DRAFT LR32.019

AN ORDINANCE ESTABLISHING A CONSERVATION COMMISSION OF THE CITY OF STAMFORD AND AMENDING CODE OF ORDINANCE SECTION ARTICLE V. - ENVIRONMENTAL PROTECTION BOARD

WHEREAS, the Stamford 2035 Comprehensive Plan emphasizes the protection of environmental quality and the enhancement of the City's climate resilience, and specifically recommends the establishment of a Conservation Commission to guide policy and planning in these areas; and

WHEREAS, the establishment of such a Commission will advance climate action across the city, with particular attention to environmental justice, accountability in achieving sustainability and climate goals, and the creation and ongoing evaluation of a municipal Climate Action Plan; and

WHEREAS, the creation of an independent Conservation Commission will enable the city to leverage community knowledge, collaborate with nonprofit and regional partners, and provide technical input and recommendations to land use boards and the Board of Representatives on matters of natural resource protection, environmental health, and climate adaptation; and

WHEREAS, Governor Ned Lamont issued Executive Order No. 21-3, requiring state agencies to lead by example in decarbonization and resilience efforts, and encouraging municipalities to align with the state's climate action goals; and

WHEREAS, the 31st Board of Representatives reinforced this commitment through Resolution 4130, urging action to curb greenhouse gas emissions in response to the United Nations Intergovernmental Panel on Climate Change's warnings; and Mayor Caroline Simmons issued Executive Order EO_005_230417_Climate, directing the Administration and all City Departments and Agencies to implement sustainability initiatives; and municipalities across Connecticut and the United States have established conservation commissions to provide expertise, community engagement, and inter-agency coordination in natural resource management, open space protection, and environmental planning; and

WHEREAS, pursuant to Code of Ordinances, Article V., the Environmental Protection Board of the City of Stamford currently exercises the powers of a conservation commission pursuant to General Statute § 7-131a; and

WHEREAS, it is deemed to be in the best interests of the city to establish a new Conservation Commission and to transfer all powers and duties previously exercised by the Environmental Protection Board under C.G.S. § 7-131a to said Conservation Commission; and

WHEREAS, Code of Ordinances, Article V., Sec 6-21 A. refers to the Environmental Protection Board as the city's aquifer protection agency pursuant to General Statutes § 22a-354 et seq.; and

WHEREAS, Code of Ordinances, Article X, entitled Aquifer Protection Agency, designates the city's Zoning Board as the Aquifer Protection Agency of the City of Stamford; and

WHEREAS, Code of Ordinances, Article V., was adopted on June 3, 1974, and Article X was adopted on November 6, 1991, with the intention of transferring all powers and duties previously exercised by the Environmental Protection Board as an aquifer protection agency to the Zoning Board; and

WHEREAS, it is necessary to clarify that the city's Zoning Board exercises the authority to act as the city's Aquifer Protection Agency by removing all references to the Environmental Protection Board as the city's Aquifer Protection Agency from Article V.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

ARTICLE V., Secs. 6-19, **6-21,** and **6-23** of the City of Stamford Code of Ordinances are hereby amended to remove all references to Connecticut General Statutes § 7-131a, to eliminate the authority of the Environmental Protection Board to act as the city's Conservation Commission, **Sec 6-21 A**. is amended to remove all references to the Environmental Protection Board as city's the Aquifer Protection Agency, and **ARTICLE VI., Sec. 6-28** establishing the Conservation Commission is hereby created as follows**:**

ARTICLE V. - ENVIRONMENTAL PROTECTION BOARD

Sec. 6-19. - Title; purpose.

A. This Article shall be known as the "Environmental Protection Ordinance" of the City of Stamford.

B. The following provisions of the Inland Wetlands and Watercourses Act, Public Act 155, 1972, as amended by Public Act 571, 1973, Section 22a-36 et seq. of the Connecticut General Statutes for the protection, regulation and acquisition of inland wetlands and watercourses within the city and Section 25-84 *et seq*. of the Connecticut General Statutes for the adoption of a Municipal Flood and Erosion Control Board shall apply to the City of Stamford.

Sec. 6-21. - **Creation; membership; budget.**

A. There is hereby created the Environmental Protection Board, hereinafter referred to as the "Agency" and it is hereby authorized to act as the Inland Wetlands Agency, and the Flood and Erosion Control Board.

B. Membership.

(1) The Agency shall consist of five (5) members, not more than three (3) of whom shall be registered members of the same political party, and they shall elect from among

themselves a Chairperson and Vice-Chairperson. In addition, there shall be three (3) alternates, who shall sit as members when necessary to bring the Board to full complement, one (1) of whom shall serve a term which expires January 1, 1987, one (1) of whom shall serve a term which expires January 1, 1988, and one (1) of whom shall serve a term which expires January 1, 1989. Thereafter, alternates shall be appointed for a term of three (3) years. No more than two (2) alternates shall be registered members of the same political party.

(2) Initially, five (5) members shall be appointed, two (2) of whom shall serve a term which expires December 1, 1975, two (2) of whom shall serve a term of three (3) years or to fill the unexpired term of any member who leaves the Agency. In the event that a successor is not named to fill an incumbent's position at the end of a term, said incumbent may continue in office until a successor is appointed by the Mayor.

(3) Appointment of Agency members shall conform to the Charter of the city, except as otherwise provided by this Article.

(4) The Board of Representatives shall have the power to investigate the agency in accordance with Sec. C2-10-2(12) of the City Charter. Thereafter, members of the Agency may be removed by a majority vote of the Board of Representatives for inefficiency, neglect of duty, or malfeasance in office.

(5) The City Engineer, Planning Board Director, and Chairman of the Planning Board shall be members ex officio of the Commission. They, or the authorized representatives of any of them, may participate in business and planning matters as ex officio members only and, in relation thereto, exercise all the privileges of regular members, except that they shall not cast a vote.

C. The Environmental Protection Board shall be a separate board within the city government and shall have a separate budget. Said budget shall be a separate departmental budget group for representation in the City Budget. Said budget shall be prepared by the Environmental Protection Board in accordance with Charter Section C8-20-1 and 2 and shall follow the same procedure as mandated for all department budgets, pursuant to the City Charter, Sections C8-20-3 through 9 and C8-30-1 through 12.

D. The Environmental Protection Board shall be the appointing authority for its director and staff.

Sec. 6-23. - Powers.

The Agency shall have the following powers:

A. To promulgate, change, amend, and repeal such regulations, in conformity with the regulations promulgated by the Commissioner of the State of Connecticut Environmental Protection Agency, as are necessary to protect wetlands and watercourses within the city.

B. To promulgate, change, amend, and repeal regulations to provide for the manner in which the boundaries of inland wetlands shall be established, amended, or changed.

C. To act as the sole agent for the licensing of regulated activities concerning inland wetlands and watercourses.

D. To join with any other municipality in the formation of a district for the regulation of activities affecting the wetlands and watercourses of that district, subject to approval by the Board of Representatives and upon such terms and conditions as the Board of Representatives may require.

E. To exercise the powers and perform the duties of a Municipal Flood and Erosion Control Board pursuant to Section 25-84 et seq. of the Connecticut General Statutes.

F. To establish rules and regulations for the conduct of its business.

G. To obtain the services of such personnel as may be necessary, subject to an appropriation therefor, to carry out the purpose of this Article, including but not limited to soil scientists for the purpose of:

(1) Completing the city's soil survey.
(2) Making interpretations, evaluations, and findings as to soil types.
(3) Providing advice of a scientific nature.

H. To request and thereby obtain the cooperation of any other agency, board, commission or department, including but not limited to technical expertise and facilities of such agency, board, commission or department, when such cooperation is necessary to carry out the purposes of this Article.

I. To develop comprehensive programs in furtherance of the purpose of this Article.

J. To advise, consult, and cooperate with other departments, boards, and commissions of this city, agencies of the state, the federal government, and other states in furtherance of the purpose of this Article.

K. To encourage, participate in, or conduct studies, investigations, research, and demonstrations, and collect and disseminate information relating to inland wetlands and watercourses and the purposes of this Article, subject to appropriations therefor.

L. To enforce all regulations, restrictions, requirements, and standards as put forth in the Federal Register (Title 24, Chapter X, Sections 1909-1925).

(New) **ARTICLE VI. - Conservation Commission**

Sec. 6-28. - Title; purpose.

A. This Article shall be known as the "Conservation Ordinance" of the City of Stamford.

B. The provisions of Section 7-131a of the Connecticut General Statutes regarding the establishment and authority of a local Conservation Commission shall apply to the City of Stamford.

Sec. 6-29. - Transition.

All powers and duties previously exercised by the Environmental Protection Board under C.G.S. § 7-131a are hereby deemed transferred to the Conservation Commission established under this Article. Any reference in the Code of Ordinances to the Environmental Protection Board acting as the Conservation Commission shall be construed to mean the Conservation Commission created herein.

Sec. 6-30. - Creation; membership.

A. There is hereby created the Conservation Commission of the City of Stamford, hereinafter referred to as the "Commission."

B. Membership; Terms; Compensation
   (1) The Commission shall consist of five (5) regular members and three (3) alternates.
   (2) Initially, of the five (5) regular members appointed, two (2) shall serve terms which expire [insert month and day], [Year +2]; two (2) shall serve terms which expire [insert month and day], [Year +3]; and one (1) shall serve a term which expires [insert month and day], [Year +4].
   (3) Of the three (3) alternates appointed, one (1) shall serve a term which expires [insert month and day], [Year +2]; one (1) shall serve a term which expires [insert month and day], [Year +3]; and one (1) shall serve a term which expires [insert month and day], [Year +4].
   (4) Thereafter, all regular and alternate members shall be appointed for four (4) year terms and shall serve until their successors are appointed and qualified. Vacancies occurring for any reason other than the expiration of a term shall be filled for the unexpired portion of the term only.
   (5) The City Engineer, Superintendent of Parks and Recreation, and Land Use Bureau Chief shall be members ex officio of the Commission. They, or the authorized representatives of any of them, may participate in business and planning matters as ex officio members only and, in relation thereto, exercise all the privileges of regular members, except that they shall not cast a vote.
   (6) Members and alternates shall serve without compensation.
   (7) The Mayor may remove any member or alternate for cause and may fill any vacancy for the unexpired portion of the term.

C. The Conservation Commission shall be a separate board within the city government and shall have a separate budget. Said budget shall be a separate departmental budget group for representation in the City Budget. Said budget shall be prepared by the Conservation Commission in accordance with Charter Section C8-20-1 and 2 and shall follow the same procedure as mandated for all department budgets, pursuant to the City Charter, Sections C8-20-3 through 9 and C8-30-1 through 12.

D. The Conservation Commission shall be the appointing authority for its director and staff.

Sec. 6-31. - Powers.

The Conservation Commission shall have all the powers and duties conferred by Section 7-131a of the General Statutes and such other powers and duties as may be conferred from time to time by law.

Sec. 6-32. - Commission subject to certain restrictions.

A. No condemnation proceeding shall be commenced without authorization by the Board of Representatives in accordance with the applicable provisions of the city Charter and Code of Ordinance.

B. No gift of land shall be accepted by the Commission without authorization by the Board of Representatives in accordance with the applicable provisions of the city Charter and Code of Ordinance.

Effective date: