

PASSED: 5-03-04

ORDINANCE NO. 5-34 B

AN ORDINANCE TO AMEND THE CHARTER OF THE TOWN OF MAYSVILLE APPROVED BY ACT OF THE GEORGIA GENERAL ASSEMBLY ON AUGUST 17, 1909 (Ga. L. 1909, p1110) PURSUANT TO THE AUTHORITY OF O.C.G.A. §36-35-4.1 TO REAPPORTION THE ELECTION DISTRICTS FOR MUNICIPAL ELECTION OF MEMBERS TO THE MAYSVILLE TOWN COUNCIL; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Town Council of Maysville, Georgia as follows:

Section 1. AMENDMENT TO TOWN CHARTER TO REAPPORTION ELECTION DISTRICTS.

Pursuant to the Home Rule Powers set out in O.C.G.A. §36-35-4.1; following the procedures required by O.C.G.A. §36-35-3, and based upon the United States Decennial Census of 2000; it is hereby resolved, that the four election districts for the election of members to the Maysville Town Council shall henceforth be constituted as set out in Exhibit "A" attached to this ordinance and by this reference incorporated into this ordinance.

Section 2. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4. EFFECTIVE DATE.

The effective date imposed by this ordinance shall be the date of adoption at the second regular meeting at which this ordinance has been duly adopted.

SO ORDAINED.

MAYSVILLE TOWN COUNCIL

By: Richard L. Presley

Mayor

[Signatures Continue on Next Page]

M. F. Garrett
Councilperson

[Signature]
Councilperson

[Signature]
Councilperson

[Signature]
Councilperson

Attest:

Luis W. Harper
Town Clerk

CERTIFICATION

This ordinance was duly adopted at the regular meetings of the Mayor and Council of the Town of Maysville, Georgia on April 5, 2004 and May 3, 2004 after publication of notice as required by law.

Luis W. Harper
Town Clerk

Plan Name: maycewk1a

Plan Type:

User:

Administrator:

DISTRICT	POPULATION	DEVIATION	% DEVIATION	BLACK	% BLACK	BLACK COMBO	TOTAL BLACK	%TOTAL BLACK	HISP.OR LATINO	%HISP.
1	310	-2	-0.64%	5	1.61%	0	5	1.61%	3	0.97%
	VAP			230	3		1.30%	3		
2	316	4	1.28%	13	4.11%	0	13	4.11%	1	0.32%
	VAP			234	5		2.14%	5		
3	306	-6	-1.92%	0	0.00%	0	0	0.00%	1	0.33%
	VAP			220	0		0.00%	0		
4	315	3	0.96%	14	4.44%	2	16	5.08%	14	4.44%
	VAP			235	12		5.11%	12		

Total Population: 1,247

Ideal Value: 312

Summary

Population Range: 306 to 316

Absolute Range: -6 to 4

Absolute Overall Range: 10

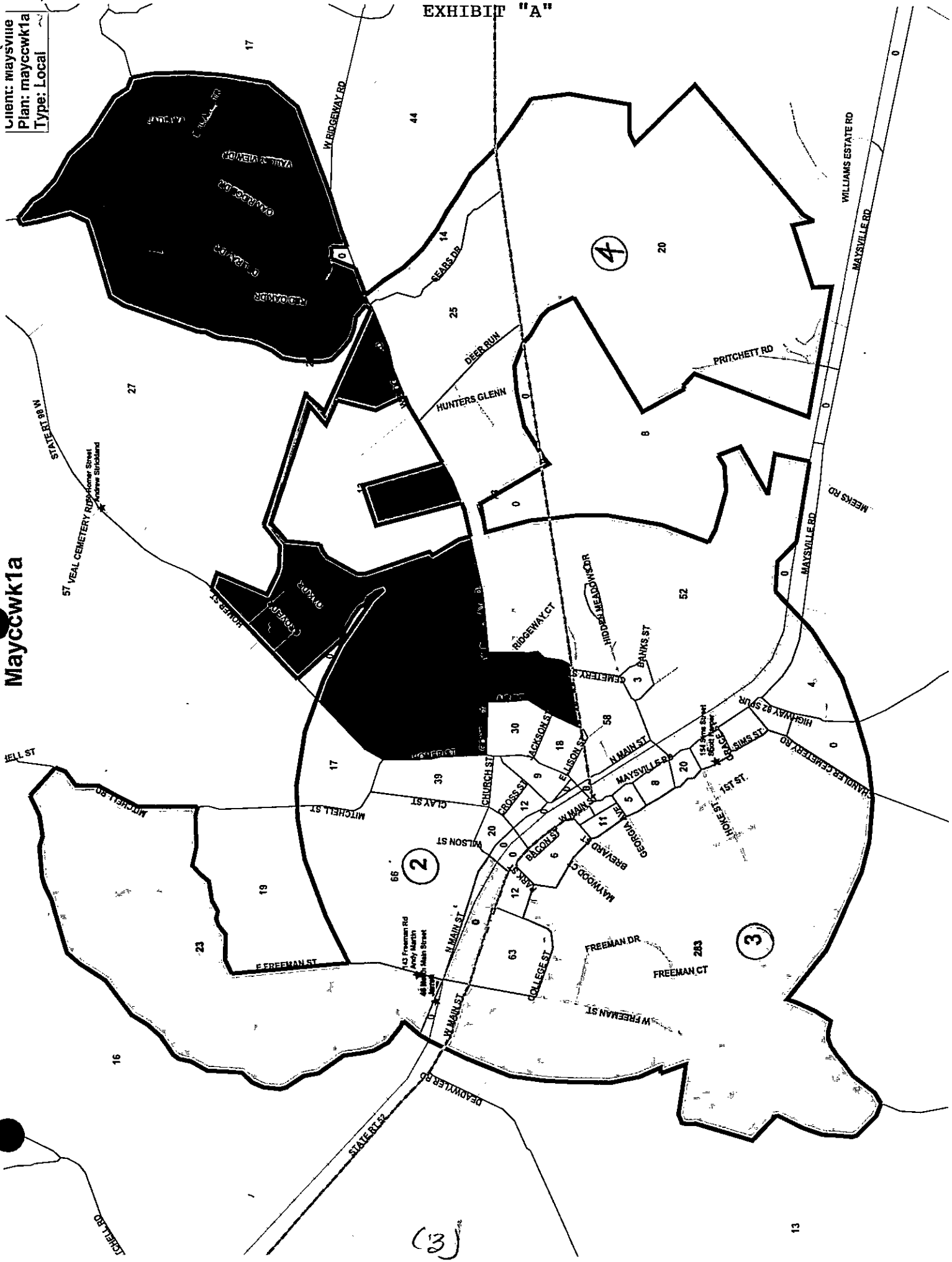
Relative Range: -1.92% to 1.28%

Relative Overall Range: 3.21%

Client: maysviile
Plan: mayccwk1a
Type: Local

EXHIBIT "A"

Mayccwk1a



ST VEAL CEMETERY Ridge Way Street
Andrew Strickland

(3)

M. F. James
Councilperson

Bob Taylor
Councilperson

Andy White
Councilperson

Andrew S. Trumbull
Councilperson

Attest:

Lain W. Taylor
Town Clerk

CERTIFICATION

This ordinance was duly adopted at the regular meetings of the Mayor and Council of the Town of Maysville, Georgia on April 5, 2004 and May 3, 2004 after publication of notice as required by law.

Lain W. Taylor
Town Clerk

GARY N. FREEMAN
ATTORNEY AT LAW

214 South Main Street
P.O. Box 10
Maysville, Georgia 30558

Phone (706) 652-2928
Fax (706) 652-2972
E-mail gfreeman@alltel.net

May 18, 2004

VIA FEDERAL EXPRESS

Joseph D. Rich, Chief,
Voting Section
Civil Rights Division
Room 7254 - NWB
Department of Justice
1800 G St., N.W.
Washington, DC 20006

RE: Submission Under Section 5 of the Voting Rights Act

Dear Mr. Rich:

Enclosed please find the City of Maysville's Submission for Preclearance under 28 C.F.R. Section 51 along with related documents listed below:

Index for Submission for Preclearance Under 28 C.F.R. Section 51

1. Submission for Preclearance Under 28 C.F.R. Section 51;
2. 2 copies of the proposed color coded redistricting map;
3. A 2000 Census population summary report showing the total population, the separate population of each four districts, along with a percentage of the minority make up of each district;
4. 2 copies of the existing districting map;
5. A population survey report showing the extreme deviations in district populations in 2000 based upon the existing map;
6. A copy of the published notice which appeared in the legal organs for three weeks prior to the adoption of the ordinance changing the districts;

Joseph D. Rich, Chief
Voting Section

Re: Submission Under Section 5 of the Voting Rights Act

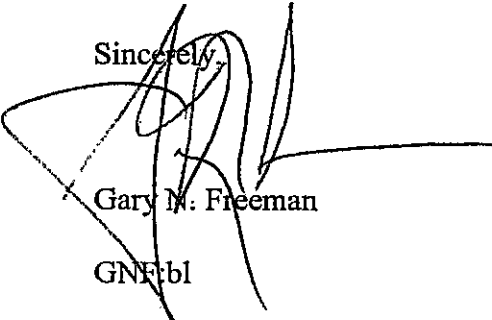
May 18, 2004

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7. A copy of the Ordinance changing the districts;
8. Copies of the minutes of the Mayor and Council meetings where the ordinance was adopted; and
9. A copy of the public notice informing the public and inviting comments on the filing.

I would ask that your prompt attention be given to this preclearance request in that it may be approved within the next sixty days. Of course, if any of the information is incomplete, or additional information is needed before a decision can be made, please do not hesitate to contact this office.

Sincerely,



Gary M. Freeman

GNE:bl

Enclosures

cc: Richard Presley, Mayor
Town of Maysville

STATE OF GEORGIA
COUNTY OF JACKSON

SUBMISSION FOR PRECLEARANCE UNDER 28 C.F.R. SECTION 51

TO: JOSEPH D. RICH, CHIEF, VOTING SECTION, CIVIL RIGHTS DIVISION,
DEPARTMENT OF JUSTICE, ROOM 7254 - NWB, 1800 G ST., N.W.,
WASHINGTON, DC 20006.

RE: TOWN OF MAYSVILLE PLAN FOR REDISTRICTING THE FOUR VOTING
DISTRICTS ACCORDING TO THE 2000 FEDERAL CENSUS REPORT.

On behalf of the Town of Maysville, which is located in Banks and Jackson Counties, State of Georgia, I submit this letter and attached documents as a Submission under Section 5 of the Voting Rights Act for your preclearance and approval of the proposed redistricting map of the Town of Maysville showing the four voting districts within the corporate limits of the Town of Maysville, Georgia (hereinafter called the "Map"). This is being done solely to comply with the new 2000 census report. Pursuant to 28 C.F.R. Section 51.25, the following information and attached documents are provided to enable the Attorney General to make the required determination with respect to the submitted change affected voting:

- (a) Two copies of the proposed color coded redistricting map;
- (b) A population summary report based upon the 2000 Census showing the total population, the separate population of each four districts, along with a percentage of the minority make up of each district. There are no significant minority populations in the town;
- (c) Two copies of the existing districting map;
- (d) A population survey report showing the extreme deviations in district populations in 2000 based upon the existing map;

(e) A copy of the published notice which appeared in the legal organs for three weeks prior to the adoption of the ordinance changing the districts; and

(f) A copy of the Ordinance changing the districts.

(g) Copies of the minutes of the Mayor and Council meetings where the ordinance was adopted; and

(h) A copy of the public notice informing the public and inviting comments on the filing.

Our office, in its capacity as town attorney for Maysville, prearranged for the utilization of the services of the Reapportionment Office of the State of Georgia, because of their useful technology and because of the valuable experience and insight of their staff. The technology of the State Reapportionment Office consists of a CAD (computer aided design) mapping program that allows for immediate manipulation of information based upon Census tracts.

The staff prepared information for the Mayor and Council and explained the need for redistricting, the standard that should be pursued, and, finally, the basic legal requirements of preparing a plan that fostered "one man, one vote" without the purpose or effect of diluting the voting strength of minority population groups.

The staff then moved the Ward lines, using Census tracts so as to achieve a plan in which all districts had a deviation from one person, one vote of below five percent (5%).

Each member of the Mayor and Council was individually polled to receive their approval of the plan. Each member was reminded that, within reason, minor changes could be made to include population groups that they might consider important to their Ward. Each member individually expressed satisfaction with the plan.

Once Ward lines were achieved that conformed to the one person, one vote requirement and the Voting Rights Act, the staff printed out the map that is attached to this submission. That map constitutes the one and only plan that the Mayor and Council considered, and a copy of it is attached hereto.

EFFECTIVE DATE OF THE NEW PLAN

Section 4 of the new ordinance provides the following:

This Ordinance shall be effective immediately upon the City's receipt from the United States Department of Justice of correspondence indicating that the United States Department of Justice interposes no objection to the implementation of this Ordinance, provided that, if the City does not receive such correspondence by the first day of qualifying for the 2004 Mayor and Council elections, this

Ordinance shall not be effective, and any ordinances in conflict herewith shall remain in effect.

The qualifying period for municipal elections in Georgia is determined by State law. O.C.G.A. §21-2-132(3) provides for the following qualifying period:

Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall comply with the following:

(A) In the case of a general election held in an odd-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the second Monday in September immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday;

(B) In the case of a general election held in an even-numbered year, the municipal qualifying period shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and

(C) In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

This being an even year, the qualifying period will begin on Monday, August 30, 2004 and end Friday, September 3, 2004.

The new ordinance is written so that if this submission is granted preclearance, the new Ward lines will be in effect prior to the qualification period. If this submission is not precleared by August 30, 2004, then the existing Ward lines remain in effect. Under both scenarios, all incumbents will remain in their respective Wards.

