

**Resolution 2020-0811-3**

**NOTICE OF ELECTION**

**THE STATE OF TEXAS**                    §  
  §       **CITY OF MOUNT ENTERPRISE, TEXAS**  
**COUNTY OF RUSK**                    §

TO THE RESIDENT QUALIFIED ELECTORS OF THE CITY OF MOUNT ENTERPRISE:

TAKE NOTICE that an election will be held in the City of Mount Enterprise, on the 3rd day of November, 2020, in accordance with an Order adopted by the City Council which is a part of this notice for all purposes and reads substantially as follows:

**ORDER CALLING LOCAL OPTION  
ELECTION**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MOUNT ENTERPRISE  
RUSK COUNTY, TEXAS, THAT:

**WHEREAS**, on May 21, 2020, in accordance with Section 501.023(a) of the Texas Election Code, the City Secretary received an application for a petition from ten (10) or more qualified voters of the City of Mount Enterprise and proof of publication in Henderson News, the official designated newspaper for the City of Mount Enterprise for the circulation of a local option election petition to legalize "the legal sale of all beer and wine for off-premise consumption only" in the City of Mount Enterprise; and

**WHEREAS**, in accordance with Texas law the Local Option Election, if approved, will allow the sale of beer and wine for off-premise consumption within all areas of the city limits; and

**WHEREAS**, in accordance with Section 501.026 of the Texas Election Code, the City Secretary reviewed the application, the affidavit of publication, and the proposed petition, and concluded that they met the requirements of state law; and

**WHEREAS**, on May 21, 2020, in accordance with Section 501.030 of the Texas Election Code, the City Secretary issued to the applicants a petition to legalize "the legal sale of all beer and wine for off-premise consumption only"; and

**WHEREAS**, in accordance with Section 501.023(b) of the Texas Election Code, the City Secretary notified the Secretary of State and the Texas Alcoholic Beverage Commission that a petition had been issued to legalize "the legal sale of beer and wine for off-premise consumption only"; and

**WHEREAS**, on June 16, 2020, in accordance with Section 501.032 of the Texas Election Code, the City Secretary received a signed petition from the applicants; and

**WHEREAS**, in accordance with Section 501.031 of the Texas Election Code, the City Secretary verified that the petition was signed by at least 66 signers who are qualified voters of the City of Mount Enterprise (which equals at least 35 percent of the registered voters in the City of Mount Enterprise who voted in the most recent gubernatorial election for an election on any other ballot issue) and therefore, is sufficient to require the ordering of a local option election to legalize "the legal sale of beer and wine for off-premise consumption only"; and

**WHEREAS**, November 3, 2020 is the next uniform election date;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**

**OF MOUNT ENTERPRISE, TEXAS, THAT:**

**Section 1. Recitals Incorporated.**

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

**Section 2. Acceptance of Petition.**

In accordance with the Texas Election Code, the City Council hereby accepts the petition as presented by the City Secretary, and determines it is sufficient to require the ordering of a local option election to legalize "the legal sale of beer and wine for off-premise consumption only" in the City of Mount Enterprise.

**Section 3. Entry Into Minutes.**

In accordance with Section 501.033 of the Texas Election Code, the City Council directs the City Secretary to enter into its minutes the date of presentation of the petition to the City Council, the names of the signers (as contained in the petition, attached as an exhibit to the minutes), and the City Council's determination that the petition is sufficient.

**Section 4. Order of a Local Option Election.**

The City Council hereby orders that a local option election be held on the issue set out in the petition, to wit: to legalize "the legal sale of beer and wine for off-premise consumption only" in the City of Mount Enterprise ("Local Option Election"). The Local Option Election is ordered to be held by the City of Mount Enterprise at the polling places and election precincts within the corporate limits of the City, on the date of November 3, 2020. This Local Option Election will be administered for the City by Rusk County Elections Administrator according to the agreement between the City and the said administrator. All voting on this Local Option Election shall be conducted in the same manner and times, as the City's general election. At the Local Option Election, the qualified voters of the City will decide whether or not to legalize "the legal sale of beer and wine for off-premise consumption only" in the City of Mount Enterprise.

**Section 5. Certification of Result.**

Not later than the third day after the result of the Local Option Election has been declared, the City Secretary shall certify the result to the Secretary of State and the Texas Alcoholic Beverage Commission.

**Section 6. Issue to Appear on Local Option Election Ballot.**

The ballot for the Local Option Election shall permit voting for or against the following issue by the voter indicating "FOR" or "AGAINST";

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

"La venta legal de cerveza y vino para consumo solamente fuera del establecimiento."

**Section 7. Polling Places, Precincts, and Early Voting.**

The City agrees to conduct a joint election with the political subdivisions designated by the County Elections Officer and the election will be conducted by the County pursuant to the terms of the election contract between the City and the County, with Election Day polling location(s) and times for the voters in the City to be determined by the County, along with all early voting matters, in accordance with the laws of the State of Texas.

- (a) For the purpose of said Local Option Election, the entire City of Mount Enterprise is hereby constituted as one (1) voting precinct, such election shall be held within the City of MOUNT ENTERPRISE at The Mt. Enterprise Community Center,

Mount Enterprise, Texas 75681 between the hours of 7:00 a.m. and 7:00 p.m., a place within the City which the City Council, after duly considering the requirements of the Texas Election Code, hereby finds to be a proper place for conducting said election.

(b) Early voting in the election by personal appearance shall occur on each weekday from October 13, 2020, through October 30, 2020, which is not a Sunday or an official state holiday. The early voting clerk shall keep the early voting place open:

Tues. Oct. 13 <sup>th</sup> – Fri.	8:00 A.M. – 5:00 P.M
Oct. 16 <sup>th</sup>	
Sat. Oct. 17 <sup>th</sup>	8:00 A.M. – 5:00 P.M
Sun. Oct. 18 <sup>th</sup>	Closed
Mon. Oct. 19 <sup>th</sup> – Fri. Oct. 23 <sup>rd</sup>	7:00 A.M. – 7:00 P.M.
Sat. Oct. 24 <sup>th</sup>	8:00 A.M. – 5:00 P.M.
Sun. Oct. 25 <sup>th</sup>	Closed
Mon. Oct. 26 <sup>th</sup> – Fri. Oct. 30 <sup>th</sup>	8:00 A.M. – 5:00 P.M.

**NOTE: Early Voting has been extended to 3 weeks, in accordance with the Governor's proclamation issued 7/27/20. Also, please note that no voting will take place Monday, Oct. 12<sup>th</sup> in observance of the holiday.**

The clerk for early voting shall be Kaitlin Smith. Early voting by personal appearance shall be conducted at Rusk County Elections Office, 204 N. Main Street, Henderson, Texas, Rusk County, Texas. The early clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent to PO Box 668, Henderson, Texas 75653.

**Section 8. Notice of the Local Option Election on the legal sale of beer and wine for off-premise consumption only.**


Notice of the election, including a Spanish translation thereof, will be published at least once in a newspaper of general circulation not earlier than the 30<sup>th</sup> day and not later than the 10<sup>th</sup> day before the date of the Election and will also be posted on the bulletin board at City Hall not less than 21 days prior to the date of the Election.

**Section 9. Effective Date.**


This resolution shall be effective immediately upon passage.

It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

City of Mount Enterprise

  
\_\_\_\_\_  
Brandon Jones, Mayor

Attest

  
\_\_\_\_\_  
Suzanne M. Pharr, City Administrator

Approved as to form:

  
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Allison Biggs, City Attorney