

IN THE COMMISSIONERS COURT OF POLK COUNTY, TEXAS

FINDINGS OF FACT REGARDING POLITICAL BOUNDARIES OF Polk COUNTY, TEXAS FOLLOWING PUBLICATION OF 2020 CENSUS DATA AND ORDER FOR REDISTRICTING OF POLITICAL BOUNDARIES

On the 28th day of September, 2021, the Commissioners Court of Polk County met in regular/called session, having posted notice of said hearing in compliance with Chapter 551 of the Texas Government Code.

The Commissioners Court of Polk County has previously retained the firm of Allison, Bass & Magee, LLP, of Austin, Texas, to conduct an Initial Assessment of existing political boundaries of Polk County, following the issuance of census data by the United States Census Bureau. Attached to this Order, and incorporated herein for all purposes by reference, is a copy of the initial assessment conducted by Allison, Bass & Magee, LLP. This assessment is based upon PL94-171 data, as required by federal law, and is further based upon information provided to Allison, Bass & Magee, LLP by the Texas Legislative Council, other official sources of information, and by Polk County, Texas.

Based upon this information, Polk County has a total maximum deviation of 30.66%. The term total maximum deviation is determined by dividing the total population of Polk County by four, the number of Commissioners Court precincts to determine an ideal precinct size. The actual population of each precinct is then determined, based upon the official population data contained within the census count, as defined by Public Law 94-171. The actual population of each precinct is compared to the ideal precinct size and a range of deviation by percentage is determined. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under established federal law.

In this regard, the County Commissioners Court has made the following election regarding non-voting prison populations located within the county:

1. The Commissioners Court of Polk County has elected to exclude from the county population total the number of individuals detained in State or Federal prisons located in Polk County in the belief that inclusion of such institutionalized correctional populations would unduly impact in an adverse manner the mandates imposed by the United States and Texas Constitutions, and the Federal Voting Rights Act to balance populations and afford meaningful voting rights to the residents of the various single member districts at issue, i.e. (political entity).

As a result of this determination, Polk County has a constitutional duty to redistrict its political boundaries so as to achieve “One-Person-One-Vote” numerical balance between the four commissioners court precincts at a legally acceptable margin of deviation, and to make such changes as are necessary to comply with the Voting Rights Act and applicable state and federal law.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Commissioners Court of Polk County, Texas expressly finds that it has a legal duty to redistrict. The public interest will be served by redrawing the existing political boundaries of Polk County in such a manner as to comply with applicable state and federal law. The Commissioners Court hereby enters the following findings of fact and of law:

1. Polk County has a total maximum deviation, as defined in this order, of 30.66%.
2. Any total maximum deviation in excess of ten percent (10%) is presumptively unconstitutional under federal law.
3. Polk County, acting by and through its Commissioners Court, is hereby resolved to immediately undertake such necessary and appropriate action to accomplish redistricting of existing commissioners court precincts, and any incidental modification of existing, consolidated, or newly created election precincts necessary to accomplish such redistricting.
4. The Commissioners Court shall henceforth convene in open meetings, duly posted in accordance with the Texas Open Meetings Act, to take up and consider one or more alternative plans for the legal redistricting of Polk County.
5. After due consideration of one or more alternative plans, Polk County shall adopt a plan deemed to satisfy legal requirements, and which best suits the legitimate governmental needs of Polk County.
6. The adopted redistricting plan will address political boundaries of the Commissioners Court, Justice of the Peace and Election precincts of Polk County, and shall remain in effect until altered or amended by subsequent Order of the Commissioners Court.

Signed this 28th day of September, 2021.

Eugene Robertson
Commissioner, Precinct 1

Bonnie Turner
Commissioner, Precinct 2

[Signature]
Commissioner, Precinct 3

Jay Ows
Commissioner, Precinct 4

[Signature]
County Judge, Polk County

Stork
County Clerk, Polk County

