SEP 28 2026

TOWN OF JOHNSTOWN, COLORADO

OFFICE OF THE TOWN CLERK

PROTEST OF RECALL PETITION SUFFICIENCY

With Bound Exhibits A through Y

In the Matter of the Petition Seeking Recall of

MICHAEL P. DUNCAN

from the Office of Mayor of the Town of Johnstown, Colorado

Against the Recall Committee Named on the Petition

Pauline Migliore, Debbie Stewart, and Patrick Runions

and all circulators, solicitors, and organizers acting with them

Filed pursuant to C.R.S. § 31-4-503(3)(b); Town of Johnstown Home Rule Charter, Art. 7; and applicable Colorado law

Petition filed September 15, 2026 • Clerk determination of insufficiency September 21, 2026 • Cure deadline October 6, 2026

Authorities the hearing officer should apply before any witness is sworn

Statute first. C.R.S. § 31-4-503(2)(c) requires an affidavit that the circulator (i) circulated the section, (ii) made no misrepresentation of the purpose of the petition to any signer, and (iii) that each signature was affixed in the affiant's presence. C.R.S. § 31-4-503(1) requires each section to contain a full and accurate copy of the title and text. C.R.S. § 31-4-503(2)(d) voids a section that is disassembled from its affidavit. C.R.S. § 31-4-503(3)(b) expressly lists, as protest grounds, "the failure of any portion of a petition, circulator affidavit, or petition circulator to meet the requirements of this section." Hearing 5–10 days after mailed notice; testimony under oath; subpoena power.

Bernzen v. City of Boulder, 525 P.2d 416 (Colo. 1974). Recall is political. The sufficiency of the stated grounds is not for the clerk or the courts. Use Bernzen to keep this hearing off the 200-word politics and on the affidavits.

Hazelwood v. Saul, 619 P.2d 499 (Colo. 1980). The right of recall is liberally construed in favor of its exercise. Liberal construction is not a license to count a section whose affidavit cannot be true, or a signature gathered on a substitute sheet.

Loonan v. Woodley, 882 P.2d 1380 (Colo. 1994); Fabec v. Beck, 922 P.2d 330 (Colo. 1996). Substantial compliance governs initiative and referendum formalities. The test is (1) extent of noncompliance, (2) whether the purpose of the requirement was still achieved, and (3) good faith versus a conscious decision to mislead. An unattended table and a fact sheet that rewrites Charter § 2.2.B fail all three. Presence and "no misrepresentation of purpose" are not decorative. They are the anti-fraud core of § 31-4-503(2)(c).

Kuhn v. Williams, 418 P.3d 478 (Colo. 2018). Circulator qualifications that protect integrity are not "mere technical" defects. Signatures collected in violation are stricken, not excused.

Analogous recall and nomination statutes the officer may consult. C.R.S. § 1-12-108(8)(c)(II) (state/county recall) lists as protest grounds "any conduct on the part of petition circulators that substantially misleads persons signing the petition." C.R.S. §§ 1-4-905(4) and 1-40-111(3): where circulator fraud is pled with particularity — including circulation by someone other than the affiant — the section is invalid if the circulator does not appear and testify. This Protest pled that defect with particularity as to Pauline Migliore and the advertised YMCA tables. Demand appearance.

How to apply that stack in this room. Start at 479 against 490 (Exhibit A-2). Strike every section whose affiant was not present (C-1, C-2, I, K). Strike every section circulated with Exhibit E or the YMCA extra-petition pitch. If a named

circulator does not appear on a particularized presence/other-person allegation, strike the section. Substantial compliance does not save a conscious substitute measure.

I. Controlling limitation — this is a sufficiency protest

This Protest seeks a determination of numerical and formal insufficiency under C.R.S. § 31-4-503. It does not seek review of the political grounds assigned for recall. Those grounds are committed exclusively to the electors and are not open to review by the Clerk or the hearing officer. C.R.S. §§ 31-4-502(1)(a)(I), 31-4-503(3)(d).

The Protestor bears the burden of sustaining this Protest by a preponderance of the evidence. The right of recall is to be liberally construed in favor of its exercise, see *Hazelwood v. Saul*, 619 P.2d 499 (Colo. 1980); *Bernzen v. City of Boulder*, 186 Colo. 81, 525 P.2d 416 (1974). Liberal construction does not excuse a circulator affidavit that cannot be true, a petition section left unattended, a signature that is not that of a registered elector of the Town, extra-petition materials that substantially mislead the signer about the approved measure, or organized circulation that treats the approved 200-word statement as optional reading while a different "fact sheet" does the real work.

Testimony at hearing should be limited to circulation, affidavits, elector qualifications, and the extra-petition materials actually placed in front of signers — not a trial on the merits of the 200-word statement.

Because the Town Clerk approved this petition as to form on July 17, 2026, and later found the filed packets numerically insufficient on September 21, 2026, the Protestor requests that the governing body designate a hearing officer other than the Clerk.

The Clerk's September 21, 2026 letter (Exhibit A-2) is itself evidence that this petition did not clear the statutory bar on first filing: 559 signatures reviewed, 479 allowed, 80 not allowed, 490 required. That is eleven signatures short of the Clerk's own threshold — before this Protest reaches unattended circulation, the unapproved fact sheet, and signatures that should never have been counted. The cure window to 5:00 p.m. October 6, 2026 does not wash those defects.

II. Parties, organizers, and the network that ran this petition

A. Protestor

Michael P. Duncan, a registered elector of the Town of Johnstown, Colorado, residing at 450 S. Parish Avenue, Johnstown, Colorado 80534 (Town Hall), and the officer named in the petition.

B. Named recall committee

The petition designates the following three persons as the committee that represents the signers in all matters affecting the petition. C.R.S. § 31-4-502(1)(a)(I). Each is a party to this Protest:

1. **Pauline Migliore**, address of record on the filed petition — committee member; circulator depicted in Exhibits C-1 and C-2; administrator of the Facebook organizing group shown in Exhibit D; author of the circulation-location posts and extra-petition narrative posts collected as Exhibits F through T.
2. **Debbie Stewart**, address of record on the filed petition.
3. **Patrick Runions**, address of record on the filed petition.

C. Persons identified as circulators, solicitors, or handlers — demand production of every affidavit

The three statutory committee members do not exhaust the people who gathered names. The Protestor identifies the following persons as circulators, solicitors, hosts, or handlers of petition sections. Each must be named on a circulator affidavit if they collected even one signature. If they collected and no affidavit exists, every section they touched is void. C.R.S. § 31-4-503(2). The Clerk is requested to produce every affidavit and match it to this list before hearing.

- **Pauline Migliore** — named committee member; photographed at the unattended table (Exhibits C-1, C-2); group administrator (Exhibit D); advertised YMCA and Rolling Hills hours (Exhibits I, K).
- **Debbie Stewart** — named committee member, 8 Sebring Lane.
- **Patrick Runions** — named committee member, 8 Sebring Lane.
- **Jason Rocha** — group administrator (Exhibit D). Subpoena only unless a produced affidavit names him as circulator.
- **Jessica Friedt** — circulator/solicitor. Produce every section and affidavit.
- **Lance Walker** — subpoena only unless a produced affidavit names him as circulator.
- **Jackie Eubank** — subpoena only unless a produced affidavit names him as circulator.
- **Allie Cruz** — circulator/solicitor. Produce every section and affidavit.
- **Chad Young, Mayor Pro Tem** — not alleged as a circulator. Subpoena only: knowledge of circulation, advertised locations, and any petition materials that reached Council. Produce nothing as an affiant unless a filed affidavit bears his name.
- **Brittany Mastin** — Branch Executive Director, Johnstown Community YMCA. Exhibit D-2 places her in the same recall-organizing membership list as Pauline Migliore (Admin), Jason Rocha (Admin), and Protect Johnstown (Admin), immediately above Lance Walker and below other YMCA-connected names. Identified as a circulator / solicitor / host. Produce every section gathered at the YMCA on her watch.
- **Amy Barr Al-Otaibi** — solicitor. August 26, 2026 unapproved fact sheet and house-call offer (Exhibit E). If she collected at the door, every such signature requires her affidavit.
- **Protect Johnstown** — Facebook Page and group administrator (Exhibit D). Published the 200-word statement and Cascadia attack posts (Exhibits S and T). Identify the natural persons who manage the Page.

This is the demand: for each name above, the hearing officer shall require (1) every petition section the person circulated, hosted, or left on a table; (2) the circulator affidavit for that section; (3) the date, hours, and location; and (4) whether the unapproved fact sheet was shown. A section without a true affidavit is not a signature. It is paper.

D. Dianne Morris — previewing member only; not alleged as a circulator

Exhibit D is the Johnstown recall discussion / organizing-group membership page. Administrators: Pauline Migliore, Protect Johnstown, Jason Rocha. Recently joined, status "Previewing": Dianne Morris.

This Protest does not allege that Councilmember Dianne Morris circulated a petition section. It alleges a narrower and documented fact: a sitting member of Town Council appears on the organizers' discussion-page membership list, in previewing status, while the petition was live. She also appears on the dais in the meeting footage the committee clipped and posted as recall content (Exhibits G, N, O).

That fact is enough to put her on the subpoena list for a limited purpose: what she saw in the group, what she received, whether any extra-petition handout, circulation schedule, or instruction passed through her, and whether any Town resource crossed into that page. If the produced affidavits later show she circulated, hosted, or recruited, those sections will be challenged then. They are not challenged on that ground now.

E. The YMCA — where they spoke, where they gathered, who sat in the group

This is not a coincidence. It is a closed loop. The meeting has a date, two named YMCA officers, and a 4–3 vote.

June 22, 2026 special meeting of the Johnstown Town Council. The published purpose was the future of the Town's Facility Management Agreement with the YMCA of Northern Colorado after the Eide Bailly forensic audit. Town Manager Matt LeCerf told Council staff's view was that the YMCA owed the Town about $106,000; the YMCA's view was that the Town owed the YMCA $105,524. Chris Coker, CEO of the YMCA of Northern Colorado, and Marc Levinson, the YMCA's Chief Financial Officer, appeared and spoke. Coker admitted the organization had struggled to produce accurate financial reports during the audit period. Coker and Levinson objected to several audit findings. The Mayor put yes-or-no questions to Coker and questioned Levinson's qualifications to attack the forensic audit.

Councilmember Dianne Morris later described those questions as "gotcha moments." After executive session, Morris moved to continue the contract and negotiate the audit dollars within 90 days. The motion passed 4–3. The Mayor stated on the record that he had not heard enough that night to restore confidence in the relationship.

The three statutory petitioners — Pauline Migliore, Debbie Stewart, and Patrick Runions — spoke in favor of continuing the YMCA relationship in that process. That is their public position. The same three people then ran a recall whose extra-petition feed attacked the Mayor for questioning the YMCA CFO (Exhibit G) and put YMCA equipment on a fact sheet the Clerk never approved (Exhibit E). YMCA equipment, shared vans, and grants are exactly the talking points Coker put in front of Council in the June packet. They are not in the approved 200-word recall statement.

They did not keep that fight on the dais. They took the petition into the building whose contract had just been saved 4–3.

- **Exhibit I.** Pauline Migliore, September 9, 2026: "Petition to recall the Mayor from office will be at YMCA 5a-9a." Four advertised morning hours inside or at the door of the facility whose contract they had just defended.
- **Exhibit K.** Pauline Migliore, August 30, 2026: "The Y, Wednesday 9/2 12p–3p," plus Rolling Hills Ranch Drive blocks. The Y is listed first.
- **Exhibits C-1 and C-2.** The named petitioner at a table with "Recall Mayor Duncan" and "NO AI DATA CENTER" signs — the same operation that was advertised for the YMCA.

