



CITY OF DANBURY

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PUBLIC HEARING NOTICE

Who: City Council Members

When: **6:00 P.M. – Monday, July 17, 2023**

Where: 3rd Floor Council Chambers
City Hall, 155 Deer Hill Avenue

Purpose: Reapportionment

Noticed: Council Members Corporation Counsel Town Clerk
Registrar of Voters Mayor's Office

Posted: Town Clerk City Website Information Board The News Times

City Council Ad Hoc / Committee Of the Whole
Reapportionment
Wednesday, July 5, 2023

Call To Order:

Mr. DiGilio called the Committee of the Whole meeting to order at 7:05 p.m.

NOTICE:

Mr. DiGilio read the meeting notice.

Roll Call:

COUNCIL MEMBERS PRESENT: Buzaid, Eriquez, Knapp, Levy, DiGilio, Rotello, Esposito, Esposito III, Fox, Masi, Henry, Merchan, Chianese, Cammisa, Tomchik.

COUNCIL MEMBERS ABSENT: Putnam, Visconti, Halas, Palma, Britton, Perkins

PRESENT: 15, ABSENT: 6

ALSO PRESENT: Bob Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; Dan Casagrande, Outside Counsel; Joseph Mortelliti, Outside Counsel; MaryAnn Doran, Registrar of Voters (R); Jan Giegler, Town Clerk; John Kleinhans, Mayor's Office; Elisa Etcheto, Legislative Assistant.

1. Reapportionment

Mr. Casagrande (Outside Counsel) provided an overview of the process and purpose of reapportionment. He discussed a draft complaint/pending lawsuit and noted the legal issues that need to be addressed; Sec. 2 Voting Rights Act of 1965 (Majority Minority Districts: minority groups need to be able to vote for a minority candidate of their choice), and the 14th Amendment Equal Protection Clause (voting districts much be substantially equal; rule of thumb is about 10%).

He noted that Dr. Morrison was hired to review the 2 plans presented out of the Reapportionment Ad Hoc and their compliance with the Sec. 2 Voting Rights Act. The result was that both plans could violate Sec. 2, and his suggested was to keep the existing wards map. Concerns regarding population growths were noted in the draft complaint and the existing map was reviewed by Dr. Morrison for the Equal Protection Clause (10% variation between wards). The map was found to violate the threshold. A new map/plan is presented.

Dr. Morrison explained that his goal with the new wards plan was to fulfill the threshold requirements by making minimal changes to the existing map because the existing plan has produced minority candidates to represent minority populations. The new plan rebalances wards to within 7.5% and addressed irregularities in the boundaries of the wards.

*Joan Bielizna, Registrar of Voters (D) arrived at 7:26pm.

Mr. DiGilio asked Mr. Casagrande regarding deadlines. Mr. Casagrande noted three deadlines; Self Imposed deadline: Plaintiff asked for a map to be chosen prior to political caucuses which are mandated to take place by July 18, 2023. State Mandated deadline: August 7, 2023, per General Statutes 9-169, requires all redistricting to be approved 90 days prior to the upcoming election. Registrars deadline: October 6, 2023, per General Statutes

9-168 & 9-169, requires identification of polling locations for the upcoming election. He noted that only the plan must be in effect by August 7th, the new Ordinances can go into effect after the plan is approved.

He suggested two action plans, the first is to recommend the new plan, subject to a Public Hearing before final action on or before July 18th. The second option is to continue working on the plan/map for the 2025 election, which will most likely result in litigation.

Mr. Rotello discussed the need to thoroughly review the plan, and noted his reservations with the expert, the process, and the recommendations of Dr. Morrison. He clarified the purpose of the Public Hearing/s.

Mr. Chianese noted that Dr. Morrison's new plan is close to the original Plan A, however, the new plan proposes a majority of changes to the downtown area. Mr. Morrison noted that the plans need to comply with both Sec. 2 and the Equal Protection Clause. He pointed out a variation in the downtown population with regards to population totals and the portion of that population that can vote.

Ms. Merchan asked what sources were used to establish the Latino population. Dr. Morrison explained that the 2020 Census only provides for a Hispanic Category. He noted that the American Community Survey does help determine Hispanic populations that are not yet citizens. He noted that a thorough analysis is needed to make further recommendations regarding downtown wards.

Mr. Fox asked about discrepancies in Dr. Morrison's last recommendation. He asked if the council had participated in the new plan and asked why changes were made to downtown boundaries. Dr. Morrison noted time constraints and moved some irregularities that would not affect incumbents.

Mr. Rotello asked why the majority of changes occurred in the downtown area that would move 400 Hispanics from the 6th Ward to the 7th. Dr. Morrison explained that he needs to know the voting status of the Hispanics he is referencing and would need more time to process the data.

A motion was made by Councilman Knapp, seconded by Councilman Levy, that the Committee recommend to the City Council that the Council approve the modified redistricting plan presented by Dr. Morrison, and accordingly modify the plan approved by the Council on April 4, 2023, subject to a public hearing to be held at 6:00PM on July 17, 2023, followed by a special meeting of the Council on that night to take final action on the modified plan, provided that (1) Registrars of Voters timely review the modified plan to determine consistency of the modified ward boundaries with precinct boundaries and to make changes as required by state law; (2) the modified plan shall be effective as of August 7, 2023 (as per state statute); and (3) the Council shall proceed to consider amendments to the Code of Ordinances Sections 8-1 and 8-2 to adjust the boundaries of wards and voting precincts in accordance with the modified plan. 13 Yes, 2 No (Rotello, Fox) Motion Carried.

Mr. Chianese asked Corporation Counsel to confirm that the timeline presented will fulfill the requirements. Mr. Pinter noted that this item can go straight to a Public Hearing. Mr. Rotello noted his discontent with the flawed process that will continue to affect the city into the future. Mr. Fox noted his concern over the process and Mr. Levy discussed the need to revise the Charter and explained that experts will need to be consulted to meet both Sec. 2 and the Equal Protection Clause. Mr. DiGilio asked for a Roll Call Vote.

ADJOURNMENT

A motion was made by Councilman Levy, and was seconded by Councilman Masi, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:47 p.m.

Respectfully Submitted,
Elisa Etcheto, Legislative Assistant
Attest: Vinny DiGilio, City Council President

RECOMMENDED REAPPORTIONED ELECTION WARDS
FOR FUTURE USE BY THE CITY OF DANBURY, CT

Peter A. Morrison, Ph.D.
Peter A. Morrison & Associates, Inc.
July 4, 2023

This memo documents the relevant technical features of my **Recommended City Election Wards (“the Recommended Plan”)** for future use by the City of Danbury, CT. I recommend its adoption as a “minimal change” refinement of the City’s original plan, in use since 2013. The Recommended Plan restores “substantial equality” of total population within each ward, as of the 2020 decennial Census.

My analysis of the original plan confirmed that Wards 6 and 7 were out of balance. Since the preceding 2010 census, residents have come or gone, or changed residence within Danbury, leaving certain wards with too many residents or too few. Accordingly, I recommend restoring “substantial equality” of total population within each ward. My sole aim has been to bring the City’s existing plan into compliance with Federal and State legal standards, based upon the 2020 Federal census count of the City’s total population.

The Recommended Plan rebalances the two outlier wards (#6 and #7), thereby restoring “substantial population equality” among all wards (a Total Deviation from Ideal of 7.50%). The City’s five other wards are essentially unchanged. In several instances, minor boundary irregularities were straightened out to improve overall compactness of the Recommended Plan. Correcting these minor boundary irregularities have avoid the appearance of diluting the voting strength of Danbury’s Hispanic and Black residents.

Overall, the Recommended Plan assures strict compliance with Connecticut’s newly enacted voting rights act (CTVRA)¹ as well as Section 2 of the Federal Voting Rights Act². The following are specific considerations I have taken into account:

1. Right to representation. The Recommended Plan realizes the intention of the City’s elected officials to adopt a plan that will continue to assure the rights to representation of all the people in the City of Danbury.

2. Equipopulous Wards. Fourteen of the City’s 21 Council Members are to be elected by ward, two in each of the City’s seven wards. These seven wards are substantially equal in total population, based upon 2020 Census PL94-171 summary population counts. “Substantially equal” means that each ward encompasses a total population nearly equal to the exact mathematical ideal of 12,360 persons per ward, i.e., one-seventh of the City’s 86,518 total population.

Danbury’s wards need not be exactly equal in total population, given the other traditional redistricting considerations one is obliged to respect. Courts have allowed districting plans up to a 10-percent total deviation from this ideal. A plan’s *total deviation from ideal* (“TDI”) is measured as the absolute difference between the most populous ward and the least populous ward, divided by the ideal number (here, 12,360). Table 1 below documents adherence to these guard rails.

¹ The John R. Lewis Voting Rights Act of Connecticut was signed into law on June 12, 2023.

² Section 2 of the Federal Voting Rights Act prohibits vote dilution, defined as any electoral practice or procedure that minimizes or cancels out the voting strength of members of racial or language minority groups in the voting population. See pp. 6-10 at: <https://www.justice.gov/opa/press-release/file/1429486/download> for an overview of these prohibitions.

Table 1. Wards Equalized on Total Population as of 2020

Recommended Plan							
Ward	Total Population (all ages)	Deviation From Ideal	Voting-age Population (VAP)				
			Total VAP (all groups)	% White Not Hisp.	% Hispanic	% Black (any part)	% Minority
1	12,046	-2.54%	9,338	49.4%	31.2%	8.4%	39.6%
2	11,844	-4.17%	9,535	54.3%	22.2%	10.6%	32.8%
3	12,082	-2.25%	9,689	61.2%	18.6%	8.1%	26.7%
4	12,550	1.54%	9,694	37.8%	33.9%	10.6%	44.4%
5	12,771	3.33%	10,170	39.8%	37.4%	9.4%	46.9%
6	12,642	2.28%	10,125	51.8%	25.5%	9.8%	35.2%
7	12,583	1.81%	9,697	43.2%	37.7%	9.1%	46.9%
Citywide	86,518		68,248				
Ideal (1/7)	12,360	+7.50%					

Sources: US Census Bureau, 2020 Census, PL94-171 Summary File.

For the Recommended Plan, the most-populous ward (Ward 5) has 12,771 residents, which is 3.33% too many. The least-populous ward (Ward 2) has 11,844 residents, which is 4.17% too few. These two extreme deviations combined (3.33% plus 4.17%) total to 7.50%, which is the Plan's Total Deviation from Ideal ("TDI"). Relative to the maximum acceptable TDI (10.00%), this 7.50 TDI is within the acceptable range of "substantial equality".

3. Respecting existing administrative boundaries. The Recommended Plan respects existing voting precincts where possible so that precinct boundaries now in use may be preserved.

4. Compliance with Federal redistricting guidelines. Section 2 of the Federal Voting Rights Act prohibits vote dilution. Vote dilution is defined as any electoral practice or procedure that minimizes or cancels out the voting strength of members of racial or language minority groups in the voting population. See pp. 6-10 at: <https://www.justice.gov/opa/press-release/file/1429486/download> for an overview of prohibitions.

The Recommended Plan complies with these Federal redistricting guidelines. Consistent with them, the Recommended Plan respects existing concentration of the City's Hispanic and Black residents and voters in Wards 4, 5, and 7, where minorities constitute between 44.4% and 46.9% of the voting-age population (VAP). See Table 1 above and supporting data in Appendix Figure A.

The precise boundaries of each recommended new ward visualized in Figure 2 below are defined by GIS electronic shape files that accompany this memo as a deliverable. These shape files define each newly adopted ward with reference to 2020 census block geography and the 2020 Census count of population within each census block.³

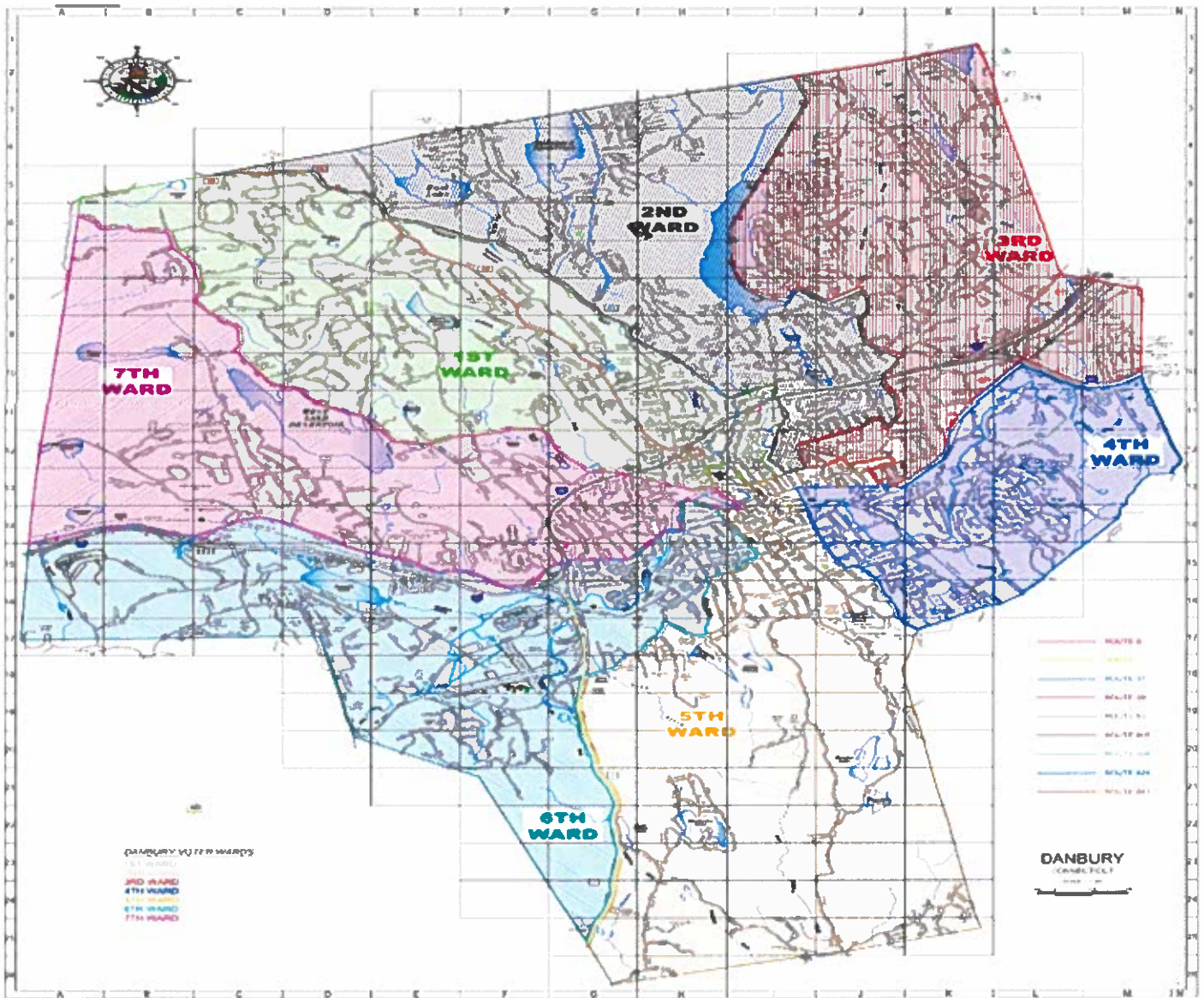
³ The City should archive these shape files as the official record of the reapportioned Recommended Plan, as implemented for holding future elections. Shape files are a collection of spatial files, index files, projection files, and data files. When opened within GIS software, shape files define the boundaries of each ward and the population within that ward.

These shape files should be used to prepare all necessary high-resolution maps for public review and implementation of the Recommended Plan. For purposes of holding future elections, the City’s existing election precincts can be adjusted to align with newly-adopted boundaries, referencing recognized streets, voting precincts, newly annexed territory, and other necessary details for conducting future elections.

Figure 1 below shows the City’s existing ward boundaries, which have been in use since 2013. Figure 2 compares the Recommended Draft 2023 Recommended Plan with this original 2013 benchmark plan. Figures 3 and 4 provide close-up detail of Wards 6 and 7; and Downtown.

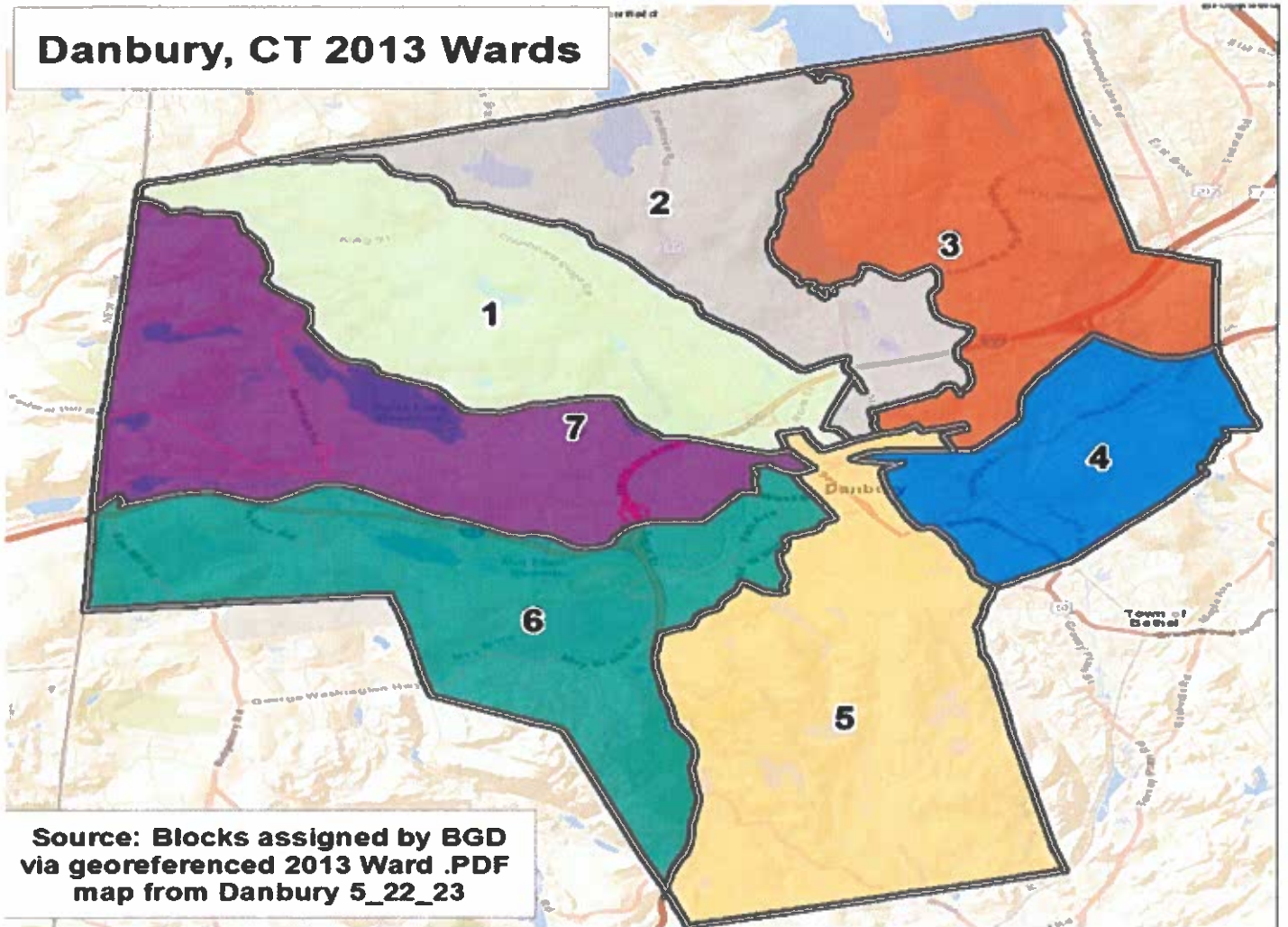
Figure 1. Map Showing Existing Ward Boundaries

Official Version:

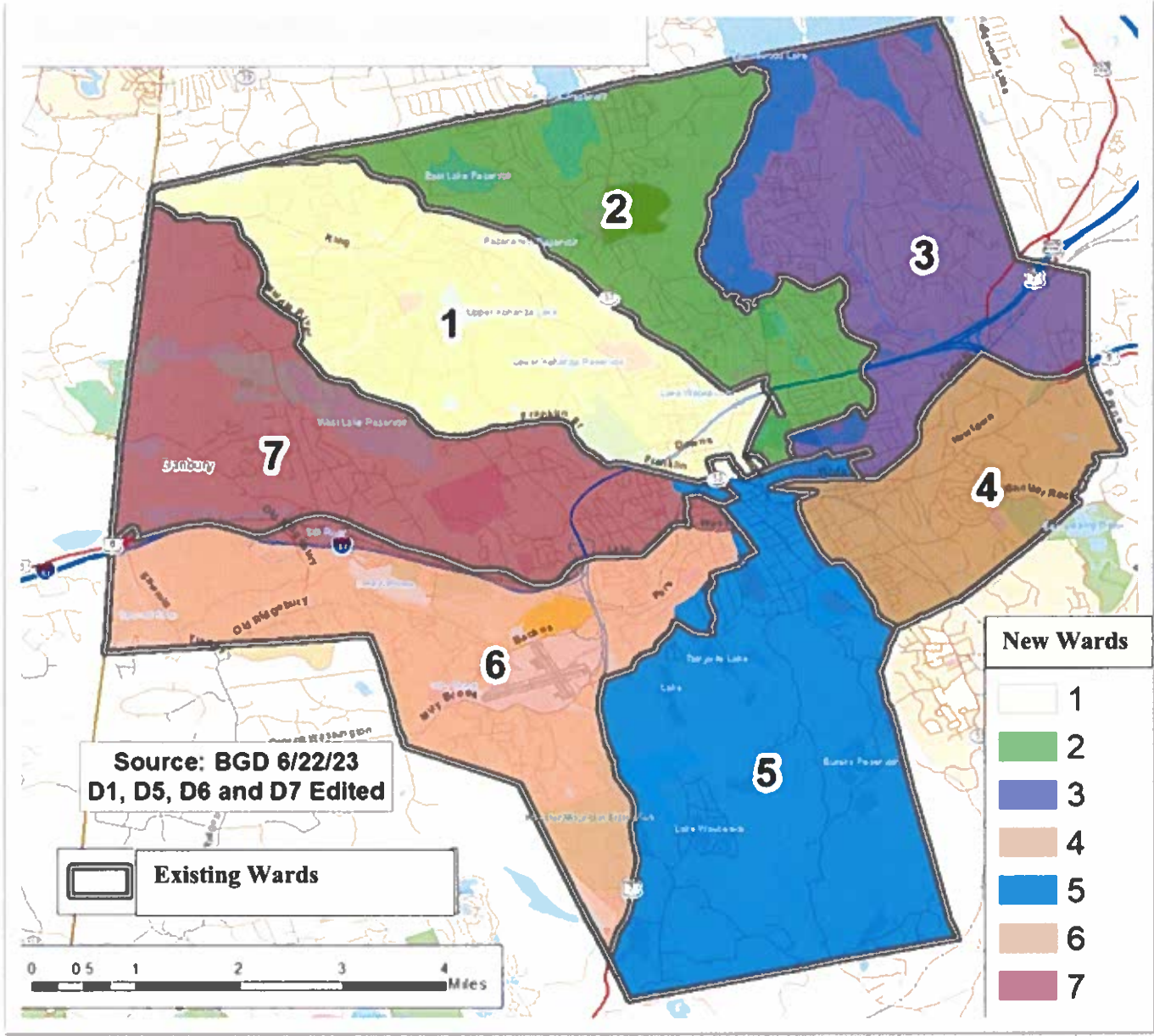


Below is a simplified rendition of Figure 1.

