

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF BROWNSBURG, INDIANA
ADOPTING GUIDELINES FOR TOWN COUNCIL LEGISLATIVE REDISTRICTING**

The Town Council (the "Council") of the Town of Brownsburg, Indiana (the "Town") met at a duly called and authorized meeting of the Council held on the date set forth below, such meeting being called pursuant to a notice stating the time, place and purpose of the meeting received by all members of the Council, and the following resolutions were made, seconded and adopted by a majority of those present at the meeting, which constituted a legal quorum of the Council.

WHEREAS, Ind. Code § 36-5-2-4.1(g)(1) requires the Town to redistrict the Town's legislative body districts in the second year after a year in which a federal decennial census is conducted;

WHEREAS, the Council desires to establish new Town legislative body districts for the elections occurring in 2014 and thereafter utilizing the 2010 decennial census data; and

WHEREAS, the Council desires the public to be fully informed regarding the procedures to be used to redistrict the Town's legislative body districts; and

WHEREAS, the Council wishes to memorialize the legal and procedural requirements to be used by the Council in approaching the redistricting process and in evaluating proposed redistricting plans.

NOW THEREFORE, the Town Council of the Town of Brownsburg resolves as follows:

1. **2012 Redistricting Guidelines Adopted.** The Council hereby adopts and approves the "**2012 Redistricting Guidelines by the Town Council of the Town of Brownsburg, Indiana**" (the "Guidelines") attached to this resolution as Exhibit "A", and specifically incorporated herein by reference, as the definitive statement of the intent of the Council regarding the redistricting process and as an accurate statement of the process to be used by this Council in redistricting legislative body districts.

2. **Appointment of Redistricting Coordinator.** The Council hereby designates the Council President, Dwayne Sawyer, to serve as the Town's Redistricting Coordinator to coordinate the legislative body redistricting process and to implement the Guidelines.

3. **Charge to Coordinator.** The Redistricting Coordinator appointed herein is authorized, empowered and directed to become fully informed regarding the legal requirements of the redistricting process, to work with the Town's attorneys to develop a proposed Redistricting Plan that complies with all requirements of state and federal law and with the Guidelines for consideration by the Council, and to report back to the Council from time to time regarding all aspects of the redistricting process.

4. **Effectiveness.** This Resolution shall take effect immediately upon its passage by the Council.

Adopted by the Town Council of the Town of Brownsburg, Hendricks County, Indiana, this 23rd day of August, 2012, by a vote of _____ ayes and _____ nays.

Dwayne Sawyer, President

ATTEST:

Jeanette M. Brickler
Clerk-Treasurer

EXHIBIT "A"

2012 REDISTRICTING GUIDELINES BY THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG, INDIANA

These guidelines are adopted to establish the criteria to be used to redistrict legislative body districts in the Town of Brownsburg (the "Town") in compliance with Ind. Code § 36-5-2-4.1 and other applicable provisions of the Indiana Code. It is the intent of these guidelines and of the Town Council (the "Council") to promote free and open participation by the public in the redistricting process, to create district boundaries that enhance and facilitate effective representation of all citizens in the Town and to comply with all relevant statutory and constitutional requirements. The goal of the Council in this redistricting process is no less than the constitutional imperative described by the United States Supreme Court in the case of Reynolds v. Sims as "fair and effective representation of all citizens."

I. REQUIREMENTS OF INDIANA CODE §36-5-2-4.1

Redistricting of Town Council districts last occurred in 2001 as required by Ind. Code § 36-5-2-4.1 (the "Town Districting Statute" or "Statute"). The Town Districting Statute also establishes certain minimal criteria for the redistricting process. It is the intent of these Guidelines to comply with the criteria set forth in the Town Districting Statute. Compliance with statutory criteria is discussed more specifically in subsequent sections of these Guidelines.

The Town Districting Statute provides as follows:

- (a) The legislative body may, by ordinance, divide the town into districts for the purpose of conducting elections of town officers.
- (b) A town legislative body district must comply with the following standards:
 - (1) The district must be composed of contiguous territory, except for territory that is not contiguous to any other part of the town.
 - (2) The district must be reasonably compact.
 - (3) The district must contain, as nearly as is possible, equal population.
 - (4) The district may not cross a census block boundary except when following a precinct boundary line or unless the ordinance specifies that the census block has no population and is not likely to ever have population.
 - (5) The district may not cross precinct lines, except as provided in subsection (c).
- (c) The boundary of a town legislative body district established under subsection (a) may cross a precinct boundary line if:
 - (1) the legislative body provides by ordinance under section 5 of this chapter that all legislative body members are to be elected at large by the voters of the whole town; or
 - (2) the district would not otherwise contain, as nearly as is possible, equal population.
- (d) If any territory in the town is not included in one (1) of the districts established under

this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

(e) If any territory in the town is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

(f) The ordinance may be appealed in the manner prescribed by IC 34-13-6. If the town is located in two (2) or more counties, the appeal may be filed in the circuit or superior court of any of those counties.

(g) This subsection does not apply to a town with an ordinance described by subsection (h). The division permitted by subsection (a) shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted, subject to IC 3-11-1.5-32; and
- (2) when required to assign annexed territory to a municipal legislative body district.

The division may also be made in any other year.

(h) *(omitted as not applicable to the Town)*

(i) *(omitted as not applicable to the Town)*

(j) A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the town not later than thirty (30) days after the ordinance is adopted.

II. CRITERIA TO BE CONSIDERED WHEN DRAWING DISTRICT BOUNDARIES

A. Contiguous Territory

The Town Districting Statute specifies that legislative body districts shall be "composed of contiguous territory, except for territory that is not contiguous to any other part of the town." The Council interprets this requirement to mean that, among other things, a legislative body district cannot be made up of one or more areas that meet at the points of adjoining corners. The Council is committed to creating legislative body districts that consist only of contiguous territory.

B. Reasonably Compact

The Town Districting Statute requires that districts must be "reasonably" compact. The Council recognizes that this requirement does not require districts to be as compact as possible. Moreover, the Council believes that the goal of compactness should generally defer to criteria more fundamental to obtaining effective and functional electoral districts including population equality, respect for precinct boundaries, respect for natural geography, building patterns and

communities of interest. The compactness requirement would, however, override these other criteria in some instances as when the degree of compactness of the proposed district would be considered "unreasonable." The Council is committed to creating legislative body districts that are reasonably compact.

C. Equal Population

The Town Districting Statute requires that town legislative body districts "contain, as nearly as is possible, equal population." This requirement includes both the selection of accurate data upon which to base the Council's determination, and a determination regarding the minimum standards for population equality.

1. Use of Census Data

The Council recognizes that use of data from the 2010 Federal Decennial Census has not been mandated by the Indiana General Assembly or the courts. Nevertheless, the vast majority of political subdivisions in Indiana and throughout the nation rely on Federal Decennial Census data for drawing district boundaries and such data is accepted as reasonably accurate. Moreover, such data is readily available and accessible by the public.¹ Consequently, the Council will use 2010 Federal Decennial Census population data to redistrict the Town's legislative body districts.

2. Population Deviation

The Town Districting Statute requires districts that "contain, as nearly as is possible, equal population." The Town interprets this phrase to mean that town legislative body districts must comply with the equal protection clause of the United States Constitution as that clause has been interpreted with respect to local government election districts. The modifying language clearly indicates, however, that, unlike federal Congressional districts, precise equality of population among districts is not specifically required by the Statute.

In order to comply with the Town Districting Statute and the equal protection clause of the United States Constitution the Council will evaluate the population of each district of any redistricting plan considered by the Council for "deviation from the ideal district size" and will also evaluate any such redistricting plan for the "total deviation" of the plan. As used in these Guidelines the term "ideal district size" refers to the total population of the Town (as determined by the 2010 Census) divided by five (5). The term "deviation from the ideal district size" refers to the amount by which the population of any district is greater than or less than the ideal district size and is expressed as a percentage by dividing the difference between the actual and ideal district sizes by the ideal district size. The term "total deviation" refers to the sum that is derived by adding the deviation from the ideal district size of the smallest and largest population districts (expressed as a percentage).

The Town recognizes that total population deviations of less than ten percent (10%) are considered prima facie constitutional for state legislative districts pursuant to Supreme Court precedent and that total population deviations in excess of ten percent (10%) may be justified if

¹ Census data is available on the website of the United States Census Bureau found at www.census.gov.

supported by reasonable state interests. Courts have generally applied similar standards to local government apportionment efforts.

Nevertheless, the Council has determined that a primary goal of the redistricting process should be the creation of districts with equal population and that any significant deviation from this principle must be adequately justified and as narrow as possible to meet the stated reasons for the deviation. Any total deviation in excess of five percent (5%) shall be justified in writing with reference to one or more rational objective criteria including:

- a. contiguity;
- b. compactness;
- c. adherence to precinct boundary lines;
- d. respect for and adherence to natural geography and building patterns including, but not limited to, rivers, streets, shopping areas, etc.;
- e. communities of interests;
- f. other objective criteria.

Written comments accompanying any redistricting plan submitted by a member of the public for consideration should reference any objective criteria relied upon to justify a total population deviation in excess of five percent (5%).

D. Precinct Boundary Lines

The Town Districting Statute, as it applies to the Town, provides that districts may not cross precinct lines unless the district would not otherwise contain, as nearly as is possible, equal population. The Council recognizes that respect for precinct boundaries is essential to minimize voter confusion on election day, to reduce the cost of election administration, to help preserve communities of interest and to encourage voter understanding of the electoral process. The Council is committed to creating legislative body districts that respect precinct boundary lines; nevertheless, the Council has determined that a primary goal of the redistricting process should be the creation of districts with equal population, and in light of this goal, the breaking of some precinct boundary lines may be required but should be minimized to the extent reasonably practicable. The precinct boundary lines used to create Town Council districts shall be those precinct boundary lines in use in Hendricks County as of July 1, 2012.

E. Dilution of Minority or Political Voting Strength

The Council recognizes the fundamental right of political participation by all citizens in the Town. Consequently, no district shall be drawn to intentionally dilute or that has the effect of diluting the voting strength of any language or racial minority group. Any proposed redistricting plan demonstrated to have the intent or effect of dispersing or concentrating minority population in a manner that prevents minority communities from electing their candidates of choice shall not be acceptable.

In addition, no district shall be drawn for the purpose of discriminating against an identifiable political group in such a way that the group's electoral influence is consistently degraded.

F. Communities of Interest

The Council believes that an important function of electoral districts is to promote and enhance community cohesiveness and dialogue and to promote the recognition of unique interests that are held in common by recognizable groups of voters. Such interests may include social, cultural, or economic interests common to the population of the area. In the redistricting process the Town will preserve communities of interest where possible so long as recognition of such interests does not conflict with statutory or constitutional redistricting criteria.

III. PUBLIC NOTICE AND PARTICIPATION IN THE DISTRICTING PROCESS

Believing that public participation is essential to a fair and effective redistricting plan, the Council adopts the following plan for public participation in the redistricting process.

A. All Redistricting Meetings to be Public

All districting meetings conducted by the Council shall be held in public as required by Ind. Code § 5-14-1.5-1 et seq.

B. Public Notice Regarding Meetings At Which Redistricting Plans Are To Be Considered

The Town Council shall comply with the public notice requirements which are applicable to all Council Meetings.

C. Public Access to Redistricting Information and Submission of Proposed Plans.

The Council desires and welcomes full public participation in the redistricting process. In order to ensure public participation in the redistricting process the Council authorizes the following steps to be taken by the Redistricting Coordinator:

1. Publication of the notice set forth in Exhibit "1" in the Danville Republican, the Hendricks County Flyer and the Court & Commercial Record as soon as reasonably practical after the adoption of these Guidelines. The Redistricting Coordinator is further authorized to publish notice in such other publications as deemed appropriate by the Redistricting Coordinator.
2. Provision of individual notice of any public redistricting meetings not described in these Guidelines and not listed on the notice published in compliance with the preceding paragraph to all members of the public who request such notice by filing a written request for notification with the Town Manager.
3. Provision of the notice set forth in Exhibit "1" via a news release distributed to all media that have requested notice pursuant to Ind. Code § 5-14-1.5-5.
4. Provision of town maps indicating precinct boundaries and summary population data at the precinct level to members of the public at no cost for the purpose of

facilitating the creation and submission of alternative redistricting plans by members of the public.

5. Production of minutes of all public redistricting meetings by the Town's Clerk-Treasurer to be made available for review after approval at the next Council meeting.

D. Individual Notice Regarding Districting Process

Individual notice regarding any aspect of the districting process shall be given without charge to any individual or organization that requests it. Such requests shall be filed in the office of the Town Manager, 61 N. Green Street, Brownsburg, Indiana 46112.

E. Additional Notice

Additional notice shall be provided as described elsewhere in these Guidelines.

IV. SUBMISSION AND CONSIDERATION OF DISTRICTING PLANS

To meet the statutory requirements of the Town Districting Statute and Ind. Code § 36-5-2-4.1, the Council must adopt on final passage an ordinance approving a districting plan no later than December 31, 2012.

A. Preparation of Draft Plan by Redistricting Coordinator

The Council has by Resolution adopted contemporaneously with the adoption of these Guidelines designated one of its members as the Town's Redistricting Coordinator for the purpose of developing a draft plan (the "Draft Plan") that complies with the legal requirements for the creation of legislative body districts. The Redistricting Coordinator is further directed to ensure that the Draft Plan complies in all respects with the applicable portions of these Guidelines.

It is the responsibility of the Town Redistricting Coordinator to prepare a Draft Plan that is made available to members of the public and members of the Council not later than Noon on October 18, 2012, the date designated for the submission of plans by the public. The Draft Plan shall thereafter be available for review in the office of the Town Manager during normal business hours at the request of any member of the public prior to consideration of its final adoption.

B. Public Preparation and Submission of Redistricting Plans

The Council shall also receive redistricting plans submitted by any member of the public so long as any such plan is submitted in writing to the Town Manager's office during regular business hours between the date of adoption of these Guidelines and prior to Noon on October 18, 2012.

Any plan offered by a member of the public must meet the following criteria in order to be considered:

1. It must have been submitted in writing to the Town Redistricting Coordinator in the Town Manager's office during regular business hours between the date of adoption of these Guidelines and Noon on October 18, 2012;
2. The precincts (or portions of partial precincts) contained in each proposed legislative body district shall be clearly written on the form provided;
3. The plan as submitted must stand as a complete town-wide plan for districting (i.e., all pieces of geography within the Town must be accounted for in some district); and
4. The plan must comply completely in all respects with these Guidelines and with the instructions attached as Exhibit "2". Any total deviation in excess of 5% from population equality must be justified in writing with reference to the objective criteria set forth in these Guidelines.

A plan must meet the above requirements to be considered by the Council. As described in these Guidelines, each plan will be evaluated for:

1. compactness,
2. contiguity,
3. population deviation,
4. respect for precinct boundary lines,
5. compliance with the requirements prohibiting discrimination,
6. respect for communities of interest, and
7. other relevant criteria.

In order to assist in the evaluation of proposed plans each individual submitting a proposed districting plan is required to complete a statistical sheet and description in the form attached hereto as Exhibit "3" and list:

- a. the total population for each proposed district; and
- b. the population deviation from the ideal for each district.

A complete set of instructions and the statistical report for publicly submitted plans is set forth as Exhibit "2" and Exhibit "3" to these Guidelines and is specifically incorporated herein by reference.

C. Written Comments Regarding Redistricting Guidelines and Draft Plans

The Council will also receive public input in the form of written comments and objections by the public to any aspect of the districting process, including the adoption of the process or criteria set forth in these Guidelines and to any Draft Plan. Any member of the public desiring to submit written comments to the Council regarding the redistricting process set forth in these Guidelines should submit those comments in writing in the Office of the Town Manager during regular business hours between the date of adoption of these Guidelines and Noon on September 13, 2012.

Written comments regarding the Draft Plan or any plan proposed by the public may be submitted until Noon on the date of the October 25th public hearing designated below.

D. Public Hearing Regarding Plan(s)

The Council shall hold a public hearing at the October 25th meeting of the Council (the "Public Hearing"), for the purpose of reviewing the Draft Plan and any public plans submitted to the Council and to take public testimony and comments regarding the Draft Plan and any plans proposed by the public. The Council shall make any necessary revisions or modifications to the plans under consideration.

As the Town Districting Statute requires the adoption of an ordinance to approve a districting plan, unless waived in accordance with Indiana law, the Council shall adopt an ordinance at two separate meetings of the Council at which a quorum is present. It is presently anticipated that the first reading of an ordinance to approve a districting plan will be adopted at the meeting at which the Public Hearing is held, and that the second and third reading on the ordinance approving a districting plan will be held at a regular or special meeting of the Council thereafter. The second meeting is tentatively scheduled for November 15, 2012.² Additional meetings and revisions to any plan under consideration may occur at subsequent special or regular meetings at the Council's discretion. The final adoption of an ordinance approving a districting plan shall occur no later than December 31, 2012 in accordance with the Town Districting Statute.

E. Additional Public Meetings

Should additional public meetings become necessary at any point in the redistricting process, such meetings will be held and any statutorily required notice shall be given. Notice of all redistricting meetings shall be posted in advance in the office of the Town Manager. Parties interested in the redistricting process who desire to be notified regarding any additional public meetings should leave their name, complete address, work and home phone numbers, and electronic mail address with the Town Manager's office and every effort will be made to give such individuals notice of any additional public meetings that may be required.³ Notice to such individuals will be attempted by either regular mail, electronic mail, phone or face to face communication.

V. AMENDMENT OF REDISTRICTING GUIDELINES

Should it become necessary at any time to amend these Guidelines the Council may do so upon a vote of the majority of the members of the Council at any duly called meeting of the Council.

² The date of the second meeting will be determined by the Council and announced no later than the October 25, 2012 Public Hearing.

³ The term "additional public meetings" refers to meetings not set forth in these Guidelines or in the Notice attached as Exhibit "1".

EXHIBIT "1"

Notice Regarding Division of the Town Council of the Town of Brownsburg, Indiana into Legislative Body Districts

Pursuant to Ind. Code § 36-5-2-4.1, the Town Council of the Town of Brownsburg (the "Town") is dividing the Town's legislative body districts into five (5) single member districts on or before December 31, 2012 for the election of Council Members in 2014 and thereafter. In order to accomplish this division, the Council has adopted Redistricting Guidelines which are available upon request in the office of the Town Manager, located at 61 N. Green Street, Brownsburg, Indiana 46112. The division of the Town Council into legislative body districts will be accomplished pursuant to the following schedule:

September 13, 2012 Noon	Last Day for Member of the Public to Submit Objections or Written Comments Regarding the Redistricting Guidelines to the Office of Town Manager.
October 18, 2012 Noon	Deadline for Plans Submitted by the Public. Redistricting Coordinator Makes Draft of Town Districting Plan Available for Examination by the Public at the Office of the Town Manager.
October 25, 2012	Public Hearing for Purpose of Reviewing and Evaluating Draft of Town Districting Plan and Plans Submitted by the Public, and Adopting on First Reading an Ordinance Preliminarily Approving a Plan.
November 15, 2012 (tentative)	Public Meeting for Purpose of Making Revisions to Plan to be Adopted by Council and to Adopt an Ordinance Approving the Plan on Final Passage (actual meeting date announced at October 25 hearing)
December 15, 2012	Filing of a Certified Copy of the Ordinance Establishing Districts with the Clerk of the Hendricks County Circuit Court no later than Thirty (30) Days After the Ordinance is Adopted Pursuant to Ind. Code § 36-5-2-4.1(j).

