



**CITY OF NEW YORK
2012-2013
DISTRICTING COMMISSION**

AGENDA

July 17, 2012 Public Meeting

- I. Welcome
- II. Election of the Chair
- III. Discussion/Adoption of the Commission's Bylaws
- IV. Selection/Introduction of the Executive Director
- V. Overview of Demographic Changes (Joe Salvo)
- VI. Discussion of Legal Framework (Thaddeus Hackworth)
- VII. Closing and Scheduling of Public Hearings (August 13th – 23rd)



**BYLAWS
of the
CITY OF NEW YORK 2012-2013 DISTRICTING COMMISSION**

The members of the districting commission of the City of New York, authorized by Sections 50 and 51 of the Charter of the City of New York (the “Charter”) and duly appointed by the appointing authorities set forth in Section 50(a) of the Charter, do hereby adopt, publish, and declare the following bylaws:

ARTICLE I – NAME AND PURPOSE

Section 1. The name of this commission is the City of New York 2012-2013 Districting Commission, hereinafter referred to as the “Commission.”

Section 2. The Commission shall, in accordance with Sections 51 and 52 of the Charter, prepare a plan for dividing the city into fifty-one (51) districts for the election of members of the New York City Council.

Section 3. It is the intent of the members of the Commission to perform their duties under the Charter in such a way as to ensure fair and effective representation for all racial and language minority groups which are protected by the United States Voting Rights Act of 1965, as amended, and to be in conformance with the requirements of all applicable law.

ARTICLE II – MEMBERSHIP

Section 1. The membership of the Commission will consist of those persons duly appointed in accordance Section 50(a) of the Charter.

ARTICLE III – THE CHAIR AND EXECUTIVE DIRECTOR

Section 1. In accordance with Section 50(a)(6) of the Charter, the members of the Commission shall elect one of the fifteen Commission members to serve as the Chair of the Commission.

Section 2. The Chair shall have the authority to request such technical and other assistance from governmental agencies as is authorized by the Charter.

Section 3. The Chair shall recommend to the Commission, for its approval, an Executive Director.

Section 4. The Executive Director, with the approval of the Chair, shall have the authority to hire or contract for such staff and consultants as are necessary for the effective operation of the Commission. The Executive Director shall also have general responsibility for: the day-to-day operations of the Commission; the preparation of studies, reports and proposals; the preparation of agendas and questions for public hearings and meetings; the selection and procurement of the computer software and other supplies and materials to be used in fulfilling the Commission's duties; requesting, with the approval of the Chair, technical assistance from city government agencies; and the performance of such other tasks and duties as the Chair shall designate. The Executive Director shall make regular reports to the Chair and the Commission on the discharge of these duties and of other matters of concern to the Commission.

ARTICLE IV – MEETINGS

Section 1. The Chair shall preside at meetings of the Commission. In the absence of the Chair, a member designated by the Chair shall preside. Robert's Rules of Order shall govern the proceedings of the Commission to the extent to which they are applicable, and to the extent they are not inconsistent with these Bylaws and Operating Rules or other rules of the Commission.

Section 2. A quorum shall consist of eight Commission members actually present at a duly constituted meeting. The affirmative votes of at least eight members shall be necessary for any

action by the Commission. The member presiding shall be counted towards the quorum and may vote on all matters.

Section 3. The Chair shall have the authority to call meetings of the Commission on such notice as is reasonable under the circumstances

Section 4. Members of the Commission are expected to attend all meetings.

Section 5. The Executive Director shall maintain minutes of all meetings of the Commission.

ARTICLE V – COMMITTEES

Section 1. The Chair may appoint one or more committees to investigate and report to the Commission on such matters as the Chair shall determine. In no event shall any committee have the authority to act on behalf of the Commission in any matter requiring the action of the full Commission.

Section 2. A committee quorum shall consist of a majority of the committee members.

Section 3. A committee may hold public hearings and meetings and the Chair shall designate who shall preside at such committee hearings and meetings. Any Commission member, whether or not a member of the committee, may attend committee hearings or meetings.

ARTICLE VI – POLICIES

Section 1. Commission members shall not receive, directly or indirectly, money or other valuable consideration in connection with work related to the purpose of the Commission, and Commission members shall be bound by the City's conflict of interest law as set forth in Chapter 68 of the Charter.

Section 2. During the course of discussion of any issue in which a member has a private or pecuniary interest, the member shall orally disclose the nature of the interest, and shall refrain from voting on that issue.

Section 3. To avoid conflicts of interest, all members of the Commission will be governed by the highest standards of conduct in compliance with any applicable conflict of interest laws regarding their actions or decisions on issues of districting matters which may be of personal or financial benefit to themselves, members of their immediate or extended family and associates.

Section 4. No member of the Commission may participate, directly or indirectly, in fundraising activities for a member, candidate, or potential candidate of the New York City Council or other City office.

Section 5. To the extent possible, members of the Commission should attempt to avoid communicating or providing opinions regarding Commission business outside of public meetings.

Section 6. Each member shall provide the Chair with a mailing address to which all notices and other mailing shall be sent by the Commission.

ARTICLE VII – RECORDS

Section 1. Commission records shall be maintained at the Commission offices.

ARTICLE VIII - AMENDMENTS

Section 1. These bylaws may be amended at any meeting by a vote of the majority of the membership of the Commission.

The bylaws were approved and adopted by the 2012-2013 Districting Commission at a regular meeting held on July 17, 2012.

Carl Hum - Bio

Carl Hum is the Principal of Hum Consulting, a boutique consulting practice focused on helping small businesses and non-profit organizations engage with the public sector to create meaningful and productive partnerships.

Carl's career spans over two decades in public service, having served in all three branches of local government. From 2007 to 2012, he served as the President and CEO of the Brooklyn Chamber of Commerce where he increased membership, led successful advocacy campaigns and expanded a health insurance program for Brooklyn's small businesses.

Prior to joining the Chamber, Carl was appointed by Mayor Michael R. Bloomberg to head the Mayor's Office of Industrial and Manufacturing Businesses in 2005. Under his leadership, the Office designated 16 Industrial Business Zones throughout the City, created industry-specific tax credits and administered the City's 11 Empire Zones. He was also Chief of Staff and Special Counsel for Intergovernmental Affairs at the Department of Small Business Services from 2003 to 2005 after serving as Deputy General Counsel at the agency. As Deputy General Counsel, Carl chaired the Transition Committee that successfully merged the former Department of Employment with the Department of Small Business Services and effectively, transformed the City's adult workforce service delivery system.

A lawyer by training, Carl was an Assistant District Attorney at the New York County District Attorney's from 1997 to 2003 where he successfully prosecuted felony cases, counseled police investigations and served in the specialized Domestic Violence Unit.

Prior to law school, Carl worked at the New York City Council Finance Division as a Legislative Financial Analyst and Executive Assistant to the Director. From 1992 to 1994, Carl engaged the business community of Red Hook, Brooklyn to hire local residents as Director of Economic Development at the South Brooklyn Local Development Corporation.

Carl earned a Juris Doctor from Fordham School of Law in 1997 where he was a Louis Stein Scholar for Public Interest and Ethics. He graduated from Wesleyan University (CT) with Departmental High Honors in 1989 and is a proud graduate of the New York City public school system. Carl lives in Crown Heights, Brooklyn with his partner, Kara Lesondak, a toy designer and manufacturer.

Alan Gartner - Bio

Since the beginning of the Bloomberg Administration, Alan has held senior City Hall positions, culminating with service as Chief of Staff, Office of the Deputy Mayor for Policy. For the past several months, he has served as Director for Districting Research at the Law Department, gearing up for the forthcoming City Council redistricting. In 1990-91, he served as Executive Director of the Districting Commission which drew the lines for the expanded City Council (from 35 to 51 members) while in 1992 he served as a court appointed "expert" in the line drawing for the New York Congressional delegation. Prior to his work with the city, he was an administrator at CUNY, lastly as Dean for Research, Graduate Center.

THADDEUS J. HACKWORTH

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New York, NY 10008
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EDUCATION

Georgetown University, Juris Doctor and Master of Public Policy May 2004
Cum Laude; Law GPA: 3.61; Public Policy GPA: 3.90
Journal on Poverty Law and Policy – Staff Member
Georgetown Public Policy Review – Academic Articles Editor
Quantitative Methods II – Teaching Assistant (Spring 2003)
Graduate Thesis – “Effect of Neighborhood Racial Composition on Housing Value: Evidence from Three Cities”
Hope College, Bachelor of Arts, Political Science July 2000
Cum Laude; Phi Beta Kappa

EXPERIENCE

New York City Law Department, New York, NY Sept. 2004 – Sept. 2006; Apr. 2009 – Present
Senior Counsel, General Litigation Division
Committee on Professional Responsibility – Member
Defend the City of New York in federal and state courts in cases involving Constitutional and other challenges to City policies. Serve as supervisor for a team of six attorneys with varying experience levels. Review all written work of team attorneys and provide guidance and strategic planning. Serve as lead counsel in range of cases including class actions and individual actions involving the Office of the Mayor, Department of Education, Human Resources Administration, Department of Correction, and Administration for Children’s Services, among other City agencies. Draft briefs, argue motions, conduct hearings, take and defend depositions and manage document productions. Argued appeal before the Second Circuit after winning dismissal of a putative class action against the Department of Correction alleging widespread false imprisonment.

Quinn Emanuel Urquhart Oliver & Hedges LLP, New York, NY Feb. 2008 – Apr. 2009
Associate, Litigation
Drafted briefs, pleadings, legal memoranda, discovery demands and responses, and correspondence in business, antitrust, and structured finance litigation cases. Supervised and assigned tasks to junior associates. Coordinated and oversaw discovery production and review.

Kirkland & Ellis LLP, Washington, DC Oct. 2006 – Jan. 2008
Associate, Litigation
Drafted briefs, motions, pleadings and legal memoranda in regulatory, securities, environmental, and business litigation cases. Worked directly with consulting and testifying experts in unfair/deceptive practices case. Conducted depositions of co-defendant witnesses in securities litigation; defended deposition of former client employee. Served as lead counsel in pro bono anti-discrimination action, securing client injunctive and monetary relief. Led factual development in environmental litigation.

TEACHING EXPERIENCE

Baruch College, City University of New York, New York, NY Sep. 2009 – Present
Adjunct Assistant Professor, School of Public Affairs
Courses taught:
Research and Analysis I, PAF 9170
Research and Analysis II, PAF 9172

PUBLICATIONS

“The Ghetto Prison: Federal Policy Responses to Racial and Economic Segregation,” 12 *GEORGETOWN JOURNAL ON POVERTY LAW AND POLICY* 181 (Spring 2005).

BAR ADMISSIONS

New York State, 2005
United States District Court, New York Southern and Eastern Districts, 2005
United States Court of Appeals, Second Circuit, 2012

Patterns of Change in the Demographic Composition of New York City's Five Boroughs

Presentation for the New York City Districting Commission

July 17, 2012

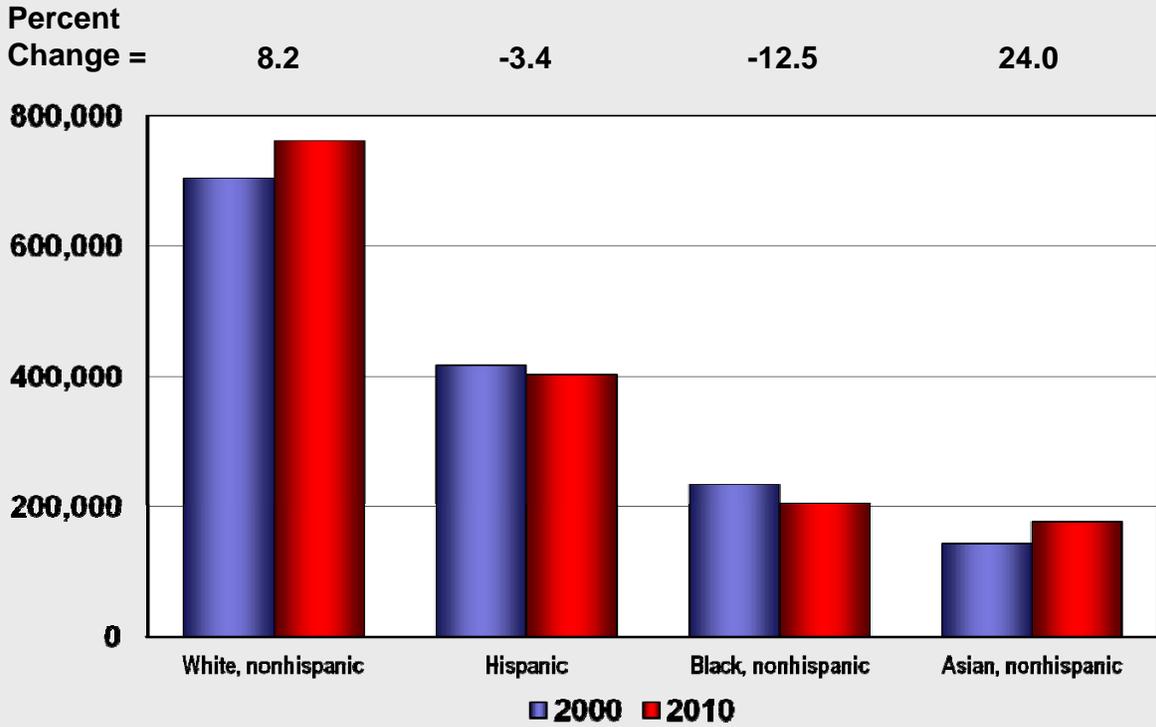
Joseph Salvo
Population Division



Total Population by Race/Hispanic Origin New York City, 2000-2010

	2000		2010		Change, 2000-2010	
	Number	Percent	Number	Percent	Number	Percent
Total Population	8,008,278	100.0	8,175,133	100.0	166,855	2.1
White, nonhispanic	2,801,267	35.0	2,722,904	33.3	-78,363	-2.8
Hispanic Origin	2,160,554	27.0	2,336,076	28.6	175,522	8.1
Black, nonhispanic	1,962,154	24.5	1,861,295	22.8	-100,859	-5.1
Asian, nonhispanic	780,229	9.7	1,028,119	12.6	247,890	31.8

Population Change by Race/Hispanic Origin Manhattan, 2000-2010



Sources: U.S. Census Bureau: 2000 and 2010 Censuses-Summary File 1
Population Division-New York City Department of City Planning

Manhattan 2003 City Council Districts Total Population, 2000 and 2010 By Mutually Exclusive Race and Hispanic Origin

Legend

- Hispanic Origin
- Other Nonhispanic
- Asian or Pacific Islander Nonhispanic
- Black/African American Nonhispanic
- White Nonhispanic

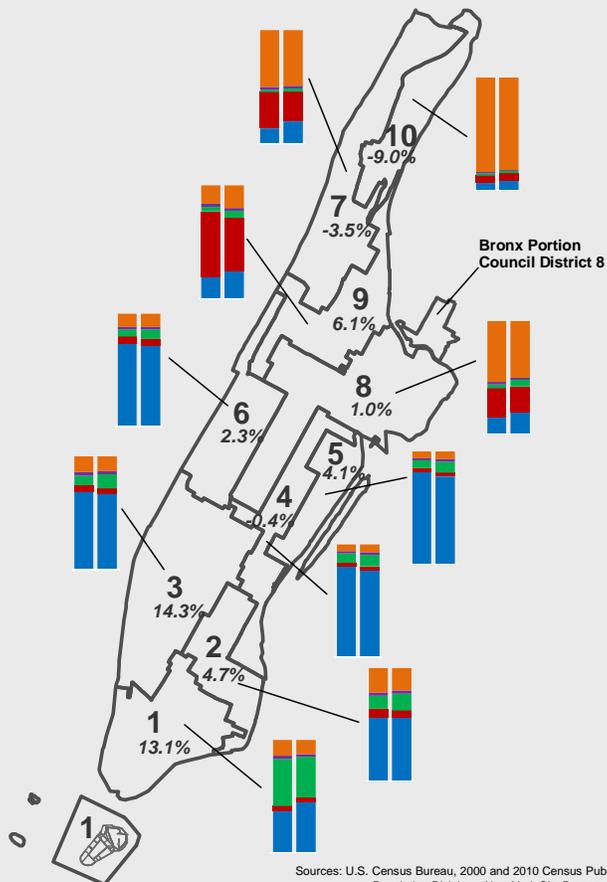
— City Council District Boundary

2 City Council District

4.7% Percent Change 2000 - 2010

CD1	Margaret Chin
CD2	Rosie Mendez
CD3	Christine C. Quinn
CD4	Daniel R. Garodnick
CD5	Jessica S. Lappin
CD6	Gale A. Brewer
CD7	Robert Jackson
CD8	Melissa Mark Viverito
CD9	Inez E. Dickens
CD10	Ydanis Rodriguez

2000 2010
Manhattan
3.2%



Sources: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division—New York City Department of City Planning

Population Change by Race/Hispanic Origin The Bronx, 2000-2010

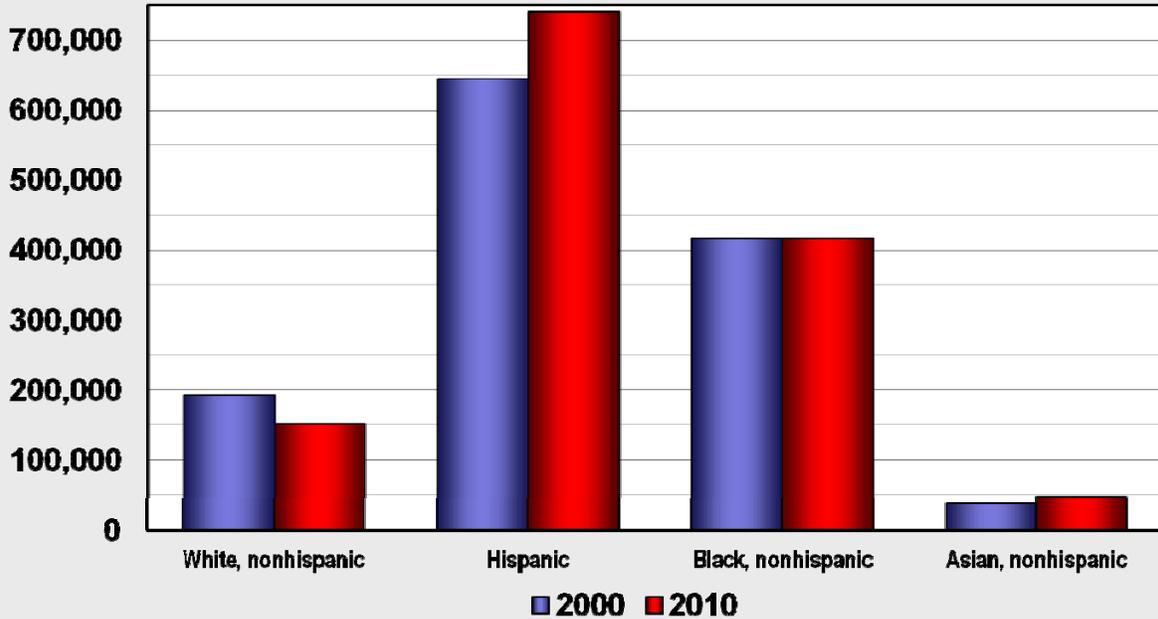
Percent

Change = -21.9

15.0

0.1

22.8



Sources: U.S. Census Bureau: 2000 and 2010 Censuses-Summary File 1
Population Division-New York City Department of City Planning

Bronx 2003 City Council Districts Total Population, 2000 and 2010 By Mutually Exclusive Race and Hispanic Origin

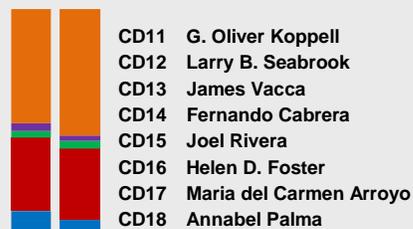
Legend

- Hispanic Origin
- Other Nonhispanic
- Asian or Pacific Islander Nonhispanic
- Black/African American Nonhispanic
- White Nonhispanic

— City Council District Boundary

18 City Council District

2.9% Percent Change 2000 - 2010

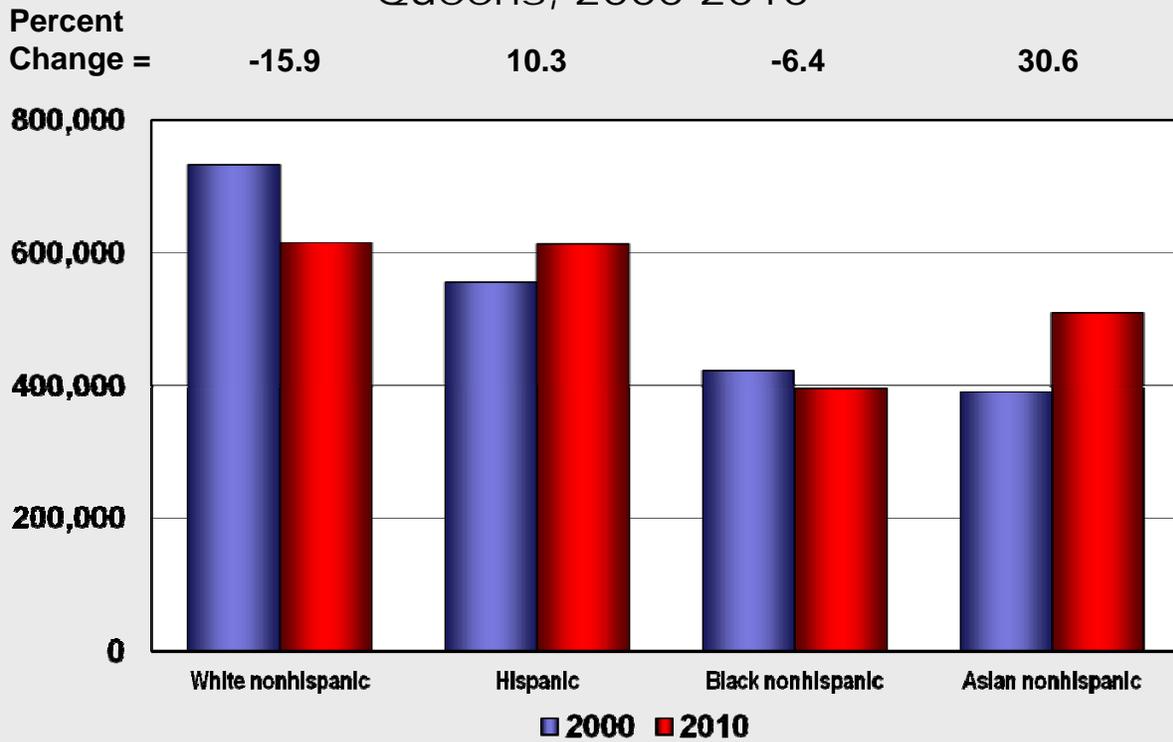


2000 2010
Bronx
3.9%

Bronx Portion of
Council District 8

Sources: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division—New York City Department of City Planning

Population Change by Race/Hispanic Origin Queens, 2000-2010



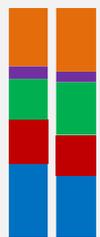
Sources: U.S. Census Bureau: 2000 and 2010 Censuses-Summary File 1
Population Division-New York City Department of City Planning

Queens 2003 City Council Districts Total Population, 2000 and 2010 By Mutually Exclusive Race and Hispanic Origin

Legend

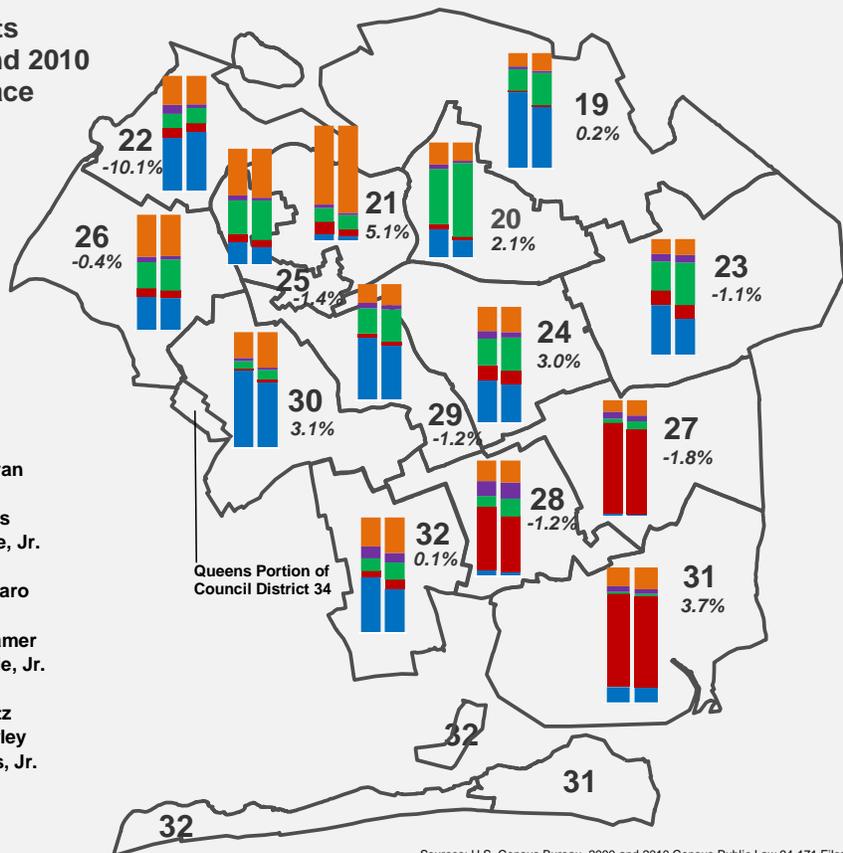
- Hispanic Origin
- Other Nonhispanic
- Asian or Pacific Islander Nonhispanic
- Black/African American Nonhispanic
- White Nonhispanic

— City Council District Boundary
30 City Council District
 3.1% Percent Change 2000 - 2010



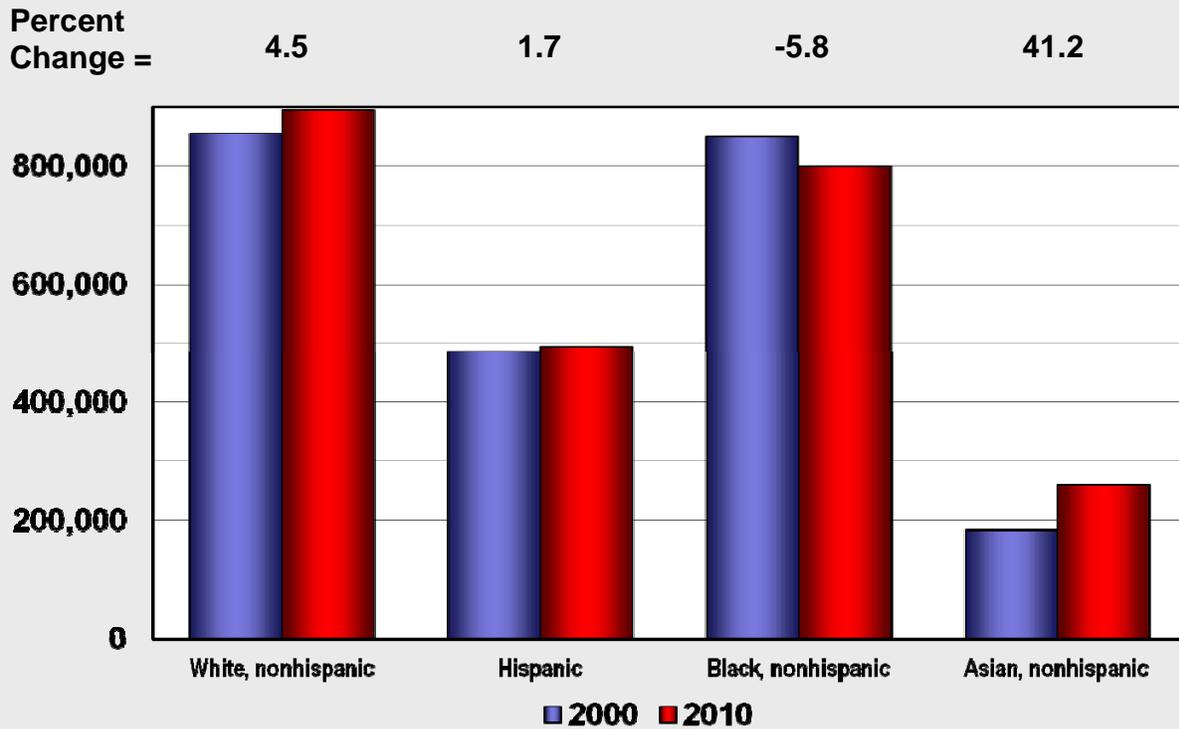
2000 2010
Queens
0.1%

- CD19 Daniel J. Halloran
- CD20 Peter Koo
- CD21 Julissa Ferreras
- CD22 Peter F. Vallone, Jr.
- CD23 Mark Weprin
- CD24 James F. Gennaro
- CD25 Daniel Dromm
- CD26 Jimmy Van Bramer
- CD27 Leroy G. Comrie, Jr.
- CD28 Ruben Wills
- CD29 Karen Koslowitz
- CD30 Elizabeth Crowley
- CD31 James Sanders, Jr.
- CD32 Eric Ulrich



Sources: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division—New York City Department of City Planning

Population Change by Race/Hispanic Origin Brooklyn, 2000-2010



Sources: U.S. Census Bureau: 2000 and 2010 Censuses-Summary File 1
Population Division-New York City Department of City Planning

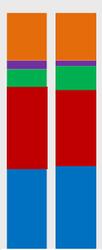
Brooklyn 2003 City Council Districts Total Population, 2000 and 2010 By Mutually Exclusive Race and Hispanic Origin

Legend

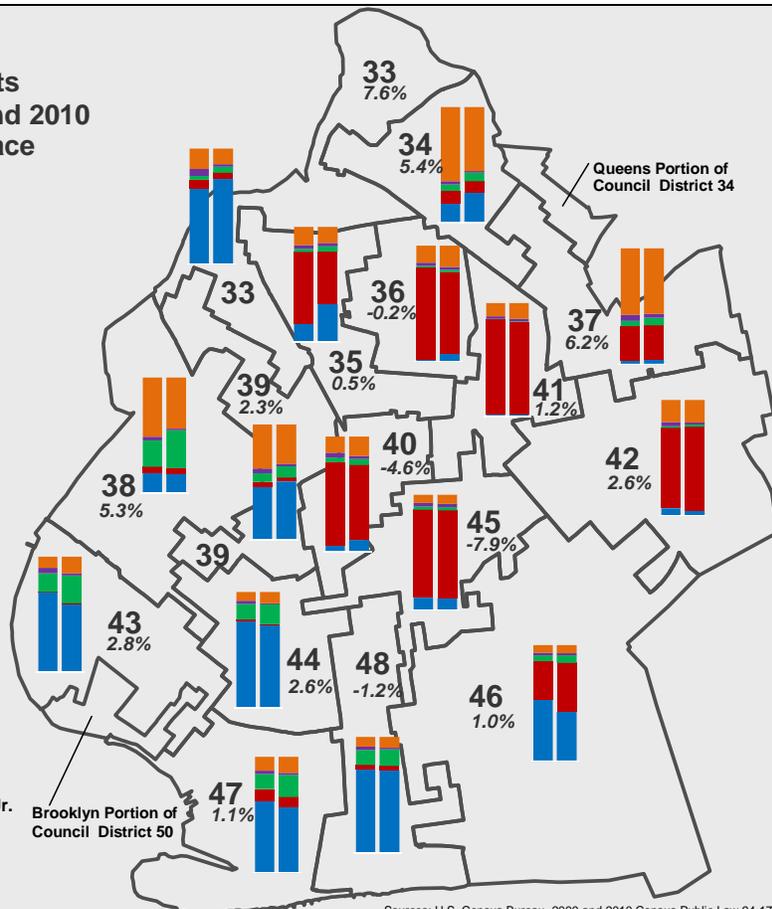
- Hispanic Origin
- Other Nonhispanic
- Asian or Pacific Islander Nonhispanic
- Black/African American Nonhispanic
- White Nonhispanic
- City Council District Boundary

33 City Council District

7.6% Percent Change 2000 - 2010



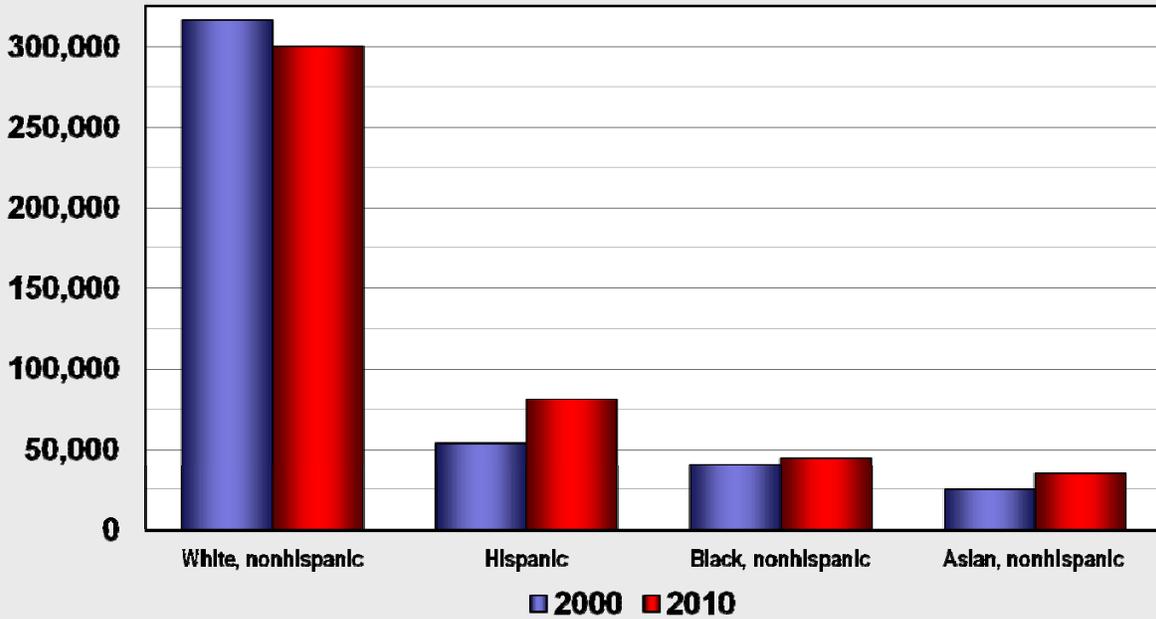
- CD33 Stephen Levin
- CD34 Diana Reyna
- CD35 Letitia James
- CD36 Albert Vann
- CD37 Erik Martin Dilan
- CD38 Sara M. Gonzalez
- CD39 Brad Lander
- CD40 Mathieu Eugene
- CD41 Darlene Mealy
- CD42 Charles Barron
- CD43 Vincent J. Gentile
- CD44 David G. Greenfield
- CD45 Jumaane D. Williams
- CD46 Lewis A. Fidler
- CD47 Domenic M. Recchia, Jr.
- CD48 Michael C. Nelson



Sources: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division—New York City Department of City Planning

Population Change by Race/Hispanic Origin Staten Island, 2000-2010

Percent Change = -5.1 51.4 11.6 40.0



Sources: U.S. Census Bureau: 2000 and 2010 Censuses-Summary File 1
Population Division-New York City Department of City Planning

Staten Island 2003 City Council Districts Total Population, 2000 and 2010 By Mutually Exclusive Race and Hispanic Origin

Legend

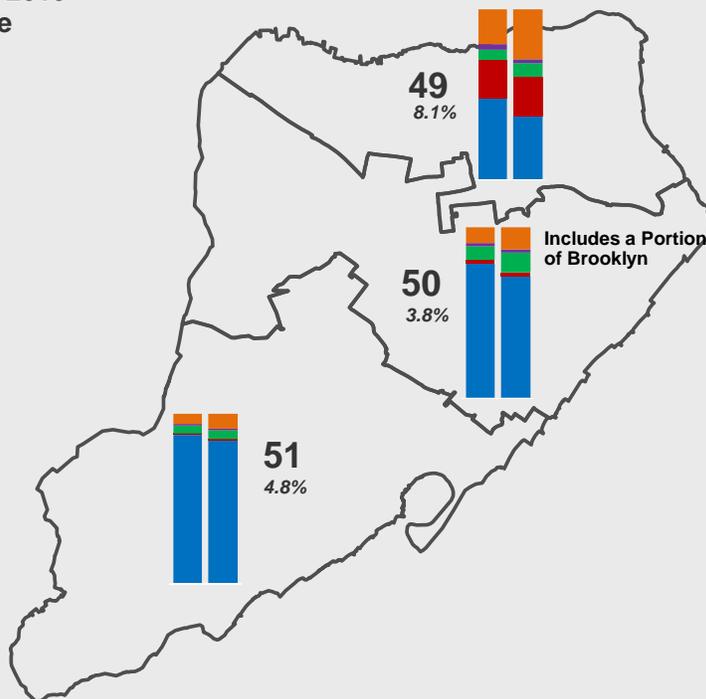
- Hispanic Origin
- Other Nonhispanic
- Asian or Pacific Islander Nonhispanic
- Black/African American Nonhispanic
- White Nonhispanic

— City Council District Boundary

51 City Council District
4.8% Percent Change 2000 - 2010



- CD49 Deborah Rose
- CD50 James S. Oddo
- CD51 Vincent Ignizio



Sources: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division—New York City Department of City Planning

Data Links

- DCP Population Division Web site:
www.nyc.gov/population
- New York City Council Districts 2010 Census Data (CNCLD Tables) :
http://www.nyc.gov/html/dcp/html/census/demo_tables_2010.shtml
- New York City Census FactFinder:
<http://gis.nyc.gov/dcp/pa/address.jsp>
- Census Bureau Web site:
www.census.gov



**CITY OF NEW YORK 2012-
2013 DISTRICTING
COMMISSION**
TIMING & LEGAL FRAMEWORK



TIMING OF COMMISSION WORK
NYC CHARTER § 51

TIMING

- **Section 51 of the Charter sets forth the timing for the Commission’s work:**
 - **Initial Plan Published**
 - Initial plan to be made publicly available one month prior to the public hearing(s) held prior to by October 5, 2012 (NYC Charter § 51(b))
 - **Public Hearings**
 - By October 5, 2012 “One or more” hearings regarding the plan must be held (NYC Charter § 51(b))
 - **Submission of Draft Plan to City Council**
 - By November 5, 2012 (NYC Charter § 51(c))
 - **Response from City Council**
 - By November 26, 2012 (NYC Charter 51(d))
 - If City Council does not object to the plan, it is final and may be submitted for preclearance
 - **Revised Plan Published**
 - By January 4, 2013 (NYC Charter 51(e))
 - **Additional Public Hearings**
 - **Final Plan Submitted to City Clerk**
 - By March 5, 2013 (NYC Charter 51(f))
 - Plan may then be submitted for Section 5 pre-clearance
 - Once pre-cleared, plan may be implemented

3



DISTRICTING LEGAL FRAMEWORK
SOURCES OF LAW

4

OVERVIEW

Three main sources of law are relevant to the work of the Districting Commission:

- U.S. Constitution
 - Equal Protection Clause – 14th Amendment
- Federal Statutory Law
 - The Voting Rights Act of 1965
- Local Law
 - The New York City Charter §§ 50-52

5

NYC
Districting
Commission

NYC
Districting
Commission

U.S. CONSTITUTION
EQUAL PROTECTION CLAUSE

6

EQUAL PROTECTION CLAUSE

- One Person, One Vote
 - In a nutshell: districts must be very close to equal in size
 - Why: everyone's vote should count equally
- New York City 2010 population: 8,175,133
 - 160,297 residents per Council district (51 districts)
- When applied to state and local district drawing, some deviation is allowable
 - NYC Charter specifies that difference in population between least populous and most populous district "shall not exceed 10% of the average population" (in this case, 16,030)

7

NYC
Districting
Commission

NYC
Districting
Commission

VOTING RIGHTS ACT OF 1965
SECTIONS TWO AND FIVE

8

VOTING RIGHTS ACT OF 1965

SECTION 2

- Applies Nationwide
- Prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the language minority groups
 - In districting process, generally means that “minority vote dilution is prohibited.”
 - “Minority vote dilution” = the minimization or cancelling out of minority voting strength

SECTION 5

- Purpose
 - To “protect the ability” of minority citizens to “elect their preferred candidates of choice.”
- Applies only to covered jurisdictions; in NYC:
 - New York County
 - Kings County
 - Bronx County
- Pre-clearance
 - Requires pre-clearance of voting changes, either by the U.S. Department of Justice, or by the D.C. District Court
- Two Prongs:
 - Discriminatory Purpose
 - Discriminatory Effect

SECTION 5 CONSIDERATIONS

DISCRIMINATORY PURPOSE

- Possible Considerations
 - DOJ and/or Court will look to the process utilized and record to ensure that minority groups were able to engage in the process, and that discriminatory intent was not expressed implicitly or explicitly by the Commission.

DISCRIMINATORY EFFECT

- Retrogression
 - Any worsening of the position of minority voters from the “benchmark” (current lines)
 - Specifically, loss of “Majority-Minority” districts

NYC CHARTER - PLAN CRITERIA

- In drawing the Districts, the commission shall apply these criteria “to the maximum extent practicable,” prioritized in the order in which they are listed:
 - **One Person, One Vote**
 - “The difference in population between the least populous and the most populous districts shall not exceed ten percentum (10%) of the average population for all districts, according to figures available from the most recent decennial census. Any such differences in population must be justified by the other criteria set forth in this section.” **NYC Charter § 52(1)(a).**
 - **Fair and Effective Representation of Racial and Language Minority Groups**
 - “Such districting plan shall be established in a manner that ensures the fair and effective representation of the racial and language minority groups in New York city which are protected by the United States voting rights act of nineteen hundred sixty-five, as amended.” **NYC Charter § 52(1)(b).**
 - **Neighborhoods and communities of interest to be kept intact**
 - “District lines shall keep intact neighborhoods and communities with established ties of common interest and association, whether historical, racial, economic, ethnic, religious or other.” **NYC Charter § 52(1)(c).**
 - **Compactness**
 - “Each district shall be compact and shall be no more than twice as long as it is wide.” **NYC Charter § 52(1)(d).**
 - **No Crossing of County Lines**
 - A district shall not cross borough or county boundaries. **NYC Charter § 52(1)(e).**
 - **No Dilution of Political Party Representation**
 - Districts shall not be drawn for the purpose of separating geographic concentrations of voters enrolled in the same political party into two or more districts in order to diminish the effective representation of such voters. **NYC Charter § 52(1)(f).**
 - **Standard District “Shapes”**
 - The districting plan shall be established in a manner that minimizes the sum of the length of the boundaries of all of the districts included in the plan. **NYC Charter § 52(1)(g).**

NYC CHARTER - PLAN CRITERIA

- Finally, there are two mandated requirements under the Charter for the district plan:
- **Contiguous Districts**
 - “Each district shall be contiguous, and whenever a part of a district is separated from the rest of the district by a body of water, there shall be a connection by a bridge, a tunnel, a tramway or by regular ferry service.” **NYC Charter § 52(2).**
- **Only One District May Cross County Lines per set of Counties**
 - “If any district includes territory in two boroughs, then no other district may also include territory from the same two boroughs.” **NYC Charter § 52(3)**
 - Note: One of the previous criteria to be applied “to the extent practicable” is that districts should not cross county lines. NYC Charter § 52(1)(e). To the extent that this criterion cannot be met, it may only occur *once* per set of boroughs.