

ORDINANCE NO. 2018-O0025

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 5, 2018, FOR THE PURPOSE OF VOTING FOR OR AGAINST THE AUTHORIZATION TO ABANDON THE LUBBOCK MUNICIPAL AUDITORIUM-COLISEUM PURSUANT TO ARTICLE II, SECTION 25 OF THE CITY OF LUBBOCK CHARTER; MAKING PROVISION FOR THE CONDUCT OF SUCH ELECTION ACCORDING TO APPLICABLE PROVISIONS OF LAW; PROVIDING FOR EXECUTION OF AN APPROPRIATE ELECTION ORDER HEREAFTER; GIVING NOTICE OF SUCH ELECTION; AND OTHER PROVISIONS INCIDENT TO AND RELATED TO THE PURPOSE HEREOF.

WHEREAS, the City Council of the City of Lubbock has determined that it would be in the best interest of the citizens of the City of Lubbock to conduct a special election on **May 5, 2018**, for the purpose of voting for or against the authorization to abandon the Lubbock Municipal Auditorium-Coliseum pursuant to Article II, Section 25 of the City of Lubbock Charter, the Texas Election Code, and City ordinances; NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the City Council of the City of Lubbock hereby orders a Special Election be held on **May 5, 2018**, under the applicable provisions of the Texas Election Code, the Lubbock City Charter and City ordinances. Said election shall be held to determine whether the City of Lubbock, Texas, by and through its City Council, will be authorized to take all actions necessary to permanently abandon the land and buildings used and known as the Lubbock Municipal Auditorium-Coliseum.

SECTION 2. THAT an electronic voting system shall be used in this election, including early voting. Ballots shall be prepared in accordance with the applicable provisions of the Election Code so that voters may cast their ballots either “for” or “against” the measure, which shall appear on the ballot substantially as follows:

PROPOSITION

FOR: \_\_\_\_\_  
AGAINST: \_\_\_\_\_

“Shall the City of Lubbock, Texas, by and through its City Council, be authorized to take all actions necessary to permanently abandon the land and buildings used and known as the Lubbock Municipal Auditorium-Coliseum, pursuant to Article II, Section 25 of the City of Lubbock Charter?”

SECTION 3. THAT said City special election shall be held at the places in the City of Lubbock hereinafter designated as voting precincts and in the voting places designated in **Exhibit A** hereto. Voting places shall be open from 7:00 a.m. to 7:00 p.m., and all electors shall vote a ballot appropriate for the precinct of their residence at any Countywide Polling Place (Vote Center) shown on **Exhibit A**, as provided for in Section 43.007 of the Texas Election Code.

SECTION 4. THAT an accessible electronic voting system shall be used for this election, including early voting. At least one accessible voting device approved and certified by the Texas Secretary of State shall be provided in each polling place and in every polling location used to conduct said City special election. Said approved and certified accessible electronic voting system shall be supplied for said City special election by Lubbock County, acting by and through its Elections Administrator. The sealed ballot box procedure established by Subchapter C, Chapter 127, Texas Election Code, shall be used for this election.

SECTION 5. THAT the persons named in **Exhibit A** hereto are hereby appointed Judges and Alternate Judges to conduct said Special City Election on **May 5, 2018**. In the event any named person is unable to serve for any reason, the City Secretary of the City of Lubbock is hereby authorized and directed to make such substitutions as may be required and to amend **Exhibit A** hereto as required. Each Presiding Judge so named is authorized to appoint the number of clerks authorized by the City Secretary of the City of Lubbock, which number shall not be less than two (2) clerks or more than six (6) clerks. The Alternate Judges shall serve as Presiding Judges in the event that the regularly appointed Presiding Judge is unable to serve. The Alternate Judges shall be appointed by the Presiding Judge to serve as one of the clerks in the event that the regularly appointed Presiding Judge conducts the election.

SECTION 6. THAT early voting by personal appearance shall commence on **April 23, 2018**, and end on **May 1, 2018**. Said early voting shall be conducted at the locations, days and hours indicated on **Exhibit B** hereto; and Early Voting Clerk shall be:

Dorothy Kennedy  
Office of Elections  
1308 Crickets Avenue  
Lubbock, TX 79408  
Telephone 806-775-1338

SECTION 7. THAT the Mayor, assisted by the City Secretary, is hereby authorized and directed to give notice of the Special City Election for the passage of the measure stated herein as required by law (*see* **Exhibit C** attached hereto).

SECTION 8. THAT the City Secretary of the City of Lubbock is hereby ordered to cause publication of this Ordinance ordering the Special City Election in a newspaper of general circulation at least once no earlier than the 30<sup>th</sup> day nor later than the 10<sup>th</sup> day before election day. In addition, a copy of this Ordinance shall be posted not later than the 21<sup>st</sup> day before election day on the bulletin board used for posting notices of meetings of the governing body and a notice of consolidation shall be posted prior to the day of the election at any polling places not consolidated at the last previous election, which notice shall indicate the precinct of consolidation and the location of the new polling place.

SECTION 9. THAT the City Secretary shall serve a duly certified copy of this Ordinance and the Election Notice upon each of the Presiding Judges named in **Exhibit A** not later than the 7<sup>th</sup> day after the signing of this Ordinance or the 15<sup>th</sup> day before Election Day, whichever is later. In addition, the City Secretary shall deliver a certified copy of this Ordinance and the Election Notice on the County Clerk not later than the 60<sup>th</sup> day before election day.

SECTION 10. THAT this Ordinance shall become effective upon final passage by the City Council of the City of Lubbock.

AND IT IS SO ORDERED.

Passed by the City Council on first reading this 25th day of January, 2018.

Passed by the City Council on second reading 8th day of February, 2018.

/s/ Daniel M. Pope

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DANIEL M. POPE, MAYOR

ATTEST:

/s/ Rebecca Garza

Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:

/s/ Rebecca Garza

Rebecca Garza, City Secretary

APPROVED AS TO FORM:

/s/ Amy L. Sims

Amy L. Sims, Deputy City Attorney