

**A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
IN OPPOSITION TO THE 2006 BALLOT ISSUE KNOWN AS "PETITIONS,"  
AMENDMENT 38 TO THE COLORADO CONSTITUTION,  
THAT WOULD MAKE CHANGES TO THE INITIATIVE AND REFERENDUM  
PROCESS AND ADVERSELY IMPACT OPERATIONS OF THE  
CITY OF CHERRY HILLS VILLAGE TO THE DETRIMENT OF ITS CITIZENS**

**WHEREAS**, as an initiated constitutional amendment, Amendment 38 to the Colorado Constitution has been certified for consideration by the voters of the State of Colorado at the coordinated election to be held on November 7, 2006; and

**WHEREAS**, this dramatic proposal would substantially change the historical initiative and referendum process in Colorado; and

**WHEREAS**, among other things, the amendment would expand the initiative and referendum powers so as to direct them towards all local governments including "all enterprise authorities and other governmental entities;" and

**WHEREAS**, enterprises and other governmental entities would be seriously and detrimentally impacted by such initiatives and referendums; and

**WHEREAS**, proposals similar to Amendment 38 have twice before, in 1994 and 1996, been rejected by Colorado voters by substantial margins; and

**WHEREAS**, the proposal is not clearly written and creates, with virtually every line of the proposal, numerous practical and legal interpretation questions; and

**WHEREAS**, strictest compliance with the amendment would be required of hundreds of governmental districts and enforcement actions would likely impose substantial costs on such districts; and

**WHEREAS**, the amendment would overrule any conflicting State constitution provisions, home rule city charter provisions and all other state and local laws; and

**WHEREAS**, the enforcement procedures of the amendment are unfair in that complainants can recover their attorney's fees, but governmental entities have practically no chance of recovering taxpayers' dollars spent in defending against enforcement actions; and

**WHEREAS**, the broad initiative and referendum rights provided by the amendment would seriously disrupt the operations of government; and

**WHEREAS**, the amendment would cause the City to be delayed in the adoption of local laws by creating a ninety-one (91) day waiting period before local laws could go into effect; and

**WHEREAS**, Amendment 38 is unfair in that it provides for the expenditure of public funds for the distribution of campaign statements in support of initiated measures that are not provided for similar statements against initiated measures; and

**WHEREAS**, the numerous legal challenges that will likely be caused by Amendment 38 will likely create a serious burden for the Colorado courts, as well as state and local governments generally; and

**WHEREAS**, the City Council finds that Amendment 38 would severely and negatively impact the operations of the City of Cherry Hills Village.

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

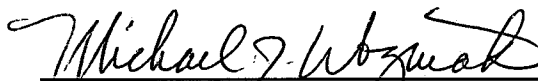
Section 1. The City Council hereby urges citizens to educate themselves on the proposed Amendment 38.

Section 2. The City Council of the City of Cherry Hills Village further urges citizens to recognize the severe and disabling effects this Amendment will have on both state and local levels of government.

Section 3. The City Council urges Cherry Hills Village voters to vote against Amendment 38 in the November 7, 2006 election.


Section 4. This Resolution shall be effective immediately.

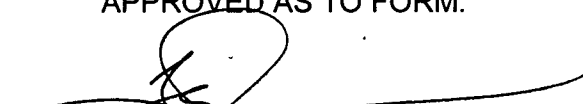
Introduced, passed and adopted at the regular meeting of City Council this 19<sup>th</sup> day of September, 2006, by a vote of 4 yes and 0 no.

  
Michael J. Wozniak, Mayor

ATTEST: -

APPROVED AS TO FORM:

  
Kerri C. Losier, CMC, City Clerk

  
Thad W. Renaud, City Attorney

(SEAL)