

CITY OF LAFAYETTE

ORDINANCE NO. 32, Series 2022

INTRODUCED BY: Councilor Stephanie Walton

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, ESTABLISHING THE SUSTAINABILITY AND RESILIENCE
ADVISORY COMMITTEE, AND REPEALING THE ENERGY
SUSTAINABILITY ADVISORY COMMITTEE AND THE WASTE
REDUCTION ADVISORY COMMITTEE**

WHEREAS, the City Council of the City of Lafayette (“City Council”) approved the Lafayette Sustainability Plan in March 2021, which establishes a guiding framework for City leaders, staff, residents, businesses, and other community partners to build a culture of sustainability in Lafayette and to achieve the City’s sustainability goals in the areas of energy efficiency and renewable energy, waste reduction and diversion, and green and healthy buildings; and

WHEREAS, the City Council understands the need for a sustainable approach to resources, the environment, and building practices, and the need to address the environmental, social, and financial needs of the community both today and in the future; and

WHEREAS, in 2007, the City Council adopted Ordinance No. 49, Series 2007, creating the Lafayette Energy Sustainability Advisory Committee (“LESAC”) to advise the City Council on matters relating to energy conservation and clean energy generation in the City, to prepare and recommend to City Council a sustainability plan to address matters such as existing and future energy issues and technologies, and to develop public communications and educational activities for City residents and businesses related to energy sustainability and implementation of a sustainability plan; and

WHEREAS, in 2012, the City Council adopted Ordinance No. 17, Series 2012, creating the Waste Reduction Advisory Committee (“WRAC”) to advise the City Council on matters relating to waste reduction, recycling, reuse and zero-waste measures in the City, to make recommendations to city officials regarding waste reduction programs, actions and strategies related to public improvements and other municipal activities, functions, projects, actions and operations, and to develop public communications and educational activities related to waste reduction, recycling, reuse and zero-waste for City residents and businesses; and

WHEREAS, the City Council acknowledges the years of work and accomplishments of LESAC and WRAC since 2007 and 2012, respectively; LESAC and WRAC have been instrumental in the creation and formulation of the Lafayette Sustainability Plan, review of the solid waste contract, past community solar projects, and in moving the City towards measurable gains and achievements in creating community awareness and promoting waste reduction and energy sustainability recommendations; and

WHEREAS, as the City moves forward with implementation of the Lafayette Sustainability Plan, the City Council desires to dissolve LESAC and WRAC and to create a single committee, to be called the “Sustainability and Resilience Advisory Committee,” to advise the City Council and City officials on matters related to environmental sustainability and environmental resilience practices in general; and

WHEREAS, the City Council deems it necessary to include a mix of individuals with diverse views from the community in the formation of the committee; and to establish parameters within which the Committee shall function; and

WHEREAS, pursuant to Sections 4.13, 4.13-1, and 5.1 of the City of Lafayette Charter, the City Council wishes to formally establish the Sustainability and Resilience Advisory Committee by this ordinance, and to establish parameters within which the committee should function.

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

Section 1. That Article II, “Energy Sustainability Advisory Committee,” of Chapter 43, “Environment and Conservation,” of the Code of Ordinances, City of Lafayette, Colorado, including sections 43-22, 43-23, 43-24, 43-25, and 43-26 of the Code, is hereby repealed in its entirety.

Section 2. That section 100-14, “Waste reduction advisory committee established,” of the Code of Ordinances, City of Lafayette, Colorado, is hereby repealed in its entirety.

Section 3. That the Code of Ordinances, City of Lafayette, Colorado, is hereby amended by adding a new article II to Chapter 43, “Environment and Conservation,” which reads as follows:

ARTICLE II. - SUSTAINABILITY AND RESILIENCE ADVISORY COMMITTEE

Sec. 43-21. - Sustainability and Resilience Advisory Committee

- (a) *Established.* Pursuant to sections 4.13, 4.13-1, and 5.1 of the Lafayette Charter, there is hereby established the sustainability and resilience advisory committee (“committee”), which shall be advisory in structure and character.
- (b) *Purpose, duties, and responsibilities.* The purpose of the committee is to serve in an advisory capacity to city council and to make recommendations to city council on matters concerning environmental sustainability and environmental resilience practices. In addition to other tasks the city council may assign to it, the committee shall have the following duties and responsibilities:
 - (1) To advise city council on various environmental policies, issues, activities, events, and impacts pertaining to sustainability and environmental resilience,

including but not limited to those relating to accessibility, adaptation to climate change, resource conservation, urban development, buildings, greenhouse gas emissions, transportation, energy, air quality, water, and waste reduction for the benefit of all residents of Lafayette.

- (2) To recommend to city council updates to the sustainability plan on an ongoing basis, as necessary.
- (3) To prepare and make timely recommendations to city council for specific actions relating to goals and strategies in conjunction with the sustainability plan and the comprehensive plan relating to environmental sustainability and resilience matters.
- (4) Interface with other governmental advisory committees on environmental sustainability and resilience issues and opportunities.
- (5) Promote, educate, and encourage environmental sustainability and resilience activities with other city boards and commissions and at city events.

(c) *Membership.*

- (1) The committee shall consist of nine (9) regular members, who shall be appointed by city council. City council may appoint up to two (2) alternate members to the committee, who shall be called upon to serve and vote in the absence or disqualification of a regular member(s). Regular and alternate members must be eligible to hold appointive office pursuant to section 5.1 of the Lafayette Charter at the time of appointment and throughout their tenure of office, and shall serve at the pleasure of city council.
- (2) A city employee appointed by the city administrator shall serve as the city's nonvoting staff liaison to the committee.
- (3) A city councilor shall serve as the city council's nonvoting liaison to the committee.

(d) *Terms; vacancies.*

- (1) Members shall be appointed to serve staggered two-year terms from the date of appointment; except that for the initial members of the committee appointed on or after the effective date of this ordinance, the city council shall determine which members shall initially serve a two-year or one-year term, to establish staggered terms as required herein.
- (2) Members shall be limited to serving two full consecutive terms; provided, however, that members who have served two full consecutive terms may re-apply for membership two or more years after completion of their second term. Initial terms

served by members who are appointed to fill a vacancy for an unexpired term shall not be counted as a full term for purposes of this subsection.

(3) Vacancies for any unexpired term shall be filled by city council appointment. The committee may recruit and recommend nominees to city council for appointment as regular or alternate members, and the committee may recommend any alternate member for appointment to a vacant regular member position.

(e) *Administration.*

(1) *Meetings.* The committee shall conduct at least one (1) regular meeting each month, unless there is no business to conduct after consultation with the staff liaison. All meetings shall be open to the public.

(2) *Bylaws.* The committee is authorized to adopt bylaws to govern the conduct of its meetings and activities.

(3) *Officers.* From among its members, the committee shall select a chair, vice-chair, and such other officers as the committee deems necessary, as set forth in the committee's bylaws.

(f) *Compensation.* Committee members shall not receive a salary or other compensation for their service, but may receive reimbursement for necessary expenses in accordance with city policy.

Section 4. 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 5. 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 6. The repeal or modification of any provision of the Code of Ordinances, 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 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON SECOND READING THE 6TH DAY OF OCTOBER, 2022.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 20TH DAY OF OCTOBER, 2022.

CITY OF LAFAYETTE, COLORADO

DocuSigned by:


Jaideep Mangat, Mayor


ATTEST:

DocuSigned by:


Lynnette Beck, City Clerk

APPROVED AS TO FORM:

DocuSigned by:


Mary Lynn Macsalka, City Attorney