

CHARTER REVISION COMMISSION

PUBLIC FORUM

QUEENSBOROUGH HALL

KEW GARDENS, QUEENS

JULY 28, 2010

6:08 P.M.

CHAIR: DR. MATTHEW GOLDSTEIN

COMMISSION MEMBERS:

JOHN H. BANKS, VICE CHAIR

ANTHONY PEREZ CASSINO

BETTY Y. CHEN

DAVID CHEN

HOPE COHEN

ANTHONY W. CROWELL

STEPHEN FIALA

ANGELA MARIAN FREYRE, SECRETARY

ERNEST HART

REV. JOSEPH M. McSHANE, S.J.

KENNETH M. MOLTNER

KATHERYN PATTERSON

CARLO A. SCISSURA

BISHOP MITCHELL G. TAYLOR

1 CHAIRMAN GOLDSTEIN: Ready? Good evening,
2 ladies and gentlemen. I'm Matthew Goldstein,
3 Chairman of the New York City Charter Revision
4 Commission. I welcome all of you to these
5 proceedings this evening. We are pleased to be
6 at the Queens Borough Hall. I'm told momentarily
7 our Borough President Helen Marshall will come
8 into the room to greet us. But until she
9 arrives -- now my iPad went off, Rick. Alright.
10 You know as much as I do about that. Why don't we
11 start by going around the table and having our
12 Commissioners introduce themselves, and then I'll
13 talk a little bit about what we hope to
14 accomplish this evening, and then our main event
15 is to hear from Mark Page that I will introduce
16 in just a few minutes. So let's start with Hope.

17 COMMISSIONER COHEN: Hi, I'm Hope Cohen.

18 COMMISSIONER HART: Ernie Hart.

19 COMMISSIONER CROWELL: Anthony Crowell.

20 COMMISSIONER FREYRE: Angela Mariana Freyre.

21 COMMISSIONER BANKS: Hi, I'm John Banks.

22 COMMISSIONER CASSINO: Hi, I'm Tony Perez
23 Cassino.

24 COMMISSIONER SCISSURA: Carlo Scissura.

25 COMMISSIONER FIALA: Good evening, Steve

1 Fiala.

2 CHAIRMAN GOLDSTEIN: So welcome to everyone
3 this evening. Let me just set some parameters for
4 how the Commission hopes to proceed this evening.
5 After we have heard from our distinguished guest,
6 Mark Page, he will give a, some introductory
7 remarks on a subject that the Commission is
8 deeply interested in. We will have an engagement
9 with Mr. Page. And then the Commission is going
10 to have a discussion. We will have a discussion
11 amongst ourselves on a number of subjects that we
12 have had some discussion about and really to
13 generate some greater specificity. And these are
14 subjects that may or may not get onto the ballot
15 in November of this year; and the purpose of that
16 discussion and the purpose of the discussion we
17 will have next Monday, where we will meet in
18 Staten Island, is to hone in on those areas that
19 we think we have done our due diligence at the
20 level that we hope to do in order to bring
21 closure to some of our work. We will have a
22 Commission meeting following the meeting on
23 August 11. I announced last week that our working
24 date around that time after the August 2nd date
25 would be around the 12th of August, but in

1 polling the members of the Commission, the date
2 of August 11 works well. We have all of our
3 Commissioners available that evening. It is our
4 intention at the end of that session to come to
5 closure on a formal action that the Commission
6 will take with respect to items that we hope to
7 bring to the voters in November. After that
8 important meeting, and that will be an open
9 meeting, as all of our meetings are open
10 meetings, we will have two additional sessions
11 with the public. One session to review the
12 report of the Commission, the Final Report of the
13 Commission. And as I've said before, we envisage
14 that this report will be comprehensive, it will
15 have three basic components to it. The first
16 component will be the history of how this
17 Commission came into being and all of the
18 activities that we experienced up until the time
19 that report is deliberated by the full
20 Commission. I would consider that to be sort of
21 ministerial. It is really nothing more than a
22 redaction and history of where we have been. The
23 second part of the report will be to discuss the
24 actions that this Commission has decided to bring
25 forward to the voters and to give some texture to

1 those recommendations to indicate why the
2 Commission felt that these topics were
3 sufficiently ripe in order for us to move
4 forward. The last part of the report, which I
5 continue to emphasize, because I think all of the
6 Commissioners, like myself, believe this is a
7 very important part of our work, is to create a
8 roadmap, if you will, of those areas that we
9 believe are critically important for the future
10 governance and efficiency and transparency, and
11 all of those important subjects for some future
12 Commission. Again, we started our work in early
13 March, we will conclude our work sometime in mid-
14 August, because we are constrained by the clock.
15 We are saddened, obviously, that we don't have
16 the time to discuss other things that we believe
17 are critically important, and we want to lay out
18 in some detail why we think a future Commission,
19 whomever that Commission will be composed of,
20 should take seriously, because these are things
21 that we have left on the table, and probably
22 other commissions have left on the table as well,
23 but that's not in any way to diminish the
24 importance of that work.

25 We will also guided by four principles that

1 we continue to be emphasizing. One is that we
2 believe that anything that we bring to the voters
3 will be areas that we as a Commission believe
4 that we've had sufficient time to digest and to
5 deliberate and to look at carefully and then feel
6 that we've had -- there's never enough time, but
7 sufficient time, in order to feel a sense of
8 comfort that we should move forward. The
9 secondary area or the second principle is that
10 anything that we bring forward we believe we need
11 to have the capacity to explain in sufficient
12 detail so that when someone goes into the voting
13 booth we, we're not the only people to explain
14 this, obviously, the press and others, enough
15 time to educate the public on the areas and why
16 these are important that to understand it well.

17 The third area is that we don't want to
18 bring anything unless we feel there is likelihood
19 that the voters will agree with us. This is not,
20 you know, just something that we're going to
21 throw out and see what sticks. We believe that if
22 we bring something that it has sufficient merit
23 so that it would warrant affirmation by the
24 people who will be reacting to our
25 recommendations.

1 And fourth, we want to make sure that what
2 we bring as a result of this Commission really
3 leads to better functioning of government. I
4 mean, that overall is the overarching theme here,
5 that our work, as a result of our work, if indeed
6 the voters agree with us, will result in changes
7 to the way that City government functions that
8 would benefit all of us. So that's a quick
9 roadmap. We don't have the dates after August
10 11. We will get those dates out pretty quickly,
11 and where those areas will be. The meeting on
12 August 11 will be in Manhattan. The place is yet
13 to be determined, the venue, but we do know that
14 it will be in Manhattan.

15 We're about to start our work this evening.
16 I want to first introduce our very distinguished
17 Borough President, Helen Marshall, who has been a
18 wonderful public servant and a great advocate for
19 the Borough of Queens. Helen and I got to know
20 each other well when she was the founding
21 Chairman of the higher Education Committee the
22 City Council, and I could say with certainty and
23 great conviction that she impressed us all with
24 her passion and her understanding of very complex
25 issues.

1 So, Madam Borough President, it's wonderful
2 to be in your Borough. And we welcome you here
3 for your brief remarks.

4 BOROUGH PRESIDENT MARSHALL: Now, you know I
5 have to talk a little bit about you, too.

6 CHAIRMAN GOLDSTEIN: Well, that's not
7 necessary.

8 BOROUGH PRESIDENT MARSHALL: Well, many
9 people don't know the great man that you are. I
10 think they are learning it in how you are
11 conducting these hearings. They're open, they're
12 good, they're meaningful, and you certainly have
13 led a great path here for all of us. And as the
14 Chancellor of our City University, you're the
15 first Commission -- the first Chancellor that we
16 ever had that actually graduated from City
17 University, and you know you and I talked about
18 three hours before you came before our committee.
19 And I learned a lot of wonderful things about
20 you. But I also used to sit in on the Board of
21 Trustees of the City University, and you were one
22 of the best voices that I heard there. You were
23 always right, you were always knowledgeable, and
24 you impressed us all.

25 CHAIRMAN GOLDSTEIN: My wife doesn't think

1 I'm always right.

2 BOROUGH PRESIDENT MARSHALL: And to all of
3 you members of the Commission, you are there
4 doing a very, very important thing for us, for
5 our city. I do speak for the 2.3 million people
6 of Queens, but I'm really speaking for the 8
7 million people of New York City, the common
8 ordinary citizens of this Borough -- of this
9 great city that we live in. Remember that many
10 years ago, we were five separate entities. We
11 weren't a united city. And nobody was (inaudible)
12 but by coming together, our City has grown to
13 where it is today. And I've been around in
14 government for a long time. I've been an
15 activist for a long time. And every time we have
16 the Charter Revision Commission we usually make
17 things better for the people.

18 If we just take Community Boards alone, they
19 didn't exist. I was invited to join the first
20 Community Board, which was after little City
21 Halls, where we met Marty Gallat was the
22 Chairperson, "I want you on this Board." We had
23 one District Manager, that's it, no place to
24 work, he had to go -- he had to walk down the
25 Boulevard there and try to get one of the stores

1 to give him a little space. Well, since then we
2 have moved and moved. What happened in those
3 days, I used to take the notes by hand, get them
4 here to Borough Hall as a secretary, and they
5 would be sent out with the minutes. Those days,
6 if you wanted help from anybody in the City you
7 had to get on the train and you had to go to
8 Manhattan. And if you didn't know how to do that,
9 and you didn't know who to locate, you were left
10 out. And many people, you know -- people used to
11 grab me all the time, even when I was involved in
12 PTA, no matter what I was doing, establishing the
13 Economic Development Corporation, no matter what,
14 and they wanted to know. And when I was at
15 Langston Hughes library I actually started a
16 separate file, and I had a Rolodex out on front
17 the desk of the library, Langston Hughes Library,
18 and then I had a file in the back. But on that
19 Rolodex, whatever problem the people had, it had
20 a title there and you could go and call the
21 person of that agency and get help.

22 We have come way beyond that, we have --
23 every single month in this entire city there's 50
24 people consisting of Community Boards in Queens,
25 there are 14 Boards, and that goes on all over

1 our city, and they tackle things. And plan. And
2 decide whether things that they really need for
3 the community. They decide on land-use issues.
4 And this is a lot of input. I sat on the Land
5 Use -- it was the Zoning Committee when I sat on
6 it -- and it was very important to do that.
7 People applied for liquor licenses. The people,
8 and people who live in that community know
9 whether or not that liquor -- that particular
10 establishment is doing the right thing or not.
11 They're there, they know, and that means that we
12 have the eyes of the people.

13 Democracy means bringing government to the
14 people. Having the people involved in government.
15 And I think we have worked it out beautifully.
16 The Community Boards is a system for them.
17 There's a system. They have rules and
18 regulations, and they have opportunities to
19 participate in our government. And that's very,
20 very important. We also have, they all have
21 offices, they have offices that people can walk
22 into and get help, which before they used to --
23 in fact, even our elected officials didn't have
24 offices in their districts. I remember when I had
25 to call my assemblyman in his law office, because

1 that's all that he had in the City. So we've
2 done everything to bring government to the
3 people. And I call that perfecting, perfecting
4 Democracy. People don't have to feel lost in
5 this great City of ours. And the more people who
6 don't feel lost and are ready to participate and
7 work with the City, that's what we need. And that
8 opportunity is for every citizen in our City.
9 And I think that that's a very important thing to
10 do.

11 Borough Presidents, even as a little kid, I
12 grew up in the Bronx, I knew who my Borough
13 President was, Mr. Lyons. I remember till today.
14 And of course, I was an activist even as a young
15 person. But I'm trying to say that we cannot step
16 back. We can't go backwards and bring things
17 only to one spot to rule in the City. We've got
18 to make sure that it's equally distributed and
19 it's well distributed. And you are really the
20 craftsmen to make sure that if we're going to do
21 anything we're going to make that whole
22 relationship better, that the people in our city
23 will not have to feel lost when they don't know
24 how to do things, and you'd be surprised how many
25 people can feel that way. And so that's your

1 task today. And I'm proud of you, and so far I'm
2 delighted that Dr. Goldstein has been put in
3 charge of this Committee, and I know a number of
4 members on your Commission, and many of them I
5 know have long histories of working with
6 government.

7 I'm going to read my notes. They're very
8 quick, because we have a long list for you to
9 look at later on, but I real read it. Okay?

10 I welcome Chairman Goldstein and the Charter
11 Revision Commission back to the Borough of
12 Queens.

13 I'm here today to speak on behalf of the
14 more than 2.3 three million people of Queens and
15 to offer some personal views on Charter Revision.
16 Both on what's in the Commission Staff
17 Preliminary Report and recommendations, but more
18 importantly, on what's not in the report. What's
19 not there is a serious comprehensive look at the
20 role of Borough Presidents in City government and
21 how their powers can be better defined or
22 enhanced so as to better serve their
23 constituents. And by the way, I started coming
24 here when I first came to Queens in 1957. And I
25 started -- and why did I come here? Because I

1 wanted to get rid of this little storefront
2 library that was in Corona, and I wanted a bigger
3 library.

4 Instead, the Report lists Borough Presidents
5 near the end of the report among the issues that
6 need further study. This is not withstanding that
7 my fellow Borough Presidents, the Citizens Union,
8 civic associations, even some Commission members,
9 have asked for such a review.

10 Those who recognize the crucial importance
11 of having a local perspective in running the City
12 as large and as diverse as New York City have
13 also asked the Commission to look at and
14 strengthen the role of Community Boards. And I
15 definitely underline that. Since I have already
16 testified before the Commission several times
17 about proposals for protecting and enhancing the
18 powers of the Borough Presidents and the
19 Community Boards, I will not repeat those
20 proposals now. However, I have submitted for the
21 record more comprehensive written testimony which
22 details these proposals. I will however remind
23 you of one of those proposals here and now. That
24 is the absolute need to give the independently
25 elected Borough Presidents guaranteed baseline

1 budgets. Currently, we do not have adequate
2 resources to meet our Charter mandated
3 (inaudible) which include the oversight of some
4 City services. This year, the Borough Presidents
5 suffered bigger budget cuts in terms of
6 percentage than any other City agency. Even if
7 the Commission holds off on acting on other
8 proposals related to Borough Presidents, we need
9 you to act now to protect the very institution of
10 the Borough Presidency. You have heard
11 widespread support for independence and budget
12 protections for our offices.

13 I now want to say just a few words about the
14 Commission Staff Report. The report recommended
15 Charter amendments that if enacted will no doubt
16 give City government more representative and
17 effective -- though it doesn't seem like that --
18 it doesn't seem like any of those proposals, if
19 implemented, would really change city government
20 in a fundamental way.

21 Term limits. Several proposals have been
22 offered, but based on my experience in the State
23 Assembly for 9 years, the City Council for 10,
24 and I'm serving in my ninth year now as Borough
25 President, and the City Council, and as Borough

1 President, I can give you firsthand knowledge
2 that sufficient time is needed in office to
3 initiate large long-term projects that respond to
4 local needs and accomplish important goals and
5 that lay a foundation for future progress. That
6 is why I support three four-year terms for all
7 city elected officials, including the Council. I
8 mean, if we could get three terms why can't they
9 get three terms? I think three terms, that would
10 be in 12 years, that makes a difference. That
11 makes a difference. And you can -- and today, to
12 push projects through, it takes a long time. Some
13 of our institutions can get the buildings built
14 quicker and some can't. But still and all, the
15 process is still very long.

16 Increasing voter participation. Generally,
17 I support anything that encourages greater
18 participation in Democracy, because it's so new.
19 The concept of instant run-off voting where
20 voters could rank the candidates in order of
21 preference in certain primaries should be studied
22 more and presented to the public in a more
23 comprehensive way before it's voted on. I will
24 say that if such a system were ever to be used it
25 should be limited to the citywide positions

1 where primary runoffs are already required. That
2 is the Mayor, the Comptroller and Public
3 Advocate, and not applied to an elected
4 officials.

5 I do remain steadfast in my opposition to
6 nonpartisan elections. Our party affiliations
7 are more than labels. They are the banner under
8 which people unite to advance their common
9 principles. But they, members of the -- be they
10 members of the Democratic Party, Republican
11 Party, Independent Party, Working Families Party,
12 or any other party, City residents depend on the
13 foundational principles of their party, and they
14 rally behind it. Nonpartisan elections simply
15 provide a veil of anonymity that enable the rich
16 to benefit and disenfranchises everyone else.

17 Most of the other significant proposals are
18 contained in the other issues section of my
19 report, which suggests that further study is
20 needed before moving forward on them. Except
21 where some of the proposals in the government
22 structure section, which the Commission already
23 has heard and seen enough about to move forward
24 with a set of proposals. I concur that more
25 study and much more public discussion is needed

1 before any of these proposals can go forward to
2 the voters. You are here. Your responsibility
3 is to perfect Democracy.

4 CHAIRMAN GOLDSTEIN: Thank you very much.

5 BOROUGH PRESIDENT MARSHALL: Thank you.

6 CHAIRMAN GOLDSTEIN: Borough President
7 Marshall, and thank you for taking the time and
8 addressing the Commission.

9 I'd like to just again state that there
10 isn't a day when I'm not receiving E-mails or
11 letters or phone calls from people I don't know
12 complimenting the work of the Commission's
13 outreach efforts that have been without precedent
14 in this City. The use of technology is really
15 changing. It's a game changer for future
16 commissions, and all of us are proud to be right
17 there at the beginning when the Commission's work
18 was reinvented in utilizing the technology. And
19 I want to thank CUNY TV, Jay Hershenson, Bob
20 Isaacson, Matt Gorton, who is not with CUNY but
21 who has been very much on the forefront of
22 helping us to do this. I deeply appreciate it.

23 I'm delighted that Mark Page is here with us
24 this evening. For those of you who don't know
25 Mark Page well, he is the Director of the New

1 York City^ ,no's Office of Management and Budget,
2 OMB. OMB assists the Mayor in developing and
3 implementing the City's budget and advises the
4 Mayor on policy affecting the City's fiscal
5 stability and the effectiveness of its services.
6 I've worked very closely with Mr. Page for about
7 almost a decade, and he is truly a very, very
8 remarkable public servant. Smart, fair, really
9 deeply understands the deep complexities of this
10 City, and it's a pleasure for me to ask Mr. Page
11 to join us this evening.

12 Mark, you're there for us. You will speak, I
13 understand, about independent budgets, and we are
14 delighted to listen to you. And thank you. This
15 is a very difficult and busy time for you, so
16 thank you for taking the time and helping us to
17 understand the complexities of independent
18 budgets.

19 DIRECTOR PAGE: Thank you very much for
20 being willing to have me here to speak to you
21 this evening. I actually have been working for
22 the City's Office of Management and Budget since
23 the beginning of the Koch Administration. I was a
24 Deputy Counsel in the Office in the spring of
25 1978, when the City's current four-year financial

1 plan and sort of ongoing rolling financial
2 planning structure was enacted -- was drafted and
3 enacted by the Legislature in the spring and
4 summer of '78. And as you mentioned, I've been
5 the Director of the Office since early in the
6 Bloomberg Administration.

7 I guess that the -- as I see it, the basic
8 purpose of government, or one of the basic
9 purposes of government, is to allocate resources
10 among competing needs. And I think a basic truth
11 of government, and most of us, is that there are
12 always more things that we would like to
13 purchase, spend money on, than there generally
14 are resources available. And government, I mean,
15 there's a tremendous demand for government
16 services, and often less enthusiasm for paying
17 the taxes and fees that ultimately support that.
18 And the tension in bringing together the
19 available resources and the needs at a given time
20 becomes particularly intense in periods such as
21 we've been going through, where the basic tax
22 structure that we have is delivering less money,
23 because the economy is doing less. And it simply
24 means that we have fewer resources, and
25 certainly, if anything, an increased demand for

1 services as opposed to a diminished demand. And
2 how the process can best go in putting those two
3 things together is, I guess, what I'm trying to
4 address this evening.

5 Just one background piece that I'd like to
6 spend a minute on is that this question of
7 whether the few million dollars plus or minus
8 really matters in a budget of \$63 billion? I
9 believe very strongly that in fact it does; that
10 on margin that kind of million dollars basically
11 is and what you spend it on is important. I
12 mean, as a practical matter, you start with \$63
13 billion. Twenty of it is State and Federal money
14 that's driven by how you spend for various,
15 mostly social service expenditures that drive
16 participation from other levels of government,
17 the funding. That gets you down to about 46, the
18 mid-40s. You then have to pay for the debt you
19 have outstanding, the pension liabilities that
20 you've incurred, the health benefits that city
21 employees and retirees are entitled to, and
22 Medicaid. When you've done that you're down to a
23 little over \$20 billion of money to spend on what
24 the City generally characterizes as controllable
25 expenditures. The implication being that there's

1 latitude in terms of how you spend that money,
2 which is true to a degree, but that money pays
3 for Police, Fire, Sanitation, Corrections,
4 education, health and welfare. And by the time
5 you've done that -- at least if you look at the
6 City's current budget -- you're left with a
7 little bit less than \$3 billion for a number of
8 other City agencies: Housing Preservation and
9 Development, Parks, and a whole list of smaller
10 agencies that in small print occupies probably a
11 page and a half in terms of competing needs for
12 money.

13 I believe that the resource allocation
14 process that we currently have is basically
15 dependent on a process governed and led by the
16 elected officials of government. We have the
17 Legislature, the City Council, we have various
18 elections at the Citywide officials. The Mayor's
19 obviously large among them in terms of his
20 influence in this process. The allocation of
21 budget resources is a very intensely negotiated,
22 argued and considered process in the budget
23 development structure that we rely on. And
24 ultimately I think that as people who live here,
25 it is what we are obliged to trust in terms of

1 its ability to determine priorities, and
2 gradations of priorities, in terms of what it's
3 actually -- where the resources we have best need
4 to be spent at a given moment.

5 This question of dictating resources for
6 particular purposes or particular agencies
7 outside of that ongoing sort of high tension
8 negotiation that is continuous as a practical
9 matter in the government as we know it takes some
10 part of that ongoing negotiation process sort of
11 out of the ring. I think that is a mistake in
12 terms of our ability to deal with changes in
13 circumstances. So the poster child of it is
14 probably the State of California in terms of the
15 level of legal mandate for spending for various
16 purposes that a -- can be structured into
17 government budgeting. Ultimately, there is a
18 tremendous loss of flexibility, and the more you
19 fix in terms of structure, the narrower the band
20 that you're left with that can be negotiated in
21 the light of changing circumstances to enable you
22 ultimately to balance the resources you have
23 against what you spend. And I think that is a
24 serious difficulty.

25 I think another difficulty with the question

1 of a mandate that takes resources for a
2 particular purpose out of the ongoing debate
3 about priorities in spending is that we're
4 talking about a City Charter-mandated process,
5 which will hopefully define how we govern for an
6 extended period of time. This question of
7 determining a formula for resources in any
8 formula that we can think of in the next few
9 weeks to propose for the Charter is one that we
10 can look at in the light of current
11 circumstances, and what that formula would mean
12 in terms of a number of dollars for this purpose
13 right now. And you can judge it in terms of what
14 makes sense in the sort of collective judgment
15 right now.

16 Things evolve and change over time.
17 Priorities change, the degree of priority of
18 different purposes change. And you need to be
19 able to reflect that, I believe, in terms of the
20 ongoing number of resources that goes for a
21 particular purpose to increase resources, if the
22 demand is perceived by the whole government
23 process as being appropriate in a given moment,
24 and to reduce resources when in fact you get to a
25 point where some matter that was very important

1 three or four years ago becomes -- sort of steps
2 back half a step in the light of other things
3 that have arisen that seem compellingly important
4 at the given moment.

5 I think that the one thing that is totally
6 predictable in trying to do a rational job of
7 government is change, and the fact that it is
8 extraordinarily hard to foresee the changes that
9 are going to occur.

10 Running budgets, I'm in the forecasting
11 business. I mean, forever you're laying out what
12 you're going to spend money on for the next year,
13 the next four years, 10 years, in capital, and
14 how much money you're going to have. And the one
15 thing that I'm absolutely certain of is that
16 those forecasts are wrong. You do your very best
17 to figure it out ahead of time, but you also keep
18 up with watching what you're doing all the time
19 to try to keep adjusted to evolving reality as it
20 happens to you. You know, I do have a sort of
21 distant fantasy, quite honestly, that if you
22 could figure out the perfect formula with all the
23 wheels that moved against each other in perfect
24 order to allocate resources in a way that we
25 would all find satisfactory for the next decades,

1 I could retire instantly, as a matter of fact.
2 And we could all avoid a tremendous amount of
3 arguing, shouting advocacy, and we'd be very
4 restful. But I think it is just -- it's not
5 available to us as the sort of struggling mass of
6 human beings that we are.

7 A further element in here, which I actually
8 think is extremely important in terms of how
9 government and its agencies work, is that wearing
10 and tiring at the process is, I believe that for
11 a particular purpose represented in an agency to
12 have to advocate for itself, to have to in fact
13 argue for its resources and ask for its funding
14 continuously, is a very important dimension of
15 getting the best value we're able to out of
16 public dollars in terms of the services that we
17 by with them. I know that it -- and I totally
18 sympathize with any individual who is responsible
19 for a purpose or an agency wanting to not have to
20 go through the pain of repeatedly campaigning for
21 their existence or for more money. It's a very
22 tiring process. However, I think that it is
23 actually a vital process in keeping us all awake,
24 sensitive to change, and seeking better ways of
25 doing it, and seeking better ways of doing it for

1 less money, which you'll be surprised to hear as
2 a City Budget Director is sort of my kind of
3 major aim in life.

4 So, as I've probably made clear at this
5 point, I don't think that attractive as it seems
6 from the perspective of each individual purpose
7 and the people responsible for it so that you
8 have an allocation of resources you can move on
9 to get the job done, I think that when you look
10 at this that it is your job to feel that way and
11 it is your job to advocate for that. And the
12 fact you're advocating for a fixed share is
13 totally consistent with what I'm talking about at
14 this moment, in fact. But I think when you put it
15 in the context of the whole, which ultimately as
16 government we're obliged to do, you can't spend
17 more than you've got. If you start from "I've got
18 all of these things that must happen" that's
19 exactly the problem of municipal government that
20 many states and localities are facing very
21 strongly at this moment. If you start with what
22 you absolutely have to pay for, you're dead in
23 terms of ongoing operation and resources. You
24 actually have to think about what resources have
25 you got and how can you stretch them across all

1 the things you'd like to do. It has to be a
2 two-way negotiated, and as I've said, rather high
3 tension and noisy and imperfect process, but is
4 ultimately what we're obliged to trust elected
5 government to do for us with all the advice and
6 advocacy we can add to the mix. You have to try
7 to respond to your questions.

8 CHAIRMAN GOLDSTEIN: Thank you very much,
9 Mr. Page. That was a very fine statement and very
10 helpful in our thinking.

11 I'd like to open this up now. I'm going to
12 start with Commissioner Freyre? Mariana.

13 COMMISSIONER FREYRE: Thank you, and thank,
14 you Mr. Page, that was very eloquent. I totally
15 agree with your position on allocation of
16 resources. I think it's one of the most
17 important functions of politics, is the
18 allocation of resources. But I'd like to ask you
19 two things. First, can we take the analysis from
20 a different point of view? Let's -- you're
21 smiling. Let's look at the analysis from the
22 point of view of the necessity for independence.
23 And let's look at the universe of those that are
24 asking for independent budgets and separate them
25 into two.

1 With all due respect for the great Borough
2 Presidents and Public Advocate that we have in
3 the City of New York, they do not have
4 jurisdiction over the Mayor or the New York City
5 Council. But the Conflicts of Interest Board has
6 jurisdiction over the Mayor and the New York City
7 Council, and those are the two that set the
8 Conflicts Boards's budget. So, the first thing I
9 would ask is for you to take a look, to step back
10 from the position of allocation of resources and
11 look at this independent budget from another
12 point of view, that's the first thing.

13 The second thing I would ask is could you
14 speak a little bit about those City agencies that
15 actually do have an independent budget today,
16 what the thought process was behind granting them
17 independent budgets, and how those independent
18 budgets are set. Thank you.

19 DIRECTOR PAGE: This question of the sort of
20 jurisdiction over government. I think that
21 there's -- I don't believe that there is such a
22 thing as total independence of a government
23 function. The fact is that the judiciary is
24 subject to budget constraints. The Conflicts of
25 Interest Board does obviously interact with

1 people in City government, and that's its
2 responsibility in life, and it's obviously an
3 important responsibility, and it's defined for
4 it. It has it. The fact that it does not have a
5 concomitant right to a particular sum of money to
6 work with I actually think is an important
7 dimension of how it functions. It's a very active
8 enterprise. It certainly actively advocates for
9 its resources. I am certainly -- well-familiar
10 with its training effort for City employees. I
11 think it does an impressive job with limited
12 resources. But I think it too needs to be
13 answerable in terms of how much resource it
14 requires and how well it spends it. And if there
15 were perhaps a whole separate sort of flexible
16 enterprise that could deal with that issue with
17 that agency apart from the government process as
18 we know it, maybe it would make sense to do that
19 separation, but there isn't as a practical matter
20 as far as I know. And I think that --

21 COMMISSIONER FREYRE: Is that not a function
22 that OMB can provide? I mean, with a reporting
23 obligation on the part of the Board? Wouldn't
24 OMB be able to provide that function? To make
25 sure that it is --

1 DIRECTOR PAGE: Not very effectively, I
2 believe. I mean, quite honestly, once you have
3 an enterprise with an assured space in terms of
4 what it does, it's not motivated because it's
5 trying to make more profit and raise its stock
6 price or something. It's a City agency. And
7 there is a I think a very strong sort of, I don't
8 know, almost entropy, urge, in the way people go.
9 I mean, one example of it is not-for-profits that
10 provide social services and get themselves into a
11 slot where they've been providing a given service
12 to a given group of people for the last 20 years.
13 And you get to a point where the demand for the
14 service may well have slipped. The advocacy of
15 that group for its funding and it's role in the
16 world doesn't slip at all. It begins to shift the
17 advocacy of maintaining their own job and their
18 own familiar existence. But it's not to
19 produce --

20 COMMISSIONER FREYRE: But we're talking about
21 ethics here. I mean, I think we're talking about
22 something which is different. We're talking
23 about ethics.

24 DIRECTOR PAGE: But you see, I think we're
25 talking about ethics, which are defined in the

1 City Charter in terms of the standards that apply
2 to us, and I actually believe that we're all
3 responsible for our own moral behavior. As a
4 practical matter, I mean, what keeps us all on
5 the rails is a concern for that. The fact that
6 you, if you really go off the rails you're likely
7 to get caught and punished is a dimension of it.
8 But I think it's actually a rather small
9 dimension of what makes us behave -- I'd like to
10 think that at least -- and I think that having an
11 active Conflicts of Interest Board that is
12 actively goaded, quite honestly, on the subject
13 of its funding and its scope and its size,
14 notwithstanding the difficulty of its
15 relationship, but it's a relationship to, you
16 know, 51 members of the Council, the Mayor, a
17 bunch of other public officials, is a very loud
18 public debate. It's not as though it were a sort
19 of closed door negotiation between the Conflicts
20 of Interest Board on its resource need, and a
21 particular government official trying to get an
22 approving opinion out of the Conflicts of
23 Interest Board in a darkened room. I think --

24 COMMISSIONER FREYRE: We have had mayoral
25 candidates that have said that they would zero

1 out the budget of the Board.

2 DIRECTOR PAGE: Well, and maybe that's a --

3 COMMISSIONER FREYRE: A resource allocation.

4 DIRECTOR PAGE: It's a resource allocation,
5 but it's also a dimension of the public debate on
6 this subject. And, you know, it might illuminate
7 how you felt about that mayoral candidate.

8 COMMISSIONER FREYRE: True.

9 DIRECTOR PAGE: And that might well be
10 reflected through the ongoing public scrutiny and
11 advocacy for the funding for this particular
12 purpose, which is the sort of meat and potatoes
13 of this process as I see it. You know,
14 (inaudible) is similarly nailing particular city
15 officials or employees or people who do business
16 with the city, what have you. In a similar way,
17 I think that you have to take -- have some
18 confidence that the whole of the people involved
19 in resource allocation is ultimately responsible,
20 and that that will protect you from the
21 individual manipulation that you're concerned
22 about. Should I go on?

23 COMMISSIONER FREYRE: Yes, please, just give
24 us a thumbnail sketch of how other independent
25 budgets are settled.

1 DIRECTOR PAGE: One that comes to mind is
2 the IBO, which is 10 percent of OMB's budget, now
3 12 1/2 percent of OMB's budget, as a part of the
4 governance -- I guess it was the Mayor's
5 governance renewal on the Department of
6 Education. There are a lot of agencies, public,
7 private, government and other, that review and
8 comment on what New York City does. And I don't
9 think that most observers would say that the IBO
10 did a better job of that kind of commentary than
11 other groups that are basically that do that and
12 are perhaps in their specifications seem more
13 partisan. They don't in the title say they are
14 the Independent Budget Office. But the fact that
15 office is not actively answerable to any real
16 enterprise in terms of justifying its resources
17 by demonstrating the product it's delivering and
18 who it's useful to, so that it would actually
19 appeal to you if you were on the Council thinking
20 about whether to fund them or not, I think we can
21 use the performance that agency delivers as a
22 practical matter. I mean, it has a considerably
23 amount of money. It has no direct-line
24 responsibility. It doesn't have to spend vast
25 amounts of time pushing paper across the desk,

1 because that's part of the approval process, that
2 make things go. I mean, in a way I would imagine
3 it be would a really satisfactory enterprise to
4 run. Think of the stuff you could do with it.
5 But it doesn't, it doesn't seem to do that, it
6 doesn't have that edge. It doesn't, you know, it
7 doesn't knock your socks off with the fact that
8 its analysis is different and more independent
9 and more sort of down to the point than somebody
10 else's. And I think this issue of basically not
11 being answerable on this essential factor of "How
12 much money have I got, and how do I justify what
13 I'm doing?", is an undermining dynamic to the way
14 that agency functions.

15 CHAIRMAN GOLDSTEIN: Commissioner Fiala, did
16 you want to be heard on this?

17 COMMISSIONER FIALA: Thank you, Mr. Chairman.
18 Director Page, thank you for your attendance
19 tonight. I think you make a very compelling case.
20 It's always interesting to listen to you.

21 We're at that stage where we're trying to
22 bring this Commission in for a landing and reach
23 an informed conclusion on a very lengthy menu of
24 subject matter. This is an issue that has been
25 presented, I think, in every Charter Commission

1 since the adoption of this Charter. It's not a
2 new issue. But it certainly has received a great
3 deal of attention within the 2010 Commission.
4 We're trying to separate the wheat from the chaff
5 here. So the question I have, and I don't like
6 doing this, because I don't believe this
7 municipal enterprise is comparable in most ways
8 to any other. We are just a different animal.
9 And sometimes doing comparative analyses really
10 is a dangerous thing to do and doesn't lead you
11 to an informed conclusion. It just makes things
12 more confusing. But just to help us out here. Do
13 you have any familiarity with the other counties
14 in New York State? Let me back up. There are
15 two -- there are three categories here, if we
16 were to break them down. One would be
17 traditional City agencies, mayoral or otherwise,
18 that provide a direct service or function for the
19 City. Then elected officials. Then this entity
20 unto itself, the Conflicts of Interest Board.

21 The first group I don't think any of us here
22 give any consideration to. They should be
23 directly accountable for their funding purposes
24 to the Council and the Mayor as the principal
25 parties responsible for the budget.

1 The second group is a complicated group. I
2 don't know that we're at a stage yet that the
3 City's ready for that. I just want to focus on
4 that third category, the Conflicts of Interest
5 Board. And I don't mean to put you on the spot,
6 but are you familiar with how the State, for
7 example, treats its entity? I don't know if it's
8 the Public Integrity -- I don't know what it's
9 called anymore, it's gone through so many
10 iterations in recent years -- or any of the
11 counties? Are you familiar with any entity in
12 State government that really is given a budget
13 independent of that normal budgetary process that
14 you alluded to? Other than IBO. I understand
15 that. That was a function of the City Charter in
16 '89. Are you familiar with any other that
17 operates independent of the process?

18 DIRECTOR PAGE: There are -- for a long time
19 there's been a political mandate in terms of New
20 York City's funds support of education in the
21 City. There's what is known as the Stabisky
22 Goodman Bill, and there's a current Maintenance
23 of Effort one as well, and they're basically
24 standards that say you can't go down in terms of
25 how much money you spend on public education.

1 They tend to have out clauses in them, for
2 instance, the current Maintenance of Effort on
3 education in funding in New York City says you
4 can't go down from year to year unless your
5 revenues actually dropped from year to year. I
6 mean, in the last few years, I mean, people
7 always thought that was impossible. It's turned
8 out to be possible. But I think that the
9 compelling need for education funding has meant
10 that in fact those standards have not turned out
11 to be a big problem. The difficulty with them is
12 that it's a one-way ratchet. You can always go up
13 but you can't come down. And on the face of it,
14 you think it would help the purpose that you're
15 trying to protect. On the other hand, if whoever
16 is doing the allocating is actually worrying
17 about the long-term consequences, they're going
18 to think twice before they put the money up this
19 year if they figure they can't take it down next
20 year regardless of what happens, because you have
21 this Maintenance of Effort thing in there. And I
22 mean, it's something the State Legislature finds
23 attractive as a way of mandating how local
24 government is going to run itself. And I think
25 that it's sort of a -- I don't know. You'd not be

1 surprised to hear what I said earlier that in
2 light of what evidence (inaudible) I don't think
3 it's a particularly good idea. I think education
4 is a very compelling need on its own feet, and
5 those Maintenance of Effort standards probably
6 don't actually help its ultimate outcome.

7 COMMISSIONER FIALA: But they are
8 distinguishable from a guaranteed budget in that
9 there is a negotiation between the two entities,
10 correct? So the Legislature actually works us out
11 with the Boards of Education, or Department of
12 Education, or CUNY, right?

13 DIRECOTR PAGE: That Maintenance of Effort
14 standard is something that's in statute, so the
15 Legislature, having once decided it, it's there.
16 I mean, it's not something that's negotiated in
17 light of circumstances year after year. It's a
18 fact.

19 COMMISSIONER FIALA: Thank you.

20 CHAIRMAN GOLDSTEIN: Also, Maintenance of
21 Effort is a perfect Martindale with the expected
22 value and time, T is basically no less than time,
23 T minus 1 that's a perfect Martindale. So for
24 CUNY that's a good thing.

25 Hope Cohen, Commissioner Cohen.

1 COMMISSIONER COHEN: Thank you, Mr. Chairman.
2 In general, I completely agree about the need for
3 budgetary flexibility and also the
4 responsibility, the shared responsibility,
5 between the Mayor and the Council for finding out
6 what budgetary allocation should be. And I find
7 your argument about entities needing to fight for
8 their supper, essentially, to be a compelling
9 one. However, when we talk about the Conflicts of
10 Interest Board, and I'm going to come back to the
11 question of just how small their budget is, it
12 almost seems to be a waste of all of our time
13 having this discussion about coming up with a
14 solution for them.

15 The question I have to ask is, or the point
16 I need to make is, unlike other elected officials
17 where you could make this argument, or certainly
18 compelling service delivery organizations like
19 the Police or the Fire and Sanitation, who, who
20 is out there to lobby but for the Conflicts of
21 Interest Board? I mean, if you talk about
22 fighting for your supper, there's a politically
23 compelling case for the Fire Department as we
24 see, right? For public libraries. They've all
25 got a constituency. There isn't a constituency

1 for the Conflicts of Interest Board, and I think
2 that has to be considered in this question of,
3 you know, fighting for your supper. It's really,
4 you know, whatever, they're budget people and
5 they're budget people alone and working out, and
6 everybody being subject to their determinations.
7 And I have to say I find it a little troubling to
8 find, it seems to me from your testimony, that
9 you actually question the merits or the value of
10 the entity that, you know, people should be
11 responsible for their own ethics, I agree. But
12 the implication there is well, then why do you
13 need this thing? And therefore, it could be ripe
14 for the picking in the correct budgetary
15 atmosphere.

16 I have to throw out in addition to that, and
17 again this is coming from somebody who really
18 does not believe in guaranteed budgets, and I
19 think that if we had more time it might be
20 worthwhile to look at the Independent Budget
21 Office and whether that needs to be there, and
22 certainly whether its formula should be what it
23 is, which is an extraordinarily generous one.
24 But when you talk about this entity it's pretty
25 small. And when you take, you know a, kind of

1 standard cut that, you know, you can find a
2 solution to if you're an agency, you know, with a
3 \$60 million budget, or a \$600 million budget, or
4 in the case of the Police Department, what is it,
5 a quarter million dollar budget? You can, you can
6 find your cuts when your budget is -- Mariana
7 what's the budget?

8 COMMISSIONER FREYRE: Well --

9 COMMISSIONER COHEN: 2.1, or something like
10 that?

11 COMMISSIONER FREYRE: A 6 percent budget cut
12 is \$80,000, which is two lawyers, so --

13 COMMISSIONER COHEN: Out of how many?

14 COMMISSIONER FREYRE: Oh, out of 10. Thanks,
15 fine. I was going to say 12.

16 COMMISSIONER COHEN: You as a budgeteer, you
17 full well know that the smaller the budget, even
18 if you're talking about the same percentage cut,
19 the less place there is to find it. So I think
20 that's the particular set of issues with this
21 entity, its particular makeup, the fact that it
22 has no constituency looking out for it, and the
23 fact it's so small that any cut can destroy it in
24 the end anyway.

25 DIRECOTR PAGE: You see, this question of

1 small budgets, I think that as I've said, I tried
2 to say, I think that budget resource allocations
3 and judgment, and judgment of the arguing process
4 that we have has sort of woken up to this issue
5 about the fact that continued percentage target
6 cuts, which is basically the way we kind of held
7 onto the balance of the City operations in the
8 last few years, has a cumulative effect on
9 smaller agencies that can get you to the point
10 with the agency can't function. And the agency
11 has a mandate to function. It has a vital
12 purpose, and you have to deal with that, and that
13 becomes, I think, and has become in what was
14 already an issue before the debate this summer on
15 this issue, in this context of Charter Revision
16 has become I think a much more generally
17 perceived need in the process of allocating
18 resources, not just the COIB, but to a whole list
19 of small agencies that if they're going to carry
20 out their function can't be cut beyond a certain
21 point, it just doesn't work.

22 In terms of the fact that they don't have a
23 constituency, I don't actually think that that's
24 true. I mean, there's a tremendous public
25 interest and political thrust in terms of holding

1 public officials accountable. The whole financial
2 disclosure requirement that's grown up in the
3 last, I suppose, 10 years or something, certainly
4 at the state level and the local level, and the
5 sort of public authority level, people on Boards,
6 people with jobs like mine, being obliged to lay
7 themselves out in public, is I think a response
8 to a very consciously felt political interest,
9 and I think Conflicts of Interest Board is right
10 in there terms of tapping into that political
11 support. I would also say as a practical matter,
12 in New York City a large part of what a Conflict
13 of Interest Board does is to provide advice to
14 City officials as to how to avoid getting
15 themselves tangled in a rather elaborate and not
16 necessarily intuitively obvious set of standards
17 of what behavior is okay and what behavior isn't.
18 I think that their -- that advice function
19 actually has very direct value for the government
20 people who are, you know, hashing out who gets
21 how much money. And I think that, you know, these
22 things ebb and flow. If you look at the list of
23 how much the sort of list of small agencies has
24 been funded and how the resources have gone up
25 and down over the last 20 years, I mean, it's

1 pretty much in sync with, you know, boom and
2 pinch times in terms of government resources in
3 New York City. It's surprisingly, you know, not
4 exactly the same, not exactly the same for every
5 agency, but it's sort of on the general trend for
6 how things have gone. I think that -- I don't
7 think that their appeal is anything light, as
8 thin as you would fear in the sort of political
9 world that we operate in, and where these
10 decisions are made, and that sort of small people
11 where the arguments are carried out.

12 CHAIRMAN GOLDSTEIN: Mr. Page, I want to
13 thank you --

14 COMMISSIONER SCISSURA: I have one.

15 CHAIRMAN GOLDSTEIN: Quick, go ahead.

16 COMMISSIONER SCISSURA: I just want to talk a
17 little bit about what you just said about the ups
18 and downs. It seems that the only entities that
19 don't feel the ups and downs are the Council
20 budget and the Mayor's budget, because if you
21 look at the budget of the Public Advocate and of
22 the Borough Presidents, the Borough Presidents'
23 budget in the last eight years, if you take from
24 when the current Borough President was elected,
25 let's say in Brooklyn or in Staten Island, or in

1 Queens, is down about 40 percent. That's about a
2 reduction of about half of their staffs. If you
3 look at the Borough President each year along
4 with the Public Advocate -- I mean, a perfect
5 exam was the Public Advocate's budget being
6 slashed by 40 or 50 percent a few months ago.
7 Those cuts do not affect the two entities that
8 are sitting at the table and adopting the budget.
9 And that's a very frustrating concept for an
10 elected official who gets elected with 250,000
11 votes, as a Borough President might, or 800,000
12 votes as a Public Advocate might, as opposed to a
13 Council Member who gets elected with 3,000 or
14 4,000 votes, and yet they see their budgets
15 increased, they see their member items increase,
16 they see their expense budget increase, and yet
17 you have certain elected officials who get really
18 slammed. With the Borough Presidents, I think an
19 interesting concept is the capital budget
20 allocation, which is tied, and obviously you know
21 that better than most do.

22 Why would you not support a similar budget
23 for an elected official who is elected to do a
24 job, and yet if the Mayor's office and the
25 Council takes a 4 percent cut then these elected

1 officials should take a 4 percent cut? But that
2 doesn't exist, and I think people need to
3 understand that, need to know that. We can all
4 spin it any way we can, but those are the
5 realities of the numbers.

6 DIRECTOR PAGE: I, you know, I'm afraid I go
7 back to my basic premise that I don't think
8 that -- I mean, the Borough Presidents have a
9 defined responsibility. They don't have an
10 entitlement to a level of funding. They certainly
11 have a very visible podium to advocate their
12 positions from and to advocate the value of their
13 positions. They have as an institution, when you
14 think about it, come out of the moment in City
15 government when the Board of Estimate was
16 obliterated, and there was a lot of question I
17 think among many as to whether the Borough
18 Presidents really had a function. And I think
19 that they have to a considerable degree proven
20 that they do have a function. That is in fact
21 what's giving them your attention and concern at
22 this very moment, that they are very successfully
23 advocating for their own importance in the
24 allocation of resources. And I think that is at
25 the end of the day what's going to have them

1 funded. I mean, their success in terms of their
2 advocacy in the budget negotiation process this
3 spring was actually considerable in terms of the
4 whole debate over who is going to get money and
5 who wasn't, in terms of the process from, I
6 guess, right through in putting this budget
7 together. I think that they're doing an effective
8 job as their own advocates for funding. They may
9 not have from time to time, but I think that just
10 the -- to some extent your concern reflects how
11 effectively they are able to advocate for their
12 own need for resources. And I actually believe
13 as imperfect and messy as it is, that is likely
14 to be reflected as an ongoing matter in terms of
15 how they're funded through the existing budget
16 process.

17 I know that another dimension which has been
18 very strongly highlighted in the last months is
19 this whole issue of the, the lack of assurance as
20 to whether your resources are going to be there
21 next year. There's sort of a dynamic between --
22 that has existed between the Mayor's proposed
23 budget and the Council's budget adoption, which
24 has caused a number of funding purposes to
25 seesaw. I think that that's -- I think that's

1 been enough of a public issue and public debate.
2 So that it's very likely to change. I don't know
3 exactly what the perfect fix is, but I think that
4 the expressed concern on these topics actually
5 weighs in the process that we have.

6 CHAIRMAN GOLDSTEIN: Mr. Page, I'm going to
7 have to stop this part of the discussion. I want
8 to thank you.

9 DIRECTOR PAGE: Just one this question of
10 Borough Presidents? How are you going to size the
11 individual Borough Presidents' offices? You go
12 back to the number of voters. That was what the
13 Board of Estimate blew up over. What's your
14 formula going to be? And I think that that's a
15 very difficult answer --

16 COMMISSIONER SCISSURA: I think the best
17 formula is a per capita formula. If you look at
18 the current formula, a Borough like Staten Island
19 gets about \$8 or something per resident -- Steve,
20 you do very well -- whereas a Borough like Queens
21 gets about \$2 per resident. So it's kind of
22 fascinating how strikingly unfair the balance is.

23 DIRECTOR PAGE: Well, it certainly reflects
24 some other elements than a per capita formula.
25 And I guess that I would suggest that it reflects

1 a lot more the sort of to and fro and argument
2 and push and advocacy process that we're familiar
3 with and to -- it's going to be hard to devise
4 how to go off that in a rational and acceptable
5 way. I think.

6 CHAIRMAN GOLDSTEIN: Mr. Page, I want to
7 thank you for taking time out of a grueling and
8 busy schedule to be with us this evening. We
9 very much appreciate the time you spent with us.
10 And thank you very much.

11 DIRECTOR PAGE: I thank you for your
12 patience.

13 CHAIRMAN GOLDSTEIN: You're quite welcome,
14 and you can take that water with you.

15 We have a lot to cover tonight. I'd like to
16 start by asking three of our Commissioners if
17 they could pick up on some ideas that they have
18 shared with the Commission. What I'm trying to
19 do, and I guess we're all trying to do, is push a
20 very large mass through a very constrained pipe.
21 And at the end of that pipe we're going to come
22 up with a smaller set of recommendations than all
23 of that very large mass can fit through. But I
24 want to give some of our Commissioners who have
25 deep interest and deep passion and have thought

1 mightily about the issues that I'm going to ask
2 them to talk about this evening to have the
3 chance to be an advocate and to get the reaction
4 of the rest of the Commission.

5 Let me start with Commissioner Cassino, who
6 has spoken about discretionary funding for the
7 City Council. He's talked about legislative
8 stipend, affectionately known as lulus, and he's
9 also talked about what he believes is a need for
10 having a Council, a City Council, composed of
11 full-time members. So with that, Commissioner
12 Cassino, the floor is yours, and we look forward
13 to your remarks.

14 COMMISSIONER CASSINO: Thank you, Mr.
15 Chairman, for the opportunity to put some ideas
16 before my fellow Commissioners and hear some of
17 our opinions here on these topics.

18 I want to start out by agreeing with a
19 former Chair of a Charter Commission in a recent
20 article published by Crain's Esther Fuchs. It's
21 entitled "Chance to Restore the Public's Trust."
22 And just one line says: "The public's
23 dissatisfaction with government continues
24 unabated. The Commission would be advised to
25 focus on issues that promote citizen engagement

1 and restore trust in government."

2 I've said from the beginning, I know that
3 some have said we don't have a compelling reason
4 to exist as the '89 Charter did, because it was
5 under a legal mandate, I said from the beginning
6 our mandate is just as strong. I believe it's
7 this mandate. And it's with that, that I want to
8 talk about a few items concerning the City
9 Council.

10 I was disappointed that the Staff Report,
11 when I looked back, it didn't include much of any
12 of this. In fact, it only mentions the word "City
13 Council" about eight times when you get past the
14 section on term limits. It's sort of missing
15 from there. And a couple of proposals I have, I
16 believe they all live up to your test. Some of
17 them are very straightforward reporting
18 requirements that allow more public disclosure,
19 and I think anytime we can do that it's a good
20 thing. And some of them might be a little more
21 along the road of requiring more discussion.

22 So let me just start with the issue of the
23 concept of a full-time Council. You know, I think
24 that even if you start with the Council Members
25 themselves, and I've looked at their responses to

1 the Citizens Union survey, they -- in the
2 Citizens Union's survey from the class of '05 and
3 '09, 18 to 1 said they'd like to have a full-time
4 Council. I think that's a good thing. And they
5 are the only elected officials the City who are
6 part-time and allowed to have another job. So I'd
7 like to put that out on the table. And if that
8 is not something that people feel we should do at
9 this time, at the very least, at the very least,
10 I think we should be requiring the kind of
11 disclosure that Citizens Union put forth in their
12 report that talks about more precise salary
13 ranges, greater detail concerning Board
14 memberships, number of hours spent on outside
15 work, and the nature and identity of the outside
16 income. It's fundamental. This is just the
17 public's entitled to know. And I think that if
18 not a full-time Council, then, at the very least,
19 strong reporting requirements that are more
20 detailed.

21 Right now, the ranges are in the range of a
22 hundred thousand to 250. Doesn't really tell you
23 anything. It doesn't tell you how many hours
24 people spend outside of the Council. So I think
25 that to me is a straightforward one that meets

1 every test that we've discussed.

2 The second area that I want to raise in
3 terms of the Council is regarding salary. Income,
4 what that they receive in the Council. You know,
5 I'll start with the concept of lulus. Lulus only
6 exist here in New York. The New York City
7 Council, and the New York State Legislature. It
8 doesn't exist anywhere around the country, as far
9 as we know. Last year, lulus -- or this year
10 ranged from 4,000 to 28,000 on top of \$112,000
11 salary for a part-time job. That's \$500,000 spent
12 on lulus this year. I think that it's been the
13 subject of tons of debate. This is well-vetted in
14 the public. Everybody understands it. And if you
15 talk about restoring faith in government, getting
16 rid of lulus is job one. And if you look at again
17 the City Council itself, the Daily News has done
18 a great job on this, I looked at the Citizens
19 Union surveys, the members of the City Council
20 themselves, I think it's close to half the
21 members have said that they would like to see it
22 go, and I think 10 or 12 members did forego it
23 this year, and another 12 said they'd like to
24 forego it. They took it, but they said they'd
25 like to forego it, whatever that means. But at

1 least the heart is there. And you know, I think
2 that we should, we should certainly take a stand
3 on this issue, because I think it makes sense. I
4 think it's something that is, has people who want
5 to have trust and faith in their government. I
6 think there's other opportunities for the Council
7 to make salary if it's a part-time job, and lulus
8 are strictly -- by the way, there are 46 Chairmen
9 out of 51 Council Members, so I mean, it's not as
10 if we're talking about two or three members who
11 are pulling the weight of the work. There's 46
12 Chairmen out of there.

13 The second piece of income has to do with
14 whether or not the Council should be able to
15 amend its own salary and award itself a higher
16 salary. I would argue that we should make it so
17 that any salary increase would be prospective to
18 the next Council. And one thing I want to
19 highlight here is that the Advisory Commission
20 that sets compensation levels, that makes
21 recommendations on compensation levels in 2006,
22 talked about these issues specifically. And it
23 said that, it said that -- it actually dealt with
24 the issue of lulus and full-time employment in
25 believing that they should both be dealt with by

1 a future entity. They made those representations.
2 So a second area is the issue of lulus. And the
3 third issue I want to raise is member items. One
4 thing that I think -- and, you know, we've heard
5 a lot about Fair Share as a real concept, and I
6 think this is another area of Fair Share, because
7 member items right now are awarded by the Speaker
8 of the City Council to the tune of \$50 million
9 it's disproportionate some Council Members get
10 300,000 some get \$1.4 million to spend in their
11 district. Subject of great debate over the years
12 of the slush fund scandal I think ruined what
13 little public trust people had in government when
14 they saw that this was going on. City Council
15 Speaker, to her credit, has instituted some
16 reforms and more disclosure. I think at the very
17 least, we ought to adopt that, and I know that
18 there was some talk that it's been in our report,
19 but I can't understand what it actually -- what
20 we're actually adopting. So I'd like some
21 clarity at some point from the staff on exactly
22 what disclosure we're adopting in our report,
23 because I think there's some good proposals for
24 how much clarity there should be on that issue.

25 The second part of it, and this is a part

1 that admittedly would be somewhat novel, because
2 it exists at every level of government but I
3 don't think that point makes it right. And that
4 is \$50 million went out of the door last year in
5 our dollars in a disproportionate way. It had
6 nothing to do with need. If you go down the
7 list, it's not as if the communities that are the
8 least economically viable got the most money. It
9 had to do with where you sit in the hierarchy of the
10 City Council, or whether you were on the right
11 side of an issue, or whether you're Republican or
12 a Democrat. But when you live in a district that
13 got \$300,000 of your tax dollars and some
14 district got 1.4 million there's no real fairness
15 in that. Your District was disadvantaged. Your
16 seniors, your youth programs, all the good work
17 that's done with this money, they're no different
18 than any other district. And, you know, I think
19 that we should have a serious discussion about
20 that. I think that, you know, we have talked a
21 lot here about a representative Democracy, and I
22 think most of us agree with that, but there are
23 areas that are really about self-dealing. They
24 don't go to a representative Democracy. They're
25 areas that we recognize that if we allow people

1 to make these decisions that have to do with
2 their own good -- anybody would love to extend
3 their job, anybody would love to give themselves
4 a raise. You know there are areas that we know
5 that don't go -- representative Democracy usually
6 goes to the heart of doing the right thing by the
7 public. These areas have nothing to do with
8 that. These areas have to do with power,
9 control, and I think self-dealing. And if you
10 look at the answers to many Council members, many
11 of them are in fact asking us to deal with these
12 issues. And I think we ought to deal with them.
13 And, you know, I think that the one area with
14 member items that will change the dynamic,
15 because we talk about unintended consequences, I
16 don't think this is unintended, we can be upfront
17 about it, is that the Speaker will have to work
18 harder to maintain control and to have a strong
19 Council. But there are things there to do that
20 with. There are chairmanships, there are laws
21 that need to be passed, there are collaborations
22 that you can do. That's sort of the right way to
23 do it. It shouldn't be Monopoly money to spend
24 willy nilly based upon who is your favorite
25 Council Member. So I think that's the only

1 issue.

2 And we've talked about ripeness. I think all
3 of these issues are ripe. You Google every one
4 of them and you will get so many hits that you
5 won't know what to do with it, you'll never get
6 through them all. So, to say it's not ripe,
7 everybody in this room knows about it. Everybody
8 in the public, you stop them on the street, ask
9 them about some of these issues and they'll tell
10 you about it. So I think they fit the criteria
11 that you set forth. I think that they are ripe. I
12 think that they go to the heart of what we've
13 been talking about, which is restoring the
14 public's trust. And I don't think they violate
15 the principle that this is a representative
16 Democracy and that somehow we're taking away,
17 taking away something that should be controlled
18 by a Legislature. We've got to go by what's
19 happened. Not by what we hope. But what has
20 happened. And we look at what's happened, and we
21 know that this money is not being allocated, I
22 believe, the right way, never has been; and that
23 you shouldn't be getting a bonus for doing a job
24 you were elected to do especially when you have
25 the opportunity to go out and earn an outside

1 income. And you should disclose what you're
2 doing when you're not in the Council if you're
3 earning outside income. And you should disclose
4 very well about where you're giving our public
5 dollars to.

6 So those are my issues, and I look forward
7 to hearing especially some of the Council guys
8 who are chomping at the bit, I'm sure, but I look
9 forward to hearing from my fellow Commissioners
10 on those topics. Thank you for the opportunity.

11 CHAIRMAN GOLDSTEIN: Thank you. Thank you,
12 Commissioner Cassino. I understand that
13 Commissioner Fiala would like to be heard, then
14 Commissioner Banks.

15 COMMISSIONER FIALA: Commissioner Cassino, I
16 get the impulse. Despite what I believe many
17 people think, I do get it. I'm not an emotional
18 flat-liner. I get the anger. I know that I'm the
19 one who has consistently stated that this Charter
20 Revision, as has every subsequent Charter
21 Revision, following the Ravitch-Schwarz
22 Commissions, lacked the compelling precipitating
23 event to give the necessary impetus to make the
24 types of dramatic change that many of the
25 interests in this City want to see changed. I

1 maintain that. This Commission does not have that
2 precipitating event. However, I get the impulse.
3 Anger is a legitimate emotional response. And I
4 share it. Despite what people might think, I
5 share the frustration, I share the anger. But
6 anger is not a sufficient, nor I would argue, an
7 advisable precipitating event to take draconian
8 measures in a manner that hasn't necessarily
9 resulted in those issues being ripe. I know I'm
10 the one who used the term "ripe" a lot also.
11 We've been talking about this. We looked forward
12 to this, so I'm enjoying this, because it's a
13 complicated subject.

