

**ALLISON, BASS & MAGEE, L.L.P.**

*Attorneys at Law*

A. O. WATSON HOUSE  
402 WEST 12<sup>TH</sup> STREET  
AUSTIN, TEXAS 78701  
(512) 482-0701  
FAX (512) 480-0902

JAMES P. ALLISON  
[j.allison@allison-bass.com](mailto:j.allison@allison-bass.com)

ROBERT T. BASS  
[r.bass@allison-bass.com](mailto:r.bass@allison-bass.com)

J. ERIC MAGEE  
[e.magee@allison-bass.com](mailto:e.magee@allison-bass.com)

PHILIP B. ARNOLD  
[p.arnold@allison-bass.com](mailto:p.arnold@allison-bass.com)

July 23, 2018

**VIA REGULAR MAIL**

Honorable Jacques L. Blanchette  
Tyler County Judge  
100 W. Bluff, RM #102  
Woodville, TX 75979

Re: Commissioners Court Precinct Redistricting

Dear Judge Blanchette:

The subject of this cover letter will be familiar with those elected officials who were in office ten years ago. For those who were not, the process known as “redistricting” is required after each federal census. The procedures are complex and somewhat confusing. We will do everything we can to explain the process and expedite your compliance.

**Redistricting-What Is It and Why We Do It**

The term “redistricting” or alternatively “reapportionment” means the procedure that is required of all governmental entities that elect their governing body membership by election from individual districts (single-member districts) to periodically reassess their boundaries, and the population within those boundaries, to accomplish two things:

1. Retain reasonable numerical balance in terms of all population (men, women and children, rather than registered voters) within each district or precinct relative the other districts or precincts, within a tolerance of (+) or (-) 10% from an ideal size for local governments. If a county for example, has 10,000 individuals counted as residents in the upcoming 2020 census, each of the four county commissioner precincts should have approximately 2,500 persons living in each precinct. (10,000 divided by four=2,500).

In a typical county, however, the actual population of 10,000 persons will **not** be evenly distributed in the 2020 census count. Assume that Commissioners Court Precinct 1 has a population of 2,275 persons or 225 persons below the ideal size, Precinct 2 has a population of 2,500, exactly meeting the ideal, Precinct 3 has a population of 3,125 or 625 above the ideal size, and Precinct 4 has 2,100, or 400 below the ideal.

The “range” of deviation from the ideal of 2,500 is determined by calculating the percentage of “deviation” from the ideal. Using the numbers above, Precinct 4 is the most underpopulated by 400 persons, which is 16% below the ideal. The largest population above the ideal is in Precinct 3, with 625, or 34% above the ideal. If you

add -16% and +34% together, disregarding the plus or minus sign from the ideal, you have a total deviation of 50%. The maximum permitted by law is 10%. The boundaries of the county in this example must be altered to “balance” the population between the four precincts so that the difference between the largest precinct and the smallest precinct does not exceed 10%. This is done by reducing the physical boundaries of those precincts above the ideal and enlarging the boundaries of those precincts under the ideal size. The process of enlarging or reducing the physical boundaries of a political entity to achieve population and demographic balance is called “reapportionment”, since the population is being reallocated, or reapportioned among the four commissioners court precincts.

2. In rebalancing that population, additional care must be given under the Voting Rights Act of 1965 so that where minority residents within the jurisdiction compose a sizeable portion of the overall population, the boundaries drawn to accomplish numerical balance cannot either fragment, dilute or unfairly compact that minority population to restrict the minority’s ability to have an impact on the outcome of an election within the commissioner precinct where the minority population is located. Minority populations cannot be
  - a. “cracked”, or “fragmented” meaning that large concentrations of minority voters cannot be divided into several commissioner precincts, rather than left intact in a single or even multiple commissioners court precincts.
  - b. “packed”, meaning where minority populations are sufficient in numbers to compose large percentages in more than one precinct are packed into a single precinct, or
  - c. “stacked”, meaning where minority groups are stacked together to make an apparent voting majority, but where historic trends of low registration and turnout make that apparent majority less significant if grouped with a single, high registration and turnout minority.

