

**COMMISSIONERS' COURT  
SPECIAL MEETING  
JANUARY 24, 2000**

BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT met in *Special Session* on Monday, January 24, 2000, in the Titus County Courtroom with the following members present:

DANNY P. CROOKS.....COUNTY JUDGE  
MIKE PRICE.....COMMISSIONER PRECINCT 1  
MIKE FIELDS.....COMMISSIONER PRECINCT 2  
BILLY J. THOMPSON.....COMMISSIONER PRECINCT 3  
THOMAS E. HOCKADAY.....COMMISSIONER PRECINCT 4  
JEAN CROVER .....DEPUTY COUNTY CLERK

ABSENT: NONE

**PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING:**

CARL JOHNSON, AUDITOR  
TIM TAYLOR, COUNTY ATTORNEY  
LEO SCHAKEL, JUSTICE OF THE PEACE PRECINCT 1  
PAULA DYKE, JUSTICE OF THE PEACE PRECINCT 2

BOB GRAY	ANN RUNDLE
PHILLIP CROMWELL	LEONARD ROCKWALL
DAN HAMPTON	R. MICHAEL BERRY
WADE HILL	

**IN THE MATTER OF  
CONSIDERING RESOLUTION FOR PURCHASE OF  
RIGHT-OF-WAY FM 1735 IN PRECINCT 4**

Commissioner Hockaday said, "The Texas Department of Transportation has widened the existing Farm to Market Road 1735 one and a half miles from Chapel Hill School and Northeast Texas Community College for the heavy traffic flow. They are now asking the County for a resolution to purchase right-of-way for an additional  $1 \frac{7}{8}$  of a mile from Chapel Hill

School to Highway 49 as previously agreed. This is a very dangerous road and it is my recommendation to approve this resolution.

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Mike Price to approve Resolution For the Purchase of Right-of-way on FM 1735 in Precinct 4. Motion carried unanimously. SEE ATTACHMENT "A"

IN THE MATTER OF  
CONSIDERING RESUBDIVISION OF LOT 1-A  
AND CREATING LOT 1-A-R AND LOT 1-C OF  
CITY BLOCK 254-A, CITY OF MT. PLEASANT  
IN PRECINCT 2

Motion was made by Commissioner Mike Price and seconded by Commissioner Mike Fields to approve the Resubdivision of Lot 1-A and creating Lot 1-A-R and Lot 1-C of City Block 254-A, City of Mt. Pleasant in Precinct 2. Motion carried unanimously.

IN THE MATTER OF  
CONSIDERING APPROVAL OF  
MARINERS' RETREAT PLAT  
PHASE I IN PRECINCT 2

Motion was made by Commissioner Mike Fields and seconded by Commissioner Billy J. Thompson to approve the Mariners' Retreat Plat, Phase 1 in Precinct 2. Motion carried unanimously.

IN THE MATTER OF  
APPROVING BUDGET AMENDMENTS

None were presented. No action was taken.

IN THE MATTER OF  
APPROVING COUNTY OFFICIAL REPORTS

Motion was made by Commissioner Mike Price and seconded by Commissioner Billy J. Thompson to approve reports from County Auditor, Justice of the Peace, Precinct 1, Titus County Environmental Inspection

Service, City of Talco Fire Department, Five Star Volunteer Fire Department, and Winfield Volunteer Fire Department. Motion carried unanimously.

IN THE MATTER OF  
REVIEWING ALL SECURITY BONDS  
FOR ELECTED OFFICIALS

County Attorney Tim Taylor presented the Court with information regarding setting bonds and amount allowable by the law. At the present time County Judge bond is \$5,000.00, County Treasurer is \$50,000.00, Sheriff bond is \$5,000.00, Constables is \$1,000.00 and both Justice of the Peace are set at \$5,000.00. The Court can increase or decrease these amounts as they choose according to Mr. Taylor. His recommendation was to make any adjustments the Court wanted to do then to approve the bonds of all officials at the next meeting.

Motion was made by Commissioner Thomas E. Hockaday and seconded by Commissioner Billy J. Thompson to raise the County Treasurer's bond from \$50,000.00 to \$1,000,000.00. Motion carried unanimously.

Motion was made by Commissioner Mike Fields and seconded by Commissioner Billy J. Thompson to raise the Constables' bonds from \$1,000.00 to \$1,500.00. Motion carried unanimously. *SEE ATTACHMENT "B"*

The Court will be approving all official bonds at the next meeting.

IN THE MATTER OF  
CONSIDERING COUNTY REDISTRICTING AND  
APPROVAL OF CONTRACT FOR PROFESSIONAL SERVICES

The Court received a proposal for redistricting from Allison, Bass & Associates, L.L.P.

Commissioner Fields said, "Allison, Bass & Associates have done this in the past for the County. They did a good job. It is my recommendation that we approve their proposal."

Motion was made by Commissioner Billy J. Thompson and seconded by Commissioner Thomas E. Hockaday to approve the proposal from Allison, Bass, etc. Motion carried unanimously. *SEE ATTACHMENT "C"*

IN THE MATTER OF  
EXECUTIVE SESSION

The Court went into executive session at 9:33 a.m. to consider legal matters and returned at 10:15 a.m. No action was taken.

IN THE MATTER OF  
ADJOURNMENT

Motion was made by Commissioner Billy J. Thompson and seconded by Commissioner Thomas E. Hockaday to adjourn. Motion carried unanimously.

-----





## Titus County Commissioners' Court

Mt. Pleasant, Texas

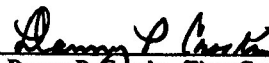
## RESOLUTION

WHEREAS, The State of Texas and the County of Titus have determined the need to improve Farm to Market Road No. 1735 to provide better access to Northeast Texas Community College and Chapel Hill Independent School District; and

WHEREAS, Titus County has agreed with Texas Department of Transportation to purchase needed Right-of-Way for the upgrading of FM 1735 from the intersection of FM 1735 and Highway 49 East to Chapel Hill Independent School District;

THEREFORE, BE IT RESOLVED by the Commissioners' Court of Titus County, Texas, that Titus County will be responsible for the purchase and payment of the Right-of-way necessary for the upgrade of FM 1735 from its intersection with State Highway 49 East to Chapel Hill Independent School District.

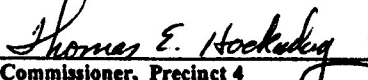
APPROVED the 24<sup>th</sup> day of January, 2000.

  
\_\_\_\_\_  
Danny P. Brooks, Titus County Judge

  
\_\_\_\_\_  
Commissioner, Precinct 1

  
\_\_\_\_\_  
Commissioner, Precinct 3

  
\_\_\_\_\_  
Commissioner, Precinct 2

  
\_\_\_\_\_  
Commissioner, Precinct 4

## ATTACHMENT "B"

## INFORMATION ON BONDS FOR OFFICIALS OF TITUS COUNTY

VOL 27 PAGE 294

<u>OFFICIAL</u>	<u>COURT SETS BOND</u>	<u>COURT APPROVES BOND</u>	<u>AMOUNT</u>
County Judge	Yes		\$1,000.00 - \$10,000.00
Commissioner	No	County Judge only	\$3,000.00
Clerk	No	Yes	20% of fees collected \$5,000.00 - \$500,000.00
Treasurer	Yes	Yes	Open
Tax Assessor/Collector (for state)	No	Yes	5% of vehicle taxes and registration \$2,500.00 - \$100,000.00
(for county)	No	Yes	10% of taxes assessed \$100,000.00 maximum
Auditor	No	No	\$5,000.00
Sheriff	Yes	Yes	\$5,000.00 - \$30,000.00
Deputy Sheriff	No	No	Sheriff's discretion
Constable	Yes	Yes	\$500.00 - \$1,500.00
Reserve Deputy Constable	No	No	\$2,000.00
Justice of Peace	Yes	Yes	Up to \$5,000.00
County Attorney	No	Yes	\$2,500.00
District Clerk	No	Yes	20% of fees collected \$5,000.00 - \$100,000.00
District Attorney	No	No	\$5,000.00
District Judge	No bond required		

*Attorneys at Law*

WAHRENBERGER HOUSE  
208 WEST 14TH STREET  
AUSTIN, TEXAS 78701  
(512) 482-0701  
FAX (512) 488-0902

JAMES P. ALLISON  
ROBERT T. BASS

C. REX HALL, JR.  
PAUL D. PALMER  
VANESSA A. GONZALEZ

December 20, 1999

Hon. Danny P. Crooks  
Titus County Judge  
100 W. 1st Street, Ste. 200  
Mt. Pleasant, TX 75455

RE: County Redistricting

Dear Judge and Commissioners:

Several counties have requested that our firm submit a professional service proposal for redistricting their county, similar to our 1990 program. We are pleased to submit this proposal to provide county redistricting services to Titus County. County redistricting requires a unique combination of legal and technical services. Our firm is pleased to offer more than 50 years of combined experience in this field to assist your county in the successful completion of this task. Since 1978, lawyers in our firm have prepared plans and submissions for more than 130 separate political subdivisions. We have successfully completed Department of Justice submissions under Section 5 of the Voting Rights Act for commissioners' court and justice of the peace precincts, city council, school boards, and hospital districts. We have participated in statewide legislative redistricting litigation, and have represented a range of local governmental units in litigation arising under the Voting Rights Act.

We will provide a complete redistricting program for Titus County at a fixed fee of \$25,000.00. Our program requires no additional charges or expenses with our standard services agreement. Other firms may submit offers lower in initial costs but providing only one hearing and one reapportionment plan. These proposals require additional fees for alternative plans and additional public hearings. Our program provides three alternative plans for no additional costs. Three fully developed plans, with complete maps, charts and analysis are included in the Allison, Bass & Associates program.

In our experience, most counties prefer alternative proposals to address the variety of interests that are involved in the reapportionment process. Our program provides these options without additional unbudgeted costs. Reasonable reapportionment decisions require reasonable alternatives. Be aware that a lower priced program may restrict the number of alternative plans you can consider.

Additionally, our proposal requires no funding in the current budget with a payment schedule in two segments over the next two budget years. This spreads the costs of redistricting over future budgets as the services are provided. An initial assessment will determine the suitability of your existing political boundaries under the 2000 Census. The initial payment of \$15,000.00 will not be due until January 1, 2001.

If reapportionment is required in Titus County as result of the requirements of state and federal law (see attached Guide to County Redistricting), a final invoice for the balance, \$10,000.00, will be issued January 1, 2002.

If retained, we will prepare a comprehensive plan for the reapportionment process which will insure that Titus County meets all requirements for timely preclearance by the United States Department of Justice of a reapportionment plan for County Commissioners, Justice and Constable precincts. This service will include all necessary services, which include:

1. Evaluation of your most recent redistricting submissions.
2. Early information and planning for the reapportionment project before the release of 2000 Census information.
3. When preliminary population data is available from the Census Bureau, we will compare this data to your present commissioner, justice and election precincts. If this comparison indicates that redistricting will be necessary, we will prepare a population and demographic analysis and submit it to the commissioners court.
4. We will assist the Commissioners Court in the formation of a Citizens Advisory Committee to insure preparation of suitable reapportionment plan(s).
5. We will conduct public hearings in which the proposed plans are fully presented to the public. Public comment will be collected, recorded and included in the reapportionment submission. Alternative plans will be submitted to the Commissioners' Court for review and final determination.
6. We will prepare detailed demographic maps, charts and supporting data to demonstrate that the reapportionment plan is fully in compliance with state and federal law.
7. After final approval by the Commissioners Court, we will prepare and file all necessary maps and other documentation to complete submission to the U.S. Department of Justice for preclearance under the Voting Rights Act. In addition, upon preclearance, we will insure that your plan is fully recorded and filed in compliance with Texas law.
8. We will provide your election administration staff with maps of all election precincts and will assist in the implementation of elections under the resulting plan.

In the unusual circumstance of litigation, we are available, under a separate contract, to provide legal counsel, expert testimony, or other support through all phases of litigation including appeal, if necessary, to the United States Supreme Court.

The cost of preparing and submitting a redistricting plan is dependent upon several factors, including the complexity of the issues and, to a great extent, the degree to which all interested parties are able to reach a consensus. While much of the initial public contact can be performed locally, it is usually to the county's advantage if our firm participates in that process. With our experience and state-of-the-art computerized mapping system, we can provide immediate responses to citizen and interest group inquiries and proposals.

EARLY ENLISTMENT OF PROFESSIONAL SERVICES

To permit early planning and to facilitate an efficient reapportionment process, we are offering the services of Allison, Bass & Associates, L.L.P. at this time. You will incur no obligation for payment of fees until January 1, 2001, at which time you will be billed for the preliminary data and the preparation of our initial assessment at a cost of \$15,000.00. This contract payment plan avoids a negative impact on your present budget and will assure an efficient implementation of the reapportionment process.

