

ORDINANCE NO. 2022-10_

AN ORDINANCE OF THE CITY OF CUERO (“CITY”) ADOPTING A REDISTRICTING PLAN ESTABLISHING NEW COUNCIL DISTRICTS PURSUANT TO ART. 11, § 2.05 OF THE HOME RULE CHARTER; DELINEATING THE NEW BOUNDARIES FOR THE REVISED FOUR (4) SINGLE MEMBER CITY COUNCIL DISTRICTS AND IDENTIFYING THE AT LARGE DISTRICTS (“DISTRICTS”); REQUIRING THE OFFICIAL MAP OF THE REVISED DISTRICTS BE CREATED AND MAINTAINED BY THE CITY; REQUIRING PUBLIC HEARINGS TO BE HELD PRIOR TO EACH OF THE TWO (2) READINGS OF THE ORDINANCE; AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PROVISIONS OF THE ORDINANCE AND MATTERS ATTENDANT THERETO BY WRITTEN DIRECTIVE; DECLARING A PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY; INCORPORATING RECITALS; AUTHORIZING THE AMENDMENT OF THE CURRENT DISTRICT BOUNDARIES AS OF THE EFFECTIVE DATE; PROVIDING A REPEALER; REQUIRING PUBLICATION; REQUIRING NOTICE OF THE REVISED DISTRICT BOUNDARIES AND MAP BE PROVIDED TO THE DE WITT COUNTY REGISTRAR OF VOTERS; DECLARING AN EFFECTIVE DATE.

WHEREAS, the Home Rule Charter of the City of Cuero provides:

The City Council, when necessary or as otherwise provided by any federal, state or local law, shall establish new boundaries for districts covering the entire City for the election of District Council Members. Such boundaries shall be established by ordinance.

And,

WHEREAS, the City Council is in receipt of the official census of the United States Census Bureau for the 2020 decennial census and has as required by law including but not limited to 52 USCS § 10101 compared the population change among its voting districts to the 2010 official census and existing maps; and after such comparison has determined the boundary lines of the four (4) single member districts require revision to assure voting parity as required by law; and

WHEREAS, after considered review the City Council has determined that in accordance with its official duties and in compliance with state and federal law, the City wishes to adopt the plan and order attached as Exhibit A. hereof to be implemented by the City in the manner prescribed by law to be effective immediately subject to the requirements of the Texas Election Code Ann. Section 276.006 *A change in a boundary of a territorial unit of a political subdivision other than a county from which an office of the political subdivision is elected is not effective for an election unless the date of the order or other action adopting the boundary change is more than three months before election day; and*

WHEREAS, the City Council expressly finds that the amendments to the current single member city council districts are in the public interest, and serve the voting public by equalizing the relative voting powers therein in the manner provided by the Voting Rights Act of 1965, the Texas Election Code and the City Charter; **NOW**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUERO:

SECTION ONE AMENDMENT OF EXISTING BOUNDARIES OF SINGLE MEMBER VOTING DISTRICTS - The City Secretary is authorized to amend the existing official single member voting district boundaries map in conformity with the requirements of the Order and findings contained in Exhibit A. hereof including the maps and data contained therein. Said map which shall be published, displayed and made available for public inspection on the effective date hereof and shall be implemented subject to the requirements of Tex. Elec. Code Ann. § 276.006.

SECTION TWO REQUIREMENT FOR TWO PUBLIC HEARINGS - The City Council shall prior to the two (2) required readings of this ordinance, conduct separate public hearings at which interested members of the public at large may provide verbal testimony and comments regarding the proposed district changes including possible amendments thereto subject to the rules and regulations for formatting submissions as prescribed by the City.

SECTION THREE AUTHORITY OF CITY MANAGER – The City Manager shall cause the implementation of this ordinance to be made in the manner prescribed by law and shall be authorized to implement the powers granted hereby by written directive.

SECTION FOUR PUBLIC PURPOSE - The City Council declares that the amendment, implementation and creation of the new city council single member districts is in the public interest and furthers the City’s express objective of compliance with the requirements of state, federal and local election law and assuring fairness and the equitable distribution of relative voting power within the City as required by the express letter and spirit of the law; and is necessary and proper for the good order, governance and welfare of its citizens.

SECTION FIVE SEVERABILITY CLAUSE. Should any paragraph, phrase, sentence, or clause of this ordinance be determined to be unconstitutional, invalid, unenforceable or the like, said determination shall not affect the remaining paragraphs, phrases, sentences or clauses hereof which shall remain in full force and effect and interpreted as one instrument.

SECTION SIX INCORPORATING RECITALS. The City Council finds the recitals contained in the preamble to this Ordinance are true and correct and incorporates them as findings of fact.

SECTION SEVEN REPEALER. All ordinances, resolutions, minute orders and parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION EIGHT EFFECTIVE DATE. This ordinance shall be effective upon the approval of the City Council after the two (2) required readings and public hearings. The City Secretary shall cause the caption of this ordinance to be published in the official newspaper of the City, and shall provide a copy hereof including the amended voting district maps to the De Witt County Registrar of Voters no later than thirty (30) days after its effective date.

ORDERED AND APPROVED this the ____ day of _____ 2022.,

By: _____
Hon. Sarah Post-Meyer
Mayor

ATTEST:

Jennifer Zufelt
City Secretary

APPROVED AS TO FORM:

James K. Crain, III.
City Attorney

FIRST PUBLIC READING OF ORDINANCE:

August 22, 2022

SECOND READING OF ORDINANCE:

September 12, 2022

Exhibit A.
ORDER