

RESOLUTION 2022-105
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF FORT COLLINS AND THE LARIMER COUNTY BOARD OF
HEALTH FOR PURCHASE AND USE OF AN OPTICAL GAS IMAGING (OGI) CAMERA

WHEREAS, in April 2022, the Fort Collins City Council and the Larimer County Commissioners met jointly, and directed staff to establish agreements to share air quality monitoring and compliance resources; and

WHEREAS, one identified City priority is gaining the ability to detect emissions from oil and gas operations within City limits in northeast Fort Collins and the County, as emissions from these facilities are invisible and sometime odorless, and optical gas imaging (OGI) cameras can be used to respond to complaints, identify leaks and help ensure regulatory compliance with State and County rules that prohibit uncontrolled emissions; and

WHEREAS, both inactive and active oil and gas operations have the potential to release harmful emissions into the air surrounding our communities impacting air quality, health and climate change; and

WHEREAS, uncontrolled leaks from oil and gas operations are prohibited by both State and County regulations; and

WHEREAS, air pollution is a matter of regional concern and the City and Larimer County Board of Health have interest in identifying and controlling emissions within and outside of their respective jurisdictional boundaries; and

WHEREAS, in September 2021, Larimer County adopted new oil and gas regulations, and in 2022 hired new air quality staff to support site inspections and leak detections at oil and gas facilities; and

WHEREAS, the City and Larimer County Board of Health wish to enter into an intergovernmental agreement (“IGA”) to jointly fund the purchase and use of an OGI camera as a monitoring tool to help the Board of Health identify compliance issues such as leaking hydrocarbon emissions at oil and gas operations and other sources of hydrocarbon emissions; and

WHEREAS, the City funds needed to support the purchase of the OGI camera as described in the IGA were appropriated in the General Fund for 2022, to support regional priorities; and

WHEREAS, Article II, Section 16 of the City Charter empowers the City Council, by ordinance and 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, Section 29-1-203 of the Colorado Revised Statutes and Article XIV, Section 18 of the Colorado Constitution 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, under Section 1-22 of the City Code, intergovernmental agreements and other cooperative arrangements between the City and other governmental entities are to be submitted to the City Council for review, unless they fit within one of the exceptions that permit execution by the City Manager; and

WHEREAS, the City Council has determined that the IGA is in the best interests of the City and its residents, and the City Manager should be authorized to execute the IGA.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes any and all determinations and findings contained in the recitals set forth above.

Section 2. That the City Manager is hereby authorized to execute the IGA substantially in the form attached hereto as Exhibit "A," 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 set forth herein and not otherwise inconsistent with this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of October, A.D. 2022.

Mayor

ATTEST:

Chief Deputy City Clerk