

ORDINANCE NO. 21- _____

WHEREAS, the City Council Government of the City of Huntsville, Alabama (“the City”), is organized and structured pursuant to Act No. 738, Acts of Alabama, 1971 (“Act No. 738”), as the same has been amended by the Order of the United States District Court, Northern District of Alabama, Northeastern Division, in Case No. CV84-V-5770-NE, entitled George Grayson, et al. v. Madison County, Alabama, et al., and dated June 2, 1988 (the “Federal Court Order”);

WHEREAS, Section 1 of Act No. 738 provides that “[a]ll cities having populations of not less than 135,000 nor more than 185,000 according to the last or any subsequent federal decennial census, shall be governed by a Mayor and five councilmen,” to be elected at large and for staggered terms as therein provided;

WHEREAS, according to the 1970 federal decennial census, the City had 139,282 inhabitants and was the only incorporated municipality in the State of Alabama to which Act No. 738 was applicable;

WHEREAS, since the time of the enactment of Act No. 738, the elections of the members of the City Council of the City of Huntsville, Alabama and the Mayor of the City of Huntsville, Alabama have been governed by the provisions of Act No. 738 and not the general provisions of Chapter 43 of the Code of Alabama 1975;

WHEREAS, pursuant to Act No. 796 enacted at the 1971 Regular Session of the Legislature (“Act No. 796”), boards of education in all cities having populations of not less than 70,000 nor more than 300,000 were replaced by five-member boards to be elected at-large as provided for therein;

WHEREAS, the provisions of Act No. 796 only became effective in a city after an election held for that purpose, which such election was held for that purpose in the City on January 18, 1972, and subsequent to that time, the Huntsville City Board of Education has been governed by an elected board pursuant to the provisions of Act No. 796;

WHEREAS, the Federal Court Order mandated that the at-large method of election for members of the City Council and members of the Board of Education be altered and, accordingly, divided the City into five (5) City Council and Board of Education Districts, as said Districts were defined in City Council Res. No. 88-239, adopted on the 18th day of May, 1988;

WHEREAS, the Districts provided by Res. No. 88-239 became a permanent plan upon favorable preclearance by the Department of Justice on October 18, 1988, as required in Paragraph 6 of the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively);

WHEREAS, the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively) does not specifically retain jurisdiction of the cause before it, but provides that the Districts provided by Res. No. 88-239 should “remain in effect until publication of the regular 1990 decennial census and thereafter until action is taken to amend the same by either the Legislature of the State of Alabama or the City of Huntsville City Council acting in conformity with the following: (a) the Constitution of the United States, (b) Section 2 of the Voting Rights Act, and (c) the laws of the State of Alabama[;]”

WHEREAS, the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively) further provides, as a part of the permanent plan, that members of the City Council and members of the Board of Education shall be elected to staggered terms, all beginning on the first Monday in October, 1988, with those members elected from Districts 1 and 5 of the Districts provided by Res. No. 88-239 to serve an initial term of four (4) years, and those members elected from Districts 2, 3 and 4 of the Districts provided by Res. 88-239 to serve an initial term of two (2) years, with subsequent terms for each District representative to be a term of four (4) years;

WHEREAS, the City elected its members of the City Council and members of the Board of Education in 1988 and 1990 in accordance with the permanent plan provided by Res. No. 88- 239, as mandated in the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively);

WHEREAS, the regular 1990 federal decennial census data was officially published on the 7th day of February, 1991, declaring the City's 1990 decennial population to be 159,789;

WHEREAS, the City Council, on December 21, 1991, in response to the publication of the 1990 census data and pursuant to the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively) adopted Ord. No. 91-761, which amended the permanent plan and redrew the districts for the members of the City Council and members of the Board of Education and preserved the five (5) single-member, staggered election system and schedule mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), and said plan became a permanent plan upon favorable preclearance by the Department of Justice on or about March 22, 1992;

WHEREAS, the City elected its members of the City Council and members of the Board of Education in 1992, 1994, 1996, 1998 and 2000 in accordance with the permanent plan as mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796) and as amended pursuant to Ord. No. 91-761;

WHEREAS, the regular 2000 federal decennial census data was released for the State of Alabama on the 14th day of March, 2001, declaring the City's 2000 decennial population to be 158,216;

