

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2020-44

**RESOLUTION ADOPTING TOWN OF JOHNSTOWN
SECOND SMALL BUSINESS MICRO GRANT PROGRAM**

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 January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a public health emergency of international concern, and, on January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency; and

WHEREAS, on March 10, 2020, Governor Polis declared a state of emergency for the State of Colorado due to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of COVID-19 a pandemic; and

WHEREAS, on March 13, 2020, President Trump issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 16, 2020, by Resolution 2020-07, the Town Council declared a local disaster emergency; and

WHEREAS, on April 20, 2020, by Resolution No. 2020-11, the Town Council adopted the Town of Johnstown Small Business Micro Grant Program (“Grant Program”), to provide funding and assistance to the Town’s small business community due to the COVID-19 pandemic; and

WHEREAS, on August 3, 2020, by Resolution No. 2020-21, the Town Council expanded the Grant Program to provide funding to and accommodate the needs of additional businesses in the Town; and

WHEREAS, since the inception of the Grant Program, the Town has awarded grants to 35 businesses in the Town, totaling \$296,790.21; and

WHEREAS, the COVID-19 pandemic continues to remain a public health emergency; and

WHEREAS, on October 27, 2020, Jill Hunsaker Ryan, Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”), issued the Fourth Amended Public

Health Order 20-35, Safer at Home Dial, implementing levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19; and

WHEREAS, on December 7, 2020, the CDPHE issued the Third Amended Public Health Order 20-36, COVID-19 Dial, further defining the levels of restrictions; and

WHEREAS, pursuant to the public health orders and criteria contained therein, the CDPHE has categorized Larimer County and Weld County as “Level Red” representing “Severe Risk;” and

WHEREAS, based on the Level Red categorization, and due to the ongoing threat to public health, the Town’s business community, or a good portion thereof, continues to be significantly impacted and financially disadvantaged by the orders to cease, or severely restrict, business operations because, despite the cessation or limitation of business operations and the resultant complete loss or significant decrease in revenues, the businesses continue to incur expenses; and

WHEREAS, the Town Council values and appreciates the Town’s small business community and recognizes that it is a core facet of the Town, helping to make Johnstown a great place to live; and

WHEREAS, in addition to the value to the private citizens, the Town’s small business community provides substantial public benefits to the Town in the form of, among others, commerce, taxes, fees, employment and sustainability, which contribute to the generation of municipal revenue and the ability to provide municipal services; and

WHEREAS, the retention, success and longevity of the small business community is vital to the Town’s interests, the Town’s economic vitality and the Town’s prosperity; and

WHEREAS, to safeguard the success of the Town’s small business community, the Town Council desires to terminate the Grant Program adopted on April 20, 2020, and replace it with a new and revised Town of Johnstown Second Small Business Micro Grant Program (“Second Grant Program”), a summary of which is attached to this resolution as Exhibit A; and

WHEREAS, the Town Council authorizes businesses that applied for and obtained funding under the original Grant Program to, if they so desire, apply for and receive additional funding under the Second Grant Program; and

WHEREAS, the Town Council finds, determines and declares that: (i) adoption of the Second Grant Program will promote the public interest and protect and preserve the economic vitality of the Town; (ii) the public benefits to be derived from the Second Grant Program are significant and substantial and justify the expenditure of the public funds necessary to establish, fund and administer the Second Grant Program; and (iii) the Town will receive adequate consideration for its financial contribution to the Second Grant Program in the form of the preservation of the public benefits described herein; and

WHEREAS, the Town Council finds, determines, and declares that the Second Grant Program will provide a public benefit and further a public purpose within the meaning of Article 11, Section 2 of the Colorado Constitution; and

WHEREAS, the Town Council finds, determines, and declares that it has the power to adopt the Second Grant Program based on the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Johnstown Home Rule Charter; and

WHEREAS, the Town Council finds, determines and declares that adoption of the Second Grant Program is in the best interests of the citizens of the Town and advances and preserves the public peace, health, safety and welfare.

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

Section 1. Adoption of Second Grant Program. Based on the reasons set forth in the recitals above, the Town Council hereby adopts the Town of Johnstown Second Small Business Micro Grant Program. A summary of the guidelines is attached hereto and incorporated herein by reference as Exhibit A.

Section 2. Funding. The Town Council budgeted funds in fiscal year 2020 and appropriated an additional \$200,000.00 in funds in fiscal year 2021 to fund the Town of Johnstown Second Small Business Micro Grant Program. The Town Council may amend this amount in their discretion based on a determination of additional need.

Section 3. Administration. The Town Manager, or his designee, is hereby authorized to administer the Town of Johnstown Second Small Business Micro Grant Program and award grants based on factors that promote the public benefits and serve the municipal purposes set forth in this Resolution.

Section 4. Termination. The Town Council or the Town Manager may terminate the Town of Johnstown Second Small Business Micro Grant Program at any time by publishing a notice of termination on the Town's website, <https://johnstown.colorado.gov>.

Section 5. Effective Date. This resolution shall be effective upon the date of its adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED this ____ day of December, 2020.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor