

# **FINAL REPORT**

## Recommendations of the 2011-2012 Reapportionment Advisory Committee of Pittsburgh City Council

Submitted to Pittsburgh City Council on October 3, 2012

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## **I. The Reapportionment Advisory Committee and the Process of Reapportionment**

### **Reapportionment Advisory Committee**

In October of 2011, Council President Darlene Harris solicited names from all nine members of City Council to serve on Pittsburgh City Council's Reapportionment Advisory Committee (RAC). After interviewing the nominees, the following nine residents were named to serve on the committee.

- **Barbara Burns**, nominated by Councilwoman Darlene Harris to represent District 1
- **Gabe Mazefsky**, nominated by Councilwoman Theresa Kail-Smith to represent District 2
- **Ken Wolfe**, nominated by Councilman Bruce Kraus to represent District 3
- **Ashleigh Deemer**, nominated by Councilwoman Natalia Rudiak to represent District 4
- **Kevin Acklin**, nominated by Councilman Doug Shields (and later affirmed by Councilman Corey O'Connor) to represent District 5
- **Daniel Wood**, nominated by Councilman Daniel Lavelle to represent District 6
- **Jon Pushinsky**, nominated by Councilman Patrick Dowd to represent District 7
- **Matt Merriman-Preston**, nominated by Councilman William Peduto to represent District 8
- **Marita Bradley**, nominated by Councilman Rev. Ricky Burgess to represent District 9

The committee was charged with reviewing census data, recommending a preliminary plan to reapportion the City of Pittsburgh's nine council districts, holding public hearings, and presenting a final reapportionment recommendation to City Council.

In organizing itself, the RAC elected Matt Merriman-Preston to serve as chair. He was tasked with calling meetings of the RAC, chairing RAC meetings, chairing public hearings, and communicating with city staff and others at the request of the committee. Merriman-Preston named Barbara Burns to serve as vice chair.

### **Support Staff**

The work of the RAC was assisted by city staff, whose experience and expertise proved invaluable to the committee.

City Clerk Linda Johnson-Wasler and/or Deputy Clerk Mary Beth Doheny were present at each meeting of the RAC to record the minutes and answer technical questions relating to process. They also facilitated communication between committee members and made arrangements for the public hearings.

Mike Homa, GIS Manager from the Department of City Planning was present to facilitate data visualization and to provide census data and maps to the committee as requested.

The Law Department was represented at RAC meetings by Assistant City Solicitor Lorraine Mackler and/or Associate City Solicitor Yvonne Hilton<sup>1</sup>. The law department answered legal questions and provided requested memos to members of City Council.

The website of the RAC<sup>2</sup> was maintained by David Passmore from City Information Systems.

**Process Summary**

The process of reapportioning the nine council districts of the City of Pittsburgh generally takes place in three phases.

1. City Council appoints RAC members. Members deliberate and prepare a *preliminary recommendation* to present at public hearings.
2. After taking public testimony, the RAC further deliberates and prepares a *final recommendation* to present to City Council.
3. City Council deliberates and finally passes legislation reapportioning the council districts.

**Meeting Summary**

The minutes of each meeting of the RAC were made publicly available on the RAC’s website. A brief summary of each meeting follows:

**Table 1. RAC Meeting Summary**

November 30, 2011	Goals and procedures of the committee were reviewed, census numbers were presented, and a projected timeline for the work of the committee was discussed.
January 12, 2012	The committee was organized. There was discussion on how this committee would conduct its work.
February 6, 2012	Census data was presented through the use of google fusion tables and the committee adopted criteria for reapportionment to be used in addition to legal requirements.
March 5, 2012	Committee began the work on a draft map.

<sup>1</sup> Legal intern Rebecca Grinstead represented the law department at one meeting.

<sup>2</sup> Available at <http://pittsburghpa.gov/council/redistricting> as of the date of this report

April 2, 2012	The committee continued work on the draft map, paying close attention to where district boundaries split neighborhoods.
May 7, 2012	The law department submitted memos on permissible variations and legal considerations. A tentative schedule for public hearings was set.
June 4, 2012	The committee held a working session, continuing edits on the draft map.
June 21, 2012	The preliminary map was approved unanimously for presentation at public hearings. The public hearing schedule was outlined.
July 9, 2012	Public hearing, Downtown
July 17, 2012	Public hearing, Central Northside
July 18, 2012	Public hearing, Knoxville
July 24, 2012	Public hearing, Larimer
August 6, 2012	Notes from the public hearings were reviewed and several changes were made to the preliminary map at the working sessions.
August 21, 2012	The map for final recommendation to City Council was approved unanimously.
September 12, 2012	The final report was reviewed and signed for submission to City Council.

## II. Criteria and Legal Requirements in Reapportioning City Council Districts

“Within the year following that in which the Federal decennial census is officially reported as required by Federal law, and at such other times as the governing body of any municipality shall deem necessary, each municipality having a governing body not entirely elected at large shall be reapportioned, by its governing body or as shall otherwise be provided by uniform law, into districts which shall be composed of compact and contiguous territory as nearly equal in population as practicable, for the purpose of describing the districts for those not elected at large.”<sup>3</sup>

State and Federal law outline four requirements that reapportioned council districts must meet. These are contiguity, compactness, equality in population, and compliance with the Voting Rights Act. The Reapportionment Advisory Committee additionally sought to minimize population deviation, keep neighborhoods together where possible, and respect the integrity of existing political boundaries.

### **As Nearly Equal in Population as Practicable**

Reapportioned council districts must meet the requirement of being as nearly equal in population as practicable. This is first established in Article IX, Section 11 of the Pennsylvania Constitution (quoted above). This is based on the principle that the voting power of every individual should be equal to that of any other individual or the “one person, one vote” standard.

The “one person, one vote” standard also has a basis in the equal protection clause of the Fourteenth Amendment to the U.S. Constitution:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”<sup>4</sup>

This standard was applied to state legislative reapportionment by the Supreme Court in *Reynolds v. Sims*<sup>5</sup> and extended to local governments in *Avery v. Midland County Texas*<sup>6</sup>.

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<sup>3</sup> *Constitution of the Commonwealth of Pennsylvania*, Article IX (Local Government), Section 11 (Local Reapportionment)

<sup>4</sup> *U.S. Constitution*, Amendment XIV, Section 1

<sup>5</sup> *Reynolds v. Sims*, 377 U.S. 533 (1964)

<sup>6</sup> *Avery v. Midland County Texas*, 390 U.S. 474 (1968)

Population deviation is typically measured as the deviation between the largest and smallest district. In this report, we also examine the deviation between the population of each council district and the ideal district size.

The Supreme Court has tended to have a strict standard for Congressional redistricting<sup>7</sup>, but has been more lenient on the permissible deviation for state legislative<sup>8</sup> and local governmental reapportionment.

In 2005, the Commonwealth Court ruled that a local reapportionment plan with a deviation of less than 10% enjoys a “safe harbor” from challenges asserting violation of equal protection<sup>9</sup>.

There are limited circumstances where deviations of greater than 10% have been found to be acceptable, including preservation of existing political subdivisions, conformity with natural boundaries, or maintenance of compactness or contiguity. However, the recommendations presented by this committee have a deviation of less than 10%.

While the courts have not established a specific threshold that must be met in order to satisfy the “equal in population” requirement, Pennsylvania courts have consistently applied a 10% “safe harbor.” This committee has considered a deviation of 10% between the largest and smallest districts as satisfying this requirement.

### **Contiguity**

The Pennsylvania Supreme Court has defined<sup>10</sup> a contiguous district as “one in which a person can go from one point in a district to any other point without leaving the district or one in which no part of the district is separate from any other part.”

This committee has used the standard that when looking at the map, no district may be divided into parts that do not touch one another. This allows, for example, a district to cross a river—even if no physical bridge exists—or for a district to maintain contiguity through a single point where two voting districts meet.

### **Compactness**

A compact district is one that is as solid and uniform in shape as possible. There tends to be a great deal of latitude in applying this criterion. In fact, no municipal reapportionment plan in Pennsylvania has been set aside on the grounds of failing to adhere to compactness.

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<sup>7</sup> *Karcher v. Daggett*, 462 U.S. 725 (1983)

<sup>8</sup> *Connor v. Finch*, 431 U.S. 407 (1977)

<sup>9</sup> *In re Municipal Reapportionment of Haverford*, 873 A.2d 821, 836 (Pa. Cmmw. Ct. 2005)

<sup>10</sup> *Commonwealth ex rel. Specter v. Levin*, 293 A.2d 15, 17-18 (Pa. 1972)

Generally, an objection on the grounds of violating compactness must show that the irregular shape was deliberately created for an illegitimate purpose.

Varying population densities, natural boundaries, established political subdivisions, and other legal requirements are all factors which necessitate a deviation in the shape of a district from perfect geometric compactness.

### **Federal Voting Rights Act**

The Federal Voting Rights Act of 1965 was established to enforce the provisions of the Fifteenth Amendment to the U.S. Constitution, which prohibits the government from denying a citizen the right to vote based on that person's race or color.

Historically, reapportionment has been used in various locations to dilute the voting strength of a minority population by either spreading the population thinly across multiple districts or packing the population into a single district. Both of these discriminatory practices would deny a minority population the opportunity to obtain representation proportionate to the population at-large.

In order to achieve proportionate representation, a reapportionment plan may not deny the creation of a minority-majority district<sup>11</sup> where such a potential district is possible.

The Supreme Court established in *Thornburg v. Gingles*<sup>12</sup> a three-point test that a challenge to a reapportionment plan must meet in order for the plan to be set aside on the basis of failure to create a minority-majority district.

- (1) The minority group is “sufficiently large and geographically compact to constitute a majority in a single-member district”
- (2) The minority group is “politically cohesive”
- (3) “The white majority votes sufficiently as a bloc to enable it... usually to defeat the minority's preferred candidate”

In *Bartlett v. Strickland*<sup>13</sup>, the Court further specified that test (1) above is a question of whether a minority population constitutes a numerical majority of voting-age population in a potential district. Accordingly, this committee uses 50% + 1 as the minimum population that a minority group must achieve for a district to qualify as “minority-majority.”

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<sup>11</sup> One in which the minority population forms a numerical majority of the total district population.

<sup>12</sup> *Thornburg v. Gingles*, 478 U.S. 30 (1986)

<sup>13</sup> *Bartlett v. Strickland*, 556 U.S. 1 (2009)

### **Additional Criteria Adopted by the Reapportionment Advisory Committee**

While the four legal requirements above must first be satisfied in order to produce a valid reapportionment plan, the RAC adopted three additional goals. The purpose was to produce a plan that did not simply meet the basic constitutional requirements for municipal reapportionment, but also reflects the needs of Pittsburgh and the individuals who live here specifically.

While the committee understood 10% as the maximum population deviation that would allow “safe harbor” from an equal protection challenge, equity requires us to further minimize the deviation as much as possible.

We have attempted to minimize the number of neighborhoods that are split between two and three council districts. Where possible, we have sought to re-unite neighborhoods that are currently split, and we strove not to create new splits, unless necessary to meet the above legal requirements. While we understand that there is not always complete agreement among those who live here as to the exact boundaries of neighborhoods, we have used neighborhoods as defined by City Planning<sup>14</sup> in order to maintain a consistent standard. In the rare cases where a neighborhood line splits a voting district, we have attempted to ascertain where the population center of that district lies. For example, Ward 11 District 14 spans both Highland Park and East Liberty. The majority of the population within this district resides in the East Liberty portion of the district, so this voting district is included in district 9, along with the rest of East Liberty.

Finally, the RAC has sought to respect the current political boundaries. In practice, this means that the committee chose the current council districts as the starting point, rather than drawing from a blank map. The goal is to minimize the number of residents who are moved from one council district to another.

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<sup>14</sup> Available at <http://www.city.pittsburgh.pa.us/cp/maps/pittsburgh.html> as of the date of this report

### III. The 2010 Census and Current District Boundaries

The 2010 census established the population of the City of Pittsburgh as 305,704. This is a decrease from 334,563 (the population established by the 2000 census). By dividing the total population by nine, it is determined that the “ideal” district population in a reapportionment plan is 33,967.

The African American population is 79,710 (23.8%), the Asian population is 13,465 (4.0%), and the Hispanic population is 6,964 (2.1%). These are the three largest minority populations in the City of Pittsburgh. Proportional representation alone suggests that 2 council districts should be minority-majority districts, which has been the case since Pittsburgh began electing Council members by district.

Table 2 shows the population of each council district as currently configured based on the 2010 census numbers. Additionally, the table itemizes the difference in current population from the “ideal” district size and the current proportion of the district that is African American.

**Table 2.** Population and demographics in council districts as currently configured

<b>District</b>	<b>2010 Census</b>	<b>Difference from Ideal</b>	<b>Deviation from Ideal</b>	<b>% African American Voting-Age Pop.</b>
1	31,492	-2,475	-8%	28.9%
2	33,099	-868	-3%	15.6%
3	33,270	-697	-2%	16.9%
4	34,249	282	1%	6.1%
5	35,418	1,451	4%	8.2%
6	35,837	1,870	5%	45.4%
7	34,385	418	1%	20.9%
8	39,259	5,292	14%	6.1%
9	28,695	-5,272	17%	71.9%

The district that gained the largest share of population relative to the others is district 8. A reapportionment plan must allow this council district to shrink in size and lose population in order to approach the “ideal” district size. District 9 lost the largest share of population and must therefore grow and gain population.

In order for each district to be brought within acceptable population deviations, the following changes should be made in a reapportionment plan.

- District 1 must grow by nearly 2,500
- District 2 may grow
- District 3 may grow
- District 4 is the closest to ideal population size, but may shrink slightly
- District 5 must shrink
- District 6 must shrink
- District 7 may shrink slightly
- District 8 must shrink by over 5,000
- District 9 must grow by over 5,000

With the current boundaries, district 6 has an African American voting-age population of 45.4%, which falls below the threshold of 50% + 1 that would meet the first test to qualify as a minority-majority district.

## IV. Preliminary Recommendations

On June 21, 2012, the Reapportionment Advisory Committee unanimously approved a preliminary reapportionment plan for the purposes of presentation at public hearings. In Figure 1, below, the current districts outlined in bold borders and the districts that were preliminarily proposed are represented in solid colors. The full legal description is included in appendix A.

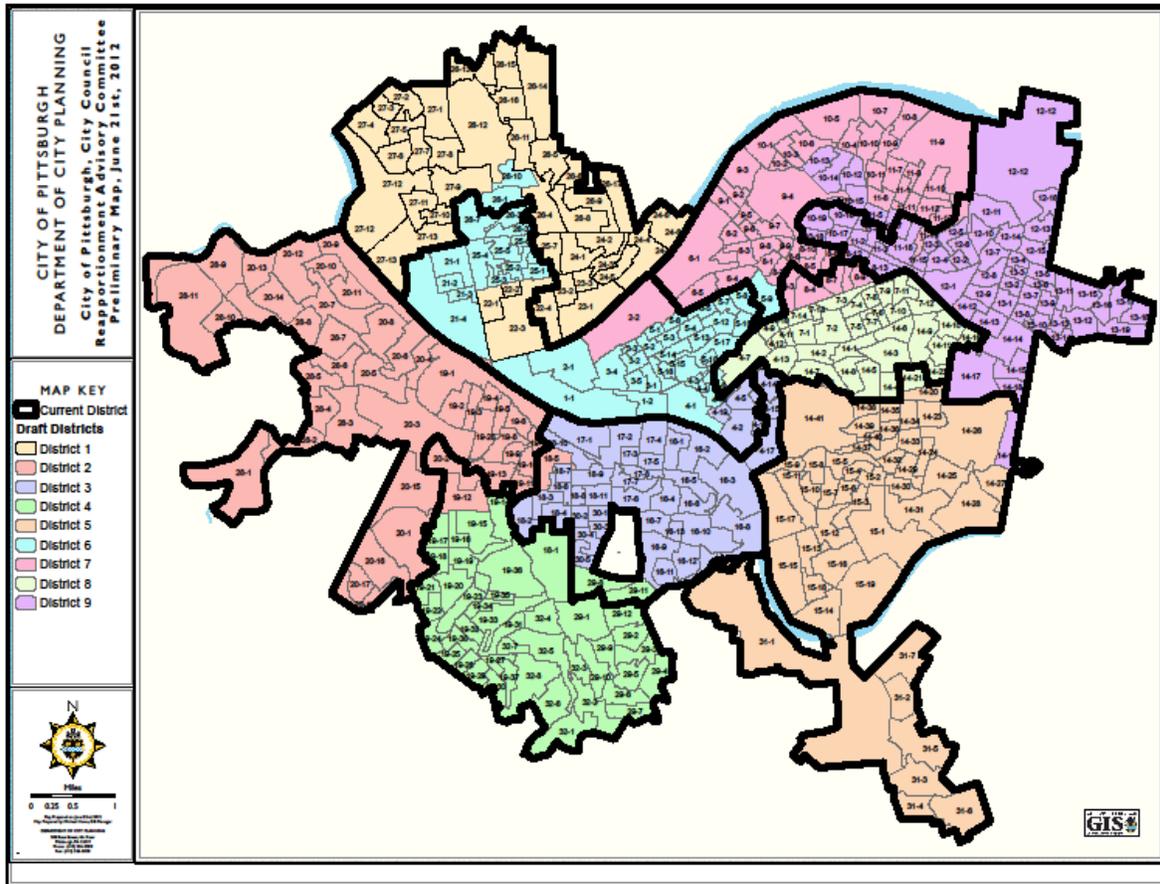


Figure 1. Preliminary reapportionment plan

There were 31 voting districts that were moved from one council district to another. The changes are detailed in Table 3.

The presentation that was made at public hearings summarized many of the changes. The deviation between the largest and smallest district was 9.2%, which was reduced from the 31.1% reflective of the current district boundaries and current population. There was a net reduction of one neighborhood split, from 14 neighborhoods currently split to 13 splits under the preliminary plan. The African American voting-age population in District 6 was increased from 45.4% to 51.3%. This change allows for two districts to qualify as minority-majority districts.

The preliminary plan was made available on the website and released to the media ahead of the public hearings.

**Table 3. Changes to council districts made in preliminary reapportionment plan by voting district**

<b>Ward – District</b>	<b>Neighborhood</b>	<b>Current Council District</b>	<b>New Council District (Preliminary Map)</b>
2-2	Strip District	6	7
4-2	South Oakland	6	3
4-5	Central Oakland	6	3
4-6	West Oakland	8	6
4-16	Central Oakland	6	3
4-19	South Oakland	6	3
5-9	North Oakland / Upper Hill	7	6
8-3	Bloomfield	8	7
8-4	Bloomfield	8	7
8-7	Bloomfield	8	7
8-9	East Liberty	8	7
8-11	Friendship	8	7
10-12	Stanton Heights	7	9
10-13	Stanton Heights	7	9
10-14	Stanton Heights	7	9
10-15	Stanton Heights	7	9
11-5	East Liberty	7	9
11-14	East Liberty	9	7
11-17	East Liberty	7	9
14-19	Regent Square	5	9
14-21	Squirrel Hill North	5	8
18-5	Mount Washington	3	2
19-12	Beechview	4	2
20-2	Beechview	4	2
22-1	Allegheny West	6	1
22-2	Central Northside	6	1
22-3	Allegheny West	6	1
26-1	Perry South	1	6
26-10	Perry North	1	6
29-8	Carrick	3	4
29-11	Carrick	3	4

## V. Public Hearings

Perhaps the most important part of the reapportionment process was the public hearings. While the focus of the RAC was on producing a reapportionment plan that met the legal requirements and ensuring equitable representation across the city, having the opportunity to hear from residents about their real concerns added a dimension that was critical to understanding the impact of the proposed reapportionment plan.

There were four public hearings held during the month of July. The meetings schedule is listed below.

**Monday, July 9, 2012, 7pm\***

City Council Chambers (Downtown)  
414 Grant Street, 5th Floor  
Pittsburgh, PA 15219

\*This meeting was cablecast on Comcast channel 13

**Tuesday, July 17, 2012, 7pm**

Bistro Soul Restaurant (Central Northside)  
415 East Ohio Street  
Pittsburgh, PA 15212

**Wednesday, July 18, 2012, 7pm**

Carnegie Library (Knoxville)  
400 Brownsville Road  
Pittsburgh, PA 15210

**Tuesday, July 24, 2012, 7pm**

Kingsley Center (Larimer)  
6435 Frankstown Avenue  
Pittsburgh, PA 15206

The hearings were split between a short presentation from the RAC and the hearing of public comments. Residents were asked to pre-register to speak at the hearings by contacting the City Clerk's office. Those who pre-registered were allotted three minutes to speak. Those wishing to sign up to speak at the hearing, were allotted one minute. Following the presentation, those attending the meetings were invited to write questions or comments on index cards as well. Following the public comment portion, members of the RAC were given the opportunity to

address any questions or comments. Comments were submitted by email to all committee members, as well.

The following number of speakers chose to speak at each meeting:

- 10 speakers at Council Chambers
- 12 speakers at Bistro Soul
- 1 speaker at the Knoxville Carnegie Library
- 3 speakers at the Kingsley Center

The public comments at the meeting and submitted to the RAC by email are summarized in Table 4.

**Table 4. Summary of public comments to preliminary reapportionment plan, July 2012**

<b>Neighborhood</b>	<b>Comment</b>	<b>Number of Instances</b>
Regent Square	Do not move Regent Square to District 9	10
Central Northside	Do not split Central Northside	8
Observatory Hill	Do not move 26-10 to District 6	5
Beechview	Do not move 19-12 to District 2	1
Fineview	Unite Fineview into District 1	1
Oakland	Unite all of Oakland into single district	1
Allegheny West	Supports move to District 1	1

Every comment was reviewed by the RAC and taken into consideration in crafting the final recommendation. In instances where a large number of residents made a request and it could be accommodated while still meeting the requirements and objectives of the RAC, the change was made.

## VI. Final Recommendations and Analysis

### Final Recommendations

On August 6, 2012, the RAC unanimously approved a final recommended reapportionment plan to present to City Council. The legal description is included in appendix B, and the districts are shown in Figures 2-11.

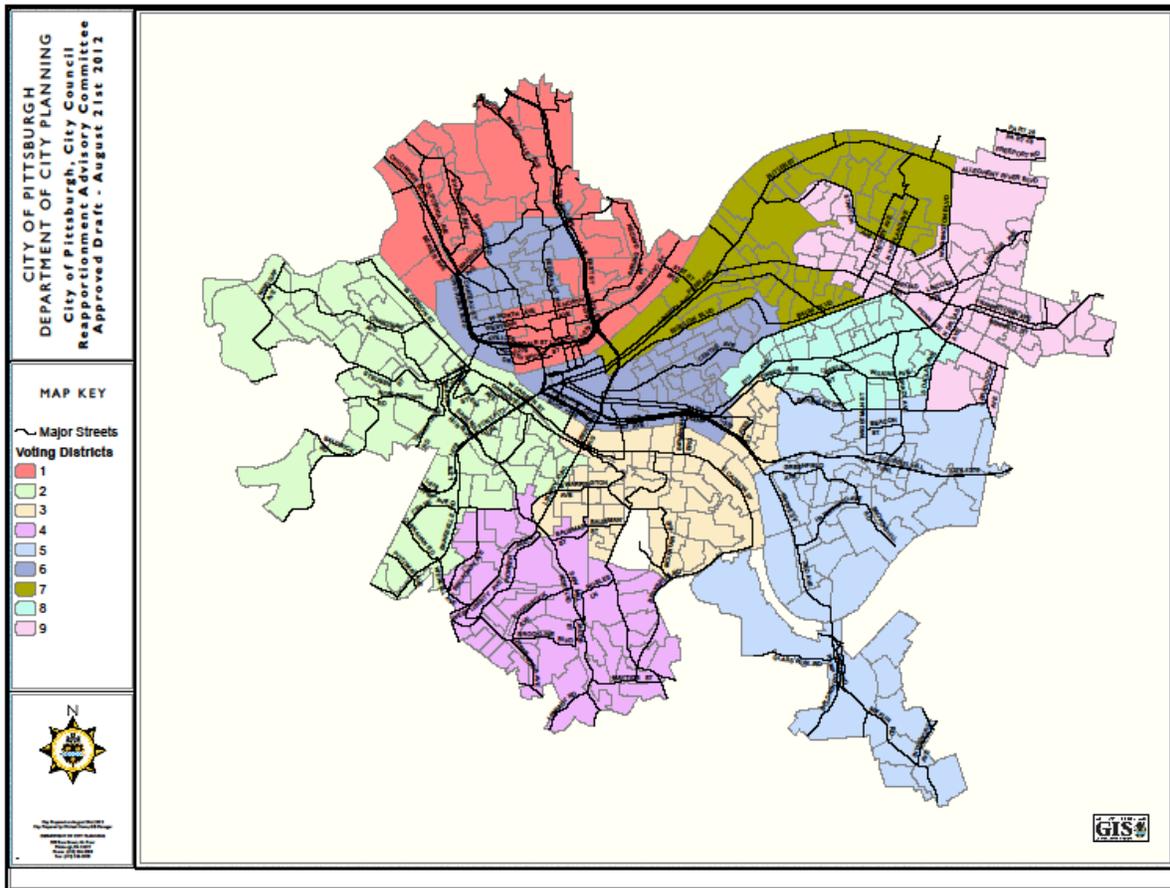


Figure 2. Final reapportionment plan as recommended by the RAC

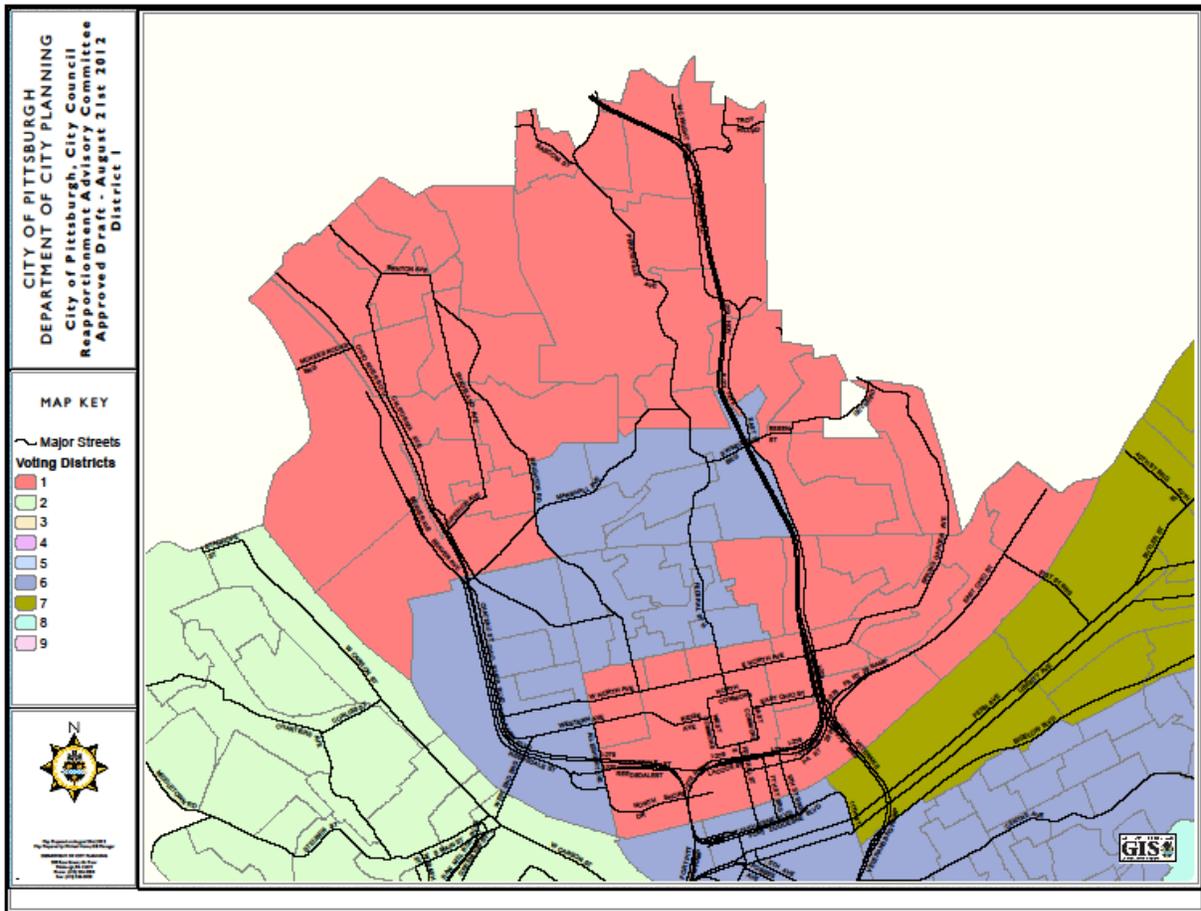


Figure 3. District 1 in final reapportionment plan

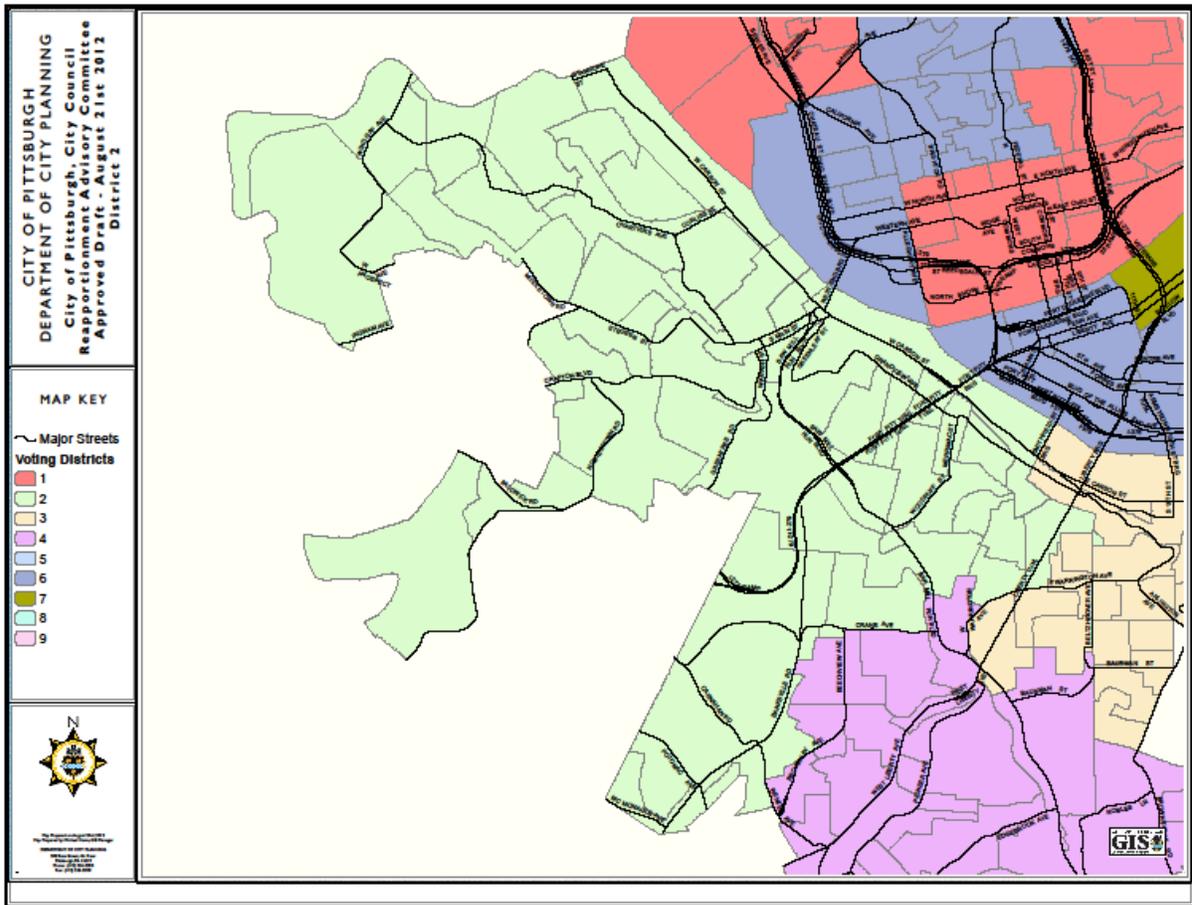


Figure 4. District 2 in final reapportionment plan

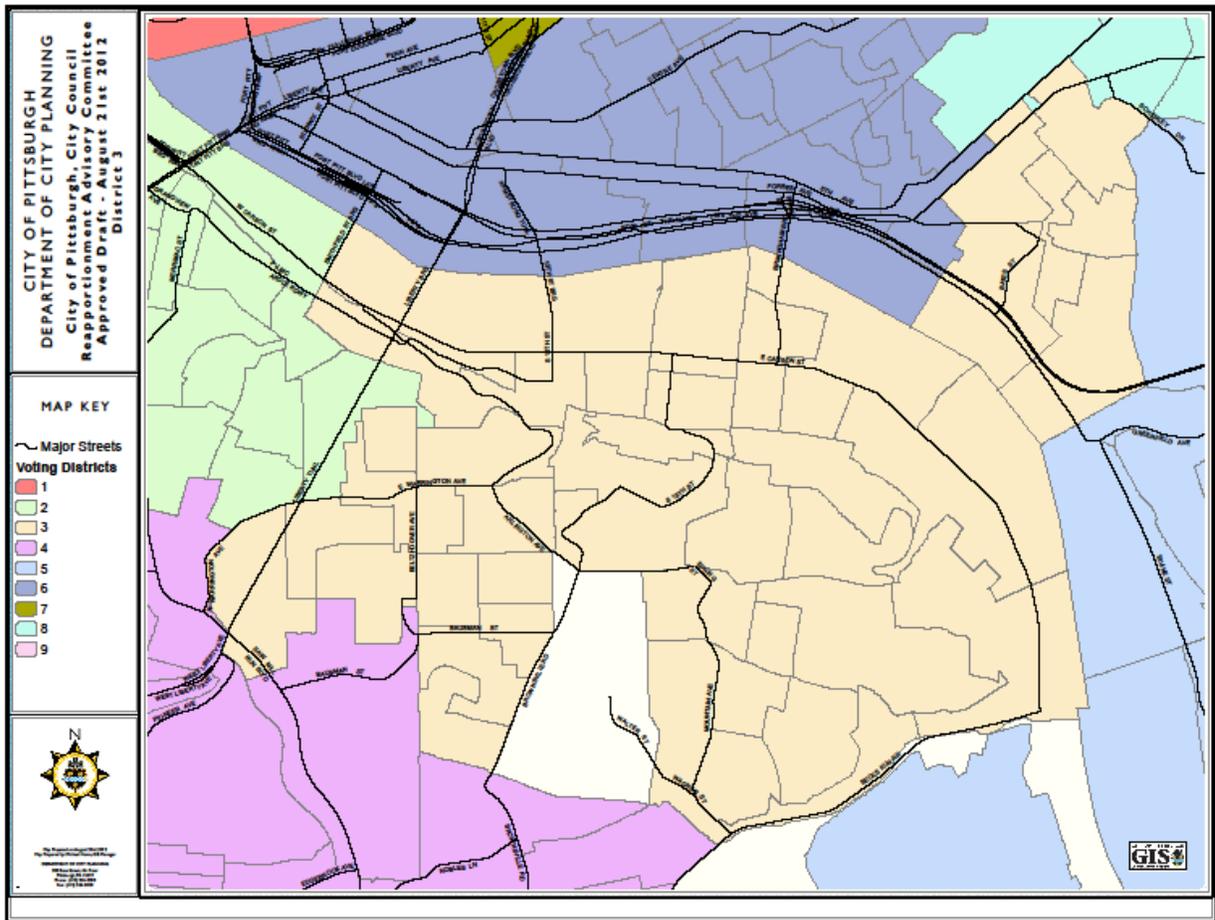


Figure 5. District 3 in final reapportionment plan

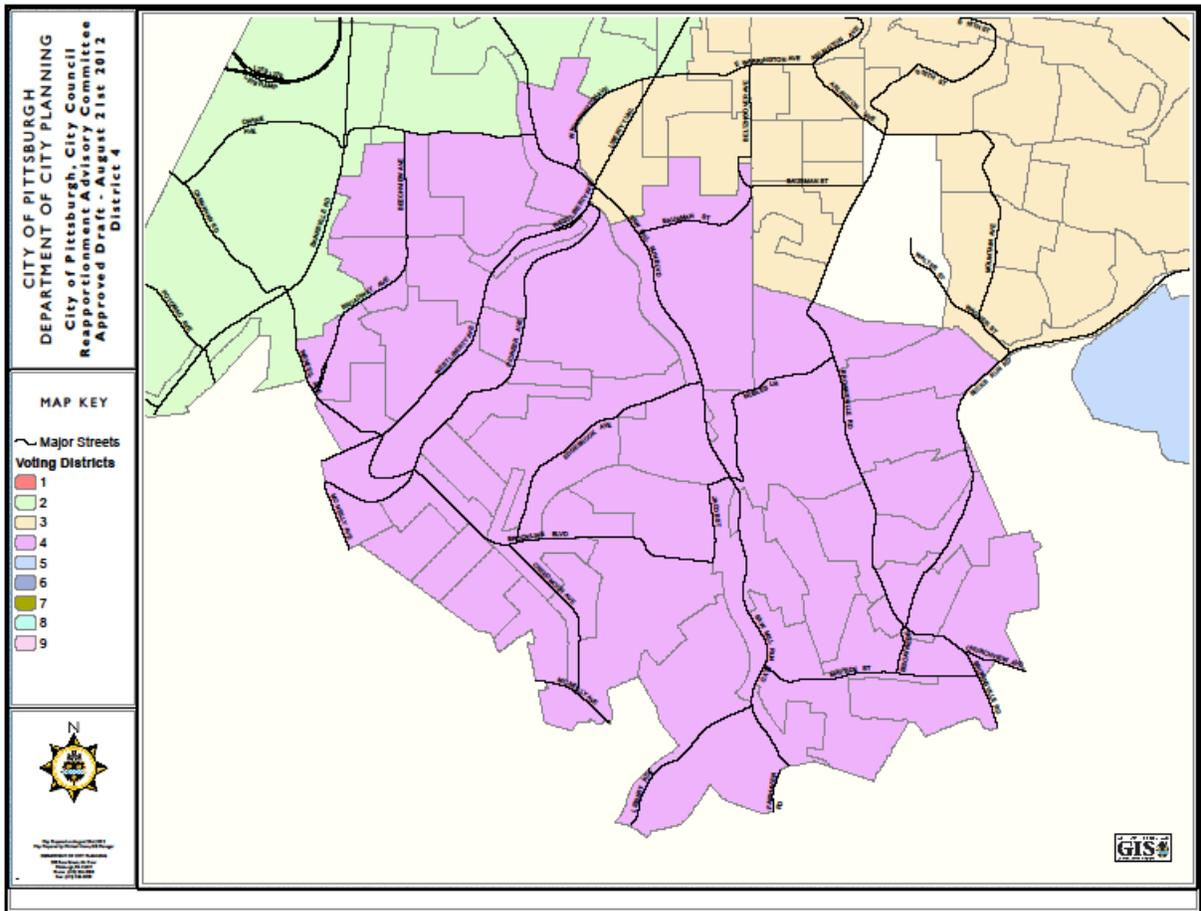


Figure 6. District 4 in final reapportionment plan

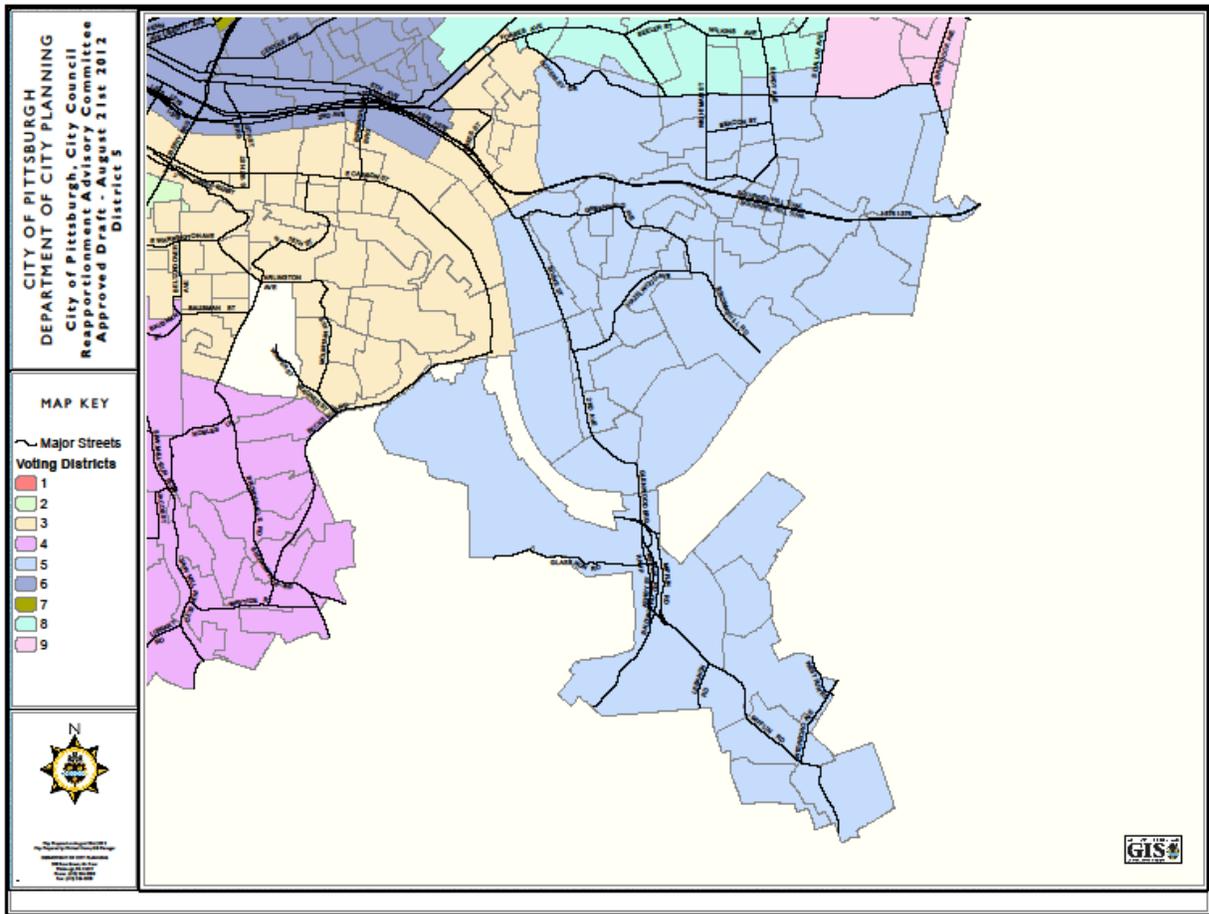


Figure 7. District 5 in final reapportionment plan

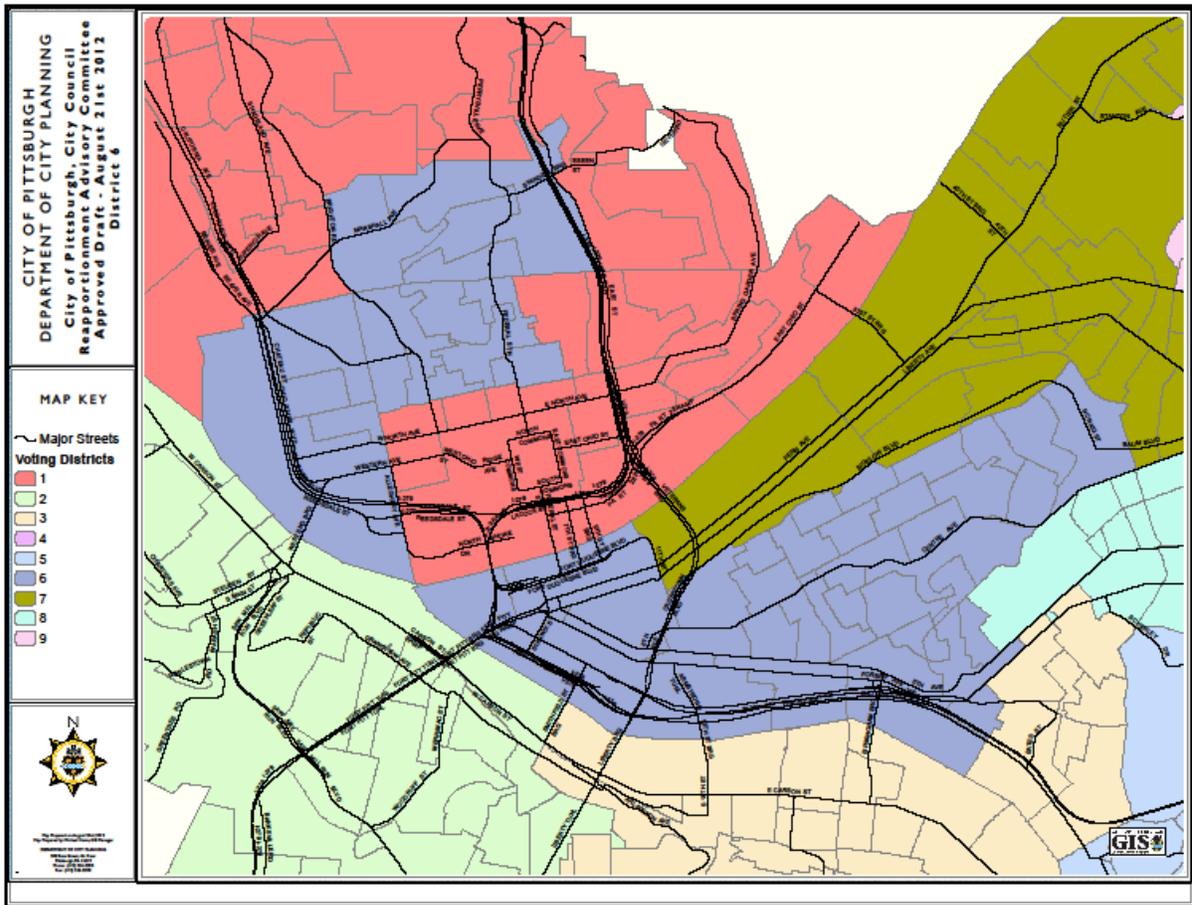


Figure 8. District 6 in final reapportionment plan

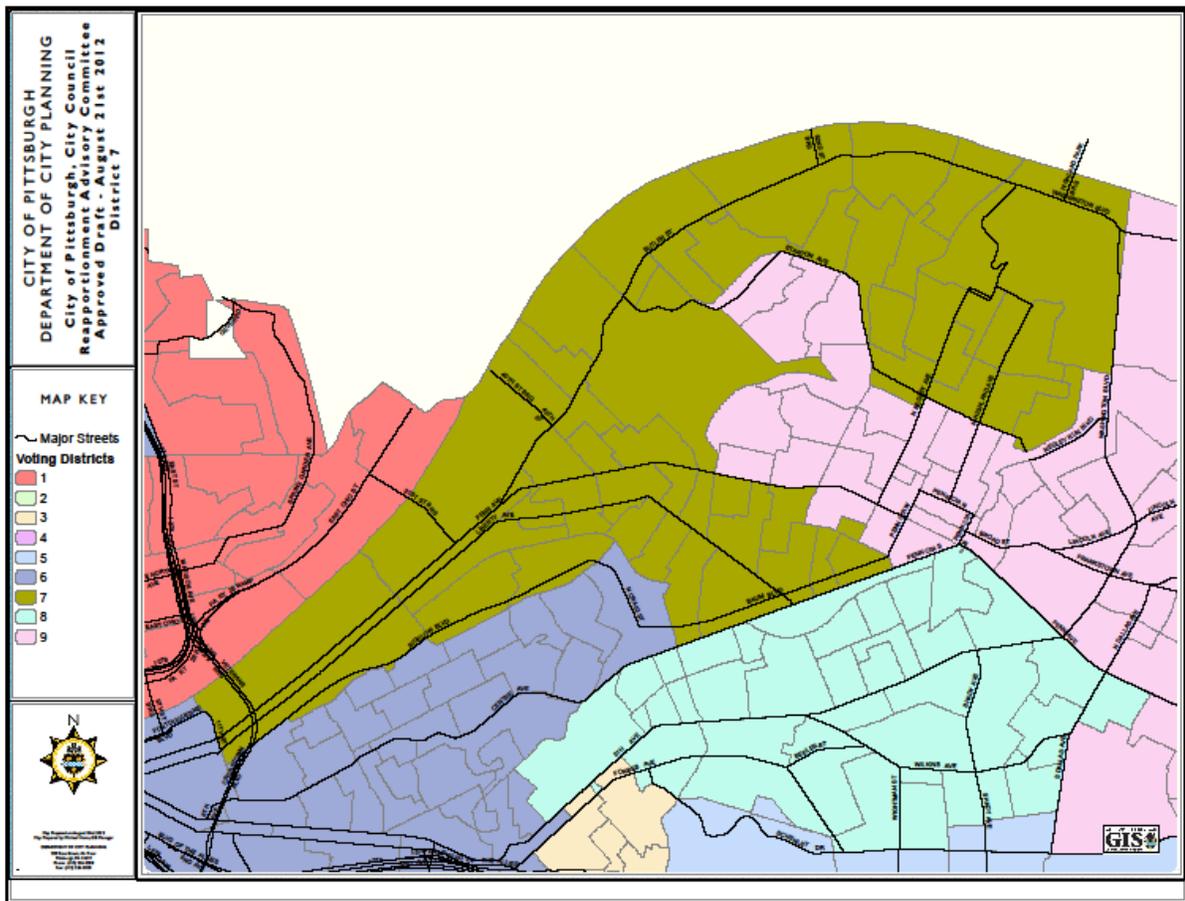


Figure 9. District 7 in final reapportionment plan

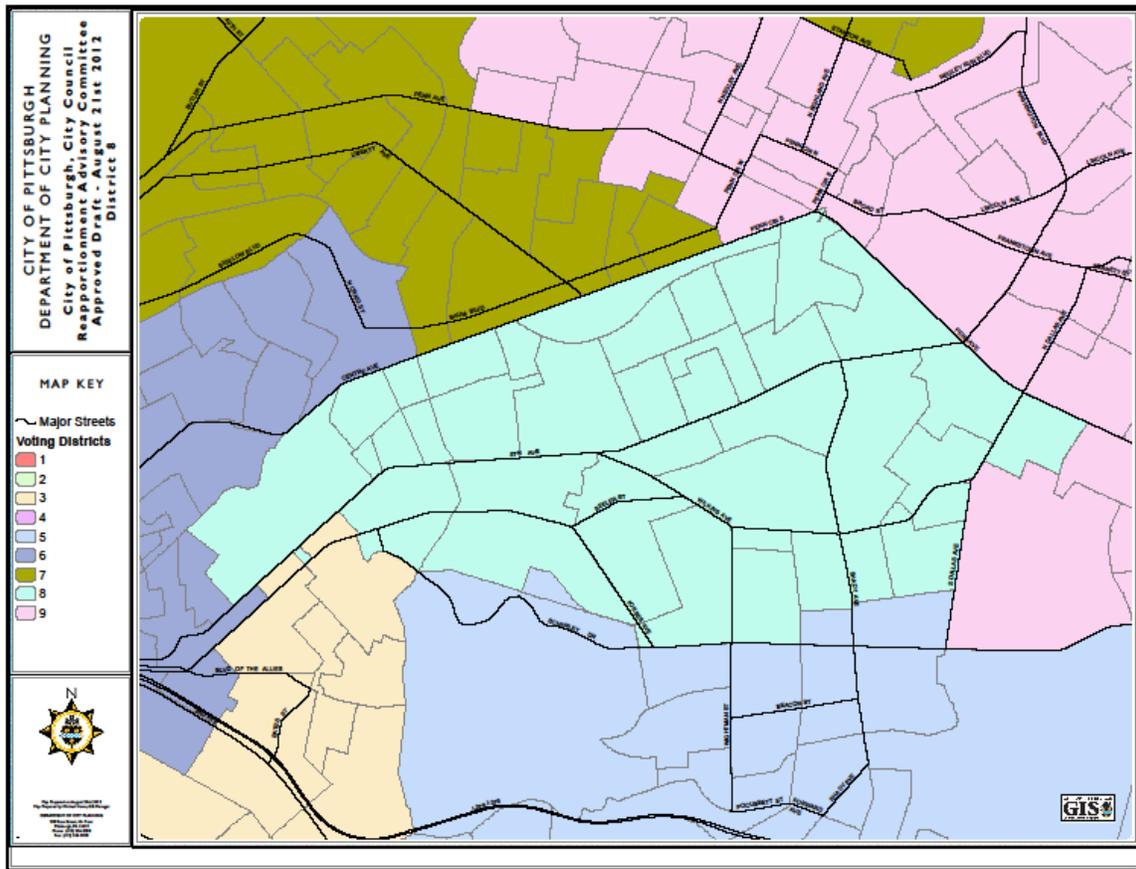


Figure 10. District 8 in final reapportionment plan

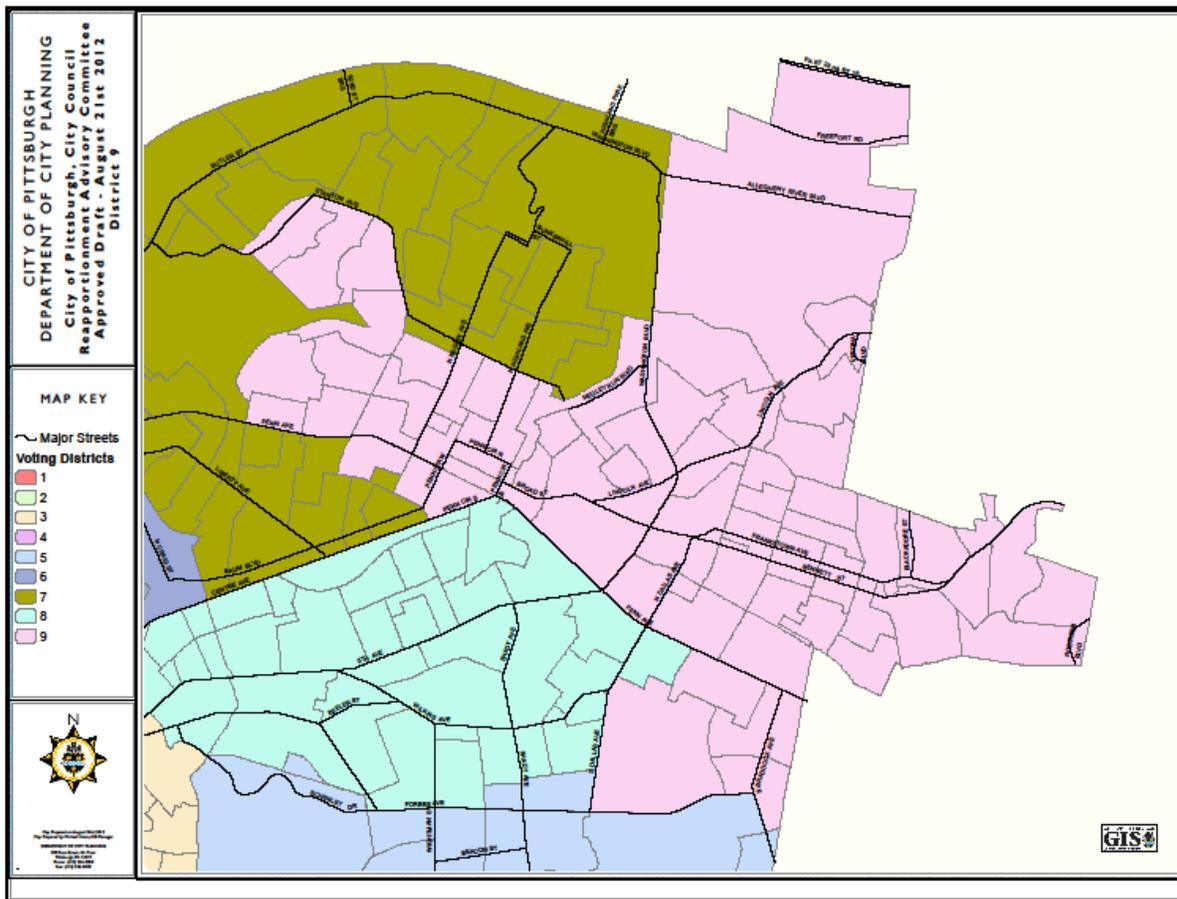


Figure 11. District 9 in final reapportionment plan

The changes by voting district that are finally recommended by the reapportionment advisory council are itemized in Table 5.

Table 5. Changes to council districts made in final reapportionment plan by voting district

Ward – District	Neighborhood	Current Council District	New Council District (Final Map)
2-2	Strip District	6	7
4-2	South Oakland	6	3
4-5	Central Oakland	6	3
4-6	West Oakland	8	6
4-16	Central Oakland	6	3
5-9	North Oakland / Upper Hill	7	6
8-3	Bloomfield	8	7
8-4	Bloomfield	8	7
8-7	Bloomfield	8	7

8-9	East Liberty	8	7
8-11	Friendship	8	7
10-12	Stanton Heights	7	9
10-13	Stanton Heights	7	9
10-14	Stanton Heights	7	9
10-15	Stanton Heights	7	9
11-5	East Liberty	7	9
11-17	East Liberty	7	9
14-21	Squirrel Hill North	5	8
18-5	Mount Washington	3	2
19-12	Beechview	4	2
20-2	Beechview	4	2
22-1	Allegheny West	6	1
22-2	Central Northside	6	1
22-3	Allegheny West	6	1
26-1	Perry South	1	6
26-4	Perry South	1	6
29-8	Carrick	3	4
29-11	Carrick	3	4

**Changes from Preliminary to Final Reapportionment Plan**

After the preliminary plan was presented and public comments were heard, the Reapportionment Advisory Committee considered changes the following class of changes only:

- (1) Changes directly recommended at the public hearings
- (2) Changes necessitated as a result of (1)
- (3) Changes that would otherwise improve the measures of the requirements of reapportionment

Each category of public comment was discussed and considered.

The changes between the preliminary recommendation and final recommendation are itemized in Table 6.

**Table 6. Changes made from the preliminary recommendations to the final recommendations**

<b>Ward – District</b>	<b>Neighborhood</b>	<b>Current Council District</b>	<b>Preliminary Council District</b>	<b>Finally recommended Council District</b>
4-19	South Oakland	6	3	6
11-14	East Liberty	9	7	9
14-19	Regent Square	5	9	5
26-4	Perry South	1	1	6
26-10	Perry North	1	6	1

## As Nearly Equal in Population as Practicable

The final population in each recommended council district is presented in Table 7.

Table 7. Council district populations in final reapportionment plan

Council District	Population	Deviation from Ideal
1	32,566	-4.12%
2	35,062	3.22%
3	34,641	1.98%
4	35,194	3.61%
5	34,755	2.32%
6	32,304	-4.90%
7	33,955	-0.04%
8	34,390	1.24%
9	32,837	-3.33%

In table 6, the negative values of the deviation from ideal<sup>15</sup> indicate a population below ideal, and positive values indicate a population above ideal.

The deviation between the largest and smallest district<sup>16</sup> is 8.6%.

The population deviation is below the “safe harbor” number of 10%, which satisfies the constitutional requirement that districts be as nearly equal in population as practicable.

Pittsburgh City Council’s 2002 Reapportionment Advisory Committee was able to achieve a deviation of 2.6%. Changes in population distribution between the 2000 census and the 2010 census did not make it possible to achieve a deviation this low and also meet our other requirements and aims. In order to maintain district 6 as a minority-majority district (see discussion below), the population was necessarily constrained at a low number. In order to respect the natural boundaries and integrity of political subdivisions by keeping district 1 on the Northside, the population of district 1 was also constrained. Those two districts are the furthest from “ideal” district size. The district populations of the other districts around the city are likewise constrained by the goal of keeping neighborhoods intact and respecting political and natural boundaries.

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<sup>15</sup>  $Deviation\_from\_ideal = \frac{Pop.-Ideal}{Ideal}$

<sup>16</sup>  $Max\_to\_min\_Deviation = \frac{Max.-Min.}{\frac{1}{2}(Max.+Min.)}$

**Contiguity and Compactness**

The question of both contiguity and compactness again center on district 6. District 6 has a single-point of contiguity that connects the Central Business District (Ward 1, District 1) to Manchester (Ward 21, District 4). A close-up of this point-of-contiguity is shown in Figure 12.

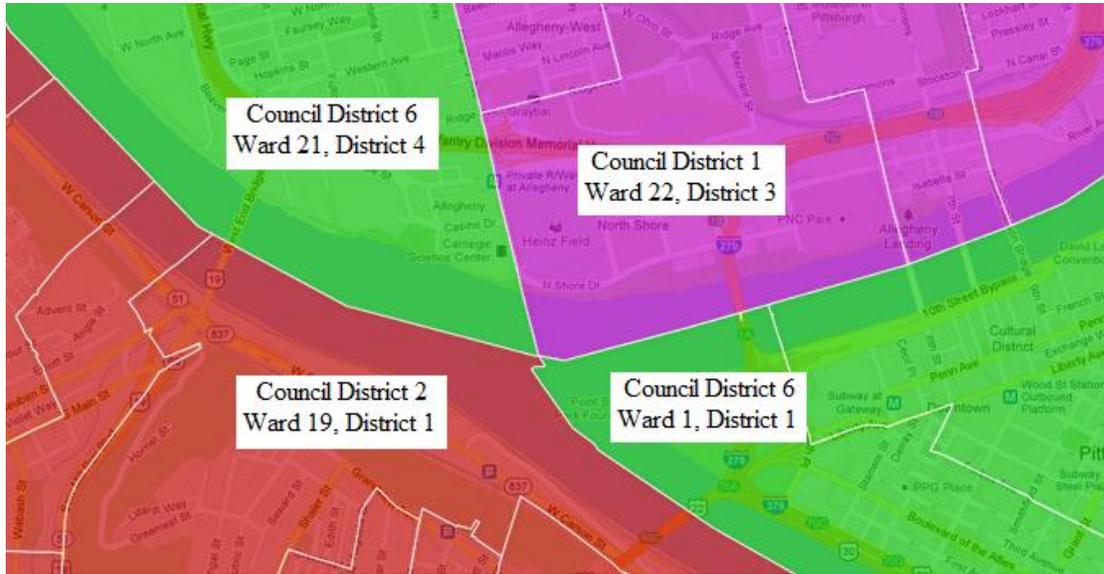


Figure 12. Council District 6 utilizes a single-point of contiguity

The legal descriptions<sup>17</sup> of Ward 1, District 1 and Ward 21, District 4 (full descriptions included in appendix C) identify the intersection as a true contiguity point.

**Voting Rights Act**

As noted in Chapter III, the expected number of African American majority districts based on the proportion of the city’s population is two. The population by race within each voting district is shown in Table 8.

Table 8. Population (%) by race within each council district in final reapportionment plan

Council District	White	African American	Asian	Hispanic
1	63.2%	31.6%	1.1%	2.2%
2	75.5%	18.8%	2.1%	1.6%
3	72.6%	20.6%	3.2%	2.1%
4	87.7%	7.7%	1.2%	2.4%

<sup>17</sup> Provided by Mark Wolosik, Manager of the Allegheny County Division of Elections

5	81.0%	9.5%	6.5%	2.6%
6	38.6%	56.2%	2.0%	1.9%
7	75.8%	16.7%	4.0%	2.4%
8	73.8%	5.0%	17.6%	3.4%
9	21.1%	73.5%	1.6%	1.7%

The two districts with a majority African American population are districts 6 and district 9. The test for whether a district qualifies as a minority-majority district is whether the *voting-age* population of the minority population is over 50%. The voting-age African American population of those two districts is as follows:

- District 6 has a voting-age African American population of 51.0%
- District 9 has a voting-age African American population of 71.2%

Based on the criteria of *Bartlett v. Strickland, supra*, since African Americans make up more than 50% of the voting age population, there can be no Voting Rights Act challenge.

If the district boundaries were to be changed, bringing the African American population below 50% and if such a reapportionment plan were to draw a legal challenge on the basis of the Voting Rights Act, the other two tests from *Thornburg v. Gingles, supra*, would come into play. While test component (2) (is the minority population “politically cohesive”?) is difficult to answer objectively, test component (3) (does the “white majority vote sufficiently as a bloc to enable it... usually to defeat the minority’s preferred candidate”?) could be analyzed using recent electoral history<sup>18</sup>.

### **Avoiding Neighborhood Splits**

Under the current council district lines, there are 12 neighborhoods split between two council districts and two neighborhoods split between three districts. Under the final reapportionment plan, there are 10 neighborhoods split between two council districts and one neighborhood split between three districts.

One neighborhood that is newly split among two council districts and deserves special attention in this report is the Central Northside. The reconfiguration garnered much dissent, including the opposition of neighborhood groups, during the public comment period, but the RAC was unable to unify the neighborhood in the final plan.

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<sup>18</sup> For example, in the Primary Election of 2008, Barack Obama defeated Hillary Clinton in the final proposed district 6 86%-13%, winning by large numbers in each voting district—in both white majority and African American majority voting districts.

The legal requirements necessarily supersede the additional goals that the RAC set in drawing the districts. Due to the shape of voting districts in the Central Northside (see the close-up in Figure 13) and their relatively large populations, the RAC was unable to both keep the neighborhood unified and comply with the Voting Rights Act.

Because of the shape of Ward 22, District 3, unifying the Central Northside would necessitate also moving that in addition to Ward 22, Districts 1 and 2 into Council District 6. Alternatively, moving Ward 25, Districts 1 and 2 into Council District 1 would unify the Central Northside as well. Either of those moves would result in an African American voting-age population below 50%, and the district population would not pass the *Bartlett* test to prevent a Voting Rights Act challenge.

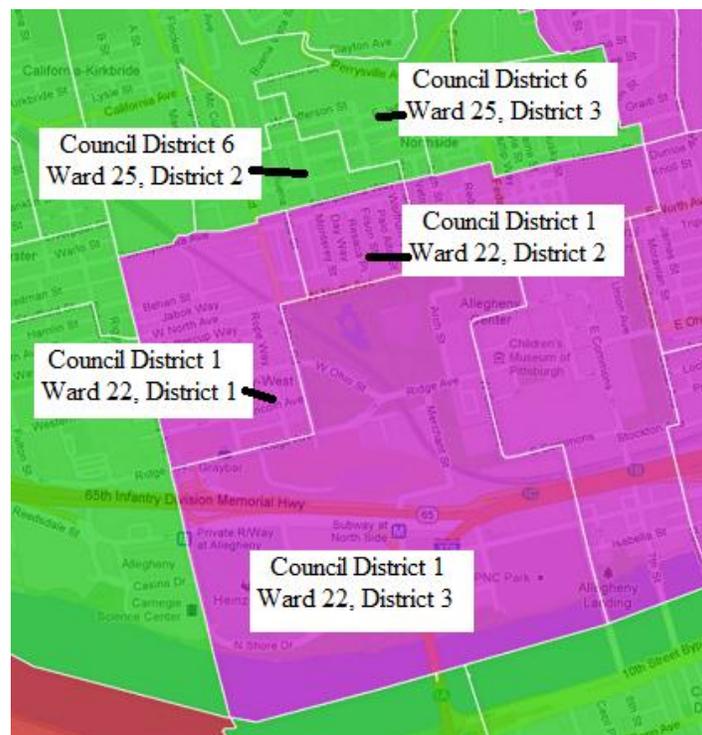


Figure 13. Central Northside. Council districts defined in final reapportionment plan.

Table 9. Total population and population by race for selected Northside districts in the 22<sup>nd</sup> and 25<sup>th</sup> Ward

Ward – District	Total Population	White Population	African American Population
22-1	706	483	192
22-2	760	505	218
22-3	841	441	364
25-1	472	109	342
25-2	439	121	296

The RAC was able to unify 5 neighborhoods that had previously been split by two council districts:

- Bloomfield
- Carrick
- Central Oakland
- Perry South
- West Oakland

In order to meet the above legal requirements, the following neighborhoods were either newly split or remained split, as configured under current Council District lines.

- Beechview
- Central Northside
- East Liberty
- Fineview
- Friendship
- Mount Washington
- North Oakland
- Point Breeze
- South Oakland
- Squirrel Hill North
- Stanton Heights

## VII. Proposed Legislation

**RESOLUTION** adopting the Reapportionment Plan for the City Council Districts in the City of Pittsburgh, as set forth in the final report of the Reapportionment Advisory Committee.

**WHEREAS**, the constitution of the Commonwealth of Pennsylvania requires municipalities with a City Council elected by district to reapportion those districts in the year following the Federal decennial census; and

**WHEREAS**, on October 3, 2012, following a period of deliberation and public hearings, the Reapportionment Advisory Committee submitted their recommended plan to Council,

**NOW THEREFORE BE IT RESOLVED**, that Council of the City of Pittsburgh enacts the following changes to the Council District boundaries noted below in order to comply with The Commonwealth of Pennsylvania's statutory requirements contained in the Municipal Reapportionment Act. The Council also finds this reapportionment plan to be consistent with the requirements of the Federal Voting Rights Act.

**Section 1.** The Councilmanic Districts within the City of Pittsburgh shall be configured as follows, effective January 1, 2013:

<u>District One</u>	Wards 22, 23, 24, 25, 26 [Districts 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17], and 27
<u>District Two</u>	Wards 18 [District 5], 19 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 28], 20 and 28
<u>District Three</u>	Wards 4 [Districts 2, 5, 8, 14, 15, 16, and 17], 16, 17, 18 [Districts 2, 3, 4, 6, 7, 8, 9, 10, and 11], and 30
<u>District Four</u>	Wards 18 [District 1], 19 [Districts 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38], 29, and 32
<u>District Five</u>	Wards 14 [Districts 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41], 15, and 31
<u>District Six</u>	Wards 1, 2 [District 1], 3, 4 [Districts 1, 3, 4, 6, 18, and 19], 5, 21, 25, and 26 [Districts 1, 2, 3, 4, and 7]
<u>District Seven</u>	Wards 2 [District 2], 6, 8 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], 9, 10 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], and 11 [Districts 1, 6, 7, 8, 9, 10, 11, 12, and 13]
<u>District Eight</u>	Wards 4 [Districts 7, 9, 10, 11, 12, and 13], 7, and 14 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, and 22]
<u>District Nine</u>	Wards 8 [Districts 12 and 13], 10 [Districts 12, 13, 14, 15, 16, 17, 18, and 19], 11 [Districts 2, 3, 4, 5, 14, 15, 16, 17, and 18], 12, 13, and 14 [Districts 12, 13, 14, 15, 17, and 18]

**Section 2.** Any election conducted in 2013 whether a special election for an unexpired term or a primary or general election for seats to be filled in 2014 shall be based upon the configurations referred to in section 1.

Finally, that any Ordinance or Resolution or part thereof conflicting with the provisions of this Resolution, is hereby repealed so far as the same affects this Resolution.

## **Appendix A. Legal Description of the Preliminary Reapportionment Plan of the RAC**

<u>District One</u>	Wards 22, 23, 24, 25, 26 [Districts 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, and 17], and 27
<u>District Two</u>	Wards 18 [Precinct 5], 19 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 28], 20 and 28
<u>District Three</u>	Wards 4 [Precincts 2, 5, 8, 14, 15, 16, 17, and 19], 16, 17, 18 [Districts 2, 3, 4, 6, 7, 8, 9, 10, and 11], and 30
<u>District Four</u>	Wards 18 [District 1], 19 [Districts 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38], 29, and 32
<u>District Five</u>	Wards 14 [Districts 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41], 15, and 31
<u>District Six</u>	Wards 1, 2 [District 1], 3, 4 [Districts 1, 3, 4, 6, and 18], 5, 21, 25, and 26 [Districts 1, 2, 3, 7, and 10]
<u>District Seven</u>	Wards 2 [District 2], 6, 8 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], 9, 10 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], and 11 [Districts 1, 6, 7, 8, 9, 10, 11, 12, 13, and 14]
<u>District Eight</u>	Wards 4 [Districts 7, 9, 10, 11, 12, and 13], 7, and 14 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, and 22]
<u>District Nine</u>	Wards 8 [Districts 12 and 13], 10 [Districts 12, 13, 14, 15, 16, 17, 18, and 19], 11 [Districts 2, 3, 4, 5, 15, 16, 17, and 18], 12, 13, and 14 [Districts 12, 13, 14, 15, 17, 18, and 19]

## **Appendix B. Legal Description of the Final Reapportionment Plan of the RAC**

<u>District One</u>	Wards 22, 23, 24, 25, 26 [Districts 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17], and 27
<u>District Two</u>	Wards 18 [District 5], 19 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 28], 20 and 28
<u>District Three</u>	Wards 4 [Districts 2, 5, 8, 14, 15, 16, and 17], 16, 17, 18 [Districts 2, 3, 4, 6, 7, 8, 9, 10, and 11], and 30
<u>District Four</u>	Wards 18 [District 1], 19 [Districts 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38], 29, and 32
<u>District Five</u>	Wards 14 [Districts 19, 20, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41], 15, and 31
<u>District Six</u>	Wards 1, 2 [District 1], 3, 4 [Districts 1, 3, 4, 6, 18, and 19], 5, 21, 25, and 26 [Districts 1, 2, 3, 4, and 7]
<u>District Seven</u>	Wards 2 [District 2], 6, 8 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], 9, 10 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11], and 11 [Districts 1, 6, 7, 8, 9, 10, 11, 12, and 13]
<u>District Eight</u>	Wards 4 [Districts 7, 9, 10, 11, 12, and 13], 7, and 14 [Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, and 22]
<u>District Nine</u>	Wards 8 [Districts 12 and 13], 10 [Districts 12, 13, 14, 15, 16, 17, 18, and 19], 11 [Districts 2, 3, 4, 5, 14, 15, 16, 17, and 18], 12, 13, and 14 [Districts 12, 13, 14, 15, 17, and 18]

## Appendix C. Legal Description Ward 1, District 1 and Ward 21, District 4

### CITY OF PITTSBURGH

WARD 1

DISTRICT 1

1/28/88

### Description

Beginning at the single point where the present ward boundary lines of the 1st, 19th, 21st, and 22nd wards of the City of Pittsburgh all intersect, which coincides with the one point where the center lines of the Allegheny and Monongahela Rivers intersect to form the Ohio River, thence proceeding by various courses southeasterly along the present ward boundary line dividing the 1st and 19th ward of the City of Pittsburgh to the one point where the present ward boundary lines of the 1st, 17th and 19th wards of the City of Pittsburgh all intersect at the Smithfield Street Bridge, thence continuing in an easterly direction along the present ward boundary line dividing the 1st from the 17th ward of the City of Pittsburgh to its intersection with the projected center line of Van Braam Street, thence proceeding in a northerly direction approximately 725 feet, plus or minus, to said street's center line and continuing in a northerly direction along the center line of said street to its intersection with the center line of Locust Street, thence proceeding in a westerly direction along the center line of said street to its intersection with the center line of Pride Street, thence proceeding in a northerly direction along the center line of said street to its intersection with the center line of Forbes Avenue, thence proceeding in a westerly direction along the center line of said avenue to its intersection with the center line of Magee Street, thence proceeding in a northerly direction

along the center line of said street to its intersection with the center line of Fifth Avenue which coincides with the present ward boundary line dividing the 1st from the 3rd ward of the City of Pittsburgh, thence proceeding in a westerly direction along the center line of said avenue, which coincides with said ward boundary line, to the one point where the present ward boundary lines of the 1st, 2nd and 3rd wards of the City of Pittsburgh all intersect, thence proceeding along the present ward boundary line dividing the 1st from the 2nd ward of the City of Pittsburgh by various courses westerly to the one point where the present ward boundary lines of the 1st, 2nd and 22nd wards all intersect, thence proceeding in a southwesterly direction along the present ward boundary line dividing the 1st from the 22nd ward of the City of Pittsburgh to the single point where the present ward boundary lines of the 1st, 19th, 21st and 22nd wards of the City of Pittsburgh all intersect, which coincides with the one point where the center lines of the Allegheny and Monongahela Rivers intersect to form the Ohio River, the place of the beginning.

CITY OF PITTSBURGH

WARD 21

DISTRICT 4

10/14/87

Description

Beginning at the point where the present ward boundary lines of the 21st and the 22nd wards of the City of Pittsburgh intersect, which coincides with the intersection of the center lines of West North Avenue and Allegheny Avenue, thence proceeding in a northwesterly direction along the center line of West North Avenue to its intersection with the center line of Bidwell Street, thence proceeding in a northerly direction along the center line of said street to its intersection with the center line of Sheffield Street, thence proceeding in a westerly direction along the center line of said street to its intersection with the center line of Manhattan Street, thence proceeding in a northerly direction along the center line of said street to its intersection with the center line of Liverpool Street, thence proceeding in a westerly direction along the center line of said street to its intersection with the center line of Chateau Street, thence proceeding in a northerly direction along the center line of said street to its intersection with the center line of Island Avenue, which coincides with the present ward boundary line dividing the 21st ward from the 27th ward of the City Pittsburgh, thence proceeding in a westerly direction along the center line of said avenue to its intersection with the center line of Beaver Avenue, which coincides with the said ward boundary line, thence proceeding by various courses in a southerly, then westerly, then southerly direction along said ward

boundary line to the single point where the present ward boundary lines of the 21st, 20th and 27th wards of the City of Pittsburgh all intersect on the center line of the Ohio River, thence proceeding by various courses in a southeasterly direction along the present ward boundary line dividing the 21st from the 20th ward of the City of Pittsburgh to the single point where the present ward boundary lines of the 21st, 19th and 20th wards of the City of Pittsburgh all intersect, thence continuing by various courses in a southeasterly direction along the present ward boundary line dividing the 21st ward from the 19th ward of the City of Pittsburgh to the point where the present ward boundary lines of the 21st, 19th and 22nd wards of the City of Pittsburgh all intersect on the center line of the Ohio River, thence proceeding by various courses in a northerly direction along the present ward boundary line dividing the 21st from the 22nd ward of the City of Pittsburgh to its intersection with the center line of Allegheny Avenue, which coincides with said ward boundary line, thence proceeding in a northerly direction along the center line of said avenue and said ward boundary line to its intersection with the center line of West North Avenue, the place of the beginning.

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