

**REDLINE**

ORDINANCE NO. [ \_\_\_\_\_ ]

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF EL PASO, TEXAS TO DETERMINE WHETHER TO REVOKE THE CITY’S AUTHORITY TO ISSUE BONDS FOR THE MULTIPURPOSE PERFORMING ARTS AND ENTERTAINMENT FACILITY VOTED AT THE CITY’S NOVEMBER 6, 2012 ELECTION; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

WHEREAS, pursuant to an election held in the City of El Paso, Texas (the “City”), on November 6, 2012 (the “Prior Bond Election”), the City Council of the City (the “City Council”) became authorized to issue, sell and deliver general obligation bonds in the aggregate principal amount \$228,250,000 for “Museum, Cultural, Performing Arts, and Library Facilities” purposes, including, among other things, acquiring, constructing and equipping a multipurpose performing arts and entertainment facility to be located in Downtown El Paso (the “Multipurpose Facility”); and

WHEREAS, the City has heretofore issued bonds in the aggregate principal amount of \$99,794,364 for “Museum, Cultural, Performing Arts, and Library Facilities” purposes and there remains an unissued balance of bonds in the principal amount of \$128,455,636; and

WHEREAS, the City has completed all the other projects authorized to be constructed pursuant to the “Museum, Cultural, Performing Arts, and Library Facilities” proposition of the Prior Bond Election but the acquisition, construction and/or equipping of the Multipurpose Facility has not been completed; and

WHEREAS, certain material changes in circumstances and subsequent events since the date of the Prior Bond Election have prompted City Council to reconsider whether the City should move forward with the Multipurpose Facility; and

WHEREAS, pursuant to Texas Government Code, Chapter 1252, as amended, the City Council is authorized to order an election to determine whether to revoke the authority to issue the remaining bonds authorized by the Prior Bond Election that have not yet been sold or delivered; and

WHEREAS, the City Council hereby finds and determines that an election should be held to determine whether to revoke the City Council’s authority to issue the remaining \$128,455,636 of bonds voted to acquire, construct and equip the Multipurpose Facility (the “Election”); now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. The Election shall be held in the CITY OF EL PASO, TEXAS, on the 5<sup>th</sup> day of November, 2024 (the “Election Day”), which is a uniform election date under the Texas Election Code, as amended, and is not less than 78 days nor more than 90 days from the date of the adoption of this ordinance (the “Ordinance”), for the purpose of submitting the following proposition to the qualified voters of the City:

CITY OF EL PASO, TEXAS PROPOSITION A

“SHALL the authority of the City Council of the City of El Paso, Texas, to issue the remaining \$128,455,636 of general obligation bonds granted by the “Museum, Cultural, Performing Arts and Library Facilities Proposition” of the bond election held within the City on November 6, 2012 for the purpose of providing funds for acquiring, constructing and equipping the multipurpose performing arts and entertainment facility to be located in Downtown El Paso be revoked?”

SECTION 2. The Election shall be conducted by the El Paso County Elections Department in accordance with the provisions of an election services contract (the “Contract”) to be entered into with the elections administrator of El Paso County (the “El Paso County Elections Administrator”).

On Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m. at the locations designated by the El Paso County Elections Administrator in accordance with the Contract. The locations of such polling places on Election Day are set forth in **Exhibit A** which is attached hereto and incorporated herein by reference as a part of this Ordinance for all purposes. **Exhibit A** shall be modified to include additional or different Election Day polling places designated by the El Paso County Elections Administrator and to conform to the Contract.

SECTION 3. The locations, dates and times for early voting for this Election shall be as shown in **Exhibit A**, which is attached hereto and incorporated herein by reference as a part of this Ordinance for all purposes. Lisa Wise, El Paso County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Contract.

For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this Election shall be appointed and designated in accordance with the provisions of the Contract.

SECTION 4. The Central Counting Station for the tabulation and counting of ballots for this Election shall be located at the El Paso County Elections Department, 500 E. San Antonio Ave., Suite 314, El Paso, Texas 79901 and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at such Central Counting Station shall be determined, appointed and designated in accordance with the Contract. The Manager and Presiding Judge of such Central Counting Station may appoint clerks to serve at such Station, as provided by Texas Election Code, Section 127.006, as amended.

SECTION 5. A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for Election Day voting. Such voting system shall comply with Texas and federal laws establishing the requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Pursuant to Section 61.012, as amended, Texas Election Code, the El Paso County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election.

SECTION 6. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

CITY OF EL PASO, TEXAS PROPOSITION A

“TO CANCEL THE CITY’S AUTHORITY TO ISSUE THE REMAINING  
\$128,455,636 IN GENERAL OBLIGATION BONDS FOR THE MULTIPURPOSE

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PERFORMING ARTS AND ENTERTAINMENT FACILITY TO BE LOCATED IN DOWNTOWN EL PASO WHICH WAS APPROVED BY THE VOTERS IN THE CITY'S NOVEMBER 6, 2012 ELECTION, RESULTING IN THE REVOCATION OF THE BONDS?"

~~["THE REVOCATION OF \$128,455,636 GENERAL OBLIGATION BONDS FOR THE MULTIPURPOSE PERFORMING ARTS AND ENTERTAINMENT FACILITY TO BE LOCATED IN DOWNTOWN EL PASO?"]~~

SECTION 7. All resident qualified voters of the City shall be permitted to vote at the Election. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapter 1252, Texas Government Code, as amended, and as may be required by any other law. To the extent required by law, all materials and proceedings relating to the Election shall be printed in English and Spanish.

SECTION 8. Notice of election, including a Spanish translation thereof, shall be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than 30 days, and not less than 14 days, prior to Election Day. Moreover, a substantial copy of this Ordinance, including a Spanish translation thereof, shall be posted (i) at City Hall not less than 21 days prior to Election Day, (ii) at three additional public places within the City not less than 21 days prior to Election Day, (iii) in a prominent location at each polling place on Election Day and during early voting, and (iv) in a prominent location on the City's internet website not less than 21 days prior to Election Day. A sample ballot shall be posted on the City's internet website not less than 21 days prior to Election Day.

SECTION 9. The City Council authorizes the Mayor, the Interim City Manager, or the respective designee of either of such parties, to make such modifications to this Ordinance that are necessary for compliance with applicable Texas or federal law or to carry out the intent of the City Council, as evidenced herein. By incorporating all essential terms necessary for a joint election agreement, this Ordinance is intended to satisfy Section 271.002(d) of the Texas Election Code, as amended, without further action of the City Council. To the extent needed or desirable, the El Paso County Elections Administrator is hereby appointed as custodian of voted ballots in El Paso County for the purposes of Section 31.096, as amended, Texas Election Code.

SECTION 10. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 11. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 12. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 13. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the

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public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

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24-3170-TRAN-550552-Ordinance Calling Election 2024-KMN

PASSED AND ADOPTED on this the 13<sup>th</sup> day of August, 2024.

**THE CITY OF EL PASO:**

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Oscar Leeser  
Mayor, City of El Paso, Texas

ATTEST:

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Laura D. Prine  
City Clerk, City of El Paso, Texas

(SEAL)

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Paul A. Braden  
Bond Counsel for the City

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Robert Cortinas  
Chief Financial Officer  
City of El Paso, Texas

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Karla Nieman  
City Attorney  
City of El Paso, Texas

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