Following the Supreme Court decision in *Avery v. Midland County*, 390 U.S. 474; 88 S. Ct. 1114, 20 L. Ed. 2d 45 (1968), Texas Commissioners Courts have been required to make a periodic assessment of their political boundaries to determine whether the boundaries retain sufficient "one-person-one-vote" balance. This requirement is now carried forward in Article 42.001 of the Texas Election Code and has been extended to virtually all political bodies that elect representatives from special member districts, or geographic regions of the political jurisdiction in which the candidates for representative office must reside.

Therefore, following each federal census, each Texas county, city, school district or other political entity electing representative officers from geographic regions of the sub-division should conduct an assessment of existing political boundaries. It should be carefully noted that simple comparisons between the county population of 2000 and 2010, or even a more sophisticated analysis

of urban and rural areas of the county might not reflect the true extent of population "change" each County has experienced over the last ten years.

Population "change" from a prior census total population to a more current census total population may not directly correlate to "different" or "new" population. For example, existing populations within a county will move considerably within the county since the last census, particularly in a county experiencing significant population growth or decline. A new subdivision may also cause movement within a county by a static population and require redrawing of political boundaries.

As a very general rule of thumb, any statistical change of population between the 2010 and 2020 census more than 3%, plus or minus, will indicate a likely need for redistricting in order to retain numerical balance between the governing body's representative districts. Only in rare circumstances will a county experiencing a population change in excess of 3% avoid the need for rather extensive reapportionment of the county Commissioners Court precinct lines.

However, any assumption that a population change of less than 3% will not require reapportionment is ill advised. Populations will shift within a county over time. Every county, city, school district or other political entity electing representative officers from geographic regions of the sub-division, even those with a rather insignificant overall population change, should carefully examine actual population demographics relative to their existing political lines to determine the need for reapportionment after each census.

That assessment must be done with the actual census block data. This census data, known as Public Law 94-171 files of the United States Census Bureau, allocates population to census blocks. Generally stated, these census blocks are defined by natural or man-made boundaries. Where these boundary lines close in an area, the population within that area is counted and broken into several demographic groups. Demographic data is then subject to being depicted in chart and graphic form for both total population as well as voting age population, and the racial profile of that population. By grouping census blocks together, voting precincts, and in turn all other elective precincts, including Commissioners Court, Justice of the Peace, or in cases of cities and school districts, wards and districts for the City Council and School board can be built. In turn, using the county election precincts as a basis, the larger State Representative, Senate, and Congressional districts can be assembled.

Using the guiding principle of "One-Person-One-Vote" balance between the four Commissioners Court Precincts, and the directives of the Voting Rights Act as a guide, each county will construct new political boundaries. These boundaries are based upon the entire county population, but the availability and analysis of voting age populations is also important.

Additional statutory requirements must also be kept in mind as election precincts are drafted. State law limits the size of election precincts to not less than 100 registered voters (counties under 100,000 in population may have as few as 50 registered voters, and upon petition by 25 registered voters, counties under 50,000 in population may have fewer than 50 registered voters in an election precinct), and not more than 5,000 registered voters per election precinct. (See §42.006, Texas Election Code, V.A.C.S.).

In counties inhabited by a significant minority population, the need to create one or more Commissioners Court Precincts that assure minority representation requires utilization of voting age information. While the actual political boundaries will be based upon total population, the viability of the resulting precinct in terms of the ability to elect requires analysis of voting age population.

Efforts to balance road mileage or to achieve other entirely practical adjustments of county boundaries can be included in the process but must be undertaken with great care to avoid unintended shifts of population which will either exceed the required numerical balance or violate the Voting Rights Act.

Because changes in Commissioners Court precinct boundaries will require modification of the individual election precincts making up each Commissioners Court precinct, there will also be changes in the Justice of the Peace/Constable precincts as a result of the modification of election precincts necessary to achieve the required level of precision necessary to balance population and address demographic requirements. As a result, all political boundaries in your county, from the Election Precinct to the Justice of the Peace and Commissioners Court Precincts will have to be evaluated and possibly revised. It is worth noting that only “representative” offices are subject to the one-person-one-vote requirement. Judicial offices are not required to be balanced by population. Justice of the Peace precincts are therefore not required to have the same number of residents, but these boundaries cannot be drafted in a manner that would violate the voting rights act, and as we have discussed above, changes in the underlying election precincts will have direct impact upon the Justice of the Peace precincts as well. For these reasons, many counties choose to use combinations of the Commissioners Court precincts as a basis for JP precincts to make voting administration easier and more understandable to the voter and more easily managed by election administration.

In prior years between 1972 and 2013, Texas political jurisdictions were required to submit any plan which affected election policies, practices, methods or procedures to the United States Department of Justice, Voting Rights Section, for review to determine whether or not that proposed change would have the effect of adversely affecting minority voting rights, and to obtain a finding that the proposed change would not have such an effect before the governmental entity could implement that change. This procedure, known as “pre-clearance” was required by Section 5 of the Voting Rights Act, 42 U.S.C. §1973c (now 52 U.S.C.A. §10304). In June of 2013, the United States Supreme Court held in *Shelby County, Alabama v. Holder*, 133 S.Ct. 2612, that the practice of “pre-clearance” was no longer operative. This decision held that the coverage formula which determined what jurisdictions were required to comply with the pre-clearance obligation was no longer necessarily valid and would require reconsideration and reauthorization by the Congress to determine if discriminatory practices were still being used to weaken minority voting rights. At this time, the Congress has not seen it necessary to reevaluate the need for pre-clearance procedures, so political jurisdictions are not required to submit any changes to the federal government before implementation. However, the state of voting rights law is in flux, and there are several pending cases that might result in further requirements, so we will need to be prepared for a potential re-imposition of this requirement

In any case, Section 2 of the Voting Rights Act remains fully functional. This section allows an interested party who believes a governmental entity has engaged in discriminatory practices that have the intent, *or the effect* of weakening minority voting rights to sue the

governmental entity to have a court examine the voting practice, policy or method to determine an alleged violation of the Voting Rights Act. Those plans, changes, policies, practices or methods that are found to be violative of the Voting Rights Act will subject the governmental unit to liability for all reasonable costs and attorney's fees necessary to redress the correction of the practice found to violate the Voting Rights Act, including Court Orders to revise, withdraw or otherwise cure the defect. Typically, if a violation of the law is found to exist, elections will be stayed pending a cure, so the expense of failing to comply with the law is prohibitive.

As a consequence, it is important that each county, as soon as practicable, identify and retain qualified expertise to assist the commissioners court in the analysis necessary to evaluate the existing boundaries, and where necessary to revise the numerical balance, to redraw such lines in a manner that will avoid potential claims of a violation of the Voting Rights Act or the U. S. Constitution.

### **STEPS IN REDISTRICTING**

1. Identify current political boundaries, i.e. Commissioners Court and JP precincts for Counties, City Wards, school district wards, special district wards. Identify existing election precinct boundaries. The Texas Secretary of State maintains current data on each County. We will acquire this data and submit it back to the County for confirmation in advance of the release of redistricting data.
2. Locate all incumbent residence locations. Because continuity of political leadership is a valid governmental concern, it is permissible to take into account the retention of incumbent office holders in all but the most extreme cases. Every effort should be made to preserve political continuity in revising boundaries, but incumbent relocation has been required in rare cases.
3. Prepare for 2020 Census data. We will obtain in advance of the release of census data the format that will be used for data layout from the Census Bureau and will prepare tables, charts and maps using with mock data to field-test and conduct de-bugging of our analytical tools so that when the actual data is available, we have a proven method to reapportion your jurisdiction quickly and efficiently. The initial installment of our quoted fee will cover all of these preliminary steps.
4. April 2020-U.S. Census Bureau conducts population count.
5. January to February 2021-Census Bureau releases data. The relevant data for redistricting is known as the census data 5<sup>th</sup> count, which must be imported into computer files used to analyze the data.
6. April-May 2021: Analysis of population using existing boundaries with 2021 data, and preparation of a comprehensive "initial analysis" of your political boundaries to determine if redistricting is required. If our initial analysis reveals that your boundaries remain legally viable, you will have no obligation to proceed further, or to pay any more than our first installment.

7. Where our initial analysis reveals a legal obligation to redistrict, we will conduct reapportionment of Commissioners Court, Justice of the Peace and Election, approximately May through August, 2021.
8. Once the Commissioners Court boundaries are redrawn, we will conform election precincts to the new Commissioners Court boundaries and will also address city wards etc. This realignment of election precincts will also affect the boundaries of the Justice of the Peace/Constable precincts. August through September, 2021.
9. Congressional and state Legislative redistricting may impact some county precincts, requiring that some lines at the local level be redrawn following congressional and/or state legislative boundaries. All Political boundaries should be complete in time to allow for filing for public office in November, 2021.

### **OUR QUALIFICATIONS**

The lawyers who compose the firm of Allison, Bass & Magee, LLP have more than 130 combined years of experience with redistricting. Jim Allison was on the Senate Staff of Barbara Jordan when Texas first came under the requirements of the Voting Rights Act and assisted in the state of Texas redistricting efforts during 1971. He was also on the staff of the Attorney General in 1981 and assisted in the redistricting work of the Texas Redistricting Board. He has successfully prepared and defended county redistricting plans since 1991. Bob Bass successfully defended his home county of Hale in voting rights litigation in 1978. The firm has been involved in redistricting preparation and litigation each redistricting cycle since 1983 and has provided legal representation in redistricting related matters to more Texas counties than any other law firm in the State of Texas.

Over the years, we have provided turn-key services to literally hundreds of separate political subdivisions. We are sensitive not only to the legal requirements of the process, but to the political and practical aspects as well. We strongly urge coordination between all political subdivisions located within a single county to increase ease of administration of county/city/school and special district elections. Our services include advance planning for the process, all necessary legal work, conducting public hearings, interaction with local interested parties and submission of the end-product reapportionment plan to state and federal authorities, and responding to any request for additional information. We coordinate with the Secretary of State's office in providing your new political boundaries to state election administrators and can provide assistance to your local election administrator in the implementation of the resulting reapportionment plan.

Our goal is to provide a complete, integrated, fixed fee program for political subdivisions to address the reapportionment process. We have provided similar programs since 1990 with complete success. To date, we have never failed to obtain a successful outcome for our client's reapportionment plans. We are pleased to offer once again what we believe to be the best support and service for your redistricting needs at the lowest possible price for a full-service program.

Our firm is notable for its "fixed fee" pricing structure. With the exception of the 12 more densely populated counties, the firm offers a pricing structure based upon the population of each county. This fee, detailed in the attached information, allows a county to budget the cost of

redistricting over as many as three (3) budget years. The larger counties may retain our services on an hourly rate basis.

We will provide a complete redistricting program for your needs pursuant to a flat rate/flat-fee arrangement, so that you can spread the costs over several budget cycles:

**FLAT RATE/FIXED FEE:** Our fixed fee program requires no additional charges or expenses beyond our standard service agreement, *with the exception of the publication cost of advertising public hearings and required notices*, which will be billed separately and outside of our fee. The Flat Rate/Fixed Fee cost for your county is set out below. This fee will include the actual cost of data acquisition, initial analysis and publication of a written assessment, consultation with commissioners' court, interaction with local interested parties, presentations at public hearings, travel and other related expenses that are required for each client. The Flat Rate/Fixed Fee is based upon the population of the jurisdiction, the complexity of the demographic population, the anticipated difficulty of the process, and the corresponding cost of servicing the account with travel costs, including travel time and expense, lodging, long distance telephone, and equipment needs. There is no formula that can predict all project costs. However, the only additional costs not covered by our fixed fee program are the costs of publication of any and all required public notices for the project, including newspaper, internet, or tele-conferencing costs. Other firms may submit proposals with a lower initial cost, but you should make sure that the proposal offers comparative services through a full and comprehensive program. Some proposals provide for only one hearing and one reapportionment plan. These proposals require additional fees for alternative plans and additional public hearings.

1. The flat rate option is broken into three funding periods, as detailed below:
  - a. 1<sup>st</sup> Installment: An Initial Analysis Fee; This fee is based upon the County population, and ranges from \$5,000.00 to \$10,000.00. This Initial Analysis fee is due upon execution of our redistricting retainer agreement, and it will allow us to obtain from the County and the Secretary of State Elections Division, necessary data, such as existing political boundary files in electronic GIS data format, to develop templates for the receipt of 2020 census data, and eventually to acquire demographic data for your political entity, and to prepare an extensive written analysis of your current political boundaries within the context of the Voting Rights Act and state election law. Should our analysis of the 2020 census data reveal that your existing political boundaries are legally sufficient without change, the Initial Analysis fee will conclude our services, and you will not be required to redistrict under applicable law.

**Timeline for Initial Analysis:** The 2020 Census will be conducted in April of 2020, with the release of the demographic data expected as early as February 2021. Contracts for redistricting analysis should be planned for an initial expenditure no later than during formulation of the 2020 Budget in 2019, with actual expenditures falling due in the 2020, 2021 and 2022 budget years.

Your executed contract and the initial installment fee can be paid as early as October 31, 2018 but should be remitted **not later than October 31, 2019** to take advantage of our flat rate fee structure and to fully implement this plan.

- b. 2<sup>nd</sup> Installment, due on or before October 31, 2021. The amount of this installment will be the stated total amount, less the initial analysis fee retainer, with the remaining balance divided by two. The bulk of the work required to implement the redistricting project will be completed between February and September 1, 2021, but considerable advance work is required to build the necessary data analysis tools, and to work with you to identify your goals, aspirations and objectives in advance of the actual redistricting.
- c. 3<sup>rd</sup> Installment, due on or before October 31, 2022. The amount of this installment will be the remaining balance after subtraction from the total amount, less the initial retainer and the 2<sup>nd</sup> installment. All work necessary to the process will be completed well in advance of this date, which will fall into your third budget cycle from inception of the project.

All of our plans will include the same basic services. Our services will include:

1. An initial “workshop” conducted on site in your county to explain the process to members of the commissioners’ court, and any staff or support personnel to be involved in the work. This work will be conducted following the receipt of a signed retainer agreement and payment of the 1<sup>st</sup> Installment. As we are able to determine the distribution of counties using our services, we will schedule these early meetings in an efficient manner. Preliminary steps will include the drafting of redistricting criteria by which the various redistricting or reapportionment plans will be scored or judged. This preliminary work may be performed, with our assistance, by the executive body of the political body, i.e. the Commissioners Court or by a Citizens Committee appointed to by the Commissioners court to assist the governing body. A citizens committee is sometimes utilized to avoid politicization of the reapportionment process, and to relieve the elected body of the stress or pressure of the process.
2. Drafting of all required multi-language legal notices, documents and supporting charts and maps for all necessary hearings, procedures and implementation.
3. Once the census data is released in early 2021, we will conduct an “Initial Assessment” of your existing political boundaries to determine if these boundaries satisfy legal requirements imposed by either constitutional or statutory requirements. For example, the first determination is whether the 2020 population within existing boundaries remains within the so-called “one-person-one-vote” constitutional standard. This standard generally requires that each political boundary or precinct represented on the local government’s governing body be roughly equal in terms of population. Over time, populations will grow, decline, or shift unequally within the political boundaries of the local governmental entity.
4. If the Initial Assessment reveals a need for reapportionment, we will make that determination and advise you of the need to redraw your political boundaries. Federal law requires that any change of political boundaries to address population equality must also satisfy the Voting Rights Act, which requires that population demographics be considered in the drafting of political boundaries to avoid adverse impact upon minority populations. Finally, the structure of political boundaries must also comply with applicable state law, which does not permit



overlapping election precincts pertaining to commissioner's court precincts, justice of the peace precincts, city wards in some cities, and a variety of other state concerns regarding the administration of elections within each affected political subdivision. Once again, we will guide you through this complex process.

5. Drafting, either by working directly with the Commissioners Court, or with a Citizens Committee appointed by the Commissioners Court, as many as three (3) alternative plans that will satisfy federal and state law, at no additional costs. The three (3) fully developed plans, with complete maps, charts and analysis are included in the Allison, Bass & Magee program. Should your needs require additional alternative plans beyond the three (3) contractual plans provided for, we will quote you a "per plan" fee in advance upon request. This "per plan" fee will include all maps, charts and analysis, in a similar format to those provided under the original contract. Any requested additional plan beyond the minimum three (3), will be billed at our cost, including cost of legal time, support staff, and printing/reproduction costs.
6. Present the alternative plans in not less than one, but no more than two separate public hearings conducted in suitable locations within the political jurisdiction being reapportioned.
7. Following receipt of public comment, we will assist you in the consideration, selection and adoption of a final reapportionment plan, and subsequently prepare all necessary documentation necessary to comply with state and federal law, including legal notice of any hearing in which adoption of a plan will be considered and the recording of the adopted plan to the Secretary of State. Even though the submission of a plan and all necessary documents and supporting information necessary for evaluation by the Department of Justice is no longer required, we strongly believe that the preparation of a comprehensive plan with supporting documentation is necessary to protect you and your tax-payers from possible litigation. Essentially the same level of preparation formerly followed for submission of the adopted plan to the United States Department of Justice for preclearance under the requirements of Section 5 the Voting Rights Act will be continued, but the need for actual submission and preclearance is no longer a requirement. The final product will be provided in a set of binders which should be filed of record in the Minutes of the Commissioners Court, and preserved for use in the event of any litigation regarding your adopted plan.
8. We will coordinate the final adopted plan with the Secretary of State's office to ensure compliance with state law requirements.
9. We will work with your election coordinator/administrator to implement the resulting voting plan for your jurisdiction and seek to coordinate your political boundaries with other political jurisdictions.

