

ORDINANCE NO. 2012-475

ELECTION ORDER

AN ORDINANCE OF THE CITY OF CEDAR HILL CALLING FOR A SPECIAL ELECTION TO BE HELD WITHIN SAID MUNICIPALITY ON THE NOVEMBER 6, 2012 UNIFORM ELECTION DATE, ON THE PROPOSITION OF APPROVING THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; PROVIDING FOR THE ADMINISTRATION AND PROCEDURES FOR THE CONDUCT OF THE ELECTION; PROVIDING FOR PUBLICATION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE HOLDING OF SUCH ELECTION.

WHEREAS, the City Council (the "Council") of the City of Cedar Hill, Texas (the "City") hereby finds and determines that a special election should be held to determine whether a proposition for the legal sale of beer and wine for off-premise consumption only should be authorized as provided in Section 501.035, Texas Election Code.

WHEREAS, the Council of the City of Cedar Hill hereby finds that the provisions of Sections 1, 2, 3 and 4 of this Ordinance, as stated herein, are all true and correct and such Sections are hereby incorporated herein as findings of the Council.

WHEREAS, an application for a local option election petition to legalize along with proof of publication in a newspaper of general circulation of the intent to apply for said petition was duly filed with the City Secretary of Cedar Hill, Texas on May 4, 2012.

WHEREAS, 500-pages of petition for a local option election to legalize the sale of beer and wine for off-premise consumption was issued on May 8, 2012.

WHEREAS, the petition for a local option election to legalize was returned and filed with the City Secretary of Cedar Hill, Texas on July 9, 2012. The number of signatures was at least 35 percent of the registered voters in the City who voted in the most recent gubernatorial election within the meaning of Section 501.032 of the Texas Election Code.

WHEREAS, the City Secretary has certified the petition as required by Section 501.031 of the Texas Election Code.

WHEREAS, the City Council of Cedar Hill hereby authorizes the City Manager to execute all necessary Joint Election Agreements with Dallas County, as authorized by the Texas Election Code, relating to the holding of such election to be held on the uniform election date of Tuesday, November 6, 2012.

NOW THEREFORE, BE IT ORDAINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:

SECTION 1: CALL OF SPECIAL ELECTION

A Special Election (the "Election") shall be held on the November 6, 2012 uniform election date to determine whether Cedar Hill shall be authorized to approve the legal sale of beer and wine for off-premise consumption only. Said election date is sixty-two (62) or more days from the date of the adoption of this Ordinance (the "Order") and the Election shall be solely in the territorial boundaries of Cedar Hill at which all resident, qualified electors of Cedar Hill shall be entitled to vote. The City Council hereby finds that holding the Election on such date, which is a uniform election date, is in the public interest. The hours during which the polling place is to be open at the Election shall be from 7:00 a.m. to 7:00 p.m.

SECTION 2: MEASURE TO BE SUBMITTED

At such Election, the following measure shall be submitted:

PROPOSITION

"The legal sale of beer and wine for off-premise consumption only."

SECTION 3: BALLOTS

Ballots shall be prepared in accordance with the Texas Election Code, so as to permit the electors to vote "FOR" or "AGAINST" the above-referenced measures which shall appear on the ballot substantially as follows:

"SHALL THE CITY OF CEDAR HILL APPROVE THE LEGAL SALE OF
BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY?"

FOR ()

AGAINST ()

SECTION 4: VOTING PRECINCTS AND ELECTION DAY POLLING PLACES

The election precincts for this election shall be the Dallas and Ellis County Election Precincts wholly or partially within the territorial limits of the City.

The returns for the precincts will be provided by precinct for the Special Election, and the Dallas County Elections Administrator shall tabulate and provide the election returns for the Special Election.

SECTION 5: ELECTION INFORMATION TO BE PROVIDED IN SPANISH

The City Secretary, along with the Dallas County Elections Administrator, shall be responsible for the preparation of notices, instructions, orders, ballots and other written material pertaining to the Election and shall cause each such document to be translated into and furnished to voters in both the English language and the Spanish language in order to aid and assist voters speaking Spanish as a primary or an alternative language to properly participate in the election process. In addition, there shall be made available to the voters an individual capable of acting as a translator and speaking both English and Spanish languages who will assist Spanish-speaking voters in understanding and participating in the election process.

SECTION 6: EARLY VOTING BY MAIL

Dallas County Elections Administrator is hereby assigned as the City's Joint Early Voting Clerk. Ballot Applications for ballot by mail shall be addressed to the City's Joint Early Voting Clerk at the address indicated immediately below:

Early Voting Clerk
Elections Administrator, Dallas County
2377 N. Stemmons Freeway, Suite 820
Dallas, Texas 75207

The Joint Early Voting Clerk for the City shall collect all applications for ballots received by the City at the above address during the period allowed by the Texas Election Code.

SECTION 7: EARLY VOTING BY PERSONAL APPEARANCE

Early voting by personal appearance shall be conducted at the main and branch locations, to be decided by Dallas County Elections in accordance with the provisions of the Texas Election Code. Hours of early voting by personal appearance shall also be assigned in accordance with State Law.

SECTION 8: CANVASS OF RETURNS; DECLARING RESULTS

The City Secretary shall make a written return of the Election results in accordance with the Texas Election Code. The City Council shall canvass the returns and declare the results of the Election in accordance with the Texas Election Code and the Texas Alcoholic Beverage Code.

SECTION 9: NOTICE OF ELECTION

The City Secretary is hereby authorized and directed to prepare a form titled "Notice of Election," the contents and form of which shall comply with the requirements of the Texas Election Code and other law. The method of providing public notice of the election shall also be in accordance with the Texas Election Code.

SECTION 10: EFFECTIVE DATE

This Order is effective immediately upon its passage and approval.

SECTION 10: SEVERABILITY

If any section, subsection, paragraph or sentence, clause, phrase or word in the Order, or application thereof, to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of the same; and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

SECTION 11: PROPER NOTICE & MEETING

A quorum of the City Council was present at the meeting at which this Order was adopted. The meeting was open to the public and public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 14: The election shall be conducted according to the Texas Election Code and the Texas Constitution.

PASSED AND APPROVED on first and final reading this the ____ day of ____ 2012, by a vote of ____ ayes, ____ nays, and ____ abstentions at a regular meeting of the City Council of the Cedar Hill, Texas.

APPROVED: _____
ROB FRANKE, Mayor

ATTEST: _____
LYN HILL, City Secretary

APPROVED AS TO FORM: _____
RON G. MACFARLANE, JR., City Attorney