

CITY OF SEGUIN

AN ORDINANCE OF THE CITY OF SEGUIN, TEXAS REPEALING ORDINANCE NUMBER 11-26 AND ADOPTING A NEW REDISTRICTING PLAN FOR COUNCILMEMBER DISTRICTS FOLLOWING RELEASE OF 2010 DECENNIAL CENSUS; ESTABLISHING FINDINGS OF FACT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council has certain responsibilities for redistricting under federal and state law including, but not limited to, Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 1987), and the Voting Rights Act, 42 U.S.C.A. § 1973, *et seq.*; and Tex. Government Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, the City Council has certain responsibilities for redistricting under the City Charter; and

WHEREAS, upon review of the 2010 census data, it appears that a population imbalance exists requiring redistricting of the City Councilmember Districts; and

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, the City Council adopted redistricting criteria that have served as a framework to guide the public and the City Council in its consideration of districting plans; and

WHEREAS, the City Council has considered various plans prepared by the City's legal consultant and demographer for the redistricting of Councilmember Districts; and

WHEREAS, notices of public hearings on redistricting of Councilmember Districts were timely published in the local newspaper in English and in Spanish so as to give the City's residents an opportunity to attend and comment on the redistricting plans recommended by the City Council and those prepared by the City's legal consultant and demographer; and

WHEREAS, on June 7, 2011, by Ordinance 11-26 the City Council adopted a redistricting plan that was opposed a number of members of the community; and

WHEREAS, a committee worked on the adopted plan to address the concerns; and

WHEREAS the City Council is of the opinion that the redistricting plan for Councilmember Districts, a copy of which is appended hereto as "Exhibit A" and incorporated herein by reference, best meets the redistricting criteria previously adopted by the City Council, is preferable to the other plans submitted and considered and should be adopted by the City for Councilmember elections beginning in May 2012 and subsequent elections until the next redistricting following the release of the next decennial census..

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Seguin, Texas, that:

1. The foregoing recitals are found to be true and correct and are hereby adopted and incorporated herein as findings of fact.
2. Ordinance 11-26 adopting a new redistricting plan is repealed and no longer in effect.
3. The City Council finds that the redistricting plan for Councilmember Districts which is appended hereto as "Exhibit A" and incorporated herein by reference best meets and balances the redistricting criteria previously adopted by the City Council.
4. Based upon the foregoing findings and criteria, the City Council hereby approves the redistricting plan for Councilmember Districts attached hereto as "Exhibit A", such plan to become effective on the latter of January 1, 2012 or upon preclearance by the Voting Rights Division of the United States Department of Justice.
5. The City Council directs City staff and its legal consultant and demographer to submit the redistricting plan attached hereto as "Exhibit A" to the Voting Rights Division of the United States Department of Justice for preclearance under section 5 of the Voting Rights Act.
6. It is found that the meetings at which this Ordinance was approved were properly noticed and held in strict compliance with the Texas Open Meetings Act, Ch. 551 Texas Government Code.

PASSED AND APPROVED ON FIRST READING this 1st day of November, 2011, by a 8 to 0 vote of the City Council of the City of Seguin, Texas.

PASSED AND APPROVED ON SECOND READING this 15th day of November, 2011, by a 8 to 0 vote of the City Council of the City of Seguin, Texas.

CITY OF SEGUIN, TEXAS

BY: Betty Ann Matthies
Betty Ann Matthies, Mayor

ATTEST:

Thalia Stautzenberger
Thalia Stautzenberger, City Secretary



MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney
Date: October 10, 2011
Re: Consideration of an Alternative Redistricting Plan

On June 7, 2011, in response to the 2010 census, the Council passed Ordinance 11-26 revising the eight council districts to reflect changes in the City's population and to comply with federal election law. The plan passed by the Council is represented in Plan C. The Plan was submitted to the Department of Justice who issued a pre-clearance letter on August 18, 2011.

Shortly after the Ordinance was passed, the City was notified by the League of United Latin American Citizens ("LULAC") that they considered Plan C to be deficient because the percentage of Hispanic persons of voting age in District 4 had decreased below 60%. LULAC representatives stated that with the assistance of MALDEF they intended on filing suit (the Justice Department pre-clearance letter does not stop such actions).

In response to the threat of a lawsuit, staff and the City's redistricting counsel Greg Hudson met with the interested parties to see if minor changes could be made to Plan C that would address LULAC's concerns. The meeting resulted in the formulation of Plan C-1 which makes the requested changes to District 4, while maintaining the other requirements of the voting rights act.

In order to consider implementation of Plan C-1, a public hearing must be held, followed by Council's consideration of an ordinance repealing Plan C and adopting Plan C-1 in its place. Sufficient time exists to seek pre-clearance in time for the May election.

If the Council desires to make this consideration a Motion to direct staff to publish notice of public hearing for November 1 needs to be made.

DRAFT MAP 'C-1'
 City of Seguin, Texas
 2011 Demographic Report
 Revised: October 4, 2011

2010 U.S. Census Population Total

DISTRICT	Persons	Ideal Size	Deviation	Difference	Hispanic Population	White	% of Total White Population	Black	% of Total Black Population	American Indian	% of Total American Indian Population	Asian	% of Total Asian Population	Hawaiian-Pacific Islander	% of Total Hawaiian-Pacific Islander Population	Other	% of Total Other Population	Two or More Races	% of Total Two or More Races Population	Total Minority	% of Total Minority Population
1	3,228	3,147	2.58%	81	2,240	658	20.38%	249	7.71%	4	0.12%	43	1.33%	1	0.03%	9	0.28%	24	0.74%	2,570	79.62%
2	3,197	3,147	1.59%	50	2,180	667	20.86%	321	10.04%	3	0.09%	2	0.06%	2	0.06%	3	0.09%	19	0.59%	2,530	79.14%
3	3,223	3,147	2.58%	81	1,973	923	28.59%	268	8.30%	7	0.22%	24	0.74%	0	0.00%	4	0.12%	27	0.84%	2,305	71.41%
4	3,082	3,147	-2.06%	-65	2,041	683	22.16%	316	10.25%	10	0.32%	2	0.06%	2	0.06%	3	0.10%	25	0.81%	2,399	77.84%
5	3,025	3,147	-3.87%	-122	2,024	669	22.98%	268	8.86%	5	0.17%	12	0.40%	2	0.07%	6	0.20%	13	0.43%	2,330	77.02%
6	3,140	3,147	-0.22%	-7	1,456	1,406	44.78%	194	6.18%	7	0.22%	10	0.32%	0	0.00%	3	0.10%	21	0.67%	1,734	55.22%
7	3,243	3,147	3.05%	96	1,247	1,775	54.73%	150	4.63%	2	0.06%	37	1.14%	0	0.00%	3	0.09%	29	0.89%	1,468	45.27%
8	3,032	3,147	-3.65%	-115	732	2,137	70.48%	73	2.41%	6	0.20%	72	2.37%	0	0.00%	1	0.03%	11	0.36%	895	29.52%
TOTALS	25,175		6.92%		13,938	8,944	35.53%	1,839	7.30%	44	0.17%	202	0.80%	7	0.03%	32	0.13%	169	0.67%	16,231	64.47%

2010 U.S. Census Voting Age Population

DISTRICT	Persons	Hispanic	% of Total Hispanic VAP	White	% of Total White VAP	Black	% of Total Black VAP	American Indian	% of Total American Indian VAP	Asian	% of Total Asian VAP	Hawaiian-Pacific Islander	% of Total Hawaiian-Pacific Islander VAP	Other	% of Total Other VAP	Two or More Races	% of Total Two or More Races VAP	Total Minority VAP	% of Total Minority VAP
1	2,185	1,441	65.98%	516	23.62%	185	8.47%	1	0.05%	28	1.28%	1	0.05%	4	0.18%	9	0.41%	1,659	76.38%
2	2,320	1,513	65.18%	531	22.85%	251	10.82%	2	0.09%	22	0.95%	1	0.04%	3	0.13%	11	0.47%	1,789	77.11%
3	2,397	1,379	57.52%	737	30.78%	213	8.97%	7	0.29%	20	0.83%	0	0.00%	2	0.08%	16	0.67%	1,630	68.42%
4	2,346	1,426	60.78%	619	26.39%	263	11.30%	9	0.38%	2	0.09%	2	0.09%	2	0.09%	2	0.09%	1,570	67.01%
5	2,065	1,300	62.95%	558	26.16%	200	9.59%	3	0.14%	9	0.43%	2	0.10%	4	0.19%	9	0.43%	1,557	75.21%
6	2,354	983	41.98%	1,209	51.14%	141	5.96%	3	0.13%	3	0.13%	0	0.00%	3	0.13%	12	0.51%	1,055	44.86%
7	2,611	900	34.47%	1,538	58.63%	125	4.79%	2	0.08%	32	1.23%	0	0.00%	2	0.08%	8	0.34%	1,079	41.17%
8	2,475	452	18.26%	1,868	75.39%	57	2.30%	5	0.20%	46	1.86%	0	0.00%	1	0.04%	8	0.32%	605	24.61%
TOTALS	18,783	9,440	50.28%	7,592	40.42%	1,439	7.66%	36	0.19%	148	0.79%	6	0.03%	22	0.12%	100	0.53%	11,191	59.58%

DATA TABLE BASED ON:
 2010 TIGER/LINE GEOGRAPHY
 2010 CENSUS (PL 94-171) SUMMARY FILE