

# DRAFT



## THE CITY OF NEW YORK 2022-2023 DISTRICTING COMMISSION

### PUBLIC MEETING

Tuesday, November 1, 2022 -- 6:00 p.m. – 7:10 p.m.

22 Reade Street, 1<sup>st</sup> Floor

In-Person and Virtual Remote Meeting

#### Attendees:

##### *Districting Commission Members:*

Dennis M. Walcott, Chair	Hon. Marilyn D. Go	Michael Schnell
Kevin John Hanratty	Maria Mateo, Esq.	Joshua Schneps
Lisa Sorin	Msgr. Kevin Sullivan	Kai-Ki Wong
Maf Misbah Uddin*	Kristen Johnson*	Gregory W. Kirschenbaum *
Marc Wurzel	Yovan Samuel Collado*	Dr. Darrin K. Porcher

\*Attended remotely via videoconferencing.

##### *Staff*

John Flateau, Ph.D., Executive Director, New York City Districting Commission

Joseph Maligno, Deputy Executive Director, New York City Districting Commission

Grace Pyun, General Counsel, New York City Districting Commission

#### Minutes by:

A. Michael DeCillis, Esq.

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Dennis M. Walcott, the Chair of the New York City Districting Commission convened the public meeting to discuss the City Council's response to the October 6 Updated Revised Plan (the "Plan").

Joseph Maligno, Deputy Executive Director, New York City Districting Commission conducted the roll call for the public meeting, and a quorum of Commissioners were present.

The Chair made opening remarks discussing the status of the Plan and remaining process under the New York City Charter. The Chair noted that at the October 6, 2022 Public Meeting, the Districting Commission voted 13-1 in favor of submitting the Plan to the New York City Council for inspection and comment, the Plan was returned from the Council via the Speaker's Letter with no objections to the Plan, along with some letters from individual Council Members both in support of the Plan as well as with requests for some changes.

The Chair further stated that under the New York City Charter, the Plan had been returned from the Council with no objections and was deemed adopted. The final step for the Commission was to file the October 6<sup>th</sup> Plan with the City Clerk, along with a certification statement signed by a minimum of nine Commissioners, indicating that the Plan has been implemented according to all criteria in the City Charter.

The Chair then opened up the floor for Commissioner discussions.

Commissioner Joshua Schneps stated that he read through the feedback received from individual Council members and stated that he wanted to discuss among the Commissioners the possibility of making changes to the Plan.

The Chair responded that the New York City Council sent the Plan back to the Districting Commission without objection, and that to make alterations in the maps would require changes that could potentially impact many districts. He also stated that the Commission explored many options with making changes to the maps, and through a lengthy process, adhered to numerous variables in coming to a consensus to finalize the maps including balancing the increase of population, the 5% deviation requirement, adhering to the NYC Charter criteria, as well as ensuring compliance with the Voting Rights Act.

Commissioner Schneps reiterated that he wanted to explore making small changes to the Plan without making larger changes. The Chair discussed the process where the Commission achieved through many hours of sessions a balance for the five boroughs, and that while not all mapping requests were achievable, it was explored through the mapping process to see if accommodations could be made. He reiterated that opening the process is not a minor issue.

Commissioner Lisa Sorin stated that she would also like to discuss issues raised in the Council objection letters and looked for options to fix certain issues in the Plan that were mentioned. Commissioner Maria Mateo also agreed and stated that if the Commission could address any individual objections at the meeting, it should be done before the certification is filed with the City Clerk.

Commissioner Marc Wurzel stated that the Council's role in the process under the New York City Charter is to either object to the Plan, or send it back to the Commission without objection, with letters of

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individual objections attached as required under the Charter. He requested the Commission staff to clarify the process.

Grace Pyun, General Counsel reviewed the language of the New York City Charter and stated that when the Council returns the plan without objection to the Commission, it is deemed adopted. She further stated that reopening the process is only triggered when the Council adopts a resolution objecting to the plan and returns the plan to the Commission with the resolution and a statement of its objections. She stated that if the plan is revised, it will have ramifications throughout the city and boroughs, and that any change in the plan would trigger public comment and inspection, and another round of public hearings.

John Flateau, Executive Director stated that making any changes to the Plan would have deep ramifications on districts throughout the city, and that to reopen the process could require remapping significant sections of the city.

Commissioner Marilyn Go also commented that under the New York City Charter, when the Council returns the Plan to the Commission without objection, the Plan is deemed to be adopted and that she did not know how the Commission could change the Plan. She further stated that while the Plan may not be perfect, she would certify that the Plan was made in accordance with the New York City Charter and other applicable laws.

Commissioners Schneps, Mateo, and Sorin responded that the Commission should discuss the objections raised by the individual council members, including the issues raised in Brooklyn.

Commissioner Wurzel stated that any changes would require the Commission to open the process to the general public for inspection and comment, and public hearings. Commissioner Wurzel then asked that any motion to reopen the process include specifics so that Commissioners understand for what specific reason the process would be reopened.

Commissioner Michael Schnall stated that the issues in district 48 and 47 regarding the Warbasse houses was discussed during the October 6<sup>th</sup> public meeting, and that there was a vote that ended discussion on the issue. He further stated that he signed the certification statement because the Council had returned the plan to the Commission without objection. He then asked Commissioner Schneps to make a clear his proposed next steps through a motion that could be voted on by the Commission.

Commissioner Schneps stated that it is not a big ask to reopen the mapping process, and that he wants to do so to address the issue of Warbasse Houses.

The Commissioners then discussed who had signed the certification statement and how to proceed.

Commissioner Schneps then stated he wanted to make a motion to go through each of the feedback items of the individual Council members and be able to open up mapping to address them.

Commissioner Wurzel stated he had concerns about reopening a process and that he wanted specific points of objections, because if the process was reopened, it was opened for all 51 council districts.

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Commissioner Schneps then made the motion to reopen the mapping process, and the motion was seconded by Commissioner Sorin.

The Chair called the roll for the vote.

Commissioner Johnson voted no.

Commissioner Go voted no.

Commissioner Uddin voted no.

Commissioner Collado voted no.

Commissioner Kirschenbaum voted no.

Commissioner Sullivan voted no.

The Chair voted no.

Commissioner Schnall voted no.

Commissioner Porcher voted no.

Commissioner Hanratty voted yes.

Commissioner Wurzel voted no.

Commissioner Sorin voted yes.

Commissioner Mateo voted yes.

Commissioner Schneps voted yes.

Commissioner Wong voted yes.

The vote was ten votes yes, five votes no, the Motion to reopen the mapping process did not pass.

Commissioner Kirschenbaum made a motion to file the certification statement, and the motion was seconded by the Chair and by Commissioner Schnall.

The Chair called the roll for the vote.

Commissioner Johnson voted yes.

Commissioner Go voted yes.

Commissioner Collado voted yes.

Commissioner Kirschenbaum voted yes.

Commissioner Sullivan voted yes.

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The Chair voted yes.

Commissioner Schnall voted yes.

Commissioner Porcher voted yes.

Commissioner Hanratty voted yes.

Commissioner Wurzel voted yes.

Commissioner Sorin voted no.

Commissioner Mateo voted no.

Commissioner Schneps voted no.

Commissioner Wong voted no.

The vote was eleven votes yes, four votes no, the motion to file the certification statement passed.

With all business concluded, the Chair requested a motion to adjourn the meeting. Commissioner Uddin made the motion to adjourn, Commissioner Collado seconded the motion, and the motion was unanimously approved. The meeting was adjourned at 7:10 p.m.