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CITY OF NEW YORK  
2012-2013  
REDISTRICTING COMMISSION  
PUBLIC MEETING  
CITY HALL, COUNCIL CHAMBER  
July 17, 2012  
6:46 P.M.

1 A P P E A R A N C E S:

2

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7

8 FRANK PADAVAN

9 ROXANNE J. PERSAUD

10 THOMAS V. OGNIBENE

11 BENITO ROMANO

12 ROBERT W. HART

13 GLORIA CARVAJAL WOLFE

14 JUSTIN YU

15 MADELINE PROVENZANO

16 OSCAR ODOM, III

17 JAMILA PONTON BRAGG

18 JOHN ROBERT

19 LINDA LIN

20 SCOTT CERULLO

21

22

23

24

25

## NEW YORK CITY REDISTRICTING COMMISSION

1           MR. CARAS: Good evening, everyone, and  
2 welcome to this first meeting of the 2012/2013  
3 New York City Redistricting Commission. My name  
4 is Jim Caras, and I am deputy general counsel for  
5 the New York City Council.

6           On behalf of Mayor Bloomberg, City Council  
7 Speaker Quinn and Council Minority Leader Oddo, I  
8 want to thank the members of the New York City  
9 Redistricting Commission for agreeing to serve  
10 the City and undertake the important process of  
11 redrawing the City's Council districts based on  
12 populations reflected in the 2010 United States  
13 census.

14           Since the revision of the City charter in  
15 1989, the Council has been made up of 51 members  
16 representing 51 districts. One of the main  
17 reasons for increasing the number of districts in  
18 1989 was to make the Council a body that more  
19 closely represented the rich diversity of our  
20 City.

21           And since the last Council elections in  
22 2009, for the first time, black, Latino and Asian  
23 members now make up a majority of the Council.  
24 Today is the Commission's initial organizational  
25 meeting. While it is a public meeting, its

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1 purpose is to take the steps necessary to get the  
2 Commission up and running.

3 Therefore, we will not be hearing testimony  
4 from the public today. However, there will be  
5 ample opportunities for the public to address the  
6 Commission at the numerous public hearings the  
7 Commission will hold through the city, a very  
8 important part of the Commission's process.

9 For today's organizational meeting, we have  
10 an agenda which outlines certain steps we need to  
11 take so that the Commission may begin its work,  
12 and then we will have presentations which the  
13 mayor, speaker and minority leader, have  
14 requested we provide you with; one on City  
15 demographics from Joe Salvo of the Department of  
16 City Planning and another on legal requirements  
17 and issues relating to redistricting by Thaddeus  
18 Hackworth of our City's Law Department.

19 So again, on behalf of the mayor, the  
20 speaker and the council's minority leader, I want  
21 to thank you for serving. And we will turn to  
22 the first item on the agenda, which is the  
23 election of the chair. Do any of the Commission  
24 members wish to nominate someone to serve as  
25 chair of the Commission?

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1 MS. LIN: I would like to nominate Benito  
2 Romano as chair of the Commission. As some of  
3 you may know, Mr. Romano has served as litigation  
4 partner at Freshfields and has practiced in  
5 litigation for over 20 years.

6 He is also a former U.S. attorney, Southern  
7 District of New York. And I also had the  
8 privilege of working with Mr. Romano when we were  
9 both at the law firm of Willkie, Farr &  
10 Gallagher. With that, I would like to make the  
11 motion to -- I would like to nominate Bonito  
12 Romano as the chair.

13 MR. OGNIBENE: Second. It's my pleasure to  
14 second the nomination.

15 MR. CARAS: We have a nomination and a  
16 second. If there are no further -- any further  
17 nominations, hearing no further nominations, the  
18 Commission can proceed to a vote. Voice vote?  
19 All in favor?

20 (A chorus of ayes.)

21 MR. CARAS: All those opposed? Any  
22 abstentions? So, by a vote of 13 in the  
23 affirmative, zero in the negative and no  
24 abstentions, Mr. Benito Romano is elected chair  
25 of the 2012/2013 New York City Redistricting

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1 Commission.

2 MR. ROMANO: Thank you very much. Thank  
3 you, Linda. Thank you Senator Padavan. It is  
4 indeed an honor to be nominated chair of this  
5 Commission. As my first order of business, I  
6 would like to have the commissioners introduce  
7 themselves starting from my extreme right. Maybe  
8 we can just go down the table and introduce  
9 ourselves.

10 MR. HART: Hi, my name is Rob Hart. I am a  
11 former reporter for The Staten Island Advance, a  
12 former staff member for Councilman Recchia, and I  
13 am a Staten Island appointee for the Commission.

14 MR. PADAVAN: I am Frank Padavan of the  
15 mayor's appointees.

16 MS. PERSAUD: Hello, I am Roxanne Persaud,  
17 Brooklyn's appointee. I am the registrar of  
18 Saint Francis College.

19 MR. OGNIBENE: Thomas Ognibene, former  
20 minority leader, New York City Council. I am  
21 appointee of the Republican minority leader,  
22 James Oddo, from Queens County.

23 MR. ROMANO: I am Benito Romano. I am an  
24 appointee of the mayor's.

25 MS. WOLFE: (Unintelligible.)

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1 VOICE FROM AUDIENCE: We can't hear you.

2 MS. WOLFE: And right now, retired.

3 MR. YU: Justin Yu, appointed by the mayor.

4 I live in Manhattan.

5 MS. PROVENZANO: Madeline Provenzano, former

6 City Council person. I was appointed by the

7 mayor.

8 MR. ODOM: Oscar Odom, III, retired NYPD,

9 former first deputy commissioner, college

10 professor, appointed by the mayor, Brooklyn.

11 MS. BRAGG: Jamila Ponton Bragg. I am

12 currently the education outreach manager at

13 Sesame Workshop. I was appointed by the City

14 Council and I live in Harlem.

15 MR. ROBERT: My name is John Robert. I live

16 in the Bronx. I was the former district manager

17 of Bronx Community Board 2. I was there 20 years

18 and I was the appointed by the City Council.

19 MS. LIN: My name is Linda Lin. I am

20 in-house at Liberty International Underwriters.

21 I am the immediate past president of the Asian

22 American Bar Association of New York, and I was

23 appointed by City Council and reside in Queens.

24 MR. CERULLO: Hi, I am Scott Cerullo. I was

25 appointed by the mayor and I live in Staten

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1 Island.

2 MR. ROMANO: Thank you. On behalf of the  
3 Commission, I would like to thank Mayor  
4 Bloomberg, Speaker Quinn, Minority Leader  
5 Councilman Oddo for appointing this highly  
6 qualified, dedicated group of people to the  
7 Commission.

8 The next item on the agenda, so that we can  
9 function well, is consideration of Commission  
10 bylaws. We have distributed in our packets a  
11 draft set of bylaws that are a slightly expanded  
12 version of the ones used by previous  
13 redistricting commissions.

14 Among other things, the bylaws give certain  
15 powers to the chair, authorize selection of an  
16 executive director and provide certain rules that  
17 we must follow regarding meetings and about  
18 conflicts of interest.

19 On that note, I understand that the City's  
20 Conflicts of Interest Board for many years has  
21 offered to give the committee on presentation on  
22 the requirements of conflicts of interest law.  
23 We will schedule that shortly. Let's review the  
24 bylaws for a few minutes and then consider voting  
25 on their adoption.



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1 (Brief pause.)

2 MS. BRAGG: I make a motion to accept the  
3 bylaws.

4 MR. ROMANO: I hear a motion to adopt the  
5 bylaws. Do I have a second?

6 MR. OGNIBENE: Second.

7 MR. ROMANO: Are there any questions,  
8 comments in connection with the motion? All in  
9 favor of the motion indicate by saying "aye."

10 (A chorus of ayes.)

11 MR. ROMANO: Opposed? Abstentions? The  
12 motion carries. We now have bylaws.

13 Before we move on, one of the bylaws we  
14 adopted allows for me to designate another member  
15 to serve as chair in my absence. I would like to  
16 designate Jamila Ponton Bragg to serve as chair  
17 in the event I am absent from any future meeting.  
18 Do I have a second to my motion?

19 COUNCIL MEMBER: Second.

20 MR. ROMANO: Is there any discussion or  
21 objection? Then I will designate Jamila Ponton  
22 Bragg to be the chair in the event of my absence.

23 I would like to also, at this time, select  
24 an executive director. The executive director  
25 will be responsible for the day-to-day operations

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1 of the Commission, including hiring of additional  
2 staff. You have in your packets the name and the  
3 CV for Carl Hum.

4 Carl has an extensive career in public  
5 service. I invite you to take a moment to look  
6 at his CV and his biography, and I would like to  
7 make a motion to select Carl as our executive  
8 director.

9 COUNCIL MEMBER: So moved.

10 MR. ROMANO: Thank you. Is there a second?

11 COUNCIL MEMBER: Second.

12 MR. ROMANO: Any further discussion on that  
13 motion? Hearing no further discussion, can we  
14 have a vote on the motion? All in favor,  
15 indicate by "aye."

16 (A chorus of ayes.)

17 MR. ROMANO: Opposed? Abstentions? The  
18 motion carries. Regulations, Mr. Hum.  
19 Condolences. (Laughter.) Can you address us?

20 MR. HUM: Good evening, Mr. Chairperson and  
21 Commission members. Again, my name is Carl Hum,  
22 and I just want to thank you sincerely for this  
23 opportunity to be executive director of the staff  
24 for the Redistricting Commission of New York  
25 City.

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1           In anticipation of the work ahead of us and  
2           also in anticipation of you vesting your staff  
3           responsibilities to me, I have already taken  
4           steps to identify some cue staff members, senior  
5           staff members of the Commission staff.

6           Allow me to introduce some of those members  
7           to you tonight, the first of which is Dr. Alan  
8           Gartner. Alan? Alan I have selected as deputy  
9           executive director for the Commission.  
10          Dr. Gartner, since the beginning of the Bloomberg  
11          administration, has held senior City Hall  
12          positions, culminating with service as Chief of  
13          Staff, Office of the Deputy Mayor of policy.

14          For the past several months, he has served  
15          as director of judicial research at the Law  
16          Department, gearing him for this session of the  
17          City Council Redistricting.

18          From 1990 to 1991, he searched as executive  
19          director of the Districting Commission, which  
20          drew the lines to expand the City Council from 35  
21          to 51 members.

22          While in 1992, he served as a  
23          court-appointed expert in the line-drawing for  
24          the New York delegation, the New York  
25          congressional delegation.

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1           And prior to his work with the City,  
2           Dr. Gartner was administrator at CUNY, lastly as  
3           dean for research at the graduate center. I am  
4           sure you will agree with that, that Dr. Gartner  
5           will be a terrific asset and resource to the  
6           staff of the Commission.

7           In addition, I would like to introduce to  
8           you Thaddeus Hackworth. Thaddeus? You will be  
9           hearing a presentation from Thaddeus later on  
10          this evenings. But Thaddeus I selected as  
11          General Counsel for the Commission.

12          Thaddeus is presently senior Council at the  
13          New York City Law Department, where he has  
14          advised as the defendant a wide range of City  
15          agencies in civil litigation.

16          Thaddeus initially started with the Law  
17          Department in 2004 after graduating from  
18          Georgetown University with both a degree in law  
19          and also a master's in public policy.

20          While in the public policy program, Thaddeus  
21          conducted several research projects that included  
22          qualitative and quantitative analysis of census  
23          data, which I am sure you will agree with me will  
24          be very, very relevant and pertinent to the work  
25          ahead of us.

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1           In addition, he serves as adjunct professor  
2           at Baruch College School of Public Affairs, where  
3           he teaches quantitative research methods to  
4           master's degree students.

5           And, of course, as other staff members are  
6           identified and hired on, I will be sure to report  
7           to you those members and their relevant  
8           information. Again, I want to take this  
9           opportunity and look forward to working with each  
10          and every one of you.

11          MR. ROMANO: Thank you, Mr. Hum. The next  
12          item on our agenda is update on demographics from  
13          Joe Salvo. Mr. Salvo? Welcome.

14          MR. SALVO: Hi, thank you. Can you hear me?  
15          Okay, good. First off, I want to thank you for  
16          inviting me and the opportunity to give you kind  
17          of a quick briefing and overview of demographic  
18          changes in the City. Before I start, a couple of  
19          things I want to mention.

20          First off, the categories that are used that  
21          you are going to see a lot, they do no justice to  
22          New York City, it's diversity, okay? We use  
23          these categories to provide kind of an overview.

24          What I am going to do this evening and is I  
25          am going to give you a deeper look at what

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1 happens in the City's neighborhoods, first of  
2 all. Second, I am going to talk about  
3 neighborhoods as much as about districts, in  
4 fact, not much about districts.

5 I am going to put our neighborhood template  
6 at City Planning, we analyze the City's  
7 neighborhoods on a continuous base. We look at  
8 demographic changes. We have a lot of material.

9 I will be showing you later on some web  
10 links. You can go and pursue further research on  
11 demographic changes in the city. My goal is to  
12 give you a sense of what the changes have been in  
13 the city over the last decade.

14 We start with total change in population.  
15 The City's population increased, according to the  
16 2010 census, by 2 percent. Now, we feel strongly  
17 that there was a bit of an undercount in the  
18 city. But these are the numbers that you are  
19 going to be dealing with as you pursue your  
20 activities.

21 The City's population increased by 167,000  
22 people, or 2 percent. The most important thing I  
23 can tell you at the beginning of this talk is  
24 that this increase, very dramatically by  
25 neighborhood, varies across the City's terrain.

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1 It varies by race and Hispanic origin, all  
2 important factors in what you are going to be  
3 doing.

4 The non-Hispanic white population is down a  
5 little, about 3 percent. You can see here the  
6 Hispanic population is up at 8 percent, the black  
7 population down about 5 percent and the Asian  
8 population for the first time in the City's  
9 history, topped one million, increasing by about  
10 32 percent.

11 But these numbers don't begin to tell you  
12 what happened in the city. For that, we need to  
13 look at the city's geography. First, we are  
14 going to look at Manhattan. Manhattan's white  
15 population increased.

16 Its Hispanic population stayed about the  
17 same, declined a little. Black population down,  
18 Asian population up. Let me show you the map.  
19 These are the map of the Council districts in  
20 Manhattan.

21 Let's start by talking about the  
22 non-Hispanic white population. There are two  
23 white non-Hispanic populations in New York City.  
24 One is Irish, Italian, German, European, and it  
25 is waning because of migration and because of

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1 mortality. The population is aging out. Back in  
2 1970, the city had 200,000 foreign-born Italians.  
3 Today, the number is 22 or 23,000, indicative of  
4 what's happening.

5 But there is another white non-Hispanic  
6 population that you need to know about and to  
7 look at as you make your decisions. It's a young  
8 non-family population, being fed heavily through  
9 in-migration from the rest of the country, an  
10 in-migration that's picked up in the last few  
11 years.

12 As economic conditions have deteriorated in  
13 the rest of the country, New York has become a  
14 bit of a haven for in-migrants from the rest of  
15 the country. And we see the manifestation of  
16 that in Manhattan.

17 Lower Manhattan, 13 percent increase in this  
18 Council district in Lower Manhattan. The West  
19 Side of Manhattan, big increase. This part of  
20 Manhattan, the increase is being fueled heavily  
21 by white non-family households, but also by young  
22 Asian households.

23 Notice, interesting, you see -- it's hard to  
24 see these bars. This slideshow will be available  
25 to you, certainly. But down here in Lower



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1 Manhattan, you see actually a decline in the  
2 Asian population in Chinatown, but just to the  
3 north, an increase in the Asian population. It's  
4 a product of Asian in-migration, young people  
5 moving in heavily non-family.

6 Now, up north, northern portion of  
7 Manhattan, Central Harlem, read it in the  
8 newspaper, black population declined. In fact,  
9 when you look at Manhattan, Manhattan had the  
10 largest proportion of black decline in the City,  
11 13 percent.

12 And a lot of it had to do with losses of  
13 black population in Central Harlem. You go into  
14 West Harlem, Sugar Hill, this whole area in here,  
15 in Northern Manhattan, north of 110th Street  
16 indicating). Still though, Central Harlem is  
17 61 percent black. The fact is, though, that  
18 that's waning a little bit.

19 We have non-family households moving in to  
20 portions of Central Harlem, moving up into  
21 Washington Heights. Washington Heights is still  
22 heavily Hispanic, but that's waning. Why?  
23 Because groups come in and then they leave. No  
24 one stays here forever.

25 The Dominican population is moving across

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1 the Harlem River to the West Bronx. I will show  
2 the Bronx map in a minute. It's also moving to  
3 New Jersey, there's a bit of a decentralization  
4 occurring. Still, though, you see these Council  
5 districts heavily, heavily Hispanic.

6 Interestingly, there is also another  
7 Hispanic flow from Washington Heights into the  
8 northern part of Central Harlem. In fact, that's  
9 one of the reasons why Manhattan is holding on to  
10 a Dominican population.

11 Okay. So, in general, if you want to  
12 characterize Manhattan, about half the population  
13 is non-Hispanic white. The black and Hispanic  
14 populations are waning a bit, but still heavily  
15 dominant in the northern part of the borough.

16 Now let's go over to the Bronx. The Bronx  
17 is now over half Hispanic, 53 percent. And the  
18 Hispanic population increased last decade by  
19 15 percent. The non-Hispanic white population is  
20 down by 20 percent. Black population really  
21 didn't change. Asian population up slightly.

22 Now, when you look at the map, it is one of  
23 Hispanic replacement. When you look at the white  
24 population, Hispanics are replacing the European  
25 whites in the northern portion, the northwestern

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1 portion of the borough and in the eastern portion  
2 of the borough. Areas like Throgs Neck, Pelham  
3 Bay are becoming more Hispanic, less European  
4 white. Up in Riverdale, again, less European  
5 white, more Hispanic.

6 The black population has remained about the  
7 same. Up in Williamsbridge, Wakefield, to the  
8 north essentially been Black West Indian. Still  
9 is Black West Indian, most heavily dominated by  
10 Jamaica. What's interesting is the western ridge  
11 of the Bronx is Puerto Ricans are leaving and  
12 Dominicans are moving in.

13 It used to be that Dominicans and Puerto  
14 Ricans, when you looked at the boroughs of the  
15 city, there was a competition between Manhattan  
16 and the Bronx. No more competition. The Bronx  
17 is now far and away the largest of the boroughs  
18 when it comes to the Dominican community, about  
19 276,000, the largest in any county in the  
20 country.

21 The West Bronx is taking in the Dominicans  
22 and shedding Puerto Ricans. What happens here,  
23 though, is that it becomes a zero sum game. You  
24 see the numbers here, this District 14? Less  
25 than 1 percent income in population, okay? Up

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1 north, you see a small decline.

2 This is where the action is in the Bronx.  
3 It's all in the path of the 4 train, okay? It's  
4 a flow of the Jerome Avenue corridor across to  
5 the Bronx River.

6 In fact, one of you mentioned Community  
7 District 2 is certainly part of this. What has  
8 happened in this corridor here is that we have  
9 had a big increase in housing. Housing has been  
10 constructed in this corridor.

11 And what we have is something we haven't  
12 seen since the 1940s, which is population growth  
13 not only due to more births than deaths, but due  
14 to in-migration of Hispanics, Hispanic families.

15 In this corridor in here, 9 percent growth  
16 in population. Look down here in Mott Haven,  
17 Melrose up into Morris, 9 percent, 10 percent,  
18 11 percent in the South Bronx. This is where a  
19 lot of the action is, from the standpoint of  
20 population change. So, that's kind of the whole  
21 point about the Bronx.

22 Let me point out to you that the numbers  
23 here in italics are the total population change  
24 numbers. Obviously, the other numbers are of  
25 Council district number. And overall, the Bronx

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1 increased by 3.9 percent. By the way, we think  
2 the enumeration worked fairly well in the Bronx.

3 Okay, Queens. Decline, like in the Bronx,  
4 of non-Hispanic white households. But still, a  
5 large percentage of all the people of the  
6 population in Queens consists of non-Hispanic  
7 whites. But what happened now is that, if you  
8 look across the major race groups, is that you  
9 see things are becoming more and more even.

10 The thing that characterizes Queens, no  
11 surprise to anybody here, is the fact that Queens  
12 has no dominant group, that the non-Hispanic  
13 white population that you see, the Hispanic  
14 population, almost identical in terms of their  
15 percentages of the total.

16 The black population you see here it's under  
17 20 percent. Asian population rising. Asian  
18 population almost a quarter of the population of  
19 Queens now.

20 And the manifestation of this, in the  
21 maps -- this is really fascinating. Let me start  
22 by saying District 22 according to the 2010  
23 census declined by 10 percent. We don't believe  
24 that they declined by 10 percent, but we have to  
25 live with these numbers.

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1           This is the area where the Census Bureau  
2           deleted a lot of the addresses because they said  
3           the addresses did not exist, or they said the  
4           addresses were vacant. They couldn't find  
5           people.

6           But nonetheless, theories are the numbers  
7           again we have to live with. Overall, the Queens  
8           population, according to the change data from the  
9           2010 census didn't change much.

10          In fact, the Census Bureau said the  
11          population didn't change. But if you look over  
12          Queens overall, you would see that there were  
13          some significant changes. Let me point out a few  
14          of those.

15          The biggest one occurred in the northeastern  
16          portion of Queens where we have essentially the  
17          Asian population replacing the European white  
18          population. And you see that in these green bars  
19          here. The green bars have all grown; Whitestone,  
20          Malba, Douglaston, down to Fresh Meadows, the  
21          area east of Flushing Meadow Park.

22          In 2000, we had maybe three or four  
23          neighborhoods which could claim to be majority  
24          Asian. This is in a city, 13 percent Asian, and  
25          this is in a borough which is 25 or so percent

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1 Asian.

2 We have neighborhoods now, many  
3 neighborhoods in northeastern Queens that are  
4 majority, majority over 50 percent Asian as a  
5 product of this waning of the European white  
6 population and increases in the Asian population.

7 The black population migrating out in  
8 southeastern Queens, but still a heavy influence.  
9 You see these bars have gown down a little bit in  
10 Jamaica across Queens Village.

11 What's interesting is on the periphery of  
12 the black neighborhood, we have increases in  
13 Asian population, South Asian population and  
14 increasing in Hispanic pop, even to the point now  
15 where the Guyanese, notice there's a bar we call  
16 "other non-Hispanic" and it's large.

17 It is not Asian specifically, it's not  
18 black, it's not white. It is not Hispanics. It  
19 is Guyanese. And the Guyanese population in  
20 Richmond Hill, of course, and down into this  
21 corridor of southeastern Queens, it's getting  
22 larger. And it's kind of on the periphery of the  
23 black community that exists in southeast Queens.

24 So, the area along the Brooklyn/Queens  
25 border, Ridgewood, which was once the bastion of

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1 the largest German settlement in the city is now  
2 becoming increasingly Hispanic. Hispanics are  
3 pushing over from Bushwick across the line here  
4 and you will see that reflected in the data  
5 surge.

6 Now, northwestern Queens, interesting,  
7 heavily Hispanic. It's non-Puerto Rican  
8 Hispanic. One of the most interesting things we  
9 found is the area around East Elmhurst is  
10 becoming more Hispanic.

11 The area that was kind of, was a middle- or  
12 upper-class black community, big houses -- Louis  
13 Armstrong's house is there, many of you know --  
14 is becoming Central and South American now.

15 Fascinating, North Corona, which was solidly  
16 Dominican, North Corona, solidly Dominican,  
17 wholesale replacement by Mexicans now moving in.  
18 The Hispanic numbers will not tell you that. You  
19 need to kind of dig a little deeper to find that  
20 out. There's a 5.1 percent increase in this  
21 district.

22 Let me move on here. Okay, Brooklyn. Half  
23 of the black loss in the city occurred in  
24 Brooklyn. And it could have been much more  
25 severe were it not for something that I am going



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1 to show you in a minute.

2 Six percent loss of black population; white  
3 population up slightly; Hispanic, flat; Asian up  
4 big time. You might be surprised the  
5 fastest-growing Asian tracts in New York City are  
6 Bensonhurst.

7 Okay. Let's start with the population along  
8 this corridor here, in northwestern Brooklyn.  
9 For a long time, North Side, South Side, Downtown  
10 Brooklyn, this whole Park Slope, Brooklyn  
11 Heights, we have had a large non-Hispanic white,  
12 non-family increasingly family population.

13 What has happened now is that population is  
14 pushing east. When we first looked at our data  
15 for the neighborhoods, for example, Bedford, we  
16 saw a big increase in white population.

17 And to be honest, I thought it was a product  
18 of orthodox Jewish movement, okay, perhaps  
19 Williamsburg moving and continuing to move out,  
20 or something happening in the Crown Heights area.

21 We then looked and saw a dramatic rise in  
22 non-family households and a dramatic decline in  
23 household size. It's the young white in-migrants  
24 pushing into districts to the east.

25 And the greatest manifestation of this is in

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1 District 35. Now, the neighborhood, which we  
2 call Bedford in our maps at City Planning, went  
3 from 5 percent non-Hispanic white to 24 percent  
4 non-Hispanic white in one decade. And it's a  
5 product of this migration.

6 Let me point out, though, that this area of  
7 Central Brooklyn, Bedford-Stuyvesant,  
8 Brownsville, East Flatbush, remains heavily  
9 non-Hispanic black, heavily West Indian and  
10 continues to be West Indian. But I say again,  
11 immigrant groups don't stay here forever. They  
12 decentralize. They move out. They go other  
13 places.

14 What has happened in the city is the  
15 African-American group with its origins in the  
16 south is moving out, combined with some  
17 decentralization of the West Indian population.  
18 And the new African immigration population, which  
19 I failed to point out in the Bronx -- and if you  
20 have any questions, I will certainly talk about  
21 that -- is not enough to counter that, okay.

22 All right. So, to the south here, you see  
23 again the blue. That's indicating non-Hispanic  
24 white population, still substantial, but again  
25 waning. The most interesting thing that is

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1 happening is in Bay Ridge pushing down into  
2 Bensonhurst, Bath Beach, Gravesend, Homecrest, is  
3 an Asian population that is increasing, mostly  
4 Chinese.

5 We have areas down here where the Asian  
6 population in one decade doubled. At the same  
7 time, the Russian population, younger Russian  
8 population, is pushing up into Bensonhurst.

9 Why? Because this is the largest vacuum --  
10 I don't want to use the word "vacuum" -- but the  
11 fact is that the Italian population was here in  
12 very large numbers at one point in time. That  
13 has waned, opening up a lot of housing and taken  
14 most heavily by the Russians and by the Asian  
15 population, specifically the Chinese.

16 Now, I mentioned earlier that the black loss  
17 in Brooklyn was substantial, but it could have  
18 been a lot worse. Here is why. We have black  
19 suburbanization in the city. Many groups have  
20 suburbanized within the confines of New York City  
21 because New York City is a big place.

22 At the same time, we had black losses in  
23 northern Brooklyn. We have had black increases  
24 in East New York, in Canarsie, in a number of  
25 neighborhoods on the Brooklyn/Queens border.

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1           And we need that as a movement seeking  
2           housing, seeking a more suburban lifestyle in a  
3           number of communities that offer that. That has  
4           actually been what actually acted to dampen or  
5           offset the black migration out of the city.

6           Let's go to Staten Island. White population  
7           down. Staten Island is the only borough where  
8           the Hispanic, black populations both increased,  
9           most heavily in Community District 1.

10           Community District 1 is now no different  
11           from any of the different areas in the rest of  
12           the city. It's an amazingly diverse place.

13           We have people from new African countries  
14           moving into Mariners Harbor. We have a big  
15           Mexican in-movement and pushing over actually  
16           some of it into the Port Ivory area, New  
17           Brighton, the areas along Hylan Boulevard  
18           starting up by the ferry.

19           You see a whole bunch of different immigrant  
20           groups from South Asian, just high levels of  
21           diversity. That's manifested in this bar. Holy  
22           cow. Look at this. You have got Hispanic,  
23           white, black Hispanic, Asian all represented.

24           Now, the rest of Staten Island you might be  
25           surprised to know mid island or District 15 is

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1 losing white population. We have out-migration.  
2 The Russian population in here is not enough to  
3 counter the white losses. Still substantial, but  
4 nonetheless, declining a bit.

5 Asian pop. increasing. In fact, if you look  
6 at the increases that I just showed you in the  
7 chart here, look at the Asian increase in Staten  
8 Island. The population is still under 50,000 but  
9 a 40 percent increase.

10 Hispanic is up 51 percent in a borough and  
11 black pop. up 12 percent. The southern portion  
12 of the island is taking migrants in from the  
13 middle portion of the island. At least, we have  
14 some evidence that this is occurring.

15 So, I am sure there's a whole bunch of  
16 things I could have told you about. And I would  
17 welcome the opportunity to do that further. But  
18 this is kind of initial flyover of the city to  
19 tell you a little bit about what is driving some  
20 of the changes that you are going to have to  
21 contemplate.

22 I kind of envy all of you because, looking  
23 at this stuff, there is no place in the world  
24 like this, okay? I mean, really, there's no  
25 place like this. And you have all these

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1           considerations that go beyond the four or five  
2           categories that I have shown you. I mean, the  
3           problem is I don't think any system of categories  
4           would work in the city, you know?

5           Am I pushing the limit here? Who is keeping  
6           time? (Laughter.) Okay. I would be remiss -- I  
7           would have to point out the new African migrants  
8           in Highbridge. If you go on the Jerome Avenue  
9           train and you get off 167th Street and you walk  
10          west, it's a whole world there that has opened up  
11          fairly recently, and is actually quite remarkable  
12          in terms of its effects.

13          And it is spurring the population upward.  
14          And it is something you will not see in a lot of  
15          these basic categories. You need to dig a little  
16          deeper, and that will be to the team you bring in  
17          to give you a sense of how to dig a little  
18          deeper. So, I am going to stop here because I  
19          could continue.

20          MR. ROMANO: Thank you. (Applause.) Your  
21          enthusiasm and passion for your trade is  
22          hopefully contagious. Speaking for myself, I  
23          think we are all going to have to become more  
24          comfortable with your language and your  
25          technology. We have the obvious takeaway from

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1 this that there have been lots of changes.

2 But we are going to have to drill down to  
3 considerable detail to make that observation and  
4 turn it into some reality that will be the  
5 product of this Commission. And I want to thank  
6 you on everyone's behalf.

7 Are there any questions that any  
8 commissioner has? Thank you again. I would like  
9 now at this point invite Thaddeus Hackworth.

10 MR. HACKWORTH: I would like to start by  
11 thanking the Commission. I am looking forward to  
12 working with you and I am very honored to have  
13 been selected to do so.

14 The purpose of this presentation is to give  
15 you a brief overview of the timing of the  
16 Commission under the charter and also the law  
17 that is going to be applied to your work.

18 The presentation is very brief compared to  
19 the complexity of the subject. It is certainly  
20 something that we are going to be talking about  
21 in great detail in the future.

22 But I thought we would start by getting a  
23 basic overview of what we are going to be dealing  
24 with. I tried to make my presentation as  
25 colorful as Joe's, but ultimately it's just law,

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1 so it's not that exciting.

2 MS. BRAGG: You have got a tough act to  
3 follow. Good luck with that (applause).

4 MR. HACKWORTH: First, I wanted to start  
5 with timing of the Commission's works. This is  
6 governed by Section 51 of the New York City  
7 charter. So, that's very hard to read for some  
8 reason on the screen there. Hopefully everyone  
9 has paper copies.

10 The Districting Commission is governed by  
11 Sections 50 through 52 of the New York City  
12 charter. And Section 51 sets forth the timing  
13 for the Commission's work.

14 And the first hard deadline in Chapter 51 --  
15 so we are going to kind of start in the middle  
16 and then go backwards -- the first hard deadline  
17 is the November 5, 2012, deadline.

18 So, by then, under the charter, a draft plan  
19 has to be submitted to the City Council. So, if  
20 we work backwards from there, the charter  
21 requires that, by one month before that date, one  
22 month before the plan is submitted to the City  
23 Council, the Commission must have had one or more  
24 public hearings regarding its initial plan.

25 So, in order to have one or more hearings by



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1           October 5, 2012, the Commission will have to have  
2           a plan before October 5, 2012. But the charter  
3           also requires that the plan be published at least  
4           one month prior to the first of the hearings that  
5           must be completed by October 5, 2012.

6           So, there is no specific hard deadline for  
7           when this Commission must publish its initial  
8           plan, but it has to be published one month prior  
9           to the public hearings that will end on  
10          October 5th.

11          So, let's assume for the sake of argument --  
12          hopefully this is not the way it will turn out --  
13          but if the Commission was to just have one public  
14          hearing on October 5th, then the plan would have  
15          to be submitted by September 5th.

16          So, the Commission should strive to publish  
17          a plan at some point prior to September 5, 2012.  
18          The more time prior to that date, the more time  
19          you will have to have public hearings and seek  
20          public input.

21          Okay. So, Commission has published the  
22          plan. The hearings have been held. It's been  
23          submitted to the Council by November 5, 2012.  
24          The Council then has three weeks -- and if it is  
25          submitted on November 5th, that would be

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1 November 26, 2012 -- to take action on the plan.

2 So, the Council can accept the plan, it can  
3 object to the plan or it can do nothing.

4 If the Council objects to the plan, then it  
5 will send the plan back to the Commission with  
6 those objections and also comments from  
7 individual Council members for the Commission to  
8 consider.

9 If the Council accepts the plan or if the  
10 Council takes into action at all within the  
11 three-week period, then the plan will be deemed  
12 final. At that point, the Commission's work will  
13 be done.

14 If past is prologue, the Council will send  
15 the plan back with comments. If that happens,  
16 then the Commission has until January 4th of 2013  
17 to revise the plan.

18 So, the Commission will look at the  
19 objections that are sent by the Council and the  
20 other comments and consider them and come up with  
21 a revised plan. There is no requirement that it  
22 be any different from the previous plan, but the  
23 Commission may find there is some wisdom in the  
24 Council's objections and choose to revise the  
25 plan.

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1           After that deadline for the revised plan,  
2           the charter requires that there be additional  
3           public hearings. So, the plan is revised with  
4           the Council's comments. Then it goes back out to  
5           the Commission. The Commission will have  
6           additional hearings to hear from the public  
7           regarding this new, revised plan.

8           After those hearings are over, the  
9           Commission will finalize a plan. That final plan  
10          has to be submitted to the City Clerk by  
11          March 5th of 2013. Once that happens, once it's  
12          filed with the City Clerk, the plan is submitted  
13          to the Department of Justice or to the D.C.  
14          District Court -- and we will talk about that  
15          later.

16          Once it's pre-cleared, then the plan may be  
17          enacted. But for the purpose of the Commission,  
18          the goal ultimately is to have a plan filed with  
19          the City Clerk by March 5, 2013, and then we seek  
20          pre-clearance for the plan.

21          Okay. So, with that framework, timing  
22          framework in mind, if we move on to the sources  
23          of law the Commission will be dealing with. And  
24          there are three main sources of law. The first  
25          is the United States Constitution, specifically,

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1 the 14th Amendment and even more specifically,  
2 the Equal Protection Clause. I will take about  
3 that in a moment.

4 The second category is Federal statutory  
5 law, and specifically there is the Voting Rights  
6 Act of 1965, in particular, Sections 2 and 5 of  
7 the Voting Rights Act.

8 And then finally, the local laws. So, the  
9 New York City charter creates the Commission, it  
10 governs the Commission's work and it also sets  
11 forth criteria for the creation of a districting  
12 plan.

13 So, we will start with the U.S.  
14 Constitution's Equal Protection Clause. The  
15 basic concept here is one that you are probably  
16 familiar with, known as one person, one vote.  
17 What this means is when districts are drawn,  
18 voting districts, they have to be as close as  
19 possible to equal in population size.

20 So, the idea is, there should not be  
21 one district with very few people in it that gets  
22 one vote and then another district with many,  
23 many people in it that also gets one vote because  
24 the people in the smaller district would then  
25 have an outsized political sway compared to those

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1 in the other districts.

2 So, the Constitution's Equal Protection  
3 Clause requires that the districts be as close as  
4 possible really to being equal. In Federal  
5 redistricting, it's very stringent.

6 There can be almost -- really no deviation  
7 in population among the Federal congressional  
8 districts. But that stringent rule does not  
9 apply to State or local redistricting.

10 So, there's a rule that is applied for State  
11 and local redistricting. It's also reflected in  
12 the New York City charter and it specifies that  
13 the difference in the population between the  
14 least populous district and the most populous  
15 districts shall not exceed 10 percent of the  
16 average population.

17 So, doing the math here, if New York City's  
18 2010 population was around 8.1 million, then  
19 divided among the council's 51 districts, that  
20 would be 160,000, approximately, residents per  
21 Council district.

22 So, that would be the number to strive for  
23 for each district. But some deviation is  
24 allowed. In this case, 10 percent of that  
25 average population is 16,000, so ultimately, the

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1 charter specifies that the smallest district in  
2 the plan should be no more than 16,000 residents  
3 smaller than the largest district that is created  
4 in the plan.

5 Now, that is not an absolute rule. There  
6 can be deviation that is greater than that. But,  
7 the courts will require some very compelling  
8 reason for a population deviation much more than  
9 10 percent.

10 So, the 10 percent rule is a good one to  
11 follow, not only because it's required by the  
12 Equal Protection Clause, but also because it's  
13 specified in the charter.

14 Moving on to the Voting Rights Act of 1965,  
15 there are two sections that are applied to  
16 districting in the Voting Rights Act, Section 2  
17 and Section 5. Section 2 applies nationwide. It  
18 applies to all State and Local redistricting.  
19 And it prohibits voting practices or procedures  
20 that discriminate on the basis of race, color or  
21 membership in a language minority group.

22 So, this is really an antidiscrimination  
23 statute. In the districting process, it means  
24 that the Commission cannot draw lines that dilute  
25 minority vote, dilute minority voting power. So,

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1 the minimization or canceling out of minority  
2 voting is prohibited under Section 2.

3 Section 5 is a more stringent standard and  
4 it does not apply nationwide. It applies only to  
5 covered jurisdictions that were selected based on  
6 a formula that accompanied the Voting Rights Act  
7 originally in 1965. Now, Section 5 is not an  
8 antidiscrimination statute, or is, but it's not  
9 just an antidiscrimination statute.

10 Its purpose is actually to protect the  
11 ability of minority citizens to elect their  
12 preferred candidates of choice.

13 So, it applies again to covered  
14 jurisdictions. In New York City, there are three  
15 covered jurisdictions, and these are the three  
16 counties listed here; New York County, Kings  
17 County and Bronx County.

18 Section 5 requires that the plan districting  
19 plan or really any other voting change in these  
20 counties has to be pre-cleared. It can either be  
21 pre-cleared by the Department of Justice or it  
22 can be pre-cleared by the D.C. District Court.

23 Generally, most jurisdictions choose to seek  
24 pre-clearance through the Department of Justice  
25 administratively. It's an option also to,

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1 lesser-used option, to go to the District Court.

2 So, in reviewing a plan submitted, the  
3 Department of Justice or the District Court,  
4 under Section 5, we will be looking at two  
5 prongs. They will be looking to see whether  
6 there was a discriminatory purpose in the  
7 redistricting and whether there was a  
8 discriminatory effect.

9 The discriminatory-purpose prong is largely  
10 procedural. So, what the Department of Justice  
11 or the court, depending on who you go to, will  
12 do, they look largely at the process that is used  
13 to create the plan.

14 So, they will look at this Commission. They  
15 will see whether the Commission sought public  
16 comment, sought out the opinions of protected  
17 minorities in the planning.

18 They will consider if commissioner members  
19 were to make comments publically about the plan.  
20 Those kinds of things would come into play.

21 So, they will basically be looking to see  
22 whether if there is anything in the process that  
23 indicates that there was a discriminatory purpose  
24 in creating the plan.

25 The more concrete and more often-used,



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1 really, prong, is the discriminatory effect  
2 prong. And specifically, what the Department of  
3 Justice or the D.C. District Court is looking for  
4 here is a concept called retrogression. So,  
5 retrogression is any worsening of a position of  
6 minority voters from the benchmark.

7 The benchmark in districting is the lines as  
8 they are currently drawn. So, to the extent that  
9 the districts as they are drawn now contain  
10 certain populations -- and this is based on the  
11 2010 census data. It doesn't matter what the  
12 composition of the districts were when they were  
13 initially created by the previous Commission.

14 Based on the population in the districts  
15 that exist now using the 2010 census data, the  
16 Department of Justice will look to see  
17 essentially whether and how many  
18 majority/minority -- how many districts under the  
19 current plan as it exists now, knowing that it  
20 has to change because people have moved, but  
21 putting that aside, how many districts have a  
22 majority of minority voters and are therefore  
23 able to elect candidates of their choice.

24 If the plan that is drawn by the Commission  
25 has fewer majority minority districts than exist

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1 currently under the benchmark, the Department of  
2 Justice would consider that to be, or it could  
3 consider that to be retrogression. So, there  
4 would have to be some compelling justification  
5 for why that was the case.

6 In essence, if you had just left the lines  
7 alone, would protected minorities under Section 5  
8 be better off than the changes that we made to  
9 the plan?

10 And last but not least, the last section is  
11 New York City charter. And what is great about  
12 the way that the charter was drafted is that it  
13 largely takes into account both the requirement  
14 in the Equal Protection Clause and also the  
15 Voting Rights Act with its first two criteria.

16 So, the slide here shows the list of  
17 criteria that the Districting Commission is to  
18 consider in creating the plan, and they are  
19 listed in priority order.

20 And they are also to be applied to the  
21 maximum extent practicable. So, what that means,  
22 essentially is, by the time you get to the bottom  
23 of the list, it may not be able to apply each one  
24 of these rules in full.

25 So, to the extent that you cannot, you

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1 should be prioritizing the rules at the top of  
2 the list, starting with the one person, one vote.  
3 And again, the charter specifies the 10 percent  
4 rule. The smallest district should be no smaller  
5 than 10 percent of the average district compared  
6 to the larger one.

7 The next prong under the charter is the fair  
8 and effective representation of racial and  
9 language minority groups. Again, this is very  
10 similar to what the Commission will be  
11 considering under the Voting Rights Act, whether  
12 minorities, language minorities or racial  
13 minorities continue to have the voting power that  
14 they had previously under the new plan.

15 But it doesn't stop there, though. The  
16 charter also requires that the Commission  
17 considers several others things, in particular,  
18 and perhaps the most interest is the next,  
19 neighborhoods and communities of interest are to  
20 be kept intact, again, to the extent practicable.

21 So, part of the Commission's work will be to  
22 identify neighborhoods and communities of  
23 interest and to the extent possible, while still  
24 following the one person, one vote and the Voting  
25 Rights Act requirements, try to keep those

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1 communities intact.

2 The next rule is compactness. So, the  
3 charter says each district shall be compact and  
4 shall be no more than twice as long as it is  
5 wide. Ultimately, you just want to keep a  
6 circumference as small as possible. So, you want  
7 to stay away from odd-looking districts or  
8 districts that extend to large swaths narrowly.

9 Next, no crossing the county lines. So, the  
10 charter, again, to the extent practicable,  
11 requires the Commission to attempt to draw  
12 districts that do not cross boroughs. We will  
13 talk about that one again in just a minute.

14 But just to get through the other ones here,  
15 because you are all so excited about the  
16 presentation (laughter), the lines should be  
17 drawn in a way that does not dilute political  
18 party representation.

19 And the last one is that the district should  
20 be in standard shape. So, that's very similar to  
21 the compactness. You don't want to draw  
22 districts based on favorite animals or anything  
23 like that. The districts, to the extent  
24 possible, should be standard district shapes.

25 Okay. So, that last set of rules were in

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1 order of priority to be applied to the maximum  
2 extent practicable. The charter has two rules  
3 that are mandated, so they have to be followed.

4 The first is that districts must be  
5 continuous. So, you cannot have a district that  
6 is present in one place and then is not connected  
7 to another place in the same district. In other  
8 words, it has to be one shape. It can't be  
9 divided. That's one of the mandated rules.

10 And the other is that only one district can  
11 cross county lines per set of counties. So, in  
12 the previous slide we saw that the Commission  
13 must try not to cross county lines, but to the  
14 extent the Commission, in order to fulfill the  
15 other requirements, has to draw districts that  
16 cross county lines, only one district can cross  
17 county lines per set.

18 So, if a district crosses a county line  
19 between Brooklyn and Queens, there can only be  
20 one that crosses the line between Brooklyn and  
21 Queens, and the same for any other combination of  
22 the boroughs. And I think that's it for me. So,  
23 are there any questions about any of that?

24 MR. ROMANO: I am sure the Commission  
25 members will have questions from time to time as

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1 we get more familiar with these concepts. The  
2 lawyer has spent his day thinking about other  
3 things (unintelligible).

4 MR. HACKWORTH: I expect so and I am looking  
5 forward to it.

6 MR. ROMANO: Thank you very much (applause).  
7 In case Mr. Hackworth's presentation didn't drive  
8 home the point well enough, we are on a very  
9 tight schedule here. I think it's a good idea  
10 for us to begin thinking about how we are going  
11 to be getting public comment as soon as possible.

12 I would like to discuss setting hearings for  
13 the middle of next month, the month of August.  
14 We won't have a plan, obviously, by then, but we  
15 need initially to solicit public input into the  
16 districting process, and the sooner the better.

17 I propose that we start by asking the  
18 public, in addition to any other comments they  
19 may wish to make about the plan, their opinion  
20 about the lines as they are currently drawn.

21 Are they good, are they bad, are they  
22 indifferent toward the subject? What the public  
23 sees as the communities with the established ties  
24 of common interest and association, a vague  
25 phrase that only a lawyer could love.

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1           But we would like to get input from the  
2           community about what they think it means. Are  
3           there any other suggestions from the Commission  
4           members about what subjects we might be able to  
5           get community input on? Whatever they may be, I  
6           think we should start thinking about dates for  
7           evening hearings around the city. I propose the  
8           following. I have given this some consideration  
9           earlier today.

10           We were going to try to block out a ten-day  
11           period from August 13th to August 23rd, and I  
12           know that it's a busy time for everyone. But  
13           this is very important and we are on a very short  
14           time schedule.

15           I propose that we meet in Brooklyn on  
16           August 13th, Queens on August 16th, Staten Island  
17           on August 20th, Manhattan on August 21st and  
18           Bronx on August 23rd.

19           One more time, Brooklyn on August 13th,  
20           Queens on August 16th, Staten Island on  
21           August 20th, Manhattan on August 21st and the  
22           Bronx on August 23rd.

23           The first date is a Monday, then a Thursday,  
24           then a Monday, then a Tuesday, then a Thursday.

25           I'm not certain that every member will be able to

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1 attend each of these hearings, but hopefully,  
2 those dates work for most of us.

3 We will be publishing public notice with  
4 further information about these meetings and the  
5 time and location. Are there any questions from  
6 any commissioner?

7 COUNCIL MEMBER: (Unintelligible.)

8 MR. ROMANO: I don't see any reason we can't  
9 switch Manhattan and Queens. So, we make  
10 Manhattan on the 16th and Queens on the 21st?  
11 Manhattan will be August 16th and Queens on the  
12 21st. Works for me. Thank you. Are there any  
13 further questions?

14 There appears to be no further business.  
15 There being no further business before the  
16 Commission, I move that we adjourn to our next  
17 meeting.

18 COUNCIL MEMBER: So moved.

19 MR. ROMANO: Do I hear a second?

20 COUNCIL MEMBER: Second.

21 (Continued on the following page.)  
22  
23  
24  
25



## NEW YORK CITY REDISTRICTING COMMISSION

1 MR. ROMANO: All in favor?

2 (A chorus of ayes.)

3 MR. ROMANO: Opposed? Abstentions? We are  
4 adjourned.

5 (Whereupon, at 7:48 p.m., the above matter  
6 was concluded.)

7

8

9

10 I, JOSHUA B. EDWARDS, RPR, a Notary Public  
11 for and within the State of New York, do hereby  
12 certify that the above is a correct transcription  
13 of my stenographic notes.

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JOSHUA B. EDWARDS, RPR

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