



**NOTICE OF MEETING
OF THE
GOVERNING BODY OF
COPPERAS COVE, TEXAS**

*An agenda information packet is available for
public inspection in the Copperas Cove Public Library, City Hall and on the City's
Web Page www.ci.copperas-cove.tx.us*

Notice is hereby given that a **Special Council Meeting** of the City of Copperas Cove, Texas will be held on the **16th day of March 2009**, at **5:00 p.m.** in the City Hall Council Chambers located at 507 South Main Street, Copperas Cove, Texas 76522. The following subjects will be discussed:

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. PUBLIC RECOGNITION

E. ACTION ITEMS

1. Consideration and action on a Resolution to revise procedures, as originally set forth in Resolution No. 2009-04, for a General Election on May 9, 2009 in Copperas Cove, Texas. ***Jane Lees, City Secretary***

F. ADJOURNMENT

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (254) 547-4221, (254) 547-6063 TTY, or FAX (254) 547-5116 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Governing Body of the City of Copperas Cove was posted at 5:00 p.m. on March 13, 2009, on the glass front door of City Hall, a place convenient and readily accessible to the general public at all times.

/s/

Jane Lees

Jane Lees, City Secretary

City of Copperas Cove

City Council Agenda Item Report

March 16, 2009

Agenda Item No. E-1

Contact – Jane Lees, City Secretary- 547-4221
jlees@ci.copperas-cove.tx.us

SUBJECT: Consideration and action on Resolution No. 2009-15, revising procedures for a General Election on May 9, 2009 in Copperas Cove, Texas.

1. BACKGROUND/HISTORY

The City Council adopted Resolution No. 2009-04 on March 3, 2009, establishing procedures for the May 9, 2009 General Election, along with approval of a Joint Election Agreement between the City and CCISD.

2. FINDINGS/CURRENT ACTIVITY

During the week of March 9, 2009, a representative from Central Texas College contacted the City Secretary's Office regarding a joint election. CTC has not held an election for approximately 10 years, due to their candidates being unopposed.

A Joint Election Agreement between Central Texas College and the City and is included in Resolution 2009-02 as "Attachment A." The language intent is identical to the previously council approved agreement with CCISD.

3. FINANCIAL IMPACT

The following is an estimate of the costs for the May 9, 2009 General Election:

First publication of LAT (Logic & Accuracy Test) of Voting Equipment	48*
Publication of Election Notices (English & Spanish)	430
Technical Support for Voting Equipment	6,100*
Programming by Hart Intercivic	3,000*
Early Voting Staff	1,250*
Election Day Staff	700*
Miscellaneous Supplies	200

Total Estimate **\$11,728**

*Indicates costs shared between the City and CTC.

As of the deadline to file for a ballot position, March 9, 2009, CCISD did not have any ballot positions that were opposed. The deadline for write-in candidates is at 5:00 p.m., March 16, 2009. There is a possibility that CCISD will cancel their election if no write-ins are received by the deadline. In that case, the costs of the election will be split between the City and CTC.

If CCISD were to receive write-in candidates, the costs would be split between three parties—City, CCISD and CTC. In this case, an amendment would be done to each Joint Election Agreement stating the three-way split.

4. ACTION OPTIONS/RECOMMENDATION

City staff recommends that the City Council adopt Resolution No. 2009-15, revising the procedures for a General Election on May 9, 2009 in Copperas Cove, Texas.

RESOLUTION NO. 2009-15

**A RESOLUTION TO REVISE PROCEDURES, AS
ORIGINALLY SET FORTH IN RESOLUTION NO. 2009-04,
FOR A GENERAL ELECTION ON MAY 9, 2009 IN
COPPERAS COVE, TEXAS.**

WHEREAS, Resolution No. 2009-04, adopted on March 3, 2009, established the procedures for the City's General Election to be held on May 9, 2009; and

WHEREAS, Along with that Resolution, a Joint Election Agreement was approved between the City and the Copperas Cove Independent School District (CCISD); and

WHEREAS, Central Texas College District (CTC) must hold an election on the same date as the City and CCISD; and

WHEREAS, CTC has requested to hold their election jointly with the City and CCISD; and

WHEREAS, Texas Election Code, Sec. 271.002, authorizes joint elections ordered by the authorities of two or more political subdivisions if they are held on the same day within all or part of the same territory; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:

Section 11 of Resolution No. 2009-04 is hereby amended as follows:

Section 11. The City Secretary is further authorized and directed to conduct said election jointly, with the Copperas Cove Independent School District (CCISD) and Central Texas College District (CTC). The City Secretary will take all necessary actions to conduct the election jointly, to work with CCISD and CTC personnel, and to coordinate and sign joint election agreements between the City and CCISD and the City and CTC. The Joint Election Agreements are made a part of this resolution and marked "Attachment A" and "Attachment B".

PASSED, APPROVED, AND ADOPTED on this 16th day of March 2009, at a special meeting of the City Council of the City of Copperas Cove, Texas which meeting was held in compliance with the Open Meetings Act, *Tex. Gov't. Code, §551.001, et.seq.* at which meeting a quorum was present and voting.

