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September 15, 2020

VIA EMAIL

Honorable James Oakley
Burnet County Judge
countyjudge@burnetcountytexas.org

Re: 2020 Redistricting

Dear Judge Oakley:

Pursuant to our retainer agreement, this letter and the attached invoice will serve as notice that your first installment payment is due on or before October 31, 2020. We are attaching a copy of the retainer agreement to this letter. The amount due on or before October 31, 2020 is \$5,000.00.

Additionally, our office has submitted the enclosed Form 1295 required for Disclosure of Interested Parties with the Texas Ethics Commission in regards to the retainer agreement between the County and our firm for professional legal services. We have assigned the contract ABM2020-252.23. The form regarding the aforementioned contract is still pending acknowledgment by the county to the Ethics Commission. To fully acknowledge the 1295, you will need to log-in on the website link below, and enter the certificate number, which is located at the top right corner of the attached 1295 Form, in the box labeled "office use only". The certificate number is a number that the State Ethics Commission has assigned to our contract with your County with the designated number unique to our contract with your County. The commission will post the acknowledged Form 1295 to its website within seven business days after receiving notice from the governmental entity.

Please log-in and acknowledge the aforementioned form using the Texas Ethics Commission's online portal at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm. For more information regarding this implementation please see <https://www.ethics.state.tx.us/tec/1295-Info.htm>. Please contact our office should you need information regarding the process needed to complete this form.

The U.S. Census Bureau is presently trying to wrap up their formal census count. Normally, we would expect to see the so-called "5th Count", i.e. the population demographic, released to the public on or before the end of February. In the last couple of censuses, we actually received this data a bit earlier, but with COVID and political issues at play, we simply will have to wait for the data. Without some untoward event, we continue to believe we will have the necessary data no later than the 1st of March, 2021.

Between now and then, we will be sending you some information that will require you to take some action, for example: Develop criteria for redistricting, decide if you want to use a citizens committee and determine the membership of that committee, and what role that committee might take.

Prior to the actual release of data, we will prepare for the release by making sure that our processes and procedures are in place and ready to go. We have provided maps to you with the request that the accuracy of the existing political boundaries depicted on these maps be confirmed. Assuming we have a release of census data, we will need approximately two weeks to process that data under the existing boundaries. We want to know what election precincts make up each Commissioners Court and Justice of the Peace Precinct, so that we can readily ascertain the demographics of these "consolidated" precincts composed of multiple election precincts. Once we have determined whether or not the existing lines remain within constitutional limits or not (not more than a 10% maximum deviation, top to bottom, from an ideal precinct size in terms of total population divided by four (4), the number of single member commissioner precincts), and provide you with the results of our analysis.

Depending on the release date of the census information, we can begin to schedule initial meetings with you and the Court, and if you wish, your citizens committee, if you choose to utilize such a committee. Our contract calls for three (3) on site visits. These will be scheduled by the lawyer assigned to each County. We divide the state into regions, and plan our travel with the goal of visiting at least two and sometimes 3 counties per day, on at least three days of each week. Accordingly, it will not be possible to limit our trips to only those days that fall on your regularly scheduled meeting dates, but will need to be in "called meetings" of the Commissioners Court and/or committee. The timeline for these trips will be roughly from mid-March, through August and possibly into September.

The on-site visits will consist of the following:

1. Initial on-site visit will cover the purposes of redistricting and procedures. We will try to develop an "initial" proposal in this first meeting. Each plan we develop will strive to meet the legal requirements, at a minimum, and address your local concerns.
2. Second visit will seek to improve, modify, or develop alternative plans, with the total number of "possible" plans limited to three, unless the Commissioners Court authorizes the development of one or more alternative plans beyond our contractual three (3) at additional costs. Remember that there may be proposals from members of the public as well which may need to be considered. We will normally provide analysis of these plans only if they are in compliance with the guidelines mentioned above, but we sometimes find viable plans from this public source.
3. The third visit will be to conduct a public hearing on one or more alternatives, and to assist with the adoption of a "final" plan by the Commissioners Court. All necessary notices, documentation and Orders are covered by our fee.

Our plan is to have a final adoption no later than August 31, 2021, unless factors require us to extend into September. Once a plan is adopted, we will seek to provide as much assistance as we can to your local election administrator or county clerk to update your local poll lists and election data to accommodate the voters who have been moved from one existing precinct to another future precinct. We hope our software will make this as easy as possible, but there will be need for careful attention to maps we will provide by local officers and employees, and to some extent, to manually identify affected voters who will need to be notified of their new election precinct/polling location. We will provide 1 map of commissioner precincts and 1 map of justice precincts, and 1 map of voting precincts. Additional maps can be produced.

We will assemble a binder that will contain the information normally required for a submission to the Department of Justice, even though that is no longer a legal requirement, but this binder should be filed in the minutes of the Commissioners Court for future reference. All Orders necessary for adoption, including notices for public hearings, etc., will be prepared by our office and provided to you, but it is important for the local officials to keep and maintain these records. I say this because in too many instances, we get calls later that the County cannot find its last redistricting maps. Should there ever be questions regarding the 2020 redistricting process, this binder will be a lifesaver.

I hope this notice of your first installment and related information answer your questions regarding what is before us. If not, give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Bass', written over a horizontal line.

Robert T. "Bob" Bass

RTB/jm
Enclosures

cc: Commissioners Court Members

E.I.N. 90-1037483

IN THE COMMISSIONERS COURT
OF
BURNET COUNTY, TEXAS

FLAT RATE/FIXED FEE CONTRACT FOR PROFESSIONAL SERVICES

WHEREAS, under the provisions of the Texas Constitution and federal law, the governing body of a political entity with members elected from single member districts is responsible for the division of the political entity into precincts, districts or wards, and to conduct periodic reapportionment of such wards to accomplish fair representation and one-person-one-vote balance; and

WHEREAS, the apportionment of the population of the political entity must comply with state and federal statutory requirements regarding election administration and compliance with the Voting Rights Act; and

WHEREAS, professional assistance will assure that the obligations imposed by state or federal law are satisfied, and that the process is conducted in an orderly, efficient manner; and

WHEREAS, the firm of Allison, Bass & Magee, L.L.P. is prepared to provide all necessary professional services to assist the county in this effort;

Burnet County, acting by and through its Commissioners Court and Allison, Bass and Magee, a Limited Liability Partnership, HEREBY AGREE to the following terms and conditions:

Section 1: STANDARD SERVICES

- A. Allison, Bass & Magee, L.L.P. will provide all necessary services to successfully complete all redistricting projects assigned by the lawful authority of the County. These services include, but are not limited to, the following:
1. Conduct preliminary planning and assembly of information useful and necessary for the reapportionment of the County election subdivisions of the jurisdiction related thereto, which shall include the County Commissioners Court precincts, the County Justice of the Peace precincts, which include the offices for Constable, if any, and finally, the county election precincts, which make up both the Commissioners Court and Justice precincts.
 2. Obtain preliminary population data from the U. S. Census Bureau for the 2020 federal census, and process that data in conformity with the existing county political boundaries data obtained from the Texas Secretary of State and confirmed by the County.

3. Prepare the necessary population and demographic analysis to evaluate existing political subdivisions of the county to ensure that the same meet all legal requirements under State and Federal law, and to provide a written report to the contracting governmental entity of all findings.
 4. In the event existing political boundaries remain in compliance with state and federal law without the necessity of reapportionment following the 2020 census, Burnet County and Allison, Bass & Magee, L.L.P. will conclude this agreement as provided in Section 2A below.
 5. Should redistricting be legally required, Allison, Bass & Magee, L.L.P. will, working in conjunction with the County Commissioners Court or any designated citizens committee, prepare no less than THREE (3) ALTERNATIVE REAPPORTIONMENT PLANS, draft maps, proposals and notices to satisfy all statutory and constitutional requirements, and will be compensated as provided in Section 2B below.
 6. Consult with the County Commissioners Court or its designated citizens advisory committee as needed by mail, telephone, email or facsimile, and will have a representative personally attend no fewer than THREE PHYSICAL APPEARANCES within the jurisdiction being reapportioned. These appearances will include a preliminary workshop with the Commissioners Court and/or the Citizens Committee, and not less than two (2) additional meetings with the designated authority to formulate and discuss each alternative plan devised by the Commissioners Court or Citizens Committee. One or either of these two additional meetings may include public hearings intended to present alternative plans to the general public.
 7. Publicize, attend and participate in at least one (1) PUBLIC HEARING on proposed redistricting plans. The Public Hearing may be conducted on the same date as one of the two additional meetings referenced in paragraph 6.
 8. After approval by the Commissioners Court of a reapportionment plan, prepare and file all necessary maps and other documentation to document for any future reference the details of the reapportionment plan, and to submit electronic (digital) files to the Texas Secretary of State for compliance with all state and federal law.
 9. In the event litigation challenges any plan adopted by the County, Allison, Bass & Magee, L.L.P. will agree to provide such additional legal services and/or support as the parties may contract under separate agreement.
- B. The contracting governmental entity agrees to provide access to all necessary records and personnel for this project and to fully cooperate with the Attorneys in this project.

Section 2: COMPENSATION

Burnet County, contracting by and through its Commissioners Court agrees to compensate Allison, Bass & Magee, L.L.P. for its services as follows:

A. Initial Assessment:

Fee for preparing an Initial Assessment of existing political boundaries, including the costs of obtaining suitable 2020 Census Data, is \$5,000. The Initial Assessment fee is due not later than October 31, 2020.

Should the Initial Assessment indicate that the existing political boundaries for the contracting governmental entity do not require redistricting under state and federal law, and that no legal basis exists for further reapportionment services, there will be no additional costs due beyond the Initial Assessment fee.

B. Further Reapportionment Proceedings Required

Should the Initial Assessment indicate that the existing political boundaries for the contracting governmental entity are unsuitable under state and federal law and services are provided for the reapportionment process, the 2nd Installment of \$10,000 will be due on October 31, 2021.

Upon completion of the project, a final and 3rd Installment Fee of \$10,000 will be due on October 31, 2022.

C. Total Fixed Fee- *NOTE: The Fixed fee does not include the cost of publication or mailing of any notice that may be required by state or federal law. The contracting local governmental entity will bear the cost of such publication or mailing.*

The total fixed fee for services is \$25,000.

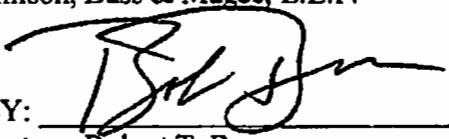
EXECUTED on this 10th day of September, 2019.

BY: 

Title: Burnet County Judge

County Identification Number assigned to the contract as required by the Ethics Commission: _____

Allison, Bass & Magee, L.L.P.

BY: 

Partner: Robert T. Bass

CERTIFICATE OF INTERESTED PARTIES**FORM 1295**

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**Allison, Bass & Magee, L.L.P.
Austin, TX United StatesCertificate Number:
2020-666652Date Filed:
09/11/2020

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

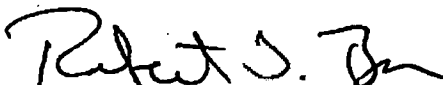
Burnet County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.ABM2020-252.23
Legal Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Magee, J. Eric	Austin, TX United States	X	
	Bass, Robert T.	Austin, TX United States	X	
	Allison, James P.	Austin, TX United States	X	

5 Check only if there is NO Interested Party.**6 UNSWORN DECLARATION**My name is Robert T. Bass, and my date of birth is 09/03/1949.My address is 402 W. 12th Street, Austin, TX, 78701, USA.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of TX, on the 11 day of September, 20
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)