



Town of Johnstown

TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: May 15, 2023

SUBJECT: Public Hearing – Ordinance 2023 - 251: 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 Adopting A Water Policy for the Town of Johnstown

ACTION PROPOSED: Consider Ordinance 2023-251

ATTACHMENTS: 1. Ordinance 2023-251

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Included for your review and consideration is Ordinance 2023-251. The ordinance presented would authorize and remit a question to the registered voters of the Town of Johnstown for the April 2, 2024 general election cycle. The public hearing was initially opened on May 1, 2023. While there was a discussion among Town Council and Staff, the item was tabled pending additional revisions to the proposed Water Policy. The aspects of the water policy have been updated as shown below – specifically Item G. If approved by ordinance and then approved by the voters, the following language would be codified in the Home Rule Charter:

16.4 – Water Policy

A. Any person, legal entity or political body who seeks an extension of water service, annexation of land to the Town or a change in land use, if such change in use will increase the demand for water service, shall dedicate a sufficient amount of acceptable raw water necessary for the increase of water usage to the Town; except that, for good cause shown, as determined by the Town Council, the Town may accept cash-in-lieu of the required raw water dedication in an amount at least equal to the fair market value of the water at the time of the sale.

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B. The Town shall protect the Town's water rights by, when warranted and economically feasible, filing water court actions to change the decreed use of such water to allow for municipal uses and participating in third party cases to protect the Town's water portfolio.

C. The Town may provide more raw water credit for the dedication of water rights that, at the time of dedication, allow for municipal uses than water rights that do not allow for municipal uses; except that the Town shall not provide more credit for water rights dedicated to the Town than the water court has previously provided for such, or a similar, water right.

D. The Town shall not transfer or exchange the Town's water rights unless the Town receives, at a minimum, an equivalent yield on the water transfer or exchange.

E. The Town may sell water rights for use within the Town boundaries in an amount at least equal to the fair market value at the time of the sale to fund capital improvement projects related to the treatment or distribution of water.

F. The Town shall endeavor to retain sufficient treatment water resources above the Town's annual water demands to ensure that the Town will have adequate water supplies in times of extended drought.

G. The Town shall endeavor to maintain a water portfolio greater than or equal to 1.2 times the acre-foot volume that is committed to be supplied by the Town to serve existing customers and satisfy water bank and contractual obligations. By the affirmative vote of at least five members of the Entire Council, the Town may maintain a water portfolio below 1.2 times the committed acre-foot volume; except that the Town shall, at all times, maintain a water portfolio that is at least equal to 1.1 times the committed acre-foot volume. Water dedicated at the time of annexation without a contractual obligation for the delivery of such water shall not be counted against the total. The Town Council shall by ordinance define the amount of yield of the Town's water portfolio by which to base the calculations above, based on climatological factors and any other items deemed relevant to the long-term water supply.

H. The Town may create a strategic water reserve to help facilitate major economic development or similar such purposes in the Town. This reserve would be separate from the portfolio referenced in Paragraph G.

LEGAL ADVICE:

The Town Attorney drafted the Ordinance.

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FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: Approve Ordinance 2023-251 upon first reading.

SUGGESTED MOTIONS:

For Approval: I move to approve Ordinance No. 2023-251 upon first reading.

For Denial: I move to deny Ordinance No. 2023-251 upon first reading.

Reviewed and Approved for Presentation,



Town Manager