

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> July 23, 2013		<b>DATE SUBMITTED:</b> July 1, 2013	
<b>DEPARTMENT OF ORIGIN:</b> City Secretary		<b>SUBMITTED BY:</b> Mary Lynne Stratta	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<b>AGENDA ITEM DESCRIPTION:</b> Resolution – Ordering General Election ( <i>Resolución – Ordenando Elección General</i> )			
Adoption of a resolution authorizing a general municipal election to be held on November 5, 2013, for the purpose of electing a Mayor, one City Councilmember from Single Member District Number One and one City Councilmember from Single Member District Number Two, and authorizing a joint election with Brazos County. ( <i>La adopción de una resolución autorizando la elección general municipal que se llavara a cabo el 5 de noviembre del 2013, para el propósito de elegir un alcalde, un miembro del concejo de la ciudad del distrito unimiembro numero uno y un miembro del concejo de la ciudad del distrito unimiembro numero dos, y proporcionando una elección en conjunto con el condado de Brazos.</i> )			
<b>SUMMARY STATEMENT:</b> The City’s general election will be held on November 5, 2013, and the positions of Mayor, Councilmember Single Member District One and Councilmember Single Member District Two will appear on the ballot for full three-year terms. The election will be held jointly with the Constitutional amendment election to be held on November 5 and conducted by the Brazos County Clerk. All local governmental entities holding elections on November 5 will share in the costs of said joint elections. The democratic process of elections addresses the Council’s strategic initiatives of service and quality of life.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Federal law, State law and the City Charter set out requirements regarding the conduct of the City’s elections. Staff recommends approval of the attached resolution so that public notice can be given and the City Secretary can plan accordingly for the conduct of the election.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
<ol style="list-style-type: none"> <li>1. Approve the resolution.</li> <li>2. Postpone consideration although State law sets a deadline to order elections. Any substantial delay will result in significant hardship on the part of those preparing for the election and to obtain compliance with the federal MOVE act.</li> <li>3. Take no action, although State law requires that the election be held on November 5 regardless.</li> </ol>			
<b>ATTACHMENTS:</b> Resolution			
<b>FUNDING SOURCE:</b> City Secretary’s Election Budget			
<b>APPROVALS:</b> Mary Lynne Stratta 7-1-13; Hugh R. Walker, 07/09/2013			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b>			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b> Janis Hampton, 07-15-2013			

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013, FOR THE PURPOSE OF ELECTING A MAYOR, ONE CITY COUNCILMEMBER FROM SINGLE MEMBER DISTRICT NUMBER ONE AND ONE CITY COUNCILMEMBER FROM SINGLE MEMBER DISTRICT NUMBER TWO, BY THE QUALIFIED VOTERS OF THE CITY OF BRYAN, THE QUALIFIED VOTERS OF SINGLE MEMBER DISTRICT NUMBER ONE AND THE QUALIFIED VOTERS OF SINGLE MEMBER DISTRICT NUMBER TWO, RESPECTIVELY; SPECIFYING THE NUMBER OF VOTES REQUIRED FOR ELECTION; AUTHORIZING A JOINT ELECTION WITH BRAZOS COUNTY TO BE HELD ON NOVEMBER 5, 2013; AUTHORIZING THE CITY SECRETARY TO ARRANGE AN EQUITABLE BASIS FOR SHARING THE COSTS OF JOINT ELECTION; DESIGNATING ELECTION PRECINCTS AND POLLING PLACES; DESIGNATING ELECTION OFFICIALS AS THOSE APPOINTED BY BRAZOS COUNTY; ESTABLISHING PAY RATES FOR ELECTION WORKERS; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF VOTING MACHINES; PROVIDING FOR EARLY VOTING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN:**

Section 1. That a general municipal election is hereby ordered to be held on the 5th day of November, 2013, for the purpose of electing a Mayor, one City Councilmember from Single Member District Number One and one City Councilmember from Single Member District Number Two by the qualified voters of the City of Bryan, the qualified voters of Single Member District Number One and the qualified voters of Single Member District Number Two, respectively.

Section 2. Should any candidate in the general municipal election fail to receive a majority vote, a runoff election for every place in the regular municipal election to which no one was elected as required by Section 7 (h) of the City Charter, as amended, shall be ordered.

Section 3. That the election be held jointly with Brazos County on November 5, 2013, pursuant to Section 271, Texas Election Code. The costs of said election are to be shared by all participating governmental entities and the City Secretary is authorized to arrange the City's share of said costs on a fair and equitable basis.

Section 4. The polls for said election shall be open from 7:00 a.m. to 7:00 p.m.

Section 5. The City Secretary is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct said election.

Section 6. The City Secretary is designated as joint early voting clerk for said election with the Brazos County Clerk serving as early voting clerk. The City Secretary shall provide for notice of the election and perform other duties required by State law and the City Charter relative to the conduct of the election.

Section 7. The election voting precincts and polling places of said City election shall be those as also designated by the Brazos County Commissioners Court, as follows:

<u>County Voting Precinct</u>	<u>Polling Place Location</u>	<u>City Single Member Districts</u>
4, 18, 43	Galilee Baptist Church	1, 2
14, 57	Bryan Ballroom	1, 5
16, 52	Brazos County Administration Building	1
25	George Williams Tabernacle	2
38	Castle Heights Baptist Church	2
13	Beacon Baptist Church	4
56	Bright Light Baptist Church	3
19, 30, 46, 47	Bryan United Pentecostal Church	2
45	Arena Hall	2
26, 63	Brazos Center	3
17	Brazos County Health Department	3
15	Central Church of Christ	4
11, 22	College Heights Assembly of God Church	1, 5
70	Mary Branch School	5
12	First Baptist Church	4
36	Fellowship Freewill Baptist Church	5

Section 8. In addition to the presiding judge and alternate judge for each precinct herein above designated, the respective presiding judge for each precinct and the Early Ballot Board as herein provided shall be authorized to appoint a sufficient number of clerks as they may deem necessary to assist them in said election, provided, however, that the number of clerks appointed by said presiding judge for each polling place shall not be less than two, including the alternate judge also serving as a clerk.

Section 9. The judges and clerks shall be compensated at the rate of \$8.50 per hour. The judge who delivers the returns of the election shall be paid an additional \$25.00 provided he/she also returns unused ballots, election supplies, and ballot boxes when he/she makes delivery of the returns of the election.

Section 10. Direct recording electronic voting machines shall be used for voting at the foregoing election precincts and electronic counting devices and equipment shall be used for counting the ballots at said election.

Section 11. Early voting shall be conducted by the Office of the Brazos County Clerk and optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be

used for early voting by personal appearance. Early voting by personal appearance for the election shall be held as follows: October 21-25, 2013, from 8:00 a.m. until 5:00 p.m.; October 28-30, 2013, from 8:00 a.m. until 5:00 p.m.; October 31-November 1, 2013, from 8:00 a.m. until 8:00 p.m. in the following locations: Brazos County Administration Building, Arena Hall, Galilee Baptist Church, College Station Utilities Meeting/Training Facility, and Memorial Student Center, Texas A&M University.

Section 12. An Early Ballot Board is hereby designated to canvass the early votes cast by mail and by personal appearance. The Presiding Judge of said Board shall appoint such other members as provided in the Texas Election Code, Section 87.002(b).

Section 13. The following slate of officials and other designated persons are hereby authorized to be present at the Central Counting Station to observe the election counting process:

- a. The Mayor and members of the City Council of the City of Bryan;
- b. The President and members of the Board of Trustees of the Bryan Independent School District and/or authorized administrator;
- c. Brazos County Commissioners Court, Brazos County Clerk and staff;
- d. Representatives of Hart Intercivic and Texas Voting Systems, Inc.;
- e. The Secretary of State and/or his authorized representative;
- f. The Bryan City Secretary.

Section 14. The Brazos Center is hereby established as the Central Counting Station to receive and tabulate votes and ballots cast in said election.

Section 15. The following persons are hereby authorized and approved as persons employed and designated to handle the ballots, operate the tabulating equipment, count the ballots, and be present in the Central Counting Station:

- a. Central Counting Station Presiding Judge
- b. Central Counting Station Manager
- c. Tabulation Supervisor
- d. Data Processing Manager
- e. Clerks - to be named by Presiding Judge.
- f. Consultants for Hart Intercivic and Texas Voting Systems, Inc.

Section 16. A committee is hereby established of the following persons to hold three computer accuracy tests. The first test shall be conducted at least 48 hours before the count of voted ballots. The second test shall be conducted immediately prior to the start and the third test immediately subsequent to the count of voted ballots to ascertain that the computer will accurately count the votes cast for the offices to be voted upon in said election:

- a. Central Counting Station Presiding Judge
- b. Representative of Bryan Independent School District
- c. Representative of Hart Intercivic
- d. Bryan City Secretary
- e. Tabulation Supervisor
- f. Data Processing Manager
- g. Consultant for Texas Voting Systems, Inc.
- h. Brazos County Clerk
- i. Central Counting Station Manager

Section 17. All resident, qualified voters of the City of Bryan, Single Member District Number One and Single Member District Number Two shall be permitted to vote for Mayor, Councilmember Single Member District Number One and Councilmember Single Member District Number Two, respectively, in said election. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

Section 18. The Mayor, on behalf of the City Council, is authorized to sign an Order of Election and a Notice of General Municipal Election prescribed by the State of Texas. The Notice of General Municipal Election shall be published in English and Spanish in accordance with the provisions of the Texas Election Code and the City Charter.

Section 19. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 20. That this resolution shall be effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Bryan this 23rd day of July, 2013.

ATTEST:

City of Bryan:

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Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

APPROVED AS TO FORM:

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Janis K. Hampton, City Attorney