

RESOLUTION 2024-027
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND THE COLORADO
DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE RECEIPT
OF GRANT PROCEEDS FOR CLEAN ENERGY VEHICLES

A. The City's Operation Services Department applied for, and has been awarded, a \$910,000 Clean Fleet Enterprise Grant from the Colorado Department of Public Health and Environment (the "Grant").

B. The City can request the Grant funds through February 14, 2029, to reimburse a portion of the cost of purchasing clean energy vehicles. The vehicles the City intends to purchase include one electric street sweeper, five electric light duty pickups, and four renewable natural gas dump trucks at a total estimated cost of \$2,010,000, with the City covering the balance of the cost.

C. To receive the Grant funds the City must execute an intergovernmental agreement with the State of Colorado ("State") in the form attached as Exhibit "A" and incorporated herein by reference (the "Grant Agreement").

D. After reviewing the form of the Grant Agreement, City legal staff requested some minor changes to it to reduce confusion around how and whether certain terms applied to local government entities, but State staff has thus far been unwilling to make changes to the Grant Agreement. This has been an issue with other State agreement forms in the past and previously negotiated agreement language appears to no longer be incorporated into the agreement forms in use by some State agencies. Further discussions with State agency staff may result in improvements to the Grant Agreement or future grant agreements with the State.

E. 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.

F. City Charter Article II, Section 16 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.

G. The City Council has determined that the use of the Grant for the purchase of clean energy vehicles is in the best interests of the City, and the Mayor should be authorized to execute the Grant Agreement between the City and the State in support thereof.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby authorizes the Mayor to execute, on behalf of the City, the Grant Agreement with the Colorado Department of Public Health and Environment, in substantially the form attached hereto as Exhibit A, with such additional or modified 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 effectuate the purposes of this Resolution.

Passed and adopted on March 19, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: March 19, 2024

Approving Attorney: Ingrid Decker