14 Let's take them one at a time. My concern
15 with this City and our impulse to act impulsively
16 is that we unwittingly weaken our hand for the
17 long-term. We want a strong, thoughtful,
18 responsible City Council. But from day one, we,
19 the people, through adopting term limits and then
20 through a series of actions, as citizens and then
21 irresponsible actions as Council Members, wind up
22 20 years into an experiment where we're really
23 not the type of institution that we had hoped we
24 would be.

25 With respect to pay raises, there is never

1 an appropriate time for a politician to get a pay
2 raise, never. New York City, despite what folks
3 might think, this quadrennial Commission is a
4 thoughtful entity. It's thoughtful in that it is
5 called on a routine basis by the mayor, or if ill
6 advised at that time because of economic
7 conditions, Mayor Bloomberg didn't call it
8 because he felt the City simply couldn't even
9 afford to entertain the discussion. But it's
10 this thoughtful mechanism that brings together
11 people who will make an informed conclusion based
12 on a number of factors and then render a decision
13 and place all of those analyses before the City
14 Council for a vote that yields the kind of
15 transparency that serves the City well.

16 Let me tell you what's wrong with
17 prospectivity and pay raises. This notion of
18 prospectivity has this positive connotation to
19 it, but it doesn't necessarily yield positive
20 results. The State Legislature has prospectivity.
21 This is what will happen. At some point, the
22 straw will break the camel's back, and I can tell
23 you prospectivity doesn't work up there. There
24 are 1,200 Supreme Court judges in this State who
25 have not had a raise in eleven years because of

1 this very problem. Judges, the courts, being held
2 hostage because the Legislature cannot act in a
3 thoughtful, transparent way. That doesn't yield
4 better government. It yields a resentful third
5 branch of government, and it actually portends a
6 weaker future for us all. The quadrennial
7 Commission is done in transparency, and then the
8 Council gets to vote.

9 Here's what will happen if we were to put
10 prospectivity, and this is just me forecasting
11 this, there's no guarantee. It is like water, it
12 will find a way. So do you know how a legislative
13 body gets around the pay raise problem? You get
14 reelected and your new term starts January 1st.
15 It's a very simple thing. You come back between
16 Thanksgiving and Christmas and at midnight you
17 vote yourselves a raise in the current term which
18 becomes effective two weeks later. And then
19 you're up for reelection four years later and
20 nobody remembers it. Because it was done in the
21 darkness of night. It lacked the sunshine that
22 the quadrennial Commission at least affords
23 people. So there is a thoughtful mechanism in
24 place that we shouldn't necessarily replace with
25 this panacea, this notion of prospectivity.

1 The second issue, lulus. I don't know if
2 there are lulus in other legislative bodies
3 around the country or not. I do know, you're
4 right, they're in the State Legislature. But
5 again, getting back to the overriding issue for
6 me, the power of the institution. We agree that
7 we want a strong mayoralty. The check and the
8 balance comes from an at least sufficiently,
9 strong City Council. And whether citizens want
10 to accept it or not, 51 members coming together
11 and all being treated equally and being given
12 equal everything doesn't afford the type of
13 control that a body like that needs. See, a
14 mayor, appoints commissioners, a mayor has the
15 ability to be autocratic; a speaker doesn't. I
16 don't know that there exists a mechanism where we
17 could provide for a sufficient level of authority
18 on the part of a speaker which we need. There
19 needs to be a singular voice coming out of that
20 body of 51 very divergent opinions. I don't know
21 that we need lulus. But I do believe that the
22 issue isn't ripe with this Commission in that I
23 understand, you're right, the public, they have
24 an opinion on it. But as I said, when it comes to
25 politicians and their salaries, we're always

1 against. Being angry isn't necessarily the best
2 way of proceeding forward. So I don't think that
3 particular issue has been sufficiently vetted.
4 Now, the final issue you raised was the
5 distribution of monies. This is where a couple of
6 rotten apples can spoil the bunch. And we want to
7 be very careful about throwing all the apples out
8 because of the bunch. I don't believe that there
9 is a legislative body in America, nor should
10 there be, where an elected official walks through
11 the front door and they get exactly what she or
12 he next to me gets. The City Council, by the way,
13 does dish out its money in an evenhanded manner.
14 Every Council Member comes in, unlike the State
15 Legislature and most other bodies in New York
16 City, the City Council comes in, the Council
17 Members come in, and they are each given the
18 exact same amount of money for running their
19 offices, paying their staff and their rent. And
20 they have pots of discretionary monies relating
21 to aging and others that I hope Commissioner
22 Banks will allude to, because he's the real
23 expert on this as a former chief of staff. So
24 they start out where there's an equal playing
25 field. But when it comes to those add-ons, we

1 don't want to ever establish a notion where
2 everybody goes in and expecting to get a million
3 dollars. There isn't an entity in government
4 that does that. Politics is about contested
5 ground. It's the place where all of the
6 competing interests come to resolve their
7 interests in a more thoughtful way. And the thing
8 about contested ground is some people come out a
9 little bit ahead of other people. But that
10 doesn't mean that those same people are going to
11 come out behind next year or ahead next year.
12 It's in a constant state of flux. I share the
13 impulse. I share the anger. I do think there are
14 needed discussions with respect to stipends and
15 the possibility, I've advocated for full-time
16 Council members, but we have not had the type of
17 in-depth discussion in this Commission,
18 irrespective of what the public believes, we
19 haven't really given that issue or the entity of
20 the City Council as a whole, the type of
21 attention it deserves. I am very hesitant about
22 adopting change on top of change that we're
23 already dealing with, wrestling with, and that
24 the people have already employed, which actually
25 work to disempower the institution of the City

1 Council, as opposed to empower it. But I do
2 share the impulse, and I do agree with you that
3 there's a lot of anger out there. And I
4 apologize to anyone if I -- someone did tell me I
5 was an emotional flat-liner and I just don't
6 appreciate what people are feeling. I do, I
7 really, really do.

8 I also want to say that a couple of weeks
9 ago I said that I thought the people's vote on
10 term limits was lunacy. It wasn't lunacy. It was
11 just ill informed.

12 CHAIRMAN GOLDSTEIN: Commissioner Banks.
13 We'll go to Commissioner Banks, then Commissioner
14 Cohen, and if nobody else, we'll do a rejoinder.

15 COMMISSIONER BANKS: Thank you, Mr. Chair.
16 First off, let me say I concur with everything
17 Steve Fiala has said, my fellow Commissioner.
18 Let me try to add some depth of knowledge to some
19 of the points that Commission Cassino has made.
20 With regard to sunshine and openness, I don't see
21 any reason why anyone in their right mind would
22 advocate not having a greater level of disclosure
23 with elected officials. The only caveat that I
24 would offer is that should be uniform across the
25 Board. And if we want to further narrow the

1 definitions, then I think it should be that
2 narrow across the Board for all public servants.

3 As someone who filled out a Financial
4 Disclosure Form, I was subject to the same
5 criteria that the elected officials were. And it
6 didn't bother, matter to me, because I haven't a
7 dime to rub together. So -- but I think there is
8 some merit to a discussion. So we should not
9 single out the legislative body for unique
10 treatment if it's worthy of the elected
11 officials, then it should be for all officials.

12 Let me talk a little bit about lulus. As
13 Chief of the Staff to the Council, one of the
14 things that you wrestle with in attempting to
15 build consensus, I used to describe it as herding
16 cats. You have to have the ability to negotiate
17 with the elected official. Now, elected
18 officials, despite what many public descriptions
19 are, their job is to deliver services to their
20 constituencies, and one of the ways they do that
21 is entering into a horse trading process with
22 their fellow Council Members and the leadership
23 of the Council. If you cannot do that, as
24 Commissioner Fiala, has so aptly described, you
25 will lose the ability to build consensus on any

1 issue. And I think we need to be very careful
2 about trying to fix a perceived problem without
3 recognizing the reality of the fact that as my
4 fellow Commissioner has said, that there is no
5 legislative body that I am aware of where there
6 is not some reward mechanism for building
7 consensus. And so again, I just want to add my
8 voice to Commissioner Fiala's concerns.

9 With regard to the member item issue. It's
10 the same basic argument, but let me add a little
11 more depth to what Commissioner Fiala said. Each
12 Council Member is not only treated fairly with
13 regard to the budget that they're allocated for
14 running their offices, but each Council Member is
15 treated exactly fairly with regard to the basic
16 level of funding that they receive for member
17 items. So, each Council Member gets the same
18 amount of money for their youth programs, each
19 Council Member gets the same amount of money for
20 their aging programs. Each Council Member gets
21 the same amount of money for other types of
22 discretionary spending. After that baseline level
23 of funding, there is a negotiation that takes
24 place within the collegial body of the
25 Legislature to allocate scarce resources. As we

1 sit here, we debate whether or not this is valid,
2 I would just throw one other point out. The
3 Council for the first time in its history has
4 become a majority minority. It be would punitive
5 to take the system that has benefitted other
6 different groups and change it at the very time
7 when other minority groups are finally getting an
8 opportunity to deliver constituent services and
9 resources to their communities. So there is an
10 issue of equity that needs to be discussed and
11 debated. Finally, I would support Commissioner
12 Fiala's comments with regard to whether or not
13 this is ripe. This is the first substantive
14 discussion we're having about these issues, and I
15 appreciate you bringing them to the forefront.
16 But by the same token, we've spent much, much,
17 much more time talking about term limits than we
18 have talked about this issue, and I would put
19 forward that this issue of the Council and how it
20 operates is at a minimum equally as important and
21 deserves as much discussion and review. Thank
22 you.

23 CHAIRMAN GOLDSTEIN: Commissioner Cohen.

24 COMMISSIONER COHEN: Thank you, Mr. Chairman.

25 So I'm actually going to come out somewhere

1 between the two parties that we just heard from.
2 First of all, I want to talk about the question
3 of the pay raises being prospective. I think
4 those of you who have talked about that never
5 considered that suggestion would eliminate the
6 quadrennial Commission. Only that when the
7 quadrennial Commission makes its recommendation,
8 the Council votes on it, it then becomes -- takes
9 effect for the following Council class?
10 Council -- you know, Council class. That, by
11 the way, is actually a recommendation in the
12 quadrennial Commission's own report.

13 The set of issues that Commissioner Cassino
14 raised with regard to that, with regard to the
15 prospectivity of pay raises, with regard to lulus
16 and with regard to full-time Council Members, are
17 all things that the quadrennial Commission's
18 report in 2006 itself raised. It raised at the
19 time, it suggested quite -- it recommended quite
20 substantial pay increases for all the elected
21 officials and raised Council Members,
22 specifically raised Council Members from 90,000 a
23 year to a hundred-and-twelve-five, and in the
24 course of making that very large recommendation,
25 that's a big jump at one time, that it should be

1 thought of in concert with these other
2 considerations. So I think we're not suggesting
3 at all to get rid of the quadrennial Commission,
4 which really does seem to be a good solution, but
5 simply to pursue some of their own
6 recommendations.

7 I think with regard to pay raises, and let
8 me say one more thing about pay raises being
9 prospective, this entire discussion for me arises
10 out of the discussion about term limits, because
11 as this Commission talks about term limits, I'll
12 say parenthetically now, because I don't know if
13 we have a chance later, I'm against term limits,
14 but we have to do what the people want us to do
15 as a result of the occurrences of 2008. But in
16 the context the discussion of term limits, we've
17 talked about setting up also offering the voters
18 a chance to change the Charter insofar as
19 requiring that if the Council were again to
20 change a term limits provision that it wouldn't
21 apply to themselves, that it would apply to the
22 succeeding class. And in talking about doing it
23 that way, to avoid the appearance of
24 self-dealing, many of us analogized it to pay
25 raises, because this very question of making pay

1 raises prospective is the usual practice in every
2 legislative body, and in fact came as a surprise
3 to a number of us that it is not the usual
4 practice for the City Council. So if it came up
5 in the context of term limits, if we're going to
6 do term limits as prospective, then it seems only
7 right that pay raises should be prospective as
8 well.

9 With regard to the question of lulus, I
10 think whether ripe or not, this one, to me, this
11 one is a no-brainer. This one actually only
12 affects 51 people in the City of New York. It
13 has no implications for any other citizen. And
14 the idea that the Council Speaker should herd
15 cats by people's actual take-home pay is I think
16 offensive to many New Yorkers, including this
17 one.

18 Now, that's very different from member
19 items, and here I'm going to part company with
20 Commissioner Cassino. I think that the question
21 of member items is a very complex question that
22 would absolutely require more public discussion
23 and debate before anybody were to do anything.
24 Although it's a very important issue, \$50 million
25 is important -- I'm going back to Director Page's

1 testimony this evening -- \$50 million is a lot of
2 money. Any \$50 million would more than pay for
3 all the groups that are asking for guaranteed
4 budgets. So if that \$50 million which the Council
5 and the Mayor agreed to let the Council
6 distribute on their own were sent back to the
7 budget it could, for example, be decided among
8 those budgetary answers to use it for those
9 things that various people have said we need
10 guaranteed budgets for. That being said, it is
11 the way it works now, and I think that for us to
12 enter that fray at this point is not responsible.
13 Furthermore, I do think that in the world that we
14 live in now of member items, that is a legitimate
15 way for the Speaker to herd the cats, and get
16 people -- get Council Members to behave one way
17 or another, because it has to do with their own
18 performance in their own district. And they will
19 be reelected or not in part based on what they
20 are able to bring home and deliver to their
21 district. Member items is a legitimate political
22 tool in the world we live in now for the Council
23 Speaker's views, whereas I believe lulus is not a
24 legitimate tool.

25 And on the question of full-time Council, I

1 am -- I'm receptive to that. I'd love to explore
2 that in more time. But I think that is again
3 something that's more complex and not fully
4 vetted in our discussion so far.

5 CHAIRMAN GOLDSTEIN: Let me get back for
6 rejoinder to Commissioner Cassino, because I
7 don't see anybody else that wants to jump in.

8 COMMISSIONER CASSINO: Just a couple of
9 things. One is I think Commissioner Fiala often
10 refers to some of these things as being
11 impulsive, anger. I think that's not a fair
12 characterization. Passionate, but I think it's
13 to diminish what somebody might feel strongly
14 about is impulsive, it's anger. It's well-thought
15 out, and I think a lot of people feel that way,
16 and I think that it diminishes what somebody
17 might feel strongly about. It doesn't mean it's
18 not well-reasoned, it just means they might feel
19 strongly about it. It doesn't have to be anger
20 involved in it. It is a different perspective.
21 And let me read to you from the body that you
22 quoted as being well-reasoned and certainly not
23 having those qualities. And the body says that
24 it specifically recommends limiting the ability
25 of government officials to raise their own

1 salaries and receive them immediately would
2 improve the integrity of government and public
3 confidence in it. The Commission recommends,
4 however, that they do it now and particularly
5 since seven years from now has passed. So they
6 passed it. But they recommended that. And on the
7 second part on lulus, they specifically said they
8 recommend this area is ripe for reform. It's
9 their words, '06. "Given that eliminating the
10 lulus in the middle of a Council term would be
11 complicated, the Commission recommends that this
12 Council, or a future Charter Commission, consider
13 reforming this practice of lulus effective
14 December 31, 2009. The vast majority of the
15 Council will be termed out --" we know that
16 didn't happen -- "out of office." But so the
17 well-reasoned body that you cite to actually
18 recommended at least two of these
19 recommendations.

20 And let me go to the issue of ripeness.
21 First of all, just one quick point on your point
22 about reporting. The only reason that the
23 disclosure is different here is because it's
24 related to outside income that you're earning on
25 a position. They're not -- they're the only

1 elected officials in the City who can hold
2 another job. It only relates to holding another
3 position. So that's the only extra disclosure
4 requirement. Nobody else -- Borough Presidents
5 don't hold outside jobs.

6 COMMISSIONER BANKS: As a City employee, you
7 can hold outside income.

8 COMMISSIONER CASSINO: I'm talking about
9 elected officials.

10 COMMISSIONER SCISSURA: Not the Borough
11 President.

12 COMMISSIONER CASSINO: You can't.

13 COMMISSIONER BANKS: As appointed an
14 official I am allowed to hold outside income. My
15 point is that we should be equitable in the
16 treatment of our elected officials and our
17 appointed officials.

18 COMMISSIONER CASSINO: I don't think they're
19 the same. One is elected and one is appointed,
20 and clearly there are vast difference. And we
21 say that the only entity that can hold an outside
22 position is a City Council member. If they could
23 all hold outside positions they can equitable to
24 be the same --

25 COMMISSIONER BANKS: I don't want to belabor.

1 I don't understand why we would want to hold
2 other appointed officials to a lower standard.

3 CHAIRMAN GOLDSTEIN: Let --

4 COMMISSIONER CASSINO: One more point. On the
5 issue of ripeness. Take a look at our report, the
6 Staff Report and some of the issues that we're
7 considering. We're considering issues that we've
8 had very little debate on, merging agencies. IRV.
9 I don't think that any one of those issues have
10 received the kind of scrutiny that these issues
11 that we raise here. And yet we're considering
12 them. This was the first opportunity we have had
13 to introduce it. We could do this, by the way,
14 with everything that anybody raised here we could
15 say, "Too late, sorry. Too late. We didn't
16 raise it yet." This was our first opportunity to
17 do this. And I don't think we should use as a
18 sword against it that it's too late, we haven't
19 discussed it. We all have been told to bring
20 forth issues and that are in addition to the
21 report. So for now, to say that everything that
22 comes up now hasn't been discussed, these things
23 have been discussed in public, and certainly the
24 two most experienced people on this panel, on
25 these issues are you two. So you guys know this

1 stuff cold. And so I think the Commission
2 certainly has strong opinions about this, I'm
3 sure, one way or another. And there's nobody here
4 is not knowledgeable about it. Hope Cohen just
5 went through a whole litany of issues she feels
6 strongly about. So the ripeness issue, I'm not
7 so sure that is fair given what we're looking at,
8 the kind of discussions we've had, as well as
9 where we are in the process. We were told to
10 bring it forth this way at this time is the best
11 we can do, and I think, you know, we shouldn't
12 disqualify everything that comes up at this point
13 because it would have made the exercise futile.

14 COMMISSIONER FIALA: Just for the record,
15 just so you know, I'm angry, I'm frustrated and
16 I'm passionate. I have all of those emotions.
17 We're separating the wheat from the chaff, that's
18 what we're doing now. And I think we started
19 this discussion with the question of is this
20 something we want to go forward with? I'm trying
21 to make the argument that whether we use the word
22 "angry", "frustrated", "passionate", "passion",
23 passion is a good things, absolutely. But it's
24 the very thing -- it's funny, that's what the
25 founding fathers used, the word "passion" as

1 being in need of cooling, thoughtful
2 reasonableness. The quadrennial Commission had a
3 deliberate review several years ago --

4 COMMISSIONER SCISSURA: If I could say one
5 thing. Me and perhaps half of this room have no
6 idea what a quadrennial Commission is. Could you
7 just tell us what it is? Right? Does anybody
8 know what it is?

9 COMMISSIONER CROWELL: A quadrennial
10 Commission is a process of by which the Mayor
11 sets forth a Commission quadrennially to meet
12 ever four years to discuss whether the Council,
13 or any other elected official, so it applies to
14 all elected officials, should receive a pay raise
15 and what those pay raises should be. And based
16 on an economic analysis of trends in the New York
17 City marketplace, other public sector salaries,
18 union increases, all those factors, the
19 Commission can recommend, it's only advisory, can
20 recommend no increase, some increases, and
21 different kinds of increases, depending on the
22 office. And that's purely advisory. The Mayor
23 can accept them and send them to the Council.
24 And if he does, then the Council can choose to
25 adopt them or even modify them. And then pass

1 them or not.

2 CHAIRMAN GOLDSTEIN: I have a question. Does
3 anybody know the etymology of lulu?

4 COMMISSIONER CASSINO: Yes, "in lieu of."

5 CHAIRMAN GOLDSTEIN: "In lieu of." They're
6 you go. A few of us just learned something.

7 COMMISSIONER CROWELL: It was a very fun bar
8 in Washington.

9 CHAIRMAN GOLDSTEIN: Was that on the New York
10 bar exam?

11 COMMISSIONER FIALA: Mr. Chairman, as we are
12 in the process of winding down this Commission,
13 there is a staff report that has a number of
14 issues which we continue to discuss, some of them
15 I think we've kind of -- my own internal polling
16 as you know we'll wind up tabling some of them.
17 I think it's great. This is what we want to see
18 happen here. What I'm saying is on these
19 particular issues it's the law of unintended
20 consequences I think that begs further study.
21 Whether or not it was studied and it was ripe by
22 the quadrennial Commission, it's clear that it
23 wasn't vetted through this Commission. We did
24 not have an expert forum on the powers of the
25 City Council. We didn't spend any sufficient

1 time on this particular issue. In recognition of
2 that, I think this is a series of issues that
3 I've indicated a couple of them that I agree with
4 you on. I just don't think that it be would
5 responsible for us to propose propositions that
6 we are raising at the eleventh hour.

7 CHAIRMAN GOLDSTEIN: Let me jump in. I'm the
8 guilty party here that asked Commissioner Cassino
9 to speak in more depth than this Commission has
10 had an opportunity to discuss around the issues
11 that you brought up, whether a Council should be
12 full-time, discretionary allocations, lulus, and
13 I want to thank you professor -- I was going to
14 call you Professor Cassino, that's more than an
15 honorific title. But I want to cover three things
16 tonight, three very important things tonight,
17 before we get to the public.

18 The second area that is large and complex is
19 about government structure. And Commissioner
20 Scissura has asked me and has spoken very
21 passionately about the bringing the issue of
22 government structure more to the forefront of
23 discussion. All of us know that in the Staff
24 Report, while it was acknowledged that this is a
25 serious, complex area, that it may need to be

1 viewed much more holistically than parsed on
2 different levels. Notwithstanding that overall
3 observation, I've asked Commissioner Scissura if
4 he could expand a little about the issues that
5 are particularly interested to him and passionate
6 and if embraced, and if presented to the voters,
7 might indeed result in a more efficient
8 government than we have right now, more
9 transparent government.

10 The third issue is on nonpartisan elections,
11 which we have not spent much time on at all. In
12 fact, the only substantive time was when we heard
13 from the Citizens Union, who came forward with --
14 no, no. I'm talking about in terms of people who
15 came up to testify that we invited them to. I'm
16 not talking about members of the audience. Expert
17 testimony.

18 EXECUTIVE DIRECTOR GOODMAN: He was on the
19 expert panel.

20 CHAIRMAN GOLDSTEIN: I'm sorry, I didn't see
21 Mr. Kresky. I'm sorry. I didn't see you, I'm
22 sorry.

23 The other issue was on land use, and we
24 asked the Commission staff to prepare a memo on
25 one aspect that we had particular interest in and

1 that was on Fair Share. On Fair Share we will
2 defer discussion until Monday, because we will
3 be -- the staff is going to be meeting with
4 representatives tomorrow in their offices around
5 the issue of Fair Share, and then we want to
6 bring this up to discussion with the Commission
7 as well. Again, I just want to emphasize the
8 overarching view here is that I, and I think we
9 all agree with the fact, that we cannot with
10 confidence deal with some of the very big,
11 complex issues in the relatively short period of
12 time that we have. We may be able to pluck some
13 things out and bring them for consideration by
14 the voters. But for we to believe that we have
15 sufficient information, and sufficient depth of
16 information, and sufficient due diligence I think
17 is not consistent with the reality of the clock
18 that we've been dealing with. However, again, I
19 think as important that it is to bring something
20 to the voters, and some important things to the
21 voters in November, it is equally important for
22 us to lay out in some detail and express some
23 view about these subjects for some future time.
24 That's just the reality of the way in which we
25 have to operate given that we actually started

1 our work in early March and will conclude five,
2 six months later.

3 So with that as just an introduction, I'd
4 like to give the Chair to, the microphone to
5 Commissioner Scissura and talk about government
6 structure.

7 COMMISSIONER SCISSURA: Sure, thanks. I'm
8 going to try to be very brief, because I realize
9 it's 8:15 and there are people here that want to
10 be heard, and we've been talking a lot, but I
11 thank you for giving me the opportunity. I think
12 we've heard a lot tonight and we've heard the
13 word "ripeness," we've heard "ripe, ripe, ripe."
14 If there's one issue that I truly believe is
15 ripe, it's government structure. We had a great
16 panel on government structure. We heard from the
17 Public Advocate, we heard from the Comptroller,
18 we heard from the five Borough Presidents, we
19 heard from the Speaker of the City Council, who
20 didn't necessarily just talk about the City
21 Council and their role, but also talked about the
22 role of the Borough President and the Public
23 Advocate and increased role for them on different
24 Boards, whether it's the BSA or some other
25 things. We heard from Community Board Chairs and

1 members from all five Boroughs. I know there are
2 many Community Board members here tonight who
3 want to be heard. We heard from the Executive
4 Director of the '87-'89, whatever we call that
5 Commission, who admitted that there were errors
6 when it came to the role of the Borough
7 Presidency and the Public Advocate. We heard
8 from Doug Muzzio who said if you're going to have
9 these offices you must fund them, you must give
10 them a role.

11 What was most striking to me, to be honest,
12 was the report of Citizens Union. And I know Dick
13 is in the back. That report really spelled out
14 the importance of increasing the roles for people
15 who are elected to office, who are elected with
16 many votes in most case -- in every case are
17 elected to more votes than the Speaker of the
18 City Council is, and yet they have a very limited
19 role in City government. So I think I'd give us a
20 challenge, which is we've heard this, we've
21 listened to it. We've heard experts. We've
22 heard citizens. We've heard elected officials,
23 we've heard appointed officials. We've heard from
24 all our Borough Presidents, who gave you the
25 same, same, information. "We are here, we do a

1 good job." But there's a funny way of
2 eliminating an office. You just don't fund them.
3 You have this great Borough Hall in Brooklyn, you
4 have a Borough Hall here, you have a Borough Hall
5 in Queens. It's wonderful. It's beautiful. I
6 love going to work everyday. But if you keep
7 cutting the budget and you keep saying that only
8 certain elected officials will get a small cut
9 but the other elected officials, like a Public
10 Advocate, or a Borough President, or a Community
11 Board, will just be cut 30 and 40 percent it's
12 really not fair. So, obviously, I'm not going to
13 talk about the importance of the independent
14 budget, because we're either going to support it
15 or we're not. We've heard about it, it's on the
16 table. It's either going to be or not be. I
17 think we have a great opportunity to look at
18 certain sections of the Charter and what I will
19 do is by Friday, so that you have the weekend to
20 look at it before Monday, is just put together a
21 couple of places in the Charter where I think the
22 role of the Borough President, of a Community
23 Board, and a Public Advocate can be not
24 necessarily expanded but can be refocused a
25 little bit, can say: If you're going to have a

1 Community Board spend time on land use, you must
2 give them the tools to understand land use. You
3 must give them a planner to understand land use.
4 You must say to a Community Board: If you're
5 going to volunteer and spend all of your time and
6 have committee meetings and hearings and all of
7 this, your voice is not just merely a simple
8 advisory opinion. It's not just well, they want
9 to build this huge building in our district, and
10 we've studied it, we've spent months on it, we
11 met with City Planning, we did everything, but
12 yet we're going to give a recommendation, and by
13 the time it gets to the Council our
14 recommendation will be so meaningless that you
15 almost say at that point: Well, then why have
16 the Community Board? Why have an office if you're
17 not going to give it a role?

18 It goes the same with the Borough President.
19 If you have a Borough President and you have a
20 staff and you are asked to really focus in on the
21 land use issue, why not give them a role? If you
22 say in the Charter that a Borough President is
23 supposed to have a meeting with -- the Borough
24 Service Cabinet Meeting which is Borough
25 Commissioners, if you don't mandate them to

1 attend, they will not attend. That's something
2 that must be looked at. If you have a Board of
3 Standards and Appeals that people are always
4 coming to the Borough President and the Borough
5 President's staff has to work on an issue, has to
6 look at an issue that goes before the BSA, how do
7 you not give them a seat on the BSA? I mean,
8 these are things that have been vetted, have been
9 discussed, have been spoken about -- by the way,
10 by Christine Quinn, when she came and spoke to
11 us -- have been mentioned in the Citizens Union
12 report, have been analyzed by the five staffs of
13 the Borough President and the Public Advocate ad
14 nauseam. I just think when you take the two top
15 issues that were spoken about at all of our
16 hearings, the local input, the local control, is
17 something this Commission cannot walk away from.
18 It's not something -- it's an insult to 59
19 Community Boards, to five Borough Presidents, to
20 a Public Advocate, that local control and local
21 voice and the role of these offices and the roles
22 that they can have, have been relegated to three
23 paragraphs in 68 pages. It's something that I
24 think we owe more to these communities, to
25 communities. We really do. And I think the way

1 of doing that is to look at a couple of things.
2 And I agree with you, Chancellor, we're not going
3 to be able to touch everything. But maybe we can
4 look at a few things to say: We heard you,
5 communities, we listened to you. We understand.
6 I was a Community Board member, you were a
7 Community Board member. Commissioner Moltner was
8 a Community Board member.

9 COMMISSIONER TAYLOR: Me too.

10 COMMISSIONER SCISSURA: You were also.

11 COMMISSIONER COHEN: Still am.

12 COMMISSIONER SCISSURA: You still are, good.
13 We understand the flaws of that role. But again,
14 maybe what this Commission is, is the beginning
15 of really focussing and saying if you have
16 Charter mandated roles for a Community Board and
17 a Borough President and a Public Advocate, we're
18 going to start a dialogue that obviously we can
19 not complete today, but we're going to start it,
20 and we're not just going to talk about it, but
21 we're going to add a couple of things, and we're
22 going to see what happens. And we're going to do
23 that not just based on what we hear from
24 Community Board members, and a Borough President,
25 and the Public Advocate, but we're going to do

1 that based on what Citizens Union is saying,
2 which we all agree with respect -- completely.
3 We're going to do that based on the Executive
4 Director of the Commission that really
5 disseminated those roles who is now saying:
6 Well, that was not the intent of what we did.
7 We're going to do it based on what Peter Vallone,
8 Sr., said was not the intent of what everything
9 is written. And I think when you hear that, when
10 you hear the former Speaker, who was probably one
11 of the greatest elected officials in this City,
12 say: "The intent of what's written in the Charter
13 is not what's there." We expected the Borough
14 Presidents and the Community Boards to have a
15 different role. It was not written properly. I
16 think we must do something about it, and I look
17 forward to sharing with you a few ideas of how I
18 think we can start that process.

19 CHAIRMAN GOLDSTEIN: And Carlo, that's why I
20 wanted you to speak tonight --

21 COMMISSIONER SCISSURA: Thank you.

22 CHAIRMAN GOLDSTEIN: -- because I agree that
23 we need to give more attention to the issues of
24 government structure than was written in the
25 report, and ultimately whatever report is written

1 it's going to be our report, it's going to be the
2 Commission's report. I do look forward to you
3 focussing, projecting down to a much smaller
4 subset of ideas that we can discuss next Monday,
5 and then we can have further discussions after
6 that. I would like --

7 COMMISSIONER TAYLOR: Chairman?

8 CHAIRMAN GOLDSTEIN: Yes, I'm sorry. I know
9 Bishop Taylor has been wanting to be heard and
10 I'm sorry that --

11 COMMISSIONER TAYLOR: That's alright. I just
12 wanted to make reference to the document that I
13 sent to you your request, and I cc'd the other
14 Commissioners, that kind of echo what Carlo
15 Scissura is saying, and if we could maybe go back
16 and revise it, that idea, some particular things
17 I outlined, I don't have the time to take the
18 time to talk about now, we can revisit it on
19 Monday.

20 CHAIRMAN GOLDSTEIN: When you receive that
21 and you send it to me, Carlo, I'll get it around
22 to staff, get it around to everybody. I remember
23 your E-mail to me, and it parrots much of what
24 Carlo was saying.

25 Commissioner Patterson.

1 COMMISSIONER PATTERSON: Yeah, I was -- I
2 have never sat on a Community Board, but I
3 certainly live in a jurisdiction where the
4 Community Board is very active and very involved
5 and very effective. One of the things I would
6 ask, Carlo, if you could take a look at, and you
7 and I have had sidebars on this, is Borough
8 President Stringer, my Borough President, has
9 come up with standards, procedures, criteria,
10 regarding Community Boards in Manhattan. It was
11 alluded to by several Community Board members at
12 our hearing on Monday night, and I know that
13 every Borough is different, and every Borough has
14 different issues. We can't create an
15 infrastructure -- a legal infrastructure that is
16 Borough specific. We have to have something in
17 general applicability. And one of the things I
18 asked a while back was whether we could see
19 something that reflected some sort of consensus
20 among the five Borough Presidents as to what
21 could be done in a Community Board. All I've
22 heard so far: Give them an independent budget
23 and they all want their own planner. Those are
24 two proposals. But I was struck by every member
25 of the Community Board is passionate about his or

1 her community and his or her role in the
2 Community Board. Some of them are -- have
3 professional backgrounds that would help with
4 that, some of them would not. Some of them are
5 new to Community Boards. Some of them who have
6 sat on Community Boards for I think for the
7 longest tenure we heard from 23 years, I believe
8 that was in Brooklyn.

9 COMMISSIONER COHEN: 32.

10 COMMISSIONER PATTERSON: 32. We're beyond 32.
11 Anyway, when we wrestle with how to give a voice
12 to Community Boards in particular, and since
13 Borough Presidents are integrally connected with
14 the selection of Community Board members it
15 really does bite on the issue of the power of the
16 Borough Presidents as well, we need to look at
17 stuff that can apply citywide. And I would love
18 to have your suggestions, Borough President
19 Marshall's suggestions, really the various
20 Borough Presidents, our suggestions and so on, of
21 how we can do something that would be a general
22 applicability, because at the moment, I'm not
23 hearing much of general applicability other than
24 "Give us a guaranteed budget and give us our own
25 planners." And I think there has to be more

1 substance to it than that. And you're a very
2 valuable resource.

3 COMMISSIONER SCISSURA: Sure.

4 COMMISSIONER PATTERSON: I would like to have
5 your input on that.

6 CHAIRMAN GOLDSTEIN: I think that's what
7 Carlo is going to intend to do and that would be
8 very much helpful.

9 Commissioner Hart.

10 COMMISSIONER HART: Just a point, Carlo, when
11 you are looking at this, and I'm certainly in
12 support of looking at Community Boards and
13 looking what they do and give them the authority
14 they need to represent their various communities,
15 when it comes to the urban planner that everybody
16 wants, the urban planner in and of itself is not
17 going to help do anything. So if you have an
18 opportunity to look at what it would mean to have
19 an urban planner support the Community Boards,
20 whether it's probably more at the Borough level,
21 but what does that mean after the fact? One of
22 the complaints of Community Boards was that
23 nobody pays any attention to what their
24 recommendations are. If you have an urban
25 planner, how does that change the equation to

1 give the Community Boards the authority, if you
2 will, that they are asking for?

3 CHAIRMAN GOLDSTEIN: Okay? Let me get to the
4 last topic, and an extremely important topic.
5 For me it's the New York City political
6 equivalent of the Big Bang. Nothing foments more
7 passion than that or an antimatter coming
8 together, and that to me is about nonpartisan
9 elections. We as a Commission chose to start our
10 discussion about a very big topic that all of us
11 knew had to be addressed, and addressed
12 decisively, and that's why we spent as much time
13 as we did. And I for one thought the whole issue
14 of term limits was pretty easy to understand. But
15 like anything that we have been discussing, once
16 you start looking inside the vessel you start to
17 see that there are layers of complexity that none
18 of us really envisaged to its full formality. And
19 we will bring something to the voters on term
20 limits, and we have a little extra work to do on
21 it. But it's going to be an important action
22 that I think this, what I would consider very
23 distinguished body that I'm very privileged to be
24 connected with, we'll have had sufficient time, I
25 think, to really delve into the issue deeply.

1 Nonpartisan elections is a very important
2 topic that again brings -- we've used the word
3 "passion" many times tonight. Certainly, I can't
4 think of anything that brings more passion and
5 more dissension than this topic. You bring it
6 up. There -- for every person that has a
7 strong -- personal -- Newton was right -- there's
8 an equal and opposite force that comes smacking
9 at you. I'm not sure what is the appropriate
10 thing to do with nonpartisan elections, because
11 as I look at it, it is very complex, much more
12 complex than I perceive people believe it to be.
13 Others may not agree with that, that assessment.
14 But I really would like to just go around, and
15 those of you who want to speak -- nobody came to
16 me and said, "I want to speak specifically about
17 nonpartisan elections." But I think it's
18 important that we discuss it, so, and that's from
19 among the Commissioners. We'll start --

20 COMMISSIONER CROWELL: Carlo, last week
21 didn't you ask for some more research on it
22 before we endeavored -- I just want to get a
23 process point. I thought that was before we were
24 going to have this discussion.

25 CHAIRMAN GOLDSTEIN: We are going to bring in

1 one consultant and there's going to be, but I
2 would submit there's a lot of, lot of layers to
3 this. This is about projections on minority --
4 effect on minority communities, and I think all
5 of us have read an awful lot on these subjects,
6 and clearly there is a lot more to learn. But I
7 really just want to go around the table for any
8 of you who want to be heard on this to say what
9 you're thinking is in the way in which we might
10 proceed. As, you know, the clock is running on
11 the subjects, you know, tonight we discussed two
12 very big subjects, government structure and
13 really the roles on how the City Council has
14 operated over an extended period of time. We
15 have yet even to touch on one minor -- well, I
16 wouldn't say minor. One important subject of
17 land use, and I intend to do that on Monday. But
18 so I'd like to go around.

19 Hope, do you have any --

20 COMMISSIONER COHEN: Sure, I'll start.

21 CHAIRMAN GOLDSTEIN: And I'm doing this
22 randomly.

23 COMMISSIONER COHEN: I figured you're just
24 starting from the end.

25 COMMISSIONER SCISSURA: Can I make one

1 suggestion? Can we just limit everyone's because
2 there are a lot of people waiting to speak.

3 CHAIRMAN GOLDSTEIN: I want to do it quickly
4 and then we're going to take a very, very quick
5 break, because we're sitting here, a five-minute
6 break, because I think nature is calling for a
7 number of you and you're looking at me --

8 COMMISSIONER CROWELL: Maybe we should take a
9 break first.

10 CHAIRMAN GOLDSTEIN: Let's do it quickly.
11 Let's do this now. Go ahead.

12 COMMISSIONER COHEN: We've been hearing a ton
13 about it. As you said, we heard it on both
14 sides, and it's something that's very compelling,
15 I'm very open to, and intrigued by doing
16 something to open up the elections from the
17 party-controlled primaries, and particularity
18 with when it's put in the context of what
19 taxpayers paid for. But I think it is, I think
20 it does have all kinds of implications that we
21 have not had an opportunity to explore fully in
22 this time frame. I would love, as with so many
23 other issues, to have more time and then we could
24 explore it further. And I think one of those
25 things is that we have fallen into a practice of

1 equalizing or defining nonpartisan elections as
2 the Top Two mechanism that was proposed by the
3 2003 Commission and that was just adopted in
4 California. I think there are other mechanisms
5 that I think if we had time we should be
6 exploring. And I think that especially in the
7 context of California, just adopting that Top Two
8 mechanism, that actually gives the people of the
9 City of New York something to observe, a
10 laboratory experiment over there to watch an
11 election or two before we adopted that one
12 specifically. But I think the real thing is to
13 look at what the various mechanisms, what the
14 right set of mechanisms might be.

15 CHAIRMAN GOLDSTEIN: Commissioner Moltner.

16 COMMISSIONER MOLTNER: Thank you,
17 Mr. Chairman. I think this is a very, very
18 important issue. I don't know substantively where
19 I come out on it, and I don't think it matters,
20 because I do think it is an issue that's very
21 worthy of exploration, and I agree fully with
22 what you, Mr. Chairman, said, that more time is
23 needed. I agree with my fellow Commissioner,
24 Commissioner Cohen.

25 CHAIRMAN GOLDSTEIN: Commissioner Betty Chen.

1 COMMISSIONER BETTY CHEN: I think as a matter
2 of principle for me the fact that this was sort
3 of deliberated by various commissions and put up
4 for previous votes doesn't necessarily
5 acknowledge the fact that times change and
6 sometimes, you know, at certain points, you know,
7 the time might be appropriate to relook at things
8 again. And for me, the fact that the Citizens
9 Union changed their opinion is very interesting.
10 But I think personally I haven't sort of come out
11 one way or another. I'm support of with what Hope
12 was saying, I still don't quite understand the
13 mechanism. I understand the sort of broader
14 concepts in some of the debates, but not the
15 actual mechanisms of it. It's literally then
16 related to Top Two, or proportional
17 representation, or IRV, or how all of these
18 things might interrelate. And whether there's an
19 option to put the party on the ballot or not.
20 And I think there's a lot of this that we haven't
21 had a chance to understand or discuss, which
22 would impact how, you know, how
23 things (inaudible).

24 CHAIRMAN GOLDSTEIN: Thank you.

25 Commissioner Hart.

1 COMMISSIONER HART: I want to echo what
2 Commissioner Chen said. In addition to that, and
3 I really have no opinion one way or the other as
4 far as whether or not it should be on this coming
5 ballot, although I definitely think with the
6 amount of testimony and amount of interest it's
7 something that has to be considered. If not now,
8 certainly in the future. But my major concern is
9 how all the things we were talking about,
10 nonpartisan, Top Two, whatever, how that
11 interrelates with each other, and how that
12 relates to the Voting Rights Act. And the Voting
13 Rights Act, if I remember correctly, doesn't even
14 apply across New York City. I mean, there are
15 certain boroughs it doesn't even pertain to. So
16 how does all that, how does all that work? I
17 don't know. And I can't make an educated guess.
18 I mean, I am an attorney, but I haven't done any
19 research, and then before I come out with an
20 opinion I would want to know what it means. Is
21 there a substantial likelihood that it would pass
22 muster with the Justice Department? I mean,
23 that's important to me.

24 CHAIRMAN GOLDSTEIN: Commissioner Patterson.

25 COMMISSIONER PATTERSON: First, I would like

1 to point out that between the singularity that
2 caused the Big Bang and the creation of the
3 current universe, 14 billion years elapsed. So
4 there's time to discuss this, our very own Big
5 Bang. I was on the 2003 Commission. I voted in
6 favor of what was then called nonpartisan
7 elections. As I mentioned when Dick Dadey
8 testified, this really is more of a Top Two
9 concept that Citizens Union was suggesting, as it
10 was in 2003, but I think it's a little blunter
11 this time. Partisan identification -- party
12 identification would be on the ballot as whatever
13 any candidate chose to identify him or herself
14 as, whether it was Democrat, Republican, Green,
15 Socialist, Working Families Party, Independence,
16 whatever, could be on the ballot. There have
17 also -- time has changed. Political parties are
18 now constitutionally protected in being able to
19 pick a candidate and spend money in support of
20 that candidate and put feet on the ground in
21 support of that candidate in any election,
22 whether it is an open primary or not open
23 primary. That was a concern before that somehow
24 either -- depending on who you talk to, either
25 political parties would be empowered or

1 disempowered, really and almost -- and anybody
2 after the Citizens United decision can make
3 independent expenditures at any time in support
4 of a candidate. So again, there are -- the world
5 has changed. That being said, I just wanted to
6 let you -- to fill in people on what happened in
7 2003, in that where I worry that by putting a Top
8 Two system on the ballot now we doom virtually
9 every other good idea that gets put on the
10 ballot, because that's in effect what happened in
11 2003. Not only did the -- there was so much
12 intense passion -- to use that word against the
13 nonpartisan election proposal that two, what I
14 would call mom and apple pie proposals, went down
15 in flames on an exactly proportionate basis.
16 People just said no, no, no, without even reading
17 the other two proposals, and I really don't want
18 to take that chance this time.

19 One of the proposals was -- in fact happened
20 in 2 -- with the 2005 Charter Revision, was
21 proposed to authorize the Mayor to issue rules
22 governing the professional conduct of
23 administrative law judges. I'm reading from a
24 2003 General Election Voter Guide of the Campaign
25 Finance Board for those who want to follow. It

1 also proposed enhancing enforcement authority to
2 the Conflicts of Interest Board by allowing
3 increased penalty for violations of City's ethics
4 laws, something I believe was done on a
5 regulatory basis subsequently. The other proposal
6 was even more mom and apple pie proposal, which
7 included, it was a way to streamline and make
8 more efficient more and fairer and more
9 transparent all of the procurement policies in
10 the City, including, and I read from the Campaign
11 Finance Board's Voter Guide: "Providing for
12 citywide coordination to enhance opportunities
13 for small businesses and minority and women-owned
14 businesses" went down in flames. So I caution you
15 that how I feel, how any of us feel, about a Top
16 Two structure is not the end of the story. We
17 have to balance the intensity of the opposition,
18 frankly, that will be brought to bear, because
19 every elected official who has talked about it so
20 far has opposed it, with whatever other good
21 things we're thinking of putting before the
22 voting public. And for that reason only I
23 haven't decided how I would come out in terms of
24 putting that kind of a Top Two proposal on the
25 ballot this year. My thinking has not changed

1 since '03. It's become stronger as I've been
2 become somewhat more educated about the New York
3 City electoral system by sitting on the Campaign
4 Finance Board for six years. But I don't want
5 the perfect to be the enemy of the good.

6 CHAIRMAN GOLDSTEIN: Thank you.

7 Anthony.

8 CHAIRMAN CROWELL: Well --

9 CHAIRMAN GOLDSTEIN: Excuse me, Commissioner
10 Crowell.

11 COMMISSIONER CROWELL: I'm not into titles
12 I'm actually into results. I am somebody who is
13 actually responsible for drafting the 2003 ballot
14 proposition on behalf of the Commission as I was
15 its Chief Counsel at the time and over the years
16 have continued to study and monitor the progress
17 of how nonpartisan elections, or Top Two, or
18 however you want to call it, work dimension. I'm
19 still astounded in New York City how each
20 election cycle situation deepens in terms of the
21 level of disenfranchisement of those people who
22 are unaffiliated and unable to vote in a primary.
23 And we continue to have a system where the
24 general election, while it is a deciding
25 election, really isn't that because the decisions

1 are made in the primary. And I think we as a
2 Commission here have an amazing opportunity to
3 consider something that has been well-studied
4 both in New York City, back in 2003, and since
5 then, but resurfaces here and has continued to be
6 a system that has by all accounts appeared to
7 work well in other places in the country. I think
8 that if there's any confusion, for instance,
9 about instant run-off voting, instant run-off
10 voting has nothing to do, for example, with
11 nonpartisan elections. These are things that
12 need to be clarified and crystalized and
13 identified.

14 I thought for me, the fact that Citizens
15 Union, which is the most well-respected, I
16 believe, good government group in the City, came
17 out in favor of what was a watershed moment. It
18 not only spoke volumes for an idea whose time has
19 come, but it was about legitimizing the need to
20 do something for the voters of this City and to
21 empower people to have the ability to actually
22 choose their leaders rather than having them
23 decided by a select few in primaries. And I think
24 when we think about balancing out what this
25 Commission will do, we have to think about (a)

1 whether we're putting things on the ballot that
2 could be done legislatively or things that
3 cannot. And you cannot put in at the local level
4 nonpartisan elections in by way of the Council.
5 You would need to do it by a Charter Commission,
6 and this is an opportunity that we have, and we
7 have an authority and a power that other bodies
8 in the City simply do not have. So we cannot take
9 that lightly. And I think for those reasons we --
10 and I particularly look forward to hearing the
11 studied results that will be coming soon -- the
12 Commission has invested its monetary resources in
13 hiring outside consultants, and obviously we wait
14 to hear what the results of their retrogression
15 analyses are on voter data in the past few years
16 since the 2003 cycle. We have plenty of time to
17 do that. As someone who has worked on commissions
18 in the in the past, there's been commissions
19 appointed in July, for example, who have put
20 successful ballot propositions on. And those
21 propositions involved retrogression analyses. So
22 I think this, although it is dealing with a Top
23 Two system, is something that we have the time to
24 continue to consider and can do some enormously
25 powerful good to enfranchise many, many, many

1 voters who don't have that ability now to vote in
2 the primary.

3 CHAIRMAN GOLDSTEIN: Angela.

4 COMMISSIONER FREYRE: I have been very
5 impressed by not only the expert testimony but
6 the number of people who have come to testify
7 before us supporting nonpartisan elections. I'm
8 very open to listening to the Top Two proposal,
9 but I have two very fundamental concerns. One is
10 the effect on minorities, and the other one is
11 what Commissioner Patterson said a moment ago,
12 which is we really do have to examine what effect
13 it would have on the other measures that we would
14 put on the ballot. I think the effect on
15 minorities and examining the effect on other
16 proposals is critical for us.

17 CHAIRMAN GOLDSTEIN: Commissioner Banks.

18 COMMISSIONER BANKS: Thank you, Mr. Chairman.
19 For me, the issue of nonpartisan elections is an
20 issue of how do we increase participation? I was
21 supportive of nonpartisan elections back in 2003.
22 However, in spite of all the passion of those
23 folks who support nonpartisan elections, I'm not
24 sure that it is the mechanism by which we can
25 achieve the goal of greater participation. I

1 think there are other things that have been
2 articulated in our many hearings that could get
3 us to the same place. This is a relatively short
4 explanation of saying I'm interested in hearing
5 more, but I'm not convinced that it is the
6 panacea that I would like to believe it is in
7 order to encourage additional participation.

8 CHAIRMAN GOLDSTEIN: Commissioner Cassino.

9 COMMISSIONER CASSINO: I started off very
10 much not in favor of a change. I've come really
11 a long way in that regard. I think that we've
12 heard some very important testimony. I haven't
13 seen, to tell you the truth, I haven't heard of a
14 real instance where I believe it works a
15 different result. It just allows more people to
16 participate. I don't believe in some of the
17 things that were brought up about being able to
18 buy it off of more money or any of the rationales
19 against it just don't seem to hold up. I think
20 the results, all it would do is add more people
21 to the picture, and I think that's critically
22 important, so I'm not -- I'm very open to it. But
23 Commissioner Patterson's point about whether it
24 will sink the whole thing I think is accurate.
25 And I want to say here, and I know we've said

1 this before, is that I think a lot of these
2 issues that we've raised tonight, including this
3 one, really cry out for more time and another
4 opportunity, whether it's this particular group
5 or another group, but I think that, you know, I
6 want to keep making that point, because I think
7 that if we don't -- if it's not ripe, or if we
8 haven't had the right discussion about it, I
9 still think it's critical that we revisit it.
10 This is one of those issues that we really
11 should, including some of the land use issues and
12 all those other issues that we've raised here.
13 So I'm just going to make the case that I think
14 we should be on record as advocating for a future
15 Commission in the near future be appointed.

16 CHAIRMAN GOLDSTEIN: Commissioner Taylor.

17 COMMISSIONER TAYLOR: Well, like my other
18 fellow Commissioners, I think that we all agree
19 that there has been overwhelming testimony about
20 nonpartisan elections. And just by mere
21 acknowledgement of the public's expressed concern
22 about it I think warrants an expanded
23 conversation. I've had conversations about it
24 with people that are very interested in it and
25 want to see it happen. And I think that there

1 record. I think you all know my position. The
2 most essential element of a Democracy is choice.
3 And if you take away choice you've taken away an
4 essential element of Democracy. Democracy isn't
5 simply the right to vote; it's really the right
6 to choose. And we do have a crisis in this City.
7 There are some 751,144 people who choose not to
8 be part of a party. They make that deliberate
9 choice, but they invest in the political system
10 by registering. Then there are, I don't know,
11 900,000 that are part of the parties other than
12 one party, the Democratic party, that together
13 make up 1.5 million people who are citizens who
14 are part of the electoral system, but we all
15 recognize do not, for obvious reasons in this
16 City, have a meaningful voice. It's not just
17 about the right to go into a booth. It's the
18 right to have a choice. And if that choice isn't
19 a meaningful one, you run into a problem. Now,
20 so, I'm not running away from my position. My
21 position is what it has been for five or six
22 years. I will say that this whole process is
23 educative for me, too. Commissioner Patterson a
24 couple of weeks ago put it very succinctly when
25 she talked about not making the good the enemy of

1 the perfect, and she reiterated that here
2 tonight. Bishop Taylor talks about throwing the
3 baby out with the bath water. Commissioner Banks
4 raised a valid point. And Commissioner Freyre
5 raised a very valid appointment. I'm looking
6 forward to that testimony. I doubt very much
7 that it will fundamentally change my position,
8 but I agree that we do need to bring it to some
9 kind of a close. It's a weighty issue. And
10 whether or not it can be done this year,
11 Mr. Chairman, as you said, timing is important.
12 But certainly we put it on the map. We make sure
13 the public understands and the stakeholders
14 understand and that a future Commission
15 understands that if we don't take it up this
16 year, this is something that must be viewed as,
17 you know, one of those top tier, no pun intended,
18 issues for a next Commission. 1.5 million voters
19 being effectively disenfranchised because they
20 don't have a meaningful voice is not an
21 inconsequential thing, it's a very big thing.
22 But all of the attendant issues that have been
23 raised by my fellow Commissioners and members of
24 the public that have spoken to me on this, I
25 don't want you to think that they've been lost on

1 me. I have am very, very curious to hear those
2 subject matters addressed, because while I
3 believe I'll come out with where I started, I
4 also believe that if you've got eleven hours to
5 study an issue, you take eleven hours to study
6 it. So we're in the tenth hour here.

7 CHAIRMAN GOLDSTEIN: We're going to take a
8 very quick break, and we will convene in seven,
9 eight minutes from now. Thank you very much.

10 (Whereupon, a short recess was taken between
11 8:54 P.M. and 9:03 P.M.)

12 CHAIRMAN GOLDSTEIN: Will the Commissioners
13 come up here, please. Okay.

14 Okay. Thank you for being so patient. I'm
15 going to start with our first person who signed
16 up, Barbara Zucker. Barbara Zucker here?

17 MS. ZUCKER: I'm here.

18 CHAIRMAN GOLDSTEIN: Miss Zucker, welcome.

19 MS. ZUCKER: I'm Barbara Zucker. I'm Vice
20 President for Public Policy of the Women's City
21 Club of New York. Last week our President, Ruth
22 Acker, came and spoke and gave our comments,
23 which were in strong opposition to term limits
24 and nonpartisan elections. And I want to
25 emphasize that. And also that we really very

1 strongly believe it certainly sounds as though
2 term limits will be on the ballot. We feel that
3 the first question about term limits should be:
4 Do you favor elimination of term limits for city
5 elected officials? Before you get into two terms
6 and three. Tonight, I just wanted to mention a
7 few items that were not in the Preliminary Report
8 in the Staff Report. We thought they should be
9 there. First is pay equity. New York City still
10 doesn't fully implement pay equity in its work
11 force, and it's been 50 years since there's been
12 Federal law calling for it. So we urge you to
13 consider putting it in the Charter. There are --
14 I have a more extended paper about it, which is
15 attached my testimony, and it goes into the
16 reasons why we think this is a glaring omission.
17 We hope you'll consider it. The Office of the
18 Public Advocate also got really no attention. We
19 recommend changes in the Charter to make sure
20 that the Public Advocate has the powers and
21 resources to carry out its mission. City Council,
22 this is really funny, because I tried to write
23 something that was very calm, not hot, not angry,
24 not passionate, but frankly I agree with what the
25 Commissioner we agree with what the Commissioner

1 said about the City Council. Certainly we wanted
2 more transparency we have a lot of problems with
3 the lulus and member items. Education. The
4 current education Chapter in the Charter has not
5 been updated to reflect the fundamental changes
6 that have taken place. It's really important that
7 the role, the function, the governance of the
8 Department of Education be spelled out in the
9 City Charter. We think that the Department of
10 Education should be subject to the same
11 accountability with respect to budget and
12 oversight that's imposed on every other City
13 agency. We did agree with what's in the report
14 about the consolidating Voter Assistance
15 Commission into the Campaign Finance Board, and
16 the Public Integrity section to disclose
17 independent campaign contributions, strengthen
18 the Conflicts of Interest Law, and so forth and
19 so on. So we thank you. We thank you for the
20 time to speak. We hope you'll consider our
21 suggestions.

22 CHAIRMAN GOLDSTEIN: Thank you very much,
23 Miss Zucker.

24 Harry Kresky.

25 MR. KRESKY: Thank you, Mr. Chairman. We're

1 very glad that the Commissioner --

2 UNIDENTIFIED VOICE: Louder.

3 MR. KRESKY: Is this on?

4 CHAIRMAN GOLDSTEIN: You could probably lift
5 that up, Mr. Kresky, because you're tall.

6 MR. KRESKY: Thanks. We're very glad that
7 the Commissioners are moving to join the very
8 engaged public dialogue on nonpartisan elections,
9 or Top Two. It's a national dialogue from
10 California, and we learned tonight to Staten
11 Island. It's a dialogue that raises profound
12 issues about the role of political parties, about
13 the kind of electoral process we will have, about
14 the status of independent voters disenfranchised.
15 In a Democracy, the resolution of such issues is
16 best left to the voters. The opposition has
17 worked over time to close the door on this issue,
18 to shut it down in New York.

19 As I was struck by what Commissioner
20 Patterson said, she's concerned about the
21 intensity of the opposition is so great that
22 anything else that might be on the ballot will be
23 lost in the fire in the drum and strum and so on
24 and so forth. Think about that for a minute. The
25 opposition to nonpartisan elections that

1 Commissioner Patterson is so concerned about are
2 the very special interests, are the very
3 entrenched parties in New York with very
4 entrenched power brokers in New York that
5 nonpartisan elections is designed to do something
6 about. So surely our conclusion, or the
7 conclusion, to this year's work can't be that
8 we're not going to put it on the ballot, because
9 the very forces that this reform that was
10 supported by millions of voters in California and
11 has been talked about all across the country, you
12 can't say we won't put this reform on the ballot,
13 because the very forces and the very people that
14 it's designed to do something about are going to
15 be vehement in their opposition. Surely, that's
16 something that we should be very, very concerned
17 about. And for reformers that's a challenge,
18 that's not a reason not to push forward. And as
19 we saw tonight, and we're going to see next week,
20 and in coming months and in coming years, the
21 opposition has not been able to close down this
22 dialogue and close down this debate. Why is that?
23 Because America has changed. Americans are fed
24 up with partisanship and with parties that have
25 created gridlock and stalemate on every important

1 issue facing this City, this state and this
2 country. The Citizens Union, as has been noted,
3 has reclaimed its historic role as a leadership
4 in the nonpartisan reform movement in this City.
5 Significant African-American and other community
6 leaders say put it on the ballot. Key Republicans
7 in our city now say put it on the ballot.
8 Important Democrats are keeping an open mind.
9 Mayor Bloomberg has been steadfast in pointing
10 out, as Commissioner Fiala commented tonight,
11 that there's no other reform that will allow all
12 New Yorkers to vote in the critical first round.
13 Yes, it's a fight, a real New York City throw
14 down. There's only one way to resolve such a
15 fight, let the voters decide.

16 CHAIRMAN GOLDSTEIN: Thank you, Mr. Kresky.

17 Steven Newman. Steven Newman.

18 MR. NEWMAN: I brought a copy of my
19 testimony.

20 CHAIRMAN GOLDSTEIN: Thank you. Appreciate
21 it.

22 COMMISSIONER CROWELL: You should also know
23 Steve Newman served on the 2003 Commission,
24 looked at nonpartisan elections. So if you have
25 comments on that or thoughts on that we'd

1 appreciate it, too, because you were one of the
2 most informed people on that Commission.

3 MR. NEWMAN: If I can do that outside of my
4 three minutes.

5 CHAIRMAN GOLDSTEIN: Try to do it within
6 three minutes.

7 MR. NEWMAN: Then my one quick question --
8 comment on nonpartisan elections, which is not
9 why I'm here or what represents is that 2003 was
10 a terrible year to do it, because the only people
11 who vote in that off year are people connected to
12 political clubs and to unions. And what you want
13 to do is put it on the ballot in 2010 or 2012.
14 And I, like many other people, said it adds to
15 the Democracy in the City, and in the end
16 Democratic parties shouldn't be afraid, because
17 in most districts in the City it will be two
18 Democrats who are in the final run. Who aren't
19 here.

20 I'm here representing the Human Services
21 Council of the City, which is an organization
22 made up of UJA/Protestant welfare agencies,
23 Catholic Charities, all the umbrella
24 organizations that represent, that deal with
25 foster care, daycare, aging issues, mental health

1 issues, et cetera. It's 170 different
2 organizations. We've been working with Deputy
3 Mayor Gibbs and Marla Simpson of the Mayor's
4 Office of Contracts on a variety of issues that
5 impact the not-for-profit world, and we've been
6 working quite successfully with them and it's
7 been a great relationship. On the other hand,
8 there are a few issues we think ought to be
9 treated by the Charter. They are each City
10 agency should publicly communicate what a
11 contract, what contracts it plans to let along
12 with the timing and process it intends to use in
13 an annual contracts plan. Every two years the
14 Mayor's office and the Comptroller's office
15 should jointly evaluate how effectively this is
16 being done. I think we think it would increase
17 the planning that exists and make competitive
18 processes more successful. The next two are
19 basically copies of what the Federal government
20 now does with non-profit, with not-for-profit
21 human service providers. One is there should be
22 a single audit for providers with multiple city
23 contracts that total at least \$250,000 in value.
24 At the moment, not-for-profit organizations, if
25 they have multiple contracts, are audited

1 constantly by different City agencies. Even if
2 you have multiple contracts with the same agency,
3 you will get a fiscal audit on each one of them
4 separately. Every one of them comes in and looks
5 at an organization's internal controls. The
6 Federal government does it totally differently.
7 They appoint one agency to be responsible, and
8 that agency has -- there's one auditor that goes
9 out and does the audit and reports on everything.
10 Much, it's much easier for us to deal with the
11 Federal government. Ideally, the City could just
12 use that audit, but recognizing want to do it on
13 its own, one audit would work out.

14 Two, Federal government recognizes overhead
15 rates that are realistic. They audit them
16 annually to make sure you're accurate on your
17 overhead rates. They do not attempt to cap
18 overhead rates to something that's unrealistic.
19 Attached to the testimony is a study by Stanford
20 which outlines how destructive that effort is to
21 it cap overhead rates and how it damages the
22 delivery of services.

23 The fourth recommendation is one I would
24 hope you would put up, put for a future Charter
25 Commission to look at, it will be much more

1 healthy for the planning on these kinds of issues
2 if there were multiyear budgets instead of one-
3 year budgets. Thank you.

4 CHAIRMAN GOLDSTEIN: Thank you very much,
5 Mr. Newman.

6 Dan Jacoby.

7 MR. JACOBY: Hello. My name is Dan Jacoby.
8 I'm the executive Director of Grassroots NYC.
9 Having read the Commission Staff's Preliminary
10 Report I would like to focus on areas: Term
11 limits and elections. On term limits, the two
12 recommended proposals should not both be put on
13 the ballot. What happens if limiting citywide and
14 Borough President terms fails but limiting
15 everyone's terms succeeds? What happens if both
16 proposals succeed? Unless they're worded very
17 carefully confusion will result. Meanwhile,
18 something is notoriously absent. A proposal
19 requiring that any change to the term limits law
20 be made by referendum only. This is in my view
21 the only proposal of any sort that should be on
22 the ballot this year, but more about that later.
23 Turning to elections. The Commission does
24 recommend new disclosure for so-called
25 independent expenditures, and I wholeheartedly

1 agree. On the other hand, the proposal for
2 cutting the minimum number of petition signatures
3 in half is silly and lacks creativity. The
4 petitioning system itself is rotten. The
5 solution must involve replacing it. Two weeks ago
6 yesterday the Second Circuit Court of Appeals
7 threw out a key provision of New York City's
8 Campaign Finance Law, which grants participating
9 candidates more public funding and higher
10 spending limits when they are opposed to high
11 spending nonparticipants. This ruling will result
12 in a staggering drop in participation rates. Now
13 the City's campaign finance system never worked
14 very well, because it almost never makes a
15 difference in who gets elected or how. One
16 exception with one who was present in this room
17 tonight. Fortunately, help is on the way. A new
18 campaign finance bill will be introduced most
19 likely later this year. This "clean elections"
20 bill will accomplish certain applications
21 including the eliminating the need for large
22 fundraising. Reducing the power of wealthy
23 special groups to influence elections and over
24 elected officials. Limiting the ability of
25 certain inside groups to work in coordination

1 with candidates. Denying or denying those
2 preferred candidates the extra resources to which
3 they should not be entitled. Expanding
4 disclosure for independent organizations, which
5 will give voters the information they need to
6 make an educated choice. And eliminating
7 petitioning and replacing it with a more relaxed,
8 less convoluted method of gaining ballot access.
9 You can see details online at grassrootsnyc.org.
10 Finally, I urge again this Commission not to put
11 anything that requires serious thought or debate
12 on the ballot this year. Not only because there
13 will not be time for voters to learn, think,
14 debate and make an educated decision, but because
15 we're getting a new voting system. Voters are
16 going to have to deal with the new system,
17 meaning many will be confused enough. What's
18 worse, all your proposals will be on the back of
19 the ballot, or on a separate sheet, since the
20 eight races in the general election will fill the
21 front of the ballot. The result will be
22 disenfranchisement of voters of potentially major
23 changes to the way our government operates. Do
24 not make that critical mistake. Thank you.

25 CHAIRMAN GOLDSTEIN: Thank you. I'm not sure

1 if I can read this. Before we go to the person
2 whose handwriting I can't read. We are joined by
3 Councilman Daniel Halloran.

4 MR. JACOBY: It's Lynne Serpe that's next.

5 COUNCIL MEMBER HALLORAN: I'm that person you
6 were speaking about in a Democratically 3 to 1
7 district. I'm a Republican, Conservative,
8 Independent, Libertarian party member of the
9 Council who was elected despite being outspent 10
10 to one. I come from five generations of New
11 Yorkers. My great-great grandfather was an a
12 alderman in the City of New York. My grandfather
13 was a homicide Detective. My father, an
14 Administrative Deputy Commissioner in the Koch
15 administration. My brothers are Firefighters in
16 the City of New York. I served in the Police
17 Department, the Queens County District Attorney's
18 office, the Bronx County District Attorney's
19 office County, and in private practice. I am
20 proud to represent the 19th Council District. I
21 must express a few words of caution to you. I
22 believe that there is not enough time for us to
23 complete a thorough process in which the public
24 will have the opportunity to really digest some
25 of the changes that you're suggesting, some of

1 which are absolutely critical and essential to
2 the welfare of the City of New York. These
3 Charter proposals must be put before the City and
4 its constituents in a manner that is intelligible
5 to them and capable of actually being voted on in
6 an intelligent manner. I believe nonpartisan
7 elections, coming as a Republican, is something
8 that is very essential. However, nonpartisan
9 elections must be tied to natural districts.
10 These are districts which are not gerrymandered,
11 not geometrically or geographically drawn in
12 disparate ways, because that's what's important
13 in order to ensure the integrity of our electoral
14 process. Natural districts must walk hand in
15 hand with any sort of nonpartisan elections. The
16 role of City Council is a full-time job. I left
17 my job in the private practice and took a
18 \$150,000-a-year pay cut. Don't mind doing that
19 for civil service; however, I am will still a
20 full-time Council Member. I run around my
21 district and spent almost 65 hours a week in
22 pursuit of constituents services, attending
23 events, showing up at committee meetings, and I'm
24 on six committees in the City of New York, more
25 than any other single Council Member who is not a

1 member of the leadership. And I tell you
2 unequivocally that my job is hampered by the fact
3 that I'm theoretically a part-time Council
4 Member, and I'm not able to pursue any other
5 part-time employment. I own a house in my
6 district. I pay taxes in my district. And I can't
7 make ends meet. Community Boards are very
8 important. I would wish that we would be able to
9 relook at them, provide them with additional
10 services and powers. There is a borough disparity
11 that goes on. The Borough of Staten Island's
12 Borough President receives just as much money as
13 the Borough President of Queens. Yet the Borough
14 of Queens is twice the geographic size and four
15 times the population size of the Borough of
16 Staten Island. There's something inherently wrong
17 there. One man, one vote, one dollar. That's
18 the way it should be across the boards if we're
19 going to talk about fairness. And in 1890 the
20 Borough of Queens was promised when it
21 incorporated into the City of New York that it
22 would be be treated in a fair and equitable
23 manner. That clearly has not happened over the
24 past 120 years. The Board of Standards and
25 Appeals needs to be revisited, something that you

1 have not addressed. Local communities have
2 (inaudible) standards to people when they come
3 before that Board. Something needs to be done to
4 properly regulate them. I'm thrilled that you've
5 dealt with the issue of merger and consolidation
6 of some of the Boards and Tribunals of the City.
7 But having been a lawyer in this City, let me
8 tell you something. The more we give
9 Administrative Tribunals which have a relaxed
10 rules of evidence, which have relaxed standards,
11 we put the burden on our citizens in order to
12 prove they're innocent rather than give them the
13 presumption of innocence for which they are
14 entitled. As it relates to term limits, the
15 citizens of this County and of this City voted
16 not once but twice for term limits. I think it is
17 deplorable and despicable that anybody, anybody
18 could overturn the will of the people enacted not
19 once but twice. This Commission has an
20 obligation to the citizens of the City of New
21 York to be responsive to the things it has called
22 for in the past. I would like to end by
23 reiterating what I said at the beginning, this
24 Charter Commission has the unique opportunity to
25 bring about some monumental changes in how the

1 City of New York functions. When five Boroughs
2 unified in 1890 to become the Greater City of New
3 York, a promise was made that government created
4 would be responsive to its citizens. Today, in
5 many ways the City has lost touch with that
6 promise. The outer Boroughs and many of the
7 citizens see a disparity at every level of the
8 status quo. You can change the City for the
9 better right now by instituting the changes
10 you're talking about, and some of the ones that I
11 and others have proposed. However, you can only
12 do so if you actually inform the citizens, give
13 them an opportunity to review the changes and
14 then make an intelligent and strong decision.
15 Again, the voting machines that are going to be
16 implemented this year are new. There are
17 significant problems which have been raised
18 out-of-state and in-state with regard to their
19 use. The fact that there may be multiple-page
20 ballots will create a problem for all of us for
21 disenfranchisement. This is not the time to do
22 the things that are you doing. I suggest
23 strongly that you listen to the hearing minutes
24 and notes from the State meetings on this
25 subject. I testified at the State's City

1 Committees, and others did as well, asking for
2 more time so this process goes the right way.
3 Thank you so much, and I appreciate the fact that
4 you're here.

5 CHAIRMAN GOLDSTEIN: Thank you, Councilman
6 Halloran.

7 Back to Lynne Serpe. I'm sorry that I
8 skipped over you, Miss Serpe.

9 MS. SERPE: I've only been here since 5:30.
10 I suppose an extra couple of minutes. So my name
11 is Lynne Serpe. I'm from Astoria, Queens.
12 Formally I was a senior analyst at Fair Vote, the
13 Center For Voting and Democracy. I was Executive
14 Director of the Policy Reform Program of the New
15 America Foundation. During that position one
16 thing I did, I ran a successful Oakland instant
17 runoff voting campaign which garnered 69 percent
18 support from the voters. Additionally, I am also
19 one of those 1.5 million voters who are
20 registered outside the Democratic Party. I'm a
21 member of a third party. I'm here today to speak
22 in favor of instant run-off voting in two
23 specific scenarios and to speak against Top Two.
24 Okay. So instant run-off voting, particularly for
25 those in the audience, the way it works is the

1 voters get to rank the candidates in the order of
2 their preference: 1, first choice; 2, second
3 choice; 3, third choice. Voters can rank as few
4 or as many as they like, it's up to them. Here
5 in New York City we have a two-round run-off
6 system in our citywide elections. Instant run-off
7 voting would solve this problem by having one
8 round, not two. By consolidating into single
9 (inaudible) you've have the highest voter turnout
10 in the that single election, and you'd have save
11 taxpayers dollars. Instant run-off voting makes
12 sense for citywide runoff elections. The second
13 scenario I'd like to propose is using instant
14 run-off voting to fill Council vacancies. At any
15 given point in time there are typically about 10
16 percent of the Council members who are elected in
17 a special election. These are nonpartisan
18 elections where candidates run all at one time.
19 The votes are often split and candidates get
20 elected with maybe 30 percent of the vote.
21 That's what Gentile got in 2003; or 32 percent of
22 the vote, which is what Cuomo got in 2008.
23 Instant run-off voting would guarantee a majority
24 winner in a single round, and would allow you
25 opportunity to have a pilot program in a single

1 Council election. So I do think there's enough
2 time for voters to understand that instant runoff
3 voting is as easy as 1, 2, 3. That's what they
4 do. They rank the candidates in their order of
5 preference. It's all about voter choice. In
6 fact, Citizens Union in 2008 released a study, a
7 paper, supporting instant run-off voting for
8 special elections to fill vacancies. That said,
9 Top Two. Totally opposed to it. Opposed to it
10 for many reasons. I'll highlight the top three.
11 The first is by eliminating candidates at the
12 general November election that is bad for
13 Democracy, that is reducing voter choice in the
14 decisive round. The second is that it provides an
15 enormous, enormous incumbent protection. Because
16 what happens is that in the primary round, even
17 though it's nonpartisan, sort of, in the primary
18 round the candidate has to reach out to all
19 voters. So there is an inherent advantage to
20 those who have name recognition and the ability
21 to fund race. Because rather than just reaching
22 out to their own party members, they're reaching
23 out to the wider audience in the primary. Now,
24 in Louisiana they had Top Two, 1978 to 2006. In
25 that entire time an incumbent lost once. In

1 Washington, which implemented Top Two in 2008,
2 they had a single election. I mean, one year in
3 2008, out of 140 incumbents who ran one lost. The
4 numbers are there. Take a look at them. So, the
5 other reason I don't support is because of the
6 issue of it will decimate, absolutely destroy
7 third parties. As a previous speaker mentioned,
8 the likelihood is that the Top Two candidates are
9 going to advance in November and 80, 90 percent
10 of the districts are from the Democratic party.
11 Voters around, the diverse voters around the City
12 will not have the opportunity to hear diverse
13 viewpoints in that high turnout decisive round.
14 State law requires third parties to get a certain
15 number of votes in a gubernatorial election.
16 It's almost always that there's a Council
17 election in the year prior. Certainly a number
18 of the votes they need in order to get ballot
19 qualifications at the State level you're going to
20 try to get from New York City. Top two is going
21 to decimate third parties. It's going to really
22 ruin voter choice. So in conclusion, in
23 conclusion, instant run-off voting has enormous
24 potential to save taxpayer dollars in the
25 Citywide run-off elections. Instant run-off

1 voting can be used in either partisan or
2 nonpartisan elections. I don't really have an
3 opinion on either. I think there's pros and cons
4 to both scenarios. Top Two is not the same as
5 nonpartisan. The research and the data that has
6 been presented talking about 80 percent in
7 municipalities around the country and all this
8 kind of information about nonpartisan is not the
9 same as the data around Top Two. Look at the
10 data in Louisiana and Washington. It's just not
11 the same as information you're getting from
12 nonpartisan. So, in conclusion, like I
13 mentioned, instant run-off voting is a good
14 thing. Top Two is a bad thing. I think voters
15 can figure out, they're smart. They can figure
16 out what instant run-off voting is easy as 1,2,
17 3. Thank you.

18 CHAIRMAN GOLDSTEIN: Thank you, Miss Serpe.
19 Mark Davies.

20 MR. DAVIES: Mr. Chair, Members of the
21 Commission. I'm Mark Davies, Executive Director
22 of the New York City Conflicts of Interest Board.
23 I'm limiting my remarks tonight to some of the
24 issues raised by the Budget Director. Let me
25 preface my remarks by emphasizing four points.

1 First, the COIB has never been singled out of the
2 by this OMB or by this Administration for budget
3 cuts. Second, of all the budget directors, both
4 the City and the State with whom I have been
5 involved over the past 20 years, the best has
6 been, hands down, Mark Page, both in integrity
7 and professionalism. We've seen that again
8 tonight. Third, Mayor Bloomberg has been very
9 strong on ethics and has helped our agency in
10 time of need. Fourth, we know that we are
11 literally fighting City Hall on the issue of
12 budget independence for the COIB and that City
13 Hall almost always wins these fights. We know
14 these things. On one other preliminary point,
15 we're not talking about any money that will have
16 an impact on the City budget here. If the City's
17 budget were a stack of paper almost 7 feet high,
18 the COIB's budget as proposed by us would be a
19 single sheet of paper. But again this is not a
20 concern about the amount of the Board's budget,
21 but rather about the process by which the Board's
22 budget is determined that is over the
23 independence of the Board, because the Board,
24 unlike any other City agency, as we said before,
25 has the power to permit or penalize the private

1 interest and private conduct of individual public
2 servants. To require the Board to seek funding
3 from the very persons over whom its power
4 significantly undermines the independence of the
5 of the Board. Let me give you just one example
6 from the past two fiscal years. Last year's
7 executive budget would have laid off three COIB
8 staff. That's 15 percent of our agency. In
9 response to our plea, the Council restored two
10 positions for last fiscal year only. One staff
11 member, 5 percent of our agency, was laid off,
12 last June 30. This fiscal year's preliminary
13 budget and contingency budget would have laid off
14 an additional six members, resulting in a layoff
15 of one-third of the COIB staff within one year.
16 After extensive lobbying by us this spring, the
17 personnel funds for the preliminary budget were
18 restored in the executive budget. But under
19 another Administration less committed to ethics
20 than Mayor Bloomberg, the result may have been
21 very different and perhaps disastrous. In fact,
22 as the Commissioner noted, a mayoral candidate
23 discussed zeroing out the COIB's budget entirely.
24 In lean fiscal times, treating COIB the same as
25 other agencies results in shutting down a number

1 of COIB-mandated, Charter-mandated functions and
2 forcing us to beg for funding from the very
3 people over whom we have personal power. This
4 creates a terrible appearance that we are in the
5 pocket of those at OMB, the Mayor, the Council,
6 involved in restoring our budget. And finally, I
7 recall meeting with the staff at the New York
8 City Council under a previous Speaker -- not
9 Mayor, who is very good, by the way -- Speaker --
10 about a Board decision concerning certain members
11 of the Council who wanted it reversed because it
12 had a negative impact on them personally. The
13 first words out of that staffer's mouth were,
14 "Before we discuss this decision, I wanted to let
15 you know that we're working to get restoration of
16 your funds." Give me a break. So we respectfully
17 request that the Board's proposed independent
18 budget amendment be placed on the ballot.

19 CHAIRMAN GOLDSTEIN: Thank you, Mr. Davies.

20 Wayne Hawley?

21 MR. HAWLEY: Thank you. No.

22 CHAIRMAN GOLDSTEIN: Corey Johnson?

23 Mr. Johnson here?

24 MR. JOHNSON: Yes.

25 CHAIRMAN GOLDSTEIN: Welcome, Mr. Johnson.

1 MR. JOHNSON: Thank you, Members of the
2 Commission, I really appreciate it. May I make a
3 suggestion that, I don't want to speak out of
4 turn, but I think we have 16 people speaking
5 tonight from the public, and as amazing as it was
6 to listen, maybe in the future it would be good
7 to have the public speak first and then
8 deliberate and hear from the experts, because a
9 lot of people left because they couldn't spend
10 the entire night here waiting. And I found it
11 interesting, but it may increase public
12 engagement even further, because I think this
13 Commission has done a good job doing that. Now
14 on to the business at hand. I'm the First Vice
15 Chair of Community Board 4 in Manhattan. I've
16 spoken at two other Commission hearings, one on
17 government structure and one on land use.
18 Community Board 4 passed a resolution which says:
19 "We recommend that the Commissioner advise the
20 Charter to maximize the scope and localization
21 and integration of the work of the Community
22 Boards that we currently do work at a minimal
23 cost to the City. To that effect, we recommend
24 four changes to the Charter to make Boards more
25 efficient in performing their Charter-mandated

1 functions." One thing that has been mentioned ad
2 nauseam, I won't get into it, it establish for
3 operating funding, which is a base operating
4 level, because the Board as has been discussed
5 has been cut, cut, cut, cut, cut, and we're
6 always fighting for restoration. Usually the
7 City Council does it. We fight every year. I
8 think Carlo spoke quite eloquently about the
9 issue at hand. Number two, and a specific one
10 Commissioner Patterson recommended specific
11 changes? One specific change is that would affect
12 all Community Boards, all 59, is currently the
13 Charter has a 35-day notification period for
14 Community Boards. It be would helpful -- every
15 Board meets on a different week, a different time
16 of month, and it doesn't always fall in line with
17 City agencies. If you extended that to 45 days,
18 just 15 more days, it would give the Community
19 Board an adequate amount of time to actually
20 comment on these issues that come before the
21 Community Boards. Third, all applications that
22 are submitted to a City agency, like Department
23 of City Planning, or DOT, or DCP, or DCA, should
24 be simultaneously submitted to the Community
25 Boards so that we have the information

1 beforehand. We can see it, we can study it and we
2 can work on to. And fourth was discussed, and
3 Commissioner Hart talked about it, is urban
4 planning. Establish a minimal critical expertise
5 funding at the Borough President's level and make
6 urban planning and financial expertise resources
7 available when it's needed by the Boards. You
8 know, it doesn't need to be that every Community
9 Board needs an urban planner, but if you had four
10 urban planners in the Borough President's office,
11 each urban planner worked with three Boards, that
12 would take care of it. The difficulty there is,
13 though, in the ULURP process we sometimes take a
14 different position than the Borough Presidents.
15 So to rely on them for some of that expertise is
16 a level difficult. I'm out of time. Lastly, I
17 have just want to say it's been talked about
18 before, some of the time the Community Board
19 makes a recommendation and it's ignored
20 completely. Commissioner Fiala has talked about
21 in the past and brought up if the Community Board
22 and the Borough President both disagree with
23 something that it would take a two-thirds vote at
24 the City Planning Commission. I'm not sure if
25 Commissioner Chen would like that, but it would,

1 you know, that's a maybe a particular option. And
2 lastly, it would be good to study the
3 composition, the five members of the BSA, and the
4 members of ELPC. Besides being entirely mayoral
5 appointees, if there's a way to either give the
6 City Council an appointee or the Borough
7 Presidents an appointee on those I think would
8 bring greater independence. Thank you for your
9 time and commitment to this process. I appreciate
10 it.

11 CHAIRMAN GOLDSTEIN: Thank you, Mr. Johnson.

12 I'm not sure about the first name here. The
13 last name is a Addach, A-D-D-A-C-H? S-G-L-O-N?
14 Patricia Dolan.

15 MS. DOLAN: Good evening and welcome to
16 Queens. I'm going to use the word "passionate" as
17 you did, because here in Queens we are really
18 passionate about our neighborhoods. We're the
19 only Borough where the residents identify
20 themselves with their neighborhoods. They don't
21 say they come from Brooklyn or from Queens. They
22 say they come from Dutch Kills or Maspeth or in
23 my case, Kew Gardens, Queens. I'm speaking for
24 the Queens Civic Congress. The Congress is a
25 coalition of a hundred neighborhood-based

1 organizations covering every part of the Borough
2 of Queens from the north to the south and from
3 the east to the west. We even have people out
4 there in the Rockaway's. As they say, "in the
5 sea." Year after year -- I'm going to talk first
6 of all about the Borough Presidents. The Borough
7 Presidents sometimes do know best about the
8 communities that they serve. They sometimes know
9 even better than the Mayor does. Year after
10 year, the Mayor cuts Borough Presidents'
11 discretionary funding. It cuts the staffing and
12 as one of you pointed out so ably, this is the
13 death by a thousand cuts. Every mayor for the
14 last 30 years has expressed his displeasure at
15 Borough Presidents and has looked out and said,
16 "Wouldn't it be a wonderful world if we didn't
17 have Borough presidents." And after they do that
18 they look at the Community Boards and say the
19 same thing. Thank goodness neither things have
20 transpired. In the meantime, though, every year
21 we go through the same dance. Last year, it was
22 the Mayor, again it was the Mayor. It was the
23 Mayor cutting the Borough Presidents' budgets
24 this year. Right now, City agencies all over the
25 Borough of Queens, private agencies that provide

1 services for seniors, for youth, for cultural
2 institutions, are waiting to find out what small
3 amount of money they are going to get out of the
4 Borough President's pot of discretionary money
5 that once again was cut by almost 35 percent.
6 Every year it gets cut more and more and it's the
7 people who can least able to sustain the cuts in
8 services who pay the price. We at the Queens
9 Civic Congress recommend that the Commission
10 provide that the five Borough Presidents receive
11 50 percent of the City Council's budget to be
12 distributed on an equal per capita basis so the
13 Borough Presidents continue to support programs
14 and services that their constituents require. The
15 Community Boards speak for their neighborhoods.
16 I am a member of Community Board 8 here in
17 Queens, and I know the kind of work that we do,
18 and I know that the burden that we operate under.
19 In order for us to save the budgets of our
20 Community Boards this year, after the Mayor was
21 cutting \$16,000 from each Board in the entire
22 city, we massed out here on the steps of Borough
23 Hall and demanded that we save our Community
24 Boards, because our Community Boards are the
25 first line of defense for our neighborhoods. I've

1 provided you all with a Statement of Principles
2 from the Queens Civic Congress, and I will
3 provide you with a memorandum on our position on
4 nonpartisan elections over the weekend, thank
5 you.

6 CHAIRMAN GOLDSTEIN: Thank you very much, Ms.
7 Dolan.

8 Our next speaker is Carol Machvlski?

9 MS. MACHULSKI: It's Machulski.

10 CHAIRMAN GOLDSTEIN: How do you spell that?

11 MS. MACHULSKI: M-A-C-H-U-L-S-K-I. I
12 apologize for the handwriting.

13 CHAIRMAN GOLDSTEIN: U-L?

14 MS. MACHULSKI: M-A-C-H-U-L-S-K-I.

15 CHAIRMAN GOLDSTEIN: Okay, thank you.

16 COMMISSIONER MOLTNER: Mr. Chair, I didn't
17 receive the statement from Miss Dolan.

18 CHAIRMAN GOLDSTEIN: You said you are going
19 to.

20 MS. DOLAN: I did, I gave them out.

21 CHAIRMAN GOLDSTEIN: Oh, I have it here.

22 COMMISSIONER MOLTNER: I'm sorry.

23 CHAIRMAN GOLDSTEIN: You have it now,
24 Commissioner Moltner?

25 COMMISSIONER MOLTNER: Well, don't worry

1 about it. Thank you.

2 CHAIRMAN GOLDSTEIN: You're on.

3 MS. MACHULSKI: Unlike some previous
4 speakers, I'm here simply representing myself as
5 a voter and as a resident of Queens. And I want
6 to address two issues: Term limits and Planning
7 Boards. Term limits were twice voted on by the
8 voters of New York City and they decided there
9 would be no third term for any incumbent elected
10 official. And it's not the prerogative, I
11 believe, of the City Council or the Mayor to
12 rescind that. It was the people's voice that was
13 in that referendum and said that they wanted term
14 limits. And so I think that there should be a
15 referendum again on the ballot to give the people
16 a chance to again express their viewpoint.
17 Planning Boards to me are the essential tool for
18 the government in the City. It is the planning
19 Board's role to provide constituents of a
20 particular district access to government. The
21 Planning Board knows more about what's going on
22 in a particular area than the City Council Member
23 or even the Mayor. And I will give an example. I
24 am in Planning Board 4. And that is the 110th
25 precinct. The Mayor and the Police Commissioner

1 want to move that precinct from its central
2 location to Flushing Meadow Park. This does not
3 serve our constituents. The Planning Board is
4 aware of this, and has each time the budget has
5 come up they put in that the precinct should stay
6 where it is and have a major overhaul. This is an
7 issue that is sort of moot at the point because
8 there is no money to move this precinct or to do
9 an overhaul, so it stays where it is. But the
10 Planning Board knows about it, and the Mayor and
11 the Police Commissioner would like to move it
12 elsewhere against the constituents' needs.
13 Lastly, and I'd like to make a point about
14 nonpartisan elections. I don't vote in primaries,
15 because I want a choice, and I don't mean between
16 A and B. I mean between A, B, C, D and E. I
17 don't think that the way the election system with
18 the primaries is democratic. It wasn't set that
19 way for the founding fathers and it was only
20 through some political machinations between the
21 Republicans and Democrats that came about. Thank
22 you.

23 CHAIRMAN GOLDSTEIN: Thank you very much.

24 Frank Morano.

25 MR. MORANO: Thank you. I intended to speak

1 mostly about term limits tonight, but I do feel
2 compelled to touch upon a few of the issues that
3 you have brought up this evening. First, I want
4 to commend and thank Commissioner Cassino. Your
5 comments about the abolition of lulus, the fair
6 distribution of member items, and prospectivity
7 with respect to the Council raising its own pay,
8 I think you gave voice literally to hundreds of
9 thousands of New Yorkers that feel that there's
10 two classes of people in this City: Politicians
11 and everybody else, and that the rules don't
12 apply to one of them. So whether or not any of
13 those proposals are right or appropriate to be on
14 the ballot this year. It's so refreshing to hear
15 kind of a voice of the populist outrage on a
16 panel like this, so I want to thank you for that.
17 And with respect to nonpartisan elections, I very
18 much understand where Commissioner Chen and
19 others are coming from in terms of one particular
20 instrument of nonpartisan elections should be on
21 the ballot this year or in general. But with
22 respect to the kind politics of passage,
23 Commissioner Patterson and several of you have
24 brought up, "Well, we might not want to do this
25 because we're afraid it could sink all the other

1 great proposals that we're doing." I think the
2 surest way to prevent that from happening, if
3 you're a believer in Top Two, or some form of
4 nonpartisan elections, if that's your concern, is
5 put some other popular big ticket items on the
6 ballot this year as well. In 2003, part of the
7 problem with the other two proposals that sank
8 the procurement question and the question about
9 the Administrative Tribunals was that, the Code
10 of Conduct, was that people didn't understand
11 what they were. They didn't know about them. And
12 they weren't, they weren't attractive, kind of
13 sexy issues that the public could really get
14 into. I remember in fact one City Council Member
15 in 2003 told me he was interviewed by the New
16 York Times editorial board and they asked him
17 about the question on the ballot regarding
18 procurement. He had no idea what it was. And he
19 told me he tried to throw in enough buzz words to
20 make it look like he understood what the question
21 was. But with respect to something like term
22 limits where you saw in 2008 a nonpartisan
23 arranging from the left to the right and
24 everywhere in between, cross section of groups
25 and interest in people opposing the City

1 Council's end run around the voters, I think if
2 you were to put a question on the ballot saying:
3 Should term limits be yes stored to two terms?
4 You would see the positive popular favor of that
5 question balance any potential negative spillover
6 from a nonpartisan elections proposal.
7 Additionally, and I'm not saying whether it
8 should be put on the ballot or not, but if you
9 were to put on a question that would keep Council
10 Members from raising their own pay and to keep
11 them from giving themselves lulus, you would see
12 voters running to the polls to keep politicians
13 from raising their own salaries, and I think the
14 "Yes" votes on those questions would mitigate any
15 damage, any ancillary collateral damage, to the
16 other questions that nonpartisan elections might
17 do. And I think if it's something that you
18 believe is feasible, then it's worth giving the
19 voters an opportunity to vote up or down, "Yes"
20 or "No." Thank you.

21 CHAIRMAN GOLDSTEIN: Thank you, Mr. Morano.
22 Sherman Kane.

23 MR. KANE: Hello, thank you for the
24 opportunity to talk to the Commission. I am a
25 member of Community Board 9. I'm a co-chair of

1 the Land Use Committee, and I've been a resident
2 of Queens for many years. And I have no prepared
3 statement. I'm just here to advocate to support
4 the Community Boards, not to do anything at all
5 to weaken Community Boards; in fact, to do
6 everything you can to strengthen Community
7 Boards, because the efforts that I've seen so far
8 have been to take the power away from the local
9 community, and even away from the Borough and
10 centralize it in the Mayor. And I want the
11 Commission to do whatever it can to make sure and
12 guarantee that does not happen. The Community
13 Boards are a treasure in this City. It's an
14 excellent system. It's really a very
15 well-working system. And the volunteers of the
16 community are -- work without any pay, and the
17 City is getting a great deal. And it be would
18 really stupid to change that and not support
19 that. Thank you.

20 CHAIRMAN GOLDSTEIN: Thank you, Mr. Kane.

21 Adrienne Kivelson.

22 MS. KIVELSON: Good evening. I'm Adrienne
23 Kivelson. I'm the Vice President of the New York
24 City League of Women Voters, and I'm a resident
25 of Flushing, Queens. I'm going to summarize my

1 testimony. I want to talk about a couple of
2 things you raised this evening. So I'm going to
3 talk about term limits and process a little bit.
4 First of all, the League really believes the best
5 term limit is when the voters go to the polls and
6 vote out ineffective or inadequate candidates.
7 But we very strongly oppose what the Council and
8 the Mayor did in 2008 with term limits. And we
9 asked the Mayor at that time to convene a Charter
10 Revision Commission and put term limits on the
11 ballot in 2008 so they would be effective for the
12 2009 election. Now, I'm coming here to ask you
13 to do the same thing. We don't like term limits,
14 but you're obviously putting term limits on the
15 ballot, and so we're going to ask you to do it in
16 a way that we think makes the most sense and
17 that's to do it with two questions. It has been
18 17 years since the voters voted up or down on
19 term limits. The 1996 vote was to extend term
20 limits to three terms. It was not an up or down
21 vote. We think it's time to put the up or down
22 vote on the ballot again as one question: Do you
23 favor term limits? Yes or No? It's very
24 interesting. I've listened here a little bit
25 today -- not today, but all through I've heard

1 all the hearings, and I've listened, and what
2 I've heard is a number of Commissioners saying,
3 "I personally don't support term limits, but I
4 realize we have to put it on the ballot."
5 Wouldn't you like to vote on it again? We've had
6 17 years of experience with term limits. We know
7 citizen legislators don't go back into the
8 private sector. We know they get another job in
9 government, or they wait around to run again. 17
10 years since the people in New York voted on term
11 limits. I profess no acumen in mathematics,
12 Commissioner Goldstein, but the mathematics in my
13 head said that no New Yorker under the age of 35
14 has ever had a chance to vote on term limits. So
15 we hope you'll put two term limits -- two
16 questions only the ballot, "Yes" or "No" on term
17 limits and then you pick the time, three years,
18 two years. That would be the second question: If
19 term limits are approved would you prefer --
20 would you like to see a two-term limit? That
21 would be the two questions we would hope you put
22 on the ballot. The other thing I want to talk a
23 little about is process in a few minutes. You
24 invited and the Mayor invited, because the charge
25 to this Commission is to review the entire

1 Charter, invited people to come and bring their
2 ideas to the Commission. They didn't come here
3 because they thought everything was wonderful.
4 They came here because they think -- thought
5 things could be improved in the structure of City
6 government. Improving the structure of City
7 government cannot be done in five or six months.
8 And that's the problem we've had with Charter
9 Commissions for the past 20 years. None of them
10 have exceeded six months. We are thinking maybe
11 you should consider sticking around for awhile.
12 If you don't put anything on the ballot in
13 November, you continue in office. You can really
14 get into all of these issues that you have
15 expressed an interest in, and I think you've
16 really become engaged in, and not have to put
17 anything on the ballot until 2011. Term limits
18 does not have to be on the ballot this year to be
19 effective for the next city election. So we're
20 asking you to think of doing that, and if not
21 doing that, then when it comes time for you to
22 move on, because your articles are on the ballot,
23 that your first recommendation to the Mayor is
24 that he reappoint you November 3rd, or that he
25 appoint a new Commission which would have at

1 least one year and possibly two years to really
2 dig into the issues that you have all very
3 cogently raised here and the people of New York
4 have brought before you. Thank you very much.

5 CHAIRMAN GOLDSTEIN: Thank you.

6 Richard Khuzani?

7 Richard Nunez Lawrence?

8 MR. NUNEZ LAWRENCE: Thank you. I'll be as
9 quick as possible. It's a late evening and we're
10 all getting a little sleepy. My name is Richard
11 Nunez Lawrence. I'm president of a tenants
12 association in Manhattan, and also I'm a
13 president of a political club, a Democratic
14 political club in Harlem. But I'm not here to
15 speak on those merits. I'm here to speak as a
16 constituent and as a college professor. For the
17 last six years I've been a college professor
18 teaching English, history and political science.
19 And when I teach political science, more so than
20 anything else I talk to the students about
21 government being an organic mechanism. It's
22 something that grows within time, something the
23 student can adapt, to something that environments
24 can adopt to, something that cities can adapt to.
25 And when I speak to them on those merits they

1 really get it, they really understand it. A lot
2 of them are right now in class, right now, right
3 now in college, and they really see this
4 Commission taking place. And they're really kind
5 of -- they're looking up and thinking that this
6 has some merit in their future. And when I talk
7 on these levels I think mostly more than anything
8 else, I think that what they're looking at is
9 they want a choice, right? They want something to
10 get on the ballot. They want a chance to be able
11 to vote on something, regardless of what it is.
12 In addition to that, they really believe that if
13 the people voted on term limits then there should
14 be term limits. That's their main objective.
15 That's their main points. As far as the students,
16 that I've talked to for the last, like, let's
17 say, two years we've talked about this especially
18 from my college. In addition to term limits, they
19 also talk about nonpartisan elections. And when
20 they talk about nonpartisan elections they all
21 believe and identify with different political
22 clubs. Last year we had a great case study in
23 talking specifically about the Rent is Too High
24 Party. I don't know if anyone really remembered
25 that party from last year from the Mayoral

1 election. A lot of them identified with that
2 party.

3 COMMISSIONER COHEN: It was wasn't The Rent
4 is Too High. Wasn't it The Rent Is To Damn High
5 party?

6 MR. NUNEZ LAWRENCE: Yes, I made it a little
7 more P.C.

8 You know, a lot of them identified more with
9 that party than any other party. Then what a lot
10 of people would say that when it comes to that
11 party, and other parties, that nonpartisan
12 elections would give people more of a choice. I
13 want to tell you that a lot of the constituents,
14 especially my students, when they really
15 understand the issues, when they really
16 understand the depth of the choice that they
17 have, they will choose the parties that best
18 represent them even though they don't know too
19 much about them. And especially, especially a lot
20 of them are Democrats, but they'll cross over to
21 The Rent is Too Damn High Party just to make a
22 point. So that's my statement. Thank you very
23 much.

24 CHAIRMAN GOLDSTEIN: Thank you very much.

25 That concludes our business for tonight.

1 Thank you all for being here.

2 I'll have a motion to adjourn.

3 COMMISSIONER TAYLOR: Second.

4 CHAIRMAN GOLDSTEIN: Second by Acclimation.

5 Thank you all. We'll see you next Monday.

6 (Whereupon, at 9:56 P.M., the above matter
7 concluded.)

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9

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

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NORAH COLTON, CM

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