

RESOLUTION 02-06 WAS DISAPPROVED ON 1-17-06

RESOLUTION NO. 2
SERIES OF 2006

INTRODUCED BY:
SECONDED BY:

A RESOLUTION OF THE CITY OF CHERRY HILLS VILLAGE CALLING AN ELECTION ON APRIL 4, 2006 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND THE LEVY OF PROPERTY TAXES TO PAY SUCH BONDS; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; PROVIDING OTHER MATTERS AND RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, the City of Cherry Hills Village, Colorado (the "City") is a home rule municipality and political subdivision of the State of Colorado (the "State"), duly organized and operating under the Charter of the City (the "City Charter") and the Constitution and laws of the State; and

WHEREAS, the City Council created a citizen's advisory committee called the Blue Ribbon Panel during 2004-2005 to, among other tasks, make "...strategic recommendations to the City Council to secure open space..."; and

WHEREAS, the Blue Ribbon Panel Recommendation #5 was to "(d)evelop a plan for preserving and acquiring lands and trails, easements or development rights that contribute to the unique quality of life in the Village"; and

WHEREAS, the City Council has determined that one way to implement the recommendation of the Blue Ribbon Panel would be to ask the citizens of Cherry Hills Village to authorize the issuance of general obligation bonds for the purpose of acquiring open space, trails and conservation easements; and

WHEREAS, pursuant to Section 10.1 of the City Charter indebtedness and obligations of the City are to be incurred and limited as provided in Articles XI and XX of the Constitution of the State, and the City has the power to issue general obligation bonds for any public purpose upon the affirmative vote of a majority of the electors of the City voting thereon; and

WHEREAS, pursuant to Section 2.3 of the City Charter, the regular City election is to be held on the Tuesday following the first Monday in April of even numbered years, and pursuant to Section 2-1-10 of the City's Municipal Code, mail ballot elections are governed by the Colorado Uniform Election Code of 1992; and

WHEREAS, the City Council has determined to set the ballot title for the ballot issue to be submitted to the eligible electors at the election to be held on April 4, 2006.

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

1. At the regular election of the City to be held on Tuesday, April 4, 2006, there shall be submitted to the eligible electors of the City a ballot issue authorizing the issuance of general obligation bonds and the levy of property taxes to pay such bonds, which ballot issue shall be in substantially the form attached hereto to Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.

For purposes of C.R.S. § 1-11-203.5 and C.R.S. § 31-11-111, this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the title of the ballot issue itself. Any protest to the ballot title shall be filed in writing with the City Clerk within 10 business days following the date of adoption of this Resolution and shall be resolved by the City Council following a hearing with published notice.

3. The City Clerk, as well as the appropriate officers and employees of the City, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the City Clerk shall certify the order of the ballot and ballot content, arrange for the required notices of election, and direct that all other appropriate actions be accomplished.

4. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the City acting through the City Council shall be authorized to proceed with the necessary action to issue bonds and levy taxes in accordance with the ballot issue which has been so approved. Such authority to issue bonds and levy taxes shall be deemed and considered a continuing authority to issue the bonds and levy the taxes so authorized at any one time, or from time to time up to ten years from the date of this election, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

5. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the City Council and the officers and employees of the City, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

6. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. If any section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

8. This Resolution shall take effect immediately upon its passage.

ADOPTED AND APPROVED this 17th day of January, 2006.

CITY OF CHERRY HILLS VILLAGE

By _____
Douglas C. Scott, Mayor

ATTEST:

By _____
Jennifer Pettinger, City Clerk

ISSApproved 1/17/06