

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2023-254**

**AN ORDINANCE AMENDING SECTION 2-11 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING COUNCILMEMBER VACANCIES**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Section 2.6 of the Home Rule Charter of the Town of Johnstown (“Charter”) provides that: “A Councilmember’s office, and the office of the Mayor, shall become vacant whenever he/she is recalled, dies, is declared legally incompetent, resigns, is removed from office, moves from or becomes a non-resident of the Town, ward or district, as the case may be with reference to Section 2.1.B. of this Charter. A Councilmember’s office, and the office of the Mayor, may become vacant under Section 2.3 E of this Charter regarding discipline for violations of Council requirements and procedures.”

**WHEREAS**, Section 2.3E of Charter, in turn, provides that: “Town Council may, by ordinance, enact requirements and procedures to govern the Council-related activities of Councilmembers and the Mayor while in office, which ordinance may prescribe disciplinary procedures and consequences for violations of such requirements and procedures.”

**WHEREAS**, pursuant to the foregoing provisions of the Charter, the Town Council desires to enact attendance requirements for the office of the Mayor and Councilmembers; and

**WHEREAS**, to effectuate the foregoing, the Town Council desires to amend and expand Section 2-11 of the Johnstown Municipal Code to address, in addition to vacancies resulting from residency requirements, vacancies arising from the failure to attend regular meetings of the Town Council; and

**WHEREAS**, the Town Council finds, determines and declares that this Ordinance is promulgated under the general police power of the Town and is in the best interests of the Town of Johnstown.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** Section 2-11. Section 2-11 of the Johnstown Municipal Code shall be repealed in full and readopted to read as follows:

**Sec. 2-11. Vacancies.**

A vacancy shall exist if, during the term of office, the Mayor or a Councilmember dies, is judicially declared incompetent, resigns, moves from or becomes a non-resident of the Town or, if applicable, a ward or district, or fails to attend three (3) consecutive regular meetings of the Town Council. The failure to attend a Town Council meeting shall be excused for the death of a family member, hospitalization of the Mayor or Councilmember or involuntary military service.

**Section 2. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

**Section 3. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective on April 15, 2024. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Troy D. Mellon, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Troy D. Mellon, Mayor