WHEREAS, the City Council, on September 27, 2001, in response to the publication of the 2000 census data and pursuant to the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively) adopted Ord. No. 01-766, which amended the permanent plan and redrew the districts for the members of the City Council and members of the Board of Education and preserved the five (5) single-member, staggered election system and schedule mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), and said plan became the permanent plan upon favorable preclearance by the Department of Justice on or about January 10, 2002;

WHEREAS, the City elected its members of the City Council and members of the Board of Education in 2002, 2004, 2006, 2008 and 2010 in accordance with the permanent plan as mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796) and as amended pursuant to Ord. No. 01-766;

WHEREAS, the regular 2010 federal decennial census data was released for the State of Alabama on or about the 24th day of February, 2010, declaring the City's 2010 decennial population to be 180,105;

WHEREAS, the City Council, on September 22, 2011, in response to the publication of the 2010 census data and pursuant to the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively) adopted Ord. No. 11-604, which amended the permanent plan and redrew the districts for the members of the City Council and members of the Board of Education ("the Current Districts") and preserved the five (5) single-member, staggered election system and schedule mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), and said plan became the permanent plan upon favorable preclearance by the Department of Justice on or about February 16, 2012;

WHEREAS, the City elected its members of the City Council and members of the Board of Education in 2012, 2014, 2016, 2018 and 2020 in accordance with the permanent plan as mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796) and as amended pursuant to Ord. No. 11-604;

WHEREAS, in conformity with provisions of the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), allowing the City Council to alter permanent plans as a result of new census data, Ord. No. 11-604 provided that the Current Districts would "remain in effect until publication of the regular 2020 decennial census and thereafter until action is taken to amend the same by either the Legislature of the State of Alabama or the City of Huntsville City Council acting in conformity with the following: (a) the Constitution of the United States, (b) Section 2 of the Voting Rights Act, and (c) the laws of the State of Alabama[;]"

WHEREAS, the regular 2020 federal decennial census data was released for the State of Alabama on or about the 12th day of August, 2021, declaring the City's 2020 decennial population to be 215,006;

WHEREAS, the City of Huntsville has continued to annex land during the period since January 1, 2020, (the cut-off date for inclusion of annexed property in the 2020 census), and said annexations have increased the City's population of 215,006, as reported in the 2020 decennial census, to 215,070;

WHEREAS, the Constitution of the United States requires that substantial equality of population exist among voting districts and the Voting Rights Act of 1965, 42 U.S.C. §1971, *et. seq.*, requires that all citizens, including those citizens who are members of protected minorities, have a fair opportunity to participate in the electoral process and elect candidates of choice on an equal basis with other voters;

WHEREAS, based upon the 2020 federal decennial census data and the intervening annexations, alterations to the Current Districts, adopted pursuant to Ord. No. 11-604, are required to ensure compliance with the foregoing;

WHEREAS, it is necessary, desirable, and in the public interest, that the Current Districts, being a permanent plan, adopted pursuant to Ord. No. 11-604 and mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), be further amended, as provided for by the terms of said Federal Court Order, in order to achieve conformity with the following: (a) the Constitution of the United States, (b) Section 2 of the Voting Rights Act, and (c) the laws of the State of Alabama;

WHEREAS, in furtherance of the objective of compliance with all requirements of law, the City Council adopted Res. No. 21-724, which provided guidelines governing this redistricting process and requested the drawing of the redistricting plan. The Resolution also invited public participation and input into the process (1) by making all of the City's census data available for public use, (2) by making the plans submitted to the City Council available for public inspection and input from the time of each plan's submission to the City Council, (3) by holding a series of five specially scheduled, announced and advertised public hearings, (4) by receiving public comment and input at other regular or special town hall meetings held by individual members of the City Council, and (5) by providing, through the City Planning Department and the City Attorney's Office, general assistance to interested individuals and groups of private citizens and organizations in the development and evaluation of redistricting plans for presentation to and consideration by the City Council;

WHEREAS, in light of the guidelines adopted pursuant to Res. No. 21-724, the City Council has carefully studied the issues involved in this redistricting process, has received and studied evaluations of the submitted plans and received and considered legal advice with respect to its obligations and responsibilities in regard to this process, and has further carefully considered the redistricting plans

proposed and submitted to it during the process as well as the general public input and comment made upon the proposed plans;

WHEREAS, the City Council has determined that the best interest and general welfare of the public as a whole will be served by the adoption of a plan which retains the City's five (5) single-member districts, as required by state law, said districts to be those described in Exhibit A to this Ordinance, attached hereto and identified as "Redistricting Plan Submitted by Ruby Mixon Containing 5 Single-Member City Council and Board of Education Districts for the City of Huntsville, Alabama," and which divides the City's population, based upon the 2020 federal decennial census data and intervening annexations, as follows:

District	Total Population	%White	%Black	%All Other	Voting Age Population	%White	%Black	%All Other
1	43,033	20.37%	68.69%	10.94%	33,765	22.89%	67.98%	9.12%
2	42,816	84.40%	4.85%	10.75%	33,324	85.97%	4.64%	9.40%
3	43,150	80.52%	6.38%	13.10%	34,820	82.89%	5.67%	11.44%
4	42,812	49.34%	29.59%	21.07%	34,296	53.87%	28.04%	18.08%
5	43,259	48.44%	37.07%	14.49%	36,133	51.24%	35.51%	13.25%

WHEREAS, the City Council has determined that the said plan is the best legislative plan available to achieve conformity with the Constitution of the United States, Section 2 of the Voting Rights Act, the laws of the State of Alabama, and all other requirements of law applicable to this process.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, that the Current Districts, being a permanent plan, adopted by Ord. No.11-604 and mandated by the Federal Court Order (as the same amended Act No. 738 and Act No. 796, respectively), be and the same are hereby altered and further amended as follows:

1. The City of Huntsville is hereby divided into five (5) City Council and Board of Education Districts, said districts to be those described in this Ordinance, attached hereto and identified as "Redistricting Plan Submitted by Ruby Mixon Containing 5 Single-Member City Council and Board of Education Districts for the City of Huntsville, Alabama," which contains census block numbers, annexation information, proposed district descriptions and maps of the proposed changes.
2. a. Elections shall be held at the time of the scheduled municipal elections of 2022 for members of the City Council from Districts 2, 3 and 4 (as so constituted in the City's Redistricting Plan), and one council member shall be elected by majority vote from each said district with

run-offs to be held as necessary. The council member so elected for each of the said districts shall assume office on the first Monday in November, 2022, on which date the terms of the council members in Current Districts 2, 3 and 4 shall expire.

b. Council members holding office in Current Districts 1 and 5 shall be and remain in office until the expiration of their present term on the first Monday in November, 2024, and shall serve Districts 1 and 5 (as so constituted in the City's Redistricting Plan). Elections shall be held at the time of the regular municipal elections of 2024 for members of the City Council from Districts 1 and 5 (as so constituted in the City's Redistricting Plan), and one council member shall be elected by majority vote from each of said districts with run-offs to be held as necessary. The council members so elected for Districts 1 and 5 shall assume office on the first Monday in November, 2024.

c. All council members shall be elected for four (4) year terms as prescribed by law.

3. a. Elections shall be held at the time of the scheduled municipal elections of 2022 for members of the Huntsville City Board of Education from Districts 2, 3 and 4 (as so constituted in the Redistricting Plan), and one member shall be elected by majority vote from each said district with run-offs to be held as necessary. The board member so elected for each of the said districts shall assume office on the first Monday in November, 2022, on which date the terms of the board members in Current Districts 2, 3 and 4 shall expire.

b. The board members holding office in Current Districts 1 and 5 shall be and remain in office until the expiration of their present term on the first Monday in November, 2024, and shall serve Districts 1 and 5 (as so constituted in the City's Redistricting Plan). Elections shall be held at the time of the regular municipal elections of 2024 for members of the Huntsville City Board of Education from Districts 1 and 5 (as so constituted in the Redistricting Plan), and one board member shall be elected by majority vote from each of said districts with run-offs to be held as necessary. The board members so elected for Districts 1 and 5 shall assume office on the first Monday in November, 2024.

c. All board members shall be elected for four (4) year terms as prescribed by law.

4. Candidates for both the City Council and the City Board of Education must be residents of the district for which said candidate qualifies to run as required by the laws of the State of Alabama.
5. Upon favorable vote by a majority of the members of City Council, said plan shall be and become the City's permanent plan upon publication. As the permanent plan, the same shall be and remain in effect until publication of the regular 2030 decennial census and thereafter until action is taken to amend the same by either the Legislature of the State of Alabama or the City of Huntsville City Council acting in conformity with the following: (a) the Constitution of the United States, (b) Section 2 of the Voting Rights Act, and (c) the laws of the State of Alabama.

ADOPTED this ____ day of _____, 2021

President of the City Council of the City of
Huntsville, Alabama.

APPROVED this ____ day of _____, 2021

Mayor of the City of Huntsville, Alabama