

ORDINANCE NO. 073, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE FROM LARIMER COUNTY AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE DESIGN AND
CONSTRUCTION OF CONNEXION INTO AREAS NORTHWEST AND
NORTHEAST OF THE HARMONY ROAD AND TAFT HILL ROAD INTERSECTION AND
RELATED ART IN PUBLIC PLACES

WHEREAS, the City is a Colorado home-rule municipality that has established and operates a municipal broadband utility known as Fort Collins Connexion (“Connexion”); and

WHEREAS, in 2016, Larimer County voters authorized 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 light of the cost savings and potential future benefits of extending jointly supported regional broadband communication services, contemporaneously with this Ordinance, the City and County entered into an Intergovernmental Agreement for Connexion Communication Services Provision in Larimer County (the “IGA”); and

WHEREAS, in furtherance of benefits under the IGA, the County has agreed to fund design and construction for Connexion to extend broadband communication facilities and services, in exchange for a share of service revenue from customers in unincorporated areas up to the amount of the County’s initial project contribution funding, subject to annual appropriation by the City; and

WHEREAS, consistent with the purposes of the IGA, the City and County prioritized areas for initial service extension, based on cost for service, adjacency to municipal broadband facilities, underserved areas, and socio-economic status, and identified an area including over 1,000 premises near the Harmony Road and Taft Hill Road intersection (the “Project”); and

WHEREAS, the County has committed Three Million Five Hundred Eighty Thousand dollars (\$3,580,000) to be appropriated by the City in the Broadband Fund for the Project; and

WHEREAS, 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”); and

WHEREAS, 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 provide in City Code Section 23-303(c); and

WHEREAS, 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

benefit public health, safety and welfare of the citizens of Fort Collins and serve the public purpose of strengthening regional governmental partnerships, broadband utility enterprises, and economically capitalizing on regional municipal broadband opportunities; and

WHEREAS, the amount to be contributed to the APP Program in this Ordinance will be \$35,800; and

WHEREAS, Article V, Section 9 of the City Charter permits the 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, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Broadband Fund and 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; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the 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; and

WHEREAS, the City Manager has recommended the transfer of \$35,800 from the Broadband Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project 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; and

WHEREAS, the City Council wishes to designate the appropriation herein for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection Project as an appropriation that shall not lapse until the completion of the project.

NOW, THEREFORE, BE IT ORDAINED 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 there is hereby appropriated from new revenue or other funds from the IGA in the Broadband Fund the sum of THREE MILLION FIVE HUNDRED EIGHTY

THOUSAND DOLLARS (\$3,580,000) to be expended in the Broadband Fund for the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection Project.

Section 3. That the unexpended and unencumbered appropriated amount of TWENTY-SEVEN THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$27,924) in the Broadband Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. That the unexpended and unencumbered appropriated amount of SEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$7,160) in the Broadband Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 5. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED SIXTEEN DOLLARS (\$716) in the Broadband Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 6. That the appropriation herein from the Design and Construction of Connexion into Areas Northwest and Northeast of the Harmony and Taft Hill Intersection 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, and ordered published this 16th day of May, 2023, and to be presented for final passage on the 6th day of June, 2023.



[Handwritten signature]

Mayor

ATTEST:

Rita R. Knoll

Chief Deputy City Clerk

Passed and adopted on final reading this 6th day of June, 2023.



[Handwritten signature]

Mayor

ATTEST:

Rita R. Knoll

Chief Deputy City Clerk