

RESOLUTION 2023-116
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS, THE CITY
OF LOVELAND, AND THE FEDERAL AVIATION ADMINISTRATION FOR
CONTINUED FEDERAL FUNDING OF AIR TRAFFIC CONTROL SERVICES
AT THE NORTHERN COLORADO REGIONAL AIRPORT

WHEREAS, the Cities of Loveland and Fort Collins (collectively, the “Cities,” and “Loveland” or “Fort Collins” individually) jointly own and operate the public airport known as the Northern Colorado Regional Airport (the “Airport”) pursuant to an Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport entered into on January 22, 2015, and amended on June 7, 2016; and

WHEREAS, the Federal Aviation Administration (“FAA”) currently provides funding to the Airport through the FAA’s NextGen initiative for air traffic control services as part of the remote tower technology project at the Airport; and

WHEREAS, those air traffic control services are provided using a mobile air traffic control tower; and

WHEREAS, the FAA’s funding for the remote tower pilot project expires December 31, 2023, which creates the potential for a gap in air traffic control services at the Airport; and

WHEREAS, to bridge the potential gap in air traffic control services, the FAA has established a pathway for the Airport to join the FAA Contract Tower (“FCT”) Program through an exception to FAA Joint Order 7210.78, which requires that an airport construct a permanent air traffic control facility prior to applying to the FAA for federal funding for air traffic control services; and

WHEREAS, to take advantage of this exception, the FAA requires the Cities to execute a FAA Contract Tower Operations Agreement, in substantially the form attached hereto as Exhibit “A” and incorporated herein (the “FCT Agreement”); and

WHEREAS, under the FCT Agreement in general, the FAA will fund air traffic control services and the Airport will fund the mobile tower infrastructure and equipment needed for such services; and

WHEREAS, in return for the FAA providing said funding, the FCT Agreement requires the Cities, acting through the Airport, to pursue design and construction of a brick-and-mortar air traffic control tower with the goal of completing construction within five years of the execution of the FCT Agreement; and

WHEREAS, provided the Airport makes satisfactory progress under the FCT Agreement, the FAA will continue to fund air traffic control services that use the mobile tower infrastructure for that five-year period; and

WHEREAS, the FCT Agreement has an initial term of one year and may be renewed annually if the FAA determines the Airport is making satisfactory progress towards designing and constructing a brick-and-mortar tower within the milestones set forth in the FCT Agreement; and

WHEREAS, the FCT Agreement may be terminated by either City or the FAA with or without cause by giving the other parties a minimum of ninety days written notice, and termination will not prejudice the Cities' ability to later construct a brick-and-mortar tower under the FCT Program; and

WHEREAS, the City Council desires to authorize the City Manager, in consultation with the City Attorney, to execute on behalf of Fort Collins the FCT Agreement in substantially similar form to "Exhibit A;" and

WHEREAS, the FCT Agreement will allow the continued provision of air traffic control services funded in part by the FAA, which is in the best interests of the City and beneficial to the users of the Airport and the northern Colorado region at large.

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

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to execute the FCT Agreement in substantially similar form to "Exhibit A" subject to modifications as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City of Fort Collins.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of December, 2023.

Mayor

ATTEST:

City Clerk