

ORDINANCE NO. 154, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING SUPPLEMENTAL APPROPRIATIONS OF  
UNANTICIPATED GRANT REVENUE AND AUTHORIZING  
TRANSFERS FOR TRANSFERT AND EBUS CHARGING EQUIPMENT

WHEREAS, the Federal Transit Administration (FTA) annual federal apportionments to Transfort requires that federal funding amounts used in the City's budget process be forecasted amounts based on historical federal apportionments; and

WHEREAS, Transfort staff has identified annual budget revisions as an opportunity to update forecasted amounts to final apportionment amounts, which will improve grant tracking and reporting; and

WHEREAS, of Federal Formula Funds for urbanized areas labeled 5307, FTA apportionments were higher than anticipated, and the additional unanticipated revenue needs to be appropriated and will be used to support operations, microtransit, or bus-stop-to-bus-stop taxi service that is being offered on suspended routes, ADA bus stop upgrades, snow removal increases due to changes in the advertising contract, additional classifications that were offered to bus operators to improve recruitment and retention, and increased costs of onboarding and training as a result of amplified efforts to increase bus operator staffing levels; and

WHEREAS, of the 5307 funds, Transfort requests appropriation of \$600,000 of unanticipated grant revenue; and

WHEREAS, of annual FTA Federal Formula Funds for enhanced mobility of seniors and individuals with disabilities labeled 5310, grant fund amounts were originally appropriated into lapsing business units that expired at each year end, and as part of a Transfort, clean-up process the funds in this appropriation were identified as being unused; and

WHEREAS, this Ordinance requests to reappropriate unused 5310 grant funds into non-lapsing business units for fiscal years as follows:

- Fiscal Year 2020 5310: \$188,847 federal grant funds, \$9,288 local match funds;
- Fiscal Year 2021 5310: \$132,539 federal grant funds, \$88,799 local match funds;
- Fiscal Year 2022 5310: \$236,067 federal grant funds, \$34,501 local match funds;
- Fiscal Year 2023 5310: \$257,608 federal grant funds, \$34,100 local match funds;

and

WHEREAS, of Federal State of Good Repair Formula Funds labeled 5337, which is a new federal funding source for maintenance, replacement, and rehabilitation of transit projects, Transfort requests appropriation of \$613,739 in unanticipated grant revenue, with a local match of \$153,435, dedicated to maintaining the MAX fixed guideway in a state of good repair, including projects that replace and/or repair rolling stock, structures, signals and communications, passenger stations and terminals, security equipment and systems, and maintenance facilities and equipment; and

WHEREAS, of Congressionally Directed Spending, Transfort requests appropriation of \$1,500,000 in unanticipated grant revenue, with a local match of \$375,000, to be used in association with the Transit Maintenance Facility Upgrades Project including HVAC and electrical updates, gas detection system, and garage door replacements; and

WHEREAS, all the U.S. Department of Transportation Formula Grant Funding funds and the Congressionally Directed Spending funds above are pursuant to the annual Certifications and Assurances for FTA Assistance Programs executed by the City Manager and then individual grant agreements following a process established by Resolution 2011-111 for FTA grants; and

WHEREAS, of Colorado Department of Transportation FASTER (Funding Advancements for Surface Transportation and Economic Recovery Act of 2009) Capital Funds, Transfort requests appropriation of \$200,000 in unanticipated grant revenue, with a local match of \$50,000, to install electric bus charging equipment; and

WHEREAS, the 2023 FASTER Grant Agreement #23-HTR-ZL-00296/PO 491003011 was executed by the City Manager on November 18, 2022, and furthers the Council-adopted Our Climate Future as approved in Resolution 2021-031 and the Transportation Master Plan as approved in Resolution 2019-049 and Ordinance No. 040, 2020; with both plans supporting the procurement of electric vehicles and charging infrastructure; and

WHEREAS, all local match amounts for the Federal and State funds will be budget transfers from the \$1,200,000 previously appropriated for grant match in Ordinance No. 073, 2021; and

WHEREAS, these appropriations benefit the public health, safety and welfare of the residents of Fort Collins and serve 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; 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 appropriations described herein and determined that these appropriations are available and previously unappropriated from the Transit Services Fund and 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; 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 \$216,688 from Transfort operating budget in the Transit Services Fund to the Transfort project budgets in the Transit Services 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 federal, state or private grant, 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 the City's expenditure of all funds received from such grant or donation; and

WHEREAS, the City Council wishes to designate the appropriation herein from the Colorado Department of Transportation 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.

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 in the Transit Services Fund the sum of SIX HUNDRED THOUSAND DOLLARS (\$600,000) to be expended in the Transit Services Fund to support operations, microtransit, ADA bus stop upgrades, snow removal increases.

Section 3. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of EIGHT HUNDRED FIFTEEN THOUSAND SIXTY-ONE DOLLARS (\$815,061) to be expended in the Transit Services Fund to for projects that benefit seniors and individuals with disabilities.

Section 4. That there is hereby appropriated from new revenue or other funds in the Transit Services Fund the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to be expended in the Transit Services Fund to install Ebus charging equipment.

Section 5. That the unexpended and unencumbered appropriated amount of TWO HUNDRED SIXTEEN THOUSAND SIX HUNDRED EIGHTY-EIGHT DOLLARS (\$216,688) is authorized for transfer from the Transfort operating budget in the Transit Services Fund to various Transfort project budgets that support microtransit, seniors and individuals with disabilities, and the installation of Ebus charging equipment.

Section 6. That the appropriation herein from the 5307 Federal Formula Funds, 5310 Federal Formula funds, and Colorado Department of Transportation are 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 earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading and ordered published this 21st day of November, 2023, and to be presented for final passage on the 5th day of December, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 5th day of December, 2023.

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Mayor

ATTEST:

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City Clerk