



Legislation Text

File #: 19-511, **Version:** 2

Ordinance No. 19-55 submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, relating to conveyances of City-owned parkland and amending section 3-70 of the City Charter, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance

Presenter:

Marc Smith, Corporate Division Chief, City Attorney's Office
Karen Palus, Parks, Recreation and Cultural Services Director

Summary:

If referred by Council and passed by the electors, this proposed Charter amendment would require any conveyance of City-owned parkland that is contained on a Parkland Designation List, to be adopted by Council, to be approved by a supermajority vote of six (6) members of the Council. Any conveyance that falls within the specified listed exceptions contained in the Charter provision would follow the current process for disposition contained in The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests. The Council would have the authority to add future parks to the list by ordinance.

Background:

At the August 13, 2019 regular meeting, City Council had a great deal of discussion regarding this ordinance and its companion proposals. At the end of the item, the attached ordinance was referred to the ballot on first reading with a 6-3 vote.

This ordinance, which has been known as "Option 2," was the preferred option of the Parks, Recreation and Cultural Services Advisory Board. This proposal contemplates Council passing an ordinance adopting the Parkland Designation List following passage and implementation of the amendment to Charter section 3-70. Any parkland on the list would then require a supermajority vote of the Council, consisting of six (6) votes, to approve a conveyance.

As with several other proposals that have been discussed by the Council, any conveyance of parkland contained on the list that falls within the specified listed exceptions would be subject to the current process set forth in The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests. Any parkland falling within the exceptions contained in the Charter amendment would not require a supermajority vote of six (6) members of the City Council.

The Council would have the authority to add future parks to the list by ordinance.

At the August 13, 2019 Council meeting, there was significant discussion regarding the impact of a

successful passage of both Options 1 and 2 and how to implement both Charter provisions in a consistent manner. The only consistency between the two proposals is the exceptions to the approval authority, whether that is by a vote of the electors or a vote of a supermajority of six (6) Councilmembers. Implementation of both options in a consistent manner would be problematic.

Previous Council Action:

City Council has reviewed this concept several times at Council work sessions and regular meetings. At its August 13, 2019 regular meeting, the Council voted 6-3 on first reading to refer the attached version of this Charter amendment to the voters.

Financial Implications:

Costs associated with referring a Charter amendment to the ballot.

City Council Appointed Board/Commission/Committee Recommendation:

The Parks, Recreation and Cultural Services Advisory Board reviewed this version of the Charter amendment and recommended referral of this option to the voters.

Stakeholder Process:

This item was discussed at the Parks, Recreation and Cultural Services Advisory Board meetings on June 13 and July 11, 2019 and at the City Council meetings on July 22, August 12 and 13, 2019. Public comment was permitted at multiple meetings.

Alternatives:

Council could choose not to refer this Charter amendment on second reading; Council could refer a different Charter amendment related to the conveyance of City-owned parkland; or, Council could choose not to refer any Charter amendment regarding conveyance of City-owned parkland and continue to conduct all parks related property transactions consistent with the guidelines set forth in The City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests.

Proposed Motion:

Move to approve an ordinance submitting a Charter amendment to the registered qualified electors of the City of Colorado Springs, Colorado at the special municipal election to be held at the coordinated election conducted by mail ballot to be held on November 5, 2019, relating to conveyances of City-owned parkland and amending section 3-70 of the City Charter, providing for the form of the ballot title, providing for certain matters with respect to the election, and providing the effective date of this ordinance.

An ordinance referring to the registered qualified electors a Charter amendment amending section 3-70 of the City Charter relating to the conveyance of City-owned parkland.