As a glance at the year 2000 diviations based upon existing Ward lines will illustrate, an election under existing Ward lines would be subject to wide deviations from the ideal median. While you will find the submitted plan stands on its own, we hope that in the context of the alternative, your Office will not only approve the Amendment, but also do so in as expeditiously as possible.

We hope that this introduction has provided insight into the creation of and intent behind the Amendment. We further hope that this insight will inform your decision-making process as you review the Required and Supplemental Showings contained in this submission.

Required Showings

In support of the Annexation, Maysville makes the following required showings pursuant to 28 C.F.R. Section 51.25.

- (a) A certified copy of the Amendment is attached as **Exhibit "A."**

- (b) The Amendment is necessary to ensure the Wards of Maysville are properly proportioned in accordance with the 2000 Census and that such proportions reflect changes in the City's population.
- (d) This submission has been prepared by Gary N. Freeman, Town Attorney.
- (e) The submitting authority, as well as the jurisdiction responsible for the change, is Maysville, Georgia.
- (f) Maysville, Georgia is located within Banks and Jackson Counties.
- (g) The Mayor and Council of Maysville, Georgia is responsible for making the change.
- (h) Under Official Code of Georgia Sections 36-35-4.1 and 36-35-3(b)(1), the statutes pursuant to which the Amendment occurred, Maysville may by ordinances and upon publication of notice amend its Charter to reapportion the election districts from which members of the City governing authority are elected.
- (i) The Amendment has not yet been enforced or administered.
- (j) The Amendment will have no anticipated effect on members of a racial, language or minority group.
- (k) There is no pending litigation concerning the Amendment.
- (l) The Georgia law authorizing the Amendment has been precleared.
- (m) The City has been unable to locate its preclearance of the existing map.
- (n) As stated, Maysville stands ready to provide any further information that the Attorney General determines is required for an evaluation of the purpose or effect of the change.

SUPPLEMENTAL SHOWINGS

- (a) Demographic Information.

Existing Boundaries

See Exhibit "B."

Revised Boundaries

See Exhibit "C."

- (b) Maps. See Exhibits "D" and "E."

- (c) **Publicity and Participation.** Pursuant to the requirements of O.C.G.A. Section 36-35-3(b)(1), notice of the intent of the Mayor and Council of Maysville to consider the Amendment at meetings on April 5, 2004 and May 3, 2004 was published in a newspaper of general circulation in Banks and Jackson Counties once a week for three weeks. A copy of the Notice is included with this Submission as **Exhibit "F."** Copies of the Amendment were made available for public inspection, again pursuant to O.C.G.A. Section 36-35-3(b)(1), at Maysville City Hall and at the Clerk's Office of the Superior Court of Banks and Jackson County, Georgia. Furthermore, the Mayor and Council indeed held these meetings, at which public commentary was solicited.
- (d) **Availability of the Submission.** A copy of this submission will be available for public inspection at Maysville's City Hall with notice of such availability posted at Maysville's City Hall. A copy of the public notice is attached hereto as **Exhibit "G."**
- (e) **Minutes.** A copy of the minutes of the Mayor and Council meetings where the ordinance was adopted is attached hereto as **Exhibit "H."**

CONCLUSION

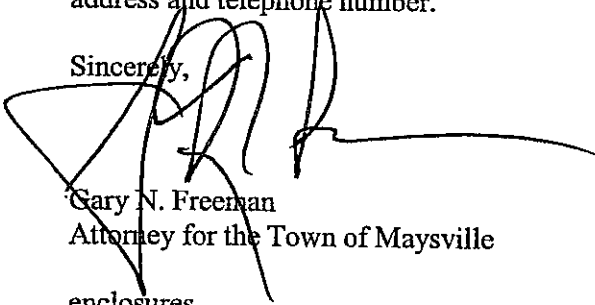
Maysville is confident that the information provided in this submission will clearly and definitely prove that the Amendment has neither the effect nor the intent to dilute minority voting strength. Maysville has no significant minority population. The Amendment adheres to the one person, one vote standard and avoids the creation of unreasonably shaped districts.

In the event, however, that your Office requests additional information in support of this submission, Maysville stands ready to provide such information with all haste.

While we are aware that your Office is reviewing scores of submissions, we do hope to hear from your Office as quickly as possible. Again, please remain mindful that Maysville will be forced to utilize current Ward lines, with all their flaws as revealed by the 2000 Census information, if we do not receive from your Office approval of the Amendment by August 30, 2004.

If you have any questions or comments, please do not hesitate to contact me at the above address and telephone number.

Sincerely,



Gary N. Freeman
Attorney for the Town of Maysville

enclosures

cc: Mayor Richard Presley (letter only)

Exhibit “A”

to

Submission for Preclearance

Amendment