

August 1, 2016

Judge Jacques L. Blanchette
County Judge
Tyler County Courthouse
100 W. Bluff, RM #102
Woodville, Texas 75979

Commissioners Court
Tyler County Courthouse
100 W. Bluff
Woodville, Texas 75979

Re: Tyler County Emergency Services District #2 (the "District")

Dear Judge Blanchette & Commissioners Court:

On behalf of Tyler County Emergency Services District No. 2 (the "District"), please find enclosed a resolution calling an election to adopt a local sales and use tax at the rate of one and a half percent inside the District's boundaries, excluding any territory in the District where the local sales and use tax is already imposed at a rate of greater than one half percent. Please also find enclosed a Joint Election Agreement between the District and the County for the County's review and execution.

Sincerely,

GERMER PLLC

By: Kate Leverett
Kate Leverett

KL/kg
Enclosure



Judge Jacques L. Blanchette
Commissioners Court
August 1, 2016
Page -2-

cc: Ms. Donece Gregory
Tyler County Clerk
116 S. Charlton
Woodville, TX 75979

**RESOLUTION CALLING AN ELECTION
TO ADOPT A LOCAL SALES AND USE TAX IN THE
TYLER COUNTY EMERGENCY SERVICES DISTRICT #2 (THE "DISTRICT")
AT THE RATE OF ONE AND A HALF PERCENT, EXCLUDING ANY AREA OF THE
DISTRICT WHERE A LOCAL SALES AND USE TAX IS ALREADY IMPOSED AT A
RATE OF GREATER THAN ONE HALF PERCENT.; DIRECTING THE BOARD
PRESIDENT OF THE DISTRICT TO PROVIDE NOTICE OF THE PROPOSED
IMPOSITION OF THE LOCAL SALES AND USE TAX TO THE TYLER COUNTY
COMMISSIONERS' COURT; ESTABLISHING THE BOUNDARIES OF THE DISTRICT
AS CONSTITUTING TWO PRECINCTS FOR THE ELECTION; ESTABLISHING
EARLY VOTING AND POLLING PLACES; AUTHORIZING THE EXECUTION OF A
JOINT ELECTION AGREEMENT WITH LOCAL JURISDICTIONS FOR THE
NOVEMBER 8, 2016 ELECTION; AUTHORIZING BOARD OFFICERS TO CONDUCT
AN ELECTION AS AUTHORIZED BY §775.0751, §775.0752, TEXAS HEALTH AND
SAFETY CODE AND CHAPTER 323, TEXAS TAX CODE**

The Tyler County Emergency Services District #2 (the "District") is an emergency services district operating under Chapter 775 of the Texas Health and Safety Code.

Due to recent amendments to §775.0752 of the Texas Health and Safety Code, the District by resolution may order an election to adopt a local sales and use tax in the District. Said election to be governed by Subchapter E, Chapter 323, Texas Tax Code.

The Board of Directors of the District find that it would be in the best interest of the District to pursue an election to adopt a local sales and use tax in that territory within the District where the local sales and use tax rate would not exceed one and a half percent and excluding from the election and the application of the local sales and use tax that area territory within the District where the local sales and use tax rate is already imposed at a rate of greater than one half percent.

The election to adopt a local sales and use tax may be called by the adoption of a Resolution by the Board of Directors of the District ordering said election on a statutory, uniform election date.

BE IT ORDERED BY THE BOARD OF DIRECTORS OF TYLER COUNTY EMERGENCY SERVICES DISTRICT #2, THAT:

Section 1: An election shall be held within and for the District between the hours of 7:00 a.m. and 7:00 p.m., on the 8th day of November, 2016, at the First Baptist Church Family Life Center, 12676 FM 92 S Spurger, Tyler County, Texas, 77660 for Voting Precinct No. 14 and Fred Elementary Old Pre-K Building, 140 CR 4650 Fred, Tyler County, Texas 77616 for Voting Precinct No. 15 places within the District which the Board of Directors of the District, after duly considering the requirements of the Texas Election Code, hereby finds to be a proper place for conducting said election. At said election, a proposition calling for the adoption of a local sales and use tax in the Tyler County Emergency Services District #2 at the rate of two percent be submitted to the qualified resident electors of the District excluding from the election and the applicability of

any adopted local sales and use tax that territory in the District where the local sales and use tax is at two percent.

Section 2: The boundaries of the District are hereby established as and shall constitute two precincts for the election, and the following persons are hereby appointed officers of said election:

Presiding Judge for Voting Precinct No. 14: Avina Means
P.O. Box 368
Spurger, Texas 77660

Presiding Judge for Voting Precinct No. 15: Virginia Gregory
P.O. Box 247
Fred, Texas 77616

The presiding judge shall have the authority to appoint at least two (2) clerks but is not to exceed six (6) clerks for the proper conduct of the election. If the regularly appointed presiding judge is unable to serve at the election, the alternate presiding judge shall serve as the presiding judge for the election. If the election is conducted by the regularly appointed presiding judge, he or she shall appoint the alternate presiding judge as one of the clerks to serve at the election.

The early ballot board shall consist of at least three members, appointed by the presiding judge, who are eligible to serve in accordance with the Texas Election Code.

Early voting in the election by personal appearance shall occur on each weekday from October 24, 2016, through November 4, 2016, which is not a Sunday or an official state holiday; and, on Saturday, October 29, 2016. The early voting clerk shall keep the early voting place open between the hours of 8:00 a.m. to 4:30 p.m. on October 24, 2016, through November 4, 2016, and on Saturday, October 29, 2016. The clerk for early voting shall be Donece Gregory. Early voting by personal appearance shall be conducted at the Tyler County Nutrition Center, 201 Willow Street, Woodville, Tyler County, Texas. The early clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is 116 S. Charlton Woodville, Texas 75979.

Section 3: The duly qualified resident electors of the District shall be qualified to vote. The Presiding Judge and Early Voting Clerk shall be provided with voting lists with the names of electors qualified to vote in the election.

Section 4: The tax rate to be authorized in this election shall be the rate of one and a half percent in accordance with §775.0751 of the Texas Health and Safety Code and will be applicable for the collection of local sales and use taxes within the District in those areas not currently within a territory in the District where the local sales and use tax is already imposed at a rate of greater than one half percent.

Section 5: Not later than the 30th day after the date on which the Board of Directors adopts this Resolution Calling the Local Sales and Use Tax Election, the Board shall give, for informational purposes, written or oral notice on the proposed imposition of the sales and use tax,

including the reasons for the proposed change, to the Commissioners' Court of Tyler County, Texas.

Section 6: Voting shall be by the use of direct recording electronic voting system (DRE) in English and Spanish or paper ballots which shall be printed in both English and Spanish. The electronic and paper ballots used in the election shall have the following proposition:

THE ADOPTION OF A LOCAL SALES AND USE TAX IN THE TYLER COUNTY EMERGENCY SERVICES DISTRICT #2 AT THE RATE OF ONE AND A HALF PERCENT, EXCLUDING ANY AREA OF THE DISTRICT WHERE A LOCAL SALES AND USE TAX IS ALREADY IMPOSED AT A RATE OF GREATER THAN ONE HALF PERCENT.

Persons vote FOR or AGAINST the proposition. The Presiding Judge and the early voting clerk shall be provided with official ballots sufficient for the proper conduct of the election as determined by the herein named election officials. Oral assistance in Spanish shall be made available to all persons requiring such assistance. Any person requiring oral assistance in Spanish should contact the Presiding Judge or early voting clerk.

Section 7: The Secretary of the Board is hereby directed to cause notice of the election to be published in English and Spanish once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before the election in a newspaper or newspapers having general circulation in Tyler County, Texas.

Section 8: The election shall be held and conducted and returns made to this Board of Directors in accordance with the Texas Election Code, as modified by §775.0751, §775.0752 and Chapter 323, Texas Tax Code. District hereby appoints the Secretary of the Board of Directors of the District for the purpose as custodian of the election records. The Secretary shall maintain the election records in accordance with the Texas Election Code.

Section 9: The Presiding Judge and the Voting Clerk will be compensated at an hourly rate of \$7.50; all other early voting clerks and election clerks will be compensated at an hourly rate of \$7.50. Presiding Judge shall be compensated in the amount of \$7.50 for the delivery of election equipment and supplies if such delivery is necessary.

Section 10: The President, Secretary, and the District's attorneys are authorized and directed to take any action necessary to carry out the provisions of this Resolution.

PASSED AND APPROVED the 28th day of July, 2016.

**JOINT ELECTION AGREEMENT BETWEEN THE
TYLER COUNTY EMERGENCY SERVICES DISTRICT #2
AND THE COUNTY OF TYLER, TEXAS**

This joint election agreement is made this 28 day of July, 2016, by and between the **Tyler County Emergency Services District #2** (the "District") and the **County of Tyler, Texas** (the "County"). Other political subdivisions conducting elections may enter into a similar agreement with the County to participate in this joint election.

WHEREAS, the District plans to hold an election on November 8, 2016;

WHEREAS, the County plans to hold a General Election on November 8, 2016;

WHEREAS, Texas Election Code section 271.002 authorizes the governing bodies of political subdivisions to enter into an agreement to hold joint elections in election precincts that can be served by common polling places;

WHEREAS, the District and the County will hold elections on the same day; and

WHEREAS, the parties to this agreement serve voters within the same boundaries, and it would be to the benefit of the County, the District, and the citizens and voters thereof to hold the elections jointly.

NOW, THEREFORE, IT IS AGREED that a joint election will be held by the District and the County (and any other political subdivision approved by the County who enters into a similar joint election agreement with the County) under the following terms and conditions:

1. The notice of election and order of election for the District will be the responsibility of the District. This includes any bills that may be incurred as a result of posting and publishing these notices. The notice may be published either jointly or separately with the County.
2. The Tyler County Clerk agrees to coordinate, supervise and handle all aspects of administering the Joint Election in accordance with the provisions of the Texas Election Code and as outlined in this Agreement. The District and each additional participating authority agrees to pay Tyler County for equipment, supplies, services and administrative costs as outlined in this agreement. The Tyler County Clerk will serve as administrator for the election; however, each participating authority remains responsible for the lawful conduct of their respective election, unless contracted with the County Clerk.

3. The District and each other participating authority will be responsible for preparation, adoption and publication of all required election orders, resolutions, and any other pertinent documents required by their respective governing bodies. The County and each participating authority may jointly publish the required notices dictated by the Texas Election Code.
4. Each participating authority agrees that voting at the joint election will be by use of an ES&S Automark that meets the DRE requirements and optical scan voting system ES&S M100 Precinct Scanner approved by the Secretary of State in accordance with the Texas Election Code. The Tyler County Clerk's Office will be responsible for the preparation of programs and the testing of the optical scan system.
5. The County agrees to provide ES&S Automarks, M100 Scanners and voting booths for the joint election.
6. Voting locations will be the voting locations for the county precincts as approved by Tyler County Commissioners' Court. The voting locations are listed in **Exhibit "A"** attached hereto and incorporated herein by reference. In the event a voting location is not available, the Tyler County Clerk will arrange for use of an alternate location with the approval of each participating authority affected by the change. Tyler County will be responsible for submitting any polling location changes to the Department of Justice for pre-clearance that changes from the current list approved. The Tyler County Clerk will notify each participating authority of any changes from the locations listed in **Exhibit "A"**.
7. The Tyler County Commissioners' Court will appoint the Presiding Judge and alternate Presiding Judge for each polling location. The Tyler County Clerk shall arrange for the training and compensation of all Presiding Judges and clerks. If a person is unable or unwilling to serve, the Tyler County Clerk will make every effort to substitute the individual with someone of the same Party affiliation first and then whoever is available.
8. The Tyler County Clerk will arrange for all election supplies and election printing, including, but not limited to, all forms, signs and other materials used by the Election Judges at the voting locations.
9. The Tyler County Clerk will provide instructions and other information needed to enable the Election Judges to conduct a proper election.
10. A joint ballot prepared by the Tyler County Clerk will be used for conducting the joint election. Each participating authority shall furnish the Tyler County Clerk a list of candidates and/or propositions showing the order and the exact manner in which their candidate names and/or proposition(s) are to appear on the official ballot. Each participating authority will be responsible for proofreading and approving the ballot in so far as it pertains to that authority's candidates and/or propositions.

11. Donece Gregory, Tyler County Clerk, is appointed as Early Voting Clerk in compliance with Sections 271.006 of the Texas Election Code. Other deputy Early Voting judges/clerks will be appointed by the Early Voting clerk as needed to process Early Voting mail and to conduct Early Voting at the main location and branch locations.
12. Early Voting by personal appearance will be conducted at the locations and times as described in **Exhibit "B"** attached hereto and incorporated herein by reference. Any qualified voter for the Joint Election may vote early by personal appearance at either the main Early Voting location or at any one of the branch locations.
13. All requests for Early Voting ballots by mail that are received by participating authorities will be transported on the day of receipt to the Tyler County Clerk, Donece Gregory, 116 S. Charlton Street, Woodville, Texas 75979 for processing. Persons voting by mail will send their voted ballots to the Tyler County Clerk, 116 S. Charlton Street, Woodville, TX 75979.
14. All Early Voting ballots will be prepared for counting by an Early Voting Ballot Board appointed by the County in accordance with Section 87.001 of the Texas Election Code.
15. If the participating authority opts to conduct Early Voting for their entity, as a branch polling place: The political sub-divisions will assist in picking up the voter sign-in sheets each Early Voting day where practical and delivery to the County Clerk's office by 4:00 p.m.
16. The County Clerk will notify and bill the District for its' part of the cost for the programming and rental of the equipment, supplies, ballots, compensation of personnel, rental of the polling place and administrative cost if under contract.
17. On Election Day, November 8, 2016, the County will secure the location and facilities where the election will be conducted.
18. The County will be responsible for preparing and running the election on November 8, 2016.
19. The District will be responsible for canvassing the election results of their election.

[Signature page follows this page.]

The undersigned are the duly authorized representatives of the parties; governing bodies and their signatures represent adoption and acceptance of the terms and conditions of this agreement.

APPROVED, this 28 day of July, 2016, by the Board of Commissioners of the Tyler County Emergency Services District #2.

Henry E. Saurge Sr.
President

ATTEST: Rebecca Perkins
Secretary

APPROVED, this ___ day of _____, 2016, by the County of Tyler, Texas.

Tyler County Judge, Jacques L. Blanchette

ATTEST: _____
Tyler County Clerk, Donece Gregory

EXHIBIT "A"

Polling Places and Election Precincts

Voting Precinct #14

**First Baptist Church Family Life Center, 12676 FM 92 S,
Spurger, Texas 77660**

Voting Precinct # 15

**Fred Elementary Old Pre-K Building, 140 CR 4650, Fred,
Texas 77616**

EXHIBIT "B"

Early Voting Location Places and Times for Early Voting

**Tyler County Nutrition Center
201 Willow
Woodville, Texas**


**Monday through Friday- 8:00 a.m. to 4:30 p.m.
October 24 through November 4, 2016**

**Saturday- 2:00 p.m. to 6:00 p.m.
October 29, 2016**

If the joint election is not cancelled, as permitted by law, then early voting will be held 12 hours on the following days:

**October 31 and November 1 - 8:00 a.m. to 8:00 p.m.
(12 hours)**


EARLY VOTING CALENDAR – 2016

 January 1, 2016 - first day to receive appl for ballot by mail

★ October 24 to October 28: 8 AM to 4:30 PM

★ October 29 (SATURDAY) 2 PM to 6 PM

★ October 31 & November 1 8 AM to 8 PM

 October 28 - last day to receive an application for a ballot by mail

★ November 2 to November 4 8 AM to 4:30 PM

★ **NOVEMBER 8 - LAST DAY TO RECEIVE BALLOT BY MAIL**

APPLICATIONS FOR VOTING BY MAIL SHOULD BE ADDRESSED TO:

**Donece Gregory
County Clerk
116 S. Charlton
Woodville, Texas 75979**

CONTRACT FOR ELECTION SERVICES

THIS CONTRACT for election services made by and between the **Tyler County Emergency Services District #2**, hereinafter called District and Donece Gregory, County Clerk of Tyler County, Texas, hereinafter called Contracting Officer is based on the following:

The District has determined it is in the best interest of the inhabitants of the District that the following contract be made and entered into for the purpose of authorizing the contracting officer to fulfill the duties as the Election Officer for all District elections until further notice.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out:

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

- (a) Conduct early voting at the designated polling place for early voting.
- (b) Contact the owner or custodian of the building where the polling location is located and arrange for its use as a polling place.
- (c) Procure and distribute all necessary election supplies, including:
 - (1) ballots;
 - (2) election kits;
 - (3) mail out kits; and
 - (3) allotment of ballot boxes and voting booths
- (d) Procure and prepare the following voting machines and equipment for use during early voting and at the polling location:
 - (1) 1 – Automark/DRE with Booth and Headset to be used for Early Voting
 - (2) 1 – Automark/DRE with Booth and Headset to be used on Election Day
 - (3) 1 – M100 Precinct Scanner for Early Voting
 - (4) 1 – M100 Precinct Scanner for Election Day
 - (5) 5 – Voting Booths
- (e) Arrange for the use of a central counting station and for the tabulating personnel and equipment needed at the counting station and assist in the preparation of programs and the test materials for the tabulation of the ballots to be used with electronic voting equipment.
- (f) Publish the legal notice of the date, time, and place of the electronic tabulating equipment and conduct such test.

