



Transcript of the Meeting of the  
CHARTER REVISION COMMITTEE  
held on Friday, August 24, 2001  
at 110 William Street, 4th Floor  
Borough of Manhattan

<b>AR-TI REPORTING COMPANY, INC.</b>	
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Meeting convened at 1:00 p.m.

P R E S E N T

RANDY M. MASTRO  
Chairman

COMMISSIONERS:

VINCENT ROBERTS

YVONNE LIU

TOSANO SIMONETTI

MARTA VARELA

HERBERT RUBIN

LISA LEHR

CLAUDE MILLMAN

AMALIA BETANZOS

MARY C. SANSONE

## P R O C E E D I N G S

CHAIRMAN MASTRO: Okay, let's get started. Thank you all for being here. We have had the benefit now of holding public hearings in every borough, we have had the benefit of expert panels on each of the issues that the Staff has recommended to us for further consideration, all of which were held in a public setting. We have come to that point in the process where we as a Commission are to decide what proposals, if any, to recommend to the voters for their approval this coming November.

This particular Commission has had the benefit of so many of its members, the vast majority having served on prior Charter Revision Commissions. Indeed, I had the honor of chairing one such Commission and most of the members of this Commission also served on that body, so this is not a group that had to start from scratch, it's a group of civic leaders, people experienced in Government, and civic affairs who came to the task already very knowledgeable and who came to the task ready to dive into these important issues, and to build on the body of experience and knowledge that each of us has had in our life experiences, in our prior service on Charter Revision Commissions, and we had the benefit also of an incredibly dedicated staff that has done some remarkable work over the course of this summer, most of them having been part of past Charter Revision Commissions, and I will not now try to name every one of them. They've done an exceptional job and they know how much that I and all the Commission members appreciate their work, but it is truly impressive that when one performs a public function, to see this quality of work, this kind of product produced for the public benefit and to each and every one of them, I thank them from the bottom of my heart and I think that I speak for all Commission members, and I think that it will be reflected, that same sentiment by the voters this

November, and their appreciation of the product that this Commission recommends for inclusion on the ballot.

Now, the staff--

MR. RUBIN: Mr. Chairman, may I also comment on the fact that we've had the benefit of comments from the various people who spoke at each of our hearings, and I personally was very much impressed by the seriousness, the earnestness of the presentations which we had, and that certainly has been of considerable assistance to me and I'm sure to our fellow members in our considerations.

CHAIRMAN MASTRO: It's much appreciated and I think we all share that sentiment and what a difference a couple of years can make, because the public hearing process was very constructive, very helpful to the Commission's deliberations.

At the outset of this Commission's work, I set a standard that I recommended to my fellow Commissioners, that in deciding which propositions to place on the ballot, we should aim to achieve as broad a consensus as possible for any initiative we propose be put to the voters this November.

I am now prepared to recommend to my fellow Commission members a set of five separate ballot proposals that I will be voting to place on the ballot this coming November, and urge my fellow Commission members to support as well, and we will vote on each separate proposition.

Let me summarize them first, by reading to you the ballot questions that I will ask the Commission to approve.

Question number one: Children's services. Shall the City Charter be amended to make the Administration for Children's Services an independent Charter agency to provide for the care and protection of children?

And I will just say in that regard, there was not a single voice in opposition in all of our public hearings to that particular proposal. There were many

who spoke in favor of that proposal, including professionals in the field who spoke very eloquently and passionately about the success of the Administration for Children's Services, all that Commissioner Scopetta and his staff have done to protect and improve the child welfare system in this City.

It is unfortunately a proposal that has been on the table for the past five years pending before the City Council. This separate agency exists only by Executive Order and has never been adopted into law, and for whatever reasons it has not been adopted into the law by the City Council. Therefore, the only way that this absolutely necessary reform will be made is to put it to the voters and let the voters decide, and if the voters would like to see the Administration for Children's Services become a permanent Charter agency, they can make that happen, that's why I'm recommending it to my fellow Commission members.

Question number two, gun violence and school safety. Shall the City Charterer be amended to, one, create gun-free school safety zones within a thousand feet of every school, two, ban the sale of any type of gun to persons under the age of 21, and three, require Board of Education employees to report immediately to the Police Department suspected crimes, including sex offenses and violent crimes that occur in public schools?

Again, the testimony at our public hearings was overwhelmingly favorable. The only criticism that I recall in the context of any of these proposals was at one hearing from some members of the Libertarian Party who oppose any measure that restricts guns in our City.

I for one am convinced that the time is long overdue for all of these proposals to become a part of our City law, and are such an important policy objective that they need to be embodied in the City Charter. Our proposal on gun-free school safety zones is one that was made by the Commission over two years ago, and proposed legislatively before the City Council, yet for whatever

reason, that has not yet become part of City law.

Our staff recommended to us that we close any loopholes regarding the sales of guns to anyone under 21 in this City, and I for one found it shocking to know that there were types of guns that people under 21 could buy in this City. Gun violence is one of the things I think everyone in law enforcement agrees is a major area of concern, and anything we can do to prevent gun violence and to protect our children we should be doing. So I support that wholeheartedly, and a proposal that has now been pending for several months, but has yet to be adopted in the City Council relating to reporting of crimes, and we're talking here about serious crimes; sex offenses, violent crimes, and having the Police Department investigate those crimes, because they'll be reported to the professionals who know how to do that best; once again, protecting our children, our most precious resource.

So I wholeheartedly support that and recommend that these related recommendations as one proposal, relating to gun violence and school safety, that we give the voters the opportunity to make those proposals part of our City law. It's something that has not happened in the legislative process. It's something that we need to do as a Charter Commission to give voters that opportunity to make that proposal City law and part of our Charter.

Question number three: Human rights. Shall the City Charter be amended to make the Human Rights Commission a Charter agency to protect civil rights, make the Office of Immigrant Affairs a Charter agency to assist immigrants and protect immigrants' rights to access City services?

This, again, is a proposal that the Charter Commission two years ago included in its recommendations to the voters as one ballot proposition. I and many members of this Commission believe that had that been a separate item put to the voters, it surely would have

passed. Now the voters will have that opportunity and in the past two years, there have been no advances in the law otherwise to make these particular recommendations a permanent part of City law and the way the City does business and it has wide ranging ramifications, particularly for our immigrant population, protecting the confidentiality of immigrant status by embodying that policy as a Charter mandate, we as a City protect human rights and immigrants' rights to access City services in our City.

Question number four: Public health. Shall the City Charter be amended to integrate the City's health and mental health services by creating a unified Department of Public Health as a Charter agency, and to expand the Board of Health to eleven members to provide for broader diversity of health, mental health and science professionals on the Board?

Again, this proposal to unify these agencies under a Department of Public Health has been pending for the past three years in the City Council, yet has not been passed legislatively. It was a proposal that was endorsed by the Commission two years ago, and one that we believe would have won widespread support had it been a separate proposition on the ballot.

Separate from that are issues relating to the Board of Health, it's composition and membership, being able to expand its membership in the manner in which that expansion can occur, that is something that has to be put directly to the voters, it's not something that could have been done legislatively, so I for one feel strongly that these are important advances that we can make in the area of public health.

Once again, this is an area where the Giuliani administration has had a proven reform that works. The health and mental health agencies have functionally been merged for the past three years by Executive Order. The performance of that Department by all accounts in the services it has provided both in

public health and in mental health and mental retardation and alcoholism services has been exemplary. We have seen the lowest levels of infant mortality, reduction in AIDS cases, reduction in the TB rates, reduction in suicide rates, we have seen an agency that has performed in an exemplary fashion across the board in all the services it has provided and this is an important legacy that we can leave to make that reform that has worked a permanent part of the way in which the City does business and I recommend it to my fellow Commissioners.

Finally, question five, public safety. Shall the City Charter be amended to establish the Emergency Management Department, Organized Crime Control Commission and Office to Combat Domestic Violence as Charter agencies to advance public safety?

And again, on every one of those proposals, I don't think there was a single negative word at any of the public hearings, only expressions of support. The Mayor's Office of Emergency Management has been a huge success in coordinating emergency response, and preparedness for the City in the face of emergencies. The proposal to create an Organized Crime Control Commission that would consolidate the functions that have served the City so well in combatting organized crime corruption in the public wholesale food markets, for the trade waste industry and shipboard and casino gaming, the record speaks for itself of incredible advances there to rid those public markets and the trade waste industry of organized crime corruption and the corresponding savings to New Yorkers in the case of trade waste rates, 40 to 50 percent reduction overall, over \$600 million in savings annually to the City's businesses since the mob cartel was broken up, sometimes referred to as the biggest tax cut in the City's history, the elimination of the mob tax on carting.

And, finally, the creation of an office to combat domestic violence would again effectuate and perpetuate a policy that has worked by Executive Order of

this Administration, which requires within the Mayor's office coordination of preventive and other services to help those who may become or have become victims of domestic violence. It's much needed that we continue those services, and that's why the recommendation to create such an office.

There will be related changes to make those reforms effective, including authorizing the Executive to centralize vendor integrity review in connection with preventing corruption and organized crime corruption, even in the City contracting process, and the ability for City agencies as an advance for public safety to be able to go into Court and get the ex-parte application they need for emergency inspections.

Again, related specifically to these public safety advances that the Commission is recommending, or that I am recommending to the Commission.

So I think these are much needed and they are of a piece with the other proposals that I'm now recommending to this Commission. We approve for the voters to approve in November.

All of these proposals are of a piece, they are about making our City's progress permanent; about seeing to it that those reforms that have served our City well over the last eight years become a permanent part of the way in which our City does business for reforms that will help keep the progress going, that are consistent with the progress we've made and will reinforce it and see that it continues, and they all meet the standard that I've described at the beginning of this process. We have achieved widespread consensus for all of these reforms and they are much needed and much overdue, so I open the floor to any comments the Commission members have and then I'm going to ask us to approve each of these ballot commissions.

COMMISSIONER SIMONETTI: Mr. Chairman, we're going to do them one at a time?

CHAIRMAN MASTRO: We're going to do them one

at a time. We'll be voting on five separate ballot propositions, for their ratification up or down.

Question number one, children's services, I want to call for a vote on question number one, whether we should approve that for inclusion on the ballot this November. I'm calling for a motion.

COMMISSIONER VARELA: So moved.

COMMISSIONER SIMONETTI: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

The vote is unanimous on question number one regarding children's services and making the Administration for Children's Services a Charter agency to provide for the care and protection of children.

Question number two, gun violence and school safety. I recommend to the Commission that it approve that proposal for inclusion on the ballot this November.

Calling for a motion.

COMMISSIONER RUBIN: I make a motion.

CHAIRMAN MASTRO: Second?

COMMISSIONER ROBERTS: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

It passes unanimously, and that proposal, question number two, will create gun-free safety zones within a thousand feet of any public school, ban the sale of guns to any person under 21 and require Board of Education employees to report immediately to the Police Department suspected crimes, including sex offenses and violent crimes that occur in public schools.

Question number three on human rights. I recommend to the Commission that we approve that question for inclusion on the ballot this November.

Do I hear such a motion?

COMMISSIONER VARELA: I make such a motion.

CHAIRMAN MASTRO: Seconds?

COMMISSIONER SIMONETTI: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

The question passes unanimously, and that question will be put to the voters, whether to make the Human Rights Commission a Charter agency to protect civil rights, make the Office of Immigrant Affairs a Charter agency to assist immigrants and protect immigrants' rights to access City services.

Question number 4, public health. I recommend to the Commission that we approve this question for inclusion on the ballot this November.

Call for a motion?

COMMISSIONER RUBIN: So moved.