Exhibit D-2 — Brittany Mastin. The Johnstown recall discussion / organizing-group membership page lists, in one frame: Jessica Friedt; Pauline Migliore, Admin; Patricia Nagle, Certified Personal Trainer at Johnstown Community YMCA; Brittany Mastin, Branch Executive Director at Johnstown Community YMCA; Lance Walker; Jason Rocha, Admin; Protect Johnstown, Admin. That is the recall committee's administrator stack sitting in the same membership list as the YMCA's Branch Executive Director and a YMCA trainer.

The Protestor alleges with particularity that a material share of the 559 signatures reviewed by the Clerk were gathered at the YMCA, on hours advertised by Pauline Migliore, in a building managed by a person who appears in the organizers' group, after the three petitioners had already spoken for the YMCA on the Council floor. If a section was left at a YMCA table, or gathered by a YMCA director or trainer, or gathered while the circulator was not attending the signer, the affidavit cannot be true. Demand: the YMCA sign-in practice, any staff permission to table, Brittany Mastin's hours, Patricia Nagle's role if any, and every section dated on an advertised YMCA block.

The approved measure is about Baca, a Lowdown column, and a July 13 work session. The YMCA contract is not in those 200 words. Using the YMCA as the collection hall, after using the Council floor to defend the YMCA, and after posting the Mayor's YMCA-CFO questions as recall content, is extra-petition motive wearing a petition badge. Sections gathered in that hall should be isolated, affidavit-checked, and struck if the affiant was not present or if the unapproved fact sheet was the document on the table.

F. Official-capacity witnesses — not circulators

- **Meghan C. Martinez, MMC, Town Clerk.** Not a circulator. She is the filing officer. She approved form on July 17, 2026 (Exhibit A). She found the petition not sufficient on September 21, 2026: 559 reviewed, 479 allowed, 80 not allowed, 490 required (Exhibit A-2). She holds every section, every affidavit, and every worksheet. She is requested to produce that file and to be designated, or to yield designation, so the official who passed on form is not the official who adjudicates this Protest.
- **Matt LeCerf, Town Manager.** Not alleged as a circulator. Official-capacity witness for Town records the Republic reviewed and for any staff memorandum, purchasing-policy text, or work-session packet the committee recast as a Charter crime (Exhibit Y).

D. Chronology

- **Form approval:** July 17, 2026 (Exhibit A). Circulation through 5:00 p.m. September 15, 2026.
- **Filing:** 21 packets, September 15, 2026.

- **Clerk letter:** September 21, 2026 (Exhibit A-2) — Not Sufficient. 559 / 479 / 80 / 490. Cure until 5:00 p.m. October 6, 2026.

III. Relief requested

1. Proceed under C.R.S. § 31-4-503(3)(b); set hearing 5–10 days after mailed notice; mail this Protest to every person on the subpoena list.
2. Produce every filed section, circulator affidavit, signature worksheet, and any cured pages; compare each line to the Town elector list.
3. Invalidate every section circulated by, left unattended by, or verified by affidavit of Pauline Migliore as shown in Exhibits C-1 and C-2, and every section gathered at the advertised YMCA and Rolling Hills Ranch tables (Exhibits I, K).
4. Invalidate every section circulated with the August 26, 2026 Amy Barr Al-Otaibi fact sheet (Exhibit E) or any other extra-petition handout that was not the measure approved July 17, 2026.
5. Strike signatures that fail § 31-4-503(2)(b).
6. Start from the Clerk's September 21 numbers — 479 allowed against 490 required — then subtract every additional signature tied to an invalid section.
7. Require Pauline Migliore, Debbie Stewart, Patrick Runions, Jason Rocha, Jessica Friedt, Lance Walker, Jackie Eubank, Allie Cruz, Brittany Mastin, and Amy Barr Al-Otaibi to identify in writing every section they circulated, every location, every hour, and every extra-petition handout.
8. Require Dianne Morris, as a previewing member of the Johnstown recall discussion page only, to identify what she saw, received, or forwarded. Do not treat her as a circulator unless a produced affidavit says she is one.
9. Require the Town Clerk to produce the complete file that yielded 559 / 479 / 80 / 490, and require official-capacity production from the Town Manager of the records Exhibit Y relies on.

IV. Subpoena list

The Protestor requests subpoenas to appear and testify under oath, and to bring every petition section, circulator affidavit, fact sheet, sign-in log, and communication concerning circulation of this recall, directed to:

- Circulators / committee / solicitors: Pauline Migliore; Debbie Stewart; Patrick Runions; Jason Rocha; Jessica Friedt; Lance Walker; Jackie Eubank; Allie Cruz; Brittany Mastin; Amy Barr Al-Otaibi; every other person who signed a circulator affidavit.
- Previewing group member only: Dianne Morris — limited to knowledge of the Johnstown recall discussion page, materials received, and whether any circulation instruction passed through her. Not alleged as a circulator.
- Official capacity: Meghan C. Martinez, Town Clerk — entire petition file, worksheets, 479/490 tally, and any cured pages. Matt LeCerf, Town Manager — official records underlying Exhibit Y. Neither is alleged as a circulator.

Failure of a circulator, or of Pauline Migliore, to appear and testify, where this Protest alleges circulator defects with particularity, shall invalidate the affected section.

V. The Charter the committee rewrote — and why that rewrite is a sufficiency defect

This Section is offered for one permitted purpose only: to show that circulators substantially misled signers about the legal character of the office and about the measure they were signing. It is not a request that the hearing officer sit as a Charter court and declare the Mayor compliant. Grounds for recall are for electors. C.R.S. §§ 31-4-502(1)(a)(I), 31-4-503(3)(d). Misleading circulation of a measure other than the one the Clerk approved is for the hearing officer.

Read the Charter first. Then read what they handed people.

- **Charter § 1.3.** "The municipal government provided in this Charter shall be known as a Council-Manager government." Not a ceremonial figurehead with a CEO-Manager. A Council-Manager government in which the Mayor is a voting member of the governing body.
- **Charter § 2.1.** "The Town Council shall be the governing body of the Town, and shall have such powers as are possessed by the Town and not conferred by this Charter on others." Council acts. Staff executes. The Mayor votes.
- **Charter § 2.2.A.** "The Mayor shall be a member of the Town Council and shall have the same voting powers as any Councilmember." That sentence alone destroys the fact-sheet claim that the Mayor is an ornament.
- **Charter § 2.2.B.** "The Mayor shall preside over meetings of the Town Council and shall be recognized as the head of the Town government for ceremonial and political purposes." The April 2020 amendment put "political" in the Charter on purpose. The fact sheet (Exhibit E) deletes it. That is not paraphrase. That is alteration of the organic law used to induce a signature.
- **Charter § 2.2.C.** The Mayor's additional duties may be prescribed by ordinance, subject to the Charter. Advocacy in a Lowdown column and a request that Council consider a professional-services agreement are political-purpose conduct under § 2.2.B, not a § 12.13 expenditure.
- **Charter § 3.2.A.** Special meetings: Clerk call on request of the Mayor plus two Councilmembers, or three Councilmembers. The approved petition does not allege a meeting the Mayor called alone.
- **Meeting-action rule.** No ordinance, contract, appropriation, or final policy except at a regular or special meeting. The Republic review (Exhibit Y) found the Baca instrument unsigned and the Sept. 3 action a 5–1 denial of that instrument.
- **Charter § 8.3.** The Town Manager is the administrative officer, has no vote, enforces Council enactments, and prepares the budget Council adopts. Calling the Manager "the CEO" and the Mayor "ceremonial only" is a slogan. It is not § 8.3 and it is not § 2.2.
- **Charter § 12.13.** No official may expend money or enter a contract in excess of appropriations; any such contract is void. The committee has never produced an executed contract, an appropriation, or a payment the Mayor made. Exhibit Y confirms none was found.
- **Municipal Code § 2-1.** Council is one Mayor and six Councilmembers. The Mayor presides, is executive head for ceremonial purposes, and has the same vote as any Councilmember. Same structure as the Charter. Same omission in the fact sheet.

What the fact sheet did. Exhibit E tells the signer: "Town Manager is the CEO / Mayor title is ceremonial only / all town council members are co-equal officers." That formulation is false to § 2.2.A (the Mayor is a voting member of the governing body), false to § 2.2.B (ceremonial and political), and false to § 1.3 (Council-Manager, not CEO-ceremonial). A signer who read the sheet and not the 200 words was induced by a different legal universe than the one Johnstown actually chartered.

What Town records actually show — Exhibit Y. Council rejected a specific unsigned professional-services agreement 5–1. Town purchasing policy then in effect exempted professional services from mandatory public bidding. The July 13, 2026 work session was a full-Council policy briefing asking for direction, not an approved data center. No executed Baca contract. No court ruling. No public Town Attorney opinion. No ethics finding. Pauline Migliore did not answer the paper. The committee sold a Charter crime. The record sold a policy disagreement the Mayor lost on the floor 5–1 and then kept talking about — which § 2.2.B expressly contemplates.

Why this is a sufficiency issue, not a speech issue. Colorado will not let a hearing officer try the political grounds. It will let a hearing officer ask whether the signer was presented the approved measure or a substitute. Exhibit B is the approved measure. Exhibit E is a substitute. Exhibits F–U are the substitute running in the same feed, to the same audience, during the same 60 days. Sections gathered under the substitute should not be counted as sections gathered under Exhibit B.

VI. The table, the hours, the Councilmember, and the feed

Exhibits C-1 and C-2. Pauline Migliore at a public table behind "NO AI DATA CENTER" and "Recall Mayor Duncan," petition papers on the table, attention on a phone or a book — not on a signer. The Protestor alleges with particularity that signatures associated with those tables were not affixed in the circulator's presence and that the section was circulated in whole or in part by a person other than an attending affiant. Johnstown treated unattended circulation as fatal in the 2010–2011 Romanowski recall.

Exhibits I, K, and D-2. Advertised blocks: YMCA 5:00 a.m.–9:00 a.m.; The Y Wednesday 9/2 12–3; Rolling Hills Ranch Drive Tuesday 9/1 and Thursday 9/3 4–6 p.m. The three named petitioners had already spoken for the YMCA at the special meeting. Brittany Mastin, Branch Executive Director of that YMCA, sits in the organizers' membership list (Exhibit D-2) with Pauline Migliore and Jason Rocha as Admins. A four-hour advertised shift inside that building, plus a photograph of the named petitioner reading a book, is not consistent with an affidavit that every signature was affixed in her presence.

Exhibit D and Dianne Morris. A sitting Councilmember is inside the organizers' group while the petition is live. She sits in the chamber the committee clipped. Require her testimony on knowledge, receipt, and any circulation.

Exhibits E through U. The public operation told signers the Mayor is only ceremonial, tried to take Greeley's debt, hid an NDA, hid YMCA equipment, that his dissertation is the data center, that the water plant is the data center, and that challenging the petition is a raid on taxpayers. Almost none of that is the approved measure. That is substantial misleading.

Start with the Clerk's numbers. Exhibit A-2: 559 reviewed, 479 allowed, 80 already rejected, 490 required. That is eleven signatures short of the statutory bar. An eleven-signature gap does not get closed by bringing back the same table and the same sheet.

