

ORDINANCE NO. 2019-001

AN ORDINANCE OF THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT, COLLIN COUNTY, TEXAS, ORDERING A GENERAL ELECTION TO BE ADMINISTERED BY THE COLLIN COUNTY ELECTIONS ADMINISTRATOR ON TUESDAY, NOVEMBER 5, 2019 , FOR THE PURPOSE OF ELECTING ONE (1) DIRECTOR TO THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT; APPROVING A CONTRACT FOR ELECTION SERVICES WITH THE COLLIN COUNTY ELECTIONS ADMINISTRATOR; DESIGNATING THE COLLIN COUNTY ELECTIONS ADMINISTRATOR AS CUSTODIAN OF VOTED BALLOTS AND ELECTION MATERIALS FOR THE TIME PROVIDED BY LAW; MAKING PROVISIONS FOR THE CONDUCT OF A GENERAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF WYLIE NORTHEAST SPECIAL UTILITY DISTRICT THAT:

SECTION 1. A General Election is hereby ordered to be held on Tuesday, November 5, 2019 , for the purpose of electing one (1) director to the Board of Directors of Wylie Northeast Special Utility District (the "District") and to hold said office for a term of three (3) years (the "General Election").

SECTION 2. The Board of Directors of the District approves of the attached *November 5, 2019 General Election Contract for Election Services* pursuant to which the Collin County Elections Administrator shall administer the General Election of the District.

SECTION 3. Applications for a place on the ballot may be delivered to the District's administrative offices located at 745 Parker Road, Wylie, Texas, or mailed to the District at P.O. Box 1029, Wylie, Texas 75098. Delivery will only be accepted during the District's regular office hours 8:00 a.m. to 4:00 p.m., Monday through Friday, beginning on Saturday, July 20, 2019, and ending on Monday, August 19, 2018, at 5:00 p.m.

SECTION 4. The Collin County Elections Administrator is hereby appointed the Early Voting Clerk for the General Election. The Early Voting Clerk shall supervise and conduct early voting by mail and in person for the General Election and shall provide additional personnel to serve as early voting clerks. Early voting by personal appearance begins on Monday, October 21, 2019, and ends on Friday, November 1, 2019, during the hours and at the early polling locations designated by the Collin County Elections Administrator, which includes the Collin County Elections Office located at 2010 Redbud Blvd., Suite 102, McKinney, Texas.

SECTION 5. Applications for absentee ballots (a/k/a ballots by mail) for the General Election may be requested from the Collin County Elections Administrator. Completed absentee ballot applications must be mailed or delivered to the *Collin County Early Voting Clerk, 2010*

Redbud Blvd., Suite 102, Mckinney, TX 75069, or faxed to (972) 547-1996, or emailed to absenteemailballoting@collincountytexas.gov. Absentee ballot applications will be accepted by the Collin County Early Voting Clerk until 5:00 p.m. on Friday, October 25, 2019. Completed absentee ballots must be received by 7:00 p.m. on November 5, 2019.

SECTION 6. The General Election shall be conducted in accordance with the Texas Election Code and other applicable law. All qualified and registered voters of the District shall be eligible to vote in the General Election. The Secretary of the Board of Directors of the District is hereby authorized and directed to publish or post all notices prescribed by law in connection with the General Election ordered hereby.

SECTION 7. The Collin County Elections Administrator or qualified persons appointed by the Collin County Elections Administrator will serve as election judges to conduct the General Election.

SECTION 8. The Collin County Elections Administrator is hereby appointed the custodian of voted ballots and shall retain all General Election materials of the District for the time-period specified by law.

SECTION 9. The President and Secretary of the District, in consultation with District legal counsel, are hereby authorized and directed to take any and all actions necessary for the District to comply with applicable provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the General Election, whether or not expressly authorized herein.

SECTION 10. This Order of Election shall take effect and be in full force from and after the date of its passage until the General Election is cancelled or completed.

ADOPTED on the 13th day of August, 2019, by the Board of Directors of Wylie Northeast Special Utility District of Collin County, Texas.



