



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY SEPTEMBER 1, 2011 AT 1:00 P. M.
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Andrew Ebel**
- 3. Service Recognitions**
Julie Neville Communications 10 Years
- 4. Citizens Comments**

CONSENT AGENDA

5. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

- 5-a. Minutes from the July 21, 2011, July 25, 2011, August 4, 2011 and August 18, 2011 Council Meetings**

Page 4 - 28

PUBLIC HEARING

- 6. Proposed Tax Rate of \$0.5432 per \$100 Valuation for Fiscal Year Beginning October 1, 2011 and Ending September 30, 2012**

Page 29 - 30

REGULAR AGENDA

7. **Discuss and Possibly Act Upon the Selection of a Candidate to be Voted for on the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees Region 10 Ballot**
Page 31 - 34
8. **Discuss and Possibly Act Upon a Request for a Noise Variance from Cry Out America to Hold a Prayer Service at the Washington County Courthouse Gazebo and Lawn on September 10, 2011 from 6:30 p.m. to 8:00 p.m.**
Page 35 - 37
9. **Discuss and Possibly Act Upon Bid No. 11-013 For a Surface Lease of Approximately 49.98 Acres of Land Located Off Old Independence Road and the North End of The Brenham Municipal Airport and Authorize the Mayor to Execute any Necessary Documentation**
Page 38 - 39

WORK SESSION

(Note: The City Council will convene in Room 2A, 2nd Floor of City Hall, for Work Session and Administrative/Elected Officials Report)

10. **Presentation of the City of Brenham's Strategic Plan** **Page 40 - 69**
11. **Presentation and Discussion on Senate Bill 100** **Page 70 - 112**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

12. Administrative/Elected Officials Report

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 – Consultation with Attorney, §551.072 – Real Property, §551.073 – Prospective Gifts, §551.074 - Personnel Matters, §551.076 – Security Devices, §551.086 - Utility Competitive Matters, and §551.087 – Economic Development Negotiations.

CERTIFICATION

I certify that a copy of the September 1, 2011 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan, Brenham, Texas on August 29, 2011 at _____ Am Pm.

Tammy Cook, Deputy City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2011 at _____ Am Pm.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on July 21, 2011 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Andrew Ebel

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Fire Chief Ricky Boeker, Public Works Director Doug Baker, Allen Jacobs, Leslie Kelm, Kim Hodde, Becky Squyres, Public Utilities Director Lowell Ogle, Ande Bostain, Bobby Branham, Community Services Director Wesley Brinkmeyer, Angela Hahn, and Gary Jeter

Citizens present:

Pat Elliott

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Citizens Comments

Pat Elliot, member of the Commemorative Air Force, informed the council and community of the WWII bomber that will be on display this weekend.

REGULAR AGENDA

4. Discuss and Possibly Act Upon Ordinance No. O-11-008 on its Second Reading Amending Chapter 8½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances

Allen Jacobs presented this item. A red-lined version highlighting the minor changes from first to second reading of this ordinance was presented to council.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Ordinance No. O-11-008 on its second reading amending Chapter 8½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

5. Discuss and Possibly Act Upon a Recommendation for an Appointment to the Brenham Housing Authority

Tammy Cook presented this item. Ms. Cook informed council of the recent resignation of Victor Tisdell, resident commissioner of the Brenham Housing Authority. This board has recommended the appointment of Ms. Wanda Cooley to fulfill the remaining term left by Mr. Tisdell’s resignation.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve the recommendation for the appointment of Wanda Cooley as resident commissioner to the Brenham Housing Authority.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

6. Discuss and Possibly Act Upon Adjustments to the Proposed Redistricting Plan(s)

City Secretary Jeana Bellinger presented this item. Ms. Bellinger informed council this final presentation is required by law and allows the council to make any adjustments or citizens to make any comments before moving on to the adoption of a final redistricting plan.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve the Illustrative Plan adopted by Council on June 16, 2011 as the Final Redistricting Plan, to be adopted by Ordinance.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon an Ordinance on its First Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve an ordinance on its first reading adopting a final Redistricting Plan and authorizing legal counsel to seek Voting Rights Act-Section 5 Preclearance of the final adopted plan.

Ms. Bellinger advised Council that the Illustrative Plan 1 located in the current council packet is the final map that will be acted upon for adoption at second reading.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel, Schroeder & Company to Perform an Audit for the Fiscal Year Ending September 30, 2011 and Authorize the Mayor to Execute any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. Ms. Miller presented the audit engagement letter from Seidel, Schroeder & Company and informed council of a slight increase in audit fees from last year. The fees have increased from \$39,500 last year to a range of \$41,000-\$43,000 this year. Ms. Miller explained this increase was due to the continued growth of the city, the additional bonds, and federal funding. Ms. Miller also noted the Highway 290 project and the new GASB Statement No. 54 Fund Balance Reporting will require additional work.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve an audit engagement letter from Seidel, Schroeder & Company to perform an audit for the fiscal year ending September 30, 2011 and authorize the mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Abstain
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon Bid No. 11-014 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute any Necessary Documentation

Bobby Branham presented this item. Mr. Branham noted the prematurity of this request was due to the increased sales of bags at the city and at the collection station.

Mr. Branham informed council that four bids were mailed out and of the four, three vendors returned a bid. Central Poly has been the provider of these bags the last several years and they presented the lowest bid this year at \$6.49 per roll. This is a slight decrease from last year's price of \$6.90 per roll. Mr. Branham noted this is a fixed price for one year.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Pyle to award bid no. 11-014 to Central Poly for the purchase of refuse bags for the sanitation department at \$6.49 per roll and authorize the mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon an Ordinance on its First Reading Reducing the Speed Limit from 65 mph to 60 mph for Traffic Moving in both Directions on the Portion of U.S. Highway 290 Beginning at its Intersection with State Highway 36 and Extending Southward 0.341 Miles

Public Works Director Doug Baker presented this item. Mr. Baker informed council this speed limit reduction and the subsequent reduction is in conjunction with TxDOT's lowering of the speed limit from seventy (70) miles per hour to sixty (60) miles per hour on State Highway 36 from the City Limits to Big Sandy Creek North of the intersection of State Highway 36 and Business 36, all which are outside the city limits.

City Attorney Cary Bovey noted a few minor changes to the ordinance, all which have been revised and will be presented for adoption on second reading.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an ordinance on its first reading, with revisions as presented, to reduce the speed limit from 65 mph to 60 mph for traffic moving in both directions on the portion of U.S. Highway 290 beginning at its intersection with State Highway 36 and extending southward 0.341 miles.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon an Ordinance on its First Reading Reducing the Speed Limit from 70 mph to 60 mph for Traffic Moving in both Directions on the Portion of State Highway 36 from the City Limit Southward 0.505 Miles to the Intersection with U.S. Highway 290

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve an ordinance on its first reading, with revisions as presented, to reduce the speed limit from 70 mph to 60 mph for traffic moving in both directions on the portion of State Highway 36 from the city limit southward 0.505 miles to the intersection with U.S. Highway 290.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Closure of the Railroad Crossing on Vulcan Street at its Intersection with BNSF Railway between North Austin Parkway and North Austin Street

Public Works Director Doug Baker presented this item. Mr. Baker reminded council of the possible cash reimbursement from BNSF in exchange for the closure of the Vulcan Street Railroad Crossing. In the beginning of the process, BNSF was offering \$40,000 for each closed crossing. This offer has since been reduced to \$25,000 and at this time it may be a lesser amount. However, every effort is being made to ensure the \$25,000 is received. Mr. Baker informed council that he will have an answer on the amount the City could expect before second reading of this ordinance. Mr. Baker noted if this cash reimbursement is not received by BNSF and the crossing is not closed, the City still qualifies for the quiet zone. However, Mr. Baker noted this crossing is a safety concern for citizens and he feels this crossing should be closed.

Mr. Baker informed council that a closure agreement would need to be executed between the City and BNSF and between the City and TxDOT should council approve the closure of this crossing.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an ordinance on its first reading authorizing the closure of the railroad crossing on Vulcan Street at its intersection with BNSF railway between North Austin Parkway and North Austin Street contingent upon a cash reimbursement from BNSF to the City of Brenham for an amount no less than \$25,000.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

13. Administrative/Elected Officials Report

- Ande Bostain advised Council of the “Call Before You Dig” Program. He stated that it helps educate the public and creates an awareness regarding gas leaks.
- Wesley Brinkmeyer mentioned “Free Father’s Friday” at the Blue Bell Aquatic Center will be July 22, 2011 and Hot Nights Cool Tunes concert will be Saturday July 23, 2011

- Leslie Kelm gave an update on the installation of signs and equipment for the railroad quiet zone. Mr. Kelm also informed council the Hillside Addition street overlay project will be completed soon.
- Fire Chief Ricky Boeker reminded everyone of the upcoming Fireman's Fiesta August 12th – 14th, 2011.
- Tammy Cook informed every one of the upcoming Mayor's Bowl on August 26th.
- City Manager Terry Roberts had a few items to report on:
 - Update on Washington County's Redistricting
 - Update on Downtown Master Plan
 - Thanked everyone involved in the Budget Workshops

The council convened into Executive Session at 1:48 p.m.

EXECUTIVE SESSION

(Note: The City Council will convene in Room 2A, 2nd Floor of City Hall, for Executive Session)

- 14. Texas Government Code 551.071 – Consultation with City Attorney Regarding Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

Executive Session adjourned at 2:50 p.m.

RE-OPEN REGULAR SESSION

- 15. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to provide for the regulation of Sexually Oriented Business within the City Limits utilizing the 1320 foot buffer and Industrial Zone only, as represented in map "E" of the attached executive session package.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Special Meeting Minutes

A special meeting of the Brenham City Council was held on July 25, 2011, beginning at 9:30 a.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Danny Goss
Councilmember Charlie Pyle

Members absent:

Councilmember Keith Herring
Council member Andrew Ebel
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Secretary Jeana Bellinger, Tammy Cook, Police Chief Rex Phelps, Allen Jacobs, Leslie Kelm, Kim Hodde, Community Services Director Wesley Brinkmeyer, Angela Hahn

Citizens present:

Clint Kolby, Heather Kirby, Stephan Schulze, Carrie Baker, Tennille Smith, C.H. Harvey, Diane Pieper, Marty Douglas, Brianna Douglas, Brian Bender, Debbie Bender, Jeremy Rosenbaum, Nathan Winklemann

Via Telephone Conference:

City Attorney Cary Bovey

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

City Manager Terry Roberts gave a few opening remarks and noted a few changes between the old ordinance adopted in 1993 and the proposed new ordinance. Overall the

proposed ordinance is more restrictive and comprehensive than that of the current Ordinance. Due to a recent inquiry for a Sexually Oriented Business within the city limits, a special meeting has been called to discuss this issue further.

Mr. Roberts explained the two action items that will be presented. One is the adoption of an ordinance pertaining to Sexually Oriented Business and the other is a moratorium on the processing, approval, and issuance of a Sexually Oriented Business License/Permit Application.

Mr. Roberts turned the meeting over to City Attorney Cary Bovey who attended via telephone conference.

EXECUTIVE SESSION

3. Texas Government Code 551.071 – Consultation with City Attorney Regarding Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham’s Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits

Mr. Bovey gave a brief history and outline of the current ordinance. A comprehensive code review has been in process during the last several months. The current ordinance has not been reviewed since its inception in 1993, thus it is very outdated and non-comprehensive. It does not have standard requirements such as appropriate definitions, content, and it does not address the secondary effects of Sexually Oriented Businesses except to protect a limited number of uses -- day cares, churches, and schools.

Mr. Bovey reminded everyone that a City cannot prohibit a Sexually Oriented Business from operating within city limits, but the City can regulate or mitigate the negative secondary effects of Sexually Oriented Businesses. The old ordinance lacks regulation, but the new ordinance would aggressively and legally regulate these businesses. In addition to more restrictive regulations there a few other notable changes to the new ordinance:

- The protected uses list was expanded to include parks, recreational areas, hotel/motels, and most areas where children may gather
- The distance from these protected uses was increased from 1,000 feet to 1,320 feet

Mr. Bovey opened the floor to questions or comments.

Brenham citizen and business owner, C.H. Harvey questioned the Industrial Foundation Charter that allows any type of business to operate within the Industrial Park. He feels this ordinance is discriminatory in that sexually oriented businesses are limited to only industrial areas. Mr. Harvey asked council to refrain from taking any action and encouraged the formation of a task force or committee to discuss this issue further.

Mr. Bovey explained to Mr. Harvey that the city does not enforce the deed restrictions within the Industrial Park, but the city is legally required to designate areas within the city limits where Sexually Oriented Businesses may operate. After an extensive review it was determined

this area was the most restrictive while allowing the city to remain constitutionally sound in its decision. Mr. Bovey noted this ordinance is very thorough and defensible.

Mr. Harvey re-stated his concern of locating Sexually Oriented Businesses within the Industrial Park and felt more time was needed to discuss this issue before any action be taken by the council.

Councilmember Pyle made a comment that an extensive review has been done on this issue, numerous maps were generated and studied to determine the most restrictive, yet constitutionally legal areas these business may operate. He noted this ordinance can come back at a later date and be amended. However, the current ordinance is not restrictive or enforceable. By passing an ordinance today, the City will at least have an ordinance that regulates these businesses.

REGULAR SESSION

4. **Discuss and Possibly Act Upon Ordinance No. O-11-009 on its Second Reading Amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

A motion was made by Councilmember Pyle and seconded by Councilmember Goss to approve Ordinance No. O-11-009 on its second reading amending Chapter 16, Occupational Licenses and Business Regulation, of the City of Brenham's Code of Ordinances to provide for the regulation of Sexually Oriented Businesses within the city limits.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Absent

5. **Discuss and Possibly Act Upon Resolution No. R-11-008 Providing for a Moratorium on the Processing, Approval, and Issuance of Sexually Oriented Business License/Permit Applications**

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve Resolution No. R-11-008 providing for a moratorium on the processing, approval, and issuance of Sexually Oriented Business License/Permit Applications

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Absent
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Absent

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 4, 2011 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, Administrative Assistant Tammy Cook, Paula Shields, Stacy Hardy, Debbie Gaffey, Fire Chief Ricky Boeker, Assistant Police Chief Jay Petrash, Public Works Director Doug Baker, Leslie Kelm, Allen Jacobs, Angela Hahn, Pam Ruenke, David Nowak, Janie Mehrens, and Becky Squyres

Citizens present:

Perry Thomas, Ben Fortner, Carl Hubble, Page Michel, Clint Kolby

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Weldon Williams**
- 3. Service Recognitions**

A Service Recognition was presented to the following employee:

David Nowak	Communications	20 Years
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4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the July 7, 2011 Council Meeting, the July 7, 2011 Public Hearing, and the July 19-21, 2011 Budget Workshop Meetings

5-b. Second Reading of Ordinance No. O-11-010 Reducing the Speed Limit from 65 mph to 60 mph for Traffic Moving in both Directions on the Portion of U.S. Highway 290 Beginning at its Intersection with State Highway 36 and Extending Southward 0.341 Miles

5-c. Second Reading of Ordinance No. O-11-011 Reducing the Speed Limit from 70 mph to 60 mph for Traffic Moving in both Directions on the Portion of State Highway 36 from the City Limit Southward 0.505 Miles to the Intersection with U.S. Highway 290

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a. Minutes from the July 7, 2011 Council Meeting, the July 7, 2011 Public Hearing, and the July 19-21, 2011 Budget Workshop Meetings. 5-b. Ordinance No. O-11-010 reducing the speed limit from 65 mph to 60 mph for traffic moving in both directions on the portion of U.S. Highway 290 beginning at its intersection with State Highway 36 and extending southward 0.341 miles and 5-c. Ordinance No. O-11-011 reducing the speed limit from 70 mph to 60 mph for traffic moving in both directions on the portion of State Highway 36 from the city limit southward 0.505 miles to the intersection with U.S. Highway 290

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

PUBLIC HEARING

6. Proposed Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits

Public Works Director Doug Baker presented this item. Mr. Baker informed citizens of the three separate parcels of land included in this annexation. One is a small right of way in Washington County, the newly acquired Southwest Industrial Park-Section III, and a small portion of the BNSF railroad right of way. Mr. Baker also noted the service plan for this annexation. Streets and Utility work will begin in the near future.

Mayor Tate opened the floor to comments. No comments were received; Mayor Tate closed the Public Hearing and moved into the regular agenda.

REGULAR AGENDA

7. Discuss and Possibly Act Upon the Assignment of the Agreement for Development and Tax Phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C. and Quest Vapco Corporation

Clint Kolby presented this item. Mr. Kolby reminded council of the tax phase-in incentive that was granted to Quest Chemical last year when owner, Carl Hubble re-located his business from Houston to the Cleaners Hangers Building. Earlier this year Mr. Hubble merged with another company out of St. Louis and changed the name to Quest Vapco Corporation.

A Motion was made by Councilmember Pyle and seconded by Councilmember Ebel to approve the assignment of the agreement for the development and tax phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C and Quest Vapco Corporation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

8. Discuss and Possibly Act Upon Resolution No. R-11-009 Approving Participation in the Brazos Valley/Washington County HOME Consortium and Authorizing the Mayor to Execute an Inter-local Agreement Regarding the Brazos Valley/Washington County HOME Consortium

City Manager Terry Roberts presented this item. Mr. Roberts informed council the city's participation in the program began in 2003. He explained this is a federally funded program for assistance for startup homes and low income citizens. This item is being presented because the consortia attempted to change the lead entity from Washington County to Burleson County. HUD did not accept this transfer but will allow the renewal under Washington County with execution of new agreements. Mr. Roberts noted no changes have been made to the agreement.

A Motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve Resolution No. R-11-009 approving participation in the Brazos Valley/Washington County HOME Consortium and authorize the Mayor to execute an inter-local agreement regarding the Brazos Valley/Washington County HOME Consortium.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

9. Discuss and Possibly Act Upon Ordinance No. O-11-012 on its Second Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan

Terry Roberts presented this item. Mr. Roberts gave council a brief recap of prior meetings. On June 16th the council adopted an illustrative plan and this plan was presented for public comment on July 7th. No citizen comments were made during the Public Hearing; therefore, this ordinance was presented and approved on first reading at the July 21st council meeting.

A Motion was made by Councilmember Pyle and seconded by Councilmember Goss to approve Ordinance No. O-11-012 on its second reading adopting a final redistricting plan and authorizing legal counsel to seek Voting Rights Act – Section 5 preclearance of the adopted plan

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

10. Discuss and Possibly Act Upon Ordinance No. O-11-013 on Its Second Reading Authorizing the Closure of the Railroad Crossing on Vulcan Street at its Intersection with BNSF Railway between North Austin Parkway and North Austin Street

Doug Baker presented this item. Mr. Baker gave a brief recap of the ordinance that was adopted on first reading at the July 21st council meeting. During this meeting, there was discussion that this ordinance was contingent upon a reimbursement of \$25,000 from BNSF in exchange for the closure of the Vulcan street railroad closure. Mr. Baker stated at this time BNSF has not confirmed this reimbursement. However, if a reimbursement is not received and the city chooses not to close the crossing, we still qualify for a quiet zone. Mr. Baker recommends proceeding with the implementation of the quiet zone without the inclusion of the Vulcan Street closure if needed. He also noted the need for a two or three party closure agreement between the City of Brenham, BNSF, and TxDOT. He recommends this be done concurrently with the implementation because the required work for the closure cannot begin until the agreement is executed and this could take up to 60 days for all parties to complete.

Mr. Roberts wanted confirmation that the Notice of Establishment could be placed on the next council agenda and within 30 days of the adoption of this notice the train horns would be silenced, because the necessary work needed for the quiet zone implementation would be complete. Mr. Baker confirmed.

Councilmember Herring wanted confirmation of the city's qualification for a quiet zone if the Vulcan Street Crossing is not closed. Mr. Baker confirmed we would still qualify for a quiet zone.

The next step in the process is to approve a Notice of Establishment. If council adopts this Ordinance today the Notice of Establishment will be on the August 18th council agenda.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Ordinance No. O-11-013 on its second reading, with the contingency provision, authorizing the closure of the railroad crossing on Vulcan Street at its intersection with BNSF railway between North Austin Parkway and North Austin Street

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

11. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2011 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law

Debbie Gaffey presented this item. Ms. Gaffey noted the discussion from the recent council budget workshops to propose an increase of the property tax rate. A tax rate of \$0.5432 per \$100 valuation will be necessary to fund the FY2011-12 Budget. The maintenance & operation (M&O) rate will remain at \$0.3420. The increase is entirely on the debt side as it is being increased by \$0.0390 from \$0.1622 to \$0.2012 to fund transportation projects for Hwy 290 improvements and city streets.

Ms. Gaffey advised the Council that the Washington County Appraisal District has certified taxable values of \$998,947,118 for the 2011 Tax Year. This represents a 2.36% increase in total taxable values of \$23,554,116 over the 2010 (adjusted) values, which is a combination of a .3% decrease in property values offset by an increase of 2.68% of new properties and improvements

A motion was made by councilmember Herring and seconded by councilmember Pyle to propose to place a proposal to adopt a property tax rate of \$0.5432 per \$100 valuation on the agendas of the September 15, 2011 and September 22, 2011 meetings and to schedule public hearings on the proposed tax rate for August 18, 2011 and September 1, 2011

Mayor Tate called for a RECORD vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

12. Administrative/Elected Officials Report

- Fire Chief Ricky Boeker reminded everyone of the upcoming Fireman's Fiesta on August 12th – 15th

- Updates from City Manager Terry Roberts:
 - TML Annual Conference
 - SB 100 update
 - Hwy 290 update
 - Drought update

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 18, 2011 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Stacy Hardy, Debbie Gaffey, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Allen Jacobs, Dane Rau, Community Services Director Wesley Brinkmeyer, Jamie Maurer, Angela Hahn, Becky Squyres

Citizens present:

Waldo Moeller, Hank Dawson, Cathy Dawson, Luther Hueske, Perry Thomas, Lu Hollander, Page Michel, Megan McCoy, Clint Kolby

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Danny Goss**

3. Citizens Comments

Waldo Moeller of Moeller Electric commented on a water leak under his storage building in the Southwest Industrial Park. He believes the railroad and the Hwy 290 work is the cause of this leak. He also commented on the dry water wells in Austin County and asked that the City of Brenham be prepared for these drought conditions.

Mayor Tate introduced Hank Dawson, an 8th Grader at Brenham Junior High, who is working on his Eagle Merit Badge in communication. In attendance with Hank is his mother Cathy Dawson.

PUBLIC HEARING

4. Proposed Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits

Public Works Director Doug Baker presented this item. Mr. Baker noted no changes were to be presented on this second public hearing. He opened the floor for questions or comments. Waldo Moeller questioned who the electric provider is for this area. Mr. Baker informed him that Bluebonnet Electric is the service provider.

Mr. Baker informed council the first reading to approve this annexation will be presented on the September 15, 2011 Council meeting.

5. Proposed Tax Rate of \$0.5432 per \$100 Valuation for Fiscal Year Beginning October 1, 2011 and Ending September 30, 2012

Chief Financial Officer Carolyn Miller presented this item. Ms. Miller informed council that all changes to the proposed budget have been made and is on file with the City Secretary, Washington County Clerk, and at the Nancy Carol Roberts Memorial Library.

A property tax rate of \$0.5432 per \$100 valuation is proposed to fund the FY2011-12 Budget. Of this rate, \$0.3420 will be for maintenance and operations (M&O). The balance of \$0.2012 is for debt service (interest and sinking (I&S)). The I&S rate is being increased by \$0.0390 from \$0.1622 to \$0.2012 to cover transportation projects.

In compliance with the Property Tax Code, a governing body must hold two public hearings to receive citizen comments on a proposed property tax rate.

Mayor Tate opened the floor for citizen comments. Mr. Waldo Moeller commented on the assistance needed for senior citizens within the community.

Mayor Tate announced the first reading of the Ordinance to adopt the tax rate will be during a Regular Council meeting on Thursday, September 15, 2011 at 10:00 a.m. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Special Council meeting on Thursday, September 22, 2011 at 1:00 p.m.

Mayor Tate closed the public hearing.

REGULAR AGENDA

6. Discuss and Possibly Act Upon Resolution No. R-11-010 Approving a Railroad Quiet Zone from Kuhn Lane to Burleson Street and Authorizing the Mayor to Submit a Joint Notice of Establishment to the Federal Railroad Administration for the Establishment of a Railroad Quiet Zone from Kuhn Lane to Burleson Street and Authorize the Mayor to Execute any Necessary Documentation

Doug Baker presented this item. Mr. Baker updated Council of the tuff curb installation and the relocation of two concrete driveways completed by the Street Department. He noted the city has complied with all Federal Railroad Administration (FRA) regulations and have gone above and beyond in regards to warning devices. Mr. Baker informed council that signage has not been installed, but will be installed when the Notice of Establishment is completed and mailed to the proper authorities. This Notice of Establishment will be sent to the Federal Railroad Administration, TxDOT, and BNSF Railroad.

Mr. Gene Kruppa, with Befco Engineering, explained the next steps in the process after the Notice of Establishment has been authorized and approved. Mr. Kruppa informed council of a twenty-one (21) day limit that is required between the acceptance of the Notice of Establishment and the commencement of the Quiet Zone. According to the letter, the Quiet Zone does not go into effect until September 30, 2011. This allows the authorities' time to look at the facilities, signage, and improvements that have been made according to federal regulations.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Resolution No. R-11-010 approving a Railroad Quiet Zone from Kuhn Lane to Burleson Street and authorizing the Mayor to submit a joint notice of establishment to the Federal Railroad Administration for the establishment of a Railroad Quiet Zone from Kuhn Lane to Burleson Street and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

WORK SESSION

7. Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau

Lu Hollander with the Washington County Convention and Visitors Bureau presented their 2010-11 third quarter report. Ms. Hollander highlighted monthly statistics, advertisements, and public relations. A complete report was handed out to council members.

8. Presentation of the City of Brenham's Strategic Plan

City Manager Terry Roberts presented this item. Mr. Roberts reminded council of the recent retreat to discuss their strategic objectives. Mr. Roberts' stated that his intent of this presentation was to update council on the PowerPoint presentation and summarize the different components. He stated that the Strategic Objectives that came out in the retreat were grouped into five major categories: Human Resources, City Services, Interagency Cooperation, Economic Development, and Financial.

Mr. Roberts presented a rating sheet to each council member and asked them to rank the sixteen objectives, which were developed through the retreat, in their individual order of highest priority. These rating sheets will then be used to identify the top priorities of the council and City staff can go forward with implementation.

9. Administrative/Elected Officials Report

- City Manager Terry Roberts reported on:
 - Date of Mayor's Bowl – August 26, 2011 at the Blue Bell Aquatic Center
 - TML Annual Conference Registration
 - Senate Bill 100 Update – Work Session to be held on September 1, 2011
 - Congratulations to Chief Financial Officer, Carolyn Miller, for her recent appointment to the Blinn College Board of Trustees
 - Community Service Committee met this morning, discussed outside agency funding
 - September 15, 2011 Council Meeting will be held at 10:00 a.m.
 - A Special called Council Meeting will be held on September 22, 2011 at 1:00 p.m. to vote on the adopted budget

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary



AGENDA FORM

DATE OF MEETING: September 1, 2011		DATE SUBMITTED: August 26, 2011	
DEPT. OF ORIGIN: Finance		SUBMITTED BY: Carolyn D. Miller	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING	
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING	
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION	
<input type="checkbox"/> WORK SESSION			
AGENDA ITEM DESCRIPTION: Second Public Hearing on the Proposed Tax Rate of \$0.5432 per \$100 Valuation for Fiscal Year Beginning October 1, 2011 and Ending September 30, 2011.			
SUMMARY STATEMENT: See attached memo from Chief Financial Officer on this item.			
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):			
A. PROS:			
B. CONS:			
ALTERNATIVES (In Suggested Order of Staff Preference):			
ATTACHMENTS: (1) Memo from Chief Financial Officer			
FUNDING SOURCE (Where Applicable):			
RECOMMENDED ACTION: Receive citizen comments regarding proposed property tax rate.			
APPROVALS: Carolyn D. Miller			



MEMORANDUM

To: Mayor, Council and City Manager

From: Carolyn D. Miller
Chief Financial Officer

Subject: Second Public Hearing on Proposed 2011 Tax Rate

Date: September 1, 2011

A governing body must hold two public hearings to receive citizen comments on a proposed tax rate. The first public hearing to receive citizen comments on the proposed tax rate was held during the regular Council meeting on August 18, 2011. There were no citizen comments made on the proposed tax rate.

A property tax rate of \$0.5432 per \$100 valuation is proposed to fund the FY2011-12 Budget. Of this rate, \$0.3420 will be for maintenance and operations (M&O), which is the same M&O rate that the City has maintained for four (4) consecutive years including FY2011-12. The balance of \$0.2012 is for debt service (interest and sinking or I&S). The I&S rate is being increased by \$0.0390 from \$0.1622 to \$0.2012 to cover transportation projects. Based on the certified taxable values of \$998,947,118 the effective tax rate is \$0.5048 and the rollback rate is \$0.5755 per \$100 valuation for the 2011 Tax Year.

At each hearing, the governing body must announce the date, time, and place of the meeting at which it will vote on the tax rate. After receiving citizen comments, the following announcement should be made:

The first reading of the Ordinance to adopt the tax rate will be during a Regular Council meeting on Thursday, September 15, 2011 at 10:00 a.m. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Special Council meeting on Thursday, September 22, 2011 at 1:00 p.m.

There are no other items regarding the property tax rate scheduled for this agenda.



AGENDA FORM

DATE OF MEETING: September 1, 2011	DATE SUBMITTED: August 19, 2011	
DEPT. OF ORIGIN: HR/Risk Management	SUBMITTED BY: Janie Mehrens	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon the Selection of a Candidate to be Voted for on the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees Region 10 Ballot		
SUMMARY STATEMENT: As a member of the Texas Municipal League Intergovernmental Employees Benefit Pool, the City of Brenham may participate in the election of members of the Board of Trustees. The votes cast on the ballot for the Trustee election must be certified that the ballot was cast in accordance with official action taken at a duly called meeting of the voting body, thus the vote must occur during the formal session of the Council meeting. As noted on the ballot, Vic Barnett of Caldwell has served previously as Trustee from Region 10 and Kevin Russell of Georgetown is the incumbent Trustee from Region 10. Given Mr. Barnett's length of service on the TMLIEBP Board from 1997 to 2009 staff is recommending he be re-elected to serve on this Board.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) TML IEBP Memo; (2) TML IEBP Ballot; and (3) Letter from Candidate Vic Barnett		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the selection of Mr. Vic Barnett to serve on the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 10		
APPROVALS: Terry Roberts		



MEMORANDUM

TO: TMI Intergovernmental Employee Benefits Pool Members of Region 10

DATE: August 17, 2011

RE: 2011 Board of Trustee Election

Enclosed is your ballot for the Board of Trustee election. All qualified nominees appear on the ballot. Please see that this ballot is placed on the agenda for the next meeting of your governing body. **To be counted, ballots must certify that the vote was taken at an official meeting of the governing body.** Facsimile ballots will not be accepted. Enclosed is a pre-addressed envelope to return your ballot. The Board Secretary must receive ballots by 5:00 p.m. (CST) on September 26, 2011 at Bickerstaff Heath Delgado Acosta LLP, 3711 S. MoPac Expressway, Building One, Suite 300, Austin, Texas 78746.

The term of office will be from October 1, 2011 through September 30, 2014 for the individual elected. The Trust Agreement provides that "if more than two (2) candidates are running, the person receiving the largest number of votes shall be elected."

Further, the Trust Agreement provides "write-in candidates otherwise duly qualified shall be eligible for election." To be duly qualified the individual must be either an employee or elected official of an incorporated city within the state of Texas, which is a Member of the Pool at the time of their election. A municipal "employee" is a person who holds a position of Department Head or higher; works at least 20 hours per week for an incorporated city; is paid by the incorporated city with incorporated city funds; and may be hired and fired only by another incorporated city official or by the incorporated city's governing body. Nominees may not be voting Board Members of the Texas Municipal League or the Texas Municipal League Intergovernmental Risk Pool.

If you have any questions, please contact me at (512) 472-8021.

A handwritten signature in black ink that reads "Catherine Fryer".

Catherine Fryer
Board Secretary

Enclosures



**TML Intergovernmental Employee Benefits Pool
Board of Trustees – TML Region 10**

**Term of Office
October 1, 2011 – September 30, 2014**

Please vote for one candidate.

Kevin Russell ~ Director of Human Resources and Civil Service, City of Georgetown

Mr. Russell currently serves as the Director of Human Resources and Civil Service for the City of Georgetown. Mr. Russell is a Member for the Samaritan Center for Counseling and Pastoral Care. He has a Bachelor of Administration from the University of Texas. Mr. Russell is also a Member of the Texas Municipal Human Resource Association (TMHRA). Mr. Russell has served on the TML Intergovernmental Employee Benefits Pool Board of Trustees since 2010.

Vic Barnett ~ Alderman, City of Caldwell

Mr. Barnett currently serves as an Alderman for the City of Caldwell. He graduated from Texas A&M University. Mr. Barnett is the past President and an active member of the Burleson County Fair Association. Mr. Barnett is a member of First Baptist Church of Caldwell. Mr. Barnett served on the TML Intergovernmental Employee Benefits Pool Board of Trustees from 1997 to 2009.

I certify that this ballot is cast in accordance with official action taken at a duly called meeting
on _____, 2011.

Signature

Title

Entity

VIC BARNETT
401 NORTH MAIN STREET
CALDWELL, TEXAS 77836
979 567-3470

City of Brenham
Janie Mehrens
P. O. Box 1059
Brenham, TX 77834

Dear TMLIEBP Member

A very important election is about to take place.

No, not the Presidential election, but the election of a new representative for Region 10 on the TMLIEBP Board.

Your health care has never been more important than it is right now. The decisions made by the TMLIEPB Board will impact Health Care for years to come.

I previously served on the TMLIEBP Board from 1997 to 2009. During that time I served as Vice Chairman for four years and Chairman for two years. I was also a member of the executive committee.

I am from a small town but I have always voted on issues which came before the Board in a manner that I felt represented what was best for all the members of Region 10.

Now that I am back on the Caldwell City Council I would appreciate your vote to let me continue the work on the TMLIEBP Board that has been an ongoing process since 1997.

Thanks for your consideration and support for this important position.

If you have any questions or need to contact me, please call me at 979-820-0481 or email me at barnettrealestate@msn.com.

Sincerely,

Vic Barnett



AGENDA FORM

DATE OF MEETING: September 1, 2011	DATE SUBMITTED: August 25, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Kim Hodde	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon a Request for a Noise Variance from Cry Out America to Hold a Prayer Service at the Washington County Courthouse Gazebo and Lawn on September 10, 2011 from 6:30 p.m. to 8:00 p.m.		
SUMMARY STATEMENT: Cry Out America has requested a variance to the noise ordinance for a prayer service that is being held at the Courthouse Gazebo and Lawn on September 10, 2011 from 6:30 pm to 8:00 pm. They will be using sound amplification equipment. The Brenham Police Department does not object to granting the variance, and therefore, asks the City Council to approve the variance request.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Noise Variance Request		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve the Request for a Noise Variance from Cry Out America to hold a Prayer Service at the Washington County Courthouse Gazebo and Lawn on September 10, 2011 from 6:30 pm – 8:00 pm.		
APPROVALS: Brenham Police Department & Brenham Fire Department.		

NOISE VARIANCE REQUEST

Application Fee \$10.00

1. Name of sponsoring organization: Cry Out America

2. Name and address of individual making application on behalf of sponsoring organization: _____

Lori Dehmer, 7907 Newman Lane, Brenham, TX 77833

3. Purpose of the Event: Prayer

4. Location of Event: Courthouse Gazebo & lawn

5. Date of the event: 9/10/11

6. Time of Event: 6:30 p.m.

7. Event Set-up: From: 6:15 p.m. To: 6:30 p.m.

Event Clean-up: From: 8:00 p.m. To: 8:15 p.m.

8. You are required to describe the following:

a) Types of Activities Planned and any additional information specific to this event: _____

Prayer, maybe one or two songs

b) Bands/Musical Instruments: No

c) Sound amplification equipment: 1 speaker, 1 microphone

d) Cleanup provisions: should not need any

Lori Dehmer
Name of Applicant (Printed or Typed)

Date: 8/9/11

Lori Dehmer
Applicant or Authorized Person's Signature

Phone: 979-661-1214

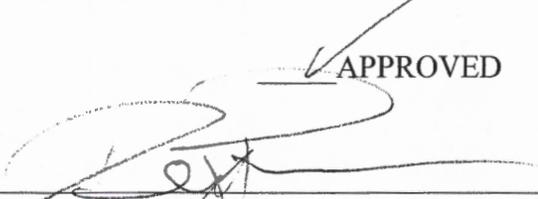
Have you ever been found guilty of a criminal offense involving crimes against property, moral turpitude, and/or a felony by any Court?
Yes; No. If "Yes", please identify the offense, State of conviction and penalty imposed (attach additional sheets if necessary):

CITY STAFF REVIEW

Date received: 8-10-11

APPROVED

DENIED



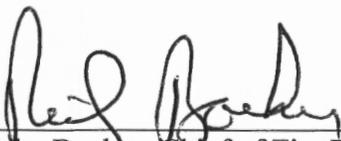
Rex Phelps, Chief of Police

Date: 8-24-11

Comments/Reason for Denial: _____

APPROVED

DENIED



Ricky Boeker, Chief of Fire Department

Date: 8-24-11

Comments/Reason for Denial: _____

Noise Variance Approved by the City Council on the _____ day of _____, 2011.

Milton Y. Tate, Jr., Mayor

Date: _____

ATTEST:

Jeana Bellinger, City Secretary



AGENDA FORM

DATE OF MEETING: September 1, 2011	DATE SUBMITTED: August 25, 2011	
DEPT. OF ORIGIN: Public Works	SUBMITTED BY: Kim Hodde	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Discuss and Possibly Act Upon Bid No. 11-013 For a Surface Lease of Approximately 49.98 Acres of Land Located Off Old Independence Road and the North End of The Brenham Municipal Airport and Authorize the Mayor to Execute any Necessary Documentation		
SUMMARY STATEMENT: Approximately 50 acres of land at the north end of the airport can be leased for livestock grazing or hay production. Approximately 22 of the 50 acres were purchased for the runway clear zone and the remaining 28 acres were purchased to avoid condemnation because access to a public road was cut off. Two bids were received for the lease of this land, the highest being submitted by Martin L. Spivey in the amount of \$1506.90 (\$31.15/acre). This is a one year lease. I recommend that you award the bid for the lease of 49.98 acres of land to Martin L. Spivey and authorized the mayor to execute the lease agreement.		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Bid Information & Tabulation Sheet		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Approve and award Bid No. 11-013 for a surface lease of approximately 49.98 acres of land located north of the Brenham Municipal Airport to Martin L. Spivey and authorize the Mayor to execute any necessary documentation.		
APPROVALS: Doug Baker		



Bid Information Sheet

August 23, 2011

**LEASE OF LAND
BRENHAM MUNICIPAL AIRPORT
BID NO. 11-013
BID OPENING: AUGUST 23, 2011, 2:00 P.M.**

Land to lease, surface only, is 49.98 acres located off of Old Independence Road and the North end of the Brenham Municipal Airport property.

**Bid Packets Requested: 2
Bid Packets Received: 2**

BID TABULATION

<u>BIDDER</u>	<u>\$ PER ACRE</u>	<u>ANNUAL \$ AMOUNT</u>
Gary Marburger Brenham, Texas	\$15.00	\$ 749.70
Martin L. Spivey Brenham, Texas	\$30.15	\$1,506.90



AGENDA FORM

DATE OF MEETING: September 1, 2011	DATE SUBMITTED: August 29, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Terry Roberts	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation of the City of Brenham's Strategic Plan		
SUMMARY STATEMENT: See Attached Memo from City Manager		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Memo from City Manager; (2) Strategic Goals & Strategies scoring worksheet; (3) Strategic Goals & Strategies in order of 1-16 ranking; (4) Strategic Goals & Strategies - Top 8; and (5) Vision, Strategic Objectives & Strategies Presentation		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion Only		
APPROVALS: Terry Roberts		



To: Mayor and Council
From: Terry K. Roberts, City Manager
Subject: **Strategic Plan Scoring Recap**
Date: August 28, 2011

The Strategic Planning effort focused our attention on key priorities of the City Council. A total of sixteen different strategic objectives were developed during our February day long retreat. The City's senior staff and I worked on details of the strategic planning effort at the same time we were working on the FY 12 budget. Regarding the strategic planning work, we spent time developing specific initiatives to help flesh out detailed work involved with the various objectives.

At the last Council meeting, we included in your packet a document that showed your strategic goals & strategies and the staff's work outlining specific tasks related to those goals. To assist us in knowing your top priorities we asked each of you to rank the sixteen objectives in order of highest importance to you.

A ranking of one (1) showed that objective to be your highest priority, two (2) was your second highest priority and so forth. We had you complete your rankings by late last week so that we could compile the collective scores of all Council members. The lower the number the higher the collective priority; therefore, a lower score means a higher ranking.

Transportation, economic development, fair and equitable funding of interlocal agreements and options for enhancing revenues were topics included in the higher ranked goals. Below is a recap of the top eight in order of the collective Council priority:

1. Create a comprehensive master planning program to address transportation, development and economic development.

2. Develop a comprehensive approach to improving intergovernmental cooperation and sharing of costs of service between the city, county and school systems.
3. Prepare a comprehensive transportation plan including rehabilitation and maintenance of city streets, planning for thoroughfares and downtown parking.
4. Develop a holistic approach to economic development including planning all aspects of the community including development of white collar jobs and a diversified retail market.
5. Develop a plan for enhancing revenues for the city.
6. Encourage development within the City's utilities service area.
7. Development and implement a proactive code enforcement program.
8. Find equitable funding for new fire substation.

Attached are the scoring summaries. I've asked our retreat facilitator, Ron Cox, to come back to Brenham for the Council workshop on Thursday. He will participate in our review of the top eight strategic objectives and the initiatives that have been outlined under each of them.

Even though it is in work session, we would like to end the agenda item with a consensus that we have established the Council's top priorities.

Attachments:

- Strategic Goals & Objectives: Ranked in Council Priority Order (1-16)
- Strategic Goals & Objectives: Top 8
- Strategic Goals & Objectives: Grouped by Major Category
- New Power Point Presentation of Strategic Objectives with Implementation Strategies in Rank Order

STRATEGIC GOALS & STRATEGIES

STRATEGY	COUNCIL RANKING							TOTAL
Create a comprehensive master planning program addressing transportation, development and economic development (CS-A)	1	2	1	2	4	10	2	22
Develop a comprehensive approach to improving intergovernmental cooperation and sharing costs of service between the city, county and school systems (IC-A)	6	3	6	4	1	1	4	25
Prepare a comprehensive transportation plan include rehabilitation and maintenance of city streets, planning for thoroughfares and downtown parking (CS-B)	3	1	4	6	2	3	16	35
Develop a holistic approach to economic development including planning in all aspects of the community including development of white collar jobs and a diversified retail market (ED-A)	4	7	2	1	15	7	1	37
Develop a plan for enhancing revenues for the city (F-C)	2	5	3	8	3	2	16	39
Encourage development within the City's utilities service area (CS-C)	7	4	5	5	6	15	3	45
Develop and implement a proactive code enforcement program (CS-D)	9	6	9	3	7	4	16	54
Find equitable funding for new fire substation (CS-F)	10	11	7	9	8	6	16	67
Develop a proactive education program on the financial constraints of the city's government including the fiscal impacts of operating newly constructed capital projects (F-B)	5	9	11	10	5	13	16	69
Prepare a habitual offenders awareness program (CS-E)	16	10	8	7	10	5	16	72
Prepare and implement a process for communicating between the Council and Committees, conveying the Council's expectations and vision (HR-A)	12	13	12	16	14	8	5	80
Create a more holistic approach to planning and coordination of projects inspired from volunteer committees and interest groups (F-A)	8	8	13	11	16	12	16	84
Develop a plan for a new animal shelter (CS-G)	11	14	10	13	9	14	16	87
Develop a recruiting and recognition program for City volunteers (HR-B)	13	15	15	14	13	9	16	95
Develop a mentoring and interdepartmental training program for employees (HR-C)	14	12	14	15	11	16	16	98
Develop a program to educate youth in schools on the value of working in local government (HR-D)	15	16	16	12	12	11	16	98

STRATEGIC GOALS & STRATEGIES



* The goals were ranked by Council with scores from 1 to 16, with 1 being the most important. Therefore, the goal with the lowest point total (CS-A) is the strategy with the highest priority.

**STRATEGIC GOALS & STRATEGIES
TOP 8**

STRATEGY	COUNCIL RANKING							TOTAL
Create a comprehensive master planning program addressing transportation, development and economic development (CS-A)	1	2	1	2	4	10	2	22
Develop a comprehensive approach to improving intergovernmental cooperation and sharing costs of service between the city, county and school systems (IC-A)	6	3	6	4	1	1	4	25
Prepare a comprehensive transportation plan include rehabilitation and maintenance of city streets, planning for thoroughfares and downtown parking (CS-B)	3	1	4	6	2	3	16	35
Develop a holistic approach to economic development including planning in all aspects of the community including development of white collar jobs and a diversified retail market (ED-A)	4	7	2	1	15	7	1	37
Develop a plan for enhancing revenues for the city (F-C)	2	5	3	8	3	2	16	39
Encourage development within the City's utilities service area (CS-C)	7	4	5	5	6	15	3	45
Develop and implement a proactive code enforcement program (CS-D)	9	6	9	3	7	4	16	54
Find equitable funding for new fire substation (CS-F)	10	11	7	9	8	6	16	67

**STRATEGIC GOALS & STRATEGIES
TOP 8**



* The goals were ranked by Council with scores from 1 to 16; with 1 being the most important. Therefore, the goal with the lowest point total (CS-A) is the strategy with the highest priority.

STRATEGIC GOALS & STRATEGIES

HUMAN RESOURCES

The City will develop the organizational structure and culture necessary to recruit, train, and develop the staff, management and council members necessary to ensure the achievement of the organizations vision

Prepare and implement a process for communicating between the Council and Committees, conveying the Council’s expectations and vision (HR-A)	12	13	12	16	14	8	5	80
Develop a recruiting and recognition program for City volunteers (HR-B)	13	15	15	14	13	9	16	95
Develop a mentoring and interdepartmental training program for employees (HR-C)	14	12	14	15	11	16	16	98
Develop a program to educate youth in schools on the value of working in local government (HR-D)	15	16	16	12	12	11	16	98

CITY SERVICES

The City will enhance and maintain the level of service it provides the citizens of Brenham by developing plans to deliver a variety of safe, reliable, and cost effective products and services

Create a comprehensive master planning program addressing transportation, development and economic development (CS-A)	1	2	1	2	4	10	2	22
Prepare a comprehensive transportation plan include rehabilitation and maintenance of city streets, planning for thoroughfares and downtown parking	3	1	4	6	2	3	16	35
Encourage development within the City’s utilities service area (CS-C)	7	4	5	5	6	15	3	45
Develop and implement a proactive code enforcement program (CS-D)	9	6	9	3	7	4	16	54
Prepare a habitual offenders awareness program (CS-E)	16	10	8	7	10	5	16	72
Find equitable funding for new fire substation (CS-F)	10	11	7	9	8	6	16	67
Develop a plan for a new animal shelter (CS-G)	11	14	10	13	9	14	16	87

STRATEGIC GOALS & STRATEGIES

INTERAGENCY COOPERATION

The City will establish strategies to strengthen cooperation among public agencies and non-profit organizations to develop shared financial commitments for common projects and services

Develop a comprehensive approach to improving intergovernmental cooperation and sharing costs of service between the city, county and school systems (IC-A)	6	3	6	4	1	1	4	25
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ECONOMIC DEVELOPMENT

The City will develop strategies to attract environmentally safe businesses that ensure and enhance employment opportunities for a wide range of income groups

Develop a holistic approach to economic development including planning in all aspects of the community including development of white collar jobs and a diversified retail market (ED-A)	4	7	2	1	15	7	1	37
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FINANCIAL

The City will enhance and maintain the level of service it provides the citizens of Brenham by developing plans to deliver a variety of safe, reliable, and cost effective products and services

Create a more holistic approach to planning and coordination of projects inspired from volunteer committees and interest groups (F-A)	8	8	13	11	16	12	16	84
Develop a proactive education program on the financial constraints of the city's government including the fiscal impacts of operating newly constructed capital projects (F-B)	5	9	11	10	5	13	16	69
Develop a plan for enhancing revenues for the city (F-C)	2	5	3	8	3	2	16	39



Vision, Strategic Objectives, & Strategies

Presentation to City Council
September 1, 2011

The Planning Process



Definitions

Vision Statement:

A futuristic depiction of where the City is headed

Strategic Objectives:

Broadly defined targets the City must achieve to realize its vision. Each strategic objective is one of the organization's guiding principles

Strategies:

