



4. Prior to my participation in that suit, I was always endorsed by the Democratic Party. Since that time however, I have had to run on the Working Families line, because the Democratic Party has not consistently shown support or a commitment to endorsing me.

5. The Albany County Legislature is required to appoint a redistricting commission of seven persons to evaluate the existing County legislative districts for equity and representation in relation to population after the publication of census tracts and block statistics based upon each federal census taken in the County. This requirement is reflected in Section 207 of the Consolidated Albany County Charter. A true and correct copy of this chart is attached as Exhibit 1. The 2011 Redistricting Commission of the Albany County Legislature (the “Redistricting Commission”) was created in February 2011 in accordance with this charter, based on the 2010 Census (the “County Plan”).

6. While I am a Commissioner on the Redistricting Commission, I was only appointed to the position in April 2011, after Joe Rabito who served as Vice Chairman of the Commission, resigned from the position. I was therefore not a part of any discussion concerning the County Plan in February or March 2011. The other members of the Redistricting Commission did not make any effort to bring me up to speed on preliminary discussions of the County Plan. In fact, even though I took part in the 2003 Redistricting Litigation, and perhaps because I did, I was not invited to participate in any of the Redistricting Commission meetings that were held outside of its public hearings. I know that important decisions were made at these meetings because I learned of important developments in the redistricting process that did not happen at the public hearings.

7. The Redistricting Commission hosted public hearings from February to May 2011 to hear comments and solicit feedback from the community regarding the County Plan. The Chairman of the Redistricting Commission, Shawn Morse, failed to appear at several of the public redistricting hearings. Upon information and belief, at many of its public hearings and private meetings, the Redistricting Commission failed to establish a legal quorum of Commissioners.

8. Upon information and belief, the Redistricting Commission did not hold any of its public hearings in any majority-minority communities. Moreover, at these public hearings, several attendees complained that the locations of the public hearings were unannounced or scheduled at inconvenient times or locations.

9. During an April 23, 2011 public hearing, and at subsequent hearings before the Legislature, several citizens, including one of my constituents, Ann Pope, requested that the County consider a fifth majority-minority district. Attached as Exhibit 2 is a true and correct copy of the Minutes of the Redistricting Commission Public Hearing held on April 23, 2011. The County's plan was not revised in response to complaints from minorities concerning the lack of a fifth majority-minority district.

10. During a May 9, 2011 public hearing before the Legislature, a large contingent from the predominantly white communities of Berne, Knox and Westerlo, came to speak against the County Plan, complaining that it broke up their towns. The County Plan was revised on the basis of these complaints.

11. At a May 17, 2011 hearing, Aaron Mair, a local community activist, proposed a new redistricting plan which he said showed that it was possible to redistrict the County with five majority-minority districts.

12. On May 23, 2011, Aaron Mair presented the Legislature with this plan. During the Democratic caucus, John Merrill, the data mapping expert who was appointed by Shawn Morse and the Redistricting Commission in February to draw the district lines of the County Plan, admitted that a fifth legislative majority-minority district could have been created.

13. After reviewing Aaron Mair's plan, I spoke on the floor of the legislature in favor of the creation of a fifth majority-minority district. The other legislators claimed there was not enough time to change the plan.

14. The County's redistricting plan, based on the 2010 Census, was adopted by the Albany County Legislature as Local Law C, on May 23, 2011, by a vote of 22 to 14.

15. Local Law C was subsequently submitted to the County Executive, Michael Breslin, who hosted a final public hearing on May 31, 2011. The County Executive signed Local Law C on June 6, 2011.

16. As a County Legislator, I also sit on the Personnel Committee, a position I have held from time to time since 1992. In 1993, I was the lead sponsor of the County affirmative action policy and drafted the affirmative action resolution passed in 1993, as amended in 1996, in which the County Legislature recognized discrimination against minorities. Attached as Exhibits 3 and 4 are true and correct copy of the 1993 and 1996 resolutions, respectively.

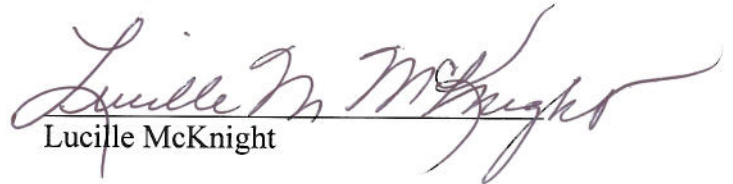
17. The County's hiring contracts contain language about hiring minorities in accordance with the Affirmative Action policy, but no real effort to hire minorities is made. In fact, when I raised this issue with Shawn Morris, he responded that Albany County does not have people of color who have college degrees.

18. Upon information and belief, while a number of grants are given to spur minority hiring efforts in the County based on the large number of minorities there, the money does not flow to their hiring.

19. While the County has 23 unelected departments, only one minority individual has ever headed any one of the County departments.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 14, 2011

  
Lucille McKnight