

# AGENDA ITEM SUMMARY

## FORT COLLINS CITY COUNCIL

**ITEM NUMBER:** 25

**DATE:** May 6, 2003

**FROM:** John Fischbach/  
Steve Roy

### SUBJECT:

Resolution 2003-062 Providing Direction with Regard to the Development of an Intergovernmental Agreement Pertaining to the Possible Formation of a North Front Range Rural Transportation Authority.

### RECOMMENDATION:

None.

### EXECUTIVE SUMMARY:

This Resolution would give direction to the MPO Policy and Oversight Committee with regard to the drafting of a proposed intergovernmental agreement relating to the potential creation of a North Front Range Rural Transportation Authority. The Resolution states that the City Council would be willing to consider a proposed intergovernmental agreement under which all counties and municipalities signing the agreement would participate in the Authority if the proposed agreement is approved by a majority of the registered electors within the boundaries of the Authority, regardless of whether the agreement is approved by a majority of the registered electors within the City of Fort Collins.

### BACKGROUND:

The Colorado State Statutes provide a mechanism whereby counties and municipalities may enter into an intergovernmental agreement for the purpose of forming a rural transportation authority to finance, construct, operate and maintain regional transportation systems within or without the boundaries of the Authority. Any such agreement must be approved by a majority vote of the registered electors within the boundaries of the proposed Authority.

On August 20, 2002, the City Council passed Resolution 2002-079, a copy of which is included in the agenda materials. This resolution authorized the City's participation in discussions regarding the formation of the North Front Range Rural Transportation Authority and appointed Councilmember Kurt Kastein and City Manager John Fischbach to serve as City representatives in such discussions. Representatives from nine other northern Colorado municipalities and two counties in northern Colorado have participated in the discussions, which have been conducted through a Policy and Oversight Committee. Attorneys from the various entities that are considering participation in the Authority have also met periodically to discuss legal issues related to the formation of the Authority.

The State statutes provide that any intergovernmental agreement seeking to establish a rural transportation authority must be submitted to the registered electors residing within the boundaries of the proposed Authority and must be approved by a majority of those registered electors in order for the Authority to be created. In other jurisdictions, intergovernmental agreements have sometimes included a provision that a county and municipality signing the intergovernmental agreement may choose to withdraw from the Authority, even if the agreement has been approved by a majority of the registered electors within the boundaries of the proposed Authority, if the proposed agreement is not also approved by a majority of the registered electors within that county or municipality.

The question that has been presented to the City Council by the Policy and Oversight Committee is whether or not the City Council would be willing to consider a proposed intergovernmental agreement which contains a provision requiring the City to participate in the authority upon approval of the agreement by majority vote within the boundaries of the Authority, even if the agreement is not approved by a majority of the registered electors in the City of Fort Collins.

RESOLUTION 2003-062  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
PROVIDING DIRECTION WITH REGARD TO THE DEVELOPMENT  
OF AN INTERGOVERNMENTAL AGREEMENT PERTAINING TO  
THE POSSIBLE FORMATION OF A NORTH FRONT RANGE  
RURAL TRANSPORTATION AUTHORITY

WHEREAS, Colorado law provides a mechanism whereby cities and counties may join together to form a rural transportation authority for the purpose of financing, constructing, operating and maintaining rural transportation systems within or without the boundaries of the authority; and

WHEREAS, on August 20, 2002, the City Council adopted Resolution 2002-079 authorizing the City's participation in discussions regarding a possible intergovernmental agreement to create the framework for such a regional transportation authority and naming City representatives to engage in those discussions on behalf of the City; and

WHEREAS, nine other municipalities and two counties in northern Colorado have also expressed an interest in participating in the creation of such an authority; and

WHEREAS, Section 43-4-603 C.R.S., provides that any intergovernmental agreement to create such an authority would need to be approved by a majority of the registered electors residing within the boundaries of the proposed authority; and

WHEREAS, a question has arisen with regard to the drafting of a proposed intergovernmental agreement as to whether municipalities and counties signing the intergovernmental agreement should be able to withdraw from the authority if the proposed agreement is not approved by the voters in their respective jurisdictions; and

WHEREAS, in order to provide direction with regard to this question, the City Council wishes to state its position in the matter.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that it is willing to consider a proposed agreement among the municipalities and counties who have expressed an interest in the creation of a North Front Range Transportation Authority (the "Authority") which would provide that, if the agreement is approved by a majority of the registered electors residing within the boundaries of the Authority as required by statute, then each municipality and county signing the agreement would participate in the Authority, whether or not the agreement is approved by a majority of the registered electors within the City of Fort Collins.

Passed and adopted at a regular meeting of the City Council held this 6th day of May, A.D. 2003.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**COPY**

**RESOLUTION 2002-079  
AUTHORIZING CITY PARTICIPATION IN DISCUSSIONS OF A PROPOSED  
INTERGOVERNMENTAL AGREEMENT RELATING TO THE POTENTIAL  
CREATION OF A NORTH FRONT RANGE RURAL TRANSPORTATION  
AUTHORITY (RTA) AND APPOINTING TWO REPRESENTATIVES OF THE CITY TO  
PARTICIPATE IN SUCH DISCUSSIONS**

WHEREAS, the City Council is authorized under §43-4-601 of the Colorado Revised Statutes and Article XIV, §18(2)(a) of the Colorado Constitution to enter into an intergovernmental agreement with a combination of other municipalities and counties to agree to form a rural transportation authority by taking the question to a vote of the people; and

WHEREAS, a rural transportation authority has the power and authority to finance, construct, operate, and maintain rural transportation systems within or without the boundaries of such authority; and

WHEREAS, ten municipalities and two counties in northern Colorado have expressed a desire to participate in discussions pertaining to a possible intergovernmental agreement to create the framework for a North Front Range Transportation Authority and to present the question of establishing such an authority to the voters; and

WHEREAS, the City Council wishes to participate in such discussions; and

WHEREAS, the approval of resolutions of intent to participate in such discussions is necessary to better inform all elected officials in the North Front Range of the NFRTA initiative and to begin the public participation process throughout the region and within each community along the North Front Range.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. That the City, through the representatives named in Section 2 below, is hereby authorized to participate in discussions of a possible intergovernmental agreement to create the framework for a North Front Range Transportation Authority.

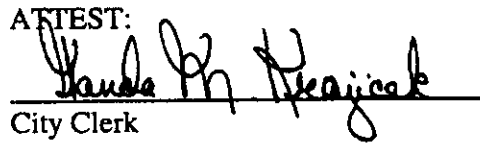
Section 2. That Councilmember Kurt Kastein and City Manager John Fischbach are hereby appointed to participate in such discussions on behalf of the City, with any agreements or actions to be taken by the City with regard to the formation of such an authority to be subject to the direction and final approval of the City Council.

Passed and adopted at a regular meeting of the City Council held this 20th day of August,  
A.D. 2002.



Mayor

ATTEST:



City Clerk