

CITY COUNCIL REAPPORTIOMENT COMMITTEE
Re-apportionment Advisory Committee (RAC)
Summary Minutes
January 12, 2012

ATTENDANCE:

District 1	Barbara Burns	PRESENT
District 2	Gabe Mazefsky	PRESENT
District 3	Ken Wolfe	PRESENT
District 4	Ashleigh Deemer	PRESENT
District 5	Kevin Acklin	PRESENT
District 6	Daniel Wood	PRESENT
District 8	Matt Merriman-Preston	PRESENT
District 9	Marita Bradley	PRESENT
District 7	Jon Pushinsky	ABSENT

Support Staff:

Yvonne Hilton, Law Dept.
Mike Homa, City Planning Dept.
Linda Johnson Wasler City Clerk's Office
Mary Beth Doheny, City Clerk's Office

NOMINATION AND ELECTION OF CHAIRPERSON

A request was made by the City Clerk to accept nominations for Chairperson of the Committee. Two nominations were made in the following order.

Jon Pushinsky; Motioned by Dan Wood/Seconded by Marita Bryant

Matt Merriman-Preston; Motioned by Ken Wolfe/Seconded by Ashleigh Deemer

Roll Call Vote on the Nomination of Jon Pushinsky (Ayes 3, Noes 5)

AYES: Gabe Mazefsky, Daniel Wood, Marita Bradley

NOES: Barbara Burns, Ken Wolfe, Ashleigh Deemer, Kevin Acklin, Matt Merriman-Preston

Roll Call Vote on the Nomination of Matt Merriman-Preston (Ayes 6, Noes 2)

AYES: , Barbara Burns, Gabe Mazefsky, Ken Wolfe, Ashleigh Deemer, Kevin Acklin, Matt Merriman-Preston

NOES: Daniel Wood, Marita Bradley

Matt Merriman Preston was elected to serve as Chairperson.

Mr. Merriman requested that Barbara Burns serve as Vice Chair and the request was accepted by all Members at the table.

LAW DEPARTMENT:

Solicitor Yvonne Hilton provided a response to questions raised at the first meeting, as follows:

QUESTION: What is the status of Attorney Client privilege with respect to the Law Department and Members of the RAC?

ANSWER: Ms. Hilton advised that she needed to consult with Solicitor Regan and provide a response at a later date.

QUESTION: What changes have there been in the reapportionment case law in the past ten years?

ANSWER: Since 2002, we have not found any significant changes in Pennsylvania case law regarding reapportionment. In *In re Mun. Reapportionment of Twp. of Haverford*, 873 A.2d 821, 826 (Pa. Commw. Ct. 2005), the reapportionment plan, which contained a maximum deviation of 9.52% between districts was found not to violate the equal protection clause. The Commonwealth Court reaffirmed that a state or local reapportionment plan with a maximum deviation of less than 10% between legislative districts enjoys a “safe harbor” from challenges that assert a violation of equal protection under the United States and Pennsylvania constitutions.

QUESTION: What are the legal guidelines/percentages for deviation of population?

ANSWER: Per applicable case law, under the Equal Protection Clause, a maximum population deviation of less than 10% between legislative districts has been found by the courts to be permissible in Pennsylvania.

QUESTION: What are acceptable population percentages to ensure a Majority/Minority population?

ANSWER: In majority-minority districts, a minority group composes a numerical, working majority of the voting age population. A minority district must be drawn so that the minority group constitutes a majority of the population in the district. RAC 2002 Final Report, page 13. “To compensate for a historically lower voting age population, lower voter registration and lower voter turnout among minority population that might reduce the likelihood of a minority representative being elected, courts have consistently required the minority districts have a minority population larger than a bare fifty-one percent (51%) majority.” *Id.* The 2002 RAC Final Report further cites to commentary suggesting that 65% of the total population or 60% of the voting age population in a minority district “might be approved as sufficient.”

QUESTION: Is the Re-apportionment Committee subject to Sunshine Laws and the Right to Know Act?

ANSWER: No.

This is an appointed (not elected), temporary committee serving in an advisory role. However, she advised that once the Committee provides official reports to the elected body, the information may become public. If so, the record would potentially be subject to the Right to Know law.

CITY PLANNING DEPARTMENT:

Mike Homa, City Planning, provided handouts including maps and census data. He advised that he could not provide a software presentation at present because the details on the purchase of the software were outstanding. He advised that if the software purchase does not come to fruition, he can still provide excel pivot tables which can be utilized in this process. (*Attachment III Maps and Census Data*)

Various members requested additional maps to include overlays of neighborhoods, in addition to wards and districts; also requested was more detailed mapping identifying racial breakdown.

COMMITTEE DISCUSSION:

TOPIC: Council Bill 2011-2226 introduced last year to provide funds to purchase the software did not pass finally by end of year. Details on the shared costs between City, County and School District are still being negotiated. This issue will be reviewed by the Clerk's Office for 2012 Re-introduction of legislation.

TOPIC: Chairman Merriman-Preston requested that Members of the Committee adopt an official set of guidelines/criteria for how they wish to proceed with respect to Re-districting. He noted that in addition to legal guidelines, Members should develop a wish list of criteria that everyone agrees upon. Initial requests included the following considerations:

- Keep Neighborhoods in tact whenever possible
- Student populations (temporary versus permanent residents/voters)
- Transportation?

TOPIC: Discussion also included tools for public outreach. Ken Wolfe cited the state government Re-Apportionment Website. The RAC discussed an interest in developing a website on the City Council or City Planning homepage and requested the assistance of the City Information Systems Dept. (CIS). Website information should include interactive Google Maps, Census data, and a public comment section.

NEXT MEETING DATES:

First Monday of each month - 6:00 P.M. - 200 Ross Street.

MONDAY, FEBRUARY 6TH

MONDAY, MARCH 5TH