



CITY COUNCIL AGENDA

CITY OF PEARLAND

SPECIAL MEETING

MONDAY, MAY 16, 2016, 6:00 P.M.

COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE
281.652.1600

I. CALL TO ORDER

II. PURPOSE OF THE MEETING:

1. **Consideration and Possible Action – Resolution No. R2016-82** – A Resolution and Order of the City Council of the City Of Pearland, Texas, canvassing the returns and declaring the results of the General Election Held in the City of Pearland, Texas, on May 7, 2016.
2. **Mayor’s issuance of Certificate of Election to Tony Carbone Councilmember Position Number One (1).**
3. **Administration of Oath of Office by Judge Letitia Farnie to Tony Carbone Councilmember Position Number One (1).**
4. **Mayor’s issuance of Certificate of Election to Greg Hill Councilmember Position Number Five (5).**
5. **Administration of Oath of Office by Judge Letitia Farnie to Greg Hill Councilmember Position Number Five (5).**
6. **Consideration and Possible Action – Resolution No. R2016-83** – A Resolution and Order of the City Council of the City of Pearland, Texas, ordering the holding of a General Runoff Election to be held on Saturday, June 18, 2016, for the purpose of electing a Councilmember to Position Number Six (6) of the City of Pearland City Council.
7. **Consideration and Possible Action – Resolution No. R2016-84** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Election Services Agreement and Contract with Brazoria County for a June 18, 2016 General Runoff Election.

III. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1840 prior to the meeting so that appropriate arrangements can be made.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: May 16, 2016	ITEM NO.: Resolution No. R2016-82
DATE SUBMITTED: May 9, 2016	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR: Young Lorfing
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Resolution No. R2016-82 - A Resolution and Order of the City Council of the City of Pearland, Texas, canvassing the returns and declaring the results of the General Election Held in the City of Pearland, Texas, on May 7, 2016.	
EXHIBITS: Resolution No. R2016-82, (Exhibit "A" Unofficial Election Results).	
EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A	AMOUNT BUDGETED: N/A PROJECT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A ACCOUNT NO.: N/A PROJECT NO.: N/A	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

The attached Resolution is canvassing the election returns and declaring the results of the General Election held on Saturday, May 7, 2016.

Resolution No. R2016-82, canvassing the votes, contains the unofficial totals. The final totals will be passed out to Council at the Special Meeting. The Early Voting Ballot Board will meet Friday, May 13 after 5:00 p.m. to review provisional ballots and qualify any overseas ballots. The totals may change slightly in the event Brazoria County accepts the *15 provisional ballots and 18 overseas ballots not included in the unofficial report attached*

RECOMMENDED ACTION

Consider and adopt Resolution No R2016-82.

Resolution No. R2016-82

A Resolution and Order of the City Council of the City of Pearland, Texas, canvassing the returns and declaring the results of the General Election Held in the City of Pearland, Texas, on May 7, 2016.

WHEREAS, there was held in the City of Pearland, Texas, on the 7th day of May, 2016, a City General Election at which the offices to be filled for Member of Council, Position Number One (1), Member of Council, Position Number Five (5) and Member of the Council, Position Number Six (6) were submitted to a vote of the duly qualified resident electors of said City.

WHEREAS, at this Special Meeting of the City Council of the City of Pearland, on May 16, 2016, after date of said election, being held for the purpose of canvassing the returns and declaring the results of the General Election held on May 7, 2016; now therefore,

BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

SECTION I.

That the election described was duly called and notice thereof given in accordance with law; that said election was held in the manner required by law; that due returns of said election have been made by the proper officers; and it appeared from said returns, duly and legally made, that there were cast at such election **2,744** valid and legal votes; and that said election resulted in the following vote totals:

FOR MEMBER OF THE COUNCIL, POSITION NUMBER ONE (1)

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Tony Carbone	2,063	75.18%

RESOLUTION NO. 2016-82

FOR MEMBER OF THE COUNCIL, POSITION NUMBER FIVE (5)

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Greg Hill	2,089	76.13%

FOR MEMBER OF THE COUNCIL, POSITION NUMBER SIX (6)

NAME OF CANDIDATE	NUMBER OF VOTES RECEIVED	PERCENTAGE
Terry Gray	282	10.45%
Trent A. Perez	898	33.28%
Monica Russo	930	34.47%
Adrienne Bell	588	21.79%

SECTION II.

The City Council of the City of Pearland, Texas, hereby officially and affirmatively declares that the results as shown above are the real and true results of the election held on May 7, 2016, within the City of Pearland, Texas, The candidate elected to serve as **Member of the Council, Position Number One (1)** is **Tony Carbone** and **Member of the Council, Position Number Five (5)** is **Greg Hill** said parties is hereby declared duly elected to said respective office, subject to taking of their Oath of Office and Statement of Elected Officers as provided by the laws of the State of Texas. The candidates for the **Member of Council, Position Number Six (6)** failed to receive a majority of all votes cast, therefore, a General Runoff Election shall be ordered by the Mayor.

SECTION III.

The following Exhibit A, (Cumulative Report) & Exhibit B (Canvass Report) are attached hereto and made a part hereof by reference.

RESOLUTION NO. 2016-82

PASSED, APPROVED, ADOPTED, and ORDERED this __ day of _____, A. D.,
2016.

ATTEST:

Tom Reid
Mayor

Young Lorfing, TRMC
City Secretary

APPROVED AS TO FORM:

Darrin M. Coker
City Attorney

**City of Pearland General Election Cumulative Report — Unofficial
Brazoria County — Joint Local Election — May 07, 2016**

Total Number of Voters : 10,984 of 166,858 = 6.58%

Number of District Voters: 2,744 of 63,584 = 4.32%

Precincts Reporting 64 of 64 = 100.00%
District Precincts Reporting 26 of 26 = 100.00%

Party	Candidate	Absentee		Early		Election		Total	
Councilmember, Position No. 1, Vote For 1									
	Tony Carbone	389	100.00%	1,196	100.00%	478	100.00%	2,063	100.00%
	Cast Votes:	389	84.75%	1,196	74.29%	478	70.81%	2,063	75.18%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	70	15.25%	414	25.71%	197	29.19%	681	24.82%
Councilmember, Position No. 5, Vote For 1									
	Greg Hill	384	100.00%	1,211	100.00%	494	100.00%	2,089	100.00%
	Cast Votes:	384	83.66%	1,211	75.22%	494	73.19%	2,089	76.13%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	75	16.34%	399	24.78%	181	26.81%	655	23.87%
Councilmember, Position No. 6, Vote For 1									
	Terry Gray	102	22.67%	126	7.95%	54	8.14%	282	10.45%
	Trent A. Perez	127	28.22%	544	34.32%	227	34.24%	898	33.28%
	Monica Russo	88	19.56%	598	37.73%	244	36.80%	930	34.47%
	Adrienne Bell	133	29.56%	317	20.00%	138	20.81%	588	21.79%
	Cast Votes:	450	98.04%	1,585	98.45%	663	98.22%	2,698	98.32%
	Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Under Votes:	9	1.96%	25	1.55%	12	1.78%	46	1.68%

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 5/16/16	ITEM NO.:
DATE SUBMITTED: 5/9/16	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR: Mayor Reid
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Issuance of Certificate of Election to Tony Carbone	
EXHIBITS: Certificate of Election for Councilmember Position No. 1 Tony Carbone.	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.:	
PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Mayor Reid will issue the Certificate of Election to Tony Carbone, Councilmember Position Number 1.

RECOMMENDED ACTION

Presentation of Certificate of Election by Mayor Reid.



Certificate of Election

IN THE NAME AND BY THE AUTHORITY OF THE
CITY OF PEARLAND, TEXAS

THIS IS TO CERTIFY, That at a general election held on
7th day of May, A.D., 2016

Tony Carbone

was duly elected

Councilmember Position No. 1

In testimony whereof, I have hereunto signed my name and caused the seal of
the City of Pearland, Texas to be affixed, this the 16th day of May A.D., 2016.

Seal

Tom Reid
Mayor

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 5/16/16	ITEM NO.:
DATE SUBMITTED: 5/9/16	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR:
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Administration of the Oath of Office.	
EXHIBITS: Statement of Elected Official and Oath of office	
EXPENDITURE REQUIRED:	AMOUNT BUDGETED:
AMOUNT AVAILABLE:	PROJECT NO.:
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	
ACCOUNT NO.:	
PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Article XVI, § 1, Texas Constitution, prescribes a written statement that all officers must sign and receive the Oath of Office before they enter upon the duties of their offices. The Statement and Oath are required of all elected and appointed city officers, both in general law cities and in home rule cities. The Statement and Oath is filed in the City Secretary's Office.

RECOMMENDED ACTION

Each newly elected officer will read and sign the Statement of Elected Official. Judge Letitia Farnie will administer the Oath of Office to Tony Carbone, Councilmember Position No. 1.

STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I Tony Carbone, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

May 16, 2016

Date

Tony Carbone

Councilmember Pos. 1

Position to Which Elected

Pearland, Texas

City

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, **Tony Carbone**, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of **Councilmember Position Number One (1)**, for the City of Pearland, of the State of Texas, and will to the best of my ability to preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Tony Carbone

SWORN TO and Subscribed before me by Tony Carbone on this **16th** day of **May, 2016**.

Judge Letitia Farnie

SEAL

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 5/16/16	ITEM NO.:
DATE SUBMITTED: 5/9/16	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR: Mayor Reid
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Issuance of Certificate of Election to Greg Hill	
EXHIBITS: Certificate of Election for Councilmember Position No. 5 Greg Hill.	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department: <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Mayor Reid will issue the Certificate of Election to Greg Hill, Councilmember Position Number 5.

RECOMMENDED ACTION

Presentation of Certificate of Election by Mayor Reid.



Certificate of Election

IN THE NAME AND BY THE AUTHORITY OF THE
CITY OF PEARLAND, TEXAS

THIS IS TO CERTIFY, That at a general election held on
7th day of May, A.D., 2016

Greg Hill

was duly elected

Councilmember Position No. 5

In testimony whereof, I have hereunto signed my name and caused the seal of
the City of Pearland, Texas to be affixed, this the 16th day of May A.D., 2016.

Seal

Tom Reid
Mayor

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 5/16/16	ITEM NO.:
DATE SUBMITTED: 5/9/16	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR:
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Administration of the Oath of Office.	
EXHIBITS: Statement of Elected Official and Oath of office.	
EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.:	AMOUNT BUDGETED: PROJECT NO.:
ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance <input type="checkbox"/> Legal <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

EXECUTIVE SUMMARY

Article XVI, § 1, Texas Constitution, prescribes a written statement that all officers must sign and receive the Oath of Office before they enter upon the duties of their offices. The Statement and Oath are required of all elected and appointed city officers, both in general law cities and in home rule cities. The Statement and Oath is filed in the City Secretary's Office.

RECOMMENDED ACTION

Each newly elected officer will read and sign the Statement of Elected Official. Judge Letitia Farnie will administer the Oath of Office to Greg Hill, Councilmember Position No. 5.

STATEMENT OF ELECTED/APPOINTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I Greg Hill, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

May 16, 2016

Date

Greg Hill

Councilmember Pos. 5
Position to Which Elected

Pearland, Texas
City

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, **Greg Hill**, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of **Councilmember Position Number Five (5)**, for the City of Pearland, of the State of Texas, and will to the best of my ability to preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Greg Hill

SWORN TO and Subscribed before me by Greg Hill on this **16th** day of **May, 2016**.

Judge Letitia Farnie

SEAL

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 5/16/2016	ITEM NO.: Resolution No. R2016-83
DATE SUBMITTED: 5/9/2015	DEPARTMENT OF ORIGIN: City Secretary
PREPARED BY: Young Lorfing	PRESENTOR: Young Lorfing
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016
SUBJECT: Resolution No. R2016-83- A Resolution and Order of the City Council of the City of Pearland, Texas, ordering the holding of a General Runoff Election to be held on Saturday, June 18, 2016, for the purpose of electing a Councilmember to Position Number Six (6) of the City of Pearland City Council.	
EXHIBITS: Mayor's Certification of Candidates for Runoff Election, estimated cost for June 18, 2016 Runoff Election, Candidates/Election Calendar, Resolution No. R2016-83, (Exhibit "A" Election Day Precincts and Polling Places Exhibit "B" Early Voting Polling Places to be available before the meeting),	
EXPENDITURE REQUIRED: \$25,968.90 Estimate AMOUNT BUDGETED: 0	
AMOUNT AVAILABLE: 0	PROJECT NO.: N/A
ACCOUNT NO.: 100-115-100.5420.225	
ADDITIONAL APPROPRIATION REQUIRED: \$25,968.90 Estimate; from General Fund Contingency	
ACCOUNT NO.: 100-150-100.5500.190	
PROJECT NO.: N/A	
To be completed by Department:	
<input type="checkbox"/> Finance	<input type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution

EXECUTIVE SUMMARY

City Charter Section 5.06, Election by majority. If a candidate for office does not receive a majority of all votes cast the Mayor shall order a runoff election. The two (2) candidates who receive the largest number of votes cast for a particular office requires a runoff election. The candidate receiving the largest number of votes in the runoff election shall be declared elected. The two candidates receiving the largest number of votes cast in the May 7, 2016 General Election:

<u>Name</u>	<u>Number of Votes</u>	<u>Percentage</u>
Monica Russo	930	34.47%
Trent A. Perez	898	33.28%

The General Runoff Election is scheduled for Saturday, June 18, 2016. The purpose of said election is to elect a Councilmember Position Number Six (6) of the City Council.

The Early Voting locations are the same locations used for the May 7, 2016 Election.

On Election Day the same Vote Centers will be used with the **exception of one** which is the Silverlake Recreation Center. This location cannot be used in a City only election because it is outside the city limits.

The estimated cost for this Runoff Election is estimated to \$25,968.90. The difference from the May Election is the cost cannot be divided by other entities since the Runoff Election is only for the City of Pearland.

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

Pearland East Branch Location	Tom Reid (Pearland) Library 3522 Liberty Drive, Pearland
Pearland West Branch Location	Westside Event Center 2150 Countryplace Pkwy., Pearland
Pearland Shadow Creek Location	Pearland Westside Library 2803 Business Center Drive #101, Pearland

Personal Appearance Times and Dates for Above Locations:

June 6 - June 10.....	8 am – 5 pm
June 11.....	7 am – 7 pm
June 13-14.....	7 am – 7 pm

On Election Day, the City will open the same Votes Centers as on May 7, 2016 with the exception of Silverlake Recreation Center which is outside the City limits and cannot be used for a City only election.

Brazoria County Election Day Vote Centers

Drainage District # 4 Building	4813 W. Broadway	Pearland
Turner High School	4717 Bailey Rd.	Pearland
Westside Event Center	2150 Countryplace Pkwy.	Pearland
Tom Reid (Pearland) Library	3522 Liberty Dr.	Pearland
Fellowship Bible Church	1720 E. Broadway	Pearland
Pearland Westside Library	2803 Business Center Dr. #101	Pearland

RECOMMENDED ACTION

Consider and adopt Resolution No. R2016-83



To: Young Lorfing, City Secretary

Certification of Runoff Candidates

I hereby certify that the office title and names of candidates to be placed on the ballot for the General Runoff Election to be held on Saturday, June 18, 2016.

Councilmember, Position Number Six (6)

Monica Russo
Trent A. Perez

Dated this 16th day of May, 2016

Tom Reid, Mayor

June 18, 2016 ELECTIONS

ESTIMATED COST FOR CITY OF PEARLAND

		CHARGE
Programming	\$300.00	
Tabulations	\$150.00	
Estimated Overtime	\$0.00	
Subtotal	\$450.00	
Election Service Fee (10%)	\$45.00	
Subtotal for Other Charges	\$495.00	\$495.00
Pct. Number	Pct. Cost	
Pct.12	\$1,829.30	
Pct. 13	\$1,829.30	
Pct. 29	\$1,829.30	
Pct. 46	\$1,829.30	
Pct. 52	\$1,829.30	
Pct. 67	\$1,829.30	
Early Voting		
East Pearland - Tom Reid Library	\$4,504.50	
Shadowcreek-Pearland Westside Library	\$4,504.50	
West Pearland- Westside Event Center	\$4,504.50	
Total for Voting Locations	\$24,489.30	\$24,489.30
Mailing Ballots cost	\$873.60	\$873.60
Ballot Board cost	\$606.00	\$606.00
TOTAL COST	\$25,968.90	\$25,968.90
Down Payment Due		\$12,984.45

**CITY OF PEARLAND
GENERAL RUNOFF ELECTION CALENDAR
JUNE 18, 2016**

- May 16, 2016 –** Call General Runoff Election.
- May 16, 2016 –** City Secretary conducts drawing for order of names on ballot in the Council Chambers at 6:15 p.m.
- June 6, 2016 –** First day for Early Voting by personal appearance.

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

Pearland East Branch Location	Tom Reid (Pearland) Library 3522 Liberty Drive, Pearland
Pearland West Branch Location	Westside Event Center 2150 Countryplace Pkwy., Pearland
Pearland Shadow Creek Location	Pearland Westside Library 2803 Business Center Drive #101, Pearland

Personal Appearance Times and Dates for Above Locations:

Monday, June 6 – Friday, June 10	8:00 a.m. to 5:00 p.m.
Saturday, June 11.....	7:00 a.m. to 7:00 p.m.
Monday, June 13 – Tuesday, June 14	7:00 a.m. to 7:00 p.m.

EARLY VOTING BY MAIL:

Applications for voting by mail should be mailed no later than the close of business (5:00 p.m.) on June 7, 2016.

Applications should be mailed to:
JOYCE HUDMAN, COUNTY CLERK
111 E. LOCUST, SUITE 200
ANGLETON, TX 77515-4654

REASONS FOR BEING QUALIFIED TO VOTE BY MAIL ARE:

- 65 years of age or older;
- Confinement in jail;
- Disability;
- Absence from the county on Election Day and absence during the Early Voting period.

- June 7, 2016 –** Last day for Brazoria County to receive applications by mail for early voting ballots to be Voted by mail.
- June 10, 2016 –** Due date for filing runoff report 8th day before election report of campaign contributions and expenditures. 5:00 p.m.
- June 14, 2016 –** Last day for Regular Early Voting by personal appearance.
- June 18, 2016 –** Election Day 7:00 a.m. to 7:00 p.m.

Brazoria County Election Day Vote Centers

Drainage District # 4 Building	4813 W. Broadway	Pearland
Turner High School	4717 Bailey Rd.	Pearland
Westside Event Center	2150 Countryplace Pkwy.	Pearland
Tom Reid (Pearland) Library	3522 Liberty Dr.	Pearland
Fellowship Bible Church	1720 E. Broadway	Pearland
Pearland Westside Library	2803 Business Center Dr. #101	Pearland

- June 27, 2016 –** **OFFICIAL CANVASS BY CITY COUNCIL, 6:00 p.m.** Mayor issues **CERTIFICATE OF ELECTION** to person elected.
- July 15, 2016 –** Due date for filing semiannual report of campaign contributions for all candidates and officeholders. **5:00 p.m.**
- January 15, 2017 –** Due date for filing semiannual report of campaign contributions for all candidates and officeholders. **5:00 p.m.**

Resolution No. R2016-83

A Resolution and Order of the City Council of the City of Pearland, Texas, ordering the holding of a General Runoff Election to be held on Saturday, June 18, 2016, for the purpose of electing a Councilmember to Position Number Six (6) of the City of Pearland City Council.

WHEREAS, the City Council (the "City Council") of the City of Pearland, Texas (the "City") is authorized and has determined to call a General Runoff Election to be held on Saturday, June 18, 2016, for the purpose of electing a Councilmember to Position Number Six (6) of the City Council;

WHEREAS, the City Council wishes to proceed with the ordering of such General Runoff Election and the City Council has determined that holding such elections is in the public interest;

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

Section 1. Call of Election; Date; Eligible Electors and Hours.

(a) It is hereby ordered that a General Runoff Election (the "General Runoff Election") be held in and throughout the City on Saturday, June 18, 2016, between the hours of 7:00 o'clock a.m. and 7:00 o'clock p.m. at which General Runoff Election all resident, qualified electors of the City shall be entitled to vote for a Councilmember to Position Number Six (6).

(b) The General Runoff Election shall be held under the provisions of the Charter of the City, the Constitution and laws of the State of Texas and of this Resolution. All qualified voters residing in the City shall be allowed to vote at the Election; and each voter shall vote at any Vote Center within the City of Pearland.

Section 2. Election Precincts; Polling Places; Election Officers.

(a) The election precincts for the Election shall include the county election precincts, the polling places are hereby established and shall be as described in **Exhibit "A"** hereto.

(b) The election officials for each City precinct shall be designated by the County Clerk of Brazoria County, Texas (the "Elections Administrator"); and such officials shall conduct the City's Election in accordance with a Joint Election Agreement and Contract for Election Services (the "Election Contract") between Brazoria County, Texas and the City. The Elections Administrator is hereby authorized and instructed to provide and furnish all necessary election supplies for all City precincts. The official mailing address

for Elections Administrator, Joyce Hudman, County Clerk, 111 East Locust, Suite 200, Angleton, Texas 77515. The physical address of the Elections Administrator is Brazoria County East Annex Building, 1524 E. Mulberry, Suite 145, Angleton, Texas 77515.

(d) In the event the Election Administrator or Mayor shall find that one or more of the polling places listed on **Exhibit "A"** have become unavailable or unsuitable for use at the Elections or if any person or persons appointed herein do not appear or are unable to perform their duties, the Election Administrator or Mayor is hereby authorized to designate substitute polling places and appoint substitute personnel, giving such notice as they deems appropriate.

Section 3. Ballots. The City Secretary and the Election Administrator are hereby authorized and directed to prepare the ballots for the General Runoff Election in accordance with the provisions of the Texas Election Code. The ballots to be used in the General Runoff Election shall have printed thereon the name of the candidates for Councilmember Position Number Six (6) of the City Council.

Section 4. Voting. Voting in the Election, including early voting by personal appearance shall be by an electronic voting system adopted by the City and the Commissioners Court of Brazoria County, Texas for use in elections held by the City and Brazoria County. Each voter in the General Runoff Election shall mark the ballot indicating such voter's choice of candidate for Councilmember Position Number Six (6) of the City Council. Voting shall be conducted in accordance with the Texas Election Code.

Section 5. Early Voting. Early voting by personal appearance shall be conducted at the dates, times and polling places listed in **Exhibit "B"** to this Resolution.

The Council hereby appoints the Elections Administrator as the early voting clerk. The Elections Administrator shall receive applications for a ballot to be voted by mail. The mailing address to which ballot applications and ballots voted by mail may be sent is as follows: Joyce Hudman, County Clerk, 111 East Locust, Suite 200, Angleton, Texas 77515-4654. Applications for ballots by mail may be received and no later than 5:00 p.m. on June 7, 2016.

The County will appoint the Counting Station Judge, Tabulation Supervisor and the Presiding Judge of the Early Voting Ballot Board to count and return early voting ballots in accordance with the Election Code. The presiding judge shall appoint election clerks as needed, and such judge and clerks shall constitute the early voting ballot board and shall perform the duties set forth for such board in the Texas Election Code.

Section 6. Notice of Elections. Notice of the Elections, in English and Spanish, stating in substance the contents of this Resolution, shall be: (i) published one time in a newspaper of Special circulation within the City's territory not earlier than the thirtieth (30th) day or later than the tenth (10th) day before the Election; (ii) posted on the bulletin board used by the Council to post notices of the Council's meetings no later than the

fifteenth (15th) day before the date of the Elections; and (iii) posted, not later than the fifteenth (15th) day before the date of the Elections, in three (3) public places within the City and at City Hall.

Section 7. Declaring Results. City Council shall canvass the returns and declare the results of the Elections.

At the General Runoff Election, the candidate for the office who has received a majority of all votes cast for each particular office shall be declared elected.

Section 8. Notice of Meeting. It is further found and determined that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 9. Authority of the Mayor. The Mayor shall have the authority to take, or cause to be taken, all actions reasonable and necessary to insure that the Elections are fairly held and returns properly counted and tabulated for the canvass of the Elections returns by the City Council in accordance with state law.

Section 10. Effective Date. This Resolution is effective immediately upon its passage and approval.

PASSED, APPROVED, ADOPTED and ORDERED this the ___ day of ____, A. D., 2016.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

EXHIBIT A

Brazoria County Election Day Vote Centers

Drainage District # 4 Building	4813 W. Broadway	Pearland
Turner High School	4717 Bailey Rd.	Pearland
Westside Event Center	2150 Countryplace Pkwy.	Pearland
Tom Reid (Pearland) Library	3522 Liberty Dr.	Pearland
Fellowship Bible Church	1720 E. Broadway	Pearland
Pearland Westside Library	2803 Business Center Dr. #101	Pearland

On Election Day, the City will open the same Votes Centers as on May 7, 2016 with the exception of Silverlake Recreation Center which is outside the City limits and cannot be used for a City only election.

EXHIBIT B

EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:

Pearland East Branch Location	Tom Reid (Pearland) Library 3522 Liberty Drive, Pearland
Pearland West Branch Location	Westside Event Center 2150 Countryplace Pkwy., Pearland
Pearland Shadow Creek Location	Pearland Westside Library 2803 Business Center Drive #101, Pearland

Personal Appearance Times and Dates for Above Locations:

Monday, June 6 – Friday, June 10.....	8:00 a.m. to 5:00 p.m.
Saturday, June 11	7:00 a.m. to 7:00 p.m.
Monday, June 13 – Tuesday, June 14	7:00 a.m. to 7:00 p.m.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: May 16, 2016	ITEM NO.: Resolution No. R2016-84				
DATE SUBMITTED: May 9, 2015	DEPT. OF ORIGIN: City Secretary's Office				
PREPARED BY: Young Lorfing	PRESENTOR: Young Lorfing				
REVIEWED BY: Jon R. Branson	REVIEW DATE: May 10, 2016				
SUBJECT: Resolution No. R2016-84 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Election Services Agreement and Contract with Brazoria County for a June 18, 2016 General Runoff Election.					
EXHIBITS: Resolution R2016-84, Exhibit "A" Contract and Agreement, Cost Estimate					
FUNDING: <input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold					
EXPENDITURE REQUIRED: \$25,968.90 (est.) AMOUNT BUDGETED: 0 AMOUNT AVAILABLE: 0 PROJECT NO.: ACCOUNT NO.: 100-115-100.5420.225 ADDITIONAL APPROPRIATION REQUIRED: \$25,968.90 Estimate; from General Fund Contingency ACCOUNT NO.: 100-150-100.5500.190 PROJECT NO.:					
To be completed by Department: <table style="width: 100%; text-align: center;"> <tr> <td style="width: 25%;">Finance</td> <td style="width: 25%;">Legal</td> <td style="width: 25%;">Ordinance</td> <td style="width: 25%;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution
Finance	Legal	Ordinance	Resolution		

EXECUTIVE SUMMARY

BACKGROUND

This contract is for election services for June 18, 2016 General Runoff Election for Councilmember Position No. 6. This contract is the same as used in previous elections and approved by the Legal Department. The contract requires a \$12,984.45 deposit.

According to the Election Code Sec. 31-096, local entities have nontransferable functions. An election services contract may not change:

- (1) the authority with whom applications of candidates for a place on the ballot are filed;

- (2) the authority with whom documents are filed under Title 15; or
- (3) the authority to serve as custodian of voted ballots or other election records, except that a contract with a political subdivision other than a city may provide that the county election officer will be the custodian of voted ballots.

The Brazoria County Agreement provides in Section XII the County Clerk is appointed general custodian of voted ballots and all records of the Election.

The other duties as required by the Election Code will be conducted by the City Secretary's Office.

The amount of the proposed cost of this election is an estimate. It may increase or decrease depending on the final total after the election.

RECOMMENDED ACTION

Consider Resolution No. R2016-84 and approve the contract to authorize Brazoria County to conduct the June 18, 2016 General Runoff Election.

Resolution No. R2016-84

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Election Services Agreement and Contract with Brazoria County for a June 18, 2016 General Runoff Election.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That certain election services agreement by and between the City of Pearland and Brazoria County, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest an election services agreement with Brazoria County.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2016.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

June 18, 2016 ELECTIONS

ESTIMATED COST FOR CITY OF PEARLAND

		CHARGE
Programming	\$300.00	
Tabulations	\$150.00	
Estimated Overtime	\$0.00	
Subtotal	\$450.00	
Election Service Fee (10%)	\$45.00	
Subtotal for Other Charges	\$495.00	\$495.00
Pct. Number	Pct. Cost	
Pct.12	\$1,829.30	
Pct. 13	\$1,829.30	
Pct. 29	\$1,829.30	
Pct. 46	\$1,829.30	
Pct. 52	\$1,829.30	
Pct. 67	\$1,829.30	
Early Voting		
East Pearland - Tom Reid Library	\$4,504.50	
Shadowcreek-Pearland Westside Library	\$4,504.50	
West Pearland- Westside Event Center	\$4,504.50	
Total for Voting Locations	\$24,489.30	\$24,489.30
Mailing Ballots cost	\$873.60	\$873.60
Ballot Board cost	\$606.00	\$606.00
TOTAL COST	\$25,968.90	\$25,968.90
Down Payment Due		\$12,984.45

JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS CONTRACT by and between CITY OF PEARLAND, acting by and through the governing body of hereinafter referred to as "Political Subdivision", and Joyce Hudman, County Clerk of Brazoria County, Texas, hereinafter referred to as "County Clerk", and by authority of section 31.092(a), Texas Election Code, for the conduct and supervision of the Political Subdivisions election to be held on June 18, 2016.

RECITALS

Political Subdivision is holding a Municipal Election (at the expense of Political Subdivision) on June 18, 2016

The County owns an electronic voting system, the Hart InterCivic eSlate Voting System (Version 6.1), which has been duly approved by the Secretary of State pursuant to Texas Election Code Chapter 122 as amended, and is compliant with the accessibility requirements set forth by Texas Election Code Section 61.012. Political Subdivision desires to use the County's electronic voting system and to compensate the County for such use and to share in certain other expenses connected with joint elections in accordance with the applicable provisions of Chapters 31 and 271 of the Texas Election Code, as amended.

NOW THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, IT IS AGREED as follows:

I. ADMINISTRATION

The parties agree to hold a "Joint Election" in accordance with Chapter 271 of the Texas Election Code and this agreement. The County Clerk of Brazoria County shall coordinate, supervise, and handle all aspects of administering the Joint Election as provided in this agreement. Political Subdivision agrees to pay Brazoria County for equipment, supplies, services, and administrative costs as provided in this agreement. The County Clerk shall serve as the administrator for the Joint Election; however, the Political Subdivision shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its election. The County Clerk shall provide advisory services in connection with decisions to be made and actions to be taken by the officers of the Political Subdivision.

It is understood that other political subdivisions may wish to participate in the use of the County's electronic voting system and polling places, and it is agreed that Brazoria County and the County Clerk may enter into other joint election agreements and contracts for election services for those purposes on terms and conditions generally similar to those set forth in this contract. Political Subdivision agrees that Brazoria County may enter into joint election agreements with other political subdivisions that may have territory located partially or wholly within the boundaries of Political Subdivision, and in such case all parties sharing common territory shall share a joint ballot

on the county's electronic voting system at the applicable polling places. In such cases, costs shall be divided among the participants.

At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap.

II. LEGAL DOCUMENTS

Political Subdivision shall be responsible for the preparation, adoption, and publication of all required election orders, resolutions, notices, and any other pertinent documents required by the Texas Election Code and/or Political Subdivision's governing body, charter, or ordinances. With reference to publications, the "County Clerk" will publish the "Notice of Test of Automatic Tabulating Equipment" and the "Notice of Election". If a Political Subdivision is holding any type Special Election, the Political Subdivision may have to publish their own "Notice of Election" in order to meet additional requirements. Please advise the Brazoria County Election's Office if your Political Subdivision must print a separate notice so we do not include your Political Subdivision in the Notice published by our office.

Preparation of the necessary materials for notices and the official ballot shall be the responsibility of each participating authority, including translation to languages other than English. Each participating authority shall provide a copy of their respective election orders and notices to the County Clerk's Election Department.

It is currently unclear whether the preclearance section of the Voting Rights Act of 1965, as amended, applies and whether preclearance is required. If it is determined that preclearance is required, the County Clerk's Election Department, with the assistance of the Brazoria County District Attorney's Office, shall prepare a submission to the United States Department of Justice for preclearance of the joint election procedures and polling places, pursuant to the Voting Rights Act of 1965, as amended. If preclearance is required, each Political Subdivision shall provide necessary documentation for preclearance and this submission to the Department of Justice shall be made on behalf of all political subdivisions participating in joint elections on June 18, 2016 .

III. STATUTORY COMPLIANCE

Political subdivisions shall follow all applicable State and Federal laws related to Elections including but not limited to Sec. 52.072 of the Election Code, which states, "a proposition on the ballot shall be printed on the ballot in the form of a single statement". **Failure to do so may prohibit the political subdivision's participation in a Joint Election.**

IV. VOTING LOCATIONS

The County Clerk's Election Office shall select and arrange for the use of and payment for all Election Day voting locations. Voting locations will be, whenever possible, the usual voting location for each election precinct in elections conducted by the county. The proposed voting locations are listed in Attachment A of this agreement. In the event a voting location is not available, the Elections Department will arrange for use of an alternate location with the approval of the Political Subdivision. The Elections Department shall notify the Political Subdivision of any changes from the locations listed in Attachment A.

If polling places for the June 18, 2016 joint election are different from the polling place(s) used by Political Subdivision in its most recent election, Political Subdivision agrees to post a notice no later than June 18, 2016 at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and stating the political subdivision's polling place names and addresses in effect for the June 18, 2016 election. Any changes in voting location from those that were used in the May 7, 2016 JOINT elections will be posted by the County Clerk's Election Office.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

Brazoria County shall be responsible for the appointment of the presiding judge and alternate judge for each polling location in accordance with Chapter 32 of the Texas Election Code. The County Clerk shall make emergency appointments of election officials if necessary. Upon request by the County Clerk, Political Subdivision agrees to assist in recruiting polling place officials who are bilingual (fluent in both English and Spanish).

The Elections Department shall notify 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 County Clerk shall arrange for the training and compensation of all election judges and clerks. The Elections Department shall arrange for the date, time, and place for presiding election judges to pick up their election supplies. Each presiding election judge will be sent a letter from the Elections Department notifying him of his appointment, the time and location of training and distribution of election supplies, and the number of election clerks that the presiding judge may appoint.

Each election judge will receive compensation at an hourly rate of \$12.00. Each election clerk will receive compensation at an hourly rate of \$10.00. The election judge will receive an additional sum of \$25.00 for picking up the election supplies prior to Election Day and for returning the supplies and equipment to the central counting station after the polls close. All judges and clerks will receive \$30.00 for attending training.

It is agreed by all parties that at all times and for all purposes hereunder, all election judges, clerks, and all other personnel involved in this election are temporary part-time employees subject only to those benefits available to such employees.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Department shall arrange for all election supplies and voting equipment including, but not limited to official ballots, sample ballots, voter registration lists, and all forms, signs and other materials used by the election judges at the voting locations. At each polling location, joint participants shall share voting equipment and supplies to the extent possible. The participating parties shall share a mutual ballot in those precincts where jurisdictions overlap. However, in no instance shall a voter be permitted to receive a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. Multiple ballot styles shall be available in those shared polling places where jurisdictions do not overlap. The Elections Department shall provide the necessary voter registration information, instructions, and other information needed to enable the election judges in the voting locations that have more than one ballot style to conduct a proper election. If special maps are needed for a particular Political Subdivision, the Election Department will order the maps and pass that charge on to that particular Political Subdivision.

Political Subdivision shall furnish the County Clerk a list of candidates and/or propositions showing the order and the exact manner in which the candidate names and/or proposition(s) are to appear on the official ballot (including titles and text in each language in which the authority's ballot is to be printed). This list shall be delivered to the Elections Department as soon as possible after ballot positions have been determined by each of the participating authorities. Each participating authority shall be responsible for proofreading and approving the ballot insofar as it pertains to that authority's candidates and/or propositions.

VII. EARLY VOTING

The participating authorities agree to conduct joint early voting and to appoint the County Clerk as the Early Voting Clerk in accordance with Sections 31.097 and 271.006 of the Texas Election Code. Political Subdivision agrees to appoint the County Clerk's permanent county employees as deputy early voting clerks. The participating authorities further agree that each Early Voting Location will have an "Officer in Charge" that will receive compensation at an hourly rate of \$12.00. The clerks at each location will receive compensation at an hourly rate of \$10.00. Early Voting by personal appearance will be held at the locations, dates, and times listed in Attachment "B" of this document. Any qualified voter of the Joint Election may vote early by personal appearance at any one of the joint early voting locations.

As Early Voting Clerk, the County Clerk shall receive applications for early voting ballots to be voted by mail in accordance with Chapters 31 and 86 of the Texas Election Code. Any requests for early voting ballots to be voted by mail received by the Political Subdivision shall be forwarded immediately by fax or courier to the Elections Department for processing.

The Elections Department shall, upon request, provide the Political Subdivision a copy of the early voting report on a daily basis and a cumulative final early voting report following the election.

VIII. EARLY VOTING BALLOT BOARD

Brazoria County shall appoint an Early Voting Ballot Board (EVBB) to process early voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Department, shall appoint two or more additional members to constitute the EVBB. The Elections Department shall determine the number of EVBB members required to efficiently process the early voting ballots.

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS

The County Clerk shall 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:

Counting Station Manager:	Janice Evans
Alternate Counting Station Manager:	Brandy Pena
Tabulation Supervisor:	Susan Cunningham
Alternate Tabulation Supervisor:	Brandy Pena
Presiding Judge:	Amanda Little
Alternate Presiding Judge:	Dottie Cornett

The Elections Department will prepare the unofficial canvass reports after all precincts have been counted, and will deliver a copy of the unofficial canvass to the Political Subdivision as soon as possible after all returns have been tabulated. All participating authorities shall be responsible for the official canvass of their respective elections.

The Elections Department shall be responsible for conducting the post-election manual recount required by Section 127.201 of 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 each participating authority and the Secretary of State's Office.

The Elections Department shall submit all Political Subdivision's precinct by precinct returns to the Texas Secretary of State's Office electronically.

The Elections Department shall post all election night results to our website on election night. <http://www.Brazoriacountyvotes.com>.

X. ELECTION EXPENSES AND ALLOCATION OF COSTS

All expenses for early voting and Election Day will be paid by City of Pearland. It is agreed that the normal rental rate charged for the County's voting equipment used on Election Day shall be charged.

Costs for Early Voting by Personal Appearance will be paid by City of Pearland. .

XI. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Political Subdivision may withdraw from this agreement and the Joint Election should it cancel its election in accordance with Sections 2.051 - 2.053 of the Texas Election Code, or should it be later ruled that the election is not needed. Political Subdivision is fully liable for any expenses incurred by Brazoria County on behalf of Political Subdivision. Any monies deposited with the county by the withdrawing authority shall be refunded, minus the aforementioned expenses.

XII. RECORDS OF THE ELECTION

The County Clerk is hereby appointed general custodian of the 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 shall be available to each participating authority as well as to the public in accordance with applicable provisions of the Texas Election Code and the Texas Public Information Act. The election records shall be stored at the offices of the County Clerk or at an alternate facility used for storage of county records. The Elections Department shall ensure that the records are maintained in an orderly manner so that the records are clearly identifiable and retrievable.

Records of the election shall be retained and disposed of in accordance with the provisions of Section 66.058 of the Texas Election Code. If records of the election are involved in any pending election contest, investigation, litigation, or open records request, the County Clerk shall maintain the records until final resolution or until final judgment, whichever is applicable. It is the responsibility of each participating authority to bring to the attention of the County Clerk any notice of pending election contest, investigation, litigation or open records request which may be filed with the participating authority.

XIII. RECOUNTS

A recount may be obtained as provided by Title 13 of the Texas Election Code. Political Subdivision agrees that any recount shall take place at the offices of the County Clerk, and that the County Clerk shall serve as Recount Supervisor and the Political Subdivision's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

The Elections Department agrees to provide advisory services to the District as necessary to conduct a proper recount and cost of the recount depends on the size of the election and number of precincts to be recounted.

XIV. MISCELLANEOUS PROVISIONS

1. It is understood that to the extent space is available, that other districts and political subdivisions may wish to participate in the use of the County's election equipment and voting places, and it is agreed that the County Clerk may contract with such other districts or political

subdivisions for such purposes and that in such event there may be an adjustment of the pro-rata share to be paid to the County by the participating authorities.

2. The County clerk shall file copies of this document with the Brazoria County Treasurer and the Brazoria County Auditor in accordance with Section 31.099 of the Texas Election Code.

3. In the event that legal action is filed contesting Political Subdivision's election under Title 14 of the Texas Election Code, Political Subdivision shall choose and provide, at its own expense, legal counsel for the County, the County Clerk, and additional election personnel as necessary.

4. Nothing in this contract prevents any party from taking appropriate legal action against any other party and/or other election personnel for a breach of this contract or a violation of the Texas Election Code.

5. The parties agree that under the Constitution and laws of the State of Texas, neither Brazoria County nor Political Subdivision can enter into an agreement whereby either party agrees to indemnify or hold harmless another party; therefore, all references of any kind, if any, to indemnifying or holding or saving harmless for any reason are hereby deleted.

6. This agreement shall be construed under and in accord with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazoria County, Texas.

7. In the event of one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

8. All parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.

9. The waiver by any party of a breach of any provision of this agreement shall not operate as or be construed as a waiver of any subsequent breach.

10. Any amendments of this agreement shall be of no effect unless in writing and signed by all parties hereto.

XV. COST ESTIMATES AND DEPOSIT OF FUNDS

It is estimated that Political Subdivision's obligation under the terms of this agreement shall be DETERMINED AFTER THE ELECTION. Political Subdivision agrees to pay to Brazoria County a deposit of \$12,984.45. This deposit shall be paid to Brazoria County within 10 days after the election has been ordered. The exact amount of the Political Subdivision's obligation under the terms of this agreement shall be calculated after the June 18, 2016 election and if the amount of the Political Subdivision's obligation exceeds the amount deposited, the Political Subdivision shall pay to Brazoria County the balance due within thirty (30) days after receipt of the final invoice from the County Clerk's Election Department. However, if the amount of

the Political Subdivision's obligation is less than the amount deposited, Brazoria County shall refund to the Political Subdivision the excess amount paid within thirty (30) days after final costs are calculated.

IN TESTIMONY HEREOF, this agreement, its multiple originals all of equal force, has been executed on behalf of the parties hereto as follows, to-wit:

(1) It has on the _____ day of _____, 2016 been executed on behalf of Brazoria County by the County Judge or the County Clerk pursuant to the Texas Election Code so authorizing;

(2) It has on the _____ day of _____, 2016 been executed on behalf of the Political Subdivision by its Presiding Officer or authorized representative, pursuant to an action of the Political Subdivision so authorizing;

BRAZORIA COUNTY

By _____
Joyce Hudman, County Clerk

ATTEST:

POLITICAL SUBDIVISION

_____ By _____
Presiding Officer or Authorized Representative
CITY OF PEARLAND

Attachment "A"
VOTE CENTERS- JUNE 18, 2016
CITY OF PEARLAND RUNOFF ELECTION

Election Day Voting Locations

Drainage District # 4 Building	4813 W. Broadway	Pearland
Turner High School	4717 Bailey Rd.	Pearland
Westside Event Center	2150 Countryplace Pkwy.	Pearland
Tom Reid (Pearland) Library	3522 Liberty Dr.	Pearland
Fellowship Bible Church	1720 E. Broadway	Pearland
Pearland Westside Library	2803 Business Center Dr. #101	Pearland

Attachment "B"

**VOTE CENTERS- JUNE 18, 2016
CITY OF PEARLAND RUNOFF ELECTION**

Early Voting Locations

Pearland East Branch Location	Tom Reid (Pearland) Library 3522 Liberty Drive, Pearland
Pearland West Branch Location	Westside Event Center 2150 Countryplace Pkwy., Pearland
Pearland Shadow Creek Location	Pearland Westside Library 2803 Business Center Drive #101, Pearland