

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 5, 2024 FOR PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BURLESON THE FOLLOWING MEASURE; LEGALIZING THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION ONLY; APPOINTING EARLY VOTING CLERK AND DESIGNATING MAIN EARLY VOTING POLLING PLACE; ESTABLISHING THE TIME, MANNER, AND PROCEDURES FOR THAT ELECTION; AND PROVIDING: AN OPEN MEETINGS CLAUSE; A SEVERABILITY CLAUSE; FOR THE INCORPORATION OF THE RECITALS; AND AN EFFECTIVE DATE.

WHEREAS, the City of Burleson is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to and consistent with Chapter 501 of the Texas Election Code, the City of Burleson, Texas (City), received a petition requesting a local option election be held to consider the legal sale of all alcoholic beverages for off-premise consumption only; and

WHEREAS, pursuant to Sections 501.031 and 501.109 of the Texas Election Code, the City Secretary did cause the petition submitted to be verified through Tarrant County Elections, and determined the petition contained the requisite number of signatures of eligible voters of the City; and

WHEREAS, the city council must order an election at its next regular session occurring 30 days on or after the petition is filed with the city secretary; and

WHEREAS, the petition was filed with the city secretary on February 2, 2024; and

WHEREAS, state law has established the 1st Tuesday after the 1st Monday in November as a uniform election date for general and special elections; and

WHEREAS, Section 3.005(c) of the Texas Election Code requires the City to call the election at least 78 days before the uniform election date; and

WHEREAS, by this resolution, it is the intention of the City Council to order a 2024 special election, appointing early voting clerk, designating main early voting polling locations; and establish and set forth procedures for conducting the election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.
Election Order for Special Election.

A special election shall be held in the City of Burleson, Texas, on Tuesday, November 5, 2024, for the purpose of submitting to the qualified voters of the City of Burleson a measure legalizing:

The legal sale of all alcoholic beverages for off-premise consumption only.

The official ballot to be used in the special election shall be prepared in accordance with Sections 52.072 and 501.035 of the Texas Election Code. The ballots shall permit the voters to vote “For” or “Against” the measure.

Section 2.
Early Voting and Ballots by Mail.

A. Early Voting Clerk – Johnson County. The Election Administrator, Patty Bourgeois is hereby designated as the Early Voting Clerk for the Johnson County portion of the City of Burleson and may appoint the necessary deputy clerks as required for early voting.

B. Early Voting by Personal Appearance – Johnson County. Early voting by personal appearance shall be conducted in accordance with Texas Election Code. Johnson County Elections, 103 S Walnut St., Cleburne, Texas, 76033 is hereby designated as the Main Early Voting location. Early voting by personal appearance will begin on October 21, 2024, and will end on November 1, 2024. There will be voting on Saturdays, Sundays, or legal holidays.

C. Voting by Mail – Johnson County. All voted ballots by mail that are returned on or before Election Day shall be counted. Voted ballots received on the next business day after Election Day will also be counted if they have been postmarked by Election Day. Voted ballots mailed from U.S. citizens residing outside the United States may be counted if clearly postmarked on or before Election Day and received not later than the fifth day after Election Day.

Applications for Ballot by Mail. Applications for a ballot by mail may be submitted beginning January 1, 2024. The physical and mailing address of the Early Voting Clerk – Johnson County is 103 S Walnut St., Cleburne, Texas 76033. Early Voting clerk phone number is 817-556-6197, electronic mail (e-mail) is vote@johnsoncountytexas.org, and website is <https://www.johnsoncountytexas.org/departments/elections-office>.

D. Early Voting Clerk – Tarrant County. The Election Administrator, Clinton Ludwig is hereby designated as the Early Voting Clerk for the Tarrant County portion of the City of Burleson and may appoint the necessary deputy clerks as required for early voting.

E. Early Voting by Personal Appearance – Tarrant County. Early voting by personal appearance shall be conducted in accordance with Texas Election Code. Tarrant County Elections Center, 2700 Premier St., Fort Worth, Texas, 76033 is hereby designated as the Main Early Voting location. Early voting by personal appearance will begin on October 21, 2024, and will end on November 5, 2024. There will be voting on Saturdays, Sundays, or legal holidays.

F. Voting by Mail – Tarrant County. All voted ballots by mail that are returned on or before Election Day shall be counted. Voted ballots received on the next business day after Election Day

will also be counted if they have been postmarked by Election Day. Voted ballots mailed from U.S. citizens residing outside the United States may be counted if clearly postmarked on or before Election Day and received not later than the fifth day after Election Day.

Applications for Ballot by Mail. Applications for a ballot by mail may be submitted beginning January 1, 2024. The physical address of the Early Voting Clerk – Tarrant County is 2700 Premier St., Fort Worth, Texas, 76111. The Mailing address: PO Box 961011, Fort Worth, TX 76161-0011. Early Voting clerk phone number is 817-831-8683, electronic mail (e-mail) is votebymail@tarrantcountytexas.gov, and website is <https://www.tarrantcountytexas.gov/en/elections.html>.

**Section 3.
Contract with Johnson County and Tarrant
County.**

The City of Burleson will enter into a joint contract for election services with both Johnson County and Tarrant County pursuant to Texas Election Code; Section 31.093.

**Section 4.
Governing Law and Qualified Voters.**

The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident qualified voters of the City shall be eligible to vote at the election.

**Section 5.
Publication and Posting of Notice of Election.**

Notice of the election shall be given as required by Chapter 501 and Chapter 4 of the Texas Election Code, and the Charter of the City of Burleson.

**Section 6.
Submission to the United States Justice Department.**

If needed, the City Secretary of the City of Burleson, Texas, or her designee, is authorized to make a submission to the United States Justice Department to seek pre-clearance as required by law.

**Section 7.
Delivery of Returns.**

In accordance with the Code, immediately after the closing of the polls, the election officers named in this resolution shall make and deliver the returns of the election as follows: one copy shall be retained by the Presiding Election Judge and one copy shall be delivered to the Mayor of the City; All election records and supplies shall be preserved by the county election administrators in accordance with the Code.

**Section 8.
Governing Law.**

The election shall be held as set forth in the City Charter and the Code.

**Section 9.
Open Meetings Clause.**

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**Section 10.
Severability Clause.**

If any section, subsection, sentence, phrase or word of this resolution be found to be illegal, invalid or unconstitutional, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this resolution or the application of any other section, sentence, phrase, word, paragraph, or provision of any other resolution of the City. The City Council declares that it would have adopted the valid portion and applications of this resolution without the invalid part, and to this end the provisions of this resolution are declared to be severable.

**Section 11.
Incorporation of Recitals.**

The findings, determinations, and recitations set out in the preambles of this resolution are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 12.
Effective Date.**

This resolution shall be effective upon its adoption.

DULY RESOLVED by the City Council of the City of Burleson, Texas, on the _____ day of _____, 2024.

(Seal)

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney