

**A RESOLUTION
OF THE CITY COUNCIL OF CHERRY HILLS VILLAGE
SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY
AN ADVISORY QUESTION, SETTING ITS BALLOT TITLE,
AND PROVIDING THE ORDER OF BALLOT TITLES FOR LOCAL
BALLOT MEASURES FOR THE COORDINATED ELECTION HELD
NOVEMBER 5, 2024**

WHEREAS, in accordance with Article XX, Section 6 of the Colorado Constitution, the City of Cherry Hills Village (“City”) is a home rule municipality of the State of Colorado governed by a local charter (“Charter”); and

WHEREAS, in accordance with the Charter, the Colorado Constitution, and the Colorado Revised Statutes, a statement of intent was filed with the City Clerk on July 16, 2024, and the form of the citizen-initiated petition was approved by the City Clerk on July 18, 2024, to place a Charter amendment on the ballot for the November 5, 2024 election to be coordinated by Arapahoe County (the “Petition”); and

WHEREAS, such Petition was submitted to the City Clerk with signatures affixed thereto on August 7, 2024, and the City Clerk certified to City Council that the Petition was valid and sufficient on August 27, 2024; and

WHEREAS, pursuant to Resolution 16, Series 2024, the City Council set the ballot title and referred to the voters the citizen-initiated Charter amendment proposed by the Petition as set forth in Attachment A to that resolution; and

WHEREAS, on August 26, 2024, City Council approved Ordinance 5, Series 2024 referring to the voters a measure to amend Section 3.9 of the Charter as an alternative to the amendment proposed by the Petition; and

WHEREAS, the City Council hereby submits to the voters an advisory question seeking guidance from the voters if the citizen-initiated Charter amendment prevails, as set forth below; and

WHEREAS, pursuant to C.R.S. Section 31-2-222, this resolution provides the order in which the ballot titles for all local ballot questions shall be printed on the official ballot, together with their respective numbers where indicated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. **Recitals Incorporated.** The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council for all purposes.

Section 2. **Advisory Question.** At the November 5, 2024 election coordinated by Arapahoe County, there shall be submitted to the registered electors of the City the following advisory question:

Advisory question: If the voters approve the following initiated Ballot Question _____ that requires the City to repair and maintain the structures on the West Area of Quincy Farm and also prohibits public access to the West Area of Quincy Farm without City supervision and that question prevails, should the City Council explore a new property tax to provide a dedicated revenue stream to address the increased costs of complying with that charter amendment?

YES _____

NO _____

Section 3. **Ballot Title for Advisory Question.** This resolution shall serve to set the title and content for the question submitted herein, and the ballot title for such question shall be the text of the question itself. In connection with the fixing of the ballot title herein, the City Council finds and determines as follows:

- A. The general understanding of the effect of a “yes” or “no” vote on the advisory question will be clear to the electors.
- B. The ballot title for the advisory ballot question will not conflict with the titles of any other measure that will appear on the ballot at the November 5, 2024 City election.
- C. The ballot title for the advisory question correctly and fairly expresses the true intent and meaning of the measure.

Section 4. **Order of Ballot Titles.** Pursuant to Section 31-2-222, C.R.S., City Council hereby provides that the ballot titles for all measures it is submitting to the voters for the November 5, 2024 coordinated election shall be numbered consecutively and printed on the official ballot in the following order:

Question #1:

Shall Section 3.9 of the Home Rule Charter for the City of Cherry Hills Village be amended to include a requirement that the City manage and protect the property known as Quincy Farm in accordance with applicable law and the Conservation Easement, and as may be necessary to protect the general health, safety, and welfare of the public, as more particularly set forth in Attachment A to Ordinance No. 5, and if both this Ballot Question ____ and the citizen-initiated Ballot Question ____ are approved, shall the question receiving more votes prevail and the other question be deemed void and not effective?

YES ____

NO ____

Question #2:

Advisory question: If the voters approve the following initiated Ballot Question ____ that requires the City to repair and maintain the structures on the West Area of Quincy Farm and also prohibits public access to the West Area of Quincy Farm without City supervision and that question prevails, should the City Council explore a new property tax to provide a dedicated revenue stream to address the increased costs of complying with that charter amendment?

YES ____

NO ____

Question #3

Shall Section 3.9 of the Home Rule Charter for the City of Cherry Hills Village be amended to 1) add requirements on the City for managing the property known as Quincy Farm beyond those in the existing Conservation Easement and law, 2) require the City to repair, maintain and preserve all City-owned or controlled structures, ponds, and areas listed on the United States Department of the Interior National Register of Historic Places unless otherwise approved by the voters, 3) prohibit public access to the West Area of Quincy Farm without City supervision, and 4) authorize City residents to enforce the provisions of Section 3.9 and the Conservation Easement against the City, all as more particularly set forth in Attachment A to Resolution No. 16, Series of 2024?

YES ____

NO ____

Section 5. The City Clerk is authorized to correct typographical errors, typeface, font, and omissions prior to certification to the County Clerk.

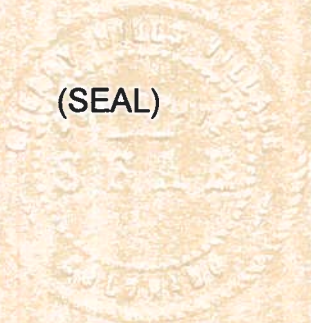
Section 6. The City Manager, City Attorney, and City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this resolution including all reasonable and necessary action to cause such approved ballot question to be printed and placed on the ballot for the election.

Section 7. Severability. If any provision of this resolution should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this resolution that can be given effect without the invalid portion, provided that such remaining portions or applications of this resolution are not determined by the court to be inoperable. The City Council declares that it would have adopted this resolution 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 would be declared invalid.

Section 8. Effective Date. This resolution is effective immediately upon adoption.

Introduced, passed and adopted at the regular meeting of City Council this 3rd day of September 2024, by a vote of 5 Yes and 0 No.

(SEAL)


Kathleen Brown
Kathleen Brown, Mayor

ATTEST:

Laura Gillespie
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger
Kathie B. Guckenberger, City Attorney