

**A RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE
CANCELING THE APRIL 6, 2010 REGULAR MUNICIPAL ELECTION
IN ACCORDANCE WITH SECTION 2-1-50
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE**

WHEREAS, Section 2.1 of Article II of the Cherry Hills Village Home Rule Charter provides that "City elections shall be governed by the Colorado municipal election laws as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance hereafter enacted;" and

WHEREAS, the Colorado Municipal Election Code provides in C.R.S. § 31-10-507 that if a city has adopted an ordinance addressing cancellation of elections, it may cancel an election where there are not more candidates than offices to be filled; and

WHEREAS, the Colorado Municipal Election Code explicitly provides in C.R.S. § 13-10-1539 that "[t]his article shall not apply to cities, towns, or cities or counties having home rule, but any such city, town, or city and county may adopt all or any part of this article by reference," and

WHEREAS, Section 2-1-50 of the Cherry Hills Village Municipal Code provides: "Whenever the only matter before the voters is the election of persons to the positions of City Council Member and Mayor and if, at the close of business on the nineteenth day before said municipal election, there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-40 above, the City Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and by said resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected;" and further "Notice of such cancellation of the municipal election shall be published forthwith in the legal newspaper of the City and posted at the village center in order to inform the electorates;" and

WHEREAS, the nineteenth day before the regular municipal election to be held on April 6, 2010, is March 18, 2010; and

WHEREAS, the deadline for filing nomination petitions was March 5, 2010, and there were not more candidates nominated than offices to be filled at the April 6, 2010, election; and

WHEREAS, the deadline for filing affidavits of intent for write-in candidates as set forth in Section 2-1-40 is March 16, 2010; and

WHEREAS, there are currently no more than one (1) candidate for each seat to be filled based upon those filing nomination petitions, and if there remains not more than one (1) candidate per seat after the deadline for candidates filing affidavits of intent to be write-in candidates as set forth in Section 2-1-40 as of close of business on March 16, 2010, the City Council wishes to cancel the election and declare the candidates elected, as provided by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cherry Hills Village, Colorado that:

Section 1. Effective at the close of business on March 18, 2010, if there are not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, the City Clerk is hereby directed to cancel the April 6, 2010, regular election for the City of Cherry Hills Village.

Section 2. If the City Clerk cancels the election as set forth in Section 1, the following person is hereby deemed elected to a two year term as Mayor:

Michael J. Wozniak

The following persons are hereby deemed elected to four year terms as City Council members:

Russell Stewart, District 2
Scott Roswell, District 4

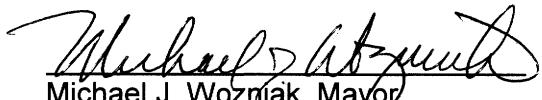
Harriet Crittenden LaMair, District 6

Section 3. Section 3.7 of the Cherry Hills Village Home Rule Charter provides that an organizational meeting shall be held on the Monday following each regular City election. Because the regular City election is being cancelled, the organizational meeting shall be held at the next regularly scheduled meeting of the Cherry Hills Village City Council, on April 6, 2010. The effective date of the terms of the Mayor and Council members deemed elected pursuant to this resolution shall be April 6, 2010, at which time the oaths of office shall be administered.

Section 4. The City Clerk shall publish notice of such cancellation and shall post notice of such cancellation at the Village Center pursuant to Section 2-1-50(b) of the Cherry Hills Village Municipal Code.

Section 5. If any individual files a valid affidavit indicating an intent to seek office as a write-in candidate in accordance with Section 2-1-40 by March 16, 2010, this Resolution shall be null and void, and of no further effect.

READ, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THIS 15th DAY OF March 2010.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney