

RESOLUTION NO. 23-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSON CITY, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 6, 2023 FOR THE PURPOSE OF ELECTING ONE (1) MAYOR AND TWO (2) COUNCIL MEMBERS FOR TWO-YEAR TERMS; PROVIDING FOR EARLY VOTING AND FOR NOTICE OF THE ELECTION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION; INCORPORATING A CONTRACT FOR ELECTION SERVICES WITH BLANCO COUNTY, TEXAS; AND RESOLVING OTHER MATTERS RELATED TO SUCH ELECTION.

WHEREAS, Section 22.003 of the Texas Local Government Code and State Law provide that a General Election shall be held annually for the election of City Officers; and

WHEREAS, State Law provides that Section 3.001 of the Election Code of the State of Texas is applicable to said election, and, in order to comply with said Code, an order should be passed ordering said election, establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City desires to conduct a joint general election with Blanco County, Texas, as provided for by Texas Election Code Ann. Section 271.002; and

WHEREAS, the City finds and declares that a joint general election promotes an important public purpose by providing for an efficient, effective, and convenient means of voting for its citizens.

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

SECTION ONE. ORDER OF ELECTION. Joint general election with Blanco County, Texas is hereby ordered to be held on Saturday, May 6, 2023 from 7:00 a.m. to 7:00 p.m. in the City of Johnson City, Texas for the purpose of electing one (1) Mayor and two (2) Council Members, with each to serve a term of two (2) years terminating in May 2025, or when their successors are duly elected and qualified. Order of Election for Municipalities is attached hereto as Exhibit "A."

SECTION TWO. ELECTION FINAL. At said election, each of the aforementioned officers shall be voted upon separately and the persons receiving the highest number of votes for each said office shall be elected to such office.

SECTION THREE. FILING. Qualified persons desiring to be candidates for the aforesaid offices shall file for election as such candidates with the City Secretary beginning on January 18, 2023 and must file no later than 5:00 p.m. on February 17, 2023.

SECTION FOUR. ADMINISTRATION OF ELECTION. The Elections Officer of Blanco County, Texas shall act as the Contracting Officer and shall appoint election judges, alternate judges, and clerks, as described in the Contract for Election Services, attached hereto as Exhibit "C", and incorporated herein by reference as if fully copied and set forth at length, said Contract between the City of Johnson City and Blanco County, Texas having been specifically authorized by Tex. Elec. Code Ann. Sec. 31.092.

SECTION FIVE. APPLICATIONS FOR BALLOT. The Contracting Officer shall receive applications for a ballot to be voted by mail until the close of business on April 25, 2023 (received, not postmarked). Requests for applications should be mailed to:

Rosemary Adame
Elections Administrator
P.O. Box 13
Johnson City, Texas 78636

SECTION SIX. EARLY VOTING. The early voting locations shall be the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636, and Blanco County South Annex located at 402 Blanco Avenue, Blanco, Texas 78606. The main early voting location and other early voting locations, if applicable, for the joint general election has been established by the Blanco County Elections Officer and described in the Contract for Election Services (Exhibit C).

The dates and times for early voting by personal appearance shall be as follows:

Monday, April 24 thru Friday, April 28, 2023	8:00 a.m. to 5:00 p.m.
Monday, May 1 thru Tuesday, May 2, 2023 (Subject to change)	8:00 a.m. to 5:00 p.m.

SECTION SEVEN. POLLING PLACE. The polling place for the voting precinct in the City of Johnson City for Election Day on Saturday, May 6, 2023 shall be:

First Baptist Church-Fellowship Hall
1200 4th Street
Blanco, TX 78606

Good Shepherd Catholic Church
285 281 Loop
Johnson City, TX 78636

Blanco Courthouse Annex-Hoppe
101 E. Cypress Street
Johnson City, TX 78636

Round Mountain Fire Department
8480 US Highway 281

Round Mountain, TX 78663

Blanco South Annex
402 Blanco Avenue
Blanco, TX 78636

SECTION EIGHT. VOTING SYSTEM. Voting at the election, including early voting, shall be by electronic ballots at the foregoing election polling places and for counting the ballots at said election. The voting system is provided, as set forth in the Contract for Election Services, with Elections Officer Kristen Spies and having been duly approved by the State of Texas Secretary of State.

SECTION NINE. CUSTODIAN. The City Council appoints the City Secretary as the Custodian of Records (“Custodian”) and agent to the Council to perform the duties related to the conduct and maintenance of records of the Election, as required under the Texas Election Code, during the period ending not earlier than the sixtieth (60th) day after the Election.

SECTION TEN. NOTICE. Notice of the Election, attached hereto as Exhibit “B,” stating in substance the contents of this Order, shall be published one time in the English and Spanish languages, in a newspaper published within the City’s territory at least ten (10) days and no more than thirty (30) days before the Election and as otherwise may be required by the Texas Election Code. Notice of the Election shall also be posted on the bulletin board located at Johnson City City Hall and the City of Johnson City municipal internet site used by the City to post notices of the City's meetings no later than the twenty-first (21st) day before the Election, or, if the twenty-first (21st) day before the Election falls on a weekend or holiday, on the first business day thereafter. The Mayor shall issue all necessary orders and writs for the election.

SECTION ELEVEN. VOTERS. All resident, qualified voters of the City of Johnson City shall be permitted to vote for one (1) Mayor and two (2) Council Members in said general election. In addition, the required election materials, as outlined in Section 272.005 of the Texas Election Code, shall be printed in both English and Spanish for use at the polling places and for early voting for said election.

SECTION TWELVE. CANVASS. The returns of said election shall be made in accordance with the State Election Code and shall be canvassed by the City Council at a regular or special City Council Meeting to be held between May 9 - 17, 2023.

SECTION THIRTEEN. AUTHORIZATION. The Mayor is authorized to sign the Order of Election (Exhibit “A”) and the Notice of Election (Exhibit “B”). The Contract for Election Services (Exhibit “C”) was approved by the City Council on December 6, 2022. The Notice of Election shall be published in accordance with the provisions of the Texas Election Code.

SECTION FOURTEEN. SEVERABILITY. Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this Resolution be held to be unconstitutional

or of no force and effect, such holding shall not affect the validity of the remaining portion of this Resolution, but in all respects said remaining portion shall be and remain in full force and effect.

SECTION FIFTEEN. **EFFECTIVE DATE.** This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this 7th day of February, 2023.

CITY OF JOHNSON CITY, TEXAS

Rhonda Stell, Mayor

ATTEST:

Whitney Walston, City Secretary

ORDER OF ELECTION FOR MUNICIPALITIES

General election is hereby ordered to be held on May 6, 2023 for the purpose of electing one (1) Mayor and two (2) Council Members, with each to serve a term of two (2) years terminating in May 2025, or when their successors are duly elected and qualified.

Early voting by personal appearance will be conducted at the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636, and Blanco County South Annex located at 402 Blanco Avenue, Blanco, Texas 78606. The dates and times for early voting by personal appearance shall be as follows:

Monday, April 24 thru Friday, April 28, 2023	8:00 a.m. to 5:00 p.m.
Monday, May 1 thru Tuesday, May 2, 2023	8:00 a.m. to 5:00 p.m.

(Subject to change)

Applications for ballot by mail shall be delivered:

By Mail or in Person:

By E-mail:

Rosemary Adame
Blanco County
Elections Administrator
P.O. Box 13 (Mailing)
Johnson City, TX 78636
402 Blanco Avenue
Blanco, TX 78606

electionsadmin@co.blanco.tx.us

Applications for ballot by mail must be received by close of business on April 25, 2023 (received, not postmarked). Federal Post Card Applications (FPCAs) must be received no later than the close of business on April 25, 2023.

Issued this the 7th day of February, 2023.

Rhonda Stell, Mayor

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before Election Day

NOTICE OF GENERAL ELECTION

To the registered voters of the City of Johnson City, Texas:

Notice is hereby given that polling places will be open from 7 a.m. to 7 p.m. on May 6, 2023 for voting in General Election to elect one (1) Mayor and two (2) Council Members, with each to serve a term of two (2) years terminating in May 2025, or when their successors are duly elected and qualified.

LOCATION OF POLLING PLACES

The polling places for the voting precinct in the City of Johnson City for Election Day on Saturday, May 6, 2023 shall be:

First Baptist Church-Fellowship Hall
1200 4th Street
Blanco, TX 78606

Good Shepherd Catholic Church
285 281 Loop
Johnson City, TX 78636

Blanco Courthouse Annex-Hoppe
101 E. Cypress Street
Johnson City, TX 78636

Round Mountain Fire Department
8480 US Highway 281
Round Mountain, TX 78663

Blanco South Annex
402 Blanco Avenue
Blanco, TX 78636

EARLY VOTING

Early voting by personal appearance will be conducted at the Blanco County Annex, Hoppe Room, located at 101 East Cypress Street, Johnson City, Texas 78636, and Blanco County South Annex located at 402 Blanco Avenue, Blanco, Texas 78606. The dates and times for early voting by personal appearance shall be as follows:

Monday, April 24 thru Friday, April 28, 2023	8:00 a.m. to 5:00 p.m.
Monday, May 1 thru Tuesday, May 2, 2023 (Subject to change)	8:00 a.m. to 5:00 p.m.

Applications for ballot by mail shall be delivered:

By Mail or in Person:

Rosemary Adame
Blanco County
Elections Administrator
P.O. Box 13 (Mailing)
Johnson City, TX 78636
402 Blanco Avenue
Blanco, TX 78606

By E-mail:

electionsadmin@co.blanco.tx.us

Applications for ballot by mail must be received by close of business on April 25, 2023 (received, not postmarked). Federal Post Card Applications (FPCAs) must be received no later than the close of business on April 25, 2023.

Issued this the 7th day of February, 2023.

Rhonda Stell, Mayor

Exhibit "C"

CONTRACT FOR ELECTION SERVICES

**ELECTION SERVICES CONTRACT
BETWEEN THE
BLANCO COUNTY ELECTIONS OFFICER AND
CITY OF JOHNSON CITY, TEXAS**

THIS CONTRACT ("Election Services Contract" or "Contract") is made and entered into on this 6th day, December 2022, by and between the City of Johnson City, Texas ("Entity"), and Kristen Spies, County Elections Officer for Blanco County, Texas, ("Elections Officer"), under the authority of the Texas Election Code Chapters 31 and 271, and upon approval of the Blanco County Commissioners Court and the City Council of the City, (collectively "Participating Parties") for the services to be performed by the Participating Parties in the **MAY 6, 2023 UNIFORM ELECTION** ("Election") as outlined herein.

NOW THEREFORE THIS CONTRACT is entered into for and in consideration of the mutual covenants and promises hereinafter set out, and for the purpose of ensuring that the Participating Parties understand the tasks each is to perform in connection with the Election as follows:

SECTION 1. DUTIES AND SERVICES OF ELECTIONS OFFICER

The Elections Officer shall be responsible for performing the following duties and shall furnish the following services and equipment in connection with the Election:

- (a) Contact the owners or custodians of county-designated polling places and arrange for their use in the Election.
- (b) Contact the owner or custodian of some other public place (or if unavailable, private building) in the election precinct and arrange for its use as a polling place if the county designated polling place in the precinct is unavailable for use in the Election.
- (c) Procure, prepare, and distribute all necessary election supplies, including:
 - (1) ballots and ballot cards;
 - (2) qualification field systems - "Knowlnk Poll-Pads";
 - (3) election kits;
 - (4) voting booths, privacy dividers, ballot boxes; and
 - (5) all necessary ADA compliant voting equipment.
- (d) Notify election judges of the date, time, and place of any Election.
- (e) Arrange for the use of a central counting station and for the personnel and equipment needed at the counting station and assist in the preparation of programs and test materials for the tabulation of the ballots to be used with electronic voting equipment.
- (f) Publish the legal notices of the date, time, and place of the test of the electronic tabulating equipment and conduct such test;
- (g) Assist in the general overall supervision of the election and provide advisory services in connection with the decisions to be made and the actions to be taken by the officers who are responsible for holding the Election;
- (h) Prepare submission(s) of voting changes to the U.S. Department of Justice, if necessary, under the federal Voting Rights Act of 1965, as amended; and
- (i) Perform all election duties in accordance with the Texas Election Code.

SECTION 2. DUTIES AND SERVICES OF THE ENTITY

The Entity shall be responsible for performing the following duties in connection with the Election:

- (a) The Participating Parties are responsible for the appointment of the presiding election judges and alternate election judges listed in "Exhibit B" for each Vote Center/polling place listed in "Exhibit B" subject to the eligibility requirement found in the Texas Election Code Chapters 32 and 83. The Participating Parties acknowledge that approval of this Election Services Contract by the Entity shall constitute approval and appointment of the Judges and Alternate Judges listed in "Exhibit B" by the Entity. The Elections Officer will be responsible for the administration of the election judges.
- (b) As soon as possible after the candidate filing deadline, the Entity shall certify in writing to the Elections Officer the candidates' names (as each is to appear on the ballot) and offices sufficiently in advance to allow time to prepare the ballot and to conduct any necessary logic and accuracy testing.

SECTION 3. GENERAL PROVISIONS

- (a) Nothing contained in this Contract shall authorize or permit a change in the officer, the place at which any document or record relating to the election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by Texas Election Code Section 31.096.
- (b) The Elections Officer is the agent of the Entity for the purposes of contacting the third parties with respect to the election expenses within the scope of the Elections Officer's duties, and the Elections Officer is not liable for the Entities' failure to pay a claim.
- (c) The Elections Officer shall file copies of this Contract with the County Treasurer and the County Auditor of Blanco County, Texas.
- (d) This Contract is subject to the written approval of the political subdivision involved in the election and shall not be binding on the Entity until such written approval is obtained.
- (e) It is agreed that it is in the public interest of the Participating Parties, that Kristen Spies, Elections Officer, serve as the Early Voting Clerk for both entities participating in this election.

SECTION 4. COST OF SERVICES

Costs. Entity agrees to pay a pro rata share of the actual costs incurred. The actual costs shall be prorated for all Participating Parties.

Example:

Registered Voters in County -	10,157	$10157/13855 =$	73.31% of total cost
Registered Voters in Joint Entity A -	1,224	$1224/13855 =$	8.83% of total cost
Registered Voters in Joint Entity B -	2,474	$2474/13855 =$	17.86% of total cost
Aggregate Registered Voters -	13,855		

Administrative Fee. The Elections Officer shall also charge an administrative fee equal to 10% of the Entity's share of the cost of the Election or a minimum of \$75.00.

SECTION 5. ACKNOWLEDGMENT OF SHARED ELECTION

The Entity acknowledges that the Election is a Joint Election under Texas Election Code Chapter 271, and that the Elections Officer, in accordance with Texas Election Code Sections 31.092 and 31.093, may enter into a similar Joint Election Services Contract with other political subdivision(s) in the county (collectively, the "Participating Parties") listed in Exhibit C of this Election Services Contract. In such event, the Entity understands and agrees that the costs of common polling places, ballots and programming, voting equipment, and the common set of election workers will be shared with the other Participating Parties.

SECTION 6. MISCELLANEOUS PROVISIONS

- (a) This Contract shall be construed under and in accordance with applicable Federal and State laws, and all obligations of the parties created hereunder are performable in Blanco County, Texas.
- (b) In case any one or more of the provisions contained in this Contract 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 thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- (c) In the case of an election contest solely challenging this Entity's election results, the cost of such contest, challenge, or litigation will be borne by the Entity.
- (d) In the case of a runoff election due to undecided races on the election, the cost of such runoff election will be borne by the entity and will be contracted for at such time.
- (e) In a joint election all participating parties share in the cost of such election. Therefore, if one or more parties withdraws, has unopposed candidates, or has circumstances which change the precincts or districts involved in the election, the cost to the other parties will inevitably be affected and will be adjusted and itemized in the final Actual Cost Report.
- (f) This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding of written or oral agreement between the parties respecting the written subject matter. By affixing his/her signature to this Contract, the party acknowledges, accepts and approves all resolutions, documents and attachments/exhibits included as part of this Contract.
- (g) No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, and duly executed by the parties.

SECTION 7. CANCELLATION OF ELECTION

The Entity may cancel this Contract at any time. In the event that Entity cancels this Contract, Entity shall only be responsible for its share of expenses actually incurred prior to cancellation.

IN WITNESS WHEREOF, the undersigned Parties have executed this Contract on the dates indicated below, and the Contract is effective on the date the last Party signs:

CITY OF JOHNSON CITY, TEXAS

By:  Date: 12/8/2022
Rhonda Stell
Mayor City of Johnson City

Attest:
By:  Date: 12/8/2022

WITNESS: Whitney Walston
City Secretary

BLANCO COUNTY ELECTIONS OFFICER

By: _____ Date: _____
Kristen Spies
Blanco County Elections Officer
Blanco County, TX

EXHIBIT A
ESTIMATE OF COSTS

**May 6, 2023 General Election
City of Johnson City**

Election Expenses	Additional Info	Election Summary	City of Johnson City	Total
Section A. Cost of Election				
Ballot printing costs		\$1,500.00	\$1,500.00	\$1,500.00
Publication of Notices	(Public Test/EV/ED)	\$800.00	\$800.00	\$800.00
Electronic Voting Systems Programming	(Coding/Audio/Layout)	\$10,000.00	\$10,000.00	\$10,000.00
SUPPLIES: Ballot By Mail		\$1,800.00	\$1,800.00	\$1,800.00
		\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$14,100.00	\$14,100.00	\$14,100.00
Section B. Early Voting Workers				
Early Voting Workers				
2 sites: Johnson City & Blanco		\$4,000.00	\$4,000.00	\$4,000.00
	SUBTOTAL	\$4,000.00	\$4,000.00	\$4,000.00
Section C. Election Day Workers				
Election Day Judges & Clerks				
Precinct 102		\$800.00	\$800.00	\$800.00
Precinct 201		\$800.00	\$800.00	\$800.00
Precinct 302		\$800.00	\$800.00	\$800.00
Precinct 401		\$800.00	\$800.00	\$800.00
Training - Election Workers				
Early Voting Clerks / Election Day Judges & Clerks	(Included Above)	0.00	0.00	\$0.00
Delivery of Election Equipment and Supplies				
Presiding/Alternate Judges/ EA Staff		800.00	800.00	\$800.00
Early Voting Ballot Board / Central Count Station				
Judges	EVBB	\$400.00	\$400.00	\$400.00
Clerks	EVBB	\$400.00	\$400.00	\$400.00
Clerks	CSS	\$700.00	\$700.00	\$700.00
Provisional & Late Ballot Board				
Judges & Clerks		\$300.00	\$300.00	\$300.00
Site Support / Elections Office Personnel				
Vendor Site Support	(ES&S)	\$5,000.00	\$5,000.00	\$5,000.00
	SUBTOTAL	\$10,800.00	\$10,800.00	\$10,800.00
Section D. Miscellaneous Expenses				
Commication	MIFI	\$125.00	\$125.00	\$125.00
Equipment Rentals	49 devices @ \$100	\$4,900.00	\$4,900.00	\$4,900.00
	SUBTOTAL	\$4,900.00	\$4,900.00	\$4,900.00
Sections A-D Total		\$33,800.00	\$33,800.00	\$33,800.00

**May 6, 2023 General Election
City of Johnson City**

Election Expenses	Additional Info	Election Summary	City of Johnson City		Total
Section E. Administrative Fee					
Elections Services Contract Administrative Fee	(Election Total x 10%)	\$3,380.00	\$3,380.00		\$3,380.00
	SUBTOTAL	\$3,380.00	\$3,380.00		\$3,380.00
TOTAL COST OF ELECTION:		\$37,180.00	\$37,180.00		\$37,180.00

EXHIBIT B
ELECTION JUDGES

EXHIBIT C
PARTICIPATING POLITICAL SUBDIVISIONS (PARTIES)