

**RESOLUTION NO. R-2012-19**

**A RESOLUTION ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF TYLER ON THE 6th DAY OF NOVEMBER, 2012, FOR THE PURPOSE OF LEGALIZING THE SALE OF BEER AND WINE FOR OFF PREMISES CONSUMPTION AND TO EXTEND THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS TO THE CURRENT CITY LIMITS; MAKING PROVISIONS FOR THE CONDUCT OF A SPECIAL ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Clerk's office received petition applications on April 19, 2012, and final signed petitions on June 21, 2012, from the qualified voters of the City of Tyler, Texas, desiring that a local option election be called to permit voting for or against the legal sale of beer and wine for off-premise consumption and also to extend the legal sale of mixed beverages in restaurants to the current city limits; and

**WHEREAS**, pursuant to Section 501.032 of the Texas Election Code, the City of Tyler shall call a local option election to consider whether to legalize the following local option election issues: the legal sale of beer and wine for off-premise consumption and to extend the legal sale of mixed beverages in restaurants to the current city limits, if a number of signatures of qualified voters contained in said petitions are equal to or greater than 35 percent of the registered voters in the subdivision who voted in the most recent gubernatorial election; and

**WHEREAS**, the City Clerk has certified to the Tyler City Council that the number of valid signatures of qualified voters contained in said petitions is equal to or greater than 7,895, that number being 35 percent of the registered voters in the City of Tyler who voted in the most recent gubernatorial election as determined by the Smith County Elections Department; and

**WHEREAS**, the City of Tyler has entered into an agreement with the Smith County Elections Department to hold the Special Election/Local Option Election in accordance with the Election Code of the State of Texas, the Statutes of the State of Texas, and the Charter and Ordinances of the City of Tyler and shall be in conformity with the procedures set forth herein; and

**WHEREAS**, the Tyler City Council has now called a Special election/Local Option Election, for the purpose of determining whether to legalize the local option elections issues referenced above, and such elections are required by law to be held on a uniform election date, the next which is the first Tuesday after the first Monday in November;

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

**PART 1:** That a special election be, and the same is hereby ordered to be held within the jurisdiction of the City of Tyler, Texas on the 6th day of November, 2012, pursuant to the laws of the State of Texas and the Charter of the City of Tyler, Texas. Such special election shall be held for the purpose of allowing the local option decision concerning the legal sale of beer and wine for off-premise consumption and to extend the legal sale of mixed beverages in restaurants to the current city limits.

**PART 2:** It is agreed that the City of Tyler will hold a special election where common polling places are possible and that in accordance with Chapter 271 of the Texas Election Laws, the special election herein ordered shall be held. The special election, including early voting, shall be conducted by the Smith County Election Administrator, as set out in a contract with said official, and in accordance with Section 31.091 through 31.100, Contract for Election Services.

**PART 3:** That said special election shall be held and conducted in the manner and within the hours prescribed for special elections by the laws of the State of Texas insofar as they may be applicable, and all persons qualified to vote in said City under the laws of this State regulating special elections shall be allowed to vote.

**PART 4:** That all special election instructions and ballots shall be printed in both English and Spanish as required by the Texas Election Code Sections 272.002 through 272.010.

**PART 5:** Polling places shall be open between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m.

**PART 6:** The voting places shall be as follows:

**SINGLE MEMBER**

**DISTRICT & CITY**

**PRECINCT NUMBER**

**VOTING**  
**PLACE**

**Central District, #1**

1	Jack Elementary 1900 Balsam Gap
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**West District, #2**

2	Tyler City Hall 212 N Bonner Avenue
3	Tyler ISD Admin Bldg 1319 W. 8 <sup>th</sup> Street
4	St. Louise Elementary 2800 Walton Rd

**Northwest District, #3**

5	Dixie Elementary 213 Patton Ln.
6	Austin Elementary 1105 W. Franklin

**Northeast District, #4**

7	Bonner Elementary 235 S. Saunders
8	Hogg Middle School 920 South Broadway
9	Birdwell Elementary 1919 S. Kennedy

**East District, #5**

10	Bell Elementary School 1409 Hankerson
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**South District, #6**

11	Southern Oaks Baptist Church 601 Amherst
12	Hubbard Middle School 1300 Hubbard Dr.

Due to the County not setting polling locations yet the polling locations could change.

Each Presiding Judge shall appoint at least two (2) clerks to serve in his precinct and shall appoint as many additional clerks to so serve, not to exceed seven (7), as they deem necessary for the proper conduct of the election, one of whom shall be the Alternate Presiding Judge in that precinct, which said Presiding Judges and clerks shall be the managers of said election.

If any Presiding Judge is unable to serve at the election, the Alternate Presiding Judge of that precinct shall serve as the Presiding Judge for the election.

**PART 7:** Early voting by personal appearance shall be in Suite 500 on the fifth floor of the office building located at 200 East Ferguson Street, Tyler, Texas. The Elections Administrator is appointed as the early voting clerk for the special election. The time of early voting shall be as prescribed by law, being October 22, 2012, through October 26, 2012, from 8:00 a.m. to 5:00 p.m. and October 27 through November 2, 2012, from 7:00 a.m. to 7:00 p.m. Applications for early voting ballots by mail should be addressed to Karen Chaney, Elections Administrator, 200 E. Ferguson St. Ste. 500, Tyler, Texas 75702, in accordance with the provisions of the Texas Election Laws.

For purposes of processing ballots cast in early voting, the following persons are appointed to the early Voting Ballot Board for this special election:

<u>Sue Nash</u>	Presiding Judge
<u>Texanna Crutchfield</u>	Alternate Presiding Judge

**PART 8:** The Central Counting Station for the tabulation and counting of ballots for this joint election shall be located at the Smith County Courthouse, Tyler, Texas and the persons hereby appointed to serve as Manager, Tabulation Supervisor and the Presiding Judge at the Central Counting Station are as follows:

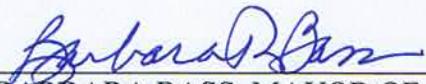
<u>Bonnie Maxfield</u>	Manager
<u>Peggy Jones</u>	Tabulation Supervisor
<u>Karen Chaney</u>	Presiding Judge

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Texas Election Laws.

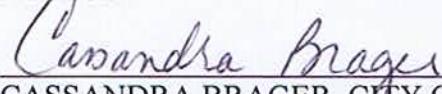
**PART 9:** A copy of this resolution shall be sufficient notice of said special election and the Mayor of the City of Tyler is hereby ordered and directed to give notice of the time and place of said special election by causing a true copy of this resolution to be published in some newspaper of general circulation in this City not less than ten (10) days nor more than thirty (30) days before the election.

**PART 10:** That this resolution shall take effect immediately from and after its passage, as indicated below.

**PASSED AND APPROVED** this 25<sup>th</sup> day of July, A. D. 2012.

  
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BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
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CASSANDRA BRAGER, CITY CLERK  
  
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APPROVED:  
  
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GARY C. LANDERS, CITY ATTORNEY