



AUGUST 2, 2022

3:00 P.M.

CITY COUNCIL

SPECIAL MEETING AGENDA



**NOTICE OF SPECIAL MEETING OF THE CITY COUNCIL OF
THE CITY OF HARKER HEIGHTS, TEXAS**

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, August 2, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a special meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. ROLL CALL:

II. PRESENTATIONS BY CITIZENS:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

III. ELECTION BUSINESS:

1. Discuss and consider approving an ordinance of the City of Harker Heights, Texas, ordering a Special Election to be held on November 8, 2022, to submit to the electors a proposed citizen-initiative ordinance to eliminate enforcement of misdemeanor laws relating to marijuana possession within the City of Harker Heights except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights Police Commander, Assistant Chief of Police or Chief of Police or of a violent felony case; to require a Harker Heights Police Officer to write a detailed report in the event marijuana is seized and to release the individual in possession of the marijuana if possession of marijuana is the sole charge; to prohibit Harker Heights Police Officers from issuing any charge for possession of marijuana except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights Police Commander, Assistant Chief of Police or Chief of Police or of a violent felony case; to prohibit the filing of charges for possession of marijuana except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights Police Commander, Assistant Chief of Police or Chief of Police or of a violent felony case; to prohibit the filing of charges for possession of drug residue or drug paraphernalia in lieu of a possession of marijuana charge; to prohibit use of city funds or personnel to request, conduct or obtain Tetrahydrocannabinol (THC) testing of any suspected cannabis related substance, except in connection with a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights Police Commander, Assistant Chief of Police or Chief of Police or of a violent felony case; to prohibit Harker Heights Police from using the odor of marijuana or hemp as probable cause for search or seizure, except in connection with a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights Police Commander, Assistant Chief of Police or Chief of Police or of a violent felony case; to require the City Manager and Chief of Police to ensure that Police Officers receive adequate training regarding the provisions of this ordinance; to require modification of city

policies to comply with this ordinance; to require regular public meetings to discuss development of policies, procedures and practices relating to this ordinance; to require discipline for any Harker Heights Police Officer who violates any provisions of this ordinance; and to require the City Manager, or his or her designee, to report to the City Council annually regarding the implementation of this ordinance; authorizing a joint election contract with the Office of Election Administration of Bell County, Texas, for the manner and orderly conduct of the Election and authorizing the City Manager to sign the contract on behalf of the city, and take the appropriate action. (City Secretary)

[Staff Report - Pdf](#)

IV. ADJOURNMENT:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on 29th of July, 2022, by 2:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information.

Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary.

Note: On occasion the City Council may consider agenda items out of order.



City Council Memorandum

FROM: The Office of the City Manager

DATE: August 02, 2022

DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO SUBMIT TO THE ELECTORS A PROPOSED CITIZEN-INITIATIVE ORDINANCE TO ELIMINATE ENFORCEMENT OF MISDEMEANOR LAWS RELATING TO MARIJUANA POSSESSION WITHIN THE CITY OF HARKER HEIGHTS EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO REQUIRE A HARKER HEIGHTS POLICE OFFICER TO WRITE A DETAILED REPORT IN THE EVENT MARIJUANA IS SEIZED AND TO RELEASE THE INDIVIDUAL IN POSSESSION OF THE MARIJUANA IF POSSESSION OF MARIJUANA IS THE SOLE CHARGE; TO PROHIBIT HARKER HEIGHTS POLICE OFFICERS FROM ISSUING ANY CHARGE FOR POSSESSION OF MARIJUANA EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT THE FILING OF CHARGES FOR POSSESSION OF MARIJUANA EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT THE FILING OF CHARGES FOR POSSESSION OF DRUG RESIDUE OR DRUG PARAPHERNALIA IN LIEU OF A POSSESSION OF MARIJUANA CHARGE; TO PROHIBIT USE OF CITY FUNDS OR PERSONNEL TO REQUEST, CONDUCT OR OBTAIN TETRAHYDROCANNABINOL (THC) TESTING OF ANY SUSPECTED CANNABIS RELATED SUBSTANCE, EXCEPT IN CONNECTION WITH A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT HARKER HEIGHTS POLICE FROM USING THE ODOR OF MARIJUANA OR HEMP AS PROBABLE CAUSE FOR SEARCH OR SEIZURE, EXCEPT IN CONNECTION WITH A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO REQUIRE THE CITY MANAGER AND CHIEF OF POLICE TO ENSURE THAT POLICE OFFICERS RECEIVE ADEQUATE TRAINING REGARDING THE PROVISIONS OF THIS ORDINANCE; TO REQUIRE MODIFICATION OF CITY POLICIES TO COMPLY WITH THIS ORDINANCE; TO REQUIRE REGULAR PUBLIC MEETINGS TO DISCUSS DEVELOPMENT OF POLICIES, PROCEDURES AND PRACTICES RELATING TO THIS ORDINANCE; TO REQUIRE DISCIPLINE FOR ANY HARKER HEIGHTS POLICE OFFICER WHO VIOLATES ANY PROVISIONS OF THIS ORDINANCE; AND TO REQUIRE

THE CITY MANAGER, OR HIS OR HER DESIGNEE, TO REPORT TO THE CITY COUNCIL ANNUALLY REGARDING THE IMPLEMENTATION OF THIS ORDINANCE; AUTHORIZING A JOINT ELECTION CONTRACT WITH THE OFFICE OF ELECTION ADMINISTRATION OF BELL COUNTY, TEXAS, FOR THE MANNER AND ORDERLY CONDUCT OF THE ELECTION AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, AND TAKE THE APPROPRIATE ACTION. (CITY SECRETARY)

EXPLANATION:

On June 3, 2022, a petition seeking to initiate an ordinance to restrict low-level marijuana enforcement in the City of Harker Heights was filed with the City Secretary's Office. The petition was reviewed within the 10-day deadline in accordance with the City Charter and the petition committee members were notified by the City Secretary that the petition was determined to be sufficient.

On June 28, 2022, at the regular open meeting of the City Council, the City Secretary submitted her certificate to the City Council stating the petition was sufficient and meets all requirements in accordance with State law and in compliance with ARTICLE VIII of the City Charter. The proposed initiative ordinance was read and a public hearing upon the proposed ordinance was set in accordance with Section 8.07 of the City Charter.

The City Charter requires Council to take action on a petition within sixty (60) days of the City Secretary certifying the petition to City Council. If the City Council does not pass the ordinance proposed by the initiative petition, or shall pass it in a form different that set forth in the petition thereof, the proposed ordinance shall be submitted to the electors.

On July 26, 2022, a public hearing was held and the City Council took final action on the proposed ordinance with a final vote of 4-0 to disapprove the proposed ordinance. Since the proposed ordinance by the initiative petition has failed to pass, the proposed ordinance shall be submitted to the electors in accordance with Section 8.08 of the City Charter.

In the interest of the public and to avoid voter confusion, the City of Harker Heights is seeking to have a joint election with the Office of Election Administration of Bell County on November 8, 2022. There will be seven (7) Early Voting polling locations and forty-two (42) Election Day polling locations. The joint election will be county wide voting, which allows voters to vote at any polling location in Bell County.

Early Voting will be conducted in person each weekday at:
Belton - Bell County Courthouse Annex, 550 East 2nd Ave
Killeen - Bell County Annex, 304 Priest Drive
Killeen - Jackson Professional Learning Center, 902 Rev R A Abercrombie Dr.
Killeen - Senior Center @ Lions Club Park, 1700 E. Stan Schleuter Loop
Temple - Temple ISD Administration Bldg, 401 Santa Fe Way
Salado - Salado Church of Christ, 217 North Stagecoach
Harker Heights - Parks & Recreation Center, 307 Millers Crossing

Early Voting Dates/Hours:

October 24, 2022 thru October 28, 2022 (Monday - Friday) 8:00 am - 5:00 pm
October 29, 2022 (Saturday) 7:00 am - 7:00 pm
October 30, 2022 (Sunday) 12:00 pm - 6:00 pm

October 31, 2022 thru November 4, 2022 (Monday - Friday) 7:00 am - 7:00 pm

Important Election Dates:

Tuesday, November 8, 2022 - Election Day

Tuesday, October 11 - Last Day to Register to Vote

Friday, October 28 - Last Day to Apply for Ballot by Mail (Received, not postmarked)

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE an ordinance to Order a special election to be held on November 8, 2022, and authorize a joint election with the Office of Election Administration of Bell County for the manner and orderly conduct of the Election and authorize the City Manager to sign the contract on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

[ORDINANCE SPECIAL ELECTION](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2022, TO SUBMIT TO THE ELECTORS A PROPOSED CITIZEN-INITIATIVE ORDINANCE TO ELIMINATE ENFORCEMENT OF MISDEMEANOR LAWS RELATING TO MARIJUANA POSSESSION WITHIN THE CITY OF HARKER HEIGHTS EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE ; TO REQUIRE A HARKER HEIGHTS POLICE OFFICER TO WRITE A DETAILED REPORT IN THE EVENT MARIJUANA IS SEIZED AND TO RELEASE THE INDIVIDUAL IN POSSESSION OF THE MARIJUANA IF POSSESSION OF MARIJUANA IS THE SOLE CHARGE; TO PROHIBIT HARKER HEIGHTS POLICE OFFICERS FROM ISSUING ANY CHARGE FOR POSSESSION OF MARIJUANA EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT THE FILING OF CHARGES FOR POSSESSION OF MARIJUANA EXCEPT WHERE SUCH CHARGES ARE A PART OF AN INVESTIGATION OF A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT THE FILING OF CHARGES FOR POSSESSION OF DRUG RESIDUE OR DRUG PARAPHERNALIA IN LIEU OF A POSSESSION OF MARIJUANA CHARGE; TO PROHIBIT USE OF CITY FUNDS OR PERSONNEL TO REQUEST, CONDUCT OR OBTAIN TETRAHYDROCANNABINOL (THC) TESTING OF ANY SUSPECTED CANNABIS RELATED SUBSTANCE, EXCEPT IN CONNECTION WITH A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO PROHIBIT HARKER HEIGHTS POLICE FROM USING THE ODOR OF MARIJUANA OR HEMP AS PROBABLE CAUSE FOR SEARCH OR SEIZURE, EXCEPT IN CONNECTION WITH A FELONY LEVEL NARCOTICS CASE THAT HAS BEEN DESIGNATED AS A HIGH PRIORITY INVESTIGATION BY A HARKER HEIGHTS POLICE COMMANDER, ASSISTANT CHIEF OF POLICE OR CHIEF OF POLICE OR OF A VIOLENT FELONY CASE; TO REQUIRE THE CITY MANAGER AND CHIEF OF POLICE TO ENSURE THAT POLICE OFFICERS RECEIVE ADEQUATE TRAINING REGARDING THE PROVISIONS OF THIS ORDINANCE; TO REQUIRE MODIFICATION OF CITY POLICIES TO COMPLY WITH THIS ORDINANCE; TO REQUIRE REGULAR PUBLIC MEETINGS TO DISCUSS DEVELOPMENT OF POLICIES, PROCEDURES AND PRACTICES RELATING TO THIS ORDINANCE; TO REQUIRE DISCIPLINE FOR ANY HARKER HEIGHTS POLICE OFFICER WHO VIOLATES ANY PROVISIONS OF THIS ORDINANCE; AND TO REQUIRE THE CITY MANAGER, OR HIS OR HER DESIGNEE, TO REPORT TO THE CITY COUNCIL ANNUALLY REGARDING THE IMPLEMENTATION OF THIS ORDINANCE; AUTHORIZING A JOINT ELECTION CONTRACT WITH THE OFFICE OF ELECTION ADMINISTRATION OF BELL COUNTY, TEXAS, FOR THE MANNER AND ORDERLY CONDUCT OF THE ELECTION AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, on June 3, 2022, an initiative petition was filed with the City Secretary seeking to initiate an ordinance to eliminate low-level marijuana enforcement in the City of Harker Heights; and

WHEREAS, in accordance with Section 8.04 of the City Charter, the City Secretary completed her examination of the petition on June 13, 2022, and sent notice to all petition committee members; and

WHEREAS, on June 28, 2022, at the regular open meeting of the City Council, the City Secretary submitted her certificate to the City Council stating the petition was sufficient and meets all requirements in accordance with State law and in compliance with ARTICLE VIII of the City Charter; and

WHEREAS, on June 28, 2022, the proposed initiative ordinance was read and a public hearing upon the proposed ordinance was set in accordance with Section 8.07 of the City Charter; and

WHEREAS, a public hearing was held on July 26, 2022, with the City Council taking final action on the proposed ordinance with a final vote of 4-0 to disapprove the proposed ordinance; and

WHEREAS, in accordance with Section 8.08 of the City Charter, the City Council deems it in the interest of the public to call a special election for the Proposition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THAT:

SECTION 1:

A Special Election shall be held in the City of Harker Heights, Texas, on Tuesday, November 8, 2022, such date being a uniform election date as defined in Texas Election Code §41.001, as amended, to submit to the electors of the City a proposed citizen-initiated ordinance to restrict low-level marijuana enforcement. The ballot shall be prepared with the following Proposition:

CITY OF HARKER HEIGHTS

Proposition A: Shall an initiative ordinance be approved to eliminate enforcement of misdemeanor laws relating to marijuana possession within the City of Harker Heights except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police or chief of police or of a violent felony case ; To require a Harker Heights police officer to write a detailed report in the event marijuana is seized and to release the individual in possession of the marijuana if possession of marijuana is the sole charge; To prohibit Harker Heights police officers from issuing any charge for possession of marijuana except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police or chief of police or of a violent felony case; To prohibit the filing of charges for possession of marijuana except where such charges are a part of an investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police or chief of police or of a violent felony case; To prohibit the filing of charges for possession of drug residue or drug paraphernalia in lieu of a possession of marijuana charge; To prohibit use of City funds or personnel to request, conduct or obtain tetrahydrocannabinol (THC) testing of any suspected cannabis related substance, except in connection with a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police or chief of police or of a violent felony case; To prohibit Harker Heights police from using the odor of marijuana or hemp as probable cause for search or seizure, except in connection with a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police or chief of police or of a violent felony case; To require the City Manager and Chief of Police to ensure that police officers receive adequate training regarding the provisions of this ordinance; To require modification of City police

comply with this ordinance; To require regular public meetings to discuss development of policies, procedures and practices relating to this ordinance; To require discipline for any Harker Heights police officer who violates any provisions of this ordinance; and to require the City Manager, or his or her designee, to report to the City Council annually regarding the implementation of this ordinance?

FOR THE ORDINANCE _____

AGAINST THE ORDINANCE _____

SECTION 2:

If the Proposition provided in Section 1, above, is approved by a majority of voters voting at the election, subject to the provisions of the Charter of the City of Harker Heights, the City Code is amended as indicated below:

BE IT ORDAINED BY THE VOTERS OF THE CITY OF HARKER HEIGHTS:

Title XIII, Chapter 133 of the City Code is hereby created, to be titled “Marijuana Enforcement” and to read as follows:

Chapter 133. - MARIJUANA ENFORCEMENT

Section 133.01. - Ending citations and arrests for misdemeanor possession of marijuana.

(a) Harker Heights police officers shall not issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana offenses, except in the limited circumstances described in (b).

(b) The only circumstances in which Harker Heights police officers are permitted to issue citations or make arrests for Class A or Class B misdemeanor possession of marijuana are when such citations or arrests are part of (1) the investigation of a felony level narcotics case that has been designated as a high priority investigation by a Harker Heights police commander, assistant chief of police, or chief of police; and/or (2) the investigation of a violent felony.

(c) In every instance other than those described in (b), if a Harker Heights police officer has probable cause to believe that a substance is marijuana, an officer may seize the marijuana. If the officer seizes the marijuana, they must write a detailed report and release the individual if possession of marijuana is the sole charge.

(d) Harker Heights police officers shall not issue any charge for possession of marijuana unless it meets at least one of the factors described in (b).

Section 133.02. - Citations for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

(a) A class C misdemeanor citation for possession of drug residue or drug paraphernalia shall not be issued in lieu of a possession of marijuana charge.

Section 133.03. - Prohibition against using City funds or personnel to conduct THC concentration testing.

(a) No City funds or personnel shall be used to request, conduct, or obtain tetrahydrocannabinol (THC) testing of any cannabis-related substance to determine whether the substance meets the legal definition of marijuana under state law, except in the limited circumstances of a police investigation pursuant to Section 133.01(b).

(b) This prohibition shall not limit the ability of Harker Heights police to conduct toxicology testing to ensure public safety, nor shall it limit THC testing for the purpose of any violent felony charge.

Section 133.04. - Prohibition against City police using the odor of marijuana or hemp as probable cause for search or seizure.

(a) Harker Heights police shall not consider the odor of marijuana or hemp to constitute probable cause for any search or seizure, except in the limited circumstances of a police investigation pursuant to Section 133.01(b).

Section 133.05. - Training and policy updates; community involvement.

(a) The City Manager and Chief of Police shall ensure that Harker Heights police officers receive adequate training concerning each of the provisions of this ordinance.

(b) The City Manager shall work with the Harker Heights Police Chief and other relevant stakeholders identified in (c) to update City policies and internal operating procedures in accordance with this ordinance. Actions that may be necessary include but are not limited to: updating the Harker Heights Police Department General Manual; updating the training bulletin; training officers; and updating internal databases and systems.

(c) The City Manager shall arrange regular meetings to discuss the development of policies, procedures, and practices related to this ordinance, which shall include community stakeholders including: the Police Chief's Advisory Panel; other interested stakeholders and community organizations; individuals directly impacted by arrests within the City; immigrant communities; and communities of color. These meetings shall be open to public participation, have minutes and agendas publicly accessible, and have audio and video recordings uploaded to the City's website, if feasible.

Section 133.06. - Discipline.

(a) Any violation of this chapter may subject a Harker Heights police officer to discipline as provided by the Texas Local Government Code or as provided in City policy.

Section 133.07. – Reporting.

(a) Within three months of the adoption of this ordinance, and annually thereafter, the City Manager or their designee shall present to the City Council, at a public meeting subject to the Texas Open Meetings Act, a report concerning the City's implementation of this ordinance.

SECTION 3:

The polling places and times shall be designated by the Bell County Elections Administrator ("Election Administrator") in accordance with the provisions of a joint election agreement ("Agreement") and contract for election services with the Elections Administrator. The locations of such polling places are set forth in Exhibit A, attached hereto.

SECTION 4:

Early voting shall be conducted by personal appearance at the locations, dates and times set forth in Exhibit B, attached hereto, and during the early voting period as required or permitted by law.

SECTION 5:

The Elections Administrator is hereby appointed as the Early Voting Clerk in accordance with the terms of the Agreement. The main early voting location for the election shall be at the following address: Bell County Courthouse Annex, 550 East 2nd Ave, Belton, Texas 76513.

Applications for ballots by mail must be received no later than the close of business on October 28, 2022, to the early voting clerk, Dr. Desi Roberts, Elections Administrator, P.O. Box 1629, Belton, Texas 76513.

SECTION 6:

The election officers for each polling place shall be appointed by the Elections Administrator of Bell County, Texas, and compensated for said election.

SECTION 7:

Voting on the date of the Election and early voting shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code (“Code”), as amended. Said ballots shall have printed therein such provisions, markings, and language as may be required by law.

SECTION 8:

The City Manager is hereby authorized to execute the Contract for Election Services with the Bell County Elections Administrator, attached hereto as Exhibit C.

Exhibit A, attached hereto, and Exhibit B, attached hereto, shall be modified to include any additional or different election day polling places and early voting locations designated by the Elections Administrator and to conform to the Agreement.

SECTION 9:

The election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in said Election. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 10.

This Ordinance shall become effective immediately upon its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS on this 2th day of August, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

<u>Site #</u>	<u>City</u>	<u>Location Name and Address</u>
001	BELTON	Belton Nazarene Church, 1701 Sparta Road, Belton, Texas 76513
002	BELTON	Belton Annex, 550 E. 2nd Ave., Belton, Texas 76513
003	BELTON	Belton Annex North, 1605 N. Main St, Belton, TX 76513
004	BELTON	Belton Senior Center, 842 S. Mitchell, Belton, Texas 76513
005	MORGAN'S POINT	Morgan's Point City Library, 8 Morgan's Point Blvd, Morgan's Point Resort, TX 76513
006	LITTLE RIVER / ACADEMY	Bliss Community Center, 109 South Evans, LR/A, Texas 76554
007	KILLEEN	Liberty Christian Center, 4107 Westcliff Rd Killeen, Texas 76543
008	HOLLAND	Holland Fire Department, 101 W. Travis Street, Holland, Texas 76534
009	KILLEEN	Christian House of Prayer, 3300 E. Stan Schlueter Loop, Killeen, Texas 76543
010	NOLANVILLE	Nolanville City Hall, 101 N 5th St., Nolanville, Texas 76559 (New Site)
011	HARKER HEIGHTS	VFW Post 3892, 201 VFW Dr., Harker Heights, Texas 76548
012	HARKER HEIGHTS	Harker Heights Parks & Recreation Center, 307 Millers Crossing, Harker Heights, Texas 76548
013	SALADO	Salado Church of Christ Activities Center 217 N. Stagecoach Rd., Salado, TX 76571
014	TEMPLE	Vista Community Church, 7051 Stonehollow Drive, Temple, TX 76502
015	KILLEEN	Jackson Professional Learning Center, 902 Rev R A Abercrombie Dr, Killeen, TX 76543
016	KILLEEN	Killeen Senior Center @ Lions Club Park, 1700 E. Stan Schleuter Loop, Killeen, Texas 76542
017	KILLEEN	Grace Christian Center, 1401 E. Elms Rd., Killeen, Texas 76542
018	HARKER HEIGHTS	St. Paul Chong Hasang Catholic Church 1000 E FM 2410 Harker Heights, Texas 76548
019	EAST TRIMMIER	First Baptist Church of Trimmier, 6405 Chapparral Road, Killeen, Texas 76542
020	TROY	Troy Community Center, 201 East Main Troy, TX 76579
021	TEMPLE	VFW Post 1820, 3302 Airport Road, Temple, Texas 76504
022	TEMPLE	Northside Church of Christ 3401 N. 3rd St, Temple, TX 76501 (New Site)
023	TEMPLE	A & E Storage, 4970 E Highway 190, Temple, Texas 76502
024	TEMPLE	Cross Church on Birdcreek, 2202 Birdcreek Drive, Temple, Texas 76502
025	TEMPLE	Immanuel Baptist Church, 1401 W. Central, Temple, Texas 76504
026	TEMPLE	Temple College Pavilion, Leopard Room 2800, 130 E. Marvin R Felder DR, Temple, TX 76504
027	TEMPLE	Temple ISD Administration Bldg, 401 Santa Fe Way, Temple, TX 76501
028	TEMPLE	St. Mary's Church 1018 S. 7th Str. Temple, TX 76504 (New Site)
029	CYCLONE	St. Joseph Catholic Church Fellowship Hall, 20120 Farm to Market Road 485, Burlington, TX 76519
030	MOFFAT / STAMPEDE	First Baptist Church of Moffat, 13929 Moffat Road, Temple, Texas 76502
031	ROGERS	First Baptist Church of Rogers, 5 Prairie, Rogers, TX 76569
032	TEMPLE	First Church of the Nazarene 5000 S. 31st St. Temple, TX 76502 (New Site)
033	IVY GAP	Boy's Ranch, 3275 Boys Ranch Road, Kempner, Texas 76539
034	KILLEEN	Robert M. Shoemaker High School, 3302 Clear Creek Road, Killeen, Texas 76541
035	KILLEEN	Killeen Annex, 304 Priest Dr., Killeen, Texas 76541
036	KILLEEN	Triple 7 Fire Station, 258 Triple 7 Trail, Killeen, TX 76541

037	KILLEEN	Skyline Baptist Church, 906 Trimmier Rd., Killeen, Texas 76541
038	WEST TRIMMIER	West Bell Water Supply Office, 4201 Chaparral Road, Killeen, Texas 76540
039	KILLEEN	Killeen Utilities Department, 210 W. Avenue C, Killeen, Texas 76541
040	KILLEEN	Sugar Loaf Elementary School, 1517 Barbara Ln., Killeen, Texas 76549
041	KILLEEN	Roy J. Smith Middle School, 6000 Brushy Creek Dr., Killeen, Texas 76549
042	BARTLETT	Bartlett City Hall, 140 W. Clark Street, Bartlett, TX 76511



Bell County

The Office of the Elections Administration

AGENDA ITEM #III.1.
Exhibit B

550 E. 2nd Ave
P.O. Box 1629
Belton, Texas 76513
254.933.5774
Fax 254.933.6754
Elections@BellCounty.Texas.gov
Voter.Registration@BellCounty.Texas.gov

Early Voting Locations

Belton

Bell County Annex
550 E. 2nd Ave
Belton, TX 76513

Killeen

Jackson Professional Learning Center
902 Rev R A Abercrombie Dr
Killeen, TX 76543

Killeen

Bell County Annex
304 Priest Dr
Killeen, TX 76541

Killeen

Senior Center @ Lions Club Park
1700 E. Stan Schleuter Loop
Killeen, TX 76542

Harker Heights

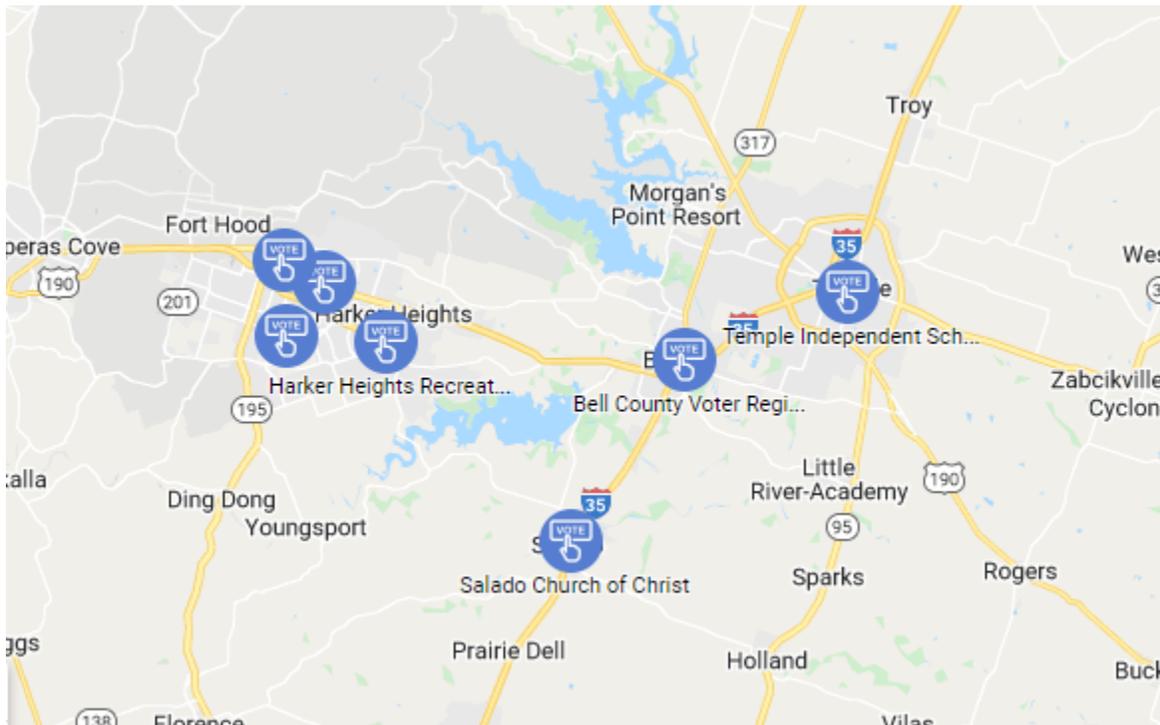
Harker Heights Parks & Recreation
307 Millers Crossing
Harker Heights, TX 76548

Salado

Salado Church of Christ
217 N. Stagecoach Road
Salado, TX 76571

Temple

Temple ISD Administration Building
401 Santa Fe Way
Temple, TX 76501





Bell County
The Office of Elections Administration
Dr. Desi Roberts, Elections Administrator

550 E. 2nd Ave
 P.O. Box 1629
 Belton, Texas 76513
 254.933.5774
 Fax 254.933.6754
 Elections@BellCounty.Texas.gov
 Voter.Registration@BellCounty.Texas.gov

ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES

THIS General Election Agreement and Contract for Election Services (Contract) is made by and between the Bell County Elections Administrator (Elections Administrator) and political subdivisions (Participating Authority or Participating Authorities namely City of Harker Heights) located entirely inside the boundaries of Bell County.

This contract is made pursuant to Texas Election Code Sections 31.092 and 281.002 and Texas Education Code Section 11.0581 for a General election to be held on the uniform election date of November 8, 2022, and administered by Dr. Desi Roberts, Bell County Elections Administrator. This contract supersedes any and all prior contracts and agreements to conduct General elections between a Participating Authority and the Bell County Elections Office. **Participating Authorities who desire to utilize Bell County Elections Services shall return this contract signed application for the Political Subdivision Election 2022 packet on or before August 8, 2022. Send all documents to jeannette.compean@bellcounty.texas.gov and desi.roberts@bellcounty.texas.gov.** Throughout this period, open accessibility and communication shall be maintained.

RECITALS

WHEREAS, each Participating Authority that plans to hold an election on November 8, 2022;

WHEREAS, Bell County owns an electronic voting system, the Election System and Software (ES&S) voting system, which includes the DS200 precinct scanner, the DS850 central scanner, and the ExpressVote ballot marking device and 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 for persons with disabilities set forth by Texas Election Code Section 61.012. The Participating Authorities desire to use Bell County's electronic voting system, to compensate Bell County for such use, and to share in certain other expenses connected with General elections, in accordance with the applicable provisions of Chapters 31 and 281 of the Texas Election Code, as amended, and

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

I. ADMINISTRATION

The Participating Authorities agree to hold an Election with Bell County and each other in accordance with Chapter 281 of the Texas Election Code and this Contract. The Elections Administrator shall coordinate, supervise, and handle all aspects of administering the Election as this contract provides. Each Participating Authority agrees to pay the Elections Administrator for equipment, programming, election workers, supplies, services, and administrative costs as provided in this contract. The Elections Administrator shall serve as the Election Officer for the General Election; however, each Participating Authority shall remain responsible for the decisions and actions of its officers necessary for the lawful conduct of its Election. The Elections Administrator shall provide advisory services in connection with decisions to be made and actions to be taken by each participating authority's officers as necessary.

It is understood that other political subdivisions and districts may wish to participate in the use of Bell County's electronic voting system and polling places, and it is agreed that the Elections Administrator may enter into other contracts for election services for those purposes, on terms and conditions generally similar to those outlined in this contract. In such cases, costs shall be pro-rated among the participants according to Section XII of this Contract.

II. LEGAL DOCUMENTS

Each Participating Authority 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 the Participating Authority's governing body, charter, or ordinances, except that the Elections Administrator shall be responsible for the preparation and publication



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of all voting equipment testing notices that the Texas Election Code requires. Election orders should include language that would not necessitate amending the order if any of the Early Voting and/or Election Day polling places change.

Preparation of the necessary materials for notices and the official ballot language shall be the responsibility of each Participating Authority, including providing the text in English and Spanish. Each Participating Authority shall provide a copy of their respective election orders and notices to the Elections Administrator.

III. NONPERFORMANCE

The Elections Administrator will inform each Participating Authority of any problems or deficiencies in their respective performance of obligations under this contract, including but not limited to non-adherence to deadlines for requests for information of each Participating Authority by the Elections Administrator, and may set a reasonable period of time to cure or obtain adequate assurance that any such problems or deficiencies will be timely addressed and corrected. **The Participating Authority's failure to remedy issues or deficiencies related to its obligations, duties, and responsibilities in accordance with all terms and conditions of this Agreement will be considered in any future contracts with the Elections Administrator. Any Participating Authority failing to perform will reimburse the Elections Administrator for additional costs and expenses to Bell County, including all costs associated with interference in conducting the Election.**

IV. VOTING LOCATIONS

The Elections Administrator shall select and arrange for the use of and payment for all Election Day voting locations. Voting locations shall comply with the accessibility requirements established by Election Code Section 43.034 and the Americans with Disabilities Act (ADA). The proposed Election Day voting locations may be amended. In the event a voting location is not available or appropriate, the Elections Administrator will arrange for the use of an alternate site. The Elections Administrator shall notify the Participating Authorities.

If polling places for November 8, 2022, Election are different from the polling place(s) used by a Participating Authority in its most recent Election. In that case, the Participating Authority agrees to post a notice no later than November 1, 2022, at the entrance to any previous polling places in the jurisdiction stating that the polling location has changed and listing the Participating Authority's polling place names and addresses in effect for the November 8, 2022 election. This notice shall be written in both English and Spanish languages.

V. ELECTION JUDGES, CLERKS, AND OTHER ELECTION PERSONNEL

The Elections Administrator will approve, train, and support all election workers.

The Elections Administrator will take the necessary steps to ensure that all election judges appointed for the Election are eligible to serve and meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code and meet any requirements to serve as an Election Worker set forth by the Bell County Commissioners Court.

The Elections Administrator shall arrange for the training and compensation of all election judges, clerks, and election personnel. The Elections Administrator shall arrange the date, time, and place for the presiding election judges to pick up their election supplies. As outlined in Sec. 32.009 of the Texas Election Code, each presiding election judge and an alternate presiding judge shall be given written notice of their appointment. The notice from the Elections Administrator will include the polling location and the number of election clerks the presiding judge may appoint. The number of poll workers will be based on the specific site; however, 4 to 6 poll workers are estimated.



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Each election Judge and Clerk will receive compensation at the hourly rate established by Bell County pursuant to Texas Election Code Section 32.091. The election judge will be compensated for picking up the election supplies before Election Day and returning the supplies and equipment to the central counting station after the polls close.

On the date of the drafting of this contract, the compensation rates established by Bell County are:

Early Voting – Early Voting Supervisor (\$9 an hour), Clerks (\$9 an hour)
Election Day – Presiding Judge (\$8.50 an hour), Alternate Judge (\$8.50 an hour), Clerk (\$8.50 an hour)

Election judges and clerks who attend voting equipment and procedures training shall be compensated at the hourly rates listed above.

The Elections Administrator may employ other personnel as necessary for the proper administration of the Election, including such part-time help as is necessary to prepare for the Election, to ensure the timely delivery of supplies during Early Voting and on Election Day, for the efficient tabulation of ballots at the central counting station, and the post-election processes conducted by warehouse personnel. Part-time personnel supporting the Early Voting Ballot Board and/or central counting station on Election Night will be compensated at the hourly rate set by Bell County in accordance with Election Code Sections 88.005, 128.004, and 128.006.

In accordance with Sec. 31.098 of the Texas Election Code, the Elections Administrator is authorized to contract with third persons for election services and supplies. The Elections Administrator will pay the actual cost of such third-person services and supplies and be reimbursed by the Participating Authorities.

VI. PREPARATION OF SUPPLIES AND VOTING EQUIPMENT

The Elections Administrator shall arrange for all election supplies and voting equipment including, but not limited to, Bell County's electronic voting system and equipment, official ballots, sample ballots, voter registration lists, and all forms, signs, maps, and other materials used by the election judges at the voting locations. The Elections Administrator shall ensure the availability of tables and chairs at each polling place. The Elections Administrator shall be responsible for conducting all required testing of the electronic equipment, as required by Chapters 128 and 129 of the Texas Election Code.

Participants shall share voting equipment and supplies to the extent possible. A single ballot containing all the offices or propositions stating measures to be voted on at a particular polling place may be used in a General election. A voter may not be permitted to select a ballot containing an office or proposition stating a measure on which the voter is ineligible to vote. The Elections Administrator shall provide the necessary voter registration information, maps, instructions, and other information needed. The Elections Administrator shall ensure all voting equipment is programmed with the appropriate ballot styles to conduct a fair election. The Elections Administrator will arrange for the transportation of all voting equipment and signage to the voting sites.

Each Participating Authority shall furnish the Elections Administrator with 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 of offices and text in both English and Spanish languages). The Participating Authorities are required to submit information in a format or template requested by the Elections Office. Each Participating Authority shall be responsible for proofreading and approving the ballot pertaining to that authority's candidates and/or propositions. Each Participating Authority shall also be responsible for proofing and approving the audio recording of the ballot insofar as it pertains to that authority's candidates and/or propositions.

If a Participating Authority identifies an error after approval of their respective ballot proof(s), and any programming and/or audio files require changes, the Participating Authority approving the original ballot and audio proof will be responsible for the total cost of reprogramming, if required. This will include the cost of reprogramming ballot language and/or audio files for other Participating Authorities as necessary due to software limitations.



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Early Voting by Personal Appearance and/or the use of Vote Centers, Texas Election Code Section 43.008, on Election Day shall be conducted exclusively on Bell County's electronic voting system.

The Elections Administrator shall be responsible for the programming, preparation, testing, and delivery of the voting system equipment for the Election as required by the Election Code.

The Elections Administrator may conduct criminal background checks for relevant election officials, staff, and temporary workers upon hiring as required by Election Code 129.051(g).

VII. EARLY VOTING

The Participating Authorities agree to conduct Early Voting and appoint the Election Administrator as the Early Voting Clerk per Sections 31.098 and 281.006, Texas Election Code. Each Participating Authority agrees to appoint the Elections Administrator's permanent county employees as Deputy Early Voting clerks. The Participating Authorities further agree that the Elections Administrator may appoint other Deputy Early Voting clerks to assist in the conduct of Early Voting as necessary and that these additional Deputy Early Voting clerks shall be compensated at an hourly rate set by Bell County pursuant to Section 83.052 of the Texas Election Code. Deputy Early Voting clerks who are permanent Bell County Elections Administration employees may be paid from the election services contract fund for contractual duties performed outside of regular business hours (Sec. 31.100(e), Texas Election Code).

Early Voting by personal appearance will be held at the designated locations, dates, and times. In the event a voting location is not available or appropriate, the Elections Administrator will arrange for the use of an alternate site. The Elections Administrator shall notify the Participating Authorities of any changes from the locations. Any Bell County qualified voter of the General Election may vote early by personal appearance at any one of the Early Voting locations.

As Early Voting Clerk, the Elections Administrator 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 Participating Authorities shall be forwarded immediately by fax or courier to the Elections Administrator for processing. The address of the Early Voting Clerk is as follows:

<u>Mailing Address</u>	<u>Physical Location</u>
Early Voting Clerk	Early Voting Clerk
Bell County Elections Department	550 East 2nd Avenue
P.O. Box 1629	Belton, Texas 76513
Belton, Texas 76513	

After the first day of Early Voting, the Elections Administrator shall post on the Bell County Elections Office webpage the Early Voting turnout by Early Voting polling location by day and a cumulative final Early Voting turnout report following the close of Early Voting.

VIII. EARLY VOTING BALLOT BOARD

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

IX. CENTRAL COUNTING STATION AND ELECTION RETURNS



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The Elections Administrator will take the necessary steps to establish and operate the central counting station to receive and tabulate the voted ballots per the provisions of the Texas Election Code and this contract.

The Counting Station Manager or an approved representative shall deliver timely cumulative reports of the election results as precincts report to the central counting station and are tabulated. The Counting Station Manager shall be responsible for releasing unofficial cumulative totals and center returns from the Election to the General participants, candidates, press, and general public by the distribution of electronic copies at the central counting station and by posting to the Bell County Elections Office webpage. To ensure the accuracy of reported election returns, results printed on the tapes produced by Bell County's voting equipment will not be released to the Participating Authorities at any individual polling locations.

The Elections Administrator will prepare the unofficial canvass reports that are necessary for compliance with Election Code Section 68.004 after all precincts have been counted and will deliver a copy of the unofficial canvass to each Participating Authority as soon as possible after all returns have been tabulated. Each Participating Authority shall be responsible for the official canvass of its respective Election (s). The Election's official canvass shall not occur before November 11, 2022, and no later than November 22, 2022, as per the Texas election Code.

The Elections Administrator will prepare the electronic results reports for uploading to the Secretary of State as required by Section 68.018 of the Election Code. Each Participating Authority agrees to upload these reports.

The Elections Administrator shall be responsible for conducting the post-election manual recount required by Section 128.201 of the Texas Election Code unless the Secretary of State grants a waiver. Notification and copies of the recount, if a waiver is denied, will be provided to each Participating Authority and the Secretary of State's Office.

X. PARTICIPATING AUTHORITIES WITH TERRITORY OUTSIDE BELL COUNTY

Bell County Elections will not consider conducting elections in territories outside of Bell County.

XI. RUNOFF ELECTIONS

Each Participating Authority shall have the option of extending the terms of this contract through its runoff election, if applicable. In the event of such runoff election, the terms of this contract shall automatically extend unless the Participating Authority notifies the Elections Administrator in writing within three business days of the original Election.

Each Participating Authority shall reserve the right to reduce the number of Early Voting locations and/or Election Day voting locations in a runoff election. If necessary, any voting changes made by a Participating Authority between the original Election and the runoff election shall be submitted by the authority making the change to the United States Department of Justice for the preclearance required by the Federal Voting Rights Act of 1965, as amended.

