

## ORDINANCE NO. 3

Series 2015

November 18, 2014: Introduced as Council Bill 15, Series 2014 by Councilor Alex Brown, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

January 6, 2015: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE  
OF THE CITY OF CHERRY HILLS VILLAGE  
AMENDING SECTION 2-3-40(b) OF CHAPTER 2 OF THE MUNICIPAL  
CODE CONCERNING THE DELEGATION OF DUTIES AND POWERS  
OF THE MAYOR TO THE CITY MANAGER**

WHEREAS, the City of Cherry Hills Village ("Village") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, Section 5.7 of the Home Rule Charter authorizes the City Council, with express concurrence of the Mayor or by a two-thirds majority vote of the entire Council without the Mayor's concurrence, to delegate to the City Manager the specific powers and duties of the Mayor enumerated in Section 5.4 of the Charter with the exception of the duty to preside at Council meetings; and

WHEREAS, through the appointment of the City Manager as chief executive and administrative officer of the City, the City Council has effectively delegated such powers and duties of the Mayor to the City Manager; and

WHEREAS, the City Council desires to enact this Ordinance to clarify that the duties and powers of the Mayor enumerated in Section 5.4, except the duty to preside at Council meetings, are delegated to the City Manager, as the chief executive and administrative officer of the City; and

WHEREAS, in accordance with Section 5.7, the City Council with concurrence of the Mayor, or without the concurrence of the Mayor by a two-thirds majority of the entire Council, may hereafter remove from the City Manager any of such powers and duties delegated to him and reassign such to the Mayor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

**Section 1.** Section 2-3-40(b) of the Municipal Code is hereby amended to read as follows, with subparagraphs (1) through (13) to remain in full force and effect as if set forth in full below:

(b) General powers and duties: As authorized by Section 5.7 of the Charter, the City Manager shall have all of the duties and powers enumerated in Section 5.4 of the Charter, except as set forth in Sections 5.4(i) and 5.4(m). The City Manager shall be responsible to the City Council for the proper administration of all affairs of the City placed in his charge, and to that end he shall have the power and duty and be required to:

\* \* \*

**Section 2. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it

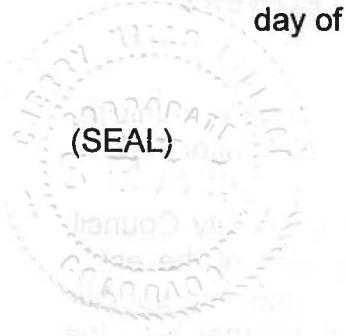
would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

**Section 3. Lawful Delegation.** Adoption of this Ordinance requires the concurrence of the Mayor or passage by a two-thirds majority of the entire Council without the Mayor's concurrence.

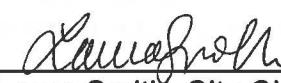
**Section 4. Effective Date.** This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 3, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado this 6<sup>th</sup> day of January, 2015.

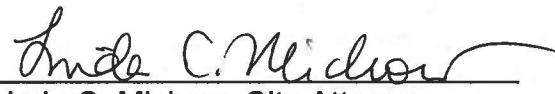
(SEAL)

  
  
 Laura Christman, Mayor

ATTEST:

  
 Laura Smith, City Clerk

Approved as to form:

  
 Linda C. Michow, City Attorney

Published in the Villager

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