In our experience, most political entities prefer alternative proposals to address the variety of interests that are involved in the reapportionment process. Our program provides these options without additional unbudgeted costs. Reasonable reapportionment decisions require reasonable alternatives. Be aware that a lower priced program may unduly restrict the number of alternative plans you can consider.

Additionally, our proposal's payment schedule is divided into three payments spread over at least three budget years. This spreads the costs of redistricting over future budgets as the services are provided. These payments are:

- (1) an initial fee that will cover the cost incurred to acquire census data and to prepare that data for the Initial Assessment. The Initial Fee is due upon execution of a contract retaining our firm. To ensure availability of this program, enrollment must be executed by no later than October 31, 2020, *but earlier agreements are encouraged, including entering into agreements now in your 2019-20 budget.* We have the capacity of handling a significant number of governmental entities, but we will be careful not to exceed our capacity, *so first come will be first served.*
- (2) a 2<sup>nd</sup> Installment that will be due October 31, 2021, at the completion of the pre-census preparation for a reapportionment plan.
- (3) A 3<sup>rd</sup> Installment that will be due October 31, 2022, upon complete implementation of the reapportionment plan.

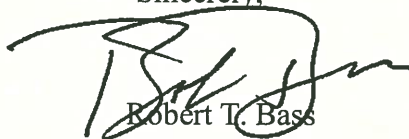
In the unusual circumstance of litigation, we will be available, under a separate contract, to provide legal counsel, expert testimony, or other support through all phases of litigation including appeal, if necessary, to the United States Supreme Court.

The cost of preparing and submitting a redistricting plan is dependent upon several factors, including the complexity of local demographics, communities of interest, and other political considerations. To a great extent, the degree to which all interested parties are able to reach a consensus will depend upon the quality of the advance planning and coordination of the project. While much of the initial public contact can be performed locally, it is usually to your advantage if our firm participates in that process. With our experience and state-of-the-art computerized mapping system, we can provide immediate responses to citizen and interest group inquiries and proposals.

As attested from the success of our past projects, we have the experience and expertise to successfully assist you in this difficult and complex process. We appreciate your interest in our firm and we would be pleased to have the opportunity to assist in this project. Should you wish to retain our firm, for purposes of conducting the initial assessment, and defer a decision on retention for full services till a later date, we have provided a contract for professional services for that purpose. If you are interested in more information, please let us know.

Sincerely,

  
James P. Allison

  
Robert T. Bass

  
J. Eric Magee

RTB/jm

Enclosures: Contract for Professional Services – Fixed Rate

cc: County Commissioners Court, Members

**IN THE COMMISSIONERS COURT**

**OF**

**TYLER COUNTY, TEXAS**

**FLAT RATE/FIXED FEE CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, under the provisions of the Texas Constitution and federal law, the governing body of a political entity with members elected from single member districts is responsible for the division of the political entity into precincts, districts or wards, and to conduct periodic reapportionment of such wards to accomplish fair representation and one-person-one-vote balance; and

WHEREAS, the apportionment of the population of the political entity must comply with state and federal statutory requirements regarding election administration and compliance with the Voting Rights Act; and

WHEREAS, professional assistance will assure that the obligations imposed by state or federal law are satisfied, and that the process is conducted in an orderly, efficient manner; and

WHEREAS, the firm of Allison, Bass & Magee, L.L.P. is prepared to provide all necessary professional services to assist the county in this effort;

Tyler County, acting by and through its Commissioners Court and Allison, Bass and Magee, a Limited Liability Partnership, HEREBY AGREE to the following terms and conditions:

