



NOTICE OF THE CITY OF BRECKENRIDGE
SPECIAL MEETING OF THE BRECKENRIDGE CITY
COMMISSION

May 16, 2023 at 5:30 PM

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the City Commission will meet in a Special Meeting of the Breckenridge City Commission on May 16, 2023 at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas.

CALL TO ORDER

OPEN FORUM

This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.

ACTION ITEMS

1. Discussion and any necessary action regarding Ordinance No. 23-10, 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.
2. Discussion and any necessary action regarding approving Resolution 23-12 canvassing returns of the city election for City Commissioner Places 3 and 4, held on May 6, 2023.

ADJOURN

CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Breckenridge City Hall, 105 North Rose Avenue, Breckenridge, Texas , by **5:00 PM** on the **13th day of MAY 2023**.

City Secretary



Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Breckenridge City Hall 48 hours in advance, at 254-559-8287, and reasonable accommodations will be made for assistance.

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

CANVASS OF SPECIAL ELECTION

I, Bob Sims, Mayor of the City of Breckenridge, Texas, met with the City Commission of the City of Breckenridge sitting as the canvassing board to canvass the special election of May 6, 2023 on May 16, 2023 at the Commission Chambers of Breckenridge City Hall at 105 N. Rose Avenue, Breckenridge, Texas, 76424.

I certify that the figures on the tally sheets correspond with the figures on the returns.

Witness my hand this the 16th day of May, 2023.

Presiding Officer of Canvassing Authority

RESOLUTION NO. 23-12

RESOLUTION CANVASSING ELECTION RETURNS FOR THE CITY OF BRECKENRIDGE, TEXAS GENERAL ELECTION HELD ON SATURDAY, MAY 6, 2023 FOR CITY COMMISSIONER PLACES NO. 3 AND 4.

THE STATE OF TEXAS }
COUNTY OF STEPHENS }
CITY OF BRECKENRIDGE }

WHEREAS, the City Commission of said City ordered an election to be held in said City on May 6, 2023, for CITY COMMISSIONER PLACES NO. 3 AND 4; and

WHEREAS, said City Commission has investigated all matters pertaining to said election, including the ordering, giving notice, officers, holding and making returns of said election; and

WHEREAS, the election officers who held said election have duly made the returns of the result thereof, and said returns have been duly delivered to said City Commission.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE:

1. That the City Commission officially finds and determines that said election was duly ordered, that proper notice of said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the result of said election have been made and delivered, and that the City Commission has duly canvassed said returns, all in accordance with law and the Ordinance calling said election.

2. That the City Commission officially finds and determines that the following votes were cast at said election, CITY COMMISSIONER PLACES NO. 3 AND 4, by the residents, qualified electors of said City, who voted at the election:

FOR CITY COMMISSIONER PLACE NO. 3

213

VOTES:

VINCE MOORE-UNOPPOSED

FOR CITY COMMISSIONER PLACE NO. 4**118 VOTES: GARY MERCER****111 VOTES: SCOTT ENSEY**

3. That the City Commission officially finds, determines and declares the result of said election to be for CITY COMMISSIONER PLACE NO. 3 **Vince Moore** has received a majority vote of **213**; for CITY COMMISSIONER PLACE NO. 4 **Gary Mercer** has received a majority vote of **118**; there being cast a total of **260** votes at said election.

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

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L