



THE TEXAS MUNICIPAL LAWYERTM

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What Redistricting Means for Texas Cities

State legislatures are mandated to undertake redistricting every ten years, when the U.S. Census results are released. The 2010 Census results will be released by March 2011, at which point state lawmakers will have to redraw the borders of the districts they represent.

The political stakes involved in redistricting are enormous because changes to a district's shape can unseat previously untouchable officials or can provide job security to an incumbent for several election cycles.

As the Texas redistricting in 2003 demonstrated, state legislators are not necessarily forbidden from redrawing districts more than once a decade. In 2003, conflicts over maps resulted in Democratic senators and representatives fleeing the state in order to avoid participating in a controversial redistricting plan driven by Republicans. Even in 2001, the GOP controlled Legislative Redistricting Board sought to maximize Republican gains at the expense of Democratic incumbents.

The 2010 Census is expected to show huge population gains in Texas. Projections indicate that the state could receive four additional U.S. congressional districts, which will increase both U.S. House representation and presidential electoral votes. In state House districts, Central Texas is slated to gain more seats at the expense of rural East and West Texas. These changes will likely lead to a

fight over how district maps are redrawn.

If the Texas House and Senate cannot agree on a redistricting plan, then authority passes on to the Legislative Redistricting Board, which is a five-member body comprised of the lieutenant governor, House speaker, attorney general, state comptroller, and land commissioner. Currently all five positions are held by Republicans. However, the results of the 2010 elections could change the Board's membership. Another consideration is that the Voting Rights Act requires the approval (of either the Department of Justice or a panel of three federal judges) for any changes to districts in Texas. Should state officials be unable to create an acceptable redistricting plan, the new maps will be drawn in federal court.

To learn more about redistricting please visit:

www.RedistrictingSolutions.com

Recent Texas Constitutional Amendments Affecting Cities

Eleven proposed constitutional amendments were voted on November 3, 2009, and all eleven amendments passed. The amendments, most of which took effect earlier this year, are as follows:

PROPOSITION 1: Authorizes the financing, including through tax increment financing, the acquisition by municipalities and counties of buffer area or open spaces adjacent to a military installation for the preven-

tion of development encroachment or for the construction of roadways, utilities, or other infrastructure to protect or promote the mission of the military installation.

PROPOSITION 2: Allows the Legislature to provide for ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence, not at the higher commercial use value.

PROPOSITION 3: Provides for uniform standards and procedures for the appraisal of property for taxation. Texas previously lacked uniform standards.



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EDUCATIONAL OPPORTUNITIES

June 24-27: The firm is proud to have sponsored the *2010 TCMA Annual Conference*, which was held in Galveston.

July 9: Alan will be conducting *Open Government* training for the Certified Public Manager (CPM) Program at Texas State University –San Marcos, 9:00 a.m.—12:00 noon.

(continued from Recent Texas Constitutional Amendments Affecting Cities)

PROPOSITION 4: Establishes a national research university fund to help emerging research universities achieve national prominence as major research universities. Proponents said it will provide funding similar to what elevated the University of Texas and Texas A&M to Tier One status.

PROPOSITION 5: Permits the Texas Legislature to allow a single board of equalization for two or more adjoining appraisal entities, meaning area appraisal boards can be consolidated if they choose.

PROPOSITION 6: Authorizes the Veterans' Land Board to issue general obligation bonds in amounts equal to or less than amounts previously authorized, preventing the land board from continually having to seek legislative authorization.

PROPOSITION 7: Allows an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.

PROPOSITION 8: Authorizes the state to contribute money, property and other resources to establish veterans' hospitals.

PROPOSITION 9: Protects the right of the public to access and use the public beaches bordering the seaward shore of the Gulf of Mexico. This blocks developers from restricting public beach access.

PROPOSITION 10: Limits elected members of the governing boards of emergency services districts to terms no longer than four years.

PROPOSITION 11: Prohibits governments from taking private property for private economic development. It also limits the Legislature's power to grant eminent domain authority to a governmental entity.

With limited exception, each amendment impacts cities. For example, Proposition 1 allows cities and counties to issue bonds or notes so as to keep military bases from closing. Previously, cities and counties did not have a method for funding such acquisitions and improvements around military bases. Propositions 2, 3, and 5 impacts property valuation, which in turn impacts taxes. Proposition 7 impacts who can run for public office since it allows officers and enlisted members of the Texas State Guard to hold a public office simultaneously. Proposition 9 impacts development in cities and counties along the Gulf of Mexico. Proposition 10 raises the term limits for the governing boards of emergency services districts from two to four years.

Perhaps most important is Proposition 11 which spells out the conditions under which private property can be taken by eminent domain. The taken property must now be owned, used, and enjoyed by the public-at-large, state, or local government, or other agency granted the power of eminent domain by law. Such power can now only be granted by a two-thirds vote of the Legislature. Taking private property for economic development, for the benefit of a private party, or to enhance tax revenues is prohibited. However, property can be taken if necessary to eradicate urban blight on the property.

CLIENT NEWS

Dripping Springs Farmer's Market—Enjoy fresh produce and meat as well as natural homemade products every Saturday through November from 9:00 a.m.—12:00 p.m. at the Triangle, located at the intersection of Hwy 290 and Ranch Road 12
<http://dsfarmersmarket.yolasite.com/>



Canton's Independence Day Celebration—On July 4th, a patriotic ceremony will take place at the Log Cabin area of the First Monday Grounds prior to the fireworks display at dusk.

Troy's Homecoming Jubilee—On July 17th, Troy will celebrate 50 years of community at Trojan Park. It will be a family oriented celebration, with a 1960 theme. There will lots of games and activities for all!



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