Exhibit Y — Johnstown Republic, September 8, 2026 (updated Sept. 11 and Sept. 16). Independent review of Town records found that several characterizations used to sell this petition do not match the official actions. Council's Sept. 3, 2025 vote was a 5–1 denial of a specific unsigned Baca professional-services agreement, not a ban on discussing AI or data-center policy. Town purchasing policy then in effect exempted professional services from mandatory bidding. The July 13, 2026 work session was a full-Council policy briefing, not an approved project. The Republic identified no executed Baca contract, no court ruling, no public Town Attorney opinion, and no ethics finding that the Mayor violated the Charter. Pauline Migliore did not respond to the paper's request for supporting records. The Sept. 16 update records the same 490-signature requirement the Clerk later applied. The related-posts tile on the same site states the petition "falls 11 signatures short." That is the public record the committee asked signers to treat as a Charter crime. It is not.

VII. Reservation

The Protestor has not yet been provided the filed sections. This Protest reserves a line schedule to be filed after inspection and after any October 6, 2026 cure. No signature should be treated as unchallenged merely because a section and line number cannot be listed before the Clerk produces the page.

VIII. Verification under oath

I, Michael P. Duncan, being first duly sworn upon oath, state: I am a registered elector of the Town of Johnstown, Colorado; I have read this Protest; of my personal knowledge I identify the person depicted in Exhibits C-1 and C-2 as Pauline Migliore; I received the Clerk's July 17, 2026 and September 21, 2026 letters; the bound exhibits are true copies of the approved petition form, the group membership list, the Facebook posts, the fact sheet, and the photographs as they came to me; and I identify Dianne Morris as a member of the Johnstown Town Council who appears on Exhibit D and on the dais in Exhibits G, N, and O. All other facts are true to the best of my knowledge, information, and belief.

Michael P. Duncan 450 S. Parish Avenue, Johnstown, Colorado 80534 (Town Hall)

STATE OF COLORADO) ss. COUNTY OF WELD

Subscribed and sworn to before me this 28 day of September, 2026, by Michael P. Duncan.

Carol Marie Gamez

Notary Public My commission expires: 11/02/2027

Carol Marie Gamez
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20074027389
MY COMMISSION EXPIRES 11/02/2027

IX. Certificate of filing and requested service

Filed with Meghan C. Martinez, MMC, Town Clerk, 450 S. Parish Avenue, Johnstown, Colorado 80534, mmartinez@johnstownco.gov. The Clerk is requested to mail this Protest to Pauline Migliore, 337 Granite Way; Debbie Stewart and Patrick Runions, 8 Sebring Lane; Jason Rocha; Jessica Friedt; Lance Walker; Jackie Eubank; Allie Cruz; Brittany Mastin; Amy Barr Al-Otaibi; Dianne Morris (previewing member only) at her address of record; and the Weld County Clerk and Recorder, with notice of hearing not less than five nor more than ten days after mailing.

Respectfully submitted this 28th day of September, 2026.

Michael P. Duncan

BOUND EXHIBITS

Each image below is part of this Protest and is offered for the use stated in the caption.

Exhibits C-1 and C-2 are the circulation-table photographs of Pauline Migliore — side view through the window and front view at the signed table — bound in full below after the Clerk letters and the approved petition.

450 S. Parish Avenue
Johnstown, CO 80534
970.587.4664
JohnstownCO.gov

July 17, 2026

Mayor Michael P. Duncan
2453 Siskin Way
Johnstown, CO 80534

Re: Recall Petition Sufficiency as to form

Dear Mayor Duncan:

This letter is to notify you that on July 16, 2026, the Town Clerk's Office received a petition seeking your recall from office.

Pursuant to the Town of Johnstown Charter, the Johnstown Municipal Code, and applicable Colorado law, the Clerk's Office has completed its review of the petition for sufficiency as to form and has determined that the petition is sufficient for circulation as of today's date (July 17, 2026).

The recall committee has until 5:00 p.m. on Tuesday, September 15, 2026, to submit the petition containing the required number of signatures for verification by the Town Clerk's Office.

At this stage in the process, no determination has been made regarding the sufficiency of the signatures. If a petition containing the requisite number of valid signatures is submitted and certified, the recall process will proceed as provided by the Town Charter and applicable law. You will be notified of any subsequent actions affecting the process.

Regards,

Meghan C. Martinez, MMC
Town Clerk
Town of Johnstown
970-578-9611
mmartinez@johnstownco.gov

The Community that Cares

EXHIBIT A — July 17, 2026. Town Clerk letter: petition approved as to form.

450 S. Parish Avenue
Johnstown, CO 80534
970.587.4664
JohnstownCO.gov

September 21, 2026

Mayor Michael P. Duncan
2453 Siskin Way
Johnstown, CO 80534

Re: Recall Petition – Not Sufficient

Dear Mayor Duncan:

This letter is to notify you that on September 15, 2026, the Town Clerk's Office received 21 petition packets for review of sufficiency.

Pursuant to the Town of Johnstown Charter, the Johnstown Municipal Code, and applicable Colorado law, the Clerk's Office has completed its review of the petition for sufficiency and has determined that the petition is not sufficient.

The recall committee has until 5:00 p.m. on Tuesday, October 6, 2026, to submit a cured petition curing any signature that was not allowed at the time of review.

I am including the totals for your information.

Total Signatures Reviewed: 559

Total Signatures Allowed: 479

Total Signatures Not Allowed: 80

Total Signatures Required: 490

You will be notified of any further action related to this process.

The Community that Cares

EXHIBIT A-2 — September 21, 2026, page 1. NOT sufficient: 559 reviewed / 479 allowed / 80 not allowed / 490 required.

Regards,

Meghan C. Martinez, MMC
Town Clerk
Town of Johnstown
970-578-9611
mmartinez@johnstownco.gov

Sent via electronic communication to: mduncan@johnstownco.gov

The Community that Cares

EXHIBIT A-2 — September 21, 2026, page 2.

WARNING:

IT IS AGAINST THE LAW:

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to sign such petition when not a registered elector.

Do not sign this petition unless you are a registered elector. To be a registered elector, you must be a citizen of Colorado and registered to vote in the Town of Johnstown, Colorado.

Do not sign this petition unless you have read or have had read to you the proposed measure in its entirety and understand its meaning.

Petition to recall Michael Duncan from the office of Mayor of the Town of Johnstown, Colorado

Committee: Pauline Migliore, 337 Granite Way, Johnstown, Colorado 80534

Debbie Stewart, 8 Sebring Lane, Johnstown, Colorado 80534

Patrick Runions, 8 Sebring Lane, Johnstown, Colorado 80534

Michael Duncan should be recalled from office of Mayor of the Town of Johnstown, Colorado for exceeding his authority under the Town Charter, and undermining transparency in Town governance.

On September 3, 2025, Mr. Duncan proposed positioning Johnstown as a hub for artificial intelligence data centers and introduced Russ Baca as the newly created Chief AI Business Development Officer, tasked with procuring land for a data center. Mr. Duncan disclosed that he met privately with outside consultants he did not identify to develop this initiative, without Council's knowledge and without issuing a Request for Proposal. Council members stated they were not informed of these meetings. Following discussion, including Mr. Baca's acknowledgment of limited relevant experience, Council voted five to one to reject the agreement, with Mr. Duncan casting the sole dissenting vote.

Despite this rejection, Mr. Duncan wrote in the December 1, 2025, Johnstown Lowdown that the Town was working to make Johnstown a regional center for innovation and technology through AI infrastructure development. On July 13, 2026, he again directed staff to prepare a data center concept despite Council's prior denial.

These actions reflect a pattern of acting outside Charter authority and bypassing established Council processes.

EXHIBIT B — July 17, 2026. Approved petition, page 1 of 7.

WARNING:

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Petition to recall Michael Duncan from the office of Mayor of the Town of Johnstown, Colorado

Committee: Pauline Migliore, 337 Granite Way, Johnstown, Colorado 80534

Debbie Stewart, 8 Sebring Lane, Johnstown, Colorado 80534

Patrick Runions, 8 Sebring Lane, Johnstown, Colorado 80534

1	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
2	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
3	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
4	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
5	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
6	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

EXHIBIT B — July 17, 2026. Approved petition, page 2 of 7.

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7	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
8	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
9	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
10	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
11	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
12	Signature	Residence Address (Street & Number)	County
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EXHIBIT B — July 17, 2026. Approved petition, page 3 of 7.

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13	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
14	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
15	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
16	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
17	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
18	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

EXHIBIT B — July 17, 2026. Approved petition, page 4 of 7.

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19	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
20	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
21	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
22	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
23	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
24	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

EXHIBIT B — July 17, 2026. Approved petition, page 5 of 7.

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25	Signature	Residence Address (Street & Number)	County
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26	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
27	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
28	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
29	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing
30	Signature	Residence Address (Street & Number)	County
	Printed Name	City/Town	Date of Signing

EXHIBIT B — July 17, 2026. Approved petition, page 6 of 7.

AFFIDAVIT OF CIRCULATOR

I solemnly swear or affirm under penalty of perjury that:

- I have read and understand the laws governing the circulation or petitions;
- I was a citizen of the United States, and at least 18 years of age at the time this section of the petition was circulated and signed by the listed electors;
- I circulated this section of the petition;
- Each signature on this petition was affixed in my presence;
- Each signature on this petition is the signature of the person whose name it purports to be;
- To the best of my knowledge and belief each of the persons signing this petition section was, at the time of signing, a registered elector;
- I have not paid or will not in the future pay and I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix his or her signature to the petition;
- I understand that I can be prosecuted for violating the laws governing the circulation of petitions, including the requirement that a circulator truthfully completed the affidavit and that each signature on the petition was affixed in the circulator's presence;
- I understand that failing to make myself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud; and
- I understand that the entire petition section may be rejected if any portion of the circulator affidavit is incomplete.

Circulator Name (please print)

Last name First Name

Permanent Residence Address (or location is homeless)

Street name and number (no P.O.Boxes) City/Town County State Zip Code

Sign and Date in the Presence of a Notary

Signature of Circulator Date of Signing

STATE OF COLORADO, COUNTY OF

Subscribed and sworn or affirmed before me this _____ of ,20
Day Month Year

by

Printed name of Circulator above

Stamp notary seal within the box below

Signature (and Title) of Notary / Official Administering Oath:

_____ My Commission Expires: _____

EXHIBIT B — July 17, 2026. Approved petition, page 7 of 7.

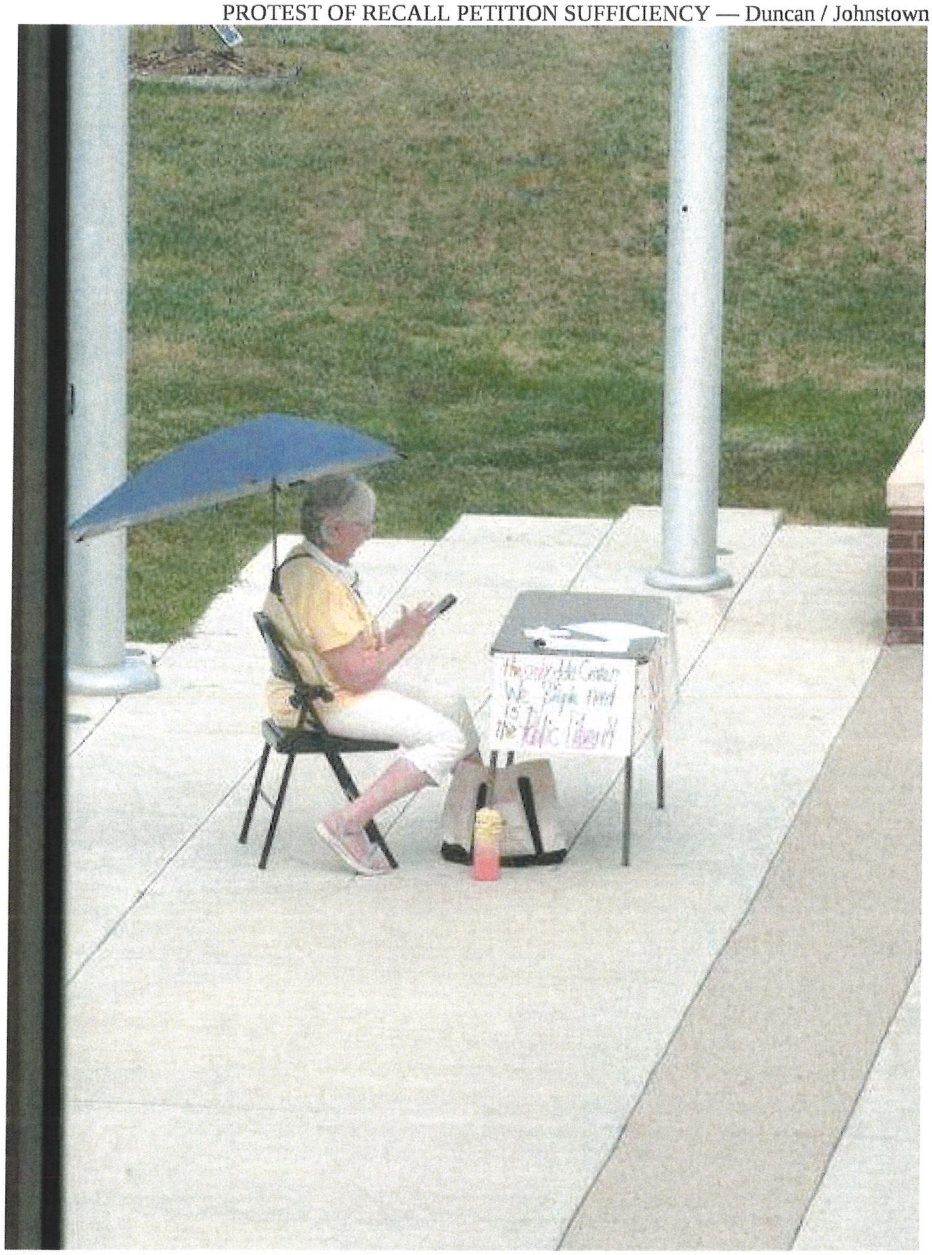


EXHIBIT C-1 — August 28, 2026. Side view: Pauline Migliore at the circulation table, phone in hand.



EXHIBIT C-2 — September 1, 2026. Front view: Pauline Migliore at the table with recall and "NO AI DATA CENTER" signs.

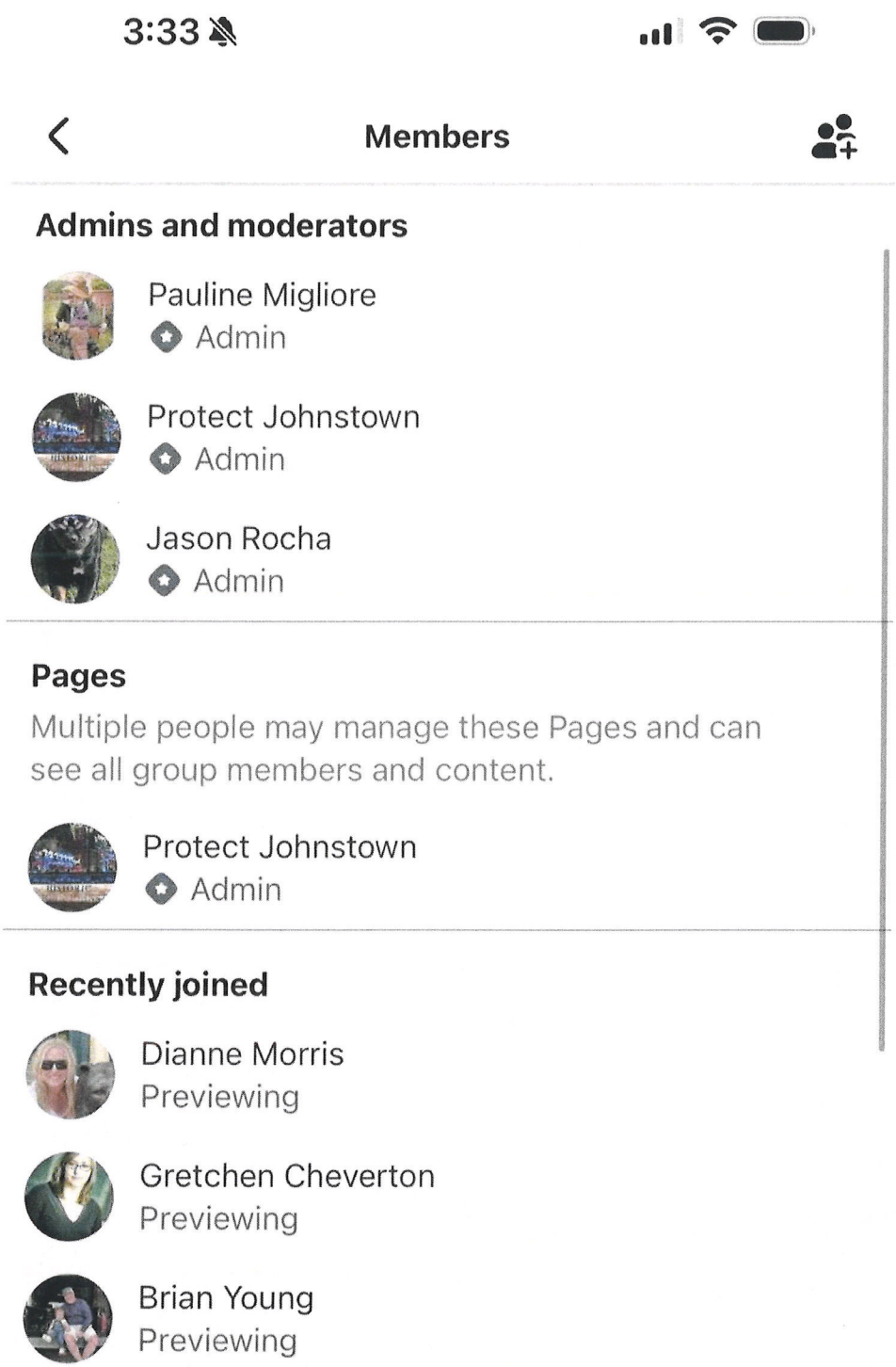


EXHIBIT D — Organizing-group Members page during circulation. Admins: Pauline Migliore, Protect Johnstown, Jason Rocha. Recently joined / Previewing: Councilmember Dianne Morris (also Gretchen Cheverton and Brian Young Previewing).

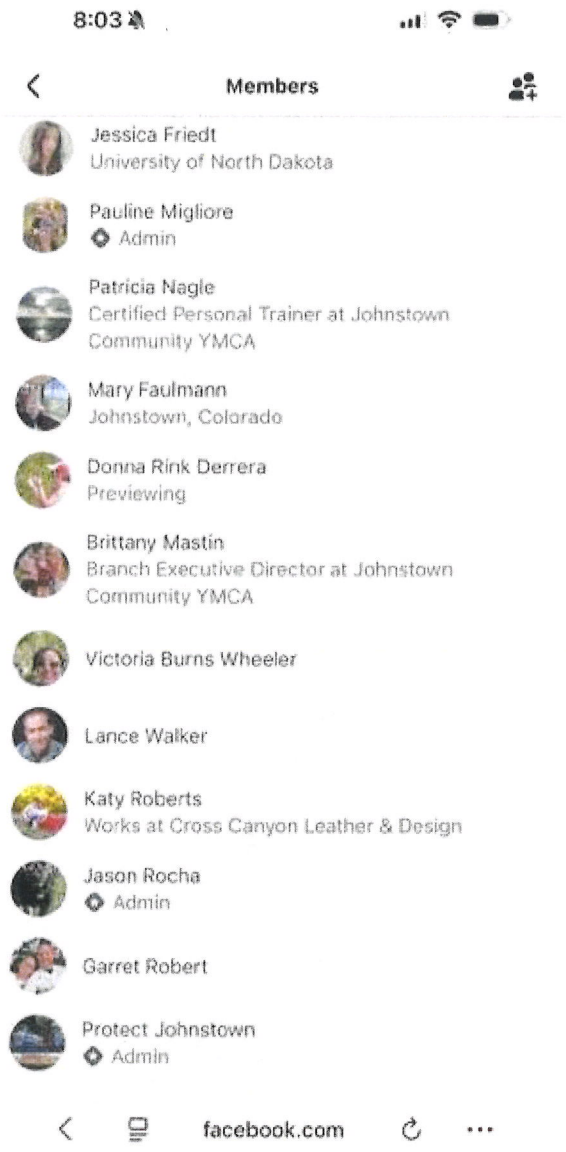
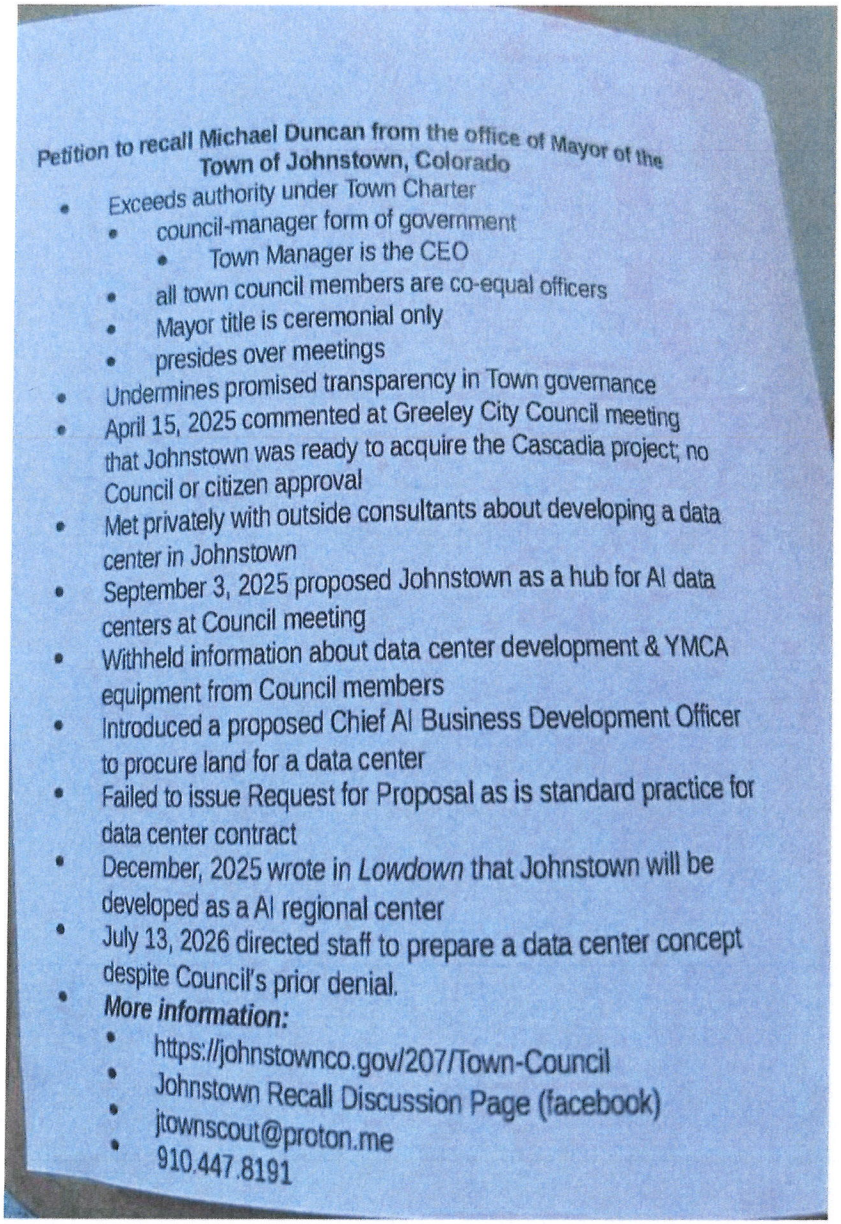


EXHIBIT D-2 — Later Members page of the same group. Jessica Friedt; Pauline Migliore (Admin); Patricia Nagle, YMCA trainer; Brittany Mastin, Branch Executive Director, Johnstown Community YMCA; Lance Walker; Jason Rocha (Admin); Protect Johnstown (Admin).