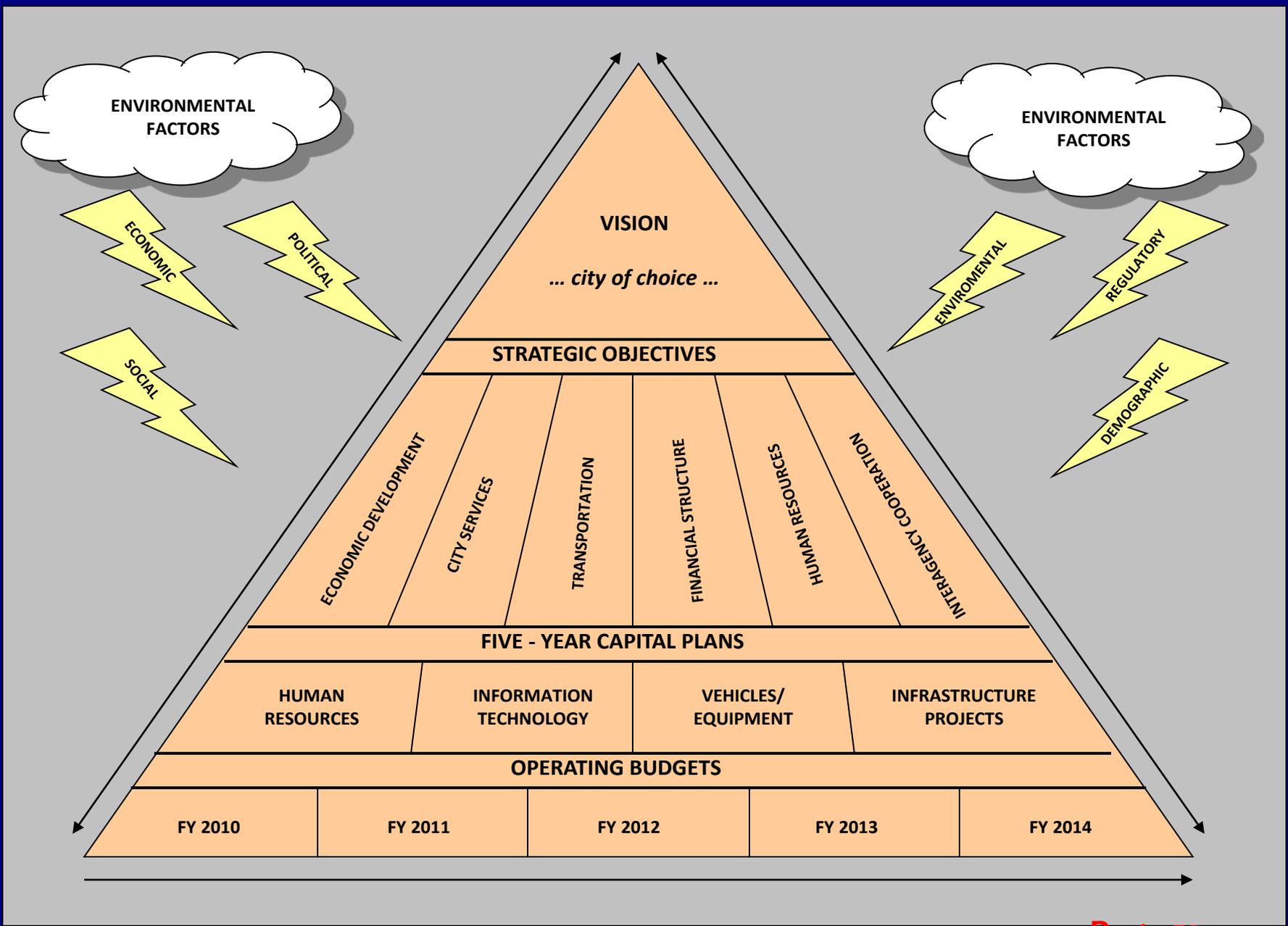
An initiative or task identified to bolster or strengthen one of the City's strategic objectives

Vision



The City of Brenham aspires to be the city of choice for both present and future generations

- We will achieve our vision through proactive leadership, open communications, and by employing high ethical standards
- We aspire to develop a strong economic climate, balanced by our desire to maintain a beautiful, clean, and safe environment
- We value our rich and diverse heritage and will preserve our friendly hometown atmosphere
- We are committed to providing our employees with a safe and stable work environment. In addition, all employees will be treated with a high level of care and respect and they are expected to share the same with every citizen in our community
- Together staff and council pledge to be open and responsive to the warranted needs of the community and will develop proactive governance that is accessible, efficient, fair, and accountable



Ranked No. 1

Create a comprehensive master planning program addressing transportation, development, and economic development

- Mayor will appoint a Transportation Committee to address thoroughfare planning and street maintenance issues

Ranked No. 2

Develop a comprehensive approach to improving intergovernmental cooperation and sharing costs of service between the city, county and school systems

- Gather/summarize existing agreements with other entities (i.e. Washington County, Blinn, BISD)
- Have staff generate realistic cost summary of the service rendered to other entities
- Initiate communication with all entities to share Council's priorities and to quantify costs of services
- Hold annual meeting with head of each entity to discuss relationships, common issues, and ways to enhance cooperation and communication between the agencies

Ranked No. 3

Prepare a comprehensive transportation plan including rehabilitation and maintenance of city streets, planning for thoroughfares and downtown parking

- The Transportation Committee will determine which thoroughfares to include in a transportation plan
- The Transportation Committee will prepare a prioritization and implementation plan
- The Transportation Committee will present their plan to the City Council for approval
- Staff will evaluate the creation of a transportation fee to augment funding for city street improvements

Ranked No. 4

Develop a holistic approach to economic development including planning in all aspects of the community including development of white collar jobs and a diversified retail market

➤ Retail

- Communicate with partners to determine how retail development will be handled in the future
- Contact communities that have successful retail development
- Research/identify cost effective retail development tools

➤ White Collar Jobs/Business

- Meet with community partners to explore the creation of white collar jobs/businesses
- Perform business site selection to identify areas of improvement for recruitment of white collar jobs/businesses

➤ Tourism

- Initiate summit with partners to explore interest of creating a long range tourism focus

Ranked No. 5

Develop a plan for enhancing revenues for the city

- Gather information on revenue enhancements
 - GFOA recommended practices
 - Research other regional cities
- Prepare and prioritize recommendations as linked to the City’s operating budget, capital plans and Council initiatives
- Obtain Council approval of recommendation(s)
- Host town hall meetings to discuss possible recommendation (if needed)
- Implement recommendation(s)

Ranked No. 6

Encourage development within the City's utilities service area

- Research other cities to see what they are doing to encourage development
- Discuss possible developments (i.e. cluster housing, high density development areas, etc.)
- Meet with developers to discuss new ideas and options
- Develop a strategy to encourage development within the City's electric service area and within the city, as a whole

Ranked No. 7

Develop and implement a proactive code enforcement program

- Conduct proactive patrols to identify/resolve violations
- Utilize Citizens on Patrol (COPs), along with patrol officers, to address and resolve issues
 - Volunteers and patrol officers to be assigned small, manageable, geographical areas for specific responsibility and accountability
 - Small, pinpointed, areas spread out to cover the entire city to ensure equitable and efficient coverage

Ranked No. 8

Find equitable funding for new fire substation

- Research and apply for grants
- Research municipal bonds
- Review ILA funding with County
- Set-up additional meetings with the County to discuss equitable funding for services being provided by the City

Ranked No. 9

Develop a proactive education program on the financial constraints of the city's government including the fiscal impacts of operating newly constructed capital projects

- Increase awareness of fiscal impact related to newly constructed capital projects
- Develop a template for calculating O&M costs of capital projects
- Present this template to City Council for approval
- Inform all city staff, boards, committees and volunteers of this template and the required utilization

Ranked No. 10

Prepare a habitual offenders awareness program

- Continue the Fusion Unit’s approach to investigating and apprehending repeat offenders through covert operations
- Strategically attach the K-9 element to assist the Fusion Unit
- Continually and routinely check known habitual offenders for wanted status
- Deploy investigative traffic stops to gather intelligence, identify wanted suspects, deter crime, and make arrests
- Coordinate a Washington County criminal justice system meeting for all law enforcement agencies, prosecutorial entities, judges, Justices of the Peace, probation, etc...

Ranked No. 11

Prepare and implement a process for communicating between the Council and Committees, conveying the Council’s expectations and vision

- Work with staff liaison on communicating information between Council and Committees
- Provide Council & City Manager copies of agendas from each board/committee
- Provide Committee members with “Council Summary” after each meeting
- When possible, involve Committees in the budget process
- Inform Committees of Council’s goals and strategies
- Invite Committees to provide an “Annual Report” to Council

Ranked No. 12

Create a more holistic approach to planning and coordination of projects inspired from volunteer committees and interest groups

- Increase communication between entities utilizing the following:
 - Formulate a process for identifying, planning and coordinating projects
 - Obtain Council approval of this process
 - Communicate this process to volunteer committees and interest groups

Ranked No. 13

Develop a plan for a new animal shelter

- Appoint an animal shelter board of concerned citizens to work with staff to:
 - Explore facility needs and mandates
 - Start a fundraising campaign to augment the funding
 - Interview and research architectural firms
 - Explore community partnerships
 - Explore the possibility of adding onto the existing location and re-designing the old section of the facility

Ranked No. 14

Develop a recruiting and recognition program for City volunteers

- Hold a recognition celebration for current volunteers
- Add a volunteer recruitment page to the City's website

Ranked No. 15

Develop a mentoring and interdepartmental training program for employees

- Continue the Supervisory Leadership Program
- Develop a succession plan
- Look for various mentoring opportunities for supervisors and employees
- Encourage personal growth training in addition to professional development training

Ranked No. 16

Develop a program to educate youth in schools on the value of working in local government

- Continue to participate in Career Day at Brenham High School
- Resume the “Bring A Kid to Work” Program
- Begin a mentoring program for high school aged kids
- Encourage employees to participate in HOST program

Reporting



Staff will provide the Council
an update on various strategic goals
every six (6) months

Note: Not all goals will require a progress report.



AGENDA FORM

DATE OF MEETING: September 1, 2011	DATE SUBMITTED: August 26, 2011	
DEPT. OF ORIGIN: Administration	SUBMITTED BY: Jeana Bellinger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1 ST READING
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2 ND READING
<input type="checkbox"/> EXECUTIVE SESSION	<input type="checkbox"/> REGULAR	<input type="checkbox"/> RESOLUTION
	<input checked="" type="checkbox"/> WORK SESSION	
AGENDA ITEM DESCRIPTION: Presentation and Discussion on Senate Bill 100		
<p>SUMMARY STATEMENT: In 2009 Congress passed the Military and Overseas Voter Empowerment Act (MOVE Act) in an effort to enhance the voting process for military and overseas voters. In order to comply with the MOVE Act, the Texas Legislature, in the 82nd Regular Session, enacted Senate Bill 100 (SB-100) which requires Federal and State election ballots to be mailed or e-mailed to military and overseas voters no later than the 45th day before an election. The MOVE Act mandate to mail or e-mail ballots 45 days before an election, the primary runoff elections will be moved from the 2nd Tuesday in April to the 4th Tuesday in May.</p> <p>Due to the change in the primary runoff election date, all political subdivisions that hold general elections in May of even-numbered years may not be able to contract with their county to conduct elections and/or use voting equipment. I have been notified by Washington County that they <u>will not</u> be able to provide the City with voting equipment for even-numbered year elections; therefore, requiring us to make some changes to our current election schedule. During the Work Session, I will present all of the options available to the City through SB-100.</p>		
STAFF ANALYSIS (For Ordinances or Regular Agenda Items):		
A. PROS:		
B. CONS:		
ALTERNATIVES (In Suggested Order of Staff Preference):		
ATTACHMENTS: (1) Senate Bill 100; and (2) Copy of PowerPoint presentation		
FUNDING SOURCE (Where Applicable):		
RECOMMENDED ACTION: Discussion Only		
APPROVALS: Terry Roberts		

S.B. No. 100

AN ACT

relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 101, Election Code, is amended to read as follows:

CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.001. ELIGIBILITY. A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this chapter shall be conducted and the results shall be processed as provided by Subtitle A for early voting by mail, except as otherwise provided by this chapter.

Sec. 101.003. DEFINITIONS. ~~[FORM AND CONTENTS OF APPLICATION. (a) -- An application for a ballot to be voted under this chapter must.~~

~~[(1) -- be submitted on an official federal postcard application form, and~~

~~[(2) -- include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested.~~

~~[(b)] In this chapter:~~

~~(1) "Federal[, "federal] postcard application" means an application for a ballot to be voted under this chapter submitted on the official federal form prescribed under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).~~

~~(2) "FPCA registrant" means a person registered to vote under Section 101.055.~~

Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For each FPCA registrant accepted to vote, a notation shall be made beside the voter's name on the early voting poll list indicating that the voter is an FPCA registrant.

Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY VOTING ROSTER. The entry on the early voting roster pertaining to a voter under this chapter who is an FPCA registrant must include a notation indicating that the voter is an FPCA registrant. The early voting clerk shall note on the early voting by mail roster each e-mail of a ballot under Subchapter C.

Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY

VOTING LIST. A person to whom a ballot is provided under this chapter is not required to be included on the precinct early voting list if the person is an FPCA registrant.

Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(b) The secretary of state is designated as the state coordinator between military and overseas voters and county election officials. A county election official shall:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) The secretary of state may adopt rules as necessary to implement this section.

Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The secretary of state, in coordination with local election officials, shall implement an electronic free-access system by which a person eligible for early voting by mail under this chapter or Chapter 114 may determine by telephone, by e-mail, or over the Internet whether:

(1) the person's federal postcard application or other registration or ballot application has been received and accepted; and

(2) the person's ballot has been received and the current status of the ballot.

SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An application for a ballot to be voted under this subchapter must:

(1) be submitted on an official federal postcard application form; and

(2) include the information necessary to indicate that the applicant is eligible to vote in the election for which the ballot is requested.

Sec. 101.052 [~~101.004~~]. SUBMITTING APPLICATION. (a) A federal postcard application must be submitted to the early voting clerk for the election who serves the election precinct of the applicant's residence.

(a-1) A federal postcard application must be submitted by:

(1) mail; or

(2) electronic transmission of an image of the application under procedures prescribed by the secretary of state.

(b) A federal postcard application may be submitted at any time during the calendar year in which the election for which a ballot is requested occurs, but not later than the deadline for submitting a regular application for a ballot to be voted by mail.

(c) A federal postcard application requesting a ballot for an election to be held in January or February may be submitted in the preceding calendar year but not earlier than the earliest date for submitting a regular application for a ballot to be voted by mail.

(d) A timely application that is addressed to the wrong early voting clerk shall be forwarded to the proper early voting clerk not later than the day after the date it is received by the wrong clerk.

(e) An applicant who otherwise complies with applicable requirements is entitled to receive a full ballot to be voted by mail under this chapter if:

(1) the applicant submits a federal postcard application to the early voting clerk on or before the 20th day before election day; and

(2) the application contains the information that is required for registration under Title 2.

(f) The applicant is entitled to receive only a federal ballot to be voted by mail under Chapter 114 if:

(1) the applicant submits the federal postcard application to the early voting clerk after the date provided by Subsection (e)(1) and before the sixth day before election day; and

(2) the application contains the information that is required for registration under Title 2.

(g) An applicant who submits a federal postcard application to the early voting clerk on or after the sixth day before election day is not entitled to receive a ballot by mail for that election.

(h) If the applicant submits the federal postcard application within the time prescribed by Subsection (f)(1) and is a registered voter at the address contained on the application, the applicant is entitled to receive a full ballot to be voted by mail under this chapter.

(i) Except as provided by Subsections (l) and (m), for purposes of determining the date a federal postcard application is submitted to the early voting clerk, an application is considered to be submitted on the date it is placed and properly addressed in the United States mail. An application mailed from an Army/Air Force Post Office (APO) or Fleet Post Office (FPO) is considered placed in the United States mail. The date indicated by the post office cancellation mark, including a United States military post office cancellation mark, is considered to be the date the application was placed in the mail unless proven otherwise. For purposes of an application made under Subsection (e):

(1) an application that does not contain a cancellation mark is considered to be timely if it is received by the early voting clerk on or before the 15th day before election day; and

(2) if the 20th day before the date of an election is a Saturday, Sunday, or legal state or national holiday, an application is considered to be timely if it is submitted to the early voting clerk on or before the next regular business day.

(j) If the early voting clerk determines that an application that is submitted before the time prescribed by Subsection (e)(1) does not contain the information that is required for registration under Title 2, the clerk shall notify the applicant of that fact. If the applicant has provided a telephone number or an address for receiving mail over the Internet, the clerk shall notify the applicant by that medium.

(k) If the applicant submits the missing information before the time prescribed by Subsection (e)(1), the applicant is entitled to receive a full ballot to be voted by mail under this chapter. If the applicant submits the missing information after the time prescribed by Subsection (e)(1), the applicant is entitled to receive a full ballot to be voted by mail for the next election that occurs:

(1) in the same calendar year; and

(2) after the 30th day after the date the information is submitted.

(l) For purposes of determining the end of the period that an application may be submitted under Subsection (f)(1), an

application is considered to be submitted at the time it is received by the early voting clerk.

(m) The secretary of state by rule shall establish the date on which a federal postcard application is considered to be electronically submitted to the early voting clerk.

Sec. ~~101.053~~ [101-004]. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. The early voting clerk shall notify the voter registrar of a federal postcard application submitted by an applicant that states a voting residence address located outside the registrar's county.

Sec. ~~101.054~~ [101-005]. APPLYING FOR MORE THAN ONE ELECTION IN SAME APPLICATION. (a) A person may apply with a single federal postcard application for a ballot for any one or more elections in which the early voting clerk to whom the application is submitted conducts early voting.

(b) An application that does not identify the election for which a ballot is requested shall be treated as if it requests a ballot for:

(1) each general election in which the clerk conducts early voting; and

(2) the general primary election if the application indicates party preference and is submitted to the early voting clerk for the primary.

(c) An application shall be treated as if it requests a ballot for[-

~~(1)]~~ a runoff election that results from an election for which a ballot is requested~~[-and~~

~~(2) - - each election for a federal office, including a primary or runoff election, that occurs on or before the date of the second general election for state and county officers that occurs after the date the application is submitted].~~

(d) An application requesting a ballot for more than one election shall be preserved for the period for preserving the precinct election records for the last election for which the application is effective.

Sec. ~~101.055~~ [101-006]. FPCA VOTER REGISTRATION. (a) The submission of a federal postcard application that complies with the applicable requirements by an unregistered applicant constitutes registration by the applicant:

(1) for the purpose of voting in the election for which a ballot is requested; and

(2) under Title 2 unless the person indicates on the application that the person is residing outside the United States indefinitely.

(b) For purposes of registering to vote under this chapter, a person shall provide the address of the last place of residence of the person in this state or the last place of residence in this state of the person's parent or legal guardian.

(c) The registrar shall register the person at the address provided under Subsection (b) unless that address no longer is recognized as a residential address, in which event the registrar shall assign the person to an address under procedures prescribed by the secretary of state [In this chapter, "FPCA registrant" means a person registered to vote under this section].

Sec. ~~101.056~~ [101-007]. METHOD OF PROVIDING BALLOT; REQUIRED ADDRESS. (a) The balloting materials provided under this ~~subchapter~~ [chapter] shall be airmailed to the voter free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in an envelope labeled "Official Election Balloting Material - via Airmail." The secretary of state shall provide early voting clerks

with instructions on compliance with this subsection.

(b) The address to which the balloting materials are sent to a voter must be:

(1) an address outside the county of the voter's residence; or

(2) an address in the United States for forwarding or delivery to the voter at a location outside the United States.

(c) If the address to which the balloting materials are to be sent is within the county served by the early voting clerk, the federal postcard application must indicate that the balloting materials will be forwarded or delivered to the voter at a location outside the United States.

Sec. ~~101.057~~ [~~101.000~~]. RETURN OF VOTED BALLOT. A ballot voted under this subchapter [~~chapter~~] may be returned to the early voting clerk by mail, common or contract carrier, or courier.

~~[Sec. - 101.009. - - NOTING FPCA REGISTRATION ON POLL LIST. For each FPCA registrant accepted to vote, a notation shall be made beside the voter's name on the early voting poll list indicating that the voter is an FPCA registrant.]~~

~~[Sec. - 101.010. - - NOTING FPCA REGISTRATION ON EARLY VOTING ROSTER. The entry on the early voting roster pertaining to a voter under this chapter who is an FPCA registrant must include a notation indicating that the voter is an FPCA registrant.]~~

~~[Sec. - 101.011. - - EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY VOTING LIST. A person to whom a ballot is provided under this chapter is not required to be included on the precinct early voting list if the person is an FPCA registrant.]~~

Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The officially prescribed carrier envelope for voting under this subchapter [~~chapter~~] shall be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the label prescribed by Section 101.056(a) [~~101.007(a)~~] for the envelope in which the balloting materials are sent to a voter. The secretary of state shall provide early voting clerks with instructions on compliance with this section.

SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

Sec. 101.101. PURPOSE. The purpose of this subchapter is to implement the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A person eligible to vote under this chapter may request from the appropriate early voting clerk e-mail transmission of balloting materials under this subchapter.

(b) The early voting clerk shall grant a request made under this section for the e-mail transmission of balloting materials if:

(1) the requestor has submitted a valid federal postcard application and:

(A) if the requestor is a person described by Section 101.001(2)(C), has provided a current mailing address that is located outside the United States; or

(B) if the requestor is a person described by Section 101.001(2)(A) or (B), has provided a current mailing address that is located outside the requestor's county of residence;

(2) the requestor provides an e-mail address:

(A) that corresponds to the address on file with the requestor's federal postcard application; or

(B) stated on a newly submitted federal postcard application;

(3) the request is submitted on or before the seventh day before the date of the election; and

(4) a marked ballot for the election from the requestor has not been received by the early voting clerk.

Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail address used under this subchapter to request balloting materials is confidential and does not constitute public information for purposes of Chapter 552, Government Code. An early voting clerk shall ensure that a voter's e-mail address provided under this subchapter is excluded from public disclosure.

Sec. 101.104. ELECTIONS COVERED. The e-mail transmission of balloting materials under this subchapter is limited to:

(1) an election in which an office of the federal government appears on the ballot, including a primary election;

(2) an election to fill a vacancy in the legislature unless:

(A) the election is ordered as an emergency election under Section 41.0011; or

(B) the election is held as an expedited election under Section 203.013; or

(3) an election held jointly with an election described by Subdivision (1) or (2).

Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL. Balloting materials to be sent by e-mail under this subchapter include:

(1) the appropriate ballot;

(2) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted;

(3) instructions prescribed by the secretary of state on:

(A) how to print a return envelope from the federal Voting Assistance Program website; and

(B) how to create a carrier envelope or signature sheet for the ballot; and

(4) a list of certified write-in candidates, if applicable.

Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The balloting materials may be provided by e-mail to the voter in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

(b) The secretary of state shall prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter.

Sec. 101.107. RETURN OF BALLOT. (a) A voter described by Section 101.001(2)(A) or (B) must be voting from outside the voter's county of residence. A voter described by Section 101.001(2)(C) must be voting from outside the United States.

(b) A voter who receives a ballot under this subchapter must return the ballot in the same manner as required under Section 101.057 and, except as provided by Chapter 105, may not return the ballot by electronic transmission.

(c) A ballot that is not returned as required by Subsection (b) is considered a ballot not timely returned and is not sent to the early voting ballot board for processing.

(d) The deadline for the return of a ballot under this section is the same deadline as provided in Section 86.007.

Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The secretary of state by rule shall create a tracking system under which an FPCA registrant may determine whether a voted ballot has

been received by the early voting clerk. Each county that sends ballots to FPCA registrants shall provide information required by the secretary of state to implement the system.

Sec. 101.109. RULES. (a) The secretary of state may adopt rules as necessary to implement this subchapter.

(b) The secretary of state may provide for an alternate secure method of electronic ballot transmission under this subchapter instead of transmission by e-mail

~~[Sec. - 101.013. - - DESIGNATION OF SECRETARY OF STATE. The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

SECTION 2. Section 2.025, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d) or as otherwise provided by this code, a runoff election shall be held not earlier than the 20th or later than the 45th day after the date the final canvass of the main election is completed.

(d) A runoff election for a special election to fill a vacancy in Congress or a special election to fill a vacancy in the legislature to which Section 101.104 applies shall be held not earlier than the 70th day or later than the 77th day after the date the final canvass of the main election is completed.

SECTION 3. Subsection (c), Section 3.005, Election Code, is amended to read as follows:

(c) For an election to be held on:

(1) the date of the general election for state and county officers, the election shall be ordered not later than the 78th [70th] day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the election shall be ordered not later than the 71st day before election day.

SECTION 4. Section 41.001, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

(1) the second Saturday in May in an odd-numbered year;

(2) the second Saturday in May in an even-numbered year, for an election held by a political subdivision other than a county; or

(3) [+2+] the first Tuesday after the first Monday in November.

(d) Notwithstanding Section 31.093, a county elections administrator is not required to enter into a contract to furnish election services for an election held on the date described by Subsection (a) (2).

SECTION 5. Section 41.0052, Election Code, is amended to read as follows:

Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) ~~[The governing body of a political subdivision other than a county may, not later than December 31, 2005, change the date on which it holds its general election for officers to another authorized uniform election date.~~

~~[-a-1] The governing body of a political subdivision,~~

other than a county, that holds its general election for officers on a date other than the November uniform election date may, not later than December 31, 2012 [~~2010~~], change the date on which it holds its general election for officers to the November uniform election date.

(b) A governing body changing an election date under this section shall adjust the terms of office to conform to the new election date.

(c) A home-rule city may implement the change authorized by Subsection (a) or provide for the election of all members of the governing body at the same election through the adoption of a resolution. The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered.

(d) The holdover of a member of a governing body of a city in accordance with Section 17, Article XVI, Texas Constitution, so that a term of office may be conformed to a new election date chosen under this section does not constitute a vacancy for purposes of Section 11(b), Article XI, Texas Constitution.

SECTION 6. Subsection (b), Section 41.007, Election Code, is amended to read as follows:

(b) The runoff primary election date is the fourth Tuesday in May [~~second Tuesday in April~~] following the general primary election.

SECTION 7. Section 65.051, Election Code, is amended by adding Subsection (c) to read as follows:

(c) Section 1.006 does not apply to this section.

SECTION 8. Subsection (b), Section 86.004, Election Code, is amended to read as follows:

(b) For an election to which Section 101.104 applies [~~the general election for state and county officers~~], the balloting materials for a voter who indicates on the application for a ballot to be voted by mail or the federal postcard application that the voter is eligible to vote early by mail as a consequence of the voter's being outside the United States shall be mailed on or before the later of the 45th day before election day or the seventh calendar day after the date the clerk receives the application. However, if it is not possible to mail the ballots by the deadline of the 45th day before election day, the clerk shall notify the secretary of state within 24 hours of knowing that the deadline will not be met. The secretary of state shall monitor the situation and advise the clerk, who shall mail the ballots as soon as possible in accordance with the secretary of state's guidelines.

SECTION 9. Subsection (b), Section 86.011, Election Code, is amended to read as follows:

(b) If the return is timely, the clerk shall enclose the carrier envelope and the voter's early voting ballot application in a jacket envelope. The clerk shall also include in the jacket envelope:

(1) a copy of the voter's federal postcard application if the ballot is voted under Chapter 101; and

(2) the signature cover sheet, if the ballot is voted under Chapter 105.

SECTION 10. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0223 to read as follows:

Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR MAIL AND E-MAIL. (a) If the early voting clerk has provided a voter a ballot to be voted by mail by both regular mail and e-mail under Subchapter C, Chapter 101, the clerk may not deliver a jacket envelope containing the early voting ballot voted by mail by the

voter to the board until:

(1) both ballots are returned; or

(2) the deadline for returning marked ballots under Section 86.007 has passed.

(b) If both the ballot provided by regular mail and the ballot provided by e-mail are returned before the deadline, the early voting clerk shall deliver only the jacket envelope containing the ballot provided by e-mail to the board. The ballot provided by regular mail is considered to be a ballot not timely returned.

SECTION 11. Section 87.041, Election Code, is amended by adding Subsection (f) to read as follows:

(f) In making the determination under Subsection (b)(2) for a ballot cast under Chapter 101 or 105, the board shall compare the signature on the carrier envelope or signature cover sheet with the signature of the voter on the federal postcard application.

SECTION 12. Section 87.043, Election Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The early voting ballot board shall place the carrier envelopes containing rejected ballots in an envelope and shall seal the envelope. More than one envelope may be used if necessary. The board shall keep a record of the number of rejected ballots in each envelope.

(d) A notation must be made on the carrier envelope of any ballot that was rejected after the carrier envelope was opened and include the reason the envelope was opened and the ballot was rejected.

SECTION 13. Section 87.0431, Election Code, is amended to read as follows:

Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the 10th day after election day, the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application. If the ballot was transmitted to the voter by e-mail under Subchapter C, Chapter 101, the presiding judge shall also provide the notice to the e-mail address to which the ballot was sent.

SECTION 14. Subsection (a), Section 87.044, Election Code, is amended to read as follows:

(a) The early voting ballot board shall place each application for a ballot voted by mail in its corresponding jacket envelope. For a ballot voted under Chapter 101 or 105, the board shall also place the copy of the voter's federal postcard application or signature cover sheet in the same location as the carrier envelope. If the voter's ballot was accepted, the board shall also place the carrier envelope in the jacket envelope. However, if the jacket envelope is to be used in a subsequent election, the carrier envelope shall be retained elsewhere.

SECTION 15. Section 105.003, Election Code, is amended to read as follows:

Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall prescribe procedures to allow a voter who qualifies to vote by a federal write-in absentee ballot to vote through use of a federal write-in absentee ballot in:

(1) any general, special, primary, or runoff election for federal office; or

(2) an election for any office for which balloting materials may be sent under Section 101.104.

SECTION 16. Subsection (b), Section 142.010, Election Code,

is amended to read as follows:

(b) Not later than the 68th [~~55th~~] day before general election day, the certifying authority shall deliver the certification to the authority responsible for having the official ballot prepared in each county in which the candidate's name is to appear on the ballot.

SECTION 17. Subsection (c), Section 143.007, Election Code, is amended to read as follows:

(c) For an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th [~~70th~~] day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 18. Subsection (d), Section 144.005, Election Code, is amended to read as follows:

(d) For an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th [~~70th~~] day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 19. Subsection (b), Section 144.006, Election Code, is amended to read as follows:

(b) For an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 78th [~~67th~~] day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 20. Subsection (e), Section 145.037, Election Code, is amended to read as follows:

(e) The certification must be delivered not later than 5 p.m. of the 71st [~~70th~~] day before election day.

SECTION 21. Subsection (b), Section 145.038, Election Code, is amended to read as follows:

(b) The state chair must deliver the certification of the replacement nominee not later than 5 p.m. of the 69th [~~67th~~] day before election day.

SECTION 22. Subsection (f), Section 145.092, Election Code, is amended to read as follows:

(f) A candidate in an election for which the filing deadline for an application for a place on the ballot is not later than 5 p.m. of the 78th [~~70th~~] day before election day may not withdraw from the election after 5 p.m. of the 71st [~~67th~~] day before election day.

SECTION 23. Subsection (a), Section 145.094, Election Code, is amended to read as follows:

(a) The name of a candidate shall be omitted from the ballot if the candidate:

(1) dies before the second day before the date of the deadline for filing the candidate's application for a place on the ballot;

(2) withdraws or is declared ineligible before 5 p.m. of the second day before the beginning of early voting by personal appearance, in an election subject to Section 145.092(a);

(3) withdraws or is declared ineligible before 5 p.m. of the 53rd day before election day, in an election subject to Section 145.092(b); or

(4) withdraws or is declared ineligible before 5 p.m. of the 71st [~~67th~~] day before election day, in an election subject to Section 145.092(f).

SECTION 24. Subsection (a), Section 145.096, Election Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a candidate's name shall be placed on the ballot if the candidate:

(1) dies on or after the second day before the deadline for filing the candidate's application for a place on the ballot;

(2) is declared ineligible after 5 p.m. of the second day before the beginning of early voting by personal appearance, in an election subject to Section 145.092(a);

(3) is declared ineligible after 5 p.m. of the 53rd day before election day, in an election subject to Section 145.092(b); or

(4) is declared ineligible after 5 p.m. of the 71st [~~67th~~] day before election day, in an election subject to Section 145.092(f).

SECTION 25. Subsections (a) and (b), Section 146.025, Election Code, are amended to read as follows:

(a) A declaration of write-in candidacy must be filed not later than 5 p.m. of the 78th [~~70th~~] day before general election day, except as otherwise provided by this code. A declaration may not be filed earlier than the 30th day before the date of the regular filing deadline.

(b) If a candidate whose name is to appear on the general election ballot dies or is declared ineligible after the third day before the date of the filing deadline prescribed by Subsection (a), a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate may be filed not later than 5 p.m. of the 75th [~~67th~~] day before election day.

SECTION 26. Subsection (c), Section 146.029, Election Code, is amended to read as follows:

(c) Not later than the 68th [~~62nd~~] day before election day, the certifying authority shall deliver the certification to the authority responsible for having the official ballot prepared in each county in which the office sought by the candidate is to be voted on.

SECTION 27. Subsection (b), Section 146.054, Election Code, is amended to read as follows:

(b) For an election to be held on:

(1) the date of the general election for state and county officers, the day of the filing deadline is the 74th [~~67th~~] day before election day; and

(2) a uniform election date other than the date of the general election for state and county officers, the day of the filing deadline is the 71st day before election day.

SECTION 28. Subsection (b), Section 161.008, Election Code, is amended to read as follows:

(b) Not later than the 68th [~~62nd~~] day before general election day, the secretary of state shall deliver the certification to the authority responsible for having the official general election ballot prepared in each county in which the candidate's name is to appear on the ballot.

SECTION 29. Subsection (a), Section 172.023, Election Code, is amended to read as follows:

(a) An application for a place on the general primary election ballot must be filed not later than 6 p.m. on the second Monday in December of an odd-numbered year [~~January 2 in the primary election year~~] unless the filing deadline is extended under Subchapter C.

SECTION 30. Subsection (d), Section 171.0231, Election Code, is amended to read as follows:

(d) A declaration of write-in candidacy must be filed not later than 6 [5] p.m. of the fifth [~~62nd~~] day after the date of the filing deadline for the [~~before~~] general primary election [~~day. However, if a candidate whose name is to appear on the ballot for the office of county chair or precinct chair dies or is declared ineligible after the third day before the date of the regular filing deadline prescribed by this subsection, a declaration of write-in candidacy for the office sought by the deceased or ineligible candidate may be filed not later than 5 p.m. of the 59th day before election day~~].

SECTION 31. Subsection (b), Section 172.028, Election Code, is amended to read as follows:

(b) Not later than the 81st [~~57th~~] day before general primary election day, the state chair shall deliver the certification to the county chair in each county in which the candidate's name is to appear on the ballot.

SECTION 32. Subsection (a), Section 172.052, Election Code, is amended to read as follows:

(a) A candidate for nomination may not withdraw from the general primary election after the 79th [~~62nd~~] day before general primary election day.

SECTION 33. Subsections (a) and (b), Section 172.054, Election Code, are amended to read as follows:

(a) The deadline for filing an application for a place on the general primary election ballot is extended as provided by this section if a candidate who has made an application that complies with the applicable requirements:

(1) dies on or after the fifth day before the date of the regular filing deadline and on or before the 79th [~~62nd~~] day before general primary election day;

(2) holds the office for which the application was made and withdraws or is declared ineligible on or after the date of the regular filing deadline and on or before the 79th [~~62nd~~] day before general primary election day; or

(3) withdraws or is declared ineligible during the period prescribed by Subdivision (2), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.

(b) An application for an office sought by a withdrawn, deceased, or ineligible candidate must be filed not later than 6 p.m. of the 81st [~~60th~~] day before general primary election day. An application filed by mail with the state chair is not timely if received later than 5 p.m. of the 81st [~~60th~~] day before general primary election day.

SECTION 34. Section 172.057, Election Code, is amended to read as follows:

Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A candidate's name shall be omitted from the general primary election ballot if the candidate withdraws, dies, or is declared ineligible on or before the 79th [~~62nd~~] day before general primary election day.

SECTION 35. Subsection (a), Section 172.058, Election Code, is amended to read as follows:

(a) If a candidate who has made an application for a place on the general primary election ballot that complies with the applicable requirements dies or is declared ineligible after the 79th [~~62nd~~] day before general primary election day, the

candidate's name shall be placed on the ballot and the votes cast for the candidate shall be counted and entered on the official election returns in the same manner as for the other candidates.

SECTION 36. Subsection (a), Section 172.059, Election Code, is amended to read as follows:

(a) A candidate for nomination may not withdraw from the runoff primary election after 5 p.m. of the 8th [~~10th~~] day after general primary election day.

SECTION 37. Subsection (c), Section 172.082, Election Code, is amended to read as follows:

(c) The drawing shall be conducted at the county seat not later than the third Tuesday in December of an odd-numbered year [~~53rd day before general primary election day~~].

SECTION 38. Subsection (b), Section 192.033, Election Code, is amended to read as follows:

(b) The secretary of state shall deliver the certification to the authority responsible for having the official ballot prepared in each county before the later of the 68th [~~62nd~~] day before presidential election day or the second business day after the date of final adjournment of the party's national presidential nominating convention.

SECTION 39. Subsection (b), Section 201.051, Election Code, is amended to read as follows:

(b) For a vacancy to be filled by a special election to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th [~~70th~~] day before election day.

SECTION 40. Subsection (f), Section 201.054, Election Code, is amended to read as follows:

(f) For a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 75th [~~67th~~] day before election day.

SECTION 41. Section 501.109, Election Code, is amended to read as follows:

Sec. 501.109. ELECTION IN [~~CERTAIN~~] MUNICIPALITIES.

(a) This section applies only to an election to permit or prohibit the legal sale of alcoholic beverages of one or more of the various types and alcoholic contents in a municipality [~~that is located in more than one county~~].

(b) An election to which this section applies shall be conducted by the municipality instead of a county [~~the counties~~]. For the purposes of an election conducted under this section, a reference in this chapter to:

- (1) the county is considered to refer to the municipality;
- (2) the commissioners court is considered to refer to the governing body of the municipality;
- (3) the county clerk or voter registrar is considered to refer to the secretary of the municipality or, if the municipality does not have a secretary, to the person performing the functions of a secretary of the municipality; and
- (4) the county judge is considered to refer to the mayor of the municipality or, if the municipality does not have a mayor, to the presiding officer of the governing body of the municipality.

