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SERVICE SOLUTIONS SUCCESS



DISTRICTING COMMISSION
Monday, October 3, 2011, 5:30 P.M.
City Council Chambers, 2nd Floor
City Hall Building, 2 Civic Center Plaza

AGENDA

1. **Call to Order**
2. **Establish Quorum**
3. **Discussion and Information:** Welcome and Staff and Commission Introductions
4. **Discussion and Action on:**
 - a. Nominations for Chair and Vice-Chair
 - b. Election of Chair and Vice-Chair
 - c. Rules of Order
 - d. Meeting Schedule
5. **Discussion and Information on:**
 - a. City's 2011 Redistricting process, census data, and the City Council resolution establishing the redistricting criteria for 2011 Redistricting
 - b. Texas Open Meetings Act
 - c. Draft Illustrative Districting Plan options
 - d. Guidelines for Persons Submitting Specific Redistricting Proposals
6. **Call for Public Comment**
7. **Adjournment**

EXECUTIVE SESSION

The Districting Commission of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the items on this agenda, consistent with the terms of the Open Meetings Act. The Districting Commission will return to open session to take any final action.

Section 551.071

CONSULTATION WITH ATTORNEY

Posted this 29th day of September, 2011 at 10:30
Basement Bulletin Board, City Hall, 2 Civic Center Plaza, by Armida Martinez, Planning and Economic Development



Planning & Economic Development
2 Civic Center Plaza • El Paso, Texas 79901 • (915) 541-4670

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susie Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Cortney Carlisle Niland

City Manager
Joyce A. Wilson

Districting Commission

Contact Sheet



Planning and Economic Development Department Staff

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Commissioners

Mayor
Gene Finke

District 1
John Karlsruher

District 2
Francisco X. Dominguez

District 3
Gilbert A. Mendez Jr.

District 4
David Thackston

District 5
Oscar Silva

District 6
Rodolfo Troncoso

District 7
James L. Graham

District 8
Alisa Jorgensen

RULES OF ORDER FOR
THE DISTRICTING COMMISSION
OF THE CITY OF EL PASO

SECTION 1. PURPOSE OF RULES

These rules are adopted as a procedural guide for the benefit of the Commission and for the general information of the public. These rules shall apply to regular or special meetings at which action is to be taken, but shall not apply to informational gatherings of the Commission.

SECTION 2. EFFECT OF FAILURE TO FOLLOW THESE RULES

No action of the Commission which is otherwise legal shall be invalidated merely by reason of the Commission's failure to follow these Rules of Order, unless the majority of the Commission agrees that such action shall be invalidated.

SECTION 3. STANDING

No one other than a member of the Commission shall have standing to assert before the Commission that any action taken by the Commission is invalid by reason of the Commission's failure to comply with these Rules of Order.

SECTION 4. SUSPENSION OF RULES

These rules may be suspended temporarily by a majority of the Commission members present, except as they pertain to a quorum, or to the majority required for any motion, or to other matters pre-empted by laws other than those Rules of Order.

SECTION 5. PRESIDING OFFICER

The Commission Chair shall preside at all meetings of the Commission, but if for any reason the Chair is absent from the meeting, then the Vice Chair shall preside at such meetings. In the absence or inability of both the Chair and the Vice Chair to preside over the meeting, the members may elect, by a majority vote, an acting Chair to preside over the meeting. Upon the arrival of the Chair or Vice Chair, the acting chairperson shall immediately relinquish the chair upon the conclusion of the business immediately pending before the Commission.

The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission, and shall state questions coming before the Commission as necessary for clarity, and shall announce the decision of the Commission on all subjects.

SECTION 6. QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer with the right of appeal from the decision to the Commission that is then present. A majority of the Commission may override the decision.

SECTION 7. VOTING

The recording secretary shall call the roll beginning with the member seated furthest to the Chair's right and continuing in that order. Records of such roll call vote shall be incorporated in the Minutes of the meeting.

SECTION 8. RECORDED DEBATE

A Commission member may request, through the presiding officer, to have an abstract of his statement on any subject under consideration by the Commission entered in the Minutes. The recording secretary may be directed by the presiding officer to enter in the Minutes a synopsis of the discussion on any question coming before the Commission.

SECTION 9. ORDER OF PRECEDENCE OF MOTIONS

A motion to adjourn shall take precedence over all other motions and shall be non-debatable; however, if such a motion is made prior to the disposition of all agenda items, the motion to adjourn must be approved by two-thirds of all Commission members present.

A motion to postpone shall take precedence over all other motions except the motion to adjourn, and shall be non-debatable.

SECTION 10. MOTION TO RECONSIDER

A motion to reconsider any action taken by the Commission may be made at any time prior to adjournment of the same meeting at which such action was taken.

SECTION 11. OBTAINING THE FLOOR

Every person desiring to speak shall address the presiding officer, shall be recognized by the presiding officer, and shall confine himself to the question under consideration.

ADOPTED by the Districting Commission this _____ day of _____, 2011.

ATTEST:

Recording Secretary

Districting Commission

Regularly Scheduled Meetings, 5:30 PM

[illegible]

RESOLUTION

WHEREAS, under Public Law 94-171, after the completion of the 2010 U.S. Census, realignment of representative district boundaries of the City of El Paso is required when the difference in population between the largest and smallest district exceeds 10%; and

WHEREAS, Article II, Section 2.4(B) of the City Charter ("Charter") states that a Districting Commission (hereinafter referred to as the "Commission") shall be convened on or before September 1st, following publication of the results of each decennial census; and

WHEREAS, the Charter provides that the Commission shall consist of one qualified voter appointed by each of the City representatives from their respective Districts, and one qualified voter from the City at large appointed by the Mayor; and

WHEREAS, all changes to boundaries of the representative district must comply with the constitutional principles and laws governing voting rights of the United States and Texas.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

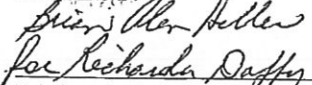
1. That a Districting Commission shall be convened;
2. That the Mayor and each of the Representatives shall appoint one member to the Commission on or before September 1, 2011, as provided by the Charter;
3. That the Commission shall perform the duties identified in the Charter, shall comply with all requirements of the laws governing voting rights and redistricting criteria within the allotted time frame, shall solicit input from the general public, and shall prepare a consensus recommendation for approval by City Council; and
4. That all members appointed to the Commission shall serve, without compensation, until City Council adoption of a Redistricting Plan.

PASSED AND APPROVED this 10th day of May, 2011.

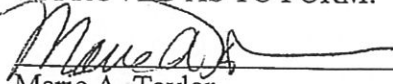
THE CITY OF EL PASO


John F. Cook
Mayor

ATTEST:


Richarda Duffy Morsen, City Clerk

APPROVED AS TO FORM:


Marie A. Taylor
Assistant City Attorney

RESOLUTION

2011 AUG 22 AM 11:09

WHEREAS, under Public Law 94-171, after the completion of the 2010 U.S. Census, realignment of representative district boundaries of the City of El Paso is required when the difference in population between the largest and smallest district exceeds ten percent; and

WHEREAS, upon review of the 2010 census data for the City of El Paso it appears that a population imbalance exists requiring adjustment of the representative district boundaries; 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, pursuant to Article II, Section 2.4(B) of the City Charter the City Council has established the Districting Commission (the "Commission"), which will make recommendations to the Council concerning adjustments of the boundaries of representative districts as necessary to insure substantial equality of the populations of the districts; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the Council and its Commission in consideration of districting plans; and

WHEREAS, redistricting criteria will also assist the City and its Commission in efforts to comply with all applicable federal and state laws and to obtain preclearance of redrawn representative district boundaries from the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

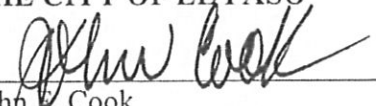
That the City, as part of its instruction to the Commission and in its adoption of a redistricting plan, will observe the following redistricting criteria in the adjustment of representative district boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts.
4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they are relatively equal to total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest district exceed ten percent. The City will attempt to achieve a deviation that is less than ten percent under the data released by the Census Bureau.

6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as geographical dimension.
7. 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.
8. 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.
9. The plan should not fragment a geographically compact minority community or pack minority voters so as to comply with Section 2 of the Voting Rights Act, 42. U.S.C. Section 1973, and not prejudice minority voters.

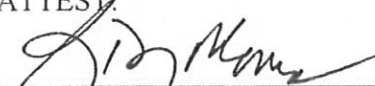
PASSED AND APPROVED this 30th day of August, 2011.

THE CITY OF EL PASO



John E. Cook
Mayor

ATTEST:



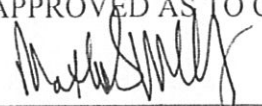
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Marie A. Taylor
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew McElroy, Deputy Director
Planning and Economic Development

CITY CLERK DEPT.
2011 AUG 22 AM 11:09

2011 AUG 22 AM 11:09

RESOLUCIÓN

POR CUANTO, conforme a la Ley Pública 94-171, ya realizado el censo 2010 de EE.UU., se exige el reajuste de los límites de los distritos concejales de la Ciudad de El Paso cuando la diferencia de población entre el distrito mayor y el menor excede el diez por ciento; y

POR CUANTO, previo estudio de los datos del censo 2010 correspondientes a la Ciudad de El Paso, al parecer existe una desigualdad poblacional que requiere el ajuste de los límites de los distritos concejales; y

POR CUANTO, es intención de la Ciudad cumplir con la Ley de Derechos Electorales y demás leyes relevantes, jurisprudencia *Shaw v. Reno* inclusive; y

POR CUANTO, en términos del Artículo II, Fracción 2.4(B) de la Carta Constitutiva de la Ciudad, el Concejo de Regidores tiene constituida la Comisión de Distritación (la "Comisión"), misma que ofrecerá recomendaciones al Concejo en el ajuste de los límites de los distritos concejales en su caso a fin de procurar la igualdad substancial de la población de los distritos; y

POR CUANTO, un conjunto de criterios de redistribución servirá de marco que guiará al Concejo y su Comisión en la consideración de planes de distritación; y

POR CUANTO, los criterios de redistribución también apoyarán a la Ciudad y su Comisión en su labor de cumplir con toda ley federal y estatal aplicable y de obtener la aprobación previa de los límites redefinidos de los distritos concejales por el Departamento de Justicia de los EE.UU. en términos de la Fracción 5 la Ley de Derechos Electorales.

POR LO EXPUESTO, RESUELVE EL CABILDO DE LA CIUDAD DE EL PASO:

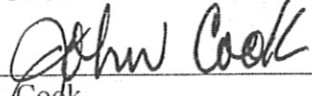
Que la Ciudad, como parte de su instrucción a la Comisión y en su adopción de un plan de redistribución, observará los criterios de redistribución a continuación en el ajuste de los límites de los distritos concejales:

1. Donde sea posible, deben respetarse límites geográficos de fácil identificación.
2. Las comunidades de intereses deben permanecer en un solo distrito donde sea posible, y se debe hacer esfuerzos a fin de evitar la división de barrios.
3. En la medida posible, los distritos deben conformarse de distritos electorales íntegros.
4. Aunque se reconoce que los distritos existentes tendrán que quedar alterados a fin de reflejar la nueva distribución de la población, todo plan de distritación debe basarse en distritos existentes en la medida posible.
5. Los distritos deberán quedar configurados de tal manera de quedar relativamente iguales a la población total según el censo federal 2010. En ningún caso deberá exceder un diez por ciento la diferencia total entre el distrito mayor y el menor. La Ciudad tratará de lograr una diferencia menor que un diez por ciento de acuerdo con los datos emitidos por el Buró del Censo.

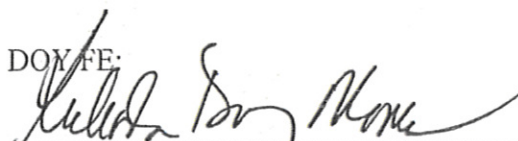
6. Los distritos deben ser compactos y compuestos de territorio contiguo. Lo compacto podrá contener una dimensión funcional, así como geográfica.
7. Se podrá tomar en cuenta la conservación de la relación entre funcionarios electos y electores reconociendo el domicilio del funcionario y su historial en la representación de determinada zona.
8. El plan debe diseñarse en forma conservadora a fin de evitar el deterioro de la posición de minorías raciales y de idioma conforme define éstas la Ley de Derechos Electorales con respecto a su ejercicio eficaz del derecho a sufragio.
9. El plan no debe fragmentar una comunidad minoritaria geográficamente compacta ni concentrar a electores minoritarios, con el fin de cumplir con la Fracción 2 la Ley de Derechos Electorales, 42. U.S.C. Fracción 1973, sin perjuicio hacia electores minoritarios.

APROBADA CON VOTO FAVORABLE el día 30 de Agosto de 2011.

LA CIUDAD DE EL PASO



John F. Cook
Alcalde

DOY FE:


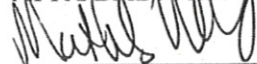
Richarda Duffy Momsen, Secretaria de la Ciudad

APROBADA EN SU FORMATO:



Marie A. Taylor
Subprocuradora de la Ciudad

APROBADA EN SU CONTENIDO:



Mathew McElroy, Subdirector
Planeación y Desarrollo Económico

CITY CLERK DEPT.
2011 AUG 22 AM 11:10



SERVICE SOLUTIONS SUCCESS

2011 Redistricting Process



Redistricting Process: Legal Standards

1. One person-one vote (equal population)—*Constitutional mandate*
2. No Retrogression (No 'Backsliding' on Minority Voting Rights)—*Section 5, Voting Rights Act*
3. Nondiscriminatory in Purpose *and* Effect (No Minority Vote Dilution)—*Section 2, Voting Rights Act*
 - No "packing" minorities into a single district
 - No "fracturing" or "cracking" a geographically compact minority population into small groups in a number of different districts
4. No Racial Gerrymandering—*Shaw v. Reno*, 509 U.S. 630 (1993)



Redistricting Process: Principles and Criteria

Why adopt traditional redistricting principles and criteria?

- To establish race-neutral criteria for district plan drawing that are consistent with traditional districting principles and applicable legal standards.
- To educate the public about the legal standards and criteria that will be applied in drawing up and evaluating districting plans by City Council, the Commission, City staff, and the public.
- To meet the City's goal of adopting a redistricting plan for the City of El Paso that avoids or withstands any legal challenge and is pre-cleared by the U.S. Department of Justice for use in the 2013 general election.



Redistricting Process: Principles and Criteria

Traditional redistricting principles that have been judicially recognized and that are recommended for City Council adoption are:

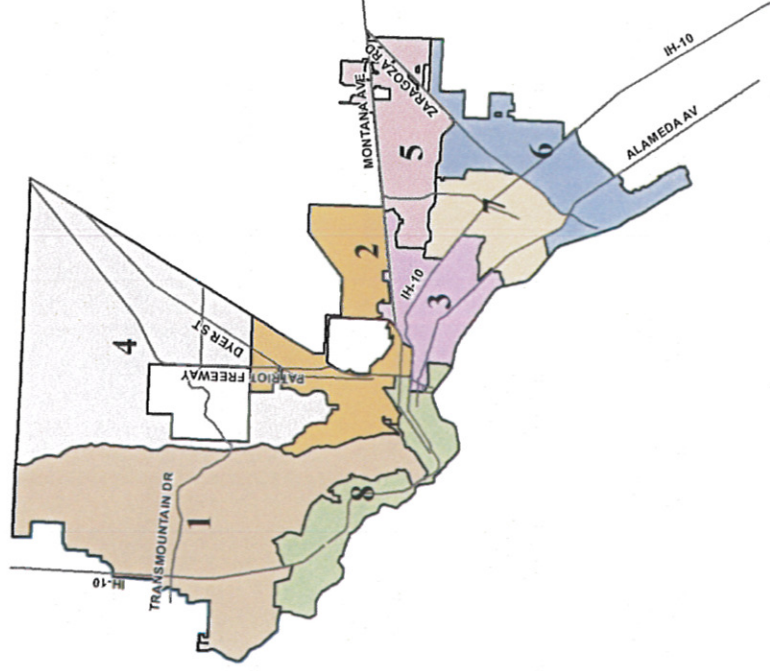
1. Following easily identifiable geographic boundaries;
2. Maintaining communities of interest and neighborhoods;
3. Using whole voting precincts;
4. Basing the redistricting plan on existing districts;
5. Adopting districts of equal size;
6. Drawing compact and contiguous districts;
7. Considering the preservation of incumbent-constituency relations by recognizing the residence of the incumbents and their history in representing certain areas;
8. Narrowly tailoring the plan to avoid retrogression; and
9. Prohibiting cracking or packing minority voters or otherwise prejudicing minority voters.



Population Growth

Council District	2000 Population	2010 Population	Change	Percent Change
1	71,382	90,732	19,350	27.1%
2	71,079	75,115	4,036	5.7%
3	70,984	66,410	(4,574)	-6.4%
4	71,687	83,358	11,671	16.3%
5	69,473	110,977	41,504	59.7%
6	68,067	86,182	18,115	26.6%
7	69,231	66,940	(2,291)	-3.3%
8	71,759	69,407	(2,352)	-3.3%
Total	563,662	649,121	85,459	15.2%

Source: U.S. Census Bureau



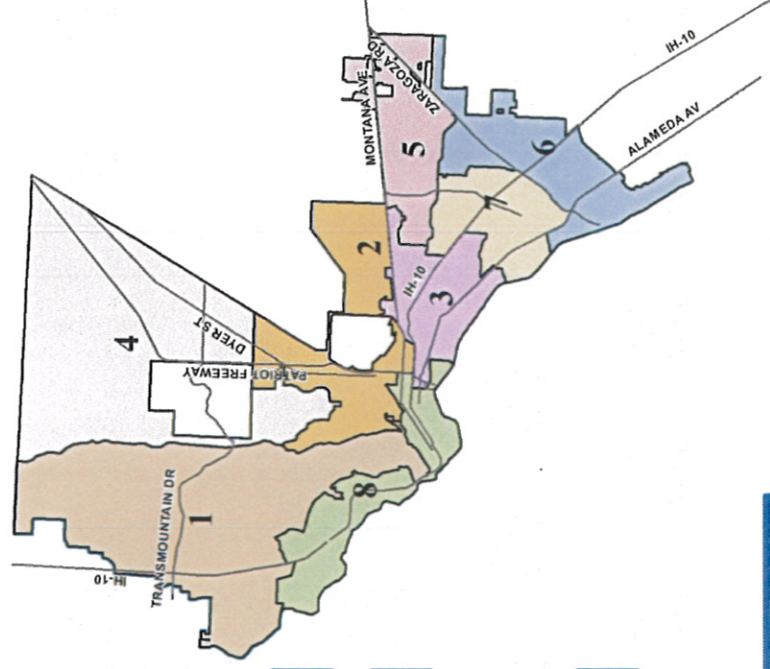


S E R V I C E S O L U T I O N S S U C C E S S

Redistricting Optimal

Council District	2010 Population	2011 Redistricting Optimal	Deviation
1	90,732	81,140	11.8%
2	75,115	81,140	-7.4%
3	66,410	81,140	-18.2%
4	83,358	81,140	2.7%
5	110,977	81,140	36.8%
6	86,182	81,140	6.2%
7	66,940	81,140	-17.5%
8	69,407	81,140	-14.5%
Total	649,121	649,121	54.9%

Source: U.S. Census Bureau



$$|36.8\%| + |-18.2\%| = 54.9\%$$



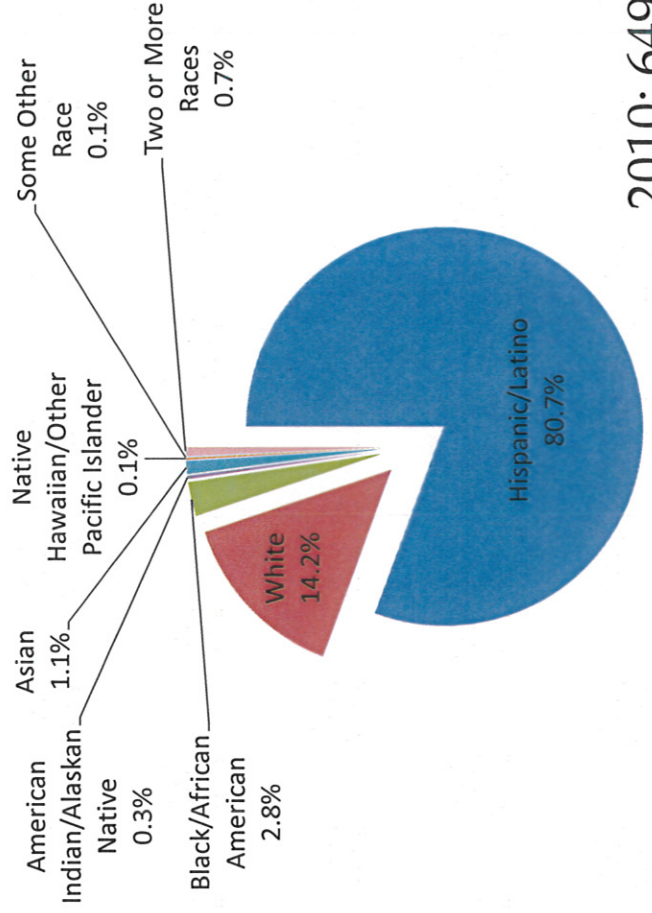
City of El Paso

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	76.6%	18.3%	2.8%	0.3%	1.0%	0.1%	0.1%	0.8%
2010	80.7%	14.2%	2.8%	0.3%	1.1%	0.1%	0.1%	0.7%

Map



2010 Makeup



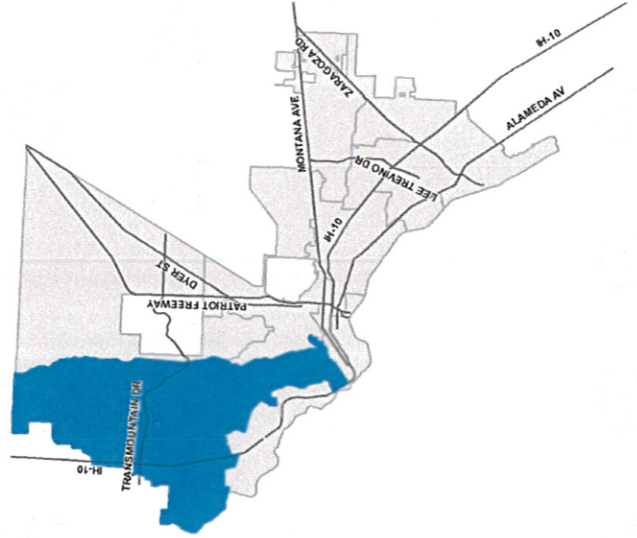
2010: 649,121



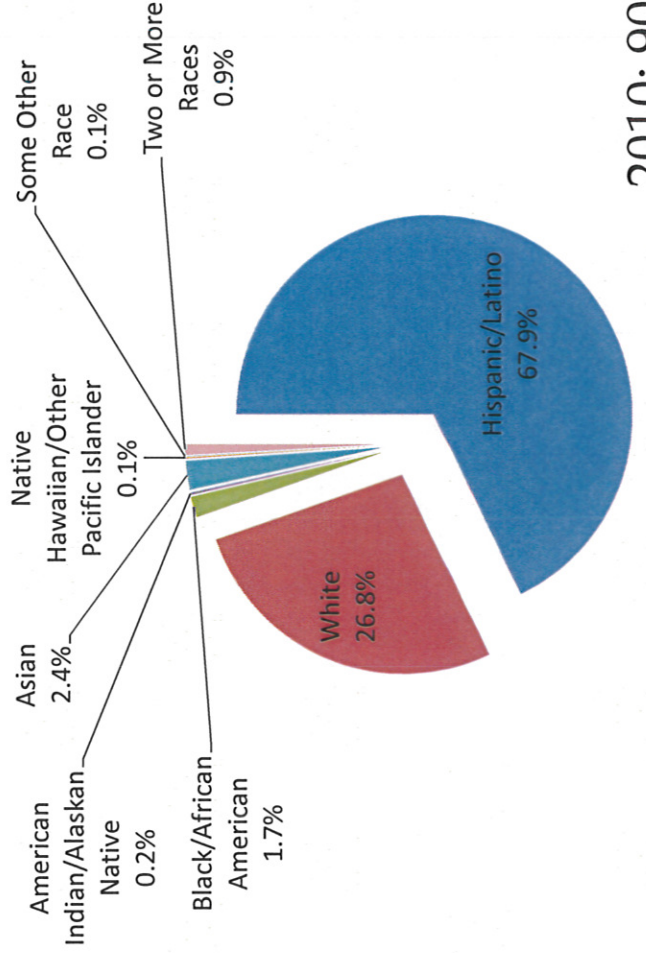
District 1

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	56.5%	38.5%	1.5%	0.2%	2.3%	0.0%	0.1%	0.9%
2010	67.9%	26.8%	1.7%	0.2%	2.4%	0.1%	0.1%	0.9%

Map



2010 Makeup



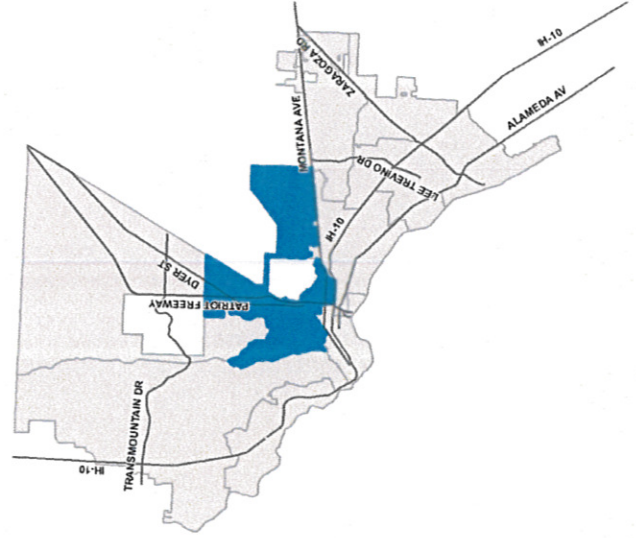
2010: 90,732



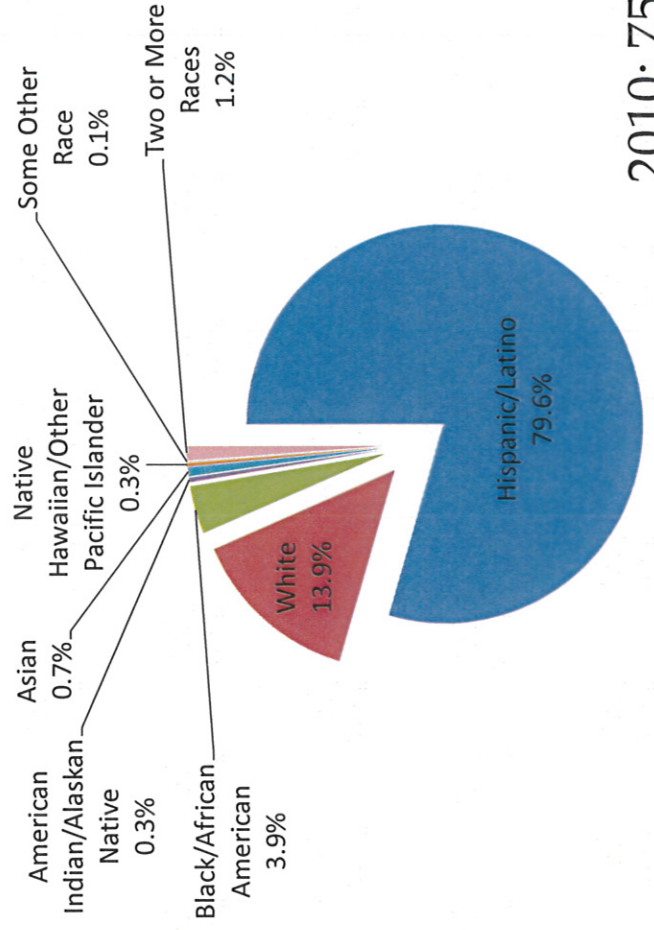
District 2

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	81.6%	13.1%	3.4%	0.2%	0.6%	0.1%	0.1%	0.8%
2010	79.6%	13.9%	3.9%	0.3%	0.7%	0.3%	0.1%	1.2%

Map



2010 Makeup



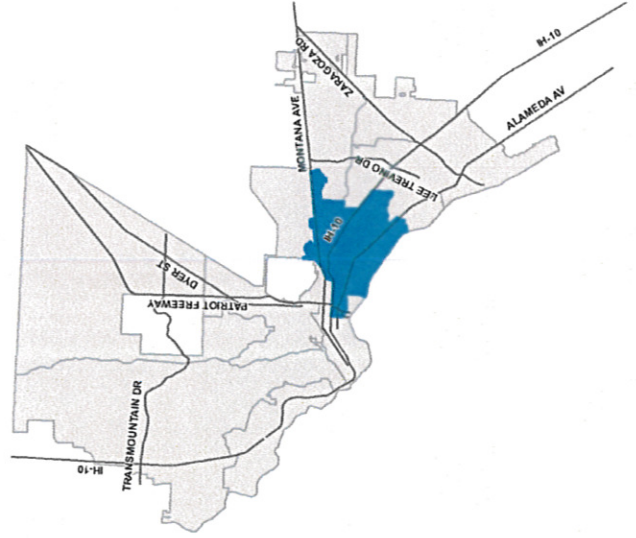
2010: 75,115



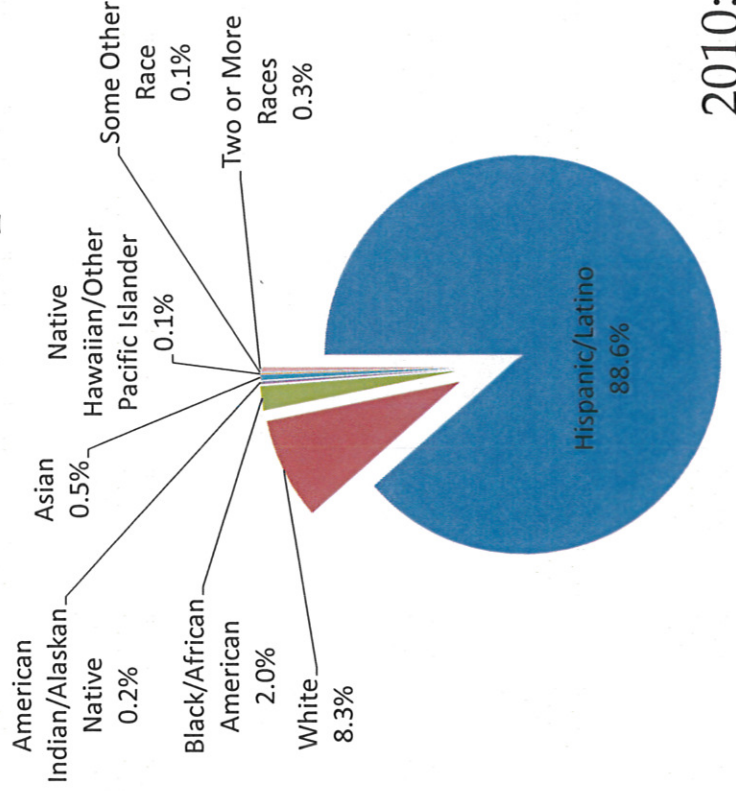
District 3

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	86.0%	10.7%	2.1%	0.3%	0.5%	0.0%	0.1%	0.4%
2010	88.6%	8.3%	2.0%	0.2%	0.5%	0.1%	0.1%	0.3%

Map



2010 Makeup



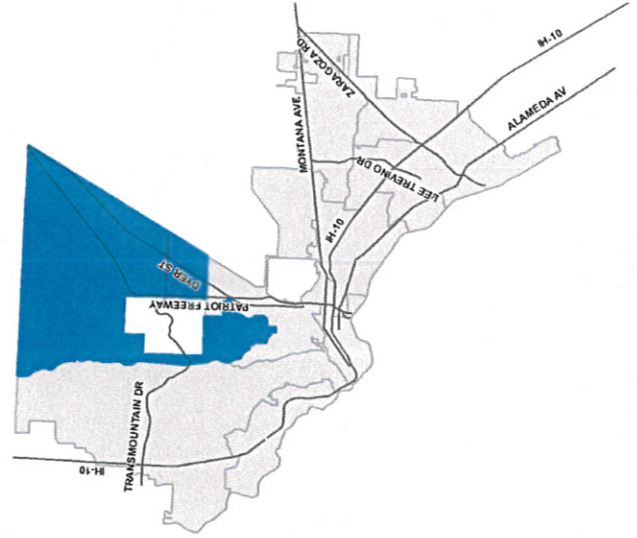
2010: 66,410



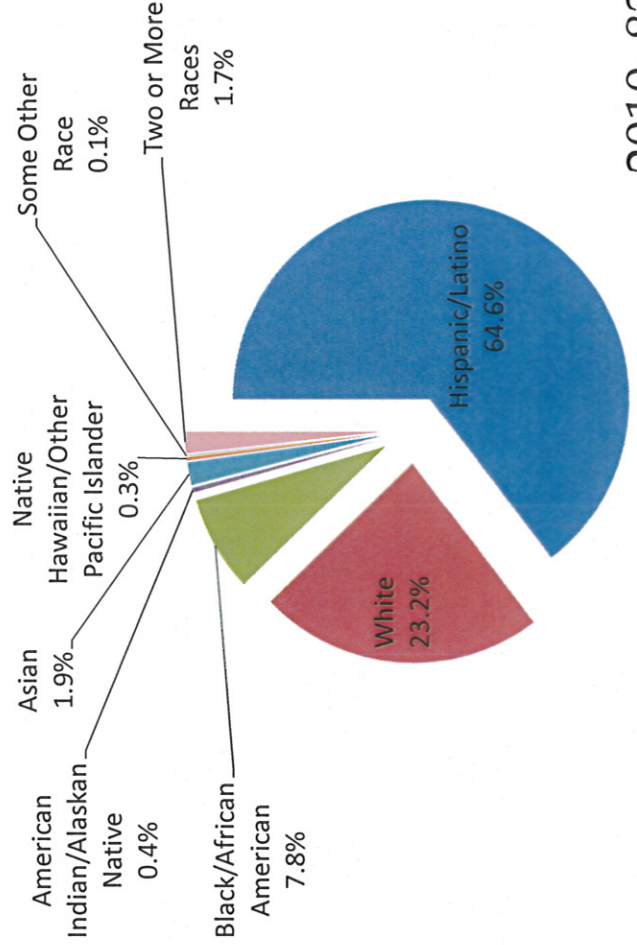
District 4

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	56.1%	30.1%	9.0%	0.4%	2.3%	0.2%	0.2%	1.8%
2010	64.6%	23.2%	7.8%	0.4%	1.9%	0.3%	0.1%	1.7%

Map



2010 Makeup



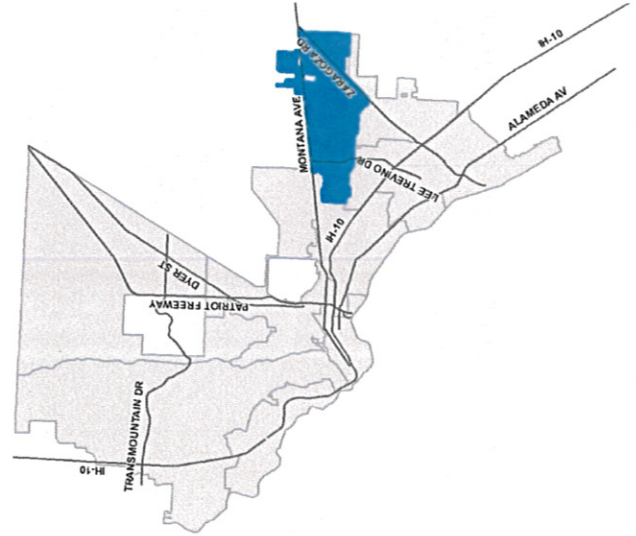
2010: 83,358



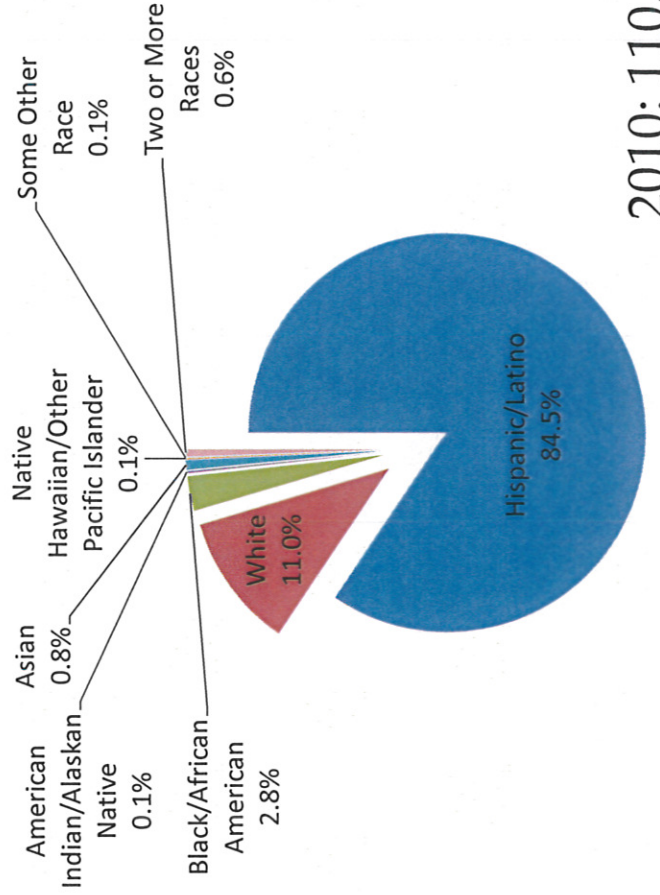
District 5

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	78.3%	17.1%	2.7%	0.2%	0.8%	0.1%	0.1%	0.8%
2010	84.5%	11.0%	2.8%	0.1%	0.8%	0.1%	0.1%	0.6%

Map



2010 Makeup



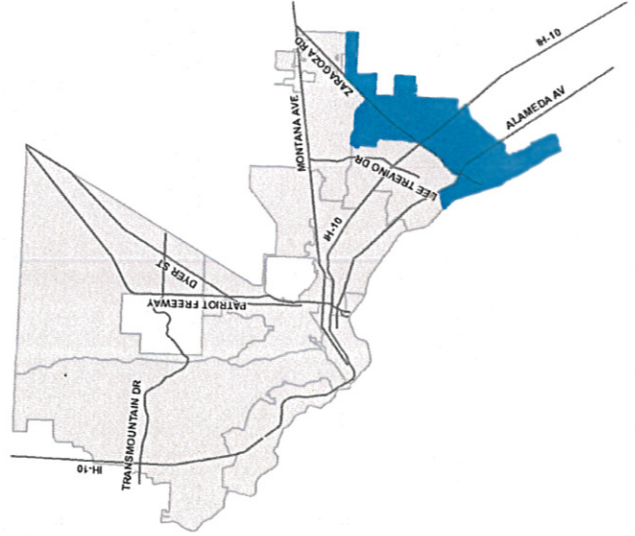
2010: 110,977



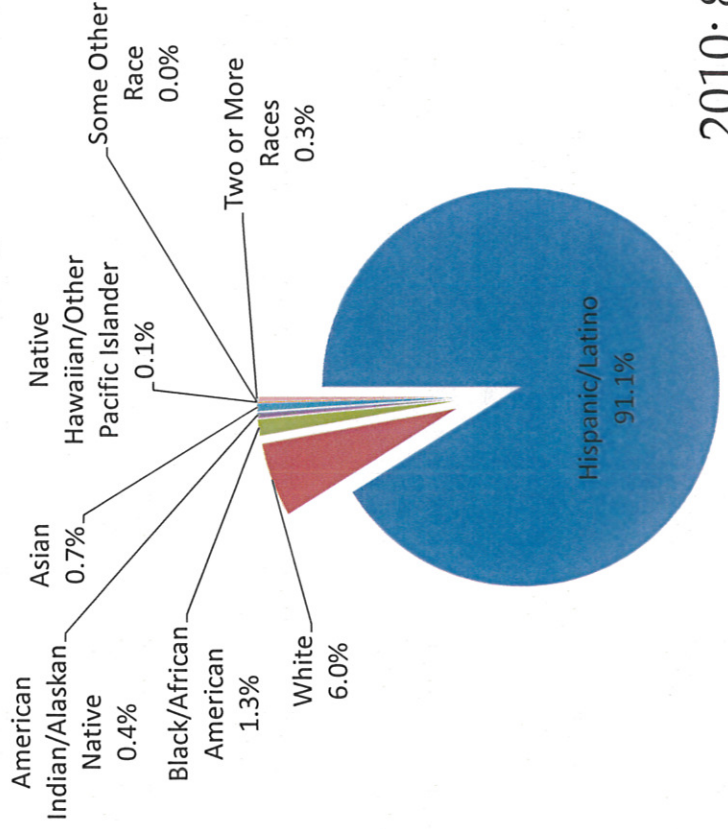
District 6

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	89.4%	7.7%	1.2%	0.6%	0.6%	0.0%	0.0%	0.4%
2010	91.1%	6.0%	1.3%	0.4%	0.7%	0.1%	0.0%	0.3%

Map



2010 Makeup



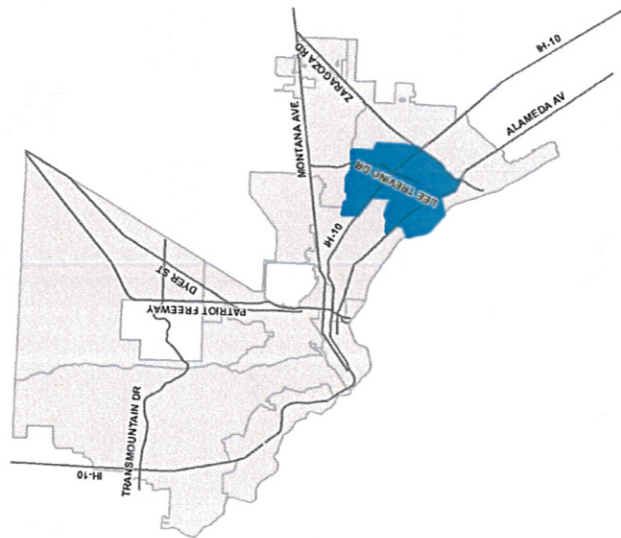
2010: 86,182



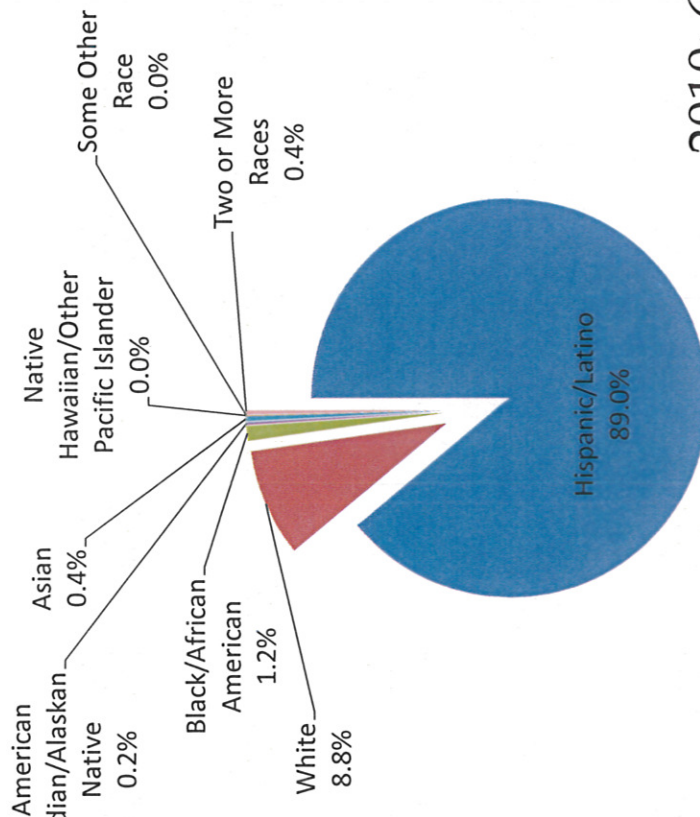
District 7

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	85.5%	12.1%	1.3%	0.3%	0.4%	0.0%	0.0%	0.4%
2010	89.0%	8.8%	1.2%	0.2%	0.4%	0.0%	0.0%	0.4%

Map



2010 Makeup



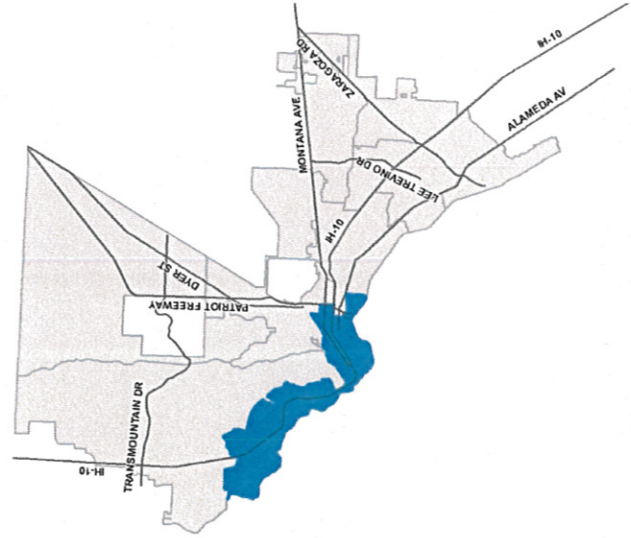
2010: 66,940



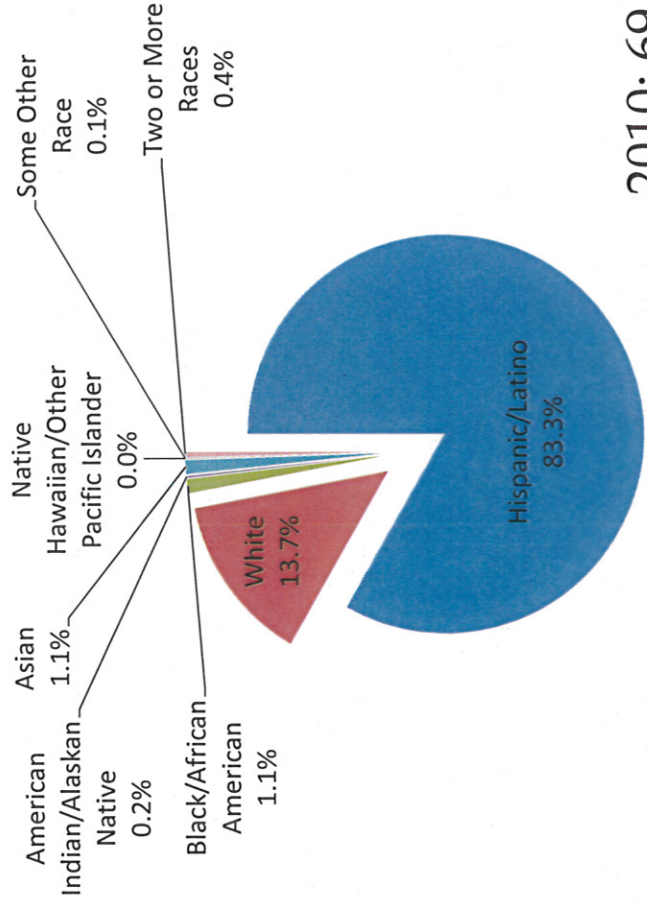
District 8

Census	Hispanic/Latino	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Some Other Race	Two or More Races
2000	80.6%	16.7%	1.1%	0.2%	0.8%	0.0%	0.0%	0.5%
2010	83.3%	13.7%	1.1%	0.2%	1.1%	0.0%	0.1%	0.4%

Map



2010 Makeup



2010: 69,407



Next Steps

- City Council appoints Districting Commissioners
- Planning staff to produce illustrative plan for Districting Commission
- Districting Commission meetings
- Set community meetings schedule
- City Council reviews and adopts plan
- Submission to Department of Justice

Open Meetings Act

Chapter 551, Texas Government Code

Districting Commission - Meeting Presentation

October 3, 2011

Marie Taylor, Assistant City Attorney
11-1007-030 84950

ITEM 5-B

Introduction

The City of El Paso, like other governmental entities in Texas, is subject to the Open Meetings Act (the "Act"), contained in Texas Government Code, Chapter 551. Except for expressly authorized closed sessions (also called "executive sessions"), the Act requires that meetings of governing bodies be open to the public and be preceded by public notice of the time, place, and subject matter of the meeting in a manner that complies with the notice provisions under the Act.

- The purpose of the Act is to provide public access to and increase public knowledge of government decision-making.
- The provisions of the Act are mandatory and are liberally construed in favor of open government.

Applicability of the Act

Section 551.002 of the Act provides that "[e]very regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter."

Under the Act, "governmental body" includes *inter alia*:

- A city council or department, agency, or subdivision of a city that has authority to promulgate policy-making rules (rule-making) or to decide contested cases (quasi-judicial); and
- A board or committee of an entity that is subject to the Act, depending on the board or committee's membership and/or the board or committee's authority (e.g., it has granted authority to supervise or control public business or public policy or it routinely rubber-stamps the board or committee recommendations)

What Constitutes a Meeting?

The Act includes two definitions of "meeting":

(1) a deliberation between the quorum of a governmental body or between a quorum of a governmental body and another person, during which public business or public policy that the governmental body has authority to supervise or oversee is discussed or considered or during which the governmental body takes formal action

or

(2) a gathering that is conducted by the governmental body or for which the governmental body is responsible; at which a quorum of members of the governmental body is present; that has been called by the governmental body; and at which the members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the governmental body, about the public business or public policy over which the governmental body has supervision or control.

The term "meeting" does not include the gathering of a quorum of a governmental body at a social function unrelated to the public business that is conducted by the body, or the attendance by a quorum of a governmental body at a regional, state, or national convention or workshop, if formal action is not taken and any discussion of public business is incidental to the social function, convention, or workshop. The term includes a session of a governmental body.

However, when a quorum of members of a governmental body assembles in an informal meeting, such as a social occasion, it will be subject to the requirements of the Act if the members engage in a verbal exchange about public business of policy.

Under the Act "deliberation" means a *verbal exchange* during a meeting between a quorum of a governmental body, or between a quorum of a governmental body and another person, concerning an issue within the jurisdiction of the governmental body or any public business.

"Deliberation" and "discussion" are synonymous for purposes of the Act. A verbal exchange includes an exchange of spoken words, an exchange of written materials, or electronic mail.

The Act reaches gatherings of a quorum of a governmental body even when the members of the quorum do not participate in deliberations among themselves or with third parties. The governmental body may be subject to the Act when it merely listens to a third party speak.

"Walking Quorum" Issues

The Act does not require that governmental body members be in each other's physical presence to constitute a quorum.

Walking quorum as described in *Esperanza Peace and Justice Center v. City of San Antonio*, 316 F. Supp. 2d 433, 476 (W.D. Tex. 2001):

The Act applies to meetings of groups of less than a quorum where a quorum or more of a body attempted to avoid the purposes of the Act by deliberately meeting in groups less than a quorum in closed sessions to discuss and/or deliberate public business, and then ratified their actions as a quorum in a subsequent public meeting.

Notice Requirements

- The Act requires written notice of the date, hour, place, and subject of each meeting- both open meetings and executive sessions.
- The notice must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting.
- Internet Posting
- Special rules allow for posting notice of emergency meetings and for supplementing a posted notice with emergency items.

Procedures and Requirements for Open Meetings

The Act does not entitle members of the public to speak about items on an agenda. If a governmental body allows public comment, it may set reasonable limits on the number, frequency and length of presentations before it, but may not unfairly discriminate among speakers for or against a particular point of view.

If a member of the public raises a subject that has not been included in the notice for the meeting, the members of the governmental body may not deliberate on the item, and are limited to:

- A statement of specific factual information given in response to the inquiry.
- A statement of existing policy in response to the inquiry.
- A proposal to place the subject on the agenda for a subsequent meeting.

Enforcement for Violations of the Act

Section 551.143. Conspiracy to Circumvent Chapter; Offense; Penalty

(a) A member or group of members of a governmental body commits an offense if the member or group of members knowingly conspires to circumvent this chapter by meeting in numbers less than a quorum for the purpose of secret deliberations in violation of this chapter.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

- (1) a fine of not less than \$100 or more than \$500;**
- (2) confinement in the county jail for not less than one month or more than six months; or**
- (3) both the fine and confinement.**

Additional information/resources:

- **Attorney General Open Meetings Act Handbook (2010)**
- **2008 Open Meetings Act Made Easy (Attorney General)**

Available at: *http://www.oag.state.tx.us/open/publications_og.shtml*

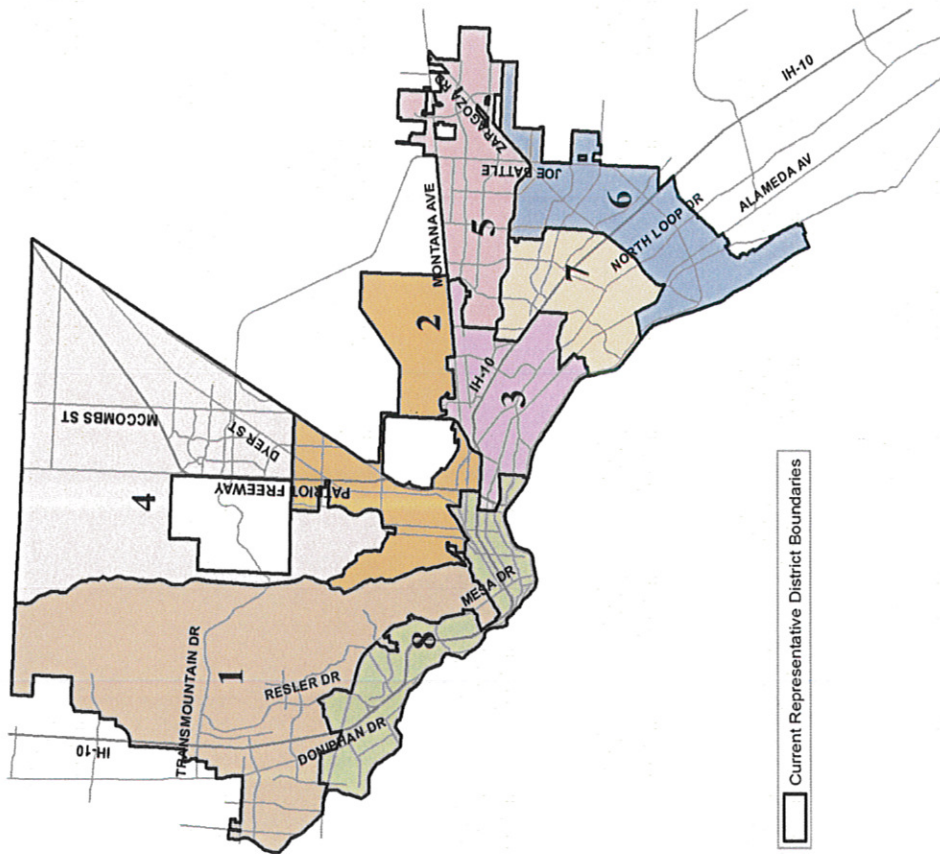
Texas Attorney General- Open Meetings training video
http://www.oag.state.tx.us/opinopen/og_training.shtml



City of El Paso Districting Commission

Draft Plan
Current

October 3, 2011



Council District	2010 Population	Alternative Plan - Current		Deviation
		2011 Redistricting	Optimal	
1	90,732	81,140	81,140	9,592 11.8%
2	75,115	81,140	81,140	(6,025) -7.4%
3	66,410	81,140	81,140	(14,730) -18.2%
4	83,358	81,140	81,140	2,218 2.7%
5	110,977	81,140	81,140	29,837 36.8%
6	86,182	81,140	81,140	5,042 6.2%
7	66,940	81,140	81,140	(14,200) -17.5%
8	69,407	81,140	81,140	(11,733) -14.5%
Total	649,121	649,121	649,121	54.9%

Council District	2000 Population	2010 Population	Change	Percent Change
1	71,382	90,732	19,350	27.1%
2	71,079	75,115	4,036	5.7%
3	70,984	66,410	(4,574)	-6.4%
4	71,687	83,358	11,671	16.3%
5	69,473	110,977	41,504	59.7%
6	68,067	86,182	18,115	26.6%
7	69,231	66,940	(2,291)	-3.3%
8	71,759	69,407	(2,352)	-3.3%
Total	563,662	649,121	85,459	15.2%

Council District	2010 Population	2011 Redistricting Optimal	Deviation
1	90,732	81,140	9,592
2	75,115	81,140	(6,025)
3	66,410	81,140	(14,730)
4	83,358	81,140	2,218
5	110,977	81,140	29,837
6	86,182	81,140	5,042
7	66,940	81,140	(14,200)
8	69,407	81,140	(11,733)
Total	649,121	649,121	54.9%

2010 Total Population						
Council District	Total Population	Hispanic/Latino	Not Hispanic/Latino			
			One Race			
			White	Black/ African American	American Indian/ Alaskan Native	Asian
1	90,732	61,593	24,342	1,551	145	2,152
2	75,115	59,766	10,470	2,935	258	551
3	66,410	58,815	5,494	1,304	139	300
4	83,358	53,871	19,345	6,494	324	1,546
5	110,977	93,777	12,166	3,146	165	907
6	86,182	78,547	5,202	1,131	352	563
7	66,940	59,562	5,871	799	134	275
8	69,407	57,790	9,536	795	116	798
Total	649,121	523,721	92,426	18,155	1,633	7,092
						737
						543
						4,814

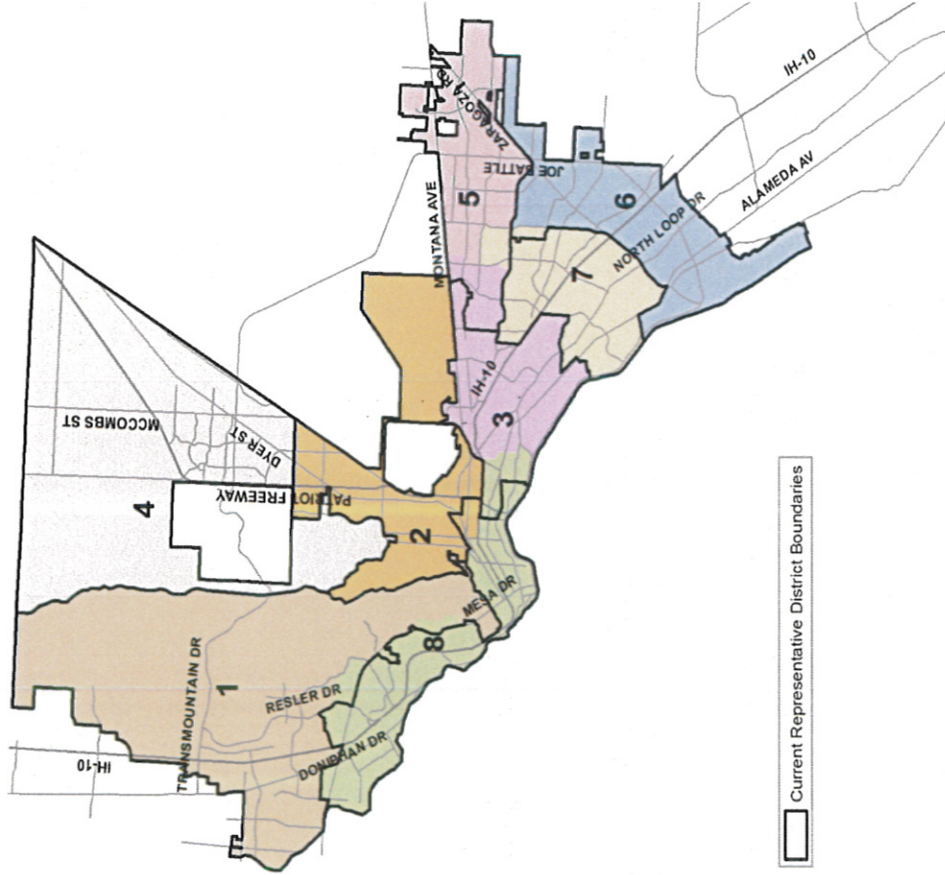
2010 Total Population						
Council District	Total	Hispanic/Latino	Not Hispanic/Latino			
			One Race			
			White	Black/ African American	American Indian/ Alaskan Native	Asian
1	100%	67.9%	26.83%	1.71%	0.16%	2.37%
2	100%	79.6%	13.94%	3.91%	0.34%	0.73%
3	100%	88.6%	8.27%	1.96%	0.21%	0.45%
4	100%	64.6%	23.21%	7.79%	0.39%	1.85%
5	100%	84.5%	10.96%	2.83%	0.15%	0.82%
6	100%	91.1%	6.04%	1.31%	0.41%	0.65%
7	100%	89.0%	8.77%	1.19%	0.20%	0.41%
8	100%	83.3%	13.74%	1.15%	0.17%	1.15%
Total	100%	80.68%	14.24%	2.80%	0.25%	1.09%
						0.08%
						0.08%
						0.12%
						0.11%
						0.08%
						0.05%
						0.05%
						0.08%
						0.43%



City of El Paso Districting Commission

Draft Plan
SD-1

October 3, 2011



Council District	2010 Population	Alternative Plan - SD1		Deviation
		2011 Redistricting	Optimal	
1	81,604		81,140	464
2	80,222		81,140	(918)
3	76,787		81,140	(4,353)
4	83,358		81,140	2,218
5	82,430		81,140	1,290
6	83,481		81,140	2,341
7	78,445		81,140	(2,695)
8	82,794		81,140	1,654
Total	649,121		649,121	8.2%

Council District	Alternative Plan - SD1			Deviation
	2010 Population	2011 Redistricting Optimal		
1	81,604	81,140	464	0.6%
2	80,222	81,140	(918)	-1.1%
3	76,787	81,140	(4,353)	-5.4%
4	83,358	81,140	2,218	2.7%
5	82,430	81,140	1,290	1.6%
6	83,481	81,140	2,341	2.9%
7	78,445	81,140	(2,695)	-3.3%
8	82,794	81,140	1,654	2.0%
Total	649,121	649,121		8.2%

Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total Population	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	81,604	54,884	22,328	1,380	128	2,028	64	68	724	
2	80,222	64,611	10,658	2,990	263	554	210	64	872	
3	76,787	65,350	8,537	1,812	160	431	64	96	337	
4	83,358	53,871	19,345	6,494	324	1,546	234	94	1,450	
5	82,430	70,670	7,921	2,394	124	714	60	68	479	
6	83,481	76,472	4,735	1,041	342	523	47	42	279	
7	78,445	69,087	7,344	1,114	151	373	38	38	300	
8	82,794	68,776	11,558	930	141	923	20	73	373	
Total	649,121	523,721	92,426	18,155	1,633	7,092	737	543	4,814	

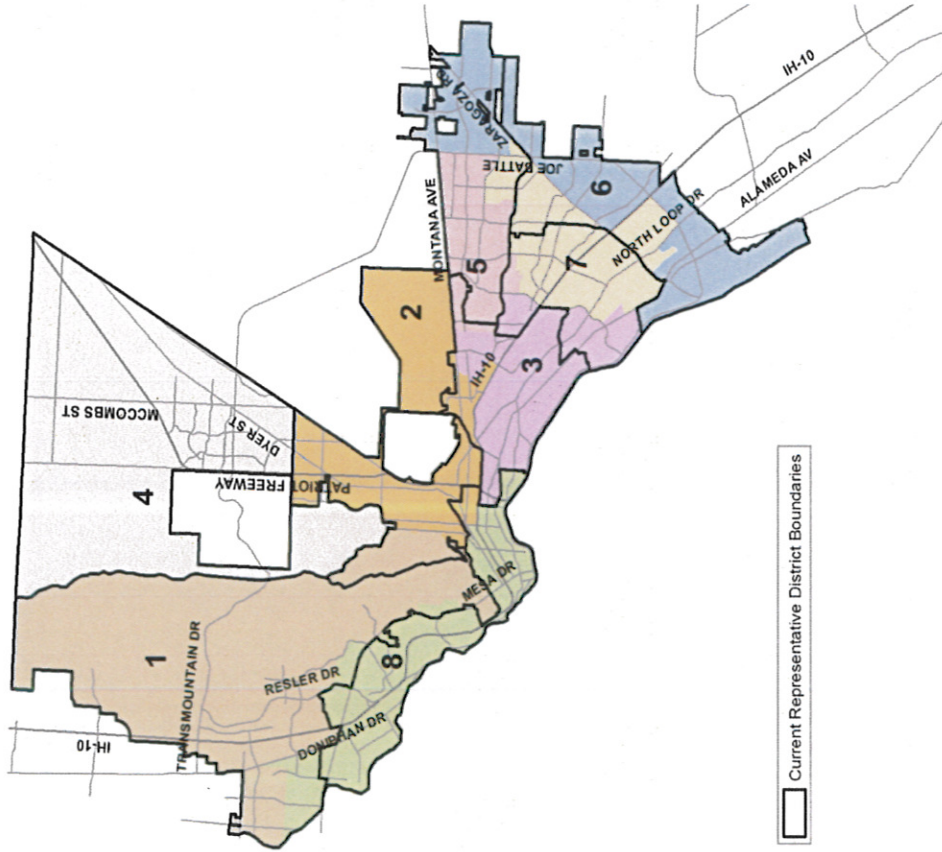
Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	100%	67.3%	27.36%	1.69%	0.16%	2.49%	0.08%	0.08%	0.89%	
2	100%	80.5%	13.29%	3.73%	0.33%	0.69%	0.26%	0.08%	1.09%	
3	100%	85.1%	11.12%	2.36%	0.21%	0.56%	0.08%	0.13%	0.44%	
4	100%	64.6%	23.21%	7.79%	0.39%	1.85%	0.28%	0.11%	1.74%	
5	100%	85.7%	9.61%	2.90%	0.15%	0.87%	0.07%	0.08%	0.58%	
6	100%	91.6%	5.67%	1.25%	0.41%	0.63%	0.06%	0.05%	0.33%	
7	100%	88.1%	9.36%	1.42%	0.15%	0.48%	0.05%	0.05%	0.38%	
8	100%	83.1%	13.96%	1.12%	0.17%	1.11%	0.02%	0.09%	0.45%	
Total	100%	80.68%	14.24%	2.80%	0.25%	1.09%	0.11%	0.08%	0.74%	



City of El Paso Districting Commission

Draft Plan
SD-2

October 3, 2011



Council District	2010 Population	Alternative Plan - SD2		Deviation
		2011 Redistricting	Optimal	
1	77,235		81,140	(3,905) -4.8%
2	84,920		81,140	3,780 4.7%
3	79,207		81,140	(1,933) -2.4%
4	83,358		81,140	2,218 2.7%
5	80,191		81,140	(949) -1.2%
6	82,420		81,140	1,280 1.6%
7	82,239		81,140	1,099 1.4%
8	79,551		81,140	(1,589) -2.0%
Total	649,121		649,121	9.5%

Council District	Alternative Plan - SD2			Deviation
	2010 Population	2011 Redistricting Optimal		
1	77,235	81,140	(3,905)	-4.8%
2	84,920	81,140	3,780	4.7%
3	79,207	81,140	(1,933)	-2.4%
4	83,358	81,140	2,218	2.7%
5	80,191	81,140	(949)	-1.2%
6	82,420	81,140	1,280	1.6%
7	82,239	81,140	1,099	1.4%
8	79,551	81,140	(1,589)	-2.0%
Total	649,121	649,121		9.5%

Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total Population	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	77,235	52,224	20,580	1,417	140	2,000	74	69	731	
2	84,920	68,679	11,088	3,137	270	601	205	71	869	
3	79,207	71,872	5,459	1,117	160	271	43	83	202	
4	83,358	53,871	19,345	6,494	324	1,546	234	94	1,450	
5	80,191	67,499	9,712	1,781	117	517	59	60	446	
6	82,420	72,968	5,757	2,180	347	667	50	54	397	
7	82,239	73,214	6,898	1,063	142	520	45	40	317	
8	79,551	63,394	13,587	966	133	970	27	72	402	
Total	649,121	523,721	92,426	18,155	1,633	7,092	737	543	4,814	

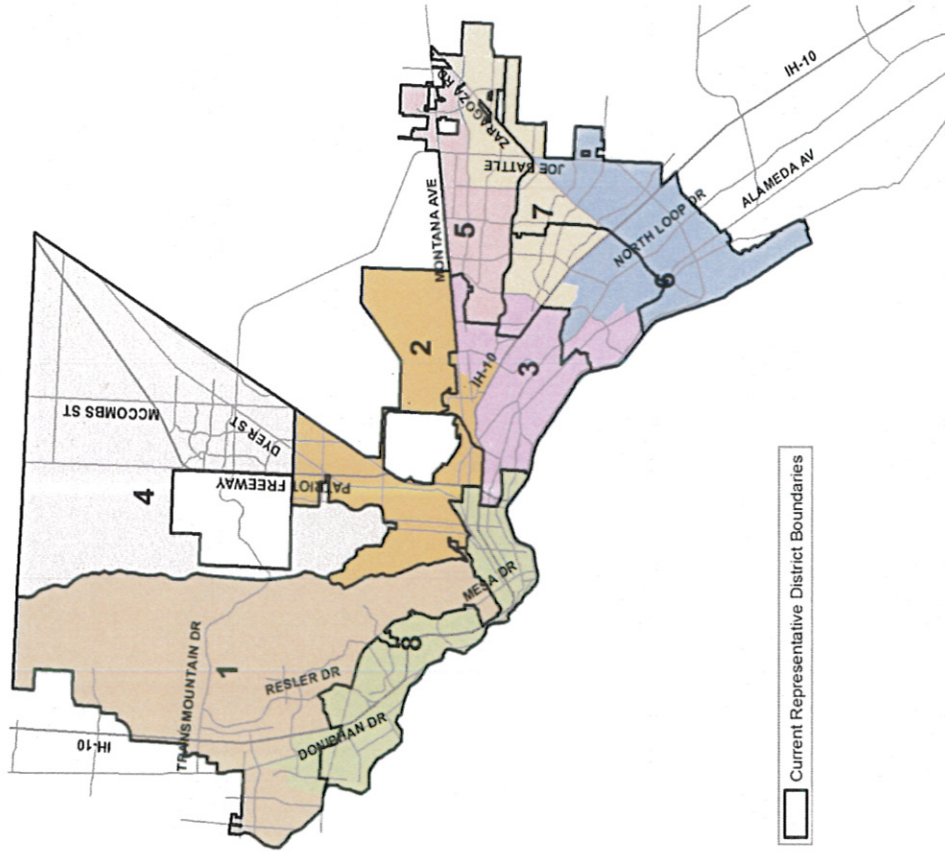
Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	100%	67.6%	26.65%	1.83%	0.18%	2.59%	0.10%	0.09%	0.95%	
2	100%	80.9%	13.06%	3.69%	0.32%	0.71%	0.24%	0.08%	1.02%	
3	100%	90.7%	6.89%	1.41%	0.20%	0.34%	0.05%	0.10%	0.26%	
4	100%	64.6%	23.21%	7.79%	0.39%	1.85%	0.28%	0.11%	1.74%	
5	100%	84.2%	12.11%	2.22%	0.15%	0.64%	0.07%	0.07%	0.56%	
6	100%	88.5%	6.98%	2.64%	0.42%	0.81%	0.06%	0.07%	0.48%	
7	100%	89.0%	8.39%	1.29%	0.17%	0.63%	0.05%	0.05%	0.39%	
8	100%	79.7%	17.08%	1.21%	0.17%	1.22%	0.03%	0.09%	0.51%	
Total	100%	80.68%	14.24%	2.80%	0.25%	1.09%	0.11%	0.08%	0.74%	



City of El Paso Districting Commission

Draft Plan SD-3

October 3, 2011



Council District	2010 Population	Alternative Plan - SD3		Deviation
		2011 Redistricting	Optimal	
1	79,813		81,140	(1,327) -1.6%
2	81,567		81,140	427 0.5%
3	81,015		81,140	(125) -0.2%
4	83,358		81,140	2,218 2.7%
5	79,880		81,140	(1,260) -1.6%
6	81,128		81,140	(12) 0.0%
7	82,034		81,140	894 1.1%
8	80,326		81,140	(814) -1.0%
Total	649,121		649,121	4.4%

Council District	Alternative Plan - SD3			Deviation
	2010 Population	2011 Redistricting Optimal		
1	79,813	81,140	(1,327)	-1.6%
2	81,567	81,140	427	0.5%
3	81,015	81,140	(125)	-0.2%
4	83,358	81,140	2,218	2.7%
5	79,880	81,140	(1,260)	-1.6%
6	81,128	81,140	(12)	0.0%
7	82,034	81,140	894	1.1%
8	80,326	81,140	(814)	-1.0%
Total	649,121	649,121		4.4%

Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total Population	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	79,813	52,660	22,554	1,477	128	2,110	56	77	751	
2	81,567	64,914	11,377	3,174	282	621	220	71	908	
3	81,015	72,541	6,359	1,269	175	298	47	81	245	
4	83,358	53,871	19,345	6,494	324	1,546	234	94	1,450	
5	79,880	66,776	9,526	2,344	129	540	44	60	461	
6	81,128	76,170	3,414	669	335	283	30	42	185	
7	82,034	70,066	8,527	1,859	127	854	76	54	471	
8	80,326	66,723	11,324	869	133	840	30	64	343	
Total	649,121	523,721	92,426	18,155	1,633	7,092	737	543	4,814	

Council District	2010 Total Population									
	Not Hispanic/ Latino									
	One Race									
	Total	Hispanic/ Latino	White	Black/ African American	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Some Other Race	Two or More	
1	100%	66.0%	28.26%	1.85%	0.16%	2.64%	0.07%	0.10%	0.94%	
2	100%	79.6%	13.95%	3.89%	0.35%	0.76%	0.27%	0.09%	1.11%	
3	100%	89.5%	7.85%	1.57%	0.22%	0.37%	0.06%	0.10%	0.30%	
4	100%	64.6%	23.21%	7.79%	0.39%	1.85%	0.28%	0.11%	1.74%	
5	100%	83.6%	11.93%	2.93%	0.16%	0.68%	0.06%	0.08%	0.58%	
6	100%	93.9%	4.21%	0.82%	0.41%	0.35%	0.04%	0.05%	0.23%	
7	100%	85.4%	10.39%	2.27%	0.15%	1.04%	0.09%	0.07%	0.57%	
8	100%	83.1%	14.10%	1.08%	0.17%	1.05%	0.04%	0.08%	0.43%	
Total	100%	80.68%	14.24%	2.80%	0.25%	1.09%	0.11%	0.08%	0.74%	

DISTRICTING COMMISSION**GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS**

In order to make sure that any plan that might be submitted is of maximum assistance to the City Council and to the Districting Commission in the decision-making process, the Districting Commission hereby sets the following guidelines:

1. Plans should be submitted in writing. 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 Commission wants to be sure that all proposals be fully and accurately considered. Your cooperation in submitting any plan in writing will be of great assistance.
2. Any plan should show the 2010 federal census total population and voting age population by race/ethnicity for each proposed District. If a plan is submitted without a population breakdown, the Commission may not have sufficient information to give it full consideration.
3. Plans should be submitted a minimum of one week prior to a regularly scheduled Districting Commission meeting. As all meetings are open to the public, public comments shall still be heard and accepted at all meetings properly constituted under the Texas Open Meetings Act.
4. Plans should redistrict the entire City, i.e., contain proposed boundaries for all Districts within the City. The Commission, of course, will be considering the affect of any plan on the entire City. Also, the City and the Commission are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, it will be required to consider the affect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the Commission to assess its impact on one or more protected minority groups. The requirement that any plan redistrict the entire City does not preclude members of the public from proposing that particular voting precincts, neighborhoods, or locations be included in a specific council district.
5. Plans should conform to the redistricting criteria the Commission will be using in drawing the Districts, which was adopted by City Council resolution on August 31, 2011.

All members of the public are welcome to speak on any agenda item at public meetings of the Districting Commission conforming to the Texas Open Meetings Act. Further information is available in the Planning Division, Planning and Economic Development Department, 5th Floor City Hall, 915-541-4632

APPROVED AND ADOPTED BY THE DISTRICTING COMMISSION this ____ day of _____, 2011.

Chair, Districting Commission