CHAIRMAN MASTRO: Second?

MS. LIU: Aye.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

Carries unanimously, and that proposal will amend the Charter to integrate the City's health and mental health services by creating a unified Department of Public Health as a Charter agency and expanding the Board of Health to eleven members to provide for broader diversity for health, mental health and science professionals on the board.

Question number 5, public safety. I recommend to the fellow Commission members that we approve question number five for inclusion on the ballot this November. Do I hear a motion?

MR. MILLMAN: So moved.

CHAIRMAN MASTRO: Second?

COMMISSIONER LIU: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

Passes unanimously and that proposal will

establish, if passed, will establish the Emergency Management Department, the Organized Crime Control Commission and the Office to Combat Domestic Violence as Charter agencies and have related changes to effectuate those advances in public safety.

We have two other items to address today before we can conclude our business. I wanted to make clear, and we should adopt this formally, that all of the proposals that we're recommending would take effect immediately if they pass by the voters or as soon thereafter as a transfer of agency functions may be effectuated, provided, however, that the proposal concerning the Board of Health would take effect 30 days thereafter, with appropriate clarifications made in the text.

So I ask for a motion for that particular clarification, that question.

COMMISSIONER VARELA: So moved.

COMMISSIONER LEHR: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

That passes unanimously.

And finally, a resolution about how the Commission and the Commission staff should proceed hereafter and the period between now and the actual November balloting.

Let me read this into the record.

Resolution of the New York City Charter Revision Commission dated August 24, 2001. In relation to the filing with the City Clerk of a proposal revising the City Charter and questions therefore for the purpose of having the same submitted to the electors of the City, for general election held on November 6, 2001 and the adoption of a report relating thereto.

Resolved, that pursuant to Section 36 of the Municipal Home Rule Law, five proposals to amend the Charter of the City of New York with the appropriate

ballot questions and the amendments to be effected upon the approval of such questions are attached hereto to be filed with the City Clerk of the City of New York before September 7, 2001, and be it further resolved that the City Clerk of the City of New York shall take such action as may be required by law to provide for the submission of the said revisions to the electors of the City of New York at the general election to be held on November 6, 2001, and be it further resolved that the Commission hereby adopts the report that is attached hereto, and be it further resolved that the Commission hereby authorizes and delegates to the Chair and the staff the duty and power to take all necessary and/or appropriate actions to effectuate the placement of the questions on the ballot, including, but not limited to inclusion of nonsubstantive technical corrections to the documents attached hereto in the preparation of an abstract pursuant to law and to provide for such publication and other publicity as may be appropriate to insure that the public is adequately informed about the proposals.

The foregoing resolution, I now ask the Commission to adopt. I call for a motion.

COMMISSIONER MILLMAN: So moved.

CHAIRMAN MASTRO: Second?

COMMISSIONER BETANZOS: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

It passes unanimously and I would ask all Commission members to sign this resolution at the completion of our work.

I also ask the Commission members on those understandings in the resolutions we just passed to approve the release of the Commission's final report dated August 24, 2001.

Do I hear a motion?

COMMISSIONER SIMONETTI: So moved.

CHAIRMAN MASTRO: Second?

COMMISSIONER MILLMAN: Second.

CHAIRMAN MASTRO: All in favor?

(Chorus of "Ayes.")

CHAIRMAN MASTRO: Opposed?

It passes unanimously.

That concludes my business for today. I open it to any members of the Commission if they have any additional comments they'd like to make before we conclude our business today.

Anyone? I want to thank each and every one of you for serving. It has been a great privilege and honor for me to serve with each and every one of you, in some cases to serve with you again. I'm very proud of the work this Commission has done, and I'm very confident that voters will overwhelmingly ratify these important changes to keep our City's progress going.

Thank you very much. That concludes our business for today.

(Time noted: 1:30 p.m.)

C E R T I F I C A T I O N

I, LINDA FISHER, a Certified Shorthand Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

LINDA FISHER, CSR