

# CITY COUNCIL COMMUNICATION



<b>MEETING DATE:</b> February 9, 2010	<b>ITEM NUMBER:</b> 9A
<b>TYPE OF ITEM:</b> Consent	O-2010-09
<b>PRESENTED BY:</b> Dale Rademacher, Director of Public Works and Natural Resources, 303-651-8355 Ron Shaw, Environmental Sustainability Coordinator, 303-651-8379	

**SUBJECT/AGENDA TITLE: Ordinance amending Title 2, Chapter 2.96.020 of the Longmont Municipal Code on the Board of Environmental Affairs.**

## **EXECUTIVE SUMMARY:**

The members of the Board of Environmental Affairs (BEA) have been working with staff to revise the portion of the Municipal Code that defines the Board's purpose (Title 2, Chapter 2.96.020). The current language in the Municipal Code only allows the BEA to advise City Council on "...matters referred to them by the city council..."

Attached to this communication is the Council Communication from the December 8, 2009 meeting that includes the relevant background material and issue analysis. Council voted at the December 8, 2009 to not approve the version of the ordinance before them.

At the January 26, 2010 meeting, Council directed staff to return to Council, for their consideration, with a revised ordinance modifying the purpose of the BEA. This language has been presented to, and approved by, the BEA at the January 2010 meeting. The revisions in the attached ordinance would allow the BEA to advise the City Council on an established list of relevant environmental issues and not consider issues that are already assigned to other boards and commissions.

Staff made a couple of minor wording modifications to Sections B and C of the proposed ordinance regarding the reference to the Integrated Environmental Plan in order to acknowledge that the name of the document will likely change over time. The revised ordinance language simply references the City's environmental and sustainability plans and goals without referencing a specific name of a document.

## **COUNCIL OPTIONS:**

- 1) Approve the ordinance on first reading and set for second reading on February 23, 2010.
- 2) Approve an amended ordinance on first reading and set second reading for February 23, 2010.
- 3) Do not approve the ordinance.

**RECOMMENDED OPTIONS:** Approve the ordinance on first reading if appropriate.

**FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:** None



**BACKGROUND AND ISSUE ANALYSIS:** No new analysis. Please refer to the attached December 8, 2009 Council Communication.

**ATTACHMENTS:**

Ordinance amending Title 2, Chapter 2.96.020 of the Longmont Municipal Code  
December 8, 2009 BEA Ordinance Revision Council Communication

1 ORDINANCE O-2010- 09

2 A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.020 OF THE LONGMONT  
3 MUNICIPAL CODE ON THE BOARD OF ENVIRONMENTAL AFFAIRS

4  
5 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

6 Section 1

7 The Council amends section 2.96.020 of the Longmont Municipal Code, by adding  
8 italicized material and deleting stricken material, to read as follows:

9 2.96.020 ~~Purpose~~ *Powers and Duties.*

10 ~~The purpose of the board shall be to advise the city council on all matters~~  
11 ~~referred to it by the city council. Such matters shall include, but not be limited to,~~  
12 ~~air pollution, soil contamination, hazardous waste disposal, surface and~~  
13 ~~groundwater pollution, and other related environmental issues.~~

14 *The powers of the board shall be advisory only. The duties of the board*  
15 *shall be as follows:*

16 A. *To advise the city council on environmental and sustainability*  
17 *issues, including air and water quality, pollution prevention, solid waste disposal*  
18 *and recycling, energy efficiency and renewable energy, and green building*  
19 *standards. The city council may request the board to consider environmental*  
20 *issues not specifically listed in this section and advise city council on such issues.*

21 *Unless otherwise requested by city council, the board shall not consider issues*  
22 *that are already assigned to other boards and commissions.*



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ASSISTANT CITY ATTORNEY

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PROOF READ

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APPROVED AS TO FORM AND SUBSTANCE:

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ORIGINATING DEPARTMENT

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DATE

CA File: 7696

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# CITY COUNCIL COMMUNICATION



**MEETING DATE:** December 8, 2009      **ITEM NUMBER:**  
**TYPE OF ITEM:**    **Consent**  
**PRESENTED BY:** Dale Rademacher, Director of Public Works and Natural Resources,  
303-651-8355  
Ron Shaw, Environmental Sustainability Coordinator, 303-651-8379

**SUBJECT/AGENDA TITLE: Ordinance amending Title 2, Chapter 2.96.020 of the Longmont Municipal Code on the Board of Environmental Affairs**

**EXECUTIVE SUMMARY:** The members of the Board of Environmental Affairs (BEA) feel that they can better serve City Council and provide input on a broader range of environmental matters if they have the ability to proactively bring issues to Council. The BEA has been working with staff to revise the portion of the municipal code that defines the Board’s purpose (Title 2, chapter 2.96.020). The current language in the municipal code only allows BEA to advise City Council on “...matters referred to them by the city council...”

Two versions of proposed code language revisions were presented to City Council for consideration at the December 1, 2009 study session. One version was originally developed and approved by the BEA. In response to concerns that there could be overlap in the responsibilities of the BEA and other City advisory boards, the second version was developed during a joint meeting between the Parks and Recreation Advisory Board (PRAB) and the BEA on October 28, 2009. At its November 18, 2009 meeting, the BEA discussed the two versions and approved the option jointly developed with the PRAB. The BEA also recommended that this version be forwarded to Council as an ordinance for consideration and action.

At its December 1, 2009 meeting, Council directed staff to bring an ordinance for the proposed revisions back for first reading at the December 8 meeting. The revisions would allow the BEA to research and study relevant environmental issues and advise council on these issues in a proactive manner.

**COUNCIL OPTIONS:**

- 1) Approve the ordinance on first reading and set second reading for December 22, 2009.
- 2) Approve an amended ordinance on first reading and set second reading for December 22, 2009.
- 3) Do not approve the ordinance.

**RECOMMENDED OPTIONS:** Approve the ordinance on first reading if appropriate

**FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:** Additional staff time may be required to research issues and assist the BEA in preparing and presenting items for City Council review. The amount of time and associated costs are not known at this time. All costs for BEA-related activities will be split among the current funds used for the City's



environmental sustainability program (water, wastewater, stormwater, solid waste and power & communications).

**BACKGROUND AND ISSUE ANALYSIS:** The current language in the code defining the purpose of the BEA reads: “The purpose of the board shall be to advise the city council on all matters referred to it by the city council. Such matters shall include, but not be limited to, air pollution, soil contamination, hazardous waste disposal, surface and groundwater pollution, and other related environmental issues.”

Efforts to revise the BEA charter began with staff discussion about the BEA’s role in the development of the City’s initial Integrated Environmental Plan. After a reminder that the BEA can only act on issues as directed by City Council, Marty Block, the City Council liaison at that time, suggested that the BEA’s charter be revised to accommodate this new role. The discussion of potential revisions to the BEA charter continued but was not taken up as a major item until mid 2008 when the City’s Environmental Sustainability Coordinator became the BEA’s staff liaison.

At the July 22, 2008 City Council meeting, after an environmental update presentation by staff, City Council gave staff and the BEA direction to revise the purpose and role of the BEA and return to Council with code revisions. Since that meeting, staff has been working with the members of the BEA to better define their purpose, powers and duties. Initial revisions to the City code focused on allowing the BEA to bring topics to council for approval before the BEA begins work on them. Discussions at BEA board meetings included broadening the issues that should be addressed by the BEA and the areas of overlap with other City organizations and boards. The latter would necessitate increased communication between the BEA and other City entities.

The BEA finally approved new code language at their August 19, 2009 meeting. They arrived at this language after several drafts, new board member input and reviews and suggestions by City staff. Staff recognized that the proposed revisions could result in the BEA advising City Council in areas that overlap with the responsibilities of the Parks and Recreation Advisory Board (PRAB) as well as other advisory boards. Members of the PRAB raised concerns over these areas of overlap and the intent of the proposed code revisions. In order to arrive at some agreement on these issues, the PRAB and the BEA met together on October 28 to discuss the concerns. The boards also talked about how they could best advise Council on the areas of joint interest.

The members of the two boards identified many areas of agreement and an area where some concern still exists. There was agreement that:

- It can be beneficial for different boards with different perspectives to advise City Council on the same issue.
- Gaps may exist in the topics on which that current boards advise council (i.e. ecosystem and wildlife protection) and these gaps should be closed.
- Sharing information with other boards about issues that they may have an interest in is an important function and practice of any board.
- Some boards should share some areas of purview, such as advising City Council on the implementation of the Integrated Environmental Plan.
- Defining the BEA charter in broad terms would allow the BEA to advise City Council on a wide range of environmental issues while not explicitly assuming specific

administrative or management duties that are currently assigned to other boards.

Some concern still exists that the use of broad language in the BEA's code and the lack of specificity regarding the types of environmental and sustainability issues about which the BEA could advise City Council may open the door for future Councils to reinterpret the advisory role of the BEA.

However, the boards did agree on revised language for the BEA code. At its November 18, 2009 meeting, the BEA approved the version of the code language developed in the joint meeting with the PRAB and recommended that it be forwarded to Council for action. The attached ordinance includes that language and is recommended for approval by City Council.

**ATTACHMENTS:**

Ordinance amending Title 2, Chapter 2.96.020 of the Longmont Municipal Code