

RESOLUTION 2023-049
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS, COLORADO, AND THE COLORADO
DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE
OF TRAFFIC SIGNALS, SIGNS, AND PAVEMENT MARKINGS
WITHIN FORT COLLINS AND WITHIN THE FORT COLLINS GROWTH AREA

WHEREAS, Colorado Revised Statutes (“C.R.S.”) Section 43-2-135(1)(i) requires the State of Colorado to install, operate, maintain and control, at the State’s expense, all traffic control devices on the State’s highway system within cities and incorporated towns; and

WHEREAS, the State, through the Colorado Department of Transportation (“CDOT”), historically has contracted with the City to maintain traffic control devices within the City and the Fort Collins Growth Management Area (“GMA”); and

WHEREAS, such intergovernmental agreements between the City and CDOT for the City to perform maintenance work on traffic control devices within CDOT’s rights-of-way, historically have been for terms of five years, and the previous agreement will expire on June 30, 2023; and

WHEREAS, CDOT has proposed an updated five-year Intergovernmental Agreement which is attached as Exhibit “A” and incorporated by reference (the “IGA”), which provides for continued traffic control device maintenance by the City, with updated reimbursement rates and amounts; and

WHEREAS, the IGA is for a term of five years beginning from July 1, 2023, through June 30, 2028, establishing a cumulative five-year maximum reimbursement of \$1,248,240; and

WHEREAS, C.R.S 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, the City Council has determined that it is in the best interests of the City for the City to continue to maintain traffic control devices on CDOT’s rights-of-way within Fort Collins and the Fort Collins GMA, and to authorize the Mayor 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 City Council authorizes the Mayor to execute, on behalf of the City, an Intergovernmental Agreement with the Colorado Department of Transportation, in substantially the form attached hereto as Exhibit “A,” together 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.

Section 3. That the 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 Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the IGA, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the IGA.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins on this 20th day of June, 2023.

Mayor

ATTEST:

Chief Deputy City Clerk