



TOWN COUNCIL REGULAR MEETING

Wednesday, February 01, 2023 at 6:00 PM
Fulton Council Chambers, 201 N. 7th Street

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

OBSERVE A MOMENT OF SILENCE/PRAAYER

CITIZENS TO BE HEARD (PUBLIC FORUM)

Public participation is valued and at this time, comments limited to three (3) minutes will be taken from persons who have signed the Speaker's Card located on the table inside the Council Chambers and delivered to the City Secretary before the meeting begins. Written comments received by submission to the City Secretary in person or emailed to citysec@fultontexas.org by 3:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Speaker's Card will have up to three (3) minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.

PRESENTATION

Certificate of Appreciation to the Fulton Volunteer Fire Department presented by Chief John Harrell.

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 1. Discuss/Approve/Disapprove** minutes of the Regular Town Council Meeting held on January 18, 2023.

ITEMS FOR CONSIDERATION

- 2.** Receive an update of the 2021 Racial Profiling Report from Chief Harrell.
- 3. Discuss/Approve/Disapprove** Contract for Election Services between the Elections Administrator of Aransas County and the Town of Fulton for the May 6, 2023 Election.

- 4. Discuss/Approve/Disapprove** Resolution No: R-03-2023: A Resolution of the Town of Fulton, ordering a general election and establishing procedures for said election to be held on May 6, 2023.
- 5. Discuss/Approve/Disapprove** request from Fulton Oysterfest to use the Fulton Park from February 20, 2022 through March 8, 2022, their request for a parade permit for the Fulton Oysterfest Parade, and their request for street closures for the event.

CLOSED SESSION

The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.

OPEN SESSION

Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).

ANNOUNCEMENTS

- 6.** Mayor's Update.
- 7.** The next Regular Fulton Town Council Meeting will be held Wednesday, February 15, 2023, beginning at 6:00 pm.

EXECUTIVE SESSION - PUBLIC NOTICE is given that the Town Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda when authorized by the Open Meetings Act, Chapter 551, Texas Government Code. If the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the Mayor. The Council may deliberate and take action in open session on any issue that may be discussed in executive session.

ADJOURNMENT

NOTICE

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 361/729-5533 or by email at citysec@fultontexas.org for further information. Braille Is Not Available. The Town of Fulton reserves the right to convene into Closed Session under Government Code 551.071-551.074 and 551-086.

CERTIFICATION

I certify that the above notice of meeting was posted at Town Hall, 201 N. Seventh Street, Fulton, Texas, on Friday, January 27, 2023, at 4:00 p.m., and at the U.S. Post Office located at 301 Cactus Street, Fulton, Texas. I further certify that the following News Media were properly notified of this meeting as stated above: The Rockport Pilot.

/S/ Stephanie Garcia, City Secretary



TOWN COUNCIL REGULAR MEETING

Wednesday, January 18, 2023 at 6:00 PM
Fulton Council Chambers, 201 N. 7th Street

MINUTES

CALL TO ORDER

PRESENT

Mayor Kelli Cole
Mayor Pro Tem Robert Lofflin
Place 2 Chris Garis
Place 3 MaryAnn Pahmiyer
Place 4 Carl Biesenbach
Place 5 Jayne Robertson

STAFF PRESENT

Stephanie Garcia, City Secretary
Hal George, Town Attorney
John Harrell, Police Chief
Matt Olenick, Director of Operations

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

PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

Mayor Cole led everyone in the pledges.

OBSERVE A MOMENT OF SILENCE/PRAAYER

Mayor Cole led everyone in a moment of silence.

CITIZENS TO BE HEARD (PUBLIC FORUM)

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Mary Clare Kane informed the Council that she would like to recognize Matt Olenick, Director of Operations for his contacting her promptly and giving a thorough explanation of work and road closure.

CONSENT AGENDA

All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- 1. Discuss/Approve/Disapprove** minutes of the Regular Meeting held on December 19, 2022.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 Robertson to approve the Consent Agenda item as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

ITEMS FOR CONSIDERATION

- 2. Discuss/Approve/ Disapprove** Resolution R-01-2023; a Resolution Regarding Dates of Town Council Meetings; Repealing Rules to the Contrary; and Providing an Effective Date.

Mayor Cole explained the meetings have to frequently be changed due to holidays, etc. Chris Garis had concerns regarding the date due to his schedule.

Motion made by Place 4 Biesenbach, Seconded by Mayor Pro Tem Loflin to approve Resolution R-01-2023; a Resolution Regarding Dates of Town Council Meetings; Repealing Rules to the Contrary; and Providing an Effective Date as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson
Voting Nay: Place 2 Garis

- 3. Discuss/Approve/Disapprove** Ordinance No. 307; an Ordinance Amending Sec. 48-44, City Code Relating to Septic Tank Systems; Providing a Penalty; Providing a Repealer; Providing a Severance; Providing for Publication and Effective Date.

Mayor Cole gave a brief explanation of the item. Matt Olenick, Director of Operations explained the few changes to the ordinance and that this change would keep sewer from pressurizing into the houses.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 5 Robertson to approve Ordinance No. 307; an Ordinance Amending Sec. 48-44, City Code Relating to Septic Tank Systems; Providing a Penalty; Providing a Repealer; Providing a Severance; Providing for Publication and Effective Date as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

- 4. Discuss/Approve/Disapprove** Ordinance No. 308; an Ordinance Amending Section 6-90, City Code, to Define Livestock and Require Livestock to be Confined and Not Run Free; Proving a

Penalty; Repealing All Ordinances in Conflict; Providing for Severability' Providing for Publication; and Providing an Effective Date.

Mayor Cole read the ordinance and explained that a citizen had a horse that was roaming free and was approached mutiple times by a neighbor regarding the horse entering their property. The neighbor was later struck by the horse because it was not contained. There were discussions among the Council regarding safety, etc.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to approve Ordinance No. 308; an Ordinance Amending Section 6-90, City Code, to Define Livestock and Require Livestock to be Confined and Not Run Free; Proving a Penalty; Repealing All Ordinances in Conflict; Providing for Severability' Providing for Publication; and Providing an Effective Date as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

5. Discuss/Approve/Disapprove donating surplus computer equipment to ACE Computer Services.

Mayor Cole informed the Council of the old equipment that has been replaced and now needs to be disposed of.

Motion made by Place 4 Biesenbach, Seconded by Place 3 Pahmiyer to approve donating surplus computer equipment to ACE Computer Services as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

CLOSED SESSION

The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.

Council did not convene into Closed Session

OPEN SESSION

Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).

ANNOUNCEMENTS

6. Mayor's Update: Beginning to perform needed updates to the Fulton Convention Center as approved in the Town's current budget.

Mayor Cole explained the necessity of the Convention Center’s floor being redone and sealed. She mentioned that the windows have also been repaired and the Town is looking into having the building painted. Mayor Cole informed the Council that Jayne Robertson submitted her resignation due to moving out of the country. Her resignation will be valid in eight days from

her submittal. Mayor Cole indicated that the filing for a place on the ballot for the 2023 election is now open and will remain open until February 17, 2023.

7. Announcement of the next Regular Fulton Town Council Meeting.

The next Town Council meeting will be Wednesday, February 1, 2023.

EXECUTIVE SESSION - PUBLIC NOTICE is given that the Town Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda when authorized by the Open Meetings Act, Chapter 551, Texas Government Code. If the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the Mayor. The Council may deliberate and take action in open session on any issue that may be discussed in executive session.

ADJOURNMENT

There being no further business, Mayor Cole entertained a motion to adjourn.

Motion made by Place 2 Chris Garis, Seconded by Mayor Pro Tem Loflin.

Voting Yea: Mayor Pro Tem Loflin, Place 2 Garis, Place 3 Pahmiyer, Place 4 Biesenbach, Place 5 Robertson

Meeting adjourned at 6:11 p.m.

Kelli Cole, Mayor

Stephanie Garcia, City Secretary

Racial Profiling Report | Full

Item 2.

Agency Name: FULTON POLICE DEPT.
Reporting Date: 01/20/2023
TCOLE Agency Number: 007202

Chief Administrator: JOHN L. HARRELL

Agency Contact Information:
Phone: (361) 729-5533
Email: policechief@fultontexas.org

Mailing Address:
P.O. BOX 1130
FULTON, TX 78358

This Agency filed a full report

FULTON POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the FULTON POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the FULTON POLICE DEPT. if the individual believes that a peace officer employed by the FULTON POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the FULTON POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the FULTON POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The FULTON POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: JOHN L. HARRELL
Chief of Police

Date: 01/20/2023

Item 2.

Total stops: 75

Street address or approximate location of the stop

City street	27
US highway	0
County road	1
State highway	47
Private property or other	0

Was race or ethnicity known prior to stop?

Yes	0
No	75

Race / Ethnicity

Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	1
White	60
Hispanic / Latino	12

Gender

Female	24
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	18
Hispanic / Latino	5
Male	51
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	0
White	42
Hispanic / Latino	7

Reason for stop?

Violation of law	2
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	1

Hispanic / Latino	0
Preexisting knowledge	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Moving traffic violation	35
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	27
Hispanic / Latino	7
Vehicle traffic violation	38
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	32
Hispanic / Latino	5
Was a search conducted?	
Yes	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
No	73
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	1
White	59
Hispanic / Latino	11
Reason for Search?	
Consent	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0

Hispanic / Latino	0		
Contraband	2		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	1		
Hispanic / Latino	1		
Probable	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Inventory	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Incident to arrest	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		
Was Contraband discovered?			
Yes	2	Did the finding result in arrest?	
		<i>(total should equal previous column)</i>	
Alaska Native / American Indian	0	Yes 0	No 0
Asian / Pacific Islander	0	Yes 0	No 0
Black	0	Yes 0	No 0
White	1	Yes 1	No 0
Hispanic / Latino	1	Yes 0	No 1
No	0		
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	0		
Hispanic / Latino	0		

Description of contraband

Drugs	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	74
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	1
White	59
Hispanic / Latino	12
Citation	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning and arrest	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	0
Citation and arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	1
Hispanic / Latino	0
Violation of Traffic Law	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	75
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	1
White	60
Hispanic / Latino	12

Number of complaints of racial profiling

Total 0
Resulted in disciplinary action 0
Did not result in disciplinary action 0

Comparative Analysis

Use TCOLE's auto generated analysis
Use Department's submitted analysis

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

**CONTRACT FOR ELECTION SERVICES
BETWEEN THE ELECTIONS OFFICER OF ARANSAS COUNTY
AND THE TOWN OF FULTON FOR THE MAY 6, 2023 GENERAL ELECTION**

THIS CONTRACT FOR ELECTION SERVICES (this “Contract”) is made and entered into by and between the **Elections Administrator of Aransas County, Kevin A. Stroud**, hereinafter referred to as the “**Elections Officer**” or “**Contracting Officer**,” and the **Town of Fulton, Aransas County, Texas**, hereinafter referred to as the “**Town**,” under Section 31.092 of the Texas Election Code. Both parties are sometimes referred to collectively herein as the “Parties.”

WITNESSETH:

WHEREAS, the Town expects to call an election to be held on **May 6, 2023** (the “Election”) and a run-off election, if necessary, to be held at a later date; and,

WHEREAS, the Town desires the County Elections Officer to provide certain election services for the Election in order to maintain consistency and accessibility in voting practices, polling practices, and election procedures; and,

WHEREAS, the Elections Officer and the Town desire to enter into a contract setting forth the terms and conditions of such arrangement, including the responsibilities of the respective parties.

NOW, THEREFORE, in consideration of the mutual benefits that will accrue to the parties, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Purpose.** The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures in order to best assist the voters. This Contract also exists for the purpose of ensuring that the Contracting Officer and the Town understand the tasks each is to perform in connection with the election and the runoff election.
2. **Term.** The term of this Contract shall begin on the date that each party has executed this Contract and shall terminate upon the conclusion of the activities required herein related to the 2023 Election and, if necessary, the 2023 Runoff Election.
3. **Duties and Services of the Contracting Officer.** In accordance with Section 172.126(a), Texas Election Code, the Contracting Officer shall supervise the overall conduct of the election. The Contracting Officer shall be responsible for performing the following duties and furnishing the following services and equipment in connection with the election and the runoff election.
 - a. *Election Judges.* Elections judges shall be secured by the Contracting Officer with the approval of the Town. The Contracting Officer shall notify the Town of the list of election judges and alternate judges for the Election and the Town may approve judges by written order.

b. *Notification to Presiding and Alternate Judges.* The Contracting Officer shall notify each presiding judge and alternate judge, in writing, of his or her appointment no later than the date prescribed in Section 4.007 of the Texas Election Code. The notice will include: (1) the nature and date of the election; (2) the location of the assigned polling place; (3) the eligibility requirements that apply to the judge and to election clerks; (4) the date and time of the election; (5) the rate of compensation; (6) the maximum number of election clerks the judge may appoint; and (7) the name of the presiding or alternate judge, as appropriate.

c. *Election Clerk Appointments.* The Contracting Officer shall ensure that the presiding judges make the appropriate election clerk appointments and notify the clerks of their appointments. The recommendations of the Town will be accepted guidelines for the number of clerks secured to work in each polling place. The presiding election judge of each polling place, however, will use his or her discretion to determine when additional manpower is needed during peak voting hours.

d. *Election Schools.* The Contracting Officer shall be responsible for conducting one or more, at his discretion, election schools to train the presiding judges, alternate judges, election clerks, and early voting clerks, and Early Voting Ballot Board members in the conduct of elections, including qualifying voters, provisional voting, and the counting of ballots. The Contracting Officer shall determine the date, time, and place for such school(s) and notify the presiding judges, alternate judges, and election clerks of such. The Contracting Officer may hold the election school(s) on a Saturday in order to increase its availability to election workers who are employed during the regular workweek. All election workers must attend a training class certified by the Texas Secretary of State. (This does not imply that election judges or clerks will be paid for attending such schools. See, 1 T.A.C. §§ 81.120(a) & 81.121(c))

e. *Equipment and Supplies.* The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day and for the Early Voting Ballot Board (and to the Deputy Early Voting Clerks during Early Voting) the following election supplies: election kits from third-party vendors (including the appropriate envelopes, sample ballots, lists, forms, name tags, posters, and signage described in Chapters 51, 61, 62, and Subchapter B of Chapter 66 of the Texas Election Code); pens; pencils; tape; markers; paper clips; ballot box seals; sample ballots; tacks; and all consumable-type office supplies necessary to hold an election.

f. *Registered Voter Lists.* The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law. The Election Day list shall be arranged in alphabetical order by precinct.

g. *Ballots.* The Contracting Officer shall be responsible for the programming of the voting devices and the printing of ballots requested by mail,

used for early voting, or used on Election Day. The Contracting Officer shall be responsible for distributing voting devices along with the election supplies.

h. *Early Voting.* In accordance with Section 31.094 of the Texas Election Code, the Contracting Officer will serve as Early Voting Clerk for the Election, subject to Sections 31.096 and 31.097 (b) of the Texas Election Code.

i. The Contracting Officer shall receive applications for early voting ballots to be voted by mail in accordance with the Texas Election Code.

ii. The Contracting Officer shall work with the Town in securing personnel to serve as Early Voting Deputies.

iii. Early voting by personal appearance for the Election shall be conducted during the hours, time period, and at the locations listed in “**Exhibit A**,” attached hereto and incorporated herein.

iv. *Early Voting by Mail.* The Contracting Officer shall receive mail ballot applications on behalf of the Town. All applications shall be processed by the Contracting Officer in accordance with the Texas Election Code at the Election Office located at 602 East Concho, Rockport, TX, 78382. All requests for early voting ballots to be voted by mail received by the Town shall be forwarded to the Contracting Officer immediately for processing.

v. *Counting Early Votes.* All Early Voting ballots, those cast by mail or by personal appearance, shall be secured and maintained by the Contracting Officer and delivered by him or his deputy for counting in accordance with Chapter 127 of the Texas Election Code.

vi. *Ballots.* All early voting ballots, those cast by mail and by appearance, shall be secured and maintained by the Contracting Officer and delivered by the Contracting Officer or his designee for counting in accordance with Chapter 87 of the Texas Election Code to the Early Voting Ballot Board, at the Aransas County Elections and Voter Registration Office on Election Day.

j. *Election Day Polling Locations.* The Election Day polling locations are those listed in “**Exhibit B**,” attached hereto and made a part of this contract. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of all polling locations for Election Day, including ensuring that each polling location has the necessary tables, chairs, and voting booths.

k. *Central Counting Station.* The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tally the voted ballots in accordance with Section 127.001 of the Texas Election Code and of this Contract. The Central Counting Station Manager shall be Julie Gifford. The Tabulation Supervisor shall be Kevin A. Stroud. The Presiding Judge of the

Central Counting Station shall be Dawn Miller and the Alternate Judge shall be Sandra Musser. The required Tabulation Supervisor shall handle ballot tabulation in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

i. *Election Night Reports.* Election night reports will be available to the Town and at the Central Counting Station on Election night and will provide individual polling location totals.

l. *Manual Counting of Ballots.* The Contracting officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State.

m. *Election Reports.* The Contracting Officer shall prepare the unofficial tabulation of precinct results under 66.056 (a) of the Texas Election Code and shall provide a copy of the tabulation to the Town as soon as possible after the Contracting Officer has received the precinct returns on Election Day night. Provisional ballots will be tabulated after election night in accordance with state law.

n. *Custodian of Voted Ballots.* The Contracting Officer is hereby appointed the custodian of the voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law.

o. *Paper Ballots.* In advance of the date on which the Texas Secretary of State's Office encourages the mailing out of ballots for early voting by mail, the Contracting Officer shall arrange with a third party to prepare the necessary optical paper ballots for the election. The ballots shall be in English with the Spanish translation included.

4. **Town's Responsibilities.** The Town shall assume the following responsibilities:

a. *Election School(s).* At the request of the Contracting Officer, the Town will provide space in a Town building at no cost for the required election school or schools.

b. *Polling Locations.* The Town shall pay the respective cost of all employee services required to provide access, security, and/or custodial services for the polling locations.

c. *Applications for Mail Ballots.* The Town shall date stamp and then immediately hand-deliver to the Contracting Officer all original applications for mail ballots that it receives.

d. *Election Orders and Notices; Canvass.* The Town shall prepare the election order, resolutions, notices, official canvass, and other pertinent documents for adoption by the Town's governing body.

- i. *Publication.* The Town shall be responsible for having the required election notice published as required under Section 4.003(a)(1) of the Texas Election Code.
 - ii. *Posting.* The Town shall be responsible for posting the notice as required by Texas Election Code.
 - iii. *Returning Documents to the Contracting Officer.* Promptly after approval by the Town's governing body, the Town shall return all pertinent documents to the Contracting Officer within such time as to not impede the orderly conduct of the Election.
 - iv. *The Schedule.* The Town assumes the responsibility or promoting the schedules for Early Voting and Election Day.
 - v. *Early Voting Clerk Appointment.* The Town shall be responsible for ensuring the Contracting Officer is appointed to serve as Early Voting Clerk in the Orders calling the Election.
 - vi. *Orders Calling the Election.* The Orders shall include the approval of the polling places, times, dates, and places for early voting, and the appointment of the precinct judges.
- e. *Ballot Preparation.* The Town shall furnish the Contracting Officer a list of candidates and/or propositions showing the order and the exact manner in which their names and/or propositions(s) are to appear on the official ballot (including bilingual titles and text). This list shall be delivered to the Contracting Officer as soon as possible after ballot positions have been determined. The Town shall perform the duties required for drawing for place on the ballot by candidates. The Town shall also be responsible for proofreading and approving (including bilingual titles and text) the ballot insofar as it pertains to the Town's candidates and/or propositions.

5. **Non-Exclusive.** It is understood that to the extent that space is available, the Contracting Officer may contract with other entities to hold elections at the same time as the Election. In the event that the Contracting Officer contracts with one or more additional entities for elections to be held at the same time, any expenses for the elections shall be divided among the entities holding the elections as illustrated in the attached "Exhibit C".

6. **Election Workers:**

- a. *Number of Election Workers.* All polling locations shall have a minimum of three (3) election workers consisting of the presiding judge, alternate judge, and a clerk.

b. *Hourly Compensation.* Presiding judges and alternate judges will be compensated at the rate of Twelve Dollars (\$12.00) per hour and election clerks shall be compensated at the rate of Twelve Dollars (\$12.00) per hour. Workers will be compensated for all hours actually worked, including time to set up the polling location, the time to complete counting, and time to wrap up paperwork, but such hours shall not exceed one (1) hour before and two (2) hours after the polling location is open for voting.

c. *Compensation for Delivery.* The presiding judge or other election worker at the polling location who picks up election supplies from the Contracting Officer and who returns remaining supplies, ballot boxes, and election records from the polling location will be compensated a flat rate of Twenty-Five Dollars (\$25.00) in addition to his or her hourly pay.

d. *Election School Compensation.* Election workers attending an election school shall be compensated a flat rate of Twenty Dollars (\$20.00).

e. *Contracting Officer to Pay and Town to Reimburse.* The Contracting Officer will pay election workers directly and will be reimbursed for such compensation by the Town.

7. **Expenses:**

a. *Town's Responsibility.* The Town will be responsible for payment of all expenses for polling locations used solely by the Town, including the costs of wages and salaries of election workers.

b. *Shared Expenses.* The Town agrees to share actual costs incurred with other entities who may be holding elections at the same time and place as the Town. If this occurs, the Town and the other entity will share the actual costs incurred to the extent that the costs incurred in connection with a polling location used by more than one local political subdivision such as renting polling locations and voting equipment, programming voting equipment, supplies needed for the polling place, and/or the wages and salaries of election workers. Election expenses will be divided among the entities holding elections at the same time as illustrated in the attached "**Exhibit C**".

c. *Administrative Fee.* The Town shall pay the Contracting Officer an administrative fee in the amount of Ten Percent (10%) as authorized by Section 31.100 of the Texas Election Code.

8. **Billing.** As soon as possible after Election Day, the Contracting Officer will submit an itemized invoice to the Town for the actual expenses directly attributable to the coordination, supervision, and running of the Election, incurred on behalf of the Town, subject to and conformance with the following:

i. *Billing and Itemized Expenses.* Generally, the Contracting Officer will be responsible for billing Town for services and supplies related to the Election. The

Contracting Officer will send an invoice after the Election is conducted, with some exceptions (see below). This invoice will include expenses for supplies, publication, printing, wages, and any other expenses reasonably and directly related to the Election, including but not limited to, rental and programming of voting equipment and audio ballots, and the Contracting Officer's fee.

ii. *Direct Invoicing by Vendor.* The Contracting Officer reserves the right to share information to facilitate direct billing to the Town by vendors. Any expenses or fees directly invoiced by vendor to the Town will not be included on the list of itemized expenses and vendors may choose to invoice the Town for such expenses or fees when incurred instead of after the Election.

