

**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 substantial utility facility but prohibit the city council from selling or leasing a municipally-owned utility system unless authorized to do so by a majority vote of the qualified voters of the city, 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 public utility system, unless a majority vote of ~~[provided that 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 the [such] sale, conveyance, or lease or the sale, conveyance, or lease is otherwise authorized by state law [by adopting in a general or special election a proposition submitting the question and setting forth the terms and conditions under which of 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      §  
   §  
   §  
   \_\_\_\_\_  
   Lee Leffingwell  
   Mayor

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

1  
2  
3  
4  
5  
6

DRAFT