

ORDINANCE NO. 3
Series 2009

April 7, 2009: Introduced as Council Bill 4, Series 2009 by Councilmember Stewart, seconded by Councilmember VanderWerf, and considered by the title only on first reading. Passed by a vote of 6 yes and 0 no.

April 21, 2009: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 2
OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING ADMINISTRATION & PERSONNEL,
BY AMENDING SECTION 2-9-20,
CONCERNING THE DEFINITION OF "PERSONAL INTEREST"
RELATING TO THE CITY'S CODE OF ETHICS

WHEREAS, pursuant to its Home Rule Charter, the City Council of the City of Cherry Hills Village holds all powers of self-government and home rule power possible under the Constitution and the laws of the State of Colorado; and

WHEREAS, Amendment 41 "Ethics in Government" was passed by Colorado voters on November 7, 2006; and

WHEREAS, Amendment 41 added article XXIX to the Colorado Constitution, which provides in part that "the requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that address the matters covered by this article;" and

WHEREAS, on January 16, 2007 the City Council of Cherry Hills Village adopted a comprehensive ordinance (the "Code of Ethics") as Article IX of Chapter 2 of the Cherry Hills Village Municipal Code (the "City Code") to address all matters covered by article XXIX of the Colorado Constitution, and more; and

WHEREAS, the City views ethics of City personnel as a matter of important and overwhelmingly local concern; and

WHEREAS, the purpose of this ordinance is to provide guidance when actual or potential conflicts of interest arise, and foster public trust by prohibiting the use of public office for private gain; and

WHEREAS, the current definition of "personal interest" under section 2-9-20 may be interpreted to prevent consideration and implementation of changes to the City Code having general application in a manner not intended by Council; and

WHEREAS, the intent of the Council in adopting the Code of Ethics was to prohibit votes and discretionary action where City officials and employees have a direct financial interest in the subject matter of a vote or when exercising discretion relating to any City matter; and

WHEREAS, The City Council of Cherry Hills Village desires the effective date of this Ordinance to be ten (10) days after publication following approval on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

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

Section 1. Section 2-9-20 is hereby repealed and replaced with the following:

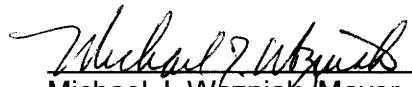
Sec. 2-9-20. Definition of "personal interest." For the purposes of Section 2-9-30 and 2-9-40 below, personal interest means a direct financial interest of the official or employee, or a direct financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity. "Personal interest" shall not include proposing or voting on matters affecting one or more residential districts, or on other ordinances, regulations or policies of general applicability.

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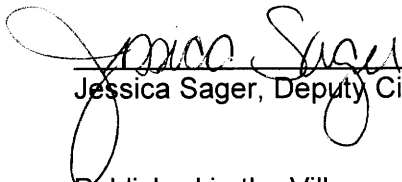
Section 2. Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

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.

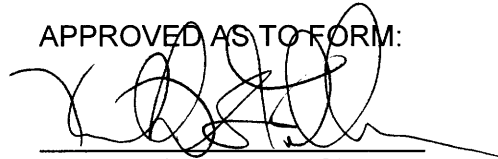
Adopted as Ordinance No. 3, Series 2009, by the City Council of the City of Cherry Hills Village, Colorado, on the 21st day of April, 2009.


Michael J. Wozniak, Mayor

ATTEST:


Jessica Sager, Deputy City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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