



Legislation Text

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Ordinance No. 16-125 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

Presenter:

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Jerry Forte, P.E., CEO, Colorado Springs Utilities

Summary:

The City Council, meeting as Utilities Board, discussed existing City Charter language regarding Sale, Conveyance or Leasing of Utilities (6-80) and whether the Charter should be amended to require a supermajority vote to sell Colorado Springs Utilities. Currently, the Charter requires an affirmative vote of the electors to sell, convey or lease a substantial part of the property of Colorado Springs Utilities or any Utilities Department. Based on Utilities Board input at the October 2016 Utilities Board Governance meeting, draft language has been developed to require a supermajority vote of sixty percent (60%) in order to sell or lease a substantial part of Colorado Springs Utilities and to remove language regarding Utilities Department and replace it with utility systems consistent with Section 6-20 of the Charter. The supermajority requirement of sixty percent (60%) would not apply to sales or leases which occur in the ordinary course of business, to assets which are no longer necessary or to property which has been replaced by similar property.

Previous Council Action:

Draft supermajority language was presented to City Council, meeting as the Utilities Board, at the September 28, 2016 and October 26, 2016 Governance meetings, and the November 16, 2016 Utilities Board meeting.

Background:

The City Council is considering placing a City Charter amendment on the April 2017 ballot that would require a supermajority vote of sixty percent (60%) to sell Colorado Springs Utilities or any of its systems. The purpose of the amendment is to require more than a simple majority of voters to sell a significant community asset. American Public Power Association's Model Charter Provisions include a similar supermajority requirement on the sale of utilities.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

Public comment opportunities were available at Utilities Board Governance meetings on September 28, 2016 and October 26, 2016, the November 16, 2016 Utilities Board meeting, and through CSU.org.

Alternatives:

Take no action and allow current City Charter language to stand, permitting the sale, conveyance or leasing of Utilities systems by simple majority vote of the electors of Colorado Springs, or revise the supermajority vote percentage necessary to pass.

Proposed Motion:

Move to place the Charter Amendment requiring a sixty percent (60%) supermajority vote of the City's electors to sell, convey, or lease a substantial part of the City's Utilities systems on the April 2017 ballot.

Adds language to Charter Section 6-80 to require a supermajority of sixty percent (60%) of the electors of the City voting on that question to sell, convey or lease a substantial part of Colorado Springs Utilities' systems.