

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2020-02

RESOLUTION REFERRING TO REGISTERED ELECTORS OF THE TOWN OF JOHNSTOWN THE QUESTION OF AMENDING THE TOWN OF JOHNSTOWN HOME RULE CHARTER TO CLARIFY THE STATUS OF THE MAYOR AS A MEMBER OF THE COUNCIL FOR THE PURPOSE OF CALCULATING QUORUM AND MAJORITY VOTING REQUIREMENTS AT THE APRIL 7, 2020 REGULAR MUNICIPAL ELECTION

WHEREAS, the Town of Johnstown, Colorado (the "Town") is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town's Home Rule Charter; and

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

WHEREAS, on November 7, 2006, the Town's registered electors voted to adopt the Town of Johnstown Home Rule Charter ("Charter"); and

WHEREAS, the Charter has not been amended since its adoption; and

WHEREAS, to clarify the status of the Mayor as a member of the Town Council for the purpose of calculating quorum and majority voting requirements, or, more specifically, to clarify that a majority of the entire Town Council holding office shall be a quorum for the transaction of business at all Town Council meetings, the adoption of resolutions and motions shall require the affirmative vote of a majority of the entire Town Council present at a meeting and the adoption of an emergency ordinance shall require the affirmative vote of five members of the entire Town Council, Town Council desires to refer to the Town's registered electors the question of amending Sections 3.3, 4.2(B) and 4.7(A) of the Charter; and

WHEREAS, the Town Council hereby finds and determines that it is in the public interest to submit to the electors of the Town, at the regular municipal election to be held on April 7, 2020, the question of amending Sections 3.3, 4.2(B) and 4.7(A) of the Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. Pursuant to the Home Rule Charter and Ordinances of the Town of Johnstown and applicable provisions of Colorado law, the Town Council hereby refers to the registered electors of the Town at the regular municipal election to be held on Tuesday, April 7, 2020, the following ballot question, in substantially the same form, to appear on the mail ballot:

SHALL SECTIONS 3.3, 4.2(B) AND 4.7(A) OF THE TOWN OF JOHNSTOWN HOME RULE CHARTER BE AMENDED TO CLARIFY THE STATUS OF THE

MAYOR AS A MEMBER OF THE TOWN COUNCIL FOR THE PURPOSE OF CALCULATING QUORUM AND FOR THE PURPOSE OF DETERMINING THE MAJORITY VOTING REQUIREMENTS FOR THE ADOPTION OF RESOLUTIONS, MOTIONS AND EMERGENCY ORDINANCES?

_____ YES

_____ NO

2. Pursuant to Home Rule Charter § 6.4, the Town Clerk is hereby authorized to be in charge of all activities and duties related to the April 7, 2020 municipal 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 Resolution.

3. Upon approval of the ballot issue by the majority of the registered electors voting thereon, Town Council shall enact an implementing ordinance consistent with the terms and conditions contained therein.

4. If any portion of this Resolution is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such portion shall not affect any of the remaining portions of this Resolution.

5. This Resolution shall be in full force and effect upon its passage and adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this 22nd day of January, 2020.



ATTEST:

By:

Diana Seele, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By:

Gary Lebsack, Mayor