eligible for investing on the agencies' sort-term credit scale, requiring a minimum rating of A1/P1/F1 respectively from Standard & Poor's Moody's, or Fitch. If a 2a-7 qualified security has no assigned short-term rating, then apply the long-term scale criteria.

Maturity Risk Restriction:

For Repurchase Agreements, at the time of purchase such agreements must have a maturity no greater than one year from the date of settlement to the maximum possible maturity date. The forward delivery period on such securities may not exceed 60 days. For Reverse Repurchase Agreements, at the time of purchase, such agreements must have a maturity no greater than 90 days from the date of settlements to the maximum possible maturity date. Requirements for both Repurchase Agreements and Reverse Repurchase Agreements, at the time of purchase are 1) the forward delivery period on such securities may not exceed 30 days 2) securities must be fully marketable 3) City must have title to or a perfected interest in said securities 4) all required documents must be transferred to acting safekeeping agent 5) securities must be delivered versus payment into the City's safekeeping account 6) securities must be collateralized at no less than one hundred two

percent and marked to market value no less frequently than weekly.

Diversification Limit:

Up to 50% of the portfolio may be invested in Repurchase Agreements and up to 20% of the portfolio may be invested in Reverse Repurchase Agreements. No more than 20% of the total portfolio may be invested in either of these agreements with any single counterparty.

**8. Deposits in State or Nationally Chartered Depository Institutions**

Eligible Security Description:

Such depositories must be participants in the State of Colorado Public Deposit Protection Act (PDPA) collateralization program as defined in C.R.S. Section 11-10.5-103, whereby, the bank must pledge their own securities.

Credit Rating:

As depositories are often unrated by nationally recognized credit rating agencies, any deposit and accrued interest above the Federal Depository Insurance Corporation (FDIC) maximum insured amount must be collateralized through the Public Deposit Protection Act. The Colorado Division of Banking and Colorado Division of Financial Services are responsible to monitor and assure adequate collateralization in reserve. For deposits above the FDIC limit and if a long-term credit rating is available from Standard & Poor's, Moody's, and Fitch, on the bank, then a minimum rating of A-/A3/A- respectively is required. If no such rating is assigned, then the bank must carry an acceptable rating from Bauer Financial.

Maturity Risk Restriction:

Demand Deposit, Savings, and Money Market accounts have no final maturity, therefore, can remain on deposit as long as the financial institution retains a Bauer financial rating of two stars for deposits fully insured by the FDIC or three stars for deposits subject to PDPA. All financial institutions must have an Adjusted Risk Based Capital (RBC) greater than eight as reported on their quarterly Call report.

Diversification Limit:

Up to 75% of the portfolio may be deposited in State of Nationally Chartered Depository institutions. No more than 30% of the total portfolio may be invested in any single type of bank instrument (Demand Deposit, Saving, Time Deposit, Money Market) at one depository.”

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