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NEW YORK Charter Revision

COMMISSION

SUMMARY OF ISSUES UNDER

CONSIDERATION FOR

Charter Revision

PUBLIC HEARING

-----X

April 4, 2005

6:15 p.m.

Hunter College

695 Park Avenue

West Building

8th Floor

New York, New York

New York City Charter Revision

2 Lafayette Street

14th Floor

New York, New York 10007

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A P P E a R a N C E S:

- Dr. Ester R. Fuchs, Chair
- Dr. Dall Forsythe, Vice Chair
- Stephen J. Fiala, Secretary

- Robert Abrams
- Amalia Victoria Betanzos
- Stephanie Palmer
- Curtis L. Archer
- Dr. Lilliam Barrios-Paoli
- Anthony Crowell
- David Chen
- Dr. Mary McCormick
- Jennifer J. Raab
- Stanley E. Grayson

* * *

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S T I P U L a T I O N S

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3 IT IS HEREBY STIPULATED AND AGREED by
4 and between the attorneys for the
5 respective parties herein that the
6 sealing, filing and certification of the
7 within examination before trial be
8 waived; that all objections except as to
9 form are reserved to the time of trial.

10 IT IS FURTHER STIPULATED AND AGREED that
11 the transcript may be signed before any
12 Notary Public with the same force and
13 effect as if signed before a clerk or a
14 Judge of the court.

15 IT IS FURTHER STIPULATED AND AGREED that
16 the examination before trial may be
17 utilized for all purposes as provided by
18 the CPLR.

19 IT IS FURTHER STIPULATED AND AGREED that
20 all rights provided to all parties by the
21 CPLR cannot be deemed waived and the
22 appropriate sections of the CPLR shall be
23 controlling with respect hereto.

24

25

1 IT IS FURTHER STIPULATED AND AGREED by
2 and between the attorneys for the
3 respective parties hereto that a copy of
4 this examination shall be furnished,
5 without charge, to the attorneys
6 representing the witness testifying
7 herein.

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PUBLIC HEARING COMMENCED

CHAIR FUCHS: It is my
pleasure to call to session this
public hearing of the New York City
Charter Revision Commission.

First, I would like to thank
President Jennifer Raab of Hunter
College who so graciously lent us
this beautiful space for both our
expert forum this afternoon and for
our public hearing tonight.

My name is Ester Fuchs and I am
Chair of the New York City Charter
Revision.

And I would like to introduce
to you the members of the
Commission.

On my left is Vice Chair of the
Commission, Commissioner Dall
Forsythe. He is the chief of the
Episcopal Diocese of New York and
he is the former Budget Director
for New York State and New York
City Board of Education.

1 On my right is Robert Abrams
2 who is currently a partner at
3 Stroock & Stroock & Lavan. He was
4 of course formerly the New York
5 State Attorney General and he also
6 served as the Borough President of
7 the Bronx and was a member of the
8 New York State Assembly.

9 All the way at the end of the
10 table, we are going in alphabetical
11 order tonight; cause it is just too
12 complicated is executive Director
13 of the Rockaway Development and
14 Revitalization Corporation
15 Commissioner Curtis Archer.

16 He is, as I said, the Director
17 of the Rockaway Revitalization
18 Corporation and former Director of
19 Small Business Development for
20 Upper Manhattan Empowerment.

21 To my left, all the way at the
22 end is Doctor Lilliam Barrios-Paoli
23 who is currently Executive Director
24 of Safe Space. She was Senior Vice
25 President at a United Way and

1 serves as Commissioner of New York
2 City Human Resources Administration
3 of Department of Housing
4 Preservation and Development,
5 Department of Personnel and
6 Department of Employment.

7 Those were all Commissioner
8 positions in the government in the
9 City of New York. So, we will have
10 a lottery at the end of the
11 Commission to figure out who has
12 done the most public service on
13 this Commission.

14 Our next Commissioner Amalia
15 Betanzos, who is currently
16 President of Wildcat Service
17 Corporation, which is a non-profit
18 employment program and who is
19 formerly Commissioner of the
20 Department of Youth Services and
21 Executive Secretary to Mayor John
22 Lindsay and has been a member of at
23 least four previous Charter
24 Revision Commissions and we
25 particularly thank her for agreeing

1 to be on this Commission.

2 We are hoping this is her best
3 Commission that she served on.

4 Over to my right is David Chen
5 who is the Executive Director of
6 the Chinese-American Planning
7 Council and the founding Chairman
8 of the Board of Directors of the
9 Chung Pack Local Development
10 Corporation.

11 On my left is Anthony Crowell
12 who is currently Special Counsel to
13 Mayor Michael Bloomberg and former
14 Executive Director and General
15 Counsel to several previous Charter
16 Revision Commissions. He is an
17 adjunct Professor at Brooklyn Law
18 School. We have him here to make
19 sure we do everything correctly.
20 Not that we do not have an
21 extraordinary Executive Director
22 Terry Matthews.

23 Stanley Grayson is the
24 President and Chief Operating
25 officer of M.R. Beal & Company. He

1 was a former Managing Director and
2 Director of Prudential Securities
3 Public Finance Department.

4 Prior to his investment banking
5 career, Mr. Grayson held several
6 senior positions in New York City
7 including Deputy Mayor for Finance
8 and Economic Development, Finance
9 Commissioner and Chief Executive
10 Officer of the New York City
11 Industrial Development Agency.

12 All the way to my right Doctor
13 Mary McCormick who is President for
14 the Fund of the City of New York.
15 She was a former Special Assistant
16 to New York City's Deputy Mayor for
17 Labor Relations and Personnel and
18 professor at Columbia University.
19 I think that title does not begin
20 to reflect the work of the Fund for
21 the City of New York, which has
22 been very, very important I think
23 to the work of this current Charter
24 Revision Commission.

25 Next to Mary is Stephanie

1 Palmer who is currently the
2 Executive Director of the New York
3 City Mission society and former
4 Executive Director of the Human
5 Services Council of New York City.

6 And finally, last but not
7 least, the President of Hunter
8 College, Jennifer Raab, who
9 graciously agreed to serve on this
10 Charter Revision Commission knowing
11 full well that we would ask her to
12 use her space and eat her food and
13 basically not charge us.

14 She's done all of that but in
15 her other lives, one of the things
16 she has done is Chair the New York
17 City Landmarks Preservation
18 Commission and we are really
19 grateful for the public servants
20 and for all of the expertise within
21 this Commission, I think it is an
22 extraordinary body really prepared
23 to do the work we need done this
24 year on Charter Revision.

25 Just let me go over for you

1 some of the ground rules for a
2 public hearing.

3 First of all, this is a public
4 hearing and if you want any other
5 information about the Charter
6 Revision Commission and other dates
7 for public hearings or public
8 meetings, please check our website
9 WWW.nyc.gov/charter for any of our
10 recent announcements as well as for
11 the transcripts from all of our
12 hearings and meetings or all phone
13 calls forwarded to 212-676-2060.

14 In addition, in the back of the
15 room we have copies of our first
16 report entitled summary of issues
17 under consideration for Charter
18 Revision, which are also available
19 directly from our website where you
20 can download it or you can call for
21 a hard copy.

22 We are really trying to do
23 outreach and make this accessible
24 to anyone who wants to participate
25 in the process.

1 At a public hearing, we ask the
2 public to testify before the
3 Commissioner and is then the
4 Commissioners are free to ask
5 questions of the person presenting
6 public testimony.

7 We ask that your points relate
8 as much as possible to the New York
9 City Charter.

10 We know that there is sometimes
11 a broader sweep and of course we
12 have patients for all of this.
13 There is a sign up sheet in the
14 back; so, if you have not already
15 signed up, please sign up for
16 public testimony. You will be
17 testifying in the order in which
18 you signed up.

19 Except, we will provide some --
20 I suppose we will be jumping the
21 public officials who are elected to
22 public office to the head of the
23 list as a courtesy to them.

24 Also, each person will be asked
25 to speak for about three minutes

1 and submit written testimony, to
2 the extent that you do have written
3 testimony, please submit it to us
4 and please leave a copy for our
5 wonderful transcriber who is to my
6 right.

7 We will have someone keeping
8 time and a bell will go off after
9 thirty seconds and we ask you to
10 really finish your oral testimony
11 and stay at the mike so that we can
12 ask you questions.

13 In advance of your testimony, I
14 want to thank you on behalf of the
15 Commissioners for coming to the
16 hearing tonight and coming to our
17 expert forum.

18 We appreciate those of you who
19 are attending and engaging in what
20 we consider to be a very, very
21 important public process.

22 It's my pleasure this evening
23 to call on Councilman Eric Gioia of
24 the New York City Council to be our
25 first person to testify before the

1 Commission.

2 COUNCILMAN JOYA: Thank you,
3 Madam Chair and Vice Chair for the
4 opportunity to testify before this
5 esteemed panel. I particularly --
6 I would like to thank all of you
7 for your services tonight on this
8 Commission and also for all you
9 done for our City and State over
10 the years, particularly General
11 Abrams who gave me my start in
12 politics almost 15 years ago, an
13 internship in his office showing me
14 the inside of government and
15 politics and what it is like and
16 all the good you can do.

17 My name is Eric Gioia and I
18 represent in the New York City
19 Council, Woodside, Sunnyside,
20 Maspeth, Astoria, Long Island City
21 and Queens as Chairman of the City
22 sites. I have issued over 40 H
23 Reports in the past three years
24 examining dozens of City agencies.

25 Each investigations I have

1 conducted only affirms what we will
2 know to be true transparency and
3 accountability the cornerstones of
4 good government.

5 Just this afternoon, Mayor
6 Bloomberg signed into law a law I
7 wrote, Parknet, The Second Step of
8 Biting Principles Into Practice.

9 Parknet creates an on line
10 report card for the parks and
11 beaches so the public can log on or

12 Was last inspected and how it
13 rated. I say Parknet is the second
14 step; because Com Stat, which the
15 city began over a decade ago does
16 for the police department precisely
17 what I'm trying to do for the parks
18 department to continue that work, I
19 introduced a bill last week they
20 hope will soon become law in the
21 city called City Stat. Com Stat.
22 City Stat. Come Stat. each use
23 21st century technology and
24 management 101 to make our
25 government more accountable.

1 For instance, you can go on
2 line and find out how many cars
3 were stolen in Woodside, no cars
4 have been stolen this month; but I
5 have not checked Com Stat. this
6 day.

7 Parknet takes the focus on
8 parks and beaches, the next step as
9 I said is City Stat. New York.
10 That will take these principals or
11 Com Stat. and Parknet and apply
12 them to every single city agency,
13 City Stat. New York and will create
14 regularly updated report cards for
15 every agency. City Stat. those
16 where our city has succeeded and
17 where our city can be better.

18 Mayor Bloomberg often says that
19 New York City is like running a
20 fifty billion dollar corporation
21 with over 350 thousand employees.
22 The concept behind all these bills.
23 The shareholders, the citizens of
24 New York deserve better
25 information, they deserve this

1 information in as close to real
2 time as we possibly can provide the
3 Mayor's Management Report, which
4 was a tremendous leap forward.
5 Modern technology allows us to give
6 that information much quicker and
7 people expect the information as
8 they should. Because we've
9 actually become a much faster
10 society. Business schools across
11 the country and I imagine here at
12 this school teachers and professors
13 are teaching that if you can not
14 measure it, you cannot change it
15 and certainly you cannot improve
16 upon it. Each of our city agencies
17 have unique goal and is each -- in
18 other words, there is no cookie
19 cutter approach to City Stat. or
20 Com Stat. each agency will have
21 different metrics that determine
22 success or failure and should be
23 treated as such.

24 When we negotiated the bill,
25 Parknet, it was long discussion

1 with the Parks Department about
2 what would be fair to ask what they
3 already look how they determine
4 success or failure.

5 In other words how do they
6 manage the information that is
7 already coming in already and what
8 would be appropriate without
9 becoming overly burdensome to them;
10 because the goal behind this is one
11 let the public have the information
12 and two it should be a resource for
13 the management of the agency.

14 I apply the improvements and
15 reporting methods for the sake over
16 operational efficiency and for the
17 increased public accountability
18 that it will provide.

19 Must be made permanent coded in
20 our law making all city agencies
21 accountable to our citizens and
22 give the taxpayers confidence in
23 the way our city government works.

24 Once, again, thank you for the
25 opportunity to speak here.

1 Again, I'm encouraged to see
2 the similar goals and look
3 forward to seeing the final report.

4 Thank you very much.

5 CHAIR FUCHS: Are there any
6 questions for the city Councilman?

7 This is very helpful and I
8 hope we can call upon you as we
9 start working in this area to work
10 closely with you and your office on
11 City Stat. I think we are all
12 heading in a similar direction.

13 COUNCILMAN JOYA: Thank you
14 for saying that Madam Chair and I'm
15 really very encouraged to see that
16 also.

17 COMMISSIONER FORSYTHE: I do
18 have one question and the question
19 is really what is it that you think
20 a Charter Revision Commission ought
21 to do in this area and what do you
22 think ought to happen
23 legislatively? You said you
24 propose legislation in many
25 circumstances I think that is the

1 exact right things to do and its a
2 little hard for me to figure out
3 When a Charter Revision Commission
4 ought to step in to try to propose
5 changes to the city charter.

6 COUNCILMAN JOYA: Thank you
7 very much for that question.

8 I'd be happy to opine on that.

9 Generally, and specifically I
10 think a Charter Revision Commission
11 is very important and giving the
12 question to people is very
13 important sometimes.

14 I'm very cautious about it
15 though; cause I would never want to
16 see in this city a California
17 center of Democracy where many
18 things are put on ballots each year
19 and this sort of direct Democracy
20 is not a deliberate Democracy, it's
21 a deliberate democracy, which we
22 should inspire.

23 And I certainly prefer I think
24 in the larger since, I would look
25 at Charter Revision in two ways

1 one, when the political wheel is
2 not there to accomplish something
3 that is in the public need; and
4 two, when Constitutional or through
5 the City Charter it is impossible
6 to or illegal to do. I should say
7 and I don't think the first part is
8 there for this and I don't know the
9 answer to the second part although
10 I do think legally we can do it and
11 I think Parknet is the example of
12 that.

13 So, when I look at Parknet I
14 think as the example of one is the
15 political wheel there and the
16 ability to negotiate between the
17 legislate and executive branches
18 there.

19 And two, I don't see it as
20 illegal. I mean I wrote the law
21 and helped to pass it. So, I think
22 my preference is always to do
23 something in the legislative arena.
24 That being said, I'm encouraged you
25 are looking at this; cause I think

1 that when we think about what
2 accountability and financing means
3 to government it really is just
4 this. And the power of the Internet
5 allows us to do it and the
6 opportunity to do this in New York.
7 And we all know we have a problem
8 in New York and it is a pretty big
9 one; but when we solve problems in
10 New York we become a model Com
11 Stat. is a perfect example which is
12 replicated.

13 In New York once again we will
14 become a model nation wide.
15 Baltimore, which has done it
16 recently. In New York I think would
17 be extraordinary.

18 Thank you for the opportunity
19 to speak.

20 CHAIR FUCHS: Thank you very
21 much, Councilman.

22 I'd like to call upon Alonzo
23 Meyers to speak, please.

24 (Approaching.)

25 MR. MEYERS: Good

1 afternoon, my name is Alonzo Meyers
2 and I'm here in regards to trying
3 to get an understanding of exactly
4 what the Charter Commission can do
5 in regards to consolidating city
6 agencies.

7 If you can not do anything,
8 than I can go and sit down.

9 CHAIR FUCHS: Go right ahead
10 and speak.

11 COMMISSIONER ABRAMS: What
12 I'm basically interested in is the
13 consolidation of the New York City
14 Commission of Human Rights, the
15 Charter -- equal employment
16 commission practices commission and
17 the DECAST equal employment
18 opportunities division.

19 My feeling is that it's a real
20 duplication of services to the
21 extent that one of those
22 organizations has maybe four or
23 five individuals and it's an agency
24 with four or five people the other
25 one might have ten and which is the

1 division within DECAST and the
2 Commission on Human Rights has
3 approximately 80 people or so and
4 the reason I say this is a need for
5 a consolidation is because when you
6 stop and think about what the
7 functions of each one of those
8 three different agencies are, they
9 could all come out of the umbrella
10 of a human rights organization
11 within the City of New York to the
12 extent that if you have a
13 management that actually has the
14 mandate to deal with matters in
15 regards to issues of equal
16 employment, issues of
17 discrimination issues of citizen
18 concern for accommodation, then it
19 seems much more realistic in terms
20 of trying to establish -- what's
21 the word I'm look for
22 accountability.

23 In sitting here listening to
24 you discuss the matter with the
25 panel -- not this particular issue

1 but the issue of -- I have not
2 eaten today -- so, it's like my
3 mind will drift; but usually when I
4 eat I'm better able to rattle off;
5 but when you remember discussing
6 the issue of fiscal accountability
7 that's what I'm looking for, I
8 heard nothing about the issue of
9 the human resource accountability
10 and that is a very serious issue in
11 regards to the 300 plus thousand of
12 employees that work for the city.

13 One site example I can give is
14 that when this particular Mayor
15 that is now empower came to power,
16 the trend seemed to be that
17 managers felt that they were
18 unleashed that they no longer had
19 to kowtow to unions or the whatever
20 power unions might have.

21 So, what seems to be going on
22 across the board is that the
23 management in different agencies is
24 basically taking a position that,
25 well, we can treat the employees

1 however we choose, because there is
2 no obligation to the unions in
3 terms of trying to either placate
4 them or bend over backwards to keep
5 them from hearing the raft of the
6 unions.

7 Now, I'm saying all this
8 because in reality this human
9 resources -- that's it.

10 CHAIR FUCHS: 30 seconds.

11 In reality human resources
12 actually gives you fiscal
13 accountability bottom line, period.

14 Thank you.

15 Do we have any questions for
16 Mr. Meyers?

17 Commissioner Raab?

18 COMMISSIONER RAAB: Just so
19 that we are fair.

20 In your first question about
21 our jurisdiction some of the
22 agencies you mention particularly
23 E. O. C. is actually a Federal
24 Commission.

25 MR. MEYERS: No, no, that's

1 not correct I'm talking about
2 DECAST equal employment commission
3 or equal employment division DECAST
4 has a division within.

5 COMMISSIONER RAAB: There is
6 also my responsibility that there
7 are also Federal and state -- point
8 is well taken that there is Federal
9 and state agencies that are also
10 doing much of the same work in
11 terms of reviewing discrimination
12 complaints and agencies with
13 themselves try to parse it out so
14 that one is looking and the other
15 is not.

16 So, there are things I think
17 that the city can do and there are
18 things this Charter Commission can
19 not do within the area of its
20 purview.

21 MR MEYERS: I understand what
22 you are saying; but for example in
23 response to your statement, the New
24 York City commission on human
25 rights has a work share agreement

1 with Federal government E. E. O.
2 And in doing that, what that means
3 is that when an individual is
4 coming into the agency they can in
5 fact make a complaint and get a
6 Federal charge number. Once they
7 make that complaint in regards to
8 employment.

9 COMMISSIONER RAAB: Right,
10 That is my point. There has
11 been some attempts in efficiency;
12 but I think the point is well taken
13 that there is probably more that
14 can be done.

15 MR. MEYERS: Well, see my
16 main reason for being here is that
17 with regards to the issue of the
18 fire department for years
19 individuals in the city government
20 have known that the fire department
21 was very anti persons of color in
22 terms of persons gaining
23 employment; but none of the city
24 agencies that have responsibility
25 for dealing with E.O.C. or dealing

1 with equal opportunity employment
2 dealt with it, not at all until
3 somebody decided to make an issue
4 out it in terms of going to Federal
5 court to do so.

6 Now, my point is that if the
7 city charter could in effect make a
8 consolidated organization that
9 deals with matters in regards to
10 employment discrimination directly
11 or deals with the opportunity
12 assist individuals in terms of
13 whatever they may or may not have
14 as a complaint, you know, then it
15 would be more advantageous to the
16 city.

17 In other words, if people felt
18 that they could go to a city agency
19 to have an issue addressed
20 logically, realistically and
21 forthrightly, you would not have
22 these complaints that in the
23 Federal government; cause people
24 would naturally go to the city
25 agency to have it done.

1 COMMISSIONER CROWELL: I
2 think what you are referring to and
3 which Commissioner Raab began to
4 explain was you are talking about
5 three separate city entities one of
6 the city Commission on Human Rights
7 which implements and enforces the
8 city's human rights law, that dates
9 back to, I believe, Mayor
10 LaGuardia's time and codified in
11 the 2001 Charter Revision and equal
12 employment practices commission,
13 which was voted on by the voters of
14 1988 and that is an independent
15 city agency. E. E. A. is an in
16 dependant city agency where there
17 is appointees from the Council and
18 the Mayor and a Chair is appointed
19 jointly by the Council and speaker
20 and the Mayor and that has city
21 wide jurisdiction sort of oversight
22 or monitoring type function that
23 reviews what DECAST does, and
24 DECAST the department of city wide
25 administrative services.

1 When it was the department of
2 personnel, that merged with another
3 agency that personnel function
4 concerning equal employment is
5 located in the larger agency now;
6 but what they do is they do the
7 city's equal employment opportunity
8 policy and they also collect equal
9 employment data and manage it that
10 way and what you precede as monitor
11 DECAST and all the city agencies in
12 terms of complaints with us that
13 govern that area.

14 So the three, they are three
15 very distinct functions and I
16 believe two years ago the 2003
17 Commission either looked or the
18 staff looked at it; because the
19 functions were so different. We
20 did not bother to propose anything;
21 because it would it really would
22 not serve the overall efforts in
23 terms of the area of equal
24 employment opportunity.

25 But is there something you are

1 specifically getting at that you
2 don't think the city agency is
3 doing or that should be doing more
4 of.

5 MR. MEYERS: Well, my hidden
6 agenda really was not going to be
7 discussed was the fact that I feel
8 that the Commission of Human Rights
9 should be an in dependant agency
10 just like the in dependant budget
11 commission or the independent
12 budget agency; because when you
13 have a Mayor that appoints someone
14 to the City Commission of Human
15 Rights, that forces that
16 individual, that administrator to
17 lean toward whatever that
18 particular mayoral entity wants to
19 be done in term of that agency and
20 the function of the mandate of the
21 New York City commission of human
22 rights is to deal with matters in
23 regards to accommodation,
24 disability accommodation,
25 discrimination elements it is not

1 to be the political football of any
2 individual.

3 COMMISSIONER CROWELL: Well,
4 that certainly is not the case of
5 Mayor Bloomberg who has left
6 Commissioner Gatling to run the
7 agency very independently.

8 MR MEYERS: No comment.

9 COMMISSIONER CROWELL: You
10 are you very familiar with the
11 Commission on Human Rights.

12 MR. MEYERS: I worked there
13 for the past ten years.

14 COMMISSIONER CROWELL: I
15 thought you worked there.

16 In any event, the comments are
17 helpful.

18 CHAIR FUCHS: Any other
19 questions for Mr. Meyers?

20 (No response.)

21 CHAIR FUCHS: We appreciate
22 you taking the time here it is a
23 serious issue and a real issue and
24 we will look at some of the work
25 that the previous Commissions have

1 done and at this propose that you
2 feel brought up and I think we have
3 the capacity to take a serious look
4 at there.

5 MR. MEYERS: Thank you for
6 your time.

7 CHAIR FUCHS: Mr. Craig
8 Gurian, please.

9 MR. GURIAN: Thank you,
10 members of the Commission, I'm the
11 Executive Director of the
12 Anti-discrimination Center of Metro
13 New York I also teach at Fordham
14 Law School including a course on
15 Housing Discrimination History
16 Demographics law and Remedies.

17 I had absolutely no knowledge
18 or intention of speaking to
19 anything that the previous speaker
20 mentioned; but if the clock could
21 be stalled for just 45 seconds I
22 would point out independence aside,
23 the number of city funded employees
24 at the city of human rights
25 commission from its peek in 1991 is

1 down more than 85 percent currently
2 now lower than the lowest levels of
3 the Giuliani Administration.

4 There are real questions I
5 think about whether it would be
6 advisable perhaps to have an entity
7 that has all the city's human
8 rights civil rights functions in
9 one place and an entity that -- not
10 like the law department has the
11 city's defense an agency as
12 Commissioner Abrams knows as his
13 own stated law department has a
14 tradition over there, between the
15 affirmative litigation and the
16 defensive litigation. That has not
17 proved to be so true on the city
18 level.

19 I wanted to speak to you for a
20 moment about something I don't
21 think has been on the Commission to
22 gender which is the fact that New
23 York City and the surrounding area
24 remain starkly segregated. The
25 constant references to New York as

1 a diverse city notwithstanding the
2 Census Bureau has found that the
3 New York Primary Metropolitan
4 Statistical Area is the single most
5 segregated major metropolitan area
6 for Latinos and Hispanics in the
7 United States.

8 CHAIR FUCHS: Could you
9 define metropolitan statistical
10 area geographical?

11 MR. GURIAN: The five
12 boroughs of New York City and the
13 three northern suburbs Westchester,
14 Putnam and Rockland.

15 CHAIR FUCHS: Right so --

16 MR. GURIAN: Others --

17 COMMISSIONER FUCHS: Because
18 our jurisdiction does not include
19 the three northern boroughs. So,
20 if you have other statistics that
21 just talk about New York City, it
22 would just be a little more helpful
23 for us.

24 MR. GURIAN: With respect
25 Doctor Fuchs, segregation has

1 functioned regionally and like
2 transportation for example where
3 it's well understood that you need
4 to examine regional solutions that
5 certainly has to be true in terms
6 of antisegregation efforts.

7 But to your point about the
8 specifics of New York City, it is
9 true that in terms of city based
10 segregation industries, it is not
11 the case that New York City is
12 number one in the country; but in
13 virtually all of the industries, it
14 is within the top five or within
15 the top ten.

16 Our own demographic analyst
17 done by City Council District shows
18 for example that out of 51 City
19 Council Districts there is only one
20 where there are at least 20 percent
21 of the population that is white
22 Non-Latino and 20 percent black
23 non-Latino and 20 percent Latino of
24 any race. Contrary to popular
25 belief, segregation in New York is

1 not fully accounted for by any
2 means by difference in income.
3 When you look at households with
4 incomes between 30 and 50 thousand
5 dollars for example, only 40
6 percent of those households are
7 white, non-Latino. There is
8 approximately a quarter that is
9 black non-Latino and a little bit
10 more than a quarter maybe close to
11 30 percent that is Latino of any
12 race. New York City neighborhoods
13 just do not look like that.

14 Contrary to another popular
15 belief, neighborhood demographics
16 are not all a matter of
17 self-segregation. A study of the
18 housing preferences of African
19 Americans -- this is not New York
20 City specific -- found that almost
21 all African-Americans are prepared
22 to move into any neighborhood with
23 an attractive affordable home,
24 except a neighborhood that is
25 totally White. Indeed, 89 percent

1 of Respondents were prepared to
2 move into a neighborhood that was
3 85 percent White that was even
4 higher than the Respondents who
5 were prepared to move into a
6 neighborhoods that were all Black.

7 The city currently is under
8 obligations to affirmatively
9 further fair housing because of
10 the Community Development Block
11 Grant and other Federal dollars
12 that the City's receives, but
13 respectfully, that obligation has
14 not been taken seriously.

15 A few examples. The mayors
16 new housing market place include,
17 discusses and plans for a
18 critically needed affordable
19 housing makes not a single
20 reference to either housing
21 discrimination or housing
22 segregation.

23 Downzoning makes it more
24 difficult to build affordable
25 housing a necessary element of any

1 plan to further fair housing.

2 Recent and planned downzoning
3 included areas that are distinctly
4 segregated.

5 The City's policy of giving a
6 preference in respect to 50 percent
7 of the units in any new affordable
8 housing developments to residents
9 of the Community District in which
10 the new housing is to be built has
11 the unmistakable effect of
12 perpetuating segregation. Simply
13 put, if you start out with a
14 segregated neighborhood and you
15 give a neighborhood preference what
16 you wind up with at the end of the
17 process is a segregated
18 neighborhood.

19 Less discriminatory
20 alternatives are available.

21 The City's failure to require
22 inclusionary zoning is another way
23 in which the supply of affordable
24 housing is not maximized and thus
25 the estimates for fair and open

1 housing are not maximized.

2 And the City has not engaged in
3 an analysis of how suburban
4 exclusionary zoning encourages
5 white flight and robs the city of
6 its tax base let alone developed
7 any plan to deal with this issue.

8 Two very basic steps to address
9 this problem is a City Charter
10 point of view are one codifying in
11 the Charter an obligation to
12 affirmatively fair housing and two
13 requires the Planning Commission to
14 take this obligation in
15 consideration in developing its
16 planning policy proposed language
17 to amend the Charter.

18 To that effect, I have ended to
19 this statement and I submit for
20 your consider.

21 Thank you.

22 CHAIR FUCHS: Thank you.

23 Do we have questions from the
24 Commission for the professor?

25 (No response.)

1 CHAIR FUCHS: I would just
2 like to comment that this is
3 obviously an extremely important
4 issue that you bring up and my
5 point was just to sort of clarify
6 what the charter's role and the
7 City of New York's role could be
8 here.

9 This is a complicated problem
10 which I think you have thought
11 about very carefully. It requires
12 multilevels of government to act
13 and we will look at your proposal
14 for the Charter very seriously and
15 hopefully you will stay engaged to
16 the process.

17 To the extent that the Charter
18 Revision Commission has
19 jurisdiction, we'll obviously take
20 this proposal seriously our issue
21 really is one more about how much
22 jurisdiction does the Charter
23 really have in in this kind of an
24 issue at this point.

25 So, but we will take your

1 proposal and examine it.

2 MR. GURIAN: Just to speak
3 to that Doctor Fuchs, there are
4 certainly legislative things where
5 you would not look to a charter,
6 for example, it's well known that
7 at the Federal and state government
8 level there is has been a continual
9 or almost continual cutback in the
10 the scope of civil rights protest.
11 There is legislation pending now
12 local civil rights restoration act
13 to preserve the independence of the
14 cities own human rights law there
15 is counsel support for that and the
16 administration as happens has
17 threatened to veto that. However,
18 the politics of that play out that
19 is legislative it would seem that a
20 fundamental charter principle or
21 rather things for the charter they
22 would be matters of fundamental
23 principle. And some of us feel I
24 certainly do that a statement that
25 the city has an obligation to

1 affirmatively further fair housing
2 is fundamental.

3 CHAIR FUCHS: I'd like to
4 call Teresa Hamal.

5 MS. HAMAL: Thank you for
6 the opportunity to speak before you
7 today.

8 My name is Teresa Hommel. I'm
9 the Chairwoman of the Task Force on
10 Election Integrity. I'm also the
11 creator of the website
12 Wheresthepaper.org.. My comments
13 are on voting technology. This is
14 not an issue that the Charter
15 Commission will be placing on the
16 ballot in the near future probably
17 but you may have an opportunity to
18 take a position on the city and
19 state legislation. So this is an
20 that issue you may wish to hear
21 about. And I know that Doctor
22 Herman spoke to you about it in
23 Staten Island last week. I'm here
24 as a messenger of trouble,
25 electronic voting is bad for

1 Democracy.

2 The Federal offers money to the
3 State to replace older technology
4 but other states found that
5 electronic voting is very expensive
6 in spite of all the money that New
7 York hopes to get we may end up
8 spending much more and we may in
9 the end bankrupt or impoverish our
10 election system a greater lose.

11 There was a study that found
12 that 42 percent of Americans
13 distrusted electronic voting and I
14 believe that number is much higher
15 today the greatest lose of all is
16 to lose our Democracy which is what
17 happens in places where you hold an
18 election and then lets some person
19 or institution count the votes in
20 secret. So there is no way to
21 confirm the tallies or confirm the
22 process.

23 Councilman Gioia spoke earlier,
24 our state legislator is wrestling
25 with this issue of whether and how

1 to modernize our election equipment
2 there are three bills.

3 A Bill 35 from Assemblymen
4 Keith Wright, allows electronic
5 voting or paper ballots with
6 optical scanners but delegates
7 excessive discretion to the state
8 board of election.

9 For example, his bill requires
10 a three percent count of the voter
11 verified paper ballots but does not
12 require any discrepancies to be
13 publicized and does not require the
14 count from the computer and the
15 count from the paper ballots to be
16 the same. There is a Senate bill
17 1809 from Johnathan Jen of Long
18 Island a state Senator which does
19 not mention of paper ballots and
20 optical scanners.

21 There is a relatively new Bill
22 603 from Sandy Gallif of Putnam in
23 Westchester and Barbara Lifton of
24 Thomson and Cortland Counties I
25 think Ithaca Region which requires

1 paper ballots and optical scanners
2 to become our state wide electional
3 equipment.

4 We have another option which is
5 to repair and keep our mechanical
6 lever machine, which is maybe 40 to
7 60 years old but in terms of life
8 span engineers say that equipment
9 can last at least 150 years with
10 normal routine maintenance probably
11 much longer new parts are available
12 and so is maintenance.

13 One characteristic of lever
14 machines is they are almost
15 impossible to tamper with because
16 of the amount of time it takes to
17 tamper with one machine. Federal
18 requirements the purchase of an
19 accessible ballot marking machine
20 for voters with special needs one
21 per polling place. There is a lot
22 of misinformation circulating such
23 as that the help America vote act
24 requires electronic votes including
25 it does not and that we cannot

1 afford to lose the Federal money;
2 but I would like to call to your
3 attention that no one in New York
4 State has yet figured out -- has
5 yet completed a study of how much
6 electronic voting would cost us
7 that includes Alan Hevesi our State
8 Controller in Board of Election not
9 the assembly not our state senate
10 no one has looked into much the
11 money will cost us and I wonder if
12 we can afford to accept that money
13 not knowing how much it is going to
14 cost in extra costs that you are
15 not covered by the Federal
16 government.

17 I brought a hand out for you
18 include has much more information
19 on it.

20 I don't a specific proposal for
21 you but that I believe if enough
22 people clearly understand the issue
23 and the dangers and the problem
24 That is we will all of us find a
25 solution.

1 A full briefing on electronic
2 voting and the problems involved in
3 Hevesi's implementation. I could
4 take much longer than three minutes
5 so I would like to say that I'm
6 available I'm at your service and
7 at your convenience to provide
8 whatever information you need to
9 enable you to come to a suitable
10 solution.

11 Thank you.

12 COMMISSIONER FUCHS:
13 Commissioners, you have any
14 questions for Ms. Hommel?

15 COMMISSIONER ABRAMS: Well
16 your testimony Mrs. Hommel just
17 recalled something for me cause 40
18 years ago this year was my first
19 race for public office and I was
20 two years out of law school, 27
21 year olden and challenging the
22 Chairman of the ways of Means
23 Committee who was my local
24 assemblymen and primary hours were
25 not as they are today from 6 clock

1 to 9 clock eight night they were
2 from 3 clock in the afternoon to 10
3 clock at night.

4 There was a discrepancy between
5 voting hours in the primary in the
6 generally election and my
7 stronghold under the existing shoot
8 mans the regular Democratic
9 Organization who I was challenging
10 would have one of their cronies go
11 into my strength and and break the
12 machine and manipulate the lever so
13 that the machine would not work and
14 all those senior citizens lined up
15 60 to 90 deep who were my
16 supporters would get tired after
17 waiting three or four or five hours
18 waiting for that machine to get
19 repaired and I suspect that problem
20 has not dissipated or disappeared in
21 the intervening 40 years.

22 So, while certainly there are
23 problems with the new electronic
24 voting machines, you know, there
25 are ways in which we have over the

1 years with the existing shoot
2 machine that has served us well but
3 questioning whether or not with
4 modern technology the time has come
5 for us to advance ourselves.

6 MS. HAMAL: Well, I would
7 like to say that any technology can
8 be broken and that includes the
9 computers which actually break by
10 themselves and do not need anybody
11 to help them.

12 I did not bring with me but I
13 would be glad to provide with you a
14 97 page documented list of failures
15 of electronic voting systems from
16 all over our country and among the
17 common problems.

18 If this is the screen and the
19 person touches the screen for one
20 candidate and a different candidate
21 lights up and there actually have
22 been fistfights where the head of
23 the city counsel in the the
24 southwest tried vote for somebody
25 it would not register the vote so

1 the head of the voters election
2 said, Oh, if you did not realize if
3 you put your palm on the screen and
4 he said I don't think so I think I
5 know what my finger looks like.
6 They got into a tussel and we had a
7 situation with senator Barbara
8 Mikulski of Maryland who went to
9 test one of the electronic voting
10 machines and here is the machine
11 and here is her finger here is her
12 sleeve and when she touches the
13 screen for one person and someone
14 else's name lights up and the fella
15 said you didn't realize but your
16 sleeve brushed against the screen.
17 So, there is altogether some kind of
18 things that can go wrong with
19 equipment and certainly any system
20 can be broken if people want to
21 break it but electronic voting has
22 no transparency whatsoever and a
23 terrible track record across the
24 country.

25 I'll be glad to provide that

1 list.

2 CHAIR FUCHS: Commissioner
3 Crowell?

4 COMMISSIONER CROWELL: I
5 know that last week at the Staten
6 Island hearing you were present and
7 someone else was speaking there and
8 made reference to your work and
9 gave us some information. I want
10 you to be aware that I had
11 forwarded the work to Corporation
12 Counsel Michael Cardozo who heads
13 up the Mayor's operational task
14 force.

15 I would like you to know I did
16 that.

17 MS. HAMAL: Thank you very
18 much.

19 CHAIR FUCHS: I would like
20 to call Naygen Farside New York
21 City Campaign Finance Board --

22 (No one approaching.)

23 COMMISSIONER FUCHS: I guess
24 not here.

25 Douglas Israel. Thank you goods

1 evening to the Commissioners of the
2 Charter Review Commission.

3 I'm Douglas Israel on behalf of
4 Citizens Union, I'd like to thank
5 you for the opportunity to give
6 public comment tonight at the
7 Charter Review Commission.

8 As the Charter Review
9 Commission conducts its work at the
10 request of the Mayor and on behalf
11 of the City of New York, we credit
12 The Commission for engaging the
13 public and local decision makers on
14 issues of merit and for identifying
15 areas which may be fruitful in
16 terms of improving the Charter.

17 We also commend the Commission
18 for having started earlier than
19 other such previous Commission, for
20 being so opened about the process
21 and soliciting public input.

22 At the same time, we believe
23 the Charter Review Commission
24 process and the primary of Mayor's
25 office in placing charter reform

1 measures on the ballots in need of
2 reform.

3 Revising the City ballot
4 process is a unique and significant
5 tool that is at the disposal of the
6 Mayor's office, the City Council
7 and citizens of New York City.

8 Over time, however, the power to
9 use the ballot as a means to revise
10 the City Charter has been used to
11 successive Administrations not
12 solely to take issues to the
13 voters, but to ensure that only
14 those issues with the support of
15 the Mayor are being brought forth.
16 As neither the City Council nor
17 citizens of the city have the
18 ability to place measures on the
19 ballot when the Charter Revision
20 Commission puts a charter proposal
21 before the voters, the referendum
22 process has become all too
23 susceptible to abuse by the
24 appointing Mayor.

25 Citizens Union believes it is

1 time to examine reforming the
2 protocol for this process so as to
3 ensure that the power of the ballot
4 to make charter changes is not
5 monopolized by one branch of
6 government.

7 Citizens Union also reiterates
8 the position that it took in 2003
9 about the excessive use of the
10 Charter Revision process to address
11 technical issues laden with
12 administrative and regulatory
13 details that are more the business
14 of our elected representative.
15 Quite often, recommended charter
16 changes need not be addressed
17 through the formation of a Charter
18 Revision Commission.

19 In fact, many can and should be
20 handled legislatively through the
21 New York Council.

22 We urge the Mayor to work with
23 the Council in this regard.

24 On the content without having
25 seen any particular proposals on

1 how the Charter should be amended
2 relative to the three major areas
3 of focus.

4 Initial concerns with the
5 efficiency and accountability.
6 With respect to reporting
7 requirements were concerned that
8 the appeal for a greater
9 flexibility and efficiency.

10 Unintentionally become
11 information denying and mandate
12 frustrating revisions in any event
13 we advise that before efforts are
14 made to reduce recording
15 requirementings there should be
16 four conditions that are met.

17 One, finding out from
18 researchers advocates and Council
19 what types of data are currently
20 not sufficiently accessible to the
21 public either on demand or via
22 Freedom of Information of Law
23 request and determine how those
24 needs can best be met.

25 Two, exploring why the

1 prescriptive requirements that
2 currently exist were originally put
3 in place and examining whether the
4 call for flexibility actually
5 provides an opening for which the
6 failure to perform mandated
7 functions can be more easily
8 concealed.

9 Three, field testing systems
10 sought to replace the existing
11 reporting mechanisms.

12 Finally four, giving the
13 Council the opportunity to hold
14 hearings on the effectiveness on
15 such field tested substitutes.

16 Again, I would like to thank
17 you for the opportunity to speak
18 tonight.

19 CHAIR FUCHS: Any questions?

20 (No Response.)

21 CHAIR FUCHS: There does not
22 appear to be any questions.

23 Thank you for your testimony.

24 We appreciate the engagement of
25 the Citizens Union.

1 And we will keep you informed
2 as to our activities and we hope as
3 the Charter Commission is moving
4 forward and that we get some
5 substantive comments from you on
6 any recommendations that we
7 propose.

8 Thank you, we plan to follow
9 and look at the Charter Revisions
10 suggestions and specific details as
11 they come forward.

12 Thank you.

13 (Approaching.)

14 CHAIR FUCHS: Alan Bortnick.

15 MR. Bortnick: Thank you, Doctor
16 Fuchs, I had the pleasure of
17 speaking with you in Brooklyn.

18 I cut it down to a minute and a
19 half.

20 CHAIR FUCHS: Thank you,
21 welcome back.

22 MR. BOYTNECH: Please,
23 include the provision that no
24 elected public official whether
25 serving in a Federal, state, city

1 or other local level when they run
2 for public office in New York City
3 shall be eligible for matching
4 campaign finance funds unless one,
5 they resign from the public elected
6 office they hold prior to the start
7 of petitioning or two, if they
8 continue to hold the public office
9 they were elected to as of the date
10 petitioning begins. They must
11 return any matching funds provided
12 to them federal, state and not be
13 eligible to receive any matching
14 funds whatsoever for their
15 campaign.

16 The intent of this is to
17 prevent double dipping by any
18 elected official who seeks an
19 elected office in New York City.
20 To remind you we spent 140 million
21 dollars in campaign financing
22 funds. There are over a dozen
23 campaigns where over one million
24 dollars was given to the candidate
25 who had no chance of wins and went

1 back to their office after the
2 election.

3 If the person running is term
4 limited, then they too must resign
5 their office.

6 We cannot allow politicians to
7 create a welfare state class for
8 themselves.

9 City tax funds should not be
10 made available to pursue an elected
11 office while currently holding
12 another elected office for which
13 you draw a pay check.

14 You cannot be in two places at
15 once and it should be looked upon
16 as a violation of a public trust
17 when you attempt to continue in
18 office and seek another elected
19 position.

20 This is wrong. Regardless of
21 the elected office starting with
22 the presidency and continuing on
23 down to the level of dogcatcher an
24 elected official is irreplaceable
25 only in his own mind, I say that

1 with no disrespect to some of you.

2 I'd also like to ask that in
3 the future you try to advise a
4 Charter Revision Commission that
5 they should seek greater public
6 publicity in the City with 4
7 million voters and nearly 1.2
8 million residences -- I'm just
9 talking here in one borough, it is
10 a shameful embarrassment to see each
11 hearings and each borough so
12 sparsely attended. Your previous
13 meeting at the Brooklyn library had
14 more committee members and media
15 present than members of the public
16 it violates altogether the reason
17 to even bother holding such
18 hearings when you can not get the
19 public to attend; because in most
20 cases they just don't know the
21 hearings are taking place.

22 Thank you all.

23 CHAIR FUCHS: Thank you.

24 Do we have any question for Mr.
25 Bortnick.

1 COMMISSIONER CROWELL: Sir,
2 how did you know this meeting was
3 taking place?

4 MR. Bortnick: I got this
5 information; because a list was put
6 out by campaign finance I went on
7 the Internet and did you go out the
8 particular meetings.

9 But in talking to friends of
10 mine including those people in
11 politics they were totally unaware
12 this hearing talks about place
13 district leaders others no
14 knowledge of it club members.

15 I belong to five political
16 clubs not one of them seemed to
17 know there was anything like
18 Charter Revision on the Board and
19 it is really shameful.

20 CHAIR FUCHS: We appreciate
21 your concern about the public
22 outreach.

23 We have an extensive public
24 outreach campaign including hard
25 mail, including e-mail.

1 COMMISSIONER CROWELL:

2 Newspaper.

3 CHAIR FUCHS: Ads in the
4 newspaper on this round its in the
5 city record we've gotten it on the
6 website.

7 COMMISSIONER CROWELL: 311.

8 COMMISSIONER FUCHS: We have
9 sent out to every single elected
10 firm we had an elected official
11 testify last time who said they
12 were not really sure they got it;
13 but then the person who worked for
14 them said, Don't mind them, we got
15 it.

16 So, there is a disconnect
17 unfortunately when there is a
18 decision made about prior
19 advertising ability what is
20 important and I'm afraid that
21 people have decided that it is not
22 that important for them to come out
23 at this time to the hearings; but
24 rest assure that we are, you know,
25 aggressively out there with this

1 outreach campaign.

2 Any suggestions that you have,
3 please feel free to speak to our
4 executive director who is here
5 tonight who would be happy to take
6 any suggestions.

7 MR. BOYTNECH: I plan on
8 visiting with Mrs. Matthews and
9 yourself after these hearings have
10 closed down.

11 If you could make an
12 appointment with you at some future
13 time.

14 CHAIR FUCHS: Thank you very
15 much.

16 Erik Strangeways.

17 MR. STRANGEWAYS:

18 Good evening, I'm going to
19 to be brief. I'm a resident of
20 Corona and a lawyer at state
21 division of housing not
22 representing agencies; but I
23 mention because I'm familiar with
24 administrative adjudication which
25 is actually the field that

1 interested me most; but Douglas
2 really has pretty much stated what
3 I wanted to say I'd just add
4 something Adlai Stevenson is
5 suppose to have said don't just do
6 something, stand there and That is
7 what, if anything, needs to be done
8 about the Charter the things that
9 are proposed in the Charter are
10 generally things that do not need
11 to be part of the organic law there
12 is what I understand inside juris
13 prudence we had a jurisprudence
14 class and the different
15 jurisdiction of jurisprudence of
16 course we attend to the difference
17 of the law and getting away from
18 the trivial and positive and you
19 have to have a sanction and the
20 word I remember the most is organic
21 Constitution Charters express the
22 organic level of government and the
23 things that generally are in the
24 Charter and do not need to be
25 because of the need of flexibility

1 and maintain the dignity of the
2 Charter.

3 For instance go to the
4 administrative adjudication plan, I
5 was delighted to see that James
6 Brown spoke off the back led off in
7 Queens. I read his column in the
8 Chief in Queens every week but
9 actually from you are talking about
10 putting in Administrative Justice
11 Coordinator into the Charter why not
12 call it a Chief Judge and a Chief
13 Administrator Judge, different
14 functions. I don't know that you
15 do not need a Charter to have a
16 coordinator function.

17 And the same about the fiscal
18 accountability -- the subject of
19 another hearing; but I see things
20 until the summary that say that the
21 state mandates -- and this should
22 happen when there is a default in
23 the finances.

24 We do not need something in the
25 Charter that agrees to what the

1 state has to do. The state is
2 supreme, their law is going to
3 prevail.

4 We do not need that.

5 We don't we have management
6 reporting and accountability. We
7 do not need anything in the Charter
8 that says what should be in the
9 Mayor's Management Report.

10 So, again Citizens Union, right
11 on and don't just do something,
12 stand there.

13 CHAIR FUCHS: Any question
14 for Mr. Strangeways on this issue.

15 CHAIR FUCHS: Not strange
16 way.

17 COMMISSIONER ABRAMS: What do
18 you think of the administration
19 adjudication process that we have
20 in the City of New York?

21 MR. STRANGEWAYS: I don't know
22 cause I'm with the state division
23 of housing and we have our own
24 state division hearing offices.

25 And is as a matter of

1 academics, I have studies central
2 panels and states central panel
3 adjudication is the best and I
4 believe what James Brown said as to
5 his experiencing central panel
6 system is the best; but this is not
7 really this Charter Revision if it
8 had a complete move on to central
9 panel I'm not saying it would cause
10 the agencies are too entrenched in
11 the agencies you are not in the --
12 in the Charter getting into
13 employee discipline.

14 So, therefore, maybe that
15 should wait and also I think the
16 process as Douglas really said has
17 been abused.

18 CHAIR FUCHS: I have a
19 comment.

20 A couple of the things you
21 brought up are already in the
22 Charter as it exists right now. So,
23 it's sort of the horse has been let
24 out of the barn so to speak which
25 is that there are one of the things

1 that we are doing is reviewing the
2 Charter precisely; because one of
3 the samples that Jack Ukeles just
4 brought up in the expert testimony
5 is there are 32 requirements for
6 report in the Charter he likened
7 this to a reversed archaeological
8 dig which you keep piling one on
9 top of the other on top of the
10 other. So, one of the things we
11 are doing is actually examining
12 that to see if it is inappropriate
13 to leave in the Charter the way it
14 stands right now.

15 On the fiscal side, we have a
16 state law that is sunsetting in 2008
17 that many people think some of
18 which should be imported directly
19 into the Charter.

20 So, we view ourselves as
21 somewhat different than maybe some
22 of these past Commissions that you
23 are talking about in terms of our
24 mandate.

25 And I think it would be a

1 mistake just to assume that
2 everything should just stand in
3 place as is. That is a fairly
4 dangerous observation. We hope to
5 do no harm as a first position but
6 certainly the idea that things
7 should stand in place as is
8 everyone when it comes to the
9 Charter not an obvious approach
10 that I believe I'm speak for myself
11 right now our government should
12 take -- I don't know if any of the
13 Commissioners want to say anything
14 here?

15 MR. STRANGWAYS: Two Mayors
16 have abused the Charter.

17 CHAIR FUCHS: We are not
18 talking about previous Mayors and
19 what they did. We are not
20 commenting on that. That is for
21 the rest of everybody to determine.
22 That is for the historians to
23 evaluate. We are talking about
24 what this Commission has done and
25 is doing and I think we can stand

1 very firmly on the deliberative
2 process that we have been engaging
3 in and on the type of issues we are
4 trying to in regards to this
5 Charter, which are charter related
6 issue that is need to be addressed.
7 I don't understand that and beyond
8 what other Commissioners have done
9 in the past we are not prepared to
10 comment on that, that is for you
11 and as I said other analysts to
12 decide; but we hope as we hope
13 other people evaluate the proposal
14 on the merit we are in a
15 deliberative process. We are
16 taking our time. We are not pushed
17 in any one particular direction by
18 anyone.

19 So, we hope that anyone paying
20 attention to this Commission
21 evaluates our work on the merits of
22 the work. That is what all the
23 people here -- I want to speak for
24 my Commissioners here -- they are
25 all working very hard, very

1 diligently and very responsibly.
2 And I think talking about past
3 Commissions is sort of an
4 inappropriate way to go.

5 I think it's if you just look
6 at this Commission, evaluated, as
7 I said, on the merits of the
8 proposals, we are prepared to
9 engage in any discussion you want
10 to engage in as it relates to the
11 Charter.

12 MR. STRANGWAYS: I want to
13 say very briefly I stand by what
14 Douglas Israel said about the
15 dangers of this Commission, it's
16 agenda and also about the
17 management reports that change them
18 may cover up failures.

19 I do not agree with Citizens
20 Union all the time I'm independent
21 of my thinking; but this time they
22 are right on this issue.

23 CHAIR FUCHS: For the record
24 we have not proposed any change in
25 anything at this point.

1 We are in the process of a
2 discussion and it is not obvious to
3 me how one has a discussion if you
4 preclude options.

5 So, change is an option

6 Believe it or not and changing
7 a report may be a option and we
8 cannot determine whether that is
9 appropriate if we do not consider
10 the options from all the various
11 directions.

12 So, maybe that -- I'm
13 addressing the Citizens Union
14 comments as well as yours in these
15 remarks -- but it seems to me it
16 would be foolish to preclude the
17 kind of evaluation and assessment
18 that we are engaged in with this
19 Commission right now; because we
20 might actually find something here
21 that you might actually agree with
22 if anybody spent the time to look
23 at the details in the work that we
24 are engaging in.

25 I think the problem is that in

1

1 the past there were problems and
2 people are perfectly -- it's
3 perfectly appropriate for them to
4 address that in different contexts.
5 We are asking one simple thing to
6 look at the work of this Commission
7 as the work of this Commission and
8 that I don't think is an
9 inappropriate request on our part.

10 People have worked very hard,
11 many people who sit here at this
12 table have committed their time to
13 a public service and I think they
14 deserve both the respect of having
15 put in that time as well as paying
16 attention to the real work that has
17 been done.

18 I think it is really just a
19 ridiculous thing to suggest that at
20 this point we should look at
21 process and not substance. We
22 have been doing this work since
23 last August. This is substantive
24 work done. I believe there has
25 been no hidden agenda. And if

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1 somebody can find a hidden agenda,
2 please bring it up and let's get on
3 with the process of evaluating the
4 work; cause that is what we are
5 here to do.

6 Is there any new business?

7 If there is no new business, I
8 call a vote for adjournment.

9 (All Commissioners have stated,
10 'I second.')

11 CHAIR FUCHS: Thank you for
12 coming to this evening.

13 We really appreciate
14 everybody's engagement.

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C E R T I F I C a T E

4

5 STATE OF NEW YORK)
6 : SS.:
7 COUNTY OF SUFFOLK)

7

8 I, LESLEY SIMPSON, a Notary Public
9 for and within the State of New York, do
10 hereby certify:

11 That the witness whose examination
12 is hereinbefore set forth was duly sworn
13 and that such examination is a true
14 record of the testimony given by that
15 witness.

16 I further certify that I am not
17 related to any of the parties to this
18 action by blood or by marriage and that I
19 am in no way interested in the outcome of
20 this matter.

21 IN WITNESS WHEREOF, I have hereunto
22 set my hand this 21st day of April, 2005.

23

24

LESLEY SIMPSON

25