

ORDINANCE NO. 08-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS, ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 4, 2008, TO DETERMINE WHETHER THE CITY'S EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX, COLLECTIVELY AUTHORIZED AT ELECTIONS HELD ON NOVEMBER 2, 1993 AND DECEMBER 6, 1994, UNDER SECTION 4B OF ARTICLE 5190.6, REV. CIV. STAT. ANN., BE EXTENDED FOR 20 YEARS, TO EXPIRE ON APRIL 1, 2029, FOR THE FOLLOWING EXPANDED LIST OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED BELOW, ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO, ONE-EIGHTH OF ONE PERCENT FOR PARKS AND PARK FACILITIES, ONE-EIGHTH OF ONE PERCENT FOR DRAINAGE AND STREET IMPROVEMENTS, AND SANITARY SEWER IMPROVEMENTS, AND ONE-EIGHTH OF ONE PERCENT FOR PROJECTS THAT PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS, AND WITH SUCH APPORTIONMENT AND USE OF THE SALES AND USE TAX BEING SUBORDINATE TO THE CURRENT PLEDGE AND USE OF THE EXISTING SALES AND USE TAX FOR PAYMENT OF DEBT SERVICE ASSOCIATED WITH CURRENTLY OUTSTANDING BONDS, ALL AS AUTHORIZED BY SECTION 4B OF ARTICLE 5190.6; MAKING PROVISIONS FOR THE CONDUCT AND GIVING NOTICE OF THE ELECTION, INCLUDING REQUESTING GALVESTON COUNTY TO PROVIDE ELECTION SERVICES AND TO CONDUCT SAID ELECTION; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, at a special election held on November 2, 1993, pursuant to two separate propositions, the qualified voters of the City of Galveston, Texas (the "City") approved the levy of an additional one-eighth of one percent sales and use tax for the payment of bonded indebtedness for drainage and street improvements to be imposed for 15 years, and an additional one-eighth of one percent sales and use tax for the payment of bonded indebtedness for beach renourishment from 10th Street to 61st Street to be imposed for 15 years; and,

WHEREAS, at a special election held on December 6, 1994 the qualified voters of the City approved the levy of an additional one-fourth of one percent sales and use tax for 20 years for the purpose of constructing, extending, and improving a sanitary sewer system and for other projects designated and approved by the Industrial Development Corporation and the City; and,

WHEREAS, the City Council of the City hereby deems it in the best interest of the City to order a special election to be held in the City, on Tuesday, November 4, 2008, which is a uniform election date established by Section 41.001(a), Texas Election Code, as amended, as required by Texas law, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City a proposition to determine whether the City's existing one-half of one percent sales and use tax, collectively authorized at elections held on November 2, 1993 and December 6, 1994, under section 4B of Article 5190.6, Rev. Civ. Stat. Ann., be extended for 20 years, to expire on April 1, 2029, for the following expanded list of projects to be funded with the sales and use tax as apportioned and provided below, one-eighth of one percent for beach remediation projects (including beach renourishment) along the Gulf of Mexico, one-eighth of one percent for parks and park facilities, one-eighth of one percent for drainage and street improvements, and sanitary sewer improvements, and one-eighth of one percent for projects that promote or develop new or expanded business enterprises that create or retain primary jobs, including the maintenance and operation of such projects, and with such apportionment and use of the sales and use tax being subordinate to the current pledge and use of the existing sales and use tax for payment of debt service associated with currently outstanding bonds, all as authorized by section 4B of Article 5190.6; and,

WHEREAS, the City Council, pursuant to the applicable provisions of the Texas Election Code, intends to conduct a joint election with other political subdivisions within Galveston County and contract with Galveston County for election services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. That the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. There is hereby ordered a special election to be held in the City of Galveston on Tuesday, November 4, 2008, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City of Galveston three propositions as further described herein.

SECTION 3. That the election hereby called and ordered shall be conducted in accordance with the provisions of this Ordinance and in accordance with the requirements of *The City Charter* of the City of Galveston, and the Constitution and laws of the State of Texas regulating the holding of municipal elections.

SECTION 4. That at such election the following proposition shall be submitted to the qualified voters of the City in accordance with the law, to-wit:

PROPOSITION 1

SHALL THE CITY'S EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX, COLLECTIVELY AUTHORIZED AT ELECTIONS HELD ON NOVEMBER 2, 1993 AND DECEMBER 6, 1994, UNDER SECTION 4B OF ARTICLE 5190.6, REV. CIV. STAT. ANN., BE EXTENDED FOR 20 YEARS, TO EXPIRE ON APRIL 1, 2029, FOR THE FOLLOWING EXPANDED LIST OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED BELOW, ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO, ONE-EIGHTH OF ONE PERCENT FOR PARKS AND PARK FACILITIES, ONE-EIGHTH OF ONE PERCENT FOR DRAINAGE AND STREET IMPROVEMENTS, AND SANITARY SEWER IMPROVEMENTS, AND ONE-EIGHTH OF ONE PERCENT FOR PROJECTS THAT PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS, AND WITH SUCH APPORTIONMENT AND USE OF THE SALES AND USE TAX BEING SUBORDINATE TO THE CURRENT PLEDGE AND USE OF THE EXISTING SALES AND USE TAX FOR PAYMENT OF DEBT SERVICE ASSOCIATED WITH CURRENTLY OUTSTANDING BONDS, ALL AS AUTHORIZED BY SECTION 4B OF ARTICLE 5190.6?

SECTION 5. That the propositions shall appear on the ballot of this election in the following form:

PROPOSITION 1

FOR

AGAINST

THE ADOPTION OF AN EXTENSION OF THE EXISTING ONE-HALF OF ONE PERCENT SALES AND USE TAX FOR 20 YEARS, TO EXPIRE ON APRIL 1, 2029, FOR THE FOLLOWING EXPANDED LIST OF PROJECTS TO BE FUNDED WITH THE SALES AND USE TAX AS APPORTIONED AND PROVIDED BELOW, ONE-EIGHTH OF ONE PERCENT FOR BEACH REMEDIATION PROJECTS (INCLUDING BEACH RENOURISHMENT) ALONG THE GULF OF MEXICO, ONE-EIGHTH OF ONE PERCENT FOR PARKS AND PARK FACILITIES, ONE-EIGHTH OF ONE PERCENT FOR DRAINAGE AND STREET IMPROVEMENTS, AND SANITARY SEWER IMPROVEMENTS, AND ONE-EIGHTH OF ONE PERCENT FOR PROJECTS THAT PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, INCLUDING THE MAINTENANCE AND OPERATION OF SUCH PROJECTS, AND WITH SUCH APPORTIONMENT AND USE OF THE SALES AND USE TAX BEING SUBORDINATE TO THE CURRENT PLEDGE AND USE OF THE EXISTING SALES AND USE TAX FOR PAYMENT OF DEBT SERVICE ASSOCIATED WITH CURRENTLY OUTSTANDING BONDS.

As to the foregoing proposition each voter shall indicate his/her vote by marking the appropriate box which registers either a vote "FOR" or a vote "AGAINST" the proposition.

SECTION 6. That this election shall be conducted in the following Galveston Election Precincts, and at the following polling places in each of such Election Precincts, in accordance with Section 43.004, and other applicable sections of the Texas Election Code:

<u>Precinct No.</u>	<u>Location</u>
216/217/309/310/311	Island Community Center 4700 Broadway Galveston, Texas 77551
107/115/118/313/314	L.A. Morgan School 1410 37th Street Galveston, Texas 77550
222/223/224/276	Weis Intermediate School 7100 Stewart Road Galveston, Texas 77551
221/274/275	Jamaica Beach VFD 16628 San Luis Pass Road Jamaica Beach, Texas 77554
105/106/108	Transitional Learning Center 1502 Postoffice Street Galveston, Texas 77550

SECTION 7. All qualified voters shall be entitled to vote at the election hereby called and ordered. The election shall be conducted in accordance with the laws of the State of Texas, between the hours of 7 o'clock a.m. and 7 o'clock p.m. on November 4, 2008.

SECTION 8. Ballot boxes shall be used in the election in accordance with the provisions of the laws of the State of Texas relating to the use of ballot boxes and elections. Pursuant to Resolution 06-004, the City Secretary shall also provide a Direct Electronic Recording Voting System ("Voting System"), as that term is defined by Title 8 of the Texas Election Code, in each polling place utilized for the special election. The Voting System may be acquired by any legal means available to the City of Galveston, including but not limited to lease or rental from the County of Galveston or from any

other legal source, as authorized or required by § 123.032 and § 123.035 of the Texas Election Code.

SECTION 9. (a) Early voting by personal appearance shall be conducted at the Galveston County Justice Center, 600 - 59th St. (2nd Floor Conference Room), Galveston, TX 77551. Qualified electors voting early who are unable to vote in person shall vote by mail as prescribed by the laws of the State of Texas. The address to which mail-ballot applications and ballots voted by mail may be mailed to is as follows: Barbara Lawrence Regular Early Voting Clerk, City of Galveston, P.O. Box 779, Galveston, Texas 77553; or delivered to 823 Rosenberg, Suite 201, Galveston, Texas, 77550.

(b) The Galveston County Clerk shall serve as the early voting clerk for early voting by personal appearance. The County Clerk is authorized to appoint additional deputy clerks as needed. The main early voting polling place shall be Galveston County Justice Center, 600 - 59th St. (2nd Floor Conference Room), Galveston, TX 77551. Early voting by personal appearance shall begin on Monday, October 20, 2008, and end on Friday, October 31, 2008, and shall be conducted at the main early voting polling place during the following hours:

<i>Day</i>	<i>Date</i>	<i>Hours of operation</i>
Monday	October 20, 2008	8:00 a.m. to 5:00 p.m.
Tuesday	October 21, 2008	8:00 a.m. to 5:00 p.m.
Wednesday	October 22, 2008	8:00 a.m. to 5:00 p.m.
Thursday	October 23, 2008	8:00 a.m. to 5:00 p.m.
Friday	October 24, 2008	8:00 a.m. to 5:00 p.m.
Saturday	October 25, 2008	<i>Closed</i>
Sunday	October 26, 2008	<i>Closed</i>
Monday	October 27, 2008	8:00 a.m. to 5:00 p.m.
Tuesday	October 28, 2008	8:00 a.m. to 5:00 p.m.
Wednesday	October 29, 2008	8:00 a.m. to 5:00 p.m.
Thursday	October 30, 2008	7:00 a.m. to 7:00 p.m.
Friday	October 31, 2008	7:00 a.m. to 7:00 p.m.

(c) There is hereby appointed an Early Voting Ballot Board to canvass early ballots of the election as prescribed by the laws of the State of Texas, and such Board shall consist of the following persons:

Betty Joe Dyda, Presiding Judge who has appointed the following persons as Board Members in accordance with Section 87.002 of the Election Code:

Alternate Judge Mary Francis Sunseri
Clerk Betty Forman

Compensation for members of the Early Voting Ballot Board shall be the same as that fixed for presiding election judges, except that if the Board completes the work in less than 10 hours, the member may be paid for ten (10) hours in accordance with Section 87.005 of the Texas Election Code.

SECTION 10. (a) Notice of said election shall be given by filing a copy of this election ordinance with the City Secretary, and in accordance with State law.

(b) The Mayor is hereby authorized to sign an "Order of Election" and "Notice of Special Election." Council directs the City Secretary to post the "Order of Election" and publish and post the "Notice of Special Election", in both English and Spanish in accordance with State and Federal law.

SECTION 11. At the close of the election, officers of the special election shall immediately return to the City Council the results of the election with respect to each voting precinct. The City Council shall canvass the returns and declare the results of the election.

SECTION 12. The provisions of 42 U.S.C.A., 1973aa-1a, 28 C.F.R. Part 55, and section 272.001 et seq. of the Texas Election Code, regarding members of a single-language minority, shall be observed with respect to printing and disseminating voting notices, forms, balloting materials, instructions, assistance or other materials or information relating to the electoral process, including ballots, and all such election materials shall be printed, processed and provided in the Spanish language as well as the English language, and each Election precinct shall have access to a Judge, Alternate Judge, or Clerk who is fluent in the Spanish language and who shall be instructed and required to provide assistance to any voter desiring same.

SECTION 13. The City Secretary is hereby authorized and instructed to appoint all necessary election officers and furnish all necessary election supplies to conduct said election and to comply with Federal, State and local law and in the conduct thereof.

SECTION 14. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared

invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, because the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section.

SECTION 15. It is hereby officially found and determined that notice of the meeting at which this ordinance is adopted was given as required by the Texas Open Meetings Act, and that such meeting has been open to the public at all times when this ordinance was discussed and acted on.

SECTION 16. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

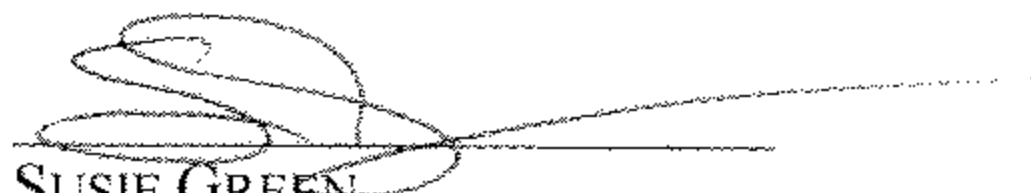
SECTION 17. In accordance with the provisions of Section 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 18. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

SECTION 19. The election hereby called and ordered shall be conducted in accordance with the provisions of this ordinance, The Charter of the City of Galveston, and the Constitution and laws of the State of Texas regulating the holding of local elections.

SECTION 20. The City Council of the City of Galveston hereby requests Galveston County to provide election services and to conduct the election in accordance with Texas Election Code Chapter 31. The City Council hereby authorizes the City Manager to approve all election expenses and execute a contract with Galveston County, Texas, to perform election services in substantially the same form as "Exhibit A".

APPROVED AS TO FORM:


SUSIE GREEN
CITY ATTORNEY

I, Barbara S. Lawrence, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by

the City Council of the City of Galveston at its regular meeting held on the 14th day of August, 2008, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 18th day of August, 2008

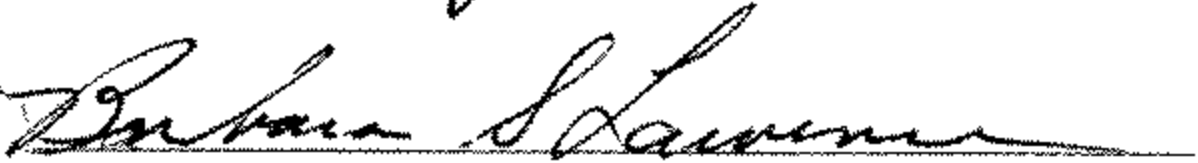

City Secretary for City of Galveston, Texas



EXHIBIT A

CONTRACT FOR ELECTION SERVICES
BETWEEN GALVESTON COUNTY AND
THE CITY OF GALVESTON, TEXAS

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**2008 ELECTION SERVICES CONTRACT
BETWEEN THE COUNTY ELECTIONS OFFICER
FOR THE COUNTY OF GALVESTON, THE COUNTY OF GALVESTON AND
THE CITY OF GALVESTON.**

THIS CONTRACT is made this ____ day of _____, 2008 by and between the governing body of the City of Galveston, (City), the Honorable Mary Ann Daigle, County Clerk and County Election Officer of Galveston, County, Texas (Contracting Officer) and the County of Galveston, acting by and through its County Commissioners' Court ("County") pursuant to §31.092, Texas Election Code. It is for the conducting and supervising of the City's Special Election of November 4, 2008.

RECITALS

The City is holding a Special Election for the purpose of submitting to the qualified voters of the City a proposition to determine whether the City's existing sales and use tax authorized at the elections held on November 2, 1993 and December 6, 1994 under section 4B of Article 5190.6, Vernon's Ann. Civ. Stat. should be extended for 20 years, to and including December 31, 2029, at a rate of one-half of one percent, to be apportioned one-eighth of one percent for beach remediation projects (including beach renourishment) along the Gulf of Mexico, one-eighth of one percent for parks and park facilities, one-eighth of one percent for infrastructure including streets and related street improvements, drainage, and sanitary sewer projects, and one-eighth of one percent for projects that promote new or expanded business enterprises that create or retain primary jobs, and the maintenance and operation thereof as authorized by section 4B of Article 5190.6;. This election(s) may be held jointly with the County of Galveston. Should that event occur, the County will share expenses proportionately.

