

ACTION FORM BRYAN CITY COUNCIL

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| DATE OF COUNCIL MEETING: November 18, 2013 | | DATE SUBMITTED: October 30, 2013 | |
| DEPARTMENT OF ORIGIN: City Secretary | | SUBMITTED BY: Mary Lynne Stratta | |
| MEETING TYPE: | CLASSIFICATION: | ORDINANCE: | STRATEGIC INITIATIVE: |
| <input type="checkbox"/> BCD | <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> 1ST READING | <input type="checkbox"/> PUBLIC SAFETY |
| <input type="checkbox"/> SPECIAL | <input type="checkbox"/> CONSENT | <input type="checkbox"/> 2ND READING | <input type="checkbox"/> SERVICE |
| <input checked="" type="checkbox"/> REGULAR | <input checked="" 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 |
| AGENDA ITEM DESCRIPTION: Resolution – Ordering Runoff Election | | | |
| <p>Adoption of a resolution ordering a runoff election to be held on December 17, 2013, to elect one City Councilmember from Single Member District Number Two.</p> <p><i>Resolución – ordenando una elección final</i></p> <p><i>Adopción de una resolución ordenando una elección final cual será sostenido el 17 de diciembre de 2013, para elegir un concejal del distrito de solo miembro número dos, si es necesario.</i></p> | | | |
| SUMMARY STATEMENT: Since no candidate received a majority vote for this position on the Council, a resolution will be prepared to order a runoff election for Tuesday, December 17, 2013. The resolution was prepared after the time period for the Early Ballot Board to reconvene to determine eligibility of provisional ballots and to count late mail ballots from military/overseas voters. | | | |
| STAFF ANALYSIS AND RECOMMENDATION: Adopt the resolution so that the staff can immediately begin with preparations to conduct a runoff election on December 17. The conduct of elections addresses the Council's strategic initiative relative to quality of life. | | | |
| OPTIONS (In Suggested Order of Staff Preference): Council is asked to adopt the resolution without delay since there is very little time to prepare for the runoff election, including giving notice of the election, conducting early voting, distributing mail ballots, naming election officers, etc. | | | |
| ATTACHMENTS: Resolution | | | |
| FUNDING SOURCE: City Secretary's Election Budget | | | |
| APPROVALS: Mary Lynne Stratta 10-30-13 | | | |
| APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 10-31-2013 | | | |
| APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11-02-2013 | | | |

RESOLUTION NO. _____

A RESOLUTION ORDERING A GENERAL MUNICIPAL RUNOFF ELECTION TO BE HELD ON DECEMBER 17, 2013, FOR THE PURPOSE OF ELECTING ONE CITY COUNCILMEMBER FROM SINGLE MEMBER DISTRICT NUMBER TWO BY THE QUALIFIED VOTERS OF THE CITY OF BRYAN SINGLE MEMBER DISTRICT NUMBER TWO; DESIGNATING ELECTION PRECINCTS; APPOINTING ELECTION OFFICIALS; ESTABLISHING PAY RATES FOR ELECTION WORKERS; PROVIDING FOR NOTICE OF SAID ELECTION; 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, TEXAS:

Section 1. That a runoff election is ordered to be held on December 17, 2013, for the purpose of electing one City of Bryan Councilmember from Single Member District Number Two by the qualified voters of the City of Bryan Single Member District Number Two.

Section 2. That the polls for said election shall be open from 7:00 a.m. until 7:00 p.m.

Section 3. The City Secretary is expressly authorized to obtain election supplies and equipment required by law and necessary to conduct said election.

Section 4. The Office of the City Secretary shall perform all duties normally performed by the County Clerk in general elections with respect to early voting, giving notice of the election, and preparing the official ballots.

Section 5. The election precincts, voting location, and election officers of said election shall be as follows:

| <u>Polling Location</u> | <u>County Voting Precincts</u> | <u>Election Officers</u> |
|--|--------------------------------------|---|
| Bryan Municipal Office Building, 300 South Texas Avenue | 4, 19, 25, 30, 38, 43, 45, 46, 47 | Bobbie Newton, Judge Marvin Emshoff, Alternate |

Section 6. The presiding judge of the above polling location 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 7. The judges and clerks shall be compensated at the rate of \$9.00 per hour. No judge or clerk shall be paid for more than two hours of work before the polls open and no period of time subsequent to two hours after voting is concluded by all voters offering themselves for voting during regular voting hours, whichever is later. The presiding judge who delivers the returns of the election shall be paid an additional twenty-five dollars (\$25.00).

Section 8. Direct recording electronic voting devices 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. Optical scan balloting materials shall be used for mail balloting.

Section 9. Early voting shall be conducted by the Office of the City Secretary in the Bryan Municipal Building, Bryan, Texas, and optical scan balloting shall be used for early voting by mail and direct recording electronic voting devices shall be used for early voting by personal appearance. Early voting by personal appearance for the runoff election shall be as follows: December 10, 2013 – 8:00 a.m. until 5:00 p.m., December 11-12, 2013 – 8:00 a.m. until 8:00 p.m., and December 13, 2013 – 8:00 a.m. until 5:00 p.m.

Section 10. An Early Ballot Board is hereby designated to canvass the early votes cast by mail and by personal appearance. Darlene Nichols is duly appointed as Presiding Judge of said Board, and she shall appoint such other members as provided in the Texas Election Code, Section 87.002(b).

Section 11. 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. Presiding Judge Darlene Nichols and appointed clerks
- b. Bryan City Secretary Mary Lynne Stratta
- c. Data Processing Manager and Tabulation Supervisor
- d. Representatives of the Secretary of State's Office, Hart Intercivic and Texas Voting Systems, Inc.

Section 12. The City Secretary's Office located in the Bryan Municipal Building is hereby established as the Central Counting Station to receive and tabulate votes and ballots cast in said election.

Section 13. 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 - Darlene Nichols
- b. Central Counting Station Manager - City Secretary Mary Lynne Stratta
- c. Tabulation Supervisor – Cray Crouse
- d. Data Processing Manager – Tracy Price
- e. Clerks - to be named by Presiding Judge.
- f. Consultant for Texas Voting Systems, Inc., and Hart Intercivic

Section 14. 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. Central Counting Station Manager
- c. Data Processing Manager and Tabulation Supervisor
- d. Consultant for Texas Voting Systems, Inc., and/or Hart Intercivic

Section 15. All resident, qualified voters of the City of Bryan Single Member District Number Two shall be permitted to vote for City Councilmember Single Member District Number Two. 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 16. The Mayor is authorized to sign an Order of Municipal General Runoff Election and a Notice of Municipal General Runoff Election as prescribed by the State of Texas. The Notice of Municipal

General Runoff Election shall be published in accordance with the provisions of the Texas Election Code and the City Charter.

Section 17. 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 18. That this resolution shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan this 18th day of November, 2013.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis Hampton, City Attorney