

(Published in the official county newspaper on the 19 day of January, 2011)

RESOLUTION NO. 2 - 2011

A RESOLUTION PERMITTING THE SALE OF ALCOHOLIC LIQUOR BY THE INDIVIDUAL DRINK IN PUBLIC PLACES WITHIN THE COUNTY WITHOUT A REQUIREMENT THAT ANY PORTION OF THE GROSS RECEIPTS BE DERIVED FROM THE SALE OF FOOD.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, upon due consideration of the matter finds that enacting this legislation would provide an opportunity for citizens of Cherokee County, Kansas, to determine through their direct vote upon the matter, whether to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

WHEREAS, K.S.A. 41-2646 permits the board of county commissioners to, by resolution, submit to the qualified voters of the county at any state general election a proposition to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

WHEREAS, in the event such a ballot proposition is approved it would expand the opportunities of businesses within the county to provide a wider variety of products to its customers thereby enhancing the likelihood of the economic success of such businesses.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 18th day of January, 2011, does hereby resolve as follows:

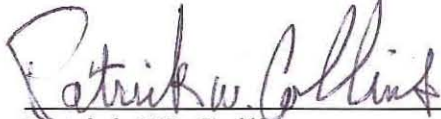
Section 1. Election Authorized upon Question Whether to Authorize Liquor by the Drink. Pursuant to the grant of authority from K.S.A. 41-2646, the Board of County Commissioners of Cherokee County, Kansas, does hereby authorize the submission to the qualified voters of the county at the next succeeding state general election which occurs more than 90 days after this resolution is adopted a proposition to permit the sale of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food.

Section 2. County Election Officer Duty; Ballot Question. The County Election Officer shall cause the appropriate version of the following proposition to be placed on the ballot at the next succeeding state general election which occurs more than 90 days after this resolution is adopted: "Shall sale of alcoholic liquor by the individual drink in Cherokee County be allowed in public places without a requirement that any portion of their gross receipts be from sales of food."

Section 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 4. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county newspaper.

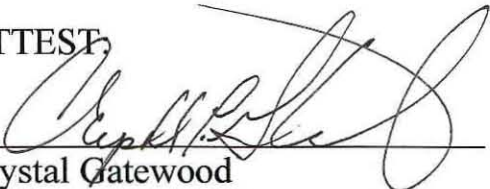
Adopted this 18th day of January, 2011, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.


Patrick W. Collins
County Commissioner


Richard J. Hilderbrand
County Commissioner


Jack G. Garner
County Commissioner

ATTEST



Crystal Gatewood
County Clerk of Cherokee County,
Kansas
Resolution No. 2 - 2011

Prepared by:
Kevin Cure, Attorney