

ORDINANCE NO. 084, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES
IN THE GENERAL FUND FOR LARIMER COUNTY JAIL SERVICES

WHEREAS, in 2009 the City of Fort Collins and the City of Loveland entered into an agreement with Larimer County whereby the County agreed to provide municipal jail services to both cities at a rate of \$50 per offender per day, plus a separate fee for video arraignments (the "2009 IGA"); and

WHEREAS, the 2009 IGA allows the County Sheriff to release municipal offenders if the Larimer County Jail ("Jail") is at capacity; and

WHEREAS, the 2009 IGA can be terminated by any party on 60 days' notice to the other parties; and

WHEREAS, since 2009 the Jail has had issues with overcrowding, and municipal defendants who are picked up on outstanding warrants or who report to the Jail to serve sentences for Municipal Court violations are frequently just booked and released again; and

WHEREAS, in 2016 the Jail expressed an interest in negotiating new, separate agreements with both Fort Collins and Loveland for jail services, in part to increase the rate charged per day for municipal offenders; and

WHEREAS, because of the problems Fort Collins has experienced with municipal offenders rarely being held by the Jail long enough to be brought to court or to serve their sentences, the Jail also offered Fort Collins the option of having three bed spaces that would be reserved for Fort Collins, meaning municipal offenders, whether being held as short-term, pre-trial detainees, or serving a municipal sentence, would not be released simply due to capacity issues at the Jail; and

WHEREAS, the Municipal Court would decide which defendants would be held in reserved spaces, and other municipal offenders would continue to be held at the jail on a space-available basis; and

WHEREAS, over the last six months City staff and Jail staff have negotiated a new agreement, the 2017 IGA; and

WHEREAS, under the 2017 IGA the City would pay a daily cost for each City offender housed at the jail, whether in a reserved bed space or not, based on the Jail's actual per inmate cost as of two years prior; and

WHEREAS, for the remainder of 2017 the County has agreed to a discounted rate of \$90 per full day, with this rate increasing to \$118 per day on January 1, 2018, and no additional charge for video arraignments; and

WHEREAS, upon execution of the 2017 IGA the City would pay for the three reserved beds spaces for the remainder of 2017, which, discounted and prorated for the remainder of the year and at the discounted rate, would total approximately \$58,000; and

WHEREAS, additional funding required for these services in 2017 is \$39,560; and

WHEREAS, the City has made payment to Larimer County per the terms of the new IGA with existing General Fund appropriations and the General Fund appropriation authorized by this Ordinance will backfill the previously existing General Fund appropriation; and

WHEREAS, in January the City would pay the fee for the three reserved bed spaces for 2018, which will be \$129,210; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council to appropriate by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, City staff has determined that the appropriations as described herein are available and previously unappropriated in the General Fund.

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 prior year reserves in the General Fund the sum of THIRTY NINE THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$39,560) for Jail Services.

Introduced, considered favorably on first reading, and ordered published this 6th day of June, A.D. 2017, and to be presented for final passage on the 5th day of July, A.D. 2017.



Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of July, A.D. 2017.




Mayor

ATTEST:


City Clerk