

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al.

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, et al.

Defendants.

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Civil Action No. 3:22-CV-00057
(Consolidated)

UNITED STATES OF AMERICA,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, et al.

Defendants.

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Civil Action No. 3:22-CV-00093

DICKINSON BAY AREA BRANCH
NAACP, et al.

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, et al.

Defendants.

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Civil Action No. 3:22-CV-00117

**DEFENDANTS', GALVESTON COUNTY, TEXAS, GALVESTON COUNTY
COMMISSIONERS COURT, AND HON. MARK HENRY'S, IN HIS CAPACITY
AS GALVESTON COUNTY JUDGE, MOTION TO DISMISS FIRST AMENDED
COMPLAINT OF THE UNITED STATES OF AMERICA**

COMES NOW, Defendants' Galveston County, Texas, the Galveston County Commissioners Court, and Judge Mark Henry, in his capacity as Galveston County Judge (“Defendants”), and file this MOTION TO DISMISS (“Motion”) pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6). Defendants ask this Court to grant their Motion to Dismiss for the following reasons:

First, this Court lacks jurisdiction because, although adorned in language sounding in the Voting Rights Act, the United States’ allegations amount to claims of partisan gerrymandering, which are non-justiciable political questions.

Second, this Court lacks jurisdiction because the case is now moot. On May 18, 2022, County Judge Mark Henry appointed Dr. Robin Armstrong to serve as Commissioner for the Commissioners Court Precinct 4. Dr. Armstrong is himself African American. Now, the five-member Commissioners Court has two African American members. If the United States contends that only Democrats are the candidates of choice for African American and Latino voters, then this Court should dismiss for lack of jurisdiction as a non-justiciable political question. If the United States contends that only minority Commissioners can represent the views of minority voters, then the United States’ case is now moot because there are two minority Commissioners on the five-member Commissioners Court. Minority representation on the Commissioners Court is now greater than the proportion of African American and Latino voters in Galveston County. The United States no longer has a live controversy.

Third, this Court lacks jurisdiction because the United States has failed to plead sufficient facts to assure this Court that the United States’ claims are redressable.

Fourth, this Court should dismiss the United States’ Voting Rights Act claim because it fails to plead sufficient facts to satisfy the second and third *Gingles* preconditions. *See Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

Fifth, the United States fails to plead sufficient facts to demonstrate that discriminatory intent was at least part of the decision-making process for enacting the 2021 Commissioners Court precincts.

INTRODUCTION

Redistricting is always a complex endeavor. In addition to requiring strict adherence to sometimes conflicting constitutional and statutory requirements, redistricting also involves balancing political judgments and grouping voters in sensible ways that minimize the risk of confusion for administrators of elections.¹ Adding to the complexity of the redistricting process for this decade was the fact that the 2020 Census was conducted in the midst of a pandemic. Despite these obstacles, and the United States’ unsupported legal conclusions to the contrary, Galveston County was able to timely enact a new precinct map for its County Commissioners Court (the “Commission”) that clearly passes constitutional and statutory muster. Unfortunately for the United States, failing to obtain the map that

¹ *See Abbott v. Perez*, 138 S. Ct. 2305, 2315 (2018) (observing that “[s]ince the Equal Protection Clause restricts consideration of race and the VRA demands consideration of race, a legislature attempting to produce a lawful districting plan is vulnerable to ‘competing hazards of liability[,]’” and describing redistricting as a “legal obstacle course”(citations omitted)); *see also Gaffney v. Cummings*, 412 U.S. 735, 753 (1973) (observing that the substantial political consequences of redistricting are intentional and inevitable); *Miller v. Johnson*, 515 U.S. 900, 915 (1995) (“Electoral districting is a most difficult subject for legislatures, and so the States must have discretion to exercise the political judgment necessary to balance competing interests.”).

best benefits the Democratic Party is not a cognizable injury. *See infra* at 11 n.7. Such is not the role of federal courts. After all, redistricting “inevitably has and is intended to have substantial political consequences”—such is the case with the Commission. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2497 (2019) (quoting *Gaffney*, 412 U.S. at 753).

FACTUAL BACKGROUND

Congress mandates that the Census Bureau release redistricting data by April 1, 2021. *See* 13 U.S.C. § 141(c). Because of the pandemic, the Census Bureau was unable to release to the states the data necessary to conduct redistricting until August 12, 2021, and, even then, did not release the data in an easier-to-use format until September 16, 2021.² *See Alabama v. U.S. Dep’t of Com.*, 546 F. Supp. 3d 1057, 1065-66 (M.D. Ala. 2021) (three-judge court). Compounding the already complex and now compressed process, the Census Bureau added a new wrinkle to the redistricting calculus: differential privacy. *See id.* at 1066. Differential privacy is a disclosure avoidance method that “injects a calibrated amount of noise into the raw census data to control the privacy risk of any calculation or statistic.” *Id.* at 1064. As the Census Bureau itself explains, the very goal of differential privacy “is to obscure the presence or absence of any individual (in a database)”³

² *See* U.S. Census Bureau, *Census Bureau Delivers 2020 Census Redistricting Data in Easier-to-Use Format*, U.S. Census Bureau (Sept. 16, 2021), <https://www.census.gov/newsroom/press-releases/2021/2020-census-redistricting-data-easier-to-use-format.html#:~:text=SEPTEMBER%2016%2C%202021-,Census%20Bureau%20Delivers%202020%20Census,in%20Easier%2Dto%2DUse%20Format&text=SEPT.,on%20data.census.gov> (last visited June 14, 2022).

³ *See* U.S. Census Bureau, *Disclosure Avoidance for the 2020 Census : An Introduction* 6, U.S. Government Publishing Office (Nov. 2021)

Although differential privacy protects confidentiality, “it also makes the data less accurate.” *Id.* Thus, the already complex process of redistricting was made even more complicated because the Census Bureau released less accurate five months late.

The five-month delay compressed the time the Commission had to analyze the data as well as craft and draft new precinct districts. Texas’s Constitution requires that counties be divided into four Commissioner Court precincts. Tex. Const. art. V, § 18(b). Texas law does not establish a deadline to complete redistricting of Commissioner Court districts but the U.S. Constitution requires that they be substantially equal in population. *See Avery v. Midland Cty.*, 390 U.S. 474, 484-85 (1968). As the Texas Secretary of State made clear, for those candidates wishing to compete in Texas’s 2022 elections, the candidate qualifying period began on November 13, 2021. *See* Tex. Elec. Code § 172.023; *see also* Keith Ingram, Director of Elections, Election Advisory No. 2021-14 (Nov. 1, 2021).⁴ Accordingly, the Secretary of State established November 13, 2021, as the deadline for Commissioner Courts to submit their new precinct lines. The Commission was therefore required to conduct its redistricting in less than two months. Generally, the good faith of the legislature is presumed, but under these circumstances, the good faith of the Commission in redistricting its precincts should especially be presumed. *See Miller*, 515 U.S. at 915. Even when the United States alleges a history of discrimination, this Court must presume that the Commission acted in good faith. *Abbott*, 138 S. Ct. at 2324.

<https://www2.census.gov/library/publications/decennial/2020/2020-census-disclosure-avoidance-handbook.pdf> (last visited June 14, 2022).

⁴ *Available at* <https://www.sos.texas.gov/elections/laws/advisory2021-14.shtml> (last visited June 14, 2022).

During these two months, any member of the Commission had the authority to place redistricting on the Commission's agenda at any of its regularly scheduled meetings. *See* Tex. Att'y Gen. Op. No. DM-228 at 3 (1993) (concluding that "a county commissioner may place a matter on the agenda for a meeting"). In fact, Texas law prohibits enacting procedures that would "preclude a member of the court from placing an item on an agenda so that it may be discussed publicly." *Id.* Texas law further prohibits any procedure that would preclude a representative on the Commission "from at a minimum providing a public forum for discussion of any particular issue." *Id.*⁵

Furthermore, from May 28, 2021, to December 31, 2021, the Commission held twenty-one public meetings. *See* Ex. A. All regular biweekly meetings of the Commission took place at 722 Moody in Galveston, Texas in accordance with Texas law requiring the Court to conduct its regular meetings at the County seat. All other "special" meetings of the Commission took place at 174 Calder Dr. in League City, Texas. *See id.*; Tex. Local Gov't Code § 81.005 (b), (c). All of the meetings began during normal business hours with the majority starting at 9:30 a.m. As previously mentioned, *any* Commissioner could have placed redistricting on the agenda of *any* one of these meetings, but none did. *See* Tex. Att'y Gen. Op. No. DM-228 at 3.

After September 16, 2021, Galveston County attorneys met with the

⁵ The Fifth Circuit has observed that "[t]he Texas Constitution authorizes the Attorney General to issue legal advice in the form of opinions to government entities and officials. . . . These opinions clarify the legal obligations and liabilities of state officials." *Freedom from Religion Found., Inc. v. Mack*, 4 F.4th 306, 309 n.2 (5th Cir. 2021). Those government officials who rely on the Attorney General's opinions in their public duties may use the opinion as a shield against personal liability. *See id.*

Commissioners, including Commissioner Holmes, to understand what their desires were for districts. *See* Pls.’ First Am. Compl. ¶ 47, ECF No. 30 (hereinafter “FAC”). Then, on approximately October 29, 2021—two weeks before the public meeting on the maps—the Commission posted alternative redistricting plans, Map 1 and Map 2, on the County website. *See id.* ¶ 56. The website permitted the public to submit comments concerning the two redistricting plans.⁶ *See id.* ¶¶ 56-57. Then, on November 9, 2021, the Commission posted a public notice about a special meeting on redistricting to be held on November 12, 2021. Ex. A. Consistent with all its other public meetings in 2021, the meeting was held during normal business hours. *Id.* Consistent with every other special meeting called in 2021, the meeting was held at the Calder Meeting location in League City, Texas. *Id.* And, after receiving public comment, the Commission approved Map 2. It is within this context that the United States sued.

Plaintiff, the United States of America, claims that the Enacted Plan as a whole violates Section 2 of the Voting Rights Act.

As demonstrated *infra*, this Court should grant Defendants’ Motion to Dismiss and dismiss the United States’ claims in their entirety.

STANDARD OF REVIEW

Federal Rule of Civil Procedure 8(a)(2) requires a plaintiff to plead “‘a short and plain statement of the claim showing that the pleader is entitled to relief,’ in order to ‘give

⁶ *See* County of Galveston, Texas, *Galveston County Commissioners Proposed Precincts*, available at <https://www.galvestoncountytexas.gov/our-county/county-judge/redistricting> (last visited June 14, 2022).

the defendant fair notice of what the . . . claim is and the ground upon which it rests.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). A “formulaic recitation of the elements of a cause of action will not do,” and courts are “not bound to accept as true a legal conclusion couched as a factual allegation.” *Id.* (quoting *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). Although Rule 8 does not require “detailed factual allegations” at the pleading stage, it still “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 555). “[C]onclusory allegations, unwarranted factual inferences, or legal conclusions” will not be accepted. *Plotkin v. IP Axxess Inc.*, 407 F.3d 690, 696 (5th Cir. 2005) (citation omitted).

It is not enough for a complaint to contain some factual evidence, however, if the facts pleaded do not add up to a plausible claim. “To survive a motion to dismiss, a complaint must contain sufficient factual matter which, when taken as true, states ‘a claim to relief that is *plausible on its face*.’” *Innova Hosp. San Antonio, Ltd. P’ship v. Blue Cross & Blue Shield of Ga., Inc.*, 892 F.3d 719, 726 (5th Cir. 2018) (quoting *Twombly*, 550 U.S. at 570) (emphasis added). A complaint is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Cicalese v. Univ. of Tex. Med. Branch*, 924 F.3d 762, 765 (5th Cir. 2019) (quoting *Iqbal*, 556 U.S. at 678). A plaintiff who alleges only facts that, even when taken as true, fail to “nudge [] their claim[] across the line from conceivable to plausible” and has not adequately stated a claim upon which relief can be granted. *Twombly*, 550 U.S. at 570.

Moreover, when deciding a motion to dismiss for failure to state a claim, this Court may consider publicly-available documents that were generated by a governmental body. *See Funk v. Stryker Corp.*, 631 F.3d 777, 783 (5th Cir. 2011). Accordingly, Defendants respectfully request that this Court take judicial notice of (1) Exhibit A, which is a collection of all 2021 public meeting notices for the Galveston County Commissioners Court; (2) the information from the U.S. Census Bureau’s website, www.census.gov; and (3) the information contained on the website <https://www.galvestoncountytexas.gov/our-county/county-judge/redistricting>. These publicly available documents are capable of accurate and ready determination by resort to “sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2); *see Funk*, 631 F.3d at 783 (holding that district court took appropriate judicial notice of government-generated documents that were matters of public record and directly relevant to the issues); *Norris v. Hearst Tr.*, 500 F.3d 454, 461 n.9 (5th Cir. 2007) (“[I]t is clearly proper in deciding a 12(b)(6) motion to take judicial notice of matters of public record.”).

Additionally, when faced with a motion to dismiss for lack of subject matter jurisdiction under 12(b)(1), the United States bears the burden of proving that this Court has jurisdiction. *Southern Recycling, L.L.C. v. Aguilar*, 982 F.3d 374, 379 (5th Cir. 2020).

Lastly, it should be remembered that when analyzing the United States’ allegations, and even when the United States alleges a history of discrimination, this Court must still presume that the Commission acted in good faith. *Abbott*, 138 S. Ct. at 2324.

I. THIS COURT SHOULD DISMISS THE UNITED STATES’ CLAIM FOR LACK OF SUBJECT-MATTER JURISDICTION.

Article III of the U.S. Constitution limits the jurisdiction of federal courts to deciding actual cases and controversies. *Rucho v. Common Cause*, 139 S. Ct. 2484, 2493 (2019). This, in part, means that courts are limited to deciding cases that are “historically viewed as capable of resolution through the judicial process.” *Id.* 2493-94. Cases that lack judicially manageable standards to resolve them are nonjusticiable political questions. *Id.* at 2494.

Only three types of redistricting claims are justiciable: (1) one-person, one-vote challenges; (2) racial gerrymandering claims; and (3) vote dilution claims under Section 2 of the Voting Rights Act. *Id.* at 2495-96; *Thornburg v. Gingles*, 478 U.S. 30, 70-71 (1986); *Gingles*, 478 U.S. at 84 (O’Connor, J. concurring). Judicially manageable standards to adjudicate partisan gerrymandering claims are elusive. This is because partisanship is expected in redistricting. *Gaffney*, 412 U.S. at 753. Without clear judicially manageable standards, therefore, courts “risk assuming political, not legal, responsibility for a process that often produces ill will and distrust.” *Rucho*, 139 S. Ct. at 2498 (internal quotation marks omitted).

The problem with adjudicating partisan gerrymandering claims is that they are premised upon the “instinct that groups with a certain level of political support should enjoy a commensurate level of political power and influence.” *Id.* at 2499. But this premise finds no support in our system of elections—a wholly at-large system of elections on party lines, or proportional representation. *Id.* Essentially, partisan gerrymandering claims request that courts “make their own political judgment about how much

representation particular parties *deserve*—based on the votes of their supporters—and to rearrange the challenged districts to achieve that end.” *Id.* But federal courts lack the authority and competence to apportion political power. *Id.* How to apportion political power is not a legal question, but a political one. *Id.* at 2500. This is so because it is the role of the courts to “vindicate the individual rights of the people appearing” before the court. *Id.* at 2501 (internal quotation marks omitted). This Court is not responsible for “vindicating generalized partisan preferences.” *Id.* At bottom, this Court lacks the authority to “allocate political power and influence” in the absence of judicially manageable standards. *Id.* at 2508.

This case is about politics. Although the United States does not plead the partisan preference of African American and Latino voters in Galveston County, in this consolidated action the Petteway Plaintiffs do so plead. The Petteway Plaintiffs plead that Black and Latino voters are cohesive because they vote for Democrats in the general elections. *See* Petteway Pls.’ Second Am. Compl. ¶ 124, ECF No. 42 (hereinafter “SAC”). Anglo voters prevent Black and Latino voters from electing Democrats to office because “Anglo voters in Galveston County overwhelmingly”—by over 88%—“favor Republican candidates.” SAC ¶¶ 126-27. Here, the United States does not dispute the Petteway Plaintiffs’ allegations. Nor does the United States refer to exogenous election studies involving primary elections to remove the partisan element of voting behaviors.⁷ This case

⁷ Since the original Complaint was filed in this case, the United States’ actions confirm that this case is about politics. Although this Court cannot consider it now, the Galveston County Daily News reported that shortly after the United States filed this Complaint, the

is about partisan preferences and is thus a non-justiciable political question. This Court should dismiss accordingly.

II. THE UNITED STATES' CLAIM IS MOOT.

The jurisdiction of federal courts is limited to actual cases and controversies. *See* U.S. Const., Art. III, § 2; *Alvarez v. Smith*, 558 U.S. 87, 92 (2009). For federal courts to have the power to adjudicate a dispute, an “actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.” *Id.* (internal quotation marks omitted). This is so because in our constitutional structure “courts have ‘no business’ deciding legal disputes or expounding on law in the absence of such a case or controversy.” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 90 (2013) (citation omitted). Federal courts lose jurisdiction, therefore, “when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” *Id.* at 91. Stated differently, a case becomes moot, and this Court loses jurisdiction, “if the dispute is no longer embedded in any actual controversy about the plaintiffs’ particular legal rights.” *Id.* (internal quotation marks omitted). It is the United States’ burden to prove that this Court has jurisdiction. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992).

Galveston County Democratic Party urged residents in Commissioners Precinct 3 to contact the Party. The Democratic Party wanted to collect the stories and experiences of various Precinct 3 residents. Then the Democratic Party would compile this information. Although Galveston County officials did not know that the Department of Justice was visiting Galveston County, the chairwoman of the Democratic Party knew that the Department of Justice was coming. The chairwoman of the Democratic Party said that she intended to present the findings to the Department of Justice lawyers when they visited. *See* John Wayne Ferguson, *The Daily News*, *Galveston County Democrats Call For Action Before Federal Lawyers Arrive* (April 8, 2022) (attached as Ex. B).

On May 18, 2022, County Judge Henry appointed Dr. Robin Armstrong, who is African American, to the Commission serve as the Commissioner for Precinct 4. Of the five members on the Commissioners Court, two are African American. 40% of the Commissioners Court members are African American. Black and Latino residents in Galveston County account for 35% of the total voting-age population. FAC ¶ 17. Thus, African American representation on the Commissioners Court is greater than the proportion of Black and Latino residents in Galveston County.

This case is now moot. Although the Voting Rights Act does not create a right to proportional representation, the lack of proportional representation is evidence of a Section 2 violation. *Gingles*, 478 U.S. at 46. Since the African American representation on the Commission is greater than the combined African American and Latino voting age population in the County, FAC ¶ 17 (35%), there is no evidence of vote dilution, unless the United States' real injury is that there are insufficient Democrats on the Commission, which is a non-justiciable political question. *Rucho*, 139 S. Ct. at 2508. The United States therefore lacks a personal interest in the result. *Dailey v. Vought Aircraft Co.*, 141 F.3d 224, 227 (5th Cir. 1998).

III. THE UNITED STATES FAILS TO ALLEGE SUFFICIENT FACTS THAT THEY HAVE SUED THE PROPER DEFENDANTS; ACCORDINGLY, THE UNITED STATES LACKS STANDING.

It is the United States' burden to prove that this Court has jurisdiction. *See Lujan*, 504 U.S. at 561. The United States must plead sufficient facts to demonstrate that the plaintiff has suffered an injury in fact, that the injury is "fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party

not before the court;” and it is likely that the Court can redress the injury with a favorable decision. *Id.* at 560-61 (cleaned up).

The United States asks this Court to enjoin Defendants, their agents, assigns, and those acting in concert with the Defendants “from administering, implementing, or conducting any future elections for the Galveston County Commissioners Court under the 2021 redistricting plan.” Prayer for Relief 3. But the United States does not plead sufficient facts to indicate that the Defendants have the authority to administer, implement, or conduct elections in Galveston County.

Redressability tests whether a favorable decision would “amount to a significant increase in the likelihood that the plaintiff would obtain relief that directly redresses the injury suffered.” *Utah v. Evans*, 536 U.S. 452, 464 (2002). Redressability also tests whether “the *effect of the court’s judgment on the defendant*—not an absent third party” redresses the plaintiff’s injury. *Jacobson v. Fla. Sec’y of State*, 974 F.3d 1236, 1254 (11th Cir. 2020). Ultimately, in the context of injunctive relief, a plaintiff cannot satisfy the redressability prong of standing when the plaintiff sues a defendant who has no power to redress the alleged injury. *Okpalobi v. Foster*, 244 F.3d 405, 426-27 (5th Cir. 2001). Therefore, a plaintiff must plead facts demonstrating that the defendant has “definite responsibilities relating to the application of the challenged law.” *Voting for Am., Inc. v. Andrade*, 888 F. Supp. 2d 816, 831 (S.D. Tex. 2012) (Costa, J.). By contrast, redressability “will not exist where a governmental defendant has no duty or ability to do anything about the enforcement of the challenged law.” *Id.* at 830-31.

The United States pleads that Galveston County is a political subdivision in Texas that is in Southeast Texas. FAC ¶ 14. But the United States does not plead what authority Galveston County has over elections. There are no allegations in the FAC that would assure this Court that an injunction against Defendants would redress the United States' purported injuries. *See Okpalobi*, 244 F.3d at 426-27; *Voting for Am., Inc.*, 888 F. Supp. 2d at 830-31; *see also Jacobson*, 974 F.3d at 1254 (“An injunction ordering the Secretary not to follow the ballot statute's instructions for ordering candidates cannot provide redress, for neither she nor her agents control the order in which candidates appear on the ballot.”).

Next, the United States pleads that the Commission is the county's governing body with the authority to determine and approve the boundaries of the four Commission precincts. FAC ¶¶ 15, 22. But the United States does not plead that the Commission administers, implements, or conducts elections. There are no allegations, for example, that the Commission assigns voters to their voting precincts for the next decade. And without allegations that the Commission conducts elections, preventing it from holding elections under the 2021 map does nothing to redress the United States' injuries. Thus, these allegations are insufficient to assure this Court has jurisdiction. *See Okpalobi*, 244 F.3d at 426-27; *Voting for Am., Inc.*, 888 F. Supp. 2d at 830-31; *see also Jacobson*, 974 F.3d at 1254.

Lastly, the United States alleges that County Judge Mark Henry is the presiding officer of the Commission. FAC ¶ 16. But here again, there are no allegations that Judge

Henry has any authority over the administration, implementation, or the conducting of elections in Galveston County. Accordingly, there are simply insufficient allegations to assure this Court that issuing an order against these three Defendants would redress the United States' injuries. *See Okpalobi*, 244 F.3d at 426-27; *Voting for Am., Inc.*, 888 F. Supp. 2d at 830-31; *see also Jacobson*, 974 F.3d at 1254.

The United States fails to plead facts that show any of the Defendants (two entities and one individual) have the authority to administer and conduct elections. The lone allegation against the Commission is that it determines and approves the boundaries of the Commission precincts. But an injunction against the legislative body that drew and approved the districts to prohibit that body from administering, implementing, or conducting the election does not remedy the alleged harm. *See Jacobson*, 974 F.3d at 1254 (holding that plaintiffs' claims regarding how Florida law orders candidates on the ballot are non-redressable because plaintiffs named only the Florida Secretary of State as a defendant, who although did have general supervisory authority over elections, was not vested with the authority to print ballots; that authority was vested in the county supervisors of election). There are simply insufficient allegations against these three defendants to assure this Court that it has jurisdiction. Accordingly, this Court should dismiss for lack of jurisdiction.

IV. THE UNITED STATES FAILS TO PLEAD SUFFICIENT FACTS TO ESTABLISH THAT THE GINGLES SECOND PRECONDITION IS MET.

To successfully plead a Section 2 violation, the United States must allege, and

include sufficient supporting factual content, that the respective minority population “ha[s] less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice.” 52 U.S.C. § 10301(b); *see Magnolia Bar Ass’n, Inc. v. Lee*, 994 F.2d 1143, 1146 (5th Cir. 1993); *see Twombly*, 550 U.S. at 570. The United States must also plead that the minority group is sufficiently large and geographically compact to constitute a majority in a precinct; that the minority group is politically cohesive; and that Anglo voters vote sufficiently as a bloc to defeat the minority’s candidate of choice. *See Gingles*, 478 U.S. at 50-51.

“Each of these preconditions must be shown on a district-by-district basis.” *LULAC v. Abbott*, No. 3:21-CV-259 2022 U.S. Dist. LEXIS 91761, *47-48 (W.D. Tex. May 23, 2022) (three-judge court) (hereinafter “*LULAC II*”). Meeting these three pre-conditions creates a rebuttable presumption that the Commission precincts harm minority voters. *See Lopez v. Abbott*, 339 F. Supp. 3d 589, 602 (S.D. Tex. 2018). The United States must also plead that minority voters are harmed under the totality of the circumstances. *See id.*

The United States fails to state a claim under Section 2 of the Voting Rights Act. Specifically, the United States fails to allege sufficient facts that Black and Latino voters are sufficiently politically cohesive. The United States alleges that Black and Latino voters are cohesive and have voted for the same candidates in recent elections. FAC ¶ 92. The United States further alleges that in a majority-minority district, Black and Latino voters would have voted for the same candidate. *Id.*

But these allegations of cohesion “[do not] say anything about how unified” Black and Latino voters are in supporting certain candidates. *LULAC II*, 2022 U.S. Dist. LEXIS

91761, at *55. Perhaps 51% of Black and Latino voters supported the same candidates, but that would be insufficient to satisfy the second *Gingles* precondition. *Id.* Accordingly, the allegation does not rise to the level of plausible and is therefore insufficient. *Id.*; *Iqbal*, 556 U.S. at 678-79.

The United States makes the same mistake when alleging that voting in Precinct 3 is racially polarized. FAC ¶ 93. The United States alleges that “Non-Hispanic white voters in Galveston County vote sufficiently as a bloc to usually defeat preferred candidates of minority voters in the absence of a majority-minority district.” FAC ¶ 93. But this too is nothing more than a recitation of the elements of a cause of action—there are no facts to make the allegations move from conceivable to the plausible. *LULAC II*, 2022 U.S. Dist. LEXIS 91761, at *55-56; *Iqbal*, 556 U.S. at 678-79.

Accordingly, this Court should dismiss the United States’ FAC.

V. **THE UNITED STATES FAILS TO PLEAD SUFFICIENT FACTS THAT THE 2021 ENACTED REDISTRICTING PLAN WAS ENACTED WITH AT LEAST A PART OF DISCRIMINATORY INTENT.**

Any allegations of evidence of an illicit racial purpose in the FAC are thin at best. The intentional discrimination claim arises from the United States’ allegation that the Commission failed to adopt redistricting criteria, deliberately excluded Commissioner Holmes from the process, held only one meeting to discuss the proposed redistricting plans, and did not make the proposed maps available to the public for review and comment. FAC ¶ 39, 59-60.

The United States’ legal authority for the proposition that these allegations constitute illicit intent rests almost exclusively on a 2012 letter from the Department of Justice concerning whether the Commission’s map then presented to the Department for preclearance satisfied Section 5 of the Voting Rights Act. *See* FAC Ex. 2. But the Department of Justice’s determination in 2012 that the Commission map did not satisfy Section 5 does not bind this Court to find that the 2021 map is a vote dilution under § 2 of the Voting Rights Act.

More fundamentally, however, is that when conducting constitutional adjudication, a Department of Justice preclearance memorandum is not authoritative. This Court retains “an independent obligation in adjudicating consequent equal protection challenges.” *Miller*, 515 U.S. at 922. It is the duty of this Court, and not the Department of Justice, to say what the law is. *Id.* (citing *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803)). Additionally, the Department of Justice’s “legal conclusion[s] [are] still [] legal conclusion[s]—i.e. something that the Court can’t consider when evaluating whether [the United States] ha[s] stated a claim.” *LULAC II*, 2022 U.S. Dist. LEXIS 91761 at *68 (citing *Iqbal*, 556 U.S. at 678). Accordingly, when engaging in statutory scrutiny, courts do not give deference to the Department of Justice’s interpretation of the Voting Rights Act. *See id.* at 923. That the Department of Justice thought that the 2012 Commission map was the product of intentional racial discrimination is of no moment for this Court’s analysis of whether intentional discrimination drove part of the drawing of the 2021 Commission Precinct boundaries.

And, as it is, this Court should not give “deference” to the Department of Justice letter from nearly a decade ago that the United States asserts is relevant.

First, as a matter of law, the Commission is not required to adopt redistricting criteria in addition to what federal and state law already require.⁸ The Commission can choose to adopt redistricting criteria or not.

Second, the United States asserts that the redistricting maps evidence illicit intent because only one meeting was held to discuss redistricting and that meeting was held in the afternoon during working hours. FAC ¶¶ 60, 66. But, all the public meetings that the Commission held in 2021 were during normal business hours. *See* Ex. A. There is nothing unusual about the timing of the meetings. In fact, the date and time of the regularly scheduled meetings are established a year in advance. Tex. Local Gov’t Code § 81.005(a). And, the date and time of the redistricting meeting held on November 12, 2021, was announced with the requisite 72-hour public notice required for such meetings. Tex. Gov’t Code § 551.0413. Furthermore, the Commission’s precinct maps were posted online on the County website for at least two weeks for people to review and submit public comments. *See Galveston County Commissioners Proposed Precincts*, *supra* note 6. When posting online, while not required to do so under Texas law, the Commission provided ample public notice that it would be “discussing and voting to redistrict county commissioners’

⁸ Arkansas, Illinois, Indiana, Maryland, Massachusetts, New Hampshire, New Jersey, Tennessee, and Wisconsin do not adopt redistricting criteria for its congressional districts. *See* Nat’l Conf. of State Legislatures, *Redistricting Criteria* (July 16, 2021) available at <https://www.ncsl.org/research/redistricting/redistricting-criteria.aspx> (last visited June 8, 2022).

precincts in the next few weeks.” *Id.* Thus, the Commission did precisely what the United States alleges did not happen, FAC ¶ 59, the Commission posted Map 1 and Map 2 for public comment once they were ready. Therefore, the allegation that the Galveston County residents were somehow caught completely off-guard is simply disingenuous. Additionally, that the redistricting meeting held on November 12 was during business hours is consistent with the Commission’s normal and usual practice. To have held the meeting later would have been a departure from standard practice. Additionally, there is no requirement that the Commission hold more than one public meeting prior to enacting any redistricting lines.

The United States makes much of the Commission’s alleged departure from normal practice regarding how the Commission held meetings regarding the adoption of previous precinct maps from different redistricting cycles. However, there was nothing normal about this redistricting cycle. Even the U.S. Census Bureau was required to depart from its normal practices because of the COVID-19 pandemic. *See Alabama*, 546 F. Supp. 3d at 1065-66. In the compressed timeframe the Census Bureau dealt the Commission, the Commission provided the maps to its constituents two weeks in advance of its meeting and allowed the public to submit comments online. It held a special meeting for people to voice their concerns and then held a public vote. The United States’ allegations of illicit intent due to alleged departures from past practices are insufficient when the whole world had to depart from its normal routines and past practices due to COVID-19.

Third, Commissioner Holmes was not prevented from participating in the redistricting process nor was Commissioner Holmes prevented from providing input. As a

duly elected Commissioner, Commissioner Holmes himself had the legal authority to place redistricting on the agenda at any of the regularly scheduled meetings from September 16 to November 12. *See* Tex. Att’y Gen. Op. No. DM-228 at 3. Commissioner Holmes also had the authority to suggest a timeline for redistricting if he thought it appropriate. *See* FAC ¶¶ 46, 58. Commissioner Holmes was not prohibited from participating in the redistricting process. Rather, Commissioner Holmes simply chose not to exercise his statutory authority as a duly elected Commissioner to place redistricting on the agenda at any of the six regularly scheduled meetings between September and November.⁹

Furthermore, as the FAC notes, Commissioner Holmes met with the Galveston County attorney on one occasion regarding the drawing of the redistricting maps prior to the November public hearing. *Id.* ¶¶ 47, 58. Importantly, the Complaint does not allege that in the compressed time that redistricting maps were to be drawn, the county attorney met with other members of the Commission about redistricting more than once.

⁹ As part of its *Gingles* totality of the circumstances analysis, the United States makes several allegations concerning recent examples of racist actions. Several of these allegations, however, do not involve the Commission, which is a specific governmental body, not simply a geographical location. For example, the allegation that the State of Texas has a long history of discrimination is not legally relevant to determining if the Commission enacted this redistricting plan with discriminatory intent. FAC ¶ 96. *Cf. Veasey v. Abbott*, 830 F.3d 216, 232 (5th Cir. 2016) (stating that evidence of racial animus in individual Texas counties is not probative of racial animus in the state legislature). This is especially true since this Court must still presume the Commission acted in good faith. *Abbott*, 138 S. Ct. at 2324. Similarly, the allegations against the Galveston City Police Department, involved Galveston City, not the County. FAC ¶ 98. The same holds true for the allegations concerning the racial tensions surrounding public housing in the City of Galveston. FAC ¶ 99. Although these alleged examples are recent, their probative value concerning the Commission’s liability under Section 2 of the Voting Rights Act is limited. *Cf. Veasey*, 830 F.3d at 232.

As a matter of law, the allegations of illicit intent on the part of the Commission are not legally cognizable. The timing of the meeting was normal, its location was common for special meetings, and Commissioner Holmes had the legal authority to introduce his redistricting maps and hold redistricting meetings at will, subject to the notice and meeting requirements under Texas law. He also met with the county attorney about districts. Furthermore, nothing about the timing of the meetings, the location of the meetings, or Commissioner Holmes's involvement or lack thereof in the redistricting process evidences that racial intent predominated all other traditional redistricting principles. Accordingly, this Court should dismiss the United States' Voting Rights Act claim. The reality of the matter is the Commissioner Holmes is the only member of the Democratic Party on a five-member commission. The fact that he is on the losing end of every vote contested upon party lines was not due to his race—but his political party. After all, redistricting “inevitably has and is intended to have substantial political consequences.” *See Rucho*, 139 S. Ct. at 2497.

There are no allegations that rise to the level of showing that the Commission “selected or reaffirmed a particular course of action at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects.” *Miller*, 515 U.S. at 916 (quoting *Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256, 279 (1979)). This Court should dismiss the United States' Voting Rights Act claim.

CONCLUSION

For the foregoing reasons, this Court should grant Defendants’ Motion to Dismiss with Prejudice.¹⁰

Date: June 14, 2022

Respectfully submitted,

/s/ Dallin B. Holt

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¹⁰ Courts in the Fifth Circuit regularly dismiss complaints with prejudice for failure to properly state a claim in an amended pleading. *See, e.g., Malikyar v. BAC Home Loans Servicing, LP*, 2011 U.S. Dist. LEXIS 135947, at *13 (E.D. Tex. 2011) (the Court dismissed the Amended Complaint with prejudice and held “the Court finds that there are insufficient facts asserted to support plausible claims Plaintiff fails to address Defendants’ arguments, and her Amended Complaint fails to include sufficient facts to support these claims. Conclusory statements are insufficient to state a claim and are not entitled to an assumption of truth.”); *Schiller v. Physicians Res. Group, Inc.*, 342 F.3d 563, 567 (5th Cir. 2003) (“[A]t some point a court must decide that a plaintiff has had a fair opportunity to make his case; if, after that time, a cause of action has not been established, the court should finally dismiss the suit.” (citation omitted)).

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2022, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Dallin B. Holt
Counsel for Defendants

RETRIEVED FROM DEMOCRACYDOCKET.COM

EXHIBIT A

RETRIEVED FROM DEMOCRACYDOCKET.COM



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

January 11, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 1/4/2021 and 1/11/2021
 - b. Order for payroll period ending 1/6/2021 bi-weekly #1
 - c. Order for supplemental payroll period ending 1/6/2021 bi-weekly #1
 - d. Indemnification request from the Tax Office
 - e. Internal audit report of The Children's Center for period of 8/1/2019 - 9/30/2020 with response letter from Brent Hartzell, Chief Financial Officer, dated 12/30/2020
 - f. Internal audit report of the agreement between Galveston County and Friends for Life for period of 10/1/2019 - 9/30/2020 with response letter from Brent Hartzell, Chief Financial Officer, dated 12/29/2020
 - g. Internal audit report of the close out for Constable Jerry Fisher, Precinct 4



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

January 25, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's Office:
 - a. Approval of the accounts payable checks dated 1/15/2021 and 1/25/2021
 - b. Order for payroll period ending 1/20/2021 bi-weekly #2
 - c. Order for supplemental payroll period ending 1/20/2021 bi-weekly #2
 - d. Internal audit report of the Sheriff's Office Commissary and Inmate Property accounts for period of 10/1/2019 - 9/30/2020 with response letter from Sheriff Henry Trochesset
 - e. Monthly financial report for period ending 12/31/2020
 - f. Internal audit report of the Mosquito Control chemical and fuel inventory for period of 10/29 - 12/3/2020 with response letter from John Marshall, Director of Mosquito Control
 - g. Internal audit quarterly report for Constable, Precinct 1 for period of October - December 2020



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
January 29, 2021 – 2:30 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Consideration of *approval of extension of Declaration of Local Disaster related to COVID-19* submitted by the County Judge

Adjourn

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

February 8, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 2/1/2021 and 2/8/2021
 - b. Order for payroll period ending 2/3/2021 bi-weekly #3
 - c. Order for supplemental payroll period ending 2/3/2021 bi-weekly #3
 - d. Internal quarterly audit report for the Juvenile Justice Department for period of October - December 2020
 - e. Internal quarterly audit report for Justice of the Peace, Precinct 1 for period of October - December 2020
 - f. Internal quarterly audit report for Justice of the Peace, Precinct 2 for period of October - December 2020
 - g. Internal quarterly audit report for Justice of the Peace, Precinct 3 for period of October - December 2020



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
February 22, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's office:
 - a. Approval of the accounts payable checks dated 2/12/21 and 2/22/21
 - b. Order for payroll period ending 2/17/21 bi-weekly #4
 - c. Order for supplemental payroll period ending 2/17/21 bi-weekly #4
 - d. Early check release for check dated 2/8/2021 to Galveston Insurance Association
 - e. Indemnification request from the Tax Office dated 2/1/2021
 - f. Internal audit report of the District Clerk's fee audit for period of 1/1-12/31/2020 with response letter from Honorable John D. Kinard dated 2/8/2021
 - g. Monthly financial report for period ending 1/31/2021

- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA March 8, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's office:
 - a. Approval of the accounts payable checks dated 3/1/21 and 3/8/21
 - b. Order for payroll period ending 3/3/21 bi-weekly #5
 - c. Order for supplemental payroll period ending 3/3/21 bi-weekly #5
 - d. Internal audit quarterly audit report of the continuous monitoring activities for period of 10/1/2020 - 12/31/2020
 - e. Pro-Rata Tobacco Settlement Distribution County Expenditure Statement 2021
 - f. Monthly financial report for period ending 2/28/2021
- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program
- *3. Receive and file *refund check list from Odyssey* submitted by the County Clerk



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

March 22, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 3/15/21 and 3/22/21
 - b. Order for payroll period ending 3/17/21 bi-weekly #6
 - c. Order for supplemental payroll period ending 3/17/21 bi-weekly #6
 - d. Internal audit report of the County Treasurer's office for period of 11/1/2019 - 10/31/2020 with response letter from County Treasurer, Kevin Walsh dated 2/26/2021

- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program

- *3. Receive and file *refund check list from Odyssey* submitted by the County Clerk

- *4. Receive and file *refund check list from Odyssey* submitted by the District Clerk



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA April 5, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 3/29/21 and 4/5/21
 - b. Order for payroll period ending 3/31/21 bi-weekly #7
 - c. Order for supplemental payroll period ending 3/31/21 bi-weekly #7
 - d. Pursuant to Local Government Code 111.0106 certification of funds from Guardian Insurance
 - e. Receive and file Rosenberg Library - 2021 Budget - 2020 Audit
 - f. Internal audit report of the Justice of the Peace, Precinct 1 for period of 1/1-12/31/2020 with response letter from Honorable Gregory Rikard, dated 3/25/2021
 - g. Internal audit report of the District Clerk's Registry and Trust Audit for period of 1/1-12/31/2020 with response letter from Honorable John D. Kinard, dated 3/22/2021



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA April 19, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 4/12/21 and 4/19/21
 - b. Order for payroll period ending 4/14/21 bi-weekly #8
 - c. Order for supplemental payroll period ending 4/14/21 bi-weekly #8
 - d. Internal audit report of the inventory of fixed assets of the Fleet Department for period of 3/12-23/2021 with response letter from Walter Chargois, Fleet Administrative Manager dated 3/31/2021
 - e. Monthly financial report for period ending 3/31/2021
 - f. Quarterly audit report of payroll audit for period of 1/1-3/31/2021
 - g. Request the increase of cash change fund for Bolivar Beach Sticker Program
- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA May 3, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 4/26/21 and 5/3/21
 - b. Order for payroll period ending 4/28/21 bi-weekly #9
 - c. Order for supplemental payroll period ending 4/28/21 bi-weekly #9
 - d. Internal audit quarterly report for the Court Collections Office for period of Jan - March 2021
 - e. Internal audit quarterly report for Justice of the Peace, Precinct 1 for the period of Jan - March 2021
 - f. Internal audit Quarterly report for Justice of the Peace, Precinct 2 for the period of Jan - March 2021
 - g. Internal audit Quarterly report for Justice of the Peace, Precinct 3 for the period of Jan - March 2021



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA May 17, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's office:
 - a. Approval of the accounts payable checks dated 5/10/21 and 5/17/21
 - b. Order for payroll period ending 5/12/21 bi-weekly #10
 - c. Order for supplemental payroll period ending 5/12/21 bi-weekly #10
 - d. Internal audit report of Justice of the Peace, Precinct 3 for period of 2/1/2020 - 1/31/2021 with response letter from Honorable Billy A. Williams dated 4/23/2021
 - e. Internal audit report of Court Collections for period of 3/1/2020 - 2/28/2021 with response letter from Director of Personal Bonds & Collections, Aaron Johnson dated 5/4/2021
 - f. Monthly financial report for period ended 4/30/2021
 - g. Comprehensive Annual Financial Report for the fiscal year ended 9/30/2020



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
May 28, 2021 – 1:00 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's office:
 - a. Approval of the accounts payable checks dated 5/24/21 and 5/28/21
 - b. Order for payroll period ending 5/26/21 bi-weekly #11
 - c. Order for supplemental payroll period ending 5/26/21 bi-weekly #11
 - d. Internal audit report of the Juvenile Justice Department for period of 2/1/20 - 1/31/21 with response letter from Glen Watson, Director of Juvenile Justice, dated 5/12/21
 - e. Internal audit report of Justice of the Peace, Precinct 4 for period of 3/1/20 - 2/28/21 with response letter from Honorable Kathleen McCumber dated 5/17/21
 - f. Internal audit report of Justice of the Peace, Precinct 2 for period of 2/1/20 - 1/31/21 with response letter from Honorable Michael Nelson dated 5/19/21
 - g. Pursuant to Local Government Code 130.902 change fund request for the Law Library



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA June 14, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's office:
 - a. Approval of the accounts payable checks dated 6/7/21 and 6/14/21
 - b. Order for payroll period ending 6/9/21 bi-weekly #12
 - c. Order for supplemental payroll period ending 6/9/21 bi-weekly #12
 - d. Pursuant to Local Government Code 130.902 change fund request for District Clerk's office
 - e. Internal audit report of the Sheriff's Office Bond Division for period of 4/1/20-3/31/21 with response letter from Honorable Sheriff, Henry Trochesset dated 5/19/21
 - f. Internal audit report of the Countywide Fuel Usage Audit for period of 3/1/20 - 2/28/21 with response letter from Lee Crowder, Road Administrator, dated 6/4/21
 - g. Monthly financial report for period ending 5/31/2021



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

June 28, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's office:
 - a. Approval of the accounts payable checks dated 6/21/21 and 6/28/21
 - b. Order for payroll period ending 6/23/21 bi-weekly #13
 - c. Order for supplemental payroll period ending 6/23/21 bi-weekly #13
 - d. Internal audit report of the Personal Bond Office for period of 5/1/20 - 4/30/21 with response letter from Mr. Aaron Johnson dated 6/15/21
 - e. Internal audit report of fixed assets of the Road and Bridge Department with response letter from Mr. Lee Crowder, Director of Road and Bridge dated 6/21/21
 - f. Patient-Centered Outcomes Research Institute ("PCORI") reporting fee calculations for 2020 benefit plan year and IRS Form 720 for signature and dating



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA July 12, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 7/2/21 and 7/12/21
 - b. Order for payroll period ending 7/7/21 bi-weekly #14
 - c. Order for supplemental payroll period ending 7/7/21 bi-weekly #14
 - d. Indemnification request from the Tax Office dated 6/28/21
 - e. Pursuant to Local Government Code 111.0106 certification of first tranche of the American Rescue Plan transfer from U.S. Treasury
 - f. Pursuant to Local Government Code 111.0106 certification of receipt for 40% of Emergency Rental Assistance from U.S. Treasury
 - g. Monthly financial report for period ending 6/30/21
- *2. Receive and file *refund check list from Odyssey* submitted by the County Clerk



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
July 19, 2021 – 11:00 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Submitted by the County Auditor's office:
 - a. Execution of IRS forms 8038-CP, Return for Credit Payments to Issuers of Qualified Bonds

Action Agenda

- 2. Purchasing
 - a. Consideration of approval of a contract with Cotton under the Omnia Cooperative Purchasing agreement to perform remediation and construction rebuild of the Justice Center due to fire-water damage submitted by Purchasing on behalf of Facilities
- 3. Professional Services
 - a. Consideration of approval of the following budget amendment:



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
July 23, 2021 – 1:00 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 7/19/21 and 7/23/21
 - b. Order for payroll period ending 7/21/21 bi-weekly #15
 - c. Order for supplemental payroll period ending 7/21/21 bi-weekly #15

Adjourn

WORKSHOP AGENDA

- 1 Budget workshop discussion



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

SPECIAL MEETING-AGENDA July 27, 2021 – 1:30 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
- a. Pursuant to Local Government Code 111.0106 certification of reimbursement of costs related to implementing new insurance plan
 - b. Pursuant to Local Government Code 111.0106 certification of funds sale of Capital Assets through GovDeals Auction
 - c. Pursuant to Local Government Code 111.0106 certification of funds sale of Capital Assets through GovDeals Auction
 - d. Pursuant to Local Government Code 111.0106 certification of funds sale of Capital Assets through GovDeals Auction
 - e. Internal audit report of the County Engineering Department for period of 6/1/20 - 5/31/21 with response letter from Michael Shannon, County Engineer, dated 7/6/21
 - f. Quarterly audit report of the payroll audit for period of 4/1-6/30/21
- *2. Receive and file *restitution check List from Odyssey* submitted by Collections Improvement Program



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

August 9, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of accounts payable checks dated 8/2/21 and 8/9/21
 - b. Order for payroll period ending 8/4/21 bi-weekly #16
 - c. Order for supplemental payroll period ending 8/4/21 bi-weekly #16
 - d. FY20 Galveston County financial trend analysis
 - e. Quarterly audit report for Constable, Precinct 1 for period of April - June 2021
 - f. Quarterly audit report for Constable, Precinct 2 for period of April - June 2021
 - g. Quarterly audit report for Constable, Precinct 3 for period of April - June 2021
 - h. Quarterly audit report for Constable, Precinct 4 for period of April - June 2021
 - i. Quarterly audit report for Court Collections Office for period of April - June 2021



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

August 23, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 8/16/21 and 8/23/21
 - b. Order for payroll period ending 8/18/21 bi-weekly #17
 - c. Order for supplemental payroll period ending 8/18/21 bi-weekly #17
 - d. Internal audit report of the inventory of the assets of Department of Parks and Cultural Services with response letter from Julie Diaz, Director of Parks and Cultural Services dated 8/11/2021
 - e. Internal audit report of the cash count and inventory of Constable, Precinct 1
 - f. Internal audit report of the cash count and inventory of Constable, Precinct 2
 - g. Internal audit report of the cash count and inventory of Constable, Precinct 3

- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA **September 3, 2021 – 1:30 PM**

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 8/30/21 and 9/3/21
 - b. Order for payroll period ending 9/1/21 bi-weekly #18
 - c. Order for supplemental payroll period ending 9/1/21 bi-weekly #18

Action Agenda

- 2. General Counsel
 - a. **Break into Executive Session:**
 - b. **Executive Session:** Texas Government Code Section 551.074, Personnel Matters: the Commissioners Court will enter into executive session as permitted under the Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.074 of the Texas Government Code, Personnel Matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, respectively:



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

SPECIAL MEETING-AGENDA September 7, 2021 – 10:00 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Pursuant to Local Government Code 111.0106 certification of funds from Great American Insurance initial payment for fire and water damage
 - b. Internal audit report of the District Attorney's office change fund with response letter from Honorable Jack Roady dated 8/24/2021
- *2. Receive and file *July 2021 collections and personal bond report* submitted by Personal Bond/Collections Office
- *3. Receive and file *refund check list from Odyssey* submitted by the County Clerk
- *4. Receive and file *refund check list from Odyssey* submitted by the District Clerk
- *5. Receive and file *summary of bi-weekly personnel movements pay period #17, August 5 - 18, 2021* submitted by Human Resources
- *6. Consideration of *adoption of updates to HR Policy Manual (Policy HR011-Leaves of Absence: Paid Quarantine Leave)* submitted by Human Resources



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

September 20, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 9/13/21 and 9/20/21
 - b. Order for payroll period ending 9/15/21 bi-weekly #19
 - c. Order for supplemental payroll period ending 9/15/21 bi-weekly #19
 - d. Pursuant to Local Government Code 111.0106 certification of funds from City of Kemah
 - e. Monthly financial report for period ending 8/31/2021
 - f. Contract agreement with DebtBook for debt and lease management software to track debt and leases in compliance with GASB requirements
 - g. Consideration of approval of addition of a grant-funded accountant for ARP and related grant activity



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

October 4, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
- a. Approval of the accounts payable checks dated 9/27/21 and 10/4/21
 - b. Order for payroll period ending 9/29/21 bi-weekly #20
 - c. Order for supplemental payroll period ending 9/29/21 bi-weekly #20
 - d. Early check release dated 9/20/2021 check no. AP00446498 Texas Division of Emergency Management
 - e. Early check release dated 9/20/2021 check no AP00446497 GIA Insurance Agency, LLC
 - f. Early check release dated 9/28/2021 check no.AP00446644 DMP BPO PBA Burke Asset
 - g. Internal audit report of the cash count of the Galveston County Senior Services Division on behalf of the Department of Parks & Cultural Services



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

October 18, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 10/11/21 and 10/18/21
 - b. Order for payroll period ending 10/13/21 bi-weekly #21
 - c. Order for supplemental payroll period ending 10/13/21 bi-weekly #21
- *2. Receive and file *restitution check list from Odyssey* submitted by Collections Improvement Program
- *3. Receive and file *refund check list from Odyssey* submitted by the District Clerk
- *4. Receive and file *summary of bi-weekly personnel movements pay period #20, September 16-29, 2021* submitted by Human Resources
- *5. Consideration of *execution of service agreement with CPS HR Consulting for the recruitment and hiring of a new Chief Financial Officer* submitted by Human Resources



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

November 1, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 10/25/21 and 11/1/21
 - b. Order for payroll period ending 10/27/21 bi-weekly #22
 - c. Order for supplemental payroll period ending 10/27/21 bi-weekly #22
 - d. Early check release to GIA Insurance Agency check number AP00447392
 - e. Internal audit report of the Department of Parks and Cultural Services for period of 9/1/20-8/31/21 with response letter from Director Julie Diaz dated 10/25/21
 - f. Internal audit report of Galveston County Child Welfare for period of 7/1/20 - 6/30/21 with response letter from Jim Gentile, Director of Grants Administration dated 10/22/21
 - g. Quarterly audit report for Constable, Precinct 1 for period of 7/21-9/21
 - h. Quarterly audit report for Constable, Precinct 2 for period of 7/21-9/21



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
November 12, 2021 – 1:30 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Consent Agenda

- *1. Consideration of *approval of cloud-based budget book and capital budgeting services with ClearGov* submitted by the County's Office
- *2. Consideration of *approval of the following budget amendment* submitted by the Auditor's Office:
 - a. 22-038-1109-A
Professional Services - Request increase to Professional Services Cloud Subscription Services for ClearGov subscription funded by General Fund interest revenue received through the American Rescue Plan Stimulus funding. The interest earned on the ARP funds can be used at the County's discretion.

Action Agenda

- 3. County Judge
 - a. Consideration of an order establishing new commissioners precinct boundaries

Adjourn



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

November 15, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
- a. Approval of the accounts payable checks dated 11/8/21 and 11/15/21
 - b. Order for payroll period ending 11/10/21 bi-weekly #23
 - c. Order for supplemental payroll period ending 11/10/21 bi-weekly #23
 - d. Pursuant to Local Government Code 111.0106 certification of Great American Insurance advanced payment on building and business personal property damage claim A00374923
 - e. Internal audit report of the FY2021 property tax refunds review for period of 10/1/20 - 9/30/21 with response letter from Honorable Cheryl E. Johnson dated 11/4/2021
 - f. Consideration of approval of a contract with Patillo, Brown Hill, LLP. for annual auditing services



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

November 29, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 11/22/21 and 11/29/21
 - b. Order for payroll period ending 11/24/21 bi-weekly #24
 - c. Order for supplemental payroll period ending 11/24/21 bi-weekly #24
 - d. Internal audit report of the Alternative Dispute Resolution Fund for period of 9/1/20 - 8/31/21 with response letter from Thayer Evans dated 11/12/21
 - e. Monthly financial report for period ending 10/31/2021
 - f. Execution of IRS form 8038-CP, Return for Credit Payments to Issuers of Qualified Bonds
 - g. Internal audit report of the Sheriff's Office Petty Cash Fund for period of 10/1/20 - 9/30/21 with response letter from Honorable Henry Trochesset dated 11/18/21

- *2. Receive and file *refund check list from Odyssey* submitted by the District Clerk



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

December 13, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
- a. Approval of the accounts payable checks dated 12/6/21 and 12/13/21
 - b. Order for payroll period ending 12/8/21 bi-weekly #25
 - c. Order for supplemental payroll period ending 12/8/21 bi-weekly #25
 - d. Internal audit report of the Community Supervision and Corrections Department for period of 10/1/20 - 9/30/21 with response letter from Willie Lacy, Director, dated 11/22/21
 - e. Internal audit report for the Mosquito Control office for the period of 10/1/20 - 9/30/21 with response letter from John Marshall, Director of Mosquito Control, dated 12/3/21
 - f. FY 2021 Chapter 59 Asset Forfeiture report for Constable, Precinct 3 for period of 10/1/20 - 9/30/21



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

CALDER MEETING LOCATION
174 Calder Rd., Rm 117
League City, Texas 77573

SPECIAL MEETING-AGENDA
December 14, 2021 – 9:00 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Action Agenda

1. County Judge
 - a. Consideration of adopting new voting precincts only to conform to Commissioner precincts previously adopted

Adjourn

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA

December 27, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of the accounts payable checks dated 12/20/21 and 12/27/21
 - b. Order for payroll period ending 12/22/21 bi-weekly #26
 - c. Order for supplemental payroll period ending 12/22/21 bi-weekly #26
 - d. Monthly financial report for period ending 11/30/2021
 - e. Pursuant to Local Government Code 111.0106 certification of funds Galveston County Community Action Council

- *2. Receive and file *restitution check list from Odyssey* submitted by Personal Bond/Collections

- *3. Receive and file *summary of bi-weekly personnel movements pay period #25, November 25 - December 8, 2021* submitted by Human Resources

EXHIBIT B

RETRIEVED FROM DEMOCRACYDOCKET.COM

News

Galveston County Democrats call for action before federal lawyers arrive

By JOHN WAYNE FERGUSON The Daily News

Apr 8, 2022

GALVESTON

County Democrats are encouraging residents upset about changes to the map used to elect county commissioners to make themselves known before federal lawyers suing the county over the controversial redistricting arrive.

In a message to party members this week, Galveston Democratic Party Chairwoman Tierrishia Gibson said the Justice Department was scheduled to visit in coming weeks and the party “needed to be prepared for the next level” of the challenge to the precinct map.

Gibson encouraged people in Commissioner Stephen Holmes’ Precinct 3 to contact the party to share their stories and experiences so they could be presented to the federal lawyers.

“I’m hoping they’re going to discuss how the redistricting is going to affect their votes,” Gibson said on Friday. “Something needs to be done. Hopefully, once we hear from a lot of the constituents and the residents that live in that district it will give a better idea about what’s going on and how it will affect us in the future.”

Holmes on Thursday said he wasn’t aware of the Justice Department’s plans to come to Galveston, but said he was pleased to hear it was happening.

“They obviously feel the community has been wronged by the map that was adopted by the commissioners court,” Holmes, an attorney, said. “The only remedy is litigation and to have the Justice Department come and do it in a jurisdiction of our size, I think it speaks volumes.”

The Justice Department on March 24 sued Galveston County, the commissioners court and County Judge Mark Henry, asserting they violated the Voting Rights Act by creating a precinct boundary map that discriminates against minority voters.

The new map, approved in a 3-1 vote in November, redrew the lines used to elect county commissioners to favor Republican candidates. According to the county’s own data, it also ensured white voters made up a majority in each precinct.

Before redistricting, minority voters — a combination of Black and Hispanic residents — made up a majority of the population in Precinct 3. Holmes, a Democrat, has represented the precinct 3 since 1999.

Holmes is only the second Black person in county history to be elected to the commissioners court. The first was Wayne Johnson, who preceded Holmes and represented the same precinct.

Holmes and other residents objected to the new maps when they were approved in November, saying they reduced the power of minority voters in Galveston County and went far beyond what was needed to adjust precinct lines to account for population changes determined by the 2020 Census.

During the November meeting, Holmes encouraged people to call the Justice Department and object to the new map. News of the federal challenge to the county's actions came in March.

Galveston County officials, including Holmes, said they weren't aware of any plans by Justice Department lawyers to visit the county soon, and the lead attorney listed on the department's lawsuit didn't return a phone call Friday.

The county hasn't officially responded to the lawsuit in the U.S. District Court for the Southern District of Texas. An official answer is due by April 25, according to records. An initial conference on the lawsuit is scheduled for July.

The county's legal response to the lawsuit is being handled by Washington, D.C. based law firm Holtzman Vogel Josefiak Torchinsky. The county retained the law firm in April 2021 at the same time it hired political consultant Dale Oldham to draft new voting maps for the county.

Oldham is a nationally recognized and, to some, controversial figure when it comes to redistricting. He was a business partner of Thomas Hofeller, a Republican strategist, who helped engineer computer-generated voting maps across the country.

Hofeller, who died in 2018, has been accused of creating gerrymandered maps that favor Republican candidates.

County commissioners agreed in April 2021 to pay Oldham and the law firm a flat fee of \$80,000 to create the new maps. The county also agreed to pay the firm for additional legal work, including litigation, related to the maps.

In the case of additional legal work, the county agreed to pay attorney fees of \$350 an hour for junior associates and \$1,300 an hour for senior partners, according to the agreement.

It's not clear what the county's defense against the federal complaint will be. One county official speculated the county would argue against the Justice Department's claim that Black and Hispanic voters in the county are "politically cohesive" — tending to vote together for the same candidates.

In some places, Hispanic and Black voters are clearly split when it comes to candidate preferences, the official said.

The Justice Department points to Johnson and Holmes' 30 combined years representing Precinct 3 as an example of cohesiveness, however. It also cites the one other electoral district where minority voters make up a majority of the population: Justice of the Peace and Constable Precinct 3.

The officials elected to those positions — Justice of the Peace Billy Williams and Constable Derreck Rose — are the only other Black people among elected county officials. The 24 other positions are filled by white people.

The county could also argue its redistricting is no different than other politically motivated maps drawn across the United States since the release of census data last year.