

LUBBOCK INDEPENDENT SCHOOL DISTRICT

RESOLUTION

Dated: August 10, 2009

**MINUTES OF SPECIAL MEETING OF  
BOARD OF TRUSTEES OF  
LUBBOCK INDEPENDENT SCHOOL DISTRICT**

At a special meeting of the Board of Trustees of the Lubbock Independent School District (LISD), a school district formed under the public laws of the State of Texas, and having its office and principal place of business in the City of Lubbock, County of Lubbock, State of Texas, was held in the Administrative Board Room of LISD, Lubbock, Lubbock County, Texas, at 7:00 o'clock a.m. on the 10th day of August, 2009, notice was given to all Trustees and a quorum was present at said meeting.

The following resolutions were offered and adopted:

WHEREAS, the citizens of the City of Lubbock voted to allow packaged alcohol sales within the city limits;

WHEREAS, the Texas Alcoholic Beverage Code, §109.33, permits the governing board of an incorporated city to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300' of a public school;

WHEREAS, the Lubbock City Council ("Council") enacted Ordinance No. 2009-O0060 on July 8, 2009, which prohibits any person to sell or engage in the business of selling an alcoholic beverage where the place of business is located within 300' of any public school;

WHEREAS, the Texas Education Code § 38.007 requires the Board of Trustees to attempt to provide a safe alcohol-free environment to students coming to or going from schools;

WHEREAS, the Board of Trustees of LISD is concerned about the health and safety of its students and the detrimental affect that alcohol could have on these students while attending public schools of LISD;

WHEREAS, some businesses have requested the Council to grant variances of this 300' rule;

WHEREAS, the Board of Trustees recognizes that any variance granted is at the sole discretion of the Council and that the Board's role in making the recommendations in this Resolution is purely advisory;

WHEREAS, the Board of Trustees believes that certain restrictions should be considered when granting the variances to assure protection of the public school students.

NOW, THEREFORE, BE IT;

RESOLVED, that LISD, by and through its Board of Trustees, recommends to the Lubbock City Council that it take into consideration the following resolutions when exercising its discretion to issue variances to businesses selling alcohol within 300' of a public school;

RESOLVED, that, in order for a business to be considered for a variance, the duration of the business' presence within the prohibited area should be considered, e.g., a business established in that location as of January 1, 2009, should be considered but one moving in after such date should not be considered, except in the event that LISD relocates or builds within 300' of an existing establishment that has a permit to sell alcohol;

RESOLVED FURTHER, that any business located within the 300' which changes its purpose or type of business should be considered newly established and should not be considered for a variance;

RESOLVED FURTHER, that businesses selling alcohol within 300' of a public school should provide security on premises within the hours of operation;

RESOLVED FURTHER, that, in order for a business to be considered for a variance, the nature and scope of the business' alcohol sales relative to its overall sales be such that package alcohol stores and convenience stores that sale alcohol are not operating within 300 feet of a public school campus, i.e., the percentage of anticipated sales of alcohol should constitute a small part of the total sales of the business;

RESOLVED FURTHER, the Board of Trustees implores the proper authorities to act quickly and decisively where businesses with variance permits are found to have alcohol sales to minors;

RESOLVED FURTHER, that Gordon Wilkerson, President of the Board of Trustees of LISD, is authorized in the name of LISD to execute this Resolution;

RESOLVED FURTHER, that the Secretary of the Board of Trustees of LISD is directed to certify the minutes of this meeting and the contents of these resolutions and to deliver such certifications in support of the authority of the named officers to act on behalf of the said LISD.

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The above resolutions were then voted upon and passed by the Board of Trustees of Lubbock Independent School District. The President of the Board of Trustees thereupon announced that a quorum of the Board of Trustees had affirmatively voted for such resolutions and that the Board of Trustees had voted \_\_\_\_\_ for and \_\_\_\_\_ against in favor of such resolutions and that, therefore, such resolutions were adopted by the Board of Trustees.

DATED: August 10, 2009.

\_\_\_\_\_  
Gordon Wilkerson  
President, Board of Trustees  
Lubbock Independent School of District

I hereby certify that the above and foregoing is a true record of the proceedings had at the special meeting of the Board of Directors of Lubbock Independent School District on August 10, 2009, and that said resolutions are still effective and in full force and effect.

Lubbock Independent School District

By: \_\_\_\_\_  
Vernita Woods-Holmes  
Secretary, Board of Trustees

STATE OF TEXAS           §  
  §  
COUNTY OF LUBBOCK   §

BEFORE ME, the undersigned authority, on this day personally appeared Gordon Wilkerson, President of the Board of Trustees of Lubbock Independent School District, a school district formed under the public laws of the State of Texas and, by virtue of the laws of the State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act of said Lubbock Independent School District.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of August, 2009.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS           §  
  §  
COUNTY OF LUBBOCK   §

BEFORE ME, the undersigned authority, on this day personally appeared Vernita Woods-Holmes, Secretary of the Board of Trustees of Lubbock Independent School District, a school district formed under the public laws of the State of Texas and, by virtue of the laws of the State of Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act of said Lubbock Independent School District.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 10th day of August, 2009.

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Notary Public, State of Texas