Amy Barr Al-Otaibi
August 26 ·

Johnstown friends- I'm part of the team gathering signatures to recall our mayor. Why do I support this recall? The mayor is overstepping his power, he is not transparent or honest with the other board members or the town, plus he is pushing for Johnstown to get a data center. Below is the fact sheet with dates of just some of the instances where he has overstepped and has not been transparent. If you would like to sign this petition, please let me know and I'll stop by your house so you can sign. Then most importantly, when the ballots come out this fall, PLEASE VOTE! **See less**



18 4

EXHIBIT E — August 26, 2026. Amy Barr Al-Otaibi: unapproved fact sheet and offer to stop by the house so the signer can sign.

Pauline Migliore
Admin · September 21 at 10:05 AM ·

On August 18, 2026, during a contentious exchange with a constituent on social media, Mayor Michael Duncan said he was very comfortable letting voters decide whether he should remain in office.

However, he has since challenged the recall petition, a process that is costing the Town $300 per hour, plus $150 in travel time, for an attorney to serve as the Administrative Hearing Officer for election-related matters.

That raises a fair question: If the mayor trusts voters to make the decision, why challenge the recall process—and why place this additional expense on town taxpayers?

So much for trusting the voters, and so much for being a careful steward of town resources. **See less**

Michael Duncan · 4w

Jason Rocha That was quite the speech.

Here's the problem. Disagreeing with you, responding to criticism, or exercising the same rights as every other citizen does not mean I'm incapable of representing this community.

You voted for me. I appreciate that. But your vote didn't purchase my silence, my agreement, or an obligation to govern according to your opinions.

I represent the people who support me, the people who criticize me, and yes, even the people trying to recall me.

That does NOT mean I have to stand quietly while people attack my leadership and pretend I don't have the right to respond.

As for questioning whether I'm "the right person for the job," fortunately, that decision belongs to the voters of Johnstown, not a Facebook comment section.

I'm very comfortable letting them decide.

And when you see me around town, come say hello. I mean that sincerely. We can disagree without pretending either one of us is afraid of the conversation.

Now THAT is representing the entire community.

Reply Share

EXHIBIT F — September 21, 2026. Pauline Migliore: post attacking the statutory protest and citing hearing-officer cost.

Pauline Migliore
Admin · September 11 at 10:09 AM ·

It is my view that Mayor Duncan's conduct during the questioning of the YMCA CFO was deeply concerning and fell short of the professional standards expected of a public official. By adopting a tone that felt more like an interrogation than a constructive inquiry, the Mayor shifted the dynamic from a search for information to an exercise in dominance.

The nature of the questioning appeared to be designed not to elicit facts, but to undermine the CFO's professional standing. Such an approach can be perceived as degrading and humiliating, effectively stripping a professional of their dignity in a public forum. Furthermore, the aggressive posture adopted by the Mayor created an intimidating atmosphere that likely hindered a transparent and productive dialogue.

Public leadership requires the ability to hold individuals accountable without resorting to tactics that belittle or intimidate. In this instance, the Mayor's behavior seemed disrespectful of the CFO's position and the expertise he brings to his role. Respectful discourse is essential for effective governance, and when that respect is discarded, it diminishes the integrity of the entire process.
See less

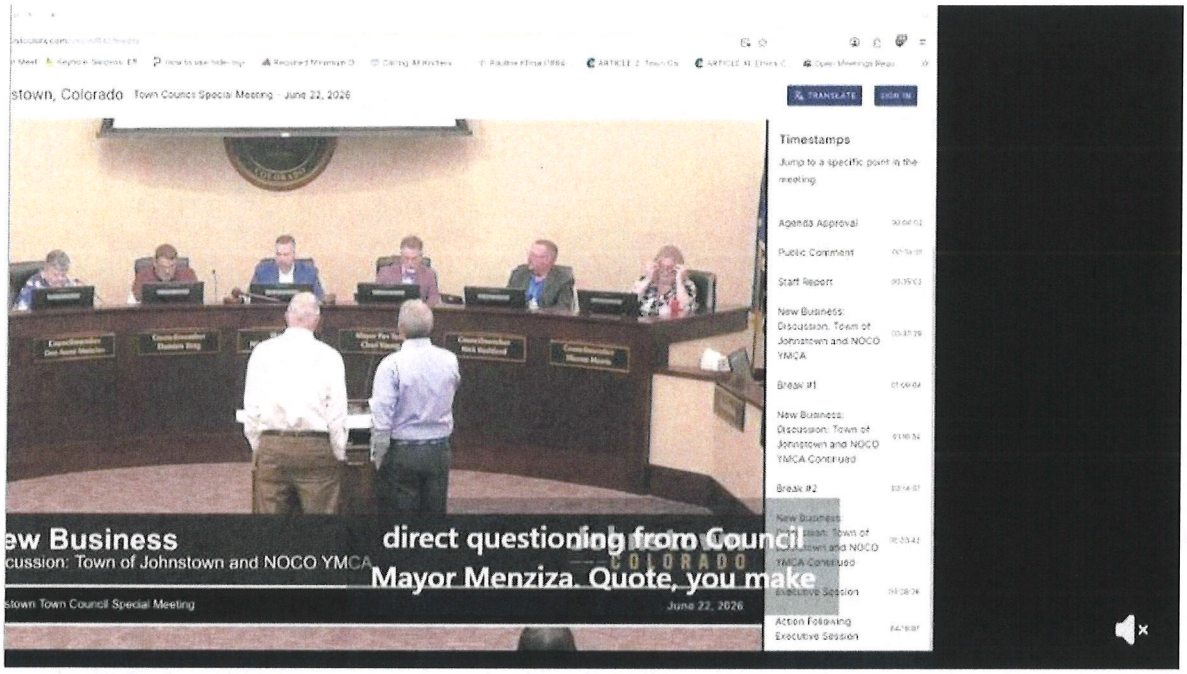


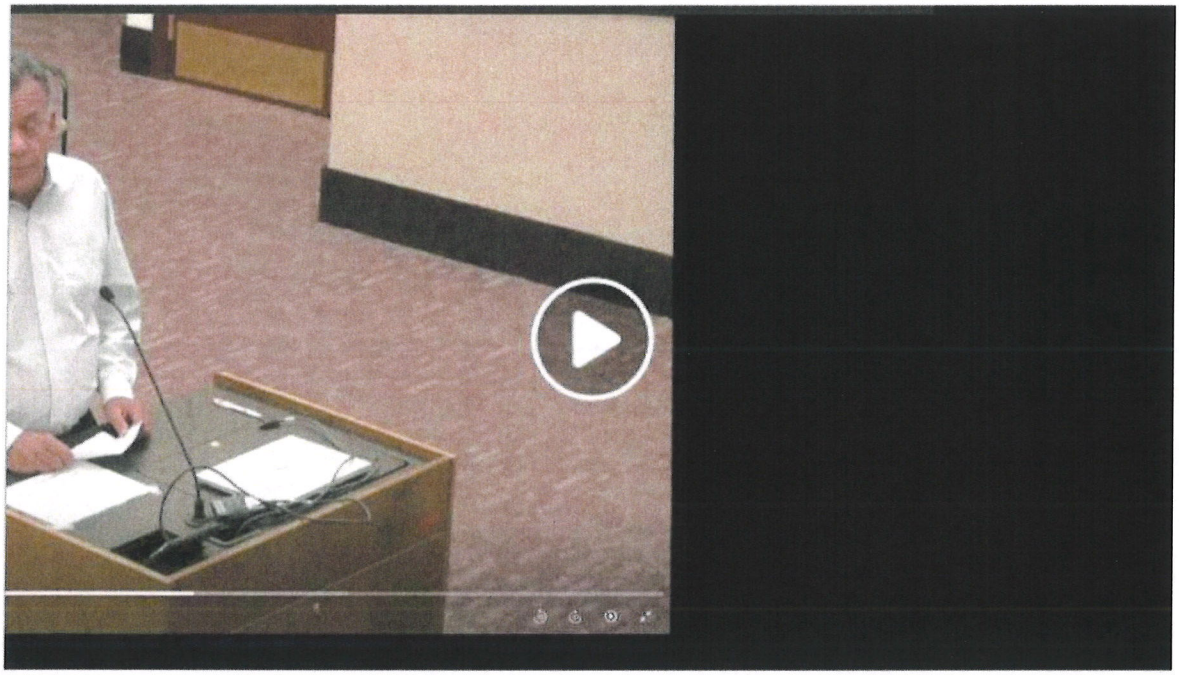
EXHIBIT G — September 11, 2026 post. June 22, 2026 special meeting video: questioning of the YMCA CFO. Dianne Morris on the dais.

Pauline Migliore
Admin · September 9 at 11:37 AM ·

September 3, 2025 Town Council meeting where Mayor Michael Duncan states

"...let's not get too much into the details of it..."

It seems to me that he may be redirecting the discussion to obscure the existence or implications of a nondisclosure agreement (NDA)."



2

EXHIBIT H — September 9, 2026. Pauline Migliore: September 3, 2025 meeting clip and NDA insinuation.

Pauline Migliore
Admin · August 20 ·

In my opinion, when Michael Duncan donned his "Mayor hat" on April 15, 2025, it did not authorize him to offer to take on the Cascadia/Catalyst project from Greeley.

Nor do I believe his friendship with Martin Lind is grounds to accept any new partnership to alleviate Greeley's $175M debt.



3 2

Amy Barr Al-Otaibi · 5w
I wish these posts were shareable.

EXHIBIT P — August 20, 2026. Pauline Migliore: Cascadia / Catalyst / Martin Lind at Greeley. Not in the approved petition.

Pauline Migliore
Admin · September 9 at 4:39 AM ·

Petition to recall the Mayor from office will be at YMCA 5a-9a

Or contact jtownscout.proton.me

Text 970.447.8191

1

Write a public comment...

EXHIBIT I — September 9, 2026. Pauline Migliore: petition will be at the YMCA 5 a.m.–9 a.m.

Pauline Migliore
Admin · September 1 at 10:52 AM ·

Mayor Michael Duncan's public assertions that he leads with integrity and welcomes criticism are, from my point of view, fundamentally incompatible with his actual conduct. While he claims to be a leader who wants to hear when people are upset, as reported in The Surveyor of Thursday, June 11, 2026, his actions tell a different story.

True leadership requires the maturity to handle dissent without retaliation. Instead of engaging with the substance of public concerns, I find examples of Mayor Duncan choosing to doxx and ridicule individuals for simply exercising their First Amendment right to petition the government for a redress of grievances. In my opinion, this type of behavior is not the mark of an open leader; it looks to me as a calculated attempt to silence opposition through intimidation.

