

ORDINANCE NO. 134, 2023  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING TRANSFER OF AN APPROPRIATION FOR ART IN PUBLIC PLACES  
RELATED TO THE DESIGN AND CONSTRUCTION OF CONNEXION

WHEREAS, on June 6, 2023, City Council adopted Ordinance No. 073, 2023, which appropriated funds for the design and construction of Connexion and authorized the transfer of \$27,924 from the Broadband Fund to the Cultural Services and Facilities Fund for acquisition of related artwork under the Art in Public Places (APP) program; and

WHEREAS, Section 23-303(c) of the City Code requires APP contributions from a utility fund to be kept and spent within that utility fund, with the exception of contributions for maintenance, administration, repair and display costs; and

WHEREAS, to ensure compliance with Code Section 23-303(c), this \$27,924 appropriation should be transferred back to the Broadband Fund; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of ensuring compliance with City Code; 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 \$27,924 from the Cultural Services and Facilities Fund to the Broadband 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 or donation, 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 donation 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 for the Art in Public Places Artwork as an appropriation that shall not lapse until the completion of the Artwork or the City's expenditure of all such funds.

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 the unexpended and unencumbered appropriated amount of TWENTY-SEVEN THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$27,924) is authorized for transfer from the Cultural Services and Facilities Fund to the Broadband Fund and appropriated therein to be expended for the Arts in Public Places Artwork related to the Design and Construction of Connexion in the areas northeast and northwest of Taft Hill and Harmony.

Section 3. That the appropriation herein for the Arts in Public Places Artwork related to the Design and Construction of Connexion in the areas northeast and northwest of Taft Hill and Harmony, from the Larimer County Intergovernmental Agreement (IGA) 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 Artwork or the City's expenditure of all such funds.

Introduced, considered favorably on first reading, and ordered published this 3rd day of October, 2023, and to be presented for final passage on the 17th day of October, 2023.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 17th day of October, 2023.

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Mayor

ATTEST:

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City Clerk