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PUBLIC MEETING  
NEW YORK CITY CHARTER:  
AN OVERVIEW  
MEETING OF THE CHARTER REVIEW COMMISSION

MARCH 18, 2010

CHAIR: DR. MATTHEW GOLDSTEIN

MEMBERS

- JOHN H. BANKS
- ANTHONY PEREZ CASSINO
- BETTY Y. CHEN
- DAVID CHEN
- HOPE COHEN
- ANTHONY W. CROWELL
- STEPHEN FIALA
- ANGELA MARIANA FREYRE
- ERNEST HART
- REV. JOSEPH M. McSHANE, S.J.
- KENNETH M. MOLTNER
- KATHRYN PATTERSON
- CARLO A. SCISSURA
- BISHOP MITCHELL G. TAYLOR

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3 CHANCELLOR GOLDSTEIN: Ladies and  
4 gentlemen, I would like to welcome you all  
5 to the inaugural meeting of the Charter  
6 Revision Committee.

7 I am Matthew Goldstein. I am the  
8 Chancellor of the City of New York, and I  
9 am deeply pleased to welcome all of you to  
10 one of our 23 campuses that comprise the  
11 University. This is the New York City  
12 College of Technology. Before we start the  
13 formal meeting, we do have a special guest.  
14 He's so special that he actually brought  
15 gifts along with him.

16 MR. MARKOWITZ: I'll try to  
17 bribe you now.

18 CHANCELLOR GOLDSTEIN: He is our  
19 own Borough President of the Borough  
20 of Brooklyn, the great Marty  
21 Markowitz.

22 Marty.

23 MR. MARKOWITZ: Thank you,  
24 audience.

25 Chancellor, I'm delighted that

1  
2 Mayor Bloomberg appointed you as  
3 Chair, and he absolutely made superb  
4 choices in each and every one of you,  
5 every one of you. And I felt it was  
6 only proper to be here to make sure  
7 that the best of Brooklyn, this  
8 beautiful Junior's cheesecake, awaits  
9 you.

10 I'm not here for any  
11 alternative motives at all -- expand  
12 the Borough Presidents -- not at all.

13 All I'm here to welcome you.  
14 I'm glad you're starting this in  
15 Brooklyn, which is what I always say,  
16 Chancellor, where New York City  
17 begins. So thank you, and we look  
18 forward to excellent recommendations  
19 coming out of the Charter Revision  
20 Committee.

21 And I have to say one thing.  
22 Certainly, I'm thrilled that Carlo  
23 Scissura is also a member of this  
24 Commission. Thank you very much.

25 CHANCELLOR GOLDSTEIN: Thank you

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2 very much, Marty.

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So let me call this meeting to order and to welcome everyone to this inaugural meeting. Again I would just like to thank Mayor Bloomberg for giving me the honor to chair this important effort and to complement him as well on the very distinguished members that he chose to join in the journey we are beginning tonight.

As all of you know, government is an evolving process. We shed the altar we acquire, and I think that's very emblematic of what a Charter Revision Committee is to do. We are charged to review the entire City Charter and can play an important part in helping us to understand how we as a City might take steps to enhance government and to provide better access, services and information to all of the citizens. That is our fundamental mission.

Tonight's gathering is a public

1  
2 meeting, and I have called it for  
3 organizational purposes exclusively.  
4 As a point of information, we have  
5 provided the requisite public notices  
6 consistent with the Open Meetings  
7 Law. As a public meeting, we will  
8 have the opportunity to speak among  
9 ourselves as Commission Members.  
10 However, we tonight will not take  
11 testimony from the public.  
12 Nonetheless, I want to assure  
13 everyone that is here, and also not  
14 in this room, that there will be  
15 ample opportunities for all of us to  
16 participate in this important  
17 process.

18 All public meetings and  
19 hearings will be taped and  
20 transcribed and available on the  
21 Charter Commission's Web site.  
22 Which is live at  
23 [www.nyc.government/charter](http://www.nyc.government/charter). But for  
24 tonight's meeting I would like to  
25 accomplish several things. First, I'd

1  
2 like us to go around the room to  
3 introduce ourselves and say a little  
4 bit about our backgrounds. And  
5 second, fitting for an event at a  
6 university, we will undertake a  
7 little course work ourselves with a  
8 crash course of Charter Revision 101.  
9 And we have two exceptional Senior  
10 Attorneys from the City's Labor  
11 Department, Spencer Fisher and Lisa  
12 Grumet. They will give us the legal  
13 and historical underpinnings of the  
14 Charter Revision process and this  
15 will be a great time for us to ask  
16 questions.

17 Third, I'd like to begin  
18 discussing what principles and values  
19 should guide the Commission.

20 Finally, when we'll review a  
21 general time table, and this will be  
22 also an evolving process. I don't  
23 want all of us to think that this  
24 timetable will be etched in stone. It  
25 will adapt as we go forward, but I'll

1  
2 try to parameterize the time schedule  
3 so that all of you have a sense of  
4 what is involved.

5 So let me start with our first  
6 task and that is to, I would say, go  
7 around the dais, but in this  
8 particular case go across the dais,  
9 so everybody can introduce  
10 themselves.

11 Start at the very end.

12 MR. HART: Hi, I'm Ernie Hart.  
13 I'm Associate Dean at Columbia at the  
14 moment; started out in the DA's  
15 office in Manhattan a long time ago;  
16 held a lot of city positions in  
17 various departments; presently Chair  
18 of the Civilian Complaint Review  
19 Board also. So I have a lot of City  
20 experience and really expect to make  
21 a well-rounded contribution to the  
22 Commission.

23 CHANCELLOR GOLDSTEIN: Thanks,  
24 Ernie.

25 MS. CHEN: Hello, good evening.

1  
2 My name is Betty Chen. I'm an  
3 architect. And I'm currently the  
4 Vice President for Planning at  
5 Governor's Island, and I also serve  
6 on the City Planning Commission.

7 MS. PATTERSON: I'm Kathryn  
8 Patterson. I'm a retired lawyer,  
9 formally a partner in an  
10 international law firm, at one point  
11 was partner with Angela Freyre over  
12 there many years ago. I'm on the New  
13 York City Campaign Finance Board.

14 And I was raised in New York  
15 City. I have spent my entire life  
16 here except for brief detours to  
17 college in California and law school  
18 in Boston.

19 MR. CHEN: I'm David Chen. I'm  
20 the Executive Director of  
21 Chinese-American Planning Council, my  
22 job. I also serve on a number of  
23 non-profit boards and not-for-profit  
24 corporations. I live in Brooklyn.  
25 And I was the Charter Commission

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2 Member in 2005.

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MS. FREYRE: My name is Angela Mariana Freyre. I am Senior Vice President and Deputy General Counsel of the Nealsen Company. I am also a member of the Conflicts of Interest Board of the City of New York.

I was born in Cuba and I live in New York City.

CHANCELLOR GOLDSTEIN: And Angela will serve as the Secretary to the Commission.

John.

MR. BANKS: Hi. I'm John Banks, and I am a Vice President at the Consolidated Edison for government relations. I serve on the MTA Board. Prior to my job at Con Ed I was, among, other things Chief of Staff to the New York City Council, and I worked in the finance division of the City Council for about 10 years.

MR. CROWELL: I'm Anthony

1  
2 Crowell. I have worked on or served  
3 on a variety of Charter Commissions  
4 dating back to 1999, 2001, 2002,  
5 2003. As a Commissioner, I was on  
6 the 2004-5 Commission, and this one.

