FARMERS BRANCH

ORDINANCE NO. 3262

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON THE 10TH DAY OF MAY, 2014, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS THE FOLLOWING PROPOSITIONS: "SHALL THE CITY OF FARMERS BRANCH PERMIT THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY?"; DESIGNATING POLLING PLACES; ORDERING NOTICES OF ELECTION TO BE GIVEN; AUTHORIZING ELECTION BE HELD PURSUANT TO JOINT ELECTION CONTRACT WITH DALLAS COUNTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with Texas Election Code §501.023, an application was made for a petition ("the Petition") to be circulated within the City of Farmers Branch for the purpose of seeking an election on the proposition of whether to permit the legal sale of beer and wine for off-premise consumption only; and

WHEREAS, the Petition was returned and filed with the City Secretary within the time required by Texas Election Code §501.032(a); and

WHEREAS, the City Secretary has verified that the Petition contains the number of signatures of qualified voters of the City required by Texas Election Code §501.032(a); and

WHEREAS, more than thirty days have passed since the Petition was returned to the City Secretary; and

WHEREAS, finding that the Petition has been timely filed and satisfies all statutory requirements for calling an election on the Proposition, the City Council of the City of Farmers Branch is required by law to order an election on the Proposition at its next regular session following 30 days after the filing of the Petition; and

WHEREAS, the next uniform election date on which the Proposition may be placed on the ballot for consideration by the qualified voters of the City is May 10, 2014; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to call a special local option election to consider the Proposition be held on the 10th day of May, 2014, in conjunction with the City's general election for the purpose of electing the Mayor and council member for District 2; and

WHEREAS, the special election shall be held as a Joint Election administered by the Dallas County Elections Administrator in accordance with the provisions of the Texas Election Code, the Charter of the City of Farmers Branch, and a Joint Election Contract with the County of Dallas; and

WHEREAS, the City of Farmers Branch accepts Dallas County Election Administration's use of the direct record and optical scan voting systems, which have been certified by the Secretary of State in accordance with the Texas Election Code and approved by the United States Department of Justice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1: That a special local option election is hereby ordered for May 10, 2014, for the City of Farmers Branch, Texas, for the purpose of submitting to the qualified voters of the City the proposition provided herein below and that the official ballot for said election shall be prepared in accordance with the TEXAS ELECTION CODE so as to permit the voters to vote "FOR" or "AGAINST" the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such Proposition to be expressed substantially as follows:

"PROPOSITION NO. 1

FOR _____ **AGAINST** _____	The legal sale of beer and wine for off-premise consumption only.

Polling locations for the election will be determined in the Joint Election Contract to be entered into with Dallas County. The polling locations shall be open between the hours of 7:00 a.m. and 7:00 p.m. the date of the election. The election will be conducted in accordance with the Joint Election Contract by and between the City, the County of Dallas and other units of government and the Texas Election Code.

SECTION 2: That the City Secretary is hereby directed to cause notice of said election to be published at least once, not earlier than the 30th day nor later than the 10th day, before election day as provided in Section 4.003(a)(1) of the Texas Election Code; and shall be posted on the bulletin board used for posting notices of the City Council meetings not later than the 21st day before election day. A copy of the published notice that contains the name of the newspaper and the date of publication shall be retained as a record of such notice, and the person posting the notice shall make a record at the time of posting stating the date and place of posting in accordance with Texas Election Code Section 4.005.

SECTION 3. That early voting by personal appearance by any qualified Dallas County resident may be conducted at the City of Farmers Branch City Hall, 13000 William Dodson Parkway, Farmers Branch, Texas, or at any of the other Dallas County branch locations established by the Joint Election Contract, if any. Early voting by personal appearance for the May 10, 2014, election will be conducted by the Dallas County Elections Department beginning on Monday, April 28, 2014, and continue through Saturday, May 3, 2014, between 8:00 a.m.

until 5:00 p.m.; on Sunday, May 4, 2014, between 1:00 p.m. and 6:00 p.m.; and on Monday, May 5, 2014 and Tuesday, May 6, 2014, between 7:00 a.m. and 7:00 p.m.

SECTION 4. That applications for early voting ballot by mail shall be mailed to: Toni Pippins-Poole, Early Voting Clerk, Dallas County Elections Department, 2377 N. Stemmons Freeway, 8th Floor, Dallas, Texas 75207. Applications for early voting ballot by mail must be received no later than the close of business on Thursday, May 1, 2014.

SECTION 5. That in accordance with Section 123.001 of the Texas Election Code, the Direct Record and Optical Scan Voting Systems approved by the Secretary of State are hereby adopted for the election on May 10, 2014.

SECTION 6. That the City Manager is hereby authorized to execute a Joint Election Contract for the conduct of this special election as a joint election to be held on May 10, 2014, and to approve any amendments thereto.

SECTION 7. That pursuant to the Joint Election Contract, the Dallas County Elections Administrator shall serve as Election Administrator for the election. Presiding Election Judges and an Alternate Presiding Election Judges appointed to serve at said polling places shall be those election officials furnished by the Elections Administrator from the list of proposed election judges listed in an attachment to the Election Contract.

SECTION 8. That in compliance with Section 271.006 of the Texas Election Code, Toni Pippins-Poole, Dallas County Elections Administrator, will be appointed as Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting by personal appearance at the branch locations.

SECTION 9. That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials listed in the Joint Election Contract.

SECTION 10. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution, which shall remain in full force and effect.

SECTION 11. This Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS, ON THIS THE 18th DAY OF FEBRUARY, 2014.

ATTEST:

Angela Kelly, City Secretary

APPROVED:

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:2/7/14:646758)