

ORDINANCE NO.

AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE VOTERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. A charter amendment election shall be held in the City on November 6, 2012 at which the ballot shall be prepared to permit voting “yes” or “no” on the following proposition:

Proposition ---

Shall the city charter be amended to permit the city council to sell or lease a utility facility that the council has found, by a two-thirds majority, is not necessary to the City’s ability to provide continuing effective utility service or pursuant to an election submitting such sale or lease for approval, and to permit the city council to lease parkland to another government for purposes consistent with park use?

PART 2. If Proposition --- is approved by the majority of voters voting at the election, Article II, § 5 of the Charter is amended to read as follows:

§ 5. POWERS OF THE COUNCIL.

All powers and authority which are expressly or impliedly conferred on or possessed by the city shall be vested in and exercised by the council; provided, however, that the council shall have no power to, and shall not:

(a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or shall hereafter be, dedicated for park purposes, unless:

(1) the qualified voters of the city shall authorize such act by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such sale, conveyance, lease, mortgage, or other alienation is to be made; or

(2) a lease is to another governmental body for a purpose consistent with park purposes.

(b) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned utility, provided that this subsection does not prohibit the council from selling or leasing any part which the council has found, by a two-thirds majority vote, is not necessary to the city's ability to provide continued effective utility service or the sale or leasing of which is authorized by the qualified voters of the city ~~[the council may lease all or a substantial part of such facilities to any public agency of the State of Texas if the qualified voters of the city authorize such lease by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which such lease is to be made].~~

(c) Accept or admit liability in, or pay any claim for damages asserted against the city without first obtaining a written opinion from the city attorney regarding the city's liability therein.

PART 3. This ordinance takes effect on -----, 2012.

PASSED AND APPROVED

_____, 2012 §
 §
 §
_____, 2012 §
Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
Karen M. Kennard Shirley A. Gentry
City Attorney City Clerk

1
2
3
4
5
6
7
8
9
10

DRAFT