

RESOLUTION NO. 41-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT; AND DECLARING AN EFFECTIVE DATE.

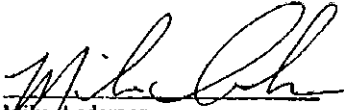
WHEREAS, the City Council of the City of Mesquite, Texas, has called a special election to be held January 17, 1998, for the purpose of determining whether to adopt an additional one-half of one percent sales and use tax to be used for economic development.

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

SECTION 1. That the Mayor is hereby authorized to execute a joint election agreement and election services contract in substantially the form and substance as attached hereto as Exhibit "A".


SECTION 2. That this resolution shall take effect immediately upon date of passage, as the Charter in such cases provides.

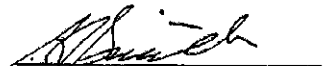
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 1st day of December, 1997.


Mike Anderson
Mayor

ATTEST:

APPROVED:


Ellen Williams
City Secretary


B.J. Smith
City Attorney

JOINT ELECTION AGREEMENT

AND

ELECTION SERVICE CONTRACT

BETWEEN

CITY OF CARROLLTON (COC)
CITY OF DALLAS (COD)
CITY OF IRVING (COI)
CITY OF MESQUITE (COM)
CITY OF BALCH SPRINGS (COBS)

FOR THE CONDUCT OF A JOINT ELECTION
TO BE HELD SATURDAY, JANUARY 17, 1998

TO BE ADMINISTERED BY THE DALLAS COUNTY ELECTIONS DEPARTMENT

I. JURISDICTION

The City of Carrollton (COC) plans to hold a Bond Election on January 17, 1998 in 12 Dallas County voting precincts and 15 Denton County voting precincts. The City of Dallas (COD) plans to hold a special election with the City on January 17, 1998 in 756 Dallas County voting precincts, 11 voting precincts located in Collin County, and 4 voting precincts located in Denton County (total 771). The City of Irving (COI) plans to hold a City Charter Amendment Election on January 17, 1998 in 53 Dallas County voting precincts. The City of Mesquite (COM) plans to hold a Special Election to adopt additional sales and use tax on January 17, 1998 in 37 Dallas County voting precincts. The City of Balch Springs (COBS) plans to hold a Special Election on January 17, 1998, to fill a vacancy for City Council Place 4 in 13 Dallas County voting precincts. Total number of voting precincts for each participating entity are subject to change due to the revision in Dallas County election precincts to be implemented January 1, 1998 upon preclearance approval by the U.S. Justice Department.

A list of each election precinct or partial election precinct (each precinct unit) involved in the joint election, together with the name of the participating authority holding an election in that precinct unit, and the number of registered voters in that precinct unit, is shown in Attachment "E". The

Elections Administrator will forward an updated version of Attachment "E" to each participating authority showing registered voters as of the deadline for registering to vote in the election.

II. ADMINISTRATION

The Dallas County Elections Administrator agrees to coordinate, supervise and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this agreement. Each participating authority agrees to pay Dallas County for equipment, supplies and administrative costs as outlined in this agreement. The Dallas County Elections Administrator will serve as administrator for the Election; however, each participating authority remains responsible for the lawful conduct of their respective election.

III. LEGAL DOCUMENTS

Each participating authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, notices and any other pertinent documents required by their respective governing bodies.

Each participating authority will be responsible for making their submission required by the Federal Voting Rights Act of 1965, as amended, with regard to any changes which require preclearance by the U.S. Department of Justice. Preparation of necessary bilingual materials for notices and preparation of the text for the official ballot will also be the responsibility of each participating authority. Each participating authority will provide a copy of their respective election notices and submission to the Dallas County Elections Administrator.

IV. ELECTRONIC VOTING SYSTEM

Each participating authority agrees that voting at the Joint Election will be by use of an electronic punch card voting system approved by the Secretary of State in accordance with the Texas Election Code. The Dallas County Elections Department will

be responsible for the preparation of programs and the testing of the electronic voting system used for tabulating the ballots. In accordance to Section 127.093, of the Texas Election Code testing of the tabulating equipment shall be conducted three times. Testing of the tabulating equipment will be conducted on Thursday, January 15, 1998 at 10:00am and Saturday, January 17, 1998 at 3pm and on Tuesday, January 20, 1998 at 10am. The Dallas County Elections Department agrees to establish a central counting station to receive and tabulate the voted ballots as outlined in Section IX of this agreement.

The number of votomatics to be provided for each election precinct is shown in Attachment "D". It is estimated that 2,411 votomatics will be needed to conduct the January 17, 1998 Joint Election. The cost for everything necessary to provide a complete system ready for operation, including yellow masks and crimp hinges for the votomatics programming and testing of equipment used at the central counting station, ballot boxes, locks, punch card voting demonstrator units and other election equipment necessary for the proper conduct of the election, and using the electronic voting system for the election, will be determined by multiplying the total number of votomatics by \$30.00 each. (See Attachment "A").

V. VOTING LOCATIONS

The Elections Administrator will select and arrange for the use of and payment for all voting locations, subject to the approval of each participating authority. Voting locations will be, whenever possible, the usual voting locations for the precincts. Voting precincts may be combined by mutual agreement between the participating authorities. The proposed voting locations are listed in Attachment "B" of this agreement. In the event a voting location is not available, the Elections Administrator will arrange for use of an alternate location with the approval of each participating authority. The Elections Administrator will notify each participating authority of any changes from the locations listed in Attachment "B".

The Elections Administrator will send each participating authority a final version of Attachment "B" which reflects the actual locations to be used on the day of the election.

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VI. ELECTION JUDGES, CLERKS AND OTHER ELECTION PERSONNEL

The Elections Administrator will be responsible for the appointment of the presiding judge and alternate for each polling location subject to the approval of each participating authority. However, with the City of Irving, election judges and alternate judges will be appointed by the Irving City Council. The Elections Administrator shall arrange for the training and compensation of all presiding judges and clerks. The proposed election judges are listed in Attachment "C" of this agreement. If a person is unable or unwilling to serve, the Elections Administrator will name a judge for the precinct.

If a participating authority recommends a person not listed in Attachment "C", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, the Elections Administrator will conduct a drawing from the recommendations to determine the election judge. Once a person has been notified of his/her selection as election judge, no changes may be made by any of the participating authorities.

The Elections Administrator is responsible for notifying all election judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that all election judges appointed for the Joint Election are eligible to serve. The presiding judge, with the Elections Department assistance, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

The Elections Administrator will send joint participants an updated version of Attachment "C" which reflects the names of judges who were sent the letter requesting service for this election, and a final version for Attachment "C" which reflects the name of the judges who actually presided on the day of the election.

The Elections Department will hold two (2) public schools of instruction on the use of punch card voting equipment and election laws on Thursday, January 15, 1998 from 7pm - 9pm and Saturday, January 10, 1998 from 10am - 12pm in the Central Jury Room, George L. Allen County Courthouse, 600 Commerce Street,

Revised 12/08/97

Dallas. No election judge will be appointed unless he/she has attended an election judge training session taught by the Elections Department in the past eighteen (18) months. However, participating entities have requested that judges appointed for the joint election should attend one of the two scheduled training sessions.

The election judges are responsible for picking up election supplies at the time and place determined by the Elections Department (which will be set forth in the election judge letter requesting service for this election).

Each election judge and clerk will receive \$5.15 per hour (for a maximum of 14 hours), however, any participating entity may pay \$6.00 per hour for their judges and clerks. This additional charge shall be borne by these entities separately. The election judge will receive an additional \$25.00 for picking up the election supplies prior to election day and for delivering election returns and supplies to the central counting station at the Dallas County Records Building, 509 Main Street, Dallas, after the polls close.

The Elections Administrator will employ other personnel necessary for the proper administration of the election, including such part-time help as is necessary to prepare for the election, to ensure the timely delivery of supplies and equipment during the period of early voting and on election day, and for the efficient tabulation of ballots at the central counting station. Part-time personnel will be paid an amount agreed to by the participating authorities as outlined in Attachment "A". Part-time personnel working in support of the central counting station on election night will receive pay for at least four hours, minimum call for service, regardless of the actual hours worked.

VII. SUPPLIES AND PRINTING

The Elections Department will arrange for all election supplies and election printing, including, but not limited to, punch card ballots, demonstration ballots, ballot assembly pages for the votomatics, early voting ballot booklets, all forms, signs and other materials used by the election judges at the

voting locations.

The Elections Department will provide maps, if necessary, color coded materials, instructions and other information needed to enable the election judges in the reporting precincts that have more than one ballot style to conduct a proper election.

Each participating authority will furnish the Elections Administrator a list of candidates and or propositions showing the order and the exact manner in which their names and or proposition(s) are to appear on the official ballot. The list will be delivered to the Elections Administrator as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.

The Elections Department will be responsible for having the ballot pages printed, punched, crimped and assembled into ballot booklets and will deliver the proper ballot assemblies, with the votomatics to the voting precincts.

VIII. PUNCH CARD BALLOTS

The ballot allocation for this election is based on providing enough ballots in every reporting precinct to handle the same turnout as in comparable elections plus 25 percent (25%) of that number, with the final number of ballots ending in a number divisible by 50 (as ballots are packaged in groups of 50) for an original allocation of no less than 35% of the registered voters. Dallas County will provide additional Generic Ballots (emergency ballots) to each precinct to equal a total ballot allocation of no less than eighty (80%) in each precinct.

Approximately 39,700 additional ballots will be available for early voting and for use on election day to respond to any precinct requesting additional ballots.

IX. RETURNS OF ELECTIONS

The Elections Department will be responsible for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this agreement.

The participating authorities hereby, in accordance with Section 127.002, 127.003 and 127.005 of the Texas Election Code, appoint the following central counting station officials:

Manager	- Bruce R. Sherbet Dallas County Elections Administrator
Tabulating Supervisor	- John McGee Data Services SCT
Presiding Judge	- Janice Carroll City Secretary City of Irving

The manager or his representative will deliver timely cumulative reports of the election results as precincts are tabulated. The manager will be responsible for releasing cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies or electronic transmittals (where accessible). Dallas County will operate an election result center to release election results in the Voter Registration Department, 509 Main Street, Dallas, Texas. Any participating authority, upon request, may require release of returns be given only at a specified location other than from the result center.

The Dallas County Elections Department will prepare the unofficial canvass report after all precincts have been counted, and will deliver a copy of the unofficial canvass to each participating authority as soon as possible after all returns have been tabulated, but in no event later than 10:00am, Tuesday, January 20, 1998. All participating authorities will be responsible for the official canvass of their respective

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elections.

The Dallas County Elections Department will be responsible for conducting the post election manual recount, unless a waiver is given from Secretary of State in accordance with Section 127.201 of the Texas Election Code. Notification and copies of the recount, if waiver is denied, will be provided to each participating authority and the Secretary of State's Office.

X. ELECTION EXPENSES

The participating authorities agree to share the costs of administering the January 17, 1998 Joint Election. A general supervisory fee not to exceed 10% of the total cost of the election shall be assessed as authorized by the Texas Election Code, Sec. 31.100. Allocation of costs, unless specifically stated otherwise, is mutually agreed to be shared according to a formula which is based on average cost per polling place (unit cost) as determined by adding together the overall expenses and dividing expenses equally among the total number of polling places. Any special request from a participant not agreed upon by all authorities, that cost shall be borne and billed separately to that participant. Each participating authority agrees that no participant shall be billed less than minimum of one full unit cost. See Attachment "A".

The expenses for early voting by mail and personal appearance will be shared equally among each participating authority.

Final election expenses will be determined within 120 days after the election. The Elections Administrator will provide each participating authority with a final accounting in writing of all funds deposited into the Joint Election account and an accounting of all payments from the Joint Election account.

If additional funds are needed, the Elections Administrator will bill each participating authority in accordance with the expense formula enumerated herein. Any amount remaining will be refunded accordingly to each participating authority.

XI. DEPOSIT OF FUNDS

Each participating authority agrees to deposit with the Dallas County Treasurer's Office, by no later than Wednesday, December 17, 1997, a sum equal to 50% of the total estimated cost of election expenses to be paid by Dallas County as administrator of the Joint Election, and the remaining is 50% due by Wednesday, December 31, 1997; however, any participating entity may pay the total sum on or before December 17, 1997. The funds will be placed in a special joint election account to be used by the County for paying expenses as outlined in this agreement. No funds will be expended by Dallas County except for supplies and services outlined in this agreement, or except as may be agreed to, in writing, by each participating authority.

The amounts to be deposited are as follows (calculated on the basis of a cost of \$_____ per polling place):

	<u>December 17</u>	<u>December 31</u>
COC	\$7,372.58	\$7,372.59
COD	\$223,539.80	\$223,539.79
COI	\$12,105.50	\$12,105.50
COM	\$6,031.69	\$6,031.68
COBS	\$4,146.21	\$4,146.22
Total deposit	\$253,195.78	\$253,195.78

Deposits should be delivered within the mandatory time frame to:

Bill Melton
Dallas County Treasurer
303 Records Building
509 Main Street
Dallas, Texas 75202.

XII. RECORDS OF THE ELECTION

Each political subdivision will be general custodian of their own voted ballots and all records of the Joint Election as authorized by Section 271.010 of the Texas Election Code.

Access to the election records will be available to each participating authority as well as to the public in accordance with the Texas Public Information Act, Chapter 552, Government Code, at the Elections Department, 509 Main Street, Dallas, Texas, at any time during normal business hours. The Election Administrator shall ensure that the records are maintained in an orderly manner, so that records are clearly identifiable and retrievable per records storage container.

Records of the election will be retained and disposed of in accordance with the records retention schedules which may have been adopted by each participating authority, and in accordance with the provisions of Title 6, Subtitle C, Chapters 201 through 205, Texas Local Government Code, including the minimum retention requirements established by the Texas State Library and Archives Commission. If records of the election are involved in any pending election contest, investigation, litigation, or Texas Public Information Request, the Election Administrator shall maintain the records until final resolution or until final judgement, whichever is applicable. It is the responsibility of any participating authority to bring to the attention of the Elections Administrator any notice of any pending election contest, investigation, litigation, or Texas Open Records Request which may be filed with a participating authority. Upon request to maintain records beyond eligibility for destruction, the Elections Administrator shall supply a written cost estimate for storage to requesting participant. (See Section X)

On the first business day which follows the date that the records of the election are eligible for destruction, the Election Administrator will notify in writing each participating authority of the planned destruction of any records of the election. Within fifteen days of receipt of the Election Administrator's notice of intent to destroy the records, each participating authority will provide the Election Administrator with written authorization to proceed with destruction or written instructions to withhold destruction.

XIII. EARLY VOTING

The regular early voting clerk for each participating authority will be appointed as early voting clerk for their political subdivision in compliance with Title 7 of the Texas

Election Code. The appointees are listed in section XIV of this agreement. Bruce R. Sherbet, Dallas County Elections Administrator, will be appointed as chief deputy early voting clerk. Other deputy early voting judges/clerks will be appointed, subject to the approval of the Joint Election participants, as needed to process early voting mail and to conduct early voting at the main location and branch locations. If a participating authority recommends a person not listed in Attachment "F", and that recommendation conflicts with the recommendation from any of the other entities involved in the election in that precinct, the Elections Administrator will conduct a drawing from the recommendations to determine the deputy early voting judge/clerk. Once a person has been notified of his/her selection as deputy early voting judge/clerk, no changes may be made by any of the participating authorities. The recommended deputy early voting judges/clerks for the main and branch early voting locations are listed in Attachment "F".

Early voting by personal appearance will be conducted on weekdays beginning Wednesday, December 31, 1997, between 8:00am and 5:00pm; Friday, January 2, 1998 between 8:00am and 5:00pm; Monday, January 5, 1998 and continuing through Friday, January 9, 1998, between 8:00am and 5:00pm; Saturday, January 10, 1998 between 8:00am and 5:00pm; Sunday, January 11, 1998 between 1:00pm and 6:00pm, at the locations in the City of Irving only; Monday, January 12, 1998, and continuing through Tuesday, January 13, 1998 between 7:00am and 7:00pm. Any qualified voter for the Joint Election may vote early by personal appearance at either the main early voting location or at any one of the branch locations.

