

ORDINANCE NO. 037, 2021
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND MAKING SUPPLEMENTAL
APPROPRIATIONS FOR THE UTILITIES LOCATING DEPARTMENT

WHEREAS, Colorado's "One-Call" law (Colorado Revised Statutes Sections 9-1.5-101 et seq.) requires individuals to contact a state agency (Colorado811) prior to commencing excavation work, in the interest of protecting life and preventing damage to underground utility infrastructure; and

WHEREAS, nearly all utility infrastructure in Fort Collins is located underground, including the City's traditional electric and water utilities, and Fort Collins Connexion (Connexion) broadband facilities; and

WHEREAS, to assist excavators avoid damaging underground facilities, the One-Call law requires Fort Collins Utilities to register City facilities with Colorado811 and to mark all facilities in proposed excavation areas within 48 hours of receiving notice from Colorado811; and

WHEREAS, facility owners of underground infrastructure bear the cost of providing locate services and Fort Collins Utilities has historically performed locates through the Utility Locates Department, which in 2020, marked 117,773 facilities with a 99.995% accuracy rate; and

WHEREAS, facility locate volumes and resource demands are anticipated to significantly increase in 2021, due to several factors, including continued deployment of Connexion facilities and the extensive fiber optic system installed in 2020, increased rates of small cell installations, and increased private development work as projects delayed in 2020 recommence; and

WHEREAS, Utilities staff evaluated strategies to maintain current service levels and prepare for anticipated demands in 2021, including closer coordination with excavators to prioritize locate requests and utilizing staff from other departments with locating experience to assist Utility Locates' services; and

WHEREAS, staff's evaluation concluded the most efficient strategy to meet projected resource demands through the remainder of 2021 and Connexion construction is to contract for supplemental third party locate services, which will allow for flexibility in Utilities staffing and the ability to quickly scale up service capacity to handle peak seasonal volumes; and

WHEREAS, Utilities staff recommended an appropriation and transfer of \$500,000 pro rata from the respective utility enterprise fund reserves for expenditure from the Utility Customer Service and Administration Fund, in order to secure by contract the supplemental utility locate services; and

WHEREAS, this appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the utility purpose of enabling timely locating and protecting of City-

owned underground utility infrastructure, which reduces the need for costly repairs to City utility systems and avoids service outages; 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.

WHEREAS, Article V, Section 10(b) of the City Charter permits the City Council, upon recommendation by the City Manager, to transfer any unexpended and unencumbered appropriated amount from one fund to another fund provided the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager is recommending the transfers as provided in this Ordinance from the utility enterprise funds to the Utility Customer Service and Administration Fund and has determined the purpose for which they are appropriated herein from said enterprise funds, which is to fund utility locates as required by law, will remain unchanged as herein appropriated for expenditure from the Utility Customer Service and Administration Fund to secure by contract supplemental utility locate services.

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 Light & Power Fund the sum of ONE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$131,000) for expenditure from the Light & Power Fund for transfer to the Utility Customer Service and Administration Fund and appropriated therein for expenditure to secure by contract supplemental utility locate services.

Section 3. That there is hereby appropriated from prior year reserves in the Water Fund the sum of NINETY-NINE THOUSAND DOLLARS (\$99,000) for expenditure from the Water Fund for transfer to the Utility Customer Service and Administration Fund and appropriated therein for expenditure to secure by contract supplemental utility locate services.

Section 4. That there is hereby appropriated from prior year reserves in the Wastewater Fund the sum of NINETY-NINE THOUSAND DOLLARS (\$99,000) for expenditure from the Wastewater Fund for transfer to the Utility Customer Service and Administration Fund and appropriated therein for expenditure to secure by contract supplemental utility locate services.

Section 5. That there is hereby appropriated from prior year reserves in the Stormwater Fund the sum of ONE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$131,000) for expenditure from the Stormwater Fund for transfer to the Utility Customer

Service and Administration Fund and appropriated therein for expenditure to secure by contract supplemental utility locate services.

Section 6. That there is hereby appropriated from prior year reserves in the Broadband Fund the sum of FORTY THOUSAND DOLLARS (\$40,000) for expenditure from the Broadband Fund for transfer to the Utility Customer Service and Administration Fund and appropriated therein for expenditure to secure by contract supplemental utility locate services.

Introduced, considered favorably on first reading, and ordered published this 2nd day of March, A.D. 2021, and to be presented for final passage on the 16th day of March, A.D. 2021.



Mayor


ATTEST:



City Clerk



Passed and adopted on final reading on the 16th day of March, A.D. 2021.



Mayor

ATTEST:



City Clerk