iii. *Large Expenses May be Billed as Incurred.* The Contracting Officer reserves the right to bill for expenses and fees incurred on behalf of the Town that are equal to or exceeding Five Hundred Dollars (\$500.00) at the time the expense is incurred rather than waiting until after the Election.

iv. *Documentation for Expenses and Fees Billed by Contracting Officer.* Expenses and fees billed by the Contracting Officer related to wages shall be supported by timesheets. Other expenses shall be supported by invoices or receipts, except for those items that Contracting Officer provides from supplies kept in stock, so long as the Contracting Officer provides a certificate stating the number of items used and the unit cost for such items according to a vendor's standard price list.

v. *Estimated Costs of Services.* Cost estimates for election expenses are attached to this Contract as "Exhibit C," and vary depending on how many entities hold elections at the time of the Election. Each of the three (3) cost estimates are incorporated as if set out fully herein. The parties acknowledge that these documents are estimates only and that the actual costs may exceed the estimates.

vi. *Notice of Increased Costs.* The Contracting Officer agrees to advise the Town as soon as possible should it become apparent that the actual costs of the Election will exceed the estimated costs by twenty percent (20%) or more.

9. Payment. The Town shall pay a Contracting Officer's invoice within thirty (30) days of receipt. Payments shall be remitted to:

Aransas County
Attn: Kevin A. Stroud
Elections Administrator
602 East Concho
Rockport, TX 78382

If the Town disputes any portion of the invoice, the Town shall pay all expenses not in dispute within the thirty (30) day period and notify the Contracting Officer of what expenses are disputed and the basis of such dispute. The Contracting Officer will have thirty (30) days to reply. If the parties cannot reach an agreement, the Town Manager and the County Judge will meet to discuss the disagreement and reach an amicable solution.

10. Voting System. The voting system to be used in the election and runoff election is the Hart InterCivic Verity System.

11. Non-Transferable Functions. Nothing contained in this Contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the election or to the runoff election is to be filed, the place at which any function is to be carried out, the officers who conduct the official canvass of the election returns, the officer to serve as custodian of the voted ballots or other election records, or any other nontransferable functions specified by Section 31.096, Texas Election Code or other provisions of Texas law.

12. Contract Copies to Treasurer and Auditor. In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this contract with the County Treasurer of Aransas County, Texas and the County Auditor of Aransas County, Texas.

13. Cancellation of Election. If the Town cancels the Election, the Contracting Officer shall only be entitled to receive the actual expenses incurred prior to the cancellation and an administrative fee of Seventy-Five Dollars (\$75.00) as authorized by Section 31.100(d) of the Texas Election Code. In the event of cancellation, the Contracting Officer and the Town agree to use the billing and payment provisions set forth herein. In order to ensure the lowest possible cost to the parties, the Contracting Officer agrees to use reasonable diligence and not to incur major costs in connection with election preparations until it is known that the Election will be held, unless the Town authorizes such expenses in writing.

14. Notices. For purposes of implementing this Contract, the Contracting Officer and the Town designate the following individuals, and whenever the Contract requires submission of information or notice to the Contracting Officer or the Town, submission or notice shall be made to these individuals:

Contracting Officer:

Kevin A. Stroud
East Concho St.
Rockport, TX 783832
(361) 729-7431
kstroud@aransascounty.org

Town:

Stephanie Garcia, City Secretary
201 N. 7th Street; PO Box 1130
Fulton, TX 78358
361-729-5533
citysec@fultontexas.org

15. Relationship of the Parties. Each party to this Contract shall act in an individual capacity and, unless otherwise expressly stated herein, shall not act as agents, employees, partners, joint venturers, or associates of one another. The employees of one party to this Contract shall not be deemed or construed to be the employee of any other party for any purpose whatsoever.

16. Severability. If any provision in this Contract is determined by a court of competent jurisdiction to be invalid, illegal, or unenforceable, such determination shall not affect the remaining provisions of this Contract and the parties to this Contract shall continue to perform their respective obligations under this Contract in accordance with the remaining provisions.

17. Third Party Beneficiaries. Nothing in this Contract is intended to confer unto any person or entity that is not a party to this Contract any benefits, rights, or remedies.

18. Entire Agreement and Amendments. This Contract contains the entire agreement of the parties and supersedes all prior agreements, including any prior election services contracts. Any prior agreements, promises, negotiations, or representations not expressly contained in this Contract are of no force and effect. This Contract may only be amended in a writing that is executed by both parties and attached hereto.

By signing below, the Contracting Officer and the Town warrant and represent that they are authorized to enter into this Contract and that each desire to enter into this Contract.

**“Elections Officer”
Aransas County**

By: _____
Kevin A. Stroud, Elections Administrator

Date: _____

ADDITIONAL SIGNATURE PAGE FOLLOWS

**“Town”
Town of Fulton**

By: _____
Kelli Cole, Mayor

Date: _____

(SEAL)

ATTEST:

Town Secretary

EXHIBIT “A”

EARLY VOTING DATES, TIMES, AND LOCATIONS

Time Period:

Monday, April 24, 2023 through Tuesday, May 2, 2023.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
April 24 8 AM - 5 PM	April 25 8 AM - 5 PM	April 26 8 AM - 5 PM	April 27 8 AM - 5 PM	April 28 8 AM - 5 PM	April 29 CLOSED	April 30 CLOSED
May 1 7 AM - 7 PM	May 2 7 AM - 7 PM					

Main Early Voting Location:

Aransas County Elections & Voter Registration Office (Side Entrance)
602 E. Concho St.
Rockport, TX 78382

Voting by Mail:

Kevin A. Stroud
Aransas County Early Voting Clerk
602 E. Concho St.
Rockport, TX 78382

EXHIBIT “B”

ELECTION DAY POLLING LOCATIONS

Time Period:

Saturday, May 6, 2023

7:00 a.m. to 7:00 p.m.

Vote Centers (All Precincts)

Aransas County Elections & Voter Registration Office (Side Entrance)

602 E. Concho St.

Rockport, TX 78382

EXHIBIT “C-1”

ESTIMATED COST OF MAY 2023 ELECTION

Election with Town of Fulton Only

<u>Ballots & Programming</u>	\$4,100.00
<u>Election Supplies & Distribution</u>	\$575.00
<u>Election Officials/Staffing</u>	\$9,500.00
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u>	\$13,315.00
<i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	
<u>Miscellaneous</u>	\$500.00
<hr/> <hr/>	
SUBTOTAL	\$31,190.00
Administrative Fee (10%)	\$3,119.00
<hr/> <hr/>	
TOTAL	\$34,309.00

EXHIBIT “C-2”

ESTIMATED COST OF MAY 2023 ELECTION

Election with Town of Fulton and One Additional Entity

<u>Ballots & Programming</u>	\$4,100.00
<u>Election Supplies & Distribution</u>	\$287.50
<u>Election Officials/Staffing</u>	\$4,750.00
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u> <i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	\$6,657.50
<u>Miscellaneous</u>	\$500.00
<hr/>	
SUBTOTAL	\$19,495.00
Administrative Fee (10%)	\$1,949.50
<hr/>	
TOTAL	\$21,444.50

EXHIBIT "C-3"

ESTIMATED COST OF MAY 2023 ELECTION

Election with Town of Fulton and Two Additional Entities

<u>Ballots & Programming</u>	\$4,100.00
<u>Election Supplies & Distribution</u>	\$191.67
<u>Election Officials/Staffing</u>	\$3,166.67
<u>Ballot by Mail & Support</u>	\$3,200.00
<u>Equipment Rental</u> <i>3 Verity Controller, 17 Verity Duo Touch, 3 Verity Duo Access (ADA), and 4 Verity Scan</i>	\$4,438.33
<u>Miscellaneous</u>	\$500.00
<hr/> <hr/>	
SUBTOTAL	\$15,596.67
Administrative Fee (10%)	\$1,559.67
<hr/> <hr/>	
TOTAL	\$17,156.34

RESOLUTION R-03-2023

A RESOLUTION OF THE TOWN OF FULTON, ORDERING A GENERAL ELECTION AND ESTABLISHING PROCEDURES FOR SAID ELECTION TO BE HELD ON MAY 6, 2023; THE GENERAL ELECTION SHALL BE FOR THE PURPOSE OF ELECTING THE POSITION OF COUNCIL MEMBERS TO REPRESENT ALDERMAN PLACE 2 FOR A TWO YEAR TERM, ALDERWOMAN PLACE 3 FOR A TWO YEAR TERM, ALDERMAN PLACE 4, FOR A TWO YEAR TERM, AND ALDERWOMAN PLACE 5 FOR THE REMAINDER ONE YEAR TERM; DESIGNATING POLLING PLACES FOR EARLY VOTING AND ELECTION DAY; PROVIDING FOR NOTICE OF SAID ELECTION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FULTON, TEXAS:

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Election is hereby called and ordered for Saturday, May 6, 2023. This General Election is being held for all qualified voters of the Town to vote for the position of Alderman Place 2 for a two-year term, Alderwoman Place 3 for a two-year term, Alderman Place 4 for a two-year term, and Alderwoman Place 5 for the remainder one year term.

Section 2. That the City Secretary is hereby directed to cause notice to be given of said election by publication in the official newspaper of the Town of Fulton, Texas in accordance with the State Election Code.

Section 3. That the City Secretary is hereby directed to cause to be published in the official newspaper of the Town of Fulton this Resolution as presented by the Town Council at the Wednesday, February 1, 2023, Regular Town Council Meeting in accordance with Town Council and State Election Code.

Section 4. That applications to have the name of a candidate placed on the ballot may not be filed earlier than thirty (30) days before the deadline prescribed by the Election Code for filing applications with the City Secretary and that the earliest date for a candidate to file same will be Wednesday, January 18, 2023, at 8:00 a.m., with the last day for filing to be Friday, February 17, 2023, at 4:00 p.m. in accordance with Election Code Sec. 143.006 and 143.007.

Section 5. That the order in which names of the candidates are to be printed on the ballot for the positions of Alderman Place 2, Alderwoman Place 3, and Alderman Place 4, and Alderwoman Place 5 will be determined by a drawing conducted by the City Secretary as provided by Sec. 52.094 of the Texas Election Code on Friday, February 27, 2023, at 9:00 a.m. in the office of the City Secretary at 201 North Seventh Street, Fulton, Texas.

Section 6. That the Office of the City Secretary and the Election Administrator shall perform all duties normally performed by the County Clerk in general elections with respect early voting, giving notice of the election, and preparing the official ballots.

Section 7. That the voting place on Election Day and election officer of said Town election shall be as follows:

Location: Aransas County Elections and Voter Registration Office
602 E. Concho, Rockport, TX 78382
Election Officer: Kevin Stroud, Election Administrator

Election clerks shall be paid \$12.00 per hour. The Presiding Judge shall receive \$12 per hour and an additional \$25.00 for conducting the election.

The polls at the polling place shall be open from 7:00 a.m. until 7:00 p.m.

Section 8. That Early voting by personal appearance will be conducted at the Aransas County Voting Centers listed on the attached Exhibit "A" beginning Monday, April 24, 2023, at 8:00 a.m. and ending on Tuesday, May 2, 2023, at 7:00 p.m. Early voting by personal appearance shall be conducted during regular business hours of the Election Administrator's Office each weekday from 8:00 a.m. until 5:00 p.m., except for the final two days of the early voting period. On the final two days of early voting by personal appearance, May 1 and May 2 2023, the Election Administrator's business hours are hereby designated as 7:00 a.m. until 7:00 p.m. (Section 85.005, Election Code)

Section 9. That notice of this election shall be given in accordance with the provisions of the Texas Election Code and returns of such notice shall be made as provided for in said code. The Mayor shall issue all necessary orders and writs for such elections and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. That all resident, qualified voters of the Town of Fulton shall be permitted to vote in said election. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling place and for early voting for said election.

Section 11. That the Mayor is authorized to sign an Order of Election prescribed by the State of Texas on behalf of the City Council. The notice of Regular Municipal Election shall be published in accordance with the provisions of the Texas Election Code.

Section 12. That should any part, section, paragraph, sentence, or phrase contained in this resolution be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 13. That this resolution shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the Town Council of the Town of Fulton, County of Aransas, State of Texas, on this 1st of February 2023.

Kelli Cole, Mayor
Town of Fulton

ATTEST:

Stephanie Garcia, City Secretary
Town of Fulton

EXHIBIT "A"

Main Vote Centers (All Precincts)

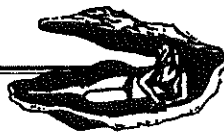
Aransas County elections & Voter Registration Office (side entrance)
602 E. Concho St.
Rockport, TX 78382

Voting by mail

Kevin A. Stroud
Aransas County Early Voting Clerk
602 E Concho St.
Rockport, TX 78382

FULTON OYSTERFEST

P.O. Box 393 • Fulton, TX 78358



FULTON OYSTERFEST
"The Best Fest in Texas"

Item 5.

January 19, 2023

Town of Fulton
201 7th street
Fulton, TX 78358

Fulton Oysterfest is asking to be put on your agenda on February 8, 2023 . For the use of the Fulton Park from February 20 till March 8, 2023 . We are requesting a parade permit for the use of the Fulton Beach Road and closing off of Palmetto Street, Broadway Street, Cactus Street and Chaparral Street for the Fulton Oysterfest Parade on March 4, 2023 Also Chaparral Street and Mesquite Street for the Carnival from Monday 27 of February till March 6 2023.

If you have any question please contact me at 361-790-6466.

Sincerely,

A handwritten signature in cursive script that reads "Sharron Loflin".

Sharron Loflin
Fulton Oysterfest