

**ORDINANCE NO. 04
Series 2003**

April 15, 2003: Introduced as Council Bill 04-03 by Councilmember Doug Tisdale, seconded by Councilmember Bonnie Blum, and considered by the title only on first reading. Passed unanimously.

May 6, 2003: Considered in full text on second reading. Passed unanimously. Designated as Ordinance No. 04, Series 2003.

A BILL FOR AN ORDINANCE AUTHORIZING THE CITY OF CHERRY HILLS VILLAGE TO TRANSFER APPROPRIATED FUNDS FROM THE GENERAL FUND TO THE PARKS AND RECREATION SPECIAL REVENUE FUND, AND ESTABLISHING A CONDITIONAL OBLIGATION OF REPAYMENT FROM THE PARKS AND RECREATION SPECIAL REVENUE FUND TO THE GENERAL FUND FOR EXPENDITURES INCURRED FOR THE PURPOSE OF EXCLUDING THE CITY FROM THE SOUTH SUBURBAN PARK AND RECREATION DISTRICT

WHEREAS, the City has commenced a process to exclude the City from the South Suburban Park and Recreation District; and

WHEREAS, City Council has authorized the expenditure of monies from the General Fund to fund the effort to exclude the City from the South Suburban Park and Recreation District; and

WHEREAS, the expenditure of monies from the General Fund for exclusion should be expenditures attributable to a Parks and Recreation Special Revenue Fund; and

WHEREAS, the City has by ordinance created a Parks and Recreation Special Revenue Fund; and

WHEREAS, the City Council desires to transfer appropriated funds from the General Fund to the Parks and Recreation Special Revenue Fund for the purpose of better accounting for costs related to exclusion by the City from the South Suburban Park and Recreation District and to establish certain park and recreation functions within the City of Cherry Hills Village; and

WHEREAS, it is currently anticipated and expected that the City will be excluded from the South Suburban Park and Recreation District; and

WHEREAS, it is appropriate that the City would fund the City's exclusion from the South Suburban Park and Recreation District from the Parks and Recreation Special Revenue Fund in order to advance the municipal purpose of providing park and recreation opportunities to the residents of the City; and

WHEREAS, in the event that the City is excluded from the South Suburban Park and Recreation District, the funds advanced from the General Fund should be repaid by the Parks and Recreation Special Revenue Fund; and

WHEREAS, in the event that the City is excluded from the South Suburban Park and Recreation District, the City's Parks and Recreation Special Revenue Fund will receive additional funding by way of tax revenues; and

WHEREAS, the City desires to establish a conditional obligation by the Parks and Recreation Special Revenue Fund to repay to the General Fund monies advanced by the General Fund toward the exclusion of the City from the South Suburban Park and Recreation District,

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

Section 1. The City Council of the City of Cherry Hills Village hereby authorizes and approves the transfer of the appropriation of \$200,000 from the General Fund to the Parks and Recreation Special Revenue Fund. This amount represents, in

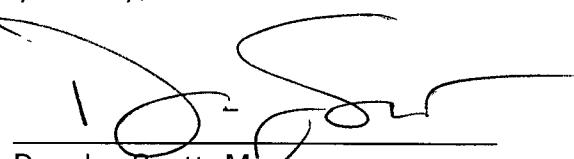


part, amounts to be expended to complete the exclusion of the City from the South Suburban Park and Recreation District.

Section 2. The Parks and Recreation Special Revenue Fund shall be obligated to repay to the General Fund amounts previously expended from the General Fund for the exclusion of the City from the South Suburban Park and Recreation District. Such repayment obligation is conditioned upon the entry of an order by the Arapahoe County District Court excluding the City from the South Suburban Park and Recreation District.

Section 3. 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 or unconstitutional.

Adopted as Ordinance No. 04 Series 2003, by the City Council of the City of Cherry Hills Village, Colorado this 6th day of May, 2003.



Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Robert C. Widner, City Attorney

