

**FIRST AMENDMENT TO THE AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT FOR THE JOINT OPERATION OF THE,
FORT COLLINS-LOVELAND MUNICIPAL AIRPORT, NOW KNOWN AS THE
NORTHERN COLORADO REGIONAL AIRPORT**

THIS First Amendment is made and entered into this 7th day of June, 2016, between THE CITY OF LOVELAND, COLORADO, a municipal corporation, and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation, hereinafter referred to individually as a "City" and collectively as the "Cities."

WITNESSETH:

WHEREAS, in 1963, the Cities established a regional general aviation facility and became the joint owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, pursuant to Section 29-1-203 of the Colorado Revised Statutes (and Article II, Section 16, of the Fort Collins City Charter), the Cities are authorized by law to contract with one another to provide for the joint exercise of any function, service or facility lawfully authorized to each of them if such contracts are approved by the Councils of the Cities; and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the "IGA"), which established the Northern Colorado Regional Airport Commission (the "Commission") as the Airport governance structure; and

WHEREAS, in the IGA, the Cities set forth the terms and conditions pursuant to which the Airport will be operated and maintained as the Cities' joint venture; and

WHEREAS, the Cities have further determined that amendment of the IGA is necessary to reflect their desire to clarify the authorized powers of the Commission and delegate additional Airport duties and responsibilities to the Commission in order to provide more effective and efficient Airport management and operation.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. That Section 1. of the IGA is hereby amended to read in full as follows:

1. Joint Airport Operation. The operation and maintenance of the Airport is a joint venture between the City of Fort Collins and the City of Loveland, with full management and policy-making authority vested equally in both Cities. The following management and policy making issues ("Policy Issues") are reserved to and shall require approval of the City Councils:

A. adoption of the Airport Master Plan;

- B. approval of and participation in federal and state grant agreements except those that the Commission is authorized to approve under section 4 below;
- C. approval and execution of federal and state grant assurances, the approval of which is hereby delegated to the City Managers of each City as to their City;
- D. purchases and sales of real property or structures;
- E. construction of capital projects except to the extent of the authority granted to the Commission in section 4 below;
- F. approval of the annual Airport budget, which shall include a capital reserve fund (“Capital Reserve”) and an operating reserve fund (“Operating Reserve”); and
- G. approval of each Cities’ annual contributions to and appropriation of the Airport budget (the “Approved Airport Budget”).

2. That Section 4. of the IGA is hereby amended to read in full as follows:

4. Commission Powers and Scope of Authority. The Cities do hereby delegate to the Commission, to the extent consistent with and subject to any Airport plans or policies jointly adopted by the City Council, applicable federal and state law, the Cities’ charters, ordinances and regulations, as they exist or as amended, the terms and conditions of Federal Aviation Administration (“FAA”) regulations or other grant agreements, including without limitation any grant assurances set forth therein, and any other limitations set forth herein, the following power and authority to:

- A. Enter into Airport agreements, including Airport property leases and contracts for goods and services, provided that such agreements are:
 - i. in a form generally approved by the City Manager and City Attorneys for each City;
 - ii. as to leases of Airport property and improvements, are for an aeronautical or general aviation use or a use which directly augments an aeronautical or general aviation use, are for a use permitted by any land use or zoning codes or regulations applicable to the Airport property, and are for a total term not to exceed fifty years;
 - iii. within the Approved Airport Budget and appropriations, and
 - iv. entered into in accordance with City of Loveland Purchasing policies.
- B. Authorize Airport activities;
- C. Adopt or revise Airport rules and regulations, including minimum standards;
- D. Develop budgets, establish capital and operations reserve policies and propose capital projects consistent with Approved Airport Budget;
- E. Expend appropriated funds consistent with the Approved Airport Budget, provided that any expenditures from Capital Reserves and Operating Reserves included in the Approved Airport Budget do not exceed the lesser of:
 - i. Twenty-five percent (25%) of the annual Budget approved by the Councils, or

- ii. Fifty percent (50%) of the unassigned balances of the Airport Fund including Operating Reserves, and the Airport Capital Fund.

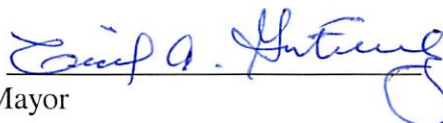
Notwithstanding the foregoing, the expenditure of Capital Reserves and Operating Reserves permitted under this Section 4.E shall be permitted only to the extent that such amounts have been appropriated by the Cities, and do not result in reduction of the Reserves below any minimum amount required by policy approved by the Cities;

- F. Establish Airport rates, fees and charges on an annual basis;
- G. Establish Airport service levels;
- H. Develop an Airport operating plan, including security and emergency plans; and
- I. Direct the Airport Manager in the provision of Airport services, including the establishment of goals and objectives for each year and annual evaluations of the Airport Manager's performance in relation thereto in order to make recommendation to the Loveland City Manager regarding employment matters involving the Airport Manager;
- J. Sign grant agreements to the extent permitted by grantors, so long as such grant agreements:
 - (i) do not include commitment of Airport revenues and funds for grant matches of more than \$300,000 from appropriated funds included in the Approved Airport Budget;
 - (ii) do not involve capital construction projects unless such projects are included in the Approved Airport Budget; and
 - (iii) are approved by the City Managers, to the extent the City Managers are authorized by their respective City Councils to do so;
- K. Provide recommendations to the Cities regarding Airport policy issues.

- 3. That the name of the Airport throughout the IGA shall be Northern Colorado Regional Airport.
- 4. That except as amended by this First Amendment, all other provisions of the IGA shall remain in full force and effect.

IN WITNESS HEREOF, this First Amendment has been executed the day and year first above written.

THE CITY OF LOVELAND, COLORADO
A Municipal Corporation

By: 
Mayor

ATTEST:

Deputy
[Signature]
City Clerk



APPROVED AS TO FORM:

[Signature]
Assistant City Attorney



THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation

By: [Signature]
Mayor

ATTEST:

W Winkelmann
City Clerk

APPROVED AS TO FORM:

Sr. Asst J. Yost Schmidt
City Attorney

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