



**THE COUNCIL
OF THE CITY OF PITTSBURGH**

**REAPPORTIONMENT
ADVISORY
COMMITTEE**

FINAL REPORT

***RECOMMENDATIONS FOR
REAPPORTIONMENT OF
PITTSBURGH'S CITY COUNCIL
DISTRICTS***

October 22, 2002

Administered by the Office of the City Clerk
Room 510 City County Building
414 Grant Street
Pittsburgh, PA 15219 412 255 2138

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REAPPORTIONMENT ADVISORY COMMITTEE
2001 ~ 2002

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**COUNCIL OF THE CITY OF PITTSBURGH
REAPPORTIONMENT ADVISORY COMMITTEE**



OFFICE OF THE CITY CLERK

510 City-County Building, Pittsburgh, Pennsylvania 15219 (412) 255-8965 fax (412)-255-0820

Linda Johnson Washer, Clerk

Mary Beth Doheny, Deputy Clerk

October 22, 2002

The Honorable Gene Ricciardi
President of Council
Room 510 City County Building
414 Grant Street
Pittsburgh, Pennsylvania 15219

Dear President Ricciardi:

Under cover of this letter I convey to you the final report of Council's Reapportionment Advisory Committee (RAC) for the Council's consideration. Pursuant to Council's charge, the RAC has completed its work and now presents its recommendation as to how the Council might best proceed with its statutory obligation to set Council district political boundaries.

This report provides the Council with the following: documentation of legal requirements governing reapportionment: statistical data; maps; proposed legislation; and information detailing RAC's work throughout the process. The members of the RAC believe that we have provided the Council with a comprehensive document that will serve it well in its reapportionment deliberations. Moreover, it will provide those who will be involved in the 2010 reapportionment with necessary perspective and insight to this process. All due care should be taken to preserve this record for use in the 2010 reapportionment.

This is only the second reapportionment to occur since this Council was changed from one being elected at-large to a by-district format. Because the reapportionment process is a relatively new one here, the RAC believes that it is in the public's best interest to be as detailed as possible in illustrating the legal requirements at the beginning of this report. To that end, we have also included relevant case law. Additionally, we offer

census and voter registration data in a variety of formats in order to fully illustrate the practical implications of our collective reasoning.

We want to express our thanks to all those who provided the RAC with the requisite technical support. Without assistance from the Office of the City Clerk, Council's Budget Office, the Departments of Planning and Law, the General Services' Printing Office, and the Allegheny County Bureau of Elections, we would not be able to supply you with a lawful and thoughtful recommendation. We also thank the many citizens who took it upon themselves to testify at our public hearings and who met with us to discuss their particular concerns.

As Chair of this Committee, I also think it important to recognize the work of the RAC's members. Individuals serving on this committee gave up substantial time and energy in your service. They did so with distinction and without compensation of any sort. They conducted themselves in a fashion most becoming of a citizen of this great republic and city. They were thoughtful and caring in their work and came to fully appreciate the complexities of this process. They were also mindful of their duty to the Council and the public. It has been my privilege and honor to serve as Chair with these people.

Finally, each member of the RAC conveys to the Council our sincere thanks and appreciation for your confidence in us to carry out this important work. It is our hope that you find our effort to be satisfactory.

Very truly yours,

Douglas A. Shields
Chair

Cc: All Members of Council
City Clerk



**PITTSBURGH CITY COUNCIL'S
REAPPORTIONMENT ADVISORY COMMITTEE**

FINAL REPORT

***RECOMMENDATIONS FOR REAPPORTIONMENT
OF PITTSBURGH'S CITY COUNCIL DISTRICTS***

**PRESENTED TO THE COUNCIL OF PITTSBURGH CITY
ON
OCTOBER 22, 2002**

**City of Pittsburgh
<http://www.city.pittsburgh.pa.us>**

**This Report Is Available Online At:
http://www.city.pittsburgh.pa.us/city_clerk/html/reapportionment.html**

REAPPORTIONMENT ADVISORY COMMITTEE

FINAL REPORT

RECOMMENDATIONS FOR REAPPORTIONMENT OF PITTSBURGH'S CITY COUNCIL DISTRICTS

REVIEW OF LEGAL REQUIREMENTS FOR REAPPORTIONMENT

The Council of the City of Pittsburgh, being elected by district, must every ten (10) years apportion the districts so that each contains approximately the same number of persons pursuant to the United States 2000 Census. The criterion of equal size of elected representative districts is generally understood to be a logical consequence of the Constitutional provision of one person, one vote, a principle derived from the equal protection clause of the Constitution of the United States.

Pennsylvania Constitution

The reapportionment process in Pittsburgh is governed by the Commonwealth of Pennsylvania Constitution which states:

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 (*Emphasis added*).¹

Pennsylvania Law

The Pennsylvania Legislature sets forth the statutory requirements the Council must adhere to at 53 Pa.C.S.A. § 901 *et seq.*² The four essential elements of reapportionment are as follows:

Districts shall be composed of [1] *compact* and [2] *contiguous* territory as nearly [3] *equal in population as practicable*, [4] *as officially and finally reported in the most recent Federal census* (*Emphasis added*).³

¹ *Pennsylvania Constitution*, Article IX, Local Government, Section 11. Local Reapportionment

² 53 Pa.C.S.A § 901. (Appendix at 1)

³ 53 Pa.C.S.A § 903(b)

Additional commentary on the reapportionment process is noted in Pennsylvania's Department of Community and Economic Development's *City Government in Pennsylvania Handbook*:

The amended local government article of the Pennsylvania Constitution, adopted by the voters in 1968, requires governing bodies elected by districts to ***realign*** their ***district lines after each decennial census***. This procedure is set forth in the Municipal Reapportionment Act. This Act applies to home rule cities because it is uniform and applicable in every part of the Commonwealth, it implements a specific constitutional mandate and ***it expressly includes home rule municipalities*** within its terms. This Act ***requires city council to reapportion districts*** from which members are elected in the year ***following the official report of any decennial or special federal census***. If the governing body fails to act, any one or more registered voters may petition the Court to realign the council districts. Any reapportionment plan approved by council may be appealed to the Court by a petition of at least 10 registered voters (Emphasis added).⁴

⁴ *City Government in Pennsylvania Handbook*, Second Edition, PA Dept. of Community and Economic Development, January 2002, p. 15-16 (Appendix at 2)

REAPPORTIONMENT ADVISORY COMMITTEE

Creation and Structure of the Committee

In 1991, Jack Wagner, then Council President, established Council's first Reapportionment Advisory Committee (RAC). In 2001, Council President Bob O'Connor followed this precedent. The President of City Council is empowered by the Home Rule Charter to establish such committees.⁵ The purpose of the RAC is to provide the Council with insight and recommendations regarding reapportionment of Council District boundaries.

On July 23, 2001, Council President O'Connor provided all Members of Council with a memorandum setting forth his intent to form a Council Reapportionment Advisory Committee.⁶ Pursuant to this memorandum, each Member of Council nominated a representative to serve on the Committee. The President of Council appointed the nominees to the RAC. The RAC was to serve expressly in an advisory capacity to City Council. The Council, the city's governing body, is the only entity permitted by state law to set council district boundaries.⁷ The Council achieves this by way of enactment of a resolution.

The RAC was comprised of nine (9) individuals, one resident from each Council District. It was directed to hold not less than four (4) but, not more than seven (7) public hearings in order to take public comment. At the conclusion of its work, the Committee would provide Council with a report detailing its recommendations for consideration.

⁵ Home Rule Charter Title III § 306(b) (Appendix at 3)

⁶ O'Connor Memo, July 23, 2002 Memo (Appendix at 4)

⁷ *Pennsylvania Constitution*, Article IX, Local Government, Section 11. Local Reapportionment

The RAC was appointed on October 16, 2001 and was comprised of the following people⁸:

<u>Council Dist./Council Member</u>	<u>RAC Appointee/Neighborhood</u>
1 Barbara Burns	Mark Masterson , Observatory Hill
2 Alan Hertzberg	Robert Gallis , Sheridan
3 Gene Ricciardi	Edward F. Jacob, Jr. , South Side Slopes
4 Jim Motznik	Richard King , Carrick
5 Bob O'Connor	Douglas A. Shields , Squirrel Hill South
6 Sala Udin	<i>Dr. Ronald Peters, Crawford Square</i> Estella W. Smith , Crawford Square ⁹
7 Jim Ferlo	Yarone Zober , Highland Park
8 Dan Cohen	Brian Scheiber , Shadyside
9 Valerie McDonald	<i>Barbara "BJ" Samson, East Liberty</i>
9 Twanda Carlisle	<i>replaced by</i> Duane R. Wright , Homewood ¹⁰

While the record reflects certain dates for the Committee to meet, we were unable to do so until Federal census data was available and placed in an acceptable format that would allow the RAC to fulfill its charge. The RAC held its first meeting on November 29, 2001.

⁸ O'Connor RAC Announcement, October 16, 2002 (Appendix at 5)

⁹ Mr. Peterson, due to time constraints, resigned from the RAC and was replaced by Ms. Smith on May 9, 2002

¹⁰ Councilor McDonald resigned her Council seat to assume the elected office of Allegheny County's Recorder of Deeds in January 2002. Councilor Carlisle was elected to the vacant Dist. 9 seat in March of 2002. The representative nominated by McDonald resigned and Mr. Wright was nominated by Ms Carlisle and appointed Monday, July 8, 2002

SUPPORT STAFF ASSIGNED TO THE COMMITTEE

The City Council placed at our disposal the skills and resources of the Office of the City Clerk, The Department of Planning, and the Department of Law. Staff from these offices provided us with the requisite information, advice, and assistance necessary for us to carry out our assignment in a responsible and thoughtful fashion. We could not have met our obligation to the Council without the willing and competent assistance of these staffers. Each member of the RAC expresses its sincere thanks and appreciation to all of those who assisted us in this process.

Office of the City Clerk Administrative Support

The Office of the City Clerk, the administrative arm of City Council, provided administrative and clerical support services to the RAC. City Clerk Linda Johnson-Wasler assigned her Deputy Clerk, Mary Beth Doheny, the overall responsibility of attending to the administration of the RAC. Her duties included scheduling and attending RAC meetings and hearings, keeping meeting minutes, maintaining correspondence and other documents. The Council's Budget Director, Scott Kunka, provided technical support in the use of computerized spreadsheets containing census data.

Department of Planning ~ Census Data And Mapping Support

The Department of Planning's Director, Susan Golomb, was assigned the task of developing the 2000 census data file and providing mapping services. Two staffers were assigned by the Director to support the RAC. Brandi Rosselli was responsible for the preparation of census data. She provided the RAC with computer diskette copies of the 2000 Census data detailing each of the City's election precincts that are the units that comprise Council districts. Sandy Stroz was responsible for mapping functions and provided the committee with detailed maps of the City, delineating each precinct and ward boundary.

Department of Law ~ Legal Counsel

City Solicitor, Jacqueline Morrow, assigned Deputy City Solicitor, George Specter, Esq. to provide the RAC with legal advice. The Department of Law supplied the RAC with the legal authorities and case law that are discussed in this report.

FUNCTIONS OF THE COMMITTEE

Organization of the Committee

The RAC held several organizational meetings to become aquatinted with one another and with the task at hand. These first meetings focused on familiarization with reapportionment law and the use of computerized census data formatted in a Microsoft Excel® spread sheet program. Members were provided with the 1992 RAC report as well as with maps, census data (computerized and hard copy), voting data from the Allegheny County Bureau of Elections and various other materials in support of the reapportionment effort. The RAC also began to discuss the design of a process that allowed for public participation and comment.

On January 10, 2002, the Committee elected its Chair, Douglas A. Shields, and (District 5). He was the only member of this RAC who had served as a member of the 1991-92 RAC. The Chair was responsible for setting meeting places and times and for interacting with the city departments to secure materials requested by the RAC.

Estella W. Smith joined the RAC on May 9, 2002, and was named Vice Chair by the members of the Committee.

Committee Meetings

The RAC met on the following dates:

November 29, 2001	April 11, 2002	September 13, 2002
January 10, 2002	May 9, 2002	
February 13, 2002	June 13, 2002	
March 14, 2002	July 18, 2002	

The RAC met nine times to deliberate, develop a viable map, set up a public hearing process, and draft a report to submit for City Council's consideration. The meetings ran between 2-3 hours on average. One working session lasted approximately five hours. The majority of the time was spent developing various mapping formats that would meet the legal requirements. The city's Deputy Clerk kept summary minutes of the meetings.¹¹

The 2000 census numbers primarily dictate the reapportionment process. Since 1938, no representative of the Republican Party has been elected to any Pittsburgh Council seat. The RAC's deliberations were not burdened with political gerrymandering agendas designed to give a political edge to one political party over another which is commonly associated with the reapportionment process.

¹¹ Working Session Summary Minutes (See Appendix at 6)

There were various attempts to unify neighborhoods that are presently represented by two or more Council Members. These efforts generally resulted in producing similar results elsewhere or creating districts of *unequal size* or not *compact*. While some may view the RAC's recommendation as less than ideal, mitigation of any individual's perception of a less than ideal change is limited by the total census count and legal requirements. Given the fact that there was a significant population loss in Pittsburgh and that those losses weren't uniform throughout the city, changes to the status quo are inevitable.

To every RAC member's credit, there was no proposal suggested by individual committee members or the public that was beyond our willingness to give it due consideration. The RAC's deliberations were earnest, respectful and forthright. There was a "*let's try it and see what happens*" attitude throughout the process.

RAC Public Hearings

Prior to convening public hearings, the RAC thought it best to produce a map of the proposed reconfigured districts and present it as a draft proposal. The RAC believed this map would provide the public with a sense of likely changes and would serve as a point of reference for specific public comment.¹²

The RAC conducted five (5) public hearings to take comment from citizens. The hearings were held throughout the city in June and July. The City Clerk published a legal notice in the Pittsburgh Post Gazette and the New Pittsburgh Courier¹³ listing the dates, times and places of the hearings. There were also reports of the hearings in the local media.

Handouts were made available to the public at the hearings. These materials included color coded maps illustrating changes, text descriptions of proposed changes, federal census data, the 1992 RAC report, Allegheny County Bureau of Elections voting data for the 1999 and 2001 primary and general elections, and computer diskettes with census data formatted by voting wards and districts.¹⁴

At the beginning of each hearing, the Chair presented a brief overview of the process and then opened the floor to public comment. All who attended were provided with ample time to present and detail their concerns. RAC members were available at the conclusion of the hearings for further discussion. Summary minutes of these meetings and comments are contained in the Appendix of this report.¹⁵

¹² June 13, 2001 Draft Map Proposal for Public Comment (Appendix at 7)

¹³ See Public Hearing Meeting Minutes – Legal Notices (Appendix at 8)

¹⁴ Public Hearing Handouts (Appendix at 9)

¹⁵ Public Hearing Summary Minutes (See Appendix at 8)

The RAC also encouraged those testifying to further participate in this process by developing maps on their own with the materials provided. Various members of the RAC offered to provide technical assistance in utilizing the reapportionment tools upon request.

Attendance by the public varied at the hearings, but overall, it would have to be considered light. In a representational democracy the functions of government, including redistricting, is everyone's business. The RAC is in agreement with this final comment noted in the ACLU's April, 2000 publication, *Everything You Wanted to Know About Redistricting but Were Afraid to Ask*:

"Given the availability of new mapping technology, the accessibility of census data, and the existence of numerous groups and organizations with expertise in the voting, no community need sit on the sidelines and watch the reapportionment process from afar. Everyone can, and should be a player."

The RAC commends those citizens who exercised their civic duty to participate in this process. Their comments did have an impact in our deliberations and on the ultimate district configuration to the extent possible.

Public Hearing Venues

Pursuant to the Council's direction the hearings were held in places accessible to the public with suitable space for such an event. The RAC extends its sincere thanks to the organizations, which so graciously provided us with the use of their facilities.

The RAC's public hearings were held at the following places:

Pittsburgh Aviary (North)

Ridge Ave. & Arch St.

Monday, June 24th @ 7:00 P.M

Banksville Park Community Center (South)

1461 Crane Ave.

Wednesday, June 26th @ 7:00 p.m.

Kingsley Association (East)

6118 Penn Circle South

Monday, July 1st @ 6:00 P.M.

Univ. of Pittsburgh (Central)

Alumni Hall 1st Floor Ballroom

4227 Fifth Avenue

Monday, July 8th @ 7:00 p.m.

City Council Chambers (Downtown)

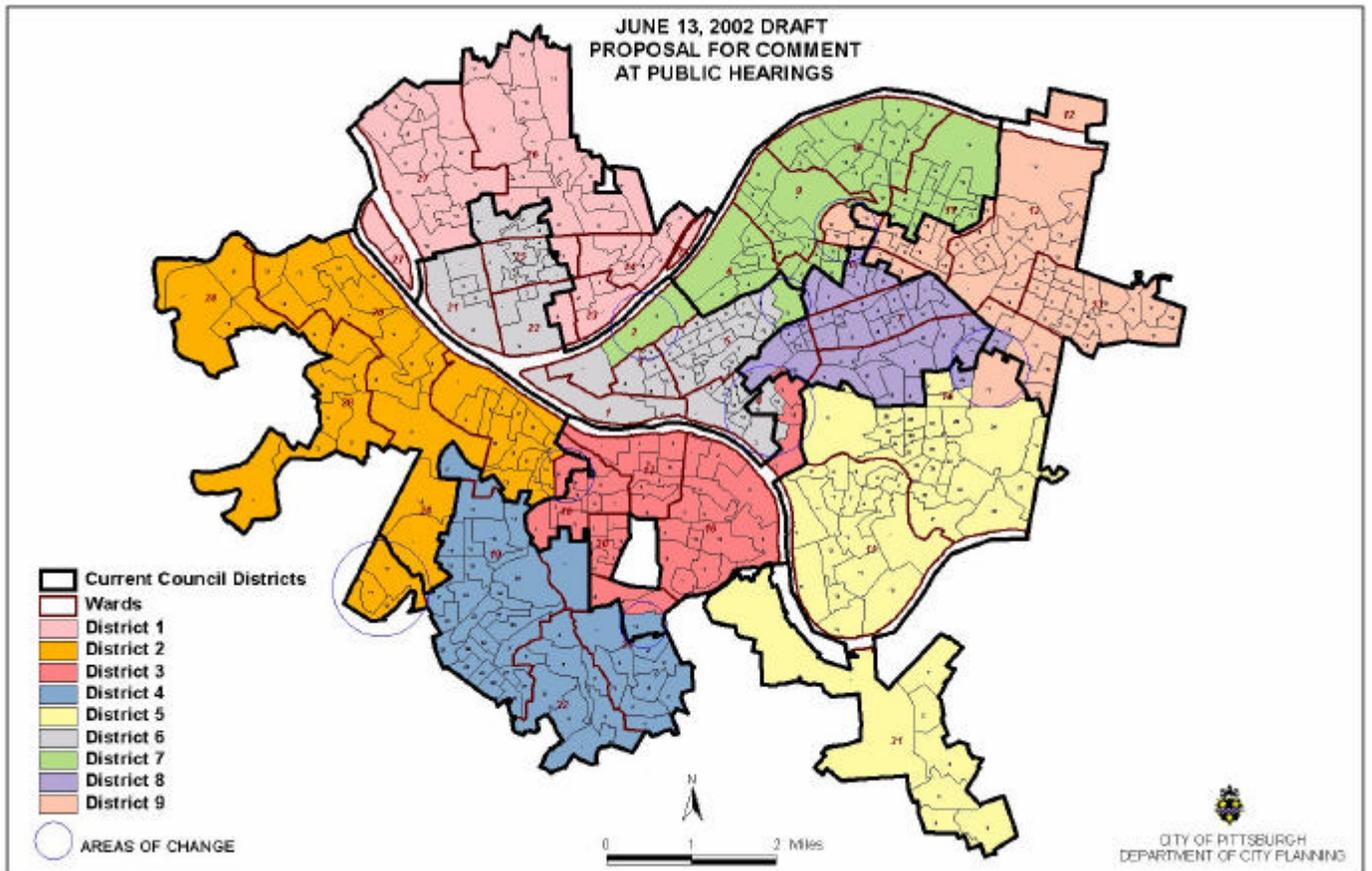
5th Floor, 414 Grant St.

Thursday, July 11th @ 7:00 P.M

Table 1 illustrates the configuration of the draft proposal presented at the public hearings.

TABLE 1: June 13, 2002 Draft Proposal for Comment at Public Hearings

Council Districts	1	2	3	4	5	6	7	8	9
Data									
Total Population	36,846	36,897	37,800	36,945	37,226	37,854	36,452	37,520	37,023
Black	10,001	5,477	7,962	1,036	3,291	22,663	7,886	2,669	29,765
Non-Black	26,845	31,420	29,838	35,909	33,935	15,191	28,566	34,851	7,258
% Black	27.1%	14.8%	21.1%	2.8%	8.8%	59.9%	21.6%	7.1%	80.4%
% Non-Black	72.9%	85.2%	78.9%	97.2%	91.2%	40.1%	78.4%	92.9%	19.6%
Deviation From ideal 37,173	-0.9%	-0.7%	1.7%	-0.6%	0.1%	1.8%	-1.9%	0.9%	-0.4%



DISCUSSION

Any legally valid reapportionment plan must satisfy five criteria. The RAC is of the opinion that the recommendation we are submitting to City Council complies with each of these legal requirements.

Federal Census Data

As noted in the legal documentation at the beginning of this report, the RAC is bound by Pennsylvania law to use its population count source “*as officially and finally reported in the most recent Federal census.*” The issue of potential undercounts within the city was certainly a concern of the RAC and was also raised by some who spoke at public hearings.

Beyond reapportionment, an accurate census is of vital importance to any municipality. In one form or another, census data is utilized for a wide variety of purposes by policy makers at all levels of government - federal, state, county and municipality. It is also a key factor in determining the amount of funds distributed to municipalities by federal and state government. The private, institutional, and non-profit sectors also utilize federal census data.

In the reapportionment process - no matter the accuracy or inaccuracy of the federal 2000 census data - the RAC and ultimately the Council of the City of Pittsburgh are bound by law to use the 2000 federal census data. There is no legal ability to arbitrarily adjust the federal census data in the reapportionment process. To do so would subject any such plan to a legal challenge.

The RAC was provided with federal census data by the City’s Department of Planning. It was formatted to provide accurate counts of each voting district within each ward of the city. The data also provided the racial make up of each district. It also noted those persons within these districts who are of voting age. This data included is the Appendix of this report.¹⁶

Equal Size

Each City Council District must contain roughly the same number of residents— i.e., human beings residing here at the same time the 2000 Census was conducted -- as any of the other Council Districts. It should be stressed that the data provided by the Federal 2000 Census is the legally acceptable and preferred basis for redistricting at the national, state, and local levels.

¹⁶ Current Council Districts African American (AA) & White Population and Those Eligible to Vote (See Appendix at 10)

The Federal 2000 Census established that there were **334,563** residents in Pittsburgh at that time the count was made. **Ideally then, each of the nine Council Districts should be comprised of 37,173 residents.** The RAC attempted to keep the variance from the ideal population at plus/minus 2% from the ideal population of 37,173.

Table 2 below illustrates:

- City population decreased by **35,586**
370,149 in year 1990 to 334,563 in year 2000 – a loss of 10%
- Population losses in each Council District
- Population in existing districts & gain/loss required for ideal population (37,173)

TABLE 2: Existing Council Districts With 2000 & 1990 Population Comparisons

District No. – Current Rep.	2000 Census		1990 <i>Apportionment</i> ¹⁷	Loss per district -	
	total	+/- from ideal			%
District 1 - Burns	36,846	-328	40,925	4,079	10%
District 2 – Hertzberg	35,744	-1430	40,793	5,049	12%
District 3 – Ricciardi	36,628	-546	41,045	4,417	11%
District 4 – Motznik	38,340	+1166	41,340	3,000	7%
District 5 - O'Connor	38,668	+1494	41,308	2,640	6%
District 6 – Udin	36,232	-942	40,874	4,642	11%
District 7 – Ferlo	37,359	+185	41,649	4,290	10%
District 8 – Peduto	40,286	+3112	40,797	511	1%
District 9 – Carlisle	34,460	-2714	41,418	6,958	17%
TOTAL	334,563		370,149	35,586	10%

¹⁷ Ideal population in 1990 was 41,098 per Council District

The RAC examined census data, which revealed that the current Council Districts were of unequal size due to population loss. Table 3 below details current population, African American population, and plus/minus deviation from the **ideal size of 37,173**.

TABLE 3: 1990 Council Districts-Percent of Deviation & Racial Group Totals

Council District	1	2	3	4	5	6	7	8	9
Total Population	36,846	35,744	36,628	38,340	38,668	36,232	37,359	40,286	34,460
Black	10,001	5,528	7,710	1,054	3,336	22,657	9,446	3,130	27,888
Non-Black	26,845	30,216	28,918	37,286	35,332	13,575	27,913	37,156	6,572
% Black	27.1%	15.5%	21.0%	2.7%	8.6%	62.5%	25.3%	7.8%	80.9%
% Non-Black	72.9%	84.5%	79.0%	97.3%	91.4%	37.5%	74.7%	92.2%	19.1%
Deviation From ideal 37,173	-0.9%	-3.8%	-1.5%	3.1%	4.0%	-2.5%	0.5%	8.4%	-7.3%

The criterion of *equal size* is generally understood to be a logical consequence of the constitutional provision of one person, one vote, a principle derived from the equal protection clause of the U.S. Constitution. This is usually taken to mean that each person’s vote should count the same as any other person’s vote, or that each vote should have the same “weight”. Courts have held that this provision would be violated if voters were compelled to cast their ballots from districts that varied significantly in size from one another. Nevertheless, it has been held that minor deviations from mathematical equality do not make out discrimination, and an apportionment plan with a deviation under 10% would be within this category. *Reynolds v. Sims*, 377 U.S. 533, 84 S. Ct. 1362 (1964); *Brown v. Thomson*, 462 U. S. 835, 103 S. Ct. 2690 (1983).

Following the state statute at 53 Pa.C.S.A § 903(b) (Districts shall be composed...as nearly *equal in population as practicable*), the RAC determined that a 2% deviation in district population was a practical and attainable goal.

Contiguosness

The *Pennsylvania Municipal Reapportionment Act*, 53 Pa. C.S.A. § 903 (b), commands “*Districts shall be composed of compact and contiguous territory as nearly equal in population as practicable...*” This criterion is generally taken to mean that a person could walk from any arbitrary location within a district to any other site within the district without having to leave the district. Another way of expressing this is to say that no district shall contain any “ISLANDS” which would be a district(s) wholly surrounded by another district. As such, an “island” could not be entered except by passing through the territory of another district or another governmental jurisdiction. By way of example, the 31st Ward cannot be connected to the 16th Ward due to the fact that they are separated by the Borough of Baldwin. You may only connect it by way of the 15th Ward.

Compactness

Each district must also be compact, meaning that it must be as solid and as uniform in shape as possible. See *53 Pa. C.S.A. § 903 (b)*. As a general rule, any shape of a district will comply with the compactness requirement unless there is evidence that a distorted, irregularly shaped district was deliberately created for an illegitimate purpose, such as racial gerrymandering designed to diminish the voting power of a minority group. *Shaw v. Reno*, 509 U.S. 630, 113 S. Ct. 2816 (1993).

In *Shaw*, the Supreme Court also noted that although factors such as contiguity and compactness are traditional districting principles, they are not constitutionally required, but are important because they are objective factors that bear on whether a district has been gerrymandered on racial lines.

The United States Voting Rights Act

Finally, election systems have historically diluted the voting strength of racial and ethnic minorities by spreading the minority population thinly among all of the districts or by packing the minority population into a single district.

The purpose of the federal Voting Rights Act is to eliminate these discriminatory practices in elections and provide minorities with a fair opportunity to elect minority representatives. The Voting Rights Act prohibits any practice or procedure that interacting with historical and social conditions impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters. *Thornburg v. Gingles*, 478 U.S. 30, 106 S. Ct. 2752 (1986), (See also *Shaw*). Therefore, any reapportionment plan proposed by the committee must include “minority districts” for any racial or ethnic minority group that would be expected, as a result of its size, concentration, and political cohesiveness, to elect its own representative.

A minority district must be drawn so that the minority group constitutes a majority of the population in the district. To compensate for an historically lower voting age population, lower voter registration, and lower voter turnout among minority populations that might reduce the likelihood of a minority representative being elected, courts have consistently required that minority districts have a minority population larger than a bare 51% majority.

The precise percentage which the courts might require in order to satisfy the requirement of an adequate minority district is not crystal-clear; however, some cases and respected commentary indicate that 65% of the total population or 60% of the voting age population might be approved as sufficient. The primary aspect of the *Gingles'* decision was the ability to elect, which would include consideration of both the total and electoral populations. Several federal courts have addressed this question subsequent to *Gingles*,

and it can be gleaned from them that voting age population should be used to determine whether the minority group can constitute a voting majority. Some pre-*Gingles* courts concluded that a substantial majority would be either 65% of the total population or 60% of the voting population. *McNeil v. Springfield Park District*, 666 F. Supp. 1208 (C.D. Ill. (1987)); *Romero v. City of Pomona*, 665 F. Supp. 853 (C.D. Cal. 1987); *Ketchum v. Byrne*, 740 F. 2d 1398 (7th Cir. 1984). See also, *Fontana, Municipal Liability, Law and Practice 2d Edition, Vol. 2, pgs. 82-84.*

MINORITY MAJORITY DISTRICTS

The RAC was presented with several requests by people within the African American community to develop a map that would create one additional Minority Majority district. This would change the total of such districts from two to three. The RAC had anticipated this request and the possibility of creating a third Minority Majority. It was a subject of discussion throughout the RAC's deliberations. The RAC believes it is appropriate to provide Council with general and detailed insight on the subject of Minority Majority Districts in this portion of its report.

General Provisions for Minority Majority Districts

The United States, because of its sizeable racial and ethnic minority population and its history of discrimination against certain minority groups, has had to address the issue of fairness to minorities in promulgating redistricting plans. The Voting Rights Act of 1965 and its amendments in 1982 have established that a redistricting plan that dilutes the voting strength of minority voters by dividing the minority community among different districts may be invalid. Protected minority groups – e.g., African Americans and Hispanics -- for the most part must meet three conditions to qualify for this protection:

- ? the group must be *sufficiently large* and *geographically compact* to form a majority in a single-member district;
- ? the group *must be politically cohesive* (they must share common political interests);
- ? the group *must be able to demonstrate that the majority population votes as a bloc against the minority community's preferred candidates* and that the minority-preferred candidates usually lose.

If a minority group is able to satisfy all three of these conditions, a redistricting plan must be fashioned such that minority voters constitute a majority of voters in one or more districts. The minority community must demonstrate that these conditions are satisfied in a court proceeding.

In fact, in a series of recent court decisions, the U.S. Supreme Court held that several jurisdictions that created Majority Minority districts voluntarily--that is, without being required by a court to do so--must redraw these "Majority Minority" districts without taking race or ethnicity into account.

A new district could have racial/ethnic minority groups in large enough numbers to be a majority-voting group. This scenario provides the minority group with a better chance to elect someone to best represent their specific interests.

By contrast, a new district could also weaken the voting power of a racial/ethnic minority group by splitting it up among new districts. This is called **cracking or minority dilution**, a form of gerrymandering or redistricting to benefit one group by dividing districts in an irregular fashion. With the 1965 Voting Rights Act, minority dilution became illegal because it weakened the minority vote. In 1982, the Act was amended to allow creation of districts that give minorities a better chance to elect a particular candidate who supports their interests. However, *court cases have ruled against these districts if the sole reason for drawing the lines a particular way is to favor minorities*. However, minority voting strength can be considered along with other issues.

The courts continue to make judgments on these issues in each redistricting process. Redistricting can also be used to place a minority group into a large district so that they have majority power in only one district. This will allow them to elect one representative to represent their interests. However, they will not be able to elect multiple representatives in several districts. This leaves them with fewer representatives to influence policies that support their interests. Designing election districts so that most members of a minority group are placed in a single district is called **packing**. The minority group might have more representation if they were divided among more districts. Packing is another form of **gerrymandering** – i.e., drawing boundaries of a district to suit one group's interest.

Pittsburgh Minority Majority Districts

In 1989, Pittsburgh's City Council was converted from an elected at-large to a by-district system. Two Minority Majority districts (Districts 6 & 9) were created at that time.

In 1992, the RAC, in response to requests of several African American citizens attempted to shape a third Minority Majority district. It concluded that it could not make such a recommendation.¹⁸ The Council at that time also rejected legislation containing three Minority Majority districts and, instead, enacted the present configuration. A group of citizens filed a lawsuit in Federal District Court against the city challenging the enacted reapportionment, but the Federal District Court determined that the Council had enacted a legally acceptable plan.

Similarly, this RAC explored the possibility of creating a third Minority Majority Council District. Numerous attempts were made by the RAC to achieve a viable configuration that included a third Minority Majority district. These attempts revealed that when the RAC created three minority majority districts on a map, it resulted in an unacceptable skewing of other districts and/or presented population deviations that exceeded plus/minus 2%.

¹⁸ See Public Hearing Handouts, 1992 RAC Report (Appendix at 8)

Beyond the compactness issue, other relevant issues were raised by this exercise. In the reapportionment process, district lines should be drawn without carving up neighborhoods or groups of people living in an area that have similar interests and have traditionally been represented together. Communities of interest may include groups in close geography, sharing social and economic interests.

Another strategy was also attempted to create a district that, while not a Minority Majority district, placed a significant minority population in District 7, primarily from Council District 9's 12th Ward. While the resulting districts were of equal size, Council District 9 was "stretched" from the city's eastern most point (East Hills) through Homewood, East Liberty, Garfield, Bloomfield, Polish Hill and the Hill District. It is the opinion of the RAC that this configuration was not compact. This was also a factor in all other such attempts to create a third Minority Majority district.

We provide in this report the map and data related to this effort.¹⁹ The result of this effort had Council District 9 configured in such a way that it clearly was not compact. Furthermore Council Districts 3, 5, 6, and 7, were configured in such a way that "communities of interest" were similarly broken up. The Oakland area for instance, would now have four Members of Council representing it. This map and data is presented on the following page.

This configuration also created an "island" district of the entire 31st Ward. Examination of a more detailed map of the city will reveal that the 31st Ward is, in fact, not contiguous with the city's 16th Ward. The Borough of Baldwin separates them.

It is important to note here that city's population losses were substantial among all ethnic and racial groups. The largest population loss occurred in Council District 9, which lost 17% or 6,958 persons. The facts below illustrate the loss effect on African American population

In 1990, there were 95,362 African Americans residing in Pittsburgh.

In 2000 it was 90,750 (27.125%) of a total population of 334,563.

The African American population decreased by 4, 612 people.

The African American population, by way of percentage of total population, increased by + 1.3% from 1990.²⁰

¹⁹ Two Majority Minority Districts & One Challenge District Map (Appendix at 10)

²⁰ U.S. Census Data as provided by Pittsburgh's Department of Planning

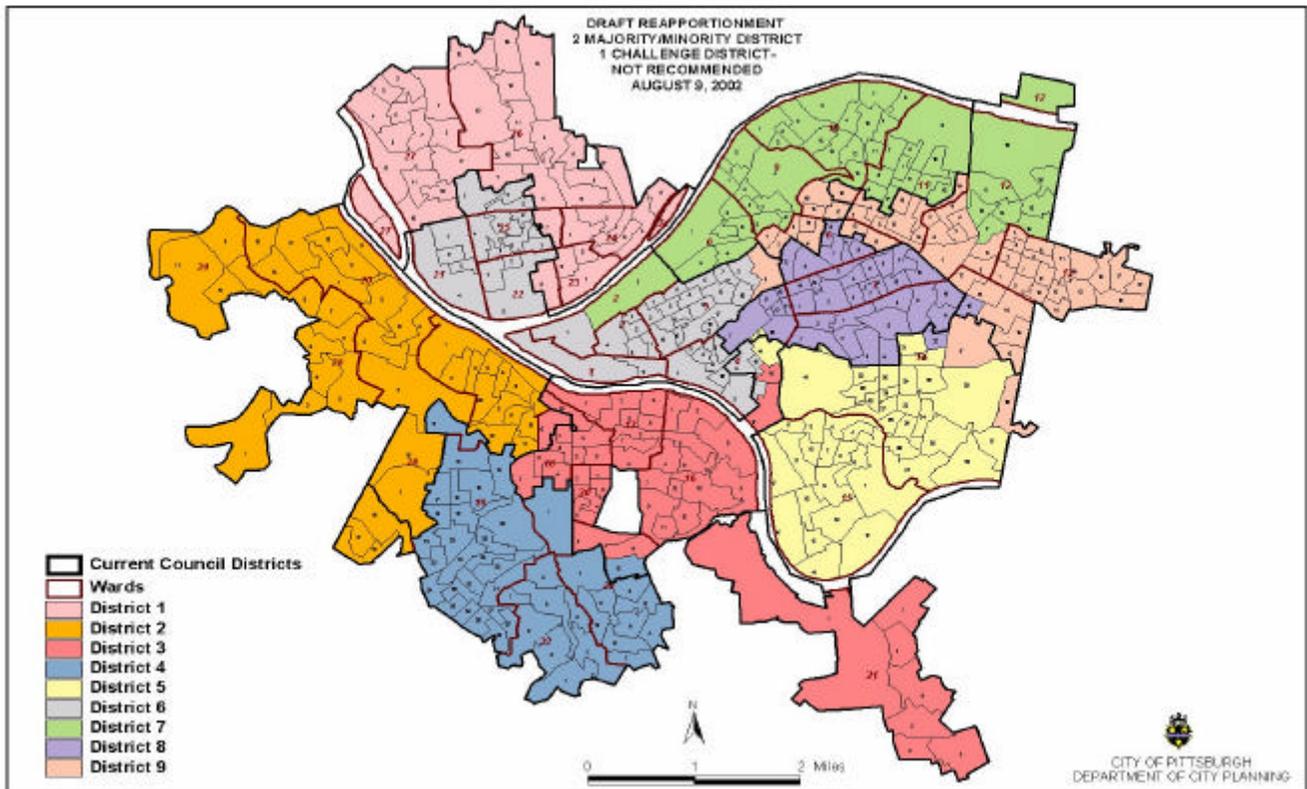
Throughout the 1990's, the Housing Authority of the City of Pittsburgh (HCAP) closed or substantially reduced the occupancy of a number of its public housing units. **In 1990, the HCAP had 9,629 housing units with a total population of 9,629. In 2000, the HCAP reported 8692 housing units with a population of 4,905²¹.** The HCAP reports that it only counts "head of household" as far as population. The areas of the city, where substantial numbers of African Americans lived in public housing are no longer available to the reapportionment mapmaker to assemble a third district with appropriate population percentages to be considered a Majority Minority district.

TABLE 4: Two Majority Minority Districts & One "Challenge" District²²

Data	1	2	3	4	5	6	7	8	9
Total Population	36,846	36,897	37,279	36,945	36,872	37,854	37,413	37,520	36,937
Black	10,001	5,477	7,454	1,036	3,784	22,663	12,434	2,669	25,232
Non-Black	26,845	31,420	29,825	35,909	33,088	15,191	24,979	34,851	11,705
% Black	27.1%	14.8%	20.0%	2.8%	10.3%	59.9%	33.2%	7.1%	68.3%
% Non-Black	72.9%	85.2%	80.0%	97.2%	89.7%	40.1%	66.8%	92.9%	31.7%
Deviation From ideal 37,173	-0.9%	-0.7%	0.3%	-0.6%	-0.8%	1.8%	0.6%	0.9%	-0.6%

²¹ HACP Board Meeting Minutes, January 1991 & January 2001

²² See Large Map at Appendix 11



Meeting With Representatives of the NAACP

On September 27, 2002, the RAC met with representatives of the Pittsburgh Chapter of the NAACP, including Tim Stevens, President, and Lavera S. Brown, Executive Director. The purpose of the meeting was to discuss the issues related to the possibility of creating a third Minority Majority district. The NAACP representatives were provided with legal authorities, maps, data at this meeting. After a brief overview of the RAC's process, Mr. Stevens and other NAACP representatives engaged in a dialogue with the RAC members, and more specifically with the RAC's two African American members. Mr. Stevens stated that he was particularly interested in hearing their perspective on the process and the issues confronting the RAC pertaining to the creation of a third district. All of those in attendance participated fully in this sharing of ideas and information. It was considered to be productive and thoughtful dialogue by all parties.

The RAC members informed the NAACP's representatives that it could not recommend the creation of a third Minority Majority District. The RAC encouraged the NAACP to utilize the reapportionment tools provided to them and attempt to develop a plan for presentation to the Council for its consideration when the reapportionment ordinance is introduced.

The RAC also encouraged the NAACP representatives to develop its capacity in the reapportionment process in order to satisfy themselves that the representations made by the RAC at this meeting were, in fact, true. The RAC members present also offered to assist the NAACP with any technical matters, advice or insight into the process of developing a map.

Conclusion on Third Minority Majority District Issue

The RAC is mindful of the fact that the census counts heads - *not voters*. Creating three Majority Minority districts with relatively narrow African American majorities, in fact, decreases the likelihood of African American's having a better chance to elect someone to best represent their specific interests from such a district.

While a three district map could possibly be developed it would, due to its singular objective, significantly displace other legal considerations required in the reapportionment process as discussed in this report. Additionally, it would dilute minority voting strength as the minority population in any such configured districts would be in the low to mid-fifty percent range.

Significant issues relating to the African American population and creation of a third district require a full examination of census and voter data: total population, total eligible to vote, total registered, and historical voter turnout in elections, particularly municipal elections. There is data provided in the Appendix of this report for the Council's use and consideration to perform this analysis. This same data and related

information is available to both the Council and the general public. We encourage the Council to review all of these sources of information in its deliberations on the reapportionment matter. It will be an issue that deserves detailed attention.

Given the far-reaching and long term political effects of reapportionment, the RAC also encourages the Council to test all assertions of fact and in opinion set forth throughout this report so that it is assured that what has been stated here is fairly and accurately stated.

The RAC, satisfied that it had performed it's due diligence with regard to consideration of the potential for creating a the third Majority Minority district, proceeded with the development of the recommended reapportionment map it is submitting to the Council today.

RECCOMENDED REAPPORTIONMENT PLAN

In order to comply with the legal requirements noted above, the RAC arrived at the recommended changes to the Council Districts as noted in Table 5 as follows:

TABLE 5: Recommended Ward & District Changes

Move from Council District 2 to Council District 3

18 Ward Voting District 5

Move from Council District 3 to Council District 4

29 Ward Voting District 12

Move from Council District 3 to Council District 6

4 Ward Voting Districts 5 and 16

Move from Council District 4 to Council District 2

20 Ward Voting Districts 16, 17 18

Move from Council District 5 to Council District 8

14 Ward Voting District 22

Move from Council District 5 to Council District 9

14 Ward Voting District 17

Move from Council District 6 to Council District 7

5 Ward Voting District 9

Move from Council District 6 to Council District 8

4th Ward Voting District 6

Move from Council District 7 to Council District 9

10 Ward Voting District 17, 18, 19

Move from Council District 8 to Council District 3

4 Ward Voting District 8

Move from Council District 8 to Council District 7

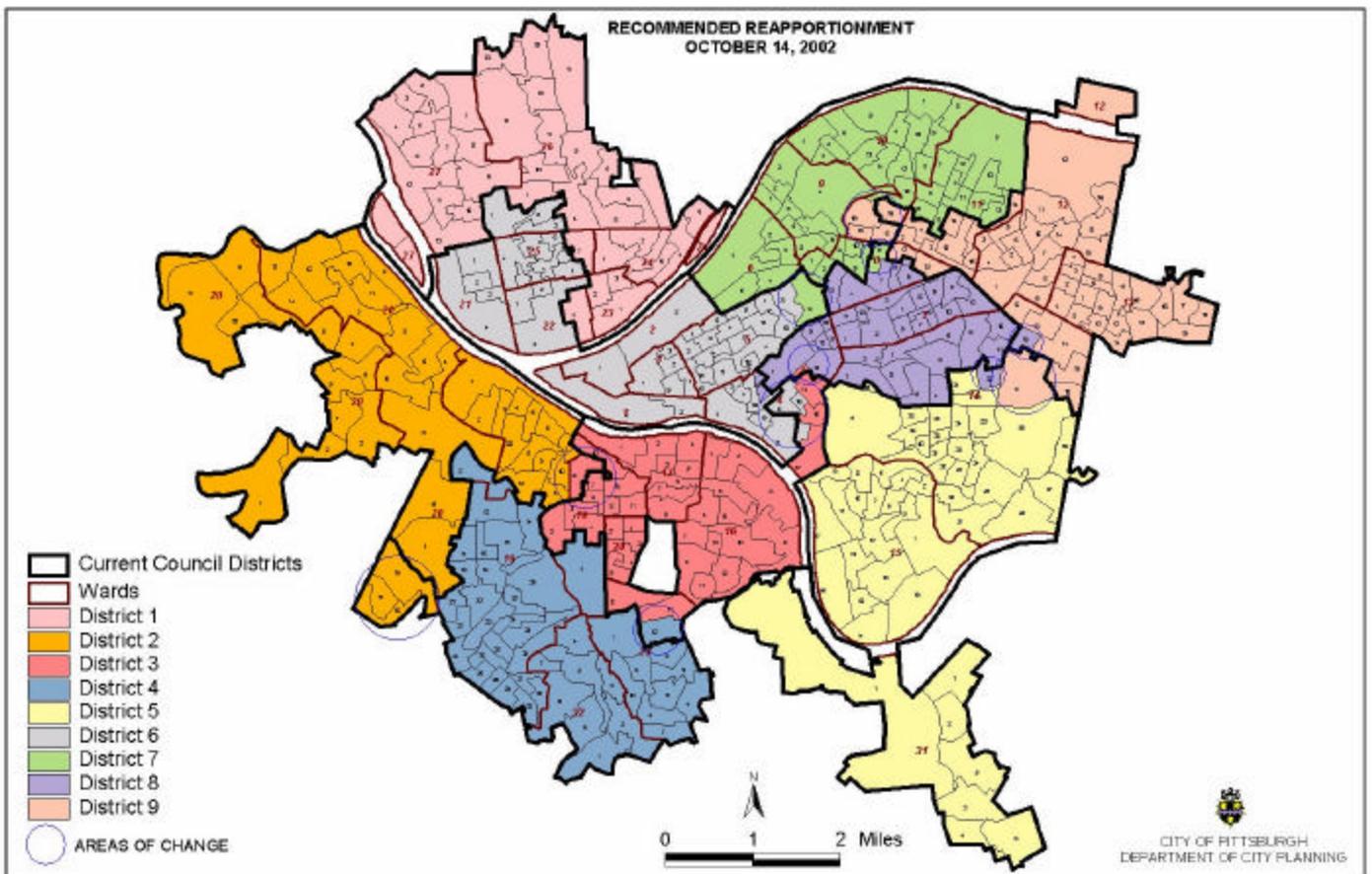
8th Ward Voting District 8

Move from Council District 9 to Council District 8

TABLE 6: Recommended Reapportionment – Population Distribution²³

New Council District		1	2	3	4	5	6	7	8	9
Data										
Total Population		36,846	36,897	37,800	36,945	37,226	37,774	37,043	37,009	37,023
Black		10,001	5,477	7,962	1,036	3,291	22,482	7,908	2,828	29,765
Non-Black		26,845	31,420	29,838	35,909	33,935	15,292	29,135	34,181	7,258
% Black		27.1%	14.8%	21.1%	2.8%	8.8%	59.5%	21.3%	7.6%	80.4%
% Non-Black		72.9%	85.2%	78.9%	97.2%	91.2%	40.5%	78.7%	92.4%	19.6%
Deviation From ideal		-0.9%	-0.7%	1.7%	-0.6%	0.1%	1.6%	-0.4%	-0.4%	-0.4%
37,173										

²³ See Large Map at Appendix 12



Accordingly, the Council Districts would be comprised of the following Wards and Voting Districts as noted in Table 5. The current Council Member's name is included for ease of reference.

TABLE 7: Recommended Ward and District Changes

District One **Barbara Burns**

- Ward 22 - Precinct 4
- Ward 23 - All Precincts (1 through 3)
- Ward 24 - All Precincts (1 through 6)
- Ward 25 - Precinct 7
- Ward 26 - Precincts 1, 4 through 6, 8 through 17
- Ward 27 - All Precincts (1 through 13)

District Two **Alan Hertzberg**

- Ward 19 - Precincts 1 through 11, 13, 28
- Ward 20 - Precincts 1, 3 through 18
- Ward 28 - All Precincts (1 through 11)

District Three **Gene Ricciardi**

- Ward 04 - Precinct 8, 14, 15, 17
- Ward 16 - All Precincts (1 through 11)
- Ward 17 - All Precincts (1 through 8)
- Ward 18 - Precincts 2 through 11
- Ward 29 - Precincts 8, 11
- Ward 30 - All Precincts (1 through 5)

District Four **Jim Motznik**

- Ward 18 - Precinct 1
- Ward 19 - Precinct 12, 14 through 27, 29 through 38
- Ward 20 - Precinct 2
- Ward 29 - Precincts 1 through 7, 9, 10, 12
- Ward 32 - All Precincts (1 through 8)

District Five **Bob O'Connor**

- Ward 14 - Precincts 19 through 21, 23 through 41
- Ward 15 - All Precincts (1 through 19)
- Ward 31 - All Precincts (1 through 7)

District Six**Sala Udin**

- Ward 01 - All Precincts (1 and 2)
- Ward 02 - All Precincts (1 and 2)
- Ward 03 - All Precincts (1 through 5)
- Ward 04 - Precincts 1 through 5, 16, 18, 19
- Ward 05 - Precincts 1 through 8, 10 through 18
- Ward 21 - All Precincts (1 through 4)
- Ward 22 - Precincts 1, 2, 3
- Ward 25 - Precincts 1 through 6
- Ward 26 - Precincts 2, 3, 7

District Seven**Jim Ferlo**

- Ward 05 - Precinct 9
- Ward 06 - All Precincts (1 through 5)
- Ward 08 - Precincts 1, 2, 5, 6, 8, 10
- Ward 09 - All Precincts (1 through 9)
- Ward 10 - Precincts 1 through 15
- Ward 11 - Precincts 1, 5 through 13, 17

District Eight**Bill Peduto**

- Ward 04 - Precincts 7, 6, 9 through 13
- Ward 07 - All Precincts (1 through 14)
- Ward 08 - Precincts 3, 4, 7, 9, 11
- Ward 14 - Precincts 1 through 11, 16, 22

District Nine**Twanda Carlisle**

- Ward 08 - Precincts 12, 13
- Ward 10 - Precinct 16 through 19
- Ward 11 - Precincts 2, 3, 4, 14 through 16, 18
- Ward 12 - All Precincts (1 through 16)
- Ward 13 - All Precincts (1 through 19)
- Ward 14 - Precincts 12 through 15, 17, 18

PROPOSED LEGISLATION

Submitting a Re-apportionment Plan for City Council Districts in the City of Pittsburgh.

RESOLUTION

WHEREAS, as a result of the 2000 Federal Census, City Council is required to re-apportion its City Council Districts pursuant to the Pennsylvania Municipal Re-apportionment Act to account for changes in the City's population over the last ten years; and

WHEREAS, on October 22, 2002, the Re-apportionment 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 at 53 Pa.C.S.A. § 901 *et seq.*

Districts shall be composed of *compact* and *contiguous* territory as nearly *equal in population as practicable, as officially and finally reported in the most recent Federal census*. 53 Pa.C.S.A. § 903(b)

The Council also finds this reapportionment plan to be consistent with the U.S. Voting Rights Act requirements.

The Councilmanic Districts within the City of Pittsburgh shall be configured as follows, effective January 1, 2003 as follows:

District One

Ward 22 - Precinct 4
Ward 23 - All Precincts (1 through 3)
Ward 24 - All Precincts (1 through 6)
Ward 25 - Precinct 7
Ward 26 - Precincts 1, 4 through 6, 8 through 17
Ward 27 - All Precincts (1 though 13)

District Two

Ward 19 - Precincts 1 through 11, 13, 28
Ward 20 - Precincts 1, 3 through 18
Ward 28 - All Precincts (1 through 11)

District Three

Ward 04 - Precinct 8, 14, 15, 17
Ward 16 - All Precincts (1 through 11)
Ward 17 - All Precincts (1 through 8)
Ward 18 - Precincts 2 through 11
Ward 29 - Precincts 8, 11
Ward 30 - All Precincts (1 through 5)

District Four

Ward 18 - Precinct 1
Ward 19 - Precinct 12, 14 through 27, 29 through 38
Ward 20 - Precinct 2
Ward 29 - Precincts 1 through 7, 9, 10, 12
Ward 32 - All Precincts (1 through 8)

District Five

Ward 14 - Precincts 19 through 21, 23 through 41
Ward 15 - All Precincts (1 through 19)
Ward 31 - All Precincts (1 through 7)

District Six

Ward 01 - All Precincts (1 and 2)
Ward 02 - All Precincts (1 and 2)
Ward 03 - All Precincts (1 through 5)
Ward 04 - Precincts 1 through 5, 16, 18, 19
Ward 05 - Precincts 1 through 8, 10 through 18
Ward 21 - All Precincts (1 through 4)
Ward 22 - Precincts 1, 2, 3
Ward 25 - Precincts 1 through 6
Ward 26 - Precincts 2, 3, 7

District Seven

Ward 05 - Precinct 9
Ward 06 - All Precincts (1 through 5)
Ward 08 - Precincts 1, 2, 5, 6, 8, 10
Ward 09 - All Precincts (1 through 9)
Ward 10 - Precincts 1 through 15
Ward 11 - Precincts 1, 5 through 13, 17

District Eight

Ward 04 - Precincts 7, 6, 9 through 13
Ward 07 - All Precincts (1 through 14)
Ward 08 - Precincts 3, 4, 7, 9, 11
Ward 14 - Precincts 1 through 11, 16, 22

District Nine

Ward 08 - Precincts 12, 13
Ward 10 - Precinct 16 through 19
Ward 11 - Precincts 2, 3, 4, 14 through 16, 18
Ward 12 - All Precincts (1 through 16)
Ward 13 - All Precincts (1 through 19)
Ward 14 - Precincts 12 through 15, 17, 18

~ END OF REPORT ~

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Office of the City Clerk

*Linda Wasler Johnson
Mary Beth Doheny
Latisha Taylor
Bridget Akyea*

City Council's Office of Management & Budget

*Scott Kunka
Bill Urbanic
Kim Osterman*

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Maureen Hogan*

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Valerie Jacko*

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Tami Golden*

City Information Systems

*Tajuana Stephenson
Jody Halbedl*

Office of Councilman Bob O'Connor

*Heather Howard
Connie Sukernek
Marlene Cassidy*



