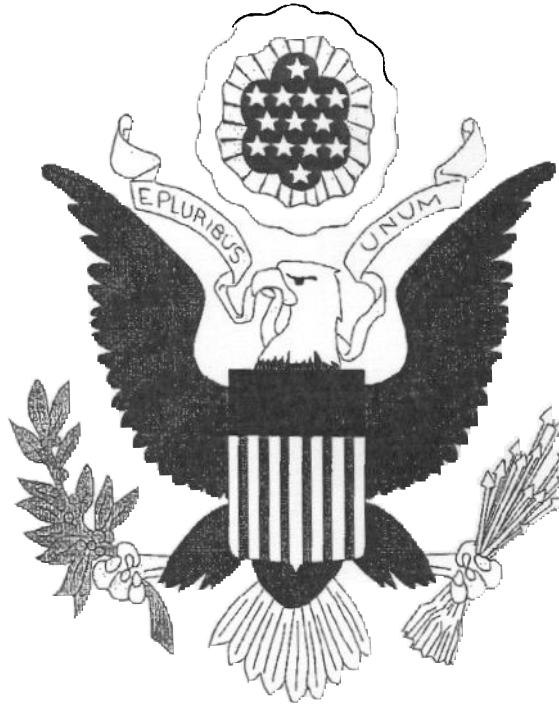


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION



Magistrate Hussmann's Chambers
Voice Line: (812) 434-6430
Fax Line: (812) 434-6434

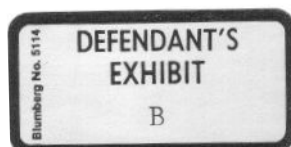
To: Steve Beardsley
Jerry Ulrich

From: Mag. Judge Hussmann

Date: August 27, 2007

Description: VOGT, et al. v. THE CITY COUNCIL OF THE CITY
NEW ALBANY, INDIANA, et al., 4:06-cv-76-JDT-WGH

Total number of pages: 5



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PETER A. VOGT, ET AL

Plaintiffs

Vs.

4.06-CV-0076-JDT-WGH

THE CITY COUNCIL OF THE
CITY OF NEW ALBANY,
INDIANA, ET AL

Defendants

CONSENT DECREE

WHEREAS, the Law of Indiana set out in I.C. 36-4-6-3 required the City Council for the City of New Albany to adopt a redistricting ordinance in 2002 and

WHEREAS, the City Council failed to adopt such an ordinance in 2002 or at anytime thereafter and

WHEREAS, the six (6) Legislative City Council districts do not contain more or less equal populations as required by law, and

WHEREAS, the Plaintiffs and Defendants desire that an ordinance of redistricting be adopted and carried into effect prior to the 2011 municipal elections and

WHEREAS, it is the concern of all the parties that the law on redistricting be scrupulously followed and obeyed and

WHEREAS, the parties having conferred on these issues and having reached agreement on the same, IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The City Council for the Civil City of New Albany, Indiana shall adopt, prior to ~~July 31, 2008~~ ^{November 22, 2007}, an ordinance redistricting the six City Council manic districts pursuant to Indiana Code 36-4-6-3.

2. Pursuant to law, the six Council manic districts shall be composed of continuous territory, shall be reasonably compact and not elongated or misshapen without a compelling reason; shall not cross precinct boundary lines except as provided by law and shall contain, as nearly as is possible, equal population.

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3. ~~Not later than ten (10) days before the adoption of such an ordinance of redistricting, the New Albany City Clerk shall deliver written notice to the Floyd Circuit Court advising that the City Council is proposing a redistricting ordinance.~~ ^{past} *that City Council* ^{read} *completely fully satisfied with all state laws applicable to*

4. ~~To assist the City Council in carrying out its' functions under the redistricting law, there is hereby established an ADVISORY COMMITTEE ON REDISTRICTING. This Committee shall be composed of the following membership, selected at the following times.~~ ^{redistricting}

a) ~~The City Council shall name and appoint two of its' members to this Committee on or before January 17, 2008.~~

b) ~~The Plaintiffs shall appoint two (2) of their members to serve on this Committee on or before January 17, 2008.~~

- c) The parties shall promptly notify each other of the names addresses, and phone numbers of their respective appointees to this Advisory Committee.
- d) Thereafter, and not later than January 31, 2008, the two City Council appointees to this Committee shall name a third person, who is not a member of the City Council, its' employees or otherwise involved in City Government, to this Committee; similarly, by January 31, 2008, the two Plaintiffs appointed to the Advisory Committee shall name a third person who is not a member of the City Council, or an employee of the City, to the Advisory Committee.
5. The Advisory Committee having been selected, pursuant to this Order, shall meet as frequently as they deem desirable and necessary during the months of February and March 2008 for the purpose of studying all of the issues presented by redistricting and making proposed recommendations for redistricting to the City Council on or before April 4, 2008.
6. If a majority of the Advisory Committee is unable to agree on a proposed redistricting plan, then minority reports and recommendations shall be permitted to be filed with the City Council on or before April 4, 2008.
7. Each member of the Advisory Committee shall be entitled to receive, from the funds of the City of New Albany, the sum of Fifty Dollars (\$50.00) per day for each day the Committee meets, pursuant to reasonable notice as to time and place, for the purpose of discharging their duties under this ordinance

8. The City Council shall in no way be bound or obligated under the terms of this Order to follow the recommendations of its' Advisory Committee but the City Council shall remain under the emphatic duty to adopt a redistricting ordinance that comports with the obligations set out in Indiana Code 36-4-6-3.
9. If, prior to ^{September 30 2007} ~~July 31, 2008~~, the City Council adopts an ordinance of annexation, incorporating into the City adjacent unincorporated lands, the City shall be permitted to request an extension of the deadlines herein imposed and the Court shall have authority to extend the deadlines herein in any reasonable fashion, so long as the ordinance of redistricting is finally adopted well in advance of the 2011 municipal elections.

10. For services rendered herein, the City Council shall pay Stephen J. Beardsley

the sum of Five Thousand Dollars (\$5,000.00)

Response

All discussions and deliberations on the issue of redistricting between members of city council shall take place only at regular or especially called meetings of the council with notice to the public at least 48 hours in advance

IT IS SO ORDERED.

JUDGE: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

DATE: _____

2,500 \$K in fees

AND COSTS NOT TO EXCEED \$400

court retains jurisdiction to review & determine legality of any redistricting ordinance.