

CITY OF LAFAYETTE

ORDINANCE NO. 18, Series 2024

INTRODUCED BY: Councilor Nicole Samson

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING ARTICLE V, “ONE LAFAYETTE FUND,” OF CHAPTER 28, “COMMUNITY DEVELOPMENT,” OF THE CODE OF ORDINANCES PERTAINING TO THE ONE LAFAYETTE FUND

WHEREAS, in or around 2004, the City of Lafayette began an annual community fundraiser, originally called LASSO Lafayette and renamed One Lafayette, for the purpose of raising funds in response to requests for funding from local nonprofit organizations that support Lafayette residents; and

WHEREAS, in 2008, the City desired to formalize the One Lafayette fundraiser and to ultimately raise additional money to support local nonprofits in the longer term through the contribution of “seed money” to an endowment fund that would grow through ongoing contributions from the City and from other donors, and through investment and re-investment of fund earnings; and

WHEREAS, in 2008, the City Council approved a contract with The Community Foundation of Boulder County to create an “agency endowment fund” in connection with the “One Lafayette” fundraiser for the City of Lafayette; and

WHEREAS, in 2011, by the adoption of Ordinance No. 38, Series 2011, the City Council codified the One Lafayette Fund program and created a City-administered annual disbursement fund to receive contributions from the City and net income from the agency endowment fund, for disbursement by the City to “qualified beneficiaries,” as defined in the ordinance; and

WHEREAS, in November 2021, Lafayette voters approved a sales and use tax increase to fund mental health and human services (“MHHS”) through contractual partnerships and grants to nonprofit agencies that provide critical safety net services to Lafayette inhabitants (“MHHS Tax”); and

WHEREAS, the revenues from the MHHS Tax are used to fund the City’s MHHS Grant Program for the purposes approved by the voters in 2021, and the MHHS Tax has and will continue to provide a reliable revenue source for the City to fund grants to nonprofits that serve individuals, families, and children in the City of Lafayette; and

WHEREAS, the City Council desires to amend the Article V of Chapter 28 of the Code of Ordinances pertaining to the One Lafayette Fund to (i) dissolve the One Lafayette Grant Program by repealing the City’s annual disbursement fund and the One Lafayette Advisory Committee, and (ii) remove the requirement in the Code that a \$25,000 contribution to the One Lafayette Legacy Fund be included in the City’s proposed annual budget each year; and

WHEREAS, it is the City Council’s intent that the One Lafayette Legacy Fund be disbursed to qualified beneficiaries until the fund’s principal and net income are exhausted and, at

such time, that this article will be repealed by city council action.

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

Section 1. That Article V., "One Lafayette Fund," of Chapter 28, "Community Development," of the Code of Ordinances, City of Lafayette, Colorado, is hereby repealed and reenacted to read as follows:¹

ARTICLE V. ONE LAFAYETTE FUND

Sec. 28-50. Definitions.

The following terms, when used in this article, shall have the meanings ascribed to them below:

Qualified beneficiary shall mean an entity that meets the following qualifications:

- (1) Certified as a 501(c)(3) nonprofit organization;
- (2) Provides services to Lafayette residents;
- (3) Provides the city with a current list of board of directors, active volunteers and key officers; and
- (4) Provides the city with a copy of its financial statement for the most recently completed fiscal year.

Sec. 28-51. Purpose; intent.

- (a) The purpose of this article is to provide a means to support the work of nonprofit organizations that serve the city and the needs of its residents; to establish the One Lafayette Legacy Fund and the Annual Disbursement Fund and the guidelines for disbursements from those funds; to establish the One Lafayette Advisory Committee; and to set forth guidelines for the One Lafayette Advisory Committee to follow in performing its duties.
- (b) As set forth in Ordinance No. 18, Series 2024, it is the City Council's intent that the One Lafayette Legacy Fund be disbursed to qualified beneficiaries until the fund's principal and net income are exhausted and, at such time, that this article will be repealed by city council action.

Sec. 28-52. Goals.

The principal goals of the One Lafayette Fund program are:

- (a) To improve the quality of life for Lafayette residents by providing both short- and long-term means for supporting nonprofit charitable organizations that provide valuable community services to the Lafayette community;

¹ Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~

- (b) To raise and disseminate funds to support the activities of nonprofit charitable organizations serving and benefitting the Lafayette community; and
- (c) To encourage public and private investment in nonprofit charitable organizations that provide valuable community services to the Lafayette community.

Sec. 28-53. One Lafayette Legacy Fund established.

