

**CITY OF LAFAYETTE**

**ORDINANCE NO. 14, Series 2021**

**INTRODUCED BY:** Councilor JD Mangat

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, SUBMITTING TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 2, 2021, AMENDMENTS TO THE HOME RULE CHARTER PERTAINING TO REMOVAL AND REPLACEMENT OF ARCHAIC LANGUAGE, SPECIFICALLY TO REMOVE AND REPLACE THE WORD “CITIZEN” WHERE UNITED STATES CITIZENSHIP IS NOT LEGALLY REQUIRED AND TO REPLACE THE TERM “MASTER PLAN” WITH “COMPREHENSIVE PLAN,” AND SETTING THE BALLOT TITLE THEREFOR**

**WHEREAS**, the Lafayette Home Rule Charter is a document that establishes the vision and form of governance for the City; and

**WHEREAS**, the Lafayette City Council’s strategic priorities include ensuring the City of Lafayette is a safe, welcoming, and inclusive community that promotes diversity of culture, ideas, and neighborhoods, and gives voice to residents, business owners, and guests of the City by ensuring accessibility of services, facilities, amenities, and the City’s elected officials; and

**WHEREAS**, the Lafayette Home Rule Charter primarily refers to people by using the terms “resident,” “the public,” “the people,” and “community,” but uses the term “citizen” in certain instances where no distinction based on citizenship is necessary or legally required; and

**WHEREAS**, the Prefatory Synopsis of the Lafayette Home Rule Charter uses the archaic term “citizens” to refer to those whose best interest the drafters had in mind when the Charter was written, while the Colorado Constitution and the Lafayette Home Rule Charter empower the City to act in the best interest of the health, safety, and welfare of the entire community; and

**WHEREAS**, Section 2.3 of the Lafayette Home Rule Charter uses the archaic term “citizen” when referring to who may use the initiative process, and while signers of initiative petitions must be citizens, the Colorado Constitution reserves the power of the initiative to “the people” and Colorado statutes do not limit initiative proponents to “citizens”; and

**WHEREAS**, subsection (b) of Section 4.5 of the Lafayette Home Rule Charter uses the archaic term “citizens” when referring to any members of the public who may be called upon by the Mayor to assist in an emergency; and

**WHEREAS**, Section 6.4 of the Lafayette Home Rule Charter uses the archaic term “citizens” when referring to individuals who have an opportunity to be heard at regular and special meetings of the City Council, when in fact any member of the public has the right to

address City Council during the public input portion of regular or special Council meetings without regard to citizenship or residency in the City; and

**WHEREAS**, Section 4.14 of the Lafayette Home Rule Charter uses the archaic term “master plan” when referring to the advisory land-use policy document, known as the City of Lafayette Comprehensive Plan, which is adopted by the City Council and sets out the comprehensive vision for physical development of the City; and

**WHEREAS**, City Council wishes to refer to the electorate proposed amendments to the Lafayette Home Rule Charter that would remove or replace archaic language with modern terminology to clarify those provisions of the Charter applicable to all individuals in Lafayette, in alignment with the City’s strategic priority to be a safe, welcoming, and inclusive community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:**

Section 1. Pursuant to the provisions of Article 20, Section IX of the Constitution of the State of Colorado and Section 31-2-210(1)(b) of the Colorado Revised Statutes at a coordinated, regular municipal election, to be held on Tuesday, November 2, 2021, there shall be submitted to the vote of the registered electors of the City of Lafayette the following changes to the Prefatory Synopsis and Sections 2.3, 4.5(b), 4.14, and 6.4 of the Lafayette Home Rule Charter, along with the ballot question and title thereto, provided that the amendments to the Prefatory Synopsis and Sections 2.3, 4.5(b), 4.14, and 6.4 shall not become effective until January 1, 2022. (STRIKE-THROUGH DENOTES REPEAL OR DELETION OF CHARTER SECTIONS AND UNDERSCORE DENOTES ADDITIONS TO CHARTER SECTIONS):

**City of Lafayette Ballot Question \_\_\_\_**  
**Removal and Replacement of Archaic Charter Language**

**Prefatory Synopsis** *(To become effective January 1, 2022)*

In conformity with the provisions and under the authority granted to cities by Article XX of the Constitution of the State of Colorado, the twenty-one (21) delegates elected by the citizens of Lafayette, have formulated and submit herewith this Charter to meet the special needs of the City of Lafayette.

Since its organization on January 2, 1958, the Lafayette Charter Convention and its Committee have worked earnestly and unceasingly at the very difficult task assigned to them. In this process, the opinions and views of the people have been secured, public hearings held, suggestions and advice invited at all times, and detailed studies of a large number of charters have been made.

The Convention submits the results of its effort in the form of a proposed Charter for the consideration of the voters of Lafayette at a special city election to be held on April 1, 1958.

Under provisions of this Charter, a Strong-Council form of government is established. The Council is composed of seven (7) members, to be elected from the city at large. Provision is made for the overlapping terms with a majority of the Council to be elected every two (2) years.

The Council is the policy determining body or overall governing agent of the city, having power to pass ordinances, determine policy and appoint department heads. Such department heads shall report directly to the City Council. The Charter is designed in such a manner as to permit provision for a Chief Administrative Officer with a minimum of Charter amending.

The Charter is designed to provide the maximum of teamwork among members of the Council. The Council selects its own team leader, the Mayor, to preside at meetings and represent the city at ceremonial functions.

The organization of the city government has been drawn to assure maximum flexibility in organizational arrangements so that it will be possible for government of the city to readily adjust to new demands and changing circumstances as our community grows and prospers.

The Charter includes modern provisions for proper budgeting, fiscal control, and auditing. Many provisions have been included to assure economical and business-like fiscal procedures.

The direct techniques of initiative, referendum and recall have been included in the Charter. Such provisions provide the means by which the people can, if necessary, directly control the policies of their city government at all times, enact or reject legislation as they see fit, and rid themselves of an elected official who fails to perform his/her duties properly. In addition, other safeguards have been included in the Chapter [Charter] to prevent abuse of any office in the city government.

The Charter may be amended, if desirable, in accordance with provisions in the Constitution. Every section has been written, insofar as possible, in accordance with sound and well established principles of good government and administration with the best interest of the citizens people of Lafayette in mind.

**Section 2.3. Community Bill of Rights and obligations—The protection of these rights by prohibiting natural gas and oil extraction.** *(To become effective January 1, 2022)*

The rights secured here are not mere privileges; they are obligations justly placed on government and on each member of the community to respect freedoms held individually and collectively by every member of the community. The protection of these rights constitutes the highest and best use of the police powers that this municipality possesses.

Throughout this Section, the term "ecosystem" shall include, but not be limited to, air, soil, independent (non-corporate centrally controlled or contracted) agriculture, naturally occurring plants, animals, wetlands, streams, rivers, aquifers, and other water systems.

All rights secured by this Charter and this Section shall be self-executing. These rights shall be enforceable against private and public entities. The rights specifically enumerated by this Community Bill of Rights Section are enforceable exclusively with regard to the extraction of natural gas and oil, as prohibited by this charter provision. The expansion of protections of the rights herein enumerated, and the further enumeration of rights, as well as additional prohibitions against rights-denying behavior, through ~~citizen~~ use of the initiative process, is hereby encouraged.

The Community Bill of Rights and Obligations is law, as follows:

*[The remainder of Section 2.3 of the Lafayette Home Rule Charter shall remain unchanged.]*

**Section 4.5. Duties of mayor.** *(To become effective January 1, 2022)*

*[Subsection (a) of Section 4.5 of the Lafayette Home Rule Charter shall remain unchanged.]*

(b) The Mayor shall be a conservator of the peace, and in emergencies may exercise within the city the powers conferred by the Governor of the State of Colorado for purposes of military law, and shall have authority to command the assistance of all able-bodied ~~citizens~~ residents to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.

**Section 4.14. City planning commission.** *(To become effective January 1, 2022)*

The City Planning Commission shall consist of seven (7) members who shall be appointed by the City Council after appropriate interviews conducted by a committee of three (3) Council members. No member of the City Council may also serve as a member of the Planning Commission. Planning Commission members shall serve terms of four (4) years, and their terms shall be staggered so that the terms of no more than two (2) members of the Planning Commission shall expire at any one time.

The Commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of the chairman shall be for one year, with eligibility for re-election. The Commission shall hold at least one regular meeting in each month. It shall adopt rules for resolutions, transactions, findings, and determinations, which record shall be a public record.

The Planning Commission is hereby charged with the duty, as organized, of drawing up a suitable zoning ordinance to be presented to the City Council.

The Planning Commission will be charged with the preparation of a proposed ~~master~~ comprehensive plan; the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its

relation to neighboring territory. The comprehensive plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. The Planning Commission shall recommend the adoption of the ~~master~~ comprehensive plan to the City Council, who shall adopt the same by ordinance.

**Section 6.4. [Public meetings.]** *(To become effective January 1, 2022)*

All regular and special meetings of the Council shall be open to the public, and the public ~~and citizens~~ shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

**BALLOT TITLE**  
**City of Lafayette Ballot Question \_\_\_\_**  
**Removal and Replacement of Archaic Charter Language**

**SHALL THE PREFATORY SYNOPSIS AND SECTIONS 2.3, 4.5(b), 4.14, AND 6.4 OF THE LAFAYETTE HOME RULE CHARTER BE AMENDED TO REMOVE AND REPLACE ARCHAIC LANGUAGE, SPECIFICALLY, TO REMOVE AND REPLACE THE WORD “CITIZEN” WHERE UNITED STATES CITIZENSHIP IS NOT LEGALLY REQUIRED, AND TO REPLACE THE TERM “MASTER PLAN” WITH “COMPREHENSIVE PLAN”?**

YES/FOR \_\_\_\_\_ NO/AGAINST \_\_\_\_\_

Section 2. Pursuant to the Uniform Election Code of Colorado Revised Statutes, the regular municipal election of November 2, 2021, shall be conducted as a coordinated, mail ballot election and the Election Official is hereby authorized and directed to take all such actions as are necessary or desirable there under to effectuate the election as a coordinated, mail ballot election.

Section 3. The Council appoints Lynnette Beck, City Clerk, as the designated election official (the “Election Official”) for purposes of the election. The Election Official shall have all of the rights and obligations prescribed under statutes for such an Election Official in the conduct of a coordinated election and shall act as primary liaison between Boulder County Clerk and the City with respect to the election as provided in the Intergovernmental Agreement.

Section 4. The City authorizes the City Clerk, to enter into and carry out the terms of an Intergovernmental Agreement (the “Intergovernmental Agreement”) with the Boulder County Clerk as required by state statute, describing the allocation of responsibility among the County Clerk, the City and the other political subdivisions in the County for the preparation and the conduct of the election and the provision for reasonable sharing of the cost of the election among the County, the City and the other participating political subdivisions.

Section 5. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 7. The repeal or modification of any provision of the Code of Ordinances of the City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 9. This ordinance shall become effective upon the latter of the 10<sup>th</sup> day following enactment or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 3<sup>rd</sup> DAY OF AUGUST, 2021.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 17<sup>th</sup> DAY OF AUGUST, 2021.

**CITY OF LAFAYETTE, COLORADO**

\_\_\_\_\_  
Jamie Harkins, Mayor

**ATTEST:**

\_\_\_\_\_  
Lynnette Beck, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mary Lynn Macsalka, City Attorney

**PUBLISHED:** in the \_\_\_\_\_ on \_\_\_\_\_, 2021.