John Hull, Mayor

ATTEST:

Jane Lees, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney

May 9, 2009
Joint Election Agreement
Between
City of Copperas Cove
&
Central Texas College District

JOINT ELECTION AGREEMENT

BY THE TERMS OF THIS AGREEMENT made and entered into by and between the CITY OF COPPERAS COVE, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE CENTRAL TEXAS COLLEGE DISTRICT, hereinafter referred to as "CTC," pursuant to the authority in Section 271.002 of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and CTC's May 9, 2009 Joint Election.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. **IT IS AGREED AS FOLLOWS:**

- 1. ORDER OF ELECTION.** The City and CTC will be individually responsible for the order of election with their respective political subdivisions.
- 2. PRECLEARANCE.** The City will prepare and submit to the U.S. Department of Justice (DOJ) under the Federal Voting Rights Act of 1965, any required submissions on voting changes. CTC will supply the City with the order of election and any other necessary information for the submission. CTC will have the opportunity to review the preclearance request prior to submission to the DOJ.
- 3. LOCATION OF POLLING PLACES.** One polling place is designated for both Early Voting and Election Day. The location will be City Hall Council Chambers, 507 South Main Street, Copperas Cove, Texas 76522. The City will provide tables and chairs for use by the election officials and voters. If the City cancels their election, CTC has the option of using the same location as listed above for their election.
- 4. ALLOCATION OF ELECTION EXPENSES.** CTC agrees to pay the City election expenses as outlined in Attachment A of this Agreement. The City will submit an itemized invoice to CTC within 30 days after the election. In the event that CTC cancels their election, and, if no expenses have been incurred, all election expenses incurred for the City's election will be paid by the City.
- 5. APPOINTMENT AND TRAINING OF ELECTION OFFICERS.** The Election Judge, Alternate Election Judge and Election Clerks will be appointed by the City, with approval of CTC. Election officers will be trained by the City.
- 6. DESIGNATION OF EARLY VOTING CLERK.** The Early Voting Clerk shall be Jane Lees, City Secretary of the City of Copperas Cove, or her designee. Early Voting days and times are outlined in Attachment B of this document. In the event that the City cancels their election, CTC is responsible for appointing their own Early Voting Clerk, election judges and clerks, and pay all expenses.

7. BALLOTS. Ballots will be combined for use on the eSlate and eScan electronic voting systems for the Early Voting period as well as Election Day. All requests for paper ballots by mail will be processed by the Early Voting Clerk. Requests for Applications for Ballot by Mail shall be addressed to: Jane Lees, Early Voting Clerk, City of Copperas Cove, P.O. Drawer 1449, Copperas Cove, TX 76522.

8. ELECTION PUBLICATIONS.

a. Each political subdivision is responsible for the publication and posting of election notices for their individual elections.

b. The City will publish the notice required for the testing of the automatic tabulating equipment.

9. DISPOSITION OF ELECTION RECORDS. The City shall keep all election records according the Section 66.058 of the Texas Election Code as follows:

a. Voted paper ballots will remain locked in Ballot Box No. 3 for 60 days after the date of the election.

b. On the 61st day after the election, the voted paper ballots will be transferred to another container until the total preservation period of 22 months has elapsed.

c. CTC may have access to the voted paper ballots at any time during the 22 months after the 60th day after the election.

d. CTC may have access to other election records at any time during the 22 month preservation period.

e. When the records are ready to be destroyed, the City will inform CTC prior to destruction.

10. GENERAL PROVISIONS.

a. The City shall procure and prepare the voting machines and provide election kits and supplies needed in the polling place.

b. The City shall provide all lists of registered voters required for use during the Early Voting period and on Election Day.

c. The Early voting Ballot Board will count all Early Voting ballots (those cast by mail and those cast by personal appearance). The presiding judge of this Board shall be appointed by the City.

d. Election night reports will be available to the City and CTC after the Central Counting Station has tabulated all results. The Central Counting Station is located in the Tax Assessor/Tax Collector's Office in Gatesville and will be supervised by Garry Paris. The City has contracted separately with Garry Paris for this service.

e. Provisional ballots will be tabulated after election night in accordance with law.

f. The City shall prepare the unofficial canvass report and will provide a copy of the unofficial canvass to CTC as soon as possible after all returns have been tallied.

g. Each political subdivision is responsible for conducting their own final canvass of the election. All necessary paperwork for the canvass will be supplied to CTC by the City.

h. CTC shall provide the City with the ballot layout and Spanish interpretation in an electronic format, as soon as possible, but no later than 5:00 p.m. on Tuesday, March 17, 2009.

i. CTC shall approve their ballot format and audio cards prior to the final printing.

j. The City shall provide a copy of this contract to CTC upon full execution.

WITNESS BY MY HAND THIS THE ____ DAY OF _____, 2009.

Jane Lees, CMC, City Secretary
For the City of Copperas Cove

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2009.

Charles Baggett, Chair
Central Texas College District Board of Trustees

Cost Proposal for May 9, 2009 Joint Election

Publication for Logic and Accuracy Test	48.00
Technical support Early Voting and Election Day	
• Test MBB's, delivery, setup/teardown machines, pre-define machines, conduct 3 Logic and Accuracy Tests, tally Early Vote, tally Election Day Vote and backup to CD	4,921.00
• Technical support during Early Voting	
-- Five 8-hour days at \$120 per day	600.00
-- Two 12-hour days at \$180 per day	360.00
• Technical support during Election Day	180.00
• Response fee for support after polls close on Election Day	25.00
Programming from Hart InterCivic	3,000.00
Early Voting staff	1,250.00
Election Day staff	700.00
 Total	 \$11,728.00

The total of \$11,728 is to be split between the City (\$5,864) and CTC (\$5,864).

The amounts listed above are estimates only, based on previous elections costs. These amounts are subject adjustment when the actual invoices are received.

Early Voting Days and Hours

Monday	April 27, 2009	8 a.m.-5 p.m.
Tuesday	April 28, 2009	7 a.m.-7 p.m.
Wednesday	April 29, 2009	8 a.m.-5 p.m.
Thursday	April 30, 2009	7 a.m.-7 p.m.
Friday	May 1, 2009	8 a.m.-5 p.m.
Monday	May 4, 2009	8 a.m.-5 p.m.
Tuesday	May 5, 2009	8 a.m.- 5p.m.