MAIN EARLY VOTING POLLING PLACE

DALLAS COUNTY RECORDS BUILDING

Office of the Elections Department, First Floor,
509 Main Street, Dallas 75202

BRANCH EARLY VOTING POLLING PLACES

BACHMAN THERAPEUTIC RECREATION CENTER
2750 BACHMAN
DALLAS, TEXAS 75220

BALCH SPRINGS CITY HALL
3117 HICKORY TREE ROAD
BALCH SPRINGS, TEXAS 75180

BECKLEY-SANER RECREATION CENTER
114 W. HOBSON AVE.
DALLAS, TEXAS 75224

CARROLLTON CITY HALL
1945 JACKSON RD.
CARROLLTON, TEXAS 75006

CARROLLTON GOVERNMENT CENTER
1029 ROSEMEADE
CARROLLTON, TEXAS 75007

CUMMINGS RECREATION CENTER
2900 CUMMINGS ST.
DALLAS, TEXAS 75216

DALLAS CITY HALL
1500 MARILLA ST. ROOM 2 C-NORTH
DALLAS, TEXAS 75201

DUNFORD RECREATION CENTER
1015 GREEN CANYON
MESQUITE, TEXAS 75149

FRETZ PARK RECREATION CENTER
6950 BELT LINE Rd.
DALLAS, TEXAS 75240

HARRY STONE RECREATION CENTER
2403 MILMAR DR.
DALLAS, TEXAS 75228

*IRVING ARTS CENTER
3333 N. MACARTHUR
IRVING, TEXAS 75061

*IRVING CITY HALL
825 W. IRVING BLVD
IRVING, TEXAS 75060

*IRVING VALLEY RANCH LIBRARY
9940 W. VALLEY RANCH PKWY
IRVING, TEXAS 75063

LAKE HIGHLANDS JR. HIGH SCHOOL
10301 KINGSLEY RD.
DALLAS, TEXAS 75238

MARTIN LUTHER KING JR COMMUNITY CENTER
CORE BUILDING
2922 MLK BLVD.
DALLAS, TEXAS 75215

MARTIN WEISS RECREATION CENTER
1111 MARTINDELL AVE.
DALLAS, TEXAS 75211

MATTIE NASH-MYRTLE DAVIS RECREATION CENTER & PARK
3710 N. HAMPTON
DALLAS, TEXAS 75212

MOUNTAIN CREEK BRANCH LIBRARY
6102 MOUNTAIN CREEK PKWY
DALLAS, TEXAS 75249

NORTH DALLAS GOVERNMENT CENTER
10056 MARSH LN.
DALLAS, TEXAS 75229

OAK CLIFF SUB-COURTHOUSE
410 S. BECKLEY
DALLAS, TEXAS 75203

PLEASANT OAKS RECREATION CENTER
8701 GREENMOUND AVE.
DALLAS, TEXAS 75227

REVERCHON RECREATION CENTER
3505 MAPLE AVE.
DALLAS, TEXAS 75219

SAMUELL-GRAND RECREATION CENTER
6200 EAST GRAND AVE.
DALLAS, TEXAS 75223

TEXAS UTILITIES ELECTRIC CENTER
7309 FRANKFORD RD.
DALLAS, Tx 75252

TOMMIE M. ALLEN RECREATION CENTER
7071 BONNIE VIEW
DALLAS, TEXAS 75241

*At these locations only early voting will be conducted on January 11,
1998 from 1pm-6pm

All requests for early voting ballots by mail that are received by participating authorities will be transported by runner on the day of receipt to the Dallas County Elections Department, 1st Floor, Records Building, 509 Main Street for processing. Persons voting by mail will send their voted ballots to the Dallas County Elections Department.

All early voting ballots will be prepared for counting by an Early Voting Ballot Board appointed in accordance with Section 87.001 of the Texas Election Code. Each participating authority will appoint one member to the board and will notify the Dallas County Elections Administrator of the person's name and address no later than December 3, 1997. The participating authorities agree to appoint Bill Abbott as presiding judge and Christine Haw as alternate judge of the early voting ballot board.

A signature verification committee will be appointed in accordance with Section 87.027 of the Texas Election Code. A list of the members of the signature verification committee will be furnished to each participating authority.

XIV. NOTICE

Whenever this agreement requires any consent, approval notice, request or demand, it must be in writing to be effective and shall be delivered to the party intended to receive it as shown below:

Revised 12/10/97

If to the Elections Administrator:

Bruce R. Sherbet
Dallas County Elections Administrator
Elections Department - First Floor
Records Building - 509 Main Street
Dallas, Texas 75202

If to the Participants:

Pamela Schmidt, (COC)
City Secretary
1945 Jackson Rd.
Carrollton, Texas 75006

Bob Sloan, (COD)
City Secretary
City Hall - 2 C-North
1500 Marilla St.
Dallas, Texas 75201

Janice Carroll, (COI)
City Secretary
825 W. Irving Blvd.
Irving, Texas 75060

Ellen Williams, (COM)
City Secretary
1515 N. Galloway, 2nd floor
Mesquite, Texas 75149

Tresa Davis, (COBS)
City Secretary
3117 Hickory Tree Road
Balch Springs, Texas 75180

RECOMMENDED FOR APPROVAL BY:

Bruce R. Sherbet, by John Poole
BRUCE R. SHERBET,
DALLAS COUNTY ELECTIONS ADMINISTRATOR

ACCEPTED AND AGREED TO BY THE CITY OF MESQUITE:

APPROVED AS TO FORM:

APPROVED:

B. J. Smith
B. J. SMITH,
CITY ATTORNEY

Mike Anderson
MIKE ANDERSON,
MAYOR

ATTEST:

Ellen Williams
ELLEN WILLIAMS,
CITY SECRETARY