

1 AN ORDINANCE ORDERING AN ELECTION TO BE HELD IN THE CITY OF  
2 AUSTIN ON NOVEMBER 6, 2012, FOR THE PURPOSE OF SUBMITTING A  
3 PROPOSED CHARTER AMENDMENT TO THE VOTERS.  
4

5  
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
7

8 **PART 1.** A charter amendment election shall be held in the City on November 6, 2012  
9 at which the ballot shall be prepared to permit voting "yes" or "no" on the following  
10 proposition:  
11

12 Proposition ---

13 Shall the city charter be amended to permit the city council to sell or lease a utility  
14 facility that the council has found, by a two-thirds majority, is not necessary to the City's  
15 ability to provide continuing effective utility service?

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

18 **§ 5. POWERS OF THE COUNCIL.**

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

22 (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or  
23 shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall  
24 authorize such act by adopting in a general or special election a proposition submitting  
25 the question and setting forth the terms and conditions under which such sale,  
26 conveyance, lease, mortgage, or other alienation is to be made.

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

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

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

5 **PASSED AND APPROVED**

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9 \_\_\_\_\_, 2012

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Lee Leffingwell  
Mayor

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14 **APPROVED:**

Karen M. Kennard  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk

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**DRAFT**

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

11 Proposition ---

12 Shall the city charter be amended to permit elections to be held to authorize the city  
13 council to sell or lease a substantial utility facility that the council has found is not  
14 necessary to the City's ability to provide continuing effective utility service?

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

17 **§ 5. POWERS OF THE COUNCIL.**

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

21 (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or  
22 shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall  
23 authorize such act by adopting in a general or special election a proposition submitting  
24 the question and setting forth the terms and conditions under which such sale,  
25 conveyance, lease, mortgage, or other alienation is to be made.

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

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(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

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Lee Leffingwell  
Mayor

**APPROVED:**

Karen M. Kennard  
City Attorney

**ATTEST:**

Shirley A. Gentry  
City Clerk

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8 **PART 1.** A charter amendment election shall be held in the City on November 6, 2012  
9 at which the ballot shall be prepared to permit voting "yes" or "no" on the following  
10 proposition:  
11

12 Proposition ---

13 Shall the city charter be amended to permit the city council to sell <sup>and</sup> or lease a utility  
14 facility that the council has found, by a two-thirds majority, ~~is not necessary to the City's~~  
15 ability to provide continuing effective utility service or pursuant to an election submitting  
such sale or lease for approval?

16 **PART 2.** If Proposition --- is approved by the majority of voters voting at the election,  
17 Article II, § 5 of the Charter is amended to read as follows:  
18

19 **§ 5. POWERS OF THE COUNCIL.**

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

23 (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or  
24 shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall  
25 authorize such act by adopting in a general or special election a proposition submitting  
26 the question and setting forth the terms and conditions under which such sale,  
conveyance, lease, mortgage, or other alienation is to be made.

27  
28 (b) Sell, convey, or lease all or any substantial part of the facilities of any  
29 municipally owned utility, provided that this subsection does not prohibit the council  
30 from selling or leasing any part which the council has found, by a two-thirds majority  
31 vote, is not necessary to the city's ability to provide continued effective utility service or  
32 the sale or leasing of which is authorized by the qualified voters of the city ~~[the council~~  
33 ~~may lease all or a substantial part of such facilities to any public agency of the State of~~  
34 ~~Texas if the qualified voters of the city authorize such lease by adopting in a general or~~

1 ~~special election, a proposition submitting the question and setting forth the terms and~~  
2 ~~conditions under which such lease is to be made].~~

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

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

7 **PASSED AND APPROVED**

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17 Karen M. Kennard  
18 City Attorney

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8 **PART 1.** A charter amendment election shall be held in the City on November 6, 2012  
9 at which the ballot shall be prepared to permit voting "yes" or "no" on the following  
10 proposition:  
11

12 Proposition ---  
13

14 Shall the city charter be amended to permit the city council to sell or lease a substantial  
15 utility facility but prohibit the city council from selling or leasing a municipally-owned  
16 utility system unless authorized to do so by a majority vote of the qualified voters of the  
17 city?  
18

19 **PART 2.** If Proposition --- is approved by the majority of voters voting at the election,  
20 Article II, § 5 of the Charter is amended to read as follows:  
21

22 **§ 5. POWERS OF THE COUNCIL.**  
23

24 All powers and authority which are expressly or impliedly conferred on or  
25 possessed by the city shall be vested in and exercised by the council; provided, however,  
26 that the council shall have no power to, and shall not:  
27

28 (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or  
29 shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall  
30 authorize such act by adopting in a general or special election a proposition submitting  
31 the question and setting forth the terms and conditions under which such sale,  
32 conveyance, lease, mortgage, or other alienation is to be made.  
33

(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].

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

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

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8 **PART 1.** A charter amendment election shall be held in the City on November 6, 2012  
9 at which the ballot shall be prepared to permit voting "yes" or "no" on the following  
10 proposition:  
11

12 Proposition ---

13 Shall the city charter be amended to permit the city council to sell or lease a utility  
14 facility unless such facility is necessary to the City's ability to provide continuing  
15 effective utility service, and to permit the city council to lease parkland to another  
government for purposes consistent with park use?

16 **PART 2.** If Proposition --- is approved by the majority of voters voting at the election,  
17 Article II, § 5 of the Charter is amended to read as follows:  
18

19 **§ 5. POWERS OF THE COUNCIL:**

20 All powers and authority which are expressly or impliedly conferred on or  
21 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:

22 (a) Sell, convey, lease, mortgage, or otherwise alienate any land which is now, or  
23 shall hereafter be, dedicated for park purposes, unless the qualified voters of the city shall  
24 authorize such act by adopting in a general or special election a proposition submitting  
25 the question and setting forth the terms and conditions under which such sale,  
26 conveyance, lease, mortgage, or other alienation is to be made a lease is to another  
27 governmental body for a purpose consistent with park purposes.

28 (b) Sell, convey, or lease all or any [substantial] part of the facilities of any  
29 municipally owned utility necessary for the city's ability to provide continuing effective  
30 utility service, provided that the council may lease all or a substantial part of such  
31 facilities to any public agency of the State of Texas if the qualified voters of the city  
32 authorize such lease by adopting in a general or special election a proposition submitting  
33 the question and setting forth the terms and conditions under which such lease is to be  
34 made.

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(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.

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