Jimmy C. Beach
Jimmy C. Beach, President

ATTEST:

Amanda Horst

Amanda Horst, Assistant Secretary

APPROVED AS TO FORM:

James W. Wilson

James W. Wilson, Attorney

November 5, 2019
General Election
Contract for Election Services
Wylie NE Special Utility District

November 5, 2019 General Election

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THE STATE OF TEXAS
COUNTY OF COLLIN §
WYLIE NE SUD

CONTRACT FOR
ELECTION SERVICES

BY THE TERMS OF THIS CONTRACT made and entered into by and between the WYLIE NE SPECIAL UTILITY DISTRICT, hereinafter referred to as the "SUD" and BRUCE SHERBET, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the SUD's November 5, 2019 General Election.

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

I. DUTIES AND SERVICES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The presiding election judge of each polling place, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Officer will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the Ballot Board. Election judges shall be secured by the Contracting Officer.

b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar). Notification of the class dates, times and location will be sent to all jurisdictions.

c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.

d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.

b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the Central Counting Station.

c. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphone and keypad (1 per site), transfer cases, voting signs and transfer cabinets.

2. Supplies include paper ballots, sample ballots, forms, provisional supplies, security seals, pens, tape, markers, etc.

C. The Contracting Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk by the SUD.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the SUD's November 5, 2019, General Election shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the SUD shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Section 87.000 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day Vote Centers. The SUD shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial services for the polling locations. The Election Day Vote Centers are listed in Exhibit "B", attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Bruce Sherbet. The Tabulation Supervisor shall be Patty Seals.

a. The tabulation supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted.

c. Election night reports will be available to the SUD at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted and will provide a copy of the unofficial canvass to the SUD as soon as possible after all returns have been tallied.

e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.

1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.

2. The SUD can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the SUD does not request the lists, the Contracting Officer shall destroy them.

f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the SUD in a timely manner. The Secretary of State may

waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

II. DUTIES AND SERVICES OF THE SUD. The SUD shall assume the following responsibilities:

A. The SUD shall prepare the election orders, resolutions, notices, official canvass and other pertinent documents for adoption by the appropriate office or body. The SUD assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.

B. The SUD shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic or printed format as soon as possible but no later than Friday, September 6, 2019.

C. The SUD shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.

a The SUD shall deliver to the Contracting Officer as soon as possible, but no later than 12:00 PM Thursday, August 22, 2019, the official wording for the SUD's November 5, 2019, General Election.

b. The SUD shall approve, the "blue line" ballot format prior to printing.

D. The SUD shall post the publication of election notice by the proper methods with the proper media.

E. The SUD shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

F. The SUD shall pay the Contracting Officer 90% of the SUD's share of the cost to run the said election prior to Friday, September 27, 2019. The Contracting Officer

shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury
2300 Bloomdale Rd. #3138
McKinney, Texas 75071**

Made payable to: "Collin County Treasury" with the note "for election services" included with check documentation.

G. The SUD shall pay the SUD's share of the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

III. COST OF SERVICES. See Exhibit "C."

IV. GENERAL PROVISIONS.

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the SUD's November 5, 2019, General Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the SUD.

C. If the SUD cancels their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the November 5, 2019, General Election. All actual shared cost incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a November 5, 2019, General Election.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

E. This contract may be executed in multiple counterparts, each of which will be deemed an original for all purposes.

F. The Contracting Officer and the SUD are authorized to vary the terms of this contract as may be necessary to conform to applicable law or for the proper conduct of the joint election without further action by the governing body of either party. Any such amendment of this contract shall be of no effect unless in writing and signed by all parties hereto.

WITNESS BY MY HAND THIS THE ____ DAY OF _____, 2019.

Bruce Sherbet
Elections Administrator
Collin County, Texas

WITNESS BY MY HAND THIS THE ____ DAY OF _____, 2019.

By: _____
Jimmy Beach, President
Wylie NE Special Utility District

Attest: _____
Chester Adams, General Manager
Wylie NE Special Utility District