The County owns an electronic voting system, the Hart InterCivic Voting System. Use of this system has been approved by the Secretary of State pursuant to Texas Election Code Chapter 122, as amended. In addition the United States Department of Justice in Submission No. 2005-3042 issued its No Objection Letter on the use of this system. The system is also compliant with the accessibility requirements set forth by the Texas Election Code Section 61.012

The City desires to use both County's electronic voting system and its Hart InterCivic

eScan voting System and to compensate the County for such use and to pay for certain other expenses connected with the Election in accordance with the applicable provisions of the Texas Election Code.

THIS CONTRACT is entered into in consideration of the mutual covenants and promises hereinafter set out:

Administration

The parties agree that the Contracting Officer will conduct the election(s) on behalf of the City in accordance with Chapter 31 of the Texas Election Code and this Contract.

The Contracting Officer will coordinate, supervise, and handle all aspects of administering the election(s) as provided in this Contract. The Contracting Officer will also provide advisory services as requested by the City in connection with decisions to be made and actions to be taken by the officers of the City; but the City will remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election.

The City agrees to pay the Contracting Officer for equipment, supplies and services at the rates set forth in Attachment A plus administrative costs not to exceed 10% of this Contract. Payment will be made by City within thirty (30) days of the date of receipt of an invoice from the Contracting Officer. All monies payable under this Contract to the Contracting Officer shall be deposited in a separate fund in the County's county treasury. All claims against the separate fund shall be audited and approved in the same manner as other claims against the County before they are paid.

The County of Galveston was a party in Civil Action No. 3:07 CV 377 styled "The United States of America, Plaintiff, v. Galveston County, Texas, Defendant in the United States District Court for the Southern District of Texas, Galveston Division". The City has been furnished with a copy of the Consent Decree, Judgment and Order "Decree" entered in the case. As required by the Decree, by virtue of entering into this Election Services Contract, the City agrees to abide by the terms of the Decree as if it were a party to the Decree with the United States and acknowledges that it likewise has a responsibility to comply fully with Section 4(f)(4) of the Voting Rights Act and Sections 302(a) and 302(b) of the Help America Vote Act.

Duties of the Contracting Officer

The Contracting Officer shall be responsible for providing the duties and furnishing the services and equipment described in this Article.

The Contracting Officer shall provide:

- 1) For the appointment of the City Secretary as the Early Voting Clerk, and provide deputy early voting clerks;
- 2) Information technologies support personnel to assist in the general overall supervision of the election(s) and provide advisory services in connection with the decisions and the actions to be taken by the officers responsible for holding the election(s);
- 3) All the necessary materials for preparation of the official ballots;
- 4) For the printing of ballots requested by mail;
- 5) Programming of ballots for the electronic equipment;
- 6) Early voting and election day kits;
- 7) Preparation of and transportation for the voting machines and equipment for use at the early voting location;
- 8) For the use of the early voting and election-day locations, and make arrangements for delivery of the Judges Booth Controller (JBC), ballots and supplies to all voting locations prior to early voting and election-day voting.
- 9) Preparation of and transportation for all necessary voting machines and equipment to and from the election day polling places;
- 10) The publishing of the legal notice of the date, time and place of the test materials for the tabulation of the ballots to be used with the electronic voting equipment;
- 11) For the use of a central counting station and for the tabulating personnel and equipment needed at the counting station and the preparation of programs and the test materials for the tabulation of the ballots to be used with the electronic equipment;
- 12) For the training and compensation of all election judges, poll workers, and clerks, including but not limited to instructing all of the election judges that they must appoint the number of bi-lingual clerks specified

in the Consent Judgment;

- 13) Qualified poll workers and clerks, (i.e. persons who attend the mandatory training sessions) including, but not limited to, the presiding election judge and alternate judge for each polling location;
- 14) Emergency appointments of election officials if necessary;
- 15) Compensation of early voting and Election Day poll workers at a rate of \$10.00 per hour, except where additional compensation is provided by law;
- 16) Notification of all election judges of eligibility requirements, and notification to each presiding election judge of their appointment, the time, date and location of training and distribution of election supplies and the number of election clerks that the presiding judge may appoint;
- 17) For the unofficial canvass reports to be delivered to the City Secretary after all precincts have been counted;
- 18) For the conducting of the post election manual recount if required by the Texas Election Code unless a waiver is granted by the Secretary of State. Notification and copies of the recount, if waiver is denied, will be provided to the City and the Secretary of State's Office;
- 19) Upon request, provide the City with a copy of the early voting report on a daily basis and a cumulative final early voting report following the election;

Duties of the City

The City, through its City Secretary, shall provide:

- (1) For such Department of Justice pre-clearance as is required;
- (2) For the Early Voting Ballot Board;
- (3) A list of candidates and/or propositions to be on the ballot to the Contracting Officer (in both English and Spanish) no later than August 28, 2008;
- (4) For mail ballot application requests and the receipt of mail ballot applications to be delivered to the Contracting Officer;

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- (5) The City Secretary shall serve as the Early Voting Clerk;
 - (6) A survey of its employees to the Contracting Officer to identify personnel who speak Spanish fluently and, to the extent such employees can be made available to provide assistance, allow and encourage such employees to serve at the polls on election-day; and
 - (7) Assistance to the Contracting Officer in securing the services of Spanish speaking poll workers.

General Conditions

- (a) As set forth in §31.096 of the Texas Election Code this Contract shall not change:
 - i) The authority with whom applications of candidates for a place on a ballot are filed;
 - ii) The authority with whom documents are filed under §251.001 et.seq. of the Texas Election Code;
 - iii) the authority to serve as custodian of voted ballots or other election records.

(b) The Contracting Officer is the agent for the purpose of contracting with third parties with respect to the election expenses within the scope of the Contracting Officer's duties and the Contracting Officer is not liable for a failure to pay a claim.

(c) The Contracting Officer shall file copies of this contract with the County Treasurer and the County Auditor of Galveston County, Texas within ten (10) days of the date of execution of this Contract.

(d) As set forth in §31.100 (b) of the Texas Election Code, only the actual expenses, including administrative fees, directly attributable to this Contract may be charged the City for services rendered by the Contracting Officer.

(e) The Parties acknowledge and agree that each shall comply with all applicable state and federal laws pertaining to the conduct of an election.

(f) Should a recount be requested, the Contracting Officer shall be entitled to all fees and charges assessed against the requesting Party pursuant to the guidelines and fees allowed by the Texas Secretary of State.

Waiver of Damages

The Parties acknowledge that the electronic voting system and the programming of paper ballots is highly technical and that it is conceivable that despite the effort of the parties it might fail during an election or might contain errors. The Parties also agree that should the electronic voting system fail, the City will not make any claim against the County of Galveston, or the Contracting Officer or any of its their employees, or agents for damages of any kind, including but not limited to damages incurred for having to conduct a second election caused as a result of such failure or error.

The City also acknowledges that joint elections present logistical problems and other problems over and above elections that may be conducted individually. The Contracting Officer and her agents will use their best efforts to help ensure that a joint election will be conducted without error or mishap, but on occasion, errors or mishaps occur. Accordingly, the City agrees that should an error or mishap occur that it will not make any claim against the County of Galveston, the Contracting Officer, or their employees or agents, for damages of any kind including but not limited to damages incurred by the City for having to conduct a second election, as a result of such error or mishap.

If legal action is filed against the City involving its election and if, the County and/or the Contracting Officer is named as a party to this legal action and the complaint is based solely on allegations made against the City, the City shall be solely responsible for the costs and defense of that suit and shall be authorized to provide counsel of its choice for the County and/or the Contracting Officer.

Although the City and the Contracting Officer recognize that pursuant to §31.092 of the Texas Election Code this Contract needs not be submitted to the Galveston County Commissioners' Court for its approval, they find it prudent to do so.

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PASSED AND APPROVED this the _____ day of _____ 2008

CITY OF GALVESTON:

Steve LeBlanc, City Manager

APPROVED AS TO FORM:

Susie Green, City Attorney

CONTRACTING OFFICER

Hon. Mary Ann Daigle
Galveston County Clerk

ATTEST:

COUNTY OF GALVESTON

Hon. Mary Ann Daigle
Galveston County Clerk

Hon. James D. Yarbrough
Galveston County Judge

/

ATTACHMENT A

EQUIPMENT CHARGES

POLITICAL
SUBDIVISIONS

All equipment may be shared at each location and will be divided as such:

Parties: (per machine)

JBC's (Judge's Booth Controllers) \$250.00

JBC's (Judge's Booth Controllers)- Shared Loc.

eSlates-PARTY \$250.00

eSlates-Shared Loc

eSlates-DAU (Disabled Access Units) \$300.00

eSlates-DAU (Disabled Access Units)-Shared Loc.

eScan (Precinct Counter) \$450.00

eScan (Precinct Counter)-Shared Loc.

Mobile Ballot Box (MBB) Cards (each)

MBB's-PARTY \$2.00

MBB's-Shared Loc.

Delivery & pickup of election day equipment, per location \$80.00

(Political Subdivision may deliver and pickup equipment except eScan tubs) Delivery & pickup of election day equipment, per location-Shared Loc.

Publication Notice (or going rate from newspaper)

Publication of Notice of Tabulating Test-Shared \$205.00 \$205.00

Ballot Charges: (Going rate of County using Ballot Now or Vendor)

Absentee Mail (each) \$0.24

Early Voting (each) \$0.24

Election Day (each)

Sample Ballots (each)(Party EV, ED & Clk) \$0.24

Test Ballots (each) \$0.24

Programming-Candidates or Propositions/Audio/Testing (does not include translating)

Programming 1-25 contests \$500.00 Programming 26-50 contests \$1,000.00 Programming 51-75 contests \$1,500.00
Programming 76 and above contests \$2,000.00

Tabulation

Tabulation of All Results- (Reports/CD of Election Results, etc. Provided)

Precinct/District 1-10	\$100.00
Precinct/District 11-20	\$200.00
Precinct/District 21-30	\$300.00
Precinct/District 31-40	\$400.00
Precinct/District 41 and above	\$500.00

Miscellaneous Expenses

Out of pocket expenses: Voting Kits (\$38/ea), usage of Metal Ballot Boxes, Seals for Boxes No. 3 & 4 and eSlates, Printing, Labels, Postage, EV Jackets, locks/keys, Voting Booths, pens, pencils, tape, stamps, stamp pads, ink, tacks, plastic bags, printing, postings booths, phone numbers, maps, general information, etc.

Precinct/District 1-10	\$200.00
Precinct/District 11-20	\$400.00
Precinct/District 21-30	\$600.00
Precinct/District 31-40	\$800.00
Precinct/District 41 and above	\$1,000.00

Training:

Training (Trainer Expense-Equipment Training EV & ED) \$750/half day class (1 EV & 1 ED, 25 per class)	\$750.00 max
Training (Trainer Expense-Forms & Procedures EV & ED)\$6001half day class (1 EV & 1 ED, 50 per class)	\$600.00 max

Election Personnel: Rate present \$10.00 per Hour.

Election Judge's/Clerks Early Voting - (# Clerks X Hrs ea. X\$10.00 Hr.)	\$10.00
Election Judge's/Clerks Election Day-(# Clerks X 14 Hrs ea. X \$10.00 Hr.)	\$10.00
Training for Judge/Alternate's/Clerks-Forms-(# Clerks X 3 Hrs. ea. X \$10.00)	\$10.00
Training Judge's/Clerks-Equipment-(# Clerks X 4 Hrs. ea. X \$10.00)	\$10.00
Early Voting Delivery Charge- (# Early Voting Locations X \$25.00)	\$25.00
Election Night Delivery Charge(# Election Day Locations X \$25.00)	\$25.00
Early Voting Ballot Board Judge/Clerks(T.E.C. Ann. 87.005 (a)-(# Clks X # Hrs. X \$10.00)	\$10.00
Provisional/Late Ballot Board Processing-EVBB Personnel (# Clks X # Hrs. X \$10.00)	\$10.00
Presiding Judge of CCS/Clerks(T.E.C. Ann.127.005(d)-(# Clks X # Hrs. X \$10.0)	\$10.00
Provisional/Late Central Counting Station Clerks (# Clks X # Hrs. X \$10.00)	\$10.00
Signature Verification Committee Presiding Judge/Clerks (# Clks. X # Hrs. X \$10.00)	\$10.00

Central Counting Station Personnel-(Office/County Staffing Used)

(Employees get time and half from County. Chgs go Spec. Acct. Fund)

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Counting Station Manager(T.E.C. Ann 127.002 (f)
Tabulation Supervisor(T.E.C. Ann. 127.003(f)
Supply & Equipment Support Team