

RESOLUTION 2023-103  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND THE COLORADO  
DEPARTMENT OF TRANSPORTATION FOR THE FASTER TRANSIT PROGRAM  
GRANT FOR FISCAL YEAR 2023 TO FUND TRANSFORT'S FLEX SERVICE

WHEREAS, Transfort's commuter FLEX regional bus routes contribute greatly to the transportation community in Northern Colorado by serving residents of Fort Collins, Loveland, Berthoud, Longmont, Boulder and smaller population centers along the routes; and

WHEREAS, FLEX serves the public purpose of facilitating transit service for residents and others among surrounding communities; and

WHEREAS, the Colorado Department of Transportation ("CDOT") has awarded the City a \$200,000 grant from the Statewide Competitive Pool of the Funding Advancement for Surface Transportation and Economic Recovery Act of 2009 ("FASTER") Transit Program for fiscal year 2023 (the "Grant"); and

WHEREAS, the Grant requires a 50% local match of \$200,000 from the City; and

WHEREAS, the total project funds of \$400,000, including the Grant and the City's matching funds, will contribute to the overall \$2.1 million of 2023 operating costs for FLEX service, which annual operating costs are paid by contributions from the regional partner agencies (Fort Collins, Loveland, Berthoud, Longmont City of Boulder, and Boulder County); and

WHEREAS, both the Grant of \$200,000 and the local match of \$200,000 were budgeted and appropriated in the 2023 Transfort budget; and

WHEREAS, CDOT has proposed an Intergovernmental Agreement ("IGA") between CDOT and the City, shown as Exhibit "A" attached hereto and incorporated by this reference, that outlines the terms and conditions of the Grant; and

WHEREAS, Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies; and

WHEREAS, City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct monetary payment over

\$50,000 and the proposed IGA requires the City to provide matching funds in the amount of \$200,000; and

WHEREAS, the City Council has determined that the Grant is in the best interests of the City and that the City Manager be authorized to execute the IGA between the City and CDOT in support thereof.

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 set forth above.

Section 2. That the City Manager is hereby authorized to enter into the IGA, in substantially the form attached hereto as Exhibit "A", together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of December, 2023.

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Mayor

ATTEST:

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City Clerk