Simplified Rendition of Figure 1

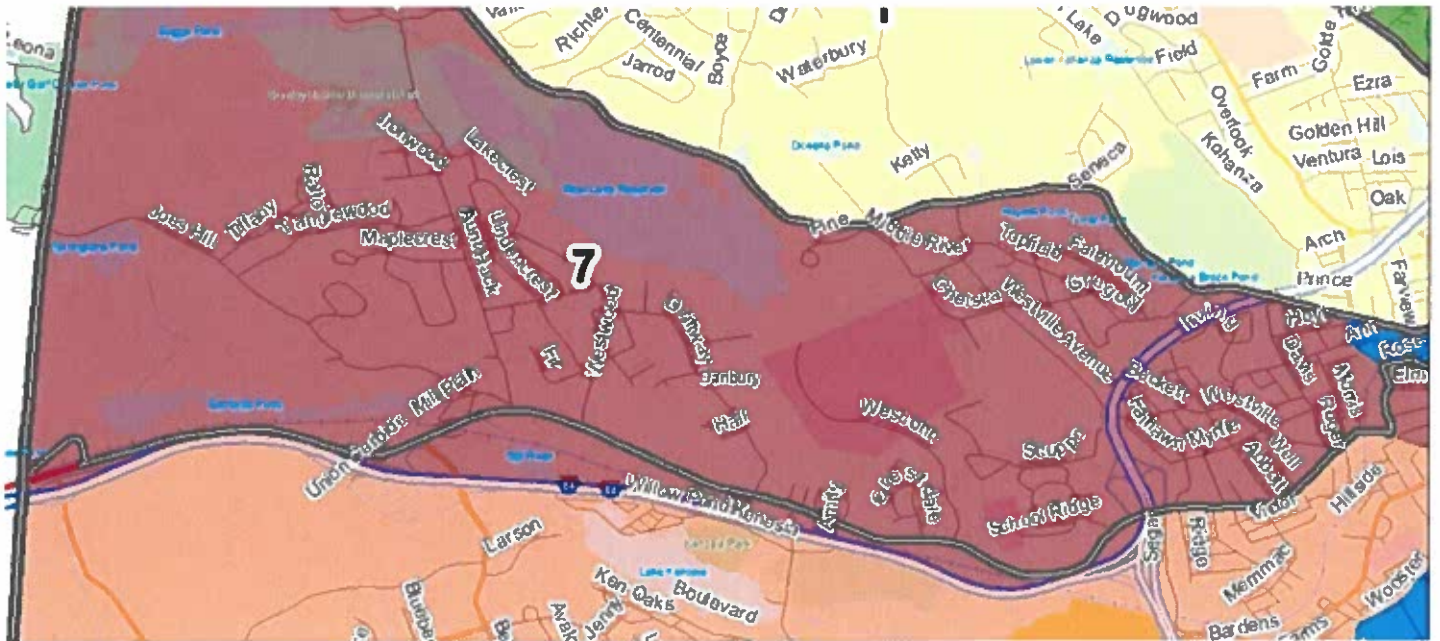


**Figure 2. City of Danbury 2013 Benchmark Plan and 2023 Draft Final Plan
(subject to Registrar’s review of boundaries)**



Key:
Heavy black boundaries denote existing wards (adopted in 2013)
Different colors denote newly reapportioned wards in 2023 Final Plan

Figure 3. Close-Up Detail: Wards 6 & 7
(subject to Registrar's review of boundaries)

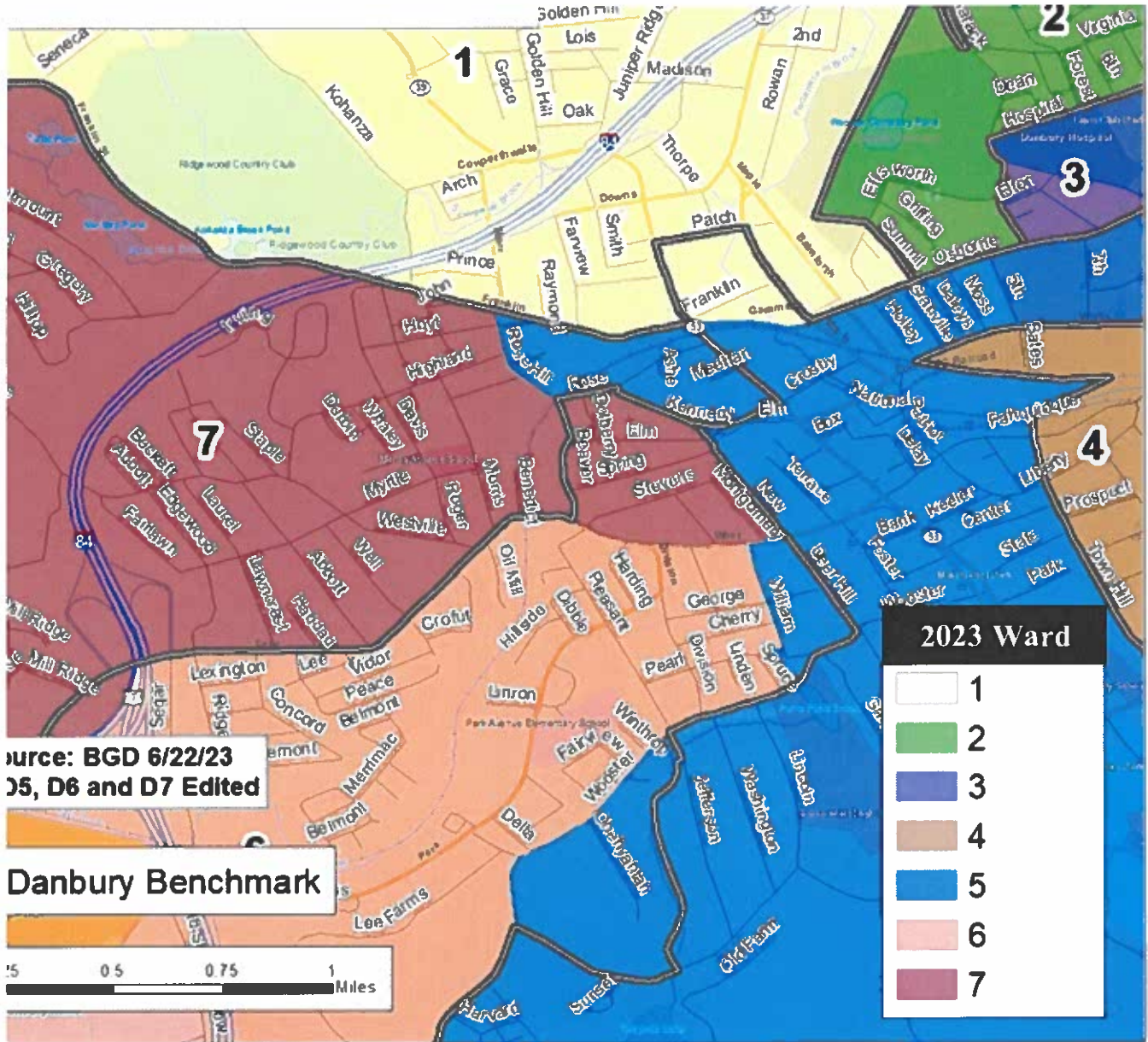


Key:

Heavy black boundaries denote existing wards (adopted in 2013)

Different colors denote newly reapportioned wards in 2023 Final Plan

Figure 4. Close-Up Detail: Downtown
(subject to Registrar's review of boundaries)

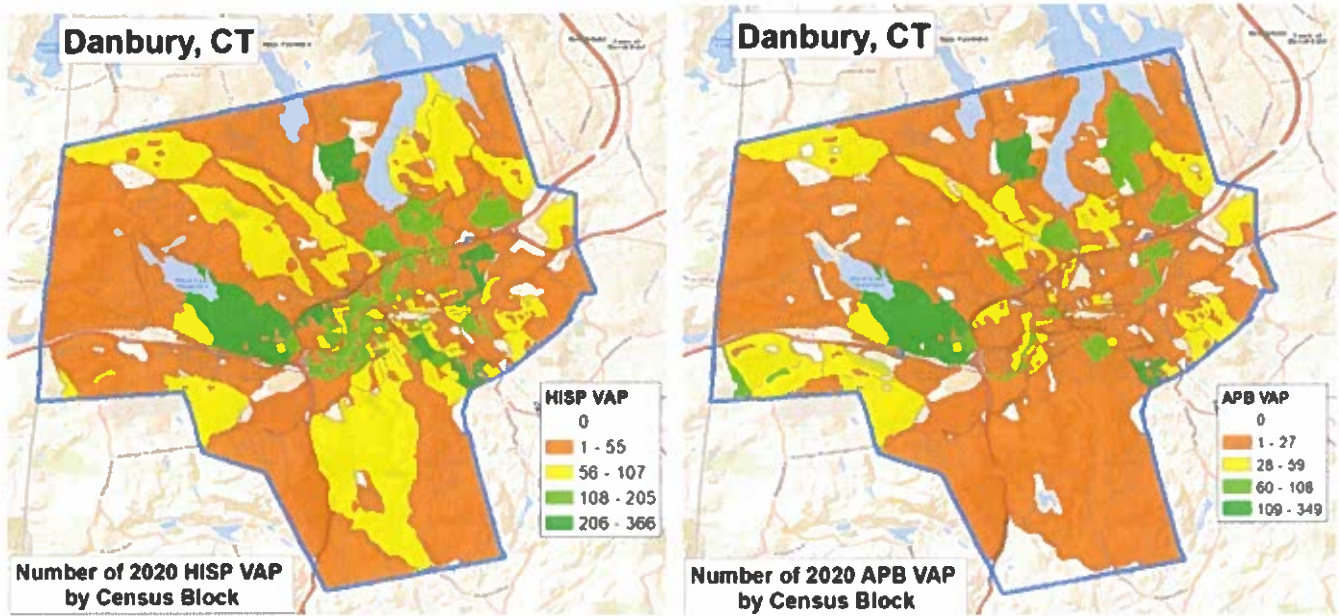


Key:

Heavy black boundaries denote existing wards (adopted in 2013)

Different colors denote newly reappointed wards in 2023 Final Plan

Appendix Figure A Concentrations of Hispanic and Black Voting-age Persons as of 2020



Respectfully submitted,

Peter A. Morrison
Peter A. Morrison & Associates, Inc.
July 3, 2023

CITY COUNCIL SPECIAL MEETING
June 29, 2023 – 8 P.M.

