

ORDINANCE NO. 17-_____

AN ORDINANCE SUBMITTING A CHARTER AMENDMENT TO THE REGISTERED QUALIFIED ELECTORS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 4, 2017, RELATING TO SALE OR CONVEYANCE OF UNITS OF COLORADO SPRINGS UTILITIES AND AMENDING SECTION 6-80 OF THE CITY CHARTER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Council submits and refers to the vote of the registered qualified electors of the City at the General Municipal Election to be conducted on April 4, 2017, a proposed amendment to Section 6-80 of the Charter of the City of Colorado Springs to read as follows:

6-80. Sale, Conveyance or Leasing of Utilities. Council shall not sell, convey or lease all or any substantial part of the property of Utilities or ~~any Utilities department~~ **any utility system including the water system, wastewater system, electric light and power system, gas system, or such other utility system designated by Council** without an affirmative vote of **a supermajority of sixty percent (60%) of the electors of the City voting upon that question**; provided that the foregoing shall not apply to the sale, lease, or conveyance of property of Utilities or any ~~Utilities department~~ **utility system** (i) which occurs in the ordinary course of business, or (ii) which shall cease to be necessary for the efficient operation of ~~the~~ **a utility system**, or (iii) which shall have been replaced by other property serving substantially the same function.

Section 2. The election shall be a general municipal election which may be held as part of a coordinated election, conducted by mail ballot on April 4, 2017, pursuant to the Charter of the City of Colorado Springs and applicable Colorado statutes, except as otherwise provided in the Charter or ordinances of the City, all as impliedly modified by relevant judicial decisions. The City Clerk shall be the designated election official for all matters.

Section 3. The question of amending the City Charter for this purpose shall be submitted to the registered qualified electors of the City in substantially the following form:

“SHALL ARTICLE VI, SECTION 6-80 OF THE CHARTER OF THE CITY OF COLORADO SPRINGS BE AMENDED TO PROVIDE THAT CITY COUNCIL CANNOT SELL ALL OR ANY SUBSTANTIAL PART OF THE CITY'S WATER SYSTEM, WASTEWATER SYSTEM, ELECTRIC LIGHT AND POWER SYSTEM, GAS SYSTEM OR OTHER UTILITY OWNED BY THE CITY WITHOUT APPROVAL BY AT LEAST SIXTY PERCENT (60 %) OF THE ELECTORS OF THE CITY VOTING UPON SUCH QUESTION, RATHER THAN A SIMPLE MAJORITY OF THE ELECTORS (OVER 50%) AS REQUIRED BY THE CURRENT CHARTER?”

Section 4. The City Clerk and officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The City Clerk shall assist and cooperate with the County Clerk and Recorder in conducting the general municipal election if held as part of a coordinated election.

Section 5. All actions heretofore taken by the Council and officers of the City, not inconsistent with the provisions of this ordinance and toward the general election, are hereby ratified, approved and confirmed.

Section 6. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 7. All ordinances resolutions, bylaws and regulations of the City in conflict with this ordinance, are hereby repealed to the extent of any conflict.

This repealer shall not be construed to revive any ordinance, resolution, bylaw or regulation, in whole or in part, previously repealed.

Section 8. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Charter. If the Charter amendment is passed by the electorate, it shall be effective as provided by law.

Section 9. Within thirty (30) days of the effective date of this ordinance, the City Clerk shall publish notice of the election upon the amendment, which notice shall contain the full text of the amendment as set forth in this ordinance.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2017.

Finally passed: _____

Council President

ATTEST:

Sarah B. Johnson, City Clerk