

RESOLUTION # R-2-2015

A RESOLUTION APPROVING THE ESTABLISHMENT OF RULES AND REGULATIONS OF THE NORTHERN COLORADO REGIONAL AIRPORT COMMISSION INCLUDING RULES AND REGULATIONS REGARDING THE EXECUTION OF CERTAIN AGREEMENTS BY THE AIRPORT MANAGER

WHEREAS, the City of Fort Collins and the City of Loveland (jointly, the “Cities”) are parties to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins–Loveland Airport dated January 22, 2015 (“Formation Agreement”), which provides for the operation and maintenance of the Fort Collins-Loveland Municipal Airport (“Airport”) as a joint venture, with full management and policy-making authority vested in equally in both Cities; and

WHEREAS, under the Formation Agreement, management authority over Airport operation and commercial, industrial or other operations and activities located on the Airport is vested in the Northern Colorado Regional Airport Commission (“Commission”), including the powers and authority set forth in Section 4 of the Formation Agreement, which authority is subject to the policy issues reserved to the Cities set forth in Section 1 and the limitations set forth in Section 4 of the Formation Agreement, and the Commission bylaws; and

WHEREAS, the Formation Agreement provides that, subject to the reservations of authority set forth therein, the Commission shall adopt, by resolution from time to time, one or more rules and regulations (the “Rules and Regulations”) to carry out its delegated authorities and power under the Formation Agreement, which rules and regulations shall be maintained by the Airport Manager; and

WHEREAS, the Commission seeks to develop and implement rules and regulations to set forth the Commission’s policies respecting the exercise of such powers and authority vested in it under the Formation Agreement; and

WHEREAS, as part of such rules and regulations and to the extent that approval of the Commission and execution by the Commission chairperson is authorized under the Formation Agreement, the Commission desires to authorize the Airport Manager to execute certain agreements on behalf of the Cities; and

WHEREAS, the Commission desires to delegate to the Airport Manager, the authority to enter into Airport agreements on behalf of the Cities to the extent permitted by Section 2.A of the Formation Agreement, provided that such agreements are in furtherance of and consistent with Airport budgets, plans or policies jointly adopted by the Cities, applicable federal and state law, the Cities’ charters, ordinances and regulations (as they exist or as amended), the terms and condition of Federal Aviation Administration (“FAA”) or any other grant agreement and/or assurances, and that are in furtherance of and consistent with a policy, work plan item, project or agreement that has been specifically approved by the Commission; and

WHEREAS, the Commission finds that adoption of rules and regulations will facilitate carrying out its responsibilities under the Formation Agreement.

NOW, THEREFORE, BE IT RESOLVED BY NORTHERN COLORADO REGIONAL AIRPORT COMMISSION, STATE OF COLORADO, AS FOLLOWS:

Section 1. That the Commission hereby adopts the following chapters of the Rules and Regulations, which shall read in full as follows:

**NORTHERN COLORADO REGIONAL AIRPORT COMMISSION
RULES AND REGULATIONS**

Chapter 1. Definitions

“Cities” shall mean the City of Fort Collins and City of Loveland, collectively.

“City Councils” shall mean the City Council of the City of Fort Collins and City of Loveland.

“Commission” shall mean the Northern Colorado Regional Airport Commission.

“Formation Agreement” shall mean the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins–Loveland Airport dated January 22, 2015, as amended.

Chapter 2. Execution of Agreements

A. The Airport Manager is hereby authorized to execute the following agreements on behalf of, and in the name of the Cities:

1. Leases of real property owned or leased in the name of the Cities and located at the Fort Collins-Loveland Airport, provided that each lease is:
 - a. in a form generally approved by the Cities;
 - b. for an aeronautical or general aviation use or a use that directly augments an aeronautical or general aviation use;
 - c. for a use permitted by any land use or zoning codes or regulations;
 - d. for a term of no more than ten years, excluding any rights of renewal, provided such leases may be terminated at the expiration of any term or renewal term.
 - e. provides for a rental amount which reasonably represents, as of the date of the lease, fair market rental value for the lease of the real property and is consistent with the rental rates approved by the Cities from year to year; and
 - f. is otherwise consistent with any Airport plans or policies jointly adopted by the City Councils (including Airport Minimum Standards and Airport Rules and Regulations), applicable federal and state law (including FAA regulations), the Cities’ charters, ordinances and regulations as they exist or as amended, and the terms and conditions of Federal Aviation Administration (FAA) or other grant agreements,

including any grant assurances set forth therein.

2. Agreements that:
 - a. involve no direct, monetary payment by the Cities;
 - b. in the judgment of the Airport Manager, after consultation with the City Attorney's Office designated to provide legal services under the Formation Agreement, do not entail any significant policy considerations; and
 - c. are in a form generally approved by the Cities.
3. Agreements that:
 - a. are in furtherance of a policy, work plan item, project, or agreement within the Commission's authority under the Formation Agreement;
 - b. have been specifically approved by the Commission;
 - c. are in a form generally approved by the Cities; and
 - d. any direct, monetary payment to be made by the Cities under the terms of the agreement does not exceed \$100,000.

B. Any agreement entered into by the Airport Manager for the purchase of any goods or services necessary and appropriate to the operation of the Airport shall be subject to the City of Loveland's procurement rules and regulations.

C. Notwithstanding anything in this Chapter 2 to the contrary, the Airport Manager shall not be authorized to execute any agreement when the proposed agreement requires approval by:

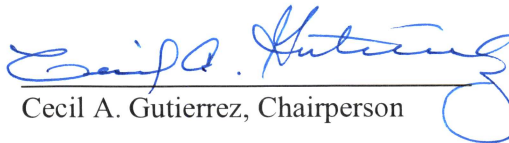
1. the Commission pursuant to any state law or the Formation Agreement; or
2. the Cities pursuant to any Charter provision, ordinance, or state law; or
3. the Cities pursuant to the Formation Agreement.

D. The Airport Manager shall:

1. notify the Commission at its next regularly scheduled meeting of the execution of each agreement under the authority granted in paragraph A above;
2. notify and provide copies of each agreement to the City Managers of each of the Cities within ten (10) days of execution of any such agreement; and
3. Provide an original of each agreement to the City of Loveland City Clerk's Office for the retention and record management of such agreements.

Section 2. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 17th day of December, 2015.


Cecil A. Gutierrez, Chairperson

ATTEST:


Secretary

APPROVED AS TO FORM:


Assistant City Attorney

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