Honorable Mayor, Dean Esposito, called the meeting to order at 8:03 p.m.

NOTICE OF SPECIAL MEETING

Mayor Esposito read the notice of Special Meeting

PLEDGE OF ALLEGIANCE & PRAYER

The Pledge of Allegiance was led by Sean Hatch. Councilman DiGilio led all in prayer.

ROLL CALL

COUNCIL MEMBERS PRESENT: Buzaid, VACANT, Eriquez, Knapp, Levy, DiGilio, Rotello, Visconti, Esposito, Esposito III, Fox, Palma, Masi, Henry, Britton, Merchan, Perkins, Chianese, Cammisa, VACANT.

COUNCIL MEMBERS ABSENT: Visconti, Halas, Palma

PRESENT: 16, ABSENT: 3 VACANCIES: 2

ALSO PRESENT: Bob Yamin, Corporation Counsel; Les Pinter, Deputy Corporation Counsel; and Elisa Etcheto, Legislative Assistant.

CALL TO SERVICE

A motion was made by Councilman DiGilio, seconded by Councilman Rotello, to move forward with this meeting as it has properly been noticed and a call for return to service. The motion carried unanimously.

PUBLIC SPEAKING

1. Peter Buzaid, Resident, 2 Ervie Drive, spoke on item 3.
2. Michael Safranek, Resident, 24 Jackson Drive, spoke on item 2.
3. Ken Gucker, Resident, 89 Padanaram Rd., spoke on items 1, 2, 3, 4.
4. Roberto Alves, Resident, 7 West Redding Rd., spoke on items 1, 3.
5. Glenda Armstrong, Resident, 224 Franklin St., spoke on item 1.
6. Mike Coelho, Resident, 46 East Lake Rd., spoke on item 2.

1. COMMUNICATION – Appointment to the City Council

A motion was made by Councilman DiGilio, seconded by Councilman Esposito, to receive this communication and confirm the appointment of Jeffrey A. Tomchik to a position on the City Council here in the City of Danbury. The motion carried unanimously.

Mr. Tomchick was sworn into office by Deputy Corporation Counsel Pinter.

Mr. Tomchick took his seat on the dias.

2. COMMUNICATION – Appointment to the City Council

A motion was made by Councilman DiGilio, seconded by Councilman Levy, to receive this communication and confirm the appointment of Mr. Joseph Putnam to a position here on the Danbury City Council. The motion carried unanimously.

Mr. Putnam was sworn into office by Corporation Counsel Yamin.

Mr. Putnam took his seat on the dias.

ROLL CALL UPDATE:

COUNCIL MEMBERS PRESENT: Buzaid, Putnam, Eriquez, Knapp, Levy, DiGilio, Rotello, Visconti, Esposito, Esposito III, Fox, Palma, Masi, Henry, Britton, Merchan, Perkins, Chianese, Cammisa, Tomchik.

PRESENT: 18, ABSENT: 3

3. COMMUNICATION – Reapportionment

A motion was made by Councilman DiGilio, I wish this item be sent to an ad hoc consisting of the Committee of the Whole, also present would be Corporation Counsel, Registrar of Voters, and a representative from the Mayor's office. So Ordered.

4. COMMUNICATION – Request for Extension of Tax Deferral - 333 Main Street

A motion was made by Councilman DiGilio, seconded by Councilman Perkins, to receive this communication and approve the request to modify the agreement to defer the increase in the tax assessment, providing the additional time of 6 months based upon the request on hand. 11 Yes, 7 No (Eriquez, Rotello, Esposito III, Henry, Britton, Merchan, Tomchik) Motion Carries.

Councilman Perkins asked for clarification of the reason for the new extension request. Councilman Fox asked if new requirements have been presented since the last extension approval. Ms. Calitro (Planning Director) discussed the analysis of the flood plain located on the property, and a slight rise that was found and thus required FEMA approval of revisions to plans. Mr. Bertram (property owner) identified a miscalculation of the FEMA approval process. Councilman Rotello asked about additional flooding concerns and noted the progress and improvements to the property and area. Councilman DiGilio spoke in favor of the request. A roll call vote was requested by Councilman Perkins.

ADJOURNMENT

Mayor Extended All Committees.

Councilman Tomchik and Putnam shared a few words regarding their appointments.

A motion was made by Councilman Rotello, seconded by Councilman DiGilio, to adjourn. Motion carried unanimously. The meeting adjourned at 8:56 p.m.

Copies of Agenda Items are available in the Legislative Assistant's Office and on the City's website.

Respectfully submitted & Attested by, Elisa Etcheto, Legislative Assistant