Integrity is defined by the alignment of one's words and actions. When a public official uses their platform to target private citizens for expressing disagreement, they forfeit the claim to integrity. The community deserves a leader who respects the democratic process and the constitutional rights of all constituents, regardless of whether their feedback is flattering or critical. I believe that Mayor Duncan must decide whether he truly values transparency and openness, or if those are merely slogans used to mask a pattern of hostility toward the people he serves. **See less**

DeterminedPoodle853's Post

for a non-existent data center.

Reply

Michael Duncan · 1d
Here's your anonymous person. Enjoy the Sunday matinee popcorn's on me.

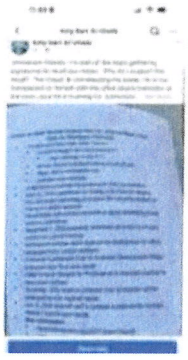


EXHIBIT J — September 1, 2026. Pauline Migliore "doxx" post embedding the Amy Barr fact-sheet image.

Pauline Migliore
Admin · September 4 at 1:02 PM ·

Work is being done between communities, including Johnstown for a regional water treatment plant.

Johnstown's upgraded plant will increase daily water treatment to 12 million gallons/day from 6,000.

Future capacity will be 21 million gallons/day.

1 to 5 million gallons/day serve 10,000-50,000 people.

I find it interesting that Johnstown expects that much growth that quickly.

Or is the plan for a data center in Johnstown included?

I believe we must all remain vigilant. See less

JOHNSTOWNREPUBLIC.COM

Johnstown Joins Study of Potential Regional Water Treatment Plant Near I-25, Highway 56 - Johnstown Republic

Johnstown is joining seven other Northern Colorado water providers in a $400,000 engineering study examining whether a regional water treatment plant near Interstate 25 and Colorado Highway 56 could provide a practical...

1

EXHIBIT Q — September 4, 2026. Pauline Migliore: regional water-treatment study recast as data-center evidence.

Pauline Migliore
Admin · August 30 at 11:05 AM ·

Are you interested in signing the Recall Petition?

Connect with us: weather permitting

- The Y
  - Wednesday 9/2 12p-3p
- Rolling Hills Ranch Drive
  - Tuesday 9/1 4p-6p
  - Thursday 9/3 4p-6p

Or email jtownscout@proton.me

Or call 970.447.8191

1 3

EXHIBIT K — August 30, 2026. Advertised hours: The Y Wednesday 9/2 12–3; Rolling Hills Ranch Drive 9/1 and 9/3.

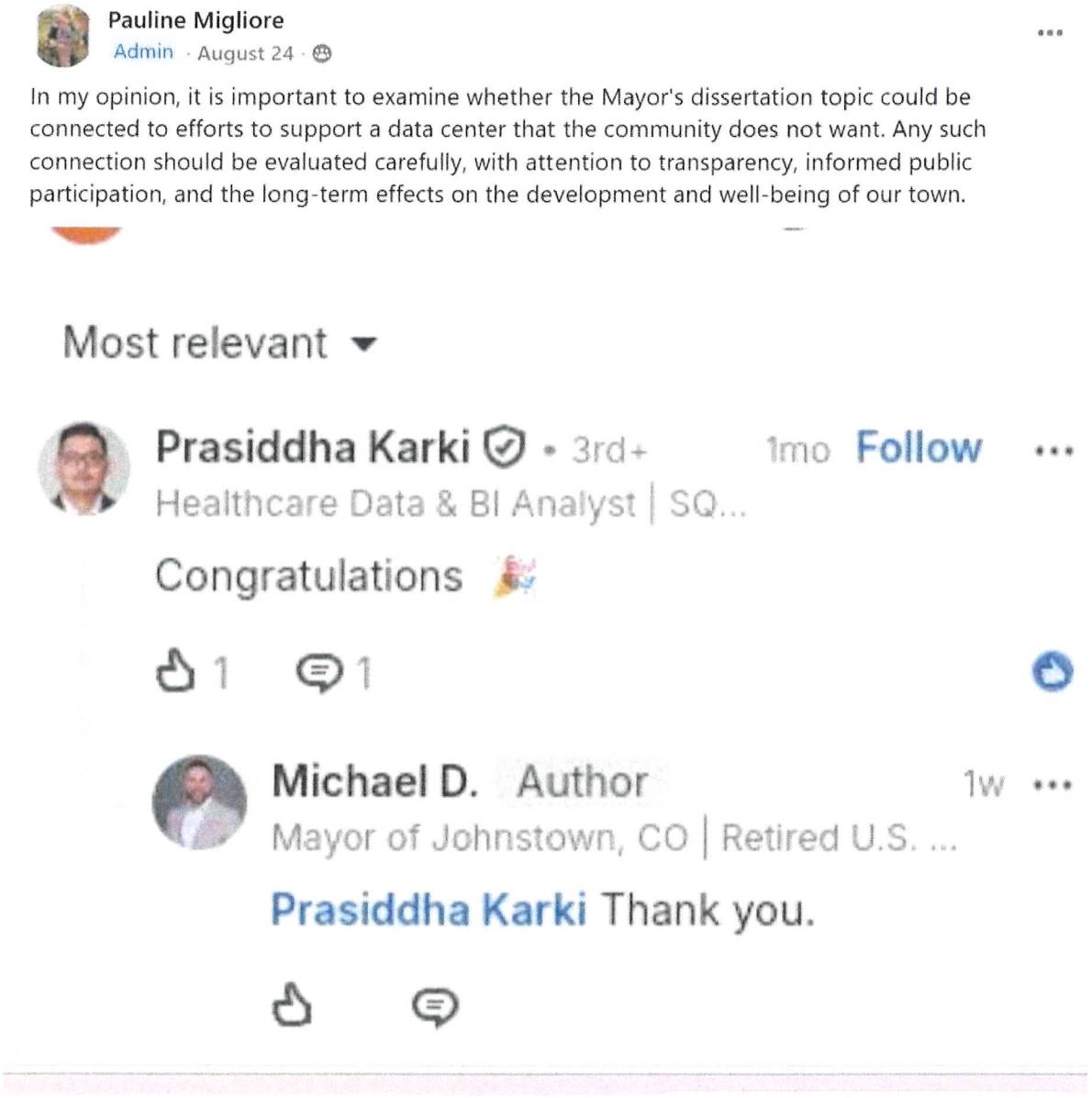


EXHIBIT R — August 24, 2026. Pauline Migliore: Mayor's dissertation topic treated as data-center evidence.



Pauline Migliore
Admin · August 22 ·

In my opinion, persistence in making Johnstown a data center hub is contrary to the wishes of the vast majority of our citizens. The article written by Mayor Duncan in the December 1, 2025 issue of the Johnstown Lowdown seems to me to ignore those wishes.

Excerpts from

December 1, 2025

The Lowdown - December 2025

A Call to Serve:

The Johnstown We Are Building Together

"Message from the Mayor

A Year of Grit, Growth, and Gratitude

Johnstown, what a year it has been. Together, we have built, endured, and grown stronger than ever before. Every morning I remind myself of one truth: I work for you, all of you. My job is to listen, to act, and to fight for the families who call this town home."

"Forging a New Identity for Johnstown

The future of Johnstown will not be defined by how far we travel to work but by the opportunities we create right here at home. We are working to make Johnstown Northern Colorado's center for innovation and technology. By attracting Artificial Intelligence and data-infrastructure industries, we are laying the foundation for career-level, high-paying jobs that allow residents to live, work, and thrive in our community.

This is how we evolve from a commuter town to a destination for opportunity, innovation, and growth."

"A Challenge to Our Citizens

The future of this town will not be written by politicians. It will be written by the people who care enough to serve. As we move into 2026, I encourage more of our residents to take an active role in shaping the direction of this community. Join a board. Volunteer. Step forward to lead. Johnstown needs people with vision, courage, and heart citizens who are ready to bring new ideas and energy to the table.

Our town thrives when new voices rise and when the next generation of leaders takes its place in guiding Johnstown's future. That is how democracy stays strong, and how communities continue to grow."

"For the People. For Johnstown. For Our Future."

"The future of this town will not be written by politicians.

It will be written by the people who care enough to serve."

1



Write a public comment...

EXHIBIT L — August 22, 2026. Pauline Migliore: reprint of the December 1, 2025 Lowdown column.

Pauline Migliore
Admin · August 22 ·

As per Mayor Duncan at the September 3, 2025 Town Council meeting, he met privately with community professionals to examine land in Johnstown for the "betterment of the town." The remaining co-equal members of the council, as evident in the recorded meeting, were excluded from the meetings and all knowledge of the Mayor's efforts to make Johnstown a data center hub.

Mayor Duncan stated the contract with Russ Baca, $3,500 monthly stipend to pay for his networks and travel expense, and framed it as an opportunity in front of the council today to jump on and not let it pass Johnstown by.

The remaining co-equal council members, in my opinion, chose to be informed of the intent, follow established process, and as a result denied approval of the contract. **See less**

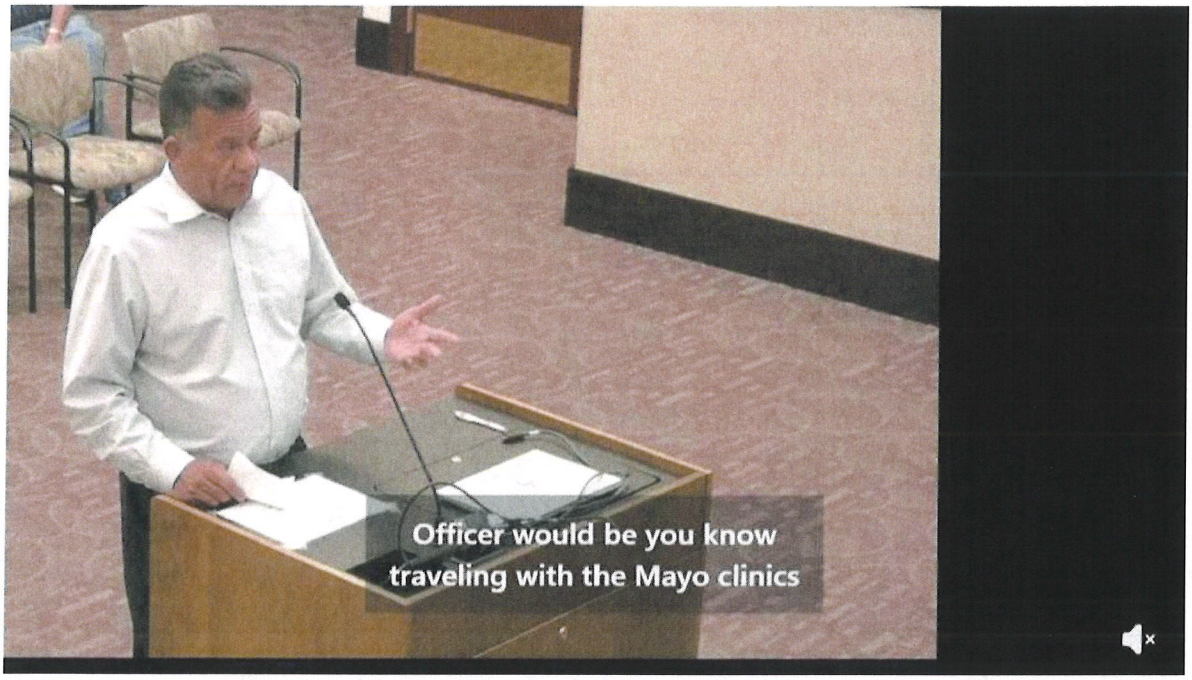


EXHIBIT N — August 22, 2026. Pauline Migliore: September 3, 2025 private-meetings / $3,500 stipend clip.

