

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE  
ON SANITATION AND SOLID WASTE MANAGEMENT JOINTLY  
WITH COMMITTEE ON GOVERNMENTAL OPERATIONS

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May 13, 2016  
Start: 10:13 p.m.  
Recess: 4:05 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: JULISSA FERRERAS-COPELAND  
Chairperson

ANTONIO REYNOSO  
Chairperson

BEN KALLOS  
Chairperson

COUNCIL MEMBERS: Ydanis A. Rodriguez  
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Costa G. Constantinides  
David G. Greenfield

Carlos Menchaca  
Ritchie J. Torres  
Joseph C. Borelli

## A P P E A R A N C E S (CONTINUED)

Kathryn Garcia, Commissioner  
NYC Department of Sanitation, DSNY

Dennis Diggins, First Deputy Commissioner  
NYC Department of Sanitation, DSNY

Michael Ebert, Assistant Commissioner  
NYC Department of Sanitation, DSNY

Michael Ryan, Executive Director  
NYC Board of Elections, BOE

Dawn Sandow, Deputy Executive Director  
NYC Board of Elections, BOE

Amy Loprest, Executive Director  
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Georgia Pestana, First Assistant Corporation Counsel  
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Lisette Camilo, Commissioner  
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Richard Badillo, Deputy Commissioner  
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Department of Citywide Administrative Services, DCAS

Dawn Pinnock, Deputy Commissioner  
Human Capital  
Department of Citywide Administrative Services, DCAS

Deputy Commissioner Geneith Turnbull  
Office of Citywide Procurement

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[sound check, pause]

CHAIRPERSON FERRERAS-COPELAND: Good

morning and welcome to the City's Council sixth day  
of hearing on the Mayor's Executive Budget for Fiscal  
2017. My name is Julissa Ferreras-Copeland, and I'm  
the Chair of the Finance Committee. We are joined by  
Committee on Sanitation and Solid Waste Management  
chaired by my colleague Council Member Antonio  
Reynoso. We've been joined by Minority Leader Matteo  
and Council Member King. Today, we will hear from  
the Department of Sanitation, the Board of Elections,  
the Campaign Finance Board, the Law Department and  
the Department of Citywide Administrative Services.  
Before we begin, I'd like to thank the Finance  
division staff for putting hearing together including  
the Director Latonia McKinney, Committee Counsel  
Rebecca Chasen; Deputy Director Regina Poreda Ryan;  
and Nathan Toth; Unit Head John Russell, Crilhien  
Francisco; Finance Analyst John Seltzer; and James  
Subudhi; the Finance Division Administrative Unit  
Nicole Anderson; Maria Pagan and Roberta Caturano who  
pull everything together. Thank you all for your  
efforts. I would also like to remind everyone that  
the public will be invited to testify on the last day

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of budget hearings on May 24th beginning at  
approximately 3:00 p.m. The member--for the members  
of the public who wish to testify, but cannot attend  
a hearing, you can email your testimony at finance  
division--I'm sorry--financetest--finance  
testimony@council.nyc.gov, and the staff will make it  
a part of the official record. Today's Executive  
Budget Hearing begins with the Department of  
Sanitation. The department's Fiscal 2017 Executive  
Budget totals \$1.66 billion, which represents a \$95.5  
million increase from the Fiscal 2016 Adopted Budget.  
DSNY's budget includes \$28.2 million in new needs for  
some exciting programs that the committee would like  
to learn more about: Subsidized jobs for homeless,  
which will allow the department to hire and provide  
job training for 300 and--300 people a year in the  
Electronic Voice Collection Pilot for homes in Staten  
Island. Matteo is very grateful to that. Increased  
Sunday and holiday basket service and, of course,  
following winter storm Jonas that came earlier this  
year, we have to talk about snow removal. On behalf  
of the residents living in the outer boroughs I'm  
thrilled that the Administration included funding to  
purchase 21 front-end loaders that the Council for in

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its budget response. These vehicles will improve  
snow clearing operations on narrow streets, and I  
look forward to learning more about how DSNY plans to  
deploy them during this next storm. Before we begin,  
I'd like to remind my colleagues that the first round  
of questions for the agency will be limited to five  
minutes per council member, and if council members  
have additional questions we will have a second round  
of round of questions at three minutes per council  
member. I will now turn the mic over to my co-chair  
Council Member Reynoso for his statement and then we  
will hear testimony from the Commissioner of  
Sanitation, Kathryn Garcia.

CHAIRPERSON REYNOSO: Thank you Chair  
Ferrerias. Good afternoon and welcome to the  
Committee on Sanitation and Solid Waste Management  
hear, our Fiscal Year 2017 Executive Budget for the  
Sanitation held jointly, of course, with the  
Committee on Finance. Today, we will hear testimony  
from the department on its \$1.66 billion Fiscal 2017  
Expense Budget, \$1.9 billion Fiscal 2016 to 2020  
Capital Commitment Plan and general agency  
operations. The committee looks forward to hearing  
on important issues regarding capital and expense

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rehabilitation and construction projects. The  
department plans to leverage Clean NYC and updates on  
Fresh Kills Landfill closure plan as well as  
department pilot programs and studies mostly in  
Staten Island. I look forward to hearing the  
testimony of Kathryn Garcia and, of course, just want  
to get straight to it. So, welcome to--

CHAIRPERSON FERRERAS-COPELAND: [off mic]  
Committee counsel needs to swear her in. (sic)

CHAIRPERSON REYNOSO: Oh, yes, can we  
please have the committee counsel swear our folks in.

LEGAL COUNSEL: Do you affirm that your  
testimony will be truthful to the best of your  
knowledge, information and belief?

COMMISSIONER GARCIA: I do.

LEGAL COUNSEL: Thank you.

COMMISSIONER GARCIA: Good morning, Chair  
Reynoso, Chair Ferreras-Copeland and members of the  
City Council's Committees on Sanitation and Solid  
Waste Management and Finance. I am Kathryn Garcia,  
Commissioner of the New York City Department of  
Sanitation. I am joined by Dennis Diggins, First  
Deputy Commissioner and by Assistant Commissioner  
Michael Ebert, and--and thank you for this



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opportunity to testify on the department's expensing  
capital portions of the Mayor's Fiscal Year 2017  
Executive Budget. The Fiscal 2017 Executive Budget  
allocates \$1.7 billion in expense funds to the  
department. Of this, \$957.9 million is for personnel  
services and \$704.8 million is for other than  
personnel services. Our budgeted headcount for the  
Fiscal 17 Executive Budget is 9,766 with 7,490  
uniformed agency employees including 6,260 Sanitation  
workers. The department's capital portion of the  
Fiscal 17 Executive Budget is \$397 million. The  
Capital Budget includes \$182 million for collection  
trucks and other essential equipment including \$64  
million in new funding to purchase rear loader and  
dual bin trucks to replace the agency's over age  
collection vehicles. Under the department's Four-  
Year Capital Plan, the department is funded to  
construct new sanitation garages to serve Brooklyn  
District 3, Staten Island District 1, Bronx Districts  
9, 10 and 11 and Manhattan District 6 and 8, and  
complete construction of the three permanent marine  
transfer stations pursuant to the Solid Waste  
Management Plan. Additionally, new funding in the  
department's Fiscal 17 Expense Budget includes

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\$818,000 to sweep approximately 100 miles of highway  
ramps and shoulders per week as part of Mayor de  
Blasio's Clean NYC Initiative; \$1.7 million for  
additional Sunday and holiday basket collection in  
high pedestrian traffic areas primarily in the outer  
boroughs; \$1.4 million for enhancements to the Novis  
handheld enforcement devices, and \$3.8 million for  
the purchase of automotive equipment repair parts.  
The department's cost savings in the Fiscal 17  
Executive Budget include \$2.9 million in personnel  
service surplus and \$1.1 million in operational and  
administrative savings. To help meet Mayor de  
Blasio's ambitious goal of sending zero waste to  
landfills by 2030 announced last year as part of One  
New York, the Plan for a Strong and Just City, the  
department will continue its aggressive agenda to  
encourage New Yorkers to reduce, reuse and recycle  
waste.

First, I'd like to thank the Sanitation  
and Solid Waste Committee for its continued  
leadership in helping to promote zero waste in New  
York City. Last week the committee advanced an  
important and critical piece of legislation, Intro  
209-A, that will reduce the use of single-use

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carryout bags in the city. I also want to thank the  
Speaker and Council for passing this important bill.  
I look forward to working with the Council, the  
business community and all New Yorkers to promote the  
use of reusable bags and educate New Yorkers about  
the bag fee. Expanding New York City Organics  
Program is critical to achieving our zero waste  
goals. By the end of this year, we will expand our  
residential curbside collection program to reach more  
than one million New Yorkers, and become the largest  
organics collections program in the country. The  
department will continue to work to expand New York  
City Organics to serve all New Yorkers with curbside  
collection or convenient neighborhood drop-off  
locations by the end of 2018. We also continue to  
partner with NYCHA to expand NYCHA Recycles to give  
all NYCHA residents access to convenient recycling  
opportunities. In less than a year more than 850  
NYCHA buildings now participate, which includes  
installation of recycling bins, staff training and  
resident outreach and ramp up of collection service.  
All NYCHA buildings will participate in NYCHA  
Recycles program by the end of 2016. This year we  
will hold 10 safe disposal events, two in each

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2 borough, to provide residents with a one-stop drop-  
3 off to safely dispose of potentially harmful  
4 household products. We held the first three safe  
5 events in Brooklyn, Staten Island and Queens last  
6 month, which had record breaking attendance and  
7 collection volumes compared to prior years. At the  
8 Staten Island Safe Event, we reconfigured traffic  
9 into the venue, and had people in and out in just 15  
10 minutes. The next safe events will be held in the  
11 Bronx on Saturday, May 14th, in the Orchard Beach  
12 parking lot, and in Manhattan on Sunday, June 26th at  
13 the Columbia University Teachers College at 120th  
14 Street and Broadway. All events are held rain or  
15 shine from 10:00 a.m. to 4:00 p.m. and are open to  
16 all city residents regardless of the borough they  
17 live in. In addition, this fall, the department will  
18 launch a pilot curbside electronic waste collection  
19 program on Staten Island. The program will be  
20 modeled on the department's existing CFC Collection  
21 Program, which allows New Yorkers to call 311 or go  
22 online to make a collection appointment. The pilot  
23 will allow us to measure the demand for the service  
24 and collection productivity to evaluate the  
25 feasibility of expanding it elsewhere.

2                   The department's garages and other  
3 facilities are essential to ensure that our operating  
4 bureaus can perform their missions. The department  
5 has resumed efforts to construct a new garage for  
6 Brooklyn District 3 and resume the design of the  
7 facility. The project is on target to begin  
8 construction in the summer of 2019. In addition, the  
9 department is currently in the scope development  
10 phase for the Staten Island District 1 garage at the  
11 former Fresh Kills Landfill. Construction is  
12 projected to begin in the summer of 2020. The  
13 department is currently procuring a design for Bronx  
14 Districts 9, 10 and 11 garage replacement project.  
15 Once we select a consultant team and register the  
16 related design, contract design, efforts will  
17 commence for this new Sanitation garage.  
18 Construction of the state-of-the-art multi-district  
19 garage is currently scheduled to start in the summer  
20 of 2020. Last year, DSNY implemented the first phase  
21 of the Sanitation Management Analysis and Resource  
22 Tracking system known as SMART. This project is the  
23 result of a multi-year planning and development  
24 effort that will ultimately result in the replacement  
25 of the department's half century old paper based

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2 assignment resource tracking procedure with a web-  
3 based real time system. Over the next two years, the  
4 department is funded to roll out additional phase of  
5 the project in its Sunset Scan, the decades old  
6 precursor system.

7           The department's snow budget for Fiscal  
8 Year 17 is funded for \$88.1 million. Overall, we  
9 were fortunate to have a relatively mild winter  
10 season with few plowable snowstorms with the  
11 exception of the January 2016 Jonas Blizzard. As you  
12 many know, the National Weather Service recently  
13 upgraded its snowfall totals for this severe storm to  
14 an official 27.5 inches, making it the heaviest  
15 snowfall on record. Last month, the department  
16 released its After Action Report for the January 2016  
17 blizzard, which includes a thorough review of the  
18 department's response to the storm. The department  
19 faced enormous challenges during the storm including  
20 intense snowfall in sections of Queens that buried  
21 some streets in more than 30 inches of snow. As a  
22 follow-up to the Mayor's desire to improve response  
23 time and effectiveness in the future, the report  
24 identifies several recommendations for improvement.  
25 The department's Executive Budget includes \$21

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million in the current fiscal year to purchase  
additional snow equipment including 80 small  
Hollister plows to improve snow clearing on narrow  
street segments and dead-end streets; 21 additional-  
frontend loaders to improve the efficiency of salt  
loading and enable more rapid clearing of streets  
that cannot safely be cleared with standard plows and  
40 additional skid steer plows to further mechanize  
the clearing of crosswalks, bus stop and other  
pedestrian infrastructure. This summer the  
department will also provide full day refresher  
training for all Sanitation workers, supervisors and  
superintendants to reinforce proper snow plowing  
techniques and build confidence necessary to fight  
these kinds of storm. We believe that the additional  
time and the important investment in each worker's  
training and response skills and our future  
operations going forward into future snow seasons.  
This year the department will expand snow sector  
routes to the rest of the Bronx and Brooklyn bringing  
all five boroughs into this new more efficient  
routing methodology. As mentioned in the After  
Action Report, investments in GPS tracking systems  
including Fund NYC over the last several years proved

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2 invaluable to the department's ability to track its  
3 progress and quickly redeploy resources to the  
4 hardest hit neighborhoods just hours after the snow  
5 stopped falling. The department will continue to  
6 refine these systems with the help of DOITT and our  
7 own information technology staff. I would like to  
8 thank you for the opportunity to testify today on the  
9 funding of department's programs and operations over  
10 the next fiscal year and our proposed initiative to  
11 advance the department's zero waste goals. I am  
12 confident that funding under the Fiscal 17 budget  
13 will permit the department to continue to meet its  
14 mission of keeping New York City safe, healthy and  
15 clean. My staff and I are will now be happy to  
16 answer your questions.

17 CHAIRPERSON FERRERAS-COPELAND: Thank  
18 you, Commissioner, and thank you for your brief and  
19 very information opening statement. I really  
20 appreciate it so that we can get to the questions,  
21 and before I start my questions, I just want to say  
22 during Super Storm Sandy--Jonas it was a very  
23 difficult time in particular wit many members in my  
24 district or in Queens, in some areas of Brooklyn.  
25 But one thing that you were always was responsive.



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2 You always answered my call even when I was irate--  
3 [laughter]--and--and snowed in. So I have to  
4 acknowledge that and--and I think that you put  
5 literally your mouth--I mean your money where you  
6 mouth is and in---investment in--in New York City in  
7 this way is smart, and very much appreciated by my  
8 constituents and the constituents of many other  
9 colleagues. I also wanted to acknowledge the Chair,  
10 who was the first call that I made that morning we  
11 were snowed in. So I want to talk about a--a brief  
12 overview, and I know that my colleague from Staten  
13 Island is going to delve in more into the E-waste  
14 Program. But I wanted to know can you provide a  
15 breakdown of the cost as well as the cost to roll out  
16 a citywide waste collection service.

17 COMMISSIONER GARCIA: Certainly. So,  
18 what we have projected is that we will need  
19 approximately 12 Sanitation worker posts and six  
20 vehicles. And so that is how we came up with the  
21 cost for--for the Staten Island project, and--and  
22 this is making an educated guess on what the demands  
23 will be. We have some flexibility in terms of if we  
24 suddenly have a huge amount of demand running more  
25 shifts during the overnight hours, if we have to do

2 that. The real constraint here is going to be  
3 getting the vehicles because we can't put this  
4 electronics and rear loaders because we can't crush  
5 it.

6 CHAIRPERSON FERRERAS-COPELAND: So what  
7 kind of vehicles are required for the collection of  
8 eWaste?

9 COMMISSIONER GARCIA: So they're still--  
10 they're still looking into it, but we believe that  
11 we're going to go with about 14-foot box trucks.

12 CHAIRPERSON FERRERAS-COPELAND: Right.  
13 Okay. Does the department have an update regarding  
14 the ongoing discussion with Upstate legislators to  
15 repeal the ban?

16 COMMISSIONER GARCIA: I doubt that  
17 they'll repeal the ban, but one of the things that we  
18 have been working very hard with the Upstate  
19 Legislature--Legis--Legislative body, and also with  
20 DEC is there still are no rules that have been put  
21 out since this legislation was passed actually in  
22 2010. And so, we've been working to try and have  
23 that happen, and also there--there are some things  
24 about the law that we think could be improved, and  
25 really that's the convenience standards. Because

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2 right now mail back is considered convenient, and  
3 it's just not feasible for very large pieces of  
4 electronics.

5 CHAIRPERSON FERRERAS-COPELAND: Right.  
6 Well, that's interesting because I think I had about  
7 a 46-inch television dropped off in front of my house  
8 just randomly. I don't know if it was because I'm  
9 the Council Member because we were like hey I don't  
10 know what to do with this TV. Go drop it off in  
11 front of Julissa's house. But it is--it's not only  
12 your own waste, for me it was like okay I have this  
13 television, what do I do now? So this is something  
14 that while I'm excited that it's starting in Staten  
15 Island for our colleagues who have been asking for  
16 this, the citywides. Do you have an estimation of  
17 what the citywide cost would be to do--

18 COMMISSIONER GARCIA: [interposing] I  
19 mean, we--we have a--an estimate of it, but it--it  
20 probably would be somewhere around the \$5 to \$7  
21 million range, but I really think that we're going to  
22 learn a lot on Staten Island about whether or not  
23 we've sized it correctly.

24 CHAIRPERSON FERRERAS-COPELAND: Right.  
25

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2 COMMISSIONER GARCIA: And I really do  
3 think that for citywide there's less of an issue in  
4 Manhattan and other dense areas where we have the  
5 eCycle program.

6 CHAIRPERSON FERRERAS-COPELAND: Right.

7 COMMISSIONER GARCIA: And so they have  
8 more or less curbside collection now. They put a bin  
9 in those buildings, and the vendor comes and get it  
10 whenever the super calls and says that the bin is  
11 full. And so they actually have a--a very good  
12 option. I know that in areas in the outer boroughs  
13 it's been much more difficult.

14 CHAIRPERSON FERRERAS-COPELAND: Right.

15 COMMISSIONER GARCIA: We have--

16 CHAIRPERSON FERRERAS-COPELAND:  
17 [interposing] So there's one in one, two and three-  
18 family homes.

19 COMMISSIONER GARCIA: Right, where you  
20 have to either come to a safe disposal event that we  
21 host or go to one of the drop-off sites in the  
22 different boroughs.

23 CHAIRPERSON FERRERAS-COPELAND: Right.  
24 Okay. I wanted to talk--with the increased ability  
25 to redeploy the small front-end loaders to narrower--

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2 narrower streets, what strategies will you use to  
3 determine where they will be deployed, which areas  
4 are most in need?

5 COMMISSIONER GARCIA: It used to--

6 CHAIRPERSON FERRERAS-COPELAND:

7 [interposing] 97th Street. [laughs]

8 COMMISSIONER GARCIA: Yeah, I--I know  
9 where you live. Yes I do. I'm very familiar with  
10 that area after the winter. So we are really focused  
11 on those particular street segments that--that we  
12 define as being very narrow but tertiary. And so  
13 we're focused on putting them in those areas. So  
14 it's going to be primarily in the Eastern Queens  
15 section, Staten Island, probably not that many in  
16 Brooklyn. They don't have as many small--small  
17 street segments nor does Manhattan, but there are  
18 also some areas in the Bronx that have some very  
19 small street segments. And there are some areas in  
20 Queens West particularly up near Astoria that have  
21 some dead ends that we are--

22 CHAIRPERSON FERRERAS-COPELAND:

23 [interposing] Right.

24 COMMISSIONER GARCIA: --that we are  
25 prioritizing.

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2 CHAIRPERSON FERRERAS-COPELAND: Right. I  
3 think it was Council Member Vacca and Palma's areas  
4 that--that source and we funded.

5 COMMISSIONER GARCIA: [interposing] Bronx  
6 11.

7 CHAIRPERSON FERRERAS-COPELAND: Yeah,  
8 yeah. Okay, great. Well, we're really excited. I  
9 hope you don't have to use them for 36 inches, but  
10 it's good to know that should they come again next  
11 year we're ready.

12 COMMISSIONER GARCIA: We are--we will be  
13 ready.

14 CHAIRPERSON FERRERAS-COPELAND: Yep.

15 COMMISSIONER GARCIA: So the purchases  
16 are in, and they know that we want them by the  
17 beginning of snow season.

18 CHAIRPERSON FERRERAS-COPELAND:  
19 Excellent. Now, Fiscal 2017's Executive Plan  
20 includes \$7.4 million in Fiscals 2017 and varying  
21 levels of funding in the out years to hire 300  
22 employees annually for the department's job training  
23 program. Which Commissioner--the HRA Commissioner  
24 and DHS, who happens to be the same person, testified  
25 to how great this program or opportunity will be.

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2 Will the program provide these supplemental cleaning  
3 services citywide or for only high priority areas.

4 Where will--where will we see these 300?

5 COMMISSIONER GARCIA: We're very focused  
6 on the high priority areas. So, we'll be in 31  
7 districts, and we'll be in all five boroughs, but  
8 Staten Island and Queens East will see the least.  
9 They have the--they have the highest scorecard  
10 numbers.

11 CHAIRPERSON FERRERAS-COPELAND: Uh-huh.

12 COMMISSIONER GARCIA: But we'll have more  
13 in sort of Brooklyn North where I have my lowest  
14 score--scorecard. We--we are planning for about 70  
15 there. In the Bronx about 72, and then in Manhattan,  
16 Brooklyn South and Queens West, you know, about 24 to  
17 40 in those areas. So we are trying to focus on  
18 where we have the most challenges, and focus the  
19 resources there.

20 CHAIRPERSON FERRERAS-COPELAND: So I know  
21 that this a six-month program, and I guess you got a--  
22 -a--a new set of workers or--

23 COMMISSIONER GARCIA: [interposing] So,  
24 just--so not--  
25

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2 CHAIRPERSON FERRERAS-COPELAND:

3 [interposing] So, walk me through the programming.

4 COMMISSIONER GARCIA: Sure, absolutely.

5 We haven't actually kicked it off yet, but--

6 CHAIRPERSON FERRERAS-COPELAND:

7 [interposing] Okay.

8 COMMISSIONER GARCIA: --but the way that  
9 we designed it is that we will do 50 a month--

10 CHAIRPERSON FERRERAS-COPELAND:

11 [interposing] Okay.

12 COMMISSIONER GARCIA: --and have it  
13 [coughs] be rotating all the time. So that we just  
14 get 50 new every month, and that we would then be at  
15 300, and that first group would then go off just to  
16 manage, you know, bringing new people in, orienting  
17 them. So we think that that will be how the program  
18 will work, and then HRA will be doing--they're  
19 required to be trained--have training once a week.  
20 They will do the full-day training and then we will  
21 be doing sort of the basics of you need to get to  
22 work on time, you know, job readiness,  
23 appropriateness in the workplace.

24

25



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2 CHAIRPERSON FERRERAS-COPELAND: Okay. Do  
3 you see this being an opportunity for a pipeline in  
4 other--

5 COMMISSIONER GARCIA: [interposing] No.

6 CHAIRPERSON FERRERAS-COPELAND: --city  
7 jobs?

8 COMMISSIONER GARCIA: Well, no, for other  
9 city jobs, but not for Sanitation.

10 CHAIRPERSON FERRERAS-COPELAND: No, no,  
11 but for other possible--have--have you engaged in  
12 those conversations at all?

13 COMMISSIONER GARCIA: And we always  
14 encourage anyone who is--is working with us on a  
15 temporary basis to take all of the civil service  
16 exams.

17 CHAIRPERSON FERRERAS-COPELAND: Right.

18 COMMISSIONER GARCIA: That is really--  
19 that is the only way to get into employment in the  
20 city at this point in time.

21 CHAIRPERSON FERRERAS-COPELAND: Great.  
22 Thank you very much, and I will now have my co-chair  
23 Council Member Reynoso, Chair Reynoso ask his  
24 questions.

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2 CHAIRPERSON REYNOSO: Thank you, Chair.  
3 Commissioner, the Commercial Waste Collection study I  
4 was wondering when--when that study would be  
5 completed.

6 COMMISSIONER GARCIA: Very soon.

7 CHAIRPERSON REYNOSO: Can we get better  
8 than very soon?

9 COMMISSIONER GARCIA: Before the end of  
10 the fiscal year.

11 CHAIRPERSON REYNOSO: So before June  
12 30th?

13 COMMISSIONER GARCIA: Before June 30th.  
14 [coughing]

15 CHAIRPERSON REYNOSO: Okay.

16 COMMISSIONER GARCIA: I told you late  
17 spring. I felt late spring [laughter] is June 21st--

18 CHAIRPERSON REYNOSO: [interposing] It  
19 is, yeah.

20 COMMISSIONER GARCIA: --that the--

21 CHAIRPERSON REYNOSO: I felt like it was  
22 supposed to be a little earlier than that, but--

23 COMMISSIONER GARCIA: No, I think--I'm  
24 pretty sure I testified in March, late spring.  
25

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2 CHAIRPERSON REYNOSO: You said June 30th?  
3 I--I--I remember late May but it's okay.

4 COMMISSIONER GARCIA: Late spring. I  
5 said late spring.

6 CHAIRPERSON REYNOSO: Oh, late spring.

7 COMMISSIONER GARCIA: Late spring.  
8 Spring is--I'll--I'll even--I'm pretty sure we can  
9 get it done by--

10 CHAIRPERSON REYNOSO: Nine days late.  
11 No, it's okay.

12 COMMISSIONER GARCIA: If I get in--I'll  
13 probably get it in before then.

14 CHAIRPERSON REYNOSO: Okay, but June 30th  
15 is a good--a good timeline also to prepare for.

16 COMMISSIONER GARCIA: Uh-huh.

17 CHAIRPERSON REYNOSO: I just do want to  
18 introduce again members of the committee Matteo and  
19 King, but we've also been joined by Council Member  
20 Lander and Miller. So thank you guys. [coughs]  
21 Fresh Kill Landfill Closure.

22 COMMISSIONER GARCIA: Uh-huh.

23 CHAIRPERSON REYNOSO: It includes \$83.7  
24 million in Fiscal Year 2017 to close the Fresh Kill  
25 Landfill.

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2 COMMISSIONER GARCIA: Uh-huh.

3 CHAIRPERSON REYNOSO: I just want to know  
4 the process, where we are with the closure? How long  
5 it's going to take--

6 COMMISSIONER GARCIA: [interposing]  
7 Certainly, so--

8 CHAIRPERSON REYNOSO: --how much money is  
9 it going to take and just overall?

10 COMMISSIONER GARCIA: So one of the  
11 things I--

12 CHAIRPERSON REYNOSO: You're always  
13 saying as much as it needs, money and time to close.

14 COMMISSIONER GARCIA: So, actually and--  
15 and that actually is a requirement under Part 360 so--  
16 -

17 CHAIRPERSON REYNOSO: That is correct.

18 COMMISSIONER GARCIA: --we are legally  
19 required to have enough money close Fresh Kills  
20 Landfill. Much of Fresh Kills actually is already  
21 closed. We have one more section to close, which is  
22 the 1-9 section. The money that is budgeted will  
23 fully fund the closure of that. We are in  
24 procurement now, and we are just waiting for it to be  
25 awarded and registered. And then it basically takes

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2 us about a year per phase just because of the volume  
3 of material. I mean we've been stockpiling some  
4 material already at Fresh Kills to do the cover, and  
5 we anticipate that it will be fully closed, assuming  
6 that we get all the procurement done between 2020 and  
7 2021. But it takes up--it's--it's a very big project  
8 to close, the landfill, but much of the mechanical  
9 pieces or the gas collection, the storm water is  
10 already in place.

11 CHAIRPERSON REYNOSO: We incurred  
12 additional costs that weren't foreseen when we first  
13 started the project to close it?

14 COMMISSIONER GARCIA: I don't that, and I  
15 actually don't know the history of all of it in terms  
16 of it being additional costs. I actually think that  
17 we came in under estimate for this particular  
18 contract. So, I--I--but I don't know from the  
19 history from when it was initially budget for. I  
20 think one of the things that did change over time is  
21 that you used to be able to use capital money to do  
22 these sorts of things and--and general accounting  
23 standards changed so now it has to be expense money.

24 CHAIRPERSON REYNOSO: I want to get to  
25 NYCHA--

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2 COMMISSIONER GARCIA: [interposing] Yes.

3 CHAIRPERSON REYNOSO: --and recycling.

4 COMMISSIONER GARCIA: [interposing] Yes.

5 CHAIRPERSON REYNOSO: I know we've just  
6 started--

7 COMMISSIONER GARCIA: [interposing] Yes.

8 CHAIRPERSON REYNOSO: --are we are in  
9 stages of development. I really want to speak to  
10 have you seen any progress in Avatar (sic)? It's a  
11 program where we are going to be investing some  
12 funding in to make sure it happens right. I just  
13 want to know what progress you've made early on in  
14 the program.

15 COMMISSIONER GARCIA: So we've rolled out  
16 to many of the--many of the developments at this  
17 point, and we will be at all developments, which by  
18 that, I mean we will have sent a letter to all  
19 residents inviting them to a meeting and outreach for  
20 the program to teach them about recycling. NYCHA  
21 will have installed the bins, at every site in order  
22 to facilitate the residents recycling their material.  
23 We've had--from what we've seen, and we are looking  
24 at it pretty closely we are getting a lot of the  
25 caretaker materials. We're getting a lot of their

2 cardboard at this point in time, and then it's been  
3 more mixed with what the residents are doing. We are  
4 going to be pushing out a program with NYCHA to  
5 engage residents of NYCHA to do the outreach through  
6 our partnership with Grow NYC and I believe that  
7 actually this we had 21 people come to our first  
8 training to be an environ--environmental ambassadors.  
9 And so we're excited to--to do that. We think the  
10 peer-to-peer will be more successful.

11 CHAIRPERSON REYNOSO: I--I really want  
12 that program to work and just want to make sure that  
13 we're not missing any steps along the way to get,  
14 well, I guess a high level of participation.  
15 [coughing]

16 COMMISSIONER GARCIA: Yeah. You know  
17 that the biggest challenge with--with participation  
18 at NYCHA is that it is less convenient for them than  
19 for almost any other New Yorker because they're going  
20 to have to bring their material outside. There is no  
21 place to put a recycling bin in those buildings.  
22 They do not have lobbies. They do not have rooms on  
23 the floor. It would be a violation of fire code. So  
24 they--it is--it is--it is less convenient than it is  
25 for almost any other New Yorker just because of the

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2 ways the buildings are designed, but we are-- You  
3 know, we have a lot of enthusiasm from NYCHA to be  
4 doing this, and we'll continue to figure out what  
5 will work.

6 CHAIRPERSON REYNOSO: Okay, and then I've  
7 got two more questions. The vehicle use for life  
8 average. We always have this discussion as to when  
9 our vehicles are going to be--and be up to date I  
10 guess or--or current. So that our great Sanitation  
11 workers, our boldest get to--get an opportunity, our  
12 strongest--

13 COMMISSIONER GARCIA: Our strongest.

14 CHAIRPERSON REYNOSO: --our strongest.  
15 The boldest is Corrections.

16 COMMISSIONER GARCIA: Yeah.

17 CHAIRPERSON REYNOSO: I've been hearing--

18 COMMISSIONER GARCIA: [interposing]

19 Don't--don't confuse me.

20 CHAIRPERSON FERRERAS-COPELAND: I think  
21 they're the boldest.

22 CHAIRPERSON REYNOSO: But I just want to  
23 speak to their--the life--the life cycle of those  
24 trucks and where we will have them now.

25



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2 COMMISSIONER GARCIA: Absolutely. So  
3 they are old right this second. But we were funded.

4 CHAIRPERSON REYNOSO: Can you repeat  
5 that. I'm sorry.

6 COMMISSIONER GARCIA: They were--they are  
7 old right this second. They--we--we were funded,  
8 though, but OMB to increase our purchases from the  
9 Preliminary Budget substantially. I think that we  
10 were funded for about 70. We are now funded for 200  
11 plus of the rear loaders and for 90 dual bins for the  
12 next two years, and then it comes down. S o they're  
13 giving us more upfront to deal with our overage  
14 issue. But they're putting us closer to a level buy,  
15 which is what we want. Right now what you'll see is  
16 that we buy a whole lot because we get too old and  
17 then we don't buy it for a couple years. Then we buy  
18 a lot, but it's going to take, you know-- Once we  
19 have the CP in hand, which I have, you know, full  
20 support from DCAS and OMB on, it still is going to  
21 take 18 months for the builds. You know, the--the  
22 trucks that I purchased last year have not arrived  
23 yet. It will--it's--it's a long time to do a build  
24 for a--a refuse truck.

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2 CHAIRPERSON REYNOSO: Okay, so what--how  
3 long do you think it will take before we start  
4 getting a site-- Oh, so are you starting the process  
5 to break the cycle down to not have it just be  
6 turnover I guess. I guess what one--

7 COMMISSIONER GARCIA: [interposing] We  
8 are--we are striving towards getting to what we think  
9 is the optimal replenishment cycle, and we think that  
10 we're on track, and we think that OMP--OMB has  
11 properly funded us to--to be on track. We--we really  
12 want a--a level buy. The--the peaks and valleys are  
13 not only expensive in the years in which they occur  
14 on a capital program, but they're much harder to  
15 manage on the maintenance side.

16 CHAIRPERSON REYNOSO: And the--the last  
17 thing I want to ask is the organics collection. I  
18 know other colleagues want to speak to this. The  
19 siting of a facility or the contracts, are we going  
20 to be able to push these or expand the organics  
21 program and start handling it. I'm extremely  
22 concerned over what the plan is there, and I really  
23 don't feel like we have one yet, or we've--we've  
24 heard one. I just really want to get your insight as  
25 to how we're going to be able to handle that long

2 term, and what the siting of those facilities would  
3 be, if they would happen in the city--in the city of  
4 New York. But is that happening outside for  
5 something you have a conversation about what that  
6 contract looks like, or who we're working with are we  
7 clean in these facilities?

8 COMMISSIONER GARCIA: [interposing]  
9 Certainly we have--we--so, the pilot contracts that  
10 were put in place several years ago, one of the  
11 things we found is that we were having loads rejected  
12 because of contamination particularly from plastic  
13 bags. And that's in part because the back processing  
14 infrastructure is farms. They've never really been  
15 taking organics from munic--a municipality. So we put  
16 out bids for new contracts that required pre-  
17 processing. They're--basically they're usually big  
18 machines that--will rip it apart and end up creating  
19 just the organic sort of slurry. All of those  
20 contracts except I think perhaps one are with the  
21 Controller at this point in time, and that should  
22 give us the capacity to continue to roll out, and  
23 they are located at transfer stations except on  
24 Staten Island where we own our compost facility, and  
25 that compost facility actually does need some

2 additional work to take any additional organics on  
3 the island. But the people who won the bids were  
4 American Recycling, Regal, Waste Management, Brooklyn  
5 Transfer, We Care, and so those are where the  
6 material will go in the future.

7 CHAIRPERSON REYNOSO: So in a couple of  
8 those names that I heard are in North Brooklyn?

9 COMMISSIONER GARCIA: Yes.

10 CHAIRPERSON REYNOSO: So I just want to  
11 reiterate that we're getting to a point, and I guess  
12 this is--and I say this every time, and I guess I  
13 don't enough work on it. We need to stop sending  
14 garbage to North Brooklyn. [coughing] It cannot be  
15 the only place where we make that happen, and if it  
16 means that the city of New York has to invest real  
17 money into building facilities elsewhere or  
18 contracting outside the city of New York, then we  
19 need to make that happen. We can't continue to be  
20 the dumping ground literally of the city of New York,  
21 and it seems like every new program that we have no  
22 matter how inventive it is and how supportive we want  
23 it to be, we continue to send garbage to North  
24 Brooklyn specifically. I don't where the--the other  
25

2 locations are in Southeast Queens or in the South  
3 Bronx.

4 COMMISSIONER GARCIA: [interposing] Some  
5 of them are in the--

6 CHAIRPERSON REYNOSO: Some of them are.  
7 So we just really have to start talking about whether  
8 or not maybe the deciding task force is something  
9 that we need to re--re--

10 COMMISSIONER GARCIA: So--so--the one--  
11 let me--let me--one of the challenges is that  
12 transfer stations can only be cited in M3 zones, and  
13 there are not a lot of M3 zones outside of Brooklyn  
14 North, Queens 12, Bronx 1 and 2 and Queens on the  
15 north side of Newtown Creek. There--there are just  
16 not that many out there.

17 CHAIRPERSON REYNOSO: Yeah, but that's  
18 not--So we--we--we--

19 COMMISSIONER GARCIA: [interposing] So  
20 let--let me finish. The other thing is that there  
21 will be a lot less putrescible garbage going to North  
22 Brooklyn when Hamilton opens and when South West  
23 opens.

24 CHAIRPERSON REYNOSO: [interposing] So  
25 what you're saying--

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2 COMMISSIONER GARCIA: A thousand tons a  
3 day are going to be going there.

4 CHAIRPERSON REYNOSO: That's above here.  
5 (sic)

6 COMMISSIONER GARCIA: That's a lot.

7 CHAIRPERSON REYNOSO: We have 20,000 tons  
8 of capacity. So when--when you put it in  
9 perspective, 5% of that--

10 COMMISSIONER GARCIA: [interposing] But  
11 there's not 20,000 tons going there now.

12 CHAIRPERSON REYNOSO: But it's 20,000  
13 tons of capacity, though. It still doesn't matter.

14 COMMISSIONER GARCIA: [interposing]  
15 Right.

16 CHAIRPERSON REYNOSO: On any given--on  
17 any given day, math--I'm just going to do the math.  
18 On any given day we can get rights on the capacity is  
19 what I'm saying. You have--the Sanitation Department  
20 has allowed that to--to be a possibility is what I'm  
21 saying. So when we talk about losing a thousand tons  
22 or even 800, we're talking about a drop in the bucket  
23 to the greater--the greater issue we have there. And  
24 when you remove 800 tons after Hamilton goes out, it  
25 doesn't mean you just replace it with something else.

That's what I'm trying to tell you. We've got to figure out a permanent system that we stop sending garbage to North Brooklyn, and we need to create new end-zones in these rezoned districts that we're talking about here in the city of New York where everyone getting affordable housing, talk about M zones that we just start putting some new waste transfer stations in districts outside of the overburdened districts in the South Bronx and Southeast Queens and in North Brooklyn, and at this point it's going to have to be an all out, you know, campaign against what's happening here against the city in these neighborhoods again. So I just want to let you know that. At this point it's extremely disappointing to see that we haven't been able to be creative or thoughtful about where we move this trash outside of just dumping it in the same poor black and brown communities that we've traditionally done so-- and I guess that's my--my other question then.

CHAIRPERSON FERRERAS-COPELAND: Thank you, Chair Reynoso. We will now hear from Minority Leader Matteo followed by Council Member King followed by Council Member Lander.

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2 COUNCIL MEMBER MATTEO: Thank co-chairs.

3 Commissioner, thank you. Thank you for the--for the  
4 wonderful partnership we have in Staten Island.

5 You've really been able to get some great things done  
6 in the last year. So I want to start with our E-  
7 waste program obviously, and again I thank you for  
8 the pilot program on Staten Island, for working with  
9 me to make this a reality. So I know you said it  
10 before, but I just want to just reiterate so we're--  
11 we're using 12 person--12 DSNY personnel--

12 COMMISSIONER GARCIA: [interposing] Yes.

13 COUNCIL MEMBER MATTEO: --and six--?

14 COMMISSIONER GARCIA: And six vehicles.

15 COUNCIL MEMBER MATTEO: And six vehicles.

16 So that's where we're doing now the prep for again  
17 the vehicles?

18 COMMISSIONER GARCIA: Yes.

19 COUNCIL MEMBER MATTEO: We--we think we'll  
20 start in the fall?

21 COMMISSIONER GARCIA: Yes,

22 COUNCIL MEMBER MATTEO: And then we'll do  
23 the--basically how you get rid of a refrigerator.  
24 Someone will call--

25 COMMISSIONER GARCIA: Correct.



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2 COUNCIL MEMBER MATTEO: --and then you'll  
3 schedule a time and they'll just put it on that--on  
4 the--they'll just get it out to the curb?

5 COMMISSIONER GARCIA: Yep.

6 COUNCIL MEMBER MATTEO: Okay, and it'll--  
7 you'll give them a date and--?

8 COMMISSIONER GARCIA: Yep.

9 COUNCIL MEMBER MATTEO: Okay, great.

10 COMMISSIONER GARCIA: Just like the air  
11 conditioners or refrigerators.

12 COUNCIL MEMBER MATTEO: So, and we think  
13 fall and we allocated \$3 million? Was that your--is  
14 that baselined for the--for the program?

15 COMMISSIONER GARCIA: \$2--\$2.7.

16 COUNCIL MEMBER MATTEO: \$2.7?

17 COMMISSIONER GARCIA: Yeah, but some of  
18 that is just to buy the vehicles, the initial  
19 purchases. So the ongoing should not be as high.

20 COUNCIL MEMBER MATTEO: And do we think  
21 that we're going to limit to a--to a time during the  
22 day? Are we going to go off hours?

23 COMMISSIONER GARCIA: Well, we right now  
24 think it will be primarily a regular shift, the  
25

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2 regular 6:00 to 2:00 shift we will be using, but we  
3 honestly don't know how much demand for that.

4 COUNCIL MEMBER MATTEO: And--and obviously  
5 you don't know how much--you did with the trucks?  
6 Right, I mean do you know yet like the capacity of  
7 how many, how to--?

8 COMMISSIONER GARCIA: We honestly don't  
9 know, you know, are people going to call for small  
10 items as well? Are they going to call only for the  
11 large items? We--we don't know that.

12 COUNCIL MEMBER MATTEO: And then if they  
13 have numerous items, they're going to have to tell  
14 you.

15 COMMISSIONER GARCIA: They're going to  
16 have to tell us that they're--they're doing it or,  
17 you know, we'll have to go back, but the whole  
18 concept here is that we'll learn a lot--

19 COUNCIL MEMBER MATTEO: [interposing]  
20 Right.

21 COMMISSIONER GARCIA: --about what this--  
22 what's going to happen here?

23 COUNCIL MEMBER MATTEO: Well, it's much  
24 appreciated and I--I thank you again for what you're  
25 doing. I hope folks continue working to--to begin

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2 the--the program in the fall. So I want to jump to  
3 the equipment, and we weed out for snow removal. So  
4 you said the priority most of it's going to be in  
5 Staten Island and East Queens?

6 COMMISSIONER GARCIA: The priority will  
7 be in those areas where have the small street, which  
8 is primarily--

9 COUNCIL MEMBER MATTEO: [interposing] So  
10 then you'll just have the equipment on site at one of  
11 the garages?

12 COMMISSIONER GARCIA: Right, we'll assign  
13 it to garages as we do now with our current fleet of  
14 Hollisters. So they'll probably--you know, this is  
15 why you want to have garage that's big enough to fit  
16 extra stuff.

17 COUNCIL MEMBER MATTEO: Yeah, actually,  
18 you do. Well, that's great because New Dorp Beach  
19 and Wesley and parts of my district with the--with  
20 the vary narrow streets as you--

21 COMMISSIONER GARCIA: [interposing] Yes.

22 COUNCIL MEMBER MATTEO: --we--we--we  
23 worked together well on that Sunday during the snow  
24 storm to get the equipment there and to dig the good  
25 folks of New Dorp Beach and--and Wesley out. They

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2 have a lot of schools on narrow streets that these--  
3 this will be very helpful. So thank you for that.  
4 In terms of the tertiary contracts, the--the  
5 contract?

6 COMMISSIONER GARCIA: So the Tertiary  
7 Contracts expire at the end of this year. As we get  
8 the equipment in, it is likely that we will no longer  
9 need them.

10 COUNCIL MEMBER MATTEO: So, you--you're  
11 not going to renew it, and then you're just going to  
12 add DSNY personnel to those routes and--?

13 COMMISSIONER GARCIA: That--that is my--  
14 my intention.

15 COUNCIL MEMBER MATTEO: And is there  
16 anything else that you have to do especially with the  
17 Staten Island, you know, plan or are you just  
18 basically incorporating the personnel?

19 COMMISSIONER GARCIA: No, no we--I mean  
20 because we don't actually even activate the--the--the  
21 contracts for every event. So we have coverage plans  
22 for DSNY.

23 COUNCIL MEMBER MATTEO: And I--I guess the  
24 assumption is a lot of the new equipment will be used  
25 for these small tertiary streets as well?

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2 COMMISSIONER GARCIA: Yes, I mean  
3 they're--they're designed for the tertiary size  
4 street for--in your community Julissa's block  
5 [laughs] and other areas of the city.

6 COUNCIL MEMBER MATTEO: Excellent. I'm  
7 just moving along quickly so we can get through as  
8 much as we can. Organic expansion on Staten Island?  
9 That's based on the compost capital improvements?

10 COMMISSIONER GARCIA: So we have to do  
11 some capital improvements at the Staten Island  
12 Compost facility. We think those will be done by  
13 about next fall. So the fall of 2017, and we would  
14 then roll out Staten Island then. But I mean it is  
15 based on us getting some work done ahead of that.

16 COUNCIL MEMBER MATTEO: So then we're not  
17 expanding at all--

18 COMMISSIONER GARCIA: [interposing]  
19 That's right.

20 COUNCIL MEMBER MATTEO: --at least until  
21 fall of 2017?

22 COMMISSIONER GARCIA: You're--you're  
23 going to be on the later side of the next expansion--

24 COUNCIL MEMBER MATTEO: Okay.  
25

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2 COMMISSIONER GARCIA: --that I have  
3 planned.

4 COUNCIL MEMBER MATTEO: Right. So then  
5 obviously over the next year we'll talk more about  
6 the--

7 COMMISSIONER GARCIA: [interposing] Yeah.

8 COUNCIL MEMBER MATTEO: --the capital  
9 improvements that are--that are needed. Illegal  
10 dumping. You've worked very well with--with me and--  
11 and my colleagues. We've added more resources to  
12 illegal team. At the prelim hearing I was talking  
13 about cameras. While you don't have to get into  
14 specifics of ongoing investigations, are we using  
15 cameras? Are we putting them up? Are they temporary  
16 and--and where we can relocate them? You know,  
17 visiting the hot spots along the west shore, we've  
18 give you some sites.

19 COMMISSIONER GARCIA: Uh-huh.

20 COUNCIL MEMBER MATTEO: If you'll just  
21 give me an update on the illegal dumping program that  
22 you're talking about.

23 COMMISSIONER GARCIA: [interposing]  
24 Certainly so--so as you know that we've been doing  
25 [bell] quite a bit of surveillance and we have been

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2 using cameras. We've done over 500 hours of  
3 surveillance. We've--we've impounded three vehicles,  
4 but you know, they are--they are very time intensive,  
5 but we have been able to capture some folks. We've  
6 also coordinated with DOT and actually primarily  
7 other areas in this city where they were having  
8 people dump on their property, and actually just used  
9 fake cameras there and it was effective.

10 COUNCIL MEMBER MATTEO: Excellent, and you  
11 said three vehicles right?

12 COMMISSIONER GARCIA: Yep.

13 COUNCIL MEMBER MATTEO: Excellent. Great  
14 Kills remediation?

15 COMMISSIONER GARCIA: So Great Kills  
16 remediation is primarily driven by the National Park  
17 Service. We are committed to assist with the funding  
18 of the study that's required under federal law, and  
19 so we provide guidance to the study, but it's really  
20 driven by the National Park Service. I do know they  
21 are working hard to make sure their prioritizing work  
22 that needs to happen to facilitate the Army Corps  
23 Flood Mitigation Program.

24 MINORITY LEADER MATTEO: Yeah, I mean  
25 obviously that's a priority and we'll continue to

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2 follow up with NPS and--and all the agencies that are  
3 involved to ensure that we're moving forward. Chairs  
4 if you can indulge me in just a few minutes for two  
5 more questions? Thank you. I want to talk about  
6 recycling rates in Staten Island. You and I talked  
7 about this, you know, as much as we can, and I know  
8 we have a cycling basket, you know, placement for  
9 recycling and our outreach. Can you--can you tell me  
10 in the budget what is allocated to recycling, you  
11 know, outreach and what we can be doing more to get  
12 our numbers up, obviously working together and doing  
13 more outreach?

14 COMMISSIONER GARCIA: Certainly so the--  
15 the good news is that diversion is up year over year  
16 and in the last two years we're up about 10%, which  
17 is like one point each year on diversion. In Staten  
18 Island, you've been hovering at just under 20%, but  
19 that's better than last year when you were at 18%.  
20 The guy on the other side of you that has the best  
21 numbers. So we haven't seen improvements. There's  
22 about \$17 million in the budget for outreach in a  
23 variety of formats whether or not that's tabling  
24 events doing, you know, video. I feel like I am  
25 actually a star of Taxi TV. [laughter] But anywhere



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2 we--and---and the Channel 25. I also appear there  
3 often.

4 COUNCIL MEMBER MATTEO: I'll have to check  
5 it out.

6 COMMISSIONER GARCIA: But anything that  
7 we can do to get the message out we do. The one  
8 thing that I will say is that with the organics  
9 expansion we have seen better diversion of metal,  
10 glass and plastic and paper when that occurs. So I  
11 anticipate that we will continue to see these numbers  
12 improve. But we are happy to do anything creative.  
13 I think that--that we can. We've been doing a lot of  
14 media recently, and some reporters have been very  
15 interested in following their recyclables or  
16 following their garbage, which I think can be very  
17 helpful.

18 COUNCIL MEMBER MATTEO: Do you--the bins  
19 that we're putting out, the three of them together--

20 COMMISSIONER GARCIA: Uh-huh.

21 COUNCIL MEMBER MATTEO: --the closed bins,  
22 the green, the blue we have that all with a removal  
23 plan. I think it's helping. I think it's--it's  
24 raising aware--recycling awareness. Do you find that  
25

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2 placing those in commercial corridors are--are  
3 helping as well? Because I mean--

4 COMMISSIONER GARCIA: It--it

5 COUNCIL MEMBER MATTEO: --my commercial  
6 corridor is a lot different.

7 COMMISSIONER GARCIA: It depends on the  
8 area.

9 COUNCIL MEMBER MATTEO: Okay.

10 COMMISSIONER GARCIA: I have had success  
11 with recycling bins in some areas. In other areas  
12 I've had very, very heavy contamination.

13 COUNCIL MEMBER MATTEO: Okay. All right,  
14 and we could discuss this further, and the--and the  
15 last question and again thank you chairs. I--I  
16 appreciate the extra time. Obviously in Staten  
17 Island, we've--we've been using the City Council  
18 Cleanup Initiative very well. My Clean Team, the  
19 borough president's Clean Team, Council Member  
20 Borelli's Clean Team, where we've done over 250  
21 locations, countless numbers of bags. But, you know,  
22 we still have a problem, and it's human behavior,  
23 people throwing garbage out of the window. And you  
24 get off the highway and you get off at Bradley Avenue  
25 in Staten Island and you--and you see that one

section on North Garren (sic) and they just keep  
throwing them out. Is there a better marketing  
strategy or better out-of-the-box creative way of,  
you know, not just putting the, you know, don't  
litter. And I know you guys aren't even putting many  
signs up but, you know, human behavior-- And again,  
I'm blaming the human behavior, but it's happening  
and we keep sending out our Clean Teams back, you  
keep sending your Lot Division to all these lots. And  
we're doing--we're putting more resource, more  
resources. Looking for--for a creative way, how do  
we find these hot spots especially on these service  
roads to prevent them whether we use flower beds. We  
use different marketing strategies, different signs.  
Because I--you know, to do--I know we can't put a  
basket there because as you and I talked offline,  
people will think they can make the shot on this.  
But, you know, do you have any thoughts on how we can  
have that creative out-of-the-box thinking to, you  
know, get these spots to, you know, at least try and  
get someone to think twice before they--they throw  
that--that garbage that lunch back, that coffee cup  
out the window.

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2 COMMISSIONER GARCIA: I mean I'm--I'm--I  
3 will definitely work with you on it. It is one of  
4 the continuing frustrations because we've been doing  
5 anti-littering messaging for probably 50 years. And  
6 you still--even near my office watch people who--who  
7 are maybe 10, 15 feet away from a litter basket, just  
8 throw it on the curb. We are trying to think through  
9 what could be a better message. I like your idea of  
10 flower beds. I think that that could be something  
11 that could be interesting, and I'll certainly talk to  
12 DOT about whether or not they find that to be useful.

13 COUNCIL MEMBER MATTEO: Uh-huh.

14 COMMISSIONER GARCIA: But not it's--it's  
15 very, very challenging.

16 COUNCIL MEMBER MATTEO: And--and again,  
17 I'm--I'm willing to put in, you know, some funding  
18 out of our own discretionary capital. It depends on,  
19 you know, what it--what it will require to--to do  
20 some of these things. So I appreciate it. The  
21 partnership with you and Chief Monte on Staten Island  
22 that's been great. You've--you've been responsive  
23 during snow, every day, you know, with all these  
24 issues that you raise back up. So I thank you for  
25 that. I--I think the chairs for--for recognizing the

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2 efforts out of Staten Island, and it's just been a--a  
3 pleasuring partnering with you, and I'm looking  
4 forward to continuing with this.

5 COMMISSIONER GARCIA: Thank you.

6 CHAIRPERSON FERRERAS-COPELAND: Thank  
7 you. Now, we will hear from Council Member King  
8 followed by Council Lander, and we've been joined by  
9 Council Member Constantinides.

10 COUNCIL MEMBER KING: Thank you, Madam  
11 Chair and Mr. Chair. Before I start my questioning,  
12 I'm just going to piggy back off of what the Finance  
13 Chair said. Recently I read an article in regards to  
14 us in the City Council we go before a hearing and we  
15 have our commissioners in front of us. We usually  
16 just sign their praises. They don't hold them  
17 accountable, but in the case I think we do hold you  
18 and the San--the Department of Sanitation  
19 accountable, and if we're going to sing praises, we  
20 have to sing praises because you've been exceptional  
21 and them being--having access to you and responding.  
22 I know when I've had issues in my district I was able  
23 to get a hold of you without any troubles or--or  
24 dropped calls or anything. So I want to thank you  
25 for being accessible and helping us all in--in

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whatever crisis that we have when it comes to  
Sanitation. So thank you and your wonderful team. My  
questions, and I have about four questions. I'm  
going to start with the Organics Collection Program.  
I'm reading how we're from the briefing that you're  
going to be expanding in the Bronx from--the Bronx  
community 10 and 11. I'm just a little--a little  
unclear. When you say Bronx communities or any of  
these communities, are you talking about community  
boards, council districts.

COMMISSIONER GARCIA: Community boards--

COUNCIL MEMBER KING: [interposing] okay.

COMMISSIONER GARCIA: --because we--we  
are--all of our districts code terminus with  
community boards.

COUNCIL MEMBER KING: Okay, all this is  
full-term community boards?

COMMISSIONER GARCIA: Uh-huh.

COUNCIL MEMBER KING: Okay, so one day  
we're going to get to Community Board 12. I'm  
looking forward to that day. My next question goes in  
regards to the recycling program that you, and I  
heard the conversations about NYCHA, and when it  
comes to the DOE, the outreach that you're doing, I

1 know you're in the schools having outreach. I'd like  
2 to know how much money have you--in--in the budget  
3 that you've spent on outreach and the DOE with  
4 children and how successful, and have we seen any  
5 changes in any people's behaviors from the money that  
6 has been spent? That's one question. My second  
7 question goes into during snow storms I know we use  
8 the NYC Plow and try to track where the trucks are.  
9 Now, I'd like to know what kind of costs that you--  
10 because in--in your testimony you talked about  
11 improving those systems? What additional costs that  
12 it's going to cost you to cut-- Because we know  
13 during the last snow storms people said they have had  
14 some problems trying to track where trucks are or  
15 trucks where they weren't supposed to be. So what  
16 have you been able to do to correct that? And  
17 thirdly, in the hearing that we had, the Preliminary  
18 Budget, you mentioned something about the walkie-  
19 talkie radio

21 COMMISSIONER GARCIA: [interposing] Uh-  
22 huh.

23 COUNCIL MEMBER KING: --that were \$1,500  
24 a radio. And I wanted to know were we able to find  
25 and identify what--what are we getting for \$1,500

2 radio that we couldn't get for a \$500 radio, and  
3 what--where that cost takes us today? And the final  
4 question is when it comes to electronic waste, is  
5 there any plan because I--you see the number of  
6 complaints from our seniors being able to do away  
7 with electronic waste. There's a system in the  
8 Bronx. I know you got to take it to PC Richards.  
9 For some we're are seeing they can't get to PC  
10 Richards. So is there a plan for the seniors of how  
11 they dispose of it. With some of the things you  
12 might it difficult to take to Orchard Beach where I  
13 know there's something happening in the Bronx or some  
14 places this far. So, with that, thank you.

15 COMMISSIONER GARCIA: Okay. So over the  
16 recycling budget outreach is about \$17 million. I  
17 don't have a breakout for specifically what's at DOE,  
18 but we spend quite a bit of money particularly  
19 through our partnership with Grown NYC to do  
20 Recycling Champions in the schools. So they are  
21 there pretty consistently. We're also rolling out  
22 our new Zero Waste Schools, which is about 100  
23 schools in Manhattan and Brooklyn where we are--we  
24 are doing a deep dive into audits of what their  
25 materials is, and what can they actually achieve.



2 And then in the next school year, it will be paired  
3 with very intensive outreach to make sure that we  
4 have--we've always done outreach in the schools. We  
5 think it's extremely important. But what's really  
6 working, what's working the best in what schools,  
7 like what materials make the most sense for kids and  
8 how can we really, you know, just tune up what we're  
9 doing. In terms of Plow NYC it's a very complicated  
10 system electronically. So obviously we've tightened  
11 up over the years, our--what the--the GPS signal, the  
12 AVL piece in the truck. We've improved that at least  
13 since I've been here two generations better. We used  
14 to have trucks that looked like they were driving in  
15 the middle of the harbor, and that's much closer to  
16 the grid. There still are challenges particularly  
17 near water and also in the--in Manhattan with the  
18 canyon effect and it's--I don't know if you ever--I  
19 can't get--I can't get a signal on Reed Street for  
20 some reason when I'm on my iPhone. I'm never in the  
21 right place. And so we continue to work on that. It  
22 ends up having to go through another--they take all  
23 of those data pieces [bell], and it goes through an  
24 algorithm at DOITT that snaps it to the grid, and  
25 sometimes it can be just slightly off. It will snap

2 to the wrong street. So we know that that can occur.  
3 They continuously are tightening up that algorithm to  
4 make it--to improve it, and we're also looking at  
5 whether or not we need a different processor in--in  
6 the back end. We have Laz (sp?) Track doing it  
7 currently, and then we've been piloting technology  
8 with DOITT to see whether or not there are better--  
9 better providers out there or if this giving us the--  
10 the best--the best of class at this point. In terms  
11 of radios, they really--they are--they are 800  
12 megahertz radios that are used by all city agencies.  
13 It's a requirements contract. So it's bid out at a  
14 higher level, and that is the price that we got. And  
15 so we are going ahead with that purchase, and then on  
16 eWaste, as I said earlier, we are piloting collection  
17 by DSNY employees at the curb through a service very  
18 similar to RCFC Service and, you know, we will learn  
19 from that and--and figure out how we could or do it  
20 across the city if it makes sense. So that's where  
21 we are.

22 COUNCIL MEMBER KING: So I want to say  
23 thank you and just to follow up, you said that your--  
24 your contract is that they have to use these 800  
25 megawatt radios. If you choose to do something

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2 different or found something that's less expensive,  
3 would be able to--

4 COMMISSIONER GARCIA: [interposing] I  
5 can't--I--they have to bid on city contracts. I mean  
6 like they have to go through the regular process. I  
7 mean if there's another provider we would encourage  
8 them to--to bid on the contract. We could provide  
9 those specifications to them, but I can go outside  
10 the City Procurement Process.

11 COUNCIL MEMBER KING: Understood, and you  
12 have a site. You feel comfortable that people are  
13 changing their behaviors when it comes to recycling  
14 or are we still at the--

15 COMMISSIONER GARCIA: [interposing] The  
16 Bronx is actually quite well. You know, you--you  
17 have some work to do to reach the higher levels, but  
18 at the Bronx we've been seeing big jumps in the  
19 Bronx. So we're pleased.

20 COUNCIL MEMBER KING: Well, thank you for  
21 your time and thank you for your answers and thank  
22 you Madam Chair and Mr. Chair.

23 CHAIRPERSON REYNOSO: Thank you.

24 CHAIRPERSON FERRERAS-COPELAND: Thank  
25 you, Council Member. I don't know why you have to

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2 say Mr. Chair with a deep voice. [laughter] Council  
3 Member Lander followed by Council Member Miller.

4 COUNCIL MEMBER LANDER: Thank you to the  
5 Chairs. Thank you to the chairs and to the  
6 Commissioner, and thank you especially for your  
7 leadership towards this ambitious goal of sending  
8 zero solid waste to landfills by 2030. Just  
9 critically important and, of course, in that effort  
10 Intro 209-A in our effort to dramatically reduce the  
11 plastic from single-use bags is a strong piece of it,  
12 and I want to thank you personally for your  
13 partnership in helping make that happen. And also in  
14 characterizing it today as part of just this much  
15 bigger effort. There is not a silver bullet to zero  
16 waste. We've got to expand the Organics Program.  
17 We've got to keep working on making the recycling  
18 program work better, each of the things that you're  
19 doing, NYCHA, the bulk waste, electronics wastes.  
20 It's great to see. I will as, you know, I'm sitting  
21 here with Minority Leader Matteo, and though we  
22 disagree on 209, we strongly share that goal of  
23 addressing solid waste more broadly in ways that work  
24 for our neighborhoods and work for our city. I will  
25 say that getting the--in getting the kids to fill out

2 their surveys, their school surveys. Pizza parties  
3 seems to work well. So I don't know. We're happy to  
4 have the highest recycling rates, but maybe we'll  
5 challenge Staten Island, and the winner gets a pizza  
6 party. So, my questions I guess, first are around  
7 the organics program, and I think it might be helpful  
8 maybe if we have a hearing where we can really drill  
9 down, and-and dig in on some of these questions. And  
10 we've asked you at previous hearings, and you've  
11 talked a little about getting the capacity expansions  
12 we need. But I guess tells us a little more what are  
13 we learning from the pilot beyond the need to deal  
14 with the plastic? Are there opportunities for more  
15 community based facilities like the one we have in  
16 Gowanus. Obviously we're talking about volumes way  
17 beyond what a small community based facility can do.  
18 But partly this goes to the chair's issues of how we  
19 have all communities participating, and are there  
20 some opportunities to have things that don't just go  
21 to a transfer station and the move outside the city?  
22 You and I talked about this issues of bulk pickup,  
23 and when you switch to the double loading trucks how  
24 are we learning to make sure we still can deal with  
25 the bulk pick up districts. So, can you just tell us

2 a little more about some of those questions, what  
3 we're learning from the pilot program and as we  
4 achieve this super, you know, very important and very  
5 ambitious goal of citywide expansion by the end of  
6 2018, how we're going to put those to work?

7 COMMISSIONER GARCIA: Yes, no pressure,  
8 other council members. He's got 30% diversion rate.

9 COUNCIL MEMBER LANDER: [laughs]

10 COMMISSIONER GARCIA: But we are learning  
11 a lot in the Organics Program. You know, it's very  
12 clear that the public needs some sort of carrier to  
13 take their organics to the--to the curb, their food  
14 organics. We've learned a lot about what the  
15 processors need to see coming out of this program.  
16 We have learned that, you know, the--the dual bin  
17 makes us much more efficient in terms of the refuse  
18 and organics collection on that day. But you can't  
19 fit a couch in a dual bin, and so we've had to  
20 schedule and the talk through. And usually on a  
21 Friday and Saturday we will run bulk trucks and go  
22 get everything that's in that district. So we are  
23 planning to ensure that we have that. We're also  
24 looking at some other models of collecting, and  
25 we're--we're at the very beginning of this and

1 everything is negotiation with our union. But it's--  
2 it's been a very interesting process trying to make  
3 sure we're matching the right collection model to the  
4 right district. There are going to be some areas  
5 where dual bins would--would not be a solution  
6 because the refuse size is too heavy, and it would--  
7 it would be--it will fill up too fast.

8  
9 COUNCIL MEMBER LANDER: One thing that  
10 I've talked a little about on the bulk side is where  
11 there's some sort of online--like I think in--in my  
12 district it might make sense to do bulk in a way that  
13 when you put a bulk item out you--you know, you--you--  
14 -you say online I'm putting a couch out and then you  
15 guys know to come and get that couch.

16 COMMISSIONER GARCIA: [interposing] Why  
17 can't you put it on Greg's List--Craig's List and  
18 then let them know?

19 COUNCIL MEMBER LANDER: But, I--

20 COMMISSIONER GARCIA: [interposing] Yeah.  
21 [laughs] But no I do--I do think that we're still  
22 working through all of the logistics of that, the two  
23 districts that are using dual bins. Brooklyn 6 and  
24 Queens 10, we've had challenges with bulk, and then  
25 primarily been sort of pushing out the messing that

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2 try and put your bulk out on your second day instead  
3 of your first day because we will do the collection  
4 on the Friday and Saturday.

5 COUNCIL MEMBER LANDER: Right, and  
6 obviously yeah, the day that you're not paired with  
7 recycling is--it's amazing how little refuse there is  
8 in my district on the second day. I will say that.

9 COMMISSIONER GARCIA: Actually, across  
10 the city it's--Staten Island in particular there are  
11 no setups on the second day.

12 COUNCIL MEMBER LANDER: Yeah.

13 COMMISSIONER GARCIA: In like 40% of the  
14 buildings, they don't put out anything.

15 COUNCIL MEMBER LANDER: Yeah. No, it's  
16 really and as you said, you--you get better at  
17 recycling as well once you can dump the--the Chinese  
18 in the organics then you can recycle the Chinese food  
19 contain--container, which you wouldn't--you probably  
20 would have thrown both in the--in the trash before.

21 [bell]

22 COMMISSIONER GARCIA: And I--just to go  
23 back to your--your question on community composters,  
24 we're very committed to continuing to expand that.  
25 We're actually looking at a site in the Bronx near



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2 one of our locations to see if we can expand that and  
3 make that a community compost site. We really want  
4 to make it so all of the drop-off materials stays in  
5 the city, and replenishes our soils in the city. So,  
6 we--we think that that can continue to occur. We  
7 have a lot of very, very successful pretty large  
8 community composters now. We want to see that grow.

9 COUNCIL MEMBER LANDER: Great and then my  
10 last question to you, you know, and also in response  
11 to Chair Reynoso you talked about the difference it  
12 will make when the MTSs come online. Can you just  
13 update us on the expected completion dates and the  
14 status of construction and, as you know, I can--I  
15 can--

16 COMMISSIONER GARCIA: [interposing] You  
17 can see your--

18 COUNCIL MEMBER LANDER: --see the  
19 Hamilton Avenue MTS from my window. It's my Sarah  
20 Palin--

21 COMMISSIONER GARCIA: Yes. [laughs]

22 COUNCIL MEMBER LANDER: --impersonation,  
23 but I--I think we're-we're enthusiastic about it  
24 coming online, but if you could just give us citywide  
25

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2 what the status of construction and how complete  
3 things are? (sic)

4 COMMISSIONER GARCIA: [interposing] So--  
5 so for Hamilton and for Southwest one of the  
6 challenges we don't have a contract yet on the back  
7 end. We are working with ISI. We think we are very  
8 close to getting it to the Controller's Office. It  
9 was an extraordinarily complicated--as all of our  
10 contracts are. It's not more complicated, it's just  
11 as complicated. Hamilton as--as you know, basically  
12 complete. Southwest and 91st Street both we  
13 anticipate completing in the fourth quarter, calendar  
14 fourth quarter of next year. So at the end of 2017.  
15 I want DDC to speak more directly to the actual  
16 dates, but what I've been briefed on is that would be  
17 the timing, and we always forget, but we are also  
18 doing 59th Street, and 59th Street should also  
19 complete around that particular time.

20 COUNCIL MEMBER LANDER: And hopefully  
21 with the work contract work you're doing to get  
22 Hamilton and Southwest that will accelerate the  
23 ability to have those others in place close to when  
24 they're--they are completed.

25

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2 COMMISSIONER GARCIA: 91st Street has us  
3 back in contract. So it will be able to ramp up as  
4 soon as it's complete.

5 COUNCIL MEMBER LANDER: Thank you.

6 CHAIRPERSON FERRERAS-COPELAND: Thank  
7 you, Council Member Lander. We've been joined--I  
8 mean we're going to hear from Council Member Miller  
9 followed by Council Member Costa Constantinides.

10 COUNCIL MEMBER MILLER: Thank you, Madam  
11 Chair. Good morning Commissioner to you and your  
12 team. I just want to start by saying wow, I share  
13 the city's and the Administration's and my  
14 colleague's ambitious goal to have a cleaner--cleaner  
15 streets and this--and certainly a cleaner  
16 environment. I share Council Member Reynoso's  
17 sentiments, but I'm still very concerned that there  
18 are these four communities that--that--that bear the  
19 burden of this, and the impact on those communities  
20 on--on those environments. And--and while we have  
21 sort of come to terms with it, and our communities  
22 continue to fight to have equity in how these  
23 services get delivered, and how they're received. But  
24 I think when--when--when you mention the compost  
25 piece and others, that we are now adding insult to

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2 injury by increasing the number garbage in whatever  
3 form that it's going into the community. And--and--  
4 and--and so while--while there is in my opinion  
5 exists in very questionable areas of these  
6 communities in particular in Southeast Queens, this  
7 is a--a residential area of one-family homes. And--  
8 and some of those companies that you have mentioned,  
9 who was awarded the latest awards they have really  
10 moved further and further into residential  
11 communities and certainly those communities are being  
12 impacted by that. So I think while public policy and  
13 even law may mandate zoning and so forth, that we  
14 have a responsibility to kind of go out and see the  
15 impact on the communities that are going on. Just  
16 because you can't do something does not make it the  
17 right thing to do, and I certainly agree that we--  
18 that we want to clean up our environment. That our  
19 community has really been around that, but this is  
20 certainly becoming more and more of an environmental  
21 justice issue. And we want to make sure that you  
22 come out and really take a look at what's going on  
23 there. Also, along that line we want to know what--  
24 what--what--what are the specs and the mandates and  
25 requirements in terms of housing, handling and

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managing this--this--the garbage and recycling in--in  
whatever capacity exists. And the community wants to  
know whether or not they are in compliance with  
regulations, whether it should be closed or it should  
be a top, whether it should sprayed down. What is  
the distance between that and--and residential  
housing and so forth because they just seem to be  
growing and growing and growing. And these questions  
are being answered, and I think that it's--we're  
having a real impact on the community. So obviously,  
I--I think I made the point, and that hopefully we  
can have some answers on that.

And then secondly, I want to talk about  
the eWaste Program, which is very--it's been a real  
burden on the Borough of Queens again just because of  
the demographics, the private homes, the one and two-  
family homes, the seniors that are forced to bring,  
no longer even bring it out to the curb, but can't  
transport. My office would certainly be willing to  
partner with the department--the DOS or any other  
organization that would allow us to--to help  
facilitated that. But it seems that those  
opportunities have been far and in between, and as  
the chair says that yeah we often get stuff dropped

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2 in front of our district offices and--and otherwise.

3 Because not just--it's the--the lack of information  
4 and opportunity to take care of this stuff that--that  
5 really matters. And I mean look we want to be clean,  
6 and continue to do these things, but if we can assist  
7 the constituents in anyway in having monthly, bi-  
8 monthly pickups, then that would be fine, but right  
9 now there's a lack of information. And the other  
10 side is that people were being penalized for putting  
11 it out and some of these certainly seniors.

12 And then the third thing is the Jobs  
13 Program, now is this Jobs Program--what--what are the  
14 skills that are being developed with the Jobs  
15 Program, and what relationship, if any, does this  
16 have to the WEP Program, and does Sanitation  
17 currently have WEP workers?

18 COMMISSIONER GARCIA: So I'm going to  
19 just--just start with in terms of Queens--Queens 12.  
20 In all honestly, there is a huge reduction in tonnage  
21 going into Queens 12 of regular material. When we  
22 opened North Short, the vast majority [bell] of the  
23 tonnage is now moving through that facility. It is  
24 no longer, you know, we've got a 100 tons still going  
25 into Queens 12. We used to have probably between 700

2 and 1,000 on any given day. So there's been a huge  
3 change there. In terms of the eWaste, as I said  
4 earlier, we are--we are piloting a collection program  
5 in Staten Island. As we gain information about how  
6 that works, I anticipate that you all will ask me to  
7 expand it, if you haven't already. But we really  
8 need to understand what the demand is, and how the  
9 logistics are going to work for that program. So  
10 we're working on that. And then in terms of the Jobs  
11 Program, we do have WEP workers currently. This  
12 would sunset that program, and replace it with the  
13 Job Training Program. The training is actually going  
14 to occur at HRA. They are required to get training  
15 once a week, and so they will be provided--they will  
16 be providing service across the city in terms of  
17 street cleaning on the other four days, and sort of  
18 how to behave in the workplace, and come to work on  
19 time, sort of basic soft skills. But that's what we  
20 are doing going forward.

21 COUNCIL MEMBER MILLER: [off mic] What  
22 is the difference [on mic] What's the difference in  
23 this and the WEP Program--

24 COMMISSIONER GARCIA: [interposing]  
25 They're getting paid.

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2 COUNCIL MEMBER MILLER: --in terms of--

3 COMMISSIONER GARCIA: They're getting  
4 paid.

5 COUNCIL MEMBER MILLER: They're getting  
6 paid. Okay, so--and just on the--on the--on the--the  
7 reduction in tonnage, has that been replaced with  
8 the--with--with some of those contracts that we've  
9 seen in composting? So in terms of the truck traffic  
10 and--and the garbage no matter whether it's recycled  
11 or compost--

12 COMMISSIONER GARCIA: [interposing] No, I  
13 understand, I--I--I--I--

14 COUNCIL MEMBER MILLER: --it's still the  
15 same.

16 COMMISSIONER GARCIA: --understood also  
17 the Chair's very direct point that he doesn't want to  
18 have one just replace the other. The tonnage for  
19 organics is not that high yet, and I believe our  
20 contracts out there are maxed out at 100 tons. I'll  
21 have to double check that, but I believe that we  
22 didn't put in another 1,000-ton contract for  
23 Southeast Queens.

24

25



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2 COUNCIL MEMBER MILLER: I'd--I'd really  
3 love for you or someone to come out and take a look  
4 at its close proximity to the community--

5 COMMISSIONER GARCIA: [interposing]  
6 They're in different areas.

7 COUNCIL MEMBER MILLER: --and make sure  
8 that they're in compliance as well?

9 COMMISSIONER GARCIA: There--they--they  
10 are on compliance. I haven't heard any complaints,  
11 but I'll go back and review the records. They get  
12 seen at least once a week if not more often by--by  
13 our AP--our PIU officers. The challenge is that  
14 residents are very close. I know that residents  
15 there are some areas in Brooklyn 1 where the transfer  
16 stations are very, very far away from people. And  
17 there are other places where the transfer station,  
18 which may have been there for the last 25 or 30  
19 years, is now very, very close to residential  
20 buildings.

21 COUNCIL MEMBER MILLER: So--so--in--in  
22 some of these cases they're on the other side of  
23 people's back yards, and they weren't there five or  
24 ten years ago. In Hollis.

25

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2 COMMISSIONER GARCIA: In Hollis well we  
3 can certainly, we can certainly look at--at--at the  
4 particular locations you are talking about. I mean  
5 there's slightly different regulatory structure for  
6 if it's a recycling facility. And we don't actually  
7 have jurisdictions over those.

8 COUNCIL MEMBER MILLER: Okay, but--

9 COMMISSIONER GARCIA: [interposing] But  
10 we're asking for jurisdiction, by the way.

11 COUNCIL MEMBER MILLER: Thank you so  
12 much.

13 CHAIRPERSON FERRERAS-COPELAND: Thank  
14 you, Council Member, and how we will hear from  
15 Council Member Constantinides.

16 COUNCIL MEMBER CONSTANTINIDES: Thank  
17 you, Chairs, and thank you Commissioner for being  
18 here. Good to see you again.

19 COMMISSIONER GARCIA: Nice to see you.

20 COUNCIL MEMBER CONSTANTINIDES: So just  
21 to--I'm going to jump right on Queens One.

22 COMMISSIONER GARCIA: Sure.

23 COUNCIL MEMBER CONSTANTINIDES: I see  
24 that there--there's \$2.9 million for a lease and site  
25 work. I know we've met--

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2 COMMISSIONER GARCIA: [interposing] Uh-  
3 huh.

4 COUNCIL MEMBER CONSTANTINIDES: --on this  
5 topic a few times.

6 COMMISSIONER GARCIA: Uh-huh.

7 COUNCIL MEMBER CONSTANTINIDES: So it's  
8 not something, you know, I have and we've said in  
9 private and I'll say it publicly what's the--is there  
10 update on the lease? Is there a lease now? Have  
11 they--have we come to an agreement because the last  
12 time we spoke I know that the property owner was--

13 COMMISSIONER GARCIA: [interposing]  
14 Confused

15 COUNCIL MEMBER CONSTANTINIDES: --  
16 confused as to what--their next steps. So where--  
17 where are we currently in how are we moving forward?

18 COMMISSIONER GARCIA: We're still in  
19 negotiations. It will start as a license and become  
20 a lease because we still do ULURP even for temporary  
21 relocation, and so we have not signed anything yet.  
22 There's--DCAS has got lead on securing the site. So-  
23 -and it would be to sort of relieve the challenges we  
24 have at Queens, the current Queens One Garage.

25

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2 COUNCIL MEMBER CONSTANTINIDES: And  
3 that's for the temporary community--

4 COMMISSIONER GARCIA: [interposing] That  
5 is currently all we are funded to do is to  
6 temporarily move vehicles, and those vehicles would  
7 be to serve the streets that are directly surrounding  
8 it.

9 COUNCIL MEMBER CONSTANTINIDES: So that  
10 would be the streets that are surrounding the 20th--  
11 the 33rd Street and 20th Avenue site is the site  
12 we're still speaking about, correct?

13 COMMISSIONER GARCIA: Yes.

14 COUNCIL MEMBER CONSTANTINIDES: And would  
15 be--

16 COMMISSIONER GARCIA: [interposing] I  
17 would be happy if you have another site.

18 COUNCIL MEMBER CONSTANTINIDES: I'm  
19 looking believe me.

20 COMMISSIONER GARCIA: Okay.

21 COUNCIL MEMBER CONSTANTINIDES: [laughs]  
22 England's (sic) Mountain I am still letting the Port  
23 Authority know that when the lease is up we are fully  
24 intending to reclaim that for the community. I know  
25 that La Guardia Airport thinks that somehow they're

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going to keep that in perpetuity. I strongly  
disagree with them on that. So I'll say that  
publicly once more. Moving a little past that onto  
the Clean NYC--

COMMISSIONER GARCIA: [interposing] Uh-  
huh.

COUNCIL MEMBER CONSTANTINIDES: --  
Initiative, when will we see that in--in Community  
Board? Will we see that in the Community Board 1?  
How is it going to work, and the extra pickups on  
holidays and Sundays, what's--what's happening with  
that?

COMMISSIONER GARCIA: So we have started.  
It's already been--

COUNCIL MEMBER CONSTANTINIDES:  
[interposing] It's already been going on?

COMMISSIONER GARCIA: Yeah, we started  
it. We've done at least one round of all the ramps  
on the highways. We've done at least. The Sunday  
started April 4th. So there should have been  
several collections.

COUNCIL MEMBER CONSTANTINIDES: On our  
thoroughfares and our business thoroughfares.

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2 COMMISSIONER GARCIA: I'm going to ask  
3 First Deputy Commissioner Diggins to response but  
4 yes.

5 COUNCIL MEMBER CONSTANTINIDES: If you--  
6 if you can get back to me on what--what particular  
7 thoroughfares were done just to sort of follow up  
8 because we're still seeing some overflowing cans at  
9 times. So if you could please get back to me on that  
10 that would be very helpful.

11 FIRST DEPUTY COMMISSIONER DIGGINS: Sure.

12 COMMISSIONER GARCIA: Sure.

13 COUNCIL MEMBER CONSTANTINIDES: Lastly,  
14 on organics, I'm seeing in--in the budget there is  
15 for Community Board 1. What is that? For FY17, how  
16 is that going to work? How--curbside collection, how  
17 is that--how would that work in our particular  
18 community board district?

19 COMMISSIONER GARCIA: So when we get to  
20 the sort of exactly how we will roll it out in your  
21 district, we have some different strategies, but we  
22 would then do a lot of outreach as we've done in  
23 every place that we've rolled out. We do meetings  
24 with the community boards, meeting with the civic  
25 associations. Then, we deliver usually approximately

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2 a week before we're going to start the organics  
3 collection to all one--to nine--unit homes. All--  
4 they will get a counter bin and an outside bin  
5 depending on the size of their building and then  
6 collections usually start the next week.

7 COUNCIL MEMBER CONSTANTINIDES: Okay, so  
8 it's--considering that's happening in FY17 that would  
9 start the early part of this fiscal year, July,  
10 August, September we'd start?

11 COMMISSIONER GARCIA: No, we're not going  
12 to start. We probably are not doing Queens One in  
13 the fall.

14 COUNCIL MEMBER CONSTANTINIDES: In the  
15 fall. So spring?

16 COMMISSIONER GARCIA: It would be more  
17 likely to be in the spring or the following.

18 COUNCIL MEMBER CONSTANTINIDES: The  
19 spring of next year?

20 COMMISSIONER GARCIA: Yeah.

21 COUNCIL MEMBER CONSTANTINIDES: Okay, I  
22 was just trying to get a--a sense. So I think I was  
23 going to---

24

25

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2 COMMISSIONER GARCIA: [interposing] We're  
3 trying not to surprise anyone, but we do have--we do  
4 have quite a bit of--of work to do.

5 COUNCIL MEMBER CONSTANTINIDES: Okay,  
6 well, please. I--I definitely want to work closely  
7 with you and--and your team on this to roll it out  
8 effectively, and whether that's holding community  
9 meetings or--and additionally reaching out to  
10 homeowners, I really want to make we get a--a strong  
11 outreach there.

12 COMMISSIONER GARCIA: Oh, no, I  
13 appreciate it. We would love to work with you on  
14 that.

15 COUNCIL MEMBER CONSTANTINIDES: And--and  
16 since I--I have a little bit more time, I'm not going  
17 to accede it. When it comes to extra pickups, I  
18 still want to reiterate if, you know, we spoke about  
19 that probably my third week on the job, and your--  
20 your third week [laughs] on--on the job, but if we  
21 could--I know in--in the past we've had issues on  
22 Steinway Street on 30th Avenue on Ditmars Boulevard  
23 and 31st Street especially. Previously, there were  
24 two pickups a week, two pickups a day, you know--  
25



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2 COMMISSIONER GARCIA: Yeah, basket  
3 trucks.

4 COUNCIL MEMBER CONSTANTINIDES: Yeah,  
5 basket pickups.

6 COMMISSIONER GARCIA: Right.

7 COUNCIL MEMBER CONSTANTINIDES: We're  
8 only having one basket pickup a day. You know, we  
9 have a dough fund out there for the Cleanup  
10 Initiative. They've been hugely helpful, and we're  
11 sort of stuck in a, you know, we're--we're trying to  
12 balance that on our--our Cleanup Initiative, but we  
13 still feel--feel that Sanitation if they can pick--do  
14 that second pickup, it would be hugely helpful.

15 COMMISSIONER GARCIA: So can I make a  
16 pitch since I know you guys are all going to get your  
17 funding for your Clean Initiative, but you can fund  
18 an extra basket pickup everyday, and many of your  
19 colleagues do that. [bell]

20 COUNCIL MEMBER CONSTANTINIDES: I--I--I--  
21 I definitely hear you. You know, we're in--in a  
22 Catch-22 where we are trying to balance that and  
23 still make sure the streets get swept up with the--  
24 with the Cleanup Initiative and the--and the--and the  
25

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2 graffiti removal. So, we will--I will take that into  
3 consideration. Thank you.

4 COMMISSIONER GARCIA: I lobbying you.

5 COUNCIL MEMBER CONSTANTINIDES: Thank  
6 you.

7 COMMISSIONER GARCIA: [laughs]

8 CHAIRPERSON FERRERAS-COPELAND: Thank  
9 you, Commissioner. I have one question before we  
10 wrap up the hearing today. I have this challenging  
11 area just off the Grand Central. Part of it is city  
12 kind of closer to the airport. This one is closer to  
13 111th Street. There is everything you can think of  
14 is dumped there.

15 COMMISSIONER GARCIA: You mean the  
16 homeless encampment.

17 CHAIRPERSON FERRERAS-COPELAND: Right,  
18 and--but it became a homeless encampment after all  
19 the dumping has happened, right. So, it--you know,  
20 they were looking for spots where no one really takes  
21 care of, and I think that-- Well, my understanding is  
22 that it's--it's state purview.

23 COMMISSIONER GARCIA: No, it's city  
24 property.

25 CHAIRPERSON FERRERAS-COPELAND: It is?

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2 COMMISSIONER GARCIA: It's--it's--it's  
3 City DOT is what we understand.

4 CHAIRPERSON FERRERAS-COPELAND: It's City  
5 DOT?

6 COMMISSIONER GARCIA: Uh-huh.

7 CHAIRPERSON FERRERAS-COPELAND: But can  
8 you walk me through what are--how can we get this  
9 cleaned up?

10 COMMISSIONER GARCIA: So, when there are  
11 homeless people involved, the--the Department of  
12 Homeless Services takes the lead to sort of redo the  
13 outreach with the clients, and then it's a  
14 coordinated response with PD, but usually on--on City  
15 DOT property they would do the cleanup, and--but--and  
16 we would be happy to assist if they required it, but  
17 it usually in most places where there are homeless  
18 encampments, on a particular agency's property, the  
19 particular agency does the cleanup. But, we'll  
20 certainly follow up on that. I'll--I'll reach out  
21 because we're doing a lot of cleanups of both what we  
22 call pop-ups and encampments.

23 CHAIRPERSON FERRERAS-COPELAND: This has  
24 been a troubled area for years, and my constituents  
25 in that area just it's nightmare and it's--it's the

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2 entrance to the crosswalk that, or the overpass that  
3 takes you into the marina. So it's also not safe.  
4 You never really know what's back there, and people  
5 are just trying to gain access to the park. So it's  
6 families trying to get into the park, and it's like  
7 refrigerators, dressers. So it's the homeless  
8 encampment, but it's also a dumping area.

9 COMMISSIONER GARCIA: Okay.

10 CHAIRPERSON FERRERAS-COPELAND: So, I  
11 would love to follow up with you on that.

12 COMMISSIONER GARCIA: Yeah. No, we'll  
13 follow up. We can--

14 CHAIRPERSON FERRERAS-COPELAND:  
15 [interposing] Great.

16 COMMISSIONER GARCIA: --we are talking to  
17 DOT and Homeless Services almost everyday so--

18 CHAIRPERSON FERRERAS-COPELAND: Okay,  
19 okay, great. Thank you very much and thank you for  
20 coming to testify today. We really appreciate all  
21 that you're doing with the--with the council members,  
22 but also for the city. So thank you very much.  
23 We're going to take--unheard of this entire budget  
24 season a 30-minute break, and thank you for coming to  
25 testify today.

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2 COMMISSIONER GARCIA: Thank you.

3 CHAIRPERSON FERRERAS-COPELAND: Thirty  
4 minutes, and then we will begin with La the  
5 Board.(sic) Thanks.

6 MALE SPEAKER: All right. Thank you.

7 [gavel]

8 [background comments] [gavel]

9 SERGEANT-AT-ARMS: Quiet, please.

10 CHAIRPERSON FERRERAS-COPELAND: We will  
11 now resume the City Council's hearing on the Mayor's  
12 Executive Budget for Fiscal 2017. The Finance  
13 Division is joined by the Committee on--the Committee  
14 on Government Operations chaired by Council Member  
15 Kallos. We just heard from the Department of  
16 Sanitation, and now we will hear from Michael Ryan,  
17 Executive Director of the Board of Elections. In the  
18 interest of time, I will forego making an opening  
19 statement, but before we hear testimony, I will open  
20 the mic to my co-chair Council Member Kallos.

21 CHAIRPERSON KALLOS: Thank you, Finance  
22 Chair Julissa Ferreras-Copeland. I will be making  
23 lengthy remarks right now, but as we move on with the  
24 hearing my remarks will get shorter and shorter. I  
25 would like to just let folks know that if they have

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any questions and comments, and they don't have a  
chance to testify today, you can Tweet me at Ben  
Kallos, and Julissa, if you could share your Twitter  
name.

CHAIRPERSON FERRERAS-COPELAND: Julissa  
Ferrerias.

CHAIRPERSON KALLOS: At--at Julissa  
Ferrerias. During today's Fiscal Year 2017 Executive  
Budget proceeding, we'll be hearing from the Board of  
Elections, Campaign Finance Board, Law Department,  
Department of Citywide Administrative Services.  
These agencies run our elections, manage our city's  
campaign finance system, and assist with voter  
registration and outreach, handle cases of  
discrimination and lawsuits filed against the city  
and administer civil service exam, manage city assets  
including properties. As always, Governmental  
Operations is focused on operational efficiencies  
that generate cost savings in efforts to reduce  
reliance on outside contractors and the management of  
capital contracts including best practices to reduce-  
-reduce or avoid cost overruns. This year in  
particular we'll also be discussing the budget as it  
relates to BOE's handling of the April 19th

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Presidential Prime--Presidential Primary and DCAS' property management. Those last two items are much larger in scope than just this Executive Budget, and this committee intends to discuss each more comprehensively and exhaustively in the very new future in dedicated oversight hearings. For all the early mornings and late nights it took to put together today's hearing, I would like to thank Unit Head John Russell; Finance Analyst James Subudhi; Finance Committee Counsel Rebecca Chasen from the Finance Division; as well as Governmental Operations Committee Counsel Smith Deshmukh; Policy Analyst, Laurie Wenn; and my Legislative Director Paul Westrick. I'd also like to remind members that since we have a lot to discuss this afternoon, please keep first round Q&A limited to five minutes and three minutes in the second, and any subsequent round, if we have that. With that, I'd like to welcome to Board of Elections, and I'm going to skip most of the introduction of the Board of Elections. However, I would note that today's hearing will examine the Board's budgetary needs for the upcoming Fiscal Year and discuss reforms that could improve the Board's operations and can potentially lead to cost savings.

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2 I'd like to hear details on that of your co-workers  
3 and training program, whether the Board has properly  
4 budgeted to ensure enough ballots including affidavit  
5 ballots are on hand at each poll sites, and the \$20  
6 Million Challenge Grant the Mayor offered BOE to  
7 improve transparency performance. I will pass it on  
8 to committee counsel or the finance chair to  
9 administer the oath.

10 LEGAL COUNSEL: Do you affirm that your  
11 testimony will be truthful to the best of your  
12 knowledge, information and belief?

13 MICHAEL RYAN: I do.

14 CHAIRPERSON FERRERAS-COPELAND: [off mic]  
15 You may begin your testimony.

16 MICHAEL RYAN: Yes. Good afternoon. My  
17 name is Michael Ryan. I'm the Executive Director of  
18 the Board of Elections. Seated to my immediate right  
19 is Dawn Sandow, the Deputy Executive Director, as  
20 well as other staff that is present. Chair Ferreras,  
21 Chair Kallos and members of the New York City  
22 Council's Committees on Finance and Governmental  
23 Operations. Thank you for the opportunity to appear  
24 before you on behalf of the Board of Elections, and  
25 to give testimony today. While I recognize that the



purpose of today's hearing is for the City Council to receive testimony and pose questions regarding the Boar's financial needs for Fiscal Year 2017 in order to finalize the City's budget process. Given all that has transpired in the days leading up to the April 19, 2016 Primary and since, I must address the Kings County Voter Roll issue. The core mission of the Board of Elections is to provide a full and fair opportunity for each registered voter in the city of New York to exercise the voter franchise. This mission is one of great responsibility, and one that is taken very seriously. As such, the circumstances regarding the removal of voters from the rolls in Kings County, and the late--the related questions are clearly troubling. The immediate and most important issue addressed by the board post election was to identify any voter improperly removed from the rolls who voted by affidavit. Once those voters were identified, proper steps were taken to ensure the voted ballots were counted and included in the certified election results. While prior errors could not be undone, the Board was committed to counting every eligible vote during the post-election process. The board instituted an intensive review process of

2 all affidavit ballots initially determined invalid.

3 Each ballot in this category in all five boroughs was

4 scrutinized for potential eligibility over and above

5 the routine valid, invalid ballot process. This

6 resulted in the counting of votes in the certified

7 vote totals that would have otherwise been

8 invalidated. The Board cannot and will not tolerate

9 any deviation from governing statutes or Board

10 policy, particularly when involving voter rights.

11 The Board is in the process of reviewing in detail

12 every aspect of the voter registration and voter

13 archiving processes both internally and externally to

14 make certain that the integrity of these processes is

15 maintained at every step. The Board is fully

16 cooperating with the Office of the New York State

17 Attorney General, Bureau of Civil Rights in the

18 investigation of this matter. The Board has been in

19 close contact with the Attorney General's staff, and

20 has provided all of the information requested to

21 date. In addition to telephone communication and

22 written communication, the Board has met directly

23 with Attorney General staff to address all questions

24 and concerns that have been raised thus far. It is

25 anticipated that this process will continue for some

2 time. I can assure these committees that the highest  
3 levels of cooperation will continue until the  
4 investigation is concluded. The Board has been  
5 contacted by the Office of the Comptroller of the  
6 City of New York to schedule an entrance conference.  
7 While that meeting has not occurred, I can further  
8 assure that the Comptroller will receive the same  
9 level of cooperation as does the Attorney General.  
10 The Board is working closely with the New York State  
11 Board of Elections, and the New York State Department  
12 of Motor Vehicles to examine every aspect of the  
13 Electronic Data Sharing Process. The Board is  
14 committed to working with our government partners to  
15 make certain that the automation of the voter  
16 registration process is performed accurately and  
17 effectively. The Board is further committed to  
18 utilizing available technology to enhance the voter  
19 experience. This can only be accomplished if all of  
20 the responsible agencies are working jointly to  
21 achieve this goal, and the Board will certainly do  
22 its part. The Board recognizes that the actions  
23 taken in Kings County should not have occurred. The  
24 Board also recognizes that these actions contributed  
25 to reducing public confidence in the election

process. The public trust is paramount. It must be cultivated and preserved. The Board will work strenuously to keep, maintain and improve all aspects of its responsibilities so that the citizens of the city of New York can effectively and actively participate in the election process with pride and confidence in the system.

With respect to Fiscal Year 2016, I would like to thank the City Council and the Mayor for providing the necessary funding to the board to meet its Constitutional and statutory mandates as well as the needs of the voters of the city of New York. This responsible funding partnership has allowed the Board to conduct the business of election administration, manage its finances and engage in more effective, short and long-term budget planning. As in the past, the Board continues to look forward to fulfilling our mandate of ensuring that all eligible voters have the opportunity to freely and independently exercise the voting franchise.

With respect to Fiscal Year 2017, the Board would also like to take this opportunity to extend its gratitude to Mayor de Blasio, his administration and the New York City Council for

partnering with the Board. The funding provided in the Mayor's Fiscal Year 2017 Budget is \$123.7 million, of which \$52.3 million is allocated for personnel services, and \$71.4 million is allocated for other than personnel services. The Board acknowledges that its fiscal needs are fully met to conduct two citywide election events including a citywide primary in September of 2016 for the State Senate and Assembly seats as well as the general election, which happens to be a presidential year in November of 2016. Which also includes Supreme Court positions and Congressional seats, United States Senate [bell] as well as the officers from the September Primary. The Board reaffirms its responsibility to work closely with the Mayor's Administration to ensure that all fiscal needs will be provided for through the end of 2017. The Board and the Administration have conducted regular meetings throughout this process, and it is anticipated that that pattern of consistent communication will continue throughout the remainder of the fiscal year. [pause]

As always, my colleagues and I are available to answer any questions that you may have,

and we are always available if anyone should need further information. In addition, while the investigation into the matters in Kings County remains ongoing, I am prepared to answer any questions re--regarding what transpired, and that has been learned to date. Thank you for your time.

CHAIRPERSON FERRERAS-COPELAND: Thank you very much for your testimony, and thank you for keeping it concise. There are several member eager to ask you questions including our Chair. So I'm just going to have a few questions, and then I'm going to come back in a second round. I wanted to talk about the Mayor's \$20 million BOE proposal. Given the problems voters faced during the last primary election, as you mentioned in your opening statement, including unknowingly being removed from the voter rolls, the Mayor proposed \$20 million in reforms for the BOE. The proposal aims to improve communication with voters, improve poll workers, staffing, and identifies systemic challenges within the BOE. What are your thoughts on the proposal, and from your initial review of the past primary elections, how many of these issues resulted from a

2 lack of funding, and how many resulted from systemic  
3 mismanagement?

4           MICHAEL RYAN: Well, with respect to the  
5 Mayor's overall proposal, as the committee is aware,  
6 executive management answers directly to a Board of  
7 Commissioners. So at this time it would be improper  
8 for executive management to give out ahead of any  
9 statements that may be made or released or any  
10 decisions that may--may be made by the Board of  
11 Commissioners. I can say that we have already met  
12 with the Mayor's administration. There is another  
13 meeting that is scheduled for early next week, and  
14 once the details of the proposals have been fleshed  
15 out, they will be shared with the commissioners, and  
16 ultimately in a quasi legislative process, the  
17 commissioners will have to pass on that either in--in  
18 totality or in--in part. I can say that with respect  
19 to some of the--the proposals that have already been  
20 publicly stated by the commissioners as being in  
21 support of, for example compliance with the  
22 Comptroller's audit. I--I think that that goes  
23 almost without saying, but certainly we fully intend  
24 to comply with the Comptroller's Audit. In terms of  
25 the additional funding towards poll workers, the

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2 commissioners have been consistently over the years  
3 on the record that in order to enhance poll worker  
4 recruit--recruitment, that a raise in poll worker pay  
5 is necessary. The recommendation that has been made  
6 is to have poll workers go from \$200 to \$300 for the  
7 day, and for coordinators to be raised from \$300 to  
8 \$400. With respect to the clear communication with  
9 the voters, we have testified at other committees  
10 before the City Council on these issues. For  
11 different reasons the--each of these proposals has  
12 some merit ultimately again. That will be a  
13 commissioner level decision in terms of how much or  
14 how little is implemented. But the big challenge  
15 that we've had, and we stated this over a year ago,  
16 was given the number of elections occurring in 2016,  
17 four elections in the calendar year 2016, which also  
18 sometimes gets lost in the shuffle to others, but not  
19 us, includes the petitioning process, which we also  
20 have a major role in. Implementing sweeping, broad  
21 or otherwise systemic changes to any IT things that  
22 we do during this year will be very, very difficult.  
23 Once we get through this--

24 CHAIRPERSON FERRERAS-COPELAND:

25 [interposing] Mr. Ryan, have we not been a--a



2 calendar where we've had for elections such as this  
3 one before?

4 MICHAEL RYAN: Certainly, and--

5 CHAIRPERSON FERRERAS-COPELAND:

6 [interposing] So why is this one--why was this one  
7 such a challenge?

8 MICHAEL RYAN: In terms of implementing  
9 new technology, and I believe others more--more  
10 expert than I even as friends to the--to the--to the  
11 Council came and testified that some of these  
12 technology matters require quite a bit of  
13 integration, and work to make them happen. We just  
14 didn't think that we could honestly sit before the  
15 City Council and--and state that we could implement  
16 them in 2016.

17 CHAIRPERSON FERRERAS-COPELAND: So we  
18 weren't ready basically?

19 MICHAEL RYAN: Well, it's--it's not a  
20 question of--of not being ready. We--we've met with  
21 outside folks to try to develop a mail tracking  
22 system. There's a lot of moving parts to the  
23 election process, and our core mission is to put  
24 elections on and yes communication with the voters is  
25 certainly an essential element of that. It's just

2 given our staffing levels, and the amount of work  
3 that needs to be done in 2016, trying to implement  
4 all of those things in addition to meeting our core  
5 mission and some of the other technological  
6 advancements that we've made including the  
7 utilization of tablets throughout all of the poll  
8 sites in New York City presented some logistical  
9 challenges for us this year, and we just didn't think  
10 that we'd be able to get it done. And rather than  
11 come here and give lip service and say sure we'll--  
12 we'll get it done and then--and then miss the mark,  
13 we--we just testified previously that we didn't think  
14 we were going to be able to accomplish it in the year  
15 2016.

16 CHAIRPERSON FERRERAS-COPELAND: So, like  
17 I just mentioned before, I know other colleagues have  
18 questions, but it just seems that the utmost priority  
19 for your agency is to communicate with voters because  
20 that's the whole purpose of its existence is to  
21 facilitate voting. Even if it's voting without the  
22 most technology advanced system, which we'd like to  
23 get there. But when we haven't mastered after all  
24 these years of engaging voters, when we haven't  
25 mastered that, and when Brooklyn has to go through

2 this process, how can we be confident that you will  
3 be ready for the June 28th Primary?

4           MICHAEL RYAN: I can tell you that the  
5 preparations for the June 28th Primary started some  
6 time ago, and they had by def--by definition had to  
7 overlap with the preparations for the Presidential  
8 Primary. Certainly, one of the things that--that I  
9 would point out to the--to the Council as well, and  
10 this is a place where we can work together, is  
11 dealing with the State Legislature to give us a  
12 consolidated primary process so that we're not  
13 conducting four elections in a given year. And that  
14 we can work effective--more effectively to service  
15 the voters. We're also engaging in an advertising  
16 campaign that's going to commence in July to try to  
17 recruit more co-workers as well as a secondary piece  
18 to that, which will have a voter outreach component  
19 to it. So that we can drive more of the voters not  
20 only to our website, but to the various social medial  
21 alternatives, which a lot of our younger people seem  
22 to be availing themselves of this year. So, I don't  
23 want to give the impression that we're doing nothing  
24 in that regard, and in addition to all of that, we  
25 have our statutory mandates that we have to do, the

2 legal advertising and--and such. So, we are making  
3 incremental steps forward, and I believe that there  
4 has been improvement in the process. What I'm simply  
5 saying is 2016 presents a challenge in terms of more  
6 [sneezing] broad--more--more sweeping changes, and in  
7 the year of 2017 we have a little bit more down time  
8 in the first part of--of the year, the calendar year,  
9 not fiscal year. That will be more of an opportunity  
10 to--to try to implement some more changes.

11 CHAIRPERSON FERRERAS-COPELAND: So in  
12 your marketing strategy to reach out to poll workers,  
13 what populations are you trying to and could--some--  
14 some poll sites have people that had a challenge even  
15 dealing with the technology of just putting a ballot  
16 into a printer. Like that was the production in some  
17 poll sites. So in--what's the population that you're  
18 trying to target, and what would be the ideal poll  
19 worker in your mind?

20 MICHAEL RYAN: Yes, well, clearly when we  
21 talk about the idea of poll workers, our poll worker  
22 population and this is no secret and it's not  
23 peculiar to the city of New York or--or--or even, you  
24 know, the five counties here or any county in New  
25 York State. It's a--it's a nationwide problem. Given

2 the influx of technology into the poll sites, our  
3 poll workers need to get younger. One of the things  
4 that we have done already is utilized a--a pilot  
5 project with students as poll workers. We have found  
6 with--it's been a small pilot, but we found that the  
7 feedback from the boroughs has been very good. That  
8 these folks are coming in, they're decidedly more  
9 energetic, more embracing of the technology, and as  
10 we introduce technology to the poll sites, and it's  
11 only going to increase, that that's a--a wonderful  
12 thing. In terms of the--the outreach, we plan to  
13 have a--a fairly broad advertising campaign with the  
14 Metropolitan Transit Authority that's going to  
15 include subways and going to include buses as well to  
16 try to reach out to a broad cross section of--of the  
17 city, and--and gen up some--some interest. And I--and  
18 I think there is a direct correlation, quite frankly,  
19 between, you know, the apparent voter apathy and then  
20 the reduction in the people that are willing to  
21 become poll workers, and we need to all of us  
22 collectively reinvigorate that enthusiasm and get as  
23 many people to the poll sites as we can both as  
24 workers and voters.

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2 CHAIRPERSON FERRERAS-COPELAND: So again,  
3 just to reiterate, it is--it is a challenge for this  
4 Council to feel confident in the June 28th election,  
5 Primary and then again in the September Primary. Do  
6 you have an idea of when these investigations-- I  
7 know you can't control the Attorney General's  
8 investigations--

9 MICHAEL RYAN: [interposing] Certainly.

10 CHAIRPERSON FERRERAS-COPELAND: --but  
11 your own internal investigation, when do you plan to  
12 wrap that up?

13 MICHAEL RYAN: I anticipate that we  
14 should wrap that up in relatively short order. As  
15 you know how these things go, I hate to put a--a hard  
16 and fast date on it, but I can tell you the steps  
17 that we took to ensure that the voters that voted by  
18 affidavit had their votes counted, and as well we  
19 are--we are taking a look at this list of 117,661  
20 voters that were purged. We'd like to dispel--dispel  
21 one myth that's been out there and it's--and it's not  
22 the right narrative. It--the information got out  
23 there somehow that it was 120,000 Democrats that were  
24 purged and that there were, you know, targeted  
25 neighborhoods. The fact of the matter is that from

2 what we've learned thus far, the Brooklyn Borough  
3 office in an apparent attempt to respond to a  
4 previous investigation regarding not purging enough  
5 people from the voter rolls, engage in the process  
6 where they picked the date 2008 moving backwards, and  
7 they started to flag those individuals for--for  
8 removal from the voter rolls. What--what--it  
9 resulted in was a broad cross-section of voters being  
10 removed from the voter rolls in all parties. There  
11 were 75,000 Democrats, 12,000 Republicans and I--I--  
12 if I could look at the--the note. I forget what it  
13 is, but it's and blanks as well. You know people who  
14 were not registered with the party. That was  
15 improper that they picked the arbitrary date, and  
16 what they did was they misinterpreted the reading of  
17 5-213 and 5-400, and purged people from the records  
18 without first having declared them to be inactive.

19 CHAIRPERSON FERRERAS-COPELAND: So how  
20 does this happen? If you're the Executive Director  
21 and you have oversight of this process, how does  
22 Brooklyn, Kings County make that decision without  
23 letting you know, that this is the step that they're  
24 going to take before an election?

2           MICHAEL RYAN: Other than to say that  
3 they made the decision on their own without input  
4 from the--from the Executive management and/or the  
5 commissioners, there is no explanation. And as  
6 result, both of the borough managers have been  
7 suspended without pay until the conclusion of the  
8 investigation. Ultimately, it will be up to the  
9 commissioners to make a determination what the long-  
10 term sanction is for the transgression, but they did  
11 it on their own, and they did it on their own with a  
12 misinterpretation of the procedures, which are posted  
13 on our website and widely known. I can't explain why  
14 somebody would deviate from the process. All I can  
15 say is that it happened, and that we have taken steps  
16 to ensure that it won't happen again.

17           CHAIRPERSON FERRERAS-COPELAND: Okay. I'm  
18 going to pass the questions onto my Co-Chair Council  
19 Member Kallos, and I just wanted to remind our  
20 colleagues that the Committee on Gov Ops will be  
21 having some time in June a hearing specific to these  
22 more recent incidents. Chair Kallos. Oh, I'm sorry,  
23 I'm sorry. We've been joined by Menchaca, Cornegy,  
24 Gibson, Lander, Levine, Rosenthal, Borelli, Johnson  
25 and Van Bramer.



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2 CHAIRPERSON KALLOS: Thank you, Chair  
3 Ferreras, and thank you Mike Ryan for being here from  
4 the Board of Elections. I'm just going to follow up.  
5 I'm really going to focus on budget and the budget  
6 implications of everything we're doing here because  
7 this is a budget hearing. We're going to start  
8 digging into the procedures and the election law and  
9 other pieces in a further hearing as we have a battle  
10 of the attorneys as it were. So with regards to  
11 those 121,000 affidavit ballots that were cast in the  
12 primary election with more than 90,000 have been  
13 validated, is BOE legally required to notify all  
14 individuals who cast ballots by mail? How much will  
15 it cost to notify all 121,000 people of these  
16 affidavit ballots, and whether or not they were  
17 counted? We'll be providing 90,000 voter  
18 registration cards so that people can correct their  
19 voter registration, and how much will it cost you to  
20 audit the hundreds of thousands of people who may  
21 have been purged since the last presidential election  
22 before this presidential election and is that funding  
23 reflected in the Executive Budget?

24 MICHAEL RYAN: With--with respect to an  
25 audit going back to 2008 that was not something that

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was either contemplated by the Board or to my  
knowledge by--by the Administration in the--in the  
Executive Budget. So that's a--that's a short  
answer. With respect to everyone who cast an  
affidavit ballot, the--all persons who cast an  
affidavit ballot will receive a notification from the  
Board of Elections. Their notification will tell  
them if their ballot was counted or if it was not  
counted, and if it wasn't counted, why. We do not  
typically send out voter registration information  
with that. That is something that we can take a look  
at. In terms of the production, I would say the  
piece of mail probably is about a dollar to produce  
and then postage. So if we did quick math on, you  
know, on 100,000 quoted at about \$1.50, you know,  
you're talking about \$250,000 as a rough guesstimate.  
But that's contemplating what we do because it's part  
of our general process. The--the other thing with  
the--with the affidavit ballots we saw a slight rise  
in affidavit ballots over 2008, but not an eye  
popping one. It went up about 6%. So, in 2008, it  
was about almost \$100,000 just shy. In 2016, it was  
about \$112,000 and change.

2 CHAIRPERSON KALLOS: How far are you  
3 going back on the audit, and how much is it going to  
4 cost to make sure that all those purges were done  
5 properly?

6 MICHAEL RYAN: Right. That is almost  
7 impossible to quantify in--in that if we determine  
8 that a mailer has to go out, I can quantify the  
9 mailer. In terms of the workers that are going to do  
10 the work--

11 CHAIRPERSON KALLOS: [interposing] We're--  
12 --we're in the budget. We need to--

13 MICHAEL RYAN: [interposing] I--I  
14 understand.

15 CHAIRPERSON KALLOS: --in reality (sic)  
16 and quantify it, and make sure we do that.

17 MICHAEL RYAN: [interposing] But--but  
18 people--but people come into work, and they work an  
19 8-hour day, and they get assigned a task. So it's  
20 very difficult for me to say how many workers it's  
21 going to take to--to--to adjust that. What I can say  
22 the immediate issue at hand is to make sure that the  
23 folks that cast an affidavit ballot whose vote would  
24 have otherwise been invalidated, will be reactivated  
25 so that when voter history is given for this

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2 election, they will have voter history. Beyond that,  
3 we have take a look at the entire list of 117,661 to  
4 see and make sure that anyone who was improperly  
5 purged did not have some other event that would lead  
6 to their archiving or purging.

7 CHAIRPERSON KALLOS: And--and long those  
8 lines there's a voter file. You can see the date  
9 that somebody was set inactive, which is required  
10 before a purging unless for instance the person died.  
11 So in that case, you can do a very quick systematic  
12 computer audit. I've done one myself, and the  
13 numbers are pretty staggering. I'm happy to share  
14 that. So moving onto the purge issue--

15 MICHAEL RYAN: [interposing] But--but  
16 Chair Kallos, I just want to make one quick point--

17 CHAIRPERSON KALLOS: [interposing] Yes.

18 MICHAEL RYAN: --and I don't want to  
19 gloss over this--

20 CHAIRPERSON KALLOS: [interposing] Great.

21 MICHAEL RYAN: --because I don't want to  
22 give anybody a false impression. The problem with  
23 Brooklyn is they skip over the inactive status piece  
24 of the puzzle. They missed that critical step. I  
25 don't want to gloss over that--

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2 CHAIRPERSON KALLOS: [interposing] Okay,  
3 so--

4 MICHAEL RYAN: So what you were  
5 describing would be if things worked the way they  
6 were supposed to.

7 CHAIRPERSON KALLOS: Yes, so along those  
8 lines in the inactive status, Election Law Section 5-  
9 2-13- on inactive status dates, "the Board of  
10 Elections shall restore the registration of any such  
11 voter to active status if--I'll excerpt--the Board  
12 finds that such voter has validly signed a  
13 designating or nominating petition, which states that  
14 he resides at such address." I'll end the reading  
15 there. Does the Board of Elections check nominating  
16 petitions signatures against the list of voters  
17 removed from poll books? How much are the costs to  
18 follow the election law, and until you follow this  
19 election--this section of the Election Law we agree  
20 to cease removing voters from poll books without  
21 confirmation of a move by USPS or a death by the  
22 Social Security Administration?

23 MICHAEL RYAN: That's a lot. There's a  
24 lot of information in that. With respect to the  
25 petition piece, I will respectfully have to get back

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2 to you on--on that because I am not specifically  
3 aware of the--exactly what we do in that regard.  
4 With respect to the--

5 CHAIRPERSON KALLOS: [interposing] Can  
6 you testify or clarify for the audience and--and just  
7 take a moment. Every year before a president runs or  
8 a congress person runs or local elected officials  
9 run, we have these arcane ballot access requirements,  
10 and we have to collect signatures. I collected  
11 5,000. The Mayor at one point collected several  
12 hundred thousand. Still got knocked off the ballot,  
13 but put back on--

14 MICHAEL RYAN: [interposing] Uh-huh.

15 CHAIRPERSON KALLOS: --and the Board of  
16 Elections is supposed to check these petitions before  
17 they drop somebody off the poll book, and if you sign  
18 a petition, it's supposed to reactivate you and get  
19 you back into the poll book--

20 MICHAEL RYAN: Right.

21 CHAIRPERSON KALLOS: --in plain language.

22 MICHAEL RYAN: Yes. So, that was piece  
23 one, and after your explanation I lost track of what  
24 your pieces two, three and four were. So petitions  
25 we took care of.

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2 CHAIRPERSON KALLOS: I just want to make  
3 sure you're estimating the cost to actually go  
4 through the petitions once you determine whether or  
5 not that happens because I have a--a sneaking  
6 suspicion that doesn't happen. And so what are those  
7 costs going to be to follow the Election Law before  
8 you purge people from the voter rolls?

9 MICHAEL RYAN: Understood.

10 CHAIRPERSON KALLOS: And whether or not  
11 you will hold off on further purges until that piece  
12 of Election Law is followed?

13 MICHAEL RYAN: Yes, to be clear any  
14 regular list maintenance that is performed by tasks  
15 of the New York City Board of Elections will be held  
16 off until after voter certification for the 2016  
17 Presidential Primary mostly because of the--we can't  
18 take people off the voter rolls within 90 days of a  
19 federal election, which in this particular year  
20 basically blocks out the whole year. However, we do  
21 get communications from the State Board of Elections  
22 regarding duplicate entries, people who have passed  
23 away, and people who have been otherwise excluded  
24 into a felony conviction or a declaration of mental  
25 incompetence. That type of list maintenance will

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2 continue because we get that directly from the State  
3 Board of Elections.

4 CHAIRPERSON KALLOS: So, again focusing  
5 on budget, at the Mayor's Preliminary Budget provided  
6 with \$88 million, slashing your budget by more than a  
7 third, 38% from its previous \$142 million. At the  
8 time I asked you and you confirmed that you could not  
9 operate an election on \$88 million. The Mayor has  
10 restored your budget by \$35 million to \$123 million,  
11 which is still \$20 million less than last year. Is  
12 this enough to not only run an election, but to not  
13 run it poorly?

14 MICHAEL RYAN: We are confident that the  
15 finances that have been provided for in the Executive  
16 Budget adequately meet the needs of the Board moving  
17 forward with respect to its obligations for July 1,  
18 2016 through June 30, 2017.

19 CHAIRPERSON KALLOS: The--the  
20 Presidential General Election is the Super Bowl of  
21 elections, and we can't see the same problems as we  
22 did in the primary. So I--I'm--I'm slightly  
23 concerned, and then at the same time as the Chair  
24 already asked with regard to the \$20 million that's  
25 been offered in funding. So you feel that you don't



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2 actually need that in order to do things like  
3 publicly post jobs and approve poll working staffing,  
4 and have better pay? I think you asked for better  
5 pay. Are the poll workers going to actually hit the  
6 \$15 an hour from the State and City mandates, and  
7 will we have the money we need to attract better poll  
8 workers? Will we be able to post signs at poll  
9 sites, and actually have election systems where  
10 people can check their status along with the  
11 legislation we just passed?

12 MICHAEL RYAN: With--with respect to the--  
13 -the poll worker pay, clearly a raise in co-worker  
14 pay is not included within the--the--the current--  
15 within the current budget.

16 CHAIRPERSON KALLOS: Would a raise in  
17 poll worker pay help with some of the problems that  
18 we saw in April?

19 MICHAEL RYAN: A raise in poll worker pay  
20 will certainly help us to attract more poll workers.  
21 We would hope that in the attraction of more poll  
22 workers that that would be a higher quality of--of  
23 worker, more reliable quality of worker, but as Chair  
24 Kallos you and I have discussed as well as others  
25 there are other factors that are at play that have

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2 nothing to do with poll worker pay. It's getting  
3 people to want to do it in the first place  
4 irrespective of how much they're--they are paid, and  
5 we have discussed perhaps municipal workers as poll  
6 workers and other things to give us a more reliable  
7 base.

8 CHAIRPERSON KALLOS: And some of the  
9 other things were challenged in the Mayor's \$20  
10 million. So at this point you as Executive Director  
11 aren't planning--are you planning to take the \$20  
12 million or is that a matter that has to go before the  
13 Commission?

14 MICHAEL RYAN: That is a matter that has  
15 to go before the Commissions without question.

16 CHAIRPERSON KALLOS: Okay, now one other  
17 piece and I--the Chair touched on this a little bit,  
18 but so Executive Director Mike Ryan, there are  
19 currently two BOE employees who have been suspended  
20 without pay. Do you have the authority to terminate  
21 them, and hire a new clerk and deputy through an open  
22 advertised process that selects candidates for based  
23 exclusively on merit? And if not, who does?

24

25

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2           MICHAEL RYAN: No, that responsibility  
3 lies solely with the Board of Commissioners pursuant  
4 to Section 3-300 of the New York State Election Law.

5           CHAIRPERSON KALLOS: In order to see what  
6 happened in Brooklyn, and because the responsibility  
7 according to you, rests with them, I expect both you  
8 and the Commissioners to be here when we do oversight  
9 on what happened. Ultimately with the power--the  
10 power--power to hire and fire comes to power to truly  
11 supervise. The last piece I'll ask and then I'll  
12 past it onto other members is will the Board of  
13 Elections provide a list of titles and salary lines  
14 that are (1) selected by merit through the Civil  
15 Service system; (2) advertised public and hired  
16 through an open process that values merit; (3) not  
17 publicly posted or were appointed by commissioners or  
18 political party official?

19           MICHAEL RYAN: Well, I can tell you the  
20 first one. We don't hire civil servants. So, the  
21 answer to the first one is--is simple enough, we  
22 don't have any. With respect to the others, we can  
23 certainly provide a list of the jobs that we do post  
24 publicly, and then by default, the remainder of the  
25

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2 jobs that aren't posted publicly are--are filled  
3 through the--the regular process.

4 CHAIRPERSON KALLOS: My--my intention is-  
5 -

6 MICHAEL RYAN: [interposing] Right.

7 CHAIRPERSON KALLOS: --for the city of  
8 New York to fund the open seats and be pieces better  
9 down through an open process, and merit based process  
10 but not from the patronage. I'd like to ask in  
11 order. We have Council Member Menchaca, Cornegy,  
12 Lander, Gibson, and Rosenthal. You have five  
13 minutes. It will go straight to--to Cornegy. You  
14 have five minutes for your first round. Thank you.

15 COUNCIL MEMBER CORNEGY: Good morning,  
16 Director.

17 MICHAEL RYAN: Good morning.

18 COUNCIL MEMBER CORNEGY: So as the Council  
19 Member from the borough of Brooklyn, I have many  
20 questions, but the Chair of Finance already said that  
21 there would be a special hearing convened to discuss  
22 the immediate issues of that day. So some of my  
23 questions I will save for that day. However, there  
24 are some--a number of questions that I have. We were  
25 given preliminary information in the borough that

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2 there was a nominal number of constituents who were--  
3 were purged from the rolls who actually showed up to  
4 vote. What was that number?

5 MICHAEL RYAN: Hold on one second. I  
6 have--where is it? I believe Brooklyn--here it is.  
7 We had 98 in the Borough of Brooklyn whose affidavit  
8 ballots were revived through the scrutiny that we  
9 discussed earlier.

10 COUNCIL MEMBER CORNEGY: So just for the  
11 purpose of this audience, could you tell me how many  
12 registered voters there are in the Borough of  
13 Brooklyn?

14 MICHAEL RYAN: I don't have the--the  
15 total voter registration number for Brooklyn with me  
16 present, but certainly before the conclusion of the  
17 hearing we can get it for you.

18 COUNCIL MEMBER CORNEGY: So for those of  
19 us who are part of the Brooklyn Delegation, that  
20 number of 98 is a little alarming because unless that  
21 98 was focused solely in my district alone, that  
22 would make sense from the--the preliminary anecdotal  
23 reports I got from my constituents. So I'm concerned  
24 that somehow that number may actually not be correct.  
25 So I'm--I'm looking forward to having a deeper kind

1 of drill down on it because in my district alone,  
2 during that, I serve in another capacity, which  
3 allows me to have to access poll sites that entire  
4 day, and I was getting calls all day everyday, all  
5 day that entire day, and running kind of around the  
6 borough, around my district at least putting out  
7 fires. And other people who served in that capacity  
8 were doing the same thing. We were talking on the  
9 phone. So I--I find it, you know, a little bit  
10 strange that that number seems that minimal. And  
11 then the second question I have is about the change  
12 of poll sites. We found that a lot of poll sites,  
13 and in this borough, this--I don't know whether it  
14 rises to the level, but there's some talk that  
15 there's a--a great degree of disenfranchisement by  
16 how the poll sites are being changed especially as it  
17 relates to seniors, as it relates to the handicapped.  
18 There's a lot of movement and it seems  
19 disproportionate to other boroughs in terms of the  
20 movement of poll sites. Can you just describe to me  
21 what that has been and ensure that going forward  
22 that's not going to be the case every election. And-  
23 -and you mentioned we have three, which is incredibly  
24 confusing for the borough, and not only my district  
25

2 with this incessant movement of polls around election  
3 time.

4           MICHAEL RYAN: Certainly, if I could just  
5 briefly address the Councilman's first point. We  
6 recognize that there is a credibility gap based on  
7 the recent events. What I can tell you is separate  
8 and apart from the hearing process, although the  
9 hearing process is necessary, we commit to meet with  
10 you or any of your colleagues at whatever mutually  
11 agreed upon forum can be established. So that we can  
12 full throatedly explain all of the challenges that we  
13 face, what we did with respect to the purging and--  
14 and--and how that all came to be in addition to  
15 whatever we must state publicly at--at a hearing. So  
16 I make that pledge not only to you but to all--all  
17 the members of the City Council. With respect to  
18 poll site moves, poll site moves are a significant  
19 challenge for the Board of Elections. We do not seek  
20 to move poll sites. There is no political motivation  
21 to shuffle the deck of poll sites. The challenges  
22 that we're facing in all five boroughs--and I can get  
23 you specific numbers with respect to Brooklyn--is  
24 compliance with the Americans With Disabilities Act  
25 first and foremost. If we can make a poll site

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2 temporarily accessible for election day, we go ahead  
3 and do that. We've purchased ramps that our own  
4 staff install. We have vendors that go out and  
5 install the ramps and help us with these  
6 accessibility issues. Some poll sites unfortunately,  
7 just can't be made accessible in their current  
8 condition, and we're held to a high standard. So we--  
9 --we end up having to move those, but certainly we  
10 also have others that might have been a private poll  
11 site, and if the site has now turned over or no  
12 longer has a tax exemption, we lose the ability to  
13 designate them. We're not looking to move sites  
14 unnecessarily. So I would simply to all the members  
15 of the City Council yes we certainly should work  
16 together. We should be more hand-in-glove with  
17 respect to this, and if there are more suitable sites  
18 in your jurisdiction [bell] since you're on the  
19 ground and you know your folks and you--and your  
20 constituents better, certainly we're open to any and  
21 all suggestions.

22 CHAIRPERSON KALLOS: Thank you. Council  
23 Member Lander followed by Gibson followed by  
24 Rosenthal. We've been joined by Council Member  
25 Miller.



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2 COUNCIL MEMBER LANDER: Thank you Chair  
3 and--and Director. So I want to follow up on I guess  
4 the overlap between or the potential overlap between  
5 the--the purge and affidavit ballots. So for  
6 starters, I just want to make sure I know the  
7 affidavit ballot numbers right. It's been reported,  
8 but I guess I want to make sure I get them from you  
9 so--

10 MICHAEL RYAN: [interposing] Sure.

11 COUNCIL MEMBER LANDER: --how many  
12 voters in Brooklyn voted on affidavit ballots? How  
13 many of those were counted and how many were not  
14 counted?

15 MICHAEL RYAN: We had two--22,000--No,  
16 I'm sorry. I'm looking at the Bronx. The wrong--the  
17 wrong BR. Hold on a second. Here we go. Brooklyn.  
18 We had 38,548 total affidavits cast in--in Brooklyn.  
19 Preliminarily there were 9,055 valid ballots and  
20 29,493 invalid ballots. After the enhanced scrutiny  
21 process, we ended up with a total number of 9,153  
22 valid affidavits, and 29,395 invalid ballots.

23 COUNCIL MEMBER LANDER: And--and that  
24 means you went through all 29,493 invalid ballots and  
25 matched them against the list of those that have been

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2 purged from the rolls. There are no other people  
3 beyond the 98 that you found that voted affidavit,  
4 were declared invalid because, and were on the purged  
5 list?

6 MICHAEL RYAN: What I can tell you is  
7 that in addition to the regular valid, invalidation  
8 process that gets done every single election, for  
9 everyone that was on the preliminarily invalid list,  
10 and I'm saying that purposely, every document that we  
11 have in our voter registration system called, AVIT  
12 (sic) voter data, voter history any activity that we  
13 did. And all the documents that bearing a signature  
14 or a scanned piece of mail that might have been  
15 returned were all printed up, preliminarily reviewed,  
16 and then given second and third go-through to make  
17 sure that anyone that we could properly identify as  
18 having been improperly invalidated would have their  
19 vote revived, counted in the total, and then  
20 ultimately restored to the voter rolls.

21 COUNCIL MEMBER LANDER: So staff looked  
22 through each of those because obviously they are  
23 handwritten--

24 MICHAEL RYAN: [interposing] Correct.  
25

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2 COUNCIL MEMBER LANDER: --and tried to  
3 figure out whether those folks had been declared--you  
4 know, rendered invalid through purge or other  
5 inappropriate--

6 MICHAEL RYAN: [interposing] Well, it--it  
7 was--

8 COUNCIL MEMBER LANDER: --or  
9 potentially inappropriate?

10 MICHAEL RYAN: --it was more  
11 straightforward than--than even that because this  
12 purge that we're talking about happened on two  
13 specific dates. There was a mailer that went out,  
14 and I think that point has gotten lost in the public  
15 conversation as well. We sent out a piece of mail,  
16 an intent to cancel notice, albeit improperly, to the  
17 folks that were going to be purged on May 26, 2015.  
18 On June 18th, the first larger purge was made. Then  
19 there was a second smaller mailer that happened in  
20 June, and that purge happened on July the 5th, 2015.  
21 All of this was reported out at our public meeting on  
22 July the 7th of 2015 before the Commissioners. So,  
23 we could zero in on those dates. The June 18th purge  
24 red flag. July 5th purge, red flag. So it really  
25 did home us in, but in addition to that, in all five

2 boroughs we looked at anybody who was removed from  
3 the voter rolls that ultimately on second look could  
4 not be confidently validated by the documents in our  
5 system, and we revived their votes through a much  
6 smaller scale that happened in every borough except  
7 Staten Island.

8 COUNCIL MEMBER LANDER: All right, I'm  
9 going to ask my remaining questions about this before  
10 my time runs. First, I think it would be useful to  
11 those numbers for the other boroughs as well.

12 MICHAEL RYAN: I have them.

13 COUNCIL MEMBER LANDER: And the second,  
14 I'm--I'm a little confused about the time gap. It's  
15 my understanding that if you voted affidavit you only  
16 have 20 days to contest that you--you--if you're  
17 declared invalid that it should have been declared  
18 valid. But if you don't get the mailing within 20  
19 days, how do you know whether you were or weren't,  
20 and if you don't find out until you get the piece of  
21 mail, how does your appeals period work? How do you  
22 make that appeal? Do you have to come down in person  
23 or is there way online--

24 MICHAEL RYAN: [interposing] It's--  
25

2 COUNCIL MEMBER LANDER: --or by phone.  
3 How many people have done that so far, and what's the  
4 process for your review and answer of those, you  
5 know, when--when they do?

6 MICHAEL RYAN: We've had some--we've had  
7 a handful of--of walk-ins, and to my understanding  
8 [bell] up to this point, the folks that walked in to  
9 challenge and to say that they were disenfranchised  
10 were, in fact, not registered in the party that they  
11 alleged to have been able to vote in. Secondly,  
12 we did have a couple of instances where it appears  
13 that either by poll worker error or voter error, they  
14 went to the wrong table. In those instances we were  
15 able to provide the stamped copy of the--the page in  
16 the--in the book where it says voted by affidavit.  
17 And then a copy of their validated affidavit. But I  
18 would like to point out that in the Borough of--of  
19 Brooklyn in 2008 the last representative year 26% of  
20 all affidavit ballots cast were ultimately validated  
21 and in 2016, that number did decrease to 24%. But  
22 it's within what we say the margin of error. Some  
23 boroughs went up. Some boroughs went down, but in  
24 presidential primaries there are large numbers of  
25

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invalidated affidavits because people don't  
understand the party closed primary system.

COUNCIL MEMBER LANDER: I'll get on the  
stack for a second round, but I wonder if you could  
just answer my question about the appeal--you know,  
when you get--

MICHAEL RYAN: [interposing] Oh, I'm  
sorry. Yes.

COUNCIL MEMBER LANDER: --close--close to  
this question of--

MICHAEL RYAN: The--the--if we make what  
a voter deems to be an error in judgment, the--the  
statutory framework is such that the voter would have  
to bring a court proceeding to have that reversed.  
It's not an appeal that goes to the Board of  
Elections.

COUNCIL MEMBER LANDER: And how long do  
they have to do something?

MICHAEL RYAN: They have--they have 20  
days from the date of the invalidation to make that  
appeal.

COUNCIL MEMBER LANDER: And when will  
they be notified that their vote was declared  
invalid?

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2           MICHAEL RYAN: While we're in the process  
3 of preparing for the--the June Primary, as well we're  
4 also preparing letters to go out to the voters. As  
5 soon as we can get them out there, we've also posted  
6 the information on our website regarding this  
7 process. As of yesterday I believe the English  
8 version was posted, and we were in the process  
9 [background comments] All of the--all of the  
10 covered languages are now up on the website.

11           COUNCIL MEMBER LANDER: Okay, but it's  
12 safe to say they're not going to get the mail that  
13 the chair referred to until their 20-day window has  
14 expired?

15           MICHAEL RYAN: I can't say that with  
16 certainty. I can say that there is a risk that that  
17 would occur, and that's why we put the other  
18 information up on the website to give people another--  
19 -at least one other avenue of obtaining the  
20 information.

21           COUNCIL MEMBER LANDER: I hear you. I  
22 think you could say it with certainty.

23           MICHAEL REGAN: [laughs]

24           COUNCIL MEMBER LANDER: All right, I'll--  
25 I'd like a second round, Mr. Chair. Thank you.

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2 CHAIRPERSON KALLOS: You are on the top  
3 of the stack. Council Member Gibson, Rosenthal,  
4 Miller followed by a second round.

5 COUNCIL MEMBER GIBSON: Oh, thank you  
6 very much Chair Kallos, and our Chair Ferreras-  
7 Copeland. Good afternoon. Thank you so much for  
8 being here--

9 MICHAEL RYAN: [interposing] Good  
10 afternoon.

11 COUNCIL MEMBER GIBSON: --to you and your  
12 staff at the Board of Elections. Certainly, you guys  
13 are tasked with a heavy responsibility, and we at the  
14 Council want to be extremely helping in your--in our  
15 partnership to make our process go as smooth as  
16 possible. So I just had three quick questions I  
17 wanted to focus on, and it was--wasn't in your  
18 testimony, but what is the current protocol for  
19 notifying voters of poll site changes and locations?  
20 There are many instances where polling sites are not  
21 ready for the election, and we have to find an  
22 alternate site. There's a notification mailed out to  
23 voters, as a temporary measure, and then they revert  
24 back to the original site. There's a lot of  
25 confusion that has happened over many elections. I



2 faced that in this election. So I wanted to find out  
3 what the proper protocol is for identifying a poll  
4 site, and if you have to change the location, how we  
5 notify voters?

6 MICHAEL RYAN: All right. So, the  
7 general process is no later than May 1st according to  
8 Election Law every year we have to designate our poll  
9 sites. That's both the ones that are more or less  
10 automatics like the schools, and any private sites  
11 that we use, NYCHA and Parks Department has a few.  
12 We do that designation May 1st before--on or before  
13 May 1st every year, and that runs through the  
14 following April 30th.

15 COUNCIL MEMBER GIBSON: Okay.

16 MICHAEL RYAN: The typical way that  
17 someone would get notified of a poll site change is  
18 unless--in a year like now if there was a poll site  
19 change made on May 1st, we would send out a special  
20 mailer as poll site change notice because there's a  
21 June primary. But assume that there's no June  
22 primary, they would be notified of their poll site  
23 change in our legally mandated August 1st through say  
24 August 7th, 8th mailer that goes out to every voter  
25 in the city. And what we've done over the last

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2 several years is we've changed the face of that  
3 mailer to be clear on the outside that your poll site  
4 has changed so tat people, you know--well, it's in  
5 red. They'll look at it and say okay, maybe I really  
6 need to pay attention to this as opposed to folks  
7 that habitually participate in elections, and-

8 COUNCIL MEMBER GIBSON: [interposing]  
9 Okay.

10 MICHAEL REGAN: --are used to going where  
11 they go.

12 COUNCIL MEMBER GIBSON: Okay. So I work  
13 with the BOE in the Bronx a lot. My district sits on  
14 a hill so there are many instances where my residents  
15 are traveling further away to go to a temporary  
16 polling site. So I understand and I want to--to  
17 really understand the process, and the guidelines by  
18 which you follow because for me it's helpful to help  
19 educated my residents. I want to also ask about the  
20 poll workers' training classes that they go through  
21 every year. As much as we can, we have extended the  
22 training classes for coordinators, poll workers,  
23 interpreters, door clerks, and trying to keep up with  
24 the latest technology. We are still finding a  
25 significant amount of participants are not passing

2 the exam. They're not prepared for the election.  
3 They're still working. So we still a lot of--of way  
4 to go. I wanted to find out the process for the  
5 training classes, the administer--the administration  
6 of it, and what changes you see coming down the  
7 pipeline?

8 MICHAEL RYAN: Years ago we used to get  
9 the lion's share of our poll workers through party  
10 recommendations. Over the last number of years that  
11 dynamic has shifted. We now get about 40% of our  
12 poll worker workforce from--from party recommendation  
13 as opposed to recommendation as opposed to just folks  
14 learning about, and--and coming to work for us. We  
15 have entered into a contract and it's--we're two  
16 years in with Election Center, which is a nationally  
17 recognized consultant to help overhaul the training  
18 material, and the duration of the classes, and we--we  
19 are moving towards--we have some video assist for  
20 refresher on the website. We're moving more towards  
21 that. That originally was supposed to be a three-  
22 year contract. It still is. However, we compressed  
23 the deliverables on that contract with the vendor to  
24 two years, and now we're going to hopefully use this  
25 last remaining year on the contract to do other

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2 things that weren't initially contemplated. So, the  
3 training is certainly an issue. Recruitment is--is  
4 certainly--

5 COUNCIL MEMBER GIBSON: [interposing]  
6 Okay.

7 MICHAEL RYAN: --an issue as well, and  
8 any assistance--

9 COUNCIL MEMBER GIBSON: [interposing]  
10 Okay.

11 MICHAEL RYAN: --that we can get, we  
12 can't do it all on our own--

13 COUNCIL MEMBER GIBSON: [interposing]  
14 Right, of course.

15 MICHAEL RYAN: --the recruitment piece.  
16 I mean we need voices--

17 COUNCIL MEMBER GIBSON: [interposing]  
18 Okay.

19 MICHAEL RYAN: --out there helping us.

20 COUNCIL MEMBER GIBSON: Absolutely. So  
21 my final question as my time winds down is about  
22 outside contracts. So BOE has a contract with a  
23 provider that looks at ADA compliance, and what I  
24 noticed this election, very important, there were  
25 additional measures put into sites that gave us

2 metallic handicap ramps that were added to some of  
3 our polling sites. At one of my sites, the one we  
4 were given was faulty, and sadly when my coordinator  
5 went to check it on an hourly basis, he had an  
6 accident and fell. So I spoke to my commissioner in  
7 the Bronx, and determined that there was a contract  
8 where this was provided. I didn't think it was  
9 needed because the site was already ADA compliant,  
10 but I was told that BOE came back in and said it was  
11 not ADA compliant. So things of that nature I want  
12 to understand further moving forward.

13 MICHAEL RYAN: Sure. Perhaps it wasn't  
14 explained to you exactly, you know, the way it really  
15 exists. The Board of Elections was sued in a case  
16 that we referred as United Spinal, but there was a  
17 series of plaintiffs, and we are under Federal Court  
18 order. Even Terry Associates, although we  
19 technically contract with them, and we are paying  
20 them quite a bit of money. We are contracting with  
21 them by Federal Court order. So Evan Terry  
22 Associates has been tasked with the responsibility by  
23 a federal judge to review every poll site throughout  
24 the city and determine its accessibility and what  
25 barriers there are to accessibility. With respect to

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2 the ramps that are installed at these locations, they  
3 come from the recommendation of Evan Terry  
4 Associates, which we have to follow because of the  
5 federal court order. So, Evan Terry Associates will  
6 tell us here is what remedial measures need to be  
7 taken. There will be some back and forth, but in  
8 reality they are the court designated experts, and if  
9 there is a tension between what the Board of  
10 Elections believes should be done and what Even Terry  
11 Associates believes should be done, then we have no  
12 choice but to comply with what the expert is telling  
13 us to do. And certainly if there are vendors that  
14 doing deficient work or if one of our--if it's a ramp  
15 that an employee at the Board of Elections installed,  
16 which we're trying to shrink that universe as much as  
17 possible, if that's being installed defectively, we  
18 need to know that. So that we can take appropriate  
19 measures to either not have our employees install  
20 that ramp or if it was a vendor who installed the  
21 ramp to make sure that it's done properly. And if  
22 that vendor can't get the work done, that we have to  
23 move on to another vendor.

24 CHAIRPERSON KALLOS: Thank you, Director  
25 Ryan.

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2 COUNCIL MEMBER GIBSON: [interposing]  
3 Okay, thank you. I appreciate it. Thank you, Chair.

4 CHAIRPERSON KALLOS: We've been joined by  
5 Council Member Reynoso and Torres. Next, we have  
6 Council Member Rosenthal followed by Council Member  
7 Miller, followed by a second round for myself and  
8 then Council Member Lander.

9 COUNCIL MEMBER ROSENTHAL: Thanks so  
10 much, Chair, and Commissioner great to see you today.

11 MICHAEL RYAN: Yeah.

12 COUNCIL MEMBER ROSENTHAL: I appreciate  
13 your coming in. I sort of want to follow up on my  
14 colleagues' question about ADA accessible locations.  
15 I certainly have, like all my colleagues, worked to  
16 make sure all our location are ADA accessible. We  
17 had one unusual thing happen this year where a site  
18 was changed seemingly overnight, but I'm sure not--  
19 I'm certain not--from one site, which according to  
20 the Board of Election's website it is ADA accessible.  
21 It got changed from that location to a site, which  
22 according to the Board of Elections' website is not  
23 accessible. So the Board of Elections' website it  
24 says right on there "Do not use this website--do not  
25

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2 use this poll site. ADA inaccessible." Can you help  
3 me understand that?

4 MICHAEL RYAN: Not without knowing the  
5 website and see the--seeing the--

6 COUNCIL MEMBER ROSENTHAL: [interposing]  
7 It's your website.

8 MICHAEL RYAN: No, I understand that.  
9 That's not what I'm--

10 COUNCIL MEMBER ROSENTHAL: [interposing]  
11 P.S. 166.

12 MICHAEL RYAN: P.S. 166.

13 COUNCIL MEMBER ROSENTHAL: It's a school  
14 that's not accessible according to the Board of  
15 Elections where it was used as a poll site in this  
16 primary.

17 MICHAEL RYAN: Respectfully, Council  
18 Member, I don't have all of the 1,200 poll sites--

19 COUNCIL MEMBER ROSENTHAL: [interposing]  
20 I'm not expecting you to--

21 MICHAEL RYAN: --memorized.

22 COUNCIL MEMBER ROSENTHAL: I just want to  
23 mention that.

24 MICHAEL RYAN: --but certainly there's no  
25 question but--and--and I would like to say, and I



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2 extend this invitation to--to--to everyone here as  
3 well as your colleagues. We don't have to wait to  
4 hearings to--to hear about these things.

5 COUNCIL MEMBER ROSENTHAL: [interposing]  
6 And we have a meeting set up--

7 MICHAEL RYAN: [interposing] Absolutely.

8 COUNCIL MEMBER ROSENTHAL: --for next  
9 week, and I'm looking forward to the same.

10 MICHAEL RYAN: [interposing] Great, yeah,  
11 and we have a great--and you know we have a great  
12 communication.

13 COUNCIL MEMBER ROSENTHAL: [interposing]  
14 Absolutely.

15 MICHAEL RYAN: So we'll give you what--  
16 whatever we can.

17 COUNCIL MEMBER ROSENTHAL: And that's the  
18 first--I appreciate it, and that's the first question  
19 that's--

20 MICHAEL RYAN: Right. [laughs]

21 COUNCIL MEMBER ROSENTHAL: --going to go  
22 on my letter to you today saying could we please  
23 review that?

24 MICHAEL RYAN: I appreciate that, and  
25 we'll get you whatever information we have, and there

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2 was a mistake made, we'll--we'll make sure it gets  
3 corrected. Now--

4 COUNCIL MEMBER ROSENTHAL: [interposing]  
5 Right.

6 MICHAEL RYAN: --Council--Council Gibson.  
7 Oh, I'm sorry.

8 COUNCIL MEMBER ROSENTHAL: Go ahead.

9 MICHAEL RYAN: I don't want to cut into  
10 your time. I have a follow up for Council Member  
11 Gibson, but I won't cut into your time to do it.  
12 [laughs]

13 COUNCIL MEMBER ROSENTHAL: Thank you.  
14 Secondly, do you review--do you have a pile in your  
15 office of the site map for that poll site location?  
16 So you know where the entry is going to be, and where  
17 the actual voting is going to take place. Do you  
18 have those maps in your office?

19 MICHAEL RYAN: We don't have them in our  
20 office. We have them electronically in the system.  
21 They get shared back and forth between Evan Terry  
22 Associates and--and our folks, and yes, all of that  
23 is schematic.

24

25

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2 COUNCIL MEMBER ROSENTHAL: [interposing]  
3 Is that for public consumption? Can they be  
4 downloaded?

5 MICHAEL RYAN: Sure and then we--and any--  
6 --any of the sites that you have in question we could  
7 provide you all of the documents that you would need.

8 COUNCIL MEMBER ROSENTHAL: [interposing]  
9 So P.S. 75--

10 MICHAEL RYAN: Right.

11 COUNCIL MEMBER ROSENTHAL: --has two  
12 entries. One is steps not ADA accessible--

13 MICHAEL RYAN: Right.

14 COUNCIL MEMBER ROSENTHAL: --that goes  
15 directly into the cafeteria where voting takes place.  
16 It would not pass any classroom. The other location  
17 is ADA accessible and goes past a half a dozen, 10  
18 classrooms or what's called the Nest Program, which  
19 are kids with autism.

20 MICHAEL RYAN: Right.

21 COUNCIL MEMBER ROSENTHAL: The site  
22 coordinator refused to let anyone walk in directly to  
23 the cafeteria, and required every single voter to  
24 walk past those classrooms, and is the case that's  
25 human--is the human condition everyone had to stop

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2 and look into the classroom. You can imagine what a  
3 day that was for those students. Why is it that  
4 those with ADA needs couldn't use that entry and the  
5 people who did not have ADA needs use the steps?  
6 Now, what I was told is because that would create a  
7 stigma for those with--who are--who require a  
8 wheelchair. Is that the policy of the Board of  
9 Elections?

10 MICHAEL RYAN: No. Whoever told you that  
11 made up a story to get you to stop to them about the  
12 entrance issue on that day. I can--I can say that  
13 with certainty. We have plenty of--

14 COUNCIL MEMBER ROSENTHAL: [interposing]  
15 So that it's P.S. 75.

16 MICHAEL RYAN: Right. We have plenty of  
17 poll sites that have two entrances, an accessible  
18 entrance and--and, you know, often the main entrance  
19 especially in our older school buildings [bell] often  
20 the main entrance is not ADA accessible, but there is  
21 some other portion of the building has been made ADA  
22 accessible. We don't force anybody to use one or the  
23 other. If the school has the door open and you can  
24 go in that way--

25

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2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 So I'm going to summarize because I have to go  
4 uptown, by saying that I don't have confidence that--  
5 or let me say it a different way. I'd like to review  
6 all my poll sites in my meeting with, and it's not  
7 clear who to me--I--I don't like having to go to the  
8 Commissioner and ask you to go through AD poll sites.  
9 Who is it that is responsible for making sure those  
10 simple things are taken care of, and why can't this  
11 stuff get fixed?

12 MICHAEL RYAN: As you can imagine, it's  
13 a--it's a complex process. There are several staff  
14 members, you know, and--and mid-level managers that  
15 oversee the--the entire process, but certainly  
16 executive management gets involved in that as well on  
17 an as-needed basis. We--we need to make sure that  
18 our communication with all of the elected officials  
19 and the public with respect to these matters is as  
20 good as it can possibly be. I can tell you if you  
21 bring me a list of poll sites, we have a big screen.  
22 We can go through them. You can see the types of  
23 documents are available, and what you think you need,  
24 and that will be helpful to you, we'll provide. They

25

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2 are quite voluminous, though, and you probably won't  
3 need it all.

4 CHAIRPERSON KALLOS: Thank you.

5 COUNCIL MEMBER ROSENTHAL: Okay, thank  
6 you very much.

7 CHAIRPERSON KALLOS: Thank you, Director  
8 Ryan. Thank you Council Members Rosenthal and  
9 Gibson. Please feel free to keep the Governmental  
10 Operations Committee involved and specifically anyone  
11 who's having trouble with poll site locations,  
12 translation or you name it. Please make sure to  
13 bring it to our attention, Director Ryan's attention,  
14 and you have the full support of this committee, our  
15 committee counsel Samita Deshmukh--

16 CHAIRPERSON FERRERAS-COPELAND: Thank  
17 you.

18 CHAIRPERSON KALLOS: --as well as Laurie  
19 Wenn, our Policy Analyst. Our goal is to work with  
20 everyone, and you have the full support of the  
21 Council. We have Council Member Miller on first  
22 round followed by second round with Council Member  
23 Lander.

24 COUNCIL MEMBER MILLER: Thank you Chair  
25 Kallos, and thank you Director for you and your team

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2 being here. So I want to follow up on a number of  
3 things that was said today, but could you just give  
4 us the number of Queens affidavits?

5 MICHAEL RYAN: Sure [pause] Queens.

6 COUNCIL MEMBER MILLER: Uh-huh.

7 MICHAEL RYAN: The total number of  
8 affidavits received 26,347. The total number or  
9 preliminarily invalid affidavits was--it looks like  
10 21,272, and ultimately 19 of the preliminarily  
11 invalids were validated for a total number of valid  
12 affidavits of 5,097.

13 COUNCIL MEMBER MILLER: And--and--and--  
14 and the--do you find that there's disparity in those  
15 who were not validated or that--what--what was the  
16 main reason?

17 MICHAEL RYAN: The main reason in a  
18 presidential primary is people are not registered to  
19 the party that they want to vote in.

20 COUNCIL MEMBER MILLER: Right.

21 MICHAEL RYAN: And I can--the only thing  
22 I can compare it to is to go back to 2008 when we had  
23 a similar election and compare those numbers. In  
24 2008, you had 20,618 affidavits cast in Queens, and  
25 4,777 out of the 20,000 were valid. So, while Queens

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2 did see a drop in 2016, it's more or less comparable.  
3 You had 23% in 2008, 19% in--in 2016.

4 COUNCIL MEMBER MILLER: So--so you would  
5 submit most of the numbers, because it--it was not an  
6 open election?

7 MICHAEL RYAN: That's a lot of it, you  
8 know, and then there are other reasons. If the--the  
9 affidavit is just what it says it is, it's an  
10 affidavit. If through voter error, you know, the  
11 voter leaves out critical pieces of information. For  
12 example, their party of enrollment up at the top.  
13 Then by legal definition it must be invalidated  
14 because it's incomplete. And if this is one of those  
15 circumstances where the Constitutional right to have  
16 your vote counted--

17 COUNCIL MEMBER MILLER: [interposing] Uh-  
18 huh.

19 MICHAEL RYAN: --clashes head on with the  
20 Constitutional right to have your ballot be secret,  
21 and the only way to sometimes validate it would be to  
22 open it up and really look at it.

23 COUNCIL MEMBER MILLER: [interposing]  
24 Okay.  
25



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2 MICHAEL RYAN: And we can't. We really  
3 can't do that.

4 COUNCIL MEMBER MILLER: So, all right.  
5 Thank you so much. In the interest of time, I'm  
6 going to ask these questions. So how many were  
7 purges, and--and what--what--what is--what is the  
8 main reason for purging--these things for purging?

9 MICHAEL RYAN: In Queens?

10 COUNCIL MEMBER MILLER: Throughout the  
11 city.

12 MICHAEL RYAN: Oh, throughout the city--

13 COUNCIL MEMBER MILLER: I don't even know  
14 any more.

15 MICHAEL RYAN: I do not have the  
16 citywide--

17 COUNCIL MEMBER MILLER: What is the main  
18 reason?

19 MICHAEL RYAN: Oh, you mean invalidated?

20 COUNCIL MEMBER MILLER: Yep, for--for  
21 purging, for purging, what are those rolls? I  
22 understand.

23 MICHAEL RYAN: There's a difference  
24 between merging from the voter rolls.  
25

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2 COUNCIL MEMBER MILLER: So we're--we're  
3 going from one to the next.

4 MICHAEL RYAN: Okay, I'm sorry. The--  
5 the--I can get you the numbers of the--of this--of  
6 the voter roll cleanup that was done last year. But  
7 I can tell you that the main reasons are what we  
8 receive from the State Board of Elections, which are  
9 duplicate entries, deaths, and felons. And to a  
10 much, much smaller extent people who were declared  
11 mentally incompetent or people who have asked to be  
12 removed. And then we also get the NCOA, the National  
13 Change of Address, which is the moves, and that's a  
14 large--and that's a large number as well.

15 COUNCIL MEMBER MILLER: I've seen this.  
16 This is where seniors have been asked to sort of  
17 validate themselves? What--what is that about?

18 MICHAEL RYAN: No voter who is on the  
19 voter list for whom we have not received some  
20 communication back from the Post Office or another  
21 source should be removed from the rolls or be asked  
22 to necessarily validate their registration. So if  
23 you live at the same location and you're constantly  
24 getting your mail. You registered to vote 30 years  
25

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2 ago and you just don't want to vote, there will be  
3 nothing done to those folks.

4 COUNCIL MEMBER MILLER: [interposing] So  
5 those are the--those are circumstances that I've seen  
6 on numerous occasions, but they were seniors, and the  
7 reason was given that something like because they  
8 hadn't voted--

9 MICHAEL RYAN: [interposing] Right.

10 COUNCIL MEMBER MILLER: --they wanted to  
11 make sure that they were still alive.

12 MICHAEL RYAN: One of the things that  
13 could have happened, and it's a possible explanation  
14 we participate in--with the Social Security Debt  
15 Master File Index. The Social Security records have  
16 proven not to be reliable. So when we get a  
17 notification of death through the State system, we  
18 process that death with no further notification.  
19 When we get a notification of death [bell] through  
20 the Social Security system, we send out a letter  
21 basically asking for validation. So that is a  
22 possible explanation, but I wouldn't want to paint  
23 that circumstance with a broad brush.

24

25

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2 COUNCIL MEMBER MILLER: I'm going to  
3 finish--I'm going to finish up here with the--the  
4 poll workers, and I know they--from your testimony--

5 CHAIRPERSON KALLOS: [interposing] I'm  
6 sorry to--sorry, we'll put you on. We have one more  
7 person on first round. Then Brad--then myself, then  
8 Brad Lander, then you.

9 COUNCIL MEMBER MILLER: Sure. Thank.

10 CHAIRPERSON KALLOS: No problem. Council  
11 Member Torres, and we're officially closing the first  
12 round of questioning followed by second round for  
13 myself and Lander followed by Miller.

14 COUNCIL MEMBER TORRES: Good to see you  
15 again. I think we ran into--

16 MICHAEL RYAN: [interposing] Yes.

17 COUNCIL MEMBER TORRES: --when we were at  
18 MSNBC. I have a question. What do you--I guess what  
19 is your agency's position on the Council's legal  
20 authority over the Board of Elections. Do you  
21 believe we have legislative authority over BOE?

22 MICHAEL RYAN: It would depend on what  
23 you're attempting to legislate.

24

25

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2 COUNCIL MEMBER TORRES: So can you--can  
3 you define what you believe to be the legal  
4 relationship between the Council and the BOE?

5 MICHAEL RYAN: The--what our belief is  
6 that the legal relationship is that the New York City  
7 Board of Elections as well as the other boards of  
8 elections throughout the state is established through  
9 statutory and Constitutional construct, and that with  
10 respect to our relationship with the City Council  
11 that deals with budgetary matters only.

12 COUNCIL MEMBER TORRES: So you believe  
13 they have no legislative authority?

14 MICHAEL RYAN: We have had this  
15 conversation in other committees, and would have to  
16 say that depending on the specific piece of  
17 legislation, each leg--piece of legislation would  
18 rise and fall on its own merits. But we have stated  
19 this similar position for other matters.

20 COUNCIL MEMBER TORRES: I'm not clear on  
21 the position because I know we obviously--you're  
22 subject to oversight. We a budgetary relationship.  
23 You are governed by state law. Well no one disputes  
24 that.

25 MICHAEL RYAN: Correct.

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2 COUNCIL MEMBER TORRES: But I guess what  
3 do--what would you define as the scope of this  
4 Council's legislation authority on relation to BOE?  
5 I still don't have an answer to that question.

6 MICHAEL RYAN: The Board of Elections is  
7 an independently established body through the  
8 Constitutional and statutory construct. We are  
9 limited in terms of our spending ability to the four  
10 corners of the budget that's established by the local  
11 municipal process. Outside of that, where our  
12 primary area of reporting back, if you will, or the  
13 parameters under which we work is established by  
14 state law, and to a much more limited extent by city  
15 statutes and municipal ordinances with respect to  
16 elections that are solely municipal in nature. So to  
17 the extent that this crossover, there's a gray area,  
18 and that's why I'm not trying to hedge the answer,  
19 but if under--in a different conversations if we had  
20 a conversation about specific pieces of legislation  
21 and what they were specifically designed to do, then  
22 I could give you a more well thought out answer, but  
23 certainly give the complexity, not on the spot.

24 COUNCIL MEMBER TORRES: Okay, I have a  
25 follow up. Did you tell Council Member Miller

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2 earlier that you did not have the purge numbers  
3 citywide or--?

4 MICHAEL RYAN: I don't have them with me  
5 presently, but they're--they're--

6 COUNCIL MEMBER TORRES: [interposing]  
7 Because that's--that's disappointing. I think purge  
8 was at the heart of the controversy around the  
9 presidential primary election. So for you to have--  
10 not have those numbers, strikes me as odd.

11 MICHAEL RYAN: What--what we brought with  
12 us today was the purge numbers with respect to  
13 Brooklyn, and I--I thought that that was going to be  
14 the primary focus. The--the other boroughs did not  
15 engage in a purge like the one that was done in  
16 Brooklyn. The other boroughs archived their voters  
17 based on the--what I'll normal "process" of receiving  
18 duplicates, deaths, felons, moves through the NCOA.  
19 Those are things that we do on a--on a--on a routine  
20 basis, and they're more--

21 COUNCIL MEMBER TORRES: [interposing] So  
22 there were no--there were no purges elsewhere in the  
23 city or--?

24 CHAIRPERSON KALLOS: I'm just going to  
25 jump in one second.

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2 COUNCIL MEMBER TORRES: All right.

3 CHAIRPERSON KALLOS: Sorry to interrupt  
4 and please hold the time. When we opened up we did  
5 indicate that there would be a hearing solely devoted  
6 to purges, and while I--

7 COUNCIL MEMBER TORRES: Does that ban  
8 (sic) questioning on the topic?

9 CHAIRPERSON KALLOS: Well, no you can  
10 continue, it's just that in terms of for the  
11 preparations we are largely focused on budget. Most  
12 of the questions we're asking on budget. While  
13 members often use the budget hearings as a chance to  
14 ask whatever questions they want--

15 COUNCIL MEMBER TORRES: [interposing] I  
16 mean this is against the backdrop of a presidential  
17 primarily--

18 CHAIRPERSON KALLOS: [interposing] I know  
19 I--

20 COUNCIL MEMBER TORRES: --where purge was  
21 the central issue.

22 CHAIRPERSON KALLOS: And--and you are on  
23 the Governmental Operations Committee. You will be  
24 there when we do a hearing just on that to spend as  
25 many hours as we need to digging into the depth, and



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2 if you are curious to that numbers, I've actually  
3 done an audit myself. It's at votersearch.org/  
4 demographics, and take a look. It's great and feel  
5 free. Please take--if we can reset the clock at two  
6 minutes for Council Member Torres.

7 COUNCIL MEMBER TORRES: All right, how  
8 much does the BOE invest in the professional  
9 development, poll workers and your staff?

10 MICHAEL RYAN: We have an outside  
11 consultant, Election Center. Their initial contract  
12 was a three-year contract. I believe it was  
13 \$750,000. In addition to that, and I can get you a--  
14 a line-by-line breakdown with respect to how much we  
15 deal with training, which will be a combination of  
16 not only the cost of the trainers, but also the--the  
17 cost of acquiring sites. [bell]

18 COUNCIL MEMBER TORRES: So how many poll  
19 workers do you oversee?

20 MICHAEL RYAN: We budget for 36,000.

21 COUNCIL MEMBER TORRES: Do you think  
22 \$750,000 is enough for 36,000?

23 [background comments]  
24  
25

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2 MICHAEL RYAN: What--it was \$750,000 for  
3 a consultant to help us overhaul our training  
4 process.

5 COUNCIL MEMBER TORRES: So what's the  
6 dollar amount of the overall training you provide?  
7 Do you have--?

8 MICHAEL RYAN: We have--our--our rough  
9 budget every year if you take everything into  
10 consideration is approximately \$2 million to put on  
11 all the trainings that we need for--for the different  
12 election sites.

13 COUNCIL MEMBER TORRES: Do you find that  
14 amount to be sufficient?

15 MICHAEL RYAN: No agency would ever sit  
16 before a legislative body with credibility and say  
17 that they can't use more money if so allocated. What  
18 we try to do, though, is use the resources that we  
19 have as responsibly as we can. One of the things  
20 that I think yes we are certainly looking at  
21 training. That needs to be our central focus.  
22 However, recruitment is something that we cannot do  
23 on our own, and bringing more people into the process  
24 I think by definition will improve it, and for that  
25 we ask everyone's assistance.

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2 COUNCIL MEMBER TORRES: And in addition  
3 to recruitment retention is--is just as important.  
4 Do you have data on the retention of poll workers or-  
5 -?

6 MICHAEL RYAN: Again that's something  
7 that we can certainly get for you--get for you, and--  
8 and I'm sure that it wouldn't take all that much to--  
9 to do. But there are a fairly transient population  
10 with respect to us as the referrals from the local  
11 parties are dwindling, and now, you know, at 40% and  
12 dropping.

13 COUNCIL MEMBER TORRES: And is--is the  
14 training and professional development is it one time,  
15 is it ongoing? What's the nature of the--?

16 MICHAEL RYAN: It's cyclical. Every July  
17 we--after petitions are completed we start to gather  
18 the training courses. I--I should say the sites.  
19 We--we set them up, and we commence the training  
20 process. What we have found despite our best efforts  
21 and to try to get people trained early, human nature  
22 being what it is, usually our later classes coming up  
23 close to the election events are stacked with our  
24 earlier classes are more sparsely attended.

25

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2 COUNCIL MEMBER TORRES: I think my time  
3 is up so--

4 CHAIRPERSON KALLOS: Yes, and so we're  
5 going to reopen the question first round if that is  
6 acceptable to those present for Council Matteo who is  
7 here, and then we'll go into second round for myself,  
8 Council Member Lander and Miller.

9 COUNCIL MEMBER MATTEO: Thank you, Mr.  
10 Chair. I want to talk about the Staten Island  
11 primary, obviously a special election rather.

12 MICHAEL RYAN: Yes.

13 COUNCIL MEMBER MATTEO: I had some issues  
14 about poll workers not automatically given the  
15 special election ballot to the voters. I'm wondering  
16 if you commented on that, if you saw any other  
17 issues. Obviously, it was a--a different kind of  
18 special election where we had to get the separate  
19 loaders out on the South Shore. So just wondering in  
20 general any issues that have arisen besides what I  
21 was told and, if so, how can we work prevent that in  
22 the future?

23 MICHAEL RYAN: Well, Council Member, you  
24 are fortunate to represent that borough where we  
25 typically experienced the lowest amount of issues at

our poll sites. With respect to the special election, this--this was the first time that a special election was conducted in this way. We brought in as many poll--poll site coordinators, and--and poll workers in those affected districts as we possibly could. We sent out a notice to all of them. I--I don't have the turnout numbers with respect to the training, but certainly the two ballot scenario for registered Democrats and registered Republicans was something that was stressed and quite frankly, it was the whole reason for bringing them in. Am I surprised that in some instances that didn't necessarily happen? No, because it was first time that a special election was conducted in this way. But I will say that the work of our--the New York City Board's EVS Unit, the Electronic Voting Systems Unit developed the strategy and setup, if you will. That allowed for the special election to be conducted this way without having to do deployment of duplicate machines in separate rooms and all of that. So, while it--it probably did have some drawbacks, I think on balance it worked well, and I think it should serve as the model of how we would do special

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2 elections moving forward because now we proved it can  
3 be done.

4 COUNCIL MEMBER MATTEO: Agreed and  
5 Director Ryan I--I do appreciate that. I--I work the  
6 work the staff because besides just a few issues of--  
7 of what I told--talked to you about maybe some not  
8 getting right at the instance, most of them were  
9 corrected and given once the voter went up and said  
10 I'm voting also for the assembly--for the assembly  
11 rights as well. So no other further issues that you--  
12 -that you got from that day?

13 MICHAEL RYAN: Not--not from Staten  
14 Island. No, that--nothing that's really jumping out  
15 as--as a systemic problem that would require  
16 immediate redress.

17 COUNCIL MEMBER MATTEO: Good, and I hope  
18 that, you know, that moving forward if we have this  
19 type of special election again, you know, we'll learn  
20 from the few mistakes that were--were made, but  
21 overall, I agree with you. I thought the process  
22 went smooth and we'll discuss further offline how we  
23 can come up with some other alternatives if--if  
24 needed in--in a special election like this. Thank  
25 you.

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2 MICHAEL RYAN: Thank you very much.

3 CHAIRPERSON FERRERAS-COPELAND: We're in  
4 second round now? Do you have--okay. Chair Kallos.

5 CHAIRPERSON KALLOS: I think there's a  
6 lot of questions around the purges, and would the  
7 Board of Elections send the Citywide Voter File from  
8 the City? I already have the State Voter File, but  
9 I'll take the City Voter File. I'd also like you to  
10 send over your inactives, your purges, and to the  
11 extent you have data on your affidavits, and how you  
12 did that, we'll want that to do our own audit. You  
13 can add us to the long list of folks who will be  
14 doing our oversight and audits here at the  
15 Governmental Operations Committee. Similarly, we'll  
16 be looking to see if the commissioners, the  
17 application commissioners as well as at the clerk and  
18 Deputy Clerk for the oversight hearing on what  
19 happened in Brooklyn as well as we prepare for June.

20 Last summer, the Board of Elections  
21 increased the pay of its commissioners by as much as  
22 16% as well as the Executive Director here. What was  
23 the rationale for this raise? Do you think they were  
24 deserved in light of the primary election in April?

25

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2           MICHAEL RYAN: I will clear up one  
3 misconception. The commissioners cannot raise their  
4 own salary. The salary of the commissioners is set  
5 by statute it is a maximum of \$30,000 a year, are  
6 payable at \$300 per attended meeting. So there was,  
7 in fact, no commissioner raise unless at some point  
8 the State Legislature says that there's going to be a  
9 raise. So that was a misconception. With respect to  
10 the management staff or one of--one of those folks is  
11 me, and when the salaries were compared against other  
12 city agencies, we tried to make a comparable salary  
13 structure with respect to other city agencies. I  
14 might add that based on our analysis, while the Board  
15 was making up for some past inequities, it did not  
16 quite reach the level of the salaries that are done  
17 for other equivalent positions throughout the city of  
18 New York. Not that I am complaining in the least. I  
19 don't mean to make it sound like that, but that was  
20 the rationale behind was to--to have competitive  
21 salaries for folks in positions of--of decision  
22 making authority of which I am one.

23           CHAIRPERSON KALLOS: And of those folks,  
24 how many of them have cars and drivers?

25



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2           MICHAEL RYAN: No one has a driver, and  
3 of those folks there is only one individual that has  
4 the use of an agency vehicle.

5           CHAIRPERSON KALLOS: Is that you?

6           MICHAEL RYAN: And that would be me.

7           CHAIRPERSON KALLOS: Okay, I think we had  
8 some concerns. In some of the reporting, there was  
9 mention of one of the folks who has been suspended  
10 without pay having a car, and a chauffeur and some  
11 other items that caught us by surprise.

12           MICHAEL RYAN: I--I think where that may  
13 have gotten, you know, out there as--as an issue is  
14 that there was some decisions, well, at least one  
15 decision that came out of COIB where one of the  
16 borough chiefs was commuting with one of their  
17 employees, but that was in personal vehicles not in--  
18 in an agency vehicle. And there was also an issue  
19 with another borough chief who had some infirmities  
20 with individuals parking that chief's car at the  
21 office.

22           CHAIRPERSON KALLOS: Council Member  
23 Gibson, Council Member Torres all touched on this,  
24 and I have before. So will there be an increase in  
25 funds following this Executive Budget proposal from

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2 the Mayor to get poll workers to \$15 an hour to give  
3 them the proper training and I think we have a Tweet  
4 from Bridgett Bergen at WNYC about focusing on  
5 quality over quantity, and making sure that we can  
6 have the best folks possible to run the best election  
7 possible for the Super Bowl of elections this coming  
8 presidential election.

9           MICHAEL RYAN: The conversations with  
10 respect to poll worker compensation with the  
11 Administration are ongoing. I believe that there is  
12 a collective will to make that happen. I do not  
13 engage in predictions, but short of a guarantee I  
14 believe that there is a will to make it happen, and  
15 I--and I believe that it will happen. However, there  
16 are still some conversations that need to be had and  
17 we still have to take a look at the Mayor's proposals  
18 in--in detail.

19           CHAIRPERSON KALLOS: We--we can't put a  
20 price on democracy. I'm going to wrap up this  
21 question. Grab a pen because it's a doozy. So  
22 leading up to the general election in 2008, we saw  
23 issues with a flood of voter registrations,  
24 insufficient ballots and long lines. How much will  
25 it cost to implement? Online voter registration has

2 been improved by the New York State Attorney General,  
3 Eric Schneiderman. How much will it cost to hire  
4 sufficient staff to entre in voter registrations and  
5 to verify that they're actually entered properly to  
6 prevent errors? How much to print sufficient ballots  
7 or implement on-demand printing at borough offices or  
8 even poll sites? How much to hire enough information  
9 clerks and provide technology and training so that  
10 they can address long lines at poll sites, and can we  
11 provide electronic voter lookup tools like  
12 VoterSearch.org to poll workers so that they can look  
13 up the status of a voter who may not be in the poll  
14 book?

15 MICHAEL RYAN: Okay. You speak very  
16 quickly and sometimes more so than I. Voter  
17 registration--online voter registration. The barrier  
18 to online voter registration presently is an  
19 interpretation of the Electronic Signature Act as it  
20 applies to the elections process, which is outside  
21 the scope of the authority of the City Board of  
22 Elections. We--we--

23 CHAIRPERSON KALLOS: [interposing] The--  
24 the Attorney General has opined directly on this.

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2           MICHAEL RYAN: I--I understand, but there  
3 are others who have opined in the--in the contrary.  
4 So, we have established and have--

5           CHAIRPERSON KALLOS: So you do not--you  
6 will not even--so not only do you challenge the  
7 authority of the Council but you challenge the  
8 authority of the New York State Attorney General?

9           MICHAEL RYAN: [interposing] Oh, no, no,  
10 no. That's not what I'm saying. What I am saying is  
11 that the direction that we have received from the  
12 State Board of Elections as interpreted by their--  
13 their interpretation of the Election Law with respect  
14 to the Governor's order as well that require us to  
15 accept electronic signatures from the--from the  
16 Department of Motor Vehicles and no other agency,  
17 differs from the stated--your--your stated position  
18 of the Attorney General. [background comments] Right,  
19 and so even with that, my understanding of the  
20 Attorney General's assertion is that you would still  
21 have to print it out and sign it, and we would have  
22 to accept bull. (sic) Be that as it may, we are  
23 working very closely with the Mayor's Administration  
24 to--to have an--as much of an online voter  
25 registration process as we can with respect to the

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2 Local Law 29 agencies, and as well as expanding that  
3 to the general public. But that would until someone  
4 higher than me says, you can accept an electronic  
5 only signature and not a wet signature, that's as far  
6 as we can go.

7 CHAIRPERSON KALLOS: And that's someone  
8 higher as your commissioners or--

9 MICHAEL RYAN: [interposing] No, we--  
10 we'd--

11 CHAIRPERSON KALLOS: --the Mayor or--

12 MICHAEL RYAN: --we'd need to fax the--  
13 the State Board or the State Legislature.

14 CHAIRPERSON KALLOS: The--and then just  
15 to--if we can move quickly and then get to the other  
16 two folks. On the staff hiring enough people to do  
17 the voter registration data entry verifying it. Do  
18 you have a plan for that? MICHAEL RYAN:

19 MICHAEL RYAN: We--we always bring on  
20 temporary employees, seasonal employees each July to  
21 staff up for the elections. We started that a little  
22 bit earlier this year because of the number of  
23 election events. However, in--in 2012, I believe it  
24 was 2012, I wasn't here--we had to bring in outside  
25 data entry folks to deal with--

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2 CHAIRPERSON KALLOS: [interposing] And  
3 had you budgeted that that--

4 MICHAEL RYAN: [interposing] Yes.

5 CHAIRPERSON KALLOS: --crunch of reg--  
6 okay, and then--

7 MICHAEL RYAN: [interposing] Yes,

8 CHAIRPERSON KALLOS: --and then are you  
9 budgeted--budgeted for data entry checkers, people  
10 who check the entry to make sure that we are bullet  
11 proof and that we have everyone's name in correctly,  
12 and no typos, no swapping first names--

13 MICHAEL RYAN: [interposing] Right.

14 CHAIRPERSON KALLOS: --last names?

15 MICHAEL RYAN: There is a--there is a  
16 bipartisan double check that happens with every voter  
17 registration that goes into the system, but I will  
18 tell you to the extent that we get voter  
19 registrations very close to the deadline for a  
20 presidential election there's always going to be  
21 attention between accuracy--

22 CHAIRPERSON KALLOS: [interposing] But  
23 that's what--what--

24 MICHAEL RYAN: --and getting the folks  
25 into the system.

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2 CHAIRPERSON KALLOS: But that's what the  
3 budget is for--

4 MICHAEL RYAN: [interposing] Right.

5 CHAIRPERSON KALLOS: --that is what the  
6 Executive Budget process is. If we know something is  
7 going to happen, and that something is going to be  
8 tough, that is why we allocate additional resources  
9 so that there is no crunch. We have enough staff to  
10 handle it. So along those same lines will we have  
11 enough ballots and do we--are you exploring on-demand  
12 printing so that we can print them if we need to.  
13 But making sure as hell that we do not run out of  
14 ballots or affidavit ballots poll sites like we did  
15 in the primary.

16 MICHAEL RYAN: I'm--I'm not aware of any  
17 instances where affidavit ballots-- There was? That  
18 we ran out?

19 DAWN SANDOW: Well, there were instances  
20 where we received calls.

21 CHAIRPERSON KALLOS: Please--

22 MICHAEL RYAN: [interposing] Right.

23 CHAIRPERSON KALLOS: --use the microphone  
24 and state your name for the record.  
25

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DAWN SANDOW: Dawn Sandow, Deputy  
Executive Director. Although we did order above and  
beyond with the affidavit ballots knowing that  
historically we do get people from--that are  
registering other parties. There were instances  
where a lot of the poll workers could not find the  
affidavits and the supply cards. Our election teams  
did go out, did check the supply cards, did pull them  
out. They were found. So it--it wasn't that we ran  
out of them. There were instances, though, where we  
did run out of election day ballots. However, we had  
the system Ballot on Demand in every borough. So once  
we received a call that they were running low, there  
were ballots printed on the Ballot on Demand system,  
and sent immediately to the poll sites with our  
election teams.

CHAIRPERSON KALLOS: And enough  
information clerks? Will we have enough information  
clerks to get people right in to the right table, get  
people checked in?

MICHAEL RYAN: Certainly we have budgeted  
for enough information clerks, and if the information  
clerks that we train show up on election day, we will  
have enough.



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2 CHAIRPERSON KALLOS: And then the--the  
3 last piece was just giving the--the workers a tool  
4 like Voter Search or the state database or perhaps  
5 one day the city database if you--

6 MICHAEL RYAN: [interposing] Right.

7 CHAIRPERSON KALLOS: --enact the  
8 legislation that we've passed--

9 MICHAEL RYAN: [interposing] Right.

10 CHAIRPERSON KALLOS: --so that people can  
11 say, you know, you're not in the book. This is why  
12 you're enacted. Your affidavit will definitely  
13 count. Your purged. This is why you're going to  
14 have to challenge the 20 days, as Council Lander put  
15 in, and you won't even get the letter in time, and  
16 this is what you need to do.

17 MICHAEL RYAN: We have done a few things  
18 in that regard. One, we have worked with some good  
19 government groups to reorganize the Street Finder,  
20 which we're obviously trying to move away from. So  
21 that it's organized according to odd and even on the,  
22 you know, on the numbers and the blocks. So it's a  
23 little bit more user friendly. However, with respect  
24 to our Tablet program, we have--the--the plan is to  
25 have the entire database on the Tablet on election

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2 day not only as a hard filed, but also as a link to  
3 our active system in real time. The link would be  
4 the primary way that we would want it to be used.  
5 However, putting the full file on each Table would be  
6 there as a backup. So those plans are already in the  
7 works to make sure that that information is  
8 available. The other thing is the reason we want  
9 that to be the case is we want to be ahead of the  
10 curve and we are ahead of the curve in the even that  
11 electronic poll books ever become a reality.

12 CHAIRPERSON KALLOS: And I think I just  
13 found the article from the Daily News from our good  
14 friend Celeste Katz who indicate that you actually  
15 make \$40,000 more than anyone sitting here. And I  
16 think along those lines just making sure that we're  
17 getting our money's worth, and we get an election  
18 that works without complaints. I'll pass it over to  
19 our Chair for a second round for Lander and Miller.

20 CHAIRPERSON FERRERAS-COPELAND: Council  
21 Member Lander followed by Council Member Miller.

22 COUNCIL MEMBER LANDER: Thank you and  
23 I'll just urge on this last--I wasn't going to ask  
24 you a question about this, but I do think notices at  
25 the desk letting voters know that they can, you know,

2 maybe even used a Q&R Code. A lot of people use  
3 their phones to figure out to bypass the info table.  
4 It would be very helpful. There's no reason for  
5 people to stand there waiting for your staff to use  
6 the Street Finder when they can go online themselves  
7 on their own phones and figure out where they need to  
8 go. So I would urge you to do better at  
9 communicating that at the information table, and use  
10 a little--

11 MICHAEL RYAN: [interposing] Right.

12 COUNCIL MEMBER LANDER: --Q&R Code that  
13 people can click the link of.

14 MICHAEL RYAN: So, we already have the  
15 pollsitelocater.com so that we can--that people can  
16 look it up, but we also are in the process of  
17 developing. It wasn't a Q&R Code for this purpose.  
18 It was deemed that the barcode would work better, but  
19 when we send out voter information notices, and this  
20 is the mockup, the voter card will now have a barcode  
21 on it, and the plan is to integrate that into the  
22 system so that people scan themselves and--

23 COUNCIL MEMBER LANDER: [interposing] And  
24 the only thing I'm suggesting to add in because I  
25 refer a lot of people to this, and if when I'm there,

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2 I'm like don't wait in line at the info table. But I  
3 think if you--if you would just after the info table  
4 have a prominently displayed--

5 MICHAEL RYAN: [interposing] Right.

6 COUNCIL MEMBER LANDER: --sign because if  
7 they didn't bring there--if they brought their card,  
8 they know where to go.

9 MICHAEL RYAN: Right.

10 COUNCIL MEMBER LANDER: If they didn't  
11 bring their card, if you could have a sign at the  
12 info table that says you're welcome to wait online at  
13 the info table or you can get the information here  
14 yourself.

15 MICHAEL RYAN: Right.

16 COUNCIL MEMBER LANDER: I mean I don't  
17 want to use all my time on this so--.

18 MICHAEL RYAN: [interposing] No, that's  
19 actually--that's actually a--[background comments].  
20 Right, that's actually a good suggestion. What he's  
21 saying is to--to display the poster that we put at  
22 the info table so that when people are there they--  
23 they--they can see it more prominently. That makes--  
24 that makes sense.

25

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2 CHAIRPERSON FERRERAS-COPELAND: Just to  
3 follow up because if you come with your card you  
4 already know where you're going--

5 MICHAEL RYAN: [interposing] Correct.

6 CHAIRPERSON FERRERAS-COPELAND: --because  
7 you use on your card.

8 MICHAEL RYAN: Correct.

9 DAWN SANDOW: [off mic] This is like  
10 everyone will see [on mic] that we--we do have a  
11 poster in all the poll sites. I'm--I'm not sure. I  
12 mean it's very hard to know where they put them up  
13 with the Q&R Code, and on all our legal ads, which  
14 we went above and beyond this year, we put the Q&R  
15 Code on the legal ads as well.

16 COUNCIL MEMBER LANDER: All good. I'm  
17 just suggesting to have the poster at the info table  
18 and then people don't have to wait in line if they  
19 see it.

20 DAWN SANDOW: Correct.

21 COUNCIL MEMBER LANDER: So--

22 MICHAEL RYAN: Right.

23 DAWN SANDOW: When--when the voter  
24 receives this card this year, it's going to be a  
25 little bit different. It will be a plastic card. If

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2 they come with that card, and they go, of course,  
3 they'll have the information there, but they can  
4 also-- If they're in the wrong poll site, they can  
5 scan that now over the Tablet--

6 COUNCIL MEMBER LANDER: [interposing]  
7 Right.

8 DAWN SANDOW: --and it will give them  
9 step direct--step directions to the poll site that  
10 they to be at.

11 COUNCIL MEMBER LANDER: Right, but if  
12 they bring the card, then they have--

13 DAWN SANDOW: [interposing] Sometimes  
14 they do--

15 COUNCIL MEMBER LANDER: --the ABEB right  
16 in their hand so--

17 COUNCIL MEMBER LANDER: [interposing]  
18 Yes.

19 COUNCIL MEMBER LANDER: --so we don't--  
20 Anyway, it's--those--

21 DAWN SANDOW: Yes, and sometimes they do  
22 go to--we do have polling places where there were  
23 issues where we had them--there's two streets, but  
24 yet the building is connected and they're in two  
25 different places. So sometimes there is an issue

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2 like that where they will walk in, and they need to  
3 go around the corner to the other poll site. It--  
4 there's one in the Bronx. I think the Hebrew Home  
5 where there's two different sties.

6 COUNCIL MEMBER LANDER: Madam Chair, can  
7 I have some leeway to ask my other questions? So  
8 first, I may have under--misunderstood or misheard  
9 what you said earlier [bell] but did you say that--  
10 that the board doesn't--can't recruit poll site  
11 workers on its own?

12 MICHAEL RYAN: No. What I'm saying is we  
13 need help in recruiting poll workers. We make  
14 efforts and despite the efforts that we've made to  
15 this point, and we're going to be doing a media  
16 blitz, we just need assistance in getting the word  
17 out that, hey, you know, it would be a nice way to  
18 serve your community to work with the pole sites.  
19 You know, I don't miss an opportunity to try to  
20 solicit assistance in that regard.

21 COUNCIL MEMBER LANDER: But it's not an  
22 issue of authority. It's that it's hard--

23 MICHAEL RYAN: [interposing] No.

24 COUNCIL MEMBER LANDER: --to get enough  
25 poll workers--

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2 MICHAEL RYAN: [interposing] Correct.

3 COUNCIL MEMBER LANDER: --to come to the-  
4 Okay.

5 MICHAEL RYAN: That was--that's the  
6 clarification. That's correct councilman.

7 COUNCIL MEMBER LANDER: All right, on the  
8 accessible sites, I just--have you given the council  
9 a list especially of public schools where you are  
10 having trouble--where you believe that accessibility  
11 is the barrier to it being a sect.

12 MICHAEL RYAN: Separately no, but I can  
13 clearly--

14 COUNCIL MEMBER LANDER: [interposing] So  
15 can I request that you do that--

16 MICHAEL RYAN: [interposing] Sure.

17 COUNCIL MEMBER LANDER: --because we are  
18 often in the schools in our districts the elected  
19 officials who get capital improvements made to our  
20 schools of our kind. Unfortunately, it would be  
21 great if the bathrooms could always get repaired  
22 rather than SBA, the Department of Education, but  
23 that's why we wind up using our discretionary capital  
24 and member item funds for. And in those cases where  
25 it's the push button door opener, that's exactly the



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2 kind of thing that Council capital can often get done  
3 faster than any other way. So if you guys could  
4 provide the Council with a list of the schools  
5 especially. I mean other sites as well--

6 MICHAEL RYAN: [interposing] Right.

7 COUNCIL MEMBER LANDER: --but we can't do  
8 that in a church or--

9 MICHAEL RYAN: [interposing] Thank you,  
10 Councilman for that offer.

11 COUNCIL MEMBER LANDER: That would--we  
12 might be able to work with you to be achieve greater  
13 accessibility. Thank you and then my last question  
14 does go to the \$20 million and a [coughing] reform  
15 that we've been seeking for quite some time. As you  
16 know, in that is the item that was number one in the  
17 Department of Investigation Report that Chair Kallos  
18 and I asked the new Commissioners when--and they all  
19 said they would support it. Which was that all  
20 hiring be done through public job postings and not  
21 through patronage or other hiring means. It sounds  
22 to me like some jobs are posted, but there are still  
23 many jobs which are not posted. And I know that you  
24 said before you're not going to give an answer today  
25 because the commissioners have to answer it. But I'm

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2 just going to make a very strong appeal to you that  
3 you take to your commissioners the strong sentiment  
4 from this Council that jobs should be posted online,  
5 and should be hired by merits, should not be based on  
6 patronage. That's why we--I supported the--that  
7 additional money, and I hope that you will come back  
8 to us with good news on that front.

9 MICHAEL RYAN: Well, and as I will  
10 reiterate again, the hiring rests with the authority  
11 of the commissioners on the 3-300 of the Election  
12 Law, and I have committed to Chair Kallos on other  
13 occasions. I'll commit to you I will bring that  
14 message back to the commissioners again, and it will  
15 be their collective wisdom as to what they do with  
16 that information.

17 COUNCIL MEMBER LANDER: Thank you very  
18 much.

19 CHAIRPERSON FERRERAS-COPