

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NEW YORK CITY CHARTER
REVISION COMMISSION 2019

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JULY 24, 2019
Start: 6:10 P.M.
Recess: 7:30 P.M.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: COMMISSIONER GAIL BENJAMIN, CHAIR

COMMISSIONERS: SAL ALBANESE
DR. LILLIAN BARRIOS-PAOLI
LISETTE CAMILO
JAMES CARAS
EDUARDO CORDERO, SR.
STEPHEN FIALA
PAULA GAVIN
LINDSAY GREENE
ALISON HIRSH
REV. CLINTON MILLER
SATEESH NORI
DR. MERRYL TISCH
JAMES VACCA
CARL WEISBROD

SERGEANT AT ARMS: Testing, testing, this is a mic check for a Charter Revision Commission date 07/24/2019. Uhm located in the Chambers, recording done by Pedro Lugo.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Sorry. Good evening and welcome to tonight's public meeting of the 2019 New York City Charter Revision Commission. I am Gail Benjamin the Chair of the Commission and I am joined by the following Commission Members: Commissioner Member Albanese, Commissioner Member Camilo, Commissioner Member Caras, Commissioner Member Fiala, Commissioner Member Gavin, Commissioner Member Greene, Commissioner Member Miller, Commissioner Member Nori, Commissioner Member Tisch, Commissioner Member Vacca and Commissioner Member Weisbrod. With those members present, we have a quorum. Before we begin, I will entertain the motion to adopt the minutes of the Commission's meeting held on June 18, here at City Hall, a copy of which has been provided to all of the Commissioners. Do I have a motion?

COMMISSIONERS: Motion.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Second?

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COMMISSIONERS: Second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

All of those in favor? Aye?

COMMISSIONERS: Aye.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Opposed? Motion carries. (background noise of people chanting). Thank you very much.

(background noise of people chanting). Excuse me, excuse me, excuse me. (background noise of people chanting). Excuse me please. Excuse me please. Excuse me please. Excuse me please.

You have had an opportunity to present to us.

Don't point your finger at me. (background noise of chanting). Don't point your finger at me.

You have had an opportunity to speak. You have had an opportunity to. (gavel pounding). I am, no, I am going to declare a brief recess of the meeting and if we cannot get control of the room then I am going to have the room cleared. Thank you very much. This meeting is in recess at this moment. (gavel pounding). (people chanting in the distant background). I'm calling this meeting to order. Yes. Over the past year, the Commission has engaged in a robust and

1 comprehensive examination of the entire City
2 Charter and a thoughtful deliberation of various
3 ideas and amendments to it. As I have emphasized
4 throughout our public meetings, as the City's
5 Foundational Governing Document, the Charter
6 plays a vitally important role in establishing
7 the structures and processes of City Government
8 which in turn affect many aspects of our daily
9 life. It has been our task to evaluate how the
10 current Charter has performed since it was
11 largely put into place in 1989 and to identify
12 areas in which improvements should be made in
13 order to best serve the City for the next 30
14 years. Today, the Commission will vote on
15 whether to place 5 ballot questions encompassing
16 various amendments to the Charter before the
17 voters at the General Election this November. I
18 am very proud of the proposals that the
19 Commission has developed. I believe they
20 represent very important and impactful changes in
21 five areas of City Government that we have heard
22 a lot of concerns and ideas for improvements
23 about over the last year: Elections, the CCRB,
24 Ethics and Governance, the City Budget and Land
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2 Use. I would like to take this opportunity to
3 thank the Commission Staff whose work and support
4 have been valuable to us throughout the process.
5 I would also like to thank all of the staff at
6 the various institutions which have hosted us for
7 public hearings throughout the past year, for all
8 of their assistance, include Lehman College,
9 Medgar Everest College, Queens Borough Hall, the
10 College of Staten Island, the Borough of
11 Manhattan Community College, the Jamaica
12 Performing Arts Center, Brooklyn Borough Hall and
13 of course here at City Hall. On behalf of the
14 entire Commission I would like to thank all of
15 the New Yorkers who took the time to share your
16 ideas, whether at hearings or online. Your ideas
17 and feedback were immensely valuable as we
18 undertook this important and daunting task. We
19 sincerely hope that you felt this process allowed
20 for meaningful and productive engagement even if
21 we were not able and did not do all that you may
22 have asked. Finally, I would like to thank my
23 fellow Commissioners for your service and for the
24 important and valuable perspective and insight
25 you have each brought to this process. Let us

1 proceed with the business of today's member..
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3 today's meeting. Commissioners, you have before
4 you a series of documents, all of which have been
5 posted on the Commissions website including a
6 summary of the proposals as well as the text of
7 the ballot questions, explanatory abstracts and
8 the text of the proposed Charter Amendments. I
9 will now describe the proposals that are before
10 us. Just one second. Okay I am going to read
11 this quickly. Question 1: Elections: The
12 proposed amendments would: Establish rank choice
13 voting in primary and special elections for the
14 offices of Mayor, Public Advocate, Controller,
15 Borough President and Council Members up to five
16 candidates could be ranked. This would apply to
17 primary and special elections on and after
18 January 1, 2021. Extend the time to hold special
19 elections after a City Office is left vacant to
20 80 days in order to accommodate State and Federal
21 Laws relating to military voting and early
22 voting. Amend the time table for the re-
23 districting of all Council Districts to ensure
24 that boundaries are established in a timely
25 manner for 2023 Primary Council Elections.

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2 Question 2: CCRB: Amend the structure of the
3 CCRB by adding two members, one from the Public
4 Advocate and a joint appointment by the Mayor
5 and the Council who would serve as Chair and
6 provide that the Council directly appoint its
7 members to the Board. Require the Police
8 Commissioner to provide a detailed explanation to
9 the CCRB when deciding to impose discipline on an
10 officer which differs from the level of
11 discipline recommended by either the CCRB or the
12 NYPD Deputy Commissioner of Trials. Allow the
13 CCRB Board to delegate its subpoena power to the
14 Executive Director. Allow the CCRB to
15 investigate potentially false official statements
16 made by an officer it is investigating and to
17 recommend discipline if appropriate. I'm just
18 going to read. Question provide minimum budget
19 to CCRB sufficient to fund CCRB staff equal to
20 0.65% of the number of uniformed police officers
21 unless the Mayor determines that physical
22 necessity requires a lower budget. Question 3:
23 Ethics and Governance: Extend the post-
24 employment of parents banned for elected
25 officials and certain senior appointed officials

1 from one year to two years, for employees,
2 officials who leave City Service on or after
3 January 1, 2022. Amend the structure of COYB by
4 replacing two members appointed by the Mayor with
5 one member appointed by the Controller and one
6 appointed by the Public Advocate and updating the
7 quorum requirements. Limit the political
8 activity for COYB Board Members by prohibiting
9 participation in campaigns for local elected
10 offices and reducing the maximum amount of money
11 they can contribute to the amounts that
12 candidates can receive from those doing business
13 with the City, \$400 or less depending on the
14 office. Require that the Citywide MWBE Director
15 report directly to the Mayor and be supported by
16 a Mayoral Office of MWBE. Require advice and
17 consent by the City Council for the Mayor's
18 appointment of the Corporation Council. Question
19 4: City Budget: Allow the City to use a rainy-
20 day fund to save money for use in future years.
21 Changes to State Law will also be needed for the
22 rainy-day fund to be usable. Set guaranteed
23 minimum budgets for the Public Advocate and
24 Borough Presidents at or above their respective
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2 FY2020 budgets, adjusted in future Fiscal Years
3 by the lower of inflation or the percentage
4 change in the City's total expense budget unless
5 the Mayor determines a physical necessity
6 requires a lower Budget. Require the Mayor to
7 submit the revenue estimate to City Council by
8 April 26th instead of June 5th. The Mayor would
9 be able to update the Fiscal Estimate after that
10 date but if the updates submitted after April
11 25th, the Mayor must explain why the updated
12 estimate was physically necessary. Require the
13 Mayor to submit budget modifications to the
14 Council within 30 days after submission of any
15 periodic update to the City's Financial Plan.
16 Question 5: Land Use: Provide a ULUR
17 Precertification Notice by requiring the
18 Department of City Planning to transmit a
19 detailed project summary for ULURP applications
20 to the affected Community Board Borough President
21 and Borough Board at least 30 days before the
22 application is certified for public review and to
23 post that summary on its website. Provide
24 Community Boards with additional time to review
25 ULURP applications certified for public review by

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2 the Department of City Planning between June 1st
3 and July 15th from the current 60-day review
4 period to 90 days for applications certified in
5 June and to 75 days for applications certified
6 between July 1st and July 15th. Those are the
7 proposals. I would like to entertain a motion to
8 approve the ballot questions, abstracts and
9 proposed Charter amendments that we have before
10 us. Second any discussion? Sal?

11 COMMISSIONER SAL ALBANESE: Yeah uhm I,
12 I'd like to have, I have an amendment to the
13 Ethics and Governance Proposal regarding the two-
14 year ban on elected officials from lobbying,
15 before I get to that I would just like to get
16 some legal clarification about the CCRB
17 investigating potentially false official
18 statements. The two questions that I have are 1)
19 What happens if there is legal, if there is
20 credible evidence that a police officer didn't
21 intentionally make a false statement? And the
22 second one is what happens if a police officer
23 makes a false statement regarding an, an issue
24 that has nothing to do with the investigation?
25 One of those, what are those?

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

If the, the, the, ...

COMMISSIONER SAL ALBANESE: Can I have
the legal counsel please clarify that?

COUNSEL: Your first question relates to
inadvertent false statements? Is that, is that
correct?

COMMISSIONER SAL ALBANESE: Yeah, there
is credible evidence that a police officer uhm
who made a false statement did not do it
intentionally. It was an inadvertent false
statement. What, how, if there is credible
evidence how is that addressed?

COUNSEL: The proposed language relates
only to material official statements. So, if a
statement was not material it would not be
covered by the proposal.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
It has to relate to that open complaint.

COUNSEL: Yes, and then the second
question that you had was? Does that, does that
answer your questions? Your first question?

COMMISSIONER SAL ALBANESE: Sort of.
Well, let's go to the second one.

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COUNSEL: Okay so the second question was how does the proposal handle an alleged false statement that is made, that doesn't relate to the complaint?

COMMISSIONER SAL ALBANESE: Correct.

COUNSEL: The proposal I am quoting says it covers only uhm statements that are "made during the course of and in relation to the Board's resolution of the applicable complaint."

COMMISSIONER SAL ALBANESE: So, if it is not related, obviously it's not, it's not something that is considered a problem for the officer, is that related to the, it is not related to the complaint?

COUNSEL: The additional jurisdiction being granted to CCRB by this proposal.

COMMISSIONER SAL ALBANESE: It has to be related to the investigation for.

COUNSEL: For.

COMMISSIONER SAL ALBANESE: Okay.

COUNSEL: It has to be related to the Board's resolution of the complaint.

COMMISSIONER SAL ALBANESE: Okay, great, so, in terms of, in terms of credible evidence of

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not, of making a false statement. There is credible evidence that wasn't intentional that would obviously not be material? Correct? So, it wouldn't be an issue.

COMMISSIONER LINDSAY GREENE: Well, can I, I actually was understanding it whether or not it is material is probably a different threshold but the point is the materiality is the trigger to investigate the false stat... the potential false statement, but they still investigate the false statement and presumably if they determine that there was credible evidence that it was a mistake or inadvertent or if it, it would impact how CCRB might decide to recommend or not recommend discipline. Right? Isn't, isn't that how it would work?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
Yes.

COMMISSIONER SAL ALBANESE: Okay that's it's important to clarify that and I appreciate it. Uhm let's, let's go on to my uhm.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
Wait one second. Lindsay did you have something else?

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2 COMMISSIONER LINDSAY GREENE: No, I just.

3 COMMISSIONER SAL ALBANESE: Lindsay,

4 Lindsay helped to clarify, thank you Lindsay.

5 Uhm, on the post, the post employment appearance

6 ban. Uhm which I think is a modest improvement

7 in terms of what I call the revolving door. I

8 have a problem with it being effective January

9 1st, 2022. Most of the proposals that will, will

10 go before the public have, have an effective date

11 if they are adopted of January 1, 2020. Why is

12 this proposal different? And one of the, one of

13 the issues that was raised which I find is really

14 ironic is that the elected officials that are in

15 office today got elected under the old rules.

16 Well that's the essence of the problem, what we

17 are trying to do is prevent, prevent the

18 revolving door where elected officials leave

19 government and immediately trade on their

20 government experience and become lobbyist and if

21 these folks are thinking about the rules that an

22 indictment of their public service. The fact is

23 that uhm today, just today the Times Union wrote

24 an editorial calling for a lobbying ban of a

25 lifetime for elected officials and for high

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officials and you know presidential candidates are also making some of these pronouncements. We have had people across the aisle condemning the revolving door which really affects public policy and I am proposing here a very modest ban, my, my ideal is a lifetime ban. I proposed a 5-year ban, I settled for a 2-year ban, that is going to be on the ballot. But I, I really have a problem with this January 2022 date. We uhm, we saw the Charter Revision Commission the past Revision Commission pass a Campaign Finance Law an addendum to the financing of campaigns for mainly political insiders and then the City Council added to that, they added more money, more public funding and it took effect immediately. It is interesting. Why didn't it take effect in 2022? Why, because it benefited the people that are in office today. I, I, I, just don't understand why this exemption exists on this proposal and I think, I actually think that political insiders got their way here and I'm, I saw let's amend it and let's, let it take effect January 2022 with the rest of the proposals that we, that we are entertaining so I'm making a motion to make the

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2 2-year ban effective on January 2022 if the
3 public adopts it?

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Second?

6 UNKNOWN: I'll second the motion for the
7 same reasons Council Member Albanese cited.

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

9 Uhm I would say first that there are a variety of
10 different dates. Uhm only a few are January
11 2020, there is January 2021, there is 2022, there
12 is March 2020, there is July 6, 2020. Uhm but so
13 I would say there are a variety of dates about
14 when these would become effective based on the
15 circumstances of each item. I would also say
16 that as a former government employee who was held
17 to this standard that we are near the end of a
18 large turnover in government including the Mayor,
19 the Controller, 30 odd Council Members and that
20 to do this at this point in time I think could
21 potentially. This is the Gail Benjamin opinion,
22 could potentially lead to disorder in government.
23 That it would be very hard if people decided to
24 leave before then to find replacements for high
25 level government officials. In 2022, all of, all

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of those elected officials will be leaving,
government will be turning over in the natural
course of events and I think that is the
appropriate time to institute such a change. Any
further discussion? Call the question?

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COMMISSIONER SAL ALBANESE: Madam Chair I
mean, I just don't, I mean I understand your
perspective here but I totally disagree with it.
I mean this is a good government measure and you
are saying; you are framing it as it's a bad
government measure. That.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
I haven't framed it that way, that's how you've
heard it but the question is being called I
believe?

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COMMISSIONER SAL ALBANESE: Alright call
the question?

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COUNSEL: Commissioner Albanese?

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COMMISSIONER SAL ALBANESE: Yes.

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COUNSEL: Commissioner Camilo?

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COMMISSIONER LISETTE CAMILO: Abstain.

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COUNSEL: Commissioner Caras?

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COMMISSIONER JAMES CARAS: Abstain.

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COUNSEL: Commissioner Fiala?

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COMMISSIONER STEPHEN FIALA: Aye.

COUNSEL: Commissioner Gavin?

COMMISSIONER PAULA GAVIN: No.

COUNSEL: Commissioner Greene?

COMMISSIONER LINDSAY GREENE: No.

COUNSEL: Commissioner Miller?

COMMISSIONER REV. CLINTON MILLER:

Abstain.

COUNSEL: Commissioner Nori?

COMMISSIONER SATEESH NORI: No.

COUNSEL: Commissioner Tisch.

COMMISSIONER DR. MERRYL TISCH: No.

COUNSEL: Commissioner Vacca?

COMMISSIONER JAMES VACCA: No.

COUNSEL: Commissioner Weisbrod?

COMMISSIONER CARL WEISBROD: No.

COUNSEL: Chair Benjamin?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

No.

COUNSEL: Two in the affirmative, seven
in the negative, three abstentions, the motion
fails.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Are there any? Is there any further discussion?

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COMMISSIONER STEPHEN FIALA: Point of clarification, further discussion on the questions overall or on this matter?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
No on the questions overall?

COMMISSIONER STEPHEN FIALA: Yeah, I would like address one issue, Madam Chair?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
Council Member Fiala.

COMMISSIONER STEPHEN FIALA: If I could ask you all to, I think it is page 140, it relates to amending the Charter, Chapter 58 by adding a new section. This deals specifically with the Rainy-Day Fund. As you all know, I have written you, spoken to you individually and spoken throughout these hearings the last year on, this was my number one priority. I've been fighting for 20 years for this. I really want to applaud you Madam Chair and the members for being the first Commission to actually take it under consideration and have it put in the staff report and then to have language included in this final report. However, I think it is important upon reading the very simply language that was crafted

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2 to understand the following. Uhm what we are
3 doing is issuing a statement of position. The
4 people in November will vote yea or nay on this
5 ballot question, this bucket of ballot questions
6 with respect to the Rainy-Day Fund. They are
7 either affirming they want to don't want a Rainy-
8 Day Fund. The language as constructed says the
9 City may maintain, this is page 140. Uhm
10 proposed section 1528, Revenue Stabilization
11 Fund. The City may maintain a Revenue
12 Stabilization Fund as a year to year reserve
13 account, subject to the New York State Financial
14 Emergency Act for the City of New York as amended
15 from time to time or any successor statute. Each
16 fund should be created and operated in accordance
17 with any applicable State Law. Innocuous enough.
18 Uhm I've, I've approached legislating in life
19 under the mantra of The Good Shouldn't Be the
20 Enemy of the Perfect. Uhm I've also said to you
21 all, I'm used to being on the losing side. I've
22 been voted down more time in this Chamber, not by
23 this Charter Commissioner but my past life in
24 this Chamber than anybody else here, I'm used to
25 it. But uhm I want to make you aware of

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2 something, this language isn't good. It's not
3 perfect but it's not good enough. I am not
4 looking for perfect because we are not divine.
5 We should pursue good and we should make sure
6 that good is as good as it can be. Toward that
7 end, and because this question is largely framing
8 a plebiscite on the concept of a Rainy-Day Fund
9 which will set up discussions between New York
10 City Government and Albany Policy Makers I think
11 it is important that his body be clear on its
12 intent. I tried as you know to put parameters
13 in, parameters with respect to deposits and
14 withdrawals and the circumstances under which
15 those would be made, through individual
16 discussions I understand that that was a non-
17 starter for you. I wanted to do something about
18 the Health Stabilization Reserve Fund,
19 individually I was told that would be a non-
20 starter. I understand how Legislatures work.
21 Compromise is important but clarity and precision
22 of language in the Bills itself are paramount.
23 So, what I would like to propose is not the
24 parameters but rather a very clear statement on
25 what our intent is. So, if you look at that

1 sentence, the City may maintain a Revenue
2 Stabilization Fund to serve as year to year
3 reserve account. Well that doesn't really provide
4 for intent. Our intent is to do what? To make
5 sure that in an economic downturn or a severe
6 emergency there are assets in place that fund can
7 be dipped in to, monies taken out and help to
8 stabilize the City during those downturns. It is
9 not meant to be a piggy bank for profligate
10 spending during good times. So, I do urge us to
11 provide for the following language change. Says
12 the City may maintain a Revenue Stabilization
13 Fund. I think may should be shall. There is a
14 big distinction between may and shall legally and
15 we know that. But I would like to strike year to
16 year reserve and I would like the sentence. I
17 would like you all to consider this very precise
18 language. The City shall maintain a Revenue
19 Stabilization Fund, we've all agreed to that, to
20 serve as a Reserves Fund Account only to be used
21 during economic downturns or severe emergency.
22 That doesn't provide for parameters that I wanted
23 in it but it does make a clear statement of what
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our intentions were. And in the future, when future Mayors and speakers are.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Could you repeat that again. So, I can write that down?

COMMISSIONER STEPHEN FIALA: Sure. The City shall maintain.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

I have that part.

COMMISSIONER STEPHEN FIALA: A Revenue

Stabilization Fund to serve as a Reserve Funds Account. This is the important language, only to be used during economic downturns or severe emergency. Future policymakers should know what our intent is and the voters should be absolutely certain that we were looking ot create a Rainy-Day Fund now a Slush Fund that could be through create uhm financiers and lawyers dipped into. So, I put that language forward and I would ask for someone to please second it.

COMMISSIONER JAMES VACCA: I second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Okay. Any discussion?

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COMMISSIONER PAULA GAVIN: I just wanted to observe that in the write up it does refer very much to what you said. You were looking at the big document. The explanation in the ballot question is much closer to what you had said.

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COMMISSIONER STEPHEN FIALA: I understand Commissioner.

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COMMISSIONER PAULA GAVIN: Okay.

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COMMISSIONER STEPHEN FIALA: The problem is that won't be the language in the Charter. That Charter language should state intent. I would ask also that my memo to you all be included in our final, not the report but in the final materials because I spelled out in great detail this subject matter but I think that, I agree with you Commissioner, I just want to make sure though that the language, that's the only thing that will survive quite frankly.

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COMMISSIONER PAULA GAVIN: I understand.

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COMMISSIONER STEPHEN FIALA: Speaks to intent.

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COMMISSIONER PAULA GAVIN: So, it's the charter language.

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2 COMMISSIONER STEPHEN FIALA: The charter
3 language. The actual language that is being
4 voted upon.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
6 Commissioner Vacca?

7 COMMISSIONER JAMES VACCA: I seconded the
8 motion because of first of all I do think that
9 most of us would assume that a Rainy-Day Fund
10 would be used during economic downturn but I
11 don't want to leave that as an assumption and I
12 think that Council, uhm Commissioner Fiala, his
13 wording gets to that. Also, there is a very big
14 difference between shall and may. Uhm, the last
15 Charter Revision Commission stated that Community
16 Boards may hire a City Planner and of course then
17 the City gave them no money to hire a City
18 Planner so they never hired City Planners. There
19 is a big difference and I think that we discussed
20 this and we did all agree that wanted a Rainy-Day
21 Fund and with State Legislation which I
22 understand is required but I think that the
23 intent of the Commission was to go forth with a
24 Rainy-Day Fund.
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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you Council Member Vacca is there? Excuse me. Council Member, not Council Member uhm Commissioner Member Caras?

COMMISSIONER JAMES CARAS: I actually agree with Commissioner Fiala on the general intent or at least my general intent. I had said at that last meeting that I didn't think there should be parameters for putting money in but I also didn't think it should be just an account to take money out of but I have real concerns about us putting language in now uhm again the same reason I abstained on Commissioner Albanese's because we haven't discussed the possible unintended consequences and I fear that just to come up with an example that I can think of, the Federal Administration takes a huge chunk of aid out of New York City, is that an emergency? Is that a disaster? You know there could be situations that may not be complicated and we are going to be stuck with sort of unvetted language and I am very reluctant to do that at this point.

COMMISSIONER LINDSAY GREENE: I also want to...

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Council Member Greene?

COMMISSIONER LINDSAY GREENE: I also wanted to ask a clarifying question. I mean the, the Charter Member language specifically refers to the existing State Act and says that it has to be amended. Are the, are the, I don't know that State Act as well as you do. Obviously, I don't know if any of us do but aren't there provisions of that would have to enshrine in State Law or require subsequent local legislation of rule making or something that would get at those details that you are talking about?

COMMISSIONER STEPHEN FIALA: Thank you for that question Commissioner. And I think it is important for all of the Commissioners. We should understand what we are doing here. This is simply a plebiscite that will provide the Mayor and the City Council with ammunition to go up to Albany and this would require a change. What that ultimate language will be in the State Law I have no idea but what I'm trying to get at is that the plebiscite of the people expresses very clearly that we want a Rainy-Day Fund so we

1
2 don't have massive tax cuts during downturns and
3 massive service cuts during downturns. It is
4 about preserving those services. So, the
5 language, there is a heightened necessity to have
6 the language be precise because it provides the
7 moral fodder that I think the local leaders going
8 to Albany should have. It should be wind at
9 their back but from a legal standpoint and I
10 thank and those that have spoken, Commissioner
11 Vacca thank you for your point because I think
12 you realize that the legislative bodies five
13 years from now you know someone will say well we
14 don't know what you all meant. In a reserve
15 fund, it is a reserve fund. We have those now,
16 the whole purpose that we were trying to achieve
17 with a Rainy-Day Fund was to deal with economic
18 downturns. Specifically, that was the only
19 reason for this. It's, and I'll tell you just
20 like my Borough Empowerment, this is innocuous
21 folks, this is innocuous it is a statement of
22 values. That is all it is. It doesn't guarantee
23 an outcome.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

25 Are there any other, I would like to call a

1
2 question and I would just add that I think I
3 understand what you are saying and I think we
4 have expressed that intent in the report itself
5 as Paula pointed out. I am I agree with Jim but
6 I'm not sure about the unintended language
7 consequences so I am going to vote in the
8 negative. But I would also say that I would ask
9 staff to take a look at whether there is some way
10 that we can take a look and do something more
11 between now and August 5th.

12 COMMISSIONER STEPHEN FIALA: Thank you.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 Carl?

15 COMMISSIONER CARL WEISBROD: Uhm yes I
16 would like to associate myself with comments like
17 Commissioner Caras and also by the Chair as
18 Commissioner Fiala well knows I was an earlier
19 early and enthusiastic supporter of the Rainy-Day
20 Fund and believe it is very important and I am
21 delighted that we have agreed to include a
22 proposal to have a Rainy-Day Fund among out
23 proposals. I am extremely uncomfortable about
24 amending the language before us on this, at this
25 time, uhm when we have 12 Commissioners each

1 weighing in on language that we have not seen
2 before today, before or heard of before half an
3 hour ago, 20 minutes ago and have not had an
4 opportunity to reflect on so I am also going to
5 vote no but I appreciate what the Chair is saying
6 which is if this can be clarified before this
7 goes to the voters and tightened up in a way that
8 makes clear what is the intend of this, of this
9 Commission and I agree with Commissioner Fiala
10 that it has been the intent to create a Rainy-Day
11 Fund and I also recognize that irrespective of
12 what we do here, this is still subject to State
13 Legislation but I do the intent as Commissioner
14 Gavin indicated in our report is clear. I think,
15 what the Commission itself wants to do is clear
16 and if the language can be tightened
17 appropriately after being vetted by Counsel, I
18 think that would be a good idea, but I am not,
19 certainly not prepared to do it at this time.

20
21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 Commissioner Caras?

23 COMMISSIONER JAMES CARAS: I just want
24 to; I just had a conversation with the staff. I
25 had a question about why we subjected it to State

1
2 Law and I was just talking with our Executive
3 Director and the reason we subjected it to State
4 Law is because State Law does have parameters for
5 taking money out. Uhm so, I don't, a) I don't
6 think we can put language in there. That you
7 know to say extreme emergency when State Law
8 actually lists several reasons, I don't think we
9 can do that and the truth is, that is there by
10 the reference to State, it has to be operated in
11 accordance with State Law, so I actually think
12 substantively, what you, what you are asking for
13 is in there and since the abstract reflects that
14 I sort of think we are 95% there but.

15 COMMISSIONER STEPHEN FIALA: Jim I love
16 you. State Funds are uhm its funny how everyone
17 in this Chamber likes to say if the State would
18 follow the City the State would be better off.
19 Now we are saying let's follow the State. I just
20 don't, I don't agree with the Staff's assessment
21 on that nor do we know ultimately what it would
22 look like. But I understand where we are at and
23 I appreciate everybody's comments, so.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
25 Call the question?

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COMMISSIONER PAULA GAVIN: Motion.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Is there a second?

COMMISSIONER LINDSAY GREENE: Second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

That was an amendment was it not?

COMMISSIONER STEPHEN FIALA: Yes.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

That you offered.

COMMISSIONER STEPHEN FIALA: Yes, yes

madam Chair.

COUNSEL: On Commissioner Fiala's

amendment. Commissioner Albanese?

COMMISSIONER SAL ALBANESE: Yes.

COUNSEL: Commissioner Camilo?

COMMISSIONER LISETTE CAMILO: No.

COUNSEL: Commissioner Caras?

COMMISSIONER JAMES CARAS: No.

COUNSEL: Commissioner Fiala?

COMMISSIONER STEPHEN FIALA: Yes.

COUNSEL: Commissioner Gavin?

COMMISSIONER PAULA GAVIN: No.

COUNSEL: Commissioner Greene?

COMMISSIONER LINDSAY GREENE: No.

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COUNSEL: Commissioner Miller?

COMMISSIONER REV. CLINTON MILLER: No.

COUNSEL: Commissioner Nori?

COMMISSIONER SATEESH NORI: No.

COUNSEL: Commissioner Tisch?

COMMISSIONER DR. MERRYL TISCH: Uhm, yes.

COUNSEL: Commissioner Vacca?

COMMISSIONER JAMES VACCA: Yes.

COUNSEL: Commissioner Weisbrod?

COMMISSIONER CARL WEISBROD: No.

COUNSEL: Chair Benjamin?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

No.

COUNSEL: Four in the affirmative, eight
in the negative. The motion fails.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Where's my, okay. Is there any further discussion?

Then I ask the Counsel to please call the roll-on
Resolution 1.

COMMISSIONER PAULA GAVIN: Please restate
our Resolution 1.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

I recommend an aye vote for those of you who are
interested in what I recommend.

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2 COUNSEL: Before the Commission is the
3 set of five proposed questions, abstracts and
4 proposal language. All five questions collectively.
5 Commissioner Albanese?

6 COMMISSIONER SAL ALBANESE: Pass.

7 COUNSEL: Commissioner Camilo?

8 COMMISSIONER LISETTE CAMILO: Yes, on all
9 except I will abstain on the post-employment
10 appearance ban question number 3.

11 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

12 She is abstaining on the post-employment ban uhm
13 because she would be personally affected or could be.

14 COUNSEL: So, I am clear, you are voting
15 yes on all of question 3 except for the portion of
16 the question that relates to post-employment
17 restrictions? Is that correct?

18 COMMISSIONER LISETTE CAMILO: Yes.

19 COUNSEL: Commissioner Caras?

20 COMMISSIONER JAMES CARAS: I want to the
21 Chair and the Staff and the entire Commission. I
22 think this was not an easy process. I think it was a
23 great process in terms of how we all came to this
24 with really different ideas and really different
25 focus areas and we, and we, the Chair and all of us

1
2 had to work together and the staff had to pull us
3 together so I just want to, uhm thank them, uhm and I
4 vote yes.

5 COUNSEL: Commissioner Fiala?

6 COMMISSIONER STEPHEN FIALA: I vote aye
7 on all except the following proposals. Going by
8 proposal number? Is that right?

9 COUNSEL: That works. I will, I will
10 describe it after you have done it to make sure that
11 I have it right.

12 COMMISSIONER STEPHEN FIALA: No on
13 Proposal 4, no on the proposal?

14 COUNSEL: That's the structure of the
15 CCRB?

16 COMMISSIONER STEPHEN FIALA: That is
17 correct. No on proposal 7, false statements. No on
18 proposal 8, guaranteed budget. Aye on all the
19 others.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
21 I'm going to take one Commissioner out of order. I
22 know that she has a, something very important to do.
23 Uhm Commissioner Tisch. I would like to take you out
24 of order and allow you to be excused to vote on all
25 matters before us today.

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2 COMMISSIONER DR. MERRYL TISCH: I uhm, I
3 too, uhm would like to thank the Staff. I think you
4 have been wonderful, you've been professional, you've
5 been organized, you've taken a lot of incoming and
6 you've done just a superb job and you are all
7 talented young individuals with big careers ahead of
8 you. I would like to thanks Chair Benjamin and my
9 fellow Commissioners. You have been a pleasure to
10 work with and I would like to vote yes on the entire
11 bundle except for I would like to recuse myself on
12 question 2.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 Thank you and just so, we make this abundantly clear.
15 We are also taking you out of turn to vote on
16 question 2 and we would ask that you sign the report.

17 COUNSEL: Before we move on, Commissioner
18 Fiala, I want to make sure that I recorded everything
19 correctly. You voted yes on all with the exception
20 of, uhm question 2, relating to the CCRB, to the
21 portions that provide for a minimum CCRB budget,
22 affect the structure of the CCRB and provide for the
23 false statement's language? Is that correct?

24 COMMISSIONER STEPHEN FIALA: That would
25 be correct.

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COUNSEL: Thank you. Commissioner Gavin?

COMMISSIONER PAULA GAVIN: Sorry, this is important to be loud. I too want to commend the staff for their diligence, commitment and quite honestly incredible expertise and hard work and I would like to thank my fellow Commissioners for loving this City and being passionate about so many important issues and I vote absolutely yes.

COUNSEL: Commissioner Greene?

COMMISSIONER LINDSAY GREENE: I vote yes on everything and echo the gratitude and appreciation for everyone's hard work and commitment including those of you who have attended all of our meetings and hearings.

COUNSEL: Commissioner Miller?

COMMISSIONER REV. CLINTON MILLER: Yes.

COUNSEL: Commissioner Nori?

COMMISSIONER SATEESH NORI: Yes.

COUNSEL: Commissioner Vacca?

COMMISSIONER JAMES VACCA: I want to commend the staff for their diligence, professionalism and always being in contact with Commissioners who have questions, getting back to us and I know that their research meant so much to our

1 work. I do want to say that I think the main
2 accomplishment of our Commission will be rank choice
3 voting. I think this is a major election reform for
4 the City of New York and I think that the witnesses
5 that we have had certainly were persuasive in that
6 regard and it is a reform that I think will serve our
7 City well and maximize voter participation but we do
8 have an engagement component that we have to pursue
9 and we do have time to do that. But certainly, we
10 have to educate voters as to this system and I stand
11 ready to do so and I thank all of my colleagues who I
12 respect and who I like so much and I want to say that
13 this is an experience for me. It is an experience
14 serving on this commission and this experience that I
15 have had is going to be very hard to replicate again,
16 I'm sure. I will leave it at that. And we will be
17 hard because of government is always evolving and I
18 am sure that there will be a need for additional
19 Charter Revision Commissions going forth. So, I vote
20 aye on all except on number 7 or pertaining to false
21 official statements.

22
23 COUNSEL: Commissioner Weisbrod?

24 COMMISSIONER CARL WEISBROD: Uhm I would
25 really like to join with my colleagues in thanking

1 the staff for really doing an excellent and objective
2 job and a very complicated and uhm extremely
3 difficult situation. They really out, outperformed I
4 think all, every expectation. Really did an
5 excellent job and of course, I also especially
6 appreciate the role of the Chair who managed and
7 herded and blended us all together and the work and
8 thoughts and ideas of all of my fellow Commissioner.
9 I would just say that uhm I have uhm worked and lived
10 in this City my entire life and I think every member
11 of this Commission has a great love for this City and
12 recognizes that it is the greatest City in the world
13 and that it is so important for this City to be able
14 to function at a very high level and meet the needs
15 of our, really proudly pluralistic City, uhm
16 pluralistic in so many ways but not the least of
17 which is pluralistic and our views on how government
18 should function and so I think this Commission really
19 demonstrated that uhm everyone here has that same
20 Commitment. I also would really like to say a word
21 about the speaker who created this Commission because
22 it really is the first Commission uh that has been
23 created by other than the Mayor and did it by uhm
24 having appointees from the broad uhm spectrum of City
25

1
2 Government from all of the borough wide and citywide
3 elected officials and I think that in and of itself
4 is unique and the fact that we could all come
5 together with different views, different perspectives
6 and have, come up with recommendations that I do
7 think will advance the City is really a remarkable
8 accomplishment and I give Speaker Johnson who
9 probably went into this with some doubt about whether
10 that goal could be accomplished credit for taking
11 that chance and so I, very, very enthusiastically
12 vote yes on all of these.

13 COUNSEL: Commissioner Albanese?

14 COMMISSIONER SAL ALBANESE: I too want to
15 commend staff for their hard work and their
16 responsiveness whenever questions were raised. I
17 want to once again, good job staff, this was not an
18 easy task. I uhm I vote aye on all with the
19 exception of the false statement uhm proposal under
20 question 2.

21 COUNSEL: Chair Benjamin?

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
23 Aye on all.

24 COUNSEL: The motion carries by a vote of
25 12 in the affirmative, 0 in the negative and 0

1 abstentions with exceptions that I will read in just
2 a moment.

3
4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 And while they are tabulating before they announce
6 the vote, I uhm would also say you have before you an
7 addition of draft of the final report of the
8 Commission as well as the resolution that directs and
9 authorizes the Commission staff to take appropriate
10 actions to deliver all necessary materials to the
11 City Clerk in order for the approved ballot questions
12 to be placed before the voters at the General
13 Election on November 5th, 2019. I would like to note
14 that a vote in favor of the final report and
15 resolution means that the report and resolution
16 accurately reflect the will of the Commission as a
17 whole and that the previous vote on the ballot
18 proposals themselves of course remains a part of the
19 record of the Commission. Therefore, I ask and
20 encourage a yes vote from everyone on the, on this
21 motion. Uhm as soon as they tabulate and announce
22 the results, I will call the question on this matter
23 and then we will have a vote on that.

24 COUNSEL: The results are.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

And the tabulation results are.

COUNSEL: Question 1, question 4 and question 5 were adopted by a vote of 12 in the affirmative, 0 in the negative, and 0 abstentions. Question 2 relating to the CCRB was adopted by a vote of 10 in the affirmative, one in the negative, one abstention for the structure of CCRB component, the minimum CCRB Budget component. By a vote of 11 in the affirmative, 0 in the negative and one abstention for the variance memorandum and subpoena power components and by a vote of 8 in the affirmative, 3 in the negative and one abstention for the false statement component. On question 3, relating to ethics and governance, was adopted by a vote of 12 in the affirmative, 0 in the negative, 0 abstentions for all components with the exception of the post-employment ban component which was approved by a vote of 11 in the affirmative, 0 in the negative and 1 abstention. The net result is that all five questions have been have been approved by the Commission.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you everyone that was one for the record books.

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2 Uhm. Do I hear a motion as we discussed earlier, is
3 there a motion for the final report and resolution?

4 UNIDENTIFIED FEMALE: Motion.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
6 Second.

7 UNIDENTIFIED: Second.

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
9 Discussion? If not then I would ask the Counsel to
10 call the roll?

11 COUNSEL: Commissioner Albanese?

12 COMMISSIONER SAL ALBANESE: Yes.

13 COUNSEL: Commissioner Camilo?

14 COMMISSIONER LISETTE CAMILO: Yes.

15 COUNSEL: Commissioner Caras?

16 COMMISSIONER JAMES CARAS: Yes.

17 COUNSEL: Commissioner Fiala?

18 COMMISSIONER STEPHEN FIALA: Aye.

19 COUNSEL: Commissioner Gavin?

20 COMMISSIONER PAULA GAVIN: Yes.

21 COUNSEL: Commissioner Greene?

22 COMMISSIONER LINDSAY GREENE: Yes.

23 COUNSEL: Commissioner Miller?

24 COMMISSIONER REV. CLINTON MILLER: Yes.

25 COUNSEL: Commissioner Nori?

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COMMISSIONER SATEESH NORI: Yes.

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COUNSEL: Commissioner Vacca?

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COMMISSIONER JAMES VACCA: Yes.

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COUNSEL: Commissioner Weisbrod?

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COMMISSIONER CARL WEISBROD: Yes.

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COUNSEL: Chair Benjamin?

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

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Yes.

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COUNSEL: By a vote of 12 in the

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affirmative, 0 in the negative and 0 abstentions, the

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motion carries, resolution and final report are

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approved.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

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Before you leave Commissioners, uhm please see the

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Counsel because you need to sign the resolution that

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has been adopted and Jim Caras has also just asked

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for some time uhm and he would like to discuss a

19

matter.

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COMMISSIONER JAMES CARAS: I just, I had

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been pushing hard for a provision to require a review

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of the Budget structure with a view toward creating

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more units of appropriation. I know staff worked

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really hard on a proposal. We actually instructed

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staff at the last meeting to draft something, they

1 worked very hard on it. The more I worked on it, the
2 more I became convinced it was necessary. We
3 actually have agencies in the Budget that are
4 supposed to have programmatic units of appropriation.
5 They have two units of appropriation, one for staff
6 and one for everything else. I don't see how staff
7 and everything else is programmatic. Today the
8 Administration and the Counsel did agree that we
9 would work on a uhm a consensus methodology for
10 reviewing all of the units of appropriation in the
11 budget. It will be done outside of the Charter
12 process so I am disappointed that we couldn't put
13 something in the Charter process. I am heartened
14 that that work will continue. I also think you know
15 I think these proposals that we have adopted are
16 really going to make City government better, more
17 accountable, more responsive to people. I think
18 other things will come out of this uhm the units of
19 appropriation then being one sort of wonky thing. I,
20 I suspect some Legislation uhm some work on
21 comprehensive planning will also come out of this, so
22 I think the work that we did both what was put into
23 the final report as well as what you know other
24
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1 things that grow from that uhm will really improve
2 the City so that is it.

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4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you Jim. Uhm I would like to just, Lindsay and
6 then Paula.

7 COMMISSIONER LINDSAY GREENE: I wanted to

8 just emphasize that I know we've agreed to a post
9 action report uhm and you might have had that in your
10 final comments but I think that is important because
11 there are several issues, democracy vouchers, borough
12 president conversations, pension fund and strategic
13 planning, my favorite and so I just wanted to have on
14 record that we are going to have a post action
15 report.

16 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

17 That is correct.

18 COMMISSIONER PAULA GAVIN: And I just

19 wanted to confirm that I had heard the same thing. I
20 know that I was often speaking up on walking and
21 technical budget things but I know that there is a
22 commitment on both sides to keep working on the, on
23 unit of appropriation issues, so.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

25 Yes uhm, I had made that commitment before that we

1
2 would have a post action report. I am not sure of
3 the form it will take yet but everybody who is
4 interest in it we will be sending things out in the
5 future. And if you are interested in intrigued, we
6 can certainly have more discussions about how it will
7 be structured and what it will say. Sal?

8 COMMISSIONER SAL ALBANESE: Yeah, I just
9 want to update everyone as most of you know. I think
10 we whiffed on the democracy voucher proposal because
11 I think that's the most significant reform for the
12 City but I'm, I'm happy to hear that we had a good
13 number of people that supported it and there will be,
14 there will be more work done on it and I also want to
15 point out that one of the arguments that was raised
16 about democracy vouchers was the legality of it
17 because it was challenged in Washington, the Seattle
18 proposal and that decisions ending was unanimously
19 approved by the Supreme Court in Washington so the
20 legal challenge is no longer an issue, at least at
21 the State level.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
23 Thank you Sal. I would like to take a minute to
24 thank all of the Commissioners who have served, those
25 who are here today and those who could not make it

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2 today. I think I have been; I am very grateful and I
3 have been very lucky that the elected officials that
4 choose each one of you, chose you, I think that you
5 have all added immensely to the work that was done
6 and to the final result. I know that we have not
7 always agreed, sometimes violently, sometimes quietly
8 but I have a tremendous but I have a tremendous
9 amount of respect for each and every one of you and
10 for your contribution not just to the meeting today
11 or to the meetings that we have had but to the many,
12 many discussions, the reading, the meeting with
13 people, the meeting with me, the meeting with other
14 members of the Commission, the gauging of your
15 principals against the proposals that were in front
16 of us and I really appreciate it. It has been a long
17 but it will be a cherished experience. It is not
18 over, as you know, there will be an election in
19 November and this will be on the ballot uhm and there
20 is not a lot that is going to be on the ballot with
21 it. We are going to have to excuse the colloquialism
22 but gen up interest in getting people to come out as
23 many of you know there is a Corporation Counsel
24 Directive that staff cannot be involved in other than
25 educational efforts on behalf of the ballot and in

1
2 the last Charter Revision that is why you saw the
3 just flip the ballot. If there is any other
4 discussion about why this is desirable it would have
5 to come from us, the Commissioners or from surrogates
6 out there who were interested in these topics and
7 want to make sure that we have an educated electorate
8 who we are primed and interested and excited about
9 these possible changes because if that does not
10 happen all of this work is for nothing. So, if any
11 of you are willing to do any in that work, I know
12 that Joanne and Indiana will be calling you and
13 reaching out to you and reaching out to you. For all
14 of you who have not read it, Sateesh has already
15 started for us and he has an editorial that was in
16 the paper today. Sateesh do you want to?

17 COMMISSIONER SATEESH NORI: I think it is
18 now but if you want to check it out but if you want
19 it is in the Daily News.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
21 Uhm. Yes. As I said before you leave today please
22 see our Counsel and sign the resolution if you have
23 not done so, with that, the business of today's
24 meeting has been concluded. As special thanks for
25 each of you, we have brought you to your lovely

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little Charter Revision Commission 2019 tote bag for your personal use and you can tell the world that you were part of it. Uhm Indiana reminds me that you may, you may for the first time take your folders and your name tag, we will not be using them again. Now may I have a motion to adjourn?

SPEAKER: Motion.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
Second?

COMMISSIONER PAULA GAVIN: Second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
All in favor.

ALL: Aye.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
All opposed? The motion carries. This meeting is adjourned. (gavel pounding, applause).

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date July 28, 2019