


**CITY OF SAN ANTONIO
OFFICE OF THE CITY CLERK
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Leticia M. Vacek, City Clerk, TRMC/CMC 

SUBJECT: An Ordinance contracting with Bexar County Elections Administrator to Conduct the Joint General and Special Election scheduled for Saturday, May 7, 2005 and a Run-off election, if necessary

DATE: March 31, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance provides for the Bexar Election Administrator to conduct election services (lease of equipment; tabulation of Early Voting and Election Day voting) and approves a contract for these services. The ordinance also sets forth the duties and responsibilities of the City of San Antonio and the Bexar County Elections Administrator in connection with said Election and authorizes the City Manager to execute said contract for Election Services. It also provides for payment in the amount of \$629,186.44 in connection with the contract for Election services authorized herein.

BACKGROUND INFORMATION

The City of San Antonio has traditionally contracted with Bexar County for the conduct of its municipal elections.

Bexar County through the Bexar County Elections Office will provide for the City the various services for this election. The agreement to consolidate our Regular Municipal Election with the Northside Independent School District (NISD) under the auspices of the Bexar County Elections Administrator is attached. We have highlighted some of the duties and responsibilities of Bexar County:

- a) Provide supervision of data entry of early voting (in person) information on a daily basis.
- b) Receipt and process applications for mail ballots.
- c) Receipt and storage of early voting (in person and by mail) voted ballots on a daily basis.
- d) Provide for the Lease of voting booths for early voting.
- e) Provide for the Lease of physically challenged voting booths for early voting.
- f) Provide for the Lease of ballot boxes for Provisional Voting during early voting.
- g) Provide for the Lease of cellular phones for early voting.

- h) Computer Verification stations at 22 early voting sites; to include transportation of tables, chairs and computers to and from each early voting site.
- i) Twenty-two (22) computer covers for each of the computers including transportation to and from each early voting site.
- j) Provide for the Lease of 22 customized filing cabinets with locks to include transportation to and from early voting sites.
- k) Provide a Report of early voting results by precinct for city districts on election night after 7:00 P.M.
- l) Provide for Lease of regular voting booths for Election Day.
- m) Provide for Lease of physically challenged voting booths for Election Day.
- n) Rental/Lease of Ballot boxes for Provisional Voting on Election Day.
- o) Preparation of Ballot boxes for Provisional Voting on Election Day to include locks, seals, etc.
- p) Provision of at least ten (10) County employees to operate telephones at the main Administrative Office on May 7, 2005, from 6:30 a.m. until 10:00 p.m.
- q) Voter registration lists marked by "P" for voting by Personal Appearance or "M" for voting by Mail that is used for Election Day.
- r) Provide for Lease of AIS 650 Tabulators at the Central Counting Station.
- s) Printing and delivery of ballots for Early Voting by Personal Appearance, Early Voting by Mail, and Election Day as well as Specimen Ballots.
- t) Programming of Early Voting and Election Day ballots on the AIS 650 Optical Scanner.
- u) Tabulation of Election Day returns.
- v) Hire, train and pay Election Judges and Clerks.
- w) Conduct election services for Run-off election, if necessary

POLICY ANALYSIS

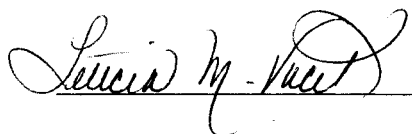
The City of San Antonio has contracted with the County for the past several years and joined other entities in order to facilitate voting and to reduce the costs of the election process.

FINANCIAL IMPACT

This Election Contract with Bexar County for the Early Voting and Election Day is estimated to cost \$629,186.44. The cost for the Run-off election will be determined after the May 7, 2005 election.

COORDINATION

The City Clerk's Office has coordinated this proposed ordinance with the City Attorney's Office, Office of Management and Budget, and the Bexar County Election Administrator's Office.

A handwritten signature in cursive script, reading "Leticia M. Vacek", is written over a horizontal line.

Leticia M. Vacek, City Clerk, TRMC/CMC

THE STATE OF TEXAS §
 § **CONTRACT FOR ELECTION SERVICES**
COUNTY OF BEXAR §

This Contract is entered into by and between the BEXAR COUNTY ELECTIONS ADMINISTRATOR ("ADMINISTRATOR") on behalf of Bexar County, a political subdivision of the State of Texas, and the CITY OF SAN ANTONIO ("CITY"), pursuant to Texas Election Code Section 31.092.

RECITALS

WHEREAS, CITY, by appropriate action of its governing body acting in accordance with all applicable laws, has called an election to be held on Saturday, May 7, 2005 and a Runoff on Tuesday, June 7, 2005, if necessary, and desires that certain election services be provided by ADMINISTRATOR through his Elections Department; and

WHEREAS, ADMINISTRATOR has provided cost estimates for election services to be rendered by his office pursuant to the terms of this Contract, which estimates are set out on Exhibits "A" and "B," attached hereto and made a part hereof; and

WHEREAS, CITY and ADMINISTRATOR desire to enter into a contract setting out the respective responsibilities of the parties;

NOW, THEREFORE, it is hereby agreed as follows:

ARTICLE I

PURPOSE

1.01. The parties hereto have entered into this Contract for election services described in Article II to be provided to CITY for its election to be held on May 7, 2005.

ARTICLE II

SERVICES

2.01. ADMINISTRATOR agrees to provide to CITY the following general services:

- (A) Procure and distribute election supplies, including, but not limited to, the preparation, printing and distribution of ballots and sample ballots;**
- (B) Procure election judges and clerks for early voting and election day voting;**

ARTICLE III

SCHEDULE FOR PERFORMANCE OF SERVICES

3.01. Specific services to be provided related to the general services identified in Article II shall be performed in accordance with the time requirements set out in the Texas Election Code.

ARTICLE IV

SERVICES NOT PROVIDED BY COUNTY

4.01. ADMINISTRATOR shall have no responsibility for insuring the passage of the appropriate Election Order by CITY OF SAN ANTONIO, preparing or sending Justice Department Submissions, publishing and (or) posting the election notice as required by the Texas Election Code Section 4.003, or canvassing election results. ADMINISTRATOR shall have no responsibility as custodian of CITY'S election records.

ARTICLE V

TERM

5.01. Except as hereinafter set out, the term of this Contract shall be from the time of execution until all items with respect to this Contract and the election held hereunder have been completed.

ARTICLE VI

COST OF SERVICE AND BILLING

6.01 In consideration for the services provided hereunder by ADMINISTRATOR, CITY agrees to pay ADMINISTRATOR the pro rata share of performing the services, including any overtime incurred by ADMINISTRATOR'S employees. CITY further agrees to deposit with ADMINISTRATOR ~~\$673,343.11~~ ^{\$629,186.44} no later than April 13, 2005 to cover the estimated cost of the May 7, 2005 election and another ~~\$673,343.11~~ ^{\$629,186.44} no later than May 27, 2005 to cover the estimated cost of a full Runoff, or the amount to be determined by the scope of the Runoff election.

6.02 In the event the actual election costs exceed CITY'S deposit, the difference between the actual costs and the deposit will be paid by CITY within 30 days after receiving an itemized invoice from ADMINISTRATOR. Payment shall be made by check payable to the Bexar County Clerk and mailed to:

- (C) Procure early voting polling places and election day polling places, as ordered;**
- (D) Procure, prepare, and distribute adequate election equipment and transport equipment to and from the initial polling locations, including early voting substations, for CITY;**
- (E) Distribute the lists of registered voters to be used in conducting the election, as provided by Bexar County Voter Registration pursuant to the request by CITY;**
- (F) Pay election day and early voting judges and clerks;**
- (G) Pay the judges for election night returns and early voting returns;**
- (H) Provide information for election officers;**
- (I) Provide general overall supervision of the election and advisory services;**
- (J) Prepare writ of election to election officers and notice of appointment to Presiding and Alternate judges, as required by law;**
- (K) Conduct early voting, in person and by mail, for CITY;**
- (L) Establish a Central Counting Station for the purpose of tabulating ballots;**
- (M) Provide such incidental related services as may be necessary to effect the election;**
- (N) Meet ADA requirements as the law relates to polling locations and voter assistance, etc; and**
- (O) Provide for Central Count Tabulation (s):**
 - a. Preparation and programming of the ballots on the AIS 650 Optical Scanner**
 - b. Preparation and tabulation of votes from the iVotronic Voting System, if ADMINISTRATOR approves use of that system in this election.**

**Clifford R. Borofsky
Bexar County Elections Administrator
203 W Nueva St., Ste. 3.61
San Antonio, Texas 78207-4505**

6.03 Any monies remaining after the payment of all costs of elections bills, shall be the property of the CITY and returned to it.

ARTICLE VII

GENERAL PROVISIONS

7.01. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bexar County, Texas.

7.02. 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.

7.03. This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreement between the parties respecting the written subject matter.

7.04. No amendment, modification, or alteration of the term hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

SIGNED this ____ day of _____, 2005

ELECTIONS ADMINISTRATOR

CITY OF SAN ANTONIO

BY: _____
CLIFFORD R. BOROFKY

BY: _____
PRINT: _____
TITLE: _____

APPROVAL COUNTY OF BEXAR:

ATTEST

BY: _____
NELSON W. WOLFF
COUNTY JUDGE

BY: _____
PRINT: _____
TITLE: _____

ATTEST

BY: _____
GERRY C. RICKHOFF
COUNTY CLERK

APPROVED AS TO LEGAL FORM:

SUSAN REED
CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS

BY: _____
KELSEY MENZEL
ASSISTANT CRIMINAL DISTRICT
ATTORNEY- CIVIL SECTION

APPROVED AS TO FINANCIAL CONTENT:

BY: _____
TOMMY TOMPKINS
COUNTY AUDITOR

BY: _____
DAVID SMITH
COUNTY BUDGET OFFICER

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	CITY OF SAN ANTONIO ELECTION	EXHIBIT "A"		7-May-05	
I	Early Voting	Units	Cost Per Unit	Estimated	TOTALS
A	REMUNERATION				
	REMUNERATION SUMMARY				
	NUMBER OF JUDGES	1			
	HOURS WORKED	92	\$9.25	\$851.00	
	HOURS WORKED OVERTIME	31	\$13.88	\$430.28	
	NUMBER OF CLERKS	3			
	HOURS WORKED	92	\$8.25	\$2,277.00	
	HOURS WORKED OVERTIME	31	\$12.38	\$1,151.34	
	JUDGES DAILY RETURN FEE				
	NUMBER OF TRIPS	12			
	COST PER TRIP		\$5.00	\$60.00	
	COST PER CREW	CC		\$4,769.62	
	NUMBER OF SITES	22			
	WAGES			\$104,931.64	
	TOTAL FICA			\$8,027.27	
	TEMP AGENCY MARKUP		13.70%	\$15,475.37	
	TOTAL REMUNERATION			\$128,434.28	\$128,434.28
B	PRINTING				
	PRINTING OF EARLY VOTING SUPPLIES				
	FORMATTING STYLE	16	\$50.00	\$800.00	
	COST OF BALLOTS		\$0.26		
	NUMBER OF BALLOTS	22,608		\$5,878.08	
	COST OF SAMPLE BALLOTS		\$0.05		
	NUMBER OF SAMPLE BALLOTS	50,000		\$2,500.00	
	Freight		\$0.00	\$0.00	
	TOTAL PRINTING			\$9,178.08	\$9,178.08
C	MAIL				
	NUMBER OF WHITE ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER APPLICATIONS	10,000	\$0.05	\$500.00	
	NUMBER OF CARRIER ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER OF TRANSPORT ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER OF POSTAGE STAMPS	10,000	\$0.55	\$5,500.00	
	TOTAL MAIL			\$8,700.00	\$8,700.00
D	TEMPORARY WORKERS				
	NUMBER OF TEMPORARY EMPLOYEES/MAIL	5			
	HOURS WORKED	210	\$10.00	\$10,500.00	
	NUMBER OF MONTHS	2			
	WORKMANS COMP UNEMPLOYEMENT		\$49.33	\$493.30	

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	ivotronic PREPARATION				
	NUMBER OF TEMPORARY EMPLOYEES	4	\$10.00		
	HOURS WORKED	36		\$1,440.00	
	WAREHOUSE				
	NUMBER OF TEMPORARY EMPLOYEES	4			
	HOURS WORKED	240	\$8.25	\$7,920.00	
	WORKMANS COMP UNEMPLOYEMENT		\$49.33		
	NUMBER OF MONTHS	2		\$394.64	
	FICA			\$1,409.13	
	TOTAL TEMP EMPLOYEE COST			\$22,157.07	\$22,157.07
E	RENTAL				
	NUMBER OF SITES	22			
	NUMBER OF SITES COSTS	3	\$500.00	\$1,500.00	
	NUMBER OF IVOTRONICS	5	\$118.90	\$13,079.00	
	NUMBER OF IVOTRONICS - ADA	1	\$143.05	\$3,147.10	
	NUMBER OF FLASH CARDS	22	\$33.00	\$726.00	
	NUMBER OF PEBS	88	\$7.50	\$660.00	
	NUMBER OF DAYS BALLOT CANS USED	22	\$6.00	\$132.00	
	NUMBER OF BALLOT CANS AND SEAL	22	\$1.50	\$33.00	
	VANS	1	\$550.00	\$550.00	
	NUMBER OF COMPUTERS	22	\$200.00	\$4,400.00	
	NUMBER OF TV'S	0	\$10.00	\$0.00	
	NUMBER OF TABLES	12	\$10.00	\$120.00	
	NUMBER OF CHAIRS	36	\$2.50	\$90.00	
	NUMBER LOCKS ,CHAINS, FILE CABINETS	22	\$5.00	\$110.00	\$21,400
	TOTAL RENTAL			\$24,547.10	\$24,547.10
F	STAFFTIME				
	DAILY RETURNS				
	NUMBER OF EMPLOYEES	12	\$20.00		
	HOURS WORKED (DAYS X NO. HOURS)	65		\$15,600.00	
	FICA 7.65			\$90.22	
	TOTAL WAGES			\$15,690.22	
	PRO RATA COST	1			
	TOTAL STAFFTIME			\$15,690.22	\$15,690.22
G	E.B.B.AND S.V.C.				
	EARLY BALLOT BOARD				
	NUMBER OF BOARD MEMBERS	10			
	HOURS WORKED	24	\$9.25	\$2,220.00	
	SIGNATURE VERIFICATION COMM.				
	NUMBER OF MEMBERS	0			
	HOURS WORKED	0	\$9.25	\$0.00	
	TOTAL WAGES			\$2,220.00	

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CITY OF SAN ANTONIO ELECTI		EXHIBIT "B"		7-May-05	
	Election Day	Units	Cost Per Unit	Estimated	TOTALS
II	REMUNERATIONS				
A	NUMBER OF JUDGES	1			
	HOURS WORKED	14	\$9.25	\$124.88	
	NUMBER OF CLERKS	3			
	HOURS WORKED	14	\$8.25	\$334.13	
	FICA 7.65 FOR JUDGES AND CLERKS			\$35.11	
	TOTAL WAGES JUDGES and CLERKS			\$494.11	
	NUMBER OF SITES	239	\$494.11	\$494.11	
	SECURITY	12			
	HOURS WORKED	14	\$30.00	\$5,040.00	
	FICA 7.65 FOR SECURITY			\$385.56	
	TOTAL WAGES SECURITY			\$5,425.56	
	TOTAL REMUNERATION			\$5,919.67	\$5,919.67
	REMUNERATIONS TOTAL			\$5,919.67	\$5,919.67
B	ELECTION NIGHT RETURNS				
	NUMBER OF SITES RETURNS	239	\$25.00	\$5,975.00	
	NUMBER OF KITS	239	\$35.00	\$8,365.00	
	TOTAL KITS AND RETURNS			\$14,340.00	\$14,340.00
C	RENTAL				
	NUMBER OF IVOTRONICS	1,000	\$118.90	\$118,900.00	
	NUMBER OF IVOTRONICS - ADA	239	\$143.05	\$34,188.95	
	NUMBER OF COMMPACS	239	\$80.00	\$19,120.00	
	NUMBER OF PEBS	956	\$7.50	\$7,170.00	
	NUMBER OF FLASH CARDS	239	\$33.00	\$7,887.00	
	NUMBER OF BALLOT CANS USED	0	\$6.00	\$0.00	
	NUMBER OF TV'S	0	\$10.00	\$0.00	
	TABLES	50	\$10.00	\$500.00	
	CHAIRS	150	\$2.50	\$375.00	
	TRAFFIC CONES	25	\$1.20	\$30.00	
	SHRINK WRAP COST	0	\$50.00	\$0.00	
	NUMBER OF BALLOT BOXES	25	\$1.45	\$36.25	
	COST OF LOCKS AND SEALS	239	\$1.50	\$358.50	\$153,887.80
	TOTAL RENTAL			\$188,565.70	\$188,565.70
D	TRANSPORTATION				
	MOVERS	261	\$46.50	\$12,136.50	
	TRUCK RENTAL		\$0.00	\$0.00	
	PALLET JACK	0	\$0.00	\$0.00	
	PRO RATA COST	1			