(c) The municipality shall pay the expense of the election.

(d) An action to contest the election under Section 501.155 may be brought in the district court of any county in which the municipality is located.

SECTION 42. Subsections (a) and (c), Section 11.055, Education Code, are amended to read as follows:

(a) Except as provided by Subsection (c), an application of a candidate for a place on the ballot must be filed not later than 5 p.m. of the 71st ~~[62nd]~~ day before the date of the election. An application may not be filed earlier than the 30th day before the date of the filing deadline.

(c) For an election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 78th ~~[70th]~~ day before election day.

SECTION 43. Subsection (b), Section 11.056, Education Code, is amended to read as follows:

(b) ~~A [Except as provided by Subsection (c), a] declaration of write-in candidacy must be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election [5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed].~~

SECTION 44. Subsection (e), Section 11.059, Education Code, is amended to read as follows:

(e) Not later than December 31, 2011 ~~[2007]~~, the board of trustees may adopt a resolution changing the length of the terms of its trustees. The resolution must provide for staggered terms ~~[a term]~~ of either three or four years and specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for trustees that occurs after January 1, 2012 ~~[2008]~~, and a trustee who serves on that date shall serve the remainder of that term. This subsection expires January 1, 2017 ~~[2013]~~.

SECTION 45. Subsection (b), Section 130.0825, Education Code, is amended to read as follows:

(b) ~~A [Except as provided by Subsection (c), a] declaration of write-in candidacy must be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election [5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed].~~

SECTION 46. Subsection (d), Section 285.131, Health and Safety Code, is amended to read as follows:

(d) ~~A [Except as provided by Subsection (g), a] declaration of write-in candidacy must be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election [5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed].~~

SECTION 47. Subchapter A, Chapter 21, Local Government Code, is amended by adding Section 21.004 to read as follows:

Sec. 21.004. CHANGE OF LENGTH OR STAGGERING OF TERMS IN GENERAL-LAW MUNICIPALITY. (a) This section applies only to a general-law municipality whose governing body is composed of members that serve:

- (1) a term of one or three years; or
- (2) staggered terms.

(b) Not later than December 31, 2012, the governing body of the general-law municipality may adopt a resolution:

- (1) changing the length of the terms of its members to two years; or
- (2) providing for the election of all members of the governing body at the same election.

(c) The resolution must specify the manner in which the transition in the length of terms is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2013, and a member who serves on that date shall serve the remainder of that term.

(d) This section expires January 1, 2016.

SECTION 48. Subsection (d), Section 63.0945, Water Code, is

amended to read as follows:

(d) ~~A [Except as provided by Subsection (f), a] declaration of write-in candidacy must be filed not later than the deadline prescribed by Section 146.054, Election Code, for a write-in candidate in a city election [5 p.m. of the fifth day after the date an application for a place on the ballot is required to be filed].~~

SECTION 49. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, regardless of the relative dates of enactment.

SECTION 50. The secretary of state shall adopt rules as necessary to implement this Act, including the adjustment or modification of any affected date, deadline, or procedure.

SECTION 51. The following are repealed:

- (1) Section 41.0053, Election Code;
- (2) Subsection (e), Section 11.056, and Subsection (e), Section 130.0825, Education Code;
- (3) Subsection (g), Section 285.131, Health and Safety Code; and
- (4) Subsection (f), Section 63.0945, Water Code.

* SECTION 52. (a) This section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.

(b) Not later than December 31, 2012, the governing body of the political subdivision may adopt a resolution changing the length of the terms of its members to an even number of years. The resolution must specify the manner in which the transition from the length of the former term to the modified term is made. The transition must begin with the first regular election for members of the governing body that occurs after January 1, 2013, and a member who serves on that date shall serve the remainder of that term.

(c) This section expires January 1, 2020.

SECTION 53. The changes in law made by this Act do not apply to an election held on November 8, 2011.

SECTION 54. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 100 passed the Senate on April 14, 2011, by the following vote: Yeas 29, Nays 1; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 100 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 143, Nays 1, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the

following vote: Yeas 147, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Understanding SB-100



**PRESENTATION TO CITY COUNCIL
SEPTEMBER 1, 2011**

Military & Overseas Voter Empowerment (MOVE) Act



- **Passed by Congress in 2009**
- **Goal was to make the voting process easier and faster for military and overseas voters**
- **Absentee ballots must be transmitted no later than 45 days before an election (2nd Tuesday in May)**
- **Applies to any election that includes a Federal office on the ballot**

Non-City Election Date Changes



- **Only general primary and primary runoff dates are directly affected by the MOVE Act**
 - State law already requires ballots to be transmitted 45 days in advance of November uniform date
- **General primary election date**
 - Remains the 1st Tuesday in March of even-numbered years
- **Primary runoff election date**
 - Changed from the 2nd Tuesday in April to the 4th Tuesday in May

Changes to the Election Code (Sec. 41.001(d))



“... a county elections administrator is NOT required to enter into a contract to furnish election services for an election held on the date described by Subsection (a)(2) [Second Saturday in May of even-numbered years].”

Prior to SB-100, a county elections administrator had a duty to furnish election services if requested



**Does
SB-100
Affect the
City of
Brenham?**

- Does Brenham conduct city council and/or mayoral elections in May of even-numbered years?
- Does Brenham contract with Washington County for electronic voting machines?
- With the passage of SB-100, will Washington County be unable to provide electronic voting machines to the City?

**The answer to all of these is
“Yes”**

So, What Are Our Options?



- 1. Maintain current election schedule; acquire electronic voting equipment to use in even-numbered year elections**
- 2. Move elections to November**
- 3. Un-stagger and change terms of office to 2 or 4 years; this will require all positions to be elected, at the same time, in odd-numbered years**
- 4. Change terms of office to 4 years so that elections are held, on a staggered schedule, every 2 years in odd-numbered years**

How the Options May Affect the Charter



- **SB-100 allows home-rule cities to change their election schedule and terms of office**
- **There are differing opinions about whether a Charter Amendment Election may be required**

Option 1



**MAINTAIN CURRENT
ELECTION SCHEDULE;
ACQUIRE VOTING
EQUIPMENT**

Maintain Current Election Schedule; Acquire Equipment



- Electronic voting equipment would have to be leased or purchased from an outside vendor
- Cost of equipment varies depending on type of equipment (new vs. used), number of contests, number of precincts, and the number of polling places

Maintain Current Election Schedule; Acquire Equipment

Election Systems & Software (ES&S)

- Rent used equipment
- iVotronic ADA terminals
- Limited ballot options
- No paper ballots provided



**Quote received
June, 2011
\$4,973.01**

Price does not include programming

Hart Intercivic

- Purchase used equipment
- eSlate ADA terminals
- More ballot options
- No paper ballots provided



**Quote received
June, 2011
\$32,715**

Price does not include programming

Maintain Current Election Schedule; Acquire Equipment



PROS

- Keep our May election date
- Share costs with BISD and Blinn
- Maintain current 3 year terms

CONS

- Increased duties for city staff
- Cost of leasing and/or purchasing the equipment
- If BISD and Blinn do not have an election; the city will be responsible for 100% of the cost
- On-going annual costs

Option 2



**MOVING TO
NOVEMBER**

Moving to November



- A home-rule city is authorized to change its election date from May to November
- A city that changes from May to November is authorized to adjust the terms of office to conform to the new November election date
- A councilmember or mayor may “holdover” in office to conform to the November date without creating a vacancy

Moving to November Example



Position	Current Term	Transition Plan	Next Term
Mayor (Tate)	2011-14	Move 2014 Election to November; 6-month holdover	Nov. 2014-17
Ward 1 (Herring)	2009-12	Move 2012 Election to November; 6-month holdover	Nov. 2012-15
Ward 2 (Williams)	2009-12	Move 2012 Election to November; 6-month holdover	Nov. 2012-15
Ward 3 (Ebel)	2010-13	Move 2013 Election to November; 6-month holdover	Nov. 2013-16
Ward 4 (Goss)	2011-14	Move 2014 Election to November; 6-month hold-over	Nov. 2014-17
At-Large; Place 5 (Pyle)	2009-12	Move 2012 Election to November; 6-month holdover	Nov. 2012-15
At-Large; Place 6 (Nix)	2010-13	Move 2013 Election to November; 6-month holdover	Nov. 2013-16

Pros & Cons of November Election



PROS

- Maintain our 3 year terms (with short holdovers)
- Voter convenience
- County available to run election and provide required equipment

CONS

- Possibility of more under votes due to straight party voters
- Run offs in December
- Variance in voter turnout from year-to-year
- Local issues may be overshadowed by State and/or Federal issues
- Irreversible

Option 3



UN-STAGGERING AND CHANGING TERMS OF OFFICE

Un-staggering & Changing Terms of Office



- A home rule city is authorized to adopt a Resolution providing for the election of all members of the governing body at the same election
- Terms of office must be either 2 years or 4 years
- Elections will be held in odd-numbered years only
- Mayor and Council members in office on January 1, 2013 must be allowed to serve the remainder of their term (plus applicable hold-over period)
- The Resolution must be adopted by December 31, 2012

Un-staggering Terms Example (2 years)



Position	Current Term	Transition Plan	Next Term
Mayor (Tate)	2011-14	1 year holdover	May 2015-17
Ward 1 (Herring)	2009-12	1 year holdover	May 2013-15
Ward 2 (Williams)	2009-12	1 year holdover	May 2013-15
Ward 3 (Ebel)	2010-13		May 2013-15
Ward 4 (Goss)	2011-14	1 year holdover	May 2015-17
At-Large; Place 5 (Pyle)	2009-12	1 year holdover	May 2013-15
At-Large; Place 6 (Nix)	2010-13		May 2013-15

Un-staggering Terms Example (4 years)



Position	Current Term	Transition Plan	Next Term
Mayor (Tate)	2011-14	1 year holdover; with Special Election in 2015	May 2015-17
Ward 1 (Herring)	2009-12	1 year holdover	May 2013-17
Ward 2 (Williams)	2009-12	1 year holdover	May 2013-17
Ward 3 (Ebel)	2010-13		May 2013-17
Ward 4 (Goss)	2011-14	1 year holdover; with Special Election in 2015	May 2015-17
At-Large; Place 5 (Pyle)	2009-12	1 year holdover	May 2013-17
At-Large; Place 6 (Nix)	2010-13		May 2013-17

Due to the requirements of SB-100; Mayor and Ward 4 position cannot be reduced; therefore, a Special Election in 2015 for a short 2-year term will be needed

Pros & Cons of Un-staggering



PROS

- County available to run election and provide required equipment
- Would only have election costs every 2 or 4 years

CONS

- All seven council seats up for election at same time

Option 4



**CHANGING TERMS OF
OFFICE TO 4 YEARS
AND MAINTAIN
STAGGERING**

Change Terms of Office to 4 Years & Maintain Staggering



- A home rule city can adopt a Resolution changing the length of the terms of its City Council to 4 years
- Transition must begin with the first regular election that occurs after January 1, 2013

Change Terms of Office to 4 Years & Maintain Staggering



- Only 4 year terms allow for staggering
- Mayor and Council members in office on January 1, 2013 must be allowed to serve the remainder of their term (plus applicable hold-over period)
- Transition will require a Special Election
- Council will determine method to designate positions subject to the Special Election
- After transition, staggering will be split over two election cycles

Changing Terms Example



Position	Current Term	Transition Plan	1st Cycle	2nd Cycle
Mayor (Tate)	2011-14	As required by SB-100; 1 year holdover	May 2015-19	May 2019-23
Ward 4 (Goss)	2011-14	As required by SB-100; 1 year holdover	May 2015-19	May 2019-23

- Due to the requirements of SB-100; the Mayor and Ward 4 positions cannot be reduced; therefore, a 1 year holdover will be required.
- After the holdover, these positions will be up for re-election in 2015 – for a 4 year term

Changing Terms Example



Position	Current Term	Transition Plan	1 st Cycle	2 nd Cycle
Ward 1 (Herring)	2009-12			
Ward 2 (Williams)	2009-12			
Ward 3 (Ebel)	2010-13			
At-Large; Place 5 (Pyle)	2009-12			
At-Large; Place 6 (Nix)	2010-13			

- In order to maintain proper staggering; 1 or 2 of the above positions will need to elected to a 2 year term
- Council can determine whether a 3/4 or 4/3 split is desired
- The position(s) elected in 2013 for the short 2 year term will be on same election schedule as the Mayor and Ward 4
- After split is decided; Council will draw for positions subject to short term

Pros & Cons of Changing Terms



PROS

- Keep staggered terms of office
- Keep May election date, in odd-numbered years
- County available to run election and provide the necessary equipment
- Would only have election costs every other year

CONS

- Requires Special Election to transition to new election cycle