

Transcript of the Meeting of the
CHARTER REVISION COMMITTEE
held on Tuesday, August 14, 2001
at LaGuardia Community College,
Little Theater, Borough of Queens

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P R E S E N T

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VINCENT ROBERTS

YVONNE LIU

TOSANO SIMONETTI

HERBERT RUBIN

MARTA VARELLA

MARY SANSONE

AMALIA BETANZOS

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CHAIRMAN MASTRO: Before we start, any person who wishes to speak should have signed up by the speaker registration table by the door.

The order of speakers will be as follows: Citywide elected officials, State elected officials, Federal elected officials, other City elected officials, staff of elected officials and members of the public.

We will call members of the public in the order in which they signed up. The speakers will have three minutes to give their testimony, and you will be advised when there's one minute left and when your time has expired. We have a number of speakers this evening, so we must request that all speakers stay within those time limits. If you choose to ask a question while you're speaking that will be part of your time. We will be happy to answer it, but we're here principally to hear your views on the Charter and changes you would like to see made in the Charter or not made in the Charter.

You can also submit written testimony which will be distributed to the Commission. You can submit that this evening or send it to the Commission offices at 2 Lafayette Street, 14th floor, New York, New York 10007.

We also have a sign language interpreter present tonight, signing to my left, and there will

also be transcripts of this hearing and all of the Commission hearings will be publicly available.

So why don't we begin? Our first speaker this evening will be Peter Magnani, the Deputy Borough President. Thank you for being here.

MR. MAGNANI: Thank you very much, Mr. Chairman. Good evening, Mr. Chairman and members of the New York City Charter Revision Commission. My name is Peter Magnani, I'm Deputy Borough President of Queens. I'm here tonight on behalf of Borough President Claire Shulman.

Before beginning, I would like to thank the members of this Commission and their staff for hard work and thoughtful recommendations to fortify the gains we have made in improving City Government. Clearly for any agencies to meet the specific needs of our most vulnerable citizens, its children, victims of domestic violence and newly arrived immigrants is an important component of this goal.

In the Administration for Children's Services, our City finally has an umbrella agency solely dedicated to providing services to children; Head Start, day care, foster care, preventive services, adoption, child support enforcement. These all needed focus and coordination and with ACS. It has happened. This innovative child welfare reform should be a permanent part of City

Government.

Similarly, services for domestic violence victims and our vast immigration population also need greater coordination and focus. Establishing agencies for these populations will provide the opportunity to replicate the success of ACS.

We are also very supportive of the staff recommendation to make the Human Rights Commission and OEM Charter agencies. The success of OEM under the Giuliani administration is unparalleled. Since 1966 the Office of Emergency Management on the scene coordination of all types of emergencies has helped set an example for other cities to follow. This structure, which has afforded increased public safety should continue.

Clearly, no administration has had more success in fighting organized crime. We support the proposal to create an Organized Crime Control Commission to maintain this progress and prevent any resurgence.

Gun-free safety zones in which the discharge of a firearm within 1,000 feet of a school should be subject to criminal and/or civil penalties, along with a ban on gun sales to persons under 21 years of age, will also help to keep our children and City safer.

With regard to procurement of City

services, we are supportive of any measure that will increase accountability, eliminate unscrupulous contractors and waste. The staff recommendation is a step in the right direction. However, nonprofit organizations that provide consistent services within communities should also receive additional recognition in the proposal review process. Too often fledgling organizations which have simply engaged the services of professional grant writers displace experienced nonprofit groups.

Let me turn a moment to another matter that is not under consideration at this time, the duties of the Borough Presidents. Our experience is that as Borough President Claire Shulman serves the best interests of her Borough and the City when she acts as a county executive. Such a role requires constant vigilance over the countless construction projects in the Borough; insuring proper implementation of programs and services and resolving systemic issues and complaints. In Queens we have implemented a war room approach to monitor and advance school construction projects. At monthly meetings we bring all the relevant agencies together to discuss individual projects, resolve barriers to progress and set specific goals and milestones.

We have used the same methods to avert

financial disaster for thousands of coop and condo owners in the Borough. Duties like these, however, are not specified in the City Charter. The Charter Commission should specify the duties of the Borough President to solidify this county executive role. This would include charter-mandated bi-annual attendance at Mayoral cabinet meetings and greater ability to complete projects within the Borough. In short, Borough Presidents play an extraordinary role in City Government.

The progress we have made in Queens using the county executive model has been successful. This model should be made permanent through the City Charter.

Thank you.

CHAIRMAN MASTRO: Thank you, Mr. Magnani. Our next speaker is Ozzie Egas.

MR. EGAS: Good evening. My name is Ozzie Egas. I'm here on behalf of Councilman Michael Abel. I thank you for the opportunity to submit my testimony regarding the preliminary recommendations for revisions to the City Charter.

Rather than comment on the overall proposal, I would like to devote my time to two in particular that I feel are crucial for the protection of the youth of our City. I do believe that we have learned a great deal over the past few

years about protection of children. Two facts have become evident. First, it is clear that children have benefited greatly from the efforts of the administration which has made a streamlining consolidation and improved child welfare.

Second, it has become clear that to protect children further changes are needed in the reporting of crimes committed in our public schools. I am highly supportive of the Charter recommendation to mandate that the Administration for Children's Services become a Charter agency. This integration of children's services has created significant improvements in the reporting and investigation of youth neglect as well as the provision of preventive services and assistance to parents.

In 1996, ACS released a reform plan that further improved child welfare. These improvements are measurable through statistics which show, among other things, caseload reduction in the advocates of child protective cases, decreases in the number of foster care cases and a record setting number of successful adoptions. I do not know of anyone who can argue with these improvements. What ACS has accomplished thus far has given this agency the right to continue its good work. I think it's imperative that ACS become a Charter agency in order to insure this good work continue in the future.

In the converse, it has become evident that another agency has not become effective in the reporting of crimes against children. These reports over the past few years as well as investigative reports, have made clear that there are crimes committed in our public schools that have not been properly documented and reported. Although minor discipline-related infractions are understandably within the authority of the school and the parents, there are serious crimes that cannot be left to the Board of Education simply because the crime may have been committed within school grounds. Crimes committed by teachers against children or by schoolchildren against other schoolchildren are not to be taken lightly. These are crimes against society and should be held to the standards of our society.

Violent and sexual crimes should and must be reported to the Police Department in order to insure maximum protection of our children, both in school and out of school. This is not simply an issue of punishment, but one of proper handling of the crime, which is best left to the experts. The New York Police Department has the authority and knowledge to investigate crime and to provide informed information on how best to prevent crime.

It is the police that should have the

ultimate authority on the investigation of crimes and the handling of victims and criminals, no matter where that crime takes place.

For these reasons, I want to offer my support to these two issues which I believe would provide maximum protection of our children. These changes in the City Charter will be for the benefit of our youth and the future of our city, which lies in the hands of our children.

Thank you for allowing me the time to read the statement into the record.

CHAIRMAN MASTRO: Thank you very much.

Before we call on members of the public, we will have a brief description from our general counsel, Anthony Crowell, on the proposals that the staff has made to the Commission for Charter proposals that the staff has encouraged the Commission to focus on in this process.

MR. CROWELL: Good evening. My name is Anthony Crowell and I serve as the Commission's general counsel. The Commission staff's recommendations fall into nine separate categories and the staff recommends that each category be proposed as a separate ballot proposition. It should be noted that expert testimony is being given for each of the categories at expert briefings prior to the public hearings in each borough.

This evening at 6:00, expert testimony was given on the staff's recommendations on making the Human Rights Commission a Charter agency, and providing for enforcement of the City's Human Rights Law through the Charter. Another was on making the Office of Immigrant Affairs a Charter agency and providing for mechanisms so that City agencies will keep confidential any information they may have regarding a person's immigration status and another was reforming the City's Conflicts of Interest Law to improve the Conflicts of Interest Board's investigative functions, and provide subpoena power to the Conflicts of Interest Board; and to provide that any elected official holding an office when a local law is passed that will increase the salary of that official shall receive such salary increase upon re-election to office.

Other recommendations being considered include the following:

Making the Administration for Children's Services, known as ACS, a Charter agency;.

Making the Office of Emergency Management also known as OEM, a Charter agency;.

Creating an Organized Crime Control Commission to combat organized crime in the Fulton Fish Market, the commercial waste carting industry and in the shipboard gaming industry;.

Establishing a new office to combat domestic violence to enhance the coordination of the various City services to combat domestic violence and assist victims of domestic violence;

Requiring that public school teachers and other Board of Education employees report information to the Police Department related to suspected sex offenses or other violent crimes committed against a public school student;

Creating gun-free school safety zones and making it a crime for most persons to possess a gun within 1,000 feet of any school of the City except police officers;

Banning the sale and possession of any type of gun to any person under the age of 21;

Creating a new Department of Public Health by merging the Department of Health and the Department of Mental Health, Mental Retardation and Alcoholism Services;

Expanding the Board of Health from five to eleven members, including the Commissioner, to insure diversity of practice areas on the Board;

Insuring the integrity and improving the process concerning the City's purchasing procedures, to guarantee more effective delivery of goods and services to citizens, and finally, empowering the Fire Department to oversee building inspections.

Thank you.

CHAIRMAN MASTRO: Thank you.

Now we'll begin the testimony from members of the public. Dennis Saffran, please.

MR. SAFFRAN: Thank you very much, Mr. Chairperson. Good evening. My name is Dennis Saffran. I'm a candidate for City Council from the 19th District. I'm also the former director of the Center for the Community interest, a public interest group who worked with the Giuliani administration on several of its major anticrime and neighborhood quality of life initiatives.

I support the proposed Charter revisions and I want to concentrate on four in particular that will insure that the City continues the policies of the last eight years that have made New York a safer place for our children and our families. One policy in particular, that's literally made the difference between life and death for some of our most vulnerable children is the Mayor's creation of the Administration for Children's Services.

As the head of the Center for the Community Interest, I worked to end the tragic policy of family preservation that placed the claim rights of crack addicted, mentally ill adults above the lives and safety of their children, a policy that resulted in the deaths of little Elisa

Isquierdo and others who were repeatedly returned to sadistic households. ACS was created, you know, in the wake of Elisa's murder and under the tough new child protection policies implemented in ACS by Mayor Giuliani and Commissioner Nick Scopetta, our goal now is to find safe, loving, adoptive homes for children like her.

It is absolutely crucial that this enlightened and common-sense policy continue and for that reason I strongly support making ACS a Charter agency.

We must also make a commitment to help women who are caught in vicious cycles of abuse. Domestic violence appears to be a growing problem in the City, especially among teenaged girls. It's a particularly troubling problem, because so many victims are reluctant to seek help because of shame or because of fear of retaliation. Again, the Giuliani administration is taking the lead, creating a commission to combat family violence, increasing the number of arrests and establishing a domestic violence hotline. But I believe that we should go further by establishing the Mayor's Office to Combat Domestic Violence as a Charter agency. It would send a clear signal that we will stand up to those who seek to victimize women.

It's also time to establish a clear

policy for reporting violent incidents in our public schools. For years, some school administrators have covered up sexual assaults and other violent incidents in their buildings. Others are confused by the existing rules which allow officials to report instances to various agencies. In the end, children are victimized twice. First by the abuse and then when the Board of Education fails to do anything.

STAFF: One minute remaining.

MR. SAFFRAN: The most horrifying result of this policy was, of course, the P.S. 87 case in the Bronx where a teacher may have molested as many as eight young boys years after allegations of misconduct were brought to the attention of officials. This should never ever be allowed to happen again.

Therefore, I strongly support using the Charter to allow officials to notify the NYPD immediately when they become aware of possible sexual assaults or other violent crimes against children. It ought to be obvious when something bad happens to a child to call the police, when it isn't obvious to some officials, let's make it the law.

Finally, for some of the same reasons I also support the gun-free school proposals. Many of the worst incidents involving school violence occur

not in school, where children are at least protected by metal detector and student aides, but just outside schools where those protections disappear and gangs congregate. We've got to be vigilant about never letting guns inside our schools, but we should be just as vigilant about including a zone of safety for students as they come and go to school.

These simple measures will go a long way towards improving the safety and security of our children and families. I urge you to support them.

Thank you very much.

CHAIRMAN MASTRO: Thank you very much.

Gerald Everett.

MR. EVERETT: My name is Gerald Everett. I'm the Queens County Chairman of the Independence Party and I would like to urge that the Charter Revision Commission include nonpartisan municipal elections in this year's proposal to the voters.

While I applaud the Commission for including a very strong statement in support of nonpartisan elections, in the report we must go further and allow the voters to choose between our present partisan system and the nonpartisan system.

Nonpartisan elections are elections in which candidates compete without a party label next to their name. I believe moving to a nonpartisan election system will invigorate New York City

elections and increase voter participation. New York City is among a minority of only 20 percent of municipalities that still hold partisan elections. There are many benefits to the City with nonpartisan elections. Nonpartisan elections give voters a broader choice of candidates from which to choose, allows for more meaningful public debate and gives New Yorkers a greater influence over policy making.

Our partisan system tends, as the Commission points out, to foster uniformity rather than diversity of ideas. Partly a party's primary limits the participation of voters. Candidates direct their campaigns to a small pool of eligible voters, thus excluding 70 percent of the electorate.

In Queens partisan elections compel candidates to run for the Democratic Party if they want to have any chance of success, and it further narrows of field of candidates, since only those with the right party connections can gain party support. Over 206,000 independent and unaffiliated voters in Queens are excluded from the partisan process.

Nonpartisan elections eliminate party primaries. I favor one election using instant runoff voting in which all candidates and all voters participate. Instant runoff voting allows voters to rank candidates in order of preference. If no

candidate receives a majority, the last place candidate is eliminated and the next choice of the voters is tabulated. The process continues until a candidate receives a majority.

This system is presently used in Community School Board elections. However, given the manual tabulation of paper ballots the process is cumbersome, time consuming and open to corruption. Instant runoff voting would immediately save taxpayers several million dollars by eliminating party primaries.

With the money you save on primaries, you could afford to purchase new equipment. Instant runoff voting would force the City to upgrade our antiquated voting machines to a computer touch screen technology that is readily available which can accommodate nonpartisan elections and instant runoff voting.

Thank you.

CHAIRMAN MASTRO: Thank you.

Lou Sepersky, please?

MR. SEPERSKY: Good evening, ladies and gentlemen of the Charter Revision Commission. My name is Lou Sepersky and I'd like to thank the members of the Charter Revision Commission for hearing my testimony.

I believe that Community Boards should

have the services of legal counsel available to pursue matters which might not otherwise be brought to an equitable conclusion. As Court decisions have determined, Community Boards may sue City Government in defense of their own authority under the Charter, specifically the Dodgertown case, citation is omitted.

New York City has 59 Community Boards and under the Charter the Boards perform advisory land use and service delivery oversight functions. From time to time, reviews of the administration at City Hall and a particular Community Board may come into conflict. Some of these differences may turn on statutory responsibility. An administration which does not find a Board in support of an action can simply ignore the Board, even as in the Brooklyn case, the Board was correct on the statutory merits.

For a Community Board to defend its own authority as matters now stand, a pro bono attorney must be recruited. As I'm sure you're aware, pro bono anything, no less lawyers, do not grow on trees. Board legal help should be provided through a consistent and reliable mechanism such as a discrete unit within the Corporation Counsel's office or some other appropriate structure.

The idea that City Government should provide such aid to Community Boards may seem

surprising, but it should be noted, the Charter already mandates the director of City Planning to make staff, professional and technical services available in support of Board duties and responsibilities; Chapter 8, Section B, sub 5. It is an example which would build up the availability of legal help that would make the Boards more effective.

For these reasons, I believe Community Boards should have legal counsel provided through a consistent and reliable mechanism.

Again, I would like to thank the Commission for its courtesy in hearing my testimony. If there's questions, I'd be delighted to answer them.

CHAIRMAN MASTRO: Thank you very much.

MR. SEPERSKY: Thank you.

CHAIRMAN MASTRO: Joseph Bello.

MR. BELLO: Good evening, ladies and gentlemen of the Charter Revision Commission. My name is Joseph Bello and I'm a veterans advocate here in New York City, as well as a member of Community Board 2's Borden Avenue Advisory Committee.

I come before you this evening to ask you to once again reconsider a revision to the New York City Charter concerning the Mayor's Office of

Veterans Affairs. As I have written to the Commission before, the revision I am asking for will have a positive and needed change in the way veterans affairs are conducted for the City.

The definition of veteran is very important. Benefits pertaining to education, tax exemption, disability, homeless and even burial, which are administered on a federal, state and local level, are given to all those who fall into the definition of a veteran. However, even today, there are arguments about what the definition of a veteran is. Just yesterday, on News Channel 4, there was a story about a gentleman who served in the Merchant Marines during World War II who cannot be buried in a VA cemetery because he is not considered a veteran by the Government.

The current definition as it is in the City Charter needs to be redefined. Changes in law over time within the Federal Government continually change the definition of who a veteran is. The definition of a veteran as is currently written in the City Charter, needs to be redefined to conform to those of the Department of Veterans Affairs and the New York State Department of Veterans Affairs.

Secondly, the Veterans Advisory Board needs to be expanded. As it reads now, the Mayor appoints three members while the speaker of the City

Council appoints two, for a total of five, which is the same number as the current Board of Health.

Like your preliminary proposal to expand the Board of Health, the number of advisory board members for the Veterans Advisory Board needs to be increased to include the boroughs in the advisement process.

Currently, Queens has the second highest number of veterans of any county in the state with the exception of Suffolk, and with a population of 409,000 veterans living within the five boroughs, this is an advisory board that needs to have greater inclusion through expansion.

Finally, this advisory board should have staggered terms of two years instead of the current three so that the Board will have both the newness and freshness while giving those who want a chance to serve.

Thank you for taking time to listen to me today. I again hope that you will once again reconsider this proposal. Thank you.

CHAIRMAN MASTRO: Thank you very much.

COMMISSIONER VARELLA: Mr. Bello, I just wondered if you could, I'm Margie Varella, if you could tell us please what's the City's definition and what's the Federal definition, and how does that have an impact on a veteran's ability to receive a benefit?

MR. BELLO: I don't know of any--it was written into the City Charter the definition of a veteran for veterans affairs. However, the way it stands right now, and I left a packet with somebody in the front, it doesn't have, it has to do with time, and the Department of Veterans Affairs.

The Air Force defines who a veteran is, and Veterans Affairs dictate that, but there's also time constraints, it has to do with U.S. Code, Title 10, Title 38. So it needs to be cleaned up.

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The Air Force defines who a veteran is, and Veterans Affairs dictate that, but there's also time constraints, it has to do with U.S. Code, Title 10, Title 38. So it needs to be cleaned up.

The way it is in the Charter right now, it's sort of ambiguous. You can walk in and play with it, so it just needs to be cleaned up. That's what it really amounts to.

COMMISSIONER VARELLA: Thank you.

CHAIRMAN MASTRO: Okay, for those of you who consider Charter change to be an apocalyptic event, I'm told that there is nothing to worry about, but we will have to stay here for the next 40 days and 40 nights.

Our next speaker is David Ortiz.

MR. ORTIZ: Good evening. My name is David Ortiz Director of Adult Supportive Case Management Programs for the Puerto Rican Family Institute, Inc. Our organization's mission is to strengthen and preserve Latino families and children through the provision of culturally and linguistically sensitive services. In this effort, our collaboration with the Department of Mental

Health spans close to three decades; similarly, we collaborate with the Department of Health in the area of prevention and community education.

In our testimony at the public hearing in the year 1998, we emphasized that this merger presented us with a unique opportunity to revitalize and improve an established service system that requires modernization. We must streamline the post administrative structure by revising the standard operating practices that do not necessarily address the needs our community. Today, our position remains unchanged.

This merger between the Department of Mental Health and the Department of Health into a new Department of Public Health will serve to promote a policy of inclusion. The needs of New Yorkers must be addressed in a more consistent and comprehensive manner. We foresee that the problem of the merger will be that the separate mission embraced by each entity will be combined. For example, the Department of Metal Health and consistently spearheaded initiatives that address disease control and prevention, health education, infant mortality reduction and child health, to name a few.

The same holds true for the Department of Mental Health, who has traditionally and

successfully spearheaded programs that allow people with mental disabilities to live successfully in a community setting. Therefore, it is feasible and desirable to maintain both programs and functions under one core Department of Public Health.

The merger would eliminate the existing duplication and fragmentation of services. Services will be coordinated and integrated. We must position the New York City administrative structure to function effectively in a managed care environment. A uniform public health authority will be better positioned to respond to the systematic problems already in evidence in the managed care mandatory enrollment process. A merged entity will be at best able to prioritize services to preserve existing health and mental health core functions, develop initiative to more effectively service children and families with complex physical and mental health problems and effectively develop and implement all the necessary care that will result in better mental health care for all New Yorkers.

The manner in which these two entities have operated during the past three years demonstrated that they have been strengthened and enhanced. United, they can outreach to a greater number of persons in need. United, they're better positioned to connect vulnerable New Yorkers to

mental health care agencies, eliminating duplication of services.

One glaring example lies in substance abuse treatment and prevention. We anticipate that a new Departments of Health will be able to straighten the substance abuse services and promote integrated health and mental hygiene services for the chemically addicted individual.

Clearly, maximizing available resources is a desirable outcome. I submit we must have the responsibility to put forth creative and innovative strategies to better our serve our City.

I thank you for the opportunity to allow us to convey our feelings.

CHAIRMAN MASTRO: Thank you.

Barbara Ann Perina.

MS. PERINA: Good evening. My name is Barbara Ann Perina. I'm currently the Director of Educational Programming and Program Development for Human Service Centers Inc. Human Service Center is a New York State licensed outpatient alcohol and drug abuse treatment program with facilities located in both Queens and Kings Counties.

In reviewing one of the issues before the Commission, should the Charter be amended to consolidate the functions of the Department of Health and the Department of Mental Health, Mental

Retardation and Alcoholism Services, creating a new agency called the Department of Public Health, after careful review of these issues, we believe the answer is yes. The kind of integrated services that this merger would create is desperately needed.

Often people have multiple problems they face, for example, such issues as mental illness and substance abuse, HIV AIDS and homelessness, educational failure and teen pregnancy, domestic violence and poverty.

In the past, in attempting to address these kinds of issues, DMH and DOH often reached out to these populations, but failed to coordinate the services they provided.

In the areas of substance abuse treatment alone, as outlined in Substance Abuse Counseling, 2nd edition, Brooks/Cole Publishing, frequently substance abuse practitioners oversimplified the problems of their clients. This reductionism ignores critical clinical distinctions and fails to identify substance abuse process as complex and multiply determined. When this complexity is not acknowledged, treatment proceeds on a simplistic level with abstinence being equated with health and non-abstinence with illness.

Rather, it is important to view substance abuse problems as multivariate syndromes that should be treated individually and differently because they

are associated with different problems for different people. Treatment must be multimodal and multidisciplinary to correspond to the client's particular pattern of abuse.

In addition, there's growing professional consensus that today's complex health problems are best addressed by integrated public health and mental health programming and planning.

In December, 1999 after David Satcher, Assistant Secretary of Health and Surgeon General, issued a report on mental health that highlighted the connection between physical and mental health. The report noted that scientific research on the brain shows a seamless picture of how biological, psychological and social factors effects overall well-being. Consequently, the report recommended that all Americans seek help with both mental and physical health problems.

In addition, it stressed the importance of facilitating access to mental health care for better integrating public health systems.

The benefit of this kind of integration has been widely recognized. Currently eleven states, several large cities, including Chicago and San Francisco and three counties in New York State consolidated their health and mental health agencies. Their experience indicated that mergers

of public health agencies produce better services.

More and more treatment providers are beginning to address the need to implement integrated, cutting-edge prevention and treatment techniques based on the most recent best practice and research available, but the current separation of DOH and DMH curtails this effort and disproportionately effects the most vulnerable and disenfranchised of the clients we served and therefore the most at risk, namely, people of color, adolescents and single mothers, Lesbian, gay men, bisexual individuals, individuals of transgender experience and the elderly, to mention a few.

With the medical, scientific and environmental advances making it easier to control infectious diseases, public health agencies are increasingly working to reduce the impact of preventable conditions such as heart disease, cancer, diabetes and substance abuse.

Again, the use of drugs such as heroin, marijuana, cocaine, methamphetamines are associated with others serious consequences, including injury, disabilities and death, as well as crime, domestic violence, lost workplace productivity. In fact, the economic costs of alcohol and drug abuse in the United States is estimated at \$276 billion for 1995.

STAFF: Time is up.

CHAIRMAN MASTRO: Thank you very much.

Ron Hooks.

MR. HOOKS: Good evening, Mr. Chairman, members of the Commission. My name is Ron Hooks, I'm a Senior Substance Director, Department of Psychiatry, Elmhurst Hospital. I'm here representing Dr. Ann Sullivan, who could not be here tonight with us. I'd like to present her testimony which she has prepared for you.

It reads: My name is Dr. Ann Sullivan. I am the Director of Psychiatry for the Queens Health Network, which includes Queens and Elmhurst Hospitals. It's part of New York City Health and Hospitals Corporation. These hospitals are located in community Districts 4 and 8. I am also Chair of HHC's Council of Psychiatry Directors.

I am pleased to offer my support for the revision of the City's Charter to merge the New York City Department of Mental Health, Mental Retardation and Alcoholism, DMH and the Department of Health DOH to create a comprehensive Department of Health. As a health care administrator and community psychiatrist, I have seen many people who rely on public services who have needs that cross many service systems. Arbitrary barriers between service agencies also result in duplication of services, confusion, unmet need and people falling through the

cracks.

The benefit of better integration between health, mental health has been widely recognized. In December of 1999, U.S. Surgeon General's Report on Mental Health highlighted the connection between physical and mental health. Surgeon General's report stressed the importance of improving access to mental health services through better health and mental health care system integration. In fact, the majority of patients with psychiatric disorders are often seen in medical services and not in mental health service systems. Yet, there is general lack of recognition of mental health disorders in general medical practice, psychiatry and primary care are for the most part nonintegrated.

Queens Health Network has recently received a grant from New York City Department of Health to provide integrated evaluation and treatment of mental illness, including depression, anxiety disorders and substance abuse and primary care services. The diagnosable and treatable mental illness affects 15 to 20 percent of the health of the adult population between, but less than 5 percent receive treatment.

STAFF: One minute remaining.

MR. HOOKS: The only truly effective way to check and treat the epidemic in the general

population is with integration of mental health treatment in the primary care practitioners office. Not only does integration make sense, it enhances the client outcomes. Queens Health Network runs integrated programs for TANF, temporary programs for assistance for needy families, started in 1999. The program integrates primary care, mental health and substance abuse services with this integrated approach. Many patient successfully remain substance free and receive needed services and return to work.

However, the special needs of mental health clients cannot be overlooked. It is essential that the new provisions in the Charter revision set parameters for mental health leadership, assure the integrity of the mental health budget and require the review of the merger in the second and fourth year after its adoption.

In closing, I agree that the proposed changes in the City Charter will improve health and mental health of its citizens and I urge the Commission to accept the proposal for inclusion in the November ballot.

CHAIRMAN MASTRO: Thank you very much.
Mr. Garber.

MR. GARBER: Good evening, Chair Mastro,
Members of the Commission. My name is Joseph

Garber, I'm the corresponding secretary of the Civil Service Merit Council. I'd like to speak tonight in detail, as much as I'm allotted to, on Chapter 18, the New York City Police Department.

In Section 432 of the Charter, it states that the Commissioner has the power to appoint seven deputy Commissioners. However, in looking at the latest issue of the Green Book on pages 301 and 302, I see there's a provision head counter be 11. Now thumbing through the various Charter agencies I noticed that the Charter has a fixed amount of number of Deputy Commissioners and when I look at the Green Book I see there's a disparate figure.

Therefore, I'd like to suggest that Chair Mastro of the Commission, the Commission staff could possibly do a research study to go through the Charter, cull out the number of Deputy Commissioners that are allowed, then check the number listed in the Green Book, then possibly have a conference with OMB to see if there's a head count problem.

In Section 434, it states that the police Commissioner shall have cognizance control of the police force for the Department. This term, "police force for the Department" should amended to read "all members of the Department," because technically the Police Commissioner of the City of New York is also the chief executive officer of the entire

Department, which includes close to 10,000 civilian members of the Service. In Section 435, I'm very glad that I brought it up back in 1999 and finally the merger of the Parking Enforcement District which took place on August 6 of '96, ask for a press release number 141 of '96, has finally been codified in the Charter. However, the merger of the School Safety Division which took place on or about December 15th--

STAFF: One minute remaining.

MR. GARBER: -- 1998 and the Housing and Transit Police which were merged in 1995, have not been codified in the Charter. So therefore I would suggest that either a whole new message be sent by the Mayor to the Speaker or maybe Mary Pinkett, the Chair of the Government Operations Committee introduce an amendment to try to codify this.

Okay. Also consideration should be given to amend that portion of the Administrative Code that enumerates how many uniformed members of the service of a particular rank should be. It states that for X number of police officers, there must be a certain number of Sergeants. For X number of Sergeants, there has to be a number of Lieutenants and up the line. This has not been amended in years, and in view of the fact that we have merged, we definitely have to have a correct head count.

Consideration should be given to revoke Section 437 relative to the statement--okay, I'll continue, God willing, tomorrow evening.

CHAIRMAN MASTRO: Thank you.

Okay, next we'll hear from P. Wayne Mahlke.

MR. MAHLKE: Good evening, members of the Charter Commission. I'm director of legislative affairs for QSAC, and I'm here representing tonight the Queens Council on Mental Retardation and Developmental Disabilities. This is a group of parents and professionals concerned with the needs of individuals with developmental disabilities who live in Queens. Along with representatives from both New York City and New York State, the Council and its various committees meet monthly to identify unmet needs, secure funding and review proposals for services to Queens residents with developmental disabilities.

The mission of this Council is to advise, inform, problem solve, pioneer and provide a forum for discussion which leads to effectively providing for change within the lives of individuals with disabilities. The Council acts as an advisory group to the New York City Department of Mental Health, Mental Retardation and Alcoholism on the needs of those with developmental disabilities. The Council

also works closely with the Queens Developmental Service Office of the State Office of Mental Retardation and Developmental Disabilities, which is responsible for all State programs in Queens County for individuals with developmental disabilities.

The Queens Council, in cooperation with New York City's other four borough Councils, advocates for persons with developmental disabilities in the City and in New York State. The Council is charged with assisting and advocating for individuals with developmental disabilities and their families. Developmental disabilities include, but are not limited to, mental retardation, cerebral palsy, autism, epilepsy and neurological impairments, learning disabilities.

We're alarmed about the proposed merger of the Department of Mental Health, Mental Retardation and Alcoholism Services and the Department of Mental Health into a new department of public health.

STAFF: One minute remaining.

MR. MAHLKE: The field of developmental disabilities was borne from activists and professionals and parents 25 years ago and as a result of their efforts a whole array of community services have been developed. We are concerned that by merging these departments, this will result in a

lack of services for those receiving, who have developmental disabilities, and I would add and make us go back to the abuses of Willowbrook.

We are asking that the merger be opposed. We feel that this will give us, will not give the community the services it has presently. This proposal was strongly opposed in 1998, when it was before the Council and the Council listened and did not pass it. In 1999, the voters of New York City oppose it again as part of proposed revision of the City Charter and it was defeated. We ask you to reconsider and not put this forth.

CHAIRMAN MASTRO: Sir, before you step away from the mike, how have the services been for the mental health community over the last three years? How have they been?

MR. MAHLKE: The services under the present Department of Department of Mental Health, Mental Retardation and Alcoholism Services have been very good. The Commissioner and his staff have been excellent in providing agencies with the abilities and the resources to provide the services. We are concerned that children with developmental disabilities would be lost.

CHAIRMAN MASTRO: Sir, you're aware, are you not, that the last three years there has effectively been a Department of Public Health and

the Health Department and the Department of Mental Health, Mental Retardation and Alcoholism Services have been merged under one Commissioner.

MR. MAHLKE: There is one Commissioner, but it is still two entities. The Commissioner is serving as the Commissioner of both agencies, yes, that is true. But still, those agencies are effectively operating separately, although under one Commissioner.

CHAIRMAN MASTRO: There's integrated senior staff. In fact, his first deputy is the former First Deputy of Mental Health. I just wanted to point out for the record there's been integrated service for the past three years and this proposal would simply effectuate that which has existed for the past three years, which you said was excellent service for the mental health community.

MR. MAHLKE: The service under the present Commissioner has been excellent. But this Commission or any other Commission cannot guarantee that the present Commissioner will remain.

CHAIRMAN MASTRO: Nor could we guarantee that whoever would be the next Commissioner of Mental health, because they haven't always been excellent, this one happens to be, they haven't always been excellent, we can't guarantee in the next administration if it's a separate department

will have as good a Commissioner as this one. No one can guarantee those things. We're considering doing something that we think will be positive for public health for all constituencies.

MR. MAHLKE: Lumping developmental disabilities and mental retardation into a total Public Health Department is taking a step backward. We are trying to integrate children and adults with developmental disabilities and mental retardation into our community. By saying that it is a public health issue is taking a step back. The community, people at large are not educated about developmental disabilities and mental retardation. They will then take those disabilities and lump it with other public health issue such as tuberculosis, HIV AIDS and other services, and that will be taking a step backwards for those individuals who are not able to be here tonight to speak up on their behalf and that is why I am here, that's why parents who deal with these children every day are opposed to this merger.

They don't want to see their children lost in a mega large department that will not be able to provide services, a mega large department like we have in the City already, the Board of Education, loses too many children. Let's not have our children lost in a mega large department.

CHAIRMAN MASTRO: Thank you. Agnes

Hentschel.

MS. HENTSCHEL: Thank you again for allowing me to make another presentation. I didn't expect to be in New York City at this time this week. I want to repeat my proposal that I made earlier about having the whole City Charter review postponed until next year if you would make changes in the City Council and the previous vote to have the elections limited in terms for certain years and the reason I ask for this is that I felt the City Charter was a Charter for the people, by the people and of the people.

I have found over the years that the City Charter has gradually taken the process of Government by the people away from the people and it seems to me that the City Charter has allowed elected officials or people who have acquired a great deal of wealth to run for public office without giving a full financial statement. I feel as a taxpayer, I am being discriminated against getting information that may be very important to me to know who is controlling our city, our people, their lives, the public school and contracts which may also include television, which is making millions of dollars at our expense, and are selling public plans to malls and uses that schools need, and they have transformed the whole waterfront

which the Federal Government previously in the 1950's and '60s when City Community Boards were made, so people had a say so what's going on with their Government.

This whole system should be investigated and the people who claim they don't want Federal funds should be made to account for everything. I would request that you make this ethic change which was set in place in the 1980's revision to give them this escape. It's not giving me an escape from the problems we have created by the whole high-rise buildings which were not supposed to be on the waterfront, have influxed a great deal of people, created all the damages we complain about in our environment, our transportation, our health systems, and have confused the people that they don't know whether they're coming or going and if this isn't a crummy kind of a system, I don't know what kind this is.

So please see this is all postponed when new people have good time to look into seeing what's going on and investigate the billionaire who wants to buy everything.

I'm sorry I can't speak too much because I'm affected by traveling here myself. Thank you for listening again.

CHAIRMAN MASTRO: Thank you.

MS. HENTSCHEL: I'm sorry I wasn't able to plan a more presentation in writing form, as I said, I didn't expect to be in New York.

CHAIRMAN MASTRO: Thank you.

MS. HENTSCHEL: Thank you so much for all you do. It's a big job and I want to tell you I for one am grateful that I have people like you working here. Thank you.

CHAIRMAN MASTRO: Thank you. Thank you for being here again. Gwendolyn Florant.

MS. FLORANT: Good evening. Good evening Chairman, Commissioner and interested parties. My name is Gwendolyn Florant. I am the Director of Mental Health Services for Steinway Child and Family Services, a multi- service agency whose administration offices are located in Long Island City, Queens, and I am also a resident of Queens Village myself.

I have spent over 25 years in the mental health profession at all levels, from a therapist to a director and now a program director. This experience has led me to appreciate the importance of an integrated system of health care.

I am here this evening to support the proposed merger of the Department of Health with the Department of Mental Health, Mental Retardation and Alcoholism Services. For too many years health care

has been a tale of two separate systems that at times have gone in different directions and at times overlap, causing needless redundancy and waste. This separation makes no sense administratively, clinically or practically. The integration of physical health, well-being and psychological stability are well founded and all of us know how stress can cause ulcers, asthma attacks, raise blood pressure that can cause a cerebral stroke.

More and more we as health service professionals are helping people control these illnesses not only with medicine, but stress reduction techniques. Most nonwestern philosophies are grounded in the need to maintain harmony between the mind and body for optimal health. Given the acceptance of these basic tenets of mind body wholeness, separating the control, regulation and funding streams for the treatment of persons is unwarranted and counterproductive.

The structure of a merged entity must preserve the integrity of both systems in a way that does not cause one or the other to be under funded or neglected or controlled by the other. This would be best done by an overall president of health services with separate commissioners for behavioral health and physical health services. They would be equal level with regard to their respective roles

and both report to the president of health services.

Some administrative function could be shared, but programmatic budgets would be separate. Patient care would be integrated --

STAFF: One minute remaining.

MS. FLORANT: -- through the use of a health passport that would be utilized and carried by the patient and be key to a centralized health database for every person. This time is long overdue for us to recognize the needs and wisdom of developing an integrated health system that offers everyone a continuum of care.

Thank you this evening for the time that you've given me.

CHAIRMAN MASTRO: Thank you.

Adrienne Kivelson.

MS. KIVELSON: Thank you very much. My name is Adrienne Kivelson. I represent the League of Women Voters of the City of New York. We appreciate this opportunity to comment on preliminary recommendations for Charter revision as presented in your staff's report dated July 27, 2001. Actually, I'm going to comment more on process than on particulars, because the limited time frame of this Charter revision effort is inadequate to allow thoughtful deliberation, discussion of these very important issues.

Once again we're put in the position of proposing a series of major Charter changes because the public has not been afforded sufficient opportunity to make informed decision between the day the Charter Commission is appointed and election day. We're at a loss to understand why this Commission was not appointed until June 15th of this year, limiting citizen participation to the summer months when it is well known that civic and advocacy organizations do not meet regularly and New Yorkers are juggling work and vacation schedules.

The staff's recommendation may acknowledge that our Charter is a short form Charter as the report states, and I quote, "it sets forth the institutions and processes of the City's political system and defines the authority and responsibilities of elected officials. The Mayor, Council, Comptroller, Borough Presidents and Public Advocate and City agencies in broad strokes, leaving the details of operation to Local Law and agency rule making." Under this definition with which we agree, we believe that many of these recommendations go beyond broad strokes and assume the responsibilities of our elected officials. The report seems to conclude that if a strategy is successful it should be included in the Charter, no matter how time or issue specific.

This process defies the definition of a short form Charter. Your report also states, "Unlike the U.S. Constitution, which is rarely amended, the City Charter is a fluid document that is often amended," and cites 90 amendments in the last twelve years.

STAFF: One minute remaining.

MS. KIVELSON: It's important to note with the exception of a major revision in 1989 which was necessitated because of the Board of Estimate's unconstitutionality, one amendment from a formally appointed Charter Commission and a voter referendum

MS. KIVELSON: That's correct, and it can be achieved through the City Council.

CHAIRMAN MASTRO: Well, it hasn't been, because they've had it for five years and they have chosen not to act.

MS. KIVELSON: Our position is--

CHAIRMAN MASTRO: So you don't think there's been enough deliberation?

MS. KIVELSON: I didn't go into individual issues and we've not taken a position on individual issues, but our position is, we take Charter revision very seriously and we think that the process should be an extended one where people have the opportunity to state their opinions.

CHAIRMAN MASTRO: So you have no views

on the substance of any proposals. If we want to hear your views on the substance, you have no views.

MS. KIVELSON: I'm not here to state views on the substance.

CHAIRMAN MASTRO: All right, thank you. Roy Gussow, please.

MR. GUSSOW: Good evening. My name is Roy Gussow. I'm a member of the Board and former president of the Fine Arts Federation of New York. We are an umbrella organization, which has been in existence since 1895, and we are concerned with the esthetics of the City and we are here, I am here with the hope that I can relieve you of the responsibility that you may or may not have assumed in making changes in relation to the Art Commission.

The Art Commission, the Fine Arts Federation is mandated by the City Charter to make three recommendations for each vacant Chair to the Mayor and he selects from our recommendations, which are very seriously researched and given to the Mayor with all good intention. These are volunteer people, non-paying people who are devoted to the quality of life and the esthetics of the City. It isn't broken, it doesn't need to be fixed.

CHAIRMAN MASTRO: Sir, I just wanted you to know that we are not considering, the staff has not recommended to us any change in that regard.

MR. GUSSOW: If I could get that in writing, I'd be very happy when I go home.

CHAIRMAN MASTRO: This Commission member is not planning to vote to make any change in that regard, and the staff has not recommended any to the Commission.

MR. GUSSOW: I appreciate your thoughts on that. Thank you.

CHAIRMAN MASTRO: Thank you. Patricia Garlick-Lee.

MS. GARLICK-LEE: Good evening. My name is Patricia Garlick-Lee and I'm the parent of Mitchell, a man with a development disability who is 41 years old. I have been active on the Board for agencies and I serve people like Mitchell. I am active on the Queens Consumer Council, as well as the Queens Council for Mental Retardation and Developmental Disabilities. I have been fighting to get Mitchell what he needs for 41 years.

I have come here tonight to tell you that I oppose the proposed merger of the City Department of Mental Hygiene with the Department of Health to form a new Department of Public Health. I do not believe a new, large Department will serve the needs of people with developmental disabilities as well as the current and efficient Department of Mental hygiene. I do not believe that a large Department

will have our needs and interests as priorities.

We have a local developmental disabilities service system that works. Not only are you proposing a sweeping change, but also you are making it permanent by changing the Charter of our City. Please withdraw this proposal. And I thank you for allowing me the opportunity.

CHAIRMAN MASTRO: Thank you, ma'am.

Helen Sears.

MS. SEARS: Good evening. My name is Helen Sears and I thank you and the staff for the wonderful work you've done for making our City work better than it does with these proposals. I think it's commendable that you dealt with domestic violence and human rights, to have that as permanent in our Charter. It's commendable in all that you've done with organized crime.

However, the word "organized crime" is a little bothersome to me, because there are discrepancies and lack of integrity throughout the business community, not for everyone, but throughout the business community. I am posing that you change it from "organized crime" to Business Integrity Control Commission. I think the word "organized" segregates so strongly that it sets aside whatever inequities and that lack of integrity is within the business community. And as I said before, not for

everyone, but certainly there is an offense permeated throughout the City and the word "organized crime" leaves a great deal to be desired. It so segregates a very specific form of an attack against the integrity, and I don't think that our City exactly needs to do that.

Organized crime is dealt with on a federal level and certainly we've had our Commissions on the City level, and I urge you to reconsider that, because crime should not be so segregated that we looking at it in such a harsh way, and the rest of the business community may somehow not be looked at in the way that it should.

I think it's admirable to merge the Department of Public Health and the Health Department. I have one concern about that, I urge you to consider, Mr. Mahlke's comments, because the disability, the learning disabilities is very, very segregated and apart from alcoholism and apart from mental health. They are very specific unto themselves. Developmental disabilities are something that is uncontrollable, and that requires some very, very special attention. I urge you to look at this very, very carefully.

One of the concerns I have, which is not the substance of this proposal, but certainly when you do it, to look at how it separates and the

structure of it, because one of the major problems in merging any departments is the fact that the monies come down so slowly, we're creating an additional maze in the bureaucracy, and I recognize that these have been functioning for some time and they should get this Charter status, but in mental health, when the monies come down as slowly as they do, I can assure you it affects very strongly the services that are provided to the children and their families. Not intentionally, but because they just have to then go out and seek loans and this should be a part of your proposals as to have to expedite the funding process.

CHAIRMAN MASTRO: Thank you.

MS. SEARS: So I thank you very much.

CHAIRMAN MASTRO: Thank you very much.

Mary Saro.

MS. SARO: Good evening, members of the Commission. My name is Mary Saro. I'm the former District Manager of Community Board 3 of Queens and a community activist. I'm here tonight to express my support for those proposals contained in your preliminary report which are aimed at promoting gun safety and making schools safer for our children. I believe your recommendation to ban all gun sales for persons under 21 years of age will go a long way to helping make our City safer and also to help save

lives.

While City laws currently prohibit possession of most types of guns by persons under the age of 21, I find it unconscionable that there's a loophole in this law that allows persons as young as 18 to purchase and possess rifles and shotguns. In a City as densely populated as New York, there is absolutely no rational reason why anyone, much less a person under 21 years old, should be allowed to possess a rifle or shotgun which are used mainly for hunting purposes.

Hardly a day goes by in the City without us hearing about a gun related tragedy in the news. Therefore, I support any proposal that will insure that guns are only sold to and possessed by those people who are mature and responsible enough to use them safely. I believe this proposal goes a long way towards achieving this objective.

I also support your proposal to make our schools safer by mandating the reporting of crimes committed against school children. I'm sure we all heard or read about the various recent incidents where school children have been abused by their teachers or other students and the Board of Education failed to report these incidents to the police. This is an outrage and it must not be allowed to continue. Children have a right to feel

safe in their schools and those who abuse or commit crimes against students should not be protected by those in charge who deliberately avoid reporting such incidents to the police in an attempt to avoid embarrassment or bad publicity for their schools.

I believe this proposal will go a long way towards protecting our children and support it wholeheartedly. Thank you very much for your hard work. Thank you.

CHAIRMAN MASTRO: Thank you. Adrienne Sumowicz.

MS. SUMOWICZ: Thank you all for your hard work. Frankly, I think this administration has done a wonderful job, and everything that has been put into this administration should be put into the Charter because it's already proven its point and power.

I'm here to talk about the issue of human rights tonight. I believe that citizens of New York City would benefit by making a Human Rights Commission a Charter agency. The Charter Review Commission proposes to give the City Human Rights Commission that right status. The City has passed various pieces of legislation and has amended numerous laws and regulations to protect the citizens of New York City.

By giving this agency Charter status, the

Human Rights Commission can continue to help pass legislation to protect individuals. By giving the Human Rights Commission Charter status, the citizens of this City will be protected from unlawful discrimination based on race, color, religion, creed, age, national origin, alienage, citizenship, gender, sexual orientation, disability, status as of domestic violence or other protected classes. Employees will be protected from being fired solely because of employer dislikes or employee sexual orientation.

The City Human Rights Laws make this kind of conduct illegal. If the Commission on Human Rights is to be abolished or the human rights laws repealed, there would be no administrative enforcement actions that individuals could turn to seek protection from such discriminatory conduct.

Therefore, I fully support giving the Commission on Human Rights Charter status. I thank you for your time and all your diligent work.

CHAIRMAN MASTRO: Thank you. Maxine Casimir.

MS. CASIMIR: Good evening. My name is Maxine Casimir. I'm here to talk on the issue of immigrant affairs. I believe that the citizens of New York City would benefit by making the Office of Immigrant Affairs a Charter agency. The Charter

Review Commission proposes to give the City's office of Immigrant Affairs Charter status. Many of the New York City's current residents were born in foreign countries and many more residents have a parent or parents who were born abroad. New York City is the place of numerous languages and cultures and diversity is one of the its most distinguishing features.

The Office of Immigrant Affairs provides essential services to immigrants in who reside in New York City. The office provides guaranteed services to all residents, regardless of citizenship or alienage. The Office of Immigrant Affairs provides education and outreach services and maintains a language bank that provides translators for non-English speakers who need to deal with City agencies.

By giving the Office of Immigrant Affairs Charter status, it would recognize the special and distinctive needs that immigrants face in assimilating themselves into a new country and the crucial role that immigrants play in the City's life.

It would also encourage immigrants to have greater confidence in City Government by demonstrating the City's long term commitment to assist them. Thank you.

CHAIRMAN MASTRO: Thank you.

That concludes our list of speakers for this evening, and I thank you all for being here.

(Time noted: 8:32 p.m.)