

RESOLUTION 2023-045  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE CITY AND LARIMER COUNTY FOR  
EXTENSION OF BROADBAND UTILITY SERVICES INTO  
UNINCORPORATED LARIMER COUNTY BEGINNING WITH AREAS NEAR THE  
HARMONY ROAD AND TAFT HILL ROAD INTERSECTION

WHEREAS, the City of Fort Collins (“City”) and Larimer County (“County”) are, as a legal matter, each independently authorized to acquire and operate independent municipal broadband utility facilities and networks; and

WHEREAS, the City is a Colorado home-rule municipality that has undertaken to establish and operate a municipal broadband utility known as Fort Collins Connexion (“Connexion”), which it began operating in 2019, relying on regional partnerships with other governmental entities, broadband utility enterprises, and owners of fiber optic cable, capitalizing on regional municipal broadband opportunities; and

WHEREAS, in 2016, Larimer County voters approved a ballot measure authorizing the County to provide regional broadband services in unincorporated areas of the County, including entering into intergovernmental agreements to access municipal broadband utility networks; and

WHEREAS, in studying how to efficiently and cost-effectively serve residents with broadband communication services, the County sought to collaborate with adjacent municipalities to prioritize areas for initial service extension, based on cost for service, adjacency to municipal broadband facilities, underserved areas, and socio-economic status; and

WHEREAS, in light of the cost savings and potential future benefits of jointly supported communication services, the City and County desire to enter into the Intergovernmental Agreement for Connexion Communication Services Provision in Larimer County, in substantially the form attached hereto as Exhibit “A” (the “IGA”) and incorporated by this reference; and

WHEREAS, in furtherance of the benefits available through shared expansion of broadband communication facilities with the City, the County has agreed to fund all design and construction for Connexion to extend broadband communication facilities and services to approximately one-thousand premises located in the vicinity of Harmony Road and Taft Hill Road in unincorporated Larimer County in exchange for receiving a portion of the service revenues collected in these areas, up to the amount of the County’s design and construction funding, subject to annual appropriation by the City, all as described in the work order attached to the IGA; and

WHEREAS, subsequent projects to extend broadband communication facilities and services to areas within unincorporated Larimer County will be authorized through similar work orders subject to the terms of the IGA; and

WHEREAS, as Colorado governmental entities, the City and County are each authorized, pursuant to Colorado Revised Statutes Section 29-1-203, to cooperate or contract with one another to acquire or provide any government function, service, or facility lawfully authorized to each; and

WHEREAS, the City Council has determined that the IGA is in the best interests of the City, its citizens and ratepayers to accomplish the purposes set forth therein, and that the City Manager should be authorized to execute the IGA and related work orders between the City and the County.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals above.

Section 2. That the City Council hereby approves the IGA and authorizes the City Manager, in consultation with the City Attorney and consistent with this Resolution, to finalize the IGA and its exhibits, and to execute it on behalf of the City, in substantially the form attached hereto as Exhibit "A," including Work Order #001 attached to the IGA.

Section 3. That in addition, the City Manager is authorized, during the term of the IGA and in consultation with the City Attorney, to approve and execute such amendments to the IGA and work orders in furtherance thereof as the City Manager determines to be reasonably necessary and appropriate to: (a) protect the City's interests or to effectuate the purposes of this Resolution; (b) provide a benefit to the City; (c) limit the City's repayment obligation to no greater than the obligation set forth in Work Order #001 to the IGA; and (d) otherwise limit the City's financial obligation to expenditure of funds already appropriated and approved by Council or conditioned upon such appropriation.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of May, 2023.

---

Mayor

ATTEST:

---

City Clerk