Section 1:     **STANDARD SERVICES**

- A. Allison, Bass & Magee, L.L.P. will provide all necessary services to successfully complete all redistricting projects assigned by the lawful authority of the County. These services include, but are not limited to, the following:
  - 1. Conduct preliminary planning and assembly of information useful and necessary for the reapportionment of the County election subdivisions of the jurisdiction related thereto, which shall include the County Commissioners Court precincts, the County Justice of the Peace precincts, which include the offices for Constable, if any, and finally, the county election precincts, which make up both the Commissioners Court and Justice precincts.
  - 2. Obtain preliminary population data from the U. S. Census Bureau for the 2020 federal census, and process that data in conformity with the existing county political boundaries data obtained from the Texas Secretary of State and confirmed by the County.

3. Prepare the necessary population and demographic analysis to evaluate existing political subdivisions of the county to ensure that the same meet all legal requirements under State and Federal law, and to provide a written report to the contracting governmental entity of all findings.
  4. In the event existing political boundaries remain in compliance with state and federal law without the necessity of reapportionment following the 2020 census, Tyler County and Allison, Bass & Magee, L.L.P. will conclude this agreement as provided in Section 2A below.
  5. Should redistricting be legally required, Allison, Bass & Magee, L.L.P. will, working in conjunction with the County Commissioners Court or any designated citizens committee, prepare no less than THREE (3) ALTERNATIVE REAPPORTIONMENT PLANS, draft maps, proposals and notices to satisfy all statutory and constitutional requirements, and will be compensated as provided in Section 2B below.
  6. Consult with the County Commissioners Court or its designated citizens advisory committee as needed by mail, telephone, email or facsimile, and will have a representative personally attend no fewer than THREE PHYSICAL APPEARANCES within the jurisdiction being reapportioned. These appearances will include a preliminary workshop with the Commissioners Court and/or the Citizens Committee, and not less than two (2) additional meetings with the designated authority to formulate and discuss each alternative plan devised by the Commissioners Court or Citizens Committee. One or either of these two additional meetings may include public hearings intended to present alternative plans to the general public.
  7. Publicize, attend and participate in at least one (1) PUBLIC HEARING on proposed redistricting plans. The Public Hearing may be conducted on the same date as one of the two additional meetings referenced in paragraph 6.
  8. After approval by the Commissioners Court of a reapportionment plan, prepare and file all necessary maps and other documentation to document for any future reference the details of the reapportionment plan, and to submit electronic (digital) files to the Texas Secretary of State for compliance with all state and federal law.
  9. In the event litigation challenges any plan adopted by the County, Allison, Bass & Magee, L.L.P. will agree to provide such additional legal services and/or support as the parties may contract under separate agreement.
- B. The contracting governmental entity agrees to provide access to all necessary records and personnel for this project and to fully cooperate with the Attorneys in this project.

Section 2: COMPENSATION

Tyler County, contracting by and through its Commissioners Court agrees to compensate Allison, Bass & Magee, L.L.P. for its services as follows:

A. Initial Assessment:

Fee for preparing an Initial Assessment of existing political boundaries, including the costs of obtaining suitable 2020 Census Data, is \$5,000. The Initial Assessment fee is due not later than October 31, 2020.

Should the Initial Assessment indicate that the existing political boundaries for the contracting governmental entity do not require redistricting under state and federal law, and that no legal basis exists for further reapportionment services, there will be no additional costs due beyond the Initial Assessment fee.

B. Further Reapportionment Proceedings Required

Should the Initial Assessment indicate that the existing political boundaries for the contracting governmental entity are unsuitable under state and federal law and services are provided for the reapportionment process, the 2nd Installment of \$6,750 will be due on October 31, 2021.

Upon completion of the project, a final and 3rd Installment Fee of \$6,750 will be due on October 31, 2022.

C. Total Fixed Fee- NOTE: *The Fixed fee does not include the cost of publication or mailing of any notice that may be required by state or federal law. The contracting local governmental entity will bear the cost of such publication or mailing.*

The total fixed fee for services is \$18,500.

EXECUTED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
Title: Tyler County Judge

County Identification Number assigned to the contract as required by the Ethics Commission: \_\_\_\_\_

Allison, Bass & Magee, L.L.P.

BY:   
Partner: Robert T. Bass