

**ORDINANCE NO. 5**  
**Series 2014**

August 19, 2014: Introduced as Council Bill 5, Series 2014 by Councilor Katy Brown, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

September 2, 2014: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**AN ORDINANCE  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS  
AT THE COORDINATED ELECTION HELD NOVEMBER 4, 2014  
TO AMEND THE HOME RULE CHARTER  
TO CLARIFY WHEN THE ORGANIZATIONAL MEETING WILL OCCUR  
FOLLOWING A REGULAR CITY ELECTION**

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

**WHEREAS**, voters approved a Home Rule Charter amendment in the April 2012 regular City election to move regular municipal elections to November of even-numbered years and to have elected officials (Mayor and City Council) assume the duties of office at the first regular Council meeting in January following the election; and

**WHEREAS**, in accordance with Article XX, Section 9 of the Constitution and Section 13.13 of the Home Rule Charter, the City Council has determined that it is necessary to initiate amendments to the Home Rule Charter in order to amend several sections of the Charter to correct discrepancies between when officials are elected and when they take office; and

**WHEREAS**, upon adoption of this ordinance, the proposed Home Rule Charter amendments and ballot title(s) shall be submitted to a vote of the registered electors of the City at the November 4, 2014 election coordinated with Arapahoe County.

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

Section 1. The City Council hereby refers and approves the following ballot question for submission to the registered electors and to appear on the November 4, 2014 ballot coordinated by Arapahoe County:

**QUESTION 1:** SHALL THE FOLLOWING SECTIONS OF THE CITY OF CHERRY HILLS VILLAGE HOME RULE CHARTER BE AMENDED SUCH THAT THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL WILL BE HELD IN JANUARY FOLLOWING EACH REGULAR CITY ELECTION TO READ AS FOLLOWS BY DELETING THE LANGUAGE SHOWN AS STRIKE-THROUGH AND ADDING THE LANGUAGE SHOWN AS UNDERLINED:

**SECTION 3.3. MAYOR PRO TEM:**

A MAYOR PRO TEM SHALL BE ELECTED BY THE COUNCIL FROM ITS OWN MEMBERSHIP AT THE ~~FIRST ORGANIZATIONAL~~ MEETING FOLLOWING EACH BIENNIAL ELECTION OR AN ADJOURNMENT THEREOF. THE MAYOR PRO TEM SHALL SERVE UNTIL THE ~~COUNCIL ORGANIZATIONAL~~ MEETING FOLLOWING THE NEXT REGULAR CITY ELECTION, AND SHALL ACT AS MAYOR DURING THE ABSENCE OR DISABILITY OF THE MAYOR. IN THE EVENT OF ABSENCE OR DISABILITY OF BOTH THE MAYOR AND THE MAYOR PRO TEM, THE COUNCIL SHALL DESIGNATE ANOTHER OF ITS

MEMBERS TO SERVE AS ACTING MAYOR DURING SUCH ABSENCE OR DISABILITY. ANY MAYOR PRO TEM OR ACTING MAYOR, WHILE SERVING AS SUCH, SHALL RETAIN ALL POWERS GRANTED HEREIN TO COUNCILMEN MEMBERS.

### **SECTION 3.7. COUNCIL MEETINGS:**

THE COUNCIL SHALL MEET REGULARLY AT LEAST ONCE EACH MONTH AT A DAY AND HOUR AND PLACE TO BE FIXED BY THE RULES AND PROCEEDINGS OF EACH COUNCIL. THE COUNCIL SHALL PRESCRIBE THE RULES OF PROCEDURE GOVERNING MEETINGS. ALL REGULAR AND SPECIAL MEETINGS OF THE COUNCIL SHALL BE OPEN TO THE PUBLIC, AND CITIZENS AND EMPLOYEES SHALL HAVE A REASONABLE OPPORTUNITY TO BE HEARD. AN ORGANIZATIONAL MEETING SHALL BE HELD ~~ON THE MONDAY~~ AT THE FIRST COUNCIL MEETING IN JANUARY FOLLOWING EACH REGULAR CITY ELECTION. FOUR MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM. WRITTEN MINUTES OF THE PROCEEDINGS OF EACH MEETING SHALL BE KEPT BY THE CLERK AND SIGNED BY THE MAYOR.

### **SECTION 6.1. TIME OF APPOINTMENT:**

AT ITS ~~FIRST~~ ORGANIZATIONAL MEETING AFTER EACH REGULAR CITY ELECTION, THE COUNCIL SHALL APPOINT THE OFFICIALS HEREINAFTER ENUMERATED IN THIS ARTICLE WITH THE POWERS AND DUTIES HEREIN SPECIFIED. SUCH APPOINTMENTS SHALL BE AT THE PLEASURE OF THE COUNCIL, AT SUCH COMPENSATION AS THE COUNCIL MAY BY RESOLUTION FROM TIME TO TIME ESTABLISH.

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

Section 2. For purposes of C.R.S. Section 31-11-111, this Ordinance shall serve to set the title and content for this Charter Amendment question and the ballot title for such question shall be the text of the question itself. In connection with the fixing of the ballot question herein, the City Council finds and determines as follows:

- A. The general understanding of the effect of a "yes" or "no" vote on the ballot question will be clear to the electors.
- B. The ballot title for the ballot question will not conflict with those titles selected for any other measure that will appear on the municipal ballot at the November 4, 2014 City election.
- C. The ballot title for the ballot question correctly and fairly expresses the true intent and meaning of the measure.

Section 3. The City Council hereby appoints the City Clerk as the designated election official for the purposes of the coordinated election to be held on November 4, 2014.

Section 4. The City Clerk is authorized to correct typographical errors and omissions and to cause to be entered the appropriate ballot question numbers or letters upon designation of the ballot number or letter by the appropriate election official.

Section 5. 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 Ordinance including all reasonable and necessary action to cause such approved ballot questions to be printed and placed on the ballot for the election.

Section 6. 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 would be declared invalid.

**Section 7. Effective Date.** This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 5, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of September, 2014.

(SEAL)

  
Douglas M. Tisdale, Mayor

ATTEST:

Approved as to form:

  
Laura Smith, City Clerk

  
Linda C. Michow, City Attorney

Published in the Villager  
Published: 9-11-14  
Legal # 5136

**CITY OF CHERRY HILLS VILLAGE  
ADOPTION OF ORDINANCE  
ORDINANCE 5, SERIES 2014**

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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 11, 2014  
Legal # 5136