

HAND DELIVERED THE OFFICE OF THE CITY CLERK

To: The Honorable Members of the City of Buffalo Common Council

From: Bonita R Durand, Secretary
2011 Citizens Commission on Reapportionment

Date: May 18, 2011

Re: Final Recommendation on Reapportionment

At its May 16, 2011 meeting, the Citizens Commission on Reapportionment voted to forward the attached recommendation to the City of Buffalo Common Council. As secretary to the Commission, I hereby certify that the attached is a true copy of the recommendation duly adopted and approved by the members of the Commission. I am pleased to present this recommendation on behalf of the Commission and co-chairs Matthew Brown and Marc Panepinto to the Common Council for your review and action as appropriate.

FILED
CITY CLERK
2011 MAY 18 AM 11:52



Recommendation to the City of Buffalo Common Council

Citizens Advisory Commission on Reapportionment

May 18, 2011

Commission Members

Patti Bowers-Pierce

Matthew Brown

Lionel Davis

Bonita Durand

Brian Gould

Phil Lowrey

Marc Panepinto

Marysol Rosado

Russell Weaver

Introduction

As outlined in relevant sections of Article 18 of the Charter of the City of Buffalo¹, in the year following a decennial census, the City must reapportion its elective districts and make recommendations concerning the number of districts and at-large seats. A citizens advisory commission is to be appointed jointly by the Mayor and the Common Council to assist with this process².

The Citizens Advisory Commission on Reapportionment (hereafter called the “Commission”) will render advice and make recommendations to the Common Council concerning the appropriate number of districts and at-large council seats and the appropriate division of the city into districts for the election of council members. This recommendation is to be forwarded to the Common Council no later than June 1st of the year following the decennial census.

Composition of the Commission

Commission members must be residents of the City of Buffalo and represent diverse racial, political, ethnic, professional, generational, and social backgrounds. The members of the 2011 Citizens Advisory Commission on Reapportionment are:

Patti Bowers-Pierce, Matthew Brown, Lionel Davis, Bonita Durand, Brian Gould, Phil Lowrey, Marc Panepinto, Marysol Rosado, and Russell Weaver. Commissioners Brown and Panepinto served as co-chairs. Commissioner Durand served as secretary.

The Commission was provided with administrative support from the City of Buffalo Common Council staff and technical assistance from the City of Buffalo MIS Department. The Board of Elections served as a third party verification source. We recognize and thank Brian Bray, Kevin Linder and James Pajak from Common Council staff, Laura Rucinski from the City Clerk’s Office, and Chris Conlee, Darryl Springer and Raj Metha from the city’s MIS Department for their support.

The Commission also gratefully acknowledges the generous and exceptional contributions of Commissioners Phil Lowrey and Russell Weaver to this work. Their knowledge and expertise and willingness to give of their time to analyze and apply the

¹ Sections 10-18.

² Article 18-18: A citizens advisory commission on reapportionment shall not be appointed if, in the year following the decennial census, a charter revision commission is appointed and a re-districting plan is duly adopted and approved as a revision of the charter.

reapportionment and neighborhood criteria to the census data was invaluable and of tremendous importance to the recommendation presented in this report.

Process of the Commission

The Commission began its work with organizational meetings on March 22nd and 24th and then met on most Wednesdays and Saturdays from March 30th to May 13th. A meeting was held on Monday May 9th to prepare for the public hearing and additional meetings were held on May 13th and May 16th to prepare the final report and recommendation.

Initial meetings were devoted to educating Commission members on the results of the 2010 Census and to determining the population gain/loss by district. In subsequent meetings, the Commission also assessed input from a variety of sources on reapportionment and neighborhood planning. Some of these sources included:

1. Letters and comments from Block Clubs and or other communities of interest;
2. Information on Racial Gerrymandering³ ;
3. Comments from various members of the Buffalo Common Council;
4. Maps delineating Communities of Interest in Buffalo (2007).

Many comments were made verbally during the course of Commission meetings by various constituents. These can be accessed by viewing the Meeting Summaries and audio recordings on the City of Buffalo website at

<http://www.ci.buffalo.ny.us/Home/Reapportionment>.

Also please see the Appendix of this report for copies of any correspondence and documents received by the Commission during the course of this process.

The Commission carefully and deliberately evaluated the redistricting criteria⁴ outlined in the City of Buffalo Charter that require Council district boundaries to meet four main criteria:

1. The population of each district shall be approximately equal;
2. Districts shall be compact, and the variation between the length and width of a district shall be minimized;
3. All sections of a district shall be contiguous or physically connected;
4. Identifiable communities of interest, including neighborhoods, and communities with established social, racial, ethnic, or other ties, shall be preserved.

Following this process the Commission established some principles by which the final recommendation would be developed:

³ Shields, Maraleen. "Racial Gerrymandering: Enfranchisement of Political Apartheid"

⁴ Section 18-16.

1. Districts must be of equal populations (within a reasonable standard⁵) to ensure that the values of each individual vote is roughly equal;
2. A plan may not intentionally dilute the voting strength of members of a racial or ethnic minority group;
3. The redistricting plan should strive to meet and include, among others:
 - a. Contiguity and compactness in shape;
 - b. Avoidance of unnecessary splitting of “communities of common interest”;
 - c. Consistent with natural boundaries marked by streets, rivers, railroad lines or other permanent characteristics of landscape⁶
 - d. Maintain the racial makeup of each district homogenous to the 2010 U.S. Census Bureau data, to the extent possible.

The Commission held one public hearing on May 11, 2011 in Common Council Chambers on the 13th Floor of City Hall to receive input from the public. The most common views expressed from those attending the meeting were:

- Keep neighborhoods and “communities of interest” together;
- Keep districts intact;
- Avoid political considerations;
- Avoid racial segregation.

Findings of the Commission

Initial findings of the Commission were related to the population parameters for each district:

1. If the population of the City of Buffalo was equally distributed across each of the nine councilmatic districts, each district would have 29,035 residents.
2. Allowing for a 5% variance above or below the 29,035 number, a population ranging between 27,583 and 30,487 would be an acceptable result for each councilmatic district for this process.
3. To achieve this target, the population in the following councilmatic districts must be reduced:
 - a. Delaware at 31,373⁷
 - b. Niagara at 32,036
 - c. North at 33,605
 - d. University at 31,731

⁵ The common heuristic is +/- 5% of target population.

⁶ These criteria are adapted from George, et al.(1997) and New York State Education Law (2009).

⁷ Numbers for each district indicate the 2010 Census

4. To achieve this target, the population in the following councilmatic districts must be increased:
 - a. Ellicott at 26,711
 - b. Fillmore at 21,301
 - c. Masten at 26,335

5. Districts that fell within the acceptable range before any reapportionment actions were applied were:
 - a. Lovejoy at 28,849
 - b. South at 29,369

After further evaluation it was determined by the Commission that all nine districts would undergo some reapportionment in order to adhere to the guiding principles agreed upon.

Results of the Commission's Work

The Commission initially developed two work products which met many of the criteria and guiding principles but in different ways. The Commission narrowed the work products to one option and then revised that option to achieve the distribution that seems to best fit the Commission's criteria, taking into consideration the established guiding principles and input from the community.

Recommendation of the Commission to the Common Council

The product being put forth to the Common Council as the final recommendation of the Commission named "Southern Boundaries" is included with this report and is based on the following key criteria:

- It puts back together or keeps together most individual neighborhoods (although they may get grouped with new or different neighborhoods)

- It follows geographic and "natural" boundaries

- It doesn't deviate so strongly from existing districts as to be unduly disruptive to service provision

- It closely maintains the current racial makeup of each district

A chart that describes the population number, variance from target population and ethnic/racial distribution (based upon US Census definitions) are included.

The final vote on this recommendation occurred on May 16, 2011. This recommendation was approved by a vote of five to one (5 to 1). Voting results are as follows:

In Favor: Commissioners Brown, Durand, Gould, Lowrey, Rosado
Against: Commissioner Weaver
Excused: Bowers-Pierce, Davis, Panepinto

Additional Comments

Recommendations to the Common Council and Mayor

The Commission would also like to take this opportunity to provide some additional insight and suggestions to both the Common Council and the Mayor for consideration before the next Reapportionment Commission in 2021 is appointed.

The Charter indicates that *“The commission may require city departments and agencies to provide it with technical assistance and may utilize funds appropriated by the council, upon recommendation of the mayor, in an amount sufficient to permit the commission to carry out its duties, to hire staff and contract for services.”*⁸

While the Commission was provided with assistance from council staff and other city departments, we were advised that there were no funds to engage additional staff support and in some cases even the supplies deemed necessary by the Commission to complete its work. This treatment was found by the Commission to be inadequate to support the fulfillment of our charge and often prohibited the ability to operate in an efficient and expedient manner. This is not a reflection on the intentions, skills or aptitude of those assigned to support the Commission. It is more, in our opinion, a matter of the ability of these individuals to handle the competing priorities in their day to day responsibilities with the work of the Commission appearing most often at the bottom of the priority list.

We respectfully submit the following suggestions for consideration:

1. Establish a budget sufficient to:
 - a. Engage temporary personnel exclusively dedicated to the Commission (i.e., stenographer, GIS analysts, etc.);
 - b. Secure/create appropriate materials (i.e. maps, reports, etc.);
 - c. Secure technology necessary to carry out the Commission’s work.
2. Provide a source to obtain independent verification from a reliable third party for any information given to the Commission by any entity.
3. To assist with the extremely tight timeline (from appointment to final recommendation) that the Commission is expected to work under, we recommend that the Common Council, through its staff, prepare some basic information and

⁸ Article 18-13

data in advance that reflects accurate census tract maps with the previous census information for review at the first meeting.

Observations for future Commissions

While the Commission in no way professes to have all of the answers on the best approach to follow, we feel it important to record for the future some of the lessons learned during our process. With that in mind we offer the following observations:

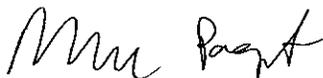
1. It is better to hold public hearings during the beginning of the strategy process so that input from the communities of interest can be evaluated early.
2. A working meeting with Common Council Members would provide for a way to achieve a civil and productive discussion of pertinent issues and be performed in a setting that is fully transparent
3. All rules, by-laws, and commission policies should be established in the initial meetings (i.e. by the third meeting) and prior to moving forward with the actual work of reapportionment.
4. Public hearings should be advertised in a more prominent location in all print media (i.e. Buffalo News, Business First, community newspapers) and in other venues (i.e. Social Networks) for more complete transparency.

This Commission has attempted at every opportunity to be open, transparent, thoughtful and objective throughout this process. The members of the Commission are proud of its ability to operate in a professional, collegial and primarily nonpartisan manner. We appreciate the opportunity to serve the City of Buffalo in such an important capacity and are pleased to forward this recommendation to the Common Council without reservation.

Respectfully Submitted,

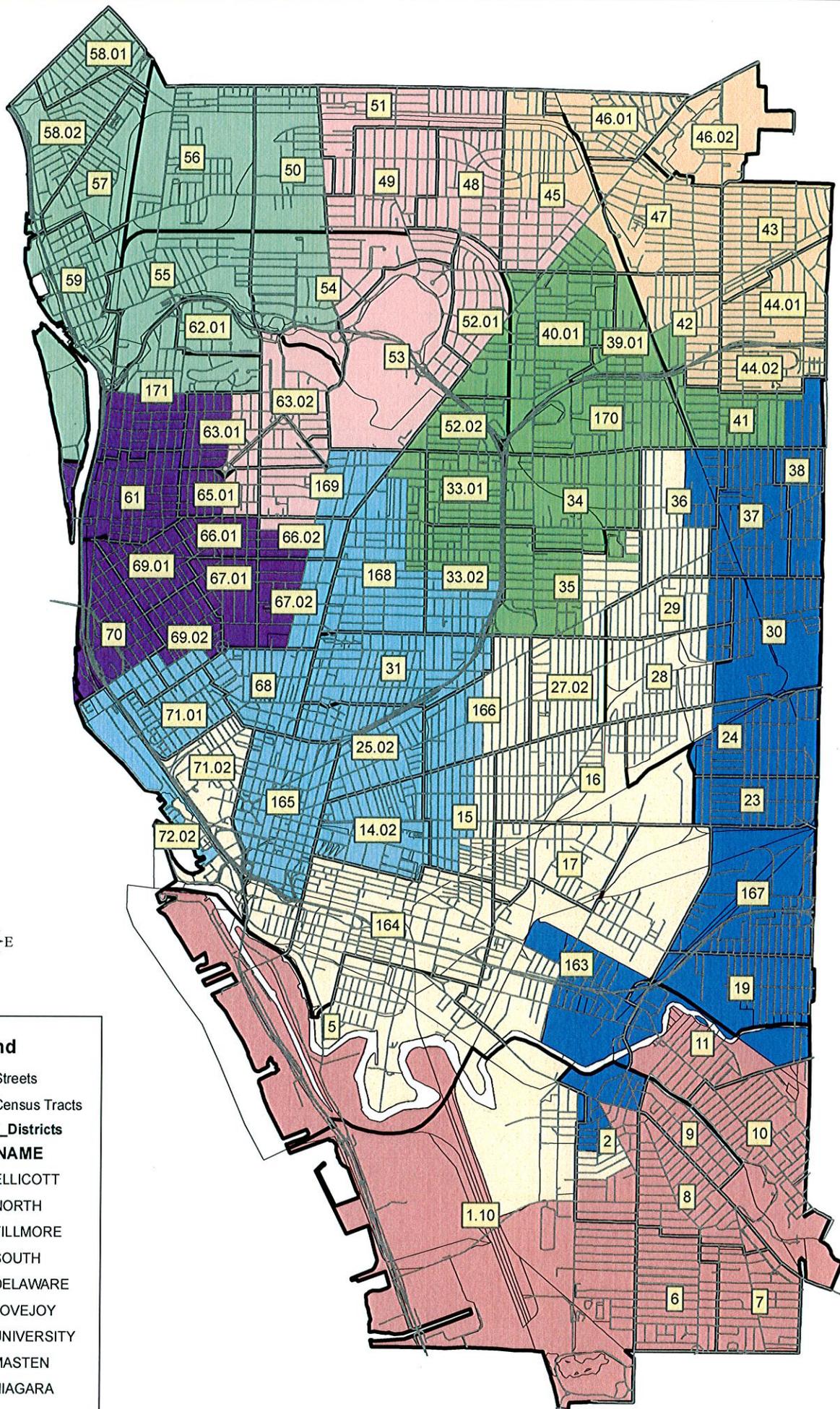


Matthew Brown
Co-Chair



Marc Panepinto
Co-Chair

Southern Boundaries Map
And
Population Statistics



Legend

- Streets
- ▭ Census Tracts
- Council_Districts**
- DIST_NAME**
- ELLICOTT
- NORTH
- FILLMORE
- SOUTH
- DELAWARE
- LOVEJOY
- UNIVERSITY
- MASTEN
- NIAGARA

District	ELLICOTT	NORTH	FILLMORE	SOUTH	DELAWARE	LOVEJOY	UNIVERSITY	MASTEN	NIAGARA	Total
Total_pop	29,266	30,115	27,941	27,800	29,791	27,583	30,217	27,576	31,021	261,310
Total_pop_dev	233	1,082	-1,092	-1,233	758	-1,450	1,184	-1,457	1,988	
Total_pop_dvp	0.8	3.73	-3.76	-4.25	2.61	-4.99	4.08	-5.02	6.85	
White	9,239	19,363	11,300	25,247	23,974	14,982	7,949	2,771	16,928	
White_p	31.57%	64.30%	40.44%	90.82%	80.47%	54.32%	26.31%	10.05%	54.57%	
Black	16,884	5,343	13,299	958	3,803	11,105	19,243	23,641	6,498	
Black_p	57.69%	17.74%	47.60%	3.45%	12.77%	40.26%	63.68%	85.73%	20.95%	
Other	1,683	2,240	1,270	538	420	447	384	193	3,072	
Other_p	5.75%	7.44%	4.55%	1.94%	1.41%	1.62%	1.27%	0.70%	9.90%	
Hispanic	4,243	5,653	3,368	1,935	1,582	1,546	1,163	757	7,272	
Hispanic_p	14.50%	18.77%	12.05%	6.96%	5.31%	5.60%	3.85%	2.75%	23.44%	
Non_hispa	25,023	24,462	24,573	25,865	28,209	26,037	29,054	26,819	23,749	
Non_hispa_p	85.50%	81.23%	87.95%	93.04%	94.69%	94.40%	96.15%	97.25%	76.56%	

APPENDIX

- Letters from Block Clubs and/or communities of interest
 - Information on Racial Gerrymandering
- Comments from members of the Buffalo Common Council
- Map delineating Communities of Interest in Buffalo (2007)

Seven Streets of Paradise Block club

To whom it may concern,

Enclosed, you will find a petition signed by the registered voters who were displaced during the last re-districting committee in 2003. We learned that we had been re-districted, when we went to vote that year. We were told we had no legal recourse or choice in the matter.

This petition is acknowledging that as a community should be moved back to the south district. We have a common heritage with the South District and as a community. We have watched our area rapidly decline, and have lacked political representation. I also site the fact that we are not located close to the Lovejoy district boundary.

I further site the fact that when we were re-districted; they did not use care. They took only portions of south park avenue (maybe 20 houses on 1 side of the street), Hopkins (maybe 20 houses on 1 side of the street), 1/2 of Macamley (between Durant and South Park Avenue) and this caused a variety of problems from garbage collection days (this incurs fines if not put out on the correct day) to contacting the incorrect councilman (this puts an unfair burden on Michael Kearns and his staff).

These are just a few of the obvious issues we have with the current re-districting that is taking place. Take this petition as a promise of future voter support to all political leaders who help us move back to the South District.

We respectfully request for the below mentioned streets to be moved back to the South District: Durant, Good, Heussy, Houston, Kimmel, Lilac, Sirret, Spaulding, Midland, and any other street that may not have been included, that was affected adversely by the re-districting committee in 2003.

We know that you will not allow political affiliation motivate the committee in any adverse way. And we trust that you will uphold all Federal, State, and county laws.

Sincerely,

Seven Streets of Paradise Block Club Coalition

**Petition to return the South Buffalo residents who were re-districted in 2003
to the South District**



We, the undersigned, registered voters of the Lovejoy District ; encompassing the below mentioned street(Buffalo, Durant, Good, Heussy, Hopkins, Houston, Kimmel, Macamley, Midland, Sirret, and Spaulding)respectfully request that we be returned to the South District during the re-districting process.

It is our goal that the re-districting committee as well as the political leaders of Buffalo, New York, respect and uphold all state, federal, and constitutional requirements; and will not be influenced by political decision making.

Date	Name	Address
2-14-11	Marge Masterson	19 Sirret St
2-15-11	Maria Rodriguez	24 Sirret St.
2-14-11	Carl McDonald	205 SIRRET ST
2-14-11	Sharon Osborne	35 Sirret St
2-14-11	Donna Owen	40 Sirret St.
2/14/11	Judith A. Szymaszek	45 Sirret St.
2/14/11	Chodown F. Szymaszek	45 Sirret Sp.
	Paul J. J...	100 Sirret St
3-11-11	Tara...	113 Sirret St.
3-11-11	Esther Roberts	1615 South Park Ave, Buffalo
3-11-11	Ray Tuff	126 Spaulding St. Buff.
3-11-11	Thomas Lee	125 Spaulding St. Buffalo, N.Y. 14220
3/11/11	Paul Jambrowski	113 Spaulding St.
3/11/11	Joe...	108 Spaulding

This petition has been sponsored by the Seven Streets of Paradise Block Club and the concerned citizens of the South Buffalo/Lovejoy District.

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Date	Name	Address
3/11/11	Mary Velasquez	98 SPAULDING ST 14000
3/11/11	John Little	98 Spaulding St 14220
3/11/11	FRANK KALANDA	94 SPAULDING ST. 14220
3/11/11	Beth Vellin	89 SPAULDING ST 14220
3/11/11	Shirley Renee	89 Spaulding St. 14220
3/11/11	Missi Castaldi	53 SIRRET 14220
3/11/11	Anna Henry	30 Spaulding 14220
3/11/11	HERMAN WATIS	22 Spaulding St. 14220
4/8/11	SANDRA Jimenez	18 Spaulding St 14220
4/9/11	Jowwe Schmigiel	23 Spaulding St. 14220
4/9/11	WALTER SCHMIGIEL	23 SPAULDING ST 14220
4/9/11	JOHN LYSEL	31 SPAULDING 14220
4/9/11	MARY LTSEK	31 SPAULDING 14220
4/9/11	Helen Velasquez	29 Spaulding 14220

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Date	Name	Address
4/9/11	Stephanie Gipple	25 Spaulding street.
4/9/11	Emily Rodriguez	37 Spaulding St
4/9/14	Mamem Barlow	47 Spaulding St.
4/9/11	Charles Burre	51 Spaulding St.
4/9/11	Charles Burre	51 Spaulding St.
4/9/11	Maria Faler	55 Spaulding St
4/9	Darlene Smith	64 Spaulding St
4/9	Walter	44 Spaulding St.
4/9	Melanie L. Mallett	68 Spaulding St.
4/9	John D zemine	101 Spaulding St
4/9	Jennifer Tebo	100 Spaulding St.
4/9	Nelsy Quindan	52 Spaulding St.
4/9	DANNY KOVAT	47 Spaulding St.
4/9	Jennifer Baker	67 Spaulding St

This petition has been sponsored by the Seven Streets of Paradise Block Club and the concerned citizens of the South Buffalo/Lovejoy District.

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It is our goal that the re-districting committee as well as the political leaders of Buffalo, New York, respect and uphold all state, federal, and constitutional requirements; and will not be influenced by political decision making.

Date	Name	Address
2/5/11	Mary A. Blake	77 Spaulding ST.
2/5/11	Michael P. Blake	60 Houston St.
2/5/11	Lawrence	50 Sirrett St.
3/28/11	Doug Herbert	60 Houston St. (Lower)
3/31/11	Sarah J. Velasquez	77 Spaulding St., upper
3-31-11	Linda M Herbert	140 DURANT ST
4/9/11	Elaine Clark	58 Sirret St
4-9-11	TIM OSBORN	35 SIRRET ST
4/9/11	MADONNA KAMINSKI	35 Sirrett St.

This petition has been sponsored by the Seven Streets of Paradise Block Club and the concerned citizens of the South Buffalo/Lovejoy District.

TRIANGLE BLOCK CLUB

Good St – Durant St – Lilac St – Buffalo St – South Park Ave

5/10/11

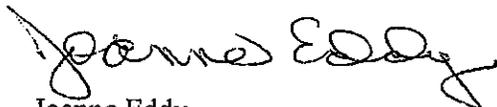
Honorable Common Council:

I am writing to request that the members of the Common Council maintain Good, Durant, Lilac, Buffalo, and South Park as part of the Lovejoy District during the city redistricting process. We wish to remain in the Lovejoy District because of our elected representative's hard work, diligence, and plans for continued improvement of the Triangle Block Club area.

Mr. Fontana persistently attends all area block club meetings and works closely with residents to address their concerns. He has worked to replace sidewalks, clean up vacant derelict houses, finalize demolitions, and improve area parks. The Councilmember even goes into the community to personally cut grass, clean graffiti, and perform tasks for senior citizens. Since our area has become part of the Lovejoy District the level of service we receive has improved quite considerably. Rich is familiar with many of the Triangle Block Club area constituents on a friendly first-name basis, and the residents know they can depend on him to offer help in any situation.

Please consider this information during the redistricting process, as it is crucial to the stability and improvement of the community that we remain residents of the Lovejoy District.

Sincerely,



Joanne Eddy
Triangle Block Club President

Blair/Prerri

to read on 5/13/11

May 12, 2011

Dear Members of the Citizens Advisory Committee on Reapportionment,

I am writing this letter as a concerned twenty year property owner in the Ellicott District. I have been informed that the city is in the process of reapportioning the council districts within the City of Buffalo. I realize that the charge before you is full of complexities, nuances and challenges. There are many variables and criteria that you have to analyze and weigh as you determine the boundaries of the council districts within the City of Buffalo. I am making the case for keeping portions of the eastside within the boundaries of the Ellicott District.

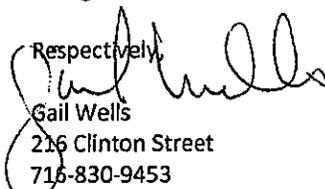
I would like to bring to your attention the human element that may get lost in your deliberations. Every community has a spiritual and cultural center. The Ellicott district is the historical cultural and spiritual center for African Americans. Fifty-eight blacks lived in Buffalo in 1828, working as servants, barbers, laborers and boat stewards. They settled around Michigan and William streets and in 1831 founded Bethel African Methodist Episcopal Church. By 1855, there were 704 blacks living in 148 families, making Buffalo the tenth largest concentration of blacks in the North. For African Americans still living in this area to be disenfranchised through this process would be to deny the historical significance of black contributions to the Ellicott district and the City of Buffalo.

The current Ellicott District includes a multicultural, multi-racial, middle and working class community that consists of retirees, business owners, state troopers, police officers, firemen, school teachers, college administrators, and numerous public servants (the former fire commissioner, the former Erie County legislator, the former Ellicott District Council women). Between William Street on the north and Swan Street on the south, Michigan Avenue on the west and Pine on the east, there are eighty six homes that were built by MJ Peterson and sold during the late 1980's and early 1990's to pioneering urban homesteaders who invested in the future of downtown Buffalo. I am one of those risk takers who raised a family at 216 Clinton Street.

This vibrant community is a microcosm of the families and individuals who, living on the "lower eastside", actively invested in downtown when no one believed in its potential. We are the future on which the economic survival of Buffalo depends. As home owners, we have paid property taxes, patronized downtown businesses, supported cultural events and attended entertainment and athletic activities for over twenty years. Collectively, my neighbors and I have set the stage for the current interest that individuals have in living and investing in downtown housing and business ventures. Your decision must keep this community as a part of the Ellicott District. To no longer be included in the downtown renaissance we helped to create would be an injustice.

We are an integral part of the Ellicott District now and in the future. Joseph Ellicott, whom the Ellicott District is named, made a personal investment in Buffalo, too. In the original survey before Buffalo was even named, he had acquired Outer Lot 104. This was a 100-acre tract that was bounded by Main Street between Swan and Eagle Streets and extended eastward to the present location of Jefferson Avenue. The current residents of the Ellicott District deserve to remain in the Ellicott District because these are the original boundaries of the land purchased by Mr. Ellicott. Like Joseph Ellicott, we, too, have invested in Buffalo. Do the right thing, let justice prevail. Do not change the historical boundaries of the Ellicott District and disenfranchise the eastside community.

Respectively,


Gail Wells

216 Clinton Street

716-830-9453

CC: Mayor Brown/Ellicott District Councilmen



Linwood Preservation District & Friends Association
P.O. Box 176, Buffalo, New York 14209



May 16, 2011

City of Buffalo Council
Reapportionment Commission
City Hall
65 Niagara Square
Buffalo, New York 14202

Honorable Commissioners:

On behalf of the Linwood Preservation District & Friends neighborhood association, please accept our thanks once again for your efforts to make the City councilmanic reapportionment work of the commission transparent and to encourage public participation.

Building on the comments of our many members who attended the commission's public presentation last Wednesday, we would like to more formally lay out our desires for the reapportionment plan.

Our biggest concern is to keep our entire community together. By our community, we mean not only the entirety of Linwood Avenue from North Street to Delavan, but also the entire Linwood Historic Preservation District, whose boundaries embrace Linwood as well large portions of Delaware Avenue. We also mean our historic partners in the Oxford Square neighborhood as far as Main and Delavan.

Our area is in a state of positive change, largely spurred by the dedicated efforts of our residents, with the support of our councilmembers—hard-working efforts focused on protecting and enhancing our quality of life while reinforcing our historic roots.

Our strategic interests also include our north and south gateways: the future redevelopment of the Millard Fillmore Hospital Complex on the north and the reconfigured intersection of Linwood, North, and Franklin streets—areas that represent the past and future investment of hundreds of thousands of dollars.

Our keystone project, a complete reconfiguration of the Linwood-North-Franklin intersection, is just completing its first phase and has been accomplished with major city funding, supported by our present councilmembers. Our next phase will leapfrog on this work to build a visible entrance to our historic neighborhood. Similarly our capstone of the Millard Fillmore Gates Circle facility is entering a major redevelopment cycle as the hospital relocates to the Buffalo Niagara Medical Campus. Their plans include the development of new residential and commercial properties, as well as repositioning of their parking lots and other facilities, in collaboration with the adjacent communities of Linwood and Oxford Square. We need to be collectively involved.

Key to all of these efforts is the united voice of residents as well as the strong support of our councilmember. If the decision is to add Linwood and Oxford to the Ellicott District, we ask you to ensure that the district boundary include the entire region, as follows: That the northern boundary line along Delavan be drawn from Main Street westward to include the east side of Delaware Avenue, that from Delavan the western boundary move southward along Delaware to encompass the Millard Fillmore Gates Complex, continue southward to West Ferry, and then, as your proposed map is currently drawn, extend as far as Elmwood Avenue.

We feel that this represents a logical and relatively minor geographic change, but is extremely important for the continued future progress of the Linwood-Oxford neighborhood.

With our thanks for your consideration,

Sincerely yours,
Ramona Pando Whitaker
Ramona Pando Whitaker
President, Linwood Preservation
District & Friends Association

Racial Gerrymandering *

What the Courts Have Said

The courts have required strict scrutiny when creating majority-minority districts. In the Supreme Court case of *Shaw v. Reno*, the courts made a clear stance against majority-minority districts. The case concerned a controversial district in North Carolina that stretched along Interstate 85 for approximately 160 miles. This district was created to comply with the Attorney General's wish that a second majority-black district be created to increase black's voting strength. Five North Carolina residents, who filed this complaint, argued that this controversial district was created with no regard for issues of compactness, geographical boundaries, political affiliations, or contiguity (the generally accepted considerations). These standards were generally used to ensure that districts were created fairly.

The courts found the underlying idea behind majority-minority districts, namely that blacks can be identified as a constituency based solely upon race, violates the Equal Protection Clause. Race cannot be the main factor when creating a district. Nor is racial gerrymandering acceptable because it favors minorities. The Equal Protection Clause, "is not dependent on the race of those burdened or benefited by a particular classification," according to the courts in *Shaw v. Reno*, 509 U.S. 630 (1993). The Equal Protection Clause prohibits the classification of people according to race, which is exactly what racial gerrymandering does. Justice Sandra Day O'Connor stated in the majority opinion:

A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who have little in common with another but the color of their skins, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group – regardless of their age, education, economic status, or the community in which they live – think alike, share the same political interests, and prefer the same candidates at the polls. 509 U.S. 630 (1993)

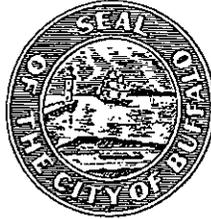
The courts also passed a "strict scrutiny" test. According to the courts, "state legislation that expressly distinguishes among citizens on account of race – whether it contains an explicit distinction or is 'unexplainable on grounds other than race,' – must be narrowly tailored to further a compelling governmental interest" 509 U.S. 630 (1993). A state cannot generally say that it wants to correct past racial discrimination and create majority-minority districts because gerrymandering, in this case, is not advancing a "compelling state interest."

* excerpts from

"Racial Gerrymandering: Enfranchisement or Political Apartheid"
Maraleen D. Shields

CITY OF BUFFALO COMMON COUNCIL

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COMMITTEES
CIVIL SERVICE
FINANCE
LEGISLATION

SENIOR LEGISLATIVE ASSISTANT
VERNEE W. SHAW

4/13/11

Citizens Committee on Reapportionment
Hand Delivered

Re: Response to request for information

To The Honorable Body:

In an email dated April 11, 2011 from Brian Bray I was asked to answer two questions. Without having a verbal conversation about the questions I feel somewhat at a disadvantage answering without a thorough understanding of your question, for instance one of your questions asked my opinion about the "heart" of my district. I am not sure what the "heart" is considered in the context of the question. In an effort not to hamper your process I have answered the questions to the best of what I understand via e-mail you are asking. Below find your questions followed by my answers:

YOU WROTE

In an effort to improve their process for making a recommendation to the Council, the Citizens Reapportionment Commission has asked that the Council Members give their input on the following questions:

1. What do you consider to be the center (or heart) of your District?
2. If your current District had to be changed and part of your district had to be assigned to a different district, what part of your district do you believe would be most appropriate to be put into a different district?

Submit a sealed envelope to the central staff office and it will be opened by the Commission at their Wednesday meeting; or you may submit your input in person at the Commission on Wednesday at 5:30 pm in Room 1417.

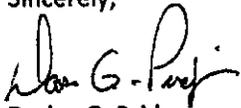
RESPONSE

1. I would consider the Jefferson Sycamore area to be the heart of the district.
2. If my current District had to be changed, I believe that the most appropriate part of Ellicott to put in another District would be along Niagara. Currently the growing immigrant population is cut in half with Niagara District and Ellicott. The language needs, the need for community building among new arrivals and the Latino community is very important. Although I would not like to see any part of my community cut off, especially this area which is so wonderfully diverse

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and growing, for the well being of community building and neighborhood stabilization this would be the area that would make the most sense, in my opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Darius G. Pridgen". The signature is fluid and cursive, with the first name being the most prominent.

Darius G. Pridgen

Ellicott District Councilmember

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Citizens Committee on Reapportionment
Hand Delivered

Re: Transparency

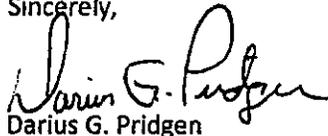
To The Honorable Body:

I would like to thank each member of this committee for voluntarily giving of your time and expertise in the reapportionment effort. I am sending this letter to beg of your body to further provide transparency to your process by requesting that your meetings be streamed live on the internet while being recorded for later playback on public access television. I have pushed the Buffalo Common Council for the last four months to provide citizens with an open and viewable way to understand the workings of the government, I ask your committee to do the same.

The process of reapportionment is one that is very important to the citizens of any municipality. In a short period of time your group will present a plan in which there will be public hearings on, unfortunately the average citizen will not know the workings of the committee because they were not privy to the information shared in sessions that brought the committee to certain decisions. Your committee has a mammoth job in front of you and I appreciate your efforts. I am not able to attend all of your meetings and am trying to have a better understanding of discussions and rumors that I am hearing, because I would like to understand your process, I am requesting copies of all meeting minutes, audio recordings and any officially submitted documents. I feel that it is unfair for me, an elected council member, or any resident to have to depend on the interpretation from the media of what is occurring in such an important committee.

Your consideration is greatly appreciated.

Sincerely,



Darius G. Pridgen

Ellicott District Councilmember

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Communities of Interest (2007)

