TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

AGENDA DATE: January 3, 2024

SUBJECT: Ordinance 2023-264: 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 Conforming The Limits On Allowing Persons With Felony Convictions To Hold Council Office To Those Set Forth In The Colorado Constitution

ACTION PROPOSED: Consider Approval of Ordinance 2023-264 on Second Reading

ATTACHMENTS: 1. Ordinance 2023-264

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Council approved Ordinance 2023-264 on first reading on December 18, 2023.

Proposed for Council's review and consideration is an ordinance that would authorize a ballot measure at the April 2, 2024 election. This ballot measure would propose a modification to individuals running for elected office in the Town of Johnstown to be compliant with the qualifications outline in the Colorado Constitution. If the ballot were to be approved by the voters, it would amend our Home Rule Charter (HRC).

Based on recent court cases, there is a high probability that our current HRC which identifies that an individual convicted of any felony does not qualify to run for office is not legal. In an effort to be compliant both legally and with the Colorado Constitution the following modification to the HRC is proposed.

FROM

No person who has been convicted of a felony or a willful violation of this Charter shall be qualified to serve as Mayor or Councilmember.

TO

No person prohibited by the Colorado Constitution from serving in public office or who has been convicted of a willful violation of this Charter shall be qualified to serve as Mayor or Councilmember.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance based on feedback from Town Council.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Approve Ordinance 2023-264 upon second reading.

Reviewed and Approved for Presentation,

Town Manager