

City of Houston Resolution No. 2011- 1

A RESOLUTION ESTABLISHING PROCEDURES, CRITERIA AND RULES FOR THE CONSIDERATION AND ESTABLISHMENT OF COUNCIL MEMBER DISTRICT BOUNDARIES FOLLOWING RECEIPT OF THE YEAR 2010 DECENNIAL CENSUS COUNT AS REQUIRED BY ARTICLE V, SECTION 3 OF THE CHARTER OF THE CITY OF HOUSTON, TEXAS; CALLING PUBLIC HEARINGS AT WHICH INTERESTED PERSONS SHALL HAVE AN OPPORTUNITY TO BE HEARD; PROVIDING FOR THE PUBLICATION OF NOTICE OF SUCH HEARINGS; PROVIDING FOR SEVERABILITY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * *

WHEREAS, following the City of Houston's ("the City") receipt of the 2010 Federal Census results, City Council anticipates adopting an ordinance finding that the population of the City is 2.1 million persons or more and that the distribution of population among the current Council Districts is materially imbalanced; and

WHEREAS, Article V, sections 2 and 3, of the City Charter provide that, upon a determination by the City Council that the population of the City is 2.1 million or more, the number of Council Members shall increase from 14 to 16, and that the two additional members shall be designated as Council Member, District J, and Council Member, District K; and

WHEREAS, Section 276.006 of the Texas Election Code requires that to be effective for an election, changes in electoral boundaries (i.e., Council Districts) must be adopted more than three months before election day; and

WHEREAS, the voters of the City of Houston are benefitted by and entitled to elections conducted in an orderly fashion on the basis of Council Districts that are as equal as practicable in population and do not have the effect of diluting minority voting rights in any area; and

WHEREAS, to ensure that elections are orderly, the City must proceed to timely draw new Council District boundaries to overcome the imbalance of population among districts, reconcile Council District boundaries to conform to county voting precincts, and obtain preclearance of such redrawn Council District boundaries from the Department of Justice pursuant to Section 5 of the Voting Rights Act, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the Preamble of this Resolution are determined to be true and correct and are hereby adopted.

Section 2. That the following dates and times shall govern the redistricting process for the year 2011:

(a) The Planning Department shall compile, at the earliest possible date, information about current county voting precincts located in the City.

(b) During the month of March 2011, the Planning Department will coordinate community/town hall meetings in various locations across the City to explain the City's redistricting criteria, procedures and rules, and to receive input from the public.

(c) On or before April 6, 2011, the Planning Department shall prepare maps and a report on proposed Council District boundaries ("redistricting plan"), reflecting the results of the year 2010 decennial census count and including those territories added to the City by annexation since boundaries were last established by the Ordinance.

(d) On April 6, 2011, the Planning Department shall present to City Council a proposed redistricting plan, including a report on the population for each proposed Council District for the general election to be held on November 8, 2011.

(e) A public hearing on the redistricting plan will be held in three (3) separate sessions. The first session shall begin at 9:00 a.m. on April 13, 2011, during the regularly scheduled City Council meeting in the City Council Chamber on the Second Floor of City Hall, 901 Bagby, Houston, Texas. The second session will begin at 9:00 a.m. on April 20, 2011, during the regularly scheduled City Council meeting in the City Council Chamber on the Second Floor of City Hall, 901 Bagby, Houston, Texas. The third session will begin at 7:00 p.m. on April 20, 2011, in the City Council Chamber on the Second Floor of City Hall, 901 Bagby, Houston, Texas. At such public hearing sessions, the Planning Department

shall present any revised maps or reports indicating changes from the previous plan presented to City Council. Each public hearing session is called expressly subject to recess and adjournment by the City Council. All persons desiring to be heard at any public hearing session must reserve a specific amount of time (in whole minutes, up to three minutes) by contacting the Office of the City Secretary of the City of Houston, Public Level, City Hall Annex, Houston, Texas, telephone (832) 393-1100. Reservations for each session will be received up to 30 minutes before each is scheduled to begin. Persons will be called to speak in the order in which they have made reservations, except those who reserve a lesser amount of time will be called before those who reserve a greater amount of time.

(f) The City Secretary is hereby directed to accept all written materials submitted by any interested person for inclusion in the record of the public hearing described in paragraph (e) of this Section; provided, however, that any redistricting plan to be submitted by any person shall not be accepted unless filed within the time limit set forth in Section 4 below.

(g) Unless inconsistent with the provisions of this Resolution, the Texas Constitution, general and special laws of the State of Texas, or the City Charter of the City of Houston, all sessions of the public hearing shall be conducted in accordance with the normal rules of City Council.

(h) At the May 11, 2011 regularly scheduled meeting of the City Council, the Planning Department shall present proposed final maps and the Department's final proposal to Council for new Council District boundaries for the November 2011 general

election, including the population of each of the proposed Council Districts from which District Council Members are to be elected on that date.

(i) On May 18, 2011, at its regularly scheduled meeting, Council shall consider for final adoption an ordinance establishing Council District boundaries for the November 2011 general election.

(j) The schedules set forth in this section are aspirational and may be adjusted as needed.

Section 3. That the Department of Planning and Development is to observe the following criteria, to the greatest extent possible, in the reconfiguration of Council District boundaries:

- a. Council Districts should be relatively equal in total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest Council District exceed ten per cent of the average district population.
- b. Council Districts should be composed of whole county voting precincts.
- c. Easily identifiable geographic boundaries should be followed.
- d. Communities of interest should be maintained in a Council District, and attempts should be made to maintain neighborhoods.
- e. Council Districts should be compact and composed of contiguous territory. Compactness and contiguity may involve a functional as well as a geographic dimension. The functional dimension may take on added weight in situations in which geographic compactness may not be possible in light of the fact that some areas are attached to the remainder of the City only by relatively long and narrow strips of land. Functional compactness and contiguity includes, but is not limited to, consideration of factors such as:
 - the availability of transportation and communication;

- the existence of common social, economic and other shared interests; and
 - the ability of the citizens of a Council District to relate to each other and to their representative on the City Council and the ability of the Council Member to relate effectively to his or her constituency.
- f. Preservation of incumbent-constituency relations by recognition of the residence of existing members of the Council and their history in representing certain areas.
- g. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
- h. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S. Code § 1973.

Section 4. The City's redistricting plan, and any plan submitted by any person to the City for consideration, shall be prepared in compliance with all of the following rules.

All plans shall:

- a. Be submitted in writing so that all proposals may be fully and accurately considered;
- b. Be based on the 2010 federal census (P. L. 94-171) data;
- c. Redistrict the entire City, i.e., contain proposed boundaries for all Council Districts within the City. If a plan does not redistrict the entire City, it may be impossible for the Council to assess the plan's impact on one or more protected minority groups. The requirement that any plan redistrict the entire City does not preclude citizens from proposing that particular voting precincts, neighborhoods, or locations be included in a specific council district;
- d. Conform to the criteria set forth in Section 3 of this Resolution.

All redistricting plans prepared by other persons for the City's consideration must be submitted no later than 4:15 p.m. on Friday, May 6, 2011, to the attention of Margaret Wallace, Planning Department, 611 Walker, 6th Floor, Houston, Texas 77002. No plans submitted after such time and date will be accepted or considered.

Section 5. The City Attorney, City Secretary and the Director of the Department of Planning and Development are requested to provide all reasonably necessary information, advice and assistance to the members of the City Council in accomplishing the procedures established in this Resolution.

Section 6. The City Attorney and City Secretary are requested to assist to ensure that publication of notice, maintenance of records of public meetings and other matters related to the redistricting process are in order to facilitate the submission of the final redistricting plan to the appropriate federal officials.

Section 7. The City Secretary of the City of Houston is requested to cause notice of the public hearing sessions, including notice of the date, place and time of such public hearing sessions, to be published in a newspaper having general circulation in the City of Houston, Texas. The City Secretary is also requested to cause Spanish and Vietnamese translations of such notices to be published in a newspaper of general circulation in the City of Houston, Texas.

Section 8. All prior resolutions in conflict with this Resolution, specifically including but not limited to, Resolution No. 2001-15, are hereby repealed.

Section 9. If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of same to any person or set of circumstances is for any

reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Resolution or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Resolution are declared to be severable for that purpose.

Section 10. This Resolution shall be passed finally on the date of its introduction and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 12th day of January, 2011.

APPROVED this 12th day of January, 2011.

Annise D. Parker
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is _____.

City Secretary

Prepared by Legal Dept. JB Calabrese
TBC Senior Assistant City Attorney
Requested by David M. Feldman, City Attorney

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
		ABSENT on City Bus HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
		ABSENT out of City BRADFORD
✓		JONES
CAPTION	ADOPTED	