Each of the meetings set forth above will be held in the Council Meeting Room of the Town Hall, 61 N. Green Street, Brownsburg, Indiana, and shall begin promptly at 7:00 p.m. The public's participation in the redistricting process is welcomed. All Council meetings are open to the public. The public is invited to submit proposed districting plans that comply with the Redistricting Guidelines adopted by the Council. A Public Plan Submission Kit (including census data) is available during normal business hours in the office of the Town Manager set forth above. In order to be considered by the Council, redistricting plans submitted by the public must comply with the Redistricting Guidelines and must be submitted by Noon on October 18, 2012.

EXHIBIT "2"

Instructions for Submitting District Plans for Brownsburg

The procedures for submitting district plans to the Town Council of the Town of Brownsburg, Indiana is set forth in this Public Plan Submission Kit. For your plan to be accepted for consideration these procedures must be strictly followed.

This kit contains the following items supplied on written or digital media (CD-ROM):

1. A map of the town showing current precinct boundaries in .pdf format.
2. A map of the existing town district plan boundaries.
3. A table of existing precincts that provides corresponding population statistics.
4. A copy of the pertinent state statute.
5. A copy of the 2012 Redistricting Guidelines for Town Redistricting.
6. Summary forms for submission of district plans.

Plans must be submitted in writing (note instructions below concerning provided forms) to the Town Manager during regular business hours no later than noon on October 18, 2012. Plans submitted after this time will not be considered by the Council.

Criteria for Submitted Plans

Plans must meet the following criteria in order to be considered by the Council. For more detailed discussion concerning these requirements refer to the "2012 Redistricting Guidelines by the Brownsburg Town Council" document.

1. Districts must be composed of contiguous territory.
2. Districts must be reasonably compact.
3. Districts must be composed (as nearly as possible) of equal population based on 2010 decennial census data.
4. Districts should conform to existing precinct boundary lines.
5. Districts should not intentionally dilute the voting strength of any language or racial minority group.

Submission of Plans

Plans submitted for review must be complete plans for the entire Town which provide five districts meeting the above criteria. All geographic territory in the Town must be included. Plans must be submitted to the Office of the Town Manager no later than noon on October 18, 2012.

Plans submitted should include the following items:

1. Detailed Description

The plan should be described by listing the precincts or portions of precincts (described by census block) assigned to each district. The plan may use the provided form to enter the district assignments, or precinct assignments may be entered on a spreadsheet by the submitter.

2. Summary Sheet

The summary sheet enclosed in the Public Plan Submission Kit must be completed, dated and signed by the submitter.

EXHIBIT "3"

Summary of Town of Brownsburg Council Redistricting Plan

The attached plan is submitted for review and consideration by the Brownsburg Town Council.

Submitter Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Evening Phone: _____

Electronic Mail Address: _____

Do you wish to present testimony to the Council regarding this plan?

_____ YES _____ NO

Note: Submitted Plans are the property of the Town of Brownsburg and are part of the public record. They are not returnable.

Plan Summary

District	Ideal Population	Plan Population	Deviation
1			
2			
3			
4			
5			

Note: Ideal Population for Districts is based on the 2010 Census of Population and Housing Bureau of Census, U.S. Department of Commerce. The population counts are contained in the table included in the Public Plan Submission Kit.

“Plan Population” is the total number of persons in each of the districts as proposed in the submitted plan. “Deviation” is the positive or negative number obtained by subtracting the Plan Population value from the Ideal Population Value.

Date Plan Submitted: _____, 2012

Signature of Submitter: _____

If plan is being submitted on behalf of an organization or entity other than the above Submitter, please identify the organization or entity below:

Name of Organization: _____

Address of Organization: _____

City/State/Zip: _____

Name/Phone Contact: _____

Electronic Mail Address: _____

Note: Plans must be submitted no later than Noon on October 18, 2012, and meet the requirements contained in the 2012 Redistricting Guidelines adopted by the Town to be considered by the Council.