

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 017850 FOR THE PURPOSE OF CLARIFYING THE BALLOT LANGUAGE REGARDING THE VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION AND RESOLVING OTHER MATTERS RELATED THERETO.**

**WHEREAS**, on August 14, 2012, the City Council (the "Council") of the City of El Paso, Texas (the "City") adopted Ordinance No. 017850 (the "Original Ordinance"), authorizing a special election to be held with respect to a sports and community venue project within the City; and

**WHEREAS**, the City wishes to make certain clarifying changes to the ballot and proposition language set forth in such Original Ordinance; now, therefore,

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

SECTION 1: The proposition language set forth in Section 1 of the Original Ordinance is hereby amended as follows:

**VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION**

*Authorizing the City of El Paso to designate and develop the Stadium Project as a sports and community venue project within the City of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Local Government Code, as amended (the "Act"), designated by a City Resolution adopted on June 26, 2012 (the "Resolution") and described in summary form as a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games, and related infrastructure as defined in the Act, and to impose a tax on the occupancy of a room in hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room for the purposes of financing such venue project as authorized by Subchapter H of the Act, and approving the Resolution.*

SECTION 2: Section 4 of the Original Ordinance is deleted in its entirety, and the following is inserted in its place:

*"SECTION 4: 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.*

**ORDINANCE NO.:** \_\_\_\_\_

12-1033-034/132332\_3/Ord. Amend 17850  
9/5/12 Clean

CITY CLERK DEPT.  
2012 SEP -5 PM 2:12

Ballots shall be prepared in accordance with V.T.C.A., Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

**VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION**

"AUTHORIZING THE CITY OF EL PASO, TEXAS, TO DESIGNATE THE MINOR LEAGUE BASEBALL STADIUM PROJECT AS A SPORTS AND COMMUNITY VENUE PROJECT WITHIN THE CITY IN ACCORDANCE WITH APPLICABLE LAW AND TO IMPOSE A TAX ON THE OCCUPANCY OF A ROOM IN A HOTEL LOCATED WITHIN THE CITY, AT THE MAXIMUM RATE OF TWO PERCENT (2%) OF THE PRICE PAID FOR SUCH ROOM, FOR THE PURPOSE OF FINANCING SUCH VENUE PROJECT."

**SECTION 3:** Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Original Ordinance. Except as expressly modified by the terms hereof, all other provisions of the Original Ordinance are affirmed and remain unchanged.

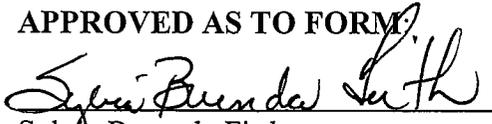
PASSED AND APPROVED this the \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

  
Sylvia Borunda Firth  
City Attorney

APPROVED AS TO CONTENT:

  
William F. Studer, Jr.  
Deputy City Manager for  
Development and Tourism

(City Seal)

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**WHEREAS**, on August 14, 2012, the City Council (the “Council”) of the City of El Paso, Texas (the “City”) adopted Ordinance No. 017850 (the “Original Ordinance”), authorizing a special election to be held with respect to a sports and community venue project within the City; and

**WHEREAS**, the City wishes to make certain clarifying changes to the ballot and proposition language set forth in such Original Ordinance; now, therefore,

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

**SECTION 1:** The proposition language set forth in Section 1 of the Original Ordinance is hereby amended as follows:

**VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION**

*Authorizing the City of El Paso to ~~provide for the planning, acquisition, establishment, development, construction and financing of~~ designate and develop the Stadium Project as a sports and community venue project within the City of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Local Government Code, as amended (the “Act”), designated by a City Resolution adopted on June 26, 2012 (the “Resolution”) and described in summary form as a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games, and related infrastructure as defined in the Act, and to impose a tax on the occupancy of a room in hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room for the purposes of financing such venue project as authorized by Subchapter H of the Act, and approving the Resolution.*

**SECTION 2:** Section 4 of the Original Ordinance is deleted in its entirety, and the following is inserted in its place:

*“**SECTION 4:** 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.*

Ballots shall be prepared in accordance with V.T.C.A., Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

**VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION**

*"AUTHORIZING THE CITY OF EL PASO, TEXAS, TO TO PROVIDE FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND FINANCING OF A DESIGNATE THE MINOR LEAGUE BASEBALL STADIUM PROJECT AS A SPORTS AND COMMUNITY VENUE PROJECT WITHIN THE CITY IN ACCORDANCE WITH APPLICABLE LAW AND TO IMPOSE A TAX ON THE OCCUPANCY OF A ROOM IN A HOTEL LOCATED WITHIN THE CITY, AT THE MAXIMUM RATE OF TWO PERCENT (2%) OF THE PRICE PAID FOR SUCH ROOM, IN CONNECTION WITH SUCH FOR THE PURPOSE OF FINANCING SUCH VENUE PROJECT."*

SECTION 3: Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Original Ordinance. Except as expressly modified by the terms hereof, all other provisions of the Original Ordinance are affirmed and remain unchanged.

PASSED AND APPROVED this the \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
John F. Cook, Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sylvia Borunda Firth  
City Attorney

(City Seal)

12-1033-034/132332\_2/Ord. Amend 17850

**ORDINANCE NO.:** \_\_\_\_\_

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
William F. Studer, Jr.  
Deputy City Manager for  
Development and Tourism