AGENDA
LAKEWOOD CITY COUNCIL
STUDY SESSION
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
DECEMBER 19, 2022
7:30PM
OR IMMEDIATELY AFTER THE 7:00PM LRA MEETING

To watch the Council Study Session live, please use one of the following links:

City of Lakewood Website: https://www.Lakewood.org/CouncilVideos
or
Lakewood Speaks: https://lakewoodspeaks.org

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How to Connect to provide Public Comment:
By Computer: https://lakewood.zoom.us/j/83620828098
By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: 836 2082 8098
By Telephone: 720-707-2699
Webinar ID: 836 2082 8098, #
Participant ID: #
Press *9 to Request to Speak, you will be prompted when to speak.
Press *6 to Unmute

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ITEM 1 – CALL TO ORDER
ITEM 2 – ROLL CALL
ITEM 3 – PRESENTATION – DISTRESSED PROPERTY
PUBLIC INPUT
ITEM 4 – PRESENTATION – UPDATE ON HB21-1162, SINGLE-USE PLASTIC PRODUCTION FROM THE LAKEWOOD ADVISORY COMMISSION
PUBLIC INPUT
ITEM 5 – PRESENTATION – UPDATE ON HB21-1162, SINGLE-USE PLASTIC PRODUCTION FROM LAKEWOOD STAFF
PUBLIC INPUT
ITEM 6 – PRESENTATION – ANNUAL UPDATE FROM THE LAKEWOOD ADVISORY COMMISSION
PUBLIC INPUT

ITEM 7 – PRESENTATION – DISCUSSION ON POLICIES AND PROCEDURES OF THE LAKEWOOD ADVISORY COMMISSION

PUBLIC INPUT

ITEM 8 - ADJOURNMENT
DATE OF COUNCIL STUDY SESSION: DECEMBER 19, 2022 / AGENDA ITEM NO. 3

To: Mayor and City Council
From: Travis Parker, Planning Director, 303-987-7908
Subject: REGULATIONS FOR VACANT AND DISTRESSED PROPERTIES

SUMMARY STATEMENT: On July 18, 2022, City Council held a study session to discuss potential regulation of Lakewood properties that are vacant and/or undermaintained. A number of potential regulatory options were considered and City Council directed staff to prepare proposed regulations for discussion. The four areas of regulations to be proposed include tracking of vacant and distressed properties, fines for non-compliance, land banking, and short term loans for property clean up. In the following memo, tracking and fines have been combined into a single proposal. Using best practices previously presented to City Council, staff has created a draft framework for regulation of vacant and distressed properties. At this study session, City Council may review the proposed regulations and decide whether to proceed to a public hearing.

BACKGROUND INFORMATION:

1. Tracking with fines for non-compliance
   A simple and potentially effective way of learning about and monitoring vacant properties is to require owners to register them with the city. Denver has a program requiring registration of neglected property. Properties can be reported by residents and remediation is required. Washington D.C. has a highly effective program to prevent vacancies and blight. Owners must register vacant properties within 30 days and higher property taxes are assessed on vacant property. Attachment 1 contains a proposal to track properties that are vacant and/or blighted. The proposal creates a process for remediation and fines for non-compliance.

2. Land Banking
   Many local governments across the nation directly purchase blighted properties to hold or prep for redevelopment. The advantage of these programs includes directly tackling the most troubled properties without waiting for the market to act and being able to choose the purchaser and future land use of purchased properties. Attachment 2 is a proposal to create a land banking system with criteria for acquisition and disposal of property.

3. Short term loans
   An effective incentive program to encourage redevelopment can be a revolving loan fund to clean and prep properties for sale. Often property owners are not willing to or able to invest in demolition of old buildings and cleaning a site for sale. Clean empty sites are much more attractive development sites. Many cities like Knoxville, Tennessee have loan programs to assist with site preparation. The loans can be low or no interest and can be created as liens on the property to be paid back upon sale. Attachment 3 is a proposal to create a revolving loan fund for this purpose.
**BUDGETARY IMPACTS:** While there could be additional revenue into the general fund from non-compliance fees, the goal of the program would be to incentivize compliance rather than bring in money.

**STAFF RECOMMENDATIONS:** Staff recommends moving forward with ordinances and public hearings on all three of these programs.

**ALTERNATIVES:** City Council can choose to direct staff to prepare an ordinance using any or all of these options or other options that they identify. Council can also choose to not move forward at this time on this issue.

**PUBLIC OUTREACH:** This meeting was advertised through the normal channels. Additional public outreach will proceed any public hearings.

**NEXT STEPS:** If Council reaches consensus on a path forward, staff will prepare an ordinance for review and public hearing.

**ATTACHMENTS:**
- Attachment 1 – Vacant and Blighted Building Proposal
- Attachment 2 – Land Banking Proposal
- Attachment 3 – Revolving Loan Proposal

**REVIEWED BY:** Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney
Vacant & Blighted Building Proposal

Based on Washington D.C. law found here.

1. The City shall track and maintain a list of vacant buildings
   a. Buildings may be added to the list upon confirmation by Code Enforcement. Any of the following may be used to determine a building’s vacant status:
      i. Electrical, gas or water meter either not running or showing low usage
      ii. Accumulated mail
      iii. Neighbor complaint
      iv. No window covering
      v. No furniture observable
      vi. Open accessibility
      vii. Deferred maintenance, including loose or falling gutters, severe paint chipping, overgrown grass, etc.
      viii. The unit is boarded up
      ix. Other similar criteria as determined by City Manager
   b. Buildings may only be taken off this list when appropriate evidence provided by owner of occupied status.
   c. Penalties for vacant buildings:
      i. Notice shall be provided to owner of vacant building that they have 60 days to occupy the building, list it for lease or sale, or submit a development proposal.
      ii. If not occupied, listed, or under review for development at the end of 60 days, the property will be subject to a monthly fine equivalent to 20 mills on the assessed property value.
      iii. This fine may be waived for up to 2 years if the property is continuously listed for sale or lease during that time, or while the development proposal proceeds.
      iv. Penalties under this section are in addition to any blighted building penalties
      v. Fines collected under this section will go to the City’s economic development fund.

2. The City shall track and maintain a list of blighted properties
   a. Buildings may be added to the list upon confirmation by Code Enforcement. Any of the following may be used to determine a building’s vacant status:
      i. Whether the building is the subject of a condemnation proceeding;
      ii. Whether the building is boarded up;
      iii. Whether the building is or has recently been illegally occupied;
      iv. The significant and regular accumulation of trash and debris;
      v. Failure to comply with the following building maintenance standards:
         1. Doors, windows, areaways, and other openings are weather-tight and secured against entry by birds, vermin, and trespassers, and missing or broken doors, and other openings are covered
         2. The exterior walls are free of holes, breaks, graffiti, and loose or rotting materials, and exposed metal and wood surfaces are protected from the
elements and against decay or rust by periodic application of weather-coating materials, such as paint;

3. All balconies, porches, canopies, marquises, signs, metal awnings, stairways, accessory and appurtenant structures, and similar features are safe and sound, and exposed metal and wood surfaces are protected from the elements by application of weather-coating materials, such as paint.

b. Buildings may only be taken off this list when appropriate evidence provided by owner that issues have been remedied.

c. Penalties for vacant buildings:

i. Notice shall be provided to owner of blighted building with list of items that need to be remedied and that they have 60 days to remedy the identified deficiencies.

ii. If issues are not remedied at the end of 60 days, the property will be subject to one of the following actions at the City Manager’s discretion:

1. a monthly fine equivalent to 40 mills on the assessed property value.

2. The City shall take action to remedy the situation and the cost of the maintenance will be assessed as a lien on the property.

iii. Penalties under this section are in addition to any vacant building penalties.

iv. Fines collected under this section will go to the City’s economic development fund.
Land Banking Proposal

Background on Land Banking here.

Fort Collins example here.

2. City Manager is authorized to purchase and dispose of property for the Land Bank.
3. The City Manager shall acquire land only if the acquisition complies with the following criteria:
   a. The land is acquired from a willing seller (without the threat of condemnation).
   b. The cost of acquiring the land does not, in the opinion of the City Manager, exceed the fair market value thereof.
   c. Acquisition of the land furthers at least two of the following goals:
      i. Removal of blight
      ii. Provision of affordable housing
      iii. Revitalization of an underperforming neighborhood
   d. The land is located within the Lakewood city boundaries.
4. Money for the purchase of Land Bank property shall come from the Economic Development fund whenever possible.
5. Disposition of land shall only take place under the following conditions:
   a. The city has issued an RFP for the desired development and has awarded the purchase to the proposal that best meets the City’s goals for the parcel
   b. Any housing development contains at least 20% affordable units
   c. The development conforms with the Comprehensive Plan and meets the use requirements of the zoning code
6. Proceeds of any sale shall be returned to the Economic Development fund for future land purchases.
Revolving Loan for Blighted Property Clean-up

Background on revolving loan funds here.

Example program here.

1. City Council authorizes the creation of a revolving loan fund.
2. Property owners preparing to sell or develop their property may borrow money for the following purposes:
   a. Building demolition
   b. Environmental cleanup
   c. Pavement removal
   d. Site grading and seeding
   e. Erosion prevention measures
3. Maximum loan term is one year
4. Interest rate to be set by City Manager below market rate as low as 0%.
5. Loan is paid back upon sale or occupancy of property if earlier than one year.
6. Repaid money is returned to the fund for future loans.
STAFF MEMO

DATE OF COUNCIL STUDY SESSION: DECEMBER 19, 2022/ AGENDA ITEM NO. 4

To: Mayor and City Council

From: The Sustainability Subcommittee of the Lakewood Advisory Commission
      Jay Robb, City Clerk, 303-987-7081

Subject: UPDATE ON HB21-1162, SINGLE-USE PLASTIC PRODUCTION, FROM THE LAKEWOOD ADVISORY COMMISSION

SUMMARY STATEMENT: In response to House Bill 21-1162, Concerning the management of plastic products, the Lakewood City Council requested the Lakewood Advisory Commission (LAC) to research this legislation and make recommendations based on the impacts of the legislation on the residents and businesses in the City of Lakewood.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: That the City Council take the report and recommendations from the LAC into consideration and consider the assignment closed.

ALTERNATIVES: The City Council could ask for additional research or recommendations from the LAC related to reducing single-use plastic in the City of Lakewood.

PUBLIC OUTREACH: This meeting was advertised through the normal channels. Additionally, this project has been discussed and presented in several, public LAC meetings.

NEXT STEPS: The Sustainability Subcommittee of the LAC will continue to monitor state and local issues related to single-use plastics that could impact the City of Lakewood.

ATTACHMENTS: Report from LAC Sustainability Subcommittee
                  PowerPoint Presentation

REVIEWED BY: Kathleen E. Hodgson, City Manager
              Benjamin B. Goldstein, Deputy City Manager
              Alison McKenney Brown, City Attorney
Lakewood Advisory Commission

Lakewood’s Options for Management of Plastic Bags and Other Materials Pursuant to HB21-1162

Sustainability Committee
October, 2022

ASSIGNMENT: (1) Review and summarize the recently passed state legislation (HB21-1162, Management of Plastic Products); (2) explore options that the new legislation gives the City of Lakewood; (3) define what other communities are doing; and 4) identify key stakeholders in upcoming conversations about implementation of this program.

I. SUMMARY OF LEGISLATION
Passed in 2021, HB21-1162, formally known as the “Plastic Pollution Reduction Act” (“Act” or “Law”), enacts a series of statewide measures to reduce the use of single-use bags and other materials. The Act will be rolled out in three stages:
1. Beginning on January 1, 2023, a minimum of 10 cents (or more, if a city so chooses) must be charged for single use paper or plastic bags at all supermarkets and other stores or restaurants (e.g. convenience, drug and liquor stores).
2. Beginning on January 1, 2024, the Act imposes a (a) state-wide ban on single use plastic bags at these same stores (paper bags can still be provided for the above fee) ; and (b) state-wide ban on polystyrene food containers and cups at all restaurants and schools.
3. Beginning on July 1, 2024, the Law strikes down a prior provision which preempted local governments from enacting laws more stringent than the State. Instead, the Law specifically authorizes cities like Lakewood to pass their own rules governing the use and sale of other materials, including plastics, polystyrene, containers, and other packaging. Note that the new Law makes it clear that such programs must be at least as stringent as the statewide program, stating “ON AND AFTER JULY 1, 2024, A LOCAL GOVERNMENT MAY ENACT, IMPLEMENT, OR ENFORCE ANY ORDINANCE, RESOLUTION, RULE, OR CHARTER PROVISION THAT IS AS STRINGENT AS OR MORE STRINGENT THAN THIS PART 5.” C.R.S. 25-17-508.

There are five exceptions to the statewide program:
(1) the bag fee and eventual ban does not apply to Colorado stores with fewer than three locations, including roadside shops and farmer’s markets;
(2) plastic bags purchased before January 1, 2024 may be provided until June 1, 2024;
(3) the Act does not apply to pharmaceutical drugs, medical devices, or dietary supplements or for certain sanitary protection purposes (e.g handling meats);
(4) the carryout fee does not apply to customers who provide evidence of being on a food assistance program; and

(5) the Act does not allow enforcement by a locality against restaurants or stores located within a school.

The Law also contains rules for collection and city usage of the bag fees. Covered establishments must remit 60% of the revenue from bag fees collected from customers to the local municipality. Stores must remit these fees on a quarterly basis starting April 1, 2024 – although, as discussed below, many localities will likely begin collecting these fees as soon as the program ramps up in 2023. Cities like Lakewood may use the monies to pay for administration or enforcement costs and any recycling, composting, or waste diversion plans or related outreach/education programs. Stores and restaurants will retain the remaining 40% to use toward the cost of implementing the program. Stores are required to alert customers about the carryout bag fee and provide a receipt itemizing the exact number of bags charged.

The means of enforcement is not exactly clear under the Act, but the State is not currently planning any form of statewide enforcement program. Instead, the Act states that enforcement of these restrictions (and expansion of same) within a city like Lakewood is left to that city’s discretion. Counties retain jurisdiction over unincorporated areas and may either seek injunctive relief against the store or impose a fee of $500 for second violations and $1,000 for a third. (First violations seem to not be subject to any penalty).

In short, the Act was a product of much discussion and compromise and leaves various gaps and uncertainties in its implementation. But it clearly signals an intent to phase out single use bags throughout the State, while giving municipalities like Lakewood broad latitude to fashion a program best suited to its needs.

Summary Reference Material

Various useful summaries and discussions of this law are available online for those seeking more detail:

(a) CO Legislature’s summary:
(b) CPR Article Summary:
(c) Eco-Cycle Colorado Summary:

I. LAKEWOOD’S OPTIONS UNDER THE NEW LAW

The Act affords Lakewood a wide variety of options in implementing its requirements. Since the Law imposes a Statewide ban, but gives the city full latitude about its own enforcement program, Lakewood could simply let the terms of the ban govern and not expand on it a bit. Yet, a key to HB21-1162 was the lifting of the preemption ban, allowing municipalities across Colorado, as of
July 1, 2024, to develop a wide variety of program options governing not only plastic bags but many other materials. As detailed below, there is considerable work being done at many other cities in Colorado and nationally to develop such individual programs. And the national push towards waste minimization and related carbon mitigation measures, epitomized by both recent federal legislation and State developments summarized below, supported by Lakewood’s own Sustainability Plan and other initiatives, suggest that more should be done. Accordingly, the LAC has identified a number of possible options going forward, ranging from:

(1) extending the scope of the legislation beyond large business to include smaller businesses with three or fewer locations;
(2) extending the ban to include materials with detrimental environmental impact beyond single-use plastics; and/or
(3) adding other materials, such as plastic cutlery, to the restricted list, and/or requiring that customers specifically ask for these materials before they are provided.

Related programs that are springing up locally and across the country focus on cutting back initial use, and thereby waste, and could be included in our program. Additional bans or restrictions could be phased in, drawing from the first stage of the program that Lakewood rolls out in July 2024. Lakewood could also instill measures to incentivize smaller businesses to opt-in to single-use plastic and polystyrene reduction efforts through a proactive outreach program designed to spur voluntary compliance.

Lakewood could even attempt to follow in the footsteps of the European Union, whose Single-Use Plastics Directive of 2019 took aim at a multitude of single-use plastics, extending far beyond single-use plastic bags and polystyrene containers. "Plastic cotton bud sticks, cutlery, plates, straws, stirrers, balloons, and polystyrene drink and food vessels," and other single-use plastic and polystyrene products were addressed in this sweeping reform in the fight against microplastics.” (European Council Newsroom). The program could phase out the printing of paper receipts or require that receipts be printed only upon specific customer request. This option was proposed recently in California, but failed to pass in the California Senate (Assembly Bill 161). Overall, the key concept behind this bill – stopping the automatic production of various wastes or materials unless specifically requested by the buyer – is taking hold in various forms across the country, as noted below for the Denver program. (See discussion below of Denver’s "Skip the Stuff" ordinance that places responsibility on consumers to ask to receive plastic cutlery when ordering take-out.)

II. WHAT OTHER COMMUNITIES ARE DOING

The following is a sample of ongoing and/or developing programs in other Colorado localities relating to the ban of plastic bags or other materials, or related material reduction efforts. Note that many communities have just begun to look at their options. These cities face the same issues as Lakewood regarding (1) how to implement and enforce the basic statewide program; and (2) the appropriate scope, breadth and impact of the waste reduction programs that could be implemented after the preemption ban is lifted in July 2024. Many, like Lakewood, have on their own initiative been studying ways of reducing waste or streamlining waste collection and handling.
In turn, several Statewide entities, including the Colorado Municipal League, Colorado Department of Public Health and Environment, Eco-Cycle Colorado, Recycle Colorado and others are continuing to bring communities together to share insights about their developing programs and to pool resources. City officials from the Sustainability Office, members of this Committee, and many others have been tracking and attending these outreach efforts. Critical to our findings and recommendations below is the need to track and report back to Council about these community developments and calibrate Lakewood’s program to same - while reaching out for public input from Lakewood-based and other stakeholders to best fashion our program.

**Communities Across Colorado**

“*Skip the Stuff*”

Passed by Denver City Council in 2021, the ordinance requires all retail food establishments to provide single use condiments or plastic ware by request only. It went into effect in Denver on January 1, 2022. This same ordinance was passed statewide in California and nationally by the food delivery companies UberEats, Postmates, Grubhub and DoorDash. This ordinance is particularly important in the wake of the COVID pandemic with 250-300% increase in disposable waste during the pandemic. According to Habits of Waste, Postmates reported a significant reduction in waste in 2019 claiming a reduction of 122 million plastic cutlery waste saving businesses $3.2 million Similar data from California is showing restaurants are saving between $3,000 and $21,000 per year. An attempt was made in January 2022 to pass a statewide version of this ordinance in Colorado (HB22-1134) but was unanimously postponed in February 2022.

Fort Collins Plastic Bag Ban ([Ordinance 26, 2021](#)) ([Ordinance 19, 2022](#))

Beginning May 1, 2022, large grocery stores will no longer provide plastic bags and will charge 10 cent fees for paper bags. Ft Collins, CO had originally banned single use plastic bags and imposed a 12-cent fee on paper bags split 50/50 with the retailer. After the Act was passed, changes to the ordinance have been proposed to calibrate it to the statewide Law. [Fort Collins to adjust plastic bag ban to align with Colorado law (coloradoan.com)](#).

Fort Collins’ ordinance was passed and vetted before the Statewide law was passed and did inspire some controversy. However, Fort Collins is not the first Colorado municipality to pass a plastic bag ban and/or fee. Below is a summary of the myriad of plastic bag bans or related programs or initiatives adopted by other Colorado localities (provided by Colorado Municipal League):
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Year</th>
<th>Code/Ordinance</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ban</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aspen</td>
<td>Plastic bag ban; 20 cent fee for paper; grocers only</td>
<td>2012</td>
<td>Chapter 13.24 of Municipal Code</td>
<td>Reusable Bag Webpage</td>
</tr>
<tr>
<td>Avon</td>
<td>Plastic bag ban; 10 cent fee for paper</td>
<td>2018</td>
<td>Chapter 8.38 of Municipal Code</td>
<td>Effective May 1, 2018</td>
</tr>
<tr>
<td>Breckenridge</td>
<td>Plastic bag ban; 10 cent fee for paper</td>
<td>2013/2021</td>
<td>Title 5, Chapter 12 of Municipal Code</td>
<td>Implemented fee in 2013, moved to ban 9/1/21</td>
</tr>
<tr>
<td>Carbondale</td>
<td>Plastic bag ban; 20 cent fee for paper; grocers only 3500 sq ft and larger</td>
<td>2011</td>
<td>Chapter 7 Article 7 of Municipal Code</td>
<td></td>
</tr>
<tr>
<td>Crested Butte</td>
<td>Plastic bag ban</td>
<td>2018</td>
<td>Ordinance 5 Series 2016</td>
<td>Plastic Bag Ban Webpage</td>
</tr>
<tr>
<td>Frisco</td>
<td>Plastic bag ban; 25 cent fee for paper</td>
<td>2019/2021</td>
<td>Ordinance 21-01</td>
<td>Implemented fee in 2019; moved to ban 9/1/21</td>
</tr>
<tr>
<td>Fort Collins</td>
<td>Plastic bag ban; 12 cent fee for paper; on large grocer only</td>
<td>2021</td>
<td>Ordinance 26 2021</td>
<td>Effective May 1, 2022</td>
</tr>
<tr>
<td>Ridgway</td>
<td>Plastic bag ban</td>
<td>2019</td>
<td>Ordinance 18-07</td>
<td></td>
</tr>
<tr>
<td>Telluride</td>
<td>Plastic bag ban all retailers; 10 cent fee for paper grocers only</td>
<td>2011</td>
<td>Chapter 7 Article 7 of Municipal Code</td>
<td></td>
</tr>
<tr>
<td>Vail</td>
<td>Plastic bag ban; 10 cent fee for paper; grocers only</td>
<td>2015</td>
<td>Title 5 Chapter 13 of Municipal Code</td>
<td></td>
</tr>
<tr>
<td><strong>Fee</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>10 cent fee for disposable bags; grocers only</td>
<td>2012</td>
<td>Ordinance 7870</td>
<td>Disposable Bag Fee Webpage</td>
</tr>
<tr>
<td>Denver</td>
<td>10 cent fee for disposable bags</td>
<td>2019</td>
<td>Chapter 48 Article 9 of Municipal Code</td>
<td>Effective July 1, 2021</td>
</tr>
<tr>
<td>Fraser</td>
<td>20 cent fee for disposable bags</td>
<td>2018</td>
<td>Chapter 7 Article 8 of Municipal Code</td>
<td></td>
</tr>
<tr>
<td>Community</td>
<td>Fee/Restriction</td>
<td>Year</td>
<td>Code</td>
<td></td>
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<tr>
<td>Nederland</td>
<td>10 cent fee for disposable bags</td>
<td>2015</td>
<td>Chapter 7 Article 7 of Municipal Code</td>
<td></td>
</tr>
<tr>
<td>Louisville</td>
<td>25 cent tax on disposable bags</td>
<td>2020</td>
<td>Title 3 Chapter 34 of Municipal Code</td>
<td>Effective Jan 1, 2022</td>
</tr>
<tr>
<td>Mountain Village</td>
<td></td>
<td>2020</td>
<td>Voluntary program implemented in 2020</td>
<td></td>
</tr>
</tbody>
</table>

**Communities Nationally**

A wide variety of initiatives have passed or are under consideration across the country relating to plastic bag bans and other restrictions. Because the LAC was not asked to delve into these programs, we provide only a brief overview here. The pros and cons of these initiatives have been extensively vetted, see: Positive and Negative Impacts of Existing Plastic Bag Bans | Factory Direct Promos; The Economic Effect of Plastic Bag Bans | NCPA (nepathinktank.org) and their merits debated. See: Plastic bag bans and fees can have unintended consequences (anthropocenemagazine.org). One source has compiled information about the status of bans nationally that may be useful for Council to review. See: State Plastic Bag Legislation (ncsl.org).

For those who have adopted bans or similar restrictions, there is a wide variety of options. Some cities let the retailers keep the entire fee (helps drive compliance) and some retain up to 50 to 100% which the cities then use for specific projects (river cleanups...) or supplying bags free to low-income families.

Some cities have implemented a learning or grace period after implementation to allow the retailers and population to adjust to new rules. Cities have posted signs in parking lots reminding shoppers to bring bags in. Others require that any bags that are sold have % recycled content or are not petroleum based but compostable. Most allow single use plastic at dry cleaners, small retailers (based on square footage or number of stores), and in the produce isles, meat and bread/pastry areas.

Philadelphia's link can be reviewed for those seeking an example of more detail on the type of information that could be provided to residents. The link includes all the sample signs and literature that retailers can post and a list of acceptable bags that can be used. Perhaps most importantly, the link describes how the entire roll out occurred, which will be a key decision point going forward for Lakewood.

IV. KEY STAKEHOLDERS

Identifying and obtaining input from key stakeholders is critical to refining the program and tailoring it to our unique community.

Key Stakeholders in the Creation of the Legislation

Colorado Representatives and Committees involved in the creation of the legislation include Prime Sponsors of HB21-1162 Rep. Alex Valdez, Rep. Lisa Cutter, Rep. Julie Gonzales, and Rep. Leroy Garcia. Gov. Jared Polis supported and signed the legislation into law. Colorado House and Senate Committees involved include the Energy & Environment Committee (House), the Finance Committee (House), the Appropriations Committee (House) the State, Veterans, & Military Affairs (Senate) and the Appropriations Committee (Senate).

Sustainability Advocates / Entities / Non-Profits

Entities such as the Lakewood Sustainability Office and the Lakewood Advisory Commission's (LAC) Sustainability Committee, as well as other sustainability and neighborhood groups across Lakewood, are key stakeholders in Lakewood’s implementation of HB21-1162. Many of these entities have in-depth experience on materials reduction issues.

Eco-Cycle Colorado, as one of the oldest and largest non-profit recyclers and Zero Waste organizations in the U.S., worked with legislators to draft, refine, and pass the Act. In a press release referencing the Fort Collins Ordinance 26, which phased out single-use plastic bags at large grocery stores beginning in May of 2022, Eco-Cycle Colorado noted that it was in good company in support of the new Law:

At the state level, a coalition of groups, including Eco-Cycle, Environment Colorado, COPIRG, Sierra Club, Inland Ocean Coalition, 350 Colorado, Green Latinos, and Good Business Colorado have been working with legislators to pass…HB21-1162" (Press Release - April, 2021)

Lakewood Community and Businesses/Office of Economic Development/Potential Opposition Groups

All members of the Lakewood community, from individuals to businesses, are definitely key stakeholders and should be intimately involved in upcoming conversations about the scope, enforcement, and practical limitations of this initiative. Their customers and the Lakewood citizens as a whole are similarly crucial to these discussions. On the economic front, the Lakewood Office of Economic Development (OED) should be integrally involved in the crafting and rollout of any
local program. OED should serve as both a sounding board for business and individual concerns and a clearinghouse for gathering data on the breakdown of businesses affected, and other information discussed in this proposal.

There was considerable citizen involvement and support for the law, with nearly 41,000 signatures from supporters across the state (YouTube - EcoCycle). Yet, plastic bag bans and related measures have sparked considerable concern both in Fort Collins and nationally, and waste handling issues in Lakewood have often brewed controversy among citizens and businesses. Locally and nationally, a number of opposition groups have raised serious concerns about plastic bag and other bans, citing such issues as economic and equity imbalances in imposing flat fees, unexpected environmental downsides, and intrusion of government into everyday lives. Among groups that may emerge in Colorado to voice such objections are the American Recyclable Plastic Bag Alliance and the Colorado Union of Taxpayers Foundation. Every effort should be made to seek input from groups that may object to any form of expansion of the State program in Lakewood and to make sure that Council is fully informed of all viewpoints.

When thinking about businesses, understanding which stores and locations are impacted by the legislation and where these are concentrated could guide future outreach campaigns. Data should be compiled to ensure that those stores initially covered by the statewide Act, and those potentially included in the Lakewood program, are well represented. Having a breakdown of these businesses and the revenue stream that will be generated by large stores alone (vs all stores) would be very helpful. Such data could also better inform where support might be needed (for example, providing community members with reusable bags). Another example of business involvement efforts might be using some of the bag fees to provide free, reusable bags with a “Lakewood Cares” or similar logo to mitigate concerns about the cost and burden of these new rules.

The business reach-out effort should also engage small shop owners. Only businesses impacted by the legislation will receive a portion of funding during the time when the bag fee is in effect. For this and other reasons, smaller businesses not covered by the State ban may favor applying the program uniformly to all stores and restaurants when the Lakewood program comes into play. They may even want to opt-in to plastic and polystyrene reduction voluntarily, before the various bans take place. The public opinion and other outreach efforts should account for these options and solicit broad input from the range of businesses operating in Lakewood.

Lakewood Schools

Lakewood schools will also be affected, as the cost of replacing foam packaging is projected to result in an increase of $5.80 per child per year (CPR - Ban on single-use plastics). Yet, schools and our Colorado youth generally were among the many advocates supporting this Act and will doubtlessly want a strong voice in how it is rolled out and potentially expanded at schools going
forward. In fact, in 2020, fifth graders at the South Lakewood Elementary School, aka, “The Styrofoam Stoppers” successfully eliminated the use of Styrofoam lunch trays in their school lunchroom as well as provided a catalyst for Jeffco Public School District to eliminate Styrofoam trays from all Jeffco Public School lunchrooms. This was accomplished by thorough research into the negative impacts of Styrofoam to human health and the environment and by developing a multimodal communication strategy to effectively educate community leaders, Jeffco School District employees, and the public. For their efforts, the Styrofoam Stoppers received a “Defenders of the Planet” sustainability award. See: https://yourhub.denverpost.com/blog/2020/06/winners-of-lakewood-2020-sustainability-awards/264810/

**Recycling, Composting, and Waste-Diversion Groups**

Recycling, composting, and waste diversion entities across Lakewood will be impacted greatly by this process and will be key stakeholders. Lakewood has a wide variety of groups leading the discussion on these issues and/or providing these services, some of whom could receive funding from the 60 percent share allotted to Lakewood to use for public outreach and research.

Perhaps the most important stakeholder group in this category is Recycle Colorado, a non-profit group which has taken the lead in organizing outreach efforts to trade ideas and insights on current programs and the rollout process. Lakewood should continue to stay closely involved in this process and use the statewide information gathering and exchange process as a vehicle to ready our community for both the interim bans and the full Lakewood program that can be implemented starting in July 2024.

**Municipal and County Groups**

Among the many active local government groups tracking this new Law is the Colorado Municipal League (‘CML”), which has compiled the above tracking list and is integrally involved in the implementation steps that Lakewood and so many other cities and counties now face. These groups are not only key stakeholders but important resources going forward on a variety of waste issues, see: https://www.cml.org/docs/default-source/colorado-municipalities/cml_magazine-vol-97-no-4-october-lr.pdf?sfvrsn=e4f8f274_2

**V. NEXT STEPS**

The initial assignment to the LAC did not specifically request recommendations on how to proceed with this program. Yet, to best serve the Council and other interested parties, and to provide the benefit of our research to date on this project, we close with some ideas for next steps.

First and foremost, a key next step in Lakewood is an education, outreach, and stakeholder input process focused on Lakewood’s unique community and business ecosystem. The Lakewood OED
should be integrally involved in these efforts. The outreach should both inform the public on the basic statewide provisions that will be applied in January 2023 and January 2024 and gather information for possible Lakewood-specific programs starting in mid-2024.

While gathering input from local and other stakeholders, the LAC Committee and City staff should continue to interact with key implementing parties such as CML, Recycle Colorado, Eco-Cycle and various city and county leaders to build on what other communities are doing. The same process that we face in Lakewood will be rolled out by a number of other communities, and Lakewood need not reinvent the wheel in considering available options. Drawing upon the variety of different outlets described above, we can fashion any Lakewood program to account for the practicalities and economics of limiting material usage while maximizing environmental benefits.

Towards this end, we recommend that the Council set a specific check-in date for the next update to be jointly presented by the LAC, the above noted stakeholders, and Sustainability and OED staff. This report would cover the status of the rollout of the statewide program, input from public to date, and specific alternatives and measures that might be added to or built into the July 2024 Lakewood program. The group should also report on (1) further data availability, such as the percentage of businesses in Lakewood that would be covered by the statewide law; (2) revenue sources and timing; (3) enforcement options; and (4) the number of small stores and restaurants that would be captured if the program were expanded.

Beyond these key next steps, here are a few potential themes that might shape the new program in Lakewood:

1. **Begin collecting plastic bag fees in 2023 to support outreach efforts.** The fees collected on plastic bag use are specifically earmarked for outreach and education, beyond funding the administrative and other costs of implementing the initial statewide ban. There is some uncertainty in the timing and amount of funds that will be generated. CML, after consultation with many cities and based on their integral involvement in the Act, has taken the view that the April 1, 2024 date by which stores must remit fees is just the last date that such payments can begin - but individual localities can begin collecting fees sooner. This approach is supported by the clearly local emphasis on enforcement expressed in the Act, and Lakewood should begin to gear up now for administration and collection efforts, perhaps by hiring a specific employee to help the Sustainability Office and OED with all aspects of this program. At the same time, an attempt should be made to estimate and quantify the total amount of fees that the City will collect. Lakewood can then decide over the course of 2023 on how to use these funds to both educate its citizens and involved businesses and fund creative ways (such as onsite polling) to obtain input from the community. When Fort Collins rolled out its program in May 2022, some complained that there had been no information campaign, little to no community awareness prior to roll out date and no reusable bag incentive. The result was that a number of annoyed,
inconvenienced consumers voiced opposition to the measure. Lakewood should learn from this experience and begin its rollout process now to ensure there is ample time for feedback and development of the program.

2. **Use plastic bag fees to support other creative programs adopted by Colorado cities.** The cities of Boulder and Golden have offered rebates to help restaurants move away from environmentally harmful materials like polystyrene or styrofoam take-out containers to recyclable or compostable containers. Boulder provides a subsidy of up to $1,000 (out of $83,000 total) for each restaurant in the city to purchase recyclable and compostable containers and utensils from a city-approved list at a local supplier. The subsidy has helped 83 restaurants and is paid from the city’s trash tax revenue. The city also partners with Boulder County to provide zero waste advisors who work with restaurants to explore alternative container options. The City of Golden offers a rebate to restaurants for the purchase of compostable take-out containers of $250 with proof of purchase. The rebate covers $0.08 per compostable unit over polystyrene containers.

3. **Consider a program similar to Denver’s ‘Cut the Cutlery’ ordinance which utilizes the concept that only where a consumer specifically requests an item, is it provided.** While this approach did not gain traction in the 2022 statewide legislative session, it did pass in Denver. It has also been adopted by many service companies and other cities.

4. **Explore bans/fees on other types of single use containers, labels or other one time uses.** The lifting of the preemption ban signaled that the state is asking individual localities to take the lead in deciding what materials are no longer needed in their community and find ways to phase them out. Lakewood should solicit wide input on the range of materials used routinely, then discarded, in our community, that could be curtailed or phased out over time.

5. **Track other emerging waste trends.** Two other related initiatives will inform all parties on how to implement the single use ban and should be closely tracked: (1) On June 2, 2022, Gov. Jared Polis signed HB22-1355, making Colorado the third state to pass an extended producer responsibility law for packaging. Producers of packaging and printed paper will fund and operate the program, and dues will be used to finance a statewide recycling program. (2) In 2019, the Colorado Legislature approved the Front Range Waste Diversion through SB19-192, which created the program and enterprise fund to collect funds from an increase in user fees at Front Range landfills. The program provides grants, technical assistance, and outreach and education to Front Range communities to increase recycling, composting, and waste reduction efforts.
LAKEWOOD’S OPTIONS TO IMPLEMENT PLASTIC BAG LAW

Presented by:
Lakewood Advisory Commission
Sustainability Subcommittee
December 19, 2022
OVERVIEW

- Statewide Act Passed in 2021 (one of several statewide laws designed to address Colorado’s poor waste diversion rate)
- Requirements Come in Phases
- Covers More Than Plastic Bags; Encourages Broad Approach
- Lifts Preemption Bar - Wide Discretion Afforded to Cities
1. January 1, 2023 - Minimum 10 cent/bag charge for *single use* paper or plastic at covered locations

2. January 1, 2024 - Statewide ban at covered locations on (1) single use plastic bags (paper still subject to fee); and (2) polystyrene cups/containers at restaurants and schools

3. July 1, 2024 - Preemption ban lifted
KEY EXCEPTIONS

- Stores with fewer than three locations
- Drugs/sanitary/dietary uses
- Food assistance program customers

