

TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2023-265

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024, A CHARTER AMENDMENT SETTING FORTH THE SOURCE OF THE POPULATION COUNT FOR COUNCILMEMBER RESIDENCY QUALIFICATIONS AND PROVIDING FOR THE ELECTION OF COUNCILMEMBERS FROM THREE ELECTORAL DISTRICTS RATHER THAN FROM TWO DISTRICTS AND FOUR WARDS

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter (“Charter”) adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

WHEREAS, Section 2.1.B of Article 2 of the Charter provides that “when the population of the Town reaches twenty thousand (20,000), the Town Council shall provide by ordinance . . . for the election of six (6) Councilmembers to be nominated and elected by wards and districts;” and

WHEREAS, the Town Council desires to clarify that the proper method for determining the population count shall be based on a decennial census conducted by the U.S. Census Bureau; and

WHEREAS, to provide a more straightforward electoral process, the Town Council also seeks to modify Section 2.1.B of Article 2 of the Charter to provide that, when the population reaches or exceeds twenty thousand (20,000), councilmembers would be elected from three electoral districts rather than from two districts and four wards; and

WHEREAS, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

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

Section 1. The Town Council hereby submits and refers to the registered electors of the Town a proposed amendment to Article 2 of the Charter to amend Section 2.1.B, to read in its entirety as follows:

ARTICE 2 – TOWN COUNCIL

Section 2.1. - Town Council.

...

- B. The Town Council shall consist of six (6) Councilmembers nominated and elected from the Town at large, and a Mayor, who shall be nominated and elected from the Town at large. When the population of the Town reaches or exceeds twenty thousand (20,000) based on a decennial census conducted by the U.S. Census Bureau, the Town Council shall provide by ordinance, to be effective at the next general municipal election, for the election of six (6) Councilmembers to be nominated and elected from three districts, with two (2) Councilmembers serving from each district, and a Mayor, who shall be nominated and elected from the Town at large.

Section 2. The question of amending the Charter for the purposes stated herein shall be submitted to the registered electors of the Town in substantially the following form:

SHALL SECTION 2.1.B OF ARTICLE 2 OF THE JOHNSTOWN HOME RULE CHARTER BE AMENDED TO PROVIDE: (I) THAT THE POPULATION COUNT FOR THE PURPOSE OF DETERMINING COUNCILMEMBER RESIDENCY QUALIFICATIONS SHALL BE BASED ON A DECENNIAL CENSUS CONDUCTED BY THE U.S. CENSUS BUREAU AND (II) FOR THE ELECTION OF COUNCILMEMBERS FROM THREE ELECTORAL DISTRICTS RATHER THAN FROM TWO ELECTORAL DISTRICTS AND FOUR ELECTORAL WARDS?

___ YES

___ NO

Section 3. The election shall be a general municipal election conducted by mail ballot on April 2, 2024. Pursuant to Section 6.4 of Article 6 of the Charter, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the election. In addition, the officers and employees of the Town are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance.

Section 4. 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 5. 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 and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. 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 _____,
2024.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Hannah Hill, Town Clerk

By: _____
Troy D. Mellon, Mayor