

ORDINANCE NO. 141, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN INTERGOVERNMENTAL AGREEMENT AND
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM
THE COLORADO DEPARTMENT OF TRANSPORTATION CLEAN
TRANSIT ENTERPRISE FOR THE SB230 FORMULA PROGRAM

A. The Colorado Department of Transportation ("CDOT") has awarded the City \$2,666,024 in Clean Transit Enterprise ("CTE") grant funding through the State Fiscal Year 2026 SB230 Formula Program (the "CDOT CTE Grant"). The Grant will help pay for operating assistance to support increased service hours and improved frequency on several of Transfort's fixed routes, restored transit service in several areas of the community, and the introduction of new transit service on Timberline and Prospect.

B. The CDOT CTE Grant requires a local match of \$296,225 (the "Grant Match").

C. The CDOT CTE has proposed an intergovernmental agreement ("IGA") to enable the City to receive and expend the CDOT CTE Grant (Exhibit A, attached hereto and incorporated herein by this reference).

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting the essential transportation services that many transit dependent members of the community rely on to get to and from work, buy groceries and other essentials, to receive medical care, and to care for family or friends.

E. City of Fort Collins Charter Article V, Section 9 permits City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transit Services Fund and that this appropriation will not cause the total amount appropriated in the Transit Services 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.

G. Charter Article V, Section 9 permits 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.

H. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the 2050 Tax Parks Rec Transit OCF Fund and that this appropriation will not cause the total amount appropriated in the 2050 Tax Parks Rec Transit OCF 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.

I. Charter Article V, Section 10 authorizes City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

J. The City Manager has recommended the transfer of \$296,225 from the 2050 Tax Parks Rec Transit OCF Fund to the Transit Services Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

K. Charter Article V, Section 11 authorizes City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

L. City Council desires to designate the appropriation herein for Transit Service Fund for the CDOT CTE Grant Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

M. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the 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.

N. Charter Article II, Section 16 empowers 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.

O. Section 1-22 of the City Code requires that, with some exceptions, intergovernmental agreements or cooperative activities between the City and other

governmental entities be submitted to City Council for review and approval by ordinance or resolution.

P. City Council has determined that this IGA is in the best interests of the City and that the City Manager be authorized to execute the IGA between the City and CDOT CTE in support thereof.

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 new revenue or other funds in the Transit Services Fund the sum of TWO MILLION SIX HUNDRED SIXTY-SIX THOUSAND TWENTY-FOUR DOLLARS (\$2,666,024) to be expended in the Transit Service Fund for the CDOT CTE Grant Program.

Section 2. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund the sum of TWO HUNDRED NINETY-SIX THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$296,225) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for Transfer to the Transit Services Fund and appropriated therein to be expended for the Grant Match for the CDOT CTE Grant Program.

Section 3. The appropriations herein for the CDOT CTE Grant Program are hereby designated, as authorized in Charter Article V, Section 11, as appropriations that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 4. City Council hereby authorizes the City Manager to execute the IGA in substantially the form attached hereto as Exhibit A, together with such modifications and additions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Ordinance as set forth above.

Section 5. City Council hereby authorizes the City Manager to approve and execute future amendments to the IGA that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the projects made possible through the CDOT CTE Grant Program, so long as such amendments do not increase the cost of the projects, substantially modify the purposes of the IGA, increase the allocation or amount of funding for the projects funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in this IGA.

Introduced, considered favorably on first reading on October 20, 2026, and approved on second reading for final passage on November 3, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: November 13, 2026

Approving Attorney: Madelene Shehan

Exhibit: Exhibit A - Colorado Department of Transportation Clean Transit Enterprise Grant Agreement.