

ROUGH DRAFT

1 CHARTER REVISION COMMISSION
2 CONSOLIDATION OF ADMINISTRATIVE TRIBUNALS
3 ADAM CLAYTON POWELL, JR.
4 STATE OFFICE BUILDING
5 163 WEST 125TH STREET
6 NEW YORK, NEW YORK
7 JULY 26, 2010
8 5:51 P.M.

9 CHAIR: DR. MATTHEW GOLDSTEIN

10

11 COMMISSION MEMBERS:

12 JOHN H. BANKS, VICE CHAIR

13 ANTHONY PEREZ CASSINO

14 BETTY Y. CHEN

15 DAVID CHEN

16 HOPE COHEN

17 ANTHONY W. CROWELL

18 STEPHEN FIALA

19 ANGELA MARIANA FREYRE, SECRETARY

20 ERNEST HART

21 REV. JOSEPH M. McSHANE, S.J.

22 KENNETH M. MOLTNER

23 KATHERYN PATTERSON

24 CARLO A. SCISSURA

25 BISHOP MITCHELL G. TAYLOR

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1 CHAIRMAN GOLDSTEIN: Good evening, ladies and
2 gentlemen. I'm Matthew Goldstein, the Chairman
3 of the Charter Revision Commission. I'm pleased
4 to welcome you to the Adam Clayton Powell, Jr.,
5 State Office Building. I'd like to thank
6 everyone here for graciously hosting the the
7 Commission this evening.

8 For the benefit of the audience, let me
9 begin by asking the Commissioners who are with us
10 this evening to introduce themselves. I'll have
11 a few brief remarks and then we will get into the
12 body of our work this evening. So starting all
13 the way on my left. Ernie Hart.

14 COMMISSIONER HART: Good evening.

15 COMMISSIONER PATTERSON: Katheryn Patterson.

16 COMMISSIONER MOLTNER: Good evening, I'm Ken
17 Moltner.

18 COMMISSIONER CHEN: Hello, I'm Betty Chen.

19 COMMISSIONER FREYRE: Angeka Mariana Freyre.

20 COMMISSIONER COHEN: Sorry. Hi, I'm Hope
21 Cohen.

22 COMMISSIONER SCISSURA: Hi, Carlo Scissura.

23 COMMISSIONER FIALA: Good evening, Steve
24 Fiala.

25 CHAIRMAN GOLDSTEIN: Thank you. Tonight the

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1 Commission will conduct the fourth in a series of
2 meetings to continue our discussion on topics
3 under active consideration since we began our
4 deliberations early in March. I am going to start
5 this evening by introducing our very
6 distinguished guests, who have been invited
7 tonight to talk about a couple of topics that are
8 of particular interest to the Commission, and I'm
9 going to start with Professor Esther Fuchs, who
10 is on a very tight schedule this evening, and I
11 want to be attentive to that schedule. Dr.
12 Fuchs, as many of you may know, is a Professor of
13 Public Affairs, and Political Science at Columbia
14 University. She's presently on sabbatical,
15 serving as a Senior Policy Fellow at the
16 partnership for New York City. Dr. Fuchs served
17 as Chairperson of the 2005 Charter Revision
18 Commission, the very first woman to serve in that
19 capacity. She will speak tonight about the
20 Citywide review of reporting requirements and
21 advisory bodies started by the 2005 Commission.
22 And Dr. Fuchs, it's particularly an honor for me
23 to be with you here tonight. Your work as a
24 scholar and as an educator is well-known to all
25 of us at the highest levels of academia. So

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1 we're very pleased that you're here with us.

2 Dr. Fuchs is joined by her colleague, Terri
3 Matthews, who was Executive Director of the 2005
4 Charter revision Commission. She is currently
5 Senior Policy Advisor at the New York City
6 Department of Design and Construction, an adjunct
7 Professor of International and Public Affairs at
8 Columbia University. She's worked at several
9 budgets offices in New York City beginning with
10 the Finance Division of the City Council passing
11 for the Mayor's Office of Management and Budget
12 and finished with the City's Independent Budget
13 Office.

14 We are also joined by Deputy Mayor Carol
15 Robles Roman, who is a Deputy Mayor for Legal
16 Affairs and Counsel to Michael R Bloomberg. She
17 serves several City agencies and to improve the
18 public's access to justice and city services. I
19 have the particular pleasure of working with our
20 distinguished Deputy Mayor as she is a member of
21 the Board of Trustees of the City University of
22 New York, and I want to say without qualification
23 that she is one of the most thoughtful people
24 that we have who are serving in that very
25 important capacity. She cares deeply about

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1 students success. She cares deeply about higher
2 public education and works tirelessly on behalf
3 of the welfare of this great University. And
4 Carol, it's always a pleasure to see you, and we
5 look forward to your remarks. You will be helping
6 us better understand your recent work to
7 consolidate New York City's Administrative
8 Tribunals.

9 We are also joined by David B. Goldin.
10 Dr. -- you're not a Doctor, are you?

11 MR. GOLDIN: No, I'm not.

12 CHAIRMAN GOLDSTEIN: Much to the chagrin of
13 your mom? If --

14 MR. GOLDIN: Right, I was about to say.

15 CHAIRMAN GOLDSTEIN: "My son the doctor." He
16 was going to be seated up at the podium. He has
17 been Administrative Justice Coordinator for the
18 Office of the Mayor. I guess you're still in that
19 capacity?

20 MR. GOLDIN: Yes, I am.

21 CHAIRMAN GOLDSTEIN: Since 2006 and will work
22 along with our Deputy Mayor to talk about
23 Administrative Tribunals. So let's start with Dr.
24 Fuchs and we -- after you present we'll have a
25 discussion amongst the ourselves here with

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1 members of the Commission, thank you.

2 DR. FUCHS: Well, first of all, thank you,
3 Chair Goldstein for that lovely introduction, and
4 I thank you to the members of the Commission for
5 being here tonight and for serving as, you know
6 probably something different than what you signed
7 up for but I'm sure you're all having a good time
8 anyway. We are particularly delighted, I speak
9 for myself and Terri Matthews and Abby Gluck is
10 here in the audience today also, served at
11 Counsel to our Commission, that you've invited us
12 to testify today, and that you are reconsidering
13 the idea of a Report and Advisory Board Review
14 Commission and that you're willing to further
15 deliberate on this proposal. I can several safely
16 say because Steve Fiala and Anthony Crowell are
17 here today that my Commission and my staff spent
18 a lot of time on this proposal, and for a variety
19 of reasons we did not put it on the ballot at
20 that particular point in time. As you all
21 probably know, timing is everything with these
22 proposals. But we feel strongly that this is an
23 idea whose time has come probably ten years ago,
24 and that it's a powerful idea that could be
25 implemented successfully and sent to the voters

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1 for approval by this Commission. The issues that
2 we deliberated on and that I know you are
3 deliberating on, continue to remain as problems,
4 and we believe, that this particular review
5 Commission could go a long way in addressing
6 these problems.

7 Let me just begin quickly by giving you an
8 little history here and then explaining to you
9 some of the thinking of our Commission around
10 this proposal. First of all, how did the proposal
11 emerge? I want to be very clear that this
12 proposal came from a series of meetings and
13 interviews and extensive conversations and an
14 outreach process that involved the public
15 broadly, but also experts and advocates and good
16 government organizations, as well as people who
17 work inside of government, both on the
18 legislative side as well as the executive side,
19 and they all focused on a particular kind of
20 problem around information as I'll go into. And
21 frankly, part of the issue was where is a
22 politically safe space to really have a
23 conversation about data needs and information
24 needs so that every time you want something you
25 don't have to go into a FOIA process, or you

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1 don't have to get frustrated with the existing
2 reports that are out there that don't have the
3 data that you want? So part of this emerged very
4 importantly as an issue of access to information
5 by the public as well as by those who are more
6 expert in the policy world. And it really went to
7 the heart of what is the purpose of all these
8 reports that we put out to begin with? And what
9 is the purpose or are the purposes of all those
10 advisory boards that we have? And when I say "all
11 of them" I mean all of them. And one of the
12 things that Terri worked on extensively as we did
13 a survey of users and potential users, and we
14 went through Administrative Code and the Charter
15 to look at the requirements around Reporting and
16 Advisory Boards, and we found at that time, and I
17 know your staff has updated this, a hundred and
18 75 requirements for reports alone, and hundreds
19 of Advisory Boards of which the public has no
20 clue about, and many of the members don't even
21 have a clue that they're actually on those
22 Boards. And when you think about what were the
23 original intentions when these reports were asked
24 to be produced, and we decided on an Advisory
25 Board. They're all good intentions. Basically,

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1 the reports were to get information out to the
2 public and to get the information and data out to
3 people who were involved in the policy process,
4 who want to be involved in the policy process.
5 Or they were to get information, you know,
6 readily accessible to the Council when they
7 needed information and particularly data to do
8 their oversight function. But it's particularly
9 the public's right to know and access to
10 information. And of course Advisory Boards were
11 about, you know, some fundamental issues in in
12 the Democratic process. Engaging the public in a
13 formal way in the period between elections. So we
14 strongly support Reporting and Advisory Boards.
15 But what happened? What happened is very simple.
16 You know, this extraordinarily proliferation of
17 reports and Advisory Boards, as I mentioned,
18 without any lookback capacity. So things change.
19 The needs of government changes. The needs of the
20 public change. And yet we had no capacity to
21 review these requirements or to update them
22 particularly with the existence modern
23 technology. Much information, as I'm sure you're
24 aware of, can be put up on the Web and acquired
25 that way without the production of a written

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1 report. Much of the reporting that was being done
2 provided information in a way that wasn't even
3 useful to anybody who wanted to use it, let a
4 known to most people who didn't know anything
5 about these reports. And I'm really not
6 exaggerating. There are actually 33 Charter
7 mandated reports, as you know, and the experts
8 found that they used about 13 of these. And the
9 reports that people primarily use are the budget
10 reports and the operations report on the Mayor's
11 Management report. And those are the major
12 reports and they're easily accessible as they're
13 online. Mayors Management report, by the way,
14 requires a preliminary report to be printed now.
15 Which has no utility at all because it's outdated
16 before it comes out and you know, most of the
17 data's put up online and updated much more
18 frequently. So what we discovered is, is looks
19 like a simple problem but it's actually needs to
20 be addressed in some kind of significant way
21 because the agencies are very burdened by the
22 production of these reports. And the upshot of
23 that is very simple. When they're requested to do
24 another report, in general their view is another
25 worthless report for people to file away

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1 somewhere and never look at. So it doesn't make
2 for happy people in the agencies, for one. And
3 for two, you know, frankly if their wasn't so
4 many reporting requirements that turned out to be
5 worth less, we think we can get a much quicker
6 response from agencies to produce what feel
7 really need, and to get the data out in a way
8 that was accessible to the public. But what's
9 happened unfortunately is when legislation is
10 passed, or even sometimes it happens on the
11 executive side, a report is required in the
12 oversight function that's away of making sure you
13 get information. But nobody then again goes back
14 and says we don't need this report any more or we
15 have another way of getting information on line.
16 So between those two significant changes, again
17 we've got just sort of no way of reconsidering
18 all of these reporting requirements, and all of
19 these Advisory Boards that were put into place
20 for what was probably good reasons at the time
21 but nobody goes back and looks at them. So very
22 simply, the idea of this review Commission was to
23 create a place in which these reporting
24 requirements could be reviewed and these Advisory
25 Boards could be reviewed in what we would hope to

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1 be what we call a safe space for conversation
2 about data. And also a place in which the public
3 could go and experts and none experts could go to
4 get information too and request data, and again,
5 avoid the kinds of legal process that is we find
6 ourselves often in when people want information
7 and find it difficult to get access to that
8 information. So, the purpose of the Commission is
9 to be useful, not to add another layer of
10 bureaucracy but to be useful, and there is a
11 process built in in which a review process that
12 would be built in for this reporting requirement
13 and advisory Board to determine whether or not
14 it's still useful to anybody. And I want to be
15 clear that the way we wrote this, and certainly
16 the way you see it and I'll end right away here,
17 is not to be stealth. This is an open and public
18 process, and we want these reviews to be done in
19 away with a set of requirements and a set of
20 standards that you've written up and that we have
21 support ed that are open and accessible to
22 anybody in the public interested in it and the
23 Commission itself is constituted I think in a
24 very positive way that makes a lot of sense with
25 the speaker and two members of the Council with

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1 the Corporation Council operations, OMB, and the
2 Department of Information and Technology
3 recommend on this Commission with the Mayor's
4 Director of Operations chairing it. And nothing
5 can be eliminated without the executive and the
6 Council approving. So it in a sense we really
7 bent over backwards to just again protect the
8 public to make sure they understand the purpose
9 here was not to hide information but to produce
10 better and more useful information and to improve
11 public accessibility and create a safe space
12 for conversation about data. We're delighted
13 you're looking at this again, and I can speak for
14 myself and other members of my Commission, and
15 members of my staff who worked very hard on this,
16 especially Terri Matthews, we continue to support
17 this, and we hope that you bring it forward to
18 the ballot. Thank you.

19 CHAIRMAN GOLDSTEIN: Thank you very much, Dr.
20 Fuchs. Ms. Matthews, do you want to add
21 anything, put texture on what Dr. Fuchs said?

22 MS. MATTHEWS: Just to reiterate some of
23 what Esther said. This came out of the process
24 we engaged in. We met with so many people and in
25 fact some of the people who are here who weren't

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1 on the Commission. And the issue of data just
2 kept coming up. And so we had no preconceived
3 notion of what we were going to do on this at
4 all, we had a very broad mandate. I think it was
5 government accountability. And as we were
6 developing it, and we all new from working in
7 government, that you know there's a tone of data
8 that the agencies do produce, and when it's in
9 the Charter, I mean, the fact that we're having a
10 Charter Commission talk about this is a very --
11 it's in the Charter and to get something out of
12 the Charter requires a great deal of effort. And
13 the politics of information, the City has had a
14 very interesting history in the *** that's why
15 you have FOIA. Used to be you couldn't get it
16 without Freedom of Information Act. Then you
17 started putting things in the Charter, the NMR,
18 and then it becomes a shield and a sword I guess.
19 And at some point it gets so cluttered and times
20 change. And you couldn't talk about it without
21 people getting afraid that, well, if something
22 doesn't work anymore there was no place for them
23 to have a conversation about getting something
24 better. And so over a period of time and we did
25 this in meeting s just like this, we had experts,

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1 we had public comment, and the idea more
2 fundamental as we talked to more and more people
3 so there's a difference between the first version
4 to the second version that got deferred. The fact
5 we keep hitting this in the Charter revision
6 Commission kind of make s me think -- well, I
7 always thought it was a good idea you should
8 really think about this. The next Commission
9 probably shouldn't be having this conversation.
10 There should be a process outside of the Charter
11 Commission where people can have a quiet, you
12 know, not politicize ed and polarized
13 conversation about data and where the people
14 aren't afraid they're going to lose something.
15 Because that's what and animates the resistance
16 to taking anything out. So that's pretty much it.

17 CHAIRMAN GOLDSTEIN: I'd like to have the
18 Commission have an opportunity to ask questions
19 of Dr. Fuchs or you, Ms. Matthews, because I know
20 that you're under very tight clock. So --

21 Commissioner Cohen.

22 COMMISSIONER COHEN: Thank you very much.
23 Well, I couldn't agree more with the goal that
24 you set out for this Commission. I'd like to
25 understand better, because reading about the

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1 mechanism itself I find confusing. I guess my
2 first question is do you -- is it supposed to be
3 a temporary Commission, like a Charter Commission
4 is, or is it an ongoing type of constantly
5 available? Because this problem is a perennial
6 thing that gets like called back into session
7 every so often?

8 DR. FUCHS: It's ongoing. It's not
9 temporary, and so it's a process, and it would
10 all reports and commissions and Advisory Boards
11 would be reviewed ever three years essentially.
12 You know, you don't want to put too much detail
13 there you want it to be worked out in a procedure
14 by the Commission that makes sense and doesn't
15 create too much work for everybody. But it be
16 would a process, and there are a lot of checks in
17 this process intentionally so that the Council
18 don't view any you an is your passion of
19 legislative authority and the executive also
20 doesn't view that for something that they may
21 consider important. And part of the reason we
22 structured it the way we did is that we want
23 to -- we try to structure a way that would
24 produce change that would allow for the change
25 process to move forward which make s people do

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1 this. But that also created this kind of check
2 and balance in there so that no branch of
3 government would say: Oh my gosh there's a
4 Commission here that's acting as a Legislature or
5 acting as an executive.

6 COMMISSIONER COHEN: So essentially, let me
7 see if I've got this right, there's this would
8 create an ongoing Commission that would
9 essentially be there to kind of look long-term --
10 you've got it right now or we have it right now
11 as reports in the budget I'll throw this another
12 idea and it serves as essentially a mechanism to
13 keep recommendations flowing into the City
14 Council for local laws to update, clean up, et
15 cetera, the Charter?

16 DR. FUCHS: Yes. And also to add new
17 suggestions. This is a point Terri had made to me
18 which I thought was very important to save space
19 for conversation about data so that the public
20 could go here and also request information -- use
21 this as a way --

22 COMMISSIONER COHEN: And we heard testimony
23 and for the. So I just want to throw out another
24 idea because we've been occasionally on this
25 Commission struggling with the question of, you

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1 know, all kinds of other things frankly that need
2 to be cleaned up in the Charter, things that are
3 obsolete, things that are hard to understand,
4 things that many of us believe don't belong in a
5 Charter document, but maybe in the Administrative
6 Code or some other place. So, if there were a
7 Commission like this that serves as a constantly
8 recommending body to kind of keep an eye on the
9 documents and alert the City Council to things
10 that need to be fixed, could not this Commission
11 also take up things like that? Like for example,
12 the requirement that the Director of OMB deliver
13 the budget on a 5 1/4-inch floppy disk an
14 existing Charter requirement that has not been
15 cleaned up; or for another example, the
16 description of the compensation for equipment
17 Board of Education which does not exist, things
18 like that in the Charter. If you had this kind
19 of Commission that could serve as, you know like
20 this clearinghouse body to let this City Council
21 you need to look at this stuff. Couldn't we
22 expand it to deal with all that stuff as well as
23 obsolete reports?

24 DR. FUCHS: I'll take a crack at that first
25 and then let Terri answer. My position on that

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1 would be you're hitting something that's very
2 important but that's different in scope, and that
3 has other legal ramifications to it about
4 cleaning up the Charter. I think ever Charter
5 Commission looks at the Charter and asks that
6 question. There is a lot of detail that should
7 not be in the Charter. There is arcane things.
8 That are- Dr. We could probably go through
9 another 50 of these that you mentioned. I believe
10 there will be a Charter Commission some day that
11 is in session long enough, a year is not a long
12 enough period of time I believe. You're asking,
13 this is my personal opinion, and that will be
14 able to have a sort of omnibus proposition
15 presented to the public that does that kind of
16 clean up, which I think at some point needs to be
17 done. But I think that's a different problem than
18 this is very specific and can be dealt with in a
19 proposition. There has been a really robust
20 debate on it it's pretty cheer when it's meant to
21 do it. It's really addressing two things.
22 Efficiency in government and access to
23 information simultaneously, and that's all it's
24 meant to do, and I think if you accomplish that,
25 that will be significant and important. It's not

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1 the whole thing, obviously, but it's significant
2 and important. Never, never underestimate the
3 importance of doing what appears to be something
4 small but at the end of the day turns out to be
5 something very important.

6 CHAIRMAN GOLDSTEIN: That was very helpful in
7 terms of how you described circumventing. Yes?

8 COMMISSIONER MOLTNER: Thank you.

9 CHAIRMAN GOLDSTEIN: Or circumscribing. First
10 you circumscribe and then you see if you can
11 circumvent.

12 COMMISSIONER MOLTNER: Thank you,
13 Mr. Chairman. In terms of advisory, a
14 dissolution of an advisory body, would you
15 suggest that except by the Commission, that the
16 Commission be the arbiter to how long following
17 the recommendation of dissolution of the add
18 advisory body it would have to clean up
19 outstanding affairs or do what it had to do to
20 resolve?

21 MS. MATTHEWS: Oh well, there was a process,
22 you know. The Commission would recommend it. Then
23 if there's a number of days for the Council to
24 act. So there would be a period. I don't think
25 the Commission would, you know, get involved in

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1 the -- and a lot of these smaller questions of
2 add Advisory Boards, many of them don't even meet
3 anymore, they are just sort of there. It's not
4 like they're an active, have an active staff. So
5 I think the process builds in enough time so that
6 we're an Advisory Board slated to go. There's
7 enough time, I think it's 90 days, at some point.
8 It's been a long time since I looked at this,
9 this morning but it was deliberately written so
10 that it -- and there is a the reports are on a
11 schedule, like, you know. When we were talking
12 about how this would working you know, the
13 Commission, how many reports, 75? You wouldn't
14 look at all 75 right away. You would schedule
15 maybe 10 in one year you'd do like a rolling sort
16 of evaluation and so not everything comes up for
17 change. But then should something be recommended
18 for change then it triggers this sort of process
19 where we were very careful to make sure that it
20 was obvious, you know, this was not about stealth
21 at all, so everybody know the people wouldn't be
22 caught unaware and there would be a period where
23 people could, you know, Council could hold
24 hearings, the Mayor was also a party who could
25 have a role in this. I know I appointed all you

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1 guys- - not all of them but many, Corp. Counsel.
2 There would be an ability for the two elected
3 officials to say "No," either one of them could
4 stop.

5 COMMISSIONER MOLTNER: In terms of the time,
6 you don't envision that so once the process ran
7 its course and the ledge stiff body was stated
8 for dissolution it's your thinking that would be
9 sufficient time?

10 DR. FUCHS: Also just bear in mind if you
11 look at the language this doesn't refer to these
12 operational commissions. Like the Planning
13 Commission would not be included in this.

14 COMMISSIONER MOLTNER: Right.

15 DR. FUCHS: So there are a couple of
16 Commissions which actually are involved in the
17 operations of government. They're not, we're not
18 focussing on that. I don't think you're
19 focussing on that. We read your version of this
20 proposal and we saw that you kept that in. So
21 that's important. You wouldn't have that problem.

22 COMMISSIONER MOLTNER: Thank you.

23 CHAIRMAN GOLDSTEIN: Commissioner Patterson.

24 COMMISSIONER PATTERSON: It's clear that you
25 took a lot of time, heard a lot of testimony, did

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1 a lot of research in the previous Commission, and
2 Dr. Fuchs, you made reference to, you recently
3 said there were a variety of reasons why this was
4 not actually produced to a referendum by the
5 previous Commission. I was wondering if one of
6 you or both of you could elaborate why the
7 decision was made not to take something that has
8 been -- was 10 years overdue two years ago and
9 not put it to the voters?

10 DR. FUCHS: It's a difficult question, but
11 there were, there's two parts of this which you
12 were relevant and probably one part that I can
13 explain. The way I'd like to put it is that it
14 wasn't the right political moment to do it given
15 what other things we wanted as a Commission to
16 accomplish. So Commissions make decisions about
17 what they're going to put on the ballot for a
18 variety of reasons. We were intent on getting a
19 couple of things done that related primarily to
20 the fiscal issues and two the ethics and judicial
21 issues. This came up as Terri said in part of our
22 process, and we continue to think it's important,
23 but there was some opposition to it that could
24 have derailed the rest of our work. So our
25 Commission decided to postpone it and with the

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1 hopes there would be a better political moment in
2 another Commission that would be willing to
3 reconsider. As we did things that were left on
4 the table previous Commission.

5 CHAIRMAN GOLDSTEIN: Commissioner Scissura.

6 COMMISSIONER SCISSURA: Thank you. I
7 actually think it's a fascinating concept first
8 of all I'm looking forward to learning more about
9 it. My concern is in the composition of the
10 actual Board and I'm curious to know why when you
11 guys came up with this you excluded the other
12 Citywide elected officials.

13 MS. MATTHEWS: We didn't.

14 DR. FUCHS: We had the Public Advocate and
15 Comptroller in our version.

16 COMMISSIONER SCISSURA: And the Borough
17 President.

18 DR. FUCHS: No, we didn't have the Borough
19 Presidents? Because why?

20 MS. MATTHEWS: You know there are 5 of them.

21 COMMISSIONER SCISSURA: But they share a
22 vote, one vote on a few things.

23

24 MS. MATTHEWS: It's one.

25 DR. FUCHS: This is about getting work done.

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1 It wasn't meant to sort of, completely and
2 politically balanced in that way. So the people
3 who we wanted on it were the people that have to
4 deal with all of this all the time. And we did
5 include, more importantly I think we did include
6 the Comptroller and the Public Advocate. In the
7 proposal that you have that we read it was not
8 included. We can see it either way. That's really
9 up you to.

10 CHAIRMAN GOLDSTEIN: Esther, I wonder in the
11 brief time we have and I have know that you're on
12 your way out, independent of the composition of
13 the Commission, could you give a quick executive
14 summary of how you would circumscribe the work of
15 the Commission from the experience that you had
16 in 2005, what has transpired since then, and what
17 you're reading from our own staff report?

18 DR. FUCHS: The work of your Commission?

19 CHAIRMAN GOLDSTEIN: How you were
20 circumscribe the work that you are recommending
21 to us so we have a very focused executive
22 summary.

23 COMMISSIONER FREYRE: For the Review
24 Commission.

25 CHAIRMAN GOLDSTEIN: For the Review

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1 Commission.

2 DR. FUCHS: For the Review Commission. Okay.
3 You scared me, Matt. I'm good at politics but not
4 that good. Very directly, this review Commission
5 would really be involved in reviewing Advisory
6 Boards and reports that are now cluttering up the
7 work of the agencies and the Council and really
8 inhibiting the public's ability to get the
9 information they need to be effective
10 participants in the Democratic process. It would
11 make information more accessible and morning use
12 able. And reduce the unnecessary work of agencies
13 in producing things, reports that nobody reads.

14 CHAIRMAN GOLDSTEIN: I would give you super
15 cum laude, A-plus.

16 DR. FUCHS: I think I'm going to quit while
17 I'm ahead, Terri, and just thank the members of
18 the Commission.

19 CHAIRMAN GOLDSTEIN: We have one last from
20 Commissioner Freyre.

21 COMMISSIONER FREYRE:

22 DR. FUCHS: Sorry.

23 COMMISSIONER FREYRE: I would just say I
24 think this is a terrific idea and I support it
25 entirely. I want to add the emphasis that we

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1 move away from printed reports and to the extent
2 that we can move exclusively to electronic
3 reports we should do; that the Commission should
4 be charged both in our reports and in the actual
5 proposal that we put to the voters, there should
6 be emphasis added on using on using the City
7 sites and the interim as much as possible.

8 DR. FUCHS: I think, you know, we completely
9 agree you with but there's a little caution
10 there. There are publics that are not able to
11 use the Internet effectively yet, and so you
12 don't want to exclude them. In principle I think
13 you're absolutely right. But you should as a --

14 COMMISSIONER FREYRE: I do understand that.
15 But there's also away of making those accessible
16 to those, hard copy accessible. So as much as
17 possible printed --

18 DR. FUCHS: I would say when you say that add
19 your little footnote.

20 COMMISSIONER FREYRE: Mr. Chair?

21 CHAIRMAN GOLDSTEIN: Yes.

22 COMMISSIONER FIALA: One more I don't have a
23 question. I just don't want to miss the
24 opportunity to publicly make a statement. I had
25 the privilege of working on the Fuchs Commission

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1 and serving understand Dr. Fuchs leadership. We
2 had a great Commission. We had a great executive
3 Director in Terri Matthews. This is an issue, as
4 Dr. Fuchs has alluded to reinforced by her
5 executive Director, that was thoroughly vetted.
6 And I want to underscore as Esther said, the
7 outreach efforts were extensive back then. And to
8 Commissioner Patterson's point last week I'm
9 paraphrasing here but we agree this is something
10 the City Council wouldn't do on their own. It's
11 not a sexy enough issue but it will yield
12 enormous efficiencies and as Commissioner
13 Patterson alluded to, enhanced transparency. So
14 this is the unfinished work of the Fuchs
15 Commission. I hope that this is a year that we
16 will take it up, because as Terri alluded to,
17 this is something a future Commission shouldn't
18 even have to give any consideration to. It was
19 great serving with both you I thank you for the
20 leadership you provided.

21 CHAIRMAN GOLDSTEIN: Thank you, Dr. Fuchs.

22 DR. FUCHS: Thank you.

23 CHAIRMAN GOLDSTEIN: Thank you, Ms. Matthews.

24 As you see there's a lot of support for the idea
25 here and we'll see where we go with this over the

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1 next months.

2 DR. FUCHS: Thank you very much.

3 CHAIRMAN GOLDSTEIN: Thank you very much.

4 I'd now like to reintroduce our Deputy Mayor
5 Carol Robles Raymon, who is going to speak to us
6 about the work that she continues to do in
7 consolidating New York City Administrative
8 Tribunals. It's wonderful to have you here.

9 DEPUTY MAYOR ROBLES RAMON: Thank you,
10 Chairman Goldstein, and Commission members, for
11 the opportunity tonight to discuss our ongoing
12 reforms of the New York City justice system and
13 the problems before you. By way of background as
14 many of you know I am a former Court
15 administrator from a prior life that seems like a
16 very, very long time ago when I worked for Chief
17 Judge Kaye, so much the issues of justice and
18 access are very near and dear to my heart. And as
19 luck would have it, Mayor Bloomberg as well, so
20 it's been an incredible eight-and-a-half years
21 working on these issues. I'd like to say that the
22 true face of justice that most people encounter
23 are the City Administrative Tribunals. The
24 average New Yorker is more likely to be a party
25 really in administrative proceeding versus the

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1 "Law and Order" scenarios we see on TV with those
2 big fancy Federal courtrooms. Frankly, in my
3 whole entire career I've never seen any of those
4 fancy courtrooms. Their decisions, the ones
5 issued by our administrative judges, often go to
6 the very heart of a New Yorkers everyday life.
7 Be it before the Taxi & Limousine Commission to
8 present a complaint against a cab driver,
9 contesting a parking ticket at the Parking
10 Violations Bureau or a small business owner
11 addressing sanitation issues before the
12 Environmental Control Board. And I know these are
13 not pleasant issues, many of you have probably
14 sat in these shoes or been in these shoes, so I
15 think you can understand how important it is for
16 the average New Yorker that these issues be
17 handled properly and appropriately. The City has
18 about a dozen Administrative Tribunals, including
19 the Taxi & Limousine Commission, the Department
20 of Finance and the Parking Violations Bureau, the
21 Environmental Control Board, the Department of
22 the Health and Mental Hygiene Tribunal, the
23 Department of Consumer Affairs, Office of
24 Administrative Trials and Hearings, to name a
25 few. I want to give you an example of the case

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1 loads that these agencies handle. The Department
2 of Finance handles 2.5 million cases a year and 1
3 million cases decided annually. The
4 Environmental Control Board handles 700,000 cases
5 and 200,000 decisions issued annually. The Taxi &
6 Limousine Commission, 100,000 cases annually.
7 Now, Mayor Bloomberg has a longstanding and
8 well-known commitment to a strong justice system
9 and it's been my privilege to work with him and
10 other deputy mayors on how we can enhance justice
11 for New Yorkers, be it in our judicial see
12 election process or as we're talking today in
13 Administrative justice reform. I worked with the
14 Office of the Administrative Justice Coordinator
15 David Golden and other Administrative Tribunals
16 to make sure our City's Administrative justice
17 system works, because we all know that justice
18 delayed is indeed justice denied. Now the
19 Charter Revision Commission has played a strong
20 role in this. In 2005 I testified before the
21 Commission led by then Chair Esther Fuchs and
22 proposed that it create the Office of the
23 Administrative Justice Coordinator and for the
24 adoption of uniform rules of conduct for
25 administrative law judges. The Charter Commission

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1 in its final report recommended that the Mayor
2 create the position of Administrative Justice
3 Coordinator via executive order, and the
4 Commission also put the issue creating rules of
5 judicial conduct and ethics for New York City
6 administrative law judges to a referendum on the
7 November 2005 ballot. The voters overwhelmingly
8 approved it. So let me tell you a little bit
9 about implementation. The first one, the office
10 of the administrative justice coordinator, here
11 he is, David Golden is New York City's first
12 Administrative Justice Coordinator. He was
13 appointed by Mayor Bloomberg in 2006 pursuant to
14 Executive Order 84. The Coordinator is to develop
15 consistent standards to enhance the profession
16 license many efficiency and transparency
17 accountability and enhance the public's
18 understanding of and access to the administrative
19 justice system in order to cultivate a more
20 business and consumer friendly system of
21 administrative justice for the public. So first
22 off we asked ourselves how does a tribunal that
23 oversees the resolution of disputes make sure
24 that it's process s are fair, transparent and
25 user friendly? We started off with day

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1 individuals office we introduced access to
2 justice protocols and training. Access to
3 justice aims at improving New Yorkers'
4 interaction with the tribunals by improving the
5 ability to represent one's self, facilitating
6 language access in explaining language protocols
7 and employing technology to make courts more user
8 friendly. We looked to make Tribunal rules more
9 understandable and it's processes easier to
10 ***/TPEF for self-represented litigants and small
11 businesses who typically appear before them. The
12 second initiative the rules of conduct. The
13 preamble for the rules of conduct state that the
14 rules are adapted from the New York State Code of
15 Judicial Conduct that state Court judges follow.
16 It's the codification of common sense guidelines
17 to institutionalize proper judicial conduct. For
18 example, duty to uphold integrity of the
19 Tribunal, the duty to be impartial, diligent, the
20 duty to report ethical violations by other
21 judges, that there be no bias in the courtrooms,
22 no ex parte conversations, and one rule that
23 departs from the State Court rules, the duty to
24 observe access to justice practices when working
25 with the pro se or limited English proficient

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1 litigant. So let me address what work the City
2 has done towards actual Tribunal consolidation
3 lawyers love evidence, Exhibit A, I want to talk
4 about the successful consolidation of the
5 Environmental Control Board into the Office of
6 Administrative Trials and Hearings as
7 affectionally known as OATH. OATH has always
8 been considered and is a well-run and
9 professional Tribunal who is sole mission and
10 only mission is the timely and fair resolution of
11 matters referred by City agencies. The City
12 commenced Tribunal reform in earnest in 2008 when
13 we overhauled and modernized the Environmental
14 Control Board, ECB. ECB is a City Board and
15 Tribunal of 200 administrative law judges that
16 adjudicates health, safety and quality of life
17 violations issued by 12 City agencies, including
18 Parks, the Fire Department, Police Department,
19 Sanitation, Buildings, Department of Consumer
20 Affairs and the like. So last year alone, ECB
21 held 241,000 thousand hearings on violations,
22 including public health and safety matters. For
23 example, construction without a permit, failure
24 to maintain premises, illegal dumping; and
25 quality of life violations such as street

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1 obstructions, dirty sidewalks, littering, illegal
2 vending. Now a team from my office, the Office of
3 Administrative Trials and Hearings, the Mayor's
4 Office of Operations, and David's office worked
5 on the relocation of ECB from the Department of
6 Environmental Protection to OATH. Now, since the
7 merger, ECB has recruited a professional legal
8 administration team to oversee its operations,
9 has completely eliminated its backlog. It
10 regularly issues 93 percent of decisions in 90
11 days, and in June 2010 achieved completing one
12 hundred percent of decisions in 30 days. Now, by
13 comparison in 2008, before the consolidation, ECB
14 had a backlog of 500,500 cases that had been
15 heard, that were to be heard and were pending for
16 more than 90 days without a decision, or that had
17 been appealed and had been pending for more than
18 180 days. Some appeals had been pending for
19 years. By the end of 2009 that backlog was
20 completely eliminated. ECB reduced the time for
21 processing appeals from two years to 180 days. It
22 followed an electronic scheduling and online
23 hearing system for some violations. It
24 implemented language assistance services for
25 limited English parties. We see the benefits of

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1 the new ECB oath. By consolidating the
2 environmental control Board into OATH it has
3 enhanced services to the public and increased the
4 transparency of and the access to ECB. It's
5 improved its ability to communicate with Tribunal
6 users by creating an informative Web site, a
7 newsletter, how to videos, for contexting**
8 notices of violations and brochures that guide
9 users through Tribunal processs. It's pioneered
10 high volume Tribunal use of language line
11 services to assist uses who are limited English
12 proficient. They've significant improvement in
13 data collection and reporting and they've
14 reorganized its, anagement and streamlined
15 operations. So we see strong evidence that
16 further consolidation makes a lot of sense. So I
17 recommend we recommend that we amend the Charter
18 that the Commission authorize amendments to the
19 City Charter to allow the Mayor to consolidate
20 Administrative Tribunal operations into OATH and
21 David Goldin will speak further on the proposed
22 amendment and how that will work. The Bloomberg
23 Administration stands for transparency,
24 accountability and the intelligent use of
25 Technology to improve the lives of New Yorkers.

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1 And just last week, Mayor Bloomberg reiterated
2 this Administration's commitment to look at old
3 problems in new ways. He announced consolidation
4 of some of our agencies backlog dysfunctions to
5 save about \$500 million over four years while
6 actually improving the quality of services the
7 City delivers. This proposal is in the same vein.
8 The result will make government hopefully
9 smaller, certainly smarter and fiscally
10 sustainable. A government that innovates and puts
11 the customer first. And five years ago I told the
12 Commission that these are literally the people's
13 courts. And New Yorkers should be able to appear
14 in them to resolve their disputes fairly,
15 impartially, efficiently and consistently. We owe
16 New Yorkers nothing less and I still believe
17 that. And I believe that the success that we've
18 had enhancing administrative justice so far con
19 vinces me that this is the way to go to
20 achieve these continued goals. Thank you.

21 CHAIRMAN GOLDSTEIN: Thank you, Deputy Mayor
22 Robles Roman.

23 Mr. Goldin, do you want to say a few things?

24 MR. GOLDIN: Thank you, Chairman Goldstein.

25 Good evening, Commissioners. I appreciate the

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1 opportunity to discuss proposal to include a
2 Charter provision on consolidating the City's
3 Administrative Tribunals and I just want to spend
4 a few minutes on elaborating on the Deputy
5 Mayor's discussion of the ongoing work to enhance
6 the proficiency and professionalism of the City
7 Administrative Tribunals and to discuss how the
8 actual process was suggested how the
9 consolidation be carried out. Currently the
10 efforts to enhance that proficiency have excluded
11 consolidation. ECB, which is the City Tribunal
12 that has the largest number of administrative law
13 judges, with OATH, which is the City agency
14 envisioned by the Charter to serve as the City's
15 Tribunal. The proposed Charter revision would set
16 up a process to pursue further consolidation.
17 First it would give the Mayor authority to order
18 consolidation of Tribunals by transferring them
19 or their case loads to OATH. Giving the Mayor
20 that authority eliminates barriers to
21 consolidation that currently exist elsewhere in
22 the Charter. Second, the proposal would require
23 the Mayor to establish a committee to review
24 which of the Tribunals or parts of Tribunals
25 should be consolidated with OATH. That process

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1 will enable careful consideration of how
2 consolidation can be implemented to make
3 adjudication in the City faster, easier and more
4 responsive to the public while meeting the
5 highest standards of impartiality. OATH is the
6 City agency dedicated to adjudication and to
7 Tribunal Management established by executive
8 order in 1979, OATH was made a Charter of it
9 agency in 1988 an innovation that accompanied the
10 adoptions of the City Administrative Procedure
11 Act which provides fairness for all
12 administrative hearings in the City. When it was
13 first established OATH, heard employee discipline
14 cases, but the Charter sets forth a much broader
15 jurisdiction for the agency. Charter Section
16 1048 provides that OATH quote "shall conduct
17 adjudicatory hearings for all agencies of the
18 City unless otherwise provided for by executive
19 order rule, law, or pursuant to collective
20 bargaining agreement," end quote. Since 1988
21 OATH has heard cases involving the licensing
22 regulatory enforcement authority of City agencies
23 in a variety of contexts and conducts law for
24 City Commission on Human Rights and Conflicts of
25 Interest Board ***/KPHOPBG /SEFRT***. In the

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1 wake of the United States Court of Appeals
2 ***criminal /STEBG** ag. Kelly, OATH hears
3 challenges to Police Department seizure of
4 investigations in connection with civil
5 forfeiture proceedings arising out of criminal
6 arrests. Consolidation of OATH with ECB in 2008
7 gave OATH supervisory authority over the
8 adjudication of cases involving quality of life
9 violations issued by 12 City agencies.
10 Consolidation of ECB with OATH offers a template
11 for consolidating other tribunals. The model is
12 that of a sophisticated Court system with
13 specialized parts. Post-consolidation, ECB
14 continues to conduct hearings at five branch
15 offices, one in each Borough. Cases continue to
16 be heard by 200 administrative law judges, most
17 of whom are employed on a part-time basis. OATH,
18 which is headquartered separately, exercises
19 supervision and provides guidance for ECB. The
20 proposed Charter revision on Tribunal
21 consolidation would extend that approach. The
22 core caseload handled by OATH centrally would
23 continue to be adjudicated by full-time
24 administrative law judges appointed to fixed five
25 -year terms. Administrative law judges

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1 transferred to OATH via consolidation or handling
2 the transfer of case loads could give *** **
3 maintaining flexibility of staff. The cases of
4 consolidated tribunals could be heard at the
5 branch offices now hearing ECB cases, which would
6 extend the advantages of local hearings to
7 parties involved in those cases. Transferring
8 the Tribunal to OATH's supervision guarantees an
9 alignment between the overall agency mission and
10 the tribunals's activity. It also means that
11 OATH's expertise and resources such as
12 administrative staff, judicial instituted****
13 that administrative law judges are available to
14 support the Tribunal directly. OATH's
15 independence helps reinforce public confidence in
16 neutrality of Tribunal decisions. However,
17 consolidation will ensure the Tribunal governed
18 by uniform standards and the best practices in
19 the law Tribunals will form the development of
20 those standards. The proposed Charter provision
21 sets forth the process for determining which
22 tribunals are to be consolidated and the details
23 of how consolidation will be implemented.
24 Consolidation of ECB with OATH was preceded by a
25 detailed operational assessment of ECB completed

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1 over six months by a team of analysts from the
2 Mayor's Office of Operations, the Criminal
3 Justice Coordinators Office and my office. We
4 anticipate a similar effort will be made to
5 support consolidation under the proposed Charter
6 provision. Experience with ECB suggests concrete
7 benefits that can flow from consolidation and
8 preliminary estimate developed with OMB indicates
9 the consolidation could expect to save the City
10 on the order of \$500,000 a year per consolidated
11 Tribunal. Nonetheless, before any actual
12 consolidation is ordered by the Mayor, we would
13 scrutinize the impact on effective Tribunals and
14 agencies. We have would consider whether, for
15 example, consolidation might be unduly expensive
16 in a given instance, would adversely affect an
17 agency, regulatory activity, or would be
18 impractical for other reasons. We presume the
19 consolidation would be beneficial for every
20 Tribunal but the presumption is not a rebuttal.
21 This Administration has been *** on a number of
22 fronts to expand the public's access to justice
23 where weve already made process. There's much
24 more that can be done to provide documents in
25 three foreign language to provide parties not ***

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1 English to create and make available materials in
2 print and other media to educate parties how to
3 handle their cases, provide legal support for
4 those who do not have professional
5 representation. To make the process more
6 convenient by offering people a chance to handle
7 their cases by mail, by phone, or online; to
8 ensure that we have administrative judiciary that
9 is highly skilled, well-trained, and fully able
10 to support those efforts to provide improved
11 service. All of those goals will be more readily
12 accomplished with the administration of the
13 City's Tribunals consolidated under the
14 supervision of one agency.

15 CHAIRMAN GOLDSTEIN: Thank you, Mr. Goldin.
16 I'd like to open this up for questions. Let's
17 start with Commissioner Patterson followed by
18 Commissioner Moltner.

19 COMMISSIONER PATTERSON: This in part
20 reflects my ignorance with the definition of
21 Tribunal. What exactly do you mean by Tribunal?
22 There are independent City agencies. We have
23 citizenena on two of them. That act in what I would
24 call quasi adjudicatory capacity an a very
25 capable staff to do so. I'm about -- my term is

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1 expiring on the Campaign Finance Board, for
2 example, where candidates have the choice of
3 going through administrative law hearings and
4 OATH but would also have a choice of a more
5 informal process. The way I read this language,
6 unless a Tribunal is something that doesn't
7 appear to me that it is something other than
8 commonsense meaning of Tribunal, it could sweep
9 up organizations that also make decisions that
10 affect people not necessarily citizens but
11 regular citizens who have water bills to dispute.
12 That could be a Conflicts of Interest Board,
13 CCRB, Civil Service Commission, Campaign Finance
14 Board. How would those be affected by this
15 proposal?

16 MR. GOLDIN: Well we're not looking to effect
17 those kind of agencies we're only looking at the
18 adjudication functions, and most of the agencies
19 that you have mentioned that adjudication
20 function has already been shifted over to us. So
21 OATH is currently conducting the hearings for
22 several those.

23 COMMISSIONER PATTERSON: For a determination
24 by the Board, can be the subject of an Article 78
25 proceeding and goes through the judicial system

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1 instead my concern is the way I'm looking at this
2 language, it's broad. It's empowering the Mayor
3 to say or his designee to say we've made a study
4 or not, the way the language is written, the
5 effect of which is we think that such-and-such a
6 quasi adjudicatory body should have its power to
7 adjudicate, taken over by OATH. I may not -- it
8 sounds great but I wonder whether it may be a
9 little too much given that there are other
10 adjudicator bodies that do have sophisticated
11 staffs and are not dealing with somebody who is
12 contesting a water bill or parking particular.

13 MR. GOLDIN: I do *** a lot of the area you
14 have been talking about has been transferred to
15 OATH, so when we talk about for instance
16 conflicts of Board.

17 DEPUTY MAYOR ROBLES RAMON: That's not a
18 Tribunal. That's.

19 COMMISSIONER PATTERSON: That's what I mean.
20 What do you mean by Tribunal?

21 MR. GOLDIN: We're not talking about getting
22 rid of any of those entities. We're just talking
23 about who is going to be adjudicating the
24 activity.

25 COMMISSIONER PATTERSON: When we get to what

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1 is meant by adjudicate what is Tribunal? What is
2 adjudication? A decision by those Boards can be
3 challenged in an Article 78 proceeding. And in
4 certain circumstances the, for example, the
5 Campaign Finance Board there's now been
6 legislation that allows a candidate to ask for
7 OATH to administrative law judge to hear his or
8 her case. So the system is in place but are you
9 talking about removing the -- I wouldn't call
10 adjudicatory. You're talking about removing a
11 decision-making pure --

12 MR. GOLDIN: No we're not talking about --

13 COMMISSIONER PATTERSON: -- that's --

14 MR. GOLDIN -- we're talking about the
15 clients, the City's agencies -- agencies that are
16 specifically in the business of conducting
17 hearings and resolving claims, Notices of
18 Violation, complaints, summonses and the like,
19 that are brought by City inspectors, issuing
20 officers, against individuals, similar kinds of
21 situations for that.

22 COMMISSIONER FREYRE: Mr. Goldin, I'm sure
23 there's a list somewhere.

24 DEPUTY MAYOR ROBLES RAMON: Right.

25 COMMISSIONER FREYRE: That we should review.

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1 COMMISSIONER PATTERSON: That's what I'm
2 really getting at. What is it?

3 COMMISSIONER CROWELL: I think the Mayor's
4 list is exhaustive to my knowledge.

5 DEPUTY MAYOR ROBLES RAMON: It's 12
6 Administrative Tribunals and by and large they
7 fall under the rubric of what City agency
8 bringing enforcement action of a five or vice
9 versa, Taxi & Limousine Commission, the
10 Department of Finance, the Parks, Violations
11 Bureau the Environmental Control Board, the
12 Department of the Health and Mental Hygiene
13 Tribunal, the Department of Consumer Affairs
14 Tribunal, the Office of Administrative Trial and
15 Hearings, the Taxi Appeals Tribunal, the
16 Department of Education Office of Impartial
17 Hearings, the New York City Housing Authority
18 Impartial Hearing Office, the New York City
19 Housing Authority Applicant Appeals Unit. The
20 New York City Police Department and the Board --

21 (A group of people entered the room
22 chanting:)

23 Show me what Democracy looks like. This is
24 what Democracy looks like. Show me what Democracy
25 looks like. This is what Democracy looks like.

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1 Show me what Democracy looks like. This is what
2 Democracy looks like. Show me what Democracy
3 looks like. This is what Democracy looks like.
4 Show me what Democracy looks like. This is what
5 Democracy looks like. People, you say power.
6 People power. People power. Whenever I say
7 people, you say power. People power. People
8 power. When I say people, you say power. People
9 power, people power. People --

10 CHAIRMAN GOLDSTEIN: Could I interrupt a
11 moment, please? May I interrupt for a moment
12 please. We will be --

13 UNIDENTIFIED VOICE: No, you can't.

14 CHAIRMAN GOLDSTEIN: We will be very happy --
15 excuse me. We will be very happy to hear from a
16 spokesperson of your group in a little while. If
17 you could identify yourself to Matthew Gorton,
18 who will come back and get your information. If
19 you could just be patient, in a little while
20 we'll be getting to the audience. Thank you very
21 much, and we'll be very respectful of all of you
22 and whatever views you may want to get into the
23 record. Okay? Thank you.

