



AGENDA

WORK SESSION LANCASTER CITY COUNCIL

Lancaster Community House
100 N. Henry Street
Lancaster, Texas



Monday, February 21, 2011 – 7:00 P.M.

DEFINITIONS:

Written Briefing: Items that generally do not require a presentation or discussion by the staff or Council. On these items, the staff is seeking consent from the Council or providing information in a written format.

Verbal Briefing: These items do not require extensive written background information or are an update on items previously discussed by the Council.

Regular Item: These items generally require discussion between the Council and staff, boards, commissions, or consultants. These items may be accompanied by a formal presentation followed by discussion and direction to the staff.

[Public comment will not be accepted during Work Session
unless Council determines otherwise.]

Item	Key Person
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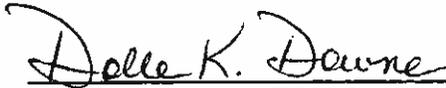
Regular Items:

1. Receive and discuss a presentation on an Economic Update and Forecast for the City of Lancaster from Ms. Elizabeth Morris, Insight Research Corporation.
Stringfellow-Govan
2. Discuss an amendment to the Lancaster Code of Ordinances, Article 3.800, Fence Regulations, and repeal of Article 14.500, Section 14.501 (h) Fences from the Lancaster Development Code in its entirety.
King
3. Discuss proposals [RFP 2011-21] received for redistricting services in the City of Lancaster.
Mauldin-Robertson

ACCESSIBILITY STATEMENT: Meetings of the Lancaster City Council are held in municipal facilities that are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on February 17, 2011 @ 5:00 p.m. and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Dolle K. Downe, TRMC
City Secretary

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
February 21, 2011

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WS11-001

Receive and discuss a presentation on an Economic Update and Forecast for the City of Lancaster from Ms. Elizabeth Morris, Insight Research Corporation.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 1: Financially Sound City Government
Goal 2: Quality Development

Background

The City of Lancaster has a contract with Insight Research Corporation to provide economic analysis services to the City. Those services include Economic, Employment, and Investment Grade tax revenue impact analysis, Cost/Benefit and Public Finance Analysis, and Simulation Modeling of Land Use Alternatives. The Economic Impact analysis is a multi-jurisdictional analysis of economic, employment and tax revenue impact. It has assisted municipalities across the state and nation in evaluating a proposed project, facility, move or expansion in terms of new dollars in the economy and tax revenues over time. Benefits include an economic impact protocol that can include investment grade tax revenue forecasts for public and/or private financing and cost/benefit analysis as needed.

Development Simulation Modeling (DSM) is a highly accurate new method of financial forecasting. It allows modeling of a community's future growth and land use under different development scenarios while simultaneously estimating the financial impacts to the jurisdiction of each scenario. DSM modeling provides for short and long term, risk-free examination of future zoning, annexation, community and economic development alternatives, helping to answer the key question, "**Can our city afford its future?**"

Some of the issues in which the DSM has been valuable include:

- Defining the optimum balance of residential to commercial tax base
- Examining the city's future operating and capital needs under current development trends
- Testing alternative land use and public management strategies to achieve a more favorable outcome

Development Simulation Modeling provides statistical support to elected officials and municipal professionals as they examine municipal issues including:

- Forecasting community growth under alternative hypothetical scenarios
- Testing many different opinions and options in a risk-free environment, using variable assumptions
- Examining the tax revenue balance produced from different types of residential and commercial development
- Facilitating consensus on community goals

Considerations

Annually, City Council receives a presentation on the Economic Update and Forecast for the U. S., Texas, Dallas, and Lancaster. Due to the tough budget process undertaken this previous year, staff felt that this presentation would be crucial to initiating this year's budget process.

Elizabeth Morris, CEO and Chief Economist of Insight Research Corporation will provide the presentation and be available to answer any questions.

- **Operational** – This contract is managed through the Development Services Department to assist with tracking historical data on the historic cost of Lancaster's operating services; employment, tax revenue and cost forecasts associated with changes or alternatives in zoning and/or land use; and assess the viability of incentive packages to the City.
- **Legal** – There is no legal review and/or action required at this time.
- **Financial** – This contract is funded through the Economic Development Department.
- **Public Information** – There are no public information requirements.

Options/Alternatives

This is a tool that provides a different perspective regarding future growth opportunities as well as preparation for the next fiscal year budget review and development. There is no action required by Council at this time.

Recommendation

There is no recommendation needed at this time.

Attachments

- Insight Research Corporation brochure

Prepared and submitted by:
Rona Stringfellow-Govan, Director of Development Services

Date: February 9, 2011

INSIGHT RESEARCH CORPORATIONSM

"Every day in North America, an Insight Research project is front page news."



*Elizabeth Morris, CEO/Chief Economist
Insight Research Corporation*

**9441 LBJ Freeway, Lock Box 20
Dallas, Texas 75243
(972) 238-8838; FAX (214) 495-7743**

Elizabeth Morris is a consulting economist specializing in applied regional economics with more than 30 years in the field. As the founder of Insight Research Corporation, she serves as Chief Executive Officer and Chief Economist for the firm, an independent, third-party statistical laboratory for public and private sector economic development practitioners.

Since 1981, Insight Research Corporation has become nationally known for its pioneering analytical approaches, providing economic, employment, tax revenue impact and cost/benefit analyses for major public and private clients. Insight originated and secured intellectual property rights to numerous analytical software programs, in use, under lease or available for sale. Ms. Morris is frequently sought as an expert in economic development issues, contributing to public testimony or as an expert witness.

Insight performs comparative site location and impact analysis for businesses of many kinds, including manufacturing plants, corporate headquarters, high tech firms, research and development labs, data and command centers, stadiums and arenas, intermodal and transportation hub facilities, retail locations, warehouse and distribution facilities. Insight now performs more than 450 site location and impact analysis engagements each year. In its 26-year history, Insight has contributed to site selection decisions affecting the workplace location of more than 2.1 million workers, and completed more than 9,000 economic analyses in the United States, Canada and Mexico.

Ms. Morris's previous work experience allows her to be familiar with all sides of these issues. She has served as a public official (Mayor's and City Manager's offices in Dallas, Texas), a real estate broker, an investor, and a developer as well as her current position as an economic development consultant to major corporations and public entities.

Insight's client list includes local, state and federal governments, and many of the Fortune 200: FedEx, Frito-Lay, Union Pacific Railroad, CSX Railroad, Coca Cola, Norfolk-Southern Railroad, EDS, PepsiCo, AT&T, CBSViacom, Texas Instruments, Exxon/Mobil, Perot Systems, Visa International, KPMG, E&Y, Bank of America, Capital One, and numerous real estate brokerage companies specializing in tenant representation. Insight has also provided site and impact analysis for sports-related transactions for the NFL, NHL, NBA, MLB, minor league baseball, Olympic and NASCAR events.

An active civic volunteer, Ms. Morris assists with fund raising projects for education, health care, and housing for the handicapped. She is a member of the Advisory Board of the School of Entrepreneurship and New Ventures of Texas A&M University.

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
February 21, 2011

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WS11-002

Discuss an amendment to the Lancaster Code of Ordinances, Article 3.800, Fence Regulations, and repeal of Article 14.500, Section 14.501 (h) Fences from the Lancaster Development Code in its entirety.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 2: Quality Development

Background

The City of Lancaster currently has two separate ordinances that address regulations on fence construction within the City. The current Code of Ordinance, Section 3.800 Fence Regulations was adopted in 1994. The Lancaster Development Code (LDC) fence regulations was adopted in 2006. The two separate ordinances are in conflict with each other in a number of areas related to fence construction requirements. Over the past few years, the conflict has presented difficulties to both residents and business owners wishing to erect a fence on their property for privacy, security and/or increased curb appeal. Staff proposed certain amendments to address conflicts within a set of LDC amendments in October 2008 and was directed by City Council at that time to pull the fence regulation portion due to a lack of consensus among Council. Since that time staff has continued to receive request from staff and council regarding these regulations.

The purpose of this amendment is to merge the best of both ordinances into one code by removing fence regulations in its entirety from the LDC, and providing a fence ordinance in the City's Code of Ordinances that is free of conflict. This will better serve the needs of our citizens with regard to fencing their properties.

Larry King, Assistant Building Official, will provide a brief presentation on the proposed fence regulations.

Considerations

- **Operational** – Currently, the Building Inspections Division is responsible for the applications for a fence permit in the City of Lancaster. The Assistant Building Official oversees review and approval. After reviewing the current regulations, receiving input

from citizens, and researching our survey cities, the attached ordinance has been drafted.

The proposed ordinance will amend the current Code of Ordinance Article 3.800 to resolve conflicts while allowing the residents and the business community additional options that better serve their needs. The amendments will not impact staffing in any way.

Specific amendments include:

- Repeal Article 14.500, Section 14.501 (h) (1), (2) and (3) all private fence restrictions from the Lancaster Development Code.
 - Section 3.807 Height Limitation – Rear and Side Yards-Increasing the maximum fence height to eight (8) feet.
 - Restrict construction of chain link fences in the front yard unless there is an existing chain link fence. Any existing chain link fence in the front yard may be repaired or replaced to only the height when originally constructed.
 - Inclusion of a permit fee penalty when fences are erected without a permit.
 - Restrict fences, guy wires, and braces to be constructed in public rights-of-way that interfere with drainage.
 - Restriction of fences on reverse frontage lots to be built closer than ten feet (10') from a side property line.
 - Allow the use of barbed wire or electric fences to only those uses associated with agricultural, farming, and ranching activities.
 - Add additional fencing material such as wire, metal fabric material (chain link), decorative and ornamental iron, wood, brick, stone, masonry, vinyl, or other material as approved by the Code Official.
 - Establishing the Zoning Board of Adjustment as the appeal authority.
- **Legal** –The attached redlined ordinance draft has been reviewed by the City Attorney.
 - **Financial** – Amendments to the ordinance may increase City revenue due to the clarification of the ordinance, pending permit requests, and regulations that better serve the community and their needs.
 - **Public Information** – There are no public information requirements.

- **Public Information** – There are no public information requirements.

Options/Alternatives

Staff is seeking direction regarding the proposed fence ordinance amendments.

Recommendation

Staff recommends the adoption of the proposed amendments as presented.

Attachments

- Redlined draft copy of Article 3.800 Fence Regulations
- Lancaster Development Code, Article 14.500, Section 501, (h) Fence Regulations

Prepared and submitted by:

Larry King, C.B.O.
Assistant Building Official

Date: February 9, 2011

ARTICLE 3.800 FENCE REGULATIONS

Sec. 3.801 Definitions

For the purpose of this article, the following terms, phrases and words shall have meanings respectively ascribed to them by this section:

Code Official. The administrative official or the designated representative charged with the responsibility of enforcement of this article.

Approved. Approved by the code official or the city council of Lancaster, Texas.

Corner Lot. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not to exceed one hundred thirty-five 135 degrees.

Fence. Any wall, berm or structure more than two and one-half (2 ½) feet in height erected or maintained for the purpose of enclosing, screening, restricting access to or decorating the surrounding lot, parcel, building or structure; located entirely on private property.

Front Yard. An open, unoccupied space on a lot facing a street and extending from the building or the required building line across the front of a lot.

Height (of fence). Measured from ground level at the base of fence to the uppermost part of the fence.

Interior Lot. A lot other than a corner lot.

Interior Lot Line. The side yard lot line that is adjacent to a corner lot or an interior lot's side yard line.

Rear Yard. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal buildings.

Reverse Frontage Corner Lot. A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.

Side Yard. An open unoccupied space on the same lot with the building, extending from the building or the required building line and the same lot line.

Street. For the purpose of this article, street shall refer to public and private streets.

Through Lot (Double Frontage Lot). A building lot not a corner lot, where both the front and rear lot lines adjoin street lines. For the purpose of this section, both street lines shall be deemed front lot lines.

Vision Triangle. Vision triangle is that imaginary area created by measuring along two (2) intersecting property lines a distance as indicated below, then drawing a line diagonally. Fence or fences in these vision triangles shall not exceed two and one-half (2 ½) feet in height.

- 1) Street-Street Intersections. The vision is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting streets a distance of twenty-five (25) feet, and drawing an imaginary line across these two (2) points.

- 2) **Street-Alley Intersections.** The vision triangle is determined by measuring back from the intersecting point of the two (2) property lines parallel to the intersecting alley ~~and street~~ a distance of ten (10) feet, and drawing an imaginary line across the two (2) points. (See Illustration #5 at the end of this chapter.)

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.901)~~

Sec. 3.802 Permit to Erect Required

It shall be unlawful for any person, firm or corporation to erect or have erected, or to make substantial repairs, suffer or permit a fence or any part of a fence of permanent construction without first obtaining a fence permit from the office of the code official. ~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.902)~~

Sec. 3.803 Application for Permit

Any person making application for a fence permit shall sign an application for the same showing the following information:

- 1) Applicants name, address and if the applicant represents a corporation, the name and address of the registered agent of the corporation, and if the applicant represents an association, the name and address of the higher manager or agent of the association.
- 2) Name of the owner of the property.
- 3) Address where the fence is proposed to be erected.
- 4) Type of fence construction.
- 5) Height of fence.
- 6) Plot plan showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines, easements and public rights-of-way.

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.903)~~

Sec. 3.804 Permit Fee

Upon approval of application and at the time of issuance of permit, the applicant shall pay a fee as set forth in the ~~fee scheduled found in the appendix of this code.~~ ~~(1994 Code of Ordinances, Article 3.900, Section 3.904)~~ Master Fee Schedule. Any fence constructed without first being issued the required building permit the permit fee may be doubled

Sec. 3.805 Encroachment of Public Property

No fence, guy wires, braces or any post of such fence shall be constructed upon or caused to protrude over property that the city or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon utility easements which are permitted to be fenced. ~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.905)~~

Sec. 3.806 Construction Within Easements

- a) Permission to build a fence upon a utility easement does not remove the obligation of the owner of said fence to remove the fence upon demand of the utility company. Removal of any fence and any rebuilding of any fence shall be the responsibility of the owner of said, fence and at the owner' expense.
- b) Fences shall be designed, constructed and maintained so as not to interfere with utility lines.
- c) Fences shall be designed, constructed and maintained so as not to interfere with normal drainage.

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.908)~~

Sec. 3.807 Height Limitation-Rear and Side Yards

It shall be unlawful to erect, maintain, suffer or permit a fence at a height exceeding (8) feet in any rear yard or along any rear yard lot line, or in any side yard or along any side yard line, except by appeal to the ~~planning and zoning commission and to city council~~, Zoning Board of Adjustment Board and by favorable vote from same. ~~Any fence located in a vision triangle shall be two and one-half (2 ½) feet or less in height. (See Illustrations #2 and #5 at the end of this chapter.)~~ (1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.907)

Sec. 3.808 Height Limitation-Front Yards

~~a) It shall be unlawful to erect, maintain, suffer or permit a fence in the front yard building setback area.~~

~~b) It shall be an affirmative defense to subsection (a) above that:~~

a) Front Yard Fences shall be constructed within the required front yard according to the following guidelines.

- 1) The fence is forty-eight (48) inches or less in height, and the fence is fifty (50) percent **visibility** open (**no solid fences**). (See Illustration #1 at the end of this chapter.)
- 2) In the case of a corner lot, the fence is forty-eight (48) inches or less in height, and the fence is fifty (50) percent **visibility** open (**no solid fences**).~~and the vision triangle is kept clear and free from any obstruction for a height not to exceed two and one-half (2 ½) feet maximum.~~ (See Illustration #2 at the end of this chapter.)
- 3) ~~Metal fabric material (chain link) fence materials are not allowed within the required front yard.~~
- 3). Restrict construction of chain link fences in the front yard unless there is an existing chain link fence. Any existing chain link fence in the front yard may be repaired or replaced as necessary in conformance with these regulations. This also means that an existing forty two inch (42") chain link fence may be replaced with a forty eight inch (48") chain link fence.

Sec. 3.809 Fences on Reverse Frontage Lots

a) On all reverse frontage lots located on property zoned for residential use, or used for residential use, it shall be unlawful to construct, maintain, suffer or permit a fence within the

required side yard area that is adjacent to a front yard area at a distance closer than ten (10) feet of the side property line.

b) It shall be an affirmation of defense to subsection (a) above that:

1) The fence is four (4) feet or less in height and the fence allows at least fifty (50) percent through vision. (See illustration #3 at the end of the chapter).

~~2) If any portion of the fence is located within the vision triangle, the fence shall be two and one-half (2 ½) feet or less in height. (See illustration #3 at the end of this chapter.)~~

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.909)~~

Sec 3.810 Use of Barbed Wire or Electrically Charged Fences

a) ~~No~~ Only fences as part of an agricultural or farming or ranching related activities erected, maintained or permitted shall be electrically charged in any manner or form. The exclusion includes but is not limited to fences electrically charged by battery or those tied in with the regular electrical outlet.

b) No fence erected, maintained or permitted shall be made with barbed wire unless as part of an agricultural or farming or ranching related activities.

c) No fence erected, maintained or permitted shall be made with concertina wire, razor wire or anything capable of causing significant harm to the general public.

~~d) It shall be an affirmative defense to subsections (a) and (b) above that the fence is in a nonresidential use application, or that the fence is used in part for agricultural or farming or ranching related activities.~~ Any barbed wire portion of a fence for a commercial application must be on that portion of the fence over six (6) feet in height. The barbed arms shall not extend over public right-of-way or easements or over private property of another person. When adjoining property is zoned or used for residential purposes or public right-of-way, barbed arms shall extend inward. (See Illustration #4 at the end of this chapter.)

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.910)~~

Sec. 3.811 Fence Construction and Materials

a) All fences unless prohibited elsewhere in the Ordinance shall be constructed or maintained within the city limits shall be constructed with wire or metal fabric material (chain link), wood, brick, stone, concrete, vinyl, ornamental iron or other approved materials as approved by the code official. Fence posts shall be constructed or made of metal, brick, stone, concrete, fiberglass or other material approved by the code official. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled with concrete materials. ~~(1994 code of Ordinances, Chapter 3, Article 3.900, Section 3.911; Ordinance 11-01 adopted 1/8/01)~~

~~a) The city council Zoning Board of Adjustments of the City of Lancaster is hereby designated the appeal body to hear any appeals to decisions rendered from the strict application of this section. (1994 Code of Ordinances, Chapter 3, Section 3.900, Section 3.911)~~

b) Any material proposed not outlined in the above ordinance is considered prohibited for use as fence construction.

~~Sec. 3.812 Garbage Pickup in Residential Property With Improved Alley Pickup~~

~~Garbage refuse shall be stored on private property. If a storage recess area is constructed into the fence, it shall be recessed a minimum of three (3) feet from the property line; and the recessed area must be a minimum width of five (5) feet. If the storage area is elevated, it shall not be elevated more than three (3) feet above grade level. (See Illustration #5 at the end of this chapter.) (1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.912)~~

Sec. 3.8132 Gates

It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses; and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing a reasonable means of access to such alley or easement. ~~Gates must swing inward toward private property and are not allowed to swing outward across property lines into public right of way. (1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.913)~~

Sec. 3.8143 Inspection

Upon completion of the installation of a fence, the building inspection department shall be called upon for inspection. An acceptance tag will then be issued or a rejection tag indicating the defects in the same ~~not in compliance with approved plans of city ordinances. (1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.914)~~

Sec. 3.8154 Maintenance and Standard of Fence

A fence or fences shall be maintained by the owners of the property so as to comply with the requirements of this article and shall also be maintained in good condition, such condition shall not deviate from the maintenance standards as follows:

- 1) The fence shall not be out of vertical alignment more than twenty (20) degrees.
- 2) Any and all broken damaged, removed or missing parts of said fence shall be replaced within ten (10) days of receiving notification by regular mail, or notice delivered in person by the code official or his authorized representative. The code official may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time as necessary. Replacement materials to be the same material, size, shape and quality of original fence to which the repair is being made except when a post is damaged, removed or missing. Replacement materials of fence posts shall conform to the standards established by Section 3.811 above. Such post shall be replaced with metal or steel (095 or schedule 40) or other material approved by the code official. ~~(Note: All illustrations shall remain in place.) (1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.915; Ordinance 11-01 adopted 1/8/01)~~
- 3) Except in cases where a fence or fences are ordered to be constructed on property as a result of a specific order of the city council or through operation of the zoning ordinances of the city, the above requirements shall not be construed so as to not allow a fence or fences to be removed. ~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.915)~~

Sec. 3.8165 Appeal of Specific Requirements

Upon denial of a fence permit application by the code official, an applicant may appeal in writing to ~~city council~~ **Zoning Board of Adjustment Board** for consideration of variances. Whenever the applicant can show that a strict application of the terms of this article will impose upon him unusual or practical difficulties, the ~~city council~~ **Zoning Board of Adjustment**

may ~~grant consider~~ such variances when the ~~city council board~~ is satisfied that granting of such variation will not merely serve as a convenience but will alleviate some demonstrable and unusual hardship or difficulty to warrant a variance and at the same time, the surrounding property will be properly protected. ~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.916)~~

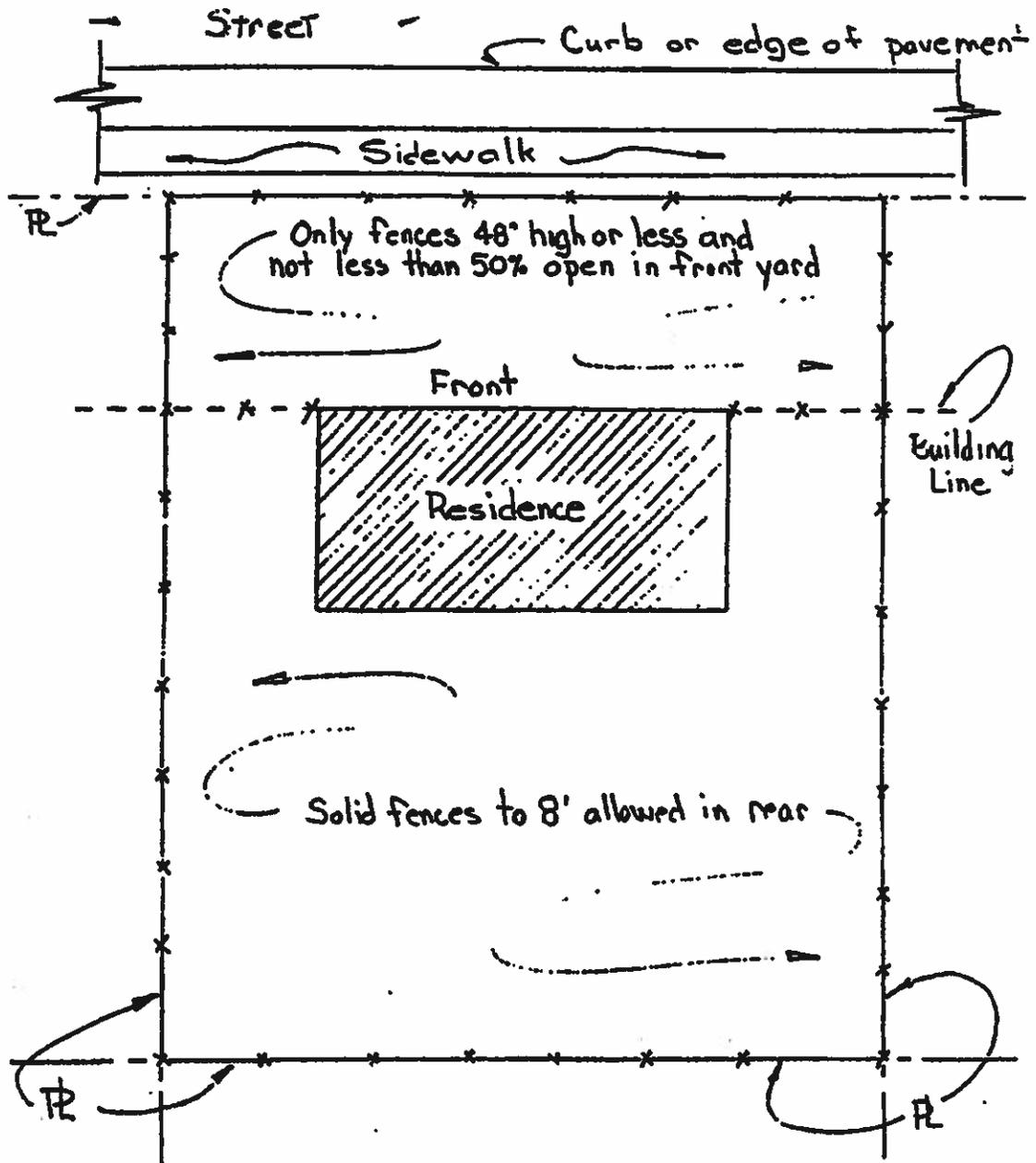
Areas that warrant a hearing before the Zoning Board of Adjustments would be fence materials, fence setbacks and overall height of the fence. These are the only area that may be considered for considering a variance by the Zoning Board of Adjustments.

Sec. 3.8176 Process of Appeal

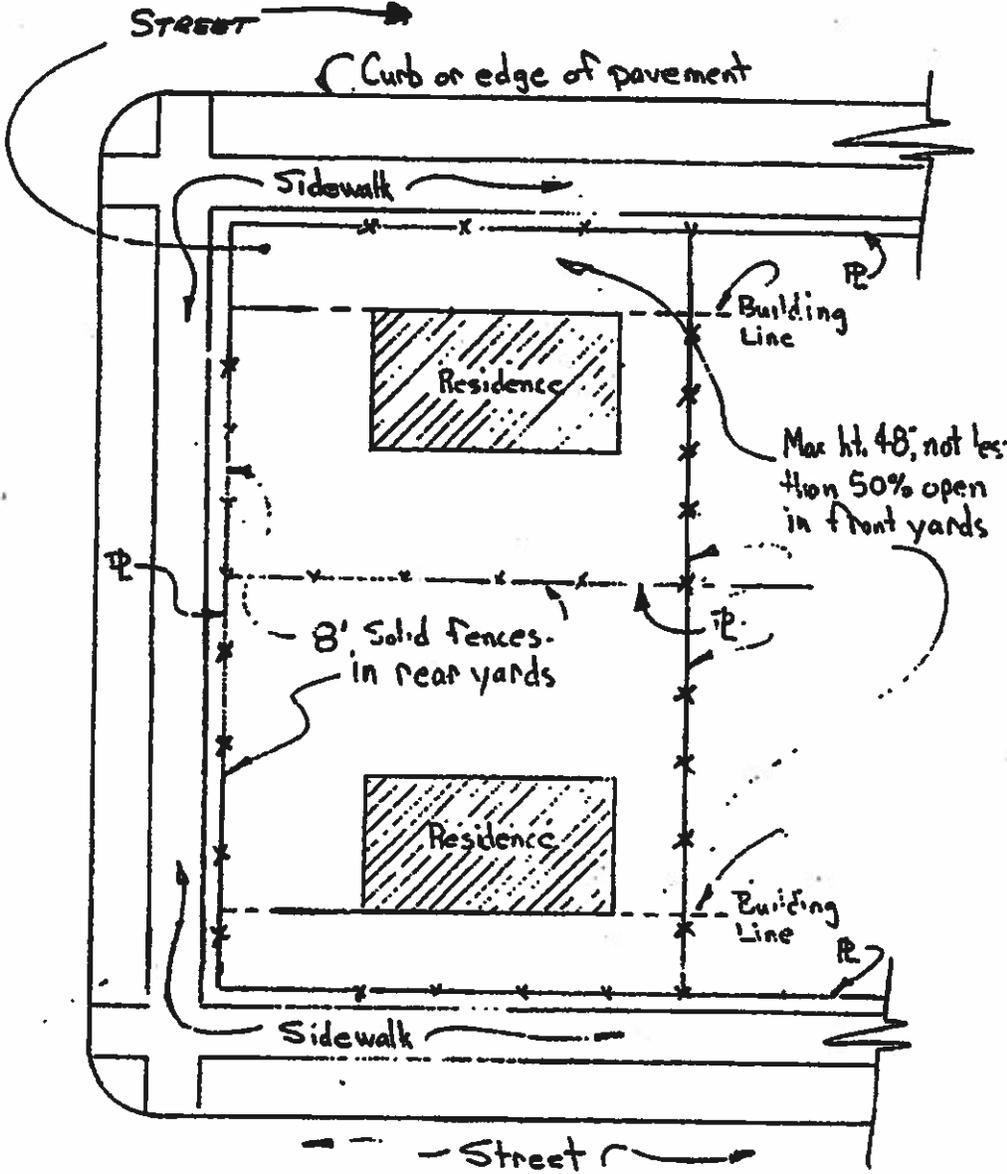
- a) After denial of a fence permit, the applicant may file an application for appeal for a variance hearing with ~~city council~~ the Planning Department to be considered or scheduled for a hearing before the Zoning Board of Adjustments.
- b) An appeal fee as provided for in the ~~Master Fee Schedule~~ fee schedule found in the ~~appendix of this code~~ shall accompany such application.
- b) Site plan drawings and elevations of proposed fence shall accompany application.
- c) The ~~city council~~ Zoning Board of Adjustment shall hear the appeal from the applicant and render a decision.

~~(1994 Code of Ordinances, Chapter 3, Article 3.900, Section 3.917)~~

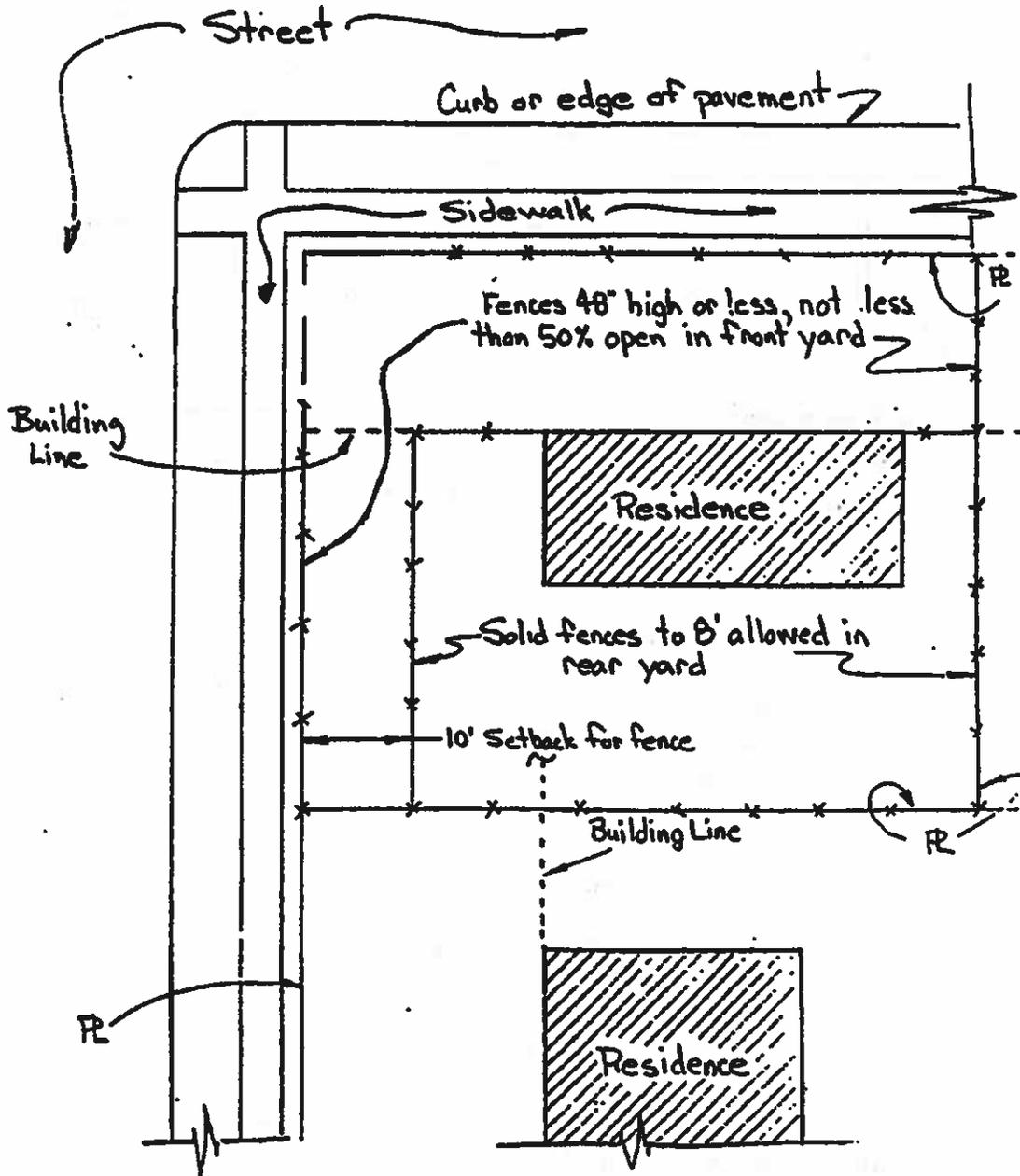
ILLUSTRATIONS



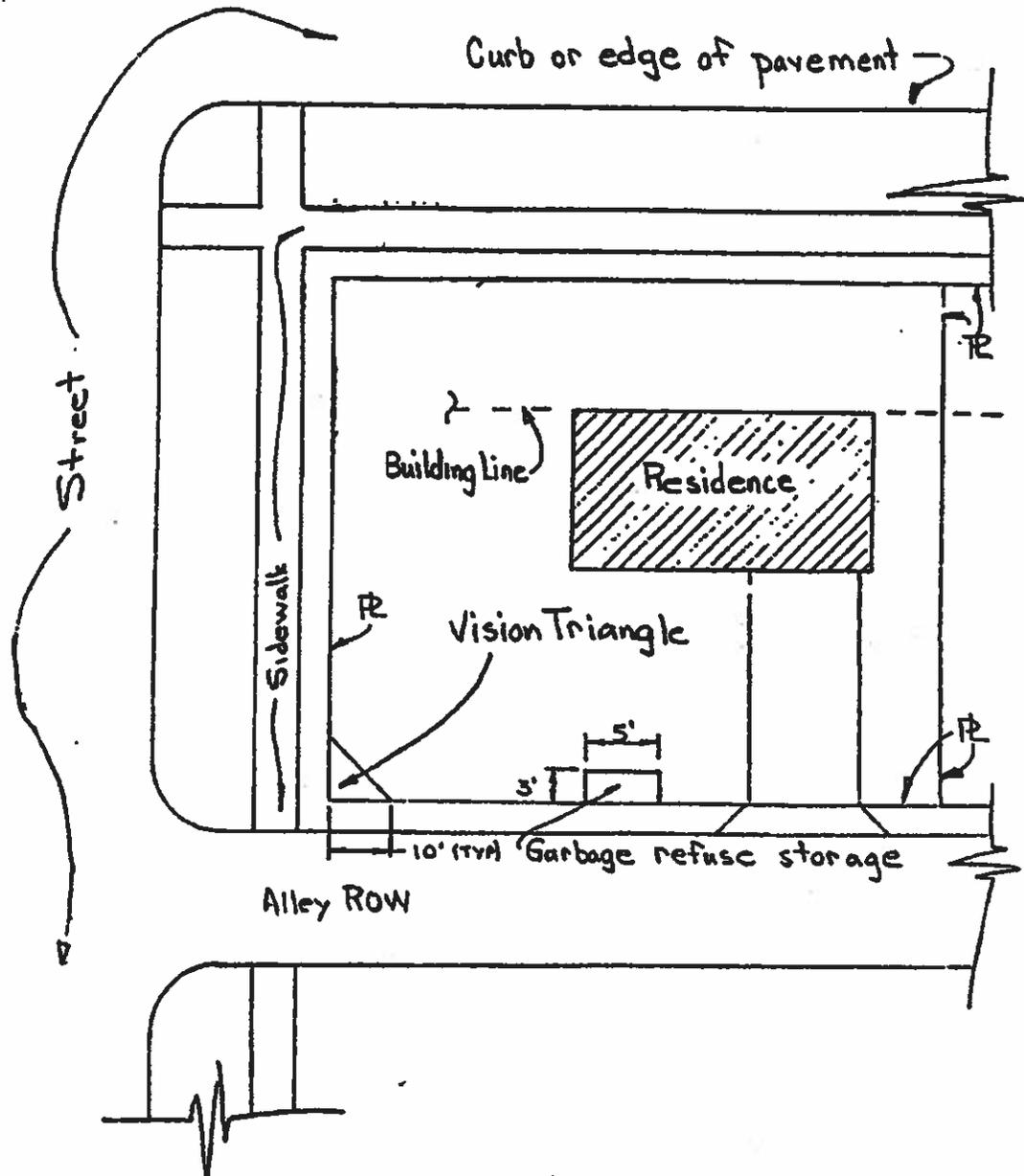
Interior Lot Illustration #1



Corner Lot Illustration #2



Reverse Frontage Lot Illustration #3



1) Vision Triangle - Alley. In

2) Garbage Receptacle Detail

Illustration #5

LDC Excerpt from Article 14.500

(h) Fences.

(1) General. All fences within the City shall conform to the following standards:

- A. Fences may be built to a maximum 8 feet in height except as specified in *Sub-section (b) Residential Fences* of this subsection. However,
 - 1. No solid fencing greater than 42 inches in height may be built in front of the front building setback line;
 - 2. No chain link fences shall be allowed within 10 feet of property lines unless completely screened from adjacent public areas and properties by either structures or by solid landscape screening; and
 - 3. Solid wood fencing must be constructed using metal posts set in concrete, or brick or stone columns.
- B. Split rail, steel pipe, wrought iron and decorative metal fences are encouraged in Agriculture (A) and Single Family Estate (SF-E) districts.
- C. Pre-cast and poured-in-place solid fencing shall require special approval by Director.
- D. Barbed wire fences may be used without restrictions when in conjunction with agricultural and related activities; provided, however, no barbed wire fence shall be located on any platted property zoned for single family use.
- E. Fencing in commercial and industrial districts which run adjacent and roughly parallel to the Pleasant Run, Beltline, Main Street, Bear Creek, Houston School Road, Bluegrove, Dallas Avenue, Bonnie View, Jefferson Lancaster-Hutchins and State Street South rights-of-way, shall be constructed of the primary masonry materials of the building (not including standard concrete block or concrete wall), wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 100 feet. It shall be located no closer to the ROW than 6 feet, and shall include irrigation and landscaping.

(2) Residential Fences. The following standards shall apply to all residential uses except SF-E, TH-16 and MF-16.

- A. Fences between houses may be 6 feet in height and solid, but may not extend closer to the street than 15 feet behind the front outside corner of the home.
- B. Fences along a side street-
 - 1. May be no closer to the street than the rear corner of the home,
 - 2. May not overlap the house with a fence either from the front or the rear, and
 - 3. May be up to 6 feet in height at the rear of the building and may be solid.
- C. Notwithstanding the above, picket fences are allowed in the front yard and to within 18 inches of any property line adjacent to a street.
- D. Fences along a rear alley may be up to 6 feet in height and must be located at least 3 feet back from the property line. They may also be solid unless facing a trail or open space. The area between the fence and alley should be irrigated and must be planted with grass, ground cover, shrubbery or trees.
- E. Allowed configurations:
 - 1. Picket fences in front yards shall be a minimum of 30% open and include corner posts. They may be a maximum of 42 inches in height with posts up to 48 inches in height. Materials include painted rot-resistant wood, metal or flat topped (non-crimped or capped) plastic/PVC or similar material with integrated color.
 - 2. Wood fences greater than four (4) feet in height shall be constructed using metal posts set in concrete.
 - 3. Wrought iron style metal fences must be constructed of minimum ½ inch material primarily oriented vertically. There shall be 4" to 6" spacing between vertical elements.
 - 4. The finished side of all perimeter fencing which is visible from a public area or right-of-way shall face outward.

(3) Subdivision Screening Walls

- A. New Subdivisions.** No new subdivisions may include a screening wall between the subdivision and a street right-of-way without approval of a Specific Use Permit. Residential units must face or side on to roadways. This may be achieved on major roadways by utilizing large lots (capable of including additional parking and on-site maneuvering), eyebrows or slip streets.
- B. Subdivisions Approved or Platted Prior to the Effective Date of this Ordinance.** Where a perimeter screening wall or fence is erected between any residential subdivision, TH-16 or MF-16 development and any public right-of-way, the following requirements shall apply:
1. All residential subdivision fencing which abuts a thoroughfare shall be constructed of masonry materials (not including concrete block or poured in place concrete, except for vertical column support), wrought iron or living plant material. It shall not run in straight line without being off-set by a minimum of 6 feet every 100 feet. It shall be located no closer to the ROW than 6 feet, and shall include irrigation and landscaping.
 2. No new fence or screening wall (which is parallel to, perpendicular to, approximately parallel to, or approximately perpendicular to an existing subdivision screening wall or fence) erected after the effective date of this ordinance shall be erected to a height which exceed the height of the subdivision screening wall or fence.
 3. Where a developer or homeowners' association of an existing subdivision constructs a wrought iron or other similar non-opaque fence adjacent to any thoroughfare, no screening wall or fence shall be erected after the effective date of this ordinance within the required side or rear yard which is parallel to such wrought iron or similar non-opaque fence.
 4. No existing screening wall or fence shall be repaired, extended or modified unless such repairs, extensions, or modifications are done in a manner consistent with the color, material, or character of the existing screening wall or fence, and any such extension occurs along the entire length of such screening wall or fence, including where such screening walls or fences may be interrupted by streets, alleys, or other access ways.

LANCASTER CITY COUNCIL
Work Session Agenda Communication for
February 21, 2011

3

WS11-003

Discuss proposals [RFP No. 2011-21] received for redistricting services in the City of Lancaster.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 1: Financially Sustainable City Government

Background

At the November 15, 2010 work session, Council discussed the redistricting process and directed staff to solicit proposals for redistricting services. Redistricting is the process of changing electoral district and constituency boundaries, usually in response to census results. Lancaster has experienced significant growth since the last census. We anticipate that it will be necessary to redraw council district boundaries to account for population changes outlined in the data to be received from the United States Census Bureau in March 2011.

In December 2010, staff issued a request for proposal (RFP) soliciting responses for redistricting services. Proposals were issued to encompass the potential changes in voting districts upon release of the 2010 census data.

The following criteria were used in the RFP:

- An initial assessment of the current six districts to determine if redistricting services are required.
- Districts should be redrawn using the 2010 United States Census population figures for the City of Lancaster.
- There should be even distribution of population among the six areas that does not exceed ten percent (10) difference between the number of residents in the smallest district and the number of residents in the largest district.
- Natural and recognizable boundaries (streets, waterways, etc.) should be used whenever possible (this method is preferred).
- Census tracts and Census blocks may be used to draw district lines, where appropriate.
- Anticipated future growth may be considered including pending annexation. The first area to be annexed will take place in November 2011.
- Data collected must be analyzed and prepared in written form for review by City officials.
- Redistricting process must be performed by individuals trained in conducting redistricting in an unbiased manner.

- Final results must be prepared and presented in report form with an estimated amount for an initial analysis to determine if there is a need to redistrict and an estimated amount for the process if it is deemed necessary.
- Firm must schedule at least one (1) public hearing to present options to the Citizens. This must be done after the first work session and prior to Council approval.
- Final report must be prepared and presented to City Council no later than January 31, 2012.
- Firm must work with and coordinate with the US Census Bureau, if necessary, to minimize any under count of persons in the City.
- Firm must provide an analysis of the existing Council Districts and determine potential changes.
- Firm must be responsible for preparing, developing, recommending and presenting redistricting plans for City Council discussion and consideration.
- Firm must submit adopted redistricting plans to the Texas Secretary of State and the United States Department of justice for approval.

Considerations

- **Operational** – Proposals were received from four firms:

Lafferty & Slayton, PLLC
Bojorquez Law Firm
Knight and Partners
Bickerstaff Heath Delgado Acosta, LLP

The proposal submitted by Knight and Partners did not follow submission instructions. Staff evaluated the proposals, scoring on criteria including: understanding of the scope of the project, approach to the project, assigned personnel, projected timeline, adherence to submission instructions, previous redistricting experience, and price. The firm of Lafferty & Slayton has no redistricting experience.

- **Legal** – Single member district boundaries will likely be impacted due to population growth since the last census. Following United States Supreme Court cases of the 1960's, it was ruled that single member districts must contain roughly equal populations.

The proposal was processed in accordance with all local and state purchasing statutes. Four proposals were received. One of the respondents was M/WBE certified. Bickerstaff is a HUB vendor certified by the State of Texas. The draft agreement for redistricting services has been reviewed by the City Attorney.

- **Financial** – Prices quoted for redistricting services are:

Lafferty & Slayton, PLLC	\$21,735 + \$1,500 for court reporter
Bojorquez Law Firm	\$28,000 to \$32,000
Knight and Partners	\$22,500
Bickerstaff Heath Delgado Acosta, LLP	\$32,600

Bickerstaff included all expenses in their quote. The quote from Bojorquez Law firm did not include expenses and Knight and Partners did not include travel or expenses. Finally, the quote from Lafferty & Slayton included travel, other expenses and proposed an additional \$1,500 for a court reporter.

Costs for redistricting services were not budgeted. Staff anticipates sufficient savings in 01-0446-05-00 [legal services] due to reduced City Attorney meeting attendance and other legal expenses to cover the redistricting cost.

- **Public Information** – Request for proposals were advertised on December 21 & 29, 2010 on the City's e-procurement system, Demandstar, and on the State of Texas website. Responses were due on January 21, 2011.

Options/Alternatives

Staff is seeking direction regarding the proposals. Consideration of the proposals is scheduled for the February 28, 2011 Council meeting.

Recommendation

Comprehensive redistricting services is a complex project, melding both applicable legal knowledge and sophisticated technology applications to produce viable district configurations for Council's review, followed by submission of the adopted redistricting plan to the Department of Justice.

Staff recommends Bickerstaff Heath Delgado Acosta, LLP for redistricting services. Bickerstaff has extensive experience in redistricting services throughout the state and strong technical capability specifically designed for redistricting. Bickerstaff is skilled in preclearance submissions and, if needed, response to the Department of Justice. Although higher in total price, Bickerstaff's detailed summary of expenses was comprehensive for the scope of the project. Bickerstaff is able to meet the City's timeline objectives.

Attachments

- Proposals:
 - Bickerstaff Heath Delgado Acosta, LLP
 - Lafferty & Slayton, PLLC
 - Bojorquez Law Firm

Prepared and submitted by:
Dolle K. Downe, City Secretary
Dawn Berry, Purchasing Agent

Date: February 9, 2011

City of Lancaster, Texas (Purchasing) Supplier Response

Bid Information		Contact Information		Ship to Information	
Bid Creator	Dawn Berry Purchasing Agent	Address	PO Box 940	Address	PO Box 940
Email	dberry@lancaster-tx.com		Lancaster, TX 75146		Lancaster, TX 75146
Phone	(972) 218-1329	Contact	Dawn Berry	Contact	Dawn Berry
Fax	(972) 218-3621		Purchasing		Purchasing
Bid Number	2011-21	Department		Department	
Title	Redistricting	Building		Building	
Bid Type	RFP-Weighted	Floor/Room		Floor/Room	
Issue Date	12/20/2010	Telephone	(972) 218-1329	Telephone	(972) 218-3621
Close Date	1/21/2011 4:00:00 PM CST	Fax	(972) 218-3621	Fax	
Need by Date		Email		Email	
			purchasing@lancaster-tx.com		purchasing@lancaster-tx.com

Supplier Information

Company Bickerstaff Heath Delgado Acosta LLP
Address 3711 S. MoPac Expy., Bldg. 1, Ste. 300
 Austin, TX 78746
Contact Kristine Patrick
Department
Building
Floor/Room
Telephone 1 (512) 4728021
Fax 1 (512) 3205638
Email
Submitted 1/21/2011 2:35:58 PM CST
Total \$32,600.00

Signature _____

Supplier Notes

Bid Notes

City of Lancaster is requesting qualification statements to evaluate and redraw, if necessary, the boundaries of the six current Council districts.

Bid Messages

Date	Subject	Message
01/19/11	Reminder	Submittals must be posted prior to 4:00 PM on Friday. Please note, the system follows the server time in the top right. The system checks for errors and if you submit at 3:59, you will not have time to correct the errors. Please see the navigating the e-procurement system pdf document located at www.lancaster-tx.com/bids .

Please review the following and respond where necessary

#	Name	Note	Response
1	Questions	All questions shall be addressed to Dawn Berry, Purchasing Agent through the electronic procurement system.	Understood
2	Attachments	I have attached attachments 1-6.	Yes
3	Company Ownership	Is your company currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.	No.
4	Financial Rating	Provide a financial rating of your company and any documentation (e.g. a Dunn & Bradstreet analysis/number), which indicates the financial stability of the company.	Dunn & Bradstreet No. 11-644-2641.
5	Litigation	Provide any details of all past or pending litigation or claims filed against your company arising out of or in connection with your company's performance under a contract for construction management and/or construction services. Describe how such suit or claims were resolved.	None.
6	Litigation with City of Lancaster	Is your firm involved in any litigation (past or pending) with the city of Lancaster? If yes, please provide details.	No.
7	Electronic Payment	If you would like your payment sent electronically (EFT), please provide your accounts receivable contact information. Please provide name and email.	Chris Sims; csims@bickerstaff.com
8	Open Records Act	All responses will be maintained confidential until award is finalized. At that time, all proposals are subject to the Open Records Act.	Agreed
9	Website Address	Enter product website information	http://www.bickerstaff.com
10	T&C Acknowledgement	I have read and agree to the terms and conditions of this bid.	Agreed
11	Bid Acknowledgement	Bidder affirms that they have read and understand all requirements of this proposal. Additionally, the bidder affirms that they are duly authorized to execute this contract and that this company has not prepared this proposal in collusion with any other proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the bidder nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this type of business prior to the official opening of this proposal.	Agreed
12	Insurance	Vendor shall provide insurance as listed in the insurance requirements attached.	Understood
13	County	What county is your principal place of business located?	Travis County
14	Immigration	Employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the US) and aliens authorized to work in the US. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.	(No Response Required)

15	Laws and ordinances	The Contractor shall at all times observe and comply with all Federal, State, and local laws, ordinances and regulations which in any manner affect the Contract or the work.	Understood
16	Payment Terms	The City of Lancaster's payment terms are Net 30.	Agreed
17	Change Orders	No oral statement of any person shall modify or otherwise change, or affect the terms, conditions, or specifications stated in the resulting contract. All change orders to the contract will be made in writing by the city of Lancaster.	Agreed
18	Late Submission	Bids/RFQs are not accepted after the closing date and time. The City of Lancaster is not responsible computer, mail or carrier issues/problems. The server time located in the top right corner of this software is the official clock. It is the responsibility of the user to ensure you have chosen the correct time zone for your company.	Understood
19	Reciprocal Information 1	The City of Lancaster, as a governmental agency of the State of Texas, may not award a contract for general construction, improvements, services or public works projects or purchases of supplies, materials, or equipment to a non-resident bidder unless the non-resident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located (Article 601g v.t.c.s.). Bidder shall answer all the following questions by encircling the appropriate response or completing the blank provided. <p>**Where is your principal place of business?	Texas
20	Reciprocal Information 2	For Businesses not located in Texas, does your state favor resident bidders (bidders in your state) by some dollar increment or percentage?	N/A
21	Reciprocal Information 3	If Yes, What is the dollar increment or percentage?	N/A
22	Notification	How did you here about this bid opportunity?	Other
23	Plan Room - Other	If yes for a plan room or other, please list which plan room or other means of notification.	N/A
24	Conflict of Interest 1	Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose on this form the vendor name, person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, the questionnaire must be filed with the Purchasing Agent of the City of Lancaster not later than the 7th business day after the date the person becomes aware of the facts that require the statement to be filed. ** Please return the completed form to City of Lancaster, Attn: Purchasing, PO Box 940, Lancaster, TX 75146. ** See Section 176.006 of the Local Government Code for further details. Note: A person commits an offense (Class C misdemeanor) if the person violates Section 176.006. ** A City of Lancaster employee or officer is defined as a member of the Lancaster City Council, Lancaster Economic Development Corporation Board of Directors, Lancaster Recreational Development Corporation Board of	(No Response Required)

		Directors, Housing-Finance Corporation Board of Directors, and any employee of the City that makes purchasing decisions or recommendations regarding the use of funds of the City or said corporations.	
25	Conflict of Interest 2	Please provide the name of each employee, official, or contractor of the City of Lancaster who makes purchasing decisions or recommendations regarding the use of funds of the City or corporations listed above and describe the business relationship with your firm.	N/A
26	Conflict of Interest 3	3. Name of City of Lancaster officer with whom the vendor/business has affiliation or business relationship.	N/A
27	Conflict of Interest 3A	Is the City of Lancaster employee or officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?	No
28	Conflict of Interest 3B	Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the City of Lancaster officer named in this section and the taxable income is not from the City of Lancaster?	No
29	Conflict of Interest 3C	Is the filer of this questionnaire affiliated with a corporation or other business entity that the City of Lancaster employee or officer serves as an officer or director, or hold an ownership of 10 percent or more?	No
30	Conflict of Interest 3D	Describe each affiliation or business relationship.	N/A
31	W9 1	Enter the name as shown on your tax return.	Bickerstaff Heath Delgado Acosta LLP
32	W9 2 Business Name	Enter your business name (DBA) if different from the above.	same as above
33	W9 3	Please select company type.	Other
34	W9 4	Please list the W9 address.	3711 S. MoPac Expressway, Building One, Suite 300, Austin, TX 78746
35	W9 5	Enter your TIN. The TIN provided must match the name on your invoice. For individuals, this is your social security number (SSN). For other entities, it is your employer identification number (EIN).	742153894
36	W9 6 Certification	Under penalties of perjury, I certify that: <p>1.) The number shown on the above question (W9 - 1) is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2.) I am not subject to backup withholding because: <BLOCKQUOTE>(a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and</BLOCKQUOTE> 3.) I am a U.S. citizen or other U.S. person as defined below. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual	Certified

retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN

37	MWBE 1	Is your company M/WBE or HUB certified?	yes
38	MWBE 2	If yes, what is your certification number?	1742153894700
39	MWBE 3	If yes, what agency completed the certification?	Texas Building and Procurement Commission
40	MWBE 4	If yes, what is the expiration date of your certification?	07/24/2011

Line Items

#	Qty	UOM	Description	Response
1	1	EA	Price to complete the Initial Analysis	\$4,000.00
			Item Notes:	
			Supplier Notes:	
2	1	EA	Total price for redistricting services	\$28,600.00
			Item Notes:	
			Supplier Notes:	
Response Total:				\$32,600.00

ATTACHMENT 1

Letter of Understanding

Bickerstaff Heath Delgado Acosta LLP

3711 S. MoPac Expressway Building One, Suite 300 Austin, Texas 78746 (512) 472 8021 Fax (512) 320-5638 www.bickerstaff.com

January 21, 2011

Dawn Berry
Purchasing Agent
City of Lancaster Purchasing Department
P.O. Box 940
Lancaster, TX 75146

Re: Bid No. 2011-21 – Redistricting Services – Letter of Understanding
Regarding Specifications

Dear Ms. Berry:

The law firm of Bickerstaff Heath Delgado Acosta LLP is pleased to respond to the City of Lancaster's E-Bid RFP for Redistricting Services.

Over the past thirty years, our firm has distinguished itself as the foremost provider of redistricting services in Texas. Home to the state's most experienced group of redistricting attorneys, Bickerstaff Heath is eminently qualified to perform the redistricting services detailed in the City's RFP and would be proud to perform such work.

On behalf of Bickerstaff Heath, I am confirming that, as a partner of the firm, I am authorized to make this proposal to the City of Lancaster and bind the firm. As indicated throughout the firm's proposal, we fully understand the scope of the redistricting services described in the RFP and commit to performing those services if selected. In addition to stating our firm's ability to adhere to all federal, state, and local statutes and ordinances in the performance of redistricting services, this letter serves as formal acknowledgment of the following criteria by which the City has determined the contract for redistricting services shall be performed:

- Division of the City into six (6) districts.
- Districts should be redrawn using the 2010 United States Census population figures for the City of Lancaster.
- There should be even distribution of population among the six areas that does not exceed ten percent (10) difference between the number of residents in the smallest district and the number of residents in the largest district.
- Natural and recognizable boundaries (streets, waterways, etc.) should be used whenever possible.
- Census tracts and Census blocks may be used to draw district lines, where appropriate.

- Anticipated future growth may be considered including pending annexation. The first area to be annexed will take place in November 2011.
- Data collected must be analyzed and prepared in written form for review by City officials.
- Redistricting process must be performed by individuals trained in conducting redistricting in an unbiased manner.
- Final results must be prepared and presented in report form with an estimated amount for an initial analysis to determine if there is a need to redistrict and an estimated amount for the process if it is deemed necessary.
- Firm must schedule at least one (1) public hearing to present options to the Citizens. This must be done after the first work session and prior to Council approval.
- Final report must be prepared and presented to City Council no later than January 31, 2012.
- Firm must work with and coordinate with the US Census Bureau, if necessary, to minimize any under count of persons in the City.
- Firm must provide an analysis of the existing Council Districts and determine potential changes.
- Firm must be responsible for preparing, developing, recommending and presenting redistricting plans for City Council discussion and consideration.
- Firm must submit adopted redistricting plans to the Texas Secretary of State and the United States Department of justice for approval.

Please accept this letter and the representations contained herein for all purposes as part of the proposal submitted to you in response to your RFP. Please do not hesitate to contact me if you have any questions concerning the proposal.

Sincerely,



David Méndez

DM/da

ATTACHMENT 2

Scope of Work

Redistricting services follow a time line and are generally defined by the following scope:

Redistricting Services. Our firm provides cities with comprehensive redistricting plans based on the 2010 Census, as well as frameworks for implementation. The firm provides services in redistricting in four areas: (1) legal advice, (2) demographic analysis and drawing proposed districts, (3) submission of plans for Department of Justice preclearance, and (4) litigation defense.

Legal Advice. We routinely advise governmental entities regarding their legal obligations during the redistricting process. Generally, this will include issues arising under the United States Constitution and the federal Voting Rights Act, and also may include state law questions.

Under the current state of federal voting rights law, a governmental body must walk a legal tightrope as it undergoes redistricting, balancing Voting Rights Act section 2 nondiscrimination demands with the "reverse discrimination" limitations on race-based redistricting set out in the U.S. Supreme Court's *Shaw v. Reno* line of cases. The legal consequences of decisions made in the redistricting process will be particularly significant, and the choices made early in the process can be especially critical. Accordingly, the timing and quality of legal advice will be of the utmost importance.

The firm will prepare memoranda and brief the City Council and staff on their responsibilities under the Voting Rights Act and the *Shaw v. Reno* Supreme Court decision.

The firm will also develop redistricting criteria for the Council to approve and follow.

The attorneys will attend all committee and Council meetings, as well as other meetings scheduled by staff in order to discuss the redistricting process and plan. The firm's services will also include conducting public hearings and meetings and mediating disputes regarding the City's redistricting plans.

Demographic Analysis and Drawing Districts. The firm has technical capabilities specifically designed for redistricting, which include sophisticated GIS and redistricting software, hardware, and technical GIS support. Many of the clients we advise on redistricting also retain the firm to perform demographic analysis of their existing districts and to assist them in drawing proposed districts. Even where the governmental entity uses a separate demographic specialist, there are instances in which it is beneficial for the attorneys to be able to make their own analysis prior to determining what tasks the demographic expert will be asked to perform. If the firm is asked to prepare districts, the proposed districts will generally constitute only a starting point, as council members suggest alterations and additional options are prepared. An attorney will supervise the line-drawing process, but most of this work will be done by a redistricting specialist with special training and experience in the use of redistricting GIS software. This produces a more efficient and economical means of accomplishing the task as the redistricting specialist will have a much lower billing rate than the supervising attorney.

The attorneys will provide the legal, demographic, and statistical analysis to the entire City Council prior to the Council's vote on the redistricting changes.

Section 5 Preclearance Submission. Under section 5 of the Voting Rights Act, any redistricting plan adopted by a political subdivision will need to be precleared by the Department of Justice or by a three-judge district court in the District of Columbia before it can be implemented. The firm has prepared hundreds of preclearance submissions to the Department of Justice and routinely does this for its redistricting and election law clients. It is important that the submission not be thought of as merely something that happens at the end of the process. Rather, the redistricting process should be specifically designed to address the issues that will be important to the Department of Justice and to develop the material that will need to be included in the submission. The firm's success in the *Chen v. City of Houston* case (a synopsis of the case follows this Attachment) validates this view. It is also important to remember that the submission process involves not only the written submission materials, but often also includes a substantial effort to respond to clarifying questions posed by the Department and to its requests for additional information.

Voting Rights Litigation. A major goal of the process is to design a plan that will avoid litigation and liability. The firm tries during the process to minimize the likelihood of a legal challenge by advising the client of the most legally defensible plan and by being sure that the redistricting process produces a record that can be used to demonstrate that the adopted plan complies with the applicable legal standards. Sometimes, however, when the opponents of a plan are unsuccessful in the political arena, they will move their battle to the courthouse. In those instances, the firm is prepared to defend the plan as it has extensive experience in litigating Voting Rights Act and *Shaw v. Reno* issues. The firm has unique experience in *Shaw v. Reno*-type

cases because of its success in the *Chen v. City of Houston* case. The members of the Firm are licensed in the U.S. Supreme Court and various lower federal courts, including the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Courts for the Eastern, Western, Northern, and Southern Districts of Texas.

Implementation

The specific tasks our firm provides as redistricting assistance to the City are:

- a. Initial schedule planning. The firm will consult with the City Council and establish a schedule for performance of the various tasks for which the firm has been engaged. This would include scheduling Council meetings, work sessions, and public meetings; establishing target dates for presentation of proposed plans for Council consideration and/or for public discussion; and establishing target deadline for the City Council's adoption of a redistricting plan and for submission of a preclearance request to the Department of Justice. The firm will counsel the City Council and clearly define the Council's responsibility in the redistricting process.
- b. Conduct training sessions. The firm will also schedule training sessions or workshops for the City Council or any City staff who will be involved with the City's redistricting process. Topics include overview of applicable legal standards; development of redistricting criteria; organization and coordination of redistricting process and schedule; role of public input and conduct of public meetings; required documentation for preclearance

submission; the firm's GIS and demographic capabilities; and the use of Internet-based conferencing to conduct some or all of the meetings and public hearings. The training sessions are an important element of ensuring that the City's efforts are consistent with the relevant laws governing the redistricting process.

- c. Identify and begin other census pre-release tasks. Tasks in this category may include: (i) collecting data concerning existing Council member voting district boundaries, to be input into the firm's GIS/redistricting software databases and verified, and any other demographic or boundary-related data or information the City may have; (ii) assisting the City with preparation of draft resolutions, public notices, and other documents likely to be needed during the process (and preparation of their translation into Spanish); and (iii) identifying and beginning to collect data and documents likely needed as part of any ultimate preclearance submission.

The firm is experienced in the use of census data and Tiger/Line (census geography) files and is capable of drawing districts at various levels of geography. Where possible, the geographical units the firm recommends be used are election (voting) precincts, which in census terminology are known as voting tabulation districts or VTDs. This is especially appropriate in the context of seeking to avoid *Shaw v. Reno* (racial gerrymandering and/or reverse discrimination) liability. In the event of unforeseen circumstances, as appropriate, the firm can use other geography with census population data.

- d. Performing an initial assessment. Upon the release of the Census Data in 2011, the firm will examine the new population data and determine whether current City Council districts have become sufficiently unbalanced in population as to require the City to engage in redistricting. This "initial assessment" will be presented to and discussed with the Council.
- e. Development and adoption of criteria for redistricting. If the Council Districts are determined to be out of balance, the firm will assist the City Council in identifying and adopting practical and legal criteria to be followed during the redistricting process. In light of *Shaw v. Reno*-type cases concerning gerrymandering and the standards that have emerged from them, this is a critical element of a successful redistricting process and important to establishing defensibility of an adopted plan against later litigation. (Much of this can be done before the release of census data.)
- f. Develop redistricting plans. The firm will develop redistricting plans for Council members' single member districts using the firm's GIS and demographic capabilities. The firm will work with the City Council to develop plans suitable for preclearance submission that take into account, consistent with the applicable legal requirements, the various practical and political considerations the Council determines are relevant. Under our approach, we interview affected Council members to ascertain their interests and concerns as we propose adjustment to population in their Council district territories. We anticipate that a number of plans may be developed, each responding to a different set of considerations proposed

by the City Council, and that some modifications or refinements may be required before a plan is acceptable to the Council. As desired, the firm will provide written materials in support or explanation of any plans developed by the firm at the Council's request.

- g. Advise the City Council regarding the merits of plan(s).** The firm will advise the Council of the relative legal and practical merits of particular plans under consideration. As requested, members of the firm will attend meetings of the Council at which plans are presented and discussed. The firm will provide written materials in support or explanation of any plans evaluated by the firm at the Council's request. In addition, the firm will provide an independent assessment of any plans under serious consideration. This assessment will verify whether and how the plan under consideration satisfies the applicable legal standards and whether the adopted redistricting criteria appear to have been followed.
- h. Conduct public presentation, discussion of proposed plans, and adoption of final plan.** Typically, one or more plans proposed by the City will be presented for public comment. The firm will conduct public presentations of proposed plans and summarize public comments for the Council. The Firm will assist the Council in adopting a final plan based on the analysis.

Testimony at each hearing will be transcribed by a certified court reporter or by electronic recording devices, depending upon the City's instructions. The substance of such meetings, public comments on the specific plans presented, and the City's responses should be

characterized in the preclearance submission. Our experience is that the time and cost for attorney review of such meetings associated with preparation of the submission package is greatly reduced – by more than the cost of the reporter – if there is an accurate printed transcript on which to rely, in lieu of poring over tapes of the meetings, from which identification of the various speakers is difficult, if not impossible, and which may suffer unpredictably from poor sound quality or even wholly missed portions of meetings. The importance of these meetings is demonstrated by the assignment of the firm's attorneys to attend and document the meetings.

- i. Preparation of preclearance submission. Upon adoption of a plan, the firm will prepare the required Voting Rights Act section 5 preclearance submission for the Department of Justice, including assembling all documentation required.

As the City is aware, under section 5 of the Voting Rights Act, any redistricting plan adopted by the City Council will need to be approved by the Department of Justice or by a three-judge district court in the District of Columbia before it can be implemented. The firm has prepared hundreds of submissions to the Department of Justice and routinely does this for its redistricting clients. It is important that the submission not be thought of as merely something that happens at the end of the process. Rather, the redistricting process should be specifically designed to address the issues that will be important to the Department of Justice and

to develop the material that will need to be included in the submission. It is also important to remember that the submission process involves not only the written submission materials, but often also includes a substantial effort to respond to clarifying questions posed by the Department and to its requests for additional information. The firm will work with the City to submit its plan to any other required agency.

- j. Responding to DOJ requests for additional information. During the Department of Justice's review of the preclearance submission, it may request additional information. The firm will prepare responses to those requests and deal directly with DOJ to answer any questions. In unusual circumstances, it may be desirable for Council members and members of the firm to visit with DOJ officials in Washington D.C. We do not anticipate such circumstances arising, but in the event they do, the firm will be available to meet with DOJ personnel.
- k. Ongoing legal counsel and consulting. The firm will be available through the conclusion of the submission stage to provide ongoing legal counsel and consulting to the City concerning the redistricting process, related requirements, the plan(s) considered and the plan adopted, the City's preclearance submission, and initial implementation of any precleared plan. This does not include counseling regarding any specific litigation brought against the City, which would fall under the category of litigation representation.

- I. **Litigation.** In the event there is actual litigation or threatened litigation, the firm will be available to counsel the City about the likely merits of any suit or claim brought or anticipated to be brought imminently and to defend the challenge. The firm will also be available to advise the City regarding potential litigation arising after the submission process is concluded. A major goal of the redistricting process is to design a plan that will avoid litigation and liability, however our voting rights litigators have been successful in defending lawsuits and in disposing of them quickly and efficiently. A list of our voting rights litigation is included behind this Attachment.

VOTING RIGHTS / REDISTRICTING CASES

Lopez v. City of Houston, 2009 WL 1456487 (S. D. Tex., May 22, 2009), aff'd ___ S.W.3d ___, 2010 WL 3341643 (5th Cir. August 26, 2010). The firm represented the City of Houston and obtained a dismissal of the case, which claimed that the city's failure to create new council districts violated section 5 of the Voting Rights Act. The plaintiffs appealed to the Fifth Circuit, which affirmed the district court decision.

Lepak v. City of Irving, No. 3-10-CV-277 (N. D. Tex.). The firm is defending the City of Irving in this currently pending case that challenges the use of total population as the apportionment base where the jurisdiction contains a high percentage of non-citizens. The plaintiffs have brought the case in an effort to get the issue to the Fifth Circuit or Supreme Court in hopes of creating a new standard for apportionment.

Benavidez v. Irving Ind. Sch. Dist., 690 F. Supp. 451 (N. D. Tex. 2010). The firm successfully defended the Irving school district's at-large election system despite an earlier negative ruling by a district judge involving essentially the same geographic area.

Benavidez v. City of Irving, 638 F. Supp 700 (N.D. Tex. 2009). The firm defended the City in a challenge to its at-large election system. The district court ruled in favor of the plaintiff, and, rather than appeal, the city and plaintiff agreed to a compromise that was consistent with the city's plan to adopt a mixed system.

Reyes v. City of Farmers Branch, 586 F.3d 1019 (5th Cir. 2009). The firm successfully defended the City of Farmers Branch's at-large election system. The basic issue involved the ability to measure post-censal growth in the Hispanic population.

Rodriguez v. Bexar County, Tex., 385 F.3d 853 (5th Cir. 2004). The firm successfully defended Bexar County against various voting rights and state constitutional attacks when it abolished a constable precinct.

Steele v. Jackson, No. 3-01-CV-1771-H (N.D. Tex. 2002). In 2001, Dallas County's elimination of several justice precincts was challenged on numerous grounds, including failure to preclear under Voting Rights Act section 5, and several discrimination and vote dilution claims under Voting Rights Act section 2 and the Fourteenth and Fifteenth Amendments. The firm obtained dismissal of all counts in the suit.

2001 Texas legislative and congressional redistricting litigation. The firm was retained by the Office of the Attorney General of Texas to assist the state in defense of the 2001 legislative redistricting and in the litigation in which the federal court drew an interim congressional plan. The cases included *Mexican-American Legislative Caucus Texas House of Representatives v. Texas*, 536 U.S. 919 (2002) (summ. aff.); *Perry v. Del Rio*, 67 S.W.3d 85 (Tex. Sup. 2001); *In re Perry*, 60 S.W.3d 857 (Tex. Sup. 2001).

Chen v. City of Houston, 206 F.3d 502 (5th Cir. 2000). The firm represented the City of Houston in defending its current redistricting plan against a *Shaw v. Reno* challenge. The district court granted summary judgment in favor of the City, and the Fifth Circuit affirmed in March 2000. The United States Supreme Court, Justice Thomas dissenting, denied Chen's petition for writ of certiorari.

Robert Valdespino and Brenda Rolon v. Alamo Heights Independent School District, et al., 168 F.3d 848 (5th Cir. 1999). The firm successfully defended the school district in a challenge to its at-large election system. The plaintiffs filed a petition for certiorari, and the Solicitor General, at the invitation of the Court, submitted a brief in which the United States urged that the petition be granted. The Supreme Court, however, denied the petition in January 2000.

Harris v. City of Houston, 151 F.3d 186 (5th Cir. 1998). The firm was voting rights counsel to the city in defending its 1996 annexation of the Kingwood area against attacks under the Voting Rights Act. The district court ruled for the city and the Fifth Circuit dismissed the appeal as moot.

Foreman v. Dallas County, Texas, 521 US 979 (1997). This case, which produced a U.S. Supreme Court opinion, related to whether procedures for appointing election judges were covered by Section 5 of the Voting Rights Act. The case was dismissed before a final ruling on the merits, but the district court awarded attorney's fees after finding that the suit was a catalyst to corrective legislation. The Fifth Circuit reversed the award and narrowed the scope of the catalyst theory as a basis for awarding attorney's fees (193 F.3d 314 (5th Cir. 1999)). A petition for certiorari was denied by the Supreme Court.

Campos v. City of Houston, 113 F.3d 544 (5th Cir. 1997). This case involved a successful defense of the at-large portion of the City of Houston's election system. The case established the Fifth Circuit rule on using citizen voting age population in voting rights analysis.

Texas v. United States, No. 94-1529 (D.D.C. July 10, 1995) (3-judge court). The firm represented Harris, Fort Bend, Tarrant, and Midland counties before the district court of the District of Columbia seeking preclearance of the creation of several judgeships. The Department of Justice had earlier refused to preclear the statutes creating the courts. Since preclearance was required to be sought by the State, the counties participated in the capacity as amicus. The District of Columbia court precleared all the courts.

United States v. City of Houston, 800 F. Supp. 504 (S.D. Tex. 1992) (3-judge court). The firm defended the city in a suit brought by the Department of Justice which sought to enjoin the city's 1991 election. The election was not enjoined and the court rejected a subsequent request by the United States to overturn it.

***Salas v. Southwest Texas Junior College*, 964 F.2d 1542 (5th Cir. 1992).** The firm successfully represented the junior college district in defense of its at-large election system.

***Campos v. City of Houston*, 776 F. Supp. 304 (S.D. Tex. 1991), No. 91-6100 (5th Cir. Oct. 24, 1991), 960 F.2d 26 (5th Cir. 1991) (subsequently withdrawn), 968 F.2d 446 (5th Cir. 1992), 112 S.Ct. 354 (1991) (Scalia, J., in chambers), 113 S.Ct. 971 (1993) (denial of certiorari).** This hotly contested case involved a counterclaim in which the city sought permission for the 1991 city election to be conducted notwithstanding the Department of Justice's objection to the 1991 redistricting plan. The city was successful, and the election was held as scheduled.

***Overton v. City of Austin*, 871 F.2d 529 (5th Cir. 1989).** The firm successfully represented the City of Austin in defending its at-large council election system.

***League of United Latin American Citizens v. Midland ISD*, 829 F.2d 546 (5th Cir. 1987) (en banc).** The firm prepared an amicus brief and participated in the oral argument before the en banc Fifth Circuit. The basic issue involved whether two minority groups could be combined to constitute a single group that was large enough to meet the Supreme Court's threshold requirement set out in *Thornburg v. Gingles*. This case was decided on procedural grounds so the court did not reach the substantive issues.

***LeRoy v. City of Houston*, No. H-78-2174 (S.D. Tex. 1985).** A federal judge issued a temporary restraining order halting absentee balloting in the 1985 mayoral and council election for the City of Houston. The firm was hired to assist the City Attorney in representing the City before the Department of Justice and the three-judge court. The election was able to proceed as scheduled.

***Alfred Valero, et al. v. City of Kerrville, et al.*, No. SA-96-CA-413 in the United States District Court for the Western District of Texas, San Antonio Division.** The firm represented the city in a challenge to its at-large election system. After presentation of expert reports, the plaintiffs dropped the case.

***Bosquez v. City of Amarillo*, No. 2-05CV-324-J in the United States District Court for the Northern District of Texas, Amarillo Division.** The firm represented the city in a challenge to its at-large election system. After presentation of the expert reports, the plaintiffs dropped the case.

Chen v. City of Houston

The firm has been involved in the major cases that have shaped redistricting and voting rights law in the state. For example, in 1996 the firm assisted the City of Houston in its mid-decade city-wide redistricting and represented the City in the subsequent hotly contested litigation that included a "reverse discrimination" claim against the City of the kind recognized by the U.S. Supreme Court in the *Shaw v. Reno* case. The City was faced with having to balance two competing legal principles: Voting Rights Act section 2 precludes discrimination against minority voters by "packing" (concentrating minority voters so as to minimize the number of districts in which they have significant voting power) or "fragmenting" (fragmenting minority voter concentrations into several districts to minimize their influence) and favors drawing strong minority voter districts. But the *Shaw* case held that taking race into account as the dominant factor could itself be illegal discrimination – often called "reverse" discrimination. The City was faced with threats of lawsuits no matter what course it took. The firm developed a procedural approach for the redistricting designed to make sure that the City met its legal obligations. The firm represented the City in the *Shaw*-based suit that challenged its new redistricting plan, and which was brought by the same plaintiffs who had successfully challenged the Harris County congressional districts in the Supreme Court's *Bush v. Vera* case (a case in the *Shaw v. Reno* line of cases). The firm used the record it had developed in the redistricting process to obtain a summary judgment upholding the plan. The Fifth Circuit affirmed. *Chen v. City of Houston*, 206 F.3d 502 (5th Cir. 2000).

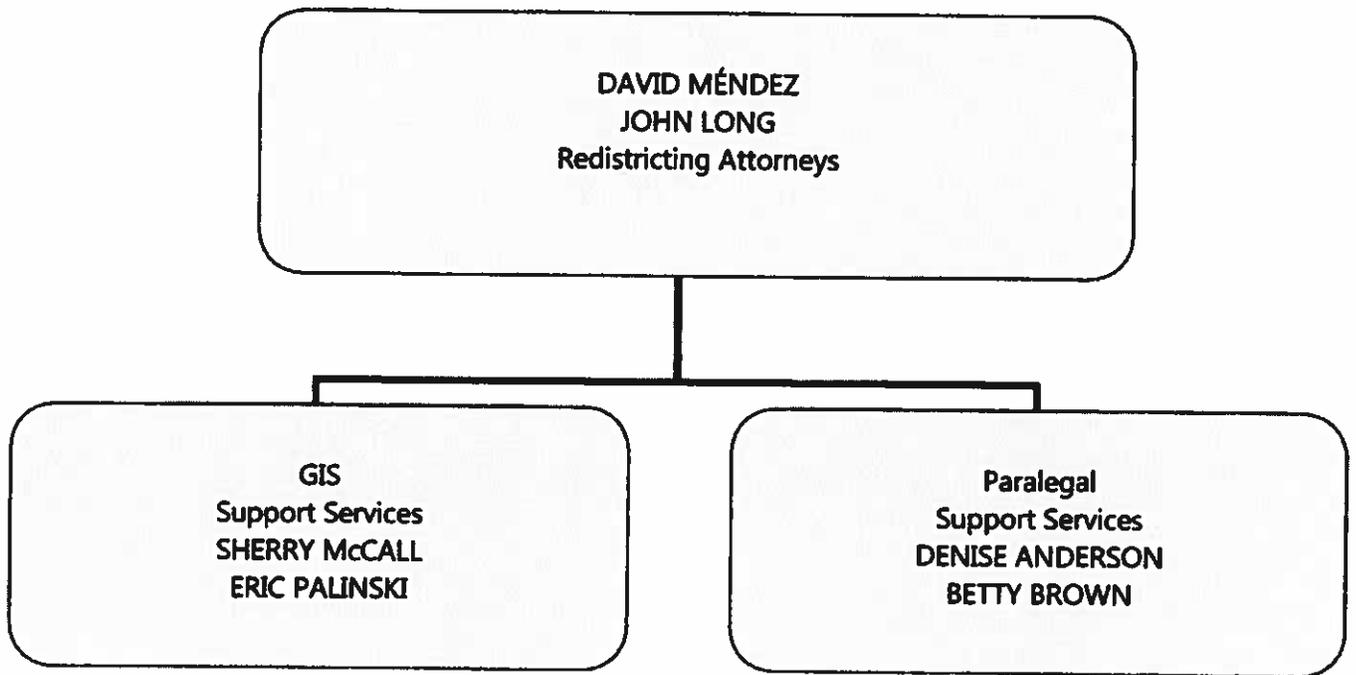
ATTACHMENT 3

Time Frame, Staff Assignment and Pricing

Redistricting is an intense project requiring the lawyers' and Council's attention to a number of deadlines and activities. Attorneys selected for the assignment should be among the most experienced and highly respected redistricting attorneys practicing in the jurisdiction; they should have hundreds of significant redistricting projects accomplished over the last two to three decades. This level of experience will ensure that the City receives high-quality services in a complicated and often politically charged arena. The relevant members of the team should be licensed in the U.S. Court of Appeals for the Fifth Circuit and the U.S. District Court for the Western District of Texas, as well as the U.S. Supreme Court and various lower federal courts.

Our estimate of attorney resources includes two assigned lawyers, two GIS drawers, and two paralegals. The following organization chart shows professionals assigned to handle the project. As the timetable in Attachment 4 demonstrates, the projected hours are not spread evenly over the year but are concentrated between April and September, requiring several short bursts of significant staffing along with steady levels from a smaller number of team members.

The City of Lancaster Redistricting Organization Chart describes the Firm's expected staffing and management of the redistricting project.



David Méndez, Proposed City of Lancaster Redistricting Team Leader – The Redistricting Team Leader is the primary contact for the City. The Team Leader is responsible for coordination of all services and oversight of all staff working on the City’s redistricting project. Initially, the Redistricting Team Leader will consult with the City Council to advise the Council with respect to its redistricting obligations and to establish the time line and personnel parameters for performance of the various redistricting tasks. The Team Leader will develop redistricting plans in coordination with the City, will provide advice to the City Council with respect to the merits of various plans, will assist with public hearings and make public presentations, will draft and finalize the Department of Justice submission letter, and will communicate with the Department of Justice when necessary in the City’s interest.

Redistricting Staff Attorney – The Redistricting Staff Attorney proposed to the City of Lancaster is John Long. He will serve as the primary resource to the City in conjunction with the Team Leader. He will be thoroughly knowledgeable regarding the City's redistricting goals and will provide legal services regarding the City's redistricting process. He will provide counsel, attend hearings, and revise plans. The Redistricting Staff Attorney will work closely with the firm's GIS staff to see that the proposed and final maps are completed as directed by the City. He will have responsibility for preparing the initial drafts of the submission letter to the Department of Justice and for overseeing the assembly of all required exhibits. He will be engaged in all aspects of the project and will be available to respond to City inquiries about the status of the project.

GIS Staff – Under the supervision of the redistricting attorneys, the GIS Staff prepares redistricting maps for the City's consideration.

Paralegal Staff – The Paralegal Staff is primarily responsible for assembly and organization of the Department of Justice Submission and frequently acts as a liaison between the firm and the client's staff to ensure that all proper documentation has been received by the firm for inclusion with the DOJ submission letter. The paralegals also coordinate meetings and hearings and provide logistical support during the process.

Resumes and brief biographies of the attorneys and staff assigned to the proposed Lancaster Redistricting Team can be found in Attachment 6.

Estimated Number of Hours, Hourly Rate and Pricing

The following documents are included in this Attachment:

1. A proposed budget, with estimated number of hours for each staffing level assigned to the project.
2. A redistricting rate schedule for each person assigned to the project.

**PROPOSED CITY OF LANCASTER BUDGET
2011 REDISTRICTING**

	Partner \$350	Atty \$250	Senior GIS \$150	GIS \$130	Para \$130	Flat fee	Reimbursable Expenses
I. PRELIMINARY WORK (NEW CLIENTS)							
Initial schedule planning	0	0	0	0	0		
Conduct training sessions	0	0	0	0	0		
Identify and begin other Census-related tasks	0	0	0	0	0		
Verify maps and geocode locations (polling, incumbents, facilities)	0	0	0	0	0		
II. INITIAL ASSESSMENT							
Preparation of initial assessment (flat fee)						\$4,000.00	
III. CONSULT WITH CLIENT AND DEVELOP AND ADOPT CRITERIA							
Initial Consultation with Council Members	0.5	6	1	6	0		
Notice of public meeting (criteria)/translate	0.5	1	0	0	1		\$50.00
Draft resolution on criteria & process	0.5	1	0	0	1		
ADVICE/CONSULTATION Total Hours	1.5	8	1	6	2		
ADVICE/CONSULTATION Total Cost	\$525	\$2,000	\$150	\$780	\$260		
IV. DEVELOP REDISTRICTING PLANS							
Build first illustrative plan	0.5	2	1.5	4	0		
Adjust first illustrative plan (& present to public)	0.5	1	1	2	0		
Second illustrative plan	0.5	2	1.5	3	0		
Coordinate Election Precincts	0	0.5	0	0.5	0		
DEVELOP REDISTRICTING PLANS Total Hours	1.5	5.5	4	9.5	0		
DEVELOP REDISTRICTING PLANS Total Cost	\$525	\$1,375	\$600	\$1,235	\$0		
V. PUBLIC HEARINGS AND ADOPTION OF PLAN							
Prepare for and conduct Public hearing via telephone	0.5	3	1	3	1		
Analyze public input	1	2	1	2	2		
Prepare for and conduct meeting at conclusion of hearings to present findings	0.5	3	1	2	1		
Meeting to adopt Final Plan	0.5	3	1	3	1		
Court reporter	0	0	0	0	0		\$400.00
Fee for transcript	0	0	0	0	0		\$100.00
Translate hearing notices/submission notice into Spanish	0	0	0	0	0		\$200.00
Large Format Maps for Posting at Hearings (\$50.00 x 4 maps)	0	0	0	0	1		\$200.00
PUBLIC HEARINGS AND ADOPTION OF PLAN Total Hours	2.5	11	4	10	6		
PUBLIC HEARINGS AND ADOPTION OF PLAN Total Cost	\$875	\$2,750	\$600	\$1,300	\$780		
VI. DOJ SUBMISSION							
Maps/demographic information	0.5	1	1.5	4	2		
Staff gather exhibit materials	0.3	0.3	1	2	5		
Attorney draft letter	1	4	1	2	0		
Final compilation/organization/binding/mailling	0	0.5	0	3	3		
Notice to public re: submission/copy location/& translation	0	1	0	0	1		\$50.00
Written description of districts/review (not included in this budget)	0	0	0	0	0		
Analyze Section 5 & section 2 liability	1	2	1	1	0.5		
Review public hearing transcripts	0.5	2.5	0	0	1		
misc. copying/phone calls/postage costs							\$750.00
DOJ SUBMISSION Total Hours	3.3	11.3	4.5	12	12.5		
DOJ SUBMISSION Total Cost	\$1,155	\$2,825	\$675	\$1,560	\$1,625		
VII. RESPOND TO DOJ REQUESTS FOR ADDITIONAL INFORMATION							
Phone calls from DOJ Tech person asking questions	0.1	0.5	1	0	0.5		
Phone calls to DOJ regarding Submission status (attorney)	0.5	1	0	0	0		
Additional maps/data collection for submission	0	0	0	2.5	1		
Review supplemental data	0	0	0	0	0		
Possible second submission/change election date (not included in this budget)	0	0	0	0	0		
RESPOND TO DOJ REQUESTS FOR ADDITIONAL INFORMATION Total Hours	0.6	1.5	1	2.5	1.5		
RESPOND TO DOJ REQUESTS FOR ADDITIONAL INFORMATION Total Cost	\$210	\$375	\$150	\$325	\$195		
Total Attorney Hours		46.7					
Total GIS Hours			54.5				
Total Paralegal Hours				22			
GRAND TOTALS	\$3,290	\$9,325	\$2,175	\$5,200	\$2,860	\$4,000.00	\$1,750.00
TOTAL FOR ALL							\$28,600
TOTAL HOURS							123.2

Note: Some adjustment to this budget will occur upon the determination of the number of meetings required to present/develop plans

2011 Redistricting Rate Schedule

AA	Alejandro Acosta	PARTNER	\$250.00
	Brad Lingenfelder	SPECIALIST	\$130.00
BBY	Brad Young	PARTNER	\$250.00
BD	Bill Dugat	PARTNER	\$300.00
BGB	Betty G. Brown	SPECIALIST	\$150.00
BSM	Beth Myers	PARALEGAL	\$130.00
BV	Becky Vragel	PARALEGAL	\$130.00
CAC	Cobby Caputo	PARTNER	\$300.00
CCR	Claudia Russell	PARTNER	\$250.00
CF	Catherine Fryer	PARTNER	\$250.00
CJC	Cindy Crosby	PARTNER	\$250.00
CRH	Robert Heath	PARTNER	\$350.00
CRK	Charles Kimbrough	PARTNER	\$250.00
CTT	Catherine Than	PARTNER	\$250.00
	David Gimnich	SPECIALIST	\$130.00
DB	Deborah Broadway	PARALEGAL	\$130.00
DGC	Douglas Caroom	PARTNER	\$250.00
DLA	Denise Anderson	PARALEGAL	\$130.00
DM	David Mendez	PARTNER	\$350.00
DVC	Denise Cheney	PARTNER	\$250.00
EJP	Eric Palinski	SPECIALIST	\$150.00
EMM	Esther Moreno	PARALEGAL	\$130.00
EWR	Emily Rogers	PARTNER	\$250.00
HD	Hector Delgado	OTHER ATTORNEY	\$250.00
	John Prater	SPECIALIST	\$130.00
JDW	John Warren	PARALEGAL	\$130.00
JEG	John Gangstad	PARTNER	\$250.00
JL	John C. Long IV	OTHER ATTORNEY	\$285.00
JNP	Joe Pratt	PARTNER	\$250.00
JRJ	John R. Jones	PARTNER	\$250.00
KA	Kathy Anderson	PARALEGAL	\$130.00
KAL	Katy Lumpkin	PARTNER	\$250.00
LAA	Laura Aguilar	PARALEGAL	\$130.00
MMM	Marco M. Munoz	OTHER ATTORNEY	\$250.00
MOM	Manuel Mendez	PARTNER	\$300.00
MSF	Mimosa Flores	PARALEGAL	\$130.00
RMA	Michael Anderson	OTHER ATTORNEY	\$250.00
RO	Ricardo Ortiz	PARTNER	\$250.00
RS	Rose Spector	OTHER ATTORNEY	\$250.00
SHM	Sherry McCall	SPECIALIST	\$150.00
SMH	Susan Horton	OTHER ATTORNEY	\$250.00
SMM	Susan Maxwell	PARTNER	\$250.00
SSR	Sandra Ray	PARALEGAL	\$130.00
SWF	Sydney W. Falk	PARTNER	\$350.00
TMP	Tom Pollan	PARTNER	\$325.00
WJE	Wil-Jeanne Eugene	ASSOCIATE	\$250.00

ATTACHMENT 4

Outline of Approach

TIMETABLE FOR 2011 REDISTRICTING PROCESS

This project time line will be adjusted should a change be made to the City's election schedule:

February 2011: Initial schedule planning.

- Scheduling City meetings, work sessions and public meetings;
- Establishing target dates for presentation of proposed plans for City consideration and/or for public discussion;
- Establishing the target deadline for City adoption of a redistricting plan and the target deadline for submission of a preclearance request to the Department of Justice;
- Counseling the City re: the City's responsibility in the redistricting process

February 2011: Conducting training sessions.

- Scheduling City training sessions

From Inception of Contract through April 1, 2010: Identifying and beginning other pre-Census-release tasks.

- Collecting data concerning existing City member voting district boundaries;
- Inputting data into the Firm's GIS/redistricting software databases;
- Verifying data accuracy with the City;
- Assisting with preparation of draft resolutions, public notices, and other documents;

- Preparing translation of appropriate documents into Spanish or other required languages;
- Identifying and beginning to collect data and documents for submission

April 30, 2011: Performing an initial assessment.

- Examining the new population data and comparing it to the existing City boundaries;
- Determining whether current election districts have become sufficiently unbalanced in population as to require the City to engage in redistricting;
- Presenting this initial assessment to the City

May 31, 2011: Developing and securing adoption of criteria for redistricting.

- Identifying practical and legal criteria to be followed during the redistricting process;
- Leading discussions regarding redistricting criteria;
- Drafting resolutions on criteria and process for Council approval

June 30, 2011: Develop redistricting plans.

- Developing redistricting plans for City members' election districts, using the firm's GIS and demographic capabilities;
- Interviewing Council members individually for their input on redistricting plans;
- Developing additional plans responding to a different set of considerations proposed by the City;
- Modifying or refining plans as required to ensure a plan is acceptable to the City;

June 30, 2011: Conduct public presentation and discussion of proposed plans.

- Scheduling, arranging logistics for, and engaging in public outreach for public hearings;
- Conducting public presentations of proposed plans in selected areas of the City;
- Summarizing public comments for the City;
- Transcribing of all testimony by a certified court reporter;
- Advising the Council on findings at the conclusion of hearings

July 31, 2011: Advising the City regarding the merits of proposed plan(s) and the final plan.

- Advising the City of the relative legal and practical merits of particular plans under consideration;
- Attending meetings of the City at which plans are presented and discussed;
- Providing written materials in support or explanation of any plans evaluated by the firm;
- Developing an independent assessment of any plans under serious consideration;
- Meeting with the City to adopt a Final Plan

August 21, 2011: Preparing preclearance submission.

- Assembling all documentation required for the DOJ submission;
- Preparing the required Voting Rights Act section 5 preclearance submission for the Department of Justice;
- Translating notices to the public regarding the submission/copy location;

- Responding to clarifying questions posed by the Department and to its requests for additional information

October 31, 2011: Responding to DOJ requests for additional information.

- Preparing responses to those requests and dealing directly with DOJ to answer any questions;
- Meeting with DOJ officials in Washington D.C. and accompanying City officials (not anticipated that this will be necessary);

Ongoing legal counsel and consulting.

- Ongoing legal counsel and consulting to the City concerning the redistricting process, related requirements, the plan(s) considered and the plan adopted, the City's preclearance submission, and initial implementation of any precleared plan

January 31, 2012 (or at any time suit is brought): Litigation. As an additional and optional service, if litigation cannot be avoided, the firm will be available to counsel the City about the likely merits of any suit or claim brought or anticipated to be brought or to defend the challenge.

Note: As a practical matter the date set out above may vary depending on external factors. For example, the census data required for redistricting is required by Federal law to be released by April 1, 2011, but it is possible it may be released earlier. Actions taken by other bodies may affect the time line of some of the steps.

The City will acknowledge that many of the tasks that are the subject of this contract require City approval or require Department of Justice or other agency review and approval. Actions of the City, the Department of Justice, or other agencies or courts are not within the control of the firm. Accordingly, any delay in the delivery of any result related to actions or lack of action by the City, these agencies, and other authorities have not been projected in this schedule.

Please find a time line illustrating the steps listed above on the following page.

ATTACHMENT 5

Experience of Prior Work

Bickerstaff Heath Delgado Acosta has a 30-year track record of providing high-quality representation for local governments. The foundation of the firm's practice is rooted in the representation of governmental entities across the state. As a result, we believe the firm has a depth of experience in the representation of governmental entities that is unmatched.

In the last decade, the Bickerstaff firm has provided a full range of legal services to hundreds of public-sector clients. Experience with other entities around the state, such as schools in south Texas, counties in north Texas, and cities around central Texas, provides our lawyers with broad exposure to the latest issues faced by public entities, the emerging law affecting their operations, and the most recent creative solutions for meeting their governmental responsibilities. Our attorneys will bring this wealth of experience to the City of Lancaster redistricting project.

Redistricting Experience

No firm in the state has handled the number and size of redistricting projects that our firm has accomplished in the last 30 years. We have represented hundreds of Texas political subdivisions, including Texas cities, in redistricting and voting rights litigation. Over 90 local government entities in Texas engaged the firm during the redistricting process that lasted from 2001 to 2003. Several members of our redistricting team have redistricting experience that includes the 1970, 1980, and 1990

redistricting cycles. A full list of the redistricting projects we have handled is attached to this document.

We provide a few examples of our city redistricting projects to illustrate the trust and confidence expressed in our legal services by this sector of governmental entities:

- **City of Bryan (2001)** – The firm is proud to have represented the City of Bryan, Bryan ISD, and Brazos County in the 2001 redistricting cycle during which the boundaries of the City Council Districts, School Trustee Single Member Districts, and County Election Precincts were drawn jointly to minimize the number of election precincts and ballot styles, as well as to minimize voter confusion. The City Council District and School Trustee District boundaries are substantially similar in much of their territories, thereby allowing voters to easily identify candidates and races.
- **City of Midland (2001)** – The firm similarly represented the City of Midland in the 2001 redistricting cycle, as well as the Midland ISD and Midland County. In this situation it was not possible to reconcile boundaries in any substantial manner as the City and School had different numbers of districts and substantially different territory. This example demonstrates that there are different successful approaches in every community and that each community is unique.
- **City of San Angelo (2003)** – In this situation, the firm was brought in to assist the City in redrawing a plan originally adopted by the City in the 2001 cycle, but which had been challenged by minority voters. The firm successfully guided the City through the redrawing process, and a precleared plan was ultimately achieved.

- **City of Weslaco (2007 - 2008)** – In Weslaco, the firm was hired to convert the City from an at-large structure to single-member districts. This structure was dictated by a charter amendment and was implemented over a very short period of time to allow for initial elections.
- **City of Harlingen (2008 - 2009)** – The firm's most recent redistricting project was the City of Harlingen, in which the firm was also retained to assist in converting an at-large structure to single-member districts pursuant to a charter amendment.

Currently the firm has redistricting contracts with 47 entities. A list of those entities is attached. The size of our redistricting practice group, the expertise of our lawyers in the redistricting process, and the experience of our in-house GIS support staff permit us to handle a large number of redistricting clients during the same cycle. In addition, not every entity is on the same time line since their election cycles are not identical. Some entities complete their redistricting for November 2011 elections, some for March 2012, and others for November 2012. The high number of returning clients demonstrates our firm's ability to meet deadlines and provide quality service to clients who return decade after decade.

References

From the hundreds of redistricting projects our firm has handled for Texas cities and other governmental entities, we have selected five that represent a size and scope similar to the City and have continued to engage the firm in redistricting and other legal work.

1. **Mary Lynne Stratta, City Secretary**
City of Bryan
300 S. Texas Avenue
Bryan, TX 77803
979-209-5002

2. **Lysia H. Bowling, City Attorney**
City of San Angelo
106 S. Chadbourne
San Angelo, TX 76903
325-657-4407

3. **Susie Green, City Attorney**
City of Galveston
P.O. Box 779
Galveston, TX 77553-0779
409-797-3530

4. **Mark Houser, City Attorney**
City of McKinney
222 N. Tennessee St.
McKinney, TX 75069
972-547-7500

5. **Ramon Vela, City Attorney**
City of Weslaco
255 S. Kansas Avenue
Weslaco, TX 78596
956-968-3181

Bickerstaff Heath Delgado Acosta LLP

- Client List -

Counties	Cities	Schools
Archer County	Alvin	Austin ISD
Austin County	Arlington	Ballinger ISD
Bandera County	Beeville	Brady ISD
Baylor County	Brenham	Bryan ISD
Bee County	Bryan	Coleman ISD
Bexar County	Cameron	Crockett Co. Consolidated
Brazos County	Crosbyton	Crosbyton ISD
Cass County	Del Rio	D-Hanks ISD
Caldwell County	Denton	Dalingerfield-LoneStar ISD
Callahan County	Eldorado	Dallas ISD
Chambers County	Gainesville	Del Valle ISD
Coleman County	Galveston	Fort Davis ISD
Colorado County	Georgetown	Galveston ISD
Dallam County	Grand Prairie	Grady ISD
Dallas County	Greenville	Greenville ISD
El Paso County	Houston	Henderson ISD
Fayette County	Jasper	Houston ISD
Galveston County	Killeen	Kerrville ISD
Gillespie County	La Grange	Klondike ISD
Grimes County	La Porte	McCamey ISD
Guadalupe County	Midland	Midland ISD
Hamilton County	Mineral Wells	North East ISD
Hardin County	Missouri City	Port Arthur ISD
Haskell County	Port Arthur	Schleicher ISD
Hidalgo County	Port Lavaca	Stanton ISD
Hopkins County	Sterling City	Sterling City ISD
Jasper County	Sugar Land	Socorro ISD
Jefferson County	Temple	Tyler ISD
Kaufman County	Waco	Winters ISD
Kendall County	Wharton	
Kerr County		
Knox County		
Lampasas County		
Lee County	Special Districts	Community Colleges
Liberty County	Barton Springs (BSEACD)	Blinn College
Lynn County	Calhoun Co Navigation	Brazosport College
Live Oak County	Reagan Co. Hospital	Dallas County
Llano County	Southeast Trinity Groundwater Conservation District	Houston Community College
Madison County	Trinity Bay Conservation District	Victoria College
Martin County		
Matagorda County	State of Texas	Post 2001 Redistricting Clients
Marion County	Attorney General/LRB	City of Weslaco
Midland County	Office of the Lieutenant Governor/Senate Jurisprudence Committee	City of Denton
Mitchell County		City of Irving
Moore County		City of Kerrville
Nacogdoches County		City of Galveston
Panola County		City of Harlingen
Palo Pinto County		Liberty County
Pecos County		Dallas ISD
Reagan County		Alamo College District
Robertson County		
Runnels County		
Schleicher County		
Scurry County		
Smith County		
Sterling County		
Sutton County		
Tarrant County		
Val Verde County		
Waller County		
Washington County		
Wharton County		
Wilbarger County		
Williamson County		
Wise County		
Wood County		
		Litigation Cases:
		City of Amarillo
		City of Farmers Branch
		City of Irving
		Irving ISD
		Bexar County

Red Denotes 1991 & 2001 Redistricting Client
 Black Denotes 2001 Redistricting Client Only
 Blue Denotes 1991 Redistricting Client Only

Bickerstaff Heath Delgado Acosta LLP

- 2011 Client List as of January 2011 -

<i>Counties</i>	<i>Cities</i>	<i>Schools</i>
Archer	Bryan	Austin ISD
Bandera	Colorado City	Bryan ISD
Bastrop	Denton	Grady ISD
Brazos	Galveston	Sweetwater ISD
Caldwell	Georgetown	Tyler ISD
Callahan	Houston	
Duval	Keene	
Hamilton	Lockhart	
Kaufman	McKinney	
Kendall	San Angelo	
Kerr	Stockdale	
Liberty	Tyler	
Live Oak		
Llano		
Lubbock		
Midland	<i>Special Districts</i>	<i>Community Colleges</i>
Mitchell	Barton Springs District	Dallas CCD
Nacogdoches		
Palo Pinto		
Panola		
Potter		
Randall		
Reagan		
Runnels		
Schleicher		
Smith		
Waller		
Wilson		

ATTACHMENT 6

Qualifications of Firm and Staff

All of the firm's attorneys are licensed to practice law in Texas. There is no special accreditation or qualification for the performance of redistricting work. To the extent that redistricting services are provided by the firm as attorneys for the City, the work constitutes attorney work product and client confidential communications in accordance with the rules of conduct of the legal profession.

Each of the attorneys has 15 hours or more of continuing education participation or teaching each year. Our team leaders on this project not only have the training and experience called for under the evaluation criteria established by the City, but we provide that training for lawyers as well as state and local governmental leaders throughout the country.

Proposed Redistricting Team

Our redistricting practice includes 14 of the firm's lawyers, one consulting lawyer, seven redistricting specialists (GIS drawers), three paralegals, and an elections specialist. The team designated for the City of Lancaster includes two lawyers.

David Méndez. David Méndez is a highly experienced redistricting lawyer, who has worked on hundreds of redistricting projects over the past 30 years. Mr. Méndez regularly advises counties, cities, colleges, and school districts on voting rights and redistricting issues. He has also prepared numerous Department of Justice submissions.

Mr. Méndez joined the firm in 1986, and during the 1991 and 2001 redistricting cycles he represented some of the largest districts and counties in Texas in their redistricting and justice and constable precinct realignment projects. Mr. Méndez was lead attorney or had substantial authority for several redistricting projects, including the following clients: Dallas ISD, Dallas County, Dallas County Community College District, City of Midland, City of San Angelo, and City of Bryan.

Mr. Méndez assisted extensively in the firm's representation of the City of Houston in the 1991 *Campos* litigation, conducting substantial portions of the discovery, defending council members' depositions, preparing expert witnesses, and analyzing and briefing legal issues. He has helped numerous cities and other entities implement single-member districts. Mr. Méndez also works frequently on election contests, recounts, and other election-law-related matters before the courts and the Texas Legislature. Mr. Méndez has over 20 years of redistricting and Voting Rights Act experience.

Mr. Méndez graduated from The University of Texas School of Law in 1980. He is licensed to practice law by the Supreme Court of the State of Texas and licensed to practice in the U.S. District Court for all of the Districts in Texas, as well as the U.S. Court of Appeals for the Fifth Circuit. He is fluent in Spanish, he speaks and writes extensively on election law, voting rights, and redistricting issues, and he hosts a one-day seminar for local government officials on redistricting sponsored by the Texas Leadership Institute. Mr. Méndez has published an article for the Conference of Urban Counties on redistricting for the current redistricting cycle. At the 2010 TML Convention in Corpus Christi, Mr. Méndez presented a training session on Redistricting for City Council members. Mr. Méndez has also presented election law and voting rights topics

for the Office of the Secretary of State of Texas, the Texas Association of Counties, the VG Young Institute for county officials, the University of Texas School Law Conference, and the Texas Association of Community College Attorneys.

John Clark Long IV. Mr. Long is a 26-year lawyer who served as Chief of the Civil Division of the Dallas County District Attorney's Office for 5 years, where, on behalf of Dallas County, he supervised the redistricting project that was handled by the Bickerstaff firm. He has also served as an Assistant District Attorney in Kaufman County. In addition, Mr. Long is Board Certified as a Civil Trial Lawyer by the Texas Board of Legal Specialization. Focusing his practice on representing governmental entities, private individuals, and small businesses in Dallas County litigation and litigation in surrounding counties, Mr. Long has significant experience related to the responsibilities of the District during the redistricting process.

GIS/Redistricting Staff

Sherry McCall. Ms. McCall is the firm's senior redistricting specialist. As the firm's GIS specialist, she will handle or supervise the technical drawing of the City's maps. She works closely with legal counsel and our Elections Specialist to compile the various technical reports and maps required for the Department of Justice submission.

Prior to joining the firm 13 years ago, Ms. McCall was a GIS specialist at the Texas Education Agency, where she helped implement the Agency's first GIS system. She has data programming experience and has worked extensively with data from the

Texas Education Agency, the Census Bureau, and the Texas Legislative Council. Once the Census data is released in 2011, Ms. McCall and other firm GIS staff under her supervision will develop specific client districting plans. She will also be responsible for the initial review of other specialists' plans, as well as the preparation of all data used for the redistricting cycle. She also assists attorneys in analyzing population data and relevant historical elections and develops exhibits needed for preclearance submissions. She provides analyses and exhibits for all redistricting litigation cases. Ms. McCall graduated from the University of North Texas with a B.A. in Biology in 1991. She is not an attorney and does not provide legal advice.

Eric J. Palinski. Mr. Palinski has over ten years of professional experience working with ESRI, Microstation, and other mapping platforms. Prior to joining the firm, he was a GIS Specialist at Surveying And Mapping Inc. and The University of Michigan. He also possesses a strong technology training background and has trained and supervised staff on digital and hardcopy mapping methodologies and digital orthophotography production. While working as a GIS Specialist at SAM Inc. and the University of Michigan, Mr. Palinski managed a team responsible for creating seamless, detailed map databases. He collected planimetric and topographic mapping data and performed digital orthophotography production. He has imported data from various formats and integrated into a GIS using ESRI's ArcGIS/ArcINFO suite of GIS applications.

Mr. Palinski graduated in 1997 from Bowling Green State University with a Bachelor of Arts and a concentration in Environmental Policy and Analysis. He went on to further his education at the University of Toledo with Graduate level coursework in Geography & Planning with a GIS emphasis. He is not an attorney and does not provide legal advice.

Betty Brown. Ms. Brown serves as the Elections Specialist for the firm. Ms. Brown is responsible for compiling the data that supports a city's DOJ submission. She works closely with the legal team and the GIS specialist to make sure we have all of the materials we need for the City's submission to DOJ. She will be in contact with City staff to obtain the information we need from your office to complete the necessary submission. Ms. Brown also is responsible for functions that prepare school districts and other governmental entities for elections, as well as for consultation regarding records management, policy development, office administration, and training of personnel. Under attorney supervision, she reviews processes and procedures to ensure compliance with local, state, and federal law. Ms. Brown worked in the City of Austin's City Clerk's Office for 22 years prior to joining the firm. She is Texas Registered Municipal Clerk #92 and has received her Master Municipal Clerk's designation from The International Institute of Municipal Clerks. She is a member of the Capital Chapter of City Clerks, Texas Municipal Clerks Association, and International Municipal Clerks Institute. She is not an attorney and does not provide legal advice.

Denise Anderson. Ms. Anderson serves as the redistricting paralegal for the firm. Ms. Anderson will assist the legal team with compiling the DOJ submission. In cooperation with the redistricting administrative attorney, she collects and reviews information for the initial assessment, organizes the material, and coordinates deadlines and schedules. She has experience as an editorial assistant with Wolters Kluwer (Aspen Publishers) and as a document management specialist for a third-party pension administrator. She has also handled documentation for the firm's public finance transactions.

Ms. Anderson graduated from Augustana College (Illinois) with a Bachelor of Arts in Political Science and a minor in Public Administration and has paralegal training through the American Institute for Paralegal Studies. She is not an attorney and does not provide legal advice.

All of the included resumes provide more detailed information on the lawyers and the specialists that will be assigned to the City of Lancaster project.

David Méndez

dmendez@bickerstaff.com



★ Biography

Local Government Law - Counseling local governmental clients on every aspect of local government law. Acting as bond, issuer's and underwriter's counsel in public finance transactions. Assisting communities with economic development matters including tax abatements, tax increment financing, and other incentive programs. Focusing on the legal landscape faced by cities, counties and other governmental entities including federal and state constitutional requirements and prohibitions, state laws, local ordinances, and the interplay and effect of these layers of governmental laws and rules whether they result from litigation, legislation, or legal transactions.

Public Law - Counseling and representation of governmental clients in matters involving finance, state and local taxation, elections, and open government. Representation of clients before the Texas Legislature and Texas State Agencies on public policy matters and in administrative proceedings.

Elections - Counseling of public and private clients on election procedures and campaign finance requirements. Representation of state and local governmental entities in redistricting and voting rights matters with special expertise in advising governmental entities on holding local option elections and analyzing the need for bond elections. Representation of public officials and candidates in election contests and recounts.

Public Finance - Counseling and representation of governmental issuers in public finance transactions with an emphasis on election and campaign finance aspects of these projects.

★ Career Highlights, Honors, and Appointments

Former Assistant Attorney General, Taxation Division, Office of the Attorney General of Texas

Former President, Mexican American Bar Association of Texas

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



President, Texas Association of Community College Attorneys

★ **Notable Publications and Presentations**

D. Mendez, "Special Problems Under the Open Meetings Act: Applicability of the Open Meetings Act to the Texas Legislature," Presented to the University of Texas School of Law Administrative Law Program 2004.

D. Mendez, "Ethics Seminar for Texas Local Government Officials," Texas Leadership Institute and Sul Ross State University, 2004.

D. Mendez, "Bond Elections in Small Communities," Texas Association of School Board, Annual Conferences, 2001, 2002.

★ **Educational and Professional Background**

University of Texas (J.D.); St. Mary's University (B.B.A.)

Admitted to practice: Supreme Court of Texas, 1980; United States Court of Appeals for the Fifth Circuit; United States District Courts for the Northern, Southern, and Western Districts of Texas

Board Certified - Administrative Law, Texas Board of Legal Specialization

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley

John Clark Long IV
jlong@bickerstaff.com



★ **Practice Highlights**

John Clark Long IV focuses his practice on business and governmental litigation. Mr. Long has significant experience representing county governments, cities, banks, private companies, and private individuals in a wide range of commercial disputes. These representations often involve governmental issues, employment law, construction defects, contract disputes, business torts, lender liability and/or complex probate and trust issues.

Mr. Long is an accomplished trial lawyer who has tried numerous cases in state and federal court, handled complex negotiations, and advised clients on risk avoidance measures and litigation strategy. Mr. Long served as Chief of the Civil Division of the Dallas County District Attorney's Office, where he had the opportunity to defend the county's elected officials and employees in civil rights, tort claims, breach of contract, employment claims, and constitutional challenges to laws and ordinances.

★ **Career Highlights, Honors, and Appointments**

Board Certified, Civil Trial Law, Texas Board of Legal Specialization

Former Chief of the Civil Division, Dallas County District Attorney's Office

Assistant District Attorney, Kaufman County District Attorney

★ **Educational and Professional Background**

St. Mary's Law School (J.D.), member St. Mary's Law Journal

University of Texas at Dallas (B.S., Business Administration)

State Bar of Texas

★ **Professional Licenses**

The Supreme Court of Texas, 1984

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



United States Supreme Court

United States District Courts for Western and Northern Districts of Texas

★ **Professional Memberships**

Texas District and County Attorney's Association

Approved Counsel, Texas Association of Counties

★ **Notable Publications and Presentations**

***Texas District and County Attorney's Association*, speaker and author
Civil Law Seminar, 2001: The Trial, Jury Questions & Closing Arguments;
2002: Title VII**

***Texas District and County Attorney's Association Newsletter*, 1999,
2000**

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



Sherry McCall*

smccall@bickerstaff.com

★ Biography

Ms. McCall is the firm's senior redistricting specialist. She was formerly a GIS specialist at the Texas Education Agency. Ms. McCall develops specific client districting plans, assists attorneys in analyzing population, citizenship, projections, voter registration and Spanish Surname data. She reviews relevant historical elections and develops exhibits needed for preclearance submissions and litigation. She works closely with experts in litigation cases. She routinely works with local governments on issues such as annexations, water/wastewater management, precinct realignments and election preparation. She works closely with staff from the TCEQ, Secretary of State, Texas Legislative Council, Texas Education Agency, U.S. Census Bureau, and the U.S. Department of Justice.

★ Area of Emphasis

Redistricting/Elections - Responsible for redistricting functions including operation of mapping in conjunction with Census Bureau data/TIGER Line files to create districting plans that comply with federal statute. Analyze population data, chart formation and development of exhibits. Obtain, review, prepare and geocode voter registration data. Routinely uses all Census Bureau datasets for analyzing population and demographics. Frequently acquires data from local, state and federal governments to use in review of redistricting plans. Serves as a liaison with Secretary of State Elections Division regarding Spanish Surname reporting and voter registration data.

Water Law - Responsibilities include obtaining electronic mapping data from local, state and federal government as well as submitting data to state and federal agencies. Preparation of CCN maps using various base map data, coordinate data and state data to complete all maps required for the submission of an application to TCEQ. Serves as a liaison with TCEQ Utilities Mapping Division to resolve any issues regarding CCN applications.

Real Estate Law - Preparation of maps using county appraisal data including review of sites for development. Correlate mapping data from various entities. Review of appraisal district data files and mapping data to analyze growth areas. Prepares cost analysis of easement acquisitions for real estate transactions.

Public Finance - Preparation of bond transcripts for clients to obtain bond insurance.

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



School Law - Preparation of minor boundary adjustments. Utilize data from the Texas Education Agency's PEIMs Database. Review of attendance zone boundaries and campus location planning.

★ **Experience**

15 years of experience working with ESRI mapping software and products including extensive work with database files and geodatabases.

Experience and appropriate use of all state and federal mapping data products to include appraisal district tax data, election precinct and legislative boundary data, aerial photography (DOQs & NAIP), TxDOT Urban files, StratMap, CCN and DRGs.

Experience using all education data from Texas Education Agency's PEIMS system

Experience using USGS maps as base maps for delineating service area requests.

Experience creating and maintaining databases in Access to facilitate the development of attribute tables associated with electronic mapping data. Experience preparing voter registration and turnout databases used for analysis of elections.

Experience developing presentations, time lines, flow charts and publications detailing complex legal matters.

Experience and demonstrated proficiency in all Microsoft applications, ESRI mapping applications, redistricting applications, Adobe applications and software facilitating conversions, communications and research.

★ **Educational Background**

University of North Texas, B.A., Biology (1991)

***Not licensed to practice law.**

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



Eric Palinski*

epalinski@bickerstaff.com

★ Biography

Mr. Palinski is one of the firm's Technical and GIS Specialists working with the Redistricting Team. He was formerly a GIS Specialist at Surveying And Mapping Inc. and The University of Michigan, as well as a Corporate Trainer for ExpressDigital Inc. Mr. Palinski will develop specific client redistricting plans. He will develop exhibits needed for preclearance submissions and litigation.

★ Area of Emphasis

Responsible for creating redistricting plans as well as accompanying reports for each plan. Perform analysis using various spatial analysis tools such as compactness, splitting and joining of polygons. Perform geo-coding of client data. Prepare map exhibits and presentations and work with the Redistricting Team to complete projects by required deadlines.

★ Experience

Over 10 years professional experience working with ESRI, Microstation, and other mapping platforms. Possessing a strong technology and training background to interact with our diverse clientele.

ExpressDigital Graphics Inc. · Austin, Texas · Training Specialist

Developed course curriculum and training materials for implementation in over 300 businesses. Created conceptual framework for Train the Trainer materials used with a variety of customers. Led redesign efforts of internationally-based customers to facilitate workflow improvements in the photography and digital processing lab industry.

Surveying and Mapping Inc. · Austin, Texas · Project Lead/GIS Specialist

While working with SAM Inc., managed a team responsible for creating seamless, detailed map databases. Trained and supervised staff on digital and hardcopy mapping methodologies and digital orthophotography production. Collected planimetric and topographic mapping data, Digital Terrain Modeling, DEM development, and performed digital orthophotography production. Performed real-time QA/QC procedures to ensure the highest degree of accuracy possible. Imported data from various formats and integrated into a GIS using ESRI's ArcGIS/ArcINFO suite of GIS applications.

University of Michigan · Ann Arbor, Michigan · Project Lead/GIS Specialist

Possessed a solid understanding of GIS concepts and map production activities using ArcGIS/ArcINFO suite of GIS applications. Executed quality control checks on data entered in the GIS on campus-wide mapping initiatives.

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



Produced detailed spatial and cost recovery analysis reports to upper level management in Plant Operations.

University of Toledo · Toledo, Ohio· GIS Technician

Provided technical, project and customer support for development of Transit GIS for Plant Operations Division. Geo-Coded student addresses for use in Transit System Analysis Project. Developed finished product drawings in CAD format for use in GIS Space and Cost Recovery Analysis project.

★ **Educational Background**

University of Toledo, Aug 1998-May 2000

Graduate coursework in Geography & Planning with GIS emphasis

Bowling Green State University, May 1997

Bachelor of Arts, with concentration in Environmental Policy and Analysis

**Not licensed to practice law.*

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley



Betty G. Brown*

bbrown@bickerstaff.com

★ Biography

Ms. Brown is a Local Government/Elections Specialist with the firm. She is responsible for functions that prepare cities and other governmental entities for elections, records management, policy development, office administrations, and training of personnel. She reviews processes and procedures to ensure compliance with local, state and federal law.

★ Area of Emphasis

Election Services - Responsible for all steps in conducting elections from the planning step through the canvass. She trains the personnel of the entity so they perform the duties of the election or she completes the duties herself. She works with entities to contract and accomplish joint elections with other subdivisions.

DOJ Preclearance Submissions - Responsible for preparing submission letter and exhibits for elections, annexations, and redistricting.

City Secretary Office - On temporary basis can perform duties of City Secretary who is absent from the position.

★ Experience

Betty was Deputy City Clerk with the City of Austin for 18 ½ years prior to joining the firm. She was City Secretary for the City of Leander for 6 ½ years before joining the City of Austin.

★ Educational and Professional Background

Texas Registered Municipal Clerk

Master Municipal Clerk designation from The International Institute of Municipal Clerks

**Not licensed to practice law.*

Bickerstaff Heath Delgado Acosta LLP

Austin

El Paso

Dallas

Houston

Rio Grande Valley

City of Lancaster, Texas (Purchasing) Supplier Response

Bid Information		Contact Information		Ship to Information	
Bid Creator	Dawn Berry Purchasing Agent	Address	PO Box 940	Address	PO Box 940
Email	dberry@lancaster-tx.com		Lancaster, TX 75146		Lancaster, TX 75146
Phone	(972) 218-1329	Contact	Dawn Berry	Contact	Dawn Berry
Fax	(972) 218-3621		Purchasing		Purchasing
Bid Number	2011-21	Department		Department	
Title	Redistricting	Building		Building	
Bid Type	RFP-Weighted	Floor/Room		Floor/Room	
Issue Date	12/20/2010	Telephone	(972) 218-1329	Telephone	(972) 218-3621
Close Date	1/21/2011 4:00:00 PM CST	Fax	(972) 218-3621	Fax	
Need by Date		Email		Email	
			purchasing@lancaster-tx.com		purchasing@lancaster-tx

Supplier Information

Company Lafferty & Slayton, PLLC
Address 10000 N. Central Expy., Ste. 400

 Dallas, TX 75231
Contact Kimberly R. Lafferty
Department
Building
Floor/Room
Telephone 1 (214) 890-4022
Fax 1 (214) 206-9919
Email
Submitted 1/21/2011 12:08:14 PM CST
Total \$21,735.00

Signature _____

Supplier Notes

Bid Notes

City of Lancaster is requesting qualification statements to evaluate and redraw, if necessary, the boundaries of the six current Council districts.

Bid Messages

Date	Subject	Message
01/19/11	Reminder	Submittals must be posted prior to 4:00 PM on Friday. Please note, the system follows the server time in the top right. The system checks for errors and if you submit at 3:59, you will not have time to correct the errors. Please see the navigating the e-procurement system pdf document located at www.lancaster-tx.com/bids .

Please review the following and respond where necessary

#	Name	Note	Response
1	Questions	All questions shall be addressed to Dawn Berry, Purchasing Agent through the electronic procurement system.	Understood
2	Attachments	I have attached attachments 1-6.	Yes
3	Company Ownership	Is your company currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.	No.
4	Financial Rating	Provide a financial rating of your company and any documentation (e.g. a Dunn & Bradstreet analysis/number), which indicates the financial stability of the company.	Firm not rated.
5	Litigation	Provide any details of all past or pending litigation or claims filed against your company arising out of or in connection with your company's performance under a contract for construction management and/or construction services. Describe how such suit or claims were resolved.	None.
6	Litigation with City of Lancaster	Is your firm involved in any litigation (past or pending) with the city of Lancaster? If yes, please provide details.	No.
7	Electronic Payment	If you would like your payment sent electronically (EFT), please provide your accounts receivable contact information. Please provide name and email.	Amber Slayton, aslayton@LS-Law.net
8	Open Records Act	All responses will be maintained confidential until award is finalized. At that time, all proposals are subject to the Open Records Act.	Agreed
9	Website Address	Enter product website information	www.LS-Law.net
10	T&C Acknowledgement	I have read and agree to the terms and conditions of this bid.	Agreed
11	Bid Acknowledgement	Bidder affirms that they have read and understand all requirements of this proposal. Additionally, the bidder affirms that they are duly authorized to execute this contract and that this company has not prepared this proposal in collusion with any other proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the bidder nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this type of business prior to the official opening of this proposal.	Agreed
12	Insurance	Vendor shall provide insurance as listed in the insurance requirements attached.	Understood
13	County	What county is your principal place of business located?	Dallas County, Texas
14	Immigration	Employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the US) and aliens authorized to work in the US. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.	(No Response Required)

15	Laws and ordinances	The Contractor shall at all times observe and comply with all Federal, State, and local laws, ordinances and regulations which in any manner affect the Contract or the work.	Understood
16	Payment Terms	The City of Lancaster's payment terms are Net 30.	Agreed
17	Change Orders	No oral statement of any person shall modify or otherwise change, or affect the terms, conditions, or specifications stated in the resulting contract. All change orders to the contract will be made in writing by the city of Lancaster.	Agreed
18	Late Submission	Bids/RFPs are not accepted after the closing date and time. The City of Lancaster is not responsible computer, mail or carrier issues/problems. The server time located in the top right corner of this software is the official clock. It is the responsibility of the user to ensure you have chosen the correct time zone for your company.	Understood
19	Reciprocal Information 1	The City of Lancaster, as a governmental agency of the State of Texas, may not award a contract for general construction, improvements, services or public works projects or purchases of supplies, materials, or equipment to a non-resident bidder unless the non-resident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located (Article 60tg v.t.c.s.). Bidder shall answer all the following questions by encircling the appropriate response or completing the blank provided. <p>**Where is your principal place of business?	Texas
20	Reciprocal Information 2	For Businesses not located in Texas, does your state favor resident bidders (bidders in your state) by some dollar increment or percentage?	N/A
21	Reciprocal Information 3	If Yes, What is the dollar increment or percentage?	N/A-Texas Business
22	Notification	How did you here about this bid opportunity?	Other
23	Plan Room - Other	If yes for a plan room or other, please list which plan room or other means of notification.	N/A
24	Conflict of Interest 1	Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose on this form the vendor name, person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, the questionnaire must be filed with the Purchasing Agent of the City of Lancaster not later than the 7th business day after the date the person becomes aware of the facts that require the statement to be filed. ** Please return the completed form to City of Lancaster, Attn: Purchasing, PO Box 940, Lancaster, TX 75146. ** See Section 176.006 of the Local Government Code for further details. Note: A person commits an offense (Class C misdemeanor) if the person violates Section 176.006. ** A City of Lancaster employee or officer is defined as a member of the Lancaster City Council, Lancaster Economic Development Corporation Board of Directors, Lancaster Recreational Development Corporation Board of	(No Response Required)

Directors, Housing-Finance Corporation Board of Directors, and any employee of the City that makes purchasing decisions or recommendations regarding the use of funds of the City or said corporations.

25	Conflict of Interest 2	Please provide the name of each employee, official, or contractor of the City of Lancaster who makes purchasing decisions or recommendations regarding the use of funds of the City or corporations listed above and describe the business relationship with your firm.	The firm does not have an employment or business relationship with an employee or officer of the City of Lancaster.
26	Conflict of Interest 3	3. Name of City of Lancaster officer with whom the vendor/business has affiliation or business relationship.	N/A
27	Conflict of Interest 3A	Is the City of Lancaster employee or officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?	No
28	Conflict of Interest 3B	Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the City of Lancaster officer named in this section and the taxable income is not from the City of Lancaster?	No
29	Conflict of Interest 3C	Is the filer of this questionnaire affiliated with a corporation or other business entity that the City of Lancaster employee or officer serves as an officer or director, or hold an ownership of 10 percent or more?	No
30	Conflict of Interest 3D	Describe each affiliation or business relationship.	N/A
31	W9 1	Enter the name as shown on your tax return.	Lafferty & Slayton, PLLC
32	W9 2 Business Name	Enter your business name (DBA) if different from the above.	N/A
33	W9 3	Please select company type.	Other
34	W9 4	Please list the W9 address.	10000 N. Central Expy., Ste. 400, Dallas, TX 75231
35	W9 5	Enter your TIN. The TIN provided must match the name on your invoice. For individuals, this is your social security number (SSN). For other entities, it is your employer identification number (EIN).	272058039
36	W9 6 Certification	Under penalties of perjury, I certify that: <p>t.) The number shown on the above question (W9 - 1) is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2.) I am not subject to backup withholding because: <BLOCKQUOTE>(a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and</BLOCKQUOTE> 3.) I am a U.S. citizen or other U.S. person as defined below. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to	Certified

sign the Certification, but you must provide your correct TIN

37	MWBE 1	Is your company MWBE or HUB certified?	No
38	MWBE 2	If yes, what is your certification number?	The Firm is in the process of obtaining a WBE certification from the North Central Texas Regional Certification Agency.
39	MWBE 3	If yes, what agency completed the certification?	N/A
40	MWBE 4	If yes, what is the expiration date of your certification?	N/A

Line Items

#	Qty	UOM	Description	Response
1	1	EA	Price to complete the Initial Analysis	\$7,920.00
Item Notes:				
Supplier Notes:				
2	1	EA	Total price for redistricting services	\$13,815.00
Item Notes:				
Supplier Notes: This estimate allows for multiple revisions of the plans and maps. If fewer revisions are necessary, less legal and engineering time will be involved.				
Response Total:				\$21,735.00

Kimberly R. Lafferty
Amber L. Slayton

10000 N. Central Expressway, Suite 400
Dallas, Texas 75231
www.LS-Law.net

214.890.4022 Phone
214.206.9919 Fax

January 21, 2011

Dawn Berry
Purchasing Agent
City of Lancaster
211 N. Henry Street
Lancaster, TX 75146

RE: REDISTRICTING, BID NO. 2011-21

Dear Ms. Berry:

We appreciate the opportunity to provide our qualifications to assist with the City of Lancaster's upcoming redistricting process. We understand that the project entails two prongs: first, an initial analysis to ascertain whether the City's current single-member election districts have become sufficiently unbalanced in population or minority political access to require redistricting; and if necessary, redistricting services. Lafferty & Slayton, PLLC, with technical assistance from Jones and Carter, Inc., welcomes the prospect of completing the necessary aspects of this project.

The Firm's attorneys, Kimberly Lafferty and Amber Slayton, are both available to assist with the analysis and redistricting services. Ms. Lafferty would provide the principal legal services, guiding the City Council through the legal decisions that are fundamental to the redistricting process, as well as direct and oversee the Geographical Information Systems ("GIS") work. Ms. Lafferty has experience in evaluating data and providing Voting Rights Act submissions to the United States Department of Justice following annexations. She would draft the City's submission and respond to any inquiries or requests for additional information. Ms. Lafferty is familiar with the federal and state laws affecting 2011 redistricting, as well as the City's ordinances related to the process. Additionally, Lafferty & Slayton, PLLC is a 100% woman-owned business, and is in the final stages of the North Central Texas Regional Certification Agency's certification process to obtain a designation as a Minority or Women-Owned Business Enterprise.

Chad Hall is a GIS specialist who will assist the firm with the technical aspects of the project. He has provided GIS services to governmental entities for approximately seven years, and has a Bachelor of Science Degree in Geographic Information Science from Texas A & M University and a Master of Arts Geology from the University of Oklahoma. He has downloaded the TIGER files for the City of Lancaster and is ready to begin mapping of the demographic data once the 2010 Census information becomes available.

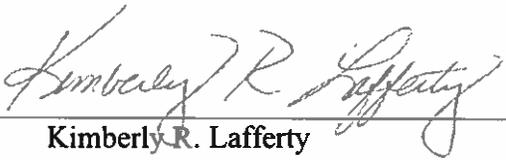
We anticipate that the bulk of the redistricting process will occur during the City's 2010-2011 fiscal year. Our scope of services for each aspect of the project, staff time estimates and

Dawn Berry
January 21, 2011
Page 2

costs, outline of approach, prior experience, and qualifications are attached. Should you require any further information, please let us know.

Sincerely,

LAFFERTY & SLAYTON, PLLC

By: 
Kimberly R. Lafferty

Attachments

Scope of Services

1. Initial Assessment

Following the release of the 2010 Census data on or before April 1, 2011, the Firm will evaluate the new population data for the existing city boundaries to ascertain whether the City's current election districts now (1) deviate more than ten percent between the most populous single-member council district and the least populous single-member council district based on the ideal district size, and/or (2) significantly dilute minority political access, either of which would require the City to engage in redistricting. This assessment will include the following services:

- a. *Data Collection.* The Firm will compile and correlate the 2010 Census and MAF/TIGER Line file data, as well as information from the City concerning existing single-member council districts in a GIS database.
- b. *Evaluation.* The Firm will consider the total population of each district, the race/ethnicity of the total, and voting age populations of the six existing single-member council districts to determine whether redistricting is necessary.
- c. *Reporting.* The Firm will provide a written report of its initial assessment and will present and discuss its findings with the City Council.

2. Redistricting Services

If the initial assessment indicates that the City must redistrict, the Firm will work with the City Council to develop a redistricting plan that complies with applicable legal requirements, including Sections 2 and 5 of the Voting Rights Act, the Texas Election Code, and City of Lancaster Ordinances. The Firm will provide the following services in connection with redistricting:

- a. *Redistricting Process Criteria.* The Firm will assist the City Council with identifying and adopting additional practical and legal criteria for use in the redistricting process.
- b. *Development of Redistricting Plan.* The Firm will develop a redistricting plan for single-member council districts consistent with applicable legal requirements and the practical considerations identified by the City Council. The criteria adopted by the City Council may require development of alternative plans to address competing considerations. The Firm also anticipates making modifications or refinements to plans during the course of the redistricting process.
- c. *Advise City Council.* The Firm will present the proposed redistricting plan(s) to the City Council for its consideration, and provide advice concerning the legal and practical merits of the plan(s). A written assessment of the proposed redistricting plan(s) will

evaluate whether and how the plan complies with the applicable legal standards and whether it follows adopted redistricting criteria. An attorney with the Firm will attend all City Council meetings at which the redistricting plan(s) are considered and discussed.

- d. *Public Hearing.* The Firm will present the proposed redistricting plan(s) that the City Council will consider to the public for comment at a City Council meeting. The hearing will provide an opportunity for citizens to present relevant testimony concerning local preferences, communities of interest, local voting patterns, and other issues for consideration when redrawing district lines.
- e. *Notices and Records.* The Firm will prepare all public notices, resolutions, and other documents needed during the process. At the City's request, the Firm will arrange to have the testimony at the public hearing(s) transcribed by a certified court reporter to preserve the substance of the meetings, public comments on the specific plan(s), and the City's response for use in the preclearance submission.
- f. *Preclearance Submission.* After the City Council adopts a redistricting plan, the Firm will prepare the preclearance submission report required by Section 5 of the Voting Rights Act. The Firm will submit the redistricting plan to the United States Department of Justice and the Texas Secretary of State for approval. Should either agency request additional information, the Firm will prepare a response and communicate directly with the applicable agency.
- g. *Final Report.* The Firm will provide a final report to City Council once the adopted redistricting plan completes the preclearance submission process.

Staff Time Estimates / Costs

The Firm provides the following not-to-exceed estimates of professional services and expenses based on the detailed approach outlined herein:

1. Initial Assessment

- a. *Collection and Mapping of Relevant Data;*
- b. *Assessment of Equality of Population and Minority Political Access;*
- c. *Initial Report*
- d. *Meeting (including preparation of training on legal requirements and other considerations for redistricting)*

Legal

Attorney

10-15 hours at \$175.00 per hour

**attorney time is billed in tenth of an hour increment*

Engineering

Geographic Information Systems Specialist

40-50 hours at \$100.00 per hour

Project Manager

1 hour at \$195.00 per hour

Expenses

Copies \$50.00

Courier \$50.00

Attorney	\$2,625.00
GIS Specialist	\$5,000.00
Project Manager	\$ 195.00
Expenses	\$ 100.00
INITIAL ASSESSMENT ESTIMATED COST	TOTAL \$ 7,920.00

2. Redistricting Services

- a. *Redistricting Criteria Development;*
- b. *Inclusion of any additional information for consideration in GIS Data;*
- c. *Development of Redistricting Plan(s)*
- d. *Public Meetings (work session(s) with City Council, public hearing, regular or called meeting(s))*
- e. *Reports (analysis of redistricting plan(s), final report)*
- f. *Preclearance submission to United States Department of Justice and Texas Secretary of State*

Legal

Attorney

50-55 hours at \$175.00 per hour

**attorney time is billed in tenth of an hour increments*

Engineering

Geographic Information Systems Specialist

25-30 hours at \$100.00 per hour

Project Manager

1-2 hours at \$195.00 per hour

Expenses

Map Copies \$ 500.00

Copies \$ 200.00

Courier \$ 100.00

Attorney	\$9,625.00
GIS Specialist	\$3,000.00
Project Manager	\$ 390.00
Expenses	\$ 2,300.00

REDISTRICTING ESTIMATED COST	TOTAL \$13,815.00
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This estimate allows for multiple revisions of the plans and maps. If fewer revisions are necessary, less legal and engineering time will be involved. Additionally, if the City opts to have a court reporter transcribe the public hearing, we estimate an additional \$1,500 in costs, depending on the duration of the meeting.

Outline of Approach

1. Initial Assessment.

A. General

Section 1.02.078 of the Lancaster Code of Ordinances requires the City Council to redistrict within 90 days following the availability of census tract and block data from the United States Census if the census data shows more than a ten percent deviation between the population of the most populous single-member council district and the least populous single-member council district based on the ideal district size, or a significant dilution in minority political access.

B. Data

In addition to the MAF/TIGER files for the 2010 Census, the Firm will collect and compile in a GIS mapping system the City's single-member council district boundaries, current voting precincts, available political data and election results for the past five years, and any identified communities of interest. This data will allow the Firm to properly evaluate whether current districts comply with the population equality and non-regression of minority political access requirements. The Firm will also review the demographic reports for redistricting of the single-member council districts following the 2000 Census. To the extent that this information is available from the City, the Firm will coordinate with City staff to immediately begin the overlay of this data on the GIS system.

C. Reporting

Within 21 days of the 2010 Census data's release, the Firm will provide a written report of its evaluation of the current districts, and present its results to City Council. The United States Census must provide Texas' census data by April 1, 2011, but may have the information available as early as late February. Block and line files are currently available online

D. Analysis

The evaluation of the data includes two prongs: (1) an analysis of population equality; and (2) an assessment of minority political access. The Firm first will determine the degree by which each single-member council district ("district") deviates from the ideal district population,¹ and then evaluate whether the relative deviation² of the most populous district and the least populous district exceeds ten percent. The Firm will then consider whether current districts show a dilution of minority political access based on a comparison of 2000 demographic,

¹ The city population divided by the number of single-member districts (6).

² The difference between the district population and the ideal population divided by the ideal population.

election, and available community interest data with the 2010 Census data, and more recent election and available community interest data. Even if population inequality in the districts requires redistricting, the analysis of minority political access will assist in the redistricting process.

2. Redistricting Services.

A. Redistricting Criteria

In the event the initial analysis indicates the necessity of redistricting to comply with legal standards and requirements, the Firm's initial report to the City Council will address the results of the evaluation, plus provide information regarding the applicable legal standards, traditional redistricting criteria, role of public input, and documents required for preclearance submission. The Firm will ask City Council to adopt specific redistricting criteria to be followed during the redistricting process.

B. Development of Redistricting Plan

The Firm then will develop a redistricting plan for single-member council districts based on the adopted criteria, taking into consideration the future population growth of the proposed annexations at the end of 2011. If the legal requirements and criteria provide more than one option for redistricting, the Firm will draw alternative plans for the City Council's consideration. The Firm will endeavor to develop a redistricting plan that: (1) constructs districts as nearly of equal population as practicable; (2) complies with redistricting principles of compactness and contiguity; and (3) to the extent possible, uses election/voting precincts as a geographical unit. Along with the proposed plan(s), the Firm will provide a written report evaluating the plan(s)'s compliance with legal requirements and conformity to the adopted criteria. The Firm will require technical assistance to develop the redistricting plan(s), and will direct and supervise the work of a qualified Geographic Information Systems Specialist in the process.

C. Council Meetings and Public Hearing

The Firm will present the redistricting plan(s) to the City Council, and will make required modifications and/or refinements to the plan(s) required based on the City Council's input during a work session. The Firm will then present the proposed plan(s) at a public hearing during a City Council meeting. The public hearing should provide citizens with an opportunity to present relevant testimony regarding local preferences, communities of interest, and comment on the proposed change. During the public hearing, the Firm will address any legal questions regarding the proposed plans. Because the preclearance submission requires detailed information regarding the public hearing, the Firm recommends that a certified court reporter transcribe the hearing.

D. Finalization and Adoption of Plan

If the City Council has any further changes or refinements to the proposed plan(s) following the public hearing, the Firm will modify the plan(s) and submit an evaluation regarding the plan(s)'s conformity to the law and redistricting criteria. Members of the Firm will attend the meeting during which the City Council adopts a redistricting plan in the event of any questions. The Firm will endeavor to complete this redistricting process in 60 days.

E. Preclearance Submission

Once the City Council has adopted a plan, the Firm will compile all the necessary information and prepare the preclearance submission for the United States Department of Justice and the Texas Secretary of State. The Firm will handle any inquiries from the agencies for additional information or clarifications. At the completion of the submission process, the Firm will provide a final report to City Council.

Experience

Lafferty & Slayton, PLLC was established in February of 2010. The Firm's principals have more than 15 years combined legal experience representing and providing legal support to governmental entities. Both Kimberly Lafferty and Amber Slayton have competently navigated complex legal issues facing municipalities, and have successfully litigated challenges involving constitutional issues. Neither attorney was involved in the redistricting process following the 2000 U.S. Census. However, Ms. Lafferty has considered voting rights and districting issues following the annexation of property into municipal boundaries, and Ms. Slayton recently represented a municipality facing an election contest. Both attorneys are familiar with the legal requirements of the Voting Rights Act, and aware of the processes necessary to avoid redistricting litigation.

The attorneys at Lafferty & Slayton, PLLC have provided legal services for the following governmental entities:

City of Allen	City of Hutchins	City of Red Oak	Sachse EDC
City of Caddo Mills	City of Justin	City of Richardson	Chapel Hill ISD
City of Coppell	City of Lancaster	City of Rowlett	Ellis County
City of Corsicana	City of Lavon	City of Sachse	Kershaw County, NC
City of Denton	City of Lewisville	City of Sulphur Springs	Lake Cities Municipal
City of DeSoto	City of Lone Oak	City of Terrell	Utility Authority
City of Duncanville	City of Lucas	City of The Colony	Kaufman Area Rural
City of Farmers Branch	City of Mansfield	City of Weston	Transport
City of Forest Hill	City of Mabank	City of Wilmer	Dallas Central Appraisal
City of Glen Rose	City of Mesquite	Town of Prosper	District
City of Grapevine	City of Nevada	Town of Hickory Creek	Tarrant Appraisal District
City of Greenville	City of Plano	Allen EDC	Williamson Central
			Appraisal District

The following will provide a reference for the firm regarding its attorneys' legal services:

Jeffrey Steele
Mayor
City of Wilmer
(972) 441-6373

Mike Fairfield
General Manager
Lake Cities Municipal Utility Authority
(940) 497-2999

Tony Johnston
Assistant City Manger
City of The Colony
(972) 625-1756

Cynthia Olguin
City Secretary
City of Red Oak
(972) 617-3638

The Firm is 100% female owned, and is in the final stages of the process to become certified by the North Central Texas Regional Certification Agency as a woman-owned enterprise.

The Firm will contract with Jones & Carter, Inc. for Geographic Information Systems (“GIS”) services. In the past decade, Jones & Carter, Inc. has designed Geographic Information Systems for more than 29 governmental entities, assisting with both demographic and infrastructure data for planning and development. Jones & Carter, Inc. provides the following references for its GIS services:

Robert Court
President
Bissonnet MUD
(832) 865-1664

Bryan Chapline
Owner
Municipal District Services
(281) 290-6500

Gary Nathanson
President
Langham Creek Utility District
(713) 494-7241

Ben Agee
Operator
HCMUD No. 264/155
(281) 646-2323

Qualifications

Redistricting Team

Kimberly R. Lafferty

Kimberly Lafferty provides general legal counsel and litigation services to governmental entities regarding complex matters, including annexation disputes, land use, constitutional claims, premises liability, wrongful death, the Texas Tort Claims Act, the Civil Service Act, and contract and employment disputes. Ms. Lafferty understands the intricacies of the laws applying to governmental entities and provides innovative solutions to legal concerns.

During the past three years, Ms. Lafferty has completed almost 60 hours of Continuing Legal Education, and received credit for *Redistricting Issues for City Attorneys*, presented at the Texas City Attorney's Association Summer Conference 2009.

Ms. Lafferty has also performed numerous of hours of self-study related to redistricting, including review of Redistricting Law 2010 published by the National Conference of State Legislatures, Guide to 2011 Redistricting published by the Texas Legislative Council, and numerous federal court opinions related to redistricting.

Ms. Lafferty obtained her Juris Doctorate degree from Southern Methodist University School of Law in 1996, where she served as a Fellow in the Maguire Center for Ethics and Public Responsibility. She obtained her Bachelors of Science degree from the University of Texas. She is licensed by the Texas Supreme Court, and to practice in the Northern and Eastern United States District Courts. A copy of Ms. Lafferty's resume is attached.

Amber L. Slayton

Amber Slayton provides governmental entities with general legal counsel as well as litigation and appellate representation in state and federal courts. She represents clients in a variety of matters, such as contract and employment disputes, annexation and property disputes, constitutional law and deprivation of civil rights, and claims arising under the Texas Tort Claims Act, Civil Service Act, Election Code, and Open Meetings Act.

Ms. Slayton during the past three years has completed almost 200 hours of Continuing Legal Education, with a particular emphasis on land use and other issues facing governmental entities. She received credit for *Election Issues for City Attorneys*, presented at the Texas City Attorneys Association Summer Conference 2008.

Ms. Slayton obtained her Juris Doctorate from Baylor University School of Law in 2000, where she earned membership to the Order of the Barristers. She obtained her Bachelors of Arts degree from Southwest Baptist University. Ms. Slayton is licensed by the Texas Supreme Court,

and to practice in the Northern and Eastern United States District Courts, United States Court of Appeals Fifth District, and the United States Supreme Court. A copy of her resume is attached.

JONES & CARTER, INC.

Jones & Carter, Inc. is a full-service engineering, planning, surveying, and consulting firm providing services to public and private sector clients. Jones & Carter, Inc. offers an extensive depth of knowledge and experience in GIS services. The Jones & Carter, Inc. staff that will be assigned to work on the GIS aspects of the redistricting project are Edward H. Shackelford, P.E., Project Manager, and Chad E. Hall, Geographic Information Systems Specialist. Copies of their resumes are attached.

KIMBERLY R. LAFFERTY

10000 N. Central Expressway, Ste. 400 • Dallas, Texas 75231
(214) 890-4022 (p) • (214) 206-9919 (f) • klafferty@LS-Law.net

PROFILE

ACCOMPLISHED ATTORNEY WITH FOURTEEN YEARS OF LITIGATION AND APPELLATE EXPERIENCE, AND APPROXIMATELY TEN YEARS OF GOVERNMENTAL LAW EXPERIENCE:

- Management of complex civil litigation cases from pre-suit claims through trial and appeal
- Comprehensive case analysis and development of strategies for effective and efficient results
- Highly successful in obtaining dismissals through jurisdictional and dispositive motions
- Proficient handling of complex motions and requests for extraordinary relief
- First chair trial experience
- Appellate briefing in United States Fifth Circuit Court of Appeals, Texas Supreme Court, and Texas Courts of Appeals, and oral argument before numerous Texas Courts of Appeals
- Practical legal counsel to City Council, Planning and Zoning Boards, and other local governmental bodies and their staff, including advise on issues related to contracts, zoning, land use, employment matters, constitutional concerns, the Open Meetings Act, and Texas Public Information Act
- Preparation of ordinances and resolutions, contracts, and other legal documents

PROFESSIONAL EXPERIENCE

LAFFERTY & SLAYTON, PLLC, Dallas, Texas Member, 2010-present

- Offer full-service litigation and appellate representation to corporate and municipal clients; draft contracts and perform policy review for business clients; provide general counsel to governmental entities.

NICHOLS, JACKSON, DILLARD, HAGER & SMITH, LLP, Dallas, Texas Senior Associate, 2007-2010

- Defended and prosecuted lawsuits and appeals for governmental entities involving contract and tort claims, employment and civil service disputes, annexation, eminent domain, and constitutional issues.
- Negotiated and drafted service agreements, purchase agreements, public works contracts, franchises, licenses and lease of property.

SMITH & MOORE, PLLC, Dallas, Texas Contract Attorney, 2007

- Performed legal services for litigation firm practicing primarily in area of aviation law, handling various pretrial and post-trial matters for complex commercial and wrongful death litigation with damages asserted in the seven-figure dollar range.

LAW OFFICES OF ARTHUR K. SMITH, Allen, Texas Senior Associate, 2003-2007

- Practiced primarily in the areas of business litigation and insurance defense, with an emphasis on coverage, contract, product defect and premises liability law.
- Responsible for all aspects of litigation, including representing clients at trial and on appeal, for pretrial and post-trial motions and responses, and during mediation; handling discovery requests and responses; presenting and defending depositions; and appearing for mediations.

CITY OF PLANO, Plano, Texas Assistant City Attorney, 2001-2003

- Provided legal services and support for eight City departments and two Commissions.
- Represented City and its employees in civil litigation, including contract, deprivation of civil rights, and tort claims.
- Negotiated and drafted service agreements, purchase agreements, franchises, and licenses.



DISTRICT ATTORNEY'S OFFICE, Dallas County, Texas
Assistant District Attorney, 1997-2000

Specialized Crime Division

- Prosecuted felony white-collar crime offenses, representing the state at trial and during pretrial discovery suppression motions; responsibilities included pre-indictment case evaluation, presentation of cases to grand jury, negotiation of plea bargain agreements, compilation and organization of voluminous evidence, and witness preparation.

Appellate Division

- Represented the State in over 100 appeals from trial judgments with a near perfect success rate.

EDUCATION

SOUTHERN METHODIST UNIVERSITY SCHOOL OF LAW, Dallas, Texas

Juris Doctorate, May 1996

Honors: *Maguire Center for Ethics & Public Responsibility Fellow, Fellow 1996*

Phi Delta Phi Honor Legal Fraternity, Exchequer 1995-1996

UNIVERSITY OF TEXAS, Austin, Texas

Bachelor of Science; Advertising, May 1989 (Honors)

BAR ADMISSIONS

- State Bar of Texas, 1996
- United States District Court for Northern District of Texas
- United States District Court for the Eastern District of Texas

PUBLISHED CASES

Trulock v. City of Duncanville,
277 S.W.3d 920 (Tex. App.—Dallas 2009, no pet.).

Towers at Sunnyvale LLC v. Dallas Cent. Appraisal Dist., et al,
2009 WL 3029762 (N.D. Tex. 2009).

Jim Wells County Appraisal Dist. v. Cameron Village,
238 S.W.3d 769 (Tex. App—San Antonio 2007, pet. denied) (*amicus curiae* brief).

Town of Flower Mound v. Stafford Estates Ltd. P'ship,
135 S.W.3d 620 (Tex. 2004) (*amicus curiae* brief).

Arnold v. State,
7 S.W.3d 832 (Tex. App.—Eastland 1999, pet. ref'd).

Cutrer v. State,
995 S.W.2d 703 (Tex. App.—Texarkana 1999, pet. ref'd).

PRESENTATIONS AND PUBLICATIONS

Texas Cases Affecting Municipalities, Texas City Attorney's Association

Legal Aspects of Code Administration, Building Professionals Institute

Indemnity, Subrogation, and Contribution in Personal Injury Cases, HalfMoon Seminar

Retaliation and the Public Employer, Enterprise Center

Texas Public Information Act, Enterprise Center

Case Development and Testifying, City of Plano

COMMUNITY INVOLVEMENT

- National Association of Professional Women, Dallas Chapter
- National Association of Women Lawyers
- SMU Dedman Law Government Lawyers Group



AMBER L. SLAYTON

10000 N. Central Expy., Ste. 400, Dallas, Texas 75231 • 214.890.4022 • 214.206.9919 (fax) • aslayton@LS-Law.net

PROFILE

ACCOMPLISHED ATTORNEY WITH MORE THAN TEN YEARS OF EXPERIENCE MANAGING GENERAL CIVIL LITIGATION CASES FROM PRE-SUIT CLAIMS THROUGH TRIAL AND APPEAL:

- First-chair jury trial successes in federal and state courts
- Oral argument and briefing in the Texas Supreme Court and Court of Appeals
- Skillful case work-up, including: briefing and arguing complex motions, utilizing procedure to gain litigation advantages, drafting discovery requests and responses, attending mediation, presenting and defending depositions
- Practice areas: general liability, including negligence, wrongful death, defamation, and false imprisonment; premises liability; products liability; employment law; contracts; constitutional law; appeals

ACCOMPLISHED ATTORNEY WITH MORE THAN FIVE YEARS OF EXPERIENCE PROVIDING GENERAL LEGAL SERVICES TO GOVERNMENTAL ENTITIES:

- Legal counsel concerning interpretation and application of local, state, and federal laws, including constitutional matters, planning and zoning issues, Open Meetings Act, Public Information Act, Civil Service Act, and the Texas Local Government Code
- Drafting ordinances, resolutions, and contracts, including development agreements, professional services agreements, interlocal agreements, and licenses

PROFESSIONAL EXPERIENCE

- | | | |
|--|--|----------------------|
| 2010 - Present
<i>Member</i> | LAFFERTY & SLAYTON, PLLC | Dallas, Texas |
| Offer full-service litigation and appellate representation to corporate and municipal clients; draft contracts and perform policy review for business clients; provide general counsel to governmental entities | | |
| 2006 - 2010
<i>Senior Associate Attorney</i> | NICHOLS, JACKSON, DILLARD, HAGER & SMITH, LLP | Dallas, Texas |
| Provided governmental entities with full litigation and appellate representation in state and federal court as lead counsel, including authoring appellate briefs and arguing before appellate courts; served as Assistant City Attorney to cities throughout the Metroplex | | |
| 2005 - 2006
<i>Contract Associate Attorney</i> | THE MESSER LAW FIRM | Frisco, Texas |
| Represented local governmental entities in federal and state litigation and appeals; served as Assistant City Attorney to area cities | | |
| 2002 - 2005
<i>Associate Attorney</i> | ULOTH & PEAVLER, LLP | Dallas, Texas |
| Provided full litigation and appellate representation to Fortune 100 companies in state and federal court in tort matters, including first-chairing jury trials and authoring appellate briefs | | |
| 2000 - 2002
<i>Associate Attorney</i> | HARTLINE, DACUS, DREYER & KERN, LLP | Dallas, Texas |
| Defended international corporations, such as General Motors Corporation, Bridgestone/Firestone, and Toyota Motor Co., in product liability litigation, including second-chairing jury trials, motion practice, taking and defending depositions, drafting discovery, and attending mediation | | |



EDUCATION

Juris Doctorate	BAYLOR UNIVERSITY SCHOOL OF LAW – Waco, Texas Order of the Barristers	February 2000
Bachelor of Arts	SOUTHWEST BAPTIST UNIVERSITY – Bolivar, Missouri Majors: Speech Communication, Political Science; <i>Summa Cum Laude</i>	May 1997

BAR ADMISSIONS

- State Bar of Texas, 2000
- United States District Court, Northern and Eastern Districts of Texas, 2000
- United States Supreme Court
- United States Court of Appeals for the Fifth Circuit

REPORTED CASES

- City of DeSoto v. White*,
232 S.W.3d 379 (Tex. 2009)
- Kroger Tex. Ltd. P'ship v. Suberu*,
216 S.W.3d 788 (Tex. 2006)
- City of Richardson v. Gordon*,
___ S.W.3d ___, 2010 WL 2636142 (Tex. App. – Dallas 2010, no pet. h.)
- Destructors, Inc. v. City of Forest Hill*,
2010 WL 1946875 (Tex. App. – Fort Worth 2010, no pet.)
- Bernard Dolenz, Life Estate v. Dallas Cent. Appraisal Dist., et al.*,
293 S.W.3d 920 (Tex. App. – Dallas 2009, pet. denied)
- Appraisal Review Bd. of Dallas Cent. Appraisal Dist. v. O'Connor & Assocs., et al.*,
275 S.W.3d 643 (Tex. App. – Dallas 2009, no pet.)
- Kroger Co. v. Guinn*,
2005 WL 1950887 (Tex. App. – Dallas 2005, no pet.)
- Fethkenher v. Kroger Co.*,
139 S.W.3d 24 (Tex. App. – Fort Worth 2004, no pet.)

PRESENTATIONS & PUBLICATIONS

- Land Use Law: Traps and Tricks*, Texas City Attorneys Association
- Litigating Personal Injury Cases*, HalfMoon Seminars
- Zoning Do's and Don'ts*, The Center for American and International Law
- The Basics of Land Use Law*, Texas City Attorneys Association
- Case Law Update*, Texas Association of Assessing Officers State Conference
- The Admissibility of In-House Appraisal Experts*, State Bar Property Tax Committee Meeting
- Regulatory Takings: Ripeness and Exhaustion of Remedies*, CLE International

COMMUNITY INVOLVEMENT

OPERATION KINDNESS ANIMAL SHELTER
TEXAS A&M UNIVERSITY – COMMERCE

Vice-President, Board of Directors
Adjunct Instructor





Edward H. Shackelford, P.E.

*Vice President & Operations Manager –
The Woodlands*

Background

Mr. Shackelford joined Jones & Carter, Inc. in 2003 and was appointed Division Manager of The Woodlands office later that year. He has served as Vice President since 2004 and was promoted to Operations Manager in January 2005. Along with managing The Woodlands office, Mr. Shackelford serves as District Engineer for four MUDs and as the City Engineer for one municipality.

Mr. Shackelford began his professional career serving as the Assistant City Engineer in Baytown, Texas. He later worked as Project Manager/Project Engineer with Wayne Smith & Associates in Houston and spent a year as Senior Engineer/Project Manager for the Harris County Flood Control District. In 1991, he became Precinct Engineer for Harris County's largest precinct, Precinct 4, where he served in this capacity until he was selected as General Manager of the North Harris County Regional Water Authority from May 2000 to May 2003 when he joined Jones & Carter, Inc.

Education & Registration

Education:	Bachelor of Science in Civil Engineering Texas A&M University – 1978
Registration:	Registered Professional Engineer – Texas No. 55284
Affiliations:	Association of Water Board Directors – Program Committee North Houston Association – Environment Committee Texas Water Conservation Association – Board of Directors & Executive Committee

Project Experience

Public Works Experience

Mr. Shackelford's prior experience also includes management for the design, bidding, and construction phases of public projects that include planning, buildings, roadways, water supply/distribution systems, wastewater collection systems, drainage and storm water detention and parking lots for the following entities:

- City of Baytown
- City of Tomball
- City of Jersey Village
- Lone Star College
- Harris County Precinct 4
- Harris County Flood Control District

Project Manager/Project Engineer

City of Baytown (1979 – 1985)

Annual Street Reconstruction Program – Approximately \$ 0.5 – 0.75 million/year

Mr. Shackelford served in the capacity as the Assistant City Engineer and identified the streets for consideration and upon receiving city council approval designed the annual street reconstruction program. The annual street reconstruction program goal was to rehabilitate the existing asphalt streets with an enhanced stabilized subgrade, minimized street ponding by replacing curb and gutter systems that were off grade, replacing valley gutters as needed, and constructing a replacement surface pavement. In some cases, extra design experts were necessary to maintain the existing pavement elevation requiring a full depth removal and reconstruction. Typically the reconstruction program rebuilt 5 miles of roadway annually. The design life for this reconstruction method is approximately 20 – 25 years depending on truck traffic patterns.

Wayne Smith & Associates (1985 – 1990)

Miscellaneous Road Projects

Mr. Shackelford was responsible for the design and construction management of several Harris County road projects assigned by Harris County Precinct 2. One project consisted of designing the widening of Busch Road including drainage and traffic management improvements. The other project was the design of Emmett Hutto Drive between Baker Road and Rollingbrook Drive including the drainage ditch and traffic management system.

Mr. Shackelford also designed road improvements for the City of Jamaica Beach during this period.

Precinct Engineer

Nine plus years managing, planning and implementing capital improvements for road, drainage and signalization projects for Harris County Precinct 4 with an annual capital budget up to \$50 million. Project management ranged from initiating initial planning/budgeting to securing consultant services, overseeing right of way acquisition, monitoring project schedules and budgets. Project types included road rehabilitation, drainage improvements, road widening/extension, alignment studies, signalization studies, fiber optic interconnects, temporary and permanent signalization installations.

Harris County Precinct 4 (1991 – 2000)

Annual Road Rehabilitation Program – Approximately \$ 4 – 5 million/year

Capital Projects Program – Approximately \$15 – 20 million/year

As Precinct Engineer, Mr. Shackelford assisted the Road Superintendent in managing the annual road rehabilitation program in Precinct 4. The annual road rehabilitation program consisted of identifying the roads needing rehabilitation, supervising the design of the road repairs and the hot in-place asphalt recycling program. This rehabilitation method allowed for approximately 20 – 25 miles of roads to be rehabilitated annually (Precinct 4's road inventory consisted of 2700 miles). The design life for this rehabilitation method is approximately 10 – 15 years depending on weather and development patterns.

While serving as the Precinct Engineer, Mr. Shackelford also managed the Capital Projects Program and that program identified and funded mobility improvements through Precinct 4. The mobility improvements consisted of adding left turn lanes, the extension and or widening of existing thoroughfares to increase capacity; assisted in identifying funding opportunities for expanding and upgrading the traffic management system; managing project schedules and project bond fund budgets and representing Precinct 4 in condemnation proceedings..



Chad E. Hall

Geographic Information Systems Specialist

Background

Mr. Hall has been with Jones & Carter, Inc. since April 2003 in which time he has performed in-house Geographic Information System (GIS) services design for numerous municipal utility districts and cities under the supervision of Bryan Kennedy, Lisa Bonham, and Ed Shackelford. He has also performed GIS designs for county land information systems to provide quick and accurate answers on land development issues.

Currently, Mr. Hall manages 19 GIS projects for clients interested in addressing infrastructure management and map upgrades. Each GIS project represents approximately a 500-acre political subdivision. His GIS responsibilities include standardization, preparation of layers including roadways, utilities, parcels, topographical features, and aerial photography, inclusion of associated graphical information such as plan and profile sheets, videos, photographs, reports, and legal agreements, acquisition and preparation of data, coordination with Board of Directors and consultants, and preparation of completed projects.

Education & Registration

Education:

Master of Arts in Geography
University of Oklahoma – 2002

Bachelor of Science in Geographic Information Science
Texas A&M University, Corpus Christi – 2001

Project Experience

Municipal Utility District / City GIS Experience

Mr. Hall completed GIS design of water, sanitary, and drainage facilities for the following clients:

- Barker Cypress MUD
- Bilma PUD
- Bissonnet MUD
- Brazoria County MUD No. 1
- Brazoria County MUD No. 2
- Brazoria County MUD No. 3
- Brazoria County MUD No. 6
- Bridgestone MUD
- City of Oak Ridge North
- Emerald Forest UD
- Fort Bend County WC&ID No. 2
- Harris County MUD No. 26
- Harris County MUD No. 70
- Harris County MUD No. 122
- Harris County MUD No. 155
- Harris County MUD No. 200
- Harris County MUD No. 264
- Harris County MUD No. 354
- Harris County MUD No. 364
- Harris County MUD No. 365
- Harris County MUD No. 400
- Harris County WC&ID No. 109
- Kleinwood MUD
- Langham Creek UD
- Montgomery County MUD No. 8
- Northampton MUD
- Plantation MUD
- Rankin Road West MUD
- West Harris County MUD No. 2

County Land Information Systems Experience

Mr. Hall has compiled city, county, and state data for the following counties:

- Brazoria County
- Greater Dallas Metro Area
- Fort Bend County
- Harris County
- Montgomery County
- Travis County
- Waller County

These services have been used by:

- Kimball Hill Homes
- Beazer Homes
- KB Home
- Royce Builders
- Gustafson Group
- NewQuest Properties
- TaraCorp, Inc.
- Betz Co.

City of Lancaster, Texas (Purchasing) Supplier Response

Bid Information		Contact Information		Ship to Information	
Bid Creator	Dawn Berry Purchasing Agent	Address	PO Box 940	Address	PO Box 940
Email	dberry@lancaster-tx.com		Lancaster, TX 75146		Lancaster, TX 75146
Phone	(972) 218-1329	Contact	Dawn Berry	Contact	Dawn Berry
Fax	(972) 218-3621		Purchasing		Purchasing
Bid Number	2011-21	Department		Department	
Title	Redistricting	Building		Building	
Bid Type	RFP-Weighted	Floor/Room		Floor/Room	
Issue Date	12/20/2010	Telephone	(972) 218-1329	Telephone	(972) 218-3621
Close Date	1/21/2011 4:00:00 PM CST	Fax	(972) 218-3621	Fax	
Need by Date		Email		Email	
			purchasing@lancaster-tx.com		purchasing@lancaster-tx.com

Supplier Information

Company Bojorquez Law Firm, PLLC
Address 12325 Hymeadow Drive, Suite 2-100
 Austin, TX 78750
Contact Damien Shores
Department
Building
Floor/Room
Telephone 1 (512) 2500411
Fax 1 (512) 2500749
Email damien@texasmunicipallawyers.com
Submitted 1/21/2011 9:46:24 AM CST
Total \$28,000.00

Signature _____

Supplier Notes

Principal of the Bojorquez Law Firm is Alan J. Bojorquez.

Bid Notes

City of Lancaster is requesting qualification statements to evaluate and redraw, if necessary, the boundaries of the six current Council districts.

Bid Messages

Date	Subject	Message
01/19/11	Reminder	Submittals must be posted prior to 4:00 PM on Friday. Please note, the system follows the server time in the top right. The system checks for errors and if you submit at 3:59, you will not have time to correct the errors. Please see the navigating the e-procurement system pdf document located at www.lancaster-tx.com/bids .

Please review the following and respond where necessary

#	Name	Note	Response
1	Questions	All questions shall be addressed to Dawn Berry, Purchasing Agent through the electronic procurement system.	Understood
2	Attachments	I have attached attachments 1-6.	Yes
3	Company Ownership	Is your company currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms.	No.
4	Financial Rating	Provide a financial rating of your company and any documentation (e.g. a Dunn & Bradstreet analysis/number), which indicates the financial stability of the company.	Not applicable.
5	Litigation	Provide any details of all past or pending litigation or claims filed against your company arising out of or in connection with your company's performance under a contract for construction management and/or construction services. Describe how such suit or claims were resolved.	The attorneys of the Bojorquez Law Firm are all licensed to practice in Texas, and have no pending complaints or grievances filed against them of any nature whatsoever with the State Bar of Texas. The Bojorquez Law Firm has never been the subject of a malpractice claim or lawsuit.
6	Litigation with City of Lancaster	Is your firm involved in any litigation (past or pending) with the city of Lancaster? If yes, please provide details.	No.
7	Electronic Payment	If you would like your payment sent electronically (EFT), please provide your accounts receivable contact information. Please provide name and email.	Geri Jarl, geri@texasmunicipallawyers.com
8	Open Records Act	All responses will be maintained confidential until award is finalized. At that time, all proposals are subject to the Open Records Act.	Agreed
9	Website Address	Enter product website information	www.TexasMunicipalLawyers.com; www.redistrictingsolutions.com
10	T&C Acknowledgement	I have read and agree to the terms and conditions of this bid.	Agreed
11	Bid Acknowledgement	Bidder affirms that they have read and understand all requirements of this proposal. Additionally, the bidder affirms that they are duly authorized to execute this contract and that this company has not prepared this proposal in collusion with any other proposer, and that the contents of this proposal as to prices, terms or conditions of said proposal have not been communicated by the bidder nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this type of business prior to the official opening of this proposal.	Agreed
12	Insurance	Vendor shall provide insurance as listed in the insurance requirements attached.	Understood
13	County	What county is your principal place of business located?	Travis

14	Immigration	Employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the US) and aliens authorized to work in the US. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.	(No Response Required)
15	Laws and ordenances	The Contractor shall at all times observe and comply with all Federal, State, and local laws, ordinances and regulations which in any manner affect the Contract or the work.	Understood
16	Payment Terms	The City of Lancaster's payment terms are Net 30.	Agreed
17	Change Orders	No oral statement of any person shall modify or otherwise change, or affect the terms, conditions, or specifications stated in the resulting contract. All change orders to the contract will be made in writing by the city of Lancaster.	Agreed
18	Late Submission	Bids/RFQs are not accepted after the closing date and time. The City of Lancaster is not responsible computer, mail or carrier issues/problems. The server time located in the top right corner of this software is the official clock. It is the responsibility of the user to ensure you have chosen the correct time zone for your company.	Understood
19	Reciprocal Information 1	The City of Lancaster, as a governmental agency of the State of Texas, may not award a contract for general construction, improvements, services or public works projects or purchases of supplies, materials, or equipment to a non-resident bidder unless the non-resident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state in which the non-resident's principal place of business is located (Article 601g v.t.c.s.). Bidder shall answer all the following questions by encircling the appropriate response or completing the blank provided. <p>Where is your principal place of business?	Texas
20	Reciprocal Information 2	For Businesses not located in Texas, does your state favor resident bidders (bidders in your state) by some dollar increment or percentage?	N/A
21	Reciprocal Information 3	If Yes, What is the dollar increment or percentage?	N/A
22	Notification	How did you here about this bid opportunity?	Other
23	Plan Room - Other	If yes for a plan room or other, please list which plan room or other means of notification.	I was told to submit information by Rickey Childers, City Manager. He and I are both active in TCMA/TML and are both alumni of Texas Tech University's MPA Program.

24	Conflict of Interest 1	<p>Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose on this form the vendor name, person's affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, the questionnaire must be filed with the Purchasing Agent of the City of Lancaster not later than the 7th business day after the date the person becomes aware of the facts that require the statement to be filed.</p> <p>** Please return the completed form to City of Lancaster, Attn: Purchasing, PO Box 940, Lancaster, TX 75146.</p> <p>** See Section 176.006 of the Local Government Code for further details. Note: A person commits an offense (Class C misdemeanor) if the person violates Section 176.006.</p> <p>** A City of Lancaster employee or officer is defined as a member of the Lancaster City Council, Lancaster Economic Development Corporation Board of Directors, Lancaster Recreational Development Corporation Board of Directors, Housing-Finance Corporation Board of Directors, and any employee of the City that makes purchasing decisions or recommendations regarding the use of funds of the City or said corporations.</p>	(No Response Required)
25	Conflict of Interest 2	<p>Please provide the name of each employee, official, or contractor of the City of Lancaster who makes purchasing decisions or recommendations regarding the use of funds of the City or corporations listed above and describe the business relationship with your firm.</p>	<p>I was told to submit information by Rickey Childers, City Manager. He and I are both active in TCMA/TML and are both alumni of Texas Tech University's MPA Program.</p>
26	Conflict of Interest 3	<p>3. Name of City of Lancaster officer with whom the vendor/business has affiliation or business relationship.</p>	Rickey Childers
27	Conflict of Interest 3A	<p>Is the City of Lancaster employee or officer named in this section receiving or likely to receive taxable income from the filer of the questionnaire?</p>	No
28	Conflict of Interest 3B	<p>Is the filer of the questionnaire receiving or likely to receive taxable income from or at the direction of the City of Lancaster officer named in this section and the taxable income is not from the City of Lancaster?</p>	No
29	Conflict of Interest 3C	<p>Is the filer of this questionnaire affiliated with a corporation or other business entity that the City of Lancaster employee or officer serves as an officer or director, or hold an ownership of 10 percent or more?</p>	No
30	Conflict of Interest 3D	<p>Describe each affiliation or business relationship.</p>	<p>I was told to submit information by Rickey Childers, City Manager. He and I are both active in TCMA/TML and are both alumni of Texas Tech University's MPA Program.</p>
31	W9 1	<p>Enter the name as shown on your tax return.</p>	Bojorquez Law Firm, PLLC
32	W9 2 Business Name	<p>Enter your business name (DBA) if different from the above.</p>	Bojorquez Law Firm, PLLC
33	W9 3	<p>Please select company type.</p>	Other
34	W9 4	<p>Please list the W9 address.</p>	<p>12325 Hymeadow Drive, Suite 2-100, Austin, Texas 76750</p>

35	W9 5	Enter your TIN. The TIN provided must match the name on your invoice. For individuals, this is your social security number (SSN). For other entities, it is your employer identification number (EIN).	270818127
36	W9 6 Certification	<p>Under penalties of perjury, I certify that:</p> <p><p>1.) The number shown on the above question (W9 - 1) is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2.) I am not subject to backup withholding because: <BLOCKQUOTE>(a) I am exempt from backup withholding, or
(b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or
(c) the IRS has notified me that I am no longer subject to backup withholding, and</BLOCKQUOTE>
3.) I am a U.S. citizen or other U.S. person as defined below. Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN</p>	Certified
37	MWBE 1	Is your company M/WBE or HUB certified?	No
38	MWBE 2	If yes, what is your certification number?	
39	MWBE 3	If yes, what agency completed the certification?	
40	MWBE 4	If yes, what is the expiration date of your certification?	

LETTER OF UNDERSTANDING

The **Bojorquez Law Firm, PLLC**, in collaboration with ***Redistricting Solutions***, respectfully submits this Letter of Understanding for providing professional services to assist the city in assessing population changes and re-drawing council districts to comply with local, state, and federal law. Both the Bojorquez Law Firm and Redistricting Solutions understand and will adhere to all criteria and specifications in the City of Lancaster's Request for Proposals for the redistricting of City Council precincts.

Our law firm exclusively represents municipalities across Texas. Our attorneys serve in the capacity of *City Attorney* or *Special Counsel* for varying cities (e.g., home-rule and general-law, large and small, urban and rural). We are counselors and advocates, dedicated to an unbending commitment to excellence and client service. In 2000-2001, I successfully guided 7 cities, 4 counties and a school district through the Redistricting Process.

Our firm has collaborated with two other Austin law firms experienced in redistricting to bring together a team of governmental lawyers experienced in working with governmental entities in redistricting law. Our collaboration is known as ***Redistricting Solutions***, and our sole purpose is to provide additional resources, expertise and depth of knowledge in redistricting and election law matters to meet the special needs of local governmental entities. We have also retained a premiere engineering firm to provide the demographic analysis and mapping support required for our redistricting services. By hiring our team, Lancaster will have the best in legal resources and cutting-edge technology.

Sincerely,

Alan J. Bojorquez, Principal

SCOPE OF WORK

The Bojorquez Law Firm and its *Redistricting Solutions* team will assist the city by:

- Verifying current boundaries of all single-member districts.
- Confirming demographics of districts as of last redistricting.
- Educating decision-makers on the legal requirements.
- Explaining legal parameters established by state and federal law.
- Formulating process and procedures for boundary modifications.
- Facilitating public outreach, hearings, and input from special interest groups, stakeholders and civic organizations.
- Coordinating communication with media.
- Preparing viable draft redistricting plans.
- Advising governing body regarding consequences of chosen plans.
- Submitting package to US DOJ seeking preclearance.
- Defending entities in any resulting legal challenges.

TIME FRAME

Based on our experience, the City of Lancaster can anticipate the entire process taking 6-12 months.

STAFF ASSIGNMENT

We propose that **Alan Bojorquez** serve as the attorney who will be primarily responsible for redistricting matters for your city, and act as team leader. Working with Alan will be associate attorneys Jill Hoffman and Damien Shores. Doucet & Associates will provide the mapping and demographic analysis work as a consultant to the Bojorquez Law Firm. Additionally, The Bojorquez Law Firm has formed a collaborative consortium--*Redistricting Solutions*--with two other Austin-based law firms, Hudson & O'Leary, LLP, and the Law Offices of Powell & Leon, LLP, so as to provide redistricting clients with additional resources to assist with the upcoming release of the 2010 census. *Redistricting Solutions* attorneys who may also work on this project are Sara Hardner Leon and Greg Hudson.

ESTIMATED NUMBER OF HOURS

The entire redistricting process is estimated to take 150 hours.

RATES AND FEES

The Bojorquez Law Firm will provide an analysis of the demographic changes in the municipality's population; conduct public meetings and hearings as necessary to evaluate changes required under state and federal law; prepare and present alternative plans to the city council; and submit the approved plans to the Department of Justice for Preclearance under the fee schedule proposed herein.

We propose an hourly fee for services. Our attorneys and demographers maintain daily time records, in increments of 1/10th of an hour. Monthly invoices identify the person performing the work, describe the work performed, and record the time expended on each task. A summary of costs appears below the summary of services and separate totals for services and costs are provided and followed by a total.

The firm charges only for those expenses that represent direct costs of the provision of legal services. In other words, we include no hidden overhead costs in our fee structure, and will only charge for those expenses where monetary costs to the firm are incurred on behalf of the client.

Fees for Services:

- Attorneys Fees for Redistricting Services \$225/hour

- Technical Fees (Demographer) \$120/hour
- Paralegal / Law Clerk / Legal Secretary \$95/hour

Other expenses are billed as follows:

- In-house black and white photocopies: \$.25 per copy
- Outside photocopy services: At cost as billed by provider
- Fax transmissions No cost
- Westlaw Electronic Library Charges: \$95.00 per hour (not to exceed \$500/month)
- Postage: At cost
- Litigation expenses (consultants, expert witness, court reporter, graphic exhibits): At cost
- Color printing costs: \$4/page for oversized color renditions of district maps
- Interpreter services: At cost (typically \$90/hour)
- Travel time: ½ regular hourly rate
- Travel Expenses: At cost/IRS mileage rate

Note: In the event of any litigation, representation of the city in litigation or the provision of expert witness fees will be provided under the same fee structure.

Payment Schedule

Payments shall be made monthly, based upon detailed invoices provided by the firm.

PRICING

The City of Lancaster can anticipate the Initial Analysis to cost **\$8,000.00**.

Based on our experience, the City of Lancaster can anticipate the entire process costing **\$20,000.00-\$25,000.00**. Common variables that can affect the price and duration include:

- Whether the City appoints a Committee.
- The number of Public Hearings.
- How many Individual Consultations are required.
- The level of participation by Stakeholders (i.e., special interest groups).
- How many Variations are generated for draft Plans.
- Whether the City accepts draft Plans submitted by citizens.

OUTLINE OF APPROACH

Any municipality anticipating the need to analyze city council member districts and consider redistricting should begin to collect the information that will be needed to prepare an initial analysis and evaluation. Providing this information to the Bojorquez Law Firm early in the process will assist us in providing the school district with an efficient and timely redistricting analysis and process:

1. The city should provide its current district boundary information as soon as reasonably practicable. If the current boundaries exist in a "shape file" or similar electronic format, those files will be required.
2. The city will need to provide: (a) historical election data for past city council elections for the past 10 years; (b) Department of Justice pre-clearance submissions from those elections; and (c) any pertinent records from the most recent redistricting. If there is a court order or other pertinent information from prior litigation, then that information should be located and supplied to the Bojorquez Law Firm.
3. We will assist the city in posting and advertising appropriate public hearings and public meetings, as necessary, to obtain community input and evaluation of possible changes to existing district boundaries.

A successful reapportionment or redistricting process must also begin with the involvement of community stakeholders. Community support for the boundary changes requires transparency in all phases of the process. We take an inclusive approach to the redistricting process. We bring our demographer and computer equipment to public meetings so community members can participate in live analysis of potential district changes and the drawing of alternative plans. We firmly believe that transparency and accurate, timely information are essential to a successful redistricting process.

A proposed timeframe for the redistricting process is:

1. **Upon Notice to Proceed.** Obtain current district boundaries and data files, election data from past 10 years, Department of Justice preclearance submissions and other relevant data from client.
2. **Release of the 2010 Census (early 2011).** Following the release of the census, we will immediately analyze the data and produce an initial assessment whether the current districts will need to be reapportioned due to impermissible population imbalances between the districts (greater than 10% deviation between any two districts). The initial assessment will be presented to the city council, along with appropriate backup and a sample order confirming the city's intent to commence redistricting.
3. **Late Spring, Early Summer 2011.** We will develop suggested redistricting

criteria for redistricting plans for Council approval that are consistent with the mandates of the federal Voting Rights Act, and conform to redistricting best practices (preserving historic boundaries, recognizing clearly identifiable community and economic interests, preserving constituency-representative relations by minimizing contests among incumbents, minimizing the impact of redistricting on community interests). The city council may consider whether it wishes to appoint a *Redistricting Committee* to draft sample redistricting plans for the city council's consideration.

- 4. Late Spring, Early Summer 2011.** Following consultation with the city council, or meetings with the Redistricting Committee, draft plans will be drawn for consideration by the council and by members of the public. These draft plans will be discussed during at least two "workshops" open to the public, at which time input will be solicited and alternative plans may be drawn.

In addition, any plans submitted by members of the public will be received and analyzed. It has been the our experience that this important phase of the proposed work takes the longest time, especially if there is significant public input and interest. Public education and collaboration, while time consuming, is an essential part of the process. The firm will also be available to meet individually with stakeholders such as community leaders and special interest groups.

- 5. Summer- Early Fall, 2011.** Once a proposed consensus plan is developed, it will be presented for approval by the city council. Thereafter, potential polling place modifications will be evaluated and approved by the council.
- 6. No later than October, 2011.** Upon approval of a redistricting plan, all pertinent documentation of the process, including public notices, minutes, comments from members of the public, the various plans considered, and related materials will be compiled and submitted to the Department of Justice for preclearance under Section 5 of the Voting Rights Act. It is important that the preclearance request be filed in the early fall of 2011 so as to allow the Department sufficient time to review and resolve any questions they may have prior to the candidate filing deadline in March of 2012. The Department of Justice has an initial sixty-day review period for submissions, which can be extended by an additional sixty days by notice to the submitting entity that additional information is necessary to consider the submission.

The Bojorquez Law Firm will provide all legal, demographic, computer and language translation/interpreter services necessary to perform and complete all stages of the redistricting process. The firm will prepare all public notices of meetings and workshops (in English, Spanish and other languages represented in the local community), all orders approving redistricting plans for districts and polling places, and compiling and preparing the necessary documentation for the Department of Justice submission. In addition, attorneys from the firm will be present at all workshops and meetings of the city council in which redistricting matters are discussed and/or acted upon. Appropriate language interpreter services (Spanish and other languages, American Sign Language) will be

provided for community meetings as appropriate to effectively communicate with the community.

The city council will be provided with detailed color maps and complete data files with the new districts. All data and information shall remain the property of the city.

REFERENCES

References for prior redistricting services include, but are not limited to, the following:

- W. Brown Claybar, Mayor, City of Orange, Texas - (409) 883-1042
- Kerry Kittrell, City Secretary, City of Orange, Texas - (409) 883-1042
- Dorothy Palumbo, City Attorney, Highland Village, Texas - (972) 317-5558
- Mary Lynne Stratta, City Secretary, City of Bryan, Texas - (979) 209-5100
- Inocente "Chente" Quintanilla, *current* State Representative - (512) 463-0613
(*former* Assistant Superintendent, Socorro ISD, Texas - (915) 937-0000)
- Jay Doegey, City Attorney, City of Arlington, Texas - (817) 459-6100
- Juanita Formby, City Secretary, City of Mineral Wells, Texas - (940) 328-7700
- Susie Green, City Attorney, City of Galveston, Texas - (409) 797-3500
- Lisa Olmeda, City Secretary, City of Wharton, Texas - (979) 523-2491

In addition, the firm has done business with the following Texas governmental entities over the last 10 years:

- City of Dripping Springs
- City of Eden
- City of Georgetown
- City of Granger
- City of Jarrell
- City of Mart
- City of Menard
- City of Nolanville
- City of Rosebud
- Village of Salado
- City of Thorndale
- Village of Webberville
- City of West Lake Hills
- City of Woodcreek

QUALIFICATIONS OF FIRM AND STAFF

Alan J. Bojorquez, *Principal*. As owner and manager of the Bojorquez Law Firm, PLLC, Alan serves as City Attorney or Special Counsel for several municipalities. Prior to going into private practice, Alan was Assistant General Counsel for the Texas Municipal League. He earned his Juris Doctorate, Master of Public Administration, and Bachelor of Arts from Texas Tech University. While in school, Alan interned for the cities of Lubbock and Garland. Alan is a member of the American Planning Association, International Municipal Lawyers Association and Texas City Attorney Association. Alan received his Merit Certification in Municipal Law from the Texas City Attorneys Association and is a member of the College of the State Bar. He is author of the TEXAS MUNICIPAL LAW & PROCEDURE MANUAL. In 2000-2001, Alan guided 7 cities, 4 counties and a school district through the Redistricting Process.

Jill Hoffman, *Associate*. Jill is furthering her commitment to serving the public by representing municipal clients. After receiving her Bachelor's Degree from Southwestern University, Jill aided the people of El Salvador through the Peace Corps. While earning her Juris Doctorate from South Texas School of Law, she interned for the City of Austin's City Attorney's Office. Jill's law review article, "The Status of Surface Water Rights Laws in Texas," was published in the TEXAS ENVIRONMENTAL LAW JOURNAL.

Damien Shores, *Associate*. Damien is also committed to serving municipalities. After graduating Phi Beta Kappa with a Bachelor's Degree from the University of Texas at Austin, Damien received his Juris Doctorate from St. Mary's University School of Law. Prior to joining the firm Damien was a Mickey Leland Intern with the Texas Commission on Environmental Quality where he conducted legal research and wrote memoranda for attorneys in the litigation and environmental law divisions. Damien also co-authored a law review along-side Alan Bojorquez titled, "Open Government and the Net: Bringing Social Media Into the Light," which was published in the TEXAS TECH ADMINISTRATIVE LAW JOURNAL.

Redistricting Solutions. The Bojorquez Law Firm has formed a collaborative consortium--*Redistricting Solutions*--with two other Austin-based law firms, Hudson & O'Leary, LLP, and the Law Offices of Powell & Leon, LLP, so as to provide redistricting clients with additional resources to assist with the upcoming release of the 2010 census. Our goal is to assure that all of our clients will have a high level of service and appropriate expertise on redistricting matters, where it is necessary for such additional resources to be available. Our team works collaboratively to provide both breadth and depth of experience in the area of redistricting in an efficient, cost-effective manner. All of our firms have expertise in election law and redistricting matters. For more information about this collaboration please visit www.RedistrictingSolutions.com. *Redistricting Solutions* attorneys who may also work on this project are:

Sara Hardner Leon. Ms. Leon has over twenty years experience representing public school districts across Texas. Ms. Leon is a 1985 graduate of Brown University, where she majored in Latin American Studies. She attended graduate school at the

Institute of Latin American Studies at the University of Texas. She is also a 1990 graduate of the University of Texas School of Law. She was licensed to practice law in Texas in 1990 and is admitted to practice in the Federal District Courts for the Northern, Southern, Eastern, and Western Districts of Texas, the Fifth Circuit Court of Appeals and the United States Supreme Court. She is a member of the State Bar of Texas Litigation, Labor and Employment, and School Law Sections, as well as the Travis County Bar Association's Labor and Employment and Administrative Law Sections and the National Education Law Association. Ms. Leon has focused her practice in all areas of school law since 1990, with a particular emphasis on civil rights and litigation.

J. Greg Hudson. Greg is a partner in Hudson & O'Leary, LLP, a law firm that primarily represents Texas local government entities and Hospital Districts in a wide variety of legal matters. Greg has served in the capacities of City Attorney, County Attorney Pro Tem, and General Counsel to a variety of local governments in Texas, both large and small.

Doucet & Associates, Inc. Doucet & Associates will provide the mapping and demographic analysis work as a consultant to the Bojorquez Law Firm. Doucet & Associates, Inc. was founded in 1992. Doucet & Associates staff includes licensed and certified professionals in project management, civil engineering, land planning, construction administration, surveying, GIS and mapping.

The Doucet staff designated for this assignment has successful and recent experience in planning, designing, overseeing, producing and delivering demographic and mapping services of all types, particularly for the *Redistricting Solutions* team. Their staff offers a high level of expertise and experience for this assignment. They offer up-to-date GIS mapping and cartographic services.

Doucet's redistricting lead is Jeremy McMahan, who has over 12 years of experience as a CAD Technician and Graphic Designer. Starting in 1997 with technical ink drawings and hand rendering he produced civil engineering drawings and maps. Building on those skills, he learned Redistricting Software, AutoCAD and GIS map-making. He is proficient in preparing graphics for public relations purposes. He has experience and is proficient in a variety of graphics and web design software. Jeremy is currently using Autobound Redistricting Software to create color mapping for redistricting purposes.

Doucet has all the necessary software and hardware to successfully support our Team:

Large-Format Plotters:

- HP DesignJet 5000
 - Color inkjet printer designed for printing high-quality maps and images.
 - Ultimate Photo Quality using six inks and HP Color Layering Technology.

- Roll and feed paper media up to 42 inch wide and 300ft long
- OCE TDS600
 - Wide format, black and white, mid-volume, multifunctional system.
 - Print, copy, and scan-to-file functionality.

Color Printer:

- Xerox WorkCentre 24
 - Color laser printer with copier and scan-to-file capabilities
 - Full Bleeds on A3/11x17" prints
 - Up to 1200x1200 printing resolution

STANDARDS & ACCREDITATIONS

The attorneys of the Bojorquez Law Firm, as well as the attorneys of the *Redistricting Solutions* team are all licensed to practice in Texas, and have no pending complaints or grievances filed against them of any nature whatsoever with the State Bar of Texas. The Bojorquez Law Firm has never been the subject of a malpractice claim or lawsuit. The firm routinely carries professional liability insurance, and is financially sound.