USE OF FUNDS & ENFORCEMENT

- 60% Lakewood; 40% stores
- Glitch in collection date language leaves uncertainty in startup
- Monies for administrative or waste diversion/education programs
- Enforcement left to localities; no provision for state enforcement
WHAT OTHER COMMUNITIES ARE DOING

- Not new - wide variety of state and national initiatives
- Chart included in report detailing Colorado city programs
- Many Colorado cities facing same startup issues as Lakewood
- CML/EcoCycle helping localities coalesce and organize - evolving process
- Ultimately final program is up to Lakewood
LAKEWOOD’S OPTIONS

- Basic Statewide Minimum Program
- Extend to other locations/stores
- Ban other materials, such as other polystyrene or single use materials
- Educate/stage in other processes
- Adopt “Skip the Stuff” type program
Key Stakeholders

- Sustainability Advocates / Entities / Non-Profits
- Lakewood Community and Businesses/Office of Economic Development
- Potential Opposition Groups
- Lakewood Schools
- Recycling, Composting, and Waste-Diversion Groups
- Municipal and County Groups
SUGGESTIONS/NEXT STEPS

- Education/outreach/follow CML and other networks
- Track milestones - periodically check in with Council
- Start collecting fees now - fund support, staffing and other programs
- Stakeholder outreach - especially to businesses
- Consider “Cut the Cutlery / Skip the Stuff” campaign or ordinance
SUMMARY STATEMENT: This presentation is to provide City Council information on Lakewood’s plan to implement HB21-1162, which has been codified at C.R.S. § 25-17-501, et seq., also known as the “Plastic Pollution Reduction Act (“the Act”).

BACKGROUND INFORMATION: The Plastic Pollution Reduction Act is a state mandated law that is administered and enforced by local governments. The purpose of the law is to limit the use of single-use plastic carryout bags and expanded polystyrene products. The Act takes effect in phases.

1. On January 1, 2023, the Act imposes a minimum fee of 10 cents per bag on all recycled paper carryout bags and single-use plastic carryout bags that stores, and certain retail food establishments provide to customers.
   a. The Act allows local governments to increase the 10-cent fee by ordinance or resolution if so desired...
2. From January 1, 2024, until June 1, 2024, the Act prohibits stores and certain retail food establishments from providing customers with single-use plastic carryout bags unless the single-use plastic carryout bags were within their inventory on January 1, 2024. If provided during this timeframe, the single-use plastic bags are still subject to the ten cent per bag charge.
3. Beginning January 1, 2024, it is the Act’s intent that stores provide only recycled paper carryout bags, which are still subject to a 10-cent per bag fee, subject to the exception discussed in number 2 above.
4. Starting January 1, 2023, the Act requires stores and certain retail food establishments to begin collecting the ten-cent bag fee, however, these entities are only required to begin remitting the bag fee on a quarterly basis starting April 1, 2024.
   a. Stores and retail food establishments are to remit 60% of the collected fee directly to the City, while retaining the remaining 40%.
5. Beginning January 1, 2024, the Act also creates a statewide ban on retail food establishments’ use of expanded polystyrene products, commonly known as Styrofoam, as a container for ready-to-eat food.
6. Beginning July 1, 2024, Lakewood may enact, implement, or enforce any ordinance, resolution, rule, or charter provision that is as stringent as or more stringent the state mandate.

- **ADDITIONAL INFORMATION** For the purposes of the Act, a “store” a retail establishment at which carryout bags are traditionally provided to customers including grocery stores, supermarkets, convenience stores, liquor stores, dry cleaners, pharmacies, drug stores, clothing stores, farmers markets, roadside markets or stands, festivals, or other temporary vendor or event that includes temporary vendors.

- Small stores, which are stores that operate solely in Colorado, have three or fewer locations in the state, are not part of a franchise, corporation, or partnership and have no physical locations outside of the state are exempt from the Act, which means they may continue to provide single-use plastic carryout bags without collecting the 10-cent bag fee.

- For the purposes of the Act, restaurants are not considered “retail food establishments,” and are therefore also not subject to the Act’s restrictions.

- The carryout bag fee also does not apply to customers that participate in a Federal or State Food assistance program.

- Per the Act, the following are not considered “carryout bags”:
  1. A bag made of paper when the paper has a basis weight of thirty pounds or less.
  2. A bag that a pharmacy provides to a customer purchasing prescription medication.
  3. A bag that a customer uses inside a store to package loose bulk items, small hardware items, live insects, fish, crustaceans, mollusks, or other small species, bulk seed, bulk livestock feed, or bulk pet feed.
  4. A laundry, dry cleaning, or garment bag.

- When Lakewood receives its 60% share of the bag fee, the City is to use the money to pay:
  o Its administrative and enforcement costs incurred as a result of the Act; and
  o For any recycling, composting, or other waste diversion programs and related outreach and education activities.

- The Act allows Lakewood to enforce a violation against a store or retail food establishment in the manner that the City chooses, which can take the form of an ordinance specifically laying out the enforcement mechanism of the City’s choice.

**BUDGETARY IMPACTS:** The Act will result in additional revenue from the remittance of 60% of the fee that is required to be collected, though the money must be spent as discussed above.

**STAFF RECOMMENDATIONS:** Staff recommends City Council provide any specific Act-related questions in advance, so thoughtful answers may be researched and responded to suitably. Staff also recommends that City Council pass an ordinance to Amend Title 3 of the
Lakewood Municipal Code to exempt the bag fees from the City’s sales and use tax requirements. Staff plans on presenting such an ordinance for first reading on January 9, 2023.

ALTERNATIVES: N/A

PUBLIC OUTREACH: This item was promoted through the regular communication channels for items that come before the City Council.

NEXT STEPS: City Council must decide whether to pass any Act-related ordinances.

ATTACHMENTS: Plastic Pollution Reduction Act Power Point Presentation

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney
Plastic Pollution Reduction Act (HB 21-1162)
Agenda

ABOUT PLASTIC POLLUTION REDUCTION ACT

BAG FEE REMITTANCE

COMMUNICATION

QUESTIONS
About the Plastic Pollution Reduction Act
Plastic Pollution Reduction Act

• State mandated law that is administered and enforced by the city.
• The purpose is to limit the use of single-use plastic carryout bags and expanded polystyrene products to mitigate the harmful effects on our state’s natural resources and our environment that result from disposing of these products in our landfills.
## Plastic Pollution Reduction Act Phases:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 2023</td>
<td>A store may provide a customer with recycled paper or single-use plastic carryout bags at the point of sale only if the customer pays a bag fee of 10 cents per bag.</td>
</tr>
<tr>
<td>January 1, 2024</td>
<td>A store may no longer provide plastic carryout bags, unless the plastic bags were in the stores’ remaining inventory on January 1, 2024 (this exception expires on 6/1/2024). Recycled paper carryout bags can be provided at point of sale with a bag fee of 10 cents per recycled paper bag.</td>
</tr>
<tr>
<td>January 1, 2024</td>
<td>A retail food establishment shall not distribute an expanded polystyrene “Styrofoam” product for use as a container for ready-to-eat food. A retail food establishments may distribute any remaining inventory until the inventory is depleted.</td>
</tr>
<tr>
<td>July 1, 2024</td>
<td>Lakewood may add provisions that are more stringent than the Act.</td>
</tr>
<tr>
<td>At Anytime</td>
<td>Lakewood may raise the fee amount by ordinance or resolution.</td>
</tr>
</tbody>
</table>
Carryout bags that are subject to the 10¢ fee?