7 And on my day-to-day work I  
8 deal with the City Charter regularly.  
9 I work at the City Council as  
10 counselor to the Mayor. I was also  
11 at the Law Department for four years  
12 prior to joining the City.

13 REVEREND McSHANE: Good  
14 afternoon I'm Joe McShane. I'm the  
15 President of Fordham University with  
16 campuses in Manhattan, Bronx, and  
17 Westchester. I'm a native New  
18 Yorker, born and raised in Manhattan.  
19 I left New York, sadly, for 25 years  
20 for education and also to serve on  
21 the faculty of the Jesuit College in  
22 Syracuse, New York. I have been at  
23 Fordham for seven years now. Prior to  
24 that I was at the University of  
25 Scranton as the president there, and

1  
2 I serve on a number of college and  
3 university boards throughout the  
4 country. And I am a member of the  
5 Executive Committee of the Commission  
6 on Independent Colleges and  
7 Universities in the State of New  
8 York. I'm on the Executive Board of  
9 the Association of Jesuit Colleges  
10 and Universities, the 28 Jesuit  
11 colleges and universities throughout  
12 the country.

13 MR. CASSINO: Hi. I'm Tony  
14 Perez Cassino, and I'm an attorney at  
15 the law firm of Milbank & Tweed where  
16 I manage our firm's pro bono  
17 operation.

18 I am former Chair of Community  
19 Board 8 in the Bronx, where I live,  
20 although I was born in Brooklyn and  
21 lived here till I was almost five.

22 And I'm also Chair of the  
23 Van Cortlandt Park Conservancy, so I  
24 have a number of experience in terms  
25 of community efforts. Thanks.

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MR. MOLTNER: Thank you. Good

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evening. I'm Ken Moltner. I'm an

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attorney at the firm Bressler, Amery

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& Ross. I'm the former Chair of

6

Community Board 8 in Manhattan, where

7

I live. I am Adjunct Professor of the

8

Continuing Education Program at

9

Hunter and also at the Continuing

10

Education Program at New York

11

University.

12

MS. COHEN: Hi. I'm Hope Cohen.

13

I'm Associate Director of the Center

14

For Urban Innovation at Regional Plan

15

Association. Before that I was Deputy

16

Director of the Center for Rethinking

17

Government at the Manhattan

18

Institute. And before that I spent

19

15 years of my life in various City

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public sector-related activities,

21

from the Parks Department to New York

22

City Transit, where I mostly focused

23

on introducing new technologies into

24

the transit system. So from a

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professional point of view, I have

1  
2 experience in painful firsthand  
3 things like procurement practices in  
4 the City of New York.

5 I also serve on Community Board  
6 7 in Manhattan, which I chaired  
7 several years back.

8 MR. SCISSURA: Good evening,  
9 everyone. My name is Carlo Scissura.  
10 I'm a lifelong Brooklynite born in  
11 Bensonhurst. Currently I live in  
12 Dyker Heights. Currently I serve as  
13 Chief of Staff to Brooklyn Borough  
14 President Markowitz. The cheesecakes  
15 were his idea, by the way.

16 Former member of Community  
17 Board 11 and Community School Board  
18 20, and served as President of  
19 Community Education Council, District  
20 20, for five years.

21 Right now I'm on the Board of  
22 Trustees of the Brooklyn Public  
23 Library and the Board of the New York  
24 City Economic Development  
25 Corporation.

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And I'm a former adjunct at  
Baruch College.

Chancellor Goldstein,  
unfortunately I was not there when  
you were, but I'm thrilled to be on  
this Commission.

MR. FIALA: Good evening. I'm  
Steve Fiala. I'm the County Clerk  
and Commissioner of Jurors of  
Richmond County. Prior to my  
appointment as County Clerk I served  
on the City Council, and I've had the  
privilege of serving with a number of  
Commissioners here on the previous  
Charter Commission and, Dr.  
Goldstein, I'm looking forward to my  
service on this Commission, and I  
commend the Mayor for his stellar  
selection of you as Chair.

I'm sure that we're going to do  
some great work that hopefully will  
yield a more efficient and responsive  
government for the people of New  
York.

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And let me just say thank you

3

to the Borough President and yourself

4

for the cheesecake. It was nice of

5

you.

6

BISHOP TAYLOR: Good evening.

7

I'm Bishop Mitchell Taylor. I'm the

8

Senior Pastor for the Center for Hope

9

International and the founder and

10

president of the East River

11

Development Alliance, a non-profit

12

organization that works with

13

residents that live in New York City

14

public housing developments, creating

15

models for employment, financial

16

literacy, college access and

17

community revitalization.

18

I currently sit on the CCRB.

19

And I've had vast experience in

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community development over the last

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20 years in Long Island City. And I

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feel that this is also an opportunity

23

to share some of my pragmatic

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experience as well as the

25

intellectual properties that we have

1  
2 to lend to this Board.

3 CHANCELLOR GOLDSTEIN: Well, I  
4 think all of you will agree that the  
5 Mayor has assembled a very  
6 distinguished group of professionals,  
7 and it's a privilege for me to work  
8 with all of you.

9 I would like to first to pay  
10 some tribute to Anthony Crowell, who  
11 has been extraordinarily helpful to  
12 me as we turn over this engine and  
13 get it moving.

14 And Anthony, thank you for your  
15 wise counsel, and I look forward to  
16 working with you. You've been an  
17 enormous help to me.

18 For those of you who like  
19 mathematics -- I do -- when you look  
20 at this dais this is a great example  
21 of a packing problem, which is a  
22 class of mathematical problems that  
23 can be studied by seeing how packed  
24 we are on this dais. For further  
25 venues we'll try to have a little

1  
2 more space to spread out a bit, but  
3 we are a little tight.

4 Let me start now with the  
5 second part of our effort this  
6 evening by introducing our two  
7 presenters, Spencer Fisher and Lisa  
8 Grumet, from the City's Law  
9 Department to give us a tutorial on  
10 charters.

11 I assure you that if you nod  
12 out a bit that's fine, because there  
13 isn't going to be a quiz after this  
14 at all, but I think those of you who  
15 are really interested you'll learn  
16 something from it, so I turn it over  
17 to our presenters.

18 MR. FISHER: I'll pass this out.

19 As you know, this Commission is  
20 charged by State law with review of  
21 the entire Charter. In light of  
22 this, and before the Commission  
23 starts, I guess I might say looking  
24 at the trees, if you will, Lisa and I  
25 have been asked to help in looking at

1  
2 the entire forest a little bit by  
3 discussing the Charter as a whole,  
4 how it got to this point.

5 I did a similar presentation on  
6 this for the 2005 Charter Commission.  
7 So those of you who slept then can  
8 sleep again.

9 Today I'm also joined by my  
10 colleague, Lisa Grumet. When I did a  
11 presentation in 2005 I was joined by  
12 Abby Glutz, so this is sort of like  
13 when a rock group tours with a new  
14 lead singer but the material is the  
15 same.

16 This is not a full-blown  
17 academic seminar and we'll try to be  
18 brief. I will discuss the history of  
19 the Charter a little bit. Lisa will  
20 discuss the general structure and  
21 organization of the Charter  
22 thereafter.

23 We're very aware that some  
24 members of this Commission have been  
25 involved in City government for a

1  
2 long time and are hearing things that  
3 you already know. I think it was  
4 thought that it was nevertheless  
5 worthwhile to go through them again.

6 The Charter is not a literary  
7 work, it doesn't have a unifying  
8 plot, theme. It represents the  
9 combined action of several bodies of  
10 legislative powers, acting well over  
11 a Century. It includes within it of  
12 the products of State laws, City  
13 Council local laws, as well as the  
14 proposals of 12 earlier Charter  
15 Revision Commissions, which were  
16 adopted; and a few petitions, because  
17 there are four fundamental ways today  
18 that the Charter can be amended: By  
19 state law, by local law, either with  
20 or without a referendum, by a  
21 petition, and finally by a Charter  
22 Commission, which can be appointed in  
23 one of several ways. In this case by  
24 the Mayor.

25 As early as 1897 there was an

1  
2 Article in the Atlantic Monthly that  
3 proclaimed at that time that the  
4 changes in City government over the  
5 years had been "so numerous that to  
6 count them all would bewilder rather  
7 than instruct" and it compared the  
8 knowledge of these changes to  
9 knowledge of "the great Dismal Swamp  
10 considered as a place of refuge for  
11 criminals." And that was before the  
12 last Century. So we'll now go into  
13 the last Century of changes.

14 The City's history begins with  
15 the colonial charters of the 17th and  
16 the 18th Century. These were  
17 supplemented in the 19th Century by  
18 charters that were then enacted by  
19 the State Legislature. This is  
20 before the period of Home Rule. The  
21 City did not have the right to  
22 promulgate its own Charter in the  
23 19th Century. There was less and  
24 less input from City officials  
25 actually in the course of the 19th

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Century into their Charter.

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Not a lot of time today to describe the fascinating history of the Charter in that period, but it does include some flamboyant scandals as well as violence between the rival State and City police forces in 1857. At that time the Republican State Legislature imposed a series of governmental changes upon the City which was run by the Democratic machine. And actually this tiny book here contains the Charter of 1857, so it was a little smaller in this case.

The history of the 19th Century also includes "Boss" Tweed's supposed payment of \$600,000 in bribes to State Legislators to obtain the Charter of 1870. And this political cartoon of Thomas Nast shows Tweed appearing in drag on the left acting as, I guess, Hamlet's mother and with someone pleading with him to take the right way in the course of virtue,

1  
2 and there in his hands marked, I  
3 think, "State Charter" or "Charter of  
4 1870" as he emerges from the doors  
5 of the State legislature that he  
6 bribed. A distinguished history for  
7 the Charter in the 19th Century.

8 This next one which you have in  
9 your materials actually shows almost  
10 Thomas Nast's vision of the  
11 Democratic Tammany City government of  
12 the 19th Century with various  
13 disasters occurring in every box of,  
14 I guess, the police beating people,  
15 an incompetent Fire Department,  
16 horrible schools, the whole nine  
17 yards.

18 The notable points after the  
19 Tweed era include 1873, when a  
20 so-called "reform charter" was passed  
21 by the State Legislature in response  
22 to the Tweed scandals as well as  
23 1884, when the Mayor was given the  
24 power to appoint Commissioners  
25 without advice and consent, and also

1  
2 in 1884, when the predecessors of the  
3 modern Comptroller and Public  
4 Advocate were made into citywide  
5 elected offices. So there were  
6 changes and decisions made in the  
7 19th Century which still resonate  
8 today in the City Charter.

9 During the 19th Century there  
10 were frequent scandals and they  
11 resulted in the gradual weakening of  
12 the City's legislative body, which  
13 was perceived to be the center of  
14 those scandals, and there was growth  
15 in the power of the Mayor and other  
16 bodies, especially in the Board of  
17 Estimate and Apportionment.

18 Charter revision always seemed  
19 intended to respond to the latest  
20 scandal, the latest outrage. The  
21 creation of the Boroughs, when New  
22 York City was consolidated in 1898,  
23 really changed this dynamic. From  
24 the time of the 1898 consolidation to  
25 the present day, the history of the

1  
2 Charter really represents a series of  
3 approaches to a core set of problems,  
4 and those problems have been  
5 addressed by the last 12 Charter  
6 Revision Commissions.

7 The balance between borough or  
8 community autonomy and the  
9 centralized City government is one  
10 such problem. The balance within the  
11 central City government among the  
12 elected officials, and for a long  
13 time that meant primarily the Mayor,  
14 the City's legislative body, and the  
15 Board of Estimate.

16 And finally, the balance  
17 between governmental efficiency and  
18 accountability. At one point you have  
19 too many reports and one point you  
20 have too few reports; and too much  
21 process versus too little process.

22 Before the State constitutional  
23 Home Rule changes of the '20s, new  
24 charters were creatures of State  
25 legislation.

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The first Charter of the new consolidated City was enacted by State law in 1897 and took effect January 1, 1898. It provided for the new system of Boroughs and for a two-house municipal assembly and powerful Mayoral Boards. This Greater New York Charter was very long, also included a lot of material that is now in the New York City's Administrative Code.

The legislature revisited that Charter just three years later in a Charter Commission in 1900 after a series of corruption investigations into the Tammany administration of Mayor Van Wyck then in office. As well there was a growing sentiment for Borough autonomy and Borough Home Rule early in the 20th Century.

The resulting Charter of 1901 that was adopted by the State Legislature made extensive changes. It replaced the two-house municipal

1  
2 assembly with a one-house Board of  
3 Aldermen, and it strengthened the  
4 Borough Presidents by giving them  
5 power over many capital projects and  
6 building regulation, and it took a  
7 lot of power away from the Mayor.

8 The Board of Estimate and  
9 Apportionment essentially took the  
10 form that it had for the following 90  
11 years: The Mayor, the Comptroller,  
12 the President of the Board of  
13 Aldermen, who later became the City  
14 Council President, and the Borough  
15 Presidents. That Board, the Board of  
16 Estimate, was to be central to City's  
17 budgets, contracts, land use and  
18 construction until it was abolished  
19 by the 1989 Charter Revision  
20 Commission.

21 This 1901 Charter, it remained  
22 in effect essentially through 1937,  
23 and during that time the power of the  
24 Board of Estimate continued to  
25 increase at the expense of the Board

1  
2 of Aldermen. The Board of Aldermen  
3 was not well-regarded early in the  
4 20th Century. And in your materials  
5 you'll see here and include, it's  
6 hard to see here, a government chart  
7 of the whole City government from  
8 1907. This looks like it could be the  
9 basis for a sort of board game of  
10 some kind, but it clearly shows the  
11 Board of Estimate and Apportionment,  
12 later the Board of Estimate, sitting  
13 in a box right under municipal  
14 administration sort of hovering over  
15 the entire City government. And in  
16 fact that really does, I think,  
17 represent the role of the Board of  
18 Estimate for many years as the center  
19 of City government.

20 There were many failed efforts  
21 of the Charter revision early in the  
22 20th Century. But in 1936 the  
23 Charter began to sort of lurch toward  
24 the form that it takes today with the  
25 election of Mayor La Guardia. Mayor

1  
2 La Guardia appointed a 1936 Charter  
3 Commission under a special State law.  
4 The Charter adopted by the voters in  
5 1936 took a short form intended to  
6 represent the fundamental organic  
7 structure of City government, and the  
8 Administrative Code was broken out to  
9 deal with the more detailed laws that  
10 were not going to be in the Charter  
11 any more.

12 The 1936 Charter created a  
13 new City Council elected by  
14 proportional representation to  
15 replace the old Board of Aldermen and  
16 it gave it enhanced legislative  
17 powers. Now, proportional  
18 representation was always  
19 controversial. It was later repealed  
20 in a 1947 referendum. It was really  
21 at the center of City politics and  
22 political controversy for about a  
23 decade in the '30s and '40s.

24 The '36 Charter Commission also  
25 created a New City Planning

1  
2 Commission and process. And this next  
3 slide actually, which you can't  
4 really see very well here on the  
5 screen, but it's also in your  
6 materials, is a chart of the plan of  
7 City government under the 1936  
8 Charter Revision Commission. Those  
9 little circles over the Borough  
10 Presidents on the left, and the Board  
11 of Estimate continues to hover right  
12 at the center of City government  
13 there at the top in the center.

14           And this example here is the  
15 1936 Charter, still pretty small. It  
16 was published as a pamphlet by the  
17 City, about 85 pages long. I think  
18 the City's, the one that's sold by  
19 DCAS today is what, about 400 pages,  
20 so the Charter has not fully  
21 fulfilled perhaps the vision of a  
22 very short Charter of the 1936  
23 Commission over the years.

24           In 1961 voters adopted Charter  
25 Revision proposals that were made by

1  
2 a Commission appointed by Mayor  
3 Wagner, and that was under the  
4 authority of a new law that  
5 authorized Mayoral Charter  
6 Commissions, and that law evolved  
7 into the modern Municipal Home Rule  
8 Law, which has authorized the  
9 appointment of this Commission.

10 The interactions between  
11 Governor Rockefeller and Mayor  
12 Lindsay also led to a state-created  
13 Commission that made significant  
14 changes just about a decade later in  
15 1975.

16 There isn't time, you'll be  
17 thankful for this, there isn't time  
18 to summarize the details of all the  
19 revisions from 1936 into the '80s,  
20 but I think the story of Charter  
21 Revision in those years is really one  
22 of several trends. One is, as I  
23 mentioned all along, a continued  
24 strong Board of Estimate. And it was  
25 weakened a little bit, but it never

1  
2 really ceased to be at the center of  
3 City government, with powers over  
4 contract, budget, land use, real  
5 property, and until it was  
6 transferred to the Mayor in 1961 it  
7 had what was called the Reserve  
8 Power, which was the power to act for  
9 the City in a variety of matters.

10 The second trend was a gradual  
11 increase in mayoral power. The  
12 Mayor's powers were increased through  
13 a gradual transfer of functions from  
14 a variety of officials, especially  
15 the Borough Presidents, who gradually  
16 lost their regulatory and capital  
17 project functions over the years.

18 A third trend is the gradual  
19 recognition that the Council deserved  
20 an important role in City government,  
21 and the Council's role did increase.  
22 It gained sole power over local laws,  
23 gained increased power over the  
24 budget, investigatory and subpoena  
25 powers, and advice and consent powers

1  
2 for certain appointments.

3 A fourth trend, and this  
4 represents the final intentions that  
5 I mentioned earlier, was a gradual  
6 increase in sort of bureaucratic,  
7 public and local review processes, a  
8 recognition particularly beginning in  
9 the '60s and '70s, that community  
10 input was important and the output of  
11 the local communities and the  
12 boroughs was important to the  
13 function of City government, and this  
14 was recognized particularly in the  
15 1975 Charter Revisions, the  
16 provisions like ULURP, the City's  
17 Uniform Land Use Review Procedures,  
18 and what are called the coterminality  
19 provisions of the Charter, which set  
20 up the district and borough service  
21 cabinets, which look at the services  
22 provided at the City agencies at the  
23 local level.

24 And a fifth trend was a sort of  
25 gradual clarification and focusing of

1  
2 the Comptroller's functions in  
3 relation to the other city officials  
4 as well.

5 In the 1960s the Charter was  
6 changed substantially by a series of  
7 Lindsay-era local laws. They were  
8 not done for Charter revision. They  
9 consolidated many mayoral agencies  
10 into large administrations, and those  
11 were later broken up again in the  
12 1970s, when they were perceived not  
13 to be functioning effectively.

14 When Mayor Koch appointed a  
15 Charter Revision Commission at the  
16 end of 1986, at that time it was  
17 thought that it would tackle the  
18 question of what to do about the  
19 Board of Estimate. The Board of  
20 Estimate was embroiled in a one  
21 person-one vote federal litigation  
22 because at that time all the Borough  
23 Presidents had the same number of  
24 votes on the Board of Estimate  
25 although there were vast differences

1  
2 in the populations of the Boroughs.  
3 But that litigation was delayed  
4 because although the City had lost at  
5 the lower levels of that case, the  
6 Supreme Court agreed to hear the  
7 case. So the Commission appointed by  
8 Mayor Koch was not in a position to  
9 replace the Board of Estimate in  
10 1988. So instead, it placed a series  
11 of limited but also very important  
12 issues on the ballot. Those included  
13 campaign finance, a modernized  
14 conflicts of interest structure, the  
15 City Administrative Procedure Act,  
16 which has the process for rule making  
17 is certainly a model of public  
18 hearing process: Tax appeals  
19 tribunal, and a new system of  
20 succession to elective offices which  
21 provided for special elections in the  
22 event of vacancies as well as the  
23 Voter Assistance Commission.

24 The following year the 1989  
25 Commission, which was chaired by my

1  
2 former boss, Corporation Counsel  
3 Fritz Schwarz, finally responded when  
4 the City actually lost Board of  
5 Estimate v. Morris, I believe the  
6 City lost by unanimous vote, so I  
7 guess it was in the cards the Board  
8 of Estimate was going to go most  
9 likely. The Commission was funded by  
10 abolishing the Board of Estimate.

11 What you see up here is  
12 actually a chart of the 1989  
13 Commission from its publicity  
14 materials. This chart shows the prior  
15 system, the 1988 Commission, what it  
16 looked like in 1988, so you see the  
17 Mayor, the City Council President,  
18 Borough Presidents, the Comptroller  
19 and still the Board of Estimate with  
20 its role sort of placed symbolically  
21 on top of the City Council and  
22 everyone else, and I think that's how  
23 the City Council often viewed the  
24 Board of Estimate during that  
25 training period.

1  
2           1989 Commission responded by a  
3           abolishing the Board of Estimate.  
4           And you see here in the post-Board of  
5           Estimate rule, the Board of  
6           Estimate's powers were redistributed  
7           in a manner that was meant to be  
8           largely consistent with separation of  
9           powers between the executive and  
10          legislative branches, because when  
11          the Board of Estimate goes what is  
12          left in large measure, large measure,  
13          was the Mayor and City Council with  
14          still rolls left for other elected  
15          officials, which is shown there.  
16          This required a rethinking and  
17          redrafting of almost every important  
18          City process that included the  
19          budget, franchise and concession  
20          contracts, land use planning; and it  
21          also required a rethinking of the  
22          roll of Borough Presidents and City  
23          Council President, now known as the  
24          Public Advocate, who used to sit on  
25          the Board of Estimate and exercise

1  
2 their powers over that body.

3 So as many of you know then, it  
4 was this Commission that largely  
5 determined the structure of City  
6 government, creating such entities as  
7 the Procurement Policy Board,  
8 Franchise and Concession Review  
9 Committee and Land Use Review Process  
10 that we now have.

11 In the Giuliani years there  
12 were three Charter Commissions. The  
13 1998 Commission was appointed in a  
14 contentious atmosphere in which the  
15 Council was also proposed to hold a  
16 referendum on Yankee Stadium at the  
17 time. That Commission produced only  
18 campaign finance-related changes to  
19 the Charter. The following year a  
20 Commission appointed by the Mayor  
21 proposed a series of amendments. It  
22 gathered them all into one question.  
23 Those amendments were later defeated  
24 by the voters, but they did inspire  
25 changes that were made by later

1  
2 Commissions. I've included in your  
3 materials -- this is not really  
4 viewable for PowerPoint -- a more  
5 detailed history of the Charter  
6 revisions from 1897 to the present.

7 In 2001 there were a variety of  
8 proposals put before the voters in a  
9 third Commission appointed by Mayor  
10 Giuliani. There were five questions.  
11 They all passed. Some agencies and  
12 offices that existed formally outside  
13 the Charter, like ACS, the  
14 Administration for Children's  
15 Services, were not codified in the  
16 Charter.

17 Now, this Commission also  
18 adopted some unusual provisions that  
19 were later issues, like gun  
20 possession and reporting of school  
21 crimes, which are not typical of the  
22 Charter. What those provisions  
23 actually show is how a Charter  
24 Commission can go beyond the typical  
25 balance of power to actually enact

1  
2 things like regulatory requirements  
3 or even new crimes. That's because a  
4 Charter Commission is a fully  
5 empowered local legislative power  
6 together with the voters if they  
7 approve of the Charter Commission's  
8 work. And that includes the City's  
9 police power. The Commission can  
10 really act as a legislative body for  
11 the City.

12 The 2001 Commission also merged  
13 a variety of agency functions to  
14 create what is now the Business  
15 Integrity Commission and the  
16 Department of Mental Health and  
17 Hygiene.

18 In 2002, the following year,  
19 another Commission was appointed,  
20 this one first appointed by the  
21 present Mayor, Mayor Bloomberg, and  
22 it focused really on two issues:  
23 Non-partisan elections and succession  
24 to the mayoralty. Ultimately it did  
25 not deal with non-partisan elections

1  
2 but it made a proposal that in most  
3 cases there should be a quick  
4 election to fill vacancies in the  
5 mayoralty, with the Public Advocate  
6 acting in the interim until that  
7 election. That proposal was adopted  
8 by the voters.

9 The following year, 2003, a  
10 Charter Commission posed three  
11 questions, but by far the bulk of the  
12 attention went to the question about  
13 non-partisan elections. The other  
14 questions concerned procurement and  
15 variety of matters that were called  
16 "Government Administration." None of  
17 the proposals were adopted in the  
18 wake of a spirited debate by non-  
19 partisan elections.

20 Finally, in 2005 the last  
21 Commission before this one, which  
22 several of you served on, I acted as  
23 Counsel for, placed two proposals on  
24 the ballot. The first started to make  
25 permanent in the Charter certain key

1  
2 features in the State Financial  
3 Emergency Act dating back to the  
4 fiscal crisis of the 1970s, and the  
5 second was based on a proposal of the  
6 2003 Commission provided for a Code  
7 of Professional Conduct for the  
8 City's ALJ's, Administrative Law  
9 Judges. Both of those proposals were  
10 approved by the voters and that code  
11 has since been adopted by OATH, the  
12 Mayor's Office of Administrative  
13 Trials and Hearings.

14 There was a third proposal that  
15 was seriously considered, which would  
16 have tried to address the  
17 proliferation of reporting  
18 requirements and advisory bodies that  
19 have sprung up all over City  
20 government, but there was some  
21 controversy, objections to that  
22 proposal, and the Commission  
23 ultimately deferred.

24 Well, the final slide to this  
25 just shows the very clear structure

1  
2 of New York City government today.  
3 There's the Mayor in the middle. I  
4 guess the City Council is somewhere  
5 here too but it's hard to really see  
6 in this chart. This actually is based  
7 on the jurisdiction of the Deputy  
8 Mayors and Administration and updated  
9 from time to time.

10 So if you're still awake after  
11 those dozen or so Charter  
12 Commissions' history, I'll now turn  
13 over to my colleague, Lisa Grumet,  
14 who also teaches about City  
15 government as an adjunct of the  
16 Columbia Law School.

17 MS. GRUMET: Thank you.  
18 Following Spencer's discussion of the  
19 history of the Charter, I'll be  
20 talking a little about in this  
21 current document. You're probably  
22 pretty well familiar with what I'm  
23 going to cover, but my goal is to  
24 provide a brief overview with  
25 citations to some of the relevant

1  
2 Charter chapters included in the  
3 materials.

4 Before I begin to talk about  
5 the Charter, I'd like to provide a  
6 little bit of background concerning  
7 the legal context of the Charter.

8 The Charter is in essence the  
9 City's Constitution. It sets forth  
10 the structure of City government, the  
11 powers of elected and appointed  
12 officials and community  
13 representatives, and detailed  
14 processes concerning budget, land use  
15 determinations and other critical  
16 City government matters.

17 But unlike the United States  
18 Constitution, the Charter of course  
19 is not the "supreme law of the land."  
20 New York City's authority is derived  
21 entirely from the State of New York.  
22 And parts of the Charter were  
23 actually enacted by the State, and  
24 the State still has the power to  
25 amend the Charter. The authority for

1  
2 the appointment of this Charter  
3 Revision Commission comes from the  
4 State Municipal Home Rule Law and not  
5 from the Charter itself. While the  
6 City has many powers and  
7 responsibilities under State law,  
8 there are also limits on the City's  
9 authority. And so turning to this  
10 slide, this lists some of the key  
11 State statutory provisions which  
12 govern the City's powers, including  
13 of course Article IX of the New York  
14 Constitution, Municipal Home Rule  
15 Law, the General State Law, the  
16 General Municipal Law. The powers of  
17 City agencies also must be read in  
18 conjunction with the relevant  
19 provisions of State law that pertain  
20 to the agency's subject matter -- for  
21 example, the Police Department is  
22 subject to the Criminal Procedure  
23 Law. The Department of the  
24 Transportation is subject to the  
25 Vehicle and Traffic Law.

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There are some areas where the City is unable to regulate because local regulation would be inconsistent with or preempted by State or federal law. But that being said, New York City has substantial powers under State law to govern itself and to innovate in that regard.

So moving on to the structure of City government. And the Charter of course defines the powers and responsibilities of the City's elected officials. There are separate chapters concerning the Mayor, the Council, the Comptroller and the Borough Presidents. And a section on the Public Advocate is included in the chapter on the City Council.

In addition, throughout the Charter there are more specific provisions that describe the role of these officials with respect to

1  
2 budget and land use and other  
3 processes and also in appointing  
4 officials to the various Boards and  
5 Commissions in the City.

6 The Charter also establishes  
7 the City's Community Districts and  
8 Community Boards and Borough Boards.  
9 Similar to the elected officials,  
10 their powers are included in the  
11 sections specifically concerning  
12 these boards, and also in the  
13 detailed provisions outlining the  
14 processes in which they are most  
15 involved, including again provisions  
16 concerning land use determinations  
17 and capital projects.

18 The Charter also sets forth the  
19 structure of powers and  
20 responsibilities in the City's  
21 agencies, offices, boards and  
22 Commissions. There are a number of  
23 different forms of Agencies. Most  
24 agencies are departments or sometimes  
25 called Offices or Administrations

1  
2 with Commissioners appointed by the  
3 Mayor. With the exception of the  
4 Commissioner of the Department of  
5 Investigation, the appointments are  
6 made by the Mayor without the advice  
7 and consent of the Council. In some  
8 cases the Commissioner needs to have  
9 certain professional qualifications.

10 There are also a number of  
11 Commissions or Boards, and some of  
12 these entities are within  
13 Commissioner-led agencies -- for  
14 example, the Board of Health is  
15 within the Department of Health and  
16 Mental Hygiene. The DOHMH  
17 Commissioner is Chair of the Board of  
18 Health. Others, like the Landmarks  
19 Preservation or Taxi and Limousine  
20 Commission, which are considered  
21 distinct agencies.

22 The Boards and Commissions vary  
23 in a number of respects, including  
24 the number of members and their  
25 terms, if any, who appointed the

1  
2 members, and whether there are  
3 professional qualifications for any  
4 of the membership positions.

5 There are also some offices  
6 created within the Mayor's office,  
7 including the Office of Management  
8 and Budget, the Office of Operations,  
9 the Criminal Justice Coordinator, and  
10 other offices that focus on specific  
11 policy issues such as domestic  
12 violence prevention.

13 There are also some agencies  
14 that don't have any mayoral  
15 appointments, and other elected  
16 officials have a role in appointing  
17 the Director of the Independent  
18 Budget Office and the City Clerk is  
19 appointed by the Council.

20 In the materials there's a  
21 list, an alphabetical list of the  
22 different departments and different  
23 Boards of Commissions. This appears  
24 actually at the end of the materials,  
25 which is provided just as a guide.

1  
2 The Charter unfortunately is not in  
3 alphabetical order, but here you can  
4 see the citations to the different  
5 provisions of the Charter that  
6 concern these different agencies and  
7 Boards. There are also agencies that  
8 are created directly under State law:  
9 The Board of Elections, the  
10 Department of Education. Although  
11 there is a provision in the Charter  
12 concerning education. Some of the  
13 provisions actually predate mayoral  
14 control. You'll see provisions  
15 dealing with the salaries of members  
16 of the Board of Education, which have  
17 been superceded by State law. There  
18 is also the Department of Probation,  
19 Health & Hospitals Corporation,  
20 Housing Authority. Again, the actual  
21 provisions that establish these  
22 different entities are set forth in  
23 State law although these different  
24 agencies are discussed in different  
25 parts of the Charter.

1  
2           There are other agencies where  
3           the Charter actually incorporates  
4           State law -- as an example, the  
5           Department of Social Services, or  
6           more commonly known as the Human  
7           Resources Administration, has the  
8           powers of the Social Services  
9           Director under the Social Services  
10          Law and then there are powers for the  
11          Department of Citywide Administrative  
12          Services, both for the Commissioner  
13          and separately for the Civil Service  
14          Commission, which come from Civil  
15          Service Law. The DYCD has powers  
16          under the Youth Bureau. There are a  
17          number of different agencies within  
18          the Charter itself which specifically  
19          reference State law provisions from  
20          which they derive their direct  
21          authority.

22                 So talk a little bit about the  
23                 City government processes. Of course  
24                 there's the process of the Charter  
25                 for legislation. Most local laws end

1  
2 up in Administrative Code although  
3 the legislature of the Council also  
4 has power to amend the Charter.

5           There are certain exceptions to  
6 the Council's power to amend the  
7 Charter. If you want to amend the  
8 Charter in a way that would actually  
9 curtail or transfer or abolish the  
10 powers of an elected official, then  
11 it has to be done by referendum.

12           The Charter includes some  
13 provisions concerning the process for  
14 amending the Charter. Although as  
15 Spencer noted, this is also set forth  
16 in State law, and there are  
17 provisions in State law that are not  
18 within the Charter that are included  
19 in the Charter established by the  
20 Charter Commissions. This Charter  
21 also contains the City Administrative  
22 Procedure Act, which provides the  
23 procedures for rule making for the  
24 different City agencies. There are a  
25 number of chapters that set out the

1  
2 procedures for budgets, taxation, are  
3 sort of grouped together, provisions  
4 dealing with the City's finances.  
5 Most of these provisions specifically  
6 appear in the Charters concerning the  
7 budget obligations or tax appeals or  
8 concern the Department of Finance.

9 But again, as it is true with  
10 many different issues in the Charter,  
11 there are different pieces that are  
12 spread throughout the Charter. There  
13 are provisions under different  
14 agencies and under different elected  
15 officials that actually talk about  
16 some of these processes, so it's  
17 important if you're looking to amend  
18 any of these provisions to be  
19 thorough in terms of seeing where  
20 they are addressed throughout the  
21 Charter.

22 Most of the Charter provisions  
23 concern land use, including community  
24 involvement, and these decisions,  
25 appear in the chapter on City

1  
2 planning and also in sections  
3 outlining the powers of the different  
4 officials who are involved. This  
5 again, some specific provisions  
6 appear in other parts of the Charter  
7 -- for example, some of the specific  
8 land use actions that are subject to  
9 the ULURP process, or Uniform Land  
10 Use Procedure, and appear in other  
11 parts of the Charter, which are  
12 actually cross-referenced in the  
13 section in ULURP, including major  
14 concessions, site selection for  
15 capital projects.

16 The Charter also includes here  
17 real property/business transactions.  
18 There are chapters specifically  
19 dealing with City property  
20 procurement, franchises, concessions.  
21 There are also relevant provisions  
22 concerning property in the section on  
23 the Department of the Citywide  
24 Administrative Services and  
25 Department of Small Business

1

2 Services.

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Although the Board of Elections is created under State law, there are some provisions in the Charter that specifically pertain to elections, including the City's widely recognized Campaign Finance Commission survived by the Campaign Finance Board.

Although the Campaign Finance Board is set forth in the City's Administrative Code, you do have some of the pivotal provisions in the Charter itself. Then of course there are provisions concerning the District Commission will be reactivated once the 2010 Census is complete and as well as term limits, the Voter Assistance Commission.

There are a number of general provisions of the Charter that apply to all the different City agencies or to different City employees depending again on what the Charter actually

1  
2 says. The provisions concerning  
3 mayoral agents only apply to agents  
4 who are Commissioners. They do not  
5 apply to the Boards and Commissions  
6 that were listed earlier.

7 But there are other provisions  
8 concerning public access meetings and  
9 information concerning the conflicts  
10 of interest rules concerning  
11 personnel management among other  
12 things.

13 And then Spencer mentioned the  
14 recent Charter amendments concerning  
15 gun-free school safety zones and  
16 firearms restrictions for persons  
17 under 21, which Spencer indicated are  
18 different from different parts of the  
19 Charter, but there are they are and  
20 the Charter had the authority to  
21 enact them.

22 And I think now we'll turn over  
23 to questions.

24 CHANCELLOR GOLDSTEIN: Any  
25 questions of the Commission members,

1  
2 either Spencer or Lisa?

3 Let me thank you both for such  
4 a comprehensive journey through a  
5 very complex maze of activities over  
6 these many years.

7 I also would remind everybody  
8 in the audience that both Spencer and  
9 Lisa have graciously Xeroxed many  
10 copies of their materials for those  
11 of you who would like to pick it up.  
12 And for those of you where there is  
13 not enough, we'll make sure we get it  
14 out to you because that's a great /RE  
15 source.

16 And thank you. We look forward  
17 to your further involvement with our  
18 work. The two of you obviously are  
19 deeply studied in the complexities of  
20 Charter Revision Committees and  
21 Commissions, and we certainly would  
22 love to call on you for advice and  
23 counsel as this Commission continues  
24 its work.

25 MR. FISHER: Thank you.

1

2

CHANCELLOR GOLDSTEIN: Let me

3

continue on the values and ideas that

4

I started with earlier.

5

We are in the process of

6

working to identify top flight talent

7

to help this Commission with the

8

staff work that is going to be quite

9

extensive and quite complex. And I

10

hope to have our key staff in place

11

by the next meeting of this

12

Commission, and we are working

13

diligently to make sure that happens.

14

I'm advised by the myriad of

15

lawyers that we are dealing with that

16

there is a tradition and the

17

expectation of this Commission is to

18

delegate responsibility to the Chair

19

to handle staffing and administrative

20

matters, so I would like a motion

21

from the Commission to adopt that

22

principle of ceding to the chair the

23

responsibility to identify the staff

24

and get them in place as quickly as

25

possible.

1

2

MR. BANKS: I'll move it.

3

MR. MOLTNER: Second.

4

CHANCELLOR GOLDSTEIN: It's

5

been moved, it's been seconded.

6

Any questions, comments on

7

that?

8

If not, all in favor?

9

CHANCELLOR GOLDSTEIN: Opposed,

10

abstain?

11

(All of the Members replied

12

"aye.")

13

CHANCELLOR GOLDSTEIN: We move.

14

Thank you very much. I appreciate

15

that.

16

Now to guide us through our

17

work in the months ahead, I think it

18

be would useful for the Commission to

19

adopt a set of principles or values

20

that can provide framework\* for our

21

thinking for potential solution.

22

There is something in the past

23

the Commissions have done and I think

24

it's really fundamentally important

25

that we do the same here today. For

1  
2 instance, I would propose that we  
3 develop a set of questions around a  
4 certain set of core values. And I  
5 would also posit that those questions  
6 should be derived from very, very  
7 serious inputs and commentary from  
8 across this great City. Individuals,  
9 groups that are concerned about  
10 matters that are in the Commission's  
11 purview for discussion. I think that  
12 the questions should deal with core  
13 values like, and not exclusively, and  
14 I'd be happy to hear others from the  
15 Commission members.

16 For example with a change that  
17 we propose improve the accountability  
18 and transparency of the workings of  
19 government?

20 Second, I would propose that we  
21 ask the question: Would it make  
22 government more efficient and  
23 effective in the work that we do?

24 Further, would it make our  
25 civil civic life more participatory

1

2 and representative?

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I think those are very basic core values that really should guide the thinking of this Commission as it proceeds with the arduous work that they have in front of us. Those are just three or four that I thought of.

Are there any others that any of you would want to opine at this point? But again, this is an evolving process and it doesn't have to be done only today. I open that up for anybody else. I thought I'd cast a wide enough net here to do that. So I thank you.

So let me ask if there's a motion to accept those values that I just put out, with the proviso that others over time will be imbedded into our process as we go forward? So can I have a motion for that.

MR. BANKS: I'll move again.

CHANCELLOR GOLDSTEIN: Second?

MS. PATTERSON: Second.

1

2

CHANCELLOR GOLDSTEIN: All in

3

favor?

4

(All of the Members replied

5

"aye".)

6

CHANCELLOR GOLDSTEIN: Thank

7

you. I appreciate that.

8

Let me talk now about the nuts

9

and bolts about what is going to

10

guide us in the months ahead.

11

I strongly believe, I believe

12

that this is the view of all of us

13

here on the dais, that the most

14

critical aspect of the Commission's

15

work is to ensure that the public is

16

allowed extensive opportunities to

17

participate in the process. To do

18

otherwise, I think, would be a great

19

injustice to what we are trying to

20

accomplish.

21

The Mayor has given all of us a

22

mandate to conduct an extensive

23

outreach campaign to list, to solicit

24

ideas and recommendations from a wide

25

variety of civic and community

1  
2 leaders, and we will do nothing less  
3 than that.

4 We intend to hold extensive  
5 hearings in all five boroughs and ask  
6 the public to submit their thoughts  
7 and ideas through the Web site which  
8 I gave you earlier, but let me  
9 repeat, [www.nyc.government/charter](http://www.nyc.government/charter).  
10 We ensure everybody's input is taken  
11 into consideration. And we will  
12 constantly emphasize that.

13 We are a group of 16  
14 individuals and omniscient, no, but  
15 thoughtful, yes. But our  
16 thoughtfulness will be greatly  
17 enhanced by understanding your views  
18 from the commentary that we will get  
19 from the community as well.

20 We will be as transparent as  
21 possible and we will seek to utilize  
22 modern technology to the best extent  
23 available to us in our public  
24 outreach.

25 New Yorkers will be able to

1  
2 access the Commission through the 311  
3 system that was put in place by the  
4 Mayor early in his administration;  
5 and as I mentioned before, we will  
6 post videos and transcripts online as  
7 soon as possible after a public  
8 meeting or hearing, as well as other  
9 useful documents and information.

10 In addition, we will ensure  
11 appropriate material is translated  
12 into languages other than English  
13 consistent with the Voting Rights Act  
14 requirements.

15 Now I'd like to just move very  
16 briefly to discuss setting a schedule  
17 of public hearings with my fellow  
18 Commissioners; and again, I want to  
19 emphasize that this is not cast in  
20 stone. It may have to be augmented or  
21 changed over a period of time as we  
22 see conditions evolve. But over the  
23 next month, for example, I would like  
24 to hold an initial round of hearings.  
25 One certainly in each borough.

1  
2           During this time we will also solicit  
3           the public, businesses, community and  
4           good government groups and agency  
5           heads for comments on potential  
6           issues.

7                   During approximately the week  
8           of April 26, which is about a month  
9           away from today, we will hold a  
10          public meeting to assess what we have  
11          received and learned and identify  
12          priority areas the Commission will  
13          focus upon.

14                   In mid-May, about a month after  
15          that, I propose we hold a series of  
16          expert forums and public hearings on  
17          these issues. Afterwards we will  
18          direct the Commission's staff to  
19          produce an analysis of the issues and  
20          present a menu of options for all of  
21          us. By the end of June, I would hope  
22          to receive a draft report submitted  
23          by the staff. We will post it  
24          publicly and then hold a third round  
25          of hearings in July to consider

1  
2 options outlined throughout the  
3 report.

4 By early August, staff would  
5 produce additional drafts, or a draft  
6 final report, and we will have  
7 additional public input through the  
8 end of August, after which we will  
9 decide whether to adopt any proposals  
10 for placement on the ballot or  
11 determine to keep working.

12 If we decide to place something  
13 on the ballot we would need to do so  
14 by September 3rd. We would submit our  
15 valid questions to the City Clerk and  
16 the Board of Elections for inclusion  
17 on the November ballot. So we're  
18 going to be very busy over the next  
19 few months. But I think it's  
20 important that we focus, be diligent,  
21 and understand that the election that  
22 is going to take place in early  
23 November of 2010 is a very important  
24 election. We will be electing a new  
25 Governor and members of the State

1  
2           Legislature.  There are going to be,  
3           I would hope, a large participatory  
4           effort in this election, and if we  
5           have some items for that particular  
6           election I think we ought to get  
7           ready to put that on the ballot if  
8           this is the recommendation of the  
9           Commission.

10                    So does anybody have any  
11           questions on this?  I know that this  
12           is very aggressive, but to do less I  
13           think the opportunity costs would be  
14           just too high and I don't think that  
15           would be appropriate.

16                    Anybody have a problem with --

17                    MR. BANKS:  Just one minor  
18           point as we go through had process.  
19           Please help us try to make these  
20           hearings and opportunities for people  
21           to speak as varied and broad as  
22           possible.  Having recently sat  
23           through a bunch of MTA hearings, they  
24           all begin after work and they take  
25           forever.  Anything we could do to

1  
2 start earlier in the day if possible  
3 or being mindful of people's desire  
4 to worship on the weekends, I think  
5 that would allow more people to  
6 participate in the process.

7 CHANCELLOR GOLDSTEIN: John, I  
8 think that's an excellent point. We  
9 will have meetings of the Commission  
10 and open hearings, probably  
11 coincidentally, but they will largely  
12 be weighted towards the public part  
13 of that two-stage process.

14 All of us feel very deeply,  
15 John, and I know that you do as well,  
16 that it is important that we give as  
17 much opportunity to as many people  
18 and organizations as we can to  
19 participate in that process.

20 Any other.

21 MR. CASSINO: You mentioned 311  
22 playing a role. Can you explain the  
23 role of 311? Is that possible for  
24 people to call in comments?

25 CHANCELLOR GOLDSTEIN: Yes,

1  
2 we'll have information on exactly how  
3 that would work. But 311 is now in  
4 place to be able to respond to  
5 questions and where to get further  
6 information. So it's just one venue.  
7 It is one road that we will put in  
8 place to be able to get information  
9 out to a wide swath of people.

10 CHANCELLOR GOLDSTEIN: Yes.

11 MR. SCISSURA: One of the  
12 things that I've heard from people  
13 who have called and spoken about the  
14 Charter is that as we have our public  
15 hearings --

16 CHANCELLOR GOLDSTEIN: Yes.

17 MR. SCISSURA: As we do our  
18 public hearings that they not just be  
19 in the usual places such as Downtown  
20 Manhattan or Downtown Brooklyn but  
21 that we go out into the boroughs on a  
22 larger scale into communities that  
23 maybe would participate and would  
24 come to a hearing but may not  
25 necessarily come to Downtown

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2 Brooklyn.

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So for example, when we're in Brooklyn, of course we'll have one downtown, but let's go out to South Brooklyn or Central Brooklyn. When we're in Manhattan let's go to Washington Heights as well, really try to get participation of different communities.

CHANCELLOR GOLDSTEIN: I think that is critically important. And one of the things that I will make available, and it's not the only set of venues, we have 23 campuses of the City University of New York. We are throughout the boroughs. And many of those facilities are large facilities for participation in various communities. We are in Washington Heights, we are in South Brooklyn, we are in throughout Queens, so I will make that available if that is the wish of the Commission, and I think that would be very helpful, because

1  
2 we can get really into the bedrock of  
3 how the community is distributed.

4 MS. COHEN: Yes. I'm sorry, I  
5 can't see anybody because of the way  
6 this room is structured.

7 CHANCELLOR GOLDSTEIN: We'll try  
8 to have a more elliptically designed  
9 place so that we can have access to  
10 our sight lines.

11 MS. COHEN: My first thought  
12 was how we could extend public  
13 hearings beyond the physical if --  
14 and I don't know whether the Charter  
15 permits this or the Public Meetings  
16 Law permits this, but to the extent a  
17 hearing could be opened up  
18 electronically through social media  
19 even as it is going on or  
20 supplemental to an actual physical  
21 hearing, that was one comment or  
22 question.

23 And then the other is just to  
24 clarify about the overall schedule.  
25 Are you saying that we will pursue

1  
2 our work with the hope and intent  
3 that anything that we might do will  
4 go before the November ballot but  
5 that we will make a final decision  
6 about that in August, is that what  
7 you're proposing?

8 CHANCELLOR GOLDSTEIN: Let me  
9 get to your first point. When I  
10 indicated quite quickly and without  
11 elaboration that it is our intent to  
12 use -- I think the term I used  
13 "modern technology" -- I was really  
14 referring to the myriad of Web-based  
15 tools that we have, whether it's Pod  
16 casts or Webinars and a whole series  
17 of opportunities that probably didn't  
18 even exist five or seven years ago.  
19 And the degree to which we can  
20 utilize those tools I think that's a  
21 good thing. I mean there are people,  
22 for example, who are physically  
23 challenged. They can't physically  
24 leave their homes because they're  
25 disabled but have access to a

1  
2 computer screen that they may be able  
3 to access information and participate  
4 in ways that we haven't been able to  
5 participate at all in the past.

6 I think that's a good thing and  
7 if we can make that happen. And I  
8 know the technology exists, we just  
9 have to put it into place.

10 I hope that answers that part  
11 of your question.

12 What I was referring to is that  
13 in order to get on the ballot in  
14 November we have to go back, I think,  
15 in 60 days -- is that right, Anthony?  
16 And that's why the September 3rd date  
17 is critical; that if this Commission  
18 believes that we have substantive or  
19 important ideas to be placed in  
20 referendum in front of the voters, by  
21 that date we have to have that  
22 decision in place. So the timetable,  
23 which is aggressive, was designed to  
24 make sure that we keep that option  
25 available. It doesn't mean that we

1  
2 necessarily will do it.

3 My expectation is that if  
4 indeed we follow the mandate of the  
5 Mayor, which basically asks for a  
6 full up and down look at the Charter,  
7 that we may have to do this in two  
8 stages, where we go to this  
9 particular election cycle, which  
10 again is going to be a very robust  
11 participation of the voters because  
12 of the issues that the voters are  
13 going to face, and then look to the  
14 next election cycle for other  
15 aspects.

16 I mean, I want to keep all of  
17 these things as options. I don't  
18 want to cut off any options that all  
19 of us feel are critically important.  
20 So I think maximizing degrees of  
21 freedom in the way in which we  
22 conduct our business is a good thing  
23 rather than to limit our  
24 possibilities. Okay?

25 MS. COHEN: Yes.

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CHANCELLOR GOLDSTEIN: Does that  
answer your question?

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Any other questions before?

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So let me conclude by saying  
ones again that I thank all of the  
Commissioners for their willingness  
to serve.

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As you heard from the brief  
bios, we're a group of pretty busy  
people with lots of things to do  
professionally in our lives, and this  
is going to take a lot of time. It's  
great to be associated with good New  
Yorkers like we have at the table  
here who are willing to give of their  
time to do the things that are  
important.

A couple of announcements.  
Since we are not taking any questions  
from anybody here in the audience and  
there's any press, Mat Gordon is here  
and he is right in the back.

Mat, you want to raise your  
hand so people can see him?

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He is prepared to deal with any press inquiries or from any others. I also just want to announce that Rick Schaeffer, who is the General Counsel at CUNY, and also has a busy job but very experienced in matters of City government, having served in many significant capacities as a lawyer, as a litigator in private practice, and now the General Counsel for the University, will serve in a capacity to advise legally the Commission members here. Of course he will be working with members of the Corp Counsel and City lawyers and others because we are going to need all the help. So I want to thank Rick for agreeing to serve in that capacity and we thank you. At no cost to the taxpayers, which is great.

So if there is no other business before us I would entertain a motion to adjourn this meeting.

MR. BANKS: I'll move.

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CHANCELLOR GOLDSTEIN: I'll

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second it.

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All in favor?

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(All of the Members replied

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"aye".)

7

CHANCELLOR GOLDSTEIN: Thank

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you, everyone, for being here.

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(Whereupon, the Public Meeting

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was adjourned at 6:39 P.M.)

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I, NORAH COLTON, a Notary

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Public for and within the State of

17

New York, do hereby certify that the

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above is a correct transcription of

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my stenographic notes.

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NORAH COLTON

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