

RESOLUTION 2018-123
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE AMENDMENT AND EXTENSION
OF AN INTERGOVERNMENTAL AGREEMENT WITH
LARIMER COUNTY FOR JAIL SERVICES

WHEREAS, in 2009 the Cities of Fort Collins and 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 allowed the County Sheriff to release municipal offenders if the Larimer County Jail ("Jail") is at capacity; 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; and

WHEREAS, because of the problems Fort Collins had experienced with municipal offenders not 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 municipal defendants serving a municipal sentence, who would not be released simply due to capacity issues at the Jail; and

WHEREAS, on June 6, 2017, the City Council adopted Resolution 2017-053 authorizing the City to enter into a new IGA with the County for jail services that would include the three reserved beds (the "2017 IGA"); and

WHEREAS, the 2017 IGA expires December 31, 2018, and the City and County would like to extend the arrangement for at least two years with the option to further extend it if both sides agree; and

WHEREAS, the Municipal Court included estimated funding to continue the reserved bed arrangement in its budget offer for 2019-2020, and that offer was approved as part of the City Council's adopted 2019-2020 budget; and

WHEREAS, if an extension is approved, in January the City would pay the fee for the three reserved bed spaces for 2019, which would be \$122,640; and

WHEREAS, City staff and Jail staff have also been discussing possible changes to the process used to account for daily costs paid by the Court to the Jail (\$112 per defendant per day) for holding defendants arrested only on Municipal Court charges before they appear in court, and

if they reach agreement on a new arrangement, the City and County would also like to revise the 2017 IGA to reflect these process changes; and

WHEREAS, most of the remaining terms and conditions in the 2017 IGA would remain the same including the services the Jail will provide and the ability to terminate the agreement on 60 days' notice; and

WHEREAS, Article II, Section 16 of the City Charter of Fort Collins 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; 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, Section 29-1-203 of the Colorado Revised Statutes 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, the City Council finds it is in the best interests of the City to furnish a jail facility for municipal offenders by contracting for such services with the Larimer County Jail.

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.

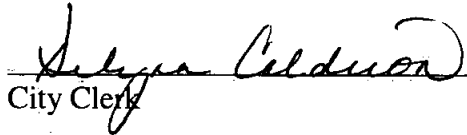
Section 2. That the City Manager is hereby authorized to execute the necessary documents to extend the 2017 IGA for 2019-2020, and for subsequent years if funding is available for additional extensions, and to make such other modifications and additions to the 2017 IGA as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes set forth herein.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of December, A.D. 2018.



Mayor

ATTEST:



City Clerk