• A bag that is furnished to a customer at a store, at the point of sale for use by the customer to transport or carry purchased items.

• A carryout bag is not:
  • Light weight paper bag (like a paper lunch bag)
  • A bag for prescription medications (paper or plastic)
  • A bag a customer uses inside a store to hold items such as vegetables, meats and other items.
  • A bag provided to a participant in a federal or state food assistance program.
  • Laundry, dry cleaning, or garment bag
What stores will be affected?

Stores which carryout bags are traditionally provided to customers.

- Grocery
- Convenience store
- Liquor store
- Drug store
- Clothing store
- Farmers market
- Temporary vendor
- Small stores are not included
  - Store with 3 or fewer locations in the state & not part of a franchise, corporation, or partnership located outside the state
How are retail food establishments affected by the law?

• Starting January 1st, 2024

• Retail food establishments, including restaurants, shall not distribute expanded polystyrene “Styrofoam” products for use as a container for ready-to-eat food.

• “Container” includes hinged food containers, plates, bowls, cups, and trays.

• Restaurants are not subject to the bag fee
Bag Fee Remittance
Remittance of the Bag Fee

• STORES WILL RETAIN 40% OF THE FEE
  • The fee does not count as revenue for the purpose of calculating sales tax

• STORES WILL REMIT 60% OF THE FEE TO LAKEWOOD QUARTERLYLY
  • Remittance is required starting 2\textsuperscript{nd} quarter 2024
  • Lakewood will have system ready to collect starting 2\textsuperscript{nd} quarter 2023
The bag fee shall be used to pay

**Administrative and Enforcement Costs**
- Software
- Personal

**Recycling, Composting, or Other Waste Diversion Programs and Related Outreach and Education Activities**
- 2023 Promotion and Education
- Determine areas that will serve the community
Communication
Communication Plan

- Consulting with other communities
- Phased Communication:
  - 1st Phase
    - Bring your own bag
    - Education
    - Support businesses
  - 2nd Phase
    - Continuing changes from the law
    - Investment with fees collected
- Potential strategies for outreach:
  - Kickoff event
  - Website with link for residents and link for businesses
  - Series of bag giveaway events
  - City communication channels
Ordinances

• **EXEMPT BAG FEE FROM LAKEWOOD’S SALES & USE TAX**

• **CITY COUNCIL TO DECIDE ON WHETHER THE CITY NEEDS AN ORDINANCE FOR PLASTIC POLLUTION REDUCTION ACT.**

  **ENFORCEMENT & PENALTIES**

  • Lakewood may enforce a violation against a store or retail food establishment in the manner that the local government chooses.
Questions
STAFF MEMO

DATE OF COUNCIL STUDY SESSION: DECEMBER 19, 2022/ AGENDA ITEM NO. 6

To: Mayor and City Council

From: The Executive Committee of the Lakewood Advisory Commission
       Jay Robb, City Clerk, 303-987-7081

Subject: ANNUAL UPDATE FROM THE LAKEWOOD ADVISORY COMMISSION

SUMMARY STATEMENT: The update from the Lakewood Advisory Commission (LAC) is an annual presentation to City Council by the Officers of the Executive Committee. This presentation will highlight the LAC’s accomplishments for 2021 and 2022.

BACKGROUND INFORMATION: This will be a virtual presentation from LAC Chair Kate McBride.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: Staff recommends that City Council provide any specific questions in advance to allow for thorough and thoughtful responses to be prepared.

ALTERNATIVES: No action is being requested and the presentation is informational only.

PUBLIC OUTREACH: This meeting was advertised through the normal channels. Additionally, this presentation has been discussed and presented in public, LAC meetings.

NEXT STEPS: No specific next steps have been identified.

ATTACHMENTS: PowerPoint Presentation

REVIEWED BY: Kathleen E. Hodgson, City Manager
               Benjamin B. Goldstein, Deputy City Manager
               Alison McKenney Brown, City Attorney
INTRODUCTION

- The Advisory Commission for an Inclusive Community (ACIC) was established in 2007
- The name was changed to Lakewood Advisory Commission (LAC) in 2018
- Over 15 years, the LAC has completed over 80 assignments

MISSION

To support Lakewood as a vibrant and inclusive community, the LAC shall be an advocate and informed voice for the community by providing research and recommendations on local issues to the City Council.
COMMISSIONERS

**Civic Awareness**
Karen Morgan*
Karen Goldman

**Diversity**
Fernando Rocha*
Sarah Griffin
Lisa Johnson
Glenda Sinks

**Neighborhoods**
Jamie Fletcher*
Sarah Foster
Rena Fowler
Floy Jeffares
Marie Venner

**Sustainability**
Andrea Gelfuso-Goetz*
Bernhard Barthel
Roger Freeman
Elisabeth Moolenaar
Karen Sweeney-Tucker
Glenn Weadock
Nate Wightman

*COMMITTEE CHAIR.

**Officers**
Kate McBride, Chair
Kip Kolkmeier, Vice Chair
Dave Rein, Secretary
We welcomed **13 new commissioners** in 2022

We expect to start with **22 commissioners*** in 2023

- Two commissioners have reached their term limit, having served two 3-year terms
  - Bernhard Barthel, Sustainability Committee
  - Dave Rein, LAC Secretary and Neighborhoods Committee
- Andrea Gelfuso-Goetz, Sustainability Committee (5 years) will be departing for a sabbatical

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*18 CURRENT COMMISSIONERS, PLUS 4 PENDING APPLICANTS WHO MET WITH THE SCREENING COMMITTEE IN DECEMBER 2022 AND ARE SCHEDULED FOR APPOINTMENT IN JANUARY 2023.
# 2021 COMPLETED ASSIGNMENT PRESENTATIONS TO CITY COUNCIL

<table>
<thead>
<tr>
<th>SUSTAINABILITY</th>
<th>SUSTAINABILITY</th>
<th>NEIGHBORHOODS</th>
<th>CIVIC AWARENESS</th>
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<tbody>
<tr>
<td>Renewable Energy Mitigation Program (REMP)</td>
<td>Fishing Line Disposal</td>
<td>Civility in Lakewood</td>
<td>COVID-19 Small Business Impact</td>
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<tr>
<td>Completion/presentation February 8</td>
<td>Completion/presentation February 8</td>
<td>Completion/presentation February 8</td>
<td>Completion/presentation April 19</td>
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<table>
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<tr>
<th>DIVERSITY</th>
<th>CIVIC AWARENESS</th>
<th>SUSTAINABILITY</th>
<th>NEIGHBORHOODS</th>
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<tr>
<td>Research that led to the Diversity Subcommittee</td>
<td>Unsafe Driving Awareness</td>
<td>Vehicle Anti-Idling</td>
<td>Kids and Seniors</td>
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<tr>
<td>Completion/presentation April 19</td>
<td>Completion/presentation April 19</td>
<td>Completion/presentation October 18</td>
<td>Completion/presentation October 18</td>
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</table>

Ordinance O-2021-20 passed and adopted July 26, 2021
## 2022 WORK IN PROGRESS

<table>
<thead>
<tr>
<th>Committee</th>
<th>Assignment</th>
<th>Status</th>
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<tbody>
<tr>
<td>SUSTAINABILITY</td>
<td>Plastic Bags</td>
<td>Presented December 19</td>
</tr>
<tr>
<td>NEIGHBORHOODS</td>
<td>Neighborhood Links/Connect Lakewood</td>
<td>Final draft, preparing for reviews</td>
</tr>
<tr>
<td>SUSTAINABILITY</td>
<td>Turf Replacement/Water Conservation</td>
<td>Final draft, preparing for reviews</td>
</tr>
<tr>
<td>NEIGHBORHOODS</td>
<td>Safer Streets</td>
<td>In committee</td>
</tr>
<tr>
<td>DIVERSITY</td>
<td>Women/Minority-Owned Businesses</td>
<td>In committee</td>
</tr>
</tbody>
</table>
OTHER ACCOMPLISHMENTS