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	TRANSPORTATION			\$12,136.50	\$12,136.50
	TRANSPORTATION TOTAL			\$0.00	
E	PROGRAMMING, EQUIPMENT, TECHNICAL SERVICES				
	PERSONEL COST ON SITE TECHS	53	\$300.00	\$15,900.00	
	TEMP AGENCY MARKUP		13.70%	\$2,178.30	
	PROGRAMMING	5	\$1,500.00	\$7,500.00	
	VOICE FILES	1	\$1,200.00	\$1,200.00	
	CENTRAL COUNTING STATION JUDGE	8	\$9.25	\$74.00	
	REGIONAL SENDING SITES	1	\$560.00		
	NUMBER OF SITES/PERSONNEL	8		\$4,480.00	
	CENTRAL COUNTING STATION MGR HRS	25	\$40.00	\$1,000.00	
	TABULATION SUPERVISOR HOURS	8	\$35.00	\$280.00	
	ASST TO TAB. SUPERVISOR HOURS	8	\$25.00	\$200.00	
	COMPUTER COST	1	\$40,500.00	\$40,500.00	
	TABULATION SOFTWARE	1	\$25,800.00	\$25,800.00	
	AIS 650 OPTICAL SCANNERS	2	\$7,600.00	\$15,200.00	
	PUBLIC TEST	1	\$50.00	\$50.00	
	PREVENTIVE MAINT. INSP	1	\$2,600.00	\$2,600.00	
	PICK AND DELIVERY	0	\$20.00	\$0.00	
	PRO RATA COST	1			
	INFORMATION SERVICES			\$116,962.30	
	TOTAL PETS			\$116,962.30	\$116,962.30
F	ELECTION DEPARTMENT STAFF				
	NUMBER OF EMPLOYEES	12	\$20.00		
	HOURS WORKED	18		\$4,320.00	
	FICA 7.65			\$330.48	
	PRO RATA COST	1			
	TOTAL STAFFTIME WAGES			\$4,650.48	\$4,650.48
G	TEMPORARY EMPLOYEE				
	NUMBER OF EMPLOYEES (POST ELEC.)	3			
	HOURS WORKED	40	\$10.00	\$1,200.00	
	PRO RATA COST	1		\$0.00	
	WORKMANS COMP UNEMPLOYEMENT	1	\$49.33	\$147.99	
	PHONE BANK RATE PER HOUR		\$8.25	\$0.00	
	HOURS WORKED	13			
	NUMBER OF EMPLOYEES	20		\$2,145.00	
	TEMPORARY EMPLOYEE COST			\$3,492.99	
	FICA 7.65			\$267.21	
	TOTAL TEMP EMPLOYEE COST			\$3,760.20	\$3,760.20
H	PUBLICATION				
	EXPRESS NEWS ACCURACY TEST	1	\$250.00	\$250.00	
	LA PRENSA		\$0.00	\$0.00	

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	PRO RATA COST	1			
	TOTAL PUBLICATION			\$250.00	\$250.00
I	MISCELLANEOUS				
	NOTIFICATION TO JUDGES/payroll	2,400	\$0.40	\$960.00	
	POLLING SITE RENTAL	220 239	\$210.00	\$50,190.00	\$ 46, 200
	CELL PHONES AND AIRTIME	239	\$30.00	\$7,170.00	
	TOTAL MISCELLANEOUS			\$58,320.00	\$58,320.00-
J	SUMMARY ELECTION DAY COST				\$54, 330.00
	REMUNERATIONS			\$5,919.67	\$5,919.67
	ELECTION KITS AND RETURNS			\$14,340.00	\$14,340.00
	RENTAL		\$153, 887.80	\$188,565.70	\$188,565.70
	STAFF TIME			\$4,650.48	\$4,650.48
	PRINTING COST			\$0.00	\$0.00
	INFORMATION SERVICES			\$116,962.30	\$116,962.30
	TEMPORARY EMPLOYEE COST			\$3,760.20	\$3,760.20
	PUBLICATION			\$250.00	\$250.00
	TRANSPORTATION			\$12,136.50	\$12,136.50
	MISCELLANEOUS		\$54, 330.00	\$58,320.00	- \$58,320.00
	ELEC. DAY COST SUBTOTAL		\$366, 236.95	\$404,904.86	\$404,904.86
	TOTAL ELECTION DAY		\$366, 236.95	\$404,904.86	- \$404,904.86
	10% CONTRACT FEE		\$ 36, 623.69	\$40,490.49	\$40,490.49
	Grand Total Election Day		\$402, 860.65	\$445,395.34	\$445,395.34
			Total	ESTIMATE	
	Early Voting Grand Total		\$256,003.73	\$256,003.73	\$ 252,541.91
	Election Day Grand Total		\$445,395.34	\$445,395.34	\$ 402, 860.65
	Total For Early Voting and Election Day		\$701,399.07	\$701,399.07	\$ 655, 402.56
	Pro Rata Share 96%		\$673,343.11	\$673,343.11	\$ 629,186.44
	Amount of Deposit		\$336,671.55	\$336,671.55	\$ 314,592. 2 2
	Final Deposit		\$336,671.55	\$336,671.55	\$ 314,592. 2 2
	(Overpaid)/Underpaid				