

**A RESOLUTION SUPPORTING THE INTRODUCTION AND PASSAGE  
OF LEGISLATION WHICH MODIFIES THE REQUIREMENTS FOR  
AUTHORIZING THE HOLDING OF A CITYWIDE LOCAL OPTION  
ELECTION TO ALLOW A CITY LOCATED IN MORE THAN ONE  
COUNTY THE ABILITY TO HOLD A LOCAL OPTION ELECTION.**

**WHEREAS**, approximately 105 cities in the State of Texas are within the jurisdictional boundaries of more than one County; and

**WHEREAS**, the Texas Alcoholic Beverage Code governs the holding of local option elections for citizens to approve or prohibit the sale of alcoholic beverages; and

**WHEREAS**, the office of the Attorney General of Texas, through opinion No. JM-468 has opined that:

- The Texas Constitution, Article XVI, section 20, requires that the Legislature shall enact a law or laws whereby the qualified voters of any...incorporated town or city may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits...; and
- The aforementioned section is not self-enacting; and
- The County Commissioners court does not have authority or power to order and direct a local option election in a city lying partly in two counties; and

**WHEREAS**, although the Texas Constitution mandates that the legislature shall enact laws authorizing local option elections in all cities, the current provisions of the Texas Alcoholic Beverage Code effectively prohibit the citizens of a city within more than one county from holding a local option election regarding all but one entitlement regulated by the TABC; and

**WHEREAS**, the continuance of the existing statutory provisions create inequities among Texas cities, granting greater voting right to cities contained wholly within one county; and

**WHEREAS**, it is our desire and belief that municipalities should have the right to govern their local affairs; and

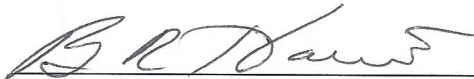
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF \_\_\_\_\_, TEXAS,  
THAT:**

**Section 1.**

The City of \_\_\_\_\_, Texas, supports the introduction and passage of legislation that would modify the requirements for authorizing a local option election to allow a municipality in more than one county the ability to hold such an election.

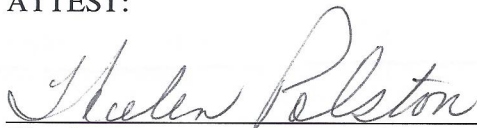
PASSED AND APPROVED THIS 10 DAY OF Feb, 2003.

CITY OF TATUM, TEXAS



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney