

RESOLUTION NO. 318

THE STATE OF TEXAS §
 §
CITY OF FULSHEAR §

A RESOLUTION OF THE CITY OF FULSHEAR, TEXAS ADOPTING CRITERIA AND GUIDELINES FOR USE IN CREATING CITY COUNCIL DISTRICTS

WHEREAS, at an election on May 7, 2016, the voters of the City of Fulshear (“City”) in Fort Bend County, Texas adopted a home rule charter under the constitution and laws of Texas which, among other things calls for the governance of the City by a city council with five representatives elected from single member districts and with two city council members elected at large (“5-2 Structure”); and

WHEREAS, the City Council of the City has certain responsibilities for creating the initial single member districts for the 5-2 Structure under the City Charter, federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution; the Voting Rights Act, 52 U.S.C. §§ 10301 and 10304; and Tex. Gov’t Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, it was determined that the five city council positions from single member districts should be drawn within the City using 2010 Census data with reference to the City’s estimated population figures and the remaining two City Council positions would be elected at-large from the entire territory of the City; and

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

WHEREAS, a set of established districting criteria and guidelines will serve as a framework to guide the City in the consideration of districting plans; and

WHEREAS, established criteria and guidelines will provide the City a means by which to evaluate and measure proposed plans; and

WHEREAS, districting criteria will assist the City in its efforts to comply with all applicable federal and state laws;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, that the City, in its adoption of a districting plan for the City Council, will adhere to the following criteria to the greatest extent possible when drawing district boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed and be drawn on census geography.

2. In drawing districts, care should be taken to be mindful of the location of municipal facilities within the City.
3. To the extent possible, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.
4. City Council Districts must be configured so that they are relatively equal in total population according to the 2010 federal census and any adjustments to that data. In no event should the total deviation between the largest and the smallest district exceed ten percent.
5. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional as well as a geographical dimension.
7. The plan should be narrowly tailored to address proportionality and the relative position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
8. 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, 52 U.S.C. § 10304.

The City Council will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

Further, the City Council anticipates that it will conduct one or more public hearings to allow residents of the City an opportunity to provide public comment and input into the process. It is possible that residents may wish to submit districting ideas or plans for the City Council's consideration. In order to make sure that any plan that might be submitted by interested members of the community is of maximum assistance to the City Council and Mayor in its decision making process, the City Council and Mayor hereby set the following guidelines:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Council and Mayor wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for Blacks, Hispanics, Asians, and Anglo/other for each proposed City Council district based on 2010 Census Data and any adjustments to that data that may be made by the City. If a plan is submitted without a population breakdown, the City

Council and Mayor may not have sufficient information to give it full consideration.

3. Plans should redistrict the entire City of Fulshear. The City Council and Mayor, of course, will be considering the effect of any plan on the entire City. Also, the City Council and Mayor are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the City Council will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the City Council and Mayor to assess its impact on one or more protected minority groups.
4. Plans should conform to the criteria the City Council and Mayor will be using in drawing the city council districts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The City Council may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council by the close of the public hearing.

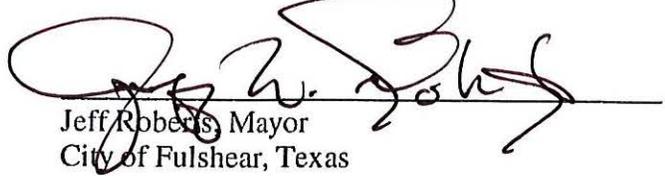
All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the City Council, should conform to these criteria and guidelines.

This resolution shall be effective upon passage.

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PASSED and APPROVED this, the 16th day of August, 2016.

CITY OF FULSHEAR, TEXAS


Jeff Roberts, Mayor
City of Fulshear, Texas

ATTEST:


D. Gordon Offord, City Secretary

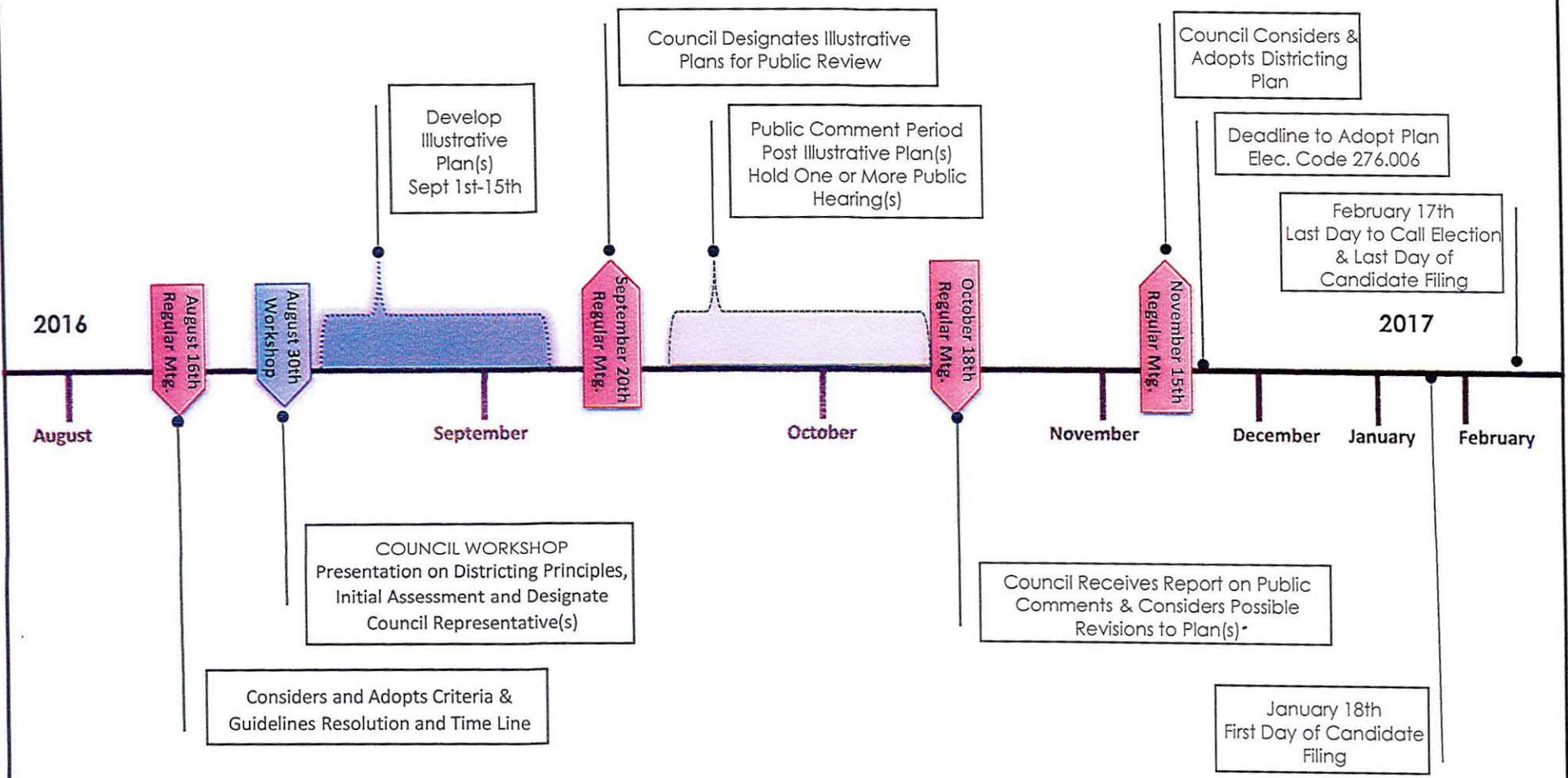
APPROVED AS TO FORM:

J. Grady Randle, City Attorney

[SIGNATURE PAGE]

City of Fulshear Time Line for 2016 Districting Process

DRAFT



Regular meeting dates based upon the third Tuesday of each month