Each Participating Authority agrees to order any runoff election(s) at its meeting for canvassing the votes from the November 8, 2022 election and to conduct its drawing for ballot positions at or immediately following such meeting in order to expedite preparations for its runoff election.

Each Participating Authority eligible to hold runoff elections after the November 8, 2022 Election Date agrees that the date of a necessary runoff election shall be held in accordance with the Election Code.

XII. ELECTION EXPENSES AND ALLOCATION OF COSTS



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Charges. In consideration of the General election services provided hereunder by the Elections Administrator, the Participating Authorities will be charged a share of election costs, a staffing agency fee for election workers, an administrative fee, and the lease of voting equipment.

1. **Share of Election Costs.** Each Participating Authority's share of election costs will be (i) a base fee of \$1,000.00, (ii) plus an equal share of the total of all costs incurred by the Elections Administrator in connection with the administration of elections of other entities held at the same time as the Election. The sum of the base charges from all Participating Authorities will be subtracted from the total of all costs before allocating the remaining costs to each Participating Authority. Each Participating Authority's share of the remaining (allocated) costs will be determined by dividing the total cost by the number of Participating Authorities. An itemized cost list is the basis for the final Total Cost report/invoice, which will be submitted to each Participating Authority after the Election. The result will be a charge to the Participating Authority of \$1,000.00 plus the Participating Authority's allocated share of county-wide election costs not covered by the sum of all base fees received.
2. Each Participating Authority's share of the staffing agency fee for election workers will be an even share among entities.
3. **Lease of Voting Equipment.** Per Texas Election Code Section 123.032(d), the following prices for leasing county-owned voting equipment:
 - \$250.00 per ExpressVote Ballot Marking Device
 - \$400.00 per DS200 Precinct Scanner;
 - \$6,000.00 per DS850 Central Count scanner to cover the duration of the Election;
 - \$250.00 per electronic poll book.

The Participating Authority's share of voting equipment costs will be evenly divided. If applicable, the leasing cost will be calculated once for the Early Voting period and once for Election Day. If the County acquires additional equipment, different voting equipment, or upgrades existing equipment during the term of this contract, the charge for the use of the equipment may be reset or adjusted.

- a) **Administrative Fee.** Each Participating Authority agrees to pay the Bell County Elections Administrator an administrative fee equal to ten percent (10%) of its total billable costs, less the staffing agency fee, in accordance with Section 31.100(d) of the Texas Election Code.
 - b) **Technical Support.** The Elections Administrator will contract with the elections equipment vendor to provide onsite support and consultation for Election Day at an estimated amount of \$5000.
4. **Other charges may include but are not limited to** printing fees and postage for ballot by mail kits.

The Elections Administrator shall deposit all funds payable under this contract into the appropriate fund(s) within the Bell County treasury in accordance with Election Code Section 31.100.

XIII. WITHDRAWAL FROM CONTRACT DUE TO CANCELLATION OF ELECTION

Any Participating Authority may withdraw from this contract, and the Election should it determine a cancelation of its Election is in accordance with Sections 2.051 - 2.053 of the Texas Election Code. Official written notification (ordinance canceling the election) should be forwarded to the Election Administrator within 48 hours.

XIV. RECORDS OF THE ELECTION



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The Elections Administrator is appointed general custodian of the voted ballots and all Election records as authorized by Section 281.010 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 Office of the Elections Administrator or at an alternate facility to store County records. The Elections Administrator shall ensure that the records are maintained orderly 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 Elections Administrator 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 Elections Administrator any notice of pending election contest, investigation, litigation, or open records request which may be filed with the Participating Authority.

XV. RECOUNTS OR CONTESTED ELECTION

A recount may be obtained as provided by Title 13 of the Texas Election Code. By signing this document, the presiding officer of the contracting Participating Authority agrees that any recount shall take place at the offices of the Elections Administrator or a location approved by the Elections Administrator. The Elections Administrator shall serve as Recount Supervisor, and the Participating Authority's official or employee who performs the duties of a secretary under the Texas Election Code shall serve as Recount Coordinator.

In the event of a contested election, the expenses of a new election ordered by a court of competent jurisdiction or Participating Authority will be paid for and by the Participating Authority in accordance with Texas Election Code 221.014

The Elections Administrator agrees to provide advisory services to each Participating Authority as necessary to conduct a proper recount.

XVI. MISCELLANEOUS PROVISIONS

The Elections Administrator shall file copies of this document with the Bell County Treasurer and the Bell County Auditor in accordance with Section 31.099 of the Texas Election Code.

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.

This contract 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 Bell County, Texas.

In the event that 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 hereof, and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

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.

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



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

Participating Authority agrees to act in good faith in the performance of this agreement and shall immediately contact and notify the Elections Administrator of any potential problems or issues relevant to the subject matter of this contract.

XVII. COST ESTIMATES AND PAYMENT OF FUNDS

The total *estimated* cost for the November 8, 2022 Election can not be determined at this time. After the final determination has been made of whom the Participating Authorities will be, and the Contracts are fully executed, the Elections Administrator may provide each Participating Authority with an unofficial cost estimate. Each Participating Authority's portion will be divided evenly in a cost-sharing approach. As soon as reasonably possible after the Election, the Elections Administrator will submit an itemized invoice to each Participating Authority based on the actual expenses. The exact amount of each Participating Authority's obligation under the terms of this contract shall be calculated after the Election (or runoff election, if applicable). A final invoice from the Elections Administrator will be provided with the payable amount. Each Participating Authority shall make its payment within 40 days of receiving the invoice from the Elections Administrator. **Each Participating Authority should make every effort to return its signed copy of this contract within ten days of receipt.**

XVIII. SIGNATURE PAGE

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 2022.

ELECTIONS ADMINISTRATOR:

Dr. Desi Roberts,
Elections Administrator
Bell County, Texas
desi.roberts@bellcounty.texas.gov

WITNESS BY MY HAND THIS THE 2nd DAY OF August, 2022.

PARTICIPATING AUTHORITY:

Name of Participating Authority: City of Harker Heights
By: _____
Printed Name: David Mitchell
Official Capacity: City Manager