

ORDINANCE NO. 029, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES TO BROADBAND CAPITAL PROJECTS
AND RELATED ART IN PUBLIC PLACES

A. Connexion, the Broadband utility owned and operated by the City of Fort Collins, requests that unanticipated revenue received in 2025 be appropriated to the non-lapsing Broadband capital projects account.

B. In August of 2025, Connexion received \$2,917,016 from the Open International utility billing software judgment which was recorded in Other Non-Operating Revenue. This transfer of funds caused Connexion's revenues to exceed total budgeted revenue by \$2,216,181.

C. Connexion has various capital project needs for its system. These projects are part of the broader City initiative to maintain high-speed internet infrastructure while fostering a vibrant community through public art, which has been in place since 1995 to enhance city aesthetics.

D. The City has utilized similar ordinances to shift unused operating funds to capital projects to address, for example, the need for increased customer installations, highlighting a dynamic approach to funding infrastructure and associated cultural investments. This request for appropriation is for the total exceeded fund revenue budget of \$2,216,181 to Broadband capital projects to support anticipated growth in 2026 and beyond.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose by funding network expansions, infrastructure upgrades, customer premises equipment, and other capital needed to serve additional customer and multi-dwelling units.

F. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

G. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Broadband Fund and that this appropriation will not cause the total amount appropriated in the Broadband Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

H. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places program (“APP Program”).

I. The total project cost of \$1,739,181 has been used to calculate the contribution to the APP program.

J. The amount to be contributed in this Ordinance will be \$17,392.

K. Contributions to the APP Program by each City utility for art projects is kept and spent in such utility’s own fund, the utility contributes its share of the APP Program’s costs for maintenance, administration, repair, and display to the Cultural Services and Facilities Fund as provided in City Code Section 23-303(c).

L. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Broadband Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(c) will be used for Broadband fund purposes and improvements in connection with the Project that provide a betterment to the Utility.

M. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

N. The City Council wishes to designate the appropriation herein for Various Broadband Capital Projects as an appropriation that shall not lapse until the completion of the project.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Broadband Fund the sum of TWO MIILION TWO-HUNDRED SIXTEEN THOUSAND ONE HUNDRED EIGHTY-ONE THOUSAND DOLLARS (\$2,216,181) to be expended in the Broadband Fund for Various capital projects of Broadband build out.

Section 2. The unexpended and unencumbered appropriated amount of THREE THOUSAND FOUR HUNDRED SEVENTY-EIGHT DOLLARS (\$3,478) in the Broadband Fund is hereby authorized for transfer to the Arts and Culture Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of THREE HUNDRED FORTY-EIGHT DOLLARS (\$348) in the Broadband Fund is hereby

authorized for transfer to the Arts and Culture Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 4. The appropriation herein for Various Capital Projects Related to Broadband Build Out is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the project.

Introduced, considered favorably on first reading on April 7, 2026, and approved on second reading for final passage on April 21, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: May 1, 2026

Approving Attorney: Yvette Lewis-Molock

Exhibit: None