

ORDINANCE NO. 23-10

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CANVASSING THE RETURNS OF A SPECIAL ELECTION HELD ON MAY 6, 2023 FOR THE LEGALIZATION OF THE SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES WITHIN THE CITY; DECLARING THE RESULT OF SUCH ELECTION; AND AUTHORIZING THE MAYOR AND CITY SECRETARY TO CERTIFY THE RESULTS OF SUCH ELECTION.

WHEREAS, pursuant to Section 501.032(a) of the Texas Election Code, the City Commission of the City of Breckenridge (the “City Commission”) ordered a local option election for the legalization of the sale of all alcoholic beverages within the City, after receiving a petition for the same, and such election was held on May 6, 2023;

WHEREAS, the City Commission has reviewed and investigated all matters pertaining to this election, including the ordering of the election, notices, election officials, conducting the election, and the returns thereof;

WHEREAS, the City Commission, hereby, canvasses the returns of this election, at which there was submitted to all resident qualified voters of the City of Breckenridge for their action thereupon, the proposition of legalization of the sale of all alcoholic beverages including mixed beverages within the City; and

WHEREAS, the City Commission must declare the results of such election pursuant to Section 501.151(a) of the Texas Election Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

Section 1. The City Commission official finds, determines, and declares that the election was duly and properly ordered; that proper legal notice of such election was duly given in the English and Spanish languages; that proper election officials were duly appointed prior to the election; that the election was duly and legally held; that all resident, qualified electors of the City of Breckenridge were permitted to vote at the election; that returns of the results of the election have been made and delivered; and that the City of Breckenridge has duly canvassed such returns, all in accordance with the laws of the State of Texas.

Section 2. The City Commission officially finds and determines that the following votes were cast in the election by voters who were resident, qualified electors of the City:

PROPOSITION 1

Authorizing the legal sale of all alcoholic beverages including mixed beverages in the City of Breckenridge.

FOR	238
AGAINST	22

Section 3. The City Commission officially finds and determines the results of said election to be that the proposition for legalization of the sale of all alcoholic beverages including mixed beverages within the City of Breckenridge received a majority vote of 238 of 260 total votes cast at such election and, as such, was approved by the voters at the election.

Section 4. Pursuant to Section 501.151(a) of the Texas Election Code, the City Commission has, hereby, completed the canvass of the local option election held on May 6, 2023 and, hereby, orders and declares that the result of said election is that the sale of all alcoholic beverages including mixed beverages within the City is legal.

Section 5. Pursuant to Section 67.004 of the Texas Election Code, the Mayor is hereby authorized to certify the results of the canvass of the election.

Section 6. Pursuant to Section 501.153 of the Texas Election Code, the City Secretary is hereby directed to certify the result of this local option election to the Texas Secretary of State and the Texas Alcoholic Beverage Commission within three (3) days of the date of the adoption of this Ordinance.

Section 7. This Ordinance shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this the 16th day of May 2023.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L