

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY
HILLS VILLAGE SETTING A BALLOT TITLE AND PLACING A
CITIZEN-INITIATED MEASURE ON THE BALLOT 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 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, C.R.S. Section 31-2-210(3) states, “If the petition is sufficient, the governing body shall set a ballot title for the proposed amendment at its next meeting”; and

WHEREAS, the next meeting after the Petition was certified to be valid and sufficient is September 3, 2024; and

WHEREAS, the City Council finds that it is required to submit the Petition in the form presented to the voters at the November 5, 2024 Arapahoe County coordinated election, and further finds that by such submission, it is not endorsing any provision proposed by the Petition, conceding that any provision proposed by the Petition is valid, or waiving any right to challenge the substantive validity of any element or provision proposed by the Petition; and

WHEREAS, the City hereby refers to the voters and sets the ballot title for the Charter amendment proposed by the Petition as set forth in **Attachment A** to this resolution.

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. Citizen-Initiated Charter Amendment. Pursuant to the Charter, the Colorado Constitution, and C.R.S. § 31-2-210, at the November 5, 2024 election coordinated by Arapahoe County, there shall be submitted to the registered electors of the City the following question for the Charter amendment proposed by the Petition, as more particularly set forth in **Attachment A** to this resolution:

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 3. Ballot Title. This resolution shall serve to set the title and content for the question submitted herein, and the ballot title for such questions shall be the text of the question itself. In connection with the fixing of the ballot title for the question submitted 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 correctly and fairly expresses the true intent and meaning of the measure.

Section 4. The City Clerk is authorized to correct typographical errors, typeface, font, and omissions prior to certification to the County Clerk.

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 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 6. 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 7. 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, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney

Attachment A

Text of the Citizen-Initiated Charter Amendment

Section 3.9 -- Bridle Paths, Parks, Trails, Open Space and Recreation Programs:

The City shall repair, maintain and preserve all City-owned or controlled homes, barns, ponds, and other structures and areas listed on the United States Department of the Interior National Register of Historic Places, unless otherwise approved in advance by a majority vote of registered electors.

The City received the historic Quincy Farm as a gift, which is protected by a conservation easement dated December 18, 2007. As set forth in that gift, the City may use the East Area of Quincy Farm for recreation, preservation, and agriculture. The City shall honor the terms of the gift by managing and protecting the West Area as an unimproved natural area, and it may allow public access to the West Area only for City-supervised activities identified in the conservation easement. Residents of the City may enforce the provisions in this Section and the terms of the conservation easement.