

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, CALLING A LOCAL OPTION ELECTION TO CONSIDER LEGALIZING "THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES" TO BE HELD ON NOVEMBER 5, 2019, AS SET FORTH BY THE CHARTER AND BY THE TEXAS ELECTION CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFETIVE DATE.

WHEREAS, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code provide for the holding of local option elections; and

WHEREAS, on May 7, 2019, the City of Keller received a petition containing 7,847 valid signatures requesting a local option election be held to consider legalizing "the legal sale of all alcoholic beverages including mixed beverages"; and

WHEREAS, Section 501.032 of the Texas Election Code requires signatures of at least 35 percent of the registered voters in the political subdivision who voted for governor in the most recent gubernatorial election, which equals 7,411 signatures; and

WHEREAS, that the Election Code of the State of Texas is applicable to conducting City elections, and in order to comply with said code an order should be passed establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, all legal prerequisites for the adoption of this resolution have been met, including but not limited to the Local Government Code and the Open Meetings Act; and

WHEREAS, the City Council hereby declares that the approval of this resolution is in the best interests of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: **Election Ordered.**

(a) A Special Election shall be held in the City of Keller, Texas on November 5, 2019 to consider the following:

The legal sale of all alcoholic beverages including mixed beverages.

(b) Said election shall be held by Tarrant County pursuant to a Joint Election Agreement and Contract for Election Services, with respect to such Local Option Election approved by the City Council of the City of Keller, Texas and Tarrant County Elections Administrator.

Section 3: THAT, such question shall be submitted on the ballot as follows:

"The legal sale of all alcoholic beverages including mixed beverages."

"FOR"

"AGAINST"

Section 4: **Election Day Polling Places and Election Hours.** Said resolution calling the November 5, 2019 Local Option Election will be amended at a later date to include polling places and times.

Section 5: **Election Officers.** The election officers for each polling place shall be appointed and compensated pursuant to the Joint Election Agreement and Contract for Election Services with Tarrant County, for said Election on November 5, 2019.

Section 6: THAT, early voting by personal appearance for this Election shall begin on Monday, October 21, 2019, and shall terminate on Friday, November 1, 2019. The hours designated for early voting by personal appearance shall be as follows:

October 21-25, 2019
Monday - Friday
8:00 a.m. to 5:00 p.m.

October 26, 2019
Saturday
7:00 a.m. to 7:00 p.m.

October 27, 2019
Sunday
11:00 a.m. to 4:00 p.m.

October 28-31, 2019
Monday - Thursday
7:00 a.m. to 7:00 p.m.

November 1, 2019
Friday
7:00 a.m. to 7:00 p.m.

Early voting by personal appearance shall be conducted at the Main Early Voting Location: Tarrant County Election Center, 2700 Premier Street, Fort Worth, Texas 76111. Other Tarrant County early voting locations to be designated by the Tarrant County Elections Administrator/Early Voting Clerk pursuant to joint election agreements with other political subdivisions within Tarrant County.

Section 7: THAT, early voting by mail shall be conducted by the Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas 76111, is hereby appointed as Early Voting Clerk. Applications for a Ballot by Mail must be submitted between Monday, January 1, 2019 and Friday, October 25, 2019 by mail, fax, or e-mail to:

MAILING ADDRESS:

Early Voting Clerk
P.O. Box 961011
Fort Worth, Texas 76161-0011

FAX: 817-831-6118

E-MAIL: votebymail@tarrantcounty.com

Section 8: THAT, the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the Joint Election Agreement and Contract for Election Services with Tarrant County.

Section 9: That, Tarrant County's voting equipment will be utilized for said election, and shall be conducted in accordance with the Texas Election Code.

Section 10: That, the election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in said Election.

Section 11. That, if any section, clause, paragraph, sentence or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this Resolution; and it is hereby declared to be the intention of the City Council that the remainder of this Resolution would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 12: THAT, this resolution shall be effective upon its adoption.

AND IT IS SO RESOLVED.

Passed by a vote of _ to _ on this the 18th day of June, 2019.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney