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NEW YORK CITY CHARTER REVISION COMMISSION

PUBLIC HEARING

FISCAL STABILITY

Brooklyn Public Library
Brooklyn, New York

Wednesday,
March 23, 2005

6:30 p.m.

PANEL:

DR. ESTER R. FUCHS, Chair

DR. DALL FORSYTHE, Vice Chair

STEPHEN J. FIALA, Secretary

- 1 ALSO PRESENT:
- 2 ROBERT ABRAMS
- 3 AMALIA VICTORIA BETANZOS
- 4 STEPHANIE PALMER
- 5 CURTIS L. ARCHER
- 6 DR. LILLIAM BARRIOS-PAOLI
- 7 ANTHONY CROWELL
- 8 DAVID CHEN
- 9 DR. MARY McCORMICK
- 10 JENNIFER J. RAAB
- 11 STANLEY E. GRAYSON
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1 THE CHAIR: Good evening. It's my
2 pleasure to call this Charter Revision
3 Commission hearing to order.

4 Welcome everybody back. We are in
5 the borough of Brooklyn, if you haven't
6 figured that out yet. I will get you a map.

7 We are at the Brooklyn Borough
8 Public Library.

9 It's my pleasure actually to ask
10 Ginny Cooper, who is the education director
11 of the Brooklyn Public Library, to come up to
12 the podium and welcome us.

13 Thank you, Ginny, for allowing us
14 to have our Commission hearing at the
15 library.

16 MS. COOPER: I'm Ginny Cooper.
17 I'm the executive director at Brooklyn Public
18 Library.

19 I know you have important business
20 and I'll let you get to it.

21 The City of New York is served by
22 three outstanding libraries; New York Public
23 Library that serves Staten Island, Manhattan
24 and the Bronx, the Greensboro Public Library
25 and Brooklyn Public Library.

1 The public libraries actually were
2 founded and existed before the City was
3 amalgamated, so we have continued in that
4 fine way as three good close colleagues
5 funded by the Mayor and by the City of New
6 York and working together for the benefit of
7 the people in our city.

8 The Brooklyn Public Library is the
9 fifth largest library system in the United
10 States by virtue of a number of people that
11 we serve, and we serve them from 60 locations
12 in the borough of Brooklyn.

13 It is my pleasure to welcome you
14 here to the grand Army Plaza Library, this
15 beautiful modern building, one of the few
16 modern landmark buildings in the City of New
17 York.

18 I know your deliberations will be
19 well informed by the wisdom around you and by
20 the many who have used this wonderful
21 building, including some on your Commission,
22 as a matter of fact.

23 THE VICE CHAIR: Yes, indeed.

24 MS. COOPER: Thank you.

25 THE CHAIR: Thank you very much,

1 Ginny.

2 THE VICE CHAIR: Can I comment? I
3 was raised in Brooklyn, and I said to Ginny
4 that when I walked in first I was, it was a
5 wonderful set of memories to walk into this
6 building, but second it looks so good, they
7 keep it so well.

8 Don't they do a wonderful job of
9 taking care of this building?

10 MS. COOPER: I will pass it on to
11 those who do that.

12 MS. RAAB: I would like to, as the
13 Landmarks Commission, I worked with you on
14 many of the internal changes, you did a
15 magnificent job.

16 MS. COOPER: And more coming.

17 THE CHAIR: Well, not to mention
18 that we have with us Anthony Crowell on our
19 Commission, who is a member of the board of
20 the Brooklyn Public Library and who
21 recommended this base to us.

22 So you have him to thank for us
23 being here tonight. We really appreciate your
24 hospitality tonight.

25 I would just like to reiterate my

1 welcome again to everyone and introduce the
2 members of the Commission to you briefly for
3 those of you who were not here before when we
4 had our experts testify.

5 I am the chair of the Commission.
6 My name is Ester Fuchs. The other members of
7 the Commission, I won't read their bios over
8 again, but the vice-chair is Dall Forsythe,
9 Steven Fiala is our secretary, David Chen,
10 Curtis Archer, Amalia Betanzos, Anthony
11 Crowell, Stephanie Palmer and Jennifer Raab,
12 all members of our Commission, many of whom
13 have links to the borough of Brooklyn.

14 Let me briefly just -- before we
15 start our public testimony here, just go over
16 some business of the Commission.

17 We want to make sure that everybody
18 has the schedule of the public hearings that
19 are forthcoming. March 30th, we will be
20 meeting in the borough of Staten Island at
21 the Richmond County Juror Assembly Center,
22 courtesy of our member Steve Fiala.

23 April 4th, we will be having a
24 public hearing and a public forum at Hunter
25 College, courtesy of our member, Jennifer

1 Raab.

2 And the expert forums begin at 4
3 p.m. and the hearing at 6 p.m.

4 Please go to our web site
5 www.nyc.gov/charter or call us at
6 212-676-2060 for any information about the
7 proceedings of the Charter Commission.

8 We have issued our first report.
9 It's called, "Summary of Issues under
10 Consideration for Charter Revision." There
11 are copies in the back and you can download
12 it from our web site.

13 Now, just a few rules of the game
14 for a public hearing.

15 We have asked you to sign up, and
16 we hope that those of you who want to testify
17 have already signed up. If not, you can add
18 your name.

19 Brian is back there continuing to
20 accept names for testimony today.

21 We will pretty much testify in the
22 order that people have signed up.

23 We have a courtesy for elected
24 officials that we will be using, and we hope
25 that if the borough president arrives, we

1 will be offering him testimony when he
2 arrives.

3 We're going to try and proceed with
4 a two or three-minute rule, and you will hear
5 some sort of bell or something when we hit
6 that limit.

7 Obviously, we will try and make
8 sure everybody has enough time to testify and
9 we will stay -- Brian has the bell, good,
10 okay. That's good.

11 We will stay and listen to
12 everyone's testimony. We are here because we
13 value the public hearing process and we
14 believe that the Charter Commission should
15 provide the opportunity for all those in the
16 City of New York who want to engage in this
17 discourse around Charter revision.

18 I'd like to first call upon Alonzo
19 Jordan, if he's here.

20 Is he not?

21 Are you here?

22 MR. JORDAN: Yes.

23 THE CHAIR: Alonzo Jordan is here
24 for State Senator Malcolm Smith, and I'm
25 inviting him to testify first.

1 MR. JORDAN: Good evening to our
2 Madam Chair and to our distinguished
3 commissioners here.

4 A long way from home, I spoke with
5 you at the hearing you had in Queens in
6 regards to the administrative additional
7 reform.

8 I did a little research, and in
9 your Charter, in the section of the overview
10 of the Charter revision process, I've noticed
11 in the third paragraph there was an
12 interesting point that said in the State of
13 New York municipalities have brought
14 authority to how they operate by virtue of
15 the home rule, pages 7 and 8, provision of
16 the State conclusion, which represented
17 municipal's home rule.

18 The City's Charter says, along with
19 the State conclusion, the municipal home and
20 other state statutes provides a legal
21 framework of the City's affairs.

22 I was able to retrieve some
23 documentation from our archives, if you will,
24 concerning judicial reform, and the official
25 reform proposals, and this may or may not,

1 hopefully will add some kind of
2 infrastructure to some of the guidelines that
3 you're trying to set for the administrative
4 judicial reform and the inferences around the
5 state statute, this not being the able
6 statute, but more of advice.

7 Like I said, perhaps some kind of
8 guidelines, more to what I spoke on before,
9 we were looking at the grand jury from the
10 state level, reformation, and this is a copy
11 of some of the research and development that
12 we came up with concerning grand jury
13 reforms, so this may or may not be of some
14 usage to the Charter Review Commission.

15 So that is pretty much all I had.
16 I wanted to leave a copy of that for the
17 record and thank you very much for your time.

18 THE CHAIR: Thank you very much.

19 Do we have any questions? I think
20 we'll review your document.

21 Thank you very much.

22 MR. JORDAN: You're welcome.

23 THE CHAIR: I'd like to call on
24 Allan Bortnick.

25 MR. BORTNICK: Thank you and good

1 evening.

2 I'm going to take advantage of you
3 people and speak a little more than three
4 minutes. I have two pages and I'll try to
5 speak as quickly as they do on the West Wing.
6 We should be done in five and a half to six
7 minutes.

8 We have taken a minority of our
9 population and allow them to be the news
10 welfare state category, but our greatest
11 failure is that we continue to allow this
12 minority to live among us as the
13 beneficiaries of our hard-earned tax dollars.

14 We let them reap the benefits.
15 They continue to accrue overtime as a result
16 of our own failure to act when the
17 opportunity presents itself.

18 To add insult to injury, we allow
19 this highly visible of our minority of our
20 population to continue to grow with almost no
21 checks or balances to hold them accountable.
22 We just continue to keep pouring the money in
23 while we do almost nothing to keep them or
24 change their daily means of existence or
25 improve ours.

1 This evening with the onset of
2 public hearings to this Charter Commission,
3 we may be able to come one giant step closer
4 to healing another festering wound in our
5 society.

6 If this Commission does nothing
7 else, it should at least give the voting
8 citizens an opportunity to rectify what is
9 wrong and to ultimately force this minority
10 to become truly accountable to the very
11 people who support them in a self and
12 grandiose way.

13 MR. CROWELL: Sir, what are you
14 talking about? I'm confused. You're talking
15 about a minority, but I don't understand what
16 you're talking about.

17 MR. BORTNICK: All right. What
18 I'm talking about basically is the benefit
19 this Charter Commission can done, in addition
20 to that.

21 MR. CROWELL: To what or to whom?

22 MR. BORTNICK: To the City of New
23 York.

24 MR. CROWELL: In what area?

25 MR. BORTNICK: In the area of

1 things you will put on, in which case I will
2 answer it this way, if I may.

3 If you look around you, there are
4 35 people here at last count. Most, almost
5 half are members of the Commission, media or
6 staff.

7 It is actually shameful in my eyes
8 that a borough this size browses so few
9 people to come here because you have failed
10 miserably in publicizing this forum
11 sufficiently, or gone outdoor knocking, at
12 the media or wherever else is necessary to
13 bring people in who have comments and
14 criticisms and would like to see something
15 done about the City Charter.

16 THE CHAIR: We want to listen to
17 your testimony, and we'll address the issue
18 of our outreach operation when you're done,
19 but we have worked very hard to do our reach.

20 MR. CROWELL: So you're talking
21 about this minority, this minority of the
22 population?

23 MR. BORTNICK: This minority is
24 called politics, that was the next paragraph,
25 so I'll save you the trouble. I'm speaking

1 directly of the politicians in this city.

2 THE CHAIR: Okay. Continue.

3 MR. BORTNICK: All right. Shall I
4 continue with the preamble?

5 THE CHAIR: No. Why don't you just
6 get to your testimony. I think that would be
7 more helpful.

8 MR. BORTNICK: When I was growing
9 up, "double dip" meant going to the candy
10 store and getting two scoops of ice cream on
11 a sugar cone. The sugar cone cost an extra
12 penny as against the normal cone that was an
13 PB ordinary yellow wafer type rather than the
14 crisp dark brown crispy, extra sweet treat to
15 eat.

16 Today, we are faced with career
17 politicians who also double dip, but many do
18 it to get money in order to finance a race
19 for an office other than that which they
20 currently hold.

21 Here in New York, we face huge
22 budget deficits and having to provide well
23 over \$100 million every time there is an
24 election to any candidate who currently sits
25 in an elected office borders on criminality.

1 This must stop.

2 I can understand such financing for
3 officials not yet term limited and running
4 for the same office, but even then, with 93
5 percent incumbency in their favor during an
6 election, it's hard to comprehend why they
7 should be financed for their re-election.

8 If their record in office cannot
9 speak well enough for them, then perhaps
10 money should not be the factor for keeping
11 them in office.

12 The purpose of campaign financing
13 should be primarily to help insurgents based
14 on the simple concept that new blood brings
15 new ideas, and new visions to any seat in
16 government in light of today's issues, we
17 definitely need some new faces to provide us
18 with some new ideas.

19 This proposal should apply to any
20 office holder in municipal state or federal
21 government who is at present still sitting in
22 office, and for whom their term will not
23 expire prior to the primary election date.

24 It should include all persons,
25 whether they are term limited during this

1 election year or still have time left to
2 serve in the office to which they currently
3 are elected.

4 Whether it's real life or politics,
5 which is unfortunately unreal anyhow, it is
6 the equivalent of having your cake and eating
7 it, too.

8 Not even Star Trek could keep you
9 in two places at once. "Beam me up, Scotty"
10 meant going from one place to another.

11 Any person running for office must
12 either, one, resign immediately from the seat
13 they hold, or two, be prohibited from
14 obtaining campaign finance board funds.

15 It's very simple. If you was an
16 elected official and is a candidate for
17 office, do not have the confidence in your
18 victory or the support of the voters in your
19 constituency, then stay where you are and let
20 the voters determine whether your future
21 re-election bid for your current office
22 should succeed.

23 Running on a maybe, that should not
24 be what costs the city hundreds of millions
25 of wasted dollars just to satisfy the ego of

1 any candidate.

2 The problem with politicians is
3 they do not understand, nor are they willing
4 to admit that any other living individual can
5 serve in the office to which they were
6 elected.

7 Once in office, it becomes their
8 day job. We have in effect created the
9 equivalent of a welfare state for politicians
10 who not only control our destiny but also
11 create their own incomes and pay processes as
12 well as perks, benefits and other costs which
13 they could never earn in the private sector.

14 THE CHAIR: Okay. I think we
15 understand this particular proposal.

16 Are there any other issues that you
17 wanted to bring up?

18 MR. BORTNICK: Not tonight.

19 THE CHAIR: Okay. Do any members
20 of the Commission have questions for Mr.
21 Bortnick?

22 THE CHAIR: Well, it doesn't appear
23 that we have any questions for you. We will
24 take your proposal and we will look at it and
25 consider whether or not it's appropriate for

1 the Charter revision to address.

2 Thank you very much for your time
3 and for your consideration and for the
4 thoughtfulness of your testimony.

5 I'd like to call on Allison Sesso
6 from HSC to testify.

7 MS. SESSO: Good morning. I just
8 want to say, to begin with, as a citizen of
9 New York City that I think the campaign
10 finance system is incredible and
11 ground-breaking for the entire country and I
12 personally think it's very important, and
13 you're doing a great job.

14 But aside from my role at the Human
15 Services Council -- so for those of you who
16 are not familiar with the Human Services
17 Council, we are an umbrella organization for
18 all providers of human services in New York
19 City. We include a large federation, we
20 include sub sectors, specific umbrella
21 organizations, as well as like local CBOs and
22 larger providers, and we're essentially the
23 organized voice of the sector and work with
24 government advocates to strengthen the sector
25 and improve our ability to provide services

1 to the people of the City.

2 So given that the Financial
3 Emergency Act is going to expire, based on
4 the expert panel today examining, in 2008, we
5 see this as an opportunity to make some
6 changes that would improve the budgeting
7 process and specifically help the human
8 services sector.

9 So I've provided you with a sheet.
10 It's not, you know, my written testimony. I
11 don't really think that that's necessary. I
12 just want to go over what they are very
13 briefly, each one of them, and then follow-up
14 at any point or answer your questions when
15 I'm done.

16 The first bullet point here, and
17 they sort of are in order of importance to
18 us, really speaks to the issue of
19 transparency, which is the need for
20 programmatic format.

21 The current format of the budget is
22 a financial document which is very good for
23 people who do financial analysis.

24 However, for people who are
25 concerned about how much money the city is

1 spending on specific programs, the
2 programmatic format would be much more
3 helpful and useful and there are places that
4 do have this in place, and if you look, I
5 have a number of footnotes on the bottom that
6 would help you get more information on that.

7 Obviously, the financial plan
8 should also be laid out programmatically.

9 The second thing here just speaks
10 to the issues specifically, that is,
11 problematic providers, contract with the City
12 of the fact that they don't get increased
13 over time, and the fact that, you know, the
14 value of a dollar is deflated over time
15 impacting the amount of money that they have
16 for the programs, and so essentially, they,
17 the programs get eroded over time, if more
18 money is not put in.

19 So this basically says let's put in
20 an automatic adjustment for inflation for all
21 programs that are in the budget and let's,
22 you know, let the Mayor opt out if he wants
23 to, in case, you know, let it stay flat, but
24 just explain why, you know, there's a
25 financial crisis or whatever reason we need

1 money for this, and this, and we can adjust
2 for inflation.

3 Otherwise, it would automatically
4 have to be adjusted. So it's not taking
5 power away from the Mayor, but it's actually
6 allowing him to keep the control if he needs
7 to.

8 The third bullet talks about
9 ongoing programs. There's a budget dance
10 that goes on every year, and human services
11 specifically gets caught in the middle of it
12 annually.

13 There are ongoing programs that
14 meant to be ongoing and funded every year,
15 and what happens is agencies, you know, spend
16 a lot of time going to City Council,
17 advocating for the money to be put back in.

18 Ultimately it's put back in, but
19 they spend so much time and energy doing that
20 they can't plan strategically and it hurts
21 the ability to plan to deliver services, so I
22 would say that there should be automatically,
23 anything that's considered ongoing should
24 automatically have to be put in the budget in
25 the long-term plan, and if there's any reason

1 that the Mayor thinks that that shouldn't be
2 put in, he has to provide a public
3 explanation as to why that's not being put
4 in.

5 And then just on the other side of
6 the sheet, you'll see that there is a -- I'm
7 going for a requirement of the IBO to produce
8 what's called a current services budget.

9 This basically is done in
10 Connecticut. It's part of their budgeting
11 process.

12 What it does is it just
13 demonstrates how much it would cost the City
14 to maintain services at the level that they
15 are based on the current year's budget.

16 So again, it would help advocates
17 understand what money is needed, how much it
18 would cost to maintain services.

19 This one really would not be
20 necessary that much if the other three that I
21 previously mentioned happened, but it's just
22 sort of to give you another idea of what, you
23 know, could work also to give us some more
24 information and have more transparency.

25 The additional ideas that are

1 listed are not as important to us, but I
2 think are things to consider, and that is
3 having a two-year budget, a biannual budget.
4 It would save a lot of resources, not only of
5 the people who have special interests and
6 working, trying to get money into the budget,
7 but it would also save the city money in
8 terms of having to go through the process of
9 doing a budget every year.

10 Again, that is something that is a
11 number of places, and I footnoted that as
12 well, so it's just something that the City
13 might want to consider doing in the
14 long-term.

15 And then the last thing is a
16 substantial shift in power, I would say, from
17 the Mayor. I think it would help us make
18 sure that the revenue estimates are not
19 underestimated, and that they're more
20 accurate, and just ensure that they're the
21 most legitimate as possible so we really know
22 how much money we have to spend.

23 That would be to either have IBO
24 come up with the revenue estimates as other
25 places have, you know, an independent body

1 do, or have them sort of certify the Mayor's
2 revenue estimates, because right now all the
3 power is in the Mayor's hands to determine
4 how much money there is to spend, and
5 obviously there's some, he could obviously
6 lowball it basically.

7 So those are the basic ideas, and
8 I'd be happy to answer any questions.

9 THE CHAIR: Does anyone have any
10 questions?

11 MS. RAAB: When you talk about
12 programmatic categorization, that would be
13 sort of crossing of ACQ and child care --
14 there would be a statement sort of how much
15 is the City spending for the child care.

16 MS. SESSO: Right. And I know
17 there was some talk before about the
18 crosswalk, and it's sort of, that sort of
19 gets at it a little bit, but if the budget
20 itself was laid out programmatically, you
21 wouldn't need that crosswalk, and it would be
22 easier to understand specifically how much is
23 spent on each problem.

24 And if you look at IBO, just what
25 they put out today on e-mail, their sort of

1 analysis of the preliminary budget, they're
2 going that way towards a little bit, they're
3 trying to demonstrate how much, you know, is
4 spent on each program and they're sort of
5 trying to do that for us.

6 But if the budget itself did that,
7 it would be much easier for them and
8 everybody else, the public. So in terms of
9 transparency, knowing how much goes into each
10 program itself and from where would be
11 helpful.

12 THE CHAIR: Any other questions?
13 Commissioner Palmer?

14 MS. PALMER: Allison, could you
15 give a specific example of the dance that you
16 talk about that happens annually between the
17 City Council and the Mayor's office?

18 MS. SESSO: There's a lot.
19 There's about \$150 million every year that we
20 have to go and look back for.

21 YDDP, which is Youth Development
22 Diligency Program, I'm just thinking of the
23 youth-related ones.

24 There's always money in mental
25 health. I'm trying to think what else.

1 Those are some examples of money
2 that's always -- you know, it's not the
3 entire program that's cut out, but it's a
4 portion of it.

5 It always is put back in. It's
6 just that we have to go through this dance of
7 whether or not it's going to, and executive
8 directors that should be directing, you know,
9 their contracts and providing services have
10 to go to city hall and talk to people and
11 call us and say what's going on, how are we
12 getting this money back.

13 And it's just, you know, it's an
14 efficiency loss. It's basically an
15 efficiency loss.

16 THE CHAIR: Any other questions?

17 Thank you very much. That was very
18 informative, and we will continue to consider
19 your recommendations and consult with you how
20 we end up.

21 MS. SESSO: Okay, great. Thank
22 you.

23 THE CHAIR: It's my pleasure now to
24 welcome the borough president of Brooklyn,
25 Marty Markowitz, and ask him to come up and

1 provide testimony before the Commission.

2 MR. MARKOWITZ: Thank you very
3 much.

4 THE CHAIR: And to inform him so
5 far in our excursion around the City of
6 Brooklyn, in a variety of boroughs, Brooklyn
7 wins hands down on the food.

8 MR. MARKOWITZ: I very much thank
9 you for being here, and I know Robert Abrams
10 was here, and please extend my best wishes to
11 him. It was a pleasure to serve in
12 government with him when he served.

13 The Charter in effect is the City's
14 constitution. As such, it provides for the
15 framework for governing the City.

16 My remarks tonight are going to be
17 really focused on what I see as the
18 limitations of checks and balances in
19 government as it relates to borough
20 presidents in particular, but it could also
21 pertain to the public advocate as well, and,
22 to a degree, the comptroller.

23 As with all constitutions, from
24 time to time the Charter must be revised in
25 order to preserve and enhance its fundamental

1 intention.

2 I don't take revisiting this
3 Charter lightly, but we must not be afraid to
4 improve it, especially where it is silent on
5 the matter of how it affects the government
6 of our city in the best interest of our
7 residents, and that's why I propose two
8 revisions regarding budget allocations to the
9 borough presidents pursuant to the Charter.

10 Each borough elects a president to
11 fulfill specific mandates. We are
12 independently elected officials. We are not
13 a mayoral agency, nor are we the creature of
14 a city council. We're independently elected
15 officials who provide a wide array of
16 services to our residents.

17 Yet when it comes time to budget
18 allocations, our hands are tied because we
19 are dependent upon the Mayor for the money to
20 do our job.

21 As a result, the voters of each
22 borough can never be confident that their
23 borough presidents will be sufficiently
24 funded to effectively represent their
25 interests.

1 Borough presidents have a mandate
2 to work with the Mayor and City Council to
3 ensure that city residents are well served by
4 city government. In many ways, I believe the
5 borough presidents make government even more
6 friendly and relevant because our
7 constituencies are somewhat smaller in
8 governance, and it's true.

9 Specifically, each borough
10 president must maintain a topographical
11 bureau, maintain a budget office and a
12 planning and land use office for growth
13 improvement and development of our borough.

14 We provide environmental analysis
15 required by law, technical assistance to the
16 community boards, and monitor the performance
17 of city contracts for delivery of services
18 within our bureau.

19 We oversee a wide array of service
20 assistance programs and every four years
21 we're required to prepare a strategic policy
22 statement for the borough we represent.

23 In addition to these
24 Charter-mandated programs, borough presidents
25 recommend capital products, hold public

1 hearings, have legislation introduced to the
2 City Council, and consult with the Mayor and
3 others on the executive expense and executive
4 capital budgets.

5 The problem is that while the
6 Charter gives us the ability to consult with
7 the Mayor in the preparation of the executive
8 expense budget, it does not provide us with
9 any budgetary independence.

10 Instead, the Charter invests all
11 executive budget authority with the Mayor and
12 the City Council.

13 While it may make sense for the
14 Mayor to have such power over the city
15 agencies, of course it does, and
16 commissioners who serve at his or her
17 discretion, the same cannot be said for
18 borough presidents who are elected
19 independently by the voters.

20 The Charter makes it abundantly ly
21 clear that the voters look to us to act as
22 their representatives, and I hope I've
23 demonstrated it three years plus, advocates
24 on behalf of their borough.

25 This carries an expectation that

1 there is an equitable allocation of city
2 resources among the boroughs, and that these
3 resources will be used in an efficient and an
4 effective manner.

5 Now, I ask you, what if a council
6 were dependent upon the Mayor for its
7 funding? The council's role and our city
8 government would be fundamentally undermined,
9 and that is precisely the position that
10 borough presidents find ourselves in today.

11 Because with our criteria or
12 methods to determine the executive budget
13 allocation to the borough president, the
14 Mayor has complete control of the process
15 with virtually no transparency.

16 Given our unique roles as
17 borough-wide elected officials, borough
18 presidents should have a reasonable degree of
19 independence from the Mayor, and I want to
20 share with you, it's an absolute must for the
21 purpose and the function of governance and
22 the balance of governance.

23 It's absolutely important that
24 borough presidents have an independence from
25 the Mayor.

1 As long as we have to turn to any
2 mayor begging them for money for the very
3 purpose of our offices working, we are at his
4 beck and call, and that is not a healthy
5 thing in the environment in governance in New
6 York City.

7 Forcing us to be directly dependent
8 upon the Mayor for our funding clearly
9 undermines our ability to ensure that city
10 services and resources are allocated to meet
11 the particular needs of our residents.

12 Rather than create a complicated
13 formula and procedure for determining the
14 borough president's executive budget, I'm
15 going to give you an easy way to treat the
16 borough president and comptroller as elected
17 officials, independent of the mayor for our
18 operating budget rather than continue to
19 treat us as city agencies, which we are not.

20 I recommend that the Commission
21 embark on a review of the Charter to
22 determine the most effective way in which to
23 remove our status as mayoral agency and
24 provide us with sufficient budget autonomy to
25 be sure we fulfill our mandate under the

1 Charter.

2 Another area where the Charter does
3 not sufficiently reflect the borough
4 presidents as independently elected officials
5 is the capital budget, Sections 211 and 249.

6 Currently, Sections 211 and 249
7 mandate that 5 percent of the appropriations
8 proposed in the executive capital budget for
9 the ensuing fiscal year be allocated among
10 the five borough presidents on a formula.
11 That's fine.

12 The problem with that is that the
13 appropriations for school construction and
14 rapid transit are carved out.

15 The effective of this public
16 authority's exception is to arbitrarily limit
17 the capital budget allocations to the budget
18 president, because the exempted
19 appropriations are not included in the base
20 amount from which the 5 percent is
21 calculated.

22 Let me make that in English. That
23 means that we get whipped. That's what it
24 means. It means that allocations that should
25 go to Brooklyn are being denied to Brooklyn.

1 That's what it means.

2 The limitation is arbitrary because
3 it does not bear any relation to the capital
4 needs of our boroughs.

5 Unlike the formula for allocation
6 of the 5 percent, which requires an equal
7 weighting of the population, geographic area
8 of the boroughs, the school authorities and
9 rapid transit exemption, simply reduces the
10 executive capital budget subject to the 5
11 percent share with borough presidents.

12 Accordingly, I recommend that
13 Sections 211 and 249 be amended to eliminate
14 the exemption of appropriations for school
15 construction and rapid transit public
16 authorities so that the amount of such
17 appropriations are included in the base
18 amount used to determine the 5 percent
19 capital budget allocations for our borough.

20 And finally, the borough
21 president's final capital budget allocation
22 should reflect any increase in the final
23 budget adopted by the council each June of
24 each year.

25 They have an interesting thing. We

1 get whipped again, because the final capital
2 monies that the council eventually votes on
3 is significantly more than that which the
4 borough presidents share on the first
5 go-around, and it's not fair to anyone
6 elected as borough president and it's not
7 fair for the borough.

8 I call on the Charter Revision
9 Commission to include these changes among the
10 matters it brings before the voters next
11 November.

12 So on the capital, and especially
13 on the independence, I could tell you this, I
14 just want you to understand that if you want
15 to maintain independence totally, and I think
16 that's healthy, I don't care who is mayor or
17 who is borough president, if that borough
18 president is completely dependent upon that
19 mayor for the very funds that keep his or her
20 office able to do their job, you have
21 destroyed the independence of this office.

22 I really believe that borough
23 presidents have an important role in the
24 city, even with the changes in 1989, Charter
25 changes in the borough presidents.

1 We still make government work
2 better, and that's why I hope you'll take
3 this up and make it happen this year.

4 THE CHAIR: Thank you.

5 Do we have any questions?

6 Commissioner Forsythe?

7 THE VICE CHAIR: Just two
8 questions.

9 One just information, which I wish
10 I knew the answer, but I don't, how big is
11 the Brooklyn Borough President office's
12 budget?

13 MR. MARKOWITZ: Let me tell you,
14 when I got there it was 6.3 million. We're
15 down to about \$4.4 million. That's three
16 years and four months into my job. So we
17 went from a 92-person staff down to 65
18 people.

19 THE VICE CHAIR: And how big is the
20 5 percent share that you're talking about?

21 MR. MARKOWITZ: Last year I
22 believe in capital allocations was something
23 on the order of 20-some-odd million,
24 somewhere right in there. 20.

25 But I know, I could tell you that

1 in years right after the Board of Estimate
2 was terminated, the monies that borough
3 presidents got were certainly in the \$40-plus
4 million.

5 And by the way, we're talking about
6 a modest amount of money even at \$40 million
7 in a borough of 2.6 million people. There
8 are certain state senators in the states,
9 particularly on the majority side, that bring
10 that kind of money home for communities of
11 350 and 400,000 people.

12 So on balance, it really is very
13 modest, and it's how you look at government.

14 I believe borough presidents have a
15 role in governance in New York City, and all
16 I'm asking for is allow us to be able to
17 fulfill that mandate. That's all.

18 We're not looking for anything
19 beyond that which allows us to do our job
20 fully and completely, and independently.

21 And there's something healthy about
22 being independent. We're elected officials,
23 independently elected. I'm not a
24 commissioner. I don't serve at any mayor's
25 call. I serve at them. They're my bosses,

1 and that's why I'm saying you should maximize
2 the independence that our offices have.

3 That's all I'm saying. I don't
4 think I'm being unfair here. This is just so
5 perfectly reasonable.

6 THE CHAIR: Commissioner Betanzos?

7 MS. BETANZOS: I agree with you
8 that the borough president's role is a very
9 important one, but how would you suggest that
10 each borough president's budget be allocated?

11 MR. MARKOWITZ: Well, I mean, I
12 think that the capital monies, the formula
13 that they use, I think, is a fair one.
14 Geographic, land mass, population, percentage
15 of poverty.

16 I mean, I think that's a reasonable
17 approach, and I think there should be
18 baseline, I think we should establish
19 baselines for each borough and then each year
20 allocations should be pegged.

21 It might be pegged of the City
22 Council as getting an increase of allocations
23 of 5 percent. Perhaps borough presidents
24 should be 5 percent as well -- I mean, it
25 should be pegged somehow. I agree with you

1 on that.

2 But probably the legislative body
3 would probably be the fairest way to allocate
4 funds to us. If they go down 5 percent, we
5 have to share in going down as well. But
6 right now they can go down 1 percent and say,
7 you know, borough presidents, you're going
8 down 20 percent. And that's what I'm saying.

9 I just shared with you how much we
10 went down in three years and four months. I
11 know my predecessor. He, his budgets went
12 down, you know, certainly since the early
13 '90s, to what it is when I picked it up in
14 2002.

15 So I hope that, Madam Chairwoman, I
16 hope that you and your colleagues will take
17 this under advisement, and I really believe
18 it will make government work better in New
19 York City.

20 That's all I'm saying. We want to,
21 we -- just like I tell the Mayor all the
22 time, every day he gets up and he wants to do
23 the best job, I'm sure he does.

24 I'm no different. I want to do the
25 best. I worked all my life to be borough

1 president, and now that I'm here, I really
2 want to produce, and you can't produce, you
3 know, when you can't give your staff raises,
4 you can't hire specialists because there is
5 no money, and we're afraid to do anything
6 because they can come by next week and just
7 decide okay, you know what, you get a 20
8 percent decrease.

9 That's the power. And it's not
10 fair. It's totally unfair. That's it.

11 THE CHAIR: Any other questions for
12 the borough president?

13 MR. ARCHER: Maybe a statement.

14 Having served under Claire Schulman
15 and having witnessed how the relationship she
16 had with then Mayor Giuliani was a good one,
17 but we had to go to the Mayor to actually get
18 certain capital projects within the borough
19 done, and it was purely based on that
20 relationship, where a few years back when the
21 Board of Estimate was still in place, Claire
22 could actually clearly see what were the
23 priorities and needs in her borough and could
24 get it done right then and there.

25 And now, as you say, the staff and

1 the whole organization has been diminished to
2 the point where it's almost ineffective --

3 MR. MARKOWITZ: And one could argue
4 that any mayor would prefer it that way. But
5 I'm arguing the other way. We have an
6 obligation whoever becomes mayor or
7 president, we have an obligation to the
8 residents of New York City to give them the
9 best government we can, and borough president
10 is an important part of governance in New
11 York City, in my opinion.

12 The other thing is Claire did very
13 well, but she had to go to the mayor, and
14 let's just say certain arrangements or
15 whatever, all perfectly legal, but I am not,
16 I feel that I can, no way at all, you know, I
17 respect the Mayor, I respect him, no question
18 about it, but my office must be totally
19 independent, and it shouldn't be dependent
20 upon certain understandings.

21 It should not be. It should be
22 stated for the record, that's it. You know,
23 there could be special projects that if a
24 mayor loves, let's say, Staten Island borough
25 president more than me, there might be a

1 couple of extra projects that the mayor
2 announces and invites the Staten Island
3 borough president on. That's his
4 prerogative.

5 But in items of the budget, there
6 should be a fairness and an understanding
7 that it can't be tampered with. That's all.
8 It's perfectly reasonable.

9 THE CHAIR: Commissioner Raab?

10 MS. RAAB: And how has the City
11 Council been, have you tried, because you
12 have your own delegation.

13 MR. MARKOWITZ: Ms. Raab, let me
14 give you the answer, and it's going to sound
15 terrible. We become another not-for-profit
16 for money. I guess that's the best way to
17 put it.

18 In other words, rather than be part
19 of government, in effect I have to go to the
20 members of the council, you know, and say to
21 them, listen, and they say, you know, if we
22 give the borough presidents funding, how much
23 less do we get?

24 That's what it comes down to. It
25 comes down to that. We're a not-for-profit

1 going to government and asking will you
2 please fund us to do our job.

3 I got to tell you, I was a state
4 senator for 23 years in Albany.
5 Unfortunately, always in the minority, never
6 in the majority.

7 But I got to tell you, one thing
8 Republicans in the Senate and Assembly
9 Democrats agreed on, money for government.
10 There was never a battle between out of the
11 first things they fund are the office of
12 government, government operations. There was
13 never a battle. It was all understood.

14 Everyone understood that that was
15 held at the highest level, meaning there was
16 no acrimony about that, there wasn't
17 fighting, we're going to slice you,
18 everything was agreed upon. The governance
19 of the State of New York had to be funded,
20 period. Then everything else started
21 happening after that. The first part of the
22 budget is government.

23 THE VICE CHAIR: That's not the way
24 I remember it.

25 MR. MARKOWITZ: Government

1 operations, the funding of the Senate,
2 Assembly and the Governor's office. I was up
3 there 23 years, sir, so forgive me, but at
4 least the time I was up there --

5 MS. RAAB: And so the borough
6 presidents and the comptroller and the public
7 advocate all face the same, and the City
8 Council, because they're negotiating the
9 budget, doesn't have the same pressure on
10 them.

11 MR. MARKOWITZ: I would say the
12 public advocate and I and the borough
13 presidents probably share more of this.

14 I believe that the mayor and the
15 City Council need the position of comptroller
16 more than they need borough presidents, to be
17 honest with you.

18 Therefore, the positions that are
19 more vulnerable are borough presidents and
20 the public advocate because they're not
21 involved in the budget-making process,
22 meaning we don't vote.

23 The mayor does not have to
24 negotiate with me like in the old days with
25 the Board of Estimate to get a budget

1 approved.

2 So once you're out of the loop in
3 terms of deciding budgets, you then become
4 another not-for-profit, unless, and don't get
5 me wrong, I got from the not-for-profit
6 sector, but it shouldn't be that way, I'm an
7 agency of government and it shouldn't be that
8 way.

9 All I'm asking you to do is correct
10 this inequity. It is an inequity.

11 THE CHAIR: Any other questions?

12 Thank you very much, Borough
13 President, and thank you for your hospitality
14 in the borough and thank you for the Junior's
15 cheesecake.

16 MR. MARKOWITZ: The best, the
17 best.

18 THE CHAIR: And really for your
19 very intelligent and thoughtful remarks. We
20 appreciate it.

21 MR. MARKOWITZ: Thank you very
22 much.

23 THE CHAIR: I'd like to call upon
24 Stanley Love to testify before the
25 Commission.

1 MR. LOVE: This concerns PILOT
2 spending.

3 The City Charter should clearly
4 specify that such spending must be approved
5 by the City Council.

6 Right now it seems to be vague. I
7 was at a hearing yesterday regarding funding
8 for the West Side stadium and the Mayor
9 claims he doesn't need approval from the City
10 Council. Gifford Miller disagrees with him
11 on that score.

12 So that's basically what I wanted
13 to say.

14 THE CHAIR: Thank you. Thank you
15 very much.

16 Do we have any questions for
17 Mr. Love?

18 Thank you very much.

19 I'd like to call on Leonard Silver
20 to testify.

21 MR. SILVER: Hello. I thank you
22 this evening. I've been to many of these
23 hearings before. It was usually held at the
24 Fire Department at MetroTech.

25 There was a big turnout all

1 evening, or practically all evening, you
2 couldn't even get in through the door. The
3 place was too small, you needed a larger
4 place. This room is ridiculous. This is
5 almost like a committee meeting rather than a
6 regular meeting.

7 As the person said before, it was
8 not publicized. I've heard also at other
9 hearings that you've been this year and last
10 year the turnout has been light.

11 When a room, a giant room is jammed
12 with people come down to this, as I say, I've
13 been active in the community 36 years, I've
14 seen everything.

15 THE CHAIR: Do you have a proposal
16 for us?

17 MR. SILVER: Yes. One of the
18 subjects that was brought up two years ago,
19 which was an important subject, is a
20 vice-mayor instead of a public advocate.

21 Out of that, it seemed after the
22 Commission met at the end of the year,
23 nothing was said, everything was kept quiet.

24 When the Mayor is out of the city,
25 the City Charter, a top elected official,

1 becomes acting mayor. The city definitely
2 needs an acting mayor.

3 Public advocate does not, has
4 little power, should not be considered, and
5 also last year the deputy mayor has been
6 having power as acting mayor, not even the
7 public advocate, which should not even have,
8 which means everything is wrong.

9 So the Commission should let the
10 voters decide. Should there be a vice mayor
11 or public advocate, should there be active
12 mayor.

13 Now, the governor, president is
14 different -- the president is out of the
15 state, that's what we have a lieutenant
16 president for. The same thing the city
17 should have.

18 Now, the topic, even though the
19 Transit Authority is state and assertions on
20 the rate, the fair increase, evidently is
21 determined by the city, something should be
22 put in the City Charter or Transit.

23 Now, budgets and trains, every few
24 days there's a fire, the buses break down,
25 speaking to the drivers, the worst buses on

1 lines they want to eliminate, cut down
2 service to give a reason to eliminate -- it
3 takes -- you need buses to have ridership.

4 You're not going to have ridership
5 without buses.

6 So that's the way I look at it.
7 First you have to have the buses and then the
8 ridership. This is the past year.

9 And the fair increase, it was a
10 surplus. If there's surplus, the surplus,
11 you don't have a rate increase. If the
12 budget has to be adjusted, if the budget has
13 to be adjusted for transit, whatever the need
14 is, something should be put in the City
15 Charter.

16 Also involved with programs,
17 programs for the community.

18 THE CHAIR: You do have 30 seconds.

19 MR. SILVER: I'm going to try to
20 speed this up.

21 Inadequate money. Let's say a
22 small amount to start a new program, you have
23 to have staff for the program, there is money
24 for expenses, whatever the needs are, and of
25 course a staff.

1 So which means these programs are
2 getting funded from other sources, other
3 government agencies, mean maybe a million or
4 \$2 million.

5 So actually, what the City has been
6 given is actually pennies in comparison to
7 these programs, which isn't needed.

8 As I say, we did fund different
9 boards, programs that were needed.

10 The money, the way money was --

11 THE CHAIR: Could you wrap up?
12 Thank you.

13 MR. SILVER: Yes. This is
14 basically community programs, and as I say,
15 the City Charter, as far as vice mayor and of
16 course, Transit Authority. These are the
17 three main issues this Commission should
18 consider.

19 THE CHAIR: Thank you.

20 Do we have any comments or
21 questions for Mr. Silver?

22 Just a point of clarification.

23 The Transit Authority issue is not
24 really a Charter issue because it's really
25 regulated through state law.

1 We can look into your other two
2 issues, but that one is out of our legal
3 jurisdiction as much as we might like to
4 address that.

5 MR. SILVER: I was trying to bring
6 out if the City has the authority to raise
7 the fares --

8 THE CHAIR: We don't. That's what
9 I'm trying to say. We do not have the legal
10 authority to raise the fare. The MTA raises
11 the fare. It's a state constituted board.

12 MR. SILVER: It's five to four, I
13 know that.

14 THE CHAIR: Right, and it is not a
15 city agency. So we don't control that
16 legally. So the Charter, which is a city
17 document, legal document, can't address it.
18 So I'm just addressing that.

19 MR. SILVER: What about as far as
20 maintenance?

21 THE CHAIR: I'm just addressing
22 that in terms of the scope of the Commission.

23 We will certainly consider your
24 other proposals.

25 MR. CROWELL: I'd just like to

1 mention on your issue concerning the vice
2 mayor, that very issue was looked at in the
3 1999, 2000 and 2001 Commissions, and finally
4 determined in the 2002 Commission that they
5 would just alter the succession provisions
6 concerning the mayor and the public advocate.

7 So it was determined that Section
8 10 of the Charter that establishes during
9 times of temporary disability or absence from
10 the city that the first deputy mayor serves
11 as acting mayor.

12 And so that was actually an
13 addition by a very recent Charter Commission
14 that rejected the concept of a vice mayor.

15 MR. SILVER: Let me see if I
16 understand.

17 You said recently the City Charter,
18 as far as the deputy mayor rather than public
19 advocate, is that what you said?

20 MR. CROWELL: No. The public
21 advocate succeeds the mayor should the mayor
22 either have to leave office or die during
23 their term. So that's automatic succession
24 to the position of mayor for a short period
25 of time before a special election or a

1 general election can be held to fill the
2 vacancy of the mayor.

3 Then, when the mayor is out of town
4 or in some sort of temporary disability to
5 execute his public functions, the first
6 deputy mayor serves as mayor for a short
7 period of time.

8 MR. SILVER: So that was changed?

9 THE CHAIR: Yes.

10 MR. CROWELL: Well, it was reviewed
11 and determined that it would stay in place
12 and then the provisions concerning succession
13 of the mayoralty, that was changed.

14 THE CHAIR: Thank you.

15 Do we have any new business that
16 anybody would like to bring up?

17 Is there anybody else who wants to
18 testify who is not on my list?

19 THE PUBLIC: I want to apologize.
20 I didn't think that I would like to speak,
21 but listening to the issues I got a little
22 bit more of a sense of what you do here, so
23 I'd like to address two issues, if I may.

24 THE CHAIR: Sure. Come up to the
25 podium and introduce yourself, please.

1 MR. HERNANDEZ: Thank you very much
2 for this opportunity.

3 Ma'am Chairperson and members of
4 the Charter Commission, my name is Chaplain
5 Hernandez and I reside in Sunset Park here in
6 Brooklyn.

7 I have been involved in committees
8 of Community Board 7, and when I heard
9 Ms. Allison Sesso of the Human Services
10 Council speak about specific stable funding
11 for programs for community services, it
12 resounded in my heart.

13 I just found out recently that
14 there is a proposal that there will be a cut
15 in summer job funding and --

16 THE CHAIR: That's also state.

17 MR. HERNANDEZ: That's state, okay.

18 But anything that you can help us
19 with in terms of what she brought up, I'd
20 like to --

21 THE CHAIR: I just want to tell
22 you, the City and the Mayor who put out two
23 letters on this issue is opposing the state
24 cuts. So some of us have been involved in
25 that, and we are 100 percent opposing the

1 state cuts to the summer youth programs and
2 the rest of the programs in the social
3 service block to the cuts.

4 MR. HERNANDEZ: And we thank you
5 very much.

6 The other thing I was concerned
7 with is the program she had mentioned about
8 deterring the youth from becoming part of the
9 prison population.

10 If you don't have productive
11 agencies that are funded on, say, a block
12 basis, then you don't have continuity of
13 service, and then you also see young people
14 saying well, you started providing this, but
15 now it's being cut.

16 So, you know, are you really there
17 for me or is this just stop-gap, so that we
18 can stop the bleeding and really not take
19 care of it in the long-term?

20 The second issue, and I don't know
21 where it would be addressed in the Charter,
22 is I think it has to do with what the borough
23 president spoke about, which is building in
24 the borough of Brooklyn.

25 If he were to have a separate

1 budget that was substantial and something he
2 can count on, perhaps we may not have this
3 crisis of not having a high school in our
4 area.

5 That's been on the board for
6 several years. I think it's 13 or 14 years,
7 and I'm sorry, I'm not precise, but the thing
8 is that if he were to have something
9 consistently coming to him that did not, was
10 not determined by a mayoral decision, than
11 perhaps we would also have elderly housing.

12 We have such a critical shortage of
13 that, and when it comes to services to the
14 young and to the old, they get cut first.

15 So we thank you very much for your
16 consideration and thank you for giving me an
17 opportunity to speak.

18 THE CHAIR: Thank you very much.

19 Do we have any questions here?

20 Thank you. We appreciate your
21 testimony.

22 MR. HERNANDEZ: Thank you very
23 much.

24 THE CHAIR: Any new business from
25 the members of the Commission?

