

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 22

DATE: January 19, 1999

STAFF: Deryle O'Dell

SUBJECT:

Resolution 99-10 Approving the Execution of an Agreement Pertaining to the Larimer Emergency Telephone Authority.

RECOMMENDATION:

Staff recommends adoption of the Resolution.

EXECUTIVE SUMMARY:

On November 4, 1998, the LETA Board of Directors approved an agreement to modify and amend the Intergovernmental Agreement dated November 14, 1990. In summary, the agreement to modify and amend accomplishes the following:

1. Adds the Windsor-Severance Fire Protection District as a signatory to the IGA with regard to those portions of Larimer County served by that District. This will not change the structure of the Board but will simply provide that the Windsor-Severance Fire Protection District will have representation on the Board through the member designated in the IGA as the representative for all fire districts.
2. Includes Colorado State University within LETA. Again, there will be no change in the structure of the LETA Board, since CSU will be represented on the Board by the designated member from the City of Fort Collins.
3. Sets forth a change that makes all definitions in the IGA consistent with the Colorado statutes defining emergency telephone service.
4. Reflects the changes in Colorado law with regard to emergency telephone services made since November 14, 1990, when the IGA was originally adopted. This makes the powers of LETA consistent with the legislative declaration with regard to emergency telephone authorities.
5. Sets forth a change concerning LETA's budget. Since its inception, LETA's budget has been included within the overall budget of Larimer County. Beginning in 1999, LETA's funds will be managed separately from the County. Accordingly, LETA will be required to comply with state law with regard to submission and approval of its budget.
6. Reflects simplification of the "Funds and Operations" portion of the IGA, since Larimer County is no longer involved with LETA's finances.

RESOLUTION 99-10
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING THE EXECUTION OF AN AGREEMENT PERTAINING TO
THE LARIMER EMERGENCY TELEPHONE AUTHORITY

WHEREAS, on November 14, 1990, pursuant to the provisions of state statute, the City Council authorized the execution of an intergovernmental agreement (the "Agreement") with various other governmental entities pertaining to the Larimer Emergency Telephone Authority ("LETA"); and

WHEREAS, the parties to the Agreement wish to modify and amend the same in certain respects so as to:

- add the Windsor-Severence Fire Protection District as a signatory thereof;
- include Colorado State University within LETA;
- revise certain definitions in the Agreement to be consistent with the Colorado statutes defining emergency telephone service;
- reflect certain changes in Colorado law with regard to emergency telephone services;
- provide for the separate management of LETA funds, in accordance with state law; and
- simplify the "Funds and Operations" portion of the Agreement; and

WHEREAS, the City Council believes that the foregoing changes are in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the "Agreement to Modify and Amend Intergovernmental Agreement Concerning the Implementation of an 'E-911' Emergency Telephone Service," a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby approved by the Council, subject to such changes in form or substance as the City Manager may, in consultation with the City Attorney, consider to be necessary to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the City Council held this 19th day of January, A.D. 1999.

Mayor

ATTEST:

City Clerk

**AGREEMENT TO MODIFY AND AMEND
INTERGOVERNMENTAL AGREEMENT
CONCERNING THE IMPLEMENTATION OF AN
"E911" EMERGENCY TELEPHONE SERVICE**

THIS AGREEMENT is made and entered into this _____ day of _____, 19____, by and between the signatories to that certain Intergovernmental Agreement Concerning the Implementation of an "E911" Emergency Telephone Service.

WITNESSETH:

WHEREAS, the parties hereto are signatories to that certain Intergovernmental Agreement dated November 14, 1990; and

WHEREAS, since the date of the adoption of that Intergovernmental Agreement, Colorado law enabling the creation of emergency telephone authorities has been modified requiring the amendment of the Intergovernmental Agreement dated November 14, 1990; and

WHEREAS, the practical operation of the authority since November 14, 1990, further dictates that the Intergovernmental Agreement be modified;

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER SET FORTH, THE PARTIES AGREE AS FOLLOWS:

1. Windsor-Severance Fire Protection District. Windsor-Severance Fire Protection District, a Colorado special district headquartered in Windsor, Colorado, provides fire protection services to portions of Weld and Larimer Counties. The Windsor-Severance Fire Protection District has petitioned for inclusion in the Larimer Emergency Telephone Authority for those areas of Larimer County wherein the Windsor-Severance Fire Protection District provides services. By the terms hereof, the Windsor-Severance Fire Protection District shall become a signatory of the Intergovernmental Agreement and shall be represented on the Larimer Emergency Telephone Authority Board through the member designated in paragraph III.C.3 of the Intergovernmental Agreement, providing for one member of the Board to be selected from all fire districts which are signatories to the Intergovernmental Agreement.

2. Colorado State University. Colorado State University is a governmental entity located in the City of Fort Collins, Larimer County, Colorado. Colorado State University maintains a public service answering point (PSAP) which works in conjunction and cooperation with the other PSAPs currently operating in Larimer County. Colorado State University has petitioned for inclusion in the Larimer Emergency Telephone Authority. By the terms hereof, Colorado State University is accepted as a signatory to the Intergovernmental Agreement dated November 14, 1990, shall be considered part of the City of Fort Collins, and, pursuant to paragraph III.C.1 of the Intergovernmental Agreement, shall be represented on the Larimer Emergency Telephone Authority Board by the board member from the City of Fort Collins.

3. Definitions. Paragraph I.A of "I - DEFINITIONS" in the Intergovernmental Agreement dated November 14, 1998, shall be amended as follows:

A. The definitions for all terms as used in this Intergovernmental Agreement shall be the same as the definitions provided for those terms in Section 29-11-101, et seq., C.R.S.

4. Powers of the Authority. Paragraph "V - POWERS OF AUTHORITY" of the Intergovernmental Agreement dated November 14, 1990, shall be amended as follows:

A. The Authority is empowered to contract for the installation and operation of emergency telephone services in Larimer County. The Authority shall defray all costs by collecting emergency telephone charges as authorized by and in accordance with Article 11 of Title 29, Colorado Revised Statutes. Collection and expenditure of funds shall be limited by the provisions of Article 11 of Title 29, Colorado Revised Statutes.

Any funds remaining in the accounts of the Authority at year-end shall be carried over to the next succeeding year for the purposes authorized by this Intergovernmental Agreement and Article 11 of Title 29, Colorado Revised Statutes.

B. In addition, the Authority may sue and be sued and do any other act as may be reasonable and necessary for the provision of emergency telephone services and the continued operation of said services.

5. Budget. Paragraph "VII - BUDGET AND OPERATING COSTS" of the Intergovernmental Agreement dated November 14, 1990, shall be amended as follows:

VII - BUDGET

In accordance with Article 1 of Title 29, Colorado Revised Statutes, the Authority shall annually prepare a budget and submit said budget to the Board of Directors of the Authority for approval. Upon its approval by the Board of Directors, copies of the budget shall be distributed to each signatory.

6. Funds and Operations. Paragraph "VIII - FUNDS AND OPERATIONS" of the Intergovernmental Agreement dated November 14, 1990, shall be amended as follows:

A. No disbursement shall be made from the funds of the Authority unless a verified claim for services or commodities actually rendered has been submitted and has been processed in accordance with the bylaws of the Authority.

B. The Authority shall not borrow money nor shall it approve any claims or incur any obligations for expenditure unless there is sufficient unencumbered cash in the appropriate fund, credited to the Authority, with which to pay the same.

C. The Authority may invest any funds paid into the Authority only in accordance with any applicable laws of the State of Colorado governing the investment of public funds.

7. Signatures in Counterparts. It is agreed that the amendment set forth herein may be signed in counterparts, but it shall not become effective until all existing signatories to the Intergovernmental Agreement dated November 14, 1990, have acknowledged approval.

IN WITNESS WHEREOF, the parties hereto have caused their authorized representatives to affix their respective signatures hereto.

**COUNTY OF LARIMER
STATE OF COLORADO**

TOWN OF ESTES PARK, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

TOWN OF WELLINGTON, COLORADO

CITY OF FORT COLLINS, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

TOWN OF BERTHOUD, COLORADO

CITY OF LOVELAND, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

ALLENSPARK FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

TOWN OF TIMNATH

By _____

ATTEST:

Date: _____

BERTHOUD FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

POUDRE VALLEY FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

LOVELAND RURAL FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

RED FEATHER LAKES FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

**PINEWOOD SPRINGS FIRE
PROTECTION DISTRICT**

By _____

ATTEST:

Date: _____

**WELLINGTON FIRE PROTECTION
DISTRICT**

By _____

ATTEST:

Date: _____

**GLACIER VIEW FIRE PROTECTION
DISTRICT**

By _____

ATTEST:

Date: _____

POUDRE VALLEY HOSPITAL DISTRICT

By _____

ATTEST:

Date: _____

LYONS FIRE PROTECTION DISTRICT

By _____

ATTEST:

Date: _____

**THOMPSON VALLEY HOSPITAL
DISTRICT**

By _____

ATTEST:

Date: _____

POUDRE CANYON FIRE PROTECTION DISTRICT

PARK HOSPITAL DISTRICT

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

THE ENTITIES HEREINAFTER SET FORTH HEREBY ACKNOWLEDGE AND APPROVE THE INTERGOVERNMENTAL AGREEMENT DATED NOVEMBER 14, 1990, AND HAVE CAUSED THEIR AUTHORIZED REPRESENTATIVES TO AFFIX THEIR RESPECTIVE SIGNATURES HERETO, THEREBY MAKING EACH OF THE ENTITIES A PARTY TO THE INTERGOVERNMENTAL AGREEMENT DATED NOVEMBER 14, 1990, AS AMENDED, AND CONSTITUTING THEIR INCORPORATION IN THE LARIMER EMERGENCY TELEPHONE AUTHORITY.

WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT

COLORADO STATE UNIVERSITY

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

**COUNTY OF LARIMER
STATE OF COLORADO**

TOWN OF ESTES PARK, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

TOWN OF WELLINGTON, COLORADO

CITY OF FORT COLLINS, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____

TOWN OF BERTHOUD, COLORADO

CITY OF LOVELAND, COLORADO

By _____

By _____

ATTEST:

ATTEST:

Date: _____

Date: _____