Pauline Migliore
Admin · August 22 ·

At the September 3, 2025 meeting, council members challenge the $3,500 stipend, what value would be realized by the Town of Johnstown.

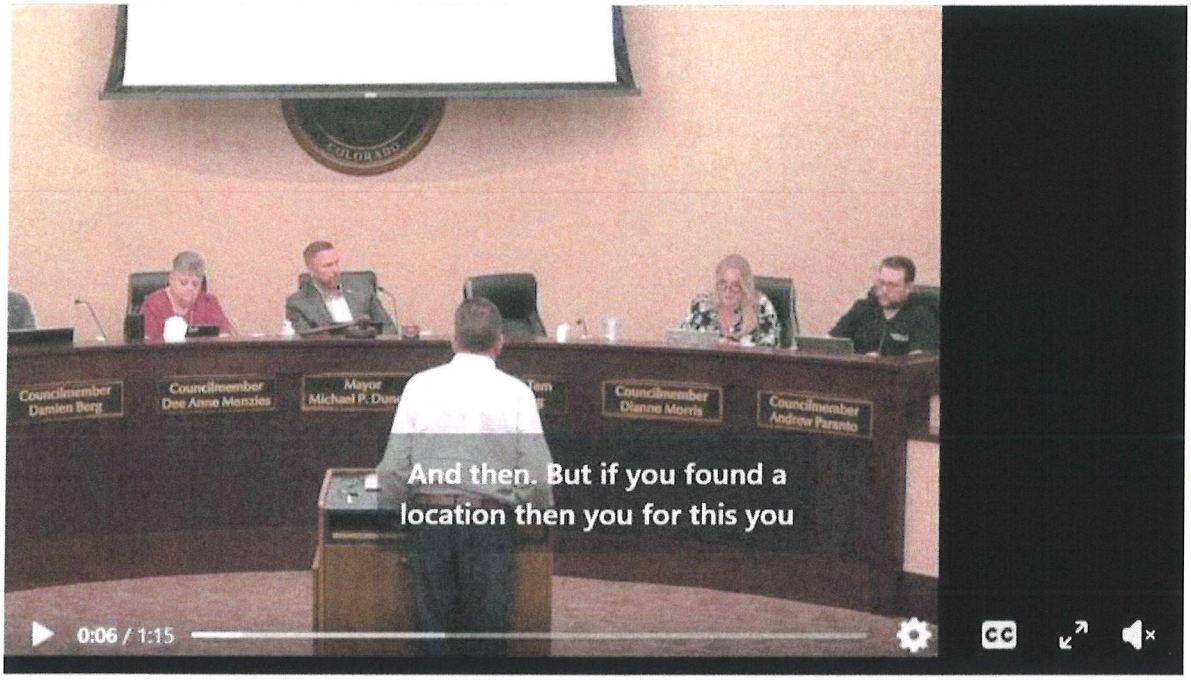


EXHIBIT O — August 22, 2026. Council questions on the $3,500 stipend. Nameplate: Councilmember Dianne Morris.

Pauline Migliore
Admin · August 22 ·

At the September 3, 2025 Town Council meeting, council members challenge the lack of experience, bypassing the standard process to issue Request for Proposal (RFP), exclusion of co-equal members of the council

Private meetings with Mayor Duncan of entities which could not be disclosed, discussing a data center in Johnstown, developing relationships, and now a data center entity is ready to "rock and roll."

In my opinion, Mayor Duncan had no authority then to offer land in Johnstown, nor does he now.
See less



EXHIBIT O (cont.) — August 22, 2026. RFP / no authority to offer land. Dianne Morris on the dais.

Pauline Migliore
Admin · August 1 ·

Town Council meeting consent agenda for Monday, August 3, 2026 includes Ordinance 2026-295: An Ordinance Establishing a Temporary Moratorium on Data Center Facilities in the Town of Johnstown - Second Reading

The ordinance goes into effect in seven days from second reading

Show up and voice your concerns during Public Comment preceding consent agenda.

EXHIBIT M — August 1, 2026. Pauline Migliore: Ordinance 2026-295 data-center moratorium, second reading.

Protect Johnstown
Admin · July 25 ·

Mayor Michael Duncan Cascadia fall-out

Opinion that this is Exceeding Town Charter authority **See less**

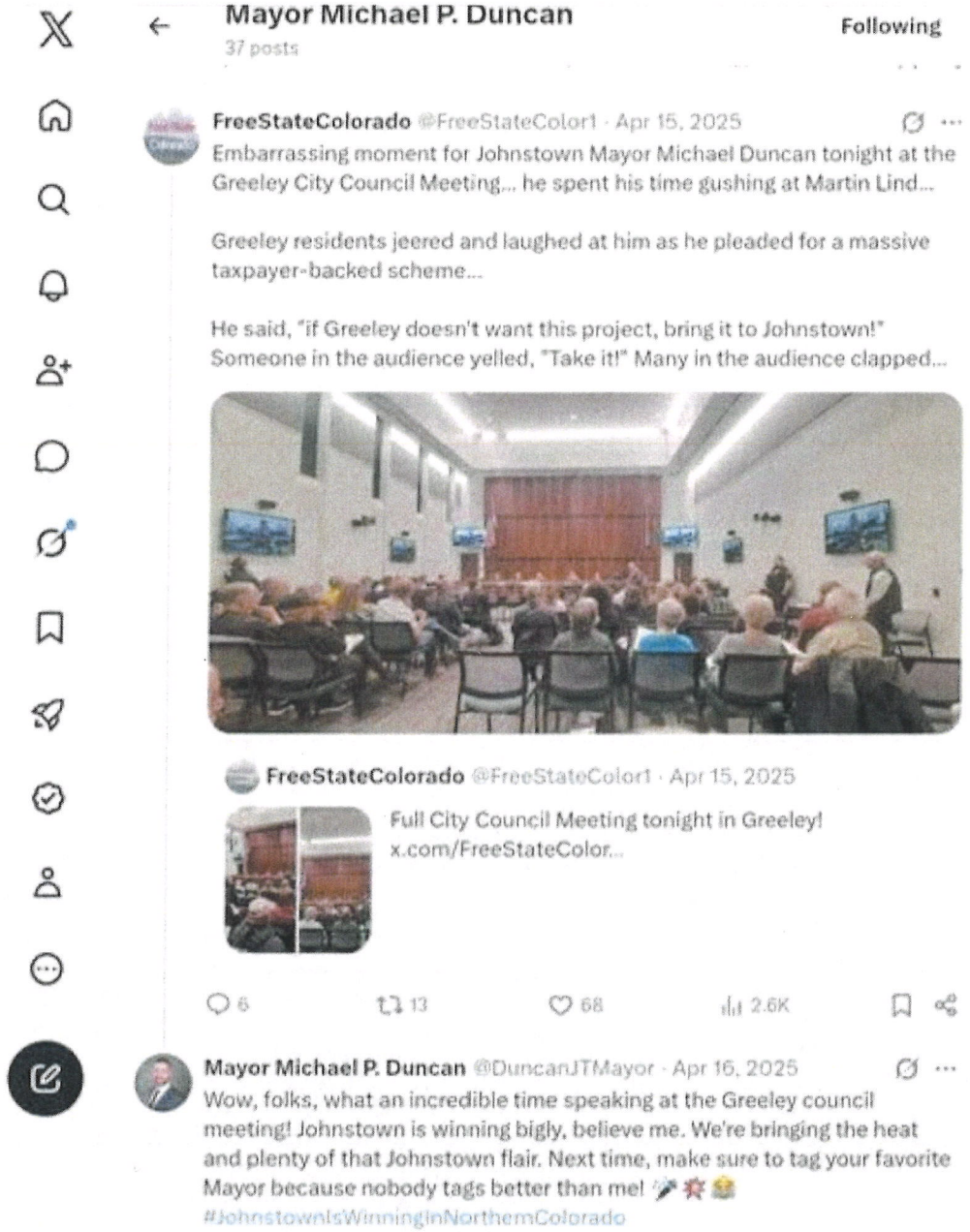


EXHIBIT S — July 25, 2026. Protect Johnstown: Cascadia fall-out / exceeding Town Charter authority.

Protect Johnstown
Admin · July 25 ·

Petition to recall Michael Duncan from the office of Mayor of the Town of Johnstown, Colorado

Michael Duncan should be recalled from office of Mayor of the Town of Johnstown, Colorado for exceeding his authority under the Town Charter, and undermining transparency in Town governance.

On September 3, 2025, Mr. Duncan proposed positioning Johnstown as a hub for artificial intelligence data centers and introduced Russ Baca as the newly created Chief AI Business Development Officer, tasked with procuring land for a data center.

Mr. Duncan disclosed that he met privately with outside consultants he did not identify to develop this initiative, without Council's knowledge and without issuing a Request for Proposal. Council members stated they were not informed of these meetings.

Following discussion, including Mr. Baca's acknowledgment of limited relevant experience, Council voted five to one to reject the agreement, with Mr. Duncan casting the sole dissenting vote.

Despite this rejection, Mr. Duncan wrote in the December 1, 2025, Johnstown Lowdown that the Town was working to make Johnstown a regional center for innovation and technology through AI infrastructure development. On July 13, 2026, he again directed staff to prepare a data center concept despite Council's prior denial.

These actions reflect a pattern of acting outside Charter authority and bypassing established Council processes.

To circulate and sign petition, contact jtownscout@proton.me or via comments. Thank you

EXHIBIT T — July 25, 2026. Protect Johnstown: full petition text published as Page content.

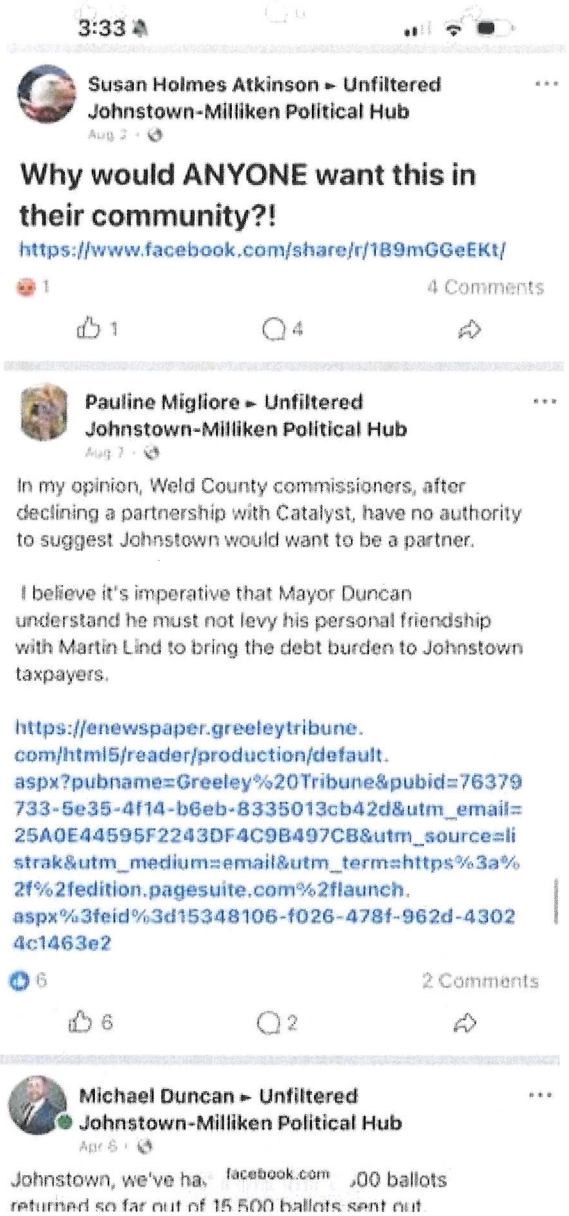


EXHIBIT U — August 7, 2026 (Pauline line). Unfiltered Johnstown–Milliken Political Hub: Catalyst / Weld County / Martin Lind. Not Dianne Morris.

