

A RESOLUTION OF THE CITY COUNCIL
APPROVING A BALLOT ISSUE AND A BALLOT QUESTION
TO BE SUBMITTED TO THE VOTERS
AT THE MUNICIPAL ELECTION HELD APRIL 3, 2012
TO AMEND THE CITY CHARTER TO ENHANCE THE EFFICIENCY OF THE
EMERGENCY ORDINANCE PROCEDURE

WHEREAS, the current procedure for emergency ordinances as outlined in Section 4.5(e) of the City Charter states that ordinances necessary for the immediate preservation of the public peace, health or safety shall take effect 5 days after final passage on second reading; and

WHEREAS, the current procedure does not allow emergency ordinances to take effect in a timely manner; and

WHEREAS, the current procedure for emergency ordinances does not serve the residents of Cherry Hills Village as effectively as possible.

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

Section 1. The City Council hereby refers and approves the following ballot issue for submission to the registered electors and to appear on the ballot for the City's municipal election to be held April 3, 2012 if there is another issue on the ballot or if there is more than one candidate for an open position:

SHALL SECTION 4.5 SUBSECTION E OF THE CHERRY HILLS VILLAGE HOME RULE CHARTER BE AMENDED TO READ AS FOLLOWS AND SUBSECTION F BE ADDED AS FOLLOWS:

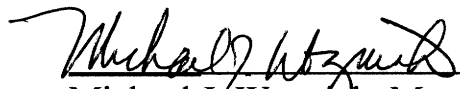
“(E) AN ORDINANCE WHEN FINALLY PASSED SHALL TAKE EFFECT AND BE ENFORCED 10 DAYS AFTER PUBLICATION.

(F) AN ORDINANCE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH OR SAFETY MAY BE INTRODUCED AND PASSED AT ANY REGULAR OR SPECIAL MEETING, SHALL REQUIRE ONLY 1 READING AND SHALL NOT REQUIRE A PUBLIC HEARING OR PUBLICATION BEFORE FINAL PASSAGE. PUBLICATION SHALL BE AS SOON AS REASONABLY POSSIBLE AFTER FINAL PASSAGE. SUCH ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON PASSAGE. A RECITATION IN ANY SUCH ORDINANCE THAT THE COUNCIL DEEMS THE PASSAGE OF SAID ORDINANCE TO BE FOR THE IMMEDIATE PRESERVATION OF PUBLIC PEACE, HEALTH OR SAFETY SHALL BE CONCLUSIVE. AN EMERGENCY ORDINANCE SHALL NOT BE IN EFFECT LONGER THAN NINETY (90) DAYS AFTER ADOPTION UNLESS THE COUNCIL SHALL AFFIRM THE

SAME BY RE-ADOPTION OF SAID ORDINANCE ON SECOND READING AND PUBLICATION ON A NON-EMERGENCY BASIS IN THE MANNER PRESCRIBED IN SECTION 4.5(C) THROUGH (E) WITHIN SAID NINETY (90) DAY PERIOD. UPON SUCH AFFIRMATION, THE ORDINANCE SHALL BECOME A REGULAR ORDINANCE.”

Section 2. This Resolution shall not go into effect if the April 3, 2012 municipal election could otherwise be cancelled per Section 2-1-50 of the Municipal Code.

Introduced, passed and adopted at the regular meeting of City Council this 7th day of February, 2012, by a vote of 6 yes and 0 no.

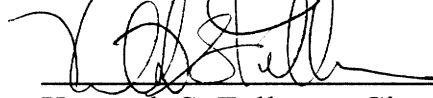

Michael J. Wozniak, Mayor

ATTEST:



Laura Smith, City Clerk
(SEAL)

APPROVED AS TO FORM:



Kenneth S. Fellman, City Attorney