- (a) *Creation.* There shall be and is hereby established the One Lafayette Legacy Fund.
- (b) *Administration of fund.* The One Lafayette Legacy Fund ~~shall be owned and administered by the city. Alternatively, the fund~~ shall be owned and administered as an agency endowment fund by a nonprofit organization qualified to receive, administer and disburse funds for public, charitable, education, scientific, literacy, or benevolent uses or purposes within the State of Colorado, and pursuant to an endowment agreement approved by city council.
- (c) *Annual contribution Contributions to fund by city.* ~~The city's proposed annual budget shall include a contribution of twenty five thousand dollars (\$25,000.00) to the One Lafayette Legacy Fund, which shall be subject to appropriation by city council. Such appropriation and contribution shall continue until the One Lafayette Legacy Fund reaches a balance of five hundred thousand dollars (\$500,000.00). Annual appropriations Appropriations and contributions by the city to the One Lafayette Legacy Fund after the balance of the fund has exceeded five hundred thousand dollars (\$500,000.00) shall be at the discretion of city council.~~
- (d) *Contributions to fund by others.* Contributions to the One Lafayette Legacy Fund by persons or entities other than the city shall be combined with all other contributions in the fund. Such contributions shall become the sole property of the owner and administrator of the fund designated pursuant to subsection (b) of this section, and shall be disbursed in accordance with subsection (e) of this section.
- (e) *Disbursements from fund.* ~~The owner and administrator of the fund designated pursuant to subsection (b) of this section shall make disbursements of the principal and net income from the One Lafayette Legacy Fund to qualified beneficiaries, and may reinvest the net income from the One Lafayette Legacy Fund in the fund, in conformance with this article and the endowment agreement approved by the city council. Annual disbursements of the net income from the One Lafayette Legacy Fund shall be reinvested in the fund, or shall be distributed to the city, or to a qualified beneficiary, upon recommendation by the two (2) council members on the One Lafayette Advisory Committee and approval by city council.~~

Secs. 28-54—28-59. - Reserved.

Sec. 28-54. Annual Disbursement Fund established.

- (a) *Creation.* There shall be and is hereby established the Annual Disbursement Fund.
- (b) *Administration of fund.* The Annual Disbursement Fund shall be owned and administered by the city.

- (e) *Annual contribution to fund by city.* The city's proposed annual budget shall include a contribution to the Annual Disbursement Fund, which shall be subject to appropriation by city council. Such appropriation may include funds disbursed to the city from the One Lafayette Legacy Fund.
- (d) *Disbursements from fund.* The two (2) council members on the One Lafayette Advisory Committee shall make recommendations to city council regarding annual disbursements to qualified beneficiaries from the Annual Disbursement Fund. Disbursements shall be made upon approval by city council, and city council may disburse all or a portion of the funds available in the Annual Disbursement Fund during each fiscal year.

Sec. 28-55. One Lafayette Advisory Committee established.

- (a) *Established.* There shall be and is hereby established the One Lafayette Advisory Committee, which shall have the principal responsibility of serving as an advisory board to the city council with regard to fundraising for the One Lafayette Legacy Fund and Annual Disbursement Fund.
- (b) *Membership.* The One Lafayette Advisory Committee shall consist of two (2) city council members, and three (3) citizens of Lafayette, who shall be appointed by the city council. A staff liaison appointed by the city administrator shall serve as a nonvoting member of the One Lafayette Advisory Committee.
- (c) *Term.* All appointments to the committee shall be for a period of three (3) years. The committee may recruit and recommend nominees to city council for appointment. Vacancies on the committee shall be filled for the unexpired term by city council appointment as soon as possible. A member of the committee shall not receive a salary or other compensation for services as a committee member. City council may, upon recommendation of the committee, appoint up to two (2) alternate members, which member(s) shall be called upon to serve and vote in the absence of a regular member(s), and the committee may recommend any alternate member for appointment by council to a vacant position. Committee members serve at the pleasure of city council. For those members of the committee appointed on or after October 1, 2011, the city council shall determine who shall initially have a three-year, two-year and/or one-year term, to maintain staggered terms as required herein.
- (d) *Organization, powers and duties.* The powers of the One Lafayette Advisory Committee shall be advisory only and the committee shall have the following duties:
 - (1) Adopt bylaws, rules, regulations, and meeting times for its guidance and government.
 - (2) Advise city council on matters related to supporting the activities of nonprofit charitable organizations that benefit the Lafayette community.
 - (3) Pursue financial contributions and fundraising to support the One Lafayette Legacy Fund and Annual Disbursement Fund.

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 is hereby repealed to the extent of such inconsistency or conflict.

Section 4. 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 5. This ordinance is deemed necessary for the protection of the health, welfare, and safety of the community.

Section _____ 6. 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 FIRST READING THE 17th DAY OF SEPTEMBER, 2024.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 1st DAY OF OCTOBER, 2024.

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

ATTEST:

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney