

ORDER _____

AN ORDER OF THE COMMISSIONERS COURT ESTABLISHING CRITERIA FOR
REDISTRICTING OF COUNTY POLITICAL BOUNDARIES

The Commissioners Court of Fort Bend County, Texas, meeting in a duly scheduled and posted meeting, does hereby adopt the following criteria for use in the redistricting of all county political boundaries. Any plan for the redistricting of County Commissioners, Justice of the Peace, or election precincts should, to the maximum extent possible, conform to the following criteria:

1. The plan should insure that all applicable provisions of the U.S. and Texas Constitutions, the Voting Rights Act, the Texas Election Code are honored.
2. The plan should address minority representation, and if at all possible in conformity with constitutional standards, avoid retrogression in the percentage of population and voting age demographics consistent with existing minority representation.
3. The plan should preserve minority communities of interest. These communities of interest should be recognized and retained intact where possible. Only when the overall minority population of the county is sufficiently large to require more than one minority district should minority populations be divided, and only then to the least degree possible.
4. The plan should not, however, attempt to unreasonably join geographically remote minority populations into a single precinct unless there are strong and genuine connections between these communities as reflected by common schools, churches, or cultural ties. For example, minority populations in two separate towns, located miles apart, may not have sufficient links or common political cohesion to justify joining these two minority population centers into a single electoral group. Particularly when dealing with distinct minority groups, such as Black and Hispanic populations, a general assumption that separate minority populations will vote in a “block” may be unsupportable in fact.
5. The plan should seek compact and contiguous political boundaries. Physical boundaries such as rivers, which tend to divide populations in fundamental ways, should be recognized and communities of interest should be retained intact where possible. To the maximum extent possible, clearly recognized boundaries should be used to facilitate ease of voter identification of boundaries, as well as election administration.
6. Where possible, well-recognized and long used election precinct boundaries should be retained intact (within the limitations imposed by state and federal law) or with as little alteration as possible.
7. Election precincts in the plan should be sized in conformity with state law. For example, in counties that use traditional, hand counted paper ballots, no election precinct may contain more than 2000 voters. In counties with voting systems that allow for automated ballot counting, this number may be increased to as many as 5000 voters.
8. The plan should afford incumbent office holders with the assurance that they will continue to represent the majority of individuals who elected these incumbents, and all

incumbents' residential locations should be retained in their reformed precincts to insure continuity in leadership during the remaining term of incumbents.

9. The plan should address fundamental and necessary governmental functions, and to the extent possible, insure that these functions are enhanced rather than impaired. For example, county road mileage should be balanced to the extent possible between the resulting commissioner's precincts. Election administration should not be unduly complex as a result of election boundaries.
10. The plan should insure that election voting precincts under that plan do not contain territory from more than one commissioners precinct, justice precinct, congressional district, state representative district, state senatorial district, or city ward, if the city has a population of 10,000 or more (this is a strict legal requirement, but city election wards should be honored in virtually all circumstances, with city and rural county voters being kept in separate voting precincts to the extent possible), State Board of Education districts, and where they exist, other special election districts, such as water, hospital, or navigation districts to provide to the greatest extent possible harmonious administration of various election jurisdictions.
11. The plan should attempt to locate polling places in convenient, well-known locations that are accessible to disabled voters to the maximum extent possible. Public buildings should be utilized to the maximum extent possible as polling places. Where necessary, buildings routinely open to the public, such as churches, retail businesses, or private buildings dedicated to public activities, should be used as polling places.

The foregoing criteria are deemed to be illustrative, but not exclusive, examples of fundamentally important issues, which should be considered in any redistricting, plan. Therefore, the Commissioners Court expresses its intention to measure any plan submitted for consideration by this set of criteria, and to base any eventual exercise of discretion upon the foregoing criteria.

The criteria approved this date were considered in open Court, following posting not less than 72 hours before any action taken on the same. Upon motion by Commissioner _____, second by Commissioner _____, the Court adopted the criteria set forth herein by a vote of ___ to ____.

Signed this ____ day of _____, 2011.

Fort Bend County Judge

Attest:

County Clerk, De Facto Clerk of the
Fort Bend County Commissioners Court

IN THE COMMISSIONERS COURT OF
FORT BEND COUNTY, TEXAS

FINDINGS OF FACT REGARDING POLITICAL BOUNDARIES
OF FORT BEND COUNTY, TEXAS
FOLLOWING PUBLICATION OF 2010 CENSUS DATA
AND
ORDER FOR REDISTRICTING OF POLITICAL BOUNDARIES

On the ____ day of _____, 2011, the Commissioners Court of Fort Bend County met in regular/called session, having posted notice of said hearing in compliance with Chapter 551 of the Texas Government Code.

The Commissioners Court of Fort Bend County has previously retained the firm of Allison, Bass & Associates, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of Fort Bend County, following the issuance of census data by the United States Census Bureau.. Attached to this Order, and incorporated herein for all purposes by reference, is a copy of the initial assessment conducted by Allison, Bass & Associates, LLP. This assessment is based upon PL94-171 data, as required by federal law, and is further based upon information provided to Allison, Bass & Associates, LLP by the Texas Legislative Council, the Texas Association of Counties and by Fort Bend County, Texas.

Based upon this information, Fort Bend County has a total maximum deviation of 71.96%. The term total maximum deviation is determined by dividing the total population of Fort Bend County by four, the number of Commissioners Court precincts to determine an ideal precinct size. The actual population of each precinct is then determined, based upon the official population data contained within the census count, as defined by Public Law 94-171. The actual population of each precinct is compared to the ideal precinct size and with that, a range of deviation by percentage is determined. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under established federal law.

As a result of this determination Fort Bend County has a constitutional duty to redistrict its political boundaries so as to achieve “One-Person-One-Vote” numerical balance between the four commissioners court precincts at a legally acceptable margin of deviation, and to make such changes as are necessary to comply with the Voting Rights Act and applicable state and federal law.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Commissioners Court of Fort Bend County, Texas, finding that it has a legal duty to exist to redistrict and that the public interest will be served by redrawing the existing political boundaries of Fort Bend County in such a manner as to comply with applicable state and federal law, the Commissioners Court hereby enters the following findings of fact and law:

1. Fort Bend County has a total maximum deviation, as defined in this order, of 71.96%.
2. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under federal law.
3. Fort Bend County, acting by and through its Commissioners Court, is hereby resolved to immediately undertake such necessary and appropriate action to accomplish redistricting of existing commissioners court precincts, and any incidental modification of either existing, consolidated, or newly created election precincts necessary to accomplish such redistricting.
4. The Commissioners Court shall henceforth convene in open meetings, duly posted in accordance with the Texas Open Meetings Act, to take up and consider one or more alternative plans for the legal redistricting of Fort Bend County.
5. After due consideration of one or more alternative plans, Fort Bend County shall adopt a plan deemed to satisfy legal requirements, and which best suits the legitimate governmental needs of Fort Bend County.
6. Such plan shall, after adoption, be submitted to the United States Department of Justice for review as required by 42 U.S.C. §1973, otherwise known as the Voting Rights Act.
7. Only upon preclearance shall such plan, or a plan subsequently modified to obtain preclearance, be implemented for elections in the year 2012 and thereafter, or until a suitable substitute has been lawfully adopted.

Signed this ____ day of _____, 2011.

County Judge, Fort Bend County