

AN ORDINANCE 2010-09-16-0808

**AUTHORIZING A CONTRACT FOR ELECTION SERVICES FOR
THE NOVEMBER 2, 2010 JOINT ELECTION WITH THE BEXAR
COUNTY ELECTIONS ADMINISTRATOR IN AN AMOUNT NOT
TO EXCEED \$503,830.29.**

* * * * *

WHEREAS, on June 10, 2010, by Ordinance No. 2010-06-10-0525, the City of San Antonio called a Special Election for Tuesday, November 2, 2010, for the purpose of extending the current 1/8th sales tax for the Edwards Aquifer Protection and Parks Development & Expansion Venue Projects; and

WHEREAS, the City of San Antonio has historically contracted with the Bexar County Elections Administrator to conduct its municipal elections jointly with other political subdivisions within the county and provide services including, but not limited to:

- a) Obtaining U.S. Department of Justice Pre-clearance for polling sites to be utilized;
- b) Procuring and distributing election supplies, to include the printing and distribution of ballots for mail balloting;
- c) Hiring, training, and paying Election Judges, Clerks, and other election personnel;
- d) Securing Early Voting and Election Day polling sites;
- e) Programming Election equipment to be utilized during Early Voting and Election Day;
- f) Transporting Election equipment to each polling site;
- g) Conducting Early Voting, in person, and by mail;
- h) Conducting Election Day Voting; and
- i) Tabulating Election Returns; and

WHEREAS, it is now necessary to authorize a contract in accordance with Section 31.092 of the Texas Election Code, whereby the Bexar County Elections Administrator will provide election services to the City in connection with the Tuesday, November 2, 2010 Joint Election; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized to execute a contract with Bexar County through the Bexar County Elections Administrator for conducting the Joint Election on Tuesday, November 2, 2010. A copy of the contract for election services for the Tuesday, November 2, 2010 Joint Election, in substantially final form, is attached and incorporated as **Exhibit A.**

SECTION 2. Funds are authorized to be encumbered in Cost Center 270101 in the estimated amount of \$503,830.29. Funds will be expended from General Ledger 5201030, entitled "Fees for Governmental Contractors," Fund 11, entitled "General Fund," with other General Ledger Accounts being utilized when appropriate. The funds are authorized to be payable to Bexar County for election services in connection with the Tuesday, November 2, 2010 Special Election. Bexar County shall refund to the City any and all City of San Antonio funds remaining after the payment of all election costs.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or her designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 4. The Bexar County Elections Administrator is authorized to appoint election officials to serve as judges and clerks for Early Voting and Election Day, members of the Early Voting Ballot Board, Signature Verification Committee and Central Counting Station, in connection with the Joint Election to be held on Tuesday, November 2, 2010.

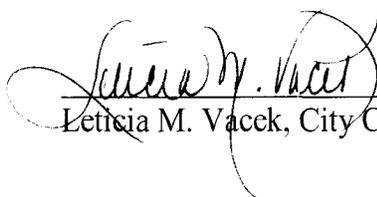
SECTION 5. The City of San Antonio will canvass the City's election returns on Wednesday, November 10, 2010.

SECTION 6. This ordinance is effective immediately, upon passage by eight (8) affirmative votes; otherwise, the effective date shall be ten (10) days from the date of passage.

PASSED AND APPROVED this 16th day of September, 2010.


M A Y O R
Julián Castro

ATTEST:

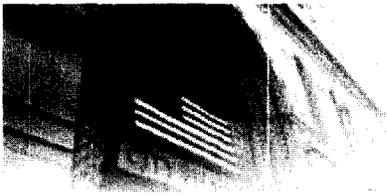


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Michael Bernard, City Attorney



Request for
**COUNCIL
 ACTION**

City of San Antonio



Agenda Voting Results - 21C

Name:	9, 10, 11, 12, 13, 16, 17, 19, 20, 21A, 21B, 21C, 23						
Date:	09/16/2010						
Time:	11:21:03 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a contract for Election Services with the Bexar County Elections Office in an amount up to \$503,830.29.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				

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.**

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 actual cost of performing the services, including any overtime incurred by ADMINISTRATOR'S employees. CITY further agrees to deposit with ADMINISTRATOR \$503,830.29 no later than September 24, 2010 to cover the estimated pro rata cost.