24 UNIDENTIFIED VOICE: Now.

25 CHAIRMAN GOLDSTEIN: We will now --

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1 UNIDENTIFIED VOICE: Excuse me.

2 CHAIRMAN GOLDSTEIN: I'll get to you in just
3 a moment, madam.

4 UNIDENTIFIED VOICE: We the people of this
5 great city, let us speak. And all races are here
6 to remind you, the members of New York City
7 Charter Commission, that we have a voice and that
8 we want to be heard. We feel strongly that the
9 process of revising the City Charter, our
10 constitution, has not been sufficiently open and
11 engaging, and is not one in which true Democratic
12 values have been realized. We reject that the
13 civic participation begins and ends with the
14 pulling of a lever once or twice a year on
15 Election Day. Representative Democracy is dead.
16 Long live participatory Democracy.

17

18 UNIDENTIFIED VOICE: Yeah, yeah, yeah.

19 UNIDENTIFIED VOICE: Furthermore, the
20 Commission process is flawed for the following
21 reason. The Commission has moved entirely too
22 fast with minimal outreach to engage the local
23 community and organizations to participate.

24 UNIDENTIFIED VOICE: Second, the Commission
25 has not gone deep enough into the issue areas,

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1 like government structure, to look at the role of
2 Community Boards, land-use issues of broad
3 importance to us to create meaningful dialogue on
4 how to better govern our city and community. Yeah
5 yeah.

6 UNIDENTIFIED VOICE: Now, the Commission has
7 been overly focused on term limits, which is not
8 how to solve our governing problems or increase
9 voter turnout.

10 UNIDENTIFIED VOICE: And lastly, the
11 Commission has lacked to public education to the
12 board** of public on the impact of revising the
13 New York City Charter. Yeah.

14 UNIDENTIFIED VOICE: Therefore, we urge the
15 members of the Commission who hear the truth in
16 what we say to urge the Mayor of New York to
17 extend the life of the Commission into 2012 so we
18 can thoroughly deal with the important issues in
19 our City's Charter.

20 UNIDENTIFIED VOICE: Yeah, yeah.

21 CHAIRMAN GOLDSTEIN: Thank you very much.
22 We're now going.

23 UNIDENTIFIED VOICE: This is what Democracy
24 looks like. Show me what Democracy looks like.
25 This is what Democracy looks like. Show me what

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1 Democracy looks like. This is what Democracy
2 looks like. Show me what Democracy looks like.
3 This is what Democracy looks like. Show me what
4 Democracy looks like. This is what Democracy
5 looks like. Show me what Democracy looks like.
6 This is what Democracy looks like. Whenever I say
7 people, you saw power. People power. People
8 power. People power. People power, people power.
9 Power's in the people, you all.

10 CHAIRMAN GOLDSTEIN: Commissioner Moltner you
11 want to be recognized.

12 COMMISSIONER MOLTNER: Thank you,
13 Mr. Chairman. If I understand correctly, please
14 correct me if I'm wrong, this would be the
15 foundation would be mayoral executive order only;
16 is that correct? Following committee
17 recommendation or not.

18 MR. GOLDIN: Right. That would be in the
19 Charter. Expectation that obviously would be a
20 very cooperative process working with other parts
21 of government.

22 COMMISSIONER MOLTNER: The exact where I was
23 going to ask about. What other parts of
24 government would have input -- I'm not suggesting
25 there should be, I'm just asking the question,

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1 there's no implication in the question -- for
2 example, City Council input?

3 DEPUTY MAYOR ROBLES RAMON: Absolutely. They
4 were very close partners when we did the
5 Environmental Control Board, and that was
6 accomplished through legislation, and that was
7 meetings with the City Council people, the
8 Speaker herself. So they have been very
9 supportive of the work on the ECB model and we
10 would have certainly continued that exact model
11 when we worked with ECB, we worked with the
12 City's Office of Operations, the O B budget
13 office, the Law Department, the City Council, the
14 technology folks that ended up make a huge role.
15 Were there any other partners? And of course the
16 Mayor's office. Your office. So it becomes a very
17 collaborative effort and a very probing one and a
18 probing --

19 COMMISSIONER MOLTNER: Would you perceive a
20 formal role in an amendment to the Charter it add
21 that to the City Council before any other
22 government agency?

23 DEPUTY MAYOR ROBLES RAMON: I haven't really
24 thought that through. I don't know how it would
25 hurt or help. I would have to think about that,

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1 to be honest you with.

2 CHAIRMAN GOLDSTEIN: Commissioner banks.

3 DEPUTY MAYOR ROBLES RAMON: Just for
4 completeness, there was, just before we were
5 interrupted, there was one more Tribunal on the
6 list, the Board of Standards and Appeals. Just
7 for completeness. Deputy Mayor, you'll leave the
8 list us with so we all have a sense of what it
9 is.

10 Commissioner Banks.

11 COMMISSIONER BANKS: Good evening. Hello,
12 everybody, sorry I was late. You may have
13 answered this already, so please forgive me if
14 I'm being redundant, that this proposal that
15 we're assessing now was first put forth ward in
16 2005 Charter Revision Commission was one of the
17 things that was discussed during that Commission;
18 is that accurate? When did the ECB consolidation
19 take place?

20 MR. GOLDIN: 2008.

21 COMMISSIONER BANKS: 2008. So why should we
22 and the Charter when you have a vehicle by local
23 law to do this?

24 MR. GOLDIN: Well, the idea would be to
25 establish once and for all a process so that we

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1 won't have to look at each Tribunal in isolation
2 and then go through the process of having
3 separate legislation. The ECB process I think was
4 very successful but it was also slow moving and
5 it was a process that involved work something
6 certainly in order to bring about that
7 consolidation. We think at this point we have
8 seen sufficient signs of success in this process
9 to say that we ought to now institutionalize it
10 into something that is going to proceed
11 presumptively this into Tribunals so actually
12 when you look back at the efforts to try to make
13 OATH the central Tribunal, they date back at
14 least to the 1988 Charter Revision, which
15 formally said OATH is the central Tribunal, but
16 then carve out an exception and said except if
17 the law provides otherwise, and of course the law
18 provided otherwise in 95 percent of instances.
19 We'd now like to take the step of saying no, we
20 really mean it. OATH really should be a central
21 Tribunal. There are these benefits to be
22 realized. We should make that going assumption
23 with respect to all of the Tribunals.

24 COMMISSIONER BANKS: But you could in fact do
25 an omnibus bill with local legislation and do it

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1 that way. Is that true?

2 MR. GOLDIN: You could address it one
3 Tribunal at a time. One bill or several bills.

4 COMMISSIONER BANKS: You can do all six at a
5 time?

6 MR. GOLDIN: As a practical, yes.

7 COMMISSIONER BANKS: I guess my point is some
8 would argue there is a more deliberative and open
9 process by having the Council's involvement and
10 you'll have more hearings. Grant it, it will
11 take much much longer, but it's insulated from
12 the criticism that we're doing this too quickly
13 and without sufficient public scrutiny if you do
14 it that way.

15 DEPUTY MAYOR ROBLES RAMON: I don't think
16 you're going to find too many people who will --
17 are going to defend the status quo.

18 COMMISSIONER BANKS: I'm sorry, I couldn't
19 hear you.

20 DEPUTY MAYOR ROBLES RAMON: I don't think
21 you're going to find too many people defending
22 the status quo saying: My God, how can you touch
23 the Tribunals the way they are? That is a way.
24 We have been working on this, as you've said,
25 that came before the Charter Commission talking

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1 more in the terms of the Administrative Justice
2 Coordinator and looking at the process in a
3 very*** perspective. We do want to get this
4 done. We want to get it done professionally. We
5 had tremendous success frankly with the ethics
6 proposal and I think that it came out of this
7 body gave the proposal a great deal of depth. And
8 credibility at the onset. So given their issues,
9 I think it be would tremendous if this Board
10 considered it. Could we go the other way?
11 Probably. And, you know, conceivably could
12 consider that also. But from a credibility
13 perspective and all of you are very credible,
14 smart people, it would add a tremendous depth to
15 this work to come out of this body.

16 COMMISSIONER BANKS: Just one more point.
17 Have you approached the Council prior to this to
18 do these other consolidations or just got through
19 ECB trying to figure out how ECB worked or not
20 and now the timing is such that this is just an
21 ad van take just point to bring it up again? More
22 the latter than the former?

23 MR. GOLDIN: That's correct. But you know I
24 think it bears repeating that there has not been
25 opposition to the idea of consolidation.

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1 COMMISSIONER BANKS: Have you proposed it?

2 MR. GOLDIN: No, I think it's, as were you
3 saying, it's something that's been discussed for
4 many years. The definition of OATH going back to
5 1988 the subject in 2005, the proposal with
6 respect to ECB, there have been many occasions in
7 which the idea of Tribunal consolidation has been
8 surfaced. And it's not a subject which elicits a
9 lot of opposition. People don't say there's
10 another side to it that could be a terrible idea
11 that could under mine something that's important
12 to us. Was. Are there revenue implications of the
13 consolidation considered in the budget?

14 DEPUTY MAYOR ROBLES RAMON: I don't know.

15 COMMISSIONER BANKS: Thank you, Mr. Chairman.

16 MR. GOLDIN: Savings.

17 CHAIRMAN GOLDSTEIN: Commissioner Betty Chen
18 and then Commissioner Hope Cohen.

19 COMMISSIONER BETTY CHEN: Thank you. This
20 proposal promises greater efficiency and you gave
21 that very compelling example of --

22 UNIDENTIFIED VOICE: I'm sorry, we can't hear
23 you.

24 COMMISSIONER BETTY CHEN: -- at the
25 Environmental Control Board. And I'm just

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1 wondering how, and I'm interpreting that to mean
2 that this proposal would increase what I'm going
3 to recall the blueprint of these tribunals. But
4 I'm still not quite understanding how that's
5 achieved. Is it that you're increasing the number
6 of staff? Rough changing the work or the
7 procedures by which they look at each of these
8 cases? Are you still not getting more efficiency
9 out of the same people are you giving them quotas
10 and greater accountability and how is that
11 efficiency being in achieved?

12 MR. GOLDIN: Let me give one example of the
13 kind of thing we have in mind. Currently, ECB has
14 five branch offices. Other Tribunals, except the
15 Parking Violations don't. They have one location
16 typically in Manhattan. Currently, ECB and the a
17 couple of *** Tribunals share a pool of part-time
18 judges, but those part-time judges are separately
19 assigned even if they are ***, for more than one
20 Tribunal for each Tribunal separately. So what
21 that does is it means that, first of all, when
22 people come in for a case it's not an ECB case
23 they'd have to be sent into Manhattan, that
24 creates many problems for many respondents in
25 terms of scheduling. Means there is less

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1 convenience for them. It means that we are
2 artificially constrained in terms of how we can
3 allocate our resources the fact that we have
4 judges working for different Tribunals means that
5 we are constrained in terms of where we can
6 assign them and which cases they can handle. Not
7 for reasons related to efficiency or
8 administrative responsibility but for reasons
9 purely having to do with which Tribunal had been
10 assigned which resource and which location and
11 which judge. If we could relieve ourselves of
12 those constraints we could do a much better or
13 rationale or efficient job assigning cases,
14 giving people access to local branch offices to
15 have their hearings. We could develop standards
16 across all of the Tribunals in order to measure
17 performance, not just in the sense of having
18 judges issue more decisions but in the sense of
19 having better decisions, in the sense of making
20 sure that the Tribunals and judges are responsive
21 to both parties that are appearing before them.
22 We could standardize training in a way that would
23 enable us to see elect the best practices across
24 Tribunals and make sure that that's what's being
25 done across all of them and we could deal with

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1 some of the access to justice action that I've
2 just been describing, which deal *** in terms of
3 how we handle cases in a much more rational way.
4 Over the course of the past several years we've
5 introduced, for example, a number of techniques
6 for helping parties who appear before the
7 Tribunals whose preferred language is not
8 English, including the use of Language Line,
9 documentation materials that are available in
10 multiple languages, and other kinds of supports.
11 To go to each one of the Tribunals and each one
12 of the separate agencies of which they are a part
13 separately and make the case that that should be
14 done, try and figure out how that's going to work
15 in the context of that particular Administration
16 implemented at one, remove follow-up support
17 where you have all of the different Tribunals
18 different practices, different agencies, is much
19 less efficient, must less successful than having
20 a single Administration that can do that once and
21 for all and monitor within its own agency.

22 CHAIRMAN GOLDSTEIN: Commissioner Cohen.

23 COMMISSIONER COHEN: Thank you, Mr. Chairman.
24 Well, I'm completely persuaded that makes sense
25 to consolidate these things and I would also add

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1 to the list of reasons why that it increases the
2 transparency and accountability for the public
3 that they know who is in charge of all of these
4 quasi judicial entities that they just go to one
5 place when they have any kind of ticket. That
6 makes total sense to me. The thing that I find
7 puzzling is the mechanism to go there, and
8 slightly different direction from Commissioner
9 Banks, but I think we're troubled by the same
10 thing which is the proposal is a process
11 proposal. It's to put something in the Charter
12 that creates a process for the Mayor to go about
13 making these sensible management changes. And I
14 guess I don't understand why you would do that.
15 That it seems to me that if the thing that's
16 blocking the this consolidation, these
17 consolidations, is that there are vestigial laws
18 that create these dozen or so other bodies, why
19 not amend the Charter with regard to those and
20 take those out, thereby by default bringing them
21 into the one master Tribunal that was, that was
22 defined in 1988? I realize that there is some
23 kind of implementation process, and you talked
24 about that, but there's something about creating
25 yet another process in the Charter that again

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1 concretizes that and it will eventually have to
2 be added to that list of things that some cleanup
3 Commission is going to have to take out some day
4 when this job is done. So that is my question.
5 This very strange mechanism of yet again having a
6 process come into our Charter rather than a
7 structure.

8 CHAIRMAN GOLDSTEIN: You may respond.

9 MR. GOLDIN: Okay. I'm sorry it comes across
10 as a strange mechanism. There was a point at
11 which we had actually looked at the alternatives
12 that you're suggesting and we thought this was
13 the more elegant option but we have been too
14 close to it. Really, the reason for wanting to
15 do this one unified approach rather than go
16 through and and at each point where there was
17 reference to an agency having its own Tribunal
18 was that when we did it that way it looked like
19 it was a lot of verbiage, there was a lot of
20 technical amendments, and it seemed almost hide
21 the ball so the feeling was this is clean this
22 says what we're actually trying do do the other
23 option is there. We could certainly go back and
24 do all those amendments. As for the process, the
25 appointment of the committee, we wanted to make

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1 it clear that we are not talking about having
2 arrived at a conclusion saying in every instance
3 this is the way that it's got to be done. We did
4 it with ECB we did it operation assessment we
5 looked at all of the details. We want to do that
6 here as well. What we'd like to do the
7 suggestion is to remove the legal impediments to
8 go ahead with consolidation if it's warranted and
9 then look in detail at precisely what parts of
10 which Tribunals should be consolidated.
11 Certainly the expectation is that a great deal if
12 not all would wind up being consolidated but we
13 don't want to make an absolute statement without
14 having conducted them without analysis.

15 COMMISSIONER BANKS: Just one quick followup
16 if you could provide us additional information
17 after tonight. We don't need to have a
18 conversation. But I'm interested to see what the
19 experience of the consolidation at ECB has could
20 you get to us what the backlog of violations was
21 at ECB prior --

22 DEPUTY MAYOR ROBLES RAMON: Part of my
23 testimony; I'll be happy to provide it.

24 COMMISSIONER BANKS: And also the period of
25 time when a penalty comes into ECB --

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1 DEPUTY MAYOR ROBLES RAMON: That's part of
2 the testimony as well.

3 COMMISSIONER BANKS: Okay, thank you.

4 CHAIRMAN GOLDSTEIN: Thank you, Deputy
5 Mayor --

6 DEPUTY MAYOR ROBLES RAMON: My pleasure.

7 CHAIRMAN GOLDSTEIN: -- Carol Robles Roman
8 Mr. David Goldin, it was very, very helpful to us
9 as we do our due diligence to understand the
10 issues more deeply. We thank you for your time.
11 We know you're both very busy and we appreciate
12 you being us with.

13 DEPUTY MAYOR ROBLES RAMON: Thank you,
14 Chairman. Thank you, Commissioners.

15 CHAIRMAN GOLDSTEIN: Let me continue with
16 some announcements and then we will get right to
17 the list of speakers that have asked to be heard
18 you this evening. Just in terms of our schedule,
19 again, on Wednesday of this week, July 28, we
20 will convene at the Queens Borough Hall, and that
21 will be followed by on Monday, August 2nd at P.S.
22 58, which is the Space Shuttle Columbia School in
23 Staten Island. We indicated at our last meeting
24 that took place on Wednesday of last week that
25 after the meeting on August 2nd we will take a

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1 brief break and absorb so much of what we have
2 heard, and the next time we meet which I'm hoping
3 that we can schedule, but we will need to make
4 sure that a dominant number of our Commissioners
5 don't have an irreconcilable conflict on August
6 12. I'm hoping that we could have yet another
7 meeting after that briefly on August 16, and then
8 finish up with a last meeting that we'll need to
9 again check calendars but a *** date of August
10 19. But we'll talk about this amongst the
11 ourselves, because some people have some
12 conflicts, and these dates are a little fluid. I
13 just want to indicate again that after we finish
14 the formal hearings, which will take place on
15 August 2nd, and we will have much opportunity for
16 the Commission among ourselves to talk about many
17 of the proposals that are still very much in play
18 on both next week on the 28th, and on the on
19 August 2. But in order for us to meet a
20 constrained clock, we're going to have to try to
21 keep very close to the schedule that I've just
22 outlined subject to one or two day changes
23 depending upon our own schedule. Let me reiterate
24 something that I've mentioned several times
25 before, because I think it is critically

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1 important. We started our work again in early
2 March, and we expect to conclude our work, if we
3 bring something to the ballot in November, and we
4 have every intention of bringing certain things
5 to the ballot in November, we have to complete
6 our work by sometime in the middle of August in
7 order for us to get all of the necessary paper in
8 place to conform to State law, State and City
9 law. It is our intention with again the working
10 date on August 12 to have a formal vote by the
11 Commission on the items that we believe should be
12 brought to the voters on in November. We need to
13 have yet another formal vote shortly thereafter
14 whereby the Commissioners can vote on the final
15 report of the Commission. Now I want to reiterate
16 again that this final report has a part that is
17 very ministerial. It is basically the ministerial
18 part at least is essentially the process that we
19 follow, the dates that we met, the areas that we
20 discuss, the people with whom we heard expert
21 testimony from. Basically, a short history of
22 where it is that we've been since March and ***
23 the other part of that will comprise of the
24 report are why we chose the items for
25 consideration by the voters in November, and what

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1 I consider a critical piece that has woven itself
2 throughout our five or six months of
3 deliberations, it's been mentioned over and over
4 again, it's been mentioned twice tonight, that
5 there's been a lot of very good work that has
6 occurred over the many years prior to this
7 Commission starting its deliberation. Very fine
8 people discussing the complex issues that we have
9 been discussing over the past several months. We
10 want to make sure that we leave a roadmap for a
11 Commission that invariably will follow this
12 Commission, whenever it is established, to talk
13 about the things that we were not able to get our
14 arms around, largely because of a constrained
15 clock. Not because of lack of will or lack of
16 energy or lack of interest. It was largely about
17 the constraints on time. And I think that third
18 part of the final report that we will hopefully
19 embrace as a Commission will give a lot of
20 attention to the things to use and often tired
21 phrase that we left on the table others to
22 consider. But the principles that we are
23 following assiduously here, because I think to do
24 less would not be in anybody's interests,
25 certainly we as a Commission or the people, that

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1 are looking to us for guidance, that the
2 principles are very very succinctly stated again
3 and again. Did we have enough time to discuss the
4 issues as thoroughly as we wanted to discuss? And
5 that is the reason that we -- that principle was
6 the reason that we invited Dr. Esther Fuchs and
7 Deputy Mayor Carol Robles Roman, because we as a
8 Commission were quite interested in the
9 consolidation of Administrative Tribunals as a
10 possible item to be placed before the voters in
11 November. We were also interested in a Citywide
12 review of reporting requirements, another area
13 that surfaced quite early in our deliberations
14 and the reasons these two individuals were
15 brought to be heard tonight is to help educate
16 us. And to help us do the kind of in-depth
17 exposure to the issues, layers and layers of
18 complexity that I think tonight was dealt with
19 quite well. It brought up other issues, but at
20 some time soon we the Commission, the Commission
21 will have do have a sense of a consensus, if
22 there is a consensus, about those issues, but
23 tonight was a good example of why we really
24 needed enough time to study the issues. The other
25 idea, the other principle, is do we have time to

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1 educate people who will be responding to our
2 recommendations for ballot initiatives? We have
3 work to do in terms of educating people as we
4 have been educated, and that means to speak with
5 the media and the media have followed this
6 Commission very very closely, and each of us on
7 the Commission has been have been interviewed
8 several times about why we are proceeding in the
9 way that we are and we're explaining our behavior
10 and our ideas as a wait to he had indicate,
11 because that's critically important. The third
12 area I think that is critically important is that
13 we don't want to bring something unless we feel
14 we have some confidence that there is strong
15 likelihood that the community will see the areas
16 as we have seen, and I have used in, this me that
17 for "probability of success." Very hard to
18 estimate a probability of success on issues as
19 complex and sometimes as contentious as the
20 issues of we are discussing, but at some point we
21 have to factor that into our decision tree as we
22 move forward. And lastly, and I think the most
23 important principle is are the things that we are
24 recommending ultimately going to lead to a more
25 efficient government? Better governance, more

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1 transparency, for efficiency, in the ways in
2 which government operate? Those four principles
3 have to guide us as we move forward. And so I've
4 repeated this now three or four times, but I
5 think it's worthy of repeating, because it is
6 really just so fundamental to what it is that we
7 are building on. This Commission has been asked
8 to do an awful lot in a very short period of
9 time, and we're going to do the best that we can
10 to build a consensus and then move forward. But
11 we want to make sure that the work that we do
12 sets up a roadmap for others to follow as we have
13 followed others, and we heard that tonight.

14 So let me see if we can get right to our
15 speakers. The next two sessions we're going to
16 spend a lot more time among ourselves talking,
17 because we really over the next two sessions make
18 some determination of exactly where we're going
19 and as a result we will be able to take less
20 testimony from the audience, unless we are able
21 to cut through some of the things faster than I
22 believe we may be able to. So with that said, I'd
23 like to start the process. We do have one
24 elected official who is -- I'd like to
25 acknowledge that Robert Jackson, a member of the

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1 City Council and the Chair of the Education
2 Committee has asked to speak. I'd also like to
3 acknowledge that Gale Brewer is here from the
4 City Council. Gale Brewer has been to many of our
5 Commission meetings, and I thank you,
6 Councilwoman Brewer, for your interest and your
7 participation. So Robert Jackson, the microphone
8 is yours. I'd ask all of the speakers if we can
9 adhere to our three-minute rule because we have a
10 number of people that want to be heard tonight.

11 COUNCIL MEMBER JACKSON: Can I sit or stand?

12 CHAIRMAN GOLDSTEIN: Whatever you want to do.
13 However your comfortable.

14 COUNCIL MEMBER JACKSON: Thank you. Well,
15 good evening commission Members. Let me thank you
16 for serving our great City of New York. And
17 Mr. Chair, let me just thank you for the way you
18 handled and respected Community Voices Heard when
19 they came in and expressed themselves the way
20 they felt they had to. I think that you handled
21 it appropriately, and obviously they said what
22 they wanted to be said. And they expressed
23 themselves and they left. And the Commission
24 business continued. So I'd like to thank you and
25 your members and whatever security you have here

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1 for handling it appropriately. That's extremely
2 important. So I appreciate that as an elected
3 public official. And so good evening and thank
4 you for the opportunity to comment as you address
5 the task of reviewing our City's governing
6 document, our local constitution. The Charter is
7 what informs Democracy at the local level.
8 Somehow the Charters's opening lines: "The City
9 of New York as now existing..." it lacks the
10 grandeur of "We the people of United States in
11 order to form a more perfect Union, establish
12 Justice and insure Democracy, domestic
13 tranquility..." The most difficult challenge
14 facing this Commission is to incorporate the
15 ideals enshrined in our national constitution and
16 implement ways at the city level. I urge all of
17 you to approach your task from this perspective
18 rather than focussing on merely increasing
19 efficiency and effectiveness of the New York City
20 government. While one can argue that government
21 is primarily about administration, garbage
22 pickup, parks, potholes, local government is
23 where we put down our grassroots in which I've
24 lived in New York City my entire life. First and
25 foremost, the principle guiding the City Charter

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1 should be about encouraging participatory
2 Democracy. This is a country founded on the
3 tradition and practice of residents speaking
4 their minds on village greens and log cabins, at
5 town hall meetings or blogs, Tweets and Facebook.
6 I applaud the many and varied methods of outreach
7 that this Commission has utilized in its
8 outreach. I hope that the end production will be
9 reflective of this inclusive process and the many
10 comments you have heard and read. Please do not
11 defer on important issues in order to meet an
12 unlikely goal of concluding your work in time for
13 the 2010 election. This is too important to
14 rush. In the interest of time I'm speaking today
15 on just two issues. **** opposed term limits
16 because I believe an informed and engaged
17 electorate does not need terms -- need -- does
18 not need term limits. Every election carries its
19 own term limit. Term limits is a way of saying
20 that our electorate is so lazy and apathetic that
21 an incumbent's name recognition is an
22 insurmountable advantage to that individual. As
23 you know, that is not true. A couple of clear
24 examples, within the past two years, as you know,
25 State Senator Marty Connor of Brooklyn and

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1 Manhattan, I think he was an 18-year incumbent.
2 He was opposed by Daniel Squadron, and he lost.
3 Ellen Young, a first-time incumbent two years, in
4 office, she ran for re-election, and Grace Ming
5 challenged her out in Flushing, and Ellen Young
6 lost. Grace Ming won. And as you know, State
7 Senator Efraim Gonzalez was challenged and he
8 lost. And then you can go across the country and
9 you can see where incumbency does not necessarily
10 mean that you will be reelected. The electoral
11 process created by the Charter needs to emphasize
12 getting all candidates before the voters and
13 getting voters to the polls. Our public financing
14 system is a good start in that direction. In
15 your Preliminary Report you commented on a number
16 of City Council primaries won by less than a
17 solid majority. This is presented as a bad thing,
18 that a small percentage carried the day. But is
19 it? I ask that question. In my race in 2001,
20 there were 10 candidates and that's a good thing.
21 The obvious consequence of having so many
22 contenders is that the winner will most likely
23 have less than a simple majority in the primary.
24 And in fact, Chair Goldstein, in my primary in
25 2001, I won with 33 percent of the vote in the

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1 primary. There are multiple pragmatic reasons
2 why term limits are negative, but the most
3 important is legislative leadership. With eight-
4 year term limits the legislative body will always
5 be faced with two bad choices in electing its
6 leader. A lame duck or a freshman. And this is
7 not good for Democracy. The legislative and
8 executive branches of government need to be
9 equally powerful. The size of government of New
10 York City is huge. Bigger than most states and
11 some nations. We have big budgets, big problems,
12 and need long-term solutions. Not quick fixes.
13 Term limits implicitly encourages actions that
14 produce quick results, something that can be
15 demonstrated with a attorney. But the scope of
16 City government also argues for keeping our
17 elections partisan. We are just electing
18 someone -- we aren't just electing someone to
19 open up the Little League season or decide what
20 color the awnings will be on Main Street. We're
21 electing someone who has to understand and deal
22 with Wall Street and the budgetary process of New
23 York City. Our political parties have distinct
24 philosophies that label means something:
25 Democrat, Republican, Conservative, so forth and

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1 so on. And when you are making decisions on the
2 scale that we do here, it's essential that the
3 public and voters understand how their
4 representatives view the political world and how
5 the prospective representatives fit into the
6 overall context of the city and national
7 governance, and given the unique restrictions
8 placed specifically on New York City by Albany,
9 party identification is both relevant and
10 essential to running the City of New York. And my
11 statements, you have in front of you, list other
12 points, and I won't read them because I've heard
13 the bell go off about a minute-and-a-half ago, so
14 let me just conclude in 5 seconds. The 197 plan,
15 which I know you're looking at. The Fair Share of
16 the burdens of government facilities in our
17 communities. Term limits, as I've indicated.
18 Council District boundaries as far as being
19 redistricted every 10 years. And as you know,
20 there was elections for the City Council in 2001
21 and 2003 and 2005, and, of course, with the City
22 Council then extending term limits one term in
23 2009. So I ask you to consider these things that
24 I've included in my statement, but also I will be
25 submitting additional testimony in the future to

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1 the Commission.

2 CHAIRMAN GOLDSTEIN: Thank you councilman
3 good to see you.

4 COUNCIL MEMBER JACKSON: Thank you.

5 CHAIRMAN GOLDSTEIN: Thank you very much.
6 Let's move to Roxanne Delgado.

7 UNIDENTIFIED VOICE: She's not here. She
8 left.

9 CHAIRMAN GOLDSTEIN: Okay. Abbe Gluck.

10 MS. GLUCK: I'll stand, okay?

11 CHAIRMAN GOLDSTEIN: Whatever you're
12 comfortable.

13 MS. GLUCK: I'll stand. So good evening. My
14 name is Abby Gluck I'm a professor at Columbia
15 law school. I'm here tonight on behalf of the
16 New York City Bar Association. I'm the Chair of
17 the New York City Affairs Committee. But as
18 Esther mentioned, I was also Deputy Counsel to
19 the '05 Commission, so it's actually nice to be
20 here. You have our statement, but I'm going to
21 focus my testimony tonight on the issue of
22 legislative term limits and how the consideration
23 attendant to them are different from executive
24 term limits. In other words, the Bar Association
25 believes that term limits are not a "one size

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1 fits all" issue. We want to think about how they
2 affect the City Council differently from how they
3 affect the Mayor. As you all know, you don't
4 have to propose term limited for both or the same
5 limits. The president of United States is term
6 term limited; Congress is not. New York City
7 doesn't have to be different. The Bar
8 Association thinks maybe three terms for the
9 Council is ideal. We appreciate that everyone's
10 focussing on the Mayor, that's understandable. The
11 Mayor is by far the most visible and powerful
12 member of City government. But that's the reason
13 that we think we need to focus on giving the
14 Council members enough time in office to
15 effectively counterbalance the Mayor as they're
16 supposed to do. The written submissions that you
17 have details on academic research on this issue,
18 which includes a major study of legislative term
19 limits in all state legislatures. We think
20 that's very relevant to New York City situation
21 and I just want to repeat a few highlights from
22 that study. Short-term limits deplete
23 institutional knowledge. Two term Council
24 members have to leave before they understand the
25 place we don't have a legislative body that

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1 really has institutional knowledge or a complex
2 understanding of the budget process. Term limits
3 give unelected experts staff other members of the
4 public activists disproportional influence,
5 because Council members have to rely on them
6 more. Term limits can hurt the quality of
7 legislation if Council members are interested in
8 making their mark quickly and perhaps less
9 interested in studying the issues fully or
10 focussing on low visibility but very important
11 issues like infrastructure. There is no
12 political science evidence that term limits and
13 can end political careerism. In fact, it
14 increases it. Shorter term limits have been
15 shown to undermine the effectiveness of the
16 Speaker and committee chairs and other state
17 legislature, and perhaps most importantly, these
18 studies have shown that term limits do lead to
19 the decline of Council legislative authority
20 vis-a-vis the executive particularly with respect
21 to the budget process. So we think these are
22 serious consequences and we think very few
23 members of the public are actually aware of them.
24 And we actually commend the Commission staff for
25 highlighting them in their report but we really

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1 want to take our time to focus you on them. We
2 actually think for that reason you want to
3 consider only putting term limits of the Mayor on
4 the ballot. But regardless, we would urge the
5 Commission to do more to make the public aware of
6 these issues and strongly urge you to study the
7 specific issue of legislative term limits before
8 you make any changes to them on this ballot.

9 CHAIRMAN GOLDSTEIN: Thank you very much,
10 Professor Gluck.

11 Cynthia Sheps. Do I have that right?

12 MS. SHEPS: It's Cynthia Sheps.

13 CHAIRMAN GOLDSTEIN: Thank you.

14 MS. SHEPS: Good evening. I'm appearing
15 before you today as Secretary of the Committee on
16 Administrative Law of the Association of the Bar
17 of the City of New York and to present the view
18 of the Association with regard to the proposal to
19 amend the Charter to authorize the Mayor to
20 transfer the adjudicatory functions of the
21 various City Tribunal under the umbrella of a
22 City agency. You have our written submission on
23 this. The Association believes this proposal
24 should not be placed on the 2010 November ballot
25 because it requires longer more in-depth study

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1 than the current timetable permits. The
2 Association commends the effort of OATH and the
3 Mayor's office of Administrative Trials and
4 Justice to streamline the adjudication process of
5 New York City Tribunals in recent years.
6 However, meaningful changes to the City's
7 administrative justice process requires a careful
8 consideration of the diverse interests and
9 policies of the City's agencies. Thousands of
10 administrative hearings are conducted annually by
11 these New York City agencies in a variety of
12 specialized tribunals. These tribunals employ
13 vastly different processes. The Association
14 believes it may be difficult for the Commission
15 to obtain, analyze and reflect on the information
16 required to effectuate a consolidation of all
17 these Tribunals within the time frame of the
18 November ballot. In particular, we recommend
19 studying the consolidation of the environmental
20 control Board with OATH to understand best
21 practices and processes. While the Association
22 recognizes that a proper and efficient function
23 of these tribunals is essential to the City's
24 administrative justice system, the proposal to
25 reconfigure the consolidation of various City

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1 Tribunals into one agency requires a longer and
2 more in-depth study. These proposals should be
3 reserved for future consideration when the
4 Commission can proceed in an informed and orderly
5 manner. In addition, additional time is needed to
6 promote public understanding of the City's
7 Administrative Tribunals so that any vote on the
8 topic is informed. The City's agencies are
9 diverse, and it is not reasonable to expect most
10 voters to understand how agencies' determinations
11 are made and the implications of consolidation
12 within OATH in time for voters to make educated
13 and informed decisions on the November ballot.
14 We submit that devoting additional time to study
15 this issue will also lead to better, informed
16 voters. Thank you for the opportunity to present
17 this testimony.

18 CHAIRMAN GOLDSTEIN: Thank you, Miss Sheps.
19 Karen Young?

20 MS. YOUNG: Hi, my name is Karen Young and
21 I'm with the Green Party of New York City. For
22 those of you have who aren't familiar with us, we
23 are a party and also part of a global movement.
24 We ran five candidates citywide in 2009,
25 including Lynn Serpe for City Council, who won

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1 nearly 25 percent of the vote in Queens. And I'm
2 here today primarily to talk to you about instant
3 run-off voting and to express our support for
4 that going onto the ballot. You're probably a
5 fair that Fair Vote put out a study about IRV and
6 New York City last year, and I just want to
7 reference a couple of the key points that we in
8 the Green Party feel very strongly about when it
9 comes to instant run-off voting. First of all,
10 of course it would save the government money.
11 Every time we have a run-off election in New York
12 it can cost as much as \$22 million. So right
13 there a lot of other things we could do with that
14 money. Second, I think it's very important to
15 elect people with majority support. New York City
16 routinely has five or six people running in a
17 primary or special election so somebody can get
18 through that initial process into a run-off of
19 less than 25 percent of the vote, and they just
20 don't really have the support of the community.
21 The election process kind of distorts the support
22 that they have to get them into that next level.
23 Also, we think it's very important to protect
24 voter rights, the rights of people to vote, and
25 have their votes counted. Absentee voters,

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1 including the military, can vote in instant
2 run-off voting whereas if you're having a run-off
3 election two weeks after the other election there
4 isn't enough time to get those people a paper
5 ballot and get it back. Also, when you have a
6 run-off election it's really difficult for
7 campaigns to remobilize their supporters to come
8 out for that second election. And that especially
9 affects candidates who have less money;
10 candidates who are not incumbents, who are
11 insurgents. For us, we don't take corporate
12 contributions, so we're always running elections
13 on less money, and it's incredibly important for
14 people like us. Also for us, the key, probably
15 the No. 1 key is to have instant run-off voting
16 would get us away from the "lesser of two evils"
17 syndrome people are always taking. So, "We would
18 like to vote for you. We love your stance on the
19 issues. We don't want to elect a Republican." If
20 the people could have instant run-off voting,
21 they could vote for the Green Party vote for
22 their true belief, No. 1 vote, for candidate No.
23 2. That way, their true beliefs are expressed
24 and the person who has more generous support gets
25 elected. We also support the plan that Fair Vote

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1 put out, which would be to put on the ballot a
2 pilot project, if you will, run instant run-off
3 voting for special elections, 10 percent of the
4 City Council is elected in a special election,
5 see how that goes, and then roll it out for
6 citywide elections. It's time. Thank you.

7 CHAIRMAN GOLDSTEIN: Thank you very much. You
8 must have practiced that 12 times.

9 George Strauss?

10 MR. STRAUSS: I'll sit down. My name is
11 George Strauss. I have a Ph.D. in political
12 science. I taught at City College many years
13 ago. I am founder and Chair of American
14 Progressive United. It's an umbrella
15 organization that works with progressive parties,
16 real progressive parties, in seven states and
17 sometimes works together to supports candidates
18 of other third-parties such as the green party. I
19 come here today to testify against the so-called
20 nonpartisan Top Two election process. The
21 nonpartisan elections system of New York City.
22 The 2003 New York City Charter Revision
23 Commission proposed a Top Two electoral system to
24 replace party primaries before the general
25 election. However, it was not sufficient that 70

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1 percent of the voters in New York City voted
2 against the Top Two proposal in 2003. The
3 interest behind it are once again attempting to
4 bamboozle the public with the mystical virtues of
5 nonpartisan elections and persuade them to *** a
6 ballot resolution instituting a Top Two system in
7 this November's election. While support of the
8 Top Two proposal the 2003 Charter Revision
9 Commission was honest enough to state that
10 academic studies of nonpartisan elections up to
11 he then were far from conclusive. Since 2003
12 there's been new research and the current Charter
13 Revision Commission reports that academic studies
14 on the eof Top Two continue to be inconclusive at
15 best. The Preliminary Staff Report of the 2010
16 Commission touts the flip flop by good government
17 group such as Citizens Union of New York on the
18 Top Two issue. In 2003, Citizens Union was
19 against it now; they are for it. Is it said by
20 some that Citizens Union flip flopped quote "a
21 game changer." If passed, the Top Two system
22 would certainly change the game of politics in
23 New York but not in the people's interest. The
24 2010 staff reports sites political scientist
25 Richard Koluska (phoneitc) who concludes

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1 nonpartisan elections do not significantly
2 increase overall turnout. Although they do
3 increase turnout among independents, they also
4 depress turnout among poor and the less educated.
5 Top Two proponents consider independents, in
6 quotes, "to be the gold standard for voters." In
7 reality, they are a very small part of the
8 electorate. **** assistant of the Quinnipiac
9 Institute Polling cites quote, "There are an
10 awful lot of people who call themselves
11 independents, because it's fashionable in some
12 circles. But their voting behavior is
13 predictable. They are not swing voters," close
14 quote. There is also substantial evidence that
15 low decline in voter turnout is weakening of
16 political parties. This strain has been underway
17 **very years** and grassroots party activity in
18 New York City reflects two factors. First,
19 people are disenfranchised with what political
20 parties' promise compared to what they actually
21 deliver. Time is up?

22 CHAIRMAN GOLDSTEIN: Yes. You have your
23 testimony --

24 UNIDENTIFIED VOICE: Let him finish,

25 MR. STRAUSS: I'll be done in a minute.

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1 UNIDENTIFIED VOICE: You should let --

2 CHAIRMAN GOLDSTEIN: We have a lot of people.
3 Your time is up. If you leave your testimony.

4 MR. STRAUSS: I'll send it to you by E-mail.

5 CHAIRMAN GOLDSTEIN: Thank you, Mr. Strauss.
6 Wayne Hawley.

7 MR. HAWLEY: That I'll yield that time back.

8 CHAIRMAN GOLDSTEIN: Frank Perry.

9 MR. PERRY: Good evening. My name is Frank
10 Perry. I'm an attorney and proud to be the
11 Chairperson of Harlem's Community Board 10,
12 encompassing Central Harlem. On behalf of CB10
13 and our residents, I want to wellcome you to our
14 village of Harlem, cradle of arts, culture and
15 community activities. Community Boards are
16 really the foundation of local government
17 providing everyday New Yorkers an opportunity to
18 access government at all levels. While we were
19 originally founded as Planning Boards, our role
20 in government has changed. Land use remains at
21 the heart of the functions of Community Boards.
22 The City Charter mandates that we review,
23 dissect, and make recommendations on all land-use
24 applications in their catch -- areas pursuant to
25 the ULURP process. In addition to our ULURP and

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1 land-use functions, the Boards have evolved into
2 mini City Hall's, addressing the day-to-day
3 problems of all of our constituents from
4 organizing tenant associations, to galvanizing
5 local residents, to address the issues of gun
6 violence, to disseminating information on health
7 issues, to assisting persons who feel they have
8 been discriminated against in housing lotteries,
9 to helping people find unemployment, to helping
10 senior citizens find companionship, and that's
11 just what CB10 did today. The role of Community
12 Boards have surpassed the Commission for which
13 they were originally intended; however, we
14 eagerly embrace these new roles as we know that
15 what we do helps our neighbors. In this regard,
16 Community Board 10 supports all it's Manhattan
17 Community Board *** in recommending this Revision
18 Commission reflected** No. 1, mandating uniform
19 and strength then standards for Community Boards
20 an appointments, including a written application
21 process. Stimulate -- excuse me, stipulate that
22 funds be made available to each Community Board
23 to hire a full-time urban planner. These
24 proposals are already in effect in Manhattan as
25 our Borough President has made it his mission to

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1 do that. In conjunction with the rest of the
2 Community Boards, we also ask the Commission that
3 you conduct a series of meetings and hearings
4 with Community Boards and their members and their
5 constituents to solicit input and dialogue about
6 potential amendments and clarifications that
7 would assist Community Boards with their
8 operations and responsibilities. Finally, we urge
9 the Commission to remain convened until 2012 to
10 study the aforementioned recommendations and to
11 fully study the proposed changes to the land-use
12 process. Just this evening we have heard so many
13 convoluted presentations that require much more
14 dialogue, much more community input and much more
15 discourse. Your conclusions will have
16 far-reaching effects and more time is necessary
17 to construct the complex issues before you.
18 Thank you.

19 CHAIRMAN GOLDSTEIN: Thank you very much.

20 Jeff Galloway.

21 MR. GALLOWAY: Good evening. I agree with
22 everything that gentleman just said. My name is
23 Jeff Galloway. I'm from Community Board 1,
24 Manhattan Community Board one. I'm the Chair of
25 the Planning and Community Infrastructure

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1 Committee of Community Board 1. I'm testifying
2 here on behalf of our Chairman July Menin. I have
3 some written remarks that I'd like to hand up
4 and --

5 CHAIRMAN GOLDSTEIN: We'll have somebody pick
6 it up for you and give it to us.

7 MR. GALLOWAY: I'll summarize the written
8 remarks. I think it's universally recognized
9 that community engagement is critical to the
10 land-use process. To a successful land-use
11 process. It's a community engagement achieved in
12 different ways throughout the country. Here in
13 New York City we achieve it through the Community
14 Boards. And just as the gentleman who just spoke
15 said, we've done well but we can do better. And
16 we make -- we have a number of recommendations
17 that we believe will assist in making the process
18 better. First of all, our Charter mandate is
19 limited to only a handful of discretionary review
20 applications. As-of-right development does not
21 fall within our Charter purview but yet the
22 as-of-right *** can impact the infrastructure
23 even more than the discretionary view can. And
24 so we suggest that as-of-right needs to be taken
25 a look at to improve the community engagement

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1 process. Secondly, as to the discretionary
2 review such as ULURP, there are no standards that
3 apply to the Community Boards' evaluation in the
4 ULURP application. I see many, many ULURP
5 applications in my role as the Chair of the
6 Planning Committee, and we've done pretty well in
7 our Community Board in assessing these. These ***
8 but there are no uniform standards to make the
9 process uniform. And in our prepared remarks as
10 well as a resolution our Board passed we have
11 suggest 89 specific standards that we think
12 should be applied. Third area that I want to
13 address is lack of resources of Community Boards.
14 We are fortunate we do indeed have a Director of
15 Land Use, and we also have the benefit of Borough
16 President Scott Stinger's Urban *** Program. we
17 have graduates generally from Columbia and NYU
18 assist us every year. But not every Community
19 Board has those resources, so we support the
20 Public Advocate's proposal to have a land-use, a
21 set of land-use resources assigned to Community
22 Boards. And finally on the budgetary issues, to
23 have community engagement be meaningful, we have
24 to have some independence from the larger City
25 government. Yet our budget is wholly part of the

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1 mayoral budget process, and we believe, as the
2 Public Advocate has suggested as well, that the
3 Community Board budget should be set
4 independently in a manner of some other
5 independent agency rather than under direct
6 mayoral control. I want to just mention one
7 thing about Community Benefit Agreements. We
8 mentioned it in our prepared remarks. To us,
9 Community Benefit Agreements are in many ways a
10 sign Community Boards are not working. They can
11 provide certain positive aspects to the community
12 but there are also potential negatives to
13 Community Benefit Agreements, and specifically is
14 it's not entirely clear that the parties to the
15 agreement necessarily speak for the Community
16 Board. And we believe the Community Board should
17 be empowered to do this kind of community
18 engagement that is sometimes in the city taken
19 through the Community Benefit Agreements.

20 CHAIRMAN GOLDSTEIN: Thank you very much, Mr.
21 Galloway, and we thank you for your written
22 testimony.

23 Harry Borker, Mr. Broker?

24 Alison Greenberg?

25 MS. GREENBERG: Good evening, Chair

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1 Goldstein and fellow Commission -- Commissioners.
2 I am here on behalf of Community Board 2,
3 Manhattan, and I'm reading testimony I'm a member
4 of the Board and I'm reading testimony prepared
5 by Joe Hamilton, the Chair and Brad Hoylman, the
6 Chair of the Charter Revision Task Force for --
7 Community Board 2, Manhattan, represents
8 neighborhoods of Greenwich Village, Little Italy,
9 Soho, NoHo, Hudson Square, Chinatown and
10 Gansevoort Market. Community Boards are an
11 integral part of New York City government,
12 providing the opportunity for public
13 participation at the local level on many
14 important issues that affect the quality of life
15 for all New Yorkers. We are the government arm
16 where people can make their voices heard on land
17 use and development issues, traffic patterns,
18 pedestrian safety, the delivery of health care
19 and social services, the siting of parks and open
20 space, land-marking, sidewalk cafes, just to name
21 a few. It is with these multiple diverse and
22 important responsibilities in mind that Community
23 Board 2 wishes to suggest that the 2010 New York
24 City Charter Revision Commission consider two
25 amendments to the City Charter and consider

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1 devoting more time to study land-use issues
2 further. First, as addressed earlier by other
3 Community Board leaders, in order to maintain the
4 confidence of the public it is essential that the
5 appointed members are of the highest quality and
6 that the selection process is transparent and
7 inclusive. Currently, the City Charter only has a
8 few vague eligibility requirements for an
9 appointment to a Community Board that do not go
10 far enough to ensure that the most qualified and
11 representative people serve. Therefore, we urge
12 the Charter Revision Commission to revise the
13 Charter to mandate uniform and strengthen
14 standards for Community Board appointments
15 include a written application process,
16 substantial public outreach to attract new
17 members, and a specific timeline for
18 appointments. The second recommendation that we
19 request, that we make, is that the Charter
20 mandates that Community Boards review, analyze
21 and make recommendations on -- excuse me. The
22 City Charter does mandate that Community Boards
23 review, analyze, and make recommendations on
24 land-use applications that must undergo public
25 input and approval through the ULURP process.

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1 Because the process is time consuming and
2 requires technical expertise that most Community
3 Boards do not possess within their staffs or
4 membership, we ask that the City Charter be
5 amended to stipulate that funds are available for
6 each community Board to hire a full-time
7 qualified urban planner. These two proposals are
8 already in effect in Manhattan. Borough
9 President Scott Stringer reformed the appointment
10 process for Community Boards and created a
11 community planning fellowship program which
12 places graduate students on Community Boards. In
13 closing, we ask is that the Commission remain
14 open and continue to convene to address these
15 significant issues that were raised tonight and
16 in prior meetings. Thank you very much for your
17 time.

18 CHAIRMAN GOLDSTEIN: Thank you, Miss
19 Greenberg. Our next speaker is Timothy Holley.
20 Is Mr. Holley here?

21 Robert Montalvon? Robert Montalvon?

22 Michael Keane? Mr. Keen?

23 MR. KEANE: Good evening, Commissioners.

24 Thank you for the opportunity to speak tonight.

25 My name is Michael Keane. I'm an urban planner

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1 here in New York. A few years back I also had
2 the opportunity to participate in the Borough
3 President Stringer's Community Planning
4 Fellowship Program, which was mentioned by
5 previous speakers. I worked in Community
6 District 6 as their urban planner, and I'm
7 testifying here tonight to eliminate what could
8 be a significant gap in the City's Uniform Land
9 Use Review Procedure process, or the so-called
10 ULURP process. Those of you familiar with the
11 ULURP process know that it involves five
12 individual reviewing bodies for a proposed
13 action, be it land use for zoning change or
14 development project. The Community Board
15 represents -- I represent the district in which
16 the proposed action falls: The Borough
17 President's office, the City Planning Commission,
18 the City Council and Mayor's office. However,
19 only two of these five reviewing bodies maintain
20 urban planners as a central component of their
21 staff: The City Planning Commission and the
22 Borough President's office. It seems that three
23 of the five stages for review for major projects
24 that would impact the community or indeed the
25 City's built environment occur without the

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1 specialized knowledge of expertise of an urban
2 planner. Community Boards are at a particular
3 disadvantage given they do not have direct access
4 to urban planners and have to rely on the
5 generosity of the Borough President's office for
6 such expertise. The irony is quite thick given
7 that the Community Boards, you know, they are
8 closest to these proposed actions and yet they're
9 operating without the expertise of an urban
10 planner. It's an alarming issue for the City's
11 built environment and a correction we're trying
12 to take. The guiding of the development of the
13 City and Community Boards should either be
14 staffed with a full-time urban planner or at
15 least be budgeted for keeping the planner firm on
16 retainer to be used when needed. I devoted
17 approximately two hours a week to CB6 as per the
18 fellowship contract, but I can tell you that
19 there was enough to do that I could have done 40
20 or more hours per week. So I'm strongly encourage
21 the Charter revision Commission to take a close
22 look at the current form and function of the
23 ULURP process and take an even closer look at
24 Borough President Scott Stringer's
25 recommendations for regarding the staffing of

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1 Community Boards with an urban planner. The
2 result would be a significant strengthening of
3 our City's land use and planning process and
4 empowerment of Community Boards in a tireless
5 effort to help guide their neighborhoods towards
6 healthy, sustainable places to live, work and
7 play. Thank you.

8 CHAIRMAN GOLDSTEIN: Thank you, Mr. Keane.

9 K. Samuels? Welcome Miss Samuels.

10 MS. SAMUELS: Good evening.

11 CHAIRMAN GOLDSTEIN: You're on.

12 MS. SAMUELS; I wanted to cover a couple of
13 things this evening, a few things. One thing is
14 the planning Commission; secondly, the community
15 president'. Third, Public Advocate; fourth, the
16 election process of redress; and five, the speed
17 of this Commission. I'll try to do that quickly
18 I only have three minutes. First, the City
19 Planning is the most professionally incestuous
20 Commission or Board in the City. It's composed
21 of development/real estate people, architects,
22 city planners. There's no person from the
23 grassroots on that Commission. And I think that
24 the decisions are reflected -- reflective of
25 that. They're heavily burdened with industry

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1 individuals who are more geared to seeing a
2 project done even if it's bad. They do not mind
3 splitting the baby. A solution to this is that
4 there needs to be more elected individuals who
5 are grassroots, who are involved in planning
6 their community on that Board. That will give us
7 a much different flow than what it is right now.
8 The issue relating to and land use, the land use
9 process needs to be extended and not shortened.
10 Right now, we're essentially losing the cultural
11 integrity of Harlem because of the land-use
12 process. It starts with City Planning and ends
13 with City Planning. And there's very little
14 that's respected in between in terms of input by
15 the the community by City Planning. Community
16 Boards and the Borough President. The concept of
17 Community Boards Community Boards should not be
18 gotten with. They should not be appointed
19 anymore. They have should be elected. There's
20 no need for 50 members. But there is a need for
21 well-trained support staff that interacts well
22 with the community. Right now, Community Boards
23 appear to be nothing but a partisan appointed
24 Board, even in Manhattan with Mr. Stringer,
25 particularly in Board 10. Borough Presidents have

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1 gone as far as changing the Board members to get
2 something they want, and I'll use the example of
3 what happened with the arena in Brooklyn. To give
4 a private developer property in that area. You
5 can also have an urban planner, which I think is
6 a very important component to Community Boards,
7 with an elected Board. They do not have to be
8 appointed. In Board 10 not likely what Mr. ***
9 was saying the community most of the time is not
10 told when there is going to be hearings. There
11 have been a lot of land-use issues, particularly
12 in CB10 community, doesn't know a thing about it.
13 If you don't show up the meetings, first of all,
14 there's not even an agenda, so you don't show up
15 to the meetings you don't even know what's going
16 on in your community or why a certain building is
17 being built and. And I said our cultural
18 integrity in our buildings have been destroyed
19 because of this. And very quickly, I believe
20 there should be a Recall Commission. We were
21 told that Council Members were only going to run
22 twice and that they would be in office for eight
23 years. Next thing we find out, it's going to be
24 three years and there's no safety valve for the
25 community. We have people who think there are

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1 kings and queens in office right now because they
2 have the money to run for those particular
3 offices and the average person in the street
4 would have difficulty being able to run against
5 them because of finances. The other issue, that
6 the Public Advocate is a necessary office and
7 should be strengthened and it's role influence.
8 By the way. I believe elected Community Boards
9 could be financed by getting rid of the Borough
10 President and using the money that the Borough
11 Presidents are using now, spreading it out to
12 elected Community Boards, because most of us
13 would not vote for those people who are on the
14 Board now. Also, I want to touch on the people
15 of the Commission. It really needs to slow down.
16 It needs to be more of a people type of Charter
17 Commission, and part of the problem here, and I
18 don't know any of you, however, it seems to be
19 from the review of who is on this Board what
20 bureaucrats elected by the Mayor. We need to
21 have more people grassroots on this Board so that
22 you can get a better feel for what it's like to
23 come to a meeting, have the members show up a
24 half an hour late and talk to each other.

25 CHAIRMAN GOLDSTEIN: Thank you. Thank you.

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1 MS. SAMUELS: Thank you very much.

2 CHAIRMAN GOLDSTEIN: Let's move now to Dr.

3 Fulani. Leonora Fulani.

4 DR. FULANI: Hi, everyone. The Commission,
5 this Commission was organized to hear from and
6 listen to the people of New York City as to what
7 changes to be made to the City Charter. The issue
8 that came up at every hearing and mostly
9 favorably, except for objections by elected
10 officials and union members, both of whom
11 benefited from the current arrangement, was the
12 issue of nonpartisan elections. Now, I realize
13 that I'm simply a black woman who has never been
14 asked, and probably will never be asked, to sit
15 on a Commission and decide something so important
16 as to whether or not New Yorkers should be given
17 the opportunity to vote on such a matter. And as
18 I said, nonpartisan is the issue that's received
19 by far the most attention. Congratulations to the
20 people on both sides who came out to speak their
21 piece. We've done our job. We've demonstrated
22 that there is a live debate on this issue. That's
23 what Democracy is all about. This is definitely
24 about Democracy. Two million voters voted for it
25 in California, tens of thousands of people in

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1 cities all over the country are debating it. The
2 role of the Commission is not to decide the fate
3 of this issue by default. No. It's to give it to
4 the people. It's the No. 1 issue that was
5 presented to you no matter how you count. But no,
6 the best that you have come up with as a body,
7 who was to listen to what the people of New York
8 say, is you don't have enough time, it's not been
9 studied enough, suppose it doesn't win, it's too
10 big, too big. We just elected the first black
11 president in the nation that was founded on
12 slavery. That was pretty big. And every step
13 towards expanding enfranchisement has required
14 something big. I think it's important also to
15 recognize, with all due respect, that we are not
16 counting on the Commissioners to educate the
17 community. I'm a community organizer, and we
18 worked for 30 years along with lots of different
19 community organizers and other people who will
20 educate, and, in fact, we were out in the streets
21 for half an hour at Harlem Week yesterday, a
22 hundred people signed a warrant to support
23 nonpartisan elections and they didn't need
24 degrees. What they basically needed to hear was
25 that people were being excluded. I want to

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1 acknowledge the good work of Attorney Harry
2 Kresky, Professor Bill Thompson, and New York
3 City premier reform organization, Citizens Union,
4 who did, by the way, did study the issue for many
5 years, and they did a terrific job. And
6 Commissioners, on behalf of many people in this
7 room, not all them, but many, and the many people
8 who testified in rooms all over this City, and
9 the many people of Harlem who are Democrats,
10 Republicans and independents with whom I've
11 spoken with about this topic for years, we want
12 to tell you that the process that you have
13 conducted as a Commission is a huge
14 disappointment. Your evaluation of the testimony
15 is simply distorted. And for us it comes down to
16 this one simple fact. There are 1.5 million
17 registered voters who are being denied the right
18 to participate, and you seem to be moving in the
19 direction of denying the people of this City the
20 right to weigh in on this. This is not Democracy.
21 It's a disgrace.

22 CHAIRMAN GOLDSTEIN: Galin Brooks. Is Galin
23 Brooks here?

24 Linda Barrara:

25 MS. BARRARA: Good evening. My name is

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1 Linda Barrara. Please excuse my awkwardness,
2 I've never done this before, and I'm very glad to
3 be here. I'm a proud New York City teacher, but
4 I'm not here representing any organization. I'm
5 here because I'm interested in getting an answer,
6 if you can give me one. Many years ago, the
7 Chancellor of New York City was elected and I can
8 remember one man, Frank Macchiarola, who called
9 himself "the fighting Chancellor," and I believe
10 he was elected twice. Under Mayor Michael
11 Bloomberg we have Chancellor Joel Klein, and in
12 my opinion, this is strictly my opinion, he's a
13 brilliant litigator and statistician, but he has
14 not been there and done that. The new
15 Commissioner in Albany, David Steiner, who came
16 out of Hunter College he had for many years been
17 a professor of education and his job was to teach
18 teachers how to be great teachers. So that's
19 someone that's a resource for me, but he's up in
20 Albany. So so my question is when Mayor Bloomberg
21 leaves office and the next mayor comes, is it
22 possible, I mean how likely is it that the New
23 York City Charter can be revised to have the next
24 Chancellor be elected? Thank you.

25 CHAIRMAN GOLDSTEIN: Thank you. I'm sorry,

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1 but Balin Brooks. I don't know if I was heard?

2 Yes, you want --

3 COMMISSIONER CROWELL: Chancellor was saying
4 it's actually a matter of state --

5 UNIDENTIFIED VOICE: I'm sorry, we can't
6 here you.

7 COMMISSIONER CROWELL: The Chancellor of the
8 City of New York, his position is governed by
9 state law. It's not within the purview of this
10 Charter Commission, and I believe that it was the
11 Board of Education who voted on the Chancellor,
12 that being Macchiarolla at the time. So it was an
13 elected Board of Education that chose.

14 COMMISSIONER SCISSURA: It was an appointed
15 Board.

16 COMMISSIONER CROWELL: I'm sorry, an
17 appointed Board of Education.

18 COMMISSIONER SCISSURA: An appointment
19 Chancellor.

20 COMMISSIONER CORWEEL: Appointed the
21 Chancellor who was appointed by elected
22 officials.

23 CHAIRMAN GOLDSTEIN: As far as I know, Joel
24 Klein is not a statistician, but that might be
25 something he hides.

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1 I'm sorry, is Galin Brooks here?

2 MS. BROOKS: Yes.

3 Q.

4 CHAIRMAN GOLDSTEIN: Okay. So you didn't
5 hear me when I asked earlier.

6 MS. BROOKS: Not over the applause.

7 CHAIRMAN GOLDSTEIN: Well, it's good to have
8 you.

9 MS. BROOKS: Good evening, Commission
10 Members. My name is Galin Brooks. I am speaking
11 today as a proud participant of the Manhattan
12 Borough President's Office Community Planning
13 Fellowship Program. I would like to focus
14 specifically on one of the Borough President's
15 recommendations which will strengthen Community
16 Boards in our city. This recommendation asks that
17 each Community Board be able to appoint its own
18 full-time planner. Such a planner would support
19 the Boards analysis of land use changes and help
20 them to develop recommendations on all land-use
21 matters that come before the Board. A planner
22 would also be able to ensure coordination of all
23 planning activities, Board initiated and
24 otherwise, within a given district. Providing
25 invaluable institutional support and knowledge to

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1 a Board. The American Planning Association
2 described planners as a professional who helped
3 to create a broad vision for the community. To do
4 this, they research, design and develop programs
5 lead public processes affect social change
6 perform technical analyses manage and educate. In
7 many ways, Community Boards in New York City act
8 as localized planning bodies and are charged with
9 oversight of the growth and economic development
10 of their districts. To this end, they analyze the
11 needs of their communities, make recommendation s
12 on land-use changes, and review a whole host of
13 applications for specific action was in there
14 borders. A certain level of knowledge,
15 understanding and technical ability is required
16 to perform these tasks and planners can help with
17 these. As a volunteer body, it is amazing that
18 Community Boards are able to accomplish all that
19 they do in New York City. A committed urban
20 planning professional would provide the expertise
21 and facilitate along with constitutional
22 knowledge required to help Community Boards meet
23 their professional duties. The functions of
24 planners can fulfill are at the very core of what
25 Community Boards do. These volunteer bodies serve

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1 a vital function in shaping the neighborhoods of
2 our city and deserve to have the resources that
3 they need to make well-informed decisions. For
4 the four years, community planning fellows have
5 served in this capacity on a temporary basis
6 extending this service to a permanent basis would
7 greatly increase it's impact. In my time with the
8 planning fellowship I worked in Brooklyn with
9 Community Board 2, their district Manager, Rob
10 Harris and Chairperson John Dew and there I
11 helped them to draft the FY2011 Statement of
12 District Needs. In my limited time working the
13 with the Community Board I could see there were
14 many ways in which appointed planner would be
15 able to help the Community Board to spur the
16 growth and economic development of their district
17 in a way that meets the needs of their residents.
18 I'm grateful to have had the opportunity to work
19 with the dedicated and talents of *** Board
20 members of Community Board 2 in Brooklyn, and I
21 only hope that they and others receive the
22 support and resources they need to fulfill their
23 duties.

24 CHAIRMAN GOLDSTEIN: Thank you very much Miss
25 Brooks.

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1 Our next speaker is Isis Ausar? Did I
2 pronounce that right?

3 MS. AUSAR: It's pronounced Oh-Say, the
4 A-U-S pronounced like a "Oh".

5 CHAIRMAN GOLDSTEIN: Oh it's, A-U.

6 MS. AUSAR: Right.

7 CHAIRMAN GOLDSTEIN: Welcome.

8 MS. AUSAR: Good evening. Can you hear me?
9 My name is Isis ausar, and I'm a Harlem Knight***
10 I'm also a neophyte a new Community Board 10
11 member, and this is my first encounter with
12 Commission such as you, so thank you very much.
13 I'm going to make this very short. I would like
14 for you to think about the Charter, Chapter 50 on
15 term limits. I have am for term limits. And the
16 reason I'm for term limits is because I'm against
17 dictatorships. I'm against people who have
18 acquired their celebrity and they have acquired
19 too much power, or they have think too much
20 power, sitting in the seat for so long. It tends
21 to corrupt. And because it tends to corrupt, the
22 citizens who you're supposed to represent you no
23 longer represent. I have to remind people that
24 citizen representatives are paid for by our
25 taxes. You're supposed to represent us. You're

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1 not supposed to represent some huge conglomerate.
2 You're supposed to represent the citizens. Now,
3 Chapter 50, and I will make this short, term
4 limits. Public policy: It is here by declared to
5 be the public policy of the City of New York to
6 limit the time elected officials can serve as
7 Mayor, Public Advocate, Comptroller, Borough
8 President and Council Member so that elected
9 representatives are citizen representatives who
10 are responsive to the needs of the people and are
11 career politicians. Responsive to the needs of
12 the people. Please bear this in mind, keep it in
13 mind. When you make your decisions you have to
14 be responsive to the needs of the people. This
15 bobbing head syndrome, this oligarchy, this
16 monarchy has got to go. The elite do not run the
17 City. Try to keep that in mind. So, therefore,
18 please, I beg of you, I beseech you, think about
19 the people when you make your decision on term
20 limits. Thank you.

21 CHAIRMAN GOLDSTEIN: Thank you.

22 Our next speaker is and Pam Palan Que.

23 Welcome.

24 MS. PALAN QUE NORTH: Can you hear me?

25 CHAIRMAN GOLDSTEIN: Yes.

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1 MS. PALAN QUE: It's Pam Palan Que North,
2 but I thank you.

3 CHAIRMAN GOLDSTEIN: That is que at the end?

4 MS. PALAN QUE: Q-U-E. Good evening, Chair
5 Goldstein and members of the Charter Revision
6 Commission. I thank you for your hard work that
7 you're doing tonight and that work which you've
8 yet to do and will do shortly I'm Pam Palan Que
9 North. I'm chairperson of Community Board 12
10 which takes in Washington Heights and Inwood,
11 which covers west 155th Street to West 120 Street
12 River Hudson to East river. We have a population
13 of about 200 eight to residents 60 percent plus
14 speak English as a second language. Like my
15 colleagues before me, I want to talk about some
16 of the recommendation s that I think that we
17 would like for you to consider in your revisions
18 that are vitally important to the continued life
19 and functioning of the Community Boards. First
20 and foremost appointments. We want you to set
21 clear, consistent and inclusive standards for
22 appointments to the Board. To do anything less I
23 think creates an and invites chaos and diffusion
24 the the Boards in trying to fulfill its mission
25 which is pretty hefty for citizens who are

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1 volunteers. We've had like people to be
2 appointed to bring life experiences and skills
3 that map to the mission of the Community Board.
4 I think you can if easily find this in our
5 communities which are rich and abundant with
6 great people. Second thing is we'd like you to
7 require each of the 59 Community Boards as you've
8 heard before me have, do have one planning
9 professional added to the Community Board budget.
10 I beseech you do not make the Community Boards
11 hire an person lining this about in the budget
12 they now have because they are working at the
13 boundaries of budget. They don't have enough
14 money. We want to applaud Scott Stringer,
15 Manhattan Borough President for his pioneering
16 work with providing the 12 Community Boards in
17 Manhattan with a planning intern but these are
18 not permanent staff. And they cycle out after
19 they do great work with in the communities,
20 leaving the communities with volunteers to pick
21 up the ball under many great recommendations, so
22 we need a full-time paid staff person to do that
23 work. And I also want to strongly recommend that
24 you continue the extend the time of the
25 Commission so that you can fully focus on the

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1 land-use issues which are so absolutely important
2 to the communities as we try to right size and
3 also manage the land that we have so that it
4 better serves the communities, it's very
5 important. And last but not least I want to thank
6 you for being active listeners tonight and we
7 hope that you cycle back to the Board's I'm not
8 sure how you organize that. So you can
9 socially -- someone talked about the fact that
10 some of us can educate the community but we need
11 you and we think you're great method else for
12 socializing recommendations you're going to make
13 the decisions you're going to make and to hear
14 from the community again how they think those
15 recommendation recent going to impact your lives
16 and the work we have to do. I have written
17 testimony which I will submit and I thank you
18 very much.

19 CHAIRMAN GOLDSTEIN: Thank you Miss North.
20 Frank Morano.

21 MR. MORANO: Good evening. Talk light. I'll
22 be very brief. I wanted to speak about
23 nonpartisan elections and urge the Commission
24 strongly to consider putting on the ballot this
25 year. I really don't understand how you wouldn't

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1 put it on the ballot this year given the wide
2 breadth of public testimony on both sides of the
3 issue that we've heard this year. If I were to
4 guess, I would think that there are probably
5 three schools of thought with respect to
6 nonpartisan elections on the Commission. And
7 I'm going to call it nonpartisan elections as
8 opposed to Top Two because there are a lot of
9 different ways to do it. Top two is one variation,
10 but you could certainly do it with instant
11 run-off voting or with proportion representation which
12 New York City had for 13 years in the 1930s. But
13 with respect to nonpartisan elections, I think
14 there are probably some of you who are opposed to
15 do on the merits and you've certainly heard a lot
16 of testimony from people much more articulate
17 than I am about why it's a good thing for New
18 York but let's assume you're unconvinced.
19 Even if you're unconvinced then shouldn't the
20 voters have that same opportunity to make a
21 decision about the proposal? What is the harm in
22 you're opposed to nonpartisan election in putting
23 it on the ballot and letting the voters decide
24 for themselves whether it's something they have
25 want to pursue. Then I'm sure there are some of

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1 you who are in favor of nonpartisan elections on
2 the merits but don't think or aren't convinced
3 that it can pass this year because certain grips
4 are in favor of it. The New York Times Editorial
5 Board or certain keep power players the City. Or
6 Democratic count leaders. Well, I think you
7 shouldn't judge the success of this Commission
8 based on whether your proposals pass or fail. I
9 think a number of previous commissions have done
10 great work that has in part laid the foundation
11 for the work you're doing today and not seeing
12 their proposals come, you know, enacted into law
13 the year they were proposed. How can you not put
14 that on the ballot with such incredible amount of
15 interest throughout City in this issue? And for
16 those of you that are in favor of putting it on
17 the ballot this year, and I don't know which ones
18 of you are there or how many of you are there,
19 whether it's six, seven, eight, or three, or two,
20 or one, but I want to urge you to when you have
21 your meeting s with your fellow Commissioners,
22 hold on to those convictions like grim death and
23 don't be dissuaded and don't allow your fellow
24 Commissioners in the name of pragmatism many to
25 trump the democratic will of the voters whatever

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1 it might be. I recently chose to enroll as an
2 unaffiliated voter and I know at least one of the
3 Commissioners on this Commission is an
4 unaffiliated voter as well that ***me it mean me
5 or commissioners care less about city issues. In
6 fact it doesn't mean our vote counts any less
7 than a Democrat or Republican. How can you say
8 you as an unaffiliated voter you have to pay
9 taxes to administer the election that is everyone
10 else gets to participate in but you don't get to
11 participate. Let every voter participate at
12 every stage of the process. They're paying for
13 these elections, let them participate. I don't
14 think that's too much to ask. Thank you.

15 CHAIRMAN GOLDSTEIN: Our last speaker is
16 Anita Burson? Anita Burson. CHAIRMAN GOLDSTEIN:
17 Welcome.

18 MS. BURSON: Good evening. I'm speaking on
19 behalf of the NAACP. I'm the second vice
20 president, Brooklyn unit, and I sat in Borough
21 Hall last week. ***** that you were down at
22 Brooklyn college. How are you?

23 COMMISSIONER SCISSURA: Nice to see you.

24 MS. BURSON: I'm just going to reiterate to
25 an open letter that was sent you to, Chairman,

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1 and to the Charter Members and I will just
2 highlight at this late hour. Early indication
3 that's correct some issues may be fast tracked to
4 this fall's ballot do not instill the confidence
5 that the populace as a whole would need. We're
6 pleased that the Commission has hired capable
7 qualified staff. But there's no denying this ***
8 event and media coverage has *****. In spite of
9 this, we remain optimistic the Charter Commission
10 and its distinguished members can make
11 adjustments that will put us on a path toward
12 increasing public trust and proposing useful and
13 creative reforms. Moving forward, we call on the
14 Charter Commission to demonstrate independence.
15 An independent Charter Commission effort takes
16 time and leadership. Given the breadth of the
17 challenges our City faces, ***believing it's most
18 appropriate to model this Commission's work
19 object the 1987, '88 and '89 Charter processes.
20 It unfolded over more than two years. And it's
21 still tout ed today for its professionalism and
22 popular participation. It's important to go slow
23 and get it right. When the topic is as momentous
24 as the structure of City government. Only term
25 limits maybe ready for a vote in 2010. If any

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1 issues have to come to the ballot this November
2 it should be restricted solely to issues that
3 have already had something approaching a robust
4 public debate. Terms limits might qualify such a
5 topic given the wide publicity received in 2008
6 and the broad public understanding of the issue.
7 By contrast, sweeping in other reforms such as
8 nonpartisan election strike us as highly cynical.
9 If I might adhere given the fact that the ballot
10 boxes are changing and we're expecting a great
11 undercount, it will overwhelm considerable debate
12 on other important issues. Don't rush new ideas.
13 There's a wealth of knew and original ideas for
14 Charter reform. Each of these reforms must be
15 thoroughly vetted by the public and experts with
16 specialized knowledge. These reforms will not be
17 ready and are not ready for the ballot this year.
18 We support the Commission in developing more
19 public faith in the process encouraging new and
20 productive debate and pushing New York City to
21 make a big step forward. November's the time to
22 chart that course. We ask to meet further to
23 discuss our concerns and hear what steps the
24 Commission intends to take. Now, this letter was
25 sent earlier by a coalition of leaders from

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1 various communities, civic, labor, community
2 immigrant, academic, political, human rights
3 operations and others. Thank you.

4 CHAIRMAN GOLDSTEIN: And we thank you for
5 that. Commissioner Cohen.

6 COMMISSIONER COHEN: Thank you Mr. Chairman.
7 I just want to, since the last witness mentioned
8 the, correctly mentioned the 1987, '88, '89
9 Charter Commission, too often I think there's an
10 an abbreviation to call it the '89 Commission. I
11 have wanted to remind the public and I hope that
12 the press is here to help us get this message
13 out, about how Charter Commissions work, what the
14 rules are and what happened during to get us
15 through the results that are so included for
16 what's commonly known as '89 but it was really
17 87, 88, 89. Charter Commissions, when they are
18 appointed, have a maximum of two election cycles.
19 If they bring something to a ballot, for example
20 if we bring term limits to the ballot this year,
21 they automatically dissolve at that election.
22 They- - if they don't bring it to the ballot.
23 They have one more year to get to an election and
24 then automatically dissolve. It's not a question
25 of a Commission deciding how long it can work.

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1 It automatically dissolves and then it's up to
2 the mayor or actually the City Council which also
3 has the power to a point a Charter Commission to
4 appoint a Charter Commission to do more work. So
5 much in the late '80s there was a Charter
6 Commission chaired by Richard Ravitch that did
7 work in '87 and '88, brought matters, important
8 matters to the public in 88 and was dissolved and
9 it partially reconstituted partially the same
10 population and partially not as what we think of
11 as the '89 Commission under Chairman Schwarz and
12 that Commission did the final work of remaking
13 the City government in the wake of an important
14 Supreme Court finding. So that's what happened in
15 the late '80s. And while I'm not saying that is
16 will be or should be repeated now, that would be
17 what is necessary to do a wide arranging full
18 scale examination of many of the complicated
19 issues that people are interested in us bringing
20 forward and that would take us to 12012. It is
21 not, I repeat, not within our power to make that
22 decision.

23 CHAIRMAN GOLDSTEIN: You want to say
24 something?

25 COMMISSIONER CASSINO: Yes.

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1 CHAIRMAN GOLDSTEIN: Commissioner Cassino.

2 COMMISSIONER CASSINO: I want to support
3 that concept that obviously there are going to
4 need be to things that we need to advocate for a
5 future Commission I think we should at some point
6 be strongly on the record on that issue. My
7 question relates to our timing in our process
8 here.

9 CHAIRMAN GOLDSTEIN: You want me to go into
10 that?

11 COMMISSIONER CASSINO: Yes, because I'm a
12 little concerned about time.

13 CHAIRMAN GOLDSTEIN: Commissioner Cassino,
14 shortly before you arrived, I just sort of
15 sketched out in the very broad strokes because we
16 need to get greater specificity. We have two
17 additional schedule forums. One on the 28th,
18 which is this Wednesday, followed by August
19 second, which is next Monday. I would like to
20 dominate those two open forums for an honest and
21 thorough discussion on a number of areas that we
22 really have not spoken at length about, but we
23 know has great interest, not only on behalf of
24 the Commission, but on so many people that have
25 talked with us. Briefly, nonpartisan election is

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1 an area that we have not spoken amongst the
2 ourselves, but have listened very carefully to
3 the Citizens Union, and to many people who have
4 expressed interest in that subject, and we will
5 need to take some time to discuss that. There
6 are yet a number of issues that we've had some
7 discussion but we need a lot more discussion
8 before we take the next step, and I don't want to
9 go through an exhaustive list, but we do have a
10 good memo that was provided by staff on Fair
11 Share that was an area that a number of people
12 had interest in and we need to talk about that.
13 Commissioner Cassino as spoken about a number of
14 areas that he would like to have considering on
15 dealing with the city counsels and we need to
16 have a discussion amongst do you recall amongst
17 ourselves on that as well. Commissioner Scissura
18 has talked about Citywide officials, the Borough
19 Presidents in particular, Community Boards in
20 particular, and we need to have a discussion
21 about that. I don't want to drop the ball on any
22 of these subjects. Commissioner Freyre has
23 talked passionately the need for an independent
24 budget for the Conflicts of Interest Board.
25 There are a whole set of areas that I think we're

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1 going to need to devote the next two sessions to
2 have a conversation amongst ourselves and as time
3 permits, to take further testimony from the
4 people who join us for those open forums. I did
5 mention that after those two open forums this
6 Wednesday and then on the following Monday we
7 need to schedule two, possibly three additional
8 forums. One on -- the working title, as a working
9 date, we need to pin this down so I don't want to
10 say that this has been agreed upon, because we
11 really have to look at schedules, but August 12
12 seems to be a target date for a time when the
13 Commission will spend that entire time talking
14 about ballot measures. And actually get a formal
15 vote. So that will be again approximately on
16 August 12. We then need, I would surmise,
17 probably two additional meetings, one to consider
18 the final report of the Commission, and again, I
19 see that as having three basic components, and
20 staff is at work right now on those -- on that
21 part, certainly that they are in a position to
22 write about, because I would say that's much more
23 ministerial. It's about the history of whereof
24 how we got started and where we are up to the
25 point of a formal vote. The second part of that

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1 report I would surmise really deals with the
2 explanation of why the Commission show the items
3 that it did choose to bring to the ballot and
4 then again the thing that I've always emphasized
5 is the third component about the things that we
6 left on the table that perhaps other commissions
7 have left on the table, but we think are
8 sufficiently important for. Future commissions to
9 opine on in part because we were restricted by
10 the clock. In the time that we had to con front
11 our business. And then I think another forum is
12 needed to for the community to respond to our
13 final report. I neon, I think it's important that
14 be heard and I suspect that if we can address the
15 clock in that particular way, we would have done
16 what we were asked to do if we decide as I think
17 we have decided, to conclude our work with ballot
18 measures in November.

19 COMMISSIONER CASSINO: Just to follow up,
20 because I think it is important because this came
21 up with a number of speakers tonight, that the
22 report that many many of them are referencing is
23 not, does not necessarily reflect the
24 prioritization that you're making here. Sometimes
25 speakers see a set-up here it's either for for

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1 tour consideration or it's not in here at all and
2 we're certainly many of things you mentioned are
3 not even in here, that that's a work in process.
4 So I think it's important to remind the audience
5 members who were speaking and saying, you either
6 didn't include it, or you gave it short shift,
7 it's a work in process.

8 CHAIRMAN GOLDSTEIN: It is an evolving. And
9 that was not the Commission's report, this was
10 the a report by the staff to the Commission with
11 incomplete information, obviously, because this
12 is an evolving process. But what I'm talking
13 about is the formal report that the Commission
14 would vote upon, and we're still away from that
15 particular- - and the areas that I just
16 mentioned, are not an exhaustive list, but
17 certainly I think capture my recommendation of
18 the things that most of us why concerned with. So
19 again, I'd like to thank the audience for their
20 patience in listening tonight. We still have a
21 lot of work to do. And again, I'm deeply
22 appreciative of my colleagues on this Commission
23 who are very dedicated women and men trying to do
24 the best that we can under the circumstances in
25 which we are working under. Thank you and I'll

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1 call for a motion to adjourn our meeting. It's
2 been moved. It's been seconded.

3 (Commissioner Hart and Commissioner Taylor
4 raised their hands.)

5 CHAIRMAN GOLDSTEIN: And I think by
6 acclimation so we're adjourned.

7 (Whereupon, at 8:51 P.M., the above matter
8 concluded.)

9

10

11 I, NORAH COLTON, a Notary Public for and
12 within the State of New York, do hereby certify
13 that the above is a correct transcription of my
14 stenographic notes.

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NORAH COLTON, CM

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