

Voter Guide

*The information detailed below is provided by the Town of Johnstown ("Town") to encourage informed voting and voter participation in the Regular Municipal Election to be held on **Tuesday, April 7, 2020**. Each ballot measure is listed verbatim, as it will appear on the mail ballot, to the registered voters of the Town of Johnstown, with an explanation to follow.*

BALLOT MEASURES EXPLAINED

- **Ballot Issue 1A reads as follows:**

SHALL TOWN OF JOHNSTOWN TAXES BE INCREASED BY \$2,100,000 IN THE FIRST FULL FISCAL YEAR (2021), AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR, BY INCREASING THE TOWN'S SALES AND USE TAX RATE BY 0.5% (EQUIVALENT TO 5 CENTS ON A \$10.00 PURCHASE), AND ELIMINATING THE STREET MAINTENANCE FEE IMPOSED BY ORDINANCE NO. 2016-142, COMMENCING ON JULY 1, 2020, TO FUND:

(i) STREET AND SIDEWALK MAINTENANCE AND REPAIRS, INCLUDING, BUT NOT LIMITED TO, PAVING, PATCHING, POTHOLE REPAIR, SEAL COATING, CHIP SEAL APPLICATION, ASPHALT OVERLAY, AND RECONSTRUCTION; AND

(ii) TRANSPORTATION RELATED PROJECTS, INCLUDING, BUT NOT LIMITED TO, THOSE RELATED TO ROADWAYS, CURBS, GUTTERS, BRIDGES, SIDEWALKS, SHOULDERS, TRAFFIC SIGNALS, PEDESTRIAN SIGNALS AND MEDIANS;

AND SHALL ALL REVENUES GENERATED FROM THE INCREASED TAX AUTHORIZED HEREIN AND FROM ANY EARNINGS FROM THE INVESTMENT OF SUCH REVENUES CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

___ YES ___ NO

Explanation:

The Town has established an inventory of roadways in Town that need to be improved. The list that is focused on the short-term improvements totals almost \$18 million. Couple this with the fact that road construction costs have increased nearly 40% between Q1 2016 to Q2 2019, the current revenue generated by the Street Maintenance Fee of \$350,000 annually will make it difficult to maintain our roads.

In August 2016, by Ordinance 2016-142, Town Council approved a street maintenance fee to fund ongoing maintenance of the Town's streets, including but not limited to, resurfacing, pothole repair, periodic seal coating, chip seal application and asphalt overlay. The street maintenance fee is a cost that is currently borne solely by the residents of the Town at a current rate of \$4.48 per month.

Town Council recognizes significant capital improvement projects related to transportation needs, in addition to ongoing street and sidewalk maintenance and repairs. To provide additional funding to the Town for such efforts, as well as transportation-related capital improvement projects, Town Council has submitted the ballot issue, provided above, to increase the Town's sales and use tax by 0.5% (from 3% to 3.5%). Approval of the question would also eliminate the existing street maintenance fee.

It is estimated that 65% of all sales tax revenue is generated from out-of-Town visitors' spending money in the Town of Johnstown. It is the view of Town Council that visitors to the Town should financially contribute, along with residents, to the maintenance and upkeep of the roadways as a result of the impact they have upon them.

While not a list of order in which improvements will occur, the Town has identified the first section of road improvements that will be addressed if this measure is passed. This list represents almost \$18 Million in improvements to our community streets. Passage will allow for the Town to complete these projects in a shorter time period, rather than allowing our infrastructure to continue to deteriorate.

- ***If the ballot measure is PASSED***, and the registered voters of the Town of Johnstown support the sales and use tax ballot measure for transportation purposes only there will be immediate outcomes from this initiative including better streets, expedited ability to undertake larger capital projects in Town, and more efficient transportation network. Town Council is committed to eliminating (removing) the Street Maintenance Fee, at the next Council meeting.
- ***PROS:***
 - Citizens would not be burdened to pay exclusively and directly (as a fee) for transportation maintenance and improvements.
 - Approximately 65% of all sales tax generation comes from out of town visitors not living in Johnstown.
 - Town Council will eliminate the Street Maintenance Fee immediately from the utility bill.
 - More street projects would be done on an annual basis with available revenue estimated at 5X the revenue generated from the Street Maintenance Fee.
 - Based on revenues, over \$18 Million in road projects could be completed in the first 10 years of the sales tax. View the 2020-2029. Road Capital Improvement Project list of streets to be improved [HERE](#).
 - Better Roads = Great Community = Stronger Future
- ***If the ballot measure is NOT PASSED***, larger critical improvements will be delayed until other funding opportunities become available, and our current road infrastructure will be band-aided together to operate. This will cause continued congestion, more potholes and an overall deteriorating road network. The current Street Maintenance Fee charged on the utility bill will continue and revenues, which

only generate \$350,000 in the 2020 calendar year, will be used for roadway maintenance.

○ **CONS:**

- The current street maintenance fee will continue and revenues, which generate \$350,000 annually, will be used for roadway maintenance.
- Additional taxes are not the answer to the problem.
- The Town roads are in great condition now. Why are improvements necessary?
- Larger, critical improvements should be delayed until other funding opportunities become available.

● **Ballot Question 1B reads as follows:**

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

Explanation:

On November 7, 2006, the Town’s registered electors voted to adopt the Town of Johnstown Home Rule Charter (“Charter”) and recognize the Town as a home rule municipality. The Charter defines the “Entire Council” to include the Mayor and “Councilmember” to exclude the Mayor. By use of the term “Councilmember” to calculate quorum* and determine the majority voting requirements for the adoption of resolutions, motions and emergency ordinances, the language in the Charter inadvertently excludes the presence of the Mayor for the calculation of the quorum necessary to transact Town business and the vote of the Mayor for the adoption of resolutions, motions and emergency ordinances. The ballot question seeks to amend Sections 3.3, 4.2(B) and 4.7(A) of the Charter to clarify the intended status of the Mayor. The Charter has not been amended since its adoption.

** The term “quorum” refers to the minimum number of members who must be present to lawfully conduct business.*

- **If the ballot measure is PASSED**, the Town of Johnstown’s Charter will be clarified with amended language to affirm the status of the Mayor as a member of the Town Council, who is included in the qualifications for a quorum and as a voting member for resolutions, motions and emergency ordinances.

More specifically, the amendment will clarify the following:

- A majority of the entire Town Council inclusive of the Mayor 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 inclusive of the Mayor present at a meeting.
 - The adoption of an emergency ordinance shall require the affirmative vote of five members of the entire Town Council which shall include the Mayor.
 - ***If the ballot measure is NOT PASSED***, the Town of Johnstown’s Charter will remain unchanged. Under the Home Rule Charter, while the Mayor is a voting member of the Entire Council, in certain instances, he/she may not be included in the aggregate total to establish a quorum or passage of certain policies of the Town. Limiting the equal value of the position of Mayor compared to those of Councilmembers minimizes the Citizen’s voice represented through the elected officials as a singular elected legislative body.
- **Ballot Question 1C reads as follows:**

WITHOUT INCREASING TAXES, SHALL THE CITIZENS OF THE TOWN OF JOHNSTOWN RE-ESTABLISH THE TOWN’S RIGHT TO PROVIDE ALL SERVICES RESTRICTED BY TITLE 29, ARTICLE 27 OF THE COLORADO REVISED STATUTES, DESCRIBED AS “ADVANCED SERVICES,” “TELECOMMUNICATIONS SERVICES” AND “CABLE TELEVISION SERVICES,” INCLUDING ANY NEW AND IMPROVED BROADBAND AND HIGH-SPEED INTERNET SERVICES AND FACILITIES BASED ON FUTURE TECHNOLOGIES, EITHER DIRECTLY OR INDIRECTLY, WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS, TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES?

YES NO

Explanation:

In 2005, the Colorado General Assembly enacted Title 29, Article 27 of the Colorado Revised Statutes, commonly known as Senate Bill 152, which limits a local government’s authority to provide, or participate in the provision of advanced services, telecommunication services and/or cable television services, either directly or indirectly, with public or private sector partners, without first securing voter approval.

Access to high-speed broadband networks and fast, affordable and reliable internet services is essential to residents and businesses in the Town. While the Town does not have any current plans to provide those services and intends to continue to rely on the private sector, the Town may in the future, either directly or indirectly, desire to participate in providing the essential services to residents of the Town. Voter approval allowing the Town to “opt-out” of Senate Bill 152 would provide flexibility for the Town in case the services provided by the private sector are inadequate or the Town desires to partner with the private sector.

A growing number of communities across Colorado, including Fort Collins, Loveland, Greeley, Severance, Eaton, Fort Lupton, Hudson and Fort Morgan, have voted to override the restrictions

contained in Senate Bill 152 and restore local governmental authority to provide such services, either directly or indirectly, with public or private sector partners.

- ***If the ballot measure is PASSED***, the Town would have the ability to explore and have flexibility in expanding, enhancing, or creating new broadband services (faster internet) for community residents and businesses either publicly or the more preferred option, a public-private partnership, should an opportunity arise.
- ***If the ballot measure is NOT PASSED***, Senate Bill 152 will continue to limit the Town's ability to enhance broadband infrastructure by, among other means, prohibiting the use of local government funds to improve broadband infrastructure and restricting the use of local government facilities for partnerships to provide faster broadband speeds to our community residents and businesses.