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:

Jacquelyn F. Callanen
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.

ARTICLE VIII

BACKGROUND CHECKS

8.01. ADMINISTRATOR has conducted all criminal background checks required by Texas Election Code § 129.051(g).

SIGNED this 7th day of Sept., 2010

ELECTIONS ADMINISTRATOR

CITY OF SAN ANTONIO

BY: 
JACQUELYN F. CALLANEN

BY: 
PRINT: Leticia M. Vadek
TITLE: City Clerk

APPROVED AS TO LEGAL FORM:

SUSAN REED
CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS

BY: 
KELSEY MENZEL
ASSISTANT CRIMINAL DISTRICT
ATTORNEY- CIVIL SECTION

COSA		EXHIBIT "A"		2-Nov-10	
I	Early Voting	Units	Cost Per Unit	Estimated	TOTALS
A	REMUNERATION				
	REMUNERATION SUMMARY				
	NUMBER OF JUDGES	1			
	HOURS WORKED	80	\$10.00	\$800.00	
	HOURS WORKED OVERTIME	80	\$15.00	\$1,200.00	
	NUMBER OF CLERKS	4			
	HOURS WORKED	80	\$9.00	\$2,880.00	
	HOURS WORKED OVERTIME	80	\$13.50	\$4,320.00	
	JUDGES DAILY RETURN FEE				
	NUMBER OF TRIPS	12			
	COST PER TRIP		\$7.50	\$90.00	
	COST PER CREW	CC		\$9,290.00	
	NUMBER OF SITES	40			
	WAGES			\$371,600.00	
	TOTAL FICA			\$28,427.40	
	TEMP AGENCY MARKUP		15.59%	\$62,364.27	
	TOTAL REMUNERATION			\$462,391.67	\$462,391.67
B	PRINTING				
	PRINTING OF EARLY VOTING SUPPLIES				
	FORMATTING STYLE	225	\$50.00	\$11,250.00	
	COST OF BALLOTS		\$0.26		
	NUMBER OF BALLOTS	120,000		\$31,200.00	
	COST OF SAMPLE BALLOTS		\$0.05		
	NUMBER OF SAMPLE BALLOTS	250,000		\$12,500.00	
	Freight		\$0.00	\$0.00	
	TOTAL PRINTING			\$54,950.00	\$54,950.00
C	MAIL				
	NUMBER OF WHITE ENVELOPES	35,000	\$0.09	\$3,150.00	
	NUMBER APPLICATIONS	20,000	\$0.05	\$1,000.00	
	NUMBER OF CARRIER ENVELOPES	35,000	\$0.09	\$3,150.00	
	NUMBER OF TRANSPORT ENVELOPES	35,000	\$0.09	\$3,150.00	
	NUMBER OF POSTAGE STAMPS	35,000	\$0.60	\$21,000.00	
	TOTAL MAIL			\$31,450.00	\$31,450.00
D	TEMPORARY WORKERS				
	NUMBER OF TEMP EMPLOYEES/MAIL	10			
	HOURS WORKED	260	\$9.75	\$25,350.00	
	NUMBER OF MONTHS	3			
	WORKMANS COMP UNEMPLOYEMENT		\$49.33	\$1,479.90	
	iVotronic PREPARATION				
	NUMBER OF TEMPORARY EMPLOYEES	5	\$10.00		
	HOURS WORKED	36		\$1,800.00	
	WAREHOUSE				
	NUMBER OF TEMPORARY EMPLOYEES	5			
	HOURS WORKED	330	\$9.75	\$16,087.50	
	WORKMANS COMP UNEMPLOYEMENT		\$49.33		
	NUMBER OF MONTHS	3		\$739.95	
	FICA			\$3,169.97	

	TOTAL TEMP EMPLOYEE COST			\$48,627.32	\$48,627.32
E	RENTAL				
	NUMBER OF SITES	40			
	NUMBER OF SITES COSTS	3	\$500.00	\$1,500.00	
	NUMBER OF IVOTRONICS	7	\$118.90	\$33,292.00	
	NUMBER OF IVOTRONICS - ADA	1	\$143.05	\$5,722.00	
	NUMBER OF FLASH CARDS	40	\$33.00	\$1,320.00	
	NUMBER OF PEBS	160	\$7.50	\$1,200.00	
	NUMBER OF DAYS BALLOT CANS USED	40	\$6.00	\$240.00	
	NUMBER OF BALLOT CANS AND SEAL	40	\$1.50	\$60.00	
	VANS	0	\$0.00	\$0.00	
	NUMBER OF COMPUTERS	40	\$200.00	\$8,000.00	
	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	40	\$5.00	\$200.00	
	TOTAL RENTAL			\$51,744.00	\$51,744.00
F	STAFFTIME				
	DAILY RETURNS				
	NUMBER OF EMPLOYEES	14	\$20.00		
	HOURS WORKED (DAYS X NO. HOURS)	85		\$23,800.00	
	FICA 7.65			\$90.22	
	TOTAL WAGES			\$23,890.22	
	PRO RATA COST	1			
	TOTAL STAFFTIME			\$23,890.22	\$23,890.22
G	E.B.B.AND S.V.C.				
	EARLY BALLOT BOARD				
	NUMBER OF BOARD MEMBERS	30			
	HOURS WORKED	60	\$9.25	\$16,650.00	
	SIGNATURE VERIFICATION COMM.				
	NUMBER OF MEMBERS	0			
	HOURS WORKED	0	\$9.25	\$0.00	
	TOTAL WAGES			\$16,650.00	
	UNEMPLOYMENT			\$0.08	
	FICA 7.65			\$1,273.73	
	PRO RATA COST	1			
	TOTAL E.B.B. AND S.V.C. COST			\$17,923.80	\$17,923.80
H	PUBLICATION POLLING PLACES				
	EXPRESS NEWS	2	\$36,000.00	\$72,000.00	
	LA PRENSA	1	\$2,400.00	\$2,400.00	
	PRO RATA COST	1		\$0.00	
	TOTAL PUBLICATION			\$74,400.00	\$74,400.00
I	MISCELLANEOUS				
	NUMBER OF LABELS	74	\$15.00	\$1,110.00	
	NUMBER OF CELL PHONES	40	\$35.00	\$1,400.00	
	NUMBER OF RIBBONS	40	\$20.00	\$800.00	
	SHRINK WRAP COST	0	\$50.00	\$0.00	
	TRAINING CLASS FOR E.V. JUDGES				
	NUMBER OF JUDGES	0			

