Τ	CITY OF NEW YORK				
2	2012-2013				
3	REDISTRICTING COMMISSION				
4	PUBLIC MEETING				
5	PACE UNIVERSITY				
6	3 Spruce Street				
7	New York, New York 10038				
8	December 4, 2012				
9	9:00 A.M.				
10					
11	IN ATTENDANCE:				
12	FRANK PADAVAN				
13	ROXANNE J. PERSAUD				
14	BENITO ROMANO, Chairman				
15	ROBERT W. HART				
16	GLORIA CARVAJAL WOLFE				
17	JUSTIN YU				
18	OSCAR ODOM, III				
19	JAMILA PONTON BRAGG				
20	JOHN ROBERT				
21	LINDA LIN				
22	SCOTT CERULLO				
23	KAMILLAH HANKS				
24					
25					

1	CHAIRMAN ROMANO: Good morning, my name is
2	Benito Romano and I am the chair of the New York
3	City Districting Commission. On behalf of the
4	Commission and its staff, I want to thank
5	Dr. Stephen Friedman, president of Pace
6	University, for Pace's hospitality in providing
7	this venue for the Districting Commission's
8	public hearing.
9	As is customary before we begin, I would
10	like to take a moment for the commissioner and
11	staff to introduce themselves, beginning with the
12	commissioners on my left.
13	MR. CERULLO: Hi, I'm Scott Cerullo from
14	Staten Island.
15	MR. YU: Justin Yu from Manhattan.
16	MS. LIN: Linda Lin from Queens.
17	MS. WOLFE: Gloria Carvajal Wolfe,
18	Manhattan.
19	MR. ODOM: Oscar Odom, III, Brooklyn.
20	MR. HUM: Carl Hum, staff to the Commission.
21	CHAIRMAN ROMANO: Benito Romano, Manhattan.
22	MR. HACKWORTH: Thaddeus Hackworth, staff to
23	the Commission.
24	MS. PERSAUD: Roxanne Persaud, Brooklyn.
25	MR. OGNIBENE: Tom Ognibene, Queens County.

1	MR. HART: Rob Hart, Staten Island.
2	MR. PADAVAN: Frank Padavan, Queens.
3	CHAIRMAN ROMANO: Thank you. Also, I would
4	like to apologize in advance. I have been called
5	away for another meeting and I have to leave in
6	about 20 minutes. If the vice chair arrives, she
7	will take over for me. If not, Linda Lin from
8	Queens will assume the chair.
9	I called this public meeting of the New York
10	City Districting Commission to consider the
11	withdrawal of the revised plan that was submitted
12	to the City Council on November 19th following
13	the Commission's vote to adopt the map on
14	November 15th. In that submission, the
15	Commission expressed a desire to continue the
16	public process prior to the adoption of a final
17	districting plan.
18	And based upon a letter received from
19	Council Speaker Christine Quinn, I believe that
20	the only way to ensure that the public process
21	will continue is for the Commission to withdraw
22	its plan and to continue that process, rather
23	than having, risk having the plan adopted through
24	inaction by the Council.
25	Before we discuss this topic, I want to take

1	care of a ministerial task in the adoption of the
2	minutes of the last meeting on November 15th.
3	The minutes have been provided in a package to
4	the commissioners. Do I have a motion to adopt
5	the minutes?
6	MS. PERSAUD: Motion.
7	CHAIRMAN ROMANO: A motion is made. Is it
8	seconded?
9	COMMISSIONER: Second.
10	CHAIRMAN ROMANO: Seconded. Any discussion
11	on the motion? All in favor of the motion,
12	indicate by saying "aye."
13	(A chorus of ayes.)
14	Opposed? Abstentions? The motion carries.
15	Both prior to our last meeting, when we
16	adopted the revised map, and immediately
17	thereafter, we heard from the public and numerous
18	advocacy groups including Common Cause, ALLDEF,
19	Latino Justice and the City Council's Black,
20	Latino and Asian Caucus, calling for another
21	round of hearings to enable the public to provide
22	additional commentary on the revised map before
23	the City Council took action.
24	I believe that we all agree that by
25	maximizing public input, we will ensure the

creation of a district plan that better reflects
the complexity and diversity of our city. I
believe the Commission is in complete agreement
with the public sentiments for another round of
hearings.

In our transmittal letter that accompanied the revised map submitted to the City Council on November 19th, we noted that we would welcome additional input from the public, but felt constrained by the provisions of the City Charter to submit the revised the map to the City Council forthwith.

That said, given the possibility that the Council would not return the revised map to the Commission and that the Council would allow the map to be adopted by inaction after the three-week period specified in the Charter, we also considered mechanisms that would allow for another round of public hearings.

To that end, I asked the staff to consult with the New York City Law Department, our outside legal counsel, so to speak, as to whether the Commission could continue the public hearing process by withdrawing the plan from the City Council notwithstanding the November 5th deadline

On November 29th, Speaker Quinn sent a letter to me requesting the Commission to withdraw the recently submitted revised district plan for further consideration by the public and Commission. This request, although unusual in nature, certainly comports with the Commission's desire for another round of public hearings and addresses what seems to be an unintended shortcoming in the timeline set forth in the City Charter.

Furthermore, the request itself left open the possibility that the City Council would not vote to reject the plan and return it to the Commission, as they have the power do under the City Charter. I believe that further underscores the need for action on the part of the Commission.

After careful consideration of the advice of the New York City Law Department, it appears that Commission does have the authority to withdraw the revised plan. I read in part from the advisory committee opinion: "The deliberative process culminating in a well-considered districting plan would not be impeded by a

1	withdrawal of the plan. Indeed, it may be argued
2	that the process contemplated by the drafters of
3	Chapter 2(a) of the Charter would be better
4	fulfilled by additionally review. It is our view
5	that the Charter does not bar the Commission from
6	withdrawing the submitted plan in order to afford
7	the public a greater opportunity to comment."

That from the opinion we received in the City Council -- I'm sorry, from the Law Department; excuse me.

Before we consider withdrawing the map, I would like to say a few words about our timeline. If the Commission withdraws the revised map from the City Council, I believe we should hold another round of public hearings, likely to be scheduled in early January. Such a round of hearings would be followed by at least two public meetings of the Commission to consider the comments made by the public, direct staff to revise the map where applicable and to adopt a revised plan for submission to the Council.

I anticipate that these meetings could be accomplished by late January or early February.

The new revised district plan would then be delivered to the City Council, which would have

1	three weeks to adopt or reject the plan. If
2	after three weeks the Council has not acted on
3	the plan, the plan would then be deemed adopted
4	and the Commission would direct the staff to
5	proceed to prepare the revised plan for
6	submission to the United States Department of
7	Justice for preclearance.
8	If the Council were to reject the plan, the

If the Council were to reject the plan, the Commission would then be required to hold a new set of public hearings and meetings that would bring us into late March or early April. While Section 51(f) of the City Charter states that the Commission shall submit a final plan to the Council no later than March 5th, I want to inform the Commission that, according to our legal counsel, the dates set forth in the Charter are, so-called, directory, not mandatory.

Thus, if we vote to withdraw the current plan, we would hope to have a final plan adopted prior to March 5, 2013. But we should acknowledge that there is a possibility that the plan might not be complete by this date if the Council decides to reject the Commission's submission after the next round of hearings.

Our counsel has prepared a resolution, which

1	you have before you, that withdraws the revised
2	plan from the City Council's consideration.
3	Please read this brief resolution if you have not
4	already done so. So, my motion is to withdraw
5	the plan from the City Council. Is there any
6	discussion of the motion?
7	MR. ODOM: Yes.
8	CHAIRMAN ROMANO: Yes?
9	MR. ODOM: In reviewing the maps, the plans
10	and the letters, I say that yes, the hearings
11	must be fair and there must be some or there
12	should be a democratic process involved whereby
13	the public is allowed to hear as you said,
14	some mechanisms or metrics need to be put in
15	place to make sure that we have the hearings and
16	some sort of deadlines or guidelines, but also
17	take into consideration how long is enough for
18	public opinion.
19	Is it determined by months, time or the
20	amount of people that show up to the hearings?
21	We know that we want to meet the deadline and be
22	ready for 2013 elections. But I recommend
23	somehow that the public is involved, also the
24	City Council, as far as communicating a message

and getting the people out that they want to come

25

1	to hear what is going on with the lines, as far
2	as the process of redrawing and their opinions
3	about the lines because, or else, we just have
4	hearings scheduled again and we will have either
5	the same or less people show up for the hearings.
6	Then, where do we go from there?
7	CHAIRMAN ROMANO: I completely agree. The
8	problem was the map that actually was submitted
9	to the City Council contained all of the
10	revisions that we thought reflected the comments
11	we had received in all the public hearings that
12	we held, but the public had never actually had an
13	opportunity to comment on that version. And
14	that's what caused us to strongly suggest to the
15	City Council that we continue the public process
16	afterwards.
17	But I completely agree. We have to do
18	everything we can to get one full round of public
19	comment, so that we can make sure that we at
20	least considered every criticism, critique that
21	we have heard. Any further discussion on the
22	motion to withdraw the map? Do I hear a second
23	for the motion?
24	MR. PADAVAN: I second it.
25	CHAIRMAN ROMANO: Seconded. Any further

1	discussion? All in favor?
2	(A chorus of ayes.)
3	Opposed? Abstentions? Thank you.
4	In fulfilling the Commission's desire to
5	have another round of hearings for additional
6	public input, we will need to publish the revised
7	map. However, before we do that, I believe it
8	may make sense to make a few immediate
9	adjustments to the plan in light of public
10	comments we already have received.
11	To that end, I am going to ask the staff to
12	prepare such a plan for our consideration.
13	Executive Director Hum will explain the
14	adjustments the staff has made. If the
15	Commission agrees, we can then publish this
16	adjusted plan for public comment so we can
17	eliminate issues that ought not to be taken up at
18	this time.
19	MR. HUM: Thank you, Chairman Romano and
20	good morning, Commissioners. There are two
21	adjustments that I would like to draw your
22	attention to and receive your permission and your
23	approval in adopting these two adjustments that
24	we made to the revised map published at the
25	conclusion of this meeting to the public via our

1	website	and	other	media

The first involves District 20. As you recall from my comments during our November 15th meeting, I had stated that there was a desire from the public, from other stakeholders, that the Mitchell-Linden Houses be included in one district, and that one district being District 20. The Mitchell-Linden Houses actually is composed of two separate housing complexes. It's Mitchell Gardens and it is also Linden Houses.

In the maps that were submitted to the Commission from various stakeholders advocating this position, the line that separated Districts 19 and 20 was erroneously drawn straight down Union Street on a north/south basis. What that did, in effect, was to separate the Linden Houses from Mitchell Gardens, which was not the intention of the Commission when I made my presentation and when the Commission had adopted the revised map.

I am going to describe to you the change that we'd like the Commission to consider this morning. We understand that there are also other changes that were proposed, but we will hear on that during the January hearings. Let me

What we propose to do is to have the top
western corner, northwestern corner of District
20 to be amended to extend along Willets Point
Boulevard eastward, then heading south along
144th Street until 26th Avenue. It will continue
on eastward to 146th Street until 28th Avenue,
head back west down Parsons Boulevard for one
block to, it seems like 160th Street -- I'm
sorry, yes, to 160th Street, then head back east
to Union Street.

This, my verbal description, is included in your packets before you. So, I will let the map that is in your packets stand for the record rather than my descriptions that may be a little off. That's the first adjustment that we are asking the Commission to consider.

The second adjustment to consider is in regards to District 37. And we have heard from the public and other various stakeholders with regards to the adjustments made with 37 as it relates to 34. This concerns six blocks that are bounded by Cypress Avenue, Stanhope Street and Wyckoff Avenue. It is basically restoring four blocks within District 37, thereby effectively

1	maintaining the 2003 boundaries for the City
2	Council lines and thereby basically effecting no
3	change within 34 and 37.
4	Those are the two adjustments that we ask
5	the Commission to consider and to adopt. And
6	once upon adoption, we will include them in our
7	revised map and also reflect that in any maps
8	that we publish to the public, including on our
9	website and also in hard copies. Thank you.
10	MS. BRAGG: I will be continuing in
11	Chairman Romano's absence. Is there any
12	discussion related to these revised changes?
13	MR. PADAVAN: Yes.
14	MS. BRAGG: Yes, Commissioner Padavan?
15	MR. PADAVAN: I have no problem with the
16	revisions as he proposed them. But I do have
17	problems voting on them impartial, meaning last
18	time we voted, we had a complete presentation
19	which had some problems that some of us noted and
20	others did not. And now we are trying to correct
21	it and we will do that through a series of
22	hearings.
23	But why are we doing the vote piecemeal? It
24	doesn't make sense to me. When we take the vote,
25	it should be on what we end up with, because a

1	vote here implies that's all we want to do. In
2	my case, that's not so, as you well know from our
3	discussions. So, while I concur with the
4	changes, and I agree that they should be
5	presented as recommendations that we will make,
6	but I don't see voting on them sort of piece-
7	meal, if you understand my point.
8	MR. HUM: Sure. Can I expand?
9	MS. BRAGG: Please respond.
10	MR. HUM: Thank you, Commissioner Padavan,
11	for that comment. As noted earlier, there have
12	been obviously some other suggestions and
13	suggested revisions be made to the map after we
14	had published the map on the 15th. We will have
15	due time to consider those adjustments and
16	particularly for those adjustments that are
17	supported by the record.
18	It seems clear, just with regards to
19	District 20, that the change that was made was
20	unintentional with regards to going down Union
21	Street, and that is why we are suggesting that to
22	bring Mitchell-Linden in those areas. And with
23	regards to 37 and 34, obviously there has been
24	enough public comment on this that I think we
25	feel comfortable making this change.

1	With regards to the other change that you
2	may be referring to, I think that if we were to
3	exercise patience with regards to having the
4	January hearing, hearing more testimony on that,
5	we can certainly address those issues at that
6	time.
7	MS. BRAGG: Does working on the issues at a
8	later time, does that work?
9	MR. PADAVAN: Of course we've got to do
10	that. But I am talking about voting today on
11	these changes which are, therefore, only part of
12	the solution to the problems we want to address.
13	If we take a vote, that implies that's it. Why
14	can't we just present it to the public as changes
15	that are recommended and that others are
16	forthcoming based on the hearings?
17	MS. BRAGG: Okay. The motion would only be
18	to publish the map. It's not that we are going
19	adopt the map. These are not going to be any
20	final lines. This is just to publish the map, to
21	go forward with the next set of public hearings
22	so the public and we have a base from which to
23	take suggestions from.
24	MR. OGNIBENE: Let me so I can clarify,
25	because we are not voting to make these changes?

1	MS. BRAGG: No.
2	MR. OGNIBENE: We are just going to, somehow
3	we are just going to change the map without a
4	vote and then publish a revised map that hasn't
5	been voted on?
6	MS. BRAGG: Exactly. All we are doing is
7	making a motion to publish maps so that we can go
8	forward with this third round of hearings.
9	MR. OGNIBENE: But the map that we are
LO	publishing contains changes?
L1	MS. BRAGG: Contains two changes, one that
12	was in error, that Executive Director Hum has
13	explained. The second was the basis of a lot of
L4	discussion, and so we wanted to correct that so
L5	that we could avoid spending time at the public
L6	hearings discussing those two specific changes
L7	and we can go forward with any other suggestions.
L8	MR. OGNIBENE: Because I understand voting
L9	on changes was not part of the agenda for this
20	meeting; voting on a revised plan was?
21	MS. BRAGG: Yes.
22	MR. OGNIBENE: To publish the revised
23	district plan. But the revised district plan
24	that we are publishing includes changes that were
25	not included in the previous revised plan?

1	MS. BRAGG: That is what is being presented
2	to us, yes.
3	MR. OGNIBENE: And just a query along with
4	Senator Padavan's, I imagine that we could have
5	done it at a later date, but I think it has to be
6	clear that these are not the changes have not
7	been yet been adopted by us?
8	MS. BRAGG: No.
9	MR. OGNIBENE: We are just proposing them as
10	part of the new plan
11	MS. BRAGG: Yes.
12	MR. OGNIBENE: so that there can be
13	public comment on these changes?
14	MS. BRAGG: Yes, and when we go forward,
15	with these maps, it is always helpful to have a
16	place to start. And we are having this
17	discussion that these are the places to start,
18	and we are having this discussion for this third
19	round. And these are not final maps in any way.
20	MR. OGNIBENE: Were these maps ever
21	forwarded to us prior to this meeting?
22	MR. HUM: No. I discussed some of these
23	changes with you individually, though.
24	MR. OGNIBENE: Okay.
25	MS. BRAGG: Any other discussion about the,

1	adopting the proposed revised plan and publishing
2	it for the third round of hearings?
3	MR. OGNIBENE: Again, are we adopting?
4	MS. BRAGG: I'm sorry. We are not adopting,
5	we are publishing this revised plan.
6	MR. OGNIBENE: With changes?
7	MS. BRAGG: With these revised changes, yes.
8	Any more discussion? Thank you for the
9	correction. I now make a motion to accept these
10	revisions and publish this revised plan. Do I
11	have a second?
12	MR. YU: Second.
13	MS. BRAGG: All in favor?
14	(A chorus of ayes.)
15	MS. BRAGG: All opposed?
16	MR. PADAVAN: I abstain.
17	MS. BRAGG: One abstention?
18	MS. PERSAUD: One abstention, yes.
19	MS. BRAGG: The motion passes. We will
20	publish this revised plan for the third round of
21	public hearings.
22	Now that the Commission has withdrawn the
23	revised plan and made adjustments to the revised
24	plan just to make an adjustment to the record
25	that Kamillah Hanks is present, John Robert is

1	present and I am present, Jamila Ponton Bragg.
2	Now that the Commission has withdrawn the
3	revised plan and made adjustments to the revised
4	plan, I would like to direct the staff to publish
5	these maps, set a schedule for another round of
6	public hearings and to publicize the schedule.
7	If there is no other business to be
8	discussed, I want to thank the Commissioners for
9	convening on such short notice, and I make a
10	motion to adjourn. Any second?
11	MR. PADAVAN: Second.
12	MS. BRAGG: Motion [sic] is adjourned.
13	Thank you.
14	(Whereupon, at 9:22 A.M., the above matter
15	concluded.)
16	
17	I, JOSHUA B. EDWARDS, a Notary Public for
18	and within the State of New York, do hereby
19	certify that the above is a correct transcription
20	of my stenographic notes.
21	Joshua B Edwards
22	JOSHUA B. EDWARDS, RPR
23	
24	

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