

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MAY 20, 2014 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



****AMENDED****

Item 9.B. Added

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on May 20, 2014 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and take action, if any, on the May 6, 2014 Regular Meeting minutes.
- B. Consider and/or act upon the approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 10 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2013 and approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 11 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2014.

5. ELECTION PROCEDURES

- A. Consider and act upon approval of an ordinance canvassing and declaring the election results of the May 10, 2014 General Election.
- B. Issuance of Certificate of Election to Mayor and Council Members.
- C. Administer Oath of Office to Mayor and newly elected Council Members.

6. NEWLY ELECTED MAYOR AND COUNCIL MEMBERS ARE SEATED

- A. Consider and/or act upon nominations for Mayor Pro Tem.
- B. Consider and/or act upon nominations for Deputy Mayor Pro Tem.

7. PUBLIC COMMENTS

8. PRESENTATION ITEMS : None

9. INDIVIDUAL CONSIDERATION

- A. Discuss, consider and/or act upon the Utility Rate Study as presented by NewGen Strategies & Solutions.
- B. Consider and/or act upon the Runoff Election.

10. CITY MANAGER/STAFF REPORTS

Annual Memorial Day Observance at Decatur-Maxwell-Murphy Cemetery –
Saturday, May 24th at 9:00 am
Memorial Day – May 26th City Offices will be closed
Moonlight Movies

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on May 16, 2014 by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Kristi Gilbert, TRMC, CMC, CPM
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or kgilbert@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.

**CITY COUNCIL MINUTES
MAY 6, 2014 REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent: None

4. PUBLIC COMMENTS –

Greg Matocha, 151 Moonlight Drive – Mr. Matocha thanked the Council on behalf of his neighborhood for their efforts in addressing the traffic on Moonlight Drive.

Keith Patton, 451 Poindexter – Mr. Patton addressed the Council regarding the traffic at Betsy Lane and North Murphy Road. Mr. Patton also expressed concerns regarding parking on Tom Clevenger to access Murphy Central Park.

5. PRESENTATION ITEMS –

- A. Mayor Barna presented a proclamation declaring May 4th-10th as Public Service Recognition Week in the City of Murphy, Texas to city staff. Lieutenant Adana Barber was presented with a 10 year service award.
- B. Deputy Mayor Pro Tem St. Clair presented a proclamation declaring May 11th-17th as National Police Week and May 15th as National Police Memorial Day in the City of Murphy, Texas to Police Chief GM Cox and Lieutenant Adana Barber.
- C. Mayor Pro Tem Siddiqui presented a proclamation declaring May 18th-24th as Emergency Medical Services Week in the City of Murphy, Texas to Fire Chief Mark Lee.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act upon meeting minutes:
 - 1. April 15, 2014 regular meeting minutes; and,

2. April 22, 2014 special meeting minutes.

- B. Consider and take action, if any, on the approval of an resolution denying the rate increase requested by Atmos Energy Corp., Mid-Tex Division under the company's 2014 annual rate review mechanism filing in all cities exercising original jurisdiction; requiring the company to reimburse cities' reasonable ratemaking expensed pertaining to review of the RRM; authorizing the city's participation with Atmos Cities Steering Committee in any appeal filed at the Railroad Commission of Texas by the company; requiring the company to reimburse cities' reasonable ratemaking expenses in any such appeal to the Railroad Commission; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; and requiring delivery of this resolution to the company and the steering committee's legal counsel. (*Resolution 14-R-792*)

COUNCIL ACTION (6.A. and 6.B.):**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the consent agenda, as presented. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION**Move to Item 7.F.**

Councilmember Grant moved to consider Item 7.F. prior to consideration of Item 7.A. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Consider and/or act on proposed guidelines and application for a MCDC Community Enhancement Grant Program.

MCDC Board President Jennifer Berthiaume presented the Council the MCDC's proposed guideline for a community grant program. President Berthiaume stated that the MCDC had awarded small amounts of money over the last year for small projects that beautify the City.

Council inquired as to funding guidelines, the budgeting process, types of projects and the how the previously discussed 501(c)3 program would integrate into the grant program.

Council stated that they though the grant project was a fantastic idea and a great way to get more people involved in the community.

COUNCIL ACTION (7.F.):**APPROVED**

Councilmember Grant moved to approve program guidelines and application for the MCDC Community Grant Program. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Return to Item 7.A.

- A. Consider and/or act on the City of Murphy Water Conservation and Drought Management Ordinance (Ordinance 11-10-897).

MURPHY CITY COUNCIL MINUTES
May 6, 2014

City Manager James Fisher stated that the City was still on water restrictions and North Texas Municipal Water District (NTMWD) is still set at Stage 3 which allows watering once every two weeks.

Councilmember Bradley stated there are cities within the NTMWD that are on a weekly watering schedule and inquired as to whether the City should allow weekly watering.

Mr. Fisher stated there was not an easy answer as water needs to be conserved.

Mayor Barna indicated he did not have a problem with keeping the watering schedule at twice per month for the month of May.

Councilmember Thomas inquired as to how other NTMWD member cities were allowing more frequent watering. Mr. Fisher stated that he has not seen anything from NTMWD that indicates how they handle cities that do not follow NTMWD recommendations.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Siddiqui moved to continue with the current drought management plan. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the study request by the City of Murphy to the North Texas Municipal Water District to address the future wastewater needs for the Cities of Murphy and Wylie and authorize the City Manager to participate in the study and proceed with the request.

Mr. Fisher stated the wastewater plant was nearing 70% capacity and the state requires a study on future needs once the 70% mark is met.

Councilmember Grant inquired as to where the money to fund the study would come from. Mr. Fisher and Finance Director Linda Truitt explained that the study was a cost share with the City of Wylie through the Muddy Creek Wastewater Treatment Plant operating budget, ultimately coming from the city's utility fund budget. Mr. Fisher stated the total study amount is \$141,483 to be shared with the City of Wylie.

COUNCIL ACTION (7.B.):

APPROVED

Deputy Mayor Pro Tem St. Clair moved to authorize the City Manager to proceed with the request and to participate in the study to address the future wastewater needs for the Cities of Murphy and Wylie. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Consider and/or act upon authorizing the City Manager to execute an Agreement for Video Streaming Services with Swagit Productions, LLC, to provide video recordings and streaming of City Council Meetings.

Mr. Fisher stated that this was a project in the works for a while and he had recently been approached by the Murphy Chamber of Commerce as they had plans to begin video recording the Council meetings on their own.

MURPHY CITY COUNCIL MINUTES
May 6, 2014

IT Manager Wendle Medford stated that he had been researching video streaming of Council meetings for the past three years and is confident that Swagit Productions would provide the best product.

Mr. Medford and City Secretary Kristi Gilbert answered questions regarding storage of data, records management of audio recordings and video recordings and search functions.

Mayor Barna stated that he was for the video streaming; however, he would like to consider it during the FY 15 budget discussions. Councilmember Bradley echoed the Mayor's concerns and stated that the robust technology should be considered within the context of the budget.

Alex Acuna, 222 Amanda Court – Mr. Acuna stated that the Chamber of Commerce has already engaged a company to perform the video streaming of Council meetings as part of a larger project. Mr. Acuna stated that the Council videos will be more entertaining than what the Council would use.

Councilmember Grant stated that he had been asking for this particular item for three years and stated that waiting additional three months would not hurt. Councilmembers Thomas and Nichols-Spraggins agreed to wait until budget

COUNCIL ACTION (7.C.):

NO ACTION

No action was taken on Item 7.C.

- D. Consider and/or act upon approval of an ordinance amending the FY 2013-2014 revenue, expenditure budgets and fund balances for the General Fund, Utility Fund, Murphy Municipal Development District and the Debt Service Fund.

Ms. Truitt stated the general fund revenues would increase by \$150,000 reflecting the tax notes. Ms. Truitt stated the expenses in the amount of \$661,000 were as a result of the Grant Road project and the animal shelter.

Ms. Truitt stated the Utility Fund was being increased by \$30,000 for the utility rate study.

Ms. Truitt stated the Municipal Development District budget was being amended to reflect \$850,000 revenue in tax notes and the expenditures would be increased to reflect several miscellaneous items.

Ms. Truitt stated that the Debt Service fund was also being amended as a result in an amendment to the general fund budget.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve an ordinance amending the FY 2013-2014 revenue, expenditure budgets and fund balance for the General Fund, Utility Fund, Murphy Municipal Development District and the Debt Service Fund. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-05-976*)

MURPHY CITY COUNCIL MINUTES
May 6, 2014

- E. Discuss, consider and/or act upon the Utility Rate Study as presented by NewGen Strategies & Solutions.

Chris Ekrut with NewGen Strategies & Solutions, discussed with Council prior policy directives, projected financial performance and initial rate adjustment recommendations. Mr. Ekrut explained that the NTMWD fees have been separated to clarify the cost of water from NTMWD.

Mr. Ekrut stated his recommendation would be to reduce the base water meter charge from \$25.00 to \$20.00 and suggested consistent rate block differences. Mr. Ekrut recommended not changing the rate blocks at this time.

Mr. Ekrut stated his recommendation with regard to wastewater rates is to charge all customers the same and reduce the base charge from \$20.00 to \$18.00. Mr. Ekrut recommended maintain the winter average billing.

Mr. Ekrut stated staff must monitor rates on a monthly basis and immediate action should be contemplated if there are variances not foreseen in the study.

Councilmember Bradley recommended a special work session solely to discuss the rate study, Councilmember Grant agreed. Members of the Council discussed reviewing projected fees for FY15 for surrounding cities and reviewing the rate model used to generate the projected bills.

Keith Patton, 451 Poindexter – Mr. Poindexter suggested that the difference between summer and winter months with regard to larger lot sizes be evaluated.

COUNCIL ACTION (7.E.):

NO ACTION

No action was taken on Item 7.E.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:

North Murphy Road Construction Update

CLC Meeting on May 15th

Grant Street project should be complete by the end of next week

City and Chamber of Commerce will be hosting a Flag Day Breakfast on June 14th

Update on Personnel

Murphy Middle School celebration on Friday, May 9th

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 8:18 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

10. RECONVENE INTO REGULAR SESSION

MURPHY CITY COUNCIL MINUTES
May 6, 2014

The City Council reconvened into Regular Session at 8:38 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. Take Action on any Executive Session Item.
No action was taken as a result of Executive Session items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:39 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

City Council Meeting May 20, 2014

Issue

Consider and take action, if any, on the approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 10 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2013 and approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 11 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2014.

Staff Resource/Department

Linda Truitt, Finance Director

Background

The City of Murphy, Texas is a member of a 150-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution for the assessment of ten cent (\$0.10) for 2013 was not presented for approval in 2013; therefore, it is included in this agenda item as well as the resolution approving the assessment of an eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee for 2014.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric transmission and distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by TXU (since renamed as Oncor Electric Delivery Company, LLC) gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for nearly two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of "Be It Resolved" Paragraphs

I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City's membership.

II. This paragraph authorizes payment of the City's assessment to the Steering Committee in the amount of ten cents (\$0.10) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials for 2013 and payment of the City's assessment to the Steering Committee in the amount of eleven cents (\$0.11) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials for 2014.

City Council Meeting
May 20, 2014

III. This paragraph requires notification to the Chair of the Steering Committee, Jay Doegey, that the City has adopted the Resolution.

Financial Considerations

The cities 2013 membership assessment is \$0.10 per population of 17,708 which equates to \$1,770.80 for 2013 while the cities 2014 membership assessment is \$0.11 per population of 18,960 which equates to \$2,085.60 for FY 2014.

Staff Recommendation

Approval of the resolution as presented.

Attachments

- 1) Resolution for 2013 Assessment
- 2) Resolution for 2014 Assessment
- 3) Letter regarding 2013 Assessment
- 4) Letter regarding 2014 Assessment
- 5) 2013 Assessment Invoice
- 6) 2014 Assessment Invoice
- 7) 2014 Members

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH
THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND
AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE
STEERING COMMITTEE TO FUND REGULATORY AND RELATED
ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY,
LLC**

- WHEREAS,** the City of Murphy, Texas is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and
- WHEREAS,** the Steering Committee has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS,** the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS,** the City is a member of the Steering Committee of Cities Served by Oncor; and
- WHEREAS,** in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY
TEXAS:**

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Murphy and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of ten cents (\$0.10) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "Steering Committee of Cities Served by Oncor" shall be sent to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

PRESENTED AND PASSED on this the 20th day of May 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Murphy, Texas.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:
City Attorney

BY _____
Wm. Andrew Messer City Attorney

RESOLUTION NO. _____**A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.**

- WHEREAS,** the City of Murphy, Texas is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and
- WHEREAS,** the Steering Committee has historically intervened in Oncor (formerly known as TXU) rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS,** the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS,** the City is a member of the Steering Committee of Cities Served by Oncor; and
- WHEREAS,** the Steering Committee functions under the direction of an Executive Committee (whose current members are identified in Attachment 1) which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and
- WHEREAS,** the Executive Committee in its December 2013 meeting set a budget for 2014 that compels an assessment of eleven cents (\$0.11) per capita; and
- WHEREAS,** in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS:

I.

That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Murphy and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

II.

The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "*Steering Committee of Cities Served by Oncor*" shall be sent to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231.

PRESENTED AND PASSED on this the 20th day of May 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Murphy, Texas.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

Attachment 1
OCSC 2014 Executive Committee Members

Allen	Eric Ellwanger, Assistant to City Manager
Arlington	Jay Doegey, City Attorney
Burkburnett	Trish Holley, Director of Administration
Carrollton	Elizabeth Horn, Assistant City Attorney
Cleburne	Kim Galvin, Director of Finance
Colleyville	Cathy Cunningham, Attorney
Comanche	Bill Flannery, City Manager
Dallas	Nick Fehrenbach, Manager of Regulatory Affairs & Utility Franchising
Denison	Courtney Goodman-Morris, City Attorney
Flower Mound	Melanie Harden, Director of General Services
Fort Worth	Bridgette Garrett, Director of Budget & Management Services
Frisco	Ben Brezina, Assistant to City Manager
Grand Prairie	Don Postell, City Attorney
Haltom City	Joel Welch, Chief Financial Officer and Assistant City Manager
Irving	Carrie Morris, Assistant City Attorney
Lewisville	Phil Boyd, Consultant
Mansfield	Joe Smolinski, Director of Utility Operations
Mesquite	Cynthia Steiner, Assistant City Attorney
Odessa	James Zentner, Assistant City Manager
Plano	Mark Israelson, Director of Policy and Government Relations
Sherman	Brandon Shelby, City Attorney
The Colony	Gwen Mansfield, Assistant Finance Director
Tyler	Mark McDaniel, City Manager
Waco	Jennifer Richie, City Attorney
Watauga	Greg Vick, City Manager
Waxahachie	Doug Barnes, Director of Economic Development

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor

FROM: Jay Doegey, Chair

DATE: March 28, 2013

RE: **Action Needed – 2013 Membership Assessment Invoice**

Enclosed please find the 2013 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution for renewal of your membership with the Steering Committee. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2013 membership assessment. Payment of the membership assessment fee shall be deemed to be agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*. If you have any questions, please feel free to contact me at (817/459-6878) or Geoffrey Gay (ggay@lglawfirm.com, 512/322-5875) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC.

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

One of the Steering Committee’s biggest achievements from 2012 was the successful prosecution of a rate case with Lone Star Transmission, LLC (“Lone Star”). Lone Star is a new-entrant to the Texas market and provides only transmission services. Lone Star and other companies (such as, Cross Texas Transmission, LLC (“Cross Texas”) and Wind Energy Transmission Texas, LLC (“WETT”)) were selected by the Commission to construct and operate certain Competitive Renewable Energy Zone transmission projects. The Lone Star case was highly contested and went to

a full hearing before an administrative law judge in the summer of 2012. The result was good for consumers: the judge, and ultimately the Commission, rejected much of Lone Star's overreaching rate request, reducing it nearly by half. CTT and WETT also filed initial rate cases in 2012. Those rate cases settled based upon parameters set in the Lone Star case. Overall, the Steering Committee's participation in these rate cases resulted in a savings of over \$20 million in transmission costs to Texas consumers.

In 2012, the Steering Committee also remained involved in various rulemakings and projects at the PUC. Chief among those rulemakings was the Steering Committee's participation in discussions regarding whether Texas has sufficient generation resources to meet peak summer demand. The Steering Committee vigorously defended against proposals to turn the ERCOT market into a capacity market, which would guarantee higher rates for Texans by paying generation resources even when resources are not providing energy. The Steering Committee was also active in the Commission's re-writing of the energy efficiency rules and the Commission adopted many of the Steering Committee's recommendations. This is important to cities because it keeps the energy efficiency charge on electric bills lower than would be without the participation of the Steering Committee. The Steering Committee also participated in Oncor's Energy Efficiency Cost Recovery Factor ("EECRF") proceeding, which is the annual proceeding to determine the surcharge to fund the Commission's energy efficiency program.

In late 2013 or 2014, it is likely that Oncor's parent company, Energy Future Holdings, will go through bankruptcy. It will be important for the Steering Committee to monitor and perhaps participate in those proceedings to protect city residents and ratepayers.

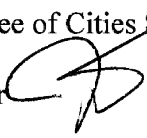
On December 13, 2012, the Steering Committee approved the 2013 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2013 is a per capita fee of \$0.10 based upon the population figures for each city shown in the latest TML Directory of City Officials. In addition, the budget provides for \$12,000 to pay \$1,000 per month to the City of Arlington for administrative services. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- Model resolution approving the 2013 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2013 Assessment invoice

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor

FROM: Jay Doegey, Chair 

DATE: April 16, 2014

RE: **Action Needed – 2014 Oncor (Electric) Cities Steering Committee Membership Assessment Invoice**

Enclosed please find the 2014 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2014 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to Jay Doegey, Chair, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*. If you have any questions, please feel free to contact me at (817/459-6878) or Geoffrey Gay (ggay@lglawfirm.com, 512/322-5875) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC.

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

In 2013, the Steering Committee remained involved in various rulemakings and projects at the PUC. Chief among those rulemakings was the Steering Committee’s participation in discussions regarding whether Texas has sufficient generation resources to meet peak summer demand. The Steering Committee vigorously defended against proposals to turn the ERCOT market into a capacity market, which would guarantee higher rates for Texans by paying generation resources even when resources are not providing energy. The Steering Committee was also active in the Commission’s re-

writing of the energy efficiency rules and the Commission adopted many of the Steering Committee's recommendations. This is important to cities because it keeps the energy efficiency charge on electric bills lower than would be without the participation of the Steering Committee. The Steering Committee also participated in Oncor's Energy Efficiency Cost Recovery Factor ("EECRF") proceeding, which is the annual proceeding to determine the surcharge to fund the Commission's energy efficiency program.

This year, it is likely that Oncor's parent company, Energy Future Holdings, will go through bankruptcy. It will be important for the Steering Committee to monitor and perhaps participate in those proceedings to protect city residents and ratepayers.

On December 12, 2013, the Steering Committee approved the 2014 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2014 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2013 Year in Review
- Model resolution approving the 2014 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2014 Assessment invoice
- 2013 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update for distribution lists

Oncor Cities Steering Committee

c/o Jay Doegey, City Attorney
 Post Office Box 90231
 MS # 63-0300
 Arlington, TX 76004-3231

Invoice

Date	Invoice #
3/27/2013	13-99

Bill To
City of Murphy

Item	Population	Per capita	Amount
2013 Assessment	17,708	0.10	1,770.80
		Total	\$1,770.80

Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, c/o Jay Doegey, Chair, Arlington City Attorney's Office, PO Box 90231, Mail Stop 63-0300, Arlington, Texas 76004-3231

Oncor Cities Steering Committee

c/o Jay Doegey, City Attorney
 Post Office Box 90231
 MS # 63-0300
 Arlington, TX 76004-3231

Invoice

Date	Invoice #
4/4/2014	14-99

Bill To
City of Murphy

Item	Population	Per capita	Amount
2014 Membership Assessment	18,960	0.11	2,085.60
		Total	\$2,085.60

Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, c/o Jay Doegey, Chair, Arlington City Attorney's Office, PO Box 90231, Mail Stop 63-0300, Arlington, Texas 76004-3231

STEERING COMMITTEE CITIES SERVED BY ONCOR (150)

Addison	Flower Mound	Oak Point
Allen	Forest Hill	Odessa
Alvarado	Fort Worth	O'Donnell
Andrews	Frisco	Ovilla
Anna	Frost	Palestine
Archer City	Gainesville	Pantego
Argyle	Garland	Paris
Arlington	Glenn Heights	Plano
Azle	Grand Prairie	Pottsboro
Bedford	Granger	Prosper
Bellmead	Grapevine	Ranger
Belton	Gunter	Rhome
Benbrook	Haltom City	Richardson
Beverly Hills	Harker Heights	Richland Hills
Big Spring	Heath	River Oaks
Breckenridge	Henrietta	Roanoke
Bridgeport	Hewitt	Robinson
Brownwood	Highland Park	Rockwall
Buffalo	Honey Grove	Rosser
Burkburnett	Howe	Rowlett
Burleson	Hurst	Sachse
Caddo Mills	Hutto	Saginaw
Cameron	Iowa Park	Seagoville
Canton	Irving	Sherman
Carrollton	Jolly	Snyder
Cedar Hill	Josephine	Southlake
Celina	Justin	Springtown
Centerville	Kaufman	Stephenville
Cleburne	Keller	Sulphur Springs
Coahoma	Kerens	Sunnyvale
Colleyville	Killeen	Sweetwater
Collinsville	Krum	Temple
Comanche	Lake Worth	Terrell
Commerce	Lakeside	The Colony
Coppell	Lamesa	Trophy Club
Copperas Cove	Lancaster	Tyler
Corinth	Lewisville	University Park
Crowley	Lindale	Venus
Dallas	Little Elm	Waco
Dalworthington Gardens	Little River Academy	Watauga
DeLeon	Malakoff	Waxahachie
De Soto	Mansfield	White Settlement
Denison	McKinney	Wichita Falls
Duncanville	Mesquite	Willow Park
Early	Midland	Woodway
Eastland	Midlothian	Wylie
Edgecliff Village	Murchison	
Euless	Murphy	
Everman	Nacogdoches	
Fairview	New Chapel Hill	
Farmers Branch	North Richland Hills	
Fate	Oak Leaf	

City Council Meeting
May 20, 2014

Issue

Consider and act upon approval of an ordinance canvassing and declaring the election results of the May 10, 2014 General Election.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

The Council will consider an ordinance canvassing the results of the May 10, 2014 General Election.

Action Requested

Motion to approve an ordinance canvassing and declaring the election results of the May 10, 2014 General Election.

Attachments

(To be attached under separate cover after the certification is received Friday, May 16, 2014.)

Ordinance Canvassing Election Results

Collin County Elections Administrator Certification of Results

ORDINANCE NO. 14-05-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, CERTIFYING THE ELECTION RESULTS FOR THE MAY 10, 2014 GENERAL ELECTION; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council ordered an election to be held on May 10, 2014 for the purpose of electing the Mayor, Council Member Place 3, and Council Member Place 5, to three (3) year term of office, pursuant to the City of Murphy, Texas Home-Rule Charter; and

WHEREAS, only duly qualified resident voters of the City of Murphy, Texas, voted at the general election called and held on May 10, 2014; and

WHEREAS, section 67.003 of the Texas Election Code provides that each local canvassing authority shall convene not earlier than the eighth (8th) day or later than the eleventh (11th) day after election day for the purpose of canvassing the election results; and

WHEREAS, section 67.004(a) of the Texas Election Code also provides that only two (2) members of City Council are needed and constitute a quorum for the purpose of canvassing election results; and

WHEREAS, a quorum of the City Council met on Tuesday, May 20, 2014, and duly canvassed the election returns of the above mentioned election, hereby attached as ***Exhibit A***.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AS FOLLOWS:

Section 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. That the City Council officially finds and determines an election was duly ordered to be held in the City of Murphy, Texas on the 10th day of May, 2014, for the purpose of electing the Mayor, Council Member Place 3 and Council Member Place 5 to three (3) year terms of office and that proper notice of said election was duly given; that proper election officers were duly appointed prior to said election; that said election has been made and delivered; and that the City Council has duly canvassed said returns all in accordance with law.

Section 3. That the City Council officially finds and determines that only qualified resident voters of the City were allowed to vote at said election, and following votes were cast at said general and special elections, and that the canvass of the votes cast in said election and returns thereof, which is attached hereto as ***Exhibit A***, were made in accordance with the law.

Section 5. Pursuant to the applicable provisions of the Texas Local Government Code, Texas Election Code, and the City of Murphy, Texas Home-Rule Charter, the City Council officially finds and determines and declares the results of said election to be that:

- (1) **Eric Barna** is elected **Mayor** to a three (3) year term of office by majority vote of the voters; and
- (2) **Scott Bradley** is elected **Council Member for Place 3** to a three (3) year term of office by majority vote of the voters; and
- (3) **Bernard Grant** and **Sarah** Fincanon, having each received an equal number of votes for **Council Member for Place 5** for a three (3) year term of office shall participate in a runoff election scheduled for June 28, 2014.

Section 6. Severability Clause. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 7. Repealer Clause. Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 8. Effective Date. This Ordinance shall be effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, on this the 20th day of May, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

Exhibit A
Canvass Documents

City Council Meeting
May 20, 2014

Issue

Consider and/or act upon nominations and election for Mayor Pro Tem.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

1. Mayor Barna will call for nominations for the Mayor Pro Tem.
2. Any council member may make a nomination; however, there is only one nomination per member. A second is **not** required.
3. After nominations are closed, Mayor Barna will call for a vote beginning with the first nomination and will continue until a nomination receives a majority vote.
4. If no nomination receives the majority of votes, then Mayor Barna will reopen the nominations.

City of Murphy Charter:

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

City Council Meeting
May 20, 2014

Issue

Consider and/or act upon nominations for Deputy Mayor Pro Tem.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

1. Mayor Barna will call for nominations for the Deputy Mayor Pro Tem.
2. Any council member may make a nomination; however, there is only one nomination per member. A second is **not** required.
3. After nominations are closed, Mayor Barna will call for a vote beginning with the first nomination and will continue until a nomination receives a majority vote.
4. If no nomination receives the majority of votes, then Mayor Barna will reopen the nominations.

City of Murphy Charter:

SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem

(1) The Mayor shall attend and preside at meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council and shall have a vote as a member thereof, on legislative or other matters, unless otherwise prohibited by law, and shall have no power to veto.

(2) The Mayor shall also represent the City in intergovernmental relationships, and shall perform other duties specified by the City Council, imposed by this Charter and by ordinances and resolutions passed in pursuance thereof. Additionally, the Mayor, the City Manager, or designee shall sign, after authorization by the City Council, all contracts and conveyances made or entered into by the City and all bonds, warrants and any other obligation issued under the provisions of this Charter, in the manner prescribed in the ordinance or resolution authorizing the signing of any such obligation.

(3) The Mayor Pro-Tem shall be a Council Member elected to be the Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

(4) The Deputy Mayor Pro-Tem shall be a Council Member elected to be the Deputy Mayor Pro-Tem by the City Council at the first meeting of each Council after each election or as soon thereafter as practicable, but not later than the last business day of July in the year that the election was held. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

City Council Meeting
May 20, 2014

Issue

Discuss, consider and/or act upon the Utility Rate Study as presented by NewGen Strategies & Solutions.

Background

On February 18, 2014 the City Council approved a contract with NewGen Strategies & Solutions to perform a utility rate study.

Chris Ekrut of NewGen Strategies & Solutions presented a preliminary report regarding the utility rate study at the April 15, 2014 meeting. At that meeting, several items were reviewed and discussed. Chris Ekrut of NewGen Strategies & Solutions presented and reviewed the findings and recommendations of the utility rate study at the May 6, 2014 city council meeting. The presentation was sent to council under separate cover and was posted on the website. Council requested that the utility rate study be placed on the next agenda for additional discussion and consideration.

Action Requested

If Council wishes to change the utility rates based on the study and presentation discussion, then staff will need to prepare an ordinance that will reflect your intentions. This ordinance can be brought back on June 3rd for your consideration of action.

Issue

Consider and/or act upon the Runoff Election.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

Runoff Date:

Initially the election order and the contract for election services with Collin County specified a runoff date of June 28, 2014. State law specifies that the runoff election must be held between 20 and 45 days after the final canvass. Additional state law provisions prohibit any election from being held within 30 days of a primary election. Due to the May 27th primary runoffs the earliest we were able to hold our runoff election was June 28th.

On April 23rd, the Secretary of State's office issued a rule that authorizes local runoff elections to be held between June 16th and July 5th. *(See attached Election Advisory 2014-09)*

If we were to continue with June 28th as the runoff date, Collin County Elections would issue certified election results after 5:00 p.m Thursday, July 3rd due to the holidays and the canvass would have to be held on Tuesday, July 8th. It should be noted, if we choose to continue with June 28th and contract with Collin County for all services, the Elections Administrator and her staff will not be available to us the week of July 7th as they will be in Austin in training.

By moving the runoff election to June 21st, we reduce any potential complications as a result fo the holidays. Additionally, Dallas County has scheduled their runoff election for June 21st. Staff would make additional efforts to advertise the date as June 21st since the June 28th date has already been provided to the community. If we were to hold the runoff date on June 21st, the Election Order and the contract with Collin County must be amended to reflect the date change.

Options for Conducting Election:

The Council will consider two options in conducting the runoff election.

Option 1: Contract with Collin County for all election services as we have with prior elections.

Estimated Cost: \$21,946.05

Option 2: Contract with Collin County for the rental of machines only. The City would hire the election workers that have been used in the past and are familiar with the machines. Collin County will still handle any provisional ballots as they have to be reviewed by the County Voter Registrar. The City will receive all ballots by mail and will tally all early voting and election day voting results. The City incurred costs would be \$4,775.95 and the cost paid to Collin County for the rental of their equipment would be \$5,582.50.

Estimated Cost: \$10,358.45

Financial Considerations:

The FY14 budget allocated \$25,000 for election expenses. The May 10th General Election cost approximatley \$14,000.

Action Requested:

Staff is requesting the runoff election be scheduled for June 21st utilizing Option 1. The motion would read as follows:

Motion to approve an ordinance amending Ordinance 14-02-970 to change the runoff election date to June 21, 2014 and authorize the City Manager to execute a Contract for full election services with Collin County utilizing Option 1.

Attachments

Secretary of State Election Advisory No. 2014-09

Ordinance Amending Ordinance 14-02-970 Setting the Runoff Date

Draft Election Calendar for June 21, 2014 Runoff Date

Draft Election Calendar for June 28, 2014 Runoff Date

Cost Estimates

The State of Texas



Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us

Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Nandita Berry
Secretary of State

ELECTION ADVISORY No. 2014-09

TO: All Cities, School Districts, and Other Political Subdivisions

FROM: Keith Ingram, Director of Elections

DATE: April 23, 2014 

RE: Post-Election Procedures and Qualifying for Office

I. OVERVIEW AND QUICK REFERENCE

A. Forms

The following is a list of forms relevant to events after the May 10, 2014 elections. Samples of these forms can be accessed from our website:

- [Appointment of Representative Form](#)
- [Recount Request Form](#)
- [Statement of Elected Officer Form \(Word\)](#)
- [Certificate of Election Form \(Word\)](#)
- [Oath of Office Form \(Word\)](#)

B. Brief Reminders

- Statements of Elected Officer are filed locally, NOT with the Secretary of State's office.
- Canvass must be conducted between Tuesday, May 13, 2014 and Wednesday, May 21, 2014*

*Note: The canvass may not be conducted until the early voting ballot board has: 1) verified and counted all provisional ballots, if a provisional ballot has been cast in the election, AND 2) counted all timely received ballots cast from addresses outside the United States, if a ballot by mail was provided to a person outside the United States. (Note: Tuesday, May 15, 2014 is the last day to receive carrier envelopes placed in the mail by 7:00 p.m. on Election Day from voters)

who are voting outside the United States. Saturday, May 17, 2014 is the last day for the board to verify and count provisional ballots.) Sections 65.051, 67.003 & 86.007(d)(3) of the Texas Election Code ("the Code").

II. QUALIFYING FOR OFFICE

A. Canvass Meeting

The canvass must be conducted at an open meeting of the governing body between Tuesday, May 13, 2014 and Wednesday, May 21, 2014. Pursuant to the Code, only two officers are needed for a quorum for a canvassing meeting. Section 67.004(a) of the Code.

The canvassing authority shall prepare a tabulation stating the following:

1. Each candidate
 - a. Total number of votes received in each precinct
 - b. Sum of precinct totals tabulated
2. Votes FOR and AGAINST each measure
 - a. Total number of votes received in each precinct
 - b. Sum of precinct totals tabulated
3. Total number of voters in each precinct who cast a ballot for a candidate or for or against a measure in the election

Section 67.004(b), (b-1) of the Code.

The tabulation may be prepared as a separate document or may be entered directly into the local election register maintained for the authority. The authority shall either attach or include as part of the tabulation the report of early voting votes by precinct. The early voting report is to be delivered to the local canvassing authority no later than the time of the local canvass. Tex. Elec. Code § 87.1231. For more details, see the procedure for local canvass at Section 67.004 of the Code. The election register shall be preserved as a permanent record. Tex. Elec. Code § 67.006.

B. Certificate of Election, Statement of Elected Officer, and Oath of Office

Questions often arise about the order of events following the election. We recommend that post-election procedures occur in the following sequence:

- Election is canvassed at an open meeting.
- Certificate of Election is issued to newly-elected officers.
- Statement of Officer is completed (to be filed locally).
- Newly-elected officers may take the Oath of Office.
- After taking the Oath of Office, newly-sworn officers may assume the duties of their office.*
- Report electronic returns to Secretary of State.

Tex. Const. Art. XVI, § 1; Tex. Elec. Code § 67.004 – 67.006, 67.016, 67.017.

* Note: In some political subdivisions, the newly-elected officers may not assume the duties of office until a certain date. For example, officers in a Type A general law city may not assume office until at least the fifth day after the election (Thursday, May 15, 2014), excluding Sundays. Tex. Loc. Gov't Code § 22.036. Also, your source law might require a bond. For example, Section 22.072 of the Texas Local Government Code states that Type A cities have authority to require a bond.

Before an elected (or appointed) officer may assume the duties of the office, the officer must first file a Statement of Elected or Appointed Officer for the official records of the governing body. Tex. Const. Art. XVI, § 1.

We recommend that the presiding officer issue the Certificate of Election at the canvass. The presiding officer of the canvassing authority prepares the Certificate of Election. Tex. Elec. Code Ann. § 67.016. The form we provide is only a sample; many entities like to create their own.

If a recount request has been filed, this does not halt the canvass. However, the canvassing authority must make a note on the canvass that a recount has been requested. Filing a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of recount. Tex. Elec. Code § 212.033, 212.0331. See our current Recount advisory for deadlines; see our Recount outline, <http://www.sos.state.tx.us/elections/laws/recounts.shtml>, for more details.

C. Who can Administer an Oath of Office

The Oath of Office must be administered by someone authorized to administer an oath under Texas law. The most commonly used person to administer oaths is a notary public. Additionally, Section 602.002 of the Texas Government Code authorizes all city secretaries to administer oaths for matters relating to city business. In a Type A general law city, the mayor may also administer the oath. Tex. Loc. Gov't Code § 22.042. Other officials who may administer an oath include: a judge, retired judge, senior judge, clerk of a court of record, justice of the peace or clerk of a justice court, legislator or retired legislator. (See Chapter 602 of the Texas Government Code for the complete list.)

D. Oaths and Water Districts, Chapters 36 & 49, Texas Water Code

Please note that special procedures apply to a newly elected director of a water district governed by Chapters 36 or 49 of the Texas Water Code. A duplicate original of the oath (but not the statement of elected/appointed officer) shall also be filed with the Secretary of State within 10 days after its execution and need not be filed before the new director begins to perform the duties of office. Tex. Water Code § 36.055, 49.055.

III. OTHER PROCEDURES AND QUESTIONS

A. Cancellation Procedures

Unopposed Candidates

Many entities have used the “cancellation” procedures in Sections 2.051-2.053 of the Code to declare unopposed candidates “elected” to office. The Statement of Elected Officer must be completed and filed at any time after the meeting at which the candidates were declared elected. The remaining steps of the Certificate of Election and the Oath of Office, however, must be performed after Election Day in the usual manner; that is, not before the date the official canvass would normally be conducted. On the Certificate of Election, instead of the election date language, substitute “John Doe was duly elected for purposes of the May 10, 2014 election, pursuant to the [order or ordinance] issued on [date], cancelling the election that was scheduled to be held on May 10, 2014” or similar language. Tex. Elec. Code § 67.016. Please note that cancellation forms can be obtained from our office or by accessing our web site.

What if Nobody Filed?

What if nobody filed for an office? If no one filed for an office (and your jurisdiction does not have open write-ins), the appropriate time to declare the official result — that no one filed and that no one won — is at the canvass. Even if the election was cancelled due to uncontested races, a vacancy in the office for which no one filed is declared at the meeting held after Election Day. The vacancy is then filled by the vacancy-filling procedures for that entity. *See* Tex. Att’y Gen. Op. No. O-497 (1939); Sec’y State Op. No. JWF-36 (1984). Two officers constitute a quorum for canvassing the election results and declaring any resulting vacancy. To fill the vacancy, however, you will need to meet the regular quorum requirements.

B. Tie votes, Runoffs

A runoff election is required if the political subdivision requires majority vote (rather than plurality) and no candidate has received over half the total votes (e.g., 50.1% is more than half). Tex. Elec. Code § 2.021. The general rule is that runoff elections are ordered for a date between 20 and 45 days after the final canvass. *See* Tex. Elec. Code § 2.025. **However, under Section 41.001(c), any other election may not be held within 30 days of the runoff primary; i.e., you couldn’t hold your local runoffs until after June 26, 2014. Please note our office has issued a proposed rule 1 T.A.C. § 81.420(1) that will authorize local runoff elections starting 20 days after the May 27, 2014 runoff primary election, i.e., Monday, June 16, 2014. You will not need to make an individual request for your entity as we plan to issue an Advisory once the rule becomes final allowing runoff elections to occur between Monday, June 16, 2014 and Saturday, July 5, 2014.**

We encourage political subdivisions to confer with their county election officer before setting a runoff election date if they expect to be leasing county voting equipment in order to ensure the availability of that equipment.

Tie votes for officers are governed by Section 2.002 of the Code. In an election requiring a plurality vote (i.e., the person with the most votes wins, even if it is not more than 50% of the votes cast), if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held. However, before the second election is ordered, the tying candidates may agree to cast lots or withdraw to resolve the tie. Tex. Elec. Code § 2.002. If the tie vote is not resolved by a withdrawal or lot drawing, an automatic recount shall be conducted in accordance with Chapter 216 of the Code before the second election is held. If the automatic recount resolves the tie, the second election is not held. If the tie is unresolved following the automatic recount, the authority responsible for ordering the first election shall then order the second election (not later than the fifth day after the date the automatic recount is completed or the final canvass following the automatic recount is completed). The second election shall not be held earlier than the 20th day or later than the 30th day after the date the automatic recount is completed or the final canvass following the automatic recount is completed, if applicable. For more details, see Tex. Elec. Code § 2.002 and Chapter 216.

A tie vote in a runoff election triggers an automatic recount under Chapter 216 of the Code. If the result is still tied, the election is resolved by the casting of lots under Section 2.028 of the Code.

A tie vote in an election on a measure (i.e., a proposition election with for-against votes) means the measure failed, because there were not more votes For than Against. There is no automatic recount procedure, since Chapter 216 of the Code, which regulates automatic recounts, only applies to candidate elections.

C. Note about Joint Elections and Contracts for Election Services

The procedures above outline the general rules; however, many entities may be holding joint elections in May (and/or have some type of contract for various election services with the county). You should make every effort to be sure that everyone involved knows when, where, and by whom the various election records are to be prepared, delivered, and stored.

See Election Advisory No. 2014-08 – Recount and Canvass Deadlines for the May 10, 2014 Elections for Cities, School Districts, and Other Political Subdivisions.

D. File Returns with Secretary of State

All political subdivisions are required to file electronic precinct-by-precinct returns with the Secretary of State Elections Division not later than Monday, June 9, 2014 (the 30th day after election day). Tex. Elec. Code § 67.017. For more information and log-in guidance, see Precinct by Precinct Reporting under your page on the “Conducting Your Elections” part of our website. The source law for certain elections (such as a sales tax election) might require reporting returns to an agency like the comptroller.

We appreciate your reviewing these materials. If you have any questions, please contact the Elections Division toll-free at 1-800-252-VOTE(8683).

c: County Clerks/Elections Administrators (via e-mail)

KI:YN

ORDINANCE NO. 14-05-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING ORDINANCE 14-02-970 ORDERING A GENERAL ELECTION TO BE HELD ON THE TENTH OF MAY, 2014 FOR THE PURPOSE OF ELECTING A MAYOR AND COUNCIL MEMBERS FOR PLACE 3 AND PLACE 5 TO A THREE (3) YEAR TERM OF OFFICE; BY AMENDING THE RUNOFF DATE AND AMENDING THE PLACE AND MANNER OF HOLDING SAID ELECTION; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Texas Election Code establishes May 10, 2014, as the uniform election date for the City of Murphy general election; and

WHEREAS, the Section 3.01(2) of the Home-Rule Charter provides that a general municipal election for the position of Mayor and Council Member Places 3 and 5 shall be elected at large on the May 10, 2014 uniform election date and that Council Members elected shall serve for three (3) year terms of office; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS:

Section 1. Section 6. Of Ordinance 14-02-970 is hereby amended by amending the Early Voting Polling Location to read as follows:

“Early Voting; Early Voting Polling Place. The election shall be conducted by Collin County pursuant to a contract for election services between the City of Murphy and Collin County, and Collin County election officials shall serve as officials for said election.

Collin County Election Administrator Sharon Rowe, Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed as the Early Voting Clerk, and Kristi Gilbert, City Secretary for the City of Murphy, is hereby appointed as Deputy Early Voting Clerk.

The early voting locations by personal appearance for the election are attached as ***Exhibit “A”***. Early voting shall take place during the following dates and times:

June 9-11	8:00 a.m. – 5:00 p.m.;
June 12	8:00 a.m. – 7:00 p.m.;
June 13 and June 14 (Saturday)	8:00 a.m. – 5:00 p.m.; and
June 16 and June 17	7:00 a.m. – 7:00 p.m.”

Section 2. Section 12. Of Ordinance 14-02-970 is hereby amended by amending the Run-Off Election to read as follows:

“Run-Off Election. If a run-off election becomes necessary, the Collin County Election Administrator’s office will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for such office, a run-off election is hereby ordered to be held on June 21, 2014, as provided for by the Charter of the City and the Texas Election Code.”

Section 3. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall take effect from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Murphy, Texas on this the 20th day of May, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

Exhibit A
Early Voting Locations

Murphy City Hall
206 N. Murphy Road
Murphy, Texas 75094

Collin County Elections Administration Office
2010 Redbud Blvd., Suite 102
McKinney, Texas 75069

JUNE 21, 2014
DRAFT RUNOFF ELECTION CALENDAR

Date	Time	Event	Location	Days Prior to Election Day	Day
5/21/14	8:00 AM	Drawing for a Place on the Ballot	City Hall, Room 201	-67	Wed
5/22/14		LAST DAY TO REGISTER TO VOTE IN THE JUNE 28, 2014 RUNOFF ELECTION	Voter Registrar	-30	Thu
5/31/14		LAST DAY for posting notice of election	City Secretary	-21	Sat
6/9/14		FIRST DAY OF EARLY VOTING	Murphy City Hall	-12	Mon
6/13/14	5:00 PM	DUE DATE for filing report of campaign contributions and expenditures by opposed candidates	City Secretary	-8	Fri
6/17/14		LAST DAY OF EARLY VOTING	Any Early Voting Location	-4	Tue
6/21/14		ELECTION DAY	Murphy City Hall	0	Sat
6/21/14		UNOFFICIAL TABULATION OF RESULTS	City Secretary	0	Sat
6/27/14		EVBB Meets	Collin County	6	Fri
6/27/14		Receive Certified Election Results (after 5pm)	Collin County	6	Fri
7/1/14		Official Canvass of Election Results	City Council Meeting	10	Tue
7/1/14		Issue Certificate of Election	City Council Meeting	10	Tue
7/15/14		LAST DAY for timely filing of semi-annual report of contributions and expenditures	City Secretary		Tue

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JUNE 28, 2014
DRAFT RUNOFF ELECTION CALENDAR

Date	Time	Event	Location	Days Prior to Election Day	Day
5/21/14	8:00 AM	Drawing for a Place on the Ballot	City Hall, Room 201	-67	Wed
5/29/14		LAST DAY TO REGISTER TO VOTE IN THE JUNE 28, 2014 RUNOFF ELECTION	Voter Registrar	-30	Thu
6/7/14		LAST DAY for posting notice of election	City Secretary	-21	Sat
6/16/14		FIRST DAY OF EARLY VOTING	Murphy City Hall	-12	Mon
6/20/14	5:00 PM	DUE DATE for filing report of campaign contributions and expenditures by opposed candidates	City Secretary	-8	Fri
6/24/14		LAST DAY OF EARLY VOTING	Any Early Voting Location	-4	Tue
6/28/14		ELECTION DAY	Murphy City Hall	0	Sat
6/28/14		UNOFFICIAL TABULATION OF RESULTS	City Secretary	0	Sat
7/3/14		EVBB Meets	Collin County	5	Thu
7/3/14		Receive Certified Election Results (after 5pm)	Collin County	5	Thu
7/8/14		Official Canvass of Election Results	City Council Meeting	10	Tue
7/8/14		Issue Certificate of Election	City Council Meeting	10	Tue
7/15/14		LAST DAY for timely filing of semi-annual report of contributions and expenditures	City Secretary		Tue

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ESTIMATED COSTS FOR CITY OF MURPHY

June 28, 2014

Exhibit "C"

SUPPLY COST

Number of Early Voting Locations		1		
Number of Election Day Locations		1		
		Units	Cost Murphy	
Sample Ballots	\$0.2200 each	100	\$22.00	
Early Voting Mail Ballots	\$1.20 each	25	\$30.00	
Precinct Ballots	\$0.6600 each	50	\$33.00	
Early voting and election day kits	\$25.00 each	2	\$50.00	
Central Counting kit and supplies	\$50.00 each	1	\$50.00	
Printer Labels	\$5.27 each	5	\$26.35	
County Precinct Maps	\$12.00 each	2	\$24.00	
Total			\$235.35	
Number of Entities				1
			\$235.35	
Grand Total				\$235.35

EQUIPMENT RENTAL COST

Number of Early Voting Locations		1		
Number of Election Day Locations		1		
		Units	Cost Murphy	
Voting Machines R7	\$150.00 each	8	\$1,200.00	
Transfer Cases	\$5.00 each	2	\$10.00	
Metal Signs	\$1.00 each	4	\$4.00	
Wood Signs	\$2.00 each	2	\$4.00	
EV Security Cabinet	\$200.00 each	1	\$200.00	
EV Computer Cabinet	\$50.00 each	1	\$50.00	
Computer	\$300.00 each	2	\$600.00	
ED Security Cabinet	\$200.00 each	1	\$200.00	
EV/ED Cabinet Drayage	\$120.00 each	2	\$240.00	
Total			\$2,508.00	
Number of Entities				1
			\$2,508.00	
Grand Total				\$2,508.00

EARLY VOTING

Number of Early Voting Locations 1
Workers each location 3

		Units	Cost Murphy
Mailed Ballot Kits	\$1.00 each	25	\$25.00
Postage for Ballots	\$0.88 each	20	\$17.60
Assemble EV Location	\$50.00 each	1	\$50.00
Total Judge Hours	\$12.00 hour	80	\$960.00
Overtime Judge Hours	\$18.00 hour	25	\$450.00
Total Alt. Judge & Clerk Hours	\$10.00 hour	160	\$1,600.00
Overtime Alt. Judge & Clerk Hours	\$15.00 hour	50	\$750.00
Pickup & Delivery of Supplies	\$25.00 each	2	\$50.00

Total \$3,902.60
Number of Entities 1

\$3,902.60

Grand Total \$3,902.60

ELECTION DAY

Number of Election Day Vote Centers 1
Total Workers 4

		Units	Cost Murphy
Total Judge Hours	\$12.00 each	14	\$168.00
Total Alt. Judge & Clerk Hours	\$10.00 each	42	\$420.00
Pickup & Delivery of Supplies	\$25.00 each	2	\$50.00

Total \$638.00
Number of Entities 1

\$638.00

Grand Total \$638.00

ADMINISTRATIVE EXPENSES

Number of Early Voting Locations 1
Number of Election Day Vote Centers 1

		Units	Cost PISD
Manual Recount Deposit	\$60.00 each	1	\$60.00
Process Pollworker Checks	\$1.50 each	4	\$6.00
Process Election Judge Notices	\$1.50 each	4	\$6.00

Total \$72.00
Number of Entities 1

\$72.00

Grand Total \$72.00

TABULATION

Tabulation Network	\$4,000.00
Programming	\$1,720.00
Notice of Inspection/Tabulation Test	<u>\$750.00</u>
Total	\$6,470.00

CENTRALIZED COSTS

Early Voting Ballot Board	\$250.00
Cost for Central Count Workers	\$100.00
FICA on Election Workers	\$500.00
Assemble EV Location	\$50.00
Early Voting Machines in McKinney (2)	\$300.00
EV Computer	\$300.00
EV Security Cabinet	\$200.00
Early Voting Personnel in McKinney	\$2,000.00
Warehouse Gas Mileage	\$25.00
County Overtime	\$2,000.00
FICA for County Employees	<u>\$400.00</u>
Total	\$6,125.00

Total for Tabulation & Centralized Costs	\$12,595.00
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SUMMARY OF COSTS FOR CITY OF MURPHY

SUPPLY COST	\$235.35
EQUIPMENT RENTAL COST	\$2,508.00
EARLY VOTING	\$3,902.60
ELECTION DAY	\$638.00
ADMINISTRATIVE EXPENSES	\$72.00
TABULATION/CENTRALIZED COSTS	<u>\$12,595.00</u>
Total	\$19,950.95
10% Administrative Fee	<u>\$1,995.10</u>
Total	\$21,946.05
90% Deposit Due 06/06/14	\$19,751.44

ESTIMATED CHARGES FOR CITY OF MURPHY

June 28, 2014 Exhibit "C"

EQUIPMENT RENTAL COST

Number of Early Voting Locations		1	
Number of Election Day Locations		1	
		Units	Cost City of Murphy
Voting Machines	\$150.00 each	8	\$1,200.00
Machine L&A + Drayage	\$65.00 each	8	\$520.00
Computer	\$300.00 each	2	\$600.00
Supplies/Kits	\$25.00 each	3	\$75.00
Transfer Cases	\$5.00 each	2	\$10.00
Total			\$2,405.00

TABULATION

Programming	\$1,720.00
Election Day On Site Support	\$200.00
Notice of Inspection/Tabulation Test	\$750.00
Total	\$2,670.00

SUMMARY OF COSTS

EQUIPMENT RENTAL COST	\$2,405.00
TABULATION COSTS	\$2,670.00
Total	\$5,075.00
10% Administrative Fee	\$507.50
Grand Total	\$5,582.50
90% Deposit due County by 5/30/14	\$5,024.25

ESTIMATED CITY INCURRED COSTS NOT PAID TO COLLIN COUNTY

28-Jun-14

SUPPLY COST

		Units	Cost Murphy
Sample Ballots	\$0.2200 each	100	\$22.00
Early Voting Mail Ballots	\$1.20 each	25	\$30.00
Precinct Ballots	\$0.6600 each	50	\$33.00
Early voting and election day kits	\$25.00 each	2	\$50.00
Central Counting kit and supplies	\$50.00 each	1	\$50.00
Printer Labels	\$5.27 each	5	\$26.35
County Precinct Maps	\$12.00 each	2	\$24.00
Supply Cost Total			\$235.35

EARLY VOTING

Number of Early Voting Locations		1	
Workers each location		3	
		Units	Cost Murphy
Mailed Ballot Kits	\$1.00 each	25	\$25.00
Postage for Ballots	\$0.88 each	20	\$17.60
Assemble EV Location	\$50.00 each	1	\$50.00
Total Judge Hours	\$12.00 hour	80	\$960.00
Overtime Judge Hours	\$18.00 hour	25	\$450.00
Total Alt. Judge & Clerk Hours	\$10.00 hour	160	\$1,600.00
Overtime Alt. Judge & Clerk Hours	\$15.00 hour	50	\$750.00
Pickup & Delivery of Supplies	\$25.00 each	2	\$50.00
Early Voting Total			\$3,902.60

ELECTION DAY

Number of Election Day Vote Centers		1	
Total Workers		4	
		Units	Cost Murphy
Total Judge Hours	\$12.00 each	14	\$168.00
Total Alt. Judge & Clerk Hours	\$10.00 each	42	\$420.00
Pickup & Delivery of Supplies	\$25.00 each	2	\$50.00
Election Day Total			\$638.00

Grand Total **\$4,775.95**