

ORDINANCE NO. 2022-11-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CERTIFYING THE ELECTION RESULTS OF THE NOVEMBER 8, 2022 SPECIAL LOCAL OPTION ELECTION LEGALIZING THE SALE OF ALL ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance No. 2022-03-033 of the City of McKinney, Texas, adopted on March 15, 2022, an election was duly held on November 8, 2022, for the purpose of determining whether to legalize the sale of all alcoholic beverages for off-premise consumption; and

WHEREAS, said election was held with the solemnities and formalities necessary to make it a valid election, all notices having been posted in the manner and for the length of time required by law; and

WHEREAS, only duly qualified resident voters of the City of McKinney, Texas, voted at the Special Local Option Election called and held on November 8, 2022; and

WHEREAS, section 67.003 of the Texas Election Code, as amended, generally provides that each local canvassing authority shall convene not later than the fourteenth (14th) day after the election date for the purpose of canvassing the election results; and

WHEREAS, section 67.004(a) of the Texas Election Code, as amended, establishes the quorum level prescribed to canvass election results; and

WHEREAS, a quorum under section 67.004(a) of the City Council met on November 17, 2022, and duly canvassed the election returns of the above-mentioned election, hereby attached as ***Exhibit A***.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

- Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.
- Section 2. That the City Council officially finds and determines an election was duly ordered to be held in the City of McKinney, Texas, on the 15th day of March, 2022, for the purpose of determining whether to legalize the sale of alcoholic beverages for off-premise consumption, and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.
- Section 3. That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and the following votes were cast at said election, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as ***Exhibit A***, were made in accordance with the law.

PROPOSITION A

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

For

Against

Section 4. Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of McKinney, Texas, Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that:

(1) the sale of all alcoholic beverages for off-premise consumption is legal in the city of McKinney, Texas.

Section 5. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6. This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 17th DAY OF NOVEMBER, 2022.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

EMPRESS DRANE
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

Exhibit A