The actual survey count conducted by the Census Bureau occurs in April of 2000. Most of the redistricting effort will be accomplished in late 2000 and 2001. Approval of the attached proposal at this time will allow us to begin planning for the project. By early approval of this proposal, you allow us time to plan the project and guarantee our availability. After the release of Census data, it may be difficult to locate qualified, experienced counsel. Under our proposal, Titus County will not be obligated to make any payments toward reapportionment expenses until January 1, 2001. This payment will cover the costs of acquiring Titus County's census data, and the preparation of an initial assessment of your county's existing political boundaries. We anticipate that the initial assessment for Titus County will be completed by June 1, 2001. Should Titus County's existing boundaries meet all state and federal requirements, no further expense would be incurred by Titus County.

However, should reapportionment be required, we will proceed with reapportionment services. Our fixed fee agreement will include all services reasonably anticipated in the drafting and preparation of alternative reapportionment plans and public hearings. On January 1, 2002, Titus County will be billed for these final services.

As attested from our past projects, we have the experience and expertise to successfully assist counties in this difficult and complex process. We appreciate your interest in our firm and we would be pleased to have the opportunity to assist in this project.

Sincerely,



James P. Allison



Robert F. Bass

cc: County Commissioners

**CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, under the provisions of Article V, Section 18 of the Texas Constitution, the Commissioners Court is responsible for the division of the county in commissioners precincts and justice of the peace precincts; and

WHEREAS, the apportionment of the county must comply with state and federal statutory requirements; and

WHEREAS, professional assistance will assure that Titus County fulfills its responsibilities in an orderly, efficient manner; and

WHEREAS, the firm of Allison, Bass & Associates, L.L.P. is prepared to provide all necessary professional services to assist Titus County in this area;

Titus County, Texas, acting by and through its Commissioners Court and Allison, Bass and Associates, a Limited Liability Partnership, HEREBY AGREE to the following terms and conditions:

**Section 1: STANDARD SERVICES**

- A. Allison, Bass & Associates, L.L.P. will provide all necessary services to successfully complete all redistricting projects assigned by Titus County. These services include, but are not limited to, the following:
1. Conduct preliminary planning and assembly of information useful and necessary for the reapportionment of Titus County Commissioners Court, Justice of the Peace/Constable precincts, and election precincts.
  2. Obtain preliminary population data from the U. S. Census Bureau for the 2000 federal census.
  3. Prepare the necessary population and demographic analysis to evaluate existing Commissioners Court, Justice of the Peace and election precincts to determine legal requirements under State and Federal law, and to provide a written report to the Commissioners Court of all findings.
  4. In the event existing political boundaries remain in compliance with state and federal law without the necessity of reapportionment following the 2000 census, the County and Allison, Bass & Associates, L.L.P. will conclude this agreement as provided in Section 3A below.
  5. Should redistricting be legally required, prepare THREE ALTERNATIVE REAPPORTIONMENT PLANS, draft maps, proposals and notices to satisfy all statutory and constitutional requirements.
  6. Consult with commissioners court and any authorized citizens advisory committee as needed by mail, telephone, or facsimile, and THREE PHYSICAL APPEARANCES BEFORE THE COMMISSIONERS COURT of Titus County.

7. Attend and participate in THREE PUBLIC HEARINGS on proposed redistricting plans.
  8. After approval by commissioners court, prepare and file all necessary maps and other documentation to complete submission to the U. S. Department of Justice for Preclearance under the Voting Rights Act.
  9. Upon receipt of Preclearance from the Department of Justice, prepare and file all necessary notice, maps and documentation with the appropriate Texas officials in conformity with State law.
  10. In the event Preclearance is denied, Allison, Bass & Associates, L.L.P. will agree to provide such additional legal services and/or support as the parties may contract under separate agreement.
- B. Titus County agrees to provide access to all necessary records and county personnel for this project.
- C. Should additional services be desired and authorized by the County, Allison, Bass & Associates, L.L.P. will assess a fee of \$150.00 per hour for attorneys time, plus all out of pocket expenses for travel, additional maps, charts or data not provided within the scope of the standard services package. The Standard Package should be suitable for most counties, but if circumstances require the preparation of more than three (3) alternative reapportionment plans, or more than three (3) Commissioners Court appearances, or more than three (3) public hearings, additional compensation will be required.

**Section 2: EARLY ENLISTMENT OF PROFESSIONAL SERVICES**

To permit early planning and to facilitate an efficient reapportionment process, Titus County contracts for the services of Allison, Bass & Associates, L.L.P. at this time. Titus County will incur no obligation for payment of fees until January 1, 2001, at which time Allison, Bass & Associates, L.L.P. will submit an invoice for the costs of preliminary data, and the preparation of an initial assessment as stated below. If reapportionment is required, Allison, Bass & Associates, L.L.P. will complete these additional services and submit an invoice for these services on January 1, 2002.

**Section 3: COMPENSATION**

**A. Initial Assessment:**

Our fee for preparing an Initial Assessment of Titus County's existing political boundaries, including Commissioners Court and Justice of the Peace/Constable precincts, and including the costs of obtaining suitable 2000 Census Data, is \$15,000.00. The Initial Assessment fee is due on or before January 1, 2001.

Should the Initial Assessment indicate that the existing political boundaries for Titus County do not require redistricting under state and federal law, and that no legal basis exists for further reapportionment services, there will be no additional fee due beyond the Initial Assessment fee.

B. Further Reapportionment Proceedings Required

Should our Initial Assessment indicate that the existing political boundaries for Titus County are unsuitable under state and federal law, we will proceed with the reapportionment process for an additional fee of \$10,000.00. The Final Reapportionment fee is due on January 1, 2002.

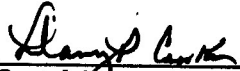
C. Total Fixed Fee

The total fixed fee for services is \$25,000.00.

EXECUTED on this 24 day of JANUARY, 2000  
~~1999~~

Titus County

BY:

  
County Judge

Allison, Bass & Associates, L.L.P.

BY:

  
James P. Allison or Robert T. Bass



ALLISON, BASS & ASSOCIATES, L.L.P.

*Attorneys at Law*

WAHRENBERGER HOUSE  
208 WEST 14TH STREET  
AUSTIN, TEXAS 78701  
(512) 482-0701  
FAX (512) 480-0902

JAMES P. ALLISON  
ROBERT T. BASS

C. REX HALL, JR.  
PAUL D. PALMER  
VANESSA A. GONZALEZ

## REDISTRICTING 2001

A GUIDE THROUGH THE PROCESS

Robert T. "Bob" Bass  
ALLISON, BASS & ASSOCIATES, L.L.P.  
The Wahrenberger House  
208 West 14<sup>th</sup> Street  
Austin, Texas 78701  
512/482-0701  
512/480-0902 Fax  
Allison\_Bass@msn.com

## ISSUES AND CONCEPTS OF REAPPORTIONMENT

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

—Earl Warren, in  
Reynolds v. Sims

Although the concept of apportioned representation is constitutional, (U.S. Constitution, Article I, Section 4), the Courts of this nation remained relatively inactive in the area for many, many years. Recognizing the "political thicker", courts recognized the authority of the (Congress) to address the issue without defining the actual details of how and when such intervention would be appropriate. Ex Parte Yerbarough, (1884).

However, the nation underwent major demographic change. Less rural, more industrialized, highly mixed in racial terms, the nation simply outgrew the doctrines of judicial restraint. The 1960's brought these complex issues directly to the forefront of judicial concerns. In Baker v. Carr (1962), state legislatures were considered. Gray v. Sanders (1963) eliminated weighted systems that gave more influence to areas with less population. It was in Sanders that Justice Douglas stated the rule that still applies:

"The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments could mean only one thing: ONE PERSON, ONE VOTE."

From that point on, the march of cases moved relentlessly toward a clear standard:

Wesberry v. Sanders, (1964), applied the concept of one person, one vote to Congressional Districts, and required the same to be balanced in number as nearly as could be accomplished.

Reynolds v. Sims (1964), and Baker v. Carr (1962), extended the rule of one person one vote to state legislatures. However, Lucas v. Forty-fourth General Assembly (1964) refrained from holding that state legislatures could not adopt some rationale for a plan of reapportionment that diverged from a strict population basis. A rush of state cases, primarily in the Deep South, attempted to avoid reapportionment on a population basis. This in turn led to a legislative remedy, in the form of the Voting Rights Act of 1965 (42 USC 1973c). This Act cannot be considered without placing it into the context of the times. The Act was adopted shortly after the Civil Rights movement gained the attention of the media. Scenes of black citizens, sprayed with fire hoses and attacked by police dogs, seared the minds and hearts of Americans from all walks of life. With a near religious zeal, the Congress adopted strong measures which required certain states to abide by a stringent set of "pre-clearance" procedures, with Department of Justice review to insure that all citizens were afforded the privileges of citizenship.

The law continued to develop with cases such as Avery v. Midland County (1968), which declared that groups of voters could not be discriminated against by gerrymandering for racial or other purposes, and extended the duties of periodic reapportionment to Texas Commissioners Courts. From this line of cases the concept of "single member districts" arose. As the 1960's came to an end, each state and local government could look forward to the periodic task of redrawing its political boundaries to address changes in population. With the 1970 census, the nation again came to grips with the evolving law, but again, questions remained. How close to "balanced" must the district come? What groups were protected? How must a local government proceed in order to avoid the sanctions of law?

- b. A justice precinct
- c. A congressional district
- d. A state representative district
- e. A state senatorial district
- f. A city ward if the city has a population of 10,000 or more
- g. A State Board of Education district

Commissioners Courts are permitted, under proper circumstances, to consolidate election precincts to avoid burdensome election costs. Strict scrutiny of these circumstances will result, so care should be given to this procedure. (§42.0051 Election Code.)

Election precincts should contain at least 50-100 voters, but not more than 2000 voters in paper ballot counties, or if electronic voting systems are in place, between 3,000 and 5,000 voters. (§42.006 Election Code.)

An important election consideration is the suitability of the polling place. Polling places should be reasonably located for the voters of each precinct, should be in compliance with the Americans with Disabilities Act, and if possible be in a public building. Public entities may not charge for the use of the building if the building is otherwise open for business on election day. (§43.033 Election Code.)

The Commissioners Court shall make a review of election precincts to insure compliance with Sections 42.005, 42.006, and 42.007 in March or April of each odd-numbered year, or in an even numbered year to insure compliance. Typically, election changes which are not "census" based are made by May 1 of any applicable year. (§42.031 Election Code.) Reapportionment changes following a census are to be made not later than October 1. (§42.032 Election Code.) Such changes will take effect in the following election year. (§42.033, Election Code.) Notice of election changes must be provided to the county voter registrar (§42.034 Election Code) to the political parties (§42.036 Election Code) and to the General Public (§42.035 Election Code.). Finally, a map of the precinct boundary changes must be filed with the Secretary of State not later than 120 days after the date the Order changing boundaries is adopted.

Texas Counties are subject to the Constitutional concepts of "One-Person-One-Vote". Avery v. Midland County, Texas 390 U.S. 474, 88 S.Ct. 1114, 20 L.Ed.2d 45 (1968). Likewise, Texas is subject to the Voting Rights Act. McDaniel v. Sanchez 452 U.S. 130, 101 S.Ct. 2224, 68 L.Ed.2d 724 (1981).

Federal law pertaining to reapportionment is contained in what is known as the Voting Rights Act. This law, 42 U.S.C. §1973c was first passed in 1965. It has been amended and extended several times since. In simplest terms, this law requires all governmental units covered by its provisions to obtain approval before implementing any changes in the methods or procedures that regulate elections. These changes can range from a simple relocation of an election box, to the fundamental changes incident to reapportionment.

Under the Voting Rights Act, any proposed voting procedure is examined to insure that the voting procedure does not "have the purpose and will not have the effect of denying or abridging the right to vote." Two sections of the Voting Rights Act are involved in this process. Under Section 2 of the Act, a Plaintiff may allege that the plan in fact discriminates against minorities. Under Section 5, the focus of the Department of Justice staff will be on the tendency of the proposed procedure to dilute or discriminate against a minority voter. Section 5 of the Act is designed to insure that the proposed procedure has been properly reviewed by the Department of Justice. Under either section, the voting plan can be rejected and elections under the proposed plan halted until a plan which meets all applicable tests can be adopted and implemented. Section 2 is typically invoked by a Plaintiff, while Section 5 is a necessary part of the preclearance process.

1. Retain expert assistance for the reapportionment process.
2. Collect data on existing political boundaries.
3. Identify population trends and growth areas.
4. Identify minority population communities of interest and leadership.
5. Determine criteria for reapportionment, and consider formation of Citizens Advisory Committee.

#### CRITERIA FOR REAPPORTIONMENT OF COMMISSION PRECINCTS:

Reapportionment should be a planned, managed process. The first issue you should consider in this process is the selection of expert assistance for the process. It is vital that you have qualified, experienced assistance in the 2001 reapportionment. Criteria should be used which are non-discriminatory and which fulfill bona-fide governmental interests. These criteria should guide either the Commissioners Court, or any citizens advisory committee formed to participate in the process.

1. Provisions of the U.S. and Texas Constitutions, the Voting Rights Act, the Texas Election Code;
2. the population within each of the Commissioner Precincts following the 1980 and the 1990 census;
3. Political boundaries should be readily recognized by the voting populace. Roads, streets, railroads, rivers, streams, and the like make suitable boundaries.
4. To the extent possible, new boundaries should be familiar, i.e. should adopt existing boundaries and polling places where practical.
5. Political boundaries should be compact and contiguous.
6. Governmental functions should be given some consideration in the construction of county wide political boundaries.
7. Incumbents should be retained within their existing precincts.
8. Minority communities should be recognized and retained intact where possible. Only when the overall minority population of the county is sufficiently large to require multiple minority districts should minority populations be divided.
9. Minority representation, by percentage of population and voting age demographics, should be maintained if at all possible to avoid retrogression.

#### CRITERIA FOR NUMBER AND NATURE OF JUSTICE PRECINCTS:

Counties should evaluate the need for either more or fewer Justice Precincts on a periodic basis. The decennial census is an appropriate time for this evaluation. Factors which may be considered include, but are not limited to:

- a. the case load for each Justice of the Peace Court over the last decade should be examined for rate of growth and a comparison should be made to other Justice Courts in your county in similarly sized counties.
- b. projections and trends in case loads and the civil and criminal dockets for each Justice of the Peace Court should be made;

The Citizens Advisory Committee would hold public meetings in the various areas of the County, and present two or three alternative reapportionment plans. These plans may be either the result of the Committee process, or of Commissioners Court input. Public comment should be solicited, recorded and included in the reapportionment submission.

**POST CENSUS ANALYSIS:**

Once the Census data is released in April of 2001, your county should be ready to immediately conduct an initial analysis of this data to determine if your County will be legally obligated to reapportion. This decision is triggered by a simple mathematic assessment of the population balance in your existing political boundaries:

If the range of numerical balance is exceed by a top to bottom factor of ten (10%) or more, you will be required to reapportion.

Once the Census data is obtained, you determine that your precincts have the following population. You can immediately determine that reapportionment will be necessary, because the "deviation" between precincts 2 and 4 exceed 10%. You can also determine that your minority population is significant, i.e. the "anglo" population is less than sixty percent (60%). Under these facts, careful assessment of your minority communities to determine whether common issues of leadership, communication and cooperation between the various minority populations exists. If so, the construction of political boundaries will be more complex, since black, hispanic and other minorities may have sufficient cohesion to justify treatment as a single minority population community of interest. This block of population, particularly if cohesive in terms of location, must not be fragmented or otherwise diluted in the reapportionment process.

PCT - Ann															
1	150	63.3%	68	28.7%	15	6.3%	1	0.4%	2	0.8%	1	0.4%	237	-13	-5%
2	129	39.0%	88	26.6%	96	29.0%	15	4.5%	1	0.3%	2	0.6%	331	81	32%
3	165	65.7%	17	6.8%	64	25.5%	2	0.8%	0	0.0%	3	1.2%	251	1	0%
4	143	79.0%	25	13.8%	7	3.9%	2	1.1%	0	0.0%	4	2.2%	181	-69	-28%
	587		196		162		20						700		
		58.7%		19.8%		18.2%		2.0%		0.3%		1.0%	1000	250	60%
													100.0%		

FORMAL SUBMISSION:

Once the reapportionment plan is prepared, it must be submitted to the Department of Justice for what is known as "preclearance." Preclearance is a process of analysis by Department of Justice staff to insure that the proposed plan is both numerically balanced and free of obvious effort to minimize the voting strength of minority voters.

This process is highly technical, and is fraught with complications and delay. Under ideal circumstances, the process should take no more than sixty (60) days. However, in real life experience, a minimum of 120 days is more likely. Therefore, if you wish to have your plan ready for implementation in the March 2002 primary election, you must "back out" 120 days from the March primary, i.e. Your submission must be tendered to the Department of Justice not later than October 1 of 2001. Implementation of the March 2002 primary begins with the formation of voter poll lists, and certainly with the commencement of early voting.