LAC Policies and Procedures

First-ever version drafted and approved

LAC Flyer

Developed an informational tri-fold brochure to share with interested residents at community events like the Earth Day celebration.
AMBASSADOR PROGRAM

Commissioners attend, watch, or listen to meetings and report on topics relevant to the City of Lakewood

Jefferson County Open Space Advisory Committee

Jefferson County Board of Commissioners

Jeffco Public Schools Board of Education

Regional Air Quality Council
REVIEW COMMITTEE PARTICIPATION

- Lakewood Community Grant Program (2022, 2021)
  - Multiple commissioners served as grant application reviewers
- Mayor’s Inspiration Awards (2022)
  - Commissioner served as nomination reviewer
- Previous years
  - COVID-19 Nonprofit Impact Grants
  - Sustainability Awards
ATTEND AN LAC MEETING
RESIDENTS ARE INVITED AND ENCOURAGED TO ATTEND!

- Meetings are held on the third Wednesday of each month
  - Committee meetings
  - Full commission meeting

- Agendas and additional details are available at [LakewoodSpeaks.org](http://LakewoodSpeaks.org)
THANK YOU!
APPENDIX
WHERE DO THE COMMISSIONERS LIVE?

JANUARY 2022

N=22

- Ward 1: 27%
- Ward 2: 0%
- Ward 3: 9%
- Ward 4: 37%
- Ward 5: 27%
WHERE DO THE COMMISSIONERS LIVE?

DECEMBER 2022

- Ward 1: 47%
- Ward 2: 5%
- Ward 3: 5%
- Ward 4: 19%
- Ward 5: 24%

N=21
WHERE DO THE COMMISSIONERS LIVE?
JANUARY 2023

N=18. This does not include Ward information for the 4 new applicants who met with the Screening Committee and are scheduled for Council’s consideration in January 2023.
STAFF MEMO

DATE OF COUNCIL STUDY SESSION: DECEMBER 19, 2022/ AGENDA ITEM NO. 7

To: Mayor and City Council

From: The Executive Committee of the Lakewood Advisory Commission
       Jay Robb, City Clerk, 303-987-7081

Subject: DISCUSSION ON POLICIES AND PROCEDURES OF THE LAKEWOOD ADVISORY COMMISSION

SUMMARY STATEMENT: Attached is a memorandum from the Executive Committee of the Lakewood Executive Commission (LAC) that outlines changes implemented by the LAC, as well as additional recommendations for Council to consider. It is the intent of the LAC that these recommendations will improve how the LAC can serve the City Council for the benefit of the City, the Council and the LAC.

BACKGROUND INFORMATION: Council Member Shahrezaei requested the Lakewood Advisory Commission (LAC) to assess current practices with the goal of improving how the Commission can better serve the City Council.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: That the City Council take the recommendations from the LAC into consideration.

ALTERNATIVES: That the City Council does not take any action related to the attached recommendations from the LAC.

PUBLIC OUTREACH: This meeting was advertised through the normal channels. Additionally, this project has been discussed and presented in public, LAC meetings.

NEXT STEPS: If any recommendations are accepted by the City Council, they may need to be reflected through amendments to the LAC’s policies and procedures or Chapter 2.56 of the Lakewood Municipal Code which guides how the LAC operates.

ATTACHMENTS: Memorandum from the LAC Executive Committee

REVIEWED BY: Kathleen E. Hodgson, City Manager
               Benjamin B. Goldstein, Deputy City Manager
               Alison McKenney Brown, City Attorney
Introduction
On behalf of the Commissioners of the Lakewood Advisory Commission, we want to express our appreciation to the Mayor and City Council for this study session to discuss ways in which the Commission can better serve the City Council. We have our officers and many Commissioners joining tonight to respond to questions you might have, but we thought it might be useful to offer a few specific suggestions for Council to consider.

1. **Reduction in the Size of the Commission.** We have had difficulty recruiting new commissioners, and we know the Council has had to dedicate significant time to screening new applicants. To address both concerns, we would suggest that the total number of commissioners be reduced from 30 to 25 members.

2. **Streamline Reappointment of Commissioners in Good Standing.** All appointments are of course entirely up to Council. Currently, Commissioners are appointed for an initial three year term, and may reapply for a second three year term. A Commissioner seeking reappointment must go through the entire process including a new application and a second council screening interview. We suggest that when Council is considering reappointments, if the Commissioner is in good standing, the Council should not require an entirely new application and a second screening interview. Whether to actually reappoint or not would remain entirely dependent on a vote of Council.

3. **Clarify Process for Project Assignments and Project Completion.** The LAC primarily exists to do research for the benefit of the City Council. We want to give you what you need, and more importantly, what you asked for. We would suggest that project assignments be sent to the LAC in a more formal way and with greater specificity. Ideally, a proposed assignment would be detailed in a form similar to the current Request for Legislative Modification form, then summarized in a brief motion, and approved by a vote of Council. Like any motion, it’s up to someone on Council to suggest the original wording of the assignment, then you all are free to discuss and amend that wording, and ultimately approve or not. The combination of a written summary and formal action would ensure LAC better understands what Council wants and can then deliver on that request. Similarly, when a project assignment is completed and presented to Council, we suggest Council formally acknowledge receipt and completion. What, if anything, Council chooses to do with the information remains entirely in Council’s hands. Depending on the project, Council might instruct city staff to take some action to implement recommendations, or prepare for consideration some legislative change, or formally reject part or all of the recommendations. But whatever Council chooses to do, the project would be deemed completed.

4. **Improve Communication between Council and LAC.** Currently, LAC provides an annual report to Council and presents the product of individual assignments. Council already commits an enormous amount of time to public presentations. We do not suggest adding to your public hearing agendas. However, it might be useful if LAC
provided more written updates to Council regarding the status of projects and requests for more guidance from Council on those projects. These reports could be quarterly, monthly, or simply on an “as needed basis”. Regardless of the frequency, reports would be another way to ensure we are doing what Council wants and needs.

In addition to these suggestions for Council to consider, we have also implemented changes ourselves that we think will be helpful.

1. **Exit Interviews.** We have lost so many commissioners in the last two years, we are now conducting exit interviews regarding Commissioner experience and the reasons that Commissioners have resigned or not reapplied.

2. **Policies and Procedures.** LAC has, for the first time, adopted a set of Policies and Procedures to better organize our internal process, ensure transparency, and establish a code of conduct that not only requires compliance with City codes but also encourages civil discussion.

3. **Communication with City Staff.** Without limiting in any way what a volunteer commissioner can do in their capacity as a private resident, we now require all communications to City Staff by a LAC commissioner regarding LAC assignments to be routed through the City Clerk’s office.

4. **Expand Commissioner Project Opportunities.** Finally, while we do ask Commissioners to select a primary subcommittee, we encourage all Commissioners to follow their interests and expertise by working on assignments from any committee.

**Summary**

We believe both the changes we have implemented and the recommendations for Council to consider, will benefit the City, the City Council and LAC. We would be happy to answer any questions you might have, and of course encourage your thoughts on how LAC can better serve the City Council.