Monday, September 28, 2026

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Johnstown Republic

LOCAL GOVERNMENT

Records Complicate Key Claims Behind Recall Effort Against Johnstown Mayor Michael Duncan

By Johnstown Republic | September 8, 2026

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EXHIBIT Y — September 8, 2026. Johnstown Republic: records complicate key claims behind the recall.

Update — Sept. 16, 2026: Recall organizers submitted 559 signatures by the Sept. 15 deadline. Town Clerk Meghan Martinez said the Clerk's Office has five business days to review the petitions and determine whether at least 490 signatures are valid. Under C.R.S. § 31-4-503, if the petition is deemed sufficient, the process may move toward an election unless a protest is filed.

A petition seeking the recall of Johnstown Mayor Michael Duncan is being circulated in Johnstown, but a Johnstown Republic review of the records underlying the petition found important distinctions between several of its allegations and the formal actions documented by the Town.

The Town Clerk's Office received the recall petition on July 16, 2026, and determined on July 17 that it was sufficient as to form for circulation. Recall organizers must submit at least **490 valid signatures from registered Johnstown electors by 5 p.m. Sept. 15** for the process to continue.

The Clerk's determination allowed the petition to circulate. It was not a finding that the allegations against Duncan were true or that he violated the Town Charter. The Clerk also made clear that no determination had yet been made regarding the sufficiency of signatures.

The approved petition accuses Duncan of "exceeding his authority under the Town Charter" and "undermining transparency in Town governance." Much of the case presented by recall organizers centers on a proposed 2025 consulting agreement with

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EXHIBIT Y — September 8, 2026. Republic continued.

development after Council rejected that agreement, and a July 2026 Town Council work session concerning data-center policy.

Duncan disputes the allegations. In a written response to the Johnstown Republic, he said he advocated for proposals and supported bringing issues before Council but did not independently exercise governmental powers reserved for the Council or Town administration.

"I did not award Mr. Baca a contract. I did not execute a contract. I did not create an office. I did not appropriate Town money. I did not procure land," Duncan said.

READER DOCUMENT
Approved Recall Petition — July 17, 2026
Read the recall petition approved for circulation by the Johnstown Town Clerk's Office.

Council rejected Baca agreement, not broader data-center development

The dispute dates to Sept. 3, 2025, when the Town Council considered a proposed professional-services agreement with Baca for Medical AI-related economic-development work.

A Town Council agenda communication described the proposal as a request from Duncan to develop and enter into an agreement with Baca for economic-development services "related exclusively to Medical AI." The proposed agreement would have paid

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EXHIBIT Y — September 8, 2026. Republic continued.

in recruitment of a qualifying Medical AI business meeting specified investment, employment and facility requirements.

The formal agreement placed limits on Baca's proposed authority. It stated that the Town would exclusively negotiate any incentives offered by Johnstown and that Baca had no authority to bind the Town. Expenses required prior written authorization from the Town Manager, and Baca would not be entitled to a real-estate commission unless a separate agency agreement was executed.

Baca's accompanying cover letter described a broader possible role that included negotiating and arranging real-estate transactions and building partnerships with healthcare providers, developers and technology companies. Town staff, however, specifically advised Council that the broader services described in the cover letter were **not part of the formal contract** unless Council chose to add them.

Council ultimately voted **5-1 to deny the professional-services agreement**, with Duncan casting the sole vote against denial.

That distinction is important because the recall petition later characterizes Duncan's continued support for data-center policy as occurring "despite Council's prior denial." The formal Sept. 3 action was a denial of the **specific Baca professional-services agreement**. The Johnstown Republic has not identified a separate motion, resolution or ordinance from that meeting prohibiting Johnstown from considering AI or data-center development more broadly.

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EXHIBIT Y — September 8, 2026. Republic continued.

"I understood the vote as a decision on that contract," Duncan said. "I did not treat it as a ban on Council discussing the subject again."

Council discussion also included concerns about selecting a particular consultant without first conducting a broader competitive process.

READER DOCUMENT

Proposed Professional Services Agreement with Russ Baca

The proposed agreement considered by Council on Sept. 3, 2025. The copy reviewed by the Johnstown Republic contains unsigned signature lines.

Town policy did not require mandatory bidding for Baca agreement

The absence of a Request for Proposal became one of the criticisms surrounding the proposed Baca agreement and is cited by recall organizers as part of their argument that Duncan bypassed established processes.

The Town's **Comprehensive Financial Management Policies in effect in September 2025**, however, expressly exempted professional services from mandatory public bidding.

The policy states that its public-bidding requirements "shall not be mandatory in the employment of professional services." It specifically lists **consultants** and **real-estate brokers** among the professional services covered by that exemption and says Council

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EXHIBIT Y — September 8, 2026. Republic continued.

The Baca proposal was brought before Council and rejected. The proposed agreement reviewed by the Republic contains unsigned signature lines. No executed version of that agreement has been identified in the records reviewed for this article.

The Republic also has not identified a court ruling, publicly available Town Attorney opinion, ethics finding or other independent legal determination concluding that Duncan violated the Charter through the Baca proposal or subsequent data-center policy discussions.

Duncan said he was never advised by the Town Manager, Town Attorney or Town Council that his actions concerning Baca, AI initiatives or data-center policy exceeded his authority.

That statement is Duncan's account. The Republic has not independently reviewed any privileged legal advice that may have been provided to Town officials.

Clerk approved petition form, not its allegations

Town Clerk Meghan Martinez's July 17 correspondence draws an important distinction between approving a recall petition for circulation and deciding whether the accusations contained in it are true.

The Clerk determined that the petition was **sufficient as to form**. The recall committee was then given 60 days to gather at least **490 valid signatures from registered**

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EXHIBIT Y — September 8, 2026. Republic continued.

Migliore had not responded as of publication.

The lack of a response does not establish that the committee's claims are incorrect. Where the petition's characterizations are disputed, the Republic has relied on the official petition, Town meeting records, contracts, policies and other primary-source documents available for review.

Recall effort remains active

The recall committee has until **5 p.m. Sept. 15** to submit at least **490 valid signatures** to the Town Clerk. If organizers submit the petition by the deadline, the Clerk will make an initial determination of whether it is sufficient. Under **C.R.S. § 31-4-503(3)(b)**, a registered elector of the municipality may file a written protest under oath within 15 days after the petition is filed, including challenges involving the petition, circulator affidavits or compliance with statutory requirements. If a protest is filed, a hearing is held before the municipal clerk or another designated hearing officer. The officer sought to be recalled, the officer's representative, or a majority of the recall committee may then seek district-court review of the hearing officer's determination.

The records reviewed by the Johnstown Republic confirm that Council rejected the proposed Baca consulting agreement, Duncan continued publicly advocating for AI and data infrastructure afterward, and data-center policy returned to the full Council for discussion in July 2026.

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EXHIBIT Y — September 8, 2026. Republic continued.







ELECTIONS · LOCAL GOVERNMENT

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Johnstown Republic · September 22, 2026 · 0

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ELECTIONS · LOCAL GOVERNMENT

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Johnstown Republic · September 21, 2026 · 0

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LOCAL GOVERNMENT

Johnstown Council Votes 4–3 to Continue YMCA Contract After Executive Session

Johnstown Republic · June 23, 2026 · 0

The Johnstown Town Council voted 4–3 Monday night to continue the town's contract with the YMCA of Northern Colorado, following a lengthy public discussion and [...]

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EXHIBIT Y — September 22, 2026 related Republic item: petition short of 490.

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Johnstown Breeze

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Recall petition against Mayor Duncan falls short of signatures

News

By Matt Lubich The Johnstown Breeze 2026-09-24 06:00 AM

JOHNSTOWN – A recall petition seeking to remove Mayor Michael Duncan from office was submitted last week, according to Town Clerk Meghan Martinez.

Martinez said last week that the petition, with 559 signatures, was turned in by the deadline. The petition needs 490 verified signatures to move forward. She said that per the Johnstown Charter the number is calculated as 25 percent of the total votes cast for the position at the last election in which the position was up for election.

Tuesday, it was reported that the petition fell short of the 490 mark after some of the signatures were invalidated.

A member of the recall committee said the petition fell short by only about a dozen signatures. The committee now has until October 6 to "cure" those signatures to try again to reach the 490 mark.

As part of the petition, the recall committee that submitted it wrote the following statement: "Michael Duncan should be recalled from office of Mayor of the Town of Johnstown, Colorado, for exceeding his authority under the Town Charter, and undermining transparency in Town governance.

"On September 3, 2025, Mr. Duncan proposed positioning Johnstown as a hub for artificial intelligence data centers and introduced Russ Baca as the newly created Chief AI Business Development Officer, tasked with procuring land for a data center. Mr. Duncan disclosed that he met privately with outside consultants he did not identify to develop this initiative, without Council's knowledge and without issuing a Request for Proposal. Council members stated they were not informed of these meetings. Following discussion, including Mr. Baca's acknowledgement of limited relevant experience, Council voted five to one to reject the agreement, with Mr. Duncan casting the sole dissenting vote.

"Despite this rejection, Mr. Duncan wrote in the December 1, 2025, Johnstown Lowdown that the Town was working to make Johnstown a regional center for innovation and technology through AI infrastructure development. On July 13, 2026, he again directed staff to prepare a data center concept despite Council's prior denial.

"These actions reflect a pattern of acting outside Charter authority and by bypassing established Council processes," the petition concludes.

Mayor Duncan says he plans to fight the recall. Tuesday, he issued the following statement: "Recall the recall. The petitioners told this town I broke the Charter. The petitioners told families a data center was coming tomorrow if you don't sign this recall petition. That was a scare tactic. I will not let fear be used against the people I serve.

"The petitioners cannot cite a Charter violation that holds. What they sold was panic at the door. The petitioners hid the truth from petition signers. A one-year moratorium (on data centers) is in effect. A sevenmember community data center advisory committee is being formed. So it was never coming tomorrow.

"If you signed to protect your home, I hear you. You were trying to keep your family safe. You are not the enemy. I will not stand by while a hurting family gets the bill. A mother putting milk back at the register. A grandmother choosing rent or medicine. A child asking why supper got smaller. A special election will cost taxpayers $30,000 to $35,000. That is taxpayer money that cannot be spent somewhere else.

"I will protest in writing, under oath, in public. I will ask the hearing officer to put organizers and circulators on the stand under oath. I will fight this to the very end. I didn't take this oath to fold when things got difficult. I took it to stand my ground, defend the process, and fight for the people I was elected to serve."

EXHIBIT Z — September 24, 2026. The Johnstown Breeze: 559 in / 490 required; unnamed member of the recall committee says about a dozen short; cure to October 6.

"If the petitions are deemed sufficient, the governing body will set an election date unless a protest is filed," Martinez wrote in an email last week when the petition was turned in. "If an election date is set it will be a separate election from the November general election."

Johnstown has previously gone through two recall efforts. One, against former Mayor Tom Martinez, was successful. Another, against former Mayor Mark Romanowski, failed.

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EXHIBIT Z — September 24, 2026. Breeze continued: prior Johnstown recalls (Martinez succeeded; Romanowski failed).