

ORDINANCE NO. 048, 2026  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING PRIOR YEAR RESERVES FOR THE BROADBAND  
INFRASTRUCTURE BUILDOUT PROJECT 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 Infrastructure Buildout Project.

B. In August 2025, Connexion received \$2,917,016 in proceeds related to the Open International utility billing software judgment which were assigned as revenue in the Other Non-Operating account. When netted with the balance of Connexion's revenue, Connexion revenue exceeded budgeted revenue by \$2,216,181.

C. Connexion has undertaken an Infrastructure Buildout Project ("Project") for its system. Aspects of the Project include additional premises and multi-dwelling unit infrastructure, additional installations resulting from increased customer sign-ups, network infrastructure, customer premises equipment, and GIS capital software.

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 the Broadband Infrastructure Buildout Capital Project 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 customers 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 to the APP Program in this Ordinance will be \$17,392. Of that total amount, \$3,826 will be transferred to the Arts and Culture Fund and appropriated and expended for the operations and maintenance costs of the APP Program.

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 Broadband Infrastructure Buildout Project 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 TWO MILLION TWO-HUNDRED SIXTEEN THOUSAND ONE HUNDRED EIGHTY-ONE THOUSAND DOLLARS (\$2,216,181) to be expended in the Broadband Fund for the Broadband Infrastructure Buildout Project.

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 Capital Project Related Broadband Infrastructure Buildout Project 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 May 5, 2026, and approved on second reading for final passage on May 19, 2026.

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Mayor

ATTEST:

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City Clerk

Effective Date: May 29, 2026

Approving Attorney: Yvette Lewis-Molock

Exhibit: None