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MEMORANDUM

TO: Honorable Mayor Rusty Brockman and City of New Braunfels City Council

FROM: Alan Bojorquez, Special Counsel

DATE: January 13, 2022

RE: **REDISTRICTING: New Braunfels Draft Map "B" Report**

The purpose of this report is to provide the City of New Braunfels with our analysis of Draft Map B (the "plan") based on the criteria approved by the City Council on November 8, 2021, and the five basic legal standards that govern the redistricting process. The plan meets nearly all of the City's redistricting criteria and satisfies the applicable legal standards. The plan was made available for public review and comment. The plan represents a calculated modification to the City's existing districts based on anticipated growth and thus is likely to maintain proportional balance for the voters throughout the next few elections. The plan was approved by the Redistricting Committee as the recommended plan for the City of New Braunfels on December 15, 2021. Therefore, the plan is generally acceptable and eligible for consideration by the City Council.

A. Criteria Compliance

The redistricting criteria established by resolution of the City Council was used in the redrawing of district boundaries that resulted in the creation of the plan. Every effort was made to preserve the basic configuration of the existing districts while attempting to balance the existing districts in light of the 2020 Census Data. The plan meets all of the following objectives:

- Where possible, easily identifiable geographic boundaries should be followed.
- Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
- Any redistricting plan should, to the extent possible, be based on existing districts.
- Districts must be configured so that they are relatively equal in total population according to the best available data, including the 2020 Federal Census. In no event, should the total maximum deviation between the largest and the smallest district exceed ten percent (10%).
- The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.

- Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
- The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
- The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. §1973.

B. Rationale for Boundary Changes

Using 2020 US Census data, the existing districts show that District 6 is the most under-populated district by 5,241 people, as compared to the ideal district size of 15,062 people. District 2 is the most populated district that contains 5,974 people above the ideal district size, as compared to the ideal district size of 15,062 people.

In order to achieve balanced districts, as required by the One Person / One Vote mandate, Districts 3, 5 and 6 need to gain population and Districts 2 and 4 need to lose population with only minor reapportionment of the population of District 1 to achieve a substantially equal population. Satisfying the City's redistricting criteria, preserving the basic configuration of current boundary lines, and satisfying the legal requirements necessitated slight changes to the existing plan.

C. General Observations (comparison with existing districts)

- Under the plan, District 1 gains 82 people in order to substantially balance the districts. District 1 in the plan has a population of 15,105 people, which is 0.29% above the ideal district size of 15,062. The existing district is currently -0.26% below the ideal district size.
- Under the plan, District 2 loses 6,146 people in order to substantially balance the districts. District 2 in the plan has a population of 14,890 people, which is -1.15% below the ideal district size of 15,062. The existing district is currently 39.67% above the ideal district size.
- Under the plan, District 3 gains 1,711 people in order to substantially balance the districts. District 3 in the plan has a population of 15,051 people, which is -0.07% below the ideal district size of 15,062. The existing district is currently -11.43% below the ideal district size.
- Under the plan, District 4 loses 1,707 people in order to substantially balance the districts. District 4 in the plan has a population of 15,281 people, which is 1.44% above the ideal district size of 15,062. The existing district is currently 12.79% above the ideal district size.
- Under the plan, District 5 gains 1,129 people in order to substantially balance the districts. District 5 in the plan has a population of 15,291 people, which is 1.50%

above the ideal district size of 15,062. The existing district is currently -5.97% below the ideal district size.

- Under the plan, District 6 gains 4,931 people in order to substantially balance the districts. District 6 in the plan has a population of 14,752 people, which is -2.10% below the ideal district size of 15,062. The existing district is currently -34.79% below the ideal district size.

D. Demographics

(1) Balance

For purposes of achieving the One Person / One Vote requirement, the current system has a Total Deviation of **74.46%**. Draft Map B has a Total Deviation of **3.60%**, which is within the acceptable 10% (+/-) range.

(2) Racial & Ethnic

Under the plan, District 1 maintains a Hispanic plurality-influence population.

For Hispanic persons, the relevant district percentages are as follows:

Dist. 1: **48.04%** (down from benchmark of 48.62%)
44.76%VAP (down from benchmark VAP of 45.79%)

Dist. 2: **33.54%** (up from benchmark of 33.05%)
30.58%VAP (up from benchmark VAP of 30.14%)

Dist. 3: **17.69%** (down from benchmark of 18.28%)
15.33%VAP (down from benchmark VAP of 15.95%)

Dist. 4: **28.33%** (up from benchmark of 26.74%)
25.35%VAP (up from benchmark VAP of 23.84%)

Dist. 5: **44.77%** (down from benchmark of 45.35%)
41.36%VAP (down from benchmark VAP of 41.94%)

Dist. 6: **35.03%** (down from benchmark of 36.60%)
31.93%VAP (down from benchmark VAP of 32.76%)

For Black persons, the relevant district percentages are as follows:

Dist. 1: **3.62%** (up from benchmark of 3.61%)
3.87%VAP (down from benchmark VAP of 3.89%)

Dist. 2: **3.14%** (up from benchmark of 2.88%)
3.24%VAP (up from benchmark VAP of 2.99%)

Dist. 3: **1.81** (down from benchmark of 1.98%)

1.89% VAP (down from benchmark VAP of 2.07%)

Dist. 4: **2.53%** (up from benchmark of 2.43%)
2.52% VAP (up from benchmark VAP of 2.43%)

Dist. 5: **2.45%** (down from benchmark of 2.46%)
2.61% VAP (same as benchmark VAP of 2.61%)

Dist. 6: **2.18%** (up from benchmark of 2.01%)
2.32% VAP (up from benchmark VAP of 2.10%)

E. Conclusion

Draft Map “B” is a viable option for consideration by the City Council. It was subjected to an open, transparent public process which includes a public hearing held on December 15, 2021. The plan satisfies nearly all of the criteria approved by the City Council at the outset and conforms to the legal standards that apply to Redistricting. We have neither procedural nor legal concerns with the approval of this plan. The plan was approved by the Redistricting Committee as the recommended plan for the City of New Braunfels on December 15, 2021.

cc: Valeria Acevedo, City Attorney, City of New Braunfels
Jessica Grosek, Redistricting Coordinator, Bojorquez Law Firm, PC
Rezzin Pullum, Associate Attorney, Bojorquez Law Firm, PC