

ORDINANCE NO. 6

Series 2024

August 6, 2024: Introduced as Council Bill 5, Series 2024 by Mayor Pro Tem Randy Weil, seconded by Councilor Earl Hoellen, and considered in full text on first reading. Passed by a vote of 5 yes and 1 no.

September 3, 2024: Considered in full text on second reading. Passed by a vote of 4 yes and 1 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 CERTAIN CONTRACT DUTIES AND POWERS OF THE MAYOR TO THE CITY MANAGER

WHEREAS, the City of Cherry Hills Village ("City") 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 ("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, and pursuant to Section 2-3-40(b) of the City's Municipal Code, the City Council has delegated such powers and duties of the Mayor to the City Manager; and

WHEREAS, Section 5.4(h) of the Charter authorizes the Mayor to enforce all terms and conditions imposed in favor of the City in any contract or public utility franchise, and to act as a purchasing agent for the City; and

WHEREAS, Section 5.1 of the Charter provides that all contracts in writing binding the City shall be signed by the Mayor; and

WHEREAS, Section 13.8 of the Charter authorizes the City Council to establish by ordinance procedure for entering into contracts for purchases, contracts for leases, and contracts for construction of public works; and

WHEREAS, consistent with the Charter, City Council desires to amend Section 2-3-40(b) of the City's Municipal Code to: (1) clarify that the City Manager is authorized to enforce all terms and conditions imposed in favor of the City in any contract; (2) specifically delegate to the City Manager the authority to act as a purchasing agent for the City and to authorize the City Manager to sign contracts for goods and services that are binding on the City consistent with a purchasing policy adopted by City Council resolution; and

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

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

Section 1. Subsections (8) and (12) of Section 2-3-40(b) of the Municipal Code are hereby amended to read as follows, with deletions shown in ~~strikethrough~~ and additions shown in underline, with the remainder of Section 2-3-40(b) to remain in full force and effect as if set forth in full below:

(8) Be responsible for the enforcement of Enforce all terms and conditions imposed in favor of the City in any contract of public utility franchise, and upon knowledge of any violation thereof, report the same to the City Council for such action and proceedings as may be necessary to enforce the same.

(12) In conformance with a purchasing policy adopted by City Council resolution, act as a purchasing agent for the City; provide for engineering, architectural, maintenance, construction, work, equipment and services required by the City; and sign contracts for goods and services binding on the City.

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. 6 Series 2024, by the City Council of the City of Cherry Hills Village, Colorado this 3rd day of September, 2024.

(SEAL)


Kathleen Brown
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

Approved as to form:

Kathie Guckenberger
Kathie Guckenberger, City Attorney

Published in the Villager

Published: 9/12/24

Legal # 11571

CITY OF CHERRY HILLS
VILLAGE

ADOPTION OF ORDINANCE

ORDINANCE 6, SERIES 2024

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 CERTAIN
CONTRACT DUTIES AND POW-
ERS OF THE MAYOR TO THE
CITY MANAGER

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during
regular business hours.

Published in The Villager
Published: September 12, 2024
Legal # 11571