April 4, 1996

Assistant Attorney General
Civil Rights Division
Voting Section
U.S. Department of Justice
320 First Street, N.W., Rm. 816
Washington, D.C. 20534

SUBMISSION UNDER SECTION 5, VOTING RIGHTS ACT

Re: Northwest Austin Municipal Utility District No. 1, of Travis County, Texas (the "District")

Ladies and Gentlemen:

The undersigned is the Attorney for the Board of Directors of the District. This submission pursuant to Section 5, Voting Rights Act of 1965, as amended, is made under the provisions of 28 CFR 51; Procedures for the Administration of Section 5 of the Voting Rights Act of 1965.

Background and History.

The District, a municipal utility district, was created on April 18, 1986 by the Texas Water Commission pursuant to the provisions of Chapter 54 of the Texas Water Code. The District provides water, sanitary sewer and storm drainage services to the area within its boundaries.

The District has made three (3) prior submissions to the Department of Justice, which is described as follows:


Assistant Attorney General
April 4, 1996

Date | Changes Affecting Voting
--- | ---
November 25, 1986 | Creation, Polling Place, and Bilingual Election Procedure
March 21, 1988 | Polling Place
March 6, 1990 | Polling Place

Please refer to said prior submissions for information regarding previous changes affecting voting within the District.

The District has a population of approximately 5,400 people, approximately one-half of whom are of voting age. To the best of my knowledge, there are less than 2.5% Black families in the District and less than 5% families with Spanish surnames, none of whom would be considered language minorities. Population figures and the percentage of families with Spanish surnames were obtained from the general manager of the District who maintains names and numbers of occupied residences within the District. The percentage of Black families within the District is an estimate made by the general manager.

Changes Affecting Voting.

Polling Place. The District uses one regular polling place in its elections. The past polling places and the proposed new polling place are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Type of Election</th>
<th>Polling Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 7, 1988</td>
<td>Director Election</td>
<td>11408 Boulder Lane Austin, Texas</td>
</tr>
<tr>
<td>May 5, 1990</td>
<td>Director Election</td>
<td>11709 Boulder Lane Austin, Texas</td>
</tr>
<tr>
<td>May 4, 1996</td>
<td>Director Election</td>
<td>9914 Barbrook Drive Austin, Texas</td>
</tr>
</tbody>
</table>

All of these polling locations are within the boundaries of the District. The distance between the prior polling place and proposed polling place is approximately three quarters of one mile.

The designation of the polling place is made by the Board of Directors. There are no public buildings available located within
the District. A copy of the Order of the Board calling the May 4, 1996 Director Election and Notice of Election are enclosed as Exhibits "A" and "B".

The above are the only "changes affecting voting" as defined in 28 CFR 51.2 relating to the District. The polling place change has not yet been enforced or administered. As stated above, by error the annexation was not submitted for review prior to the 1990 director election. There is no past or pending litigation concerning the changes or related voting practices.

Clearances Requested.

You are hereby respectfully requested to make an executive determination that denial or abridgement of the right to vote on account of race or color or in contravention of the guarantees set forth in Section 4(f)(2) of P.L. 89-110 as amended by P.L. 94-73 was not the purpose and is not the effect of such changes as they relate to:

(a) The directors election to be held by the District on May 4, 1996, as required by state law; and

(b) Subsequent elections to be held by the District.

Procedural Matters.

In the event that further information would be helpful or for any other reason connected with this request for clearances, please telephone the District's counsel, Sharlene N. Collins at (512) 499-3604. Correspondence regarding this submission should be sent to the District at the following address: 2500 One American Center, 600 Congress Avenue, Austin, Texas 78701.

Pursuant to 28 CFR 51.34, the District further requests that this submission be given expedited consideration in order that the executive determination requested above be made prior to the May 4, 1996 director election.
A conference is requested in the event clearance is not anticipated or in the event such conference would be of assistance in the consideration of this request for clearances.

Sincerely,

Sharlene N. Collins
Attorney for the District

Enclosures
CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

The undersigned officer of the Board of Directors of Northwest Austin Municipal Utility District No. 1 hereby certifies as follows:

1. The Board of Directors of Northwest Austin Municipal Utility District No. 1 convened in regular session on the 20th day of February, 1996, at 2600 One American Center, 600 Congress Avenue, Austin, Texas, and the roll was called of the duly-constituted officers and members of the Board, to wit:

Scott Storm - President
Chester Collinsworth - Vice President
Joe E. Ventura - Secretary
Thomas M. Mays - Treasurer
Ronald Hay - Assistant Secretary/Treasurer

and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting:

ORDER CALLING DIRECTOR ELECTION

was introduced for the consideration of the Board. It was then duly moved and seconded that the Order be adopted, and, after due discussion, the motion prevailed and carried by majority of the Board.

2. A true, full and correct copy of the Order adopted at the meeting described in the above paragraph is attached to this certificate; the Order has been duly recorded in the Board’s minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting and that the Order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place and subject of the meeting was given as required by Chapter 551 of the Government Code.

EXHIBIT A
SIGNED AND SEALED the 20th day of February, 1996.

(SEAL)

Joe Ventura, Secretary
Board of Directors

THE STATE OF TEXAS $

COUNTY OF TRAVIS $

This instrument was acknowledged before me on February 20, 1996, by Joe Ventura, Secretary of the Board of Directors of Northwest Austin Municipal Utility District No. 1, on behalf of said District.

Notary Public, The State of Texas

SHARLENE N. COLLINS
NOTARY PUBLIC
State of Texas
Comm. Exp. 02-24-2000
ORDER CALLING DIRECTOR ELECTION

THE STATE OF TEXAS

COUNTY OF TRAVIS

WHEREAS, Northwest Austin Municipal Utility District No. 1 (the "District") has been duly created by order of the Texas Water Commission and the establishment and creation of the District has been confirmed by the voters within the District; and

WHEREAS, in accordance with Section 49.103 of the Texas Water Code, the election of directors is to be held in even numbered years; and

WHEREAS, also in accordance with Section 49.103 of the Texas Water Code, an election is to be held within the District on May 4, 1996, for the election of two (2) directors who shall serve a four (4) year term; and

WHEREAS, the Board of Directors wishes to proceed with the ordering of said election;

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF NORTHWEST MUNICIPAL UTILITY DISTRICT No. 1 THAT:

Section 1: The matters and facts set out in the preamble of this order are hereby found and declared to be true and complete.

Section 2: An election shall be held within the District on the 4th day of May, 1996, between the hours of 7:00 a.m. and 7:00 p.m., at 9914 Barbrook Drive, Austin, Texas, within the boundaries of Northwest Municipal Utility District No. 1, at which there shall be submitted the question of the election of two (2) directors, who shall serve a four (4) year term.

Section 3: Voting in said election shall be by the use of paper ballots which shall be printed in both English and Spanish and which shall conform to the requirements of the Texas Election Code. Oral bilingual assistance shall be available during the election and may be obtained by contacting the Presiding Judge or the Alternate Presiding Judge. The ballots used in the election shall have printed thereon the names of all candidates for the office of director who filed applications to have their names printed on the ballot at least forty-five (45) days prior to the election, and one (1) blank space for write-in vote for any candidate for the office of director who has filed a declaration of write-in candidacy at least forty-five (45) days prior to the election.
Each voter may vote for none, one or two persons for director by placing an "X" in the square beside the person's or persons' names or by writing the name or names of a person or persons in the blank spaces provided.

Section 4: The boundaries of the District are hereby designated as and shall constitute one (1) election precinct and the following are hereby appointed officers of said election:

Donna Lovejoy
Craig Lovejoy
Presiding Judge
Alternate Presiding Judge

The Presiding Judge may appoint, as he deems necessary, clerks to assist in the conduct of the election, not to exceed the maximum number of two (2). Early voting in the election by personal appearance shall begin on April 15, 1996 and shall continue through April 30, 1996. The clerk for early voting shall be Donna Lovejoy and the place at which early voting shall be conducted is 9914 Barbrook Drive, Austin, Texas.

The Early Voting Clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is 9914 Barbrook Drive, Austin, Texas 78726. The Early Voting Clerk shall keep the early voting place open from 3:00 p.m. to 6:00 p.m. on each day for early voting which is not a Saturday, a Sunday or an official state holiday, and on election day, May 4, 1996 from 7:00 a.m. to 7:00 p.m.

The Presiding Judge named above shall serve as the presiding judge of the Early Ballot Board, the members of which shall be the precinct election officers serving the election precinct as provided in Section 87.004 of the Texas Election Code.

Section 5: The election shall be held and conducted and returns made of this Board of Directors in accordance with the Texas Election Code, as modified by Chapter 49 of the Texas Water Code.

Section 6: All qualified resident electors of the District shall be entitled to vote in the election.

Section 7: The Secretary of the Board is hereby directed to cause notice of this election to be published or posted in both Spanish and English in accordance with the requirements of the
Texas Election Code. The notice shall be substantially in the form of Notice of Director Election attached hereto and made a part hereof for all purposes.

PASSED AND APPROVED this 26th day of February, 1996.

NORTHWEST AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1

By: [Signature]

Scott Storm, President
Board of Directors

(SEAL)

ATTEST:

[Signature]

Joe E. Ventura, Secretary
Board of Directors
NOTICE OF DIRECTOR ELECTION

Notice is hereby given that Northwest Austin Municipal Utility District No. 1 (the "District") will hold an election on May 4, 1996, between the hours of 7:00 a.m. and 7:00 p.m., at 9914 Barbrook Drive, Austin, Texas, within the District, for the purpose of electing two (2) directors of the District.

There will appear on the ballots used in the election the names of the candidates for the office of director who have filed applications to have their names printed on the ballot at least forty-five (45) days prior to the election, and one (1) blank space for write-in vote for any candidate for the office of director who has filed a declaration of write-in candidacy at least forty-five (45) days prior to the election.

The polling place will be 9914 Barbrook Drive, Austin, Texas. The following named persons have been appointed officers of said election:

Donna Lovejoy    Presiding Judge
Craig Lovejoy    Alternate Presiding Judge

The clerk for early voting is Donna Lovejoy and the place for early voting by personal appearance is 9914 Barbrook Drive, Austin, Texas. Early voting by personal appearance shall occur between the hours of 9:00 a.m. and 12:00 p.m. on each day from April 15, 1996 through April 30, 1996, which is not a Saturday, a Sunday or an official state holiday. The early voting clerk's mailing address to which ballot applications and ballots to be voted by mail may be sent is 9914 Barbrook Drive, Austin, Texas 78726.

The election is being held pursuant to an order adopted by the Board of Directors of the District on February 20, 1996.

AVISO DE ELECCIÓN DE DIRECTOR

Se notifica por el presente que el Distrito Municipal Numero 1 de Servicio Publico Northwest Austin (el "Distrito") se va a tener una elección el día 4 de mayo de 1996, entre las horas de las 7:00 a.m. y las 7:00 p.m., en 9914 Barbrook Drive, Austin, Texas, dentro del Distrito, por el proposito de elegir a dos (2) directores del Distrito.

Aparecerán en las papeletas que se utiliza usadas en la elección los nombres de los candidatos para el puesto de director que han registrado aplicaciones para que sus nombres sean impresos sobre las papeletas no menos de cuarenta y cinco (45) días antes de
la elección, y un (1) espacio en blanco para votos de escrito por cualquier candidato para el puesto de director quien ha archivado una declaración de candidato escrito por lo menos cuarenta y cinco (45) días antes del elección.

El lugar donde se hace la votación será 9914 Barbrook Drive, Austin, Texas. Las personas que se nombran a continuación han sido designados oficiales de dicha elección:

Donna Lovejoy Juez Presidente
Craig Lovejoy Juez Presidente Suplente

El oficial de la votación temprano es Rosalyn Peterson y Carrie Montoya, y el lugar para la votación temprano por comparecencia personal es 9914 Barbrook Drive, Austin, Texas. La votación temprano por comparecencia personal podrá realizarse entre las horas de 9:00 a.m. a 12:00 p.m. durante cada día a partir del día 15 de abril de 1996, hasta el día 30 de abril de 1996, lo cual no es sábado, domingo o un día feriado oficial estatal. La dirección postal del oficial de la votación temprano a la cual se podrán enviar solicitudes para papeletas y papeletas por correo es 9914 Barbrook Drive, Austin, Texas 78726.

Se está efectuando la elección en cumplimiento a una orden adoptada por la Mesa Directiva del Distrito el día 20 de febrero de 1996.
June 3, 1996

Sharlene N. Collins, Esq.
Strasburger & Price
2600 One American Center
600 Congress Avenue
Austin, Texas  78701-3288

Dear Ms. Collins:

This refers to the polling place change for Northwest Austin Municipal Utility District No. 1 in Travis County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on April 5, 1996.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section