by Ross Barkan
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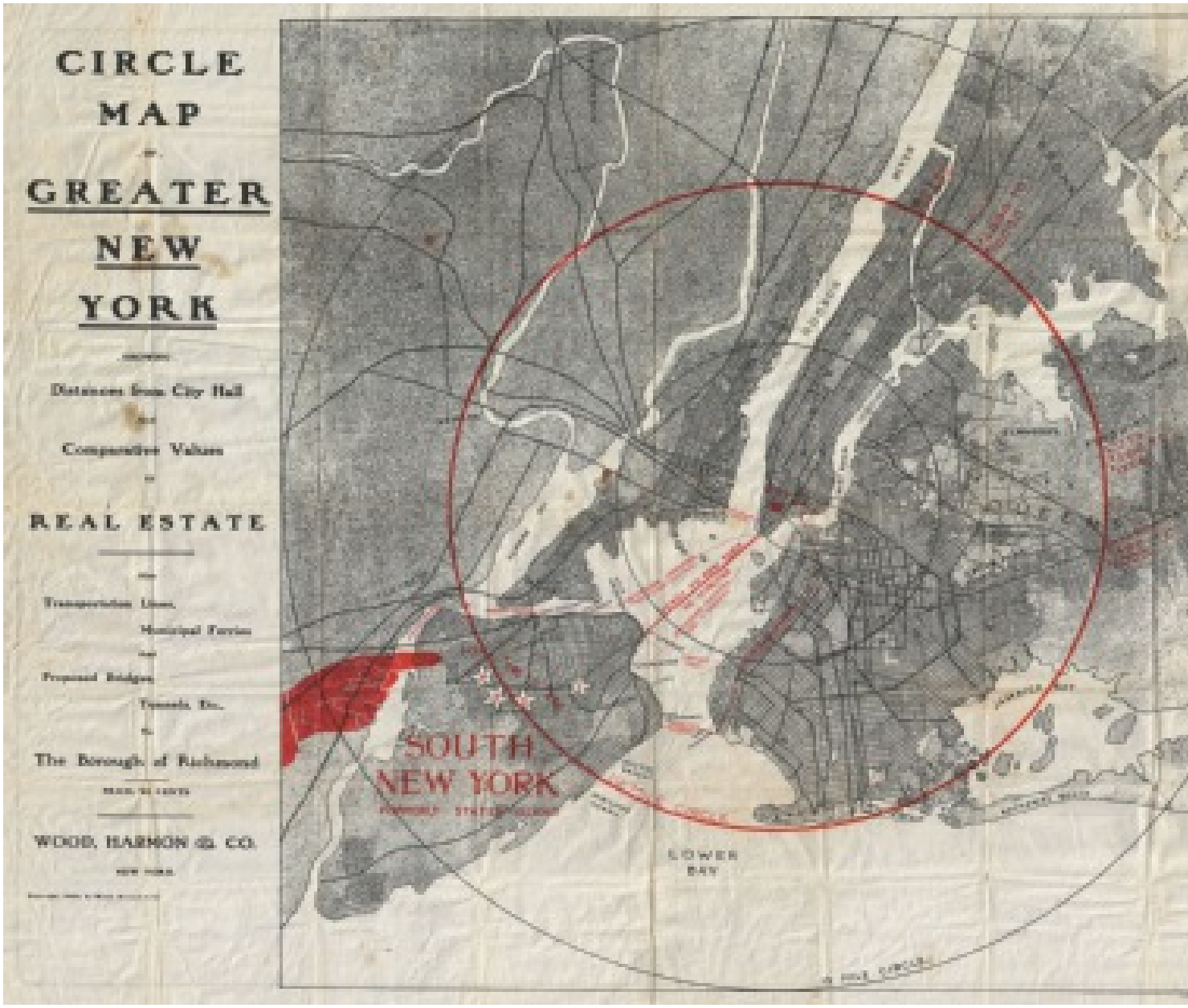

NEW YORK — The once-a-decade process of redrawing the City Council's district lines is downright confounding to most people. The process became even more confusing after the commission responsible for drawing the lines pulled its final draft plan from consideration in December.

That set the schedule back by several weeks and led to new public hearings this month. The first is scheduled for tonight . To help you get caught up on what all of this means, we've put together this handy primer on Council districting. Take it to the meeting and share it with friends.

Why does redistricting matter?

When Council district lines are finalized in a few months, they will not change again for a decade.

What residents of tightly-knit communities across New York City might not realize is that if they depend at all on public and private services, the Council members who represent them and the shapes of the districts they reside in matter far more than they think.

Unlike state representatives, Council members can dispense thousands of dollars in discretionary funds to community programs and capital upgrades like hospital and street repairs. The funding, often characterized as pork , can still allow local nonprofits to thrive. A Council member who is actively engaged in representing their community can stave off firehouse closures, help restore a crucial bus line or repair a library.

When neighborhoods or communities of common interest are united in a single district, a Council member is more likely to pay attention to them. If a neighborhood is carved up into several different districts, it becomes secondary or tertiary to multiple Council members. This means it can lose out on crucial funding.

For example, activists in the Queens neighborhood of Woodhaven are worried because the current map proposal divides Woodhaven in two districts and places residents with Council members they have not necessarily worked with before. Residents of Woodhaven are looking to avoid what was the decade-long fate of Richmond Hill, a neighboring community that was split among four different Council districts.

While Richmond Hill 's immigrant population continued to burgeon and reshape the area, it has lacked community centers, after school programs and even garbage cans on one busy avenue because there was never one Council member focused on their priorities. Even the most

well-intentioned Council member is most likely to focus on the primary portion of their district and not a piece located on the outer edge.

What is the Districting Commission?

The 15-member Districting Commission is the body appointed by the mayor as well as the majority and minority caucuses of the Council to redraw the City Council lines. Two members of the commission, Republicans Tom Ognibene and Frank Padavan —both from Queens — are former elected officials. The commission also has an executive director and staff.

After finalizing its plan, the commission must send it to the Council for a vote. The U.S. Dept. of Justice must ultimately approve the district lines that the commission draws.

Some have hailed the city's Districting Commission as a vast improvement over other mechanisms for redistricting, like on the state level, where elected officials can draw their own districts to protect themselves from challengers. While the City Charter rigidly defines the boundaries of City Council districts, state Senate and Assembly districts can end up resembling bizarre puzzle pieces or Rorschach blots.

But good government groups and political insiders have questioned the independence of the city's commission.

"What we've seen actually is that the commission acts as a layer that sort of clouds the transparency of the process," said James Hong, a spokesman for the Asian American Community Coalition on Redistricting and Democracy, a coalition of 14 Asian-American advocacy organizations that have fought for fairer minority representation in city and state districts. "When you compare it to the state process, there it was heavily partisan and there was really a lot of conflict of interest — we don't agree with it. However, it was very clear who was in control of the process."

Hong said the Council redistricting process is "just as politicized," but that "it's hard to know exactly who is doing what. There's an opaqueness from the involvement of the commission."

One council member, who spoke on the condition of anonymity, said Carl Hum, the executive director of the commission, met with council members to ask them what proposals worked for themselves and the community. Members of Quinn's staff contacted council members during the redistricting process to discuss their districts, the council member said. However, it is not unusual for elected officials to weigh in on districting matters. The commission allows elected officials to testify at public hearings.

At a meeting of the reform-oriented New Kings Democrats on Jan. 3, a representative of the commission, Jonathan Ettricks, defended the commission's work.

"This is a process where anyone can have their voices heard," Ettricks said. "Elected officials are people … If they want to try to have their own interests realized, certainly they are able to do that."

An issue that the New Kings Democrats brought up was the lack of public recording of meetings between members of the Council and the commission. Testimonies at public hearings are readily accessible but individual meetings between commission members and Council members are not immediately available to the public. This information is available by Freedom of Information Law request.

Ettricks agreed that information on those kinds of meetings should be more readily available in the future.

"I think that's an issue that has come up and there are some elected officials who have even raised that issue publicly and perhaps it's something that should be done going forward but it's not something that was incorporated into the process," he said.

Lincoln Restler , a member of the New Kings Democrats and a possible candidate for City Council, said he had a lot of concerns about the fairness of the redistricting process.

"I think even the redistricting commission representative recognized opportunities to increase transparency and ensure a more fair outcome for neighborhood residents is very much possible

and in fact needed," Restler said. "This commission has primarily focused on protecting the interests of incumbents and that fails to meet our expectation for an independent redistricting process that represents the interests of New York City residents."

Why new public hearings were called

The process for redrawing district lines was supposed to be done by now.

The Districting Commission had turned in its final draft to the City Council for consideration on Nov. 16, when news broke three days later that a change to the Brooklyn lines would have given disgraced Democratic powerbroker Vito Lopez a boost in a possible bid for a Council seat in the 34th District.

A Lopez ally, term-limited Councilman Erik Dilan , allegedly requested the change . Outraged ,

Council Speaker Christine Quinn
urged the commission to withdraw the map
and move Lopez's residence back out of the 34th District, though she was initially told on Nov. 16 that the panel had no power to tweak district lines without the City Council rejecting them first.

The reported ploy to boost Lopez' chances was especially bizarre because a redistricting year has far more lenient residency requirements.

Hum admitted at a meeting in December that public opinion weighed on the commission's decision to withdraw the maps.

"Certainly, there was a lot of public concern about that and we responded to that," said Hum when asked if the press reports about Lopez's residence being drawn into the 34th District influenced the commission's decision. "The same way we responded to requests for additional hearings."

New public hearings were something that good government groups were calling for long before

the Lopez fallout. They had lamented that the public did not have a chance to comment on the revised version of the maps that were forwarded to the Council.

“I think that a third round is a good thing,” said Susan Lerner, executive director of Common Cause New York. “The timeframe did not allow the commissioner and the staff to put out their final recommendation for the public to make comments on. This third round will allow that to happen.”

Lerner admitted she was not “enthralled” with the procedure, but said she believed the outcome was the correct one.

Wait a minute, what is this about Lopez?

Lopez, a state Assemblyman representing the neighborhoods of Williamsburg and Bushwick, was accused of sexually harassing staffers earlier this year in a scandal that led most high-profile politicians in the city, including Quinn, to distance themselves from the longtime Brooklyn party leader. Lopez currently faces an ethics inquiry.

On Nov. 29, Council Speaker Christine Quinn sent a letter to the chair raising concerns about some of the lines, in particular a change that would have placed Lopez in the 34th District, where he was mulling a council bid.

While lauding the commission's work in her Nov. 29 letter to Chair Benito Romano, Quinn requested the lines be withdrawn and that a new series of public hearings be convened.

"Notwithstanding your efforts, there is still a need for more public participation," she wrote.

During the meeting in December , Romano agreed with Quinn that the best course was to withdraw the maps and hold a new round of hearings in January.

"I believe that we all agree that by maximizing public input, we will ensure the creation of a district plan that better reflects the complexity and diversity of our city," he said, according to a transcript of the hearing.

He said that the commissioners had communicated their interest in more public comment when they sent their plan to the Council on Nov. 19 for a vote, but also expressed concern that under the City Charter there was little legal recourse or time to do so.

The Council would have had to vote to reject or accept the lines by Dec. 10, or they would have lapsed into law, leaving little time in between to hold public forums.

Besides the interest in more public input, Romano said that Quinn's request "left open the possibility that the City Council would not vote to reject the plan" if it was not withdrawn before the Dec. 10 deadline. He added, "I believe that further underscored the need for action on the part of the commission."

Romano said he anticipated the next round of public hearings and meetings by the commission could be wrapped up by February 2013, with a new revised district plan delivered to the Council for a vote. The Council would then have three weeks to adopt or reject the plan.

"We would hope to have a final plan adopted prior to March 5, 2013," he said, according to a transcript.

To make matters even murkier, after withdrawing the map, the commission voted to agree to two changes to the plan that had been submitted to the Council and will now be the subject of a new round of public hearings.

At least one commissioner said he was concerned that the decision to withdraw the map and then vote to update it would lead to more confusion by the public rather than be seen as an effort to create more accountability of the process.

“It’s a question of perception I’m concerned about, misleading the general public who will not understand everything that was spoken here today," said Padavan, a former Republican state Senator, who voted for the withdrawal of the map but abstained from the vote on making public the two changes to the plan.

Was the process skewed to protect incumbents and what effect might it have on this year’s election?

Hum has said that “incumbency protection” is one of the factors the commission considers when drawing new districts.

And, as Gotham Gazette Demographics Columnist Andy Beveridge wrote in November after analyzing the final draft plan: “Overall the plan continues the time honored tradition of incumbency protection, but it is worth noting that such concern for incumbents has been found by the Supreme Court to be a legitimate basis for redistricting.”

The change in the schedule of when the districts will be voted on also benefits incumbents, because challengers will have less time to know which districts they will be running in, especially if a June primary date is scheduled.

All of this could have ripple effects for the city as a whole, said Rachael Fauss, policy and research manager for Citizens Union (the sister organization of Gotham Gazette).

“One concern is that a candidate who is not an incumbent may not know their district as well,” Fauss said. “It may be helpful to lessen the petition requirement and make it easier for the candidate to get on the ballot. The BOE (Board of Elections) is going to have to deal with everything more quickly — they have to draw new election districts … It’s still an open question if the BOE has enough time to do everything.”

But not all incumbents got everything they wanted. For instance, Republican Councilman Dan Halloran, saw his 19th District in eastern Queens altered at least somewhat to his liking. But not northern Flushing, which was excised from his current district.

“The Commission took appropriate action by withdrawing the proposed lines from the Council,”

said Halloran in a statement. The councilman had attended both public hearings in Queens and submitted written testimony. “I am hopeful that deliberations and the next public hearing will lead to the restoration of northern Flushing to the 19th District, so that the single-family homeowners in that area will continue to have a voice in the Council and not be disenfranchised.”

Civil rights organizations have been vociferously opposed to some of the commission's lines

The Asian American Community Coalition on Redistricting and Democracy, the Asian American Legal Defense and Education Fund and LatinoJustice PRLDEF were at the forefront of a push to ensure that the new district lines would increase the voting power of the burgeoning minority populations of New York City.

The groups, among others, put forward their own redistricting proposal, called the “ Unity Map .” The Districting Commission must draw lines that comply with the Voting Rights Act of 1965, which was created to protect politically-cohesive minority groups from having their voting power diluted.

Section 5 of the act applies to jurisdictions in specific states with histories of discriminatory electoral practices. With its large minority populations, Brooklyn, Manhattan and the Bronx all fall under Section 5.

In Brooklyn, civil rights advocacy groups have argued Bensonhurst, with its booming Asian population, is unfairly cleaved into four different districts. ACCORD took further aim at Queens, arguing the neighborhood of Oakland Gardens, home to a growing Korean population, should be united with neighboring Bayside.

Briarwood, another Queens neighborhood home to a growing South Asian population, was split in two in the latest map proposal. ACCORD wants the Queens neighborhoods of South Ozone Park and Richmond Hill, also South Asian in make-up, united more fully into a single district.

Jerry Vattamala, a staff attorney with AALDEF, questioned why commission wasn’t being more fully responsive to these concerns.

“How many speakers said Oakland Gardens should be with the rest of Bayside? Where are those changes?” Vattamala asked. “I think there’s a lot of politics involved here with this, quote unquote, independent commission; there’s this sort of black hole. We don’t know what the real reasons are for why the maps are drawn, why changes are being made, who’s really calling the shots.”

He added, “One thing is clear, it isn’t the public.”

In Manhattan, Councilwoman Melissa Mark-Viverito slammed the commission for removing a chunk of East Harlem from her district and adding thousands of voters from the Bronx and move Randalls Island out of her district to one in Queens.

Mark-Viverito and residents have accused the commission of playing politics with their neighborhood. “They’re carving East Harlem up like a turkey, all for some other political end,” Mark-Viverito told Daily News columnist Juan Gonzalez in a story published over the weekend. But Hum has disputed those allegations.

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Additional reporting by Cristian Salazar. Image of 1906 Wood Harmon Map of New York City courtesy Wikimedia Commons.