

LEGAL AND LEGISLATIVE AND SAFETY COMMITTEE
NOVEMBER 1, 2011
3:25 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative and Safety Committee to order with Councilpersons Ladd, Scott, Benson, Robinson, Gilbert, and Berz present. Councilman McGary joined the meeting later. City Attorney Michael McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Johnny Feagans, Chief Parker, Danny Thornton, Dan Johnson, Richard Beeland, Attorney Fritz, Capt. Snyder, Lt. Carroll, Chief Kennedy, Ron Swafford and Chief Dodd.

On motion of Councilwoman Scott, seconded by Councilwoman Ladd, the minutes of the previous meeting were approved.

Chairman Murphy explained that we had been in this process for a couple of weeks—the redistricting process and wished to have input from the public. He noted that Councilmembers could be e-mailed and that Mr. Burns would facilitate this process. He reiterated that the Council solicits and welcomes input.

Mr. Joe Rowe of 1204 Talley Rd. asked to address the Council. He stated that he was First Vice-President of the Hamilton County Chapter of the NAACP. He stated that he kept hearing three minority districts; that he had asked about three districts versus four and did not get a proper response. He stated that the Council needed to look at the Black population and divide it by the number of districts; that a 65% minority district with people who are of election age mean 18% and above; that we should be looking at the 4th district and not just 3. He talked about the Voting Rights Act, which stipulated four districts and not three; that there was no basis for saying three districts and not following through with a head count—that it could be three districts or even only two—that you can't just pick a number out of the air; that you determine how many districts based on population; that the Council needed to follow the Tennessee Guide for Redistricting and begin with a minority district and begin with District 7, then go to District 8, 9, and 5. He told the Council that they were “chasing themselves”. He noted that he had been to Nashville, and there was disagreement in Nashville; that the Council needed to follow the Voting Rights Act and go through calculations based on population and not percentages—go with an actual head count of people in Chattanooga.

Councilwoman Berz thanked Mr. Rowe for his input, clarifying that he was saying to look at the actual number of people—the electable minority—18 and above. She asked if he were talking about the voters or those that were eligible to elect. Mr. Rowe responded that if it turned out to be one—that would be okay, too, but did not want a pre-determined number of districts and wanted the Council to look at the factual population.

Mr. Rowe went on to say “not a percentage” but look at the total black population and the total white population and see how many are voting; that it could be three districts or even two, but we needed to go by what the law says.

Councilwoman Berz indicated an interest in his idea. Mr. Rowe stated that we needed to start with District 7 and work east—District 8, 9, and 5; then all the rest around it.

Councilman Benson stated that he understood Mr. Rowe was saying start with District 7. He stated that he would like Mr. Rowe to be specific in what he was suggesting; that he could not see four districts and would be lucky if we had three. Mr. Rowe asked him if he had looked at the Census Report?

Chairman Murphy asked Mr. Rowe if he had a number, and he responded “no”; that he did have a Census Report that showed the number of minorities in the City. Chairman Murphy confirmed that he was talking about voting age, eligible Blacks. He asked Mr. Rowe to please stay through this process today.

Councilman Benson stated that he did not think our Census Report looked at voting age; however Mr. Burns stated that “yes” it did—that it “slices and dices”.

Chairman Murphy asked Mr. Burns if he had a microphone, to which he responded “yes”. He went on to say that the primary focus today is District 8 and asked if we had the number on the voting age of African-Americans? Mr. Burns indicated that he was looking for this but would have to find it.

Mr. Burns noted that the preliminaries are District 8 and District 7 and the numbers are working; that the demographics are not where Mr. Rowe would like to see them; that the standard deviation within District 8 is 2%; the deviation in District 7 is 1%; that District 7 is 51% Black and District 8 is 55.5% Black; that both are majority-minority; that we are beginning to work with District 5.

Chairman Murphy noted that we were talking about the districts of Councilman McGary and Councilman Rico and asked if we were talking about what changes need to be made to balance? Mr. Burns responded that one change was a swap with the Howard precinct that was previously in District 7 and went to District 8; the Clifton Hills Precinct went to District 7—that it was just a swap; that being contiguous helps and also compactness and numbers; that the change mentioned was a precinct swap, which should not be a problem.

Chairman Murphy noted that the National Cemetery is in District 9. Mr. Burns indicated that some work had been done with District 9 as the focus; that we had started on District 5.

Councilman McGary had joined the meeting by this time and Chairman Murphy brought him up to date on the Clifton Hill and Howard precinct swap and the National Cemetery could be moved from District 9, along with a few houses, to District 8. He stated that it would be interesting to see what Councilman McGary thought about this; that it was not even 56% majority-minority. Councilman McGary responded that it may go up some, asking Mr. Burns if there was any idea what it would be increased by? Mr. Burns responded “no”—that we would see what we could do as we get into it; that there is no clear way to do it with existing precincts; that it doesn’t have the racial density and is more integrated. Councilman McGary stated that he wanted to praise Mr. Burns; that Districts 1, 2, and 7 look good, mentioning gerrymandering; that he applauded Mr. Burns; that in regards to his own district, that downtown looks like the body of spider or a crescent, and he could see why Mr. Burns had done what he had done. Mr. Burns responded that it is a work in progress and may evolve the other way; that he would continue to work on it.

At this time, Chairman Murphy opened the floor to the public for comment.

Mr. Rowe stated that if he were not mistaken, the districts had been drawn on connecting precincts; that you can’t draw lines on precincts; that you have to use census blocks; that we need to use the Federal System and a Local System can’t “trump” it; that this needs to be looked at in its totality and remove self-imposed barriers.

Councilman Benson stated that he was inspired; that he and Councilwoman Berz shared but did not let precincts govern them. Mr. Burns corrected, stating that they shared a voting place and not a precinct.

Mr. Rowe mentioned 5,000 people per precinct—that you have to have (x) number of voting machines; that you can’t go by precincts because it gets in the way of the Voting Act. Councilman McGary asked Mr. Rowe what number he had in mind for the Black population? He responded 65% of voting age population; that you have to go through the calculations and follow the law; that the law says follow the Voting Rights Act and census reporting.

Councilman McGary asked Mr. Rowe in regards to District 8, what would he like to see? He added that to his point, numbers can flow, questioning if he did not think 51% +1 was a minority and would certainly like to see 65%. Mr. Rowe noted that the Black population is 58,000, and we needed to look at the voting age population in the Census Report; that we know the rules about the Census Report. Councilman McGary indicated that this was worthy of consideration.

Councilwoman Berz stated that was very correct; that we should not assume that any district is minority or majority; that we need to start at the beginning irrespective of population; that there could be three districts or even four; that to designate a district before we have the numbers is incorrect; that the law does not specify what is a minority; that we need to let the numbers do the talking.

Mr. Rowe stated that he would like to see the Council use the Census Report as a base to work from.

Chairman Murphy stated that his role was referee; that he would confer with the City Attorney about Mr. Rowe's points; that he would make a public announcement at 6:00 P.M. during Committee Reports as to what the next meeting will cover.

Councilwoman Ladd noted that we had a conflict in scheduling at 5:00 P.M. Attorney McMahan stated that he could cancel his attorney/client meeting at 5:00 P.M.; that we had already dealt with the matter. Councilwoman Ladd noted that Leadership Chattanooga would be here at 5:00 P.M.

This meeting was adjourned at 3:50 P.M.