	NUMBER OF COMMPACS	333	\$80.00	\$26,640.00	
	NUMBER OF PEBS	1,168	\$7.50	\$8,760.00	
	NUMBER OF FLASH CARDS	296	\$33.00	\$9,768.00	
	NUMBER OF BALLOT CANS USED	296	\$6.00	\$1,776.00	
	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	296	\$1.50	\$444.00	
	TOTAL RENTAL			\$292,802.05	\$292,802.05
D	TRANSPORTATION				
	MOVERS	333	\$47.50	\$15,817.50	
	TRUCK RENTAL	8	\$400.00	\$3,200.00	
	PALLET JACK	0	\$0.00	\$0.00	
	PRO RATA COST	1			
	TRANSPORTATION			\$19,017.50	\$19,017.50
	TRANSPORTATION TOTAL			\$0.00	
E	PROGRAMMING, EQUIPMENT, TECHNICAL SERVICES				
	PERSONNEL COST ON SITE TECHS	90	\$300.00	\$27,000.00	
	TEMP AGENCY MARKUP		15.59%	\$4,209.30	
	PROGRAMMING	10	\$1,500.00	\$15,000.00	
	VOICE FILES	1	\$10,200.00	\$10,200.00	
	CENTRAL COUNTING STATION JUDGE	8	\$25.00	\$200.00	
	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	12	\$35.00	\$420.00	
	ASST TO TAB. SUPERVISOR HOURS	12	\$25.00	\$300.00	
	COMPUTER COST	0	\$40,500.00	\$0.00	
	TABULATION SOFTWARE	0	\$25,800.00	\$0.00	
	AIS 650 OPTICAL SCANNERS	4	\$7,600.00	\$30,400.00	
	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			\$95,859.30	
	TOTAL PETS			\$95,859.30	\$95,859.30
F	ELECTION DEPARTMENT STAFF				
	NUMBER OF EMPLOYEES	14	\$20.00		
	HOURS WORKED	18		\$5,040.00	
	FICA 7.65			\$385.56	
	PRO RATA COST	1			
	TOTAL STAFFTIME WAGES			\$5,425.56	\$5,425.56
G	TEMPORARY EMPLOYEE				
	NUMBER OF EMPLOYEES (POST ELEC.)	20			
	HOURS WORKED	22	\$10.00	\$4,400.00	
	PRO RATA COST			\$0.00	

	WORKMANS COMP UNEMPLOYEMENT	1	\$49.33	\$986.60	
	PHONE BANK RATE PER HOUR		\$8.25	\$0.00	
	HOURS WORKED				
	NUMBER OF EMPLOYEES	3		\$0.00	
	TEMPORARY EMPLOYEE COST	40		\$5,386.60	
	FICA 7.65	1		\$412.07	
	TOTAL TEMP EMPLOYEE COST	1		\$5,798.67	\$5,798.67
H	PUBLICATION				
	EXPRESS NEWS ACCURACY TEST	13	\$250.00	\$250.00	
	LA PRENSA	20	\$0.00	\$0.00	
	PRO RATA COST	1			
	TOTAL PUBLICATION			\$250.00	\$250.00
I	MISCELLANEOUS				
	NOTIFICATION TO JUDGES/payroll	2,400	\$0.42	\$1,008.00	
	POLLING SITE RENTAL	150	\$210.00	\$31,500.00	
	CELL PHONES AND AIRTIME	296	\$30.00	\$8,880.00	
	TOTAL MISCELLANEOUS			\$41,388.00	\$41,388.00
J	SUMMARY ELECTION DAY COST				
	REMUNERATIONS			\$226,840.08	\$226,840.08
	ELECTION KITS AND RETURNS			\$19,240.00	\$19,240.00
	RENTAL			\$292,802.05	\$292,802.05
	STAFFTIME			\$5,425.56	\$5,425.56
	PRINTING COST			\$0.00	\$0.00
	INFORMATION SERVICES			\$95,859.30	\$95,859.30
	TEMPORARY EMPLOYEE COST			\$5,798.67	\$5,798.67
	PUBLICATION			\$250.00	\$250.00
	TRANSPORTATION			\$19,017.50	\$19,017.50
	MISCELLANEOUS			\$41,388.00	\$41,388.00
	ELEC. DAY COST SUBTOTAL			\$706,621.16	\$706,621.16
	TOTAL ELECTION DAY			\$706,621.16	\$706,621.16
	10% CONTRACT FEE			\$70,662.12	\$70,662.12
	Grand Total Election Day			\$777,283.28	\$777,283.28

	Total	ESTIMATE
Early Voting Grand Total	\$847,975.72	\$847,975.72
Election Day Grand Total	\$777,283.28	\$777,283.28
Total For Early Voting and Election Day	\$1,625,259.00	\$1,625,259.00
Pro Rata Share 31%	\$503,830.29	\$503,830.29
Amount of Deposit	\$503,830.29	\$503,830.29
(Overpaid)/Underpaid		