

**A RESOLUTION OF THE CITY COUNCIL  
SETTING THE TITLE AND CONTENT OF A BALLOT QUESTION  
TO BE SUBMITTED TO THE CITY'S REGISTERED ELECTORS AT  
THE REGULAR ELECTION TO BE HELD ON APRIL 6, 2004  
TO REPEAL ARTICLE XI, SECTION 11.2 OF THE CITY CHARTER  
RELATED TO THE SURPLUS AND DEFICIENCY FUND**

WHEREAS, Article XX, section 6 of the Colorado Constitution and section 31-2-210 of the Colorado Revised Statutes authorizes the governing bodies of home rule municipalities to submit ballot questions for charter amendments to the registered electors of the municipality; and

WHEREAS, section 13.13 of the Charter for the City of Cherry Hills Village ("City Charter") authorizes the City Council to present to the registered electors a ballot question for a proposed amendment to the Charter; and

WHEREAS, Article XI, Section 11.2 of the City Charter created a Surplus and Deficiency Fund to handle the surplus or deficient funds created by the operation of special improvement district; and

WHEREAS, due to changes in the law governing special improvement districts, the City Council has determined that this fund is no longer needed to protect the City in the event of deficiencies resulting from special improvement districts; and

WHEREAS, due to changes in the law governing special improvement districts, funds currently held in the Surplus and Deficiency Fund will neither be necessary nor used to resolve or remedy a special improvement district deficiency; and

WHEREAS, due to changes in the law governing special improvement districts, funds currently held in the Surplus and Deficiency Fund will remain unavailable for public use and benefit; and

WHEREAS, only through repeal of Article XI, Section 11.2 of the Charter for the City of Cherry Hills Village can funds held in the Surplus and Deficiency Fund be made available for public use and benefit; and

WHEREAS, the transfer of funds held in the Surplus and Deficiency Fund to the Land Donation Fund will permit such funds to be applied to projects that will improve the character of the community and the quality of life within the City; and

WHEREAS, the City Council desires to transfer the balance of funds in the Surplus and Deficiency Fund into the Land Donation Fund for the purposes described in Section 7-3-3 of the Municipal Code; and

WHEREAS, the City's next regular election is to be held on April 6, 2004;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE.

Section 1. The City Council hereby refers and approves the following Proposed Amendment and the accompanying Ballot Title and content of a ballot question for submission to the City's registered electors and to appear on the ballot for the municipal election to be held on April 6, 2004.

**Proposed Charter Amendment.**

Repeal current Article XI, Section 11.2 of the Charter for Cherry Hills Village regarding the Surplus and Deficiency Fund.



**Ballot Title.** The ballot title for the proposed Charter Amendment shall read as follows:

**BALLOT QUESTION** \_\_\_\_\_:

**SHALL ARTICLE XI, SECTION 11.2 OF THE CHARTER OF THE CITY OF CHERRY HILLS VILLAGE BE REPEALED IN ITS ENTIRETY AND ANY FUNDS IN THE SURPLUS AND DEFICIENCY FUND BE TRANSFERRED TO THE LAND DONATION FUND?**

YES \_\_\_\_\_  
NO \_\_\_\_\_

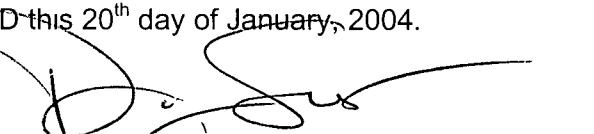
Section 2 For purposes of C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot question set forth herein and the ballot title for such question shall be the text of the question itself. Any protest to the ballot title shall be filed in writing with the City Clerk within five (5) business days following the date of adoption of this Resolution and shall be resolved thereafter by the City Council following a hearing with published notice.

Section 3 This Resolution shall be effective immediately upon approval of the City Council for the City of Cherry Hills Village.

Section 4 The City Clerk is authorized to correct typographical errors and omissions.

Section 5. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the City's election.

DONE AND RESOLVED this 20<sup>th</sup> day of January, 2004.

  
Douglas Scott, Mayor

ATTEST:

  
Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:

  
Robert C. Widner, City Attorney

