



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: December 13, 2021

SUBJECT: **Public Hearing - First Reading** – Ordinance 2021-218, 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

ACTION PROPOSED: Consider First Reading of Ordinance No. 2021-218

ATTACHMENTS: 1. Ordinance No. 2021-218

PRESENTED BY: Avi Rocklin, Town Attorney

AGENDA ITEM DESCRIPTION: Article 7 of the Johnstown Home Rule Charter (“Charter”) addresses initiative and referendum proceedings. 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. 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.” Pursuant to state statute, the petition representatives do not need to be citizens or registered electors of the municipality.

To require that initiative and referendum petitions be represented by electors of the Town of Johnstown, rather than by non-citizens, the Town Council may refer a ballot question to the voters proposing an amendment to the Charter. The ballot question would read as follows:

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

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If the electors vote in favor of the Charter amendment, Sections 7.1 and 7.2 of Article 7 would be revised to add a new subsection B that would read, respectively, as follows:

Section 7.1. Initiative.

...

- 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.

Section 7.2. Referendum.

...

- 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.

LEGAL ADVICE:

The Town Attorney prepared Ordinance No. 2021-218.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION: Approve Ordinance No. 2021-218

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2021-218, 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.

For Denial: I move to deny approval of Ordinance No. 2021-218.

Reviewed and Approved for Presentation,



Town Manager

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