

RESOLUTION 2024-129
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
TRANSPORTATION FOR FUNDING OF TRANSFORT FLEX
SERVICE

A. Transfort's commuter FLEX regional bus routes contribute greatly to the transportation community in Northern Colorado by serving residents of Fort Collins, Loveland, Longmont, Berthoud, Boulder and smaller population centers along the routes.

B. FLEX serves the public purpose of facilitating transit service for residents and others among surrounding communities.

C. The overall operating costs for FLEX service in 2024 are \$2,250,000.

D. The Colorado Department of Transportation ("CDOT") awarded the City a \$300,000 grant from the Statewide Competitive Pool of the Funding Advancement for Surface Transportation and Economic Recovery Act of 2009 ("FASTER") Transit Program for fiscal years 2024 and 2025 (the "Grant").

E. The Grant requires a 50% local match of \$300,000 from the City.

F. The total project funds of \$600,000, including the Grant and the City's matching funds, will contribute to the overall operating costs for FLEX service in 2024 and 2025, which annual operating costs are paid by contributions from the regional partner agencies (Fort Collins, Loveland, Berthoud, Longmont City of Boulder, and Boulder County).

G. The Grant and local match will be appropriated through Ordinance No. 143, 2024, to be adopted on second reading concurrently with this Resolution.

H. CDOT has proposed an Intergovernmental Agreement ("IGA") with the City, shown as Exhibit "A" attached hereto and incorporated by this reference, that outlines the terms and conditions of the Grant.

I. Colorado Revised Statutes 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.

J. 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.

K. City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct monetary payment over \$50,000, and the proposed IGA requires the City to provide matching funds in the amount of \$300,000.

L. The City Council has determined that the Grant is in the best interests of the City and that the City Manager be authorized to execute the IGA between the City and CDOT in support thereof.

M. This Resolution will serve the public purpose of maintaining the exceptional transit service that the FLEX route provides to citizens and surrounding communities.

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 Manager is hereby authorized to enter into the IGA, in substantially the form attached hereto as Exhibit "A", together with such additional 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 to effectuate the purposes of this Resolution.

Passed and adopted on November 4, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: November 4, 2024
Approving Attorney: Madelene Shehan