

TOWN OF JOHNSTOWN, COLORADO

ORDINANCE NO. 2021-

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 5, 2022, A CHARTER AMENDMENT TO REQUIRE THAT THE PROPONENTS OF INITIATIVE AND REFERENDUM PETITIONS BE REPRESENTED BY THREE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule 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, Article 7 of the Johnstown Home Rule Charter (“Charter”) addresses, among other matters, initiative and referendum proceedings; and

WHEREAS, Section 7.1.A and Section 7.2.A of Article 7 provide, respectively, that initiative and referendum proceedings may be commenced, except as otherwise provided in the Charter, pursuant to state statutes, ordinances or applicable laws that establish the procedures; and

WHEREAS, Section 31-11-106(2), C.R.S., provides that each initiative or referendum petition “shall designate by name and mailing address two persons who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed;” and

WHEREAS, pursuant to the state statute, the petition representatives do not need to be citizens or registered electors of the concerned municipality; and

WHEREAS, the Town Council desires to submit a proposed Charter amendment to the registered electors of the Town to require that the proponents of initiative and referendum petitions be represented by three registered electors of the Town; and

WHEREAS, Section 1.8 of Article 1 of the Charter provides that proceedings to amend the Charter may be initiated by, among other means, the adoption of an ordinance by the Town Council submitting the proposed amendment to a vote of the registered electors of the Town; 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 Section 7.1 of Article 7 of the Charter to provide a new Subsection 7.1.B and renumber the subsequent subsections, to read in its entirety as follows:

Section 7.1. Initiative.

- A. The initiative power, reserved by Article 5, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to Town legislation which is subject to the initiative power. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the state statutes, ordinances or applicable laws which establish procedures for a municipal initiative, except as otherwise provided in this Charter and in ordinances consistent with this Charter.
- B. *Each initiative petition shall designate by name and mailing address three registered electors of the Town who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.*
- C. The initiative petition shall be signed by registered electors of the Town equal in number to at least fifteen (15) percent of the total number of electors of the Town registered to vote at the last general municipal election.
- E. The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.
- F. The Town Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the Town Clerk and the date of the signature.

Section 2. The Town Council hereby submits and refers to the registered electors of the Town a proposed amendment to Section 7.2 of Article 7 of the Charter to provide a new Subsection 7.2.B and renumber the subsequent subsections, to read in its entirety as follows:

Section 7.2. Referendum.

- A. The referendum power, reserved by Article 5, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to Town legislation which is subject to the referendum power. Such legislation shall be referred pursuant to the state statutes, ordinances or applicable laws which establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances consistent with this Charter.
- B. *Each referendum petition shall designate by name and mailing address three registered electors of the Town who shall represent the proponents thereof in all matters affecting the petition and to whom all notices or information concerning the petition shall be mailed.*
- C. A referendum petition shall be signed by registered electors of the Town equal in number to at least ten (10) percent of the total number of electors of the Town registered to vote at the last regular municipal election.
- D. The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

Section 3. 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 SECTIONS 7.1 AND 7.2 OF ARTICLE 7 OF THE JOHNSTOWN HOME RULE CHARTER BE AMENDED TO REQUIRE THAT THE PROPONENTS OF INITIATIVE AND REFERENDUM PETITIONS BE REPRESENTED BY THREE REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN?

___ YES

___ NO

Section 4. The election shall be a general municipal election conducted by mail ballot on April 5, 2022. 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 5. 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 6. 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 _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ____ day of _____, 2021.

TOWN OF JOHNSTOWN, COLORADO

ATTEST:

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor