

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 23, 2008

Start: 10:12am

Recess: 10:31am

HELD AT: Council Chambers  
City Hall

B E F O R E: SIMCHA FELDER  
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens  
Domenic M. Recchia, Jr.  
Peter F. Vallone, Jr.  
Erik Martin Dilan  
Helen Sears

## A P P E A R A N C E S

## COUNCIL MEMBERS:

John C. Liu  
James S. Oddo  
Vincent Ignizio  
Tony Avella  
Charles Barron  
Rosie Mendez  
David I. Weprin  
Lewis A. Fidler  
Annabel Palma  
Alan J. Gerson  
Leory G. Comrie, Jr.  
Robert Jackson  
Larry Seabrook

## A P P E A R A N C E S (CONTINUED)

Matt Gewolb  
Counsel  
New York City Council

Israel Rodriguez  
Policy Analyst  
New York City Council

Michael Casatano  
Legislative Director  
New York City Council

Lisette Camilo

William Martin  
Committee Clerk  
New York City Council

CHAIRPERSON FELDER: Good morning, ladies and gentlemen. I apologize for starting 6.7 minutes late. We had some technical difficulties with the recording devices. Welcome to the hearing of the Committee on Government Operations. My name is Simcha Felder. I Chair the Committee. And, I'm joined by my colleagues on the Committee, from my left, Council Member Inez Dickens, Council Member Domenic M. Recchia, Council Member Peter Vallone, Jr., Council Member Helen Sears, as well as a number of members, who have joined us in the Chambers, Council Member John Liu, James Oddo, Vincent Ignizio, Tony Avella and Charles Barron, who's to my extreme right.

I'd also like to acknowledge the staff from the Committee that prepared for today's hearing. If the people in the back could either have a seat or move a little bit to your right or left. It's a little distracting. I apologize. First of all, Matt Gewolb, counsel to the Committee on my right. Israel Rodriguez, all the way to the right in the back, Policy Analyst to Committee and, to my left, I don't want to point, sitting all the way in the back here is Michael

Casatano [phonetic], my Legislative Director. We are also assisted today by Lisette Camilo, who's--

MALE VOICE: Over there.

CHAIRPERSON FELDER: --sitting right to the right of all the television cameras, very humble and modest person I might say.

Today, the Committee will vote on proposed Introduction 845-A. Proposed Introduction 845-A introduced by the request of the Mayor, would amend the Charter to allow three terms for elected officials, increasing the limit from the current two. Last week, this Committee heard nearly 20 hours of testimony on the issue of term limits over the course of two days. All interested individuals wishing to speak were invited to address the Committee. We had the opportunity to hear from many witnesses. And, I would like to thank everyone who took the time to come to express their views.

There have been many opportunities for my colleagues to make statements on this issue. Many of you were here for a very long time during those hearings and, thus, I will not be allowing any opening statements. [Pause] As you

1  
2 know, the members of the Committee will have an  
3 opportunity to explain their votes. I might just  
4 add that some of you are aware that during the  
5 Stated Council meetings colleagues, Council  
6 Members have an opportunity to speak twice on the  
7 bill, once on general discussion and then, when  
8 they explain their vote. Councilman Avella, if I  
9 remember correctly, as well as many of my other  
10 colleagues have brought up the issue of trying to  
11 organize things so that people maybe are allowed  
12 to speak at greater length, but, at one time,  
13 instead of having to speak twice. But, at a  
14 minimum, during this Committee, we're not going to  
15 have people speak three times, so to say. But,  
16 those that are voting, obviously, can explain  
17 their vote.

18 Just to repeat, as you know, the  
19 Committee heard from hundreds of witnesses over  
20 the 20 hours, of which I was on hand, as Chair,  
21 for most of it before having to excuse myself to  
22 leave for religious obligation. And, I want to  
23 thank Councilman Larry Seabrook for taking over  
24 the Committee and handling things extraordinarily.  
25 I thank those that testified and those of my

colleagues who stayed those many hours.

Before us today is a very difficult decision and, one which we have been elected to make. Many have tried to make this issue about one man. And, again, those that were here for the testimony during those hours, heard more about whether people like or dislike the Mayor than about the issue of term limits. I think that that statement is accurate. Personally, I think the Mayor has been very effective during his time in office. But, that has nothing to do with the question before us.

What we have before us is a question of policy. We have been elected to determine the better policy. And, to my colleague's, Councilman Vallone, Jr.'s credit, he repeated this over and over to witnesses and asked them to please answer the question. And, since it was such a good point, I decided to steal it from him. The question is whether we limit elected officials to two or three terms. And, the better policy, I believe from the testimony that we heard, is to limit elected officials to three terms, which is why I am going to vote in favor of

Intro 845-A and why I recommend a yes vote to members of the Committee.

Some have argued that this is an issue that the Council should not decide. I do not believe that to be the case. We do not ask voters to determine the nuances of other legislation or Charter amendments. And, this issue is no different. Further, the Conflicts of Interest Board ruled it is well within the Council's Charter mandated obligation to consider this bill and we would be remiss to ignore this or other legislation aimed to improve the City Charter. So, there's no question about the fact that we are obligated to vote on this, whether you agree or don't agree.

While I personally have always opposed any term limits, and while it would be well within the Council's right to abolish term limits altogether, and I look forward to that at some time in the future, I believe that the people have spoken in favor of term limits. And, such a drastic overhaul would be best put to the electorate. That, again, is not the question before us today. Rather, we are asked whether

845-A to extend term limits would improve the law as it exists and provide for more effective governance. I believe this question is best decided by the Council. And, as a member of that body, and the Chair of this Committee, I vote yes. I am going to go, you know, now allow members of the Committee [pause.] Can you please call a vote?

WILLIAM MARTIN: William Martin, Committee Clerk. Council Member Felder.

CHAIRPERSON FELDER: Yes.

WILLIAM MARTIN: Recchia.

COUNCIL MEMBER RECCHIA: May I be excused to hear my vote?

CHAIRPERSON FELDER: Yes, please.

COUNCIL MEMBER RECCHIA: Good morning, throughout my whole life, I grew up in this City and I love the City. I have chosen to stay in New York City and raise my family and send them to the New York City public schools, not only because I believe in them, because I believe that's where you can get the best education today. And, I love to do the work that I'm doing, as a fulltime City Councilman. And, I'll be honest

1  
2 with you, I would love the chances to serve my  
3 Brooklyn district for another four years in the  
4 City Council. That being said, I'm glad there's  
5 been strong public debate about this issue. We're  
6 facing some very tough times.

7 I've listened to my constituents.  
8 Many of them have told me that they want the  
9 option of voting for a Mayor with eight years' of  
10 experience and a proven track record of success.  
11 They want the opportunity to vote for a City  
12 Council that has worked with the Mayor and knows  
13 how to fight for them. An experienced Mayor and  
14 an experienced City Council can make a big  
15 difference for the future of New York. People  
16 should have the option of voting for experience  
17 when they go out to the polls.

18 During our public hearings, it was  
19 popular that many people came before us quoted  
20 Abraham Lincoln when speaking against this  
21 measure. What I didn't hear was one of his most  
22 famous sayings, that when crossing the river, you  
23 don't swap a horse halfway. That's what he said  
24 when he was running for reelection as President  
25 during a time of crisis for our country. We were

elected to make tough decision and lead this wonderful City. And, given the current economic crisis, which many say is only going to get worse, I feel this is the best decision for the City's future.

For those who don't agree, if the bill ultimately passes, I welcome you to come out in the primary and general elections to vote against us, as is your right and your responsibility. Given the passion behind this debate, I have no doubt that those elections will serve as a true referendum. I ask the people and my colleagues in City government to vote along with me in voting yes and passing this Intro. Thank you very much.

WILLIAM MARTIN: Dilan.

COUNCIL MEMBER DILAN: I vote aye.

WILLIAM MARTIN: Sears.

COUNCIL MEMBER SEARS: Permission to explain my vote, Mr. Chairman.

CHAIRPERSON FELDER: Please.

COUNCIL MEMBER SEARS: All right.

I was one of the members of the Committee that sat for over 21 hours listening to the pros and the

cons of this issue. And then, I debated all day Saturday, listening to everyone. And, Sunday, I reported that I was going to support this bill.

I don't think in the years that I've been here, and we've had some very controversial issues, that I've experienced anything like what has been with this. I don't think I've ever been so intimidated. I don't think that my office has been so threatened. I don't think that my phones have ever been tied up for hours where we couldn't use the phone. In spite of that, because we have seen truly a democratic process, people have been able to express their viewpoints and they've not.

The bottom line, though, for this issue, was that the Charter authorizes us to do so legislatively. And, the challenge and the question is we have that right. There's no question as to the legality of that. The Charter so grants it. Do we do it? That is the bottom line. Why do we do it? We can do it through a referendum. Later on, Charter Revision Commission will be able to review these things because when we, with the City Charter, we, in this, like today

and every other week, we are working with amending the Charter. We do it by amending old legislation and we do it by new legislation. We do it because we are representing, in the best interests of our constituents and the City of New York, to do that.

It was said in the hearings that we have a representative democracy. And, we do. And, it is that that enables us to look at what is the best thing to do at this time for our constituents in the City of New York. And, I choose to elect to do it legislatively because that is the power of this institution. And, when we begin to chip away at it and not do what we are truly do all the time, I think that's when you chip away at democracy. I vote yes.

WILLIAM MARTIN: Vallone.

COUNCIL MEMBER VALLONE: Permission to explain?

CHAIRPERSON FELDER: Please.

COUNCIL MEMBER VALLONE: Thank you. Mr. Chair, this is one of the toughest decisions I have ever had to make in my entire life. It's not one I wanted to make. I'd much rather not be making this decision. It doesn't help me

1 personally in any way. There are good people and  
2 good policy on both sides of this issue. A two-  
3 term limit hurts the people of New York City.  
4 That's just not my opinion, that's Governor Cuomo,  
5 Mayor Koch, just about every good government group  
6 who's studied this issue, realizes that two terms  
7 hurts New York City. It prevents us from being an  
8 effective check and balance to the Mayor. If a  
9 two-term limit was in effect in 1998, Yankee  
10 Stadium would be in Manhattan right now because  
11 there would be no power, no ability to stop a  
12 strong Mayor. But, they did stop the Mayor. But,  
13 we don't have that power now because of a two-term  
14 limit.  
15

16 The best way to remedy this problem  
17 would absolutely have been a referendum in  
18 November. We all agree on that. That's not the  
19 fault of the people in this room. That would have  
20 been the best way. It's no longer possible,  
21 unfortunately. To put this to a referendum now  
22 would cost the City \$15 million in a time when we  
23 are going to be facing one of the most serious  
24 economic crisis we've ever faced. In addition, it  
25 may not get on the ballot according to the experts

that I listened to for 20 hours until May or June, which would shut this government down during this crisis. That's not something I can allow to happen.

One of the witnesses who testified, a young lady, implored us, she said please, do not waste our time. Do not waste our money. Do what you were elected to do. Show leadership. Do the right thing. And, that's what I hope I'm doing today by voting yes in the interest of all the people of New York City. Thank you.

WILLIAM MARTIN: Dickens.

COUNCIL MEMBER DICKENS: May I be allowed to explain my vote, please?

CHAIRPERSON FELDER: Please.

COUNCIL MEMBER DICKENS: Good morning and thank you, Chair Felder. I appreciate the opportunity to voice my opinion on this very serious matter. Until now, I have not made public my decision on term limits extension as proposed. I felt it was my duty, as you did, Mr. Chairman, to listen to the public testimony on the issues. And, I have listened closely to the opinions of my constituents, Imans, Pastors, and community

residents.

The Charter of the City of New York empowers the Council to make the decision about extending term limits from two to three without a referendum. The process is what is at question for many. The additional question is should the Charter allow the Council to change a vote by the people. If that is what the question is, and that's what the people want, then it's the Charter that should be changed.

But, today, unfortunately, the law places squarely in the hands of the City Council to answer the question. It has been suggested that all members of the Council are compromised on this decision. That a yes vote would be consummately self-serving. As a member in my first term on the Council, I reject this. I began my term in 2006. If this law is changed, the promised Charter Review in 2010, I am not guaranteed a third term. My vote does not grant my favor or disfavor for or with any official. In making my decision, I have tried to do what I'm elected and that is to act in the best interest of my community, my district and the people of this

great City.

When the original term limits referenda limiting the City's elected officials was on the ballot in '93 and '96, I did not vote for them. I believed then, as I do now, that term limits, in general, do not serve the communities I represent well. In minority communities, term limits do not level the playing field. More often than not, they make the disadvantages we face more difficult to overcome. Term limits has not, in contrast with popular wisdom, allowed for minority candidates to run financially solvent campaigns. Furthermore, referendums and special elections do not adequately reflect the position of constituencies in heavily minority or economically distressed districts because of low voter turnouts in non-presidential elections.

With firsthand knowledge of these effects, I firmly believe that two terms have had the effect of denying minority communities the seniority needed to significantly affect change in government policies that, intentionally or not, has had adverse impacts on minority districts. Capital projects are of critical importance to

rebuilding infrastructures, especially in distressed minority communities. Term limits greatly limit the ability to see capital projects through from start to finish and fails to allow the public the full option to determine who will represent them.

I thank you, Chair Felder, for your ongoing commitment to hearing the voice of the people through almost a full 20 hours of testimony; many hours of which I attended with you. All of my colleagues, whether for or against, have given this issue the importance and attention it deserves on behalf of all New Yorkers. None of our votes on this will be easy for us, nor should it be. Passion has been on all sides. After deep personal thought and consideration and listening to all sides of the issue, I have decided to vote yes. I thank the Chair for my time.

CHAIRPERSON FELDER: Thank you very much. [Pause]

WILLIAM MARTIN: By a vote of six in the affirmative, zero in the negative and no abstentions, item is adopted. Members please sign

2 Committee report. Thank you.

3 CHAIRPERSON FELDER: I just to make  
4 one comment, in that I think that this has been a  
5 wonderful experience in government. I don't think  
6 there is any other body, to my knowledge, whether  
7 it be in the Assembly or in the Senate or in  
8 Congress, where you have a majority, for example,  
9 a majority of one party or the other where there's  
10 such an open debate and discourse. And, that's a  
11 good thing. So, I thank all my colleagues for  
12 their comments. And, I look forward to hearing  
13 more comments later on at the Stated Meeting.  
14 Thank you very much.

15 [END OF TAPE 1006]

16 [START OF TAPE 1007]

17 WILLIAM MARTIN: Committee on Gov  
18 Ops, Council Member Seabrook.

19 COUNCIL MEMBER SEABROOK: I vote  
20 aye.

21 WILLIAM MARTIN: Final vote on the  
22 Committee in Government Operations, Introduction  
23 845-A, now stands at seven in the affirmative,  
24 zero in the negative and zero abstentions. Thank  
25 you.

C E R T I F I C A T E

I, DeeDee E. Tataseo certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature DeeDee E. Tataseo

Date October 26, 2008