

ORDINANCE NO. 3
Series 2023

May 16, 2023: Introduced as Council Bill 4, Series 2023 by Mayor Pro Tem Randy Weil, seconded by Councilor Dan Sheldon and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 6, 2023: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE OF
THE CITY OF CHERRY HILLS VILLAGE, COLORADO
AMENDING THE BUDGET FOR FISCAL YEAR 2023
AND APPROVING SUPPLEMENTAL APPROPRIATIONS FOR A STREET PAVING
PROJECT AND A CELLULAR COMMUNICATIONS STUDY**

WHEREAS, the City of Cherry Hills Village has prepared and approved a budget for fiscal year 2023 (the "2023 Budget") and the City is authorized and required to make appropriations by ordinance for each fiscal year pursuant to Article IX of the Home Rule Charter of Cherry Hills Village ("Charter"); and

WHEREAS, Ordinance 14, Series 2022 and Ordinance 15, Series 2022 approved the 2023 budget and appropriated funds in accordance with such budget; and

WHEREAS, Section 9.10, titled *Additional Appropriations*, of the Cherry Hills Village Home Rule Charter authorizes City Council to make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required by the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenue of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health or safety; and

WHEREAS, in response to the COVID-19 global pandemic, the United States government enacted the American Rescue Plan Act of 2021, H.R. 1319, 177th Cong. (2021) ("ARPA") which established and appropriated funds to the Coronavirus Local Fiscal Recovery Fund ("CLFRF Fund") to state, local, territorial, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, in accordance with the United States Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds Final Rule, published January 6, 2022 and effective April 1, 2022 ("Final Rule"),, the City of Cherry Hills Village ("City") has received One Million Six Hundred Seventy Thousand Seven Hundred Twenty-One Dollars and Eighty-Two Cents (\$1,670,721.82), and the current remaining balance of that account is One Million Four Hundred Seventy-Five Thousand One Hundred Eighty-Five Thousand Dollars and Eighty-Two Cents (\$1,475,185.82) from the CLFRF Fund; and

WHEREAS, the City may spend CLFRF funds on qualifying expenditures obligated by December 31, 2024 and must expend such funds by December 31, 2026; and

WHEREAS, the Final Rule permits recipients of ARPA funds who have elected a "standard allowance" to spend such funds on government services and allows for a broader set of uses of CLFRF Funds to include eligible broadband infrastructure investments due to lack of access to a reliable high-speed broadband connection and lack of reliable service; and

WHEREAS, the additional appropriation contemplated by this Ordinance does not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the 2023 budget.

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

Section 1. That the 2023 Budget and Appropriations is hereby supplemented by increasing the following funds by an additional total amount of \$324,400, as set forth below, to provide for a street paving project and a cellular communications study, to-wit:

Fund	Adopted Budget	Budget Supplement	Revised Budget
Capital	\$1,805,990	\$154,700	\$1,960,690
ARPA	0	169,700	169,700
Total Request		\$324,400	

Section 2. Should any section, clause, sentence or part of this Ordinance be adjudged by any court to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid, except to the extent that such invalidation defeats the purpose and intent of the City Council in adopting this ordinance.

Adopted as Ordinance No. 3, Series 2023, by the City Council of the City of Cherry Hills Village, Colorado, on the 6th day of June, 2023.

(SEAL)

Kathleen O'Brien
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney

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