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?

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 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.

(b) Sell, convey, or lease all or any substantial part of the facilities of any municipally owned public utility, provided that this subsection does not prohibit the council from selling or leasing any facility that the council has first found, by a two-thirds majority vote, is not necessary to the City’s ability to provide continuing effective utility service [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

________________________
Lee Leffingwell
Mayor

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

Date: August 2, 2012, 2:14 PM Page 2 of 2 COA Law Department Responsible Att’y:
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 elections to be held to authorize the city council to sell or lease a substantial utility facility that the council has found is not necessary to the City's ability to provide continuing effective utility service?

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 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.

(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 substantial part of the council has found is not necessary to the City's ability to provide continued effective utility service and 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].

Date: August 2, 2012
(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 Lettingwell
Mayor

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

Date: August 2, 2012, 2:07 PM
Page 2 of 2
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?

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 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.

(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

$ $ 

Lee Leffingwell
Mayor

______________________________, 2012

APPROVED: ______________________ ATTEST: ______________________

Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk
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?

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 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.

(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

Approved:

Karen M. Kennard
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

Lee Jefferingwell
Mayor
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 unless such facility is necessary to the City's ability to provide continuing effective utility service, and to permit the city council to lease parkland to another government for purposes consistent with parkuse?

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 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 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 necessary for the city's ability to provide continuing effective utility service, 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 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

Lee Lettingwell
Mayor

APPROVED: ____________________________ ATTEST: ____________________________

Karen M. Kennard
City Attorney

Shirley A. Gentry
City Clerk