

MEMORANDUM

To: Members of the City Commission

From: Lisa Agnor, City Manager

Date: May 10, 2016

Subject: Approval of an Ordinance canvassing the results of the local option election legalizing the legal sale of all alcoholic beverages for off-premise consumption only

Attached is an Ordinance canvassing the results of the local option election legalizing the legal sale of all alcoholic beverages for off-premise consumption only.

ORDINANCE NO. _____

AN ORDINANCE CANVASSING AND DECLARING RESULTS OF THE CITY LOCAL OPTION ELECTION REGARDING LEGALIZING THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY.

STATE OF TEXAS
COUNTY OF HARRISON
CITY OF MARSHALL

WHEREAS, under and by virtue of an Ordinance passed and approved, and adopted by the City Commission on January 14, 2016 and thereafter published, an election was held in the City on May 7th, 2016 for the purpose of submitting a local option proposition to determine whether the City shall legalize the legal sale of all alcoholic beverages for off-premise consumption only; and

WHEREAS, the City Commission did direct that said election be held and conducted and the returns thereof made in accordance with the Texas Election Code, the Charter of the City of Marshall, and all other applicable statutes of the State of Texas; and

WHEREAS, the local option election was held in said City on the 7th day of May 2016 for the purpose of submitting to the qualified voters the following proposition:

Local Option Proposition: The legal sale of all alcoholic beverages for off-premise consumption only.

WHEREAS, upon consideration of the returns of said election, it appears that the same were in all respects legally held, that notice was properly given, and that the returns thereof were duly and legally made; and it further appearing that there were cast at said local option election a total (which includes votes cast by early voting) of 1,141 which were cast as follows:

FOR	(early votes – 639)	Total – 735
AGAINST	(early votes – 338)	<u>Total – 406</u>
LOCAL OPTION PROPOSITION PASSES BY:		329

AND it further appearing to the City Commission after a canvass of said ballots that, a majority of the qualified voters of said City voting at said election were in favor of the Local Option Proposition.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That said local option election was duly called; that notice of said election was given in accordance with law; that said election was held in accordance with law; that the returns were duly and legally made; and that there were cast at said election valid and legal votes.

Section 3. The returns as set forth herein are declared to be official; that the Local Option Proposition: The legal sale of all alcoholic beverages for off-premise consumption only is hereby recognized and declared to have passed.

Section 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this Ordinance shall become effective immediately from and after the date of passage.

PASSED, APPROVED, AND ADOPTED this 12th day of May 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PRESIDING OFFICER OF CANVASSING AUTHORITY
CHAIRMAN OF THE COMMISSION OF THE
CITY OF MARSHALL

ATTEST:

ACTING CITY SECRETARY