

CITY OF LAFAYETTE

ORDINANCE NO. 28, Series 2022

INTRODUCED BY: Nicole Samson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, PROVIDING FOR ADDITIONAL APPROPRIATIONS DURING FISCAL YEAR 2022 FOR UNANTICIPATED 2022 EXPENDITURES REQUIRED OF THE CITY OF LAFAYETTE, COLORADO, SPECIFICALLY, FOR WATER ACQUISITION TO BE FUNDED BY THE WATER ENTERPRISE FUND, AND SUPPORT FOR AFFORDABLE HOUSING TO BE FUNDED BY THE GRANTS FUND, AND DECLARING AN EMERGENCY WITH RESPECT THERETO

WHEREAS, the City Administrator has determined that certain unanticipated expenditures for fiscal year 2022 will exceed the anticipated expenditures as reflected in the Budget Appropriation Ordinance No. 19, Series 2021 (“2022 Budget”); and

WHEREAS, certain unanticipated events have occurred subsequent to the adoption of the original 2022 Budget which will result in in unanticipated expenditures during 2022; and

WHEREAS, such events include an unanticipated opportunity for the City’s Water Enterprise Fund to purchase and accept the transfer of an unusually large number of units of Colorado-Big Thompson (C-BT) water in a single acquisition, which units would ensure the City will have sufficient potable water supply to serve the proposed Willoughby Corner affordable housing project, subject to the developer Boulder County Housing Authority’s (“BCHA”) compliance with Section 120-91 of the Lafayette Code of Ordinances, which provides that “the dedication and conveyance of CBT water, direct flow and/or storage water rights to the City shall be required as a condition precedent to the approval of the subdivision or replatting of any land zoned and/or used as residential property,” and, further, subject to the City Council of the City of Lafayette’s (“City Council”) approval of a mutually acceptable agreement between the City of Lafayette, BCHA, and Boulder County pertaining to the purchase of the C-BT units; and

WHEREAS, this unanticipated opportunity to purchase C-BT units is subject to certain purchase agreement and escrow deposit deadlines that will lapse on August 8, 2022, and failure to deposit required funds into escrow, because of lack of appropriations or otherwise, will result in termination of the purchase agreement and loss of the water acquisition opportunity; and

WHEREAS, the City also received American Rescue Plan Act (ARPA) funds in 2021 and 2022, and the City Council desires to appropriate a portion of the ARPA funds in the Grants Fund to support an affordable housing project within the City, subject to the City Council’s approval and execution of acceptable agreements pertaining to same; and

WHEREAS, the City Council may, by ordinance, pursuant to the provisions of Section 8.5 of the City of Lafayette Charter (“Charter”), increase or transfer unencumbered appropriation balances from one account, department, fund, or agency to another or reduce appropriations as

may be necessary to achieve a balanced budget; and

WHEREAS, Exhibit A attached hereto is a statement of proposed 2022 budget re-appropriations; and

WHEREAS, the City Council of the City of Lafayette, Colorado, deems it in the best interest of the City to transfer the unencumbered appropriations to accounts, departments, funds, or agencies, or to reduce appropriations, as fully set forth in **Exhibit A**; and

WHEREAS, in accordance with Charter Section 7.3, the City Council finds and declares that an emergency exists and that it is necessary that this ordinance become effective immediately upon adoption at a single reading to preserve the public peace, safety, and welfare because of the need to timely comply with purchase agreement and escrow deposit deadlines to preserve the water acquisition opportunity described in the foregoing recitals, and to support an affordable housing project within the city boundaries, subject to City Council approval and execution of acceptable agreements pertaining to same.

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

Section 1. The transfers of unencumbered appropriation balances set forth in **Exhibit A** are hereby approved and the City Administrator is ordered to affect the necessary transfers to comply with this ordinance, and update beginning budget balances to actual balances for a more accurate statement of budget status.

Section 2. 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 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances 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 5. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section 6. This ordinance shall take effect immediately upon its adoption at one reading in accordance with Section 7.3 of the Charter of the City of Lafayette, Colorado.

INTRODUCED, PASSED, AND FINALLY ADOPTED, AND POSTING ORDERED,
THE 2ND DAY OF AUGUST, 2022.

CITY OF LAFAYETTE, COLORADO

DocuSigned by:

JD Mangat

Jaideep Mangat, Mayor

ATTEST:

DocuSigned by:

Lynnette Beck

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Mary Lynn Macsalka

Mary Lynn Macsalka, City Attorney

EXHIBIT A

2022 BUDGET ORDINANCES AND RESOLUTIONS

| Legal Document | ORD 19-2021/ RES 2021-67 | RES 2021-01 | ORD 01-2022 | ORD 10-2022 | ORD 28-2022 | TOTALS |
|---------------------|-----------------------------|-------------------------|-----------------------------------|--------------------------------|-----------------------------------|-----------------------|
| Type | Adoption 2022 Budget | Adoption GID Budgets | Supplemental Public Safety Tax | Carryforward & Supplemental | Water Acquisition & Affordable | |
| Date Adopted | 10/5/2021 | 10/5/2021 | 1/18/2022 | 4/5/2022 | | |
| REVENUES | | | | | | |
| General | \$ 40,142,442 | \$ - | \$ - | \$ - | | \$ 40,142,442 |
| Debt Service | 1,005,950 | - | - | - | | 1,005,950 |
| City Center GID | - | 5,145 | - | - | | 5,145 |
| Exempla GID | - | 8,053 | - | - | | 8,053 |
| Corp Campus GID | - | 271,925 | - | - | | 271,925 |
| Tech Center GID | - | 166,540 | - | - | | 166,540 |
| Grants Fund | 3,882,985 | - | - | - | | 3,882,985 |
| Legacy Open Space | 1,621,965 | - | - | - | | 1,621,965 |
| POST Open Space | 2,314,661 | - | - | - | | 2,314,661 |
| Public Safety Tax | - | - | 1,990,000 | - | | 1,990,000 |
| Conservation Trust | 302,000 | - | - | - | | 302,000 |
| Capital Projects | 13,035,000 | - | - | - | | 13,035,000 |
| Water | 45,402,000 | - | - | - | | 45,402,000 |
| Water Reclamation | 7,505,908 | - | - | - | | 7,505,908 |
| Storm Water | 2,360,133 | - | - | - | | 2,360,133 |
| Waste Management | 2,511,917 | - | - | - | | 2,511,917 |
| Golf Course | 2,940,351 | - | - | - | | 2,940,351 |
| Employee Benefits | 4,602,874 | - | - | - | | 4,602,874 |
| Insurance | 987,000 | - | - | - | | 987,000 |
| Fleet Management | 2,240,297 | - | - | - | | 2,240,297 |
| Cemetery Endowment | 750 | - | - | - | | 750 |
| Total | \$ 130,856,233 | \$ 451,663 | \$ 1,990,000 | \$ - | \$ - | \$ 133,297,896 |
| EXPENDITURES | | | | | | |
| General | \$ 44,142,002 | \$ - | \$ - | \$ 1,425,401 | | \$ 45,567,403 |
| Debt Service | 1,010,959 | - | - | - | | 1,010,959 |
| City Center GID | - | 58 | - | - | | 58 |
| Exempla GID | - | 175 | - | - | | 175 |
| Corp Campus GID | - | 252,108 | - | - | | 252,108 |
| Tech Center GID | - | 157,915 | - | - | | 157,915 |
| Grants Fund | 2,000 | - | - | - | 5,338,000 | 5,340,000 |
| Legacy Open Space | 1,216,401 | - | - | 216,940 | | 1,433,341 |
| POST Open Space | 2,860,439 | - | - | 1,101,057 | | 3,961,496 |
| Public Safety Tax | - | - | 1,775,041 | - | | 1,775,041 |
| Conservation Trust | 402,750 | - | - | - | | 402,750 |
| Capital Projects | 12,780,000 | - | - | 14,178,105 | | 26,958,105 |
| Water | 46,990,226 | - | - | 18,734,422 | 12,512,000 | 78,236,648 |
| Water Reclamation | 6,702,820 | - | - | 1,290,806 | | 7,993,626 |
| Storm Water | 828,170 | - | - | 454,103 | | 1,282,273 |
| Waste Management | 2,509,705 | - | - | - | | 2,509,705 |
| Golf Course | 2,838,954 | - | - | 516,000 | | 3,354,954 |
| Employee Benefits | 4,299,061 | - | - | - | | 4,299,061 |
| Insurance | 1,435,200 | - | - | - | | 1,435,200 |
| Fleet Management | 1,724,441 | - | - | - | | 1,724,441 |
| Cemetery Endowment | 1,027 | - | - | - | | 1,027 |
| Total | \$ 129,744,155 | \$ 410,256 | \$ 1,775,041 | \$ 37,916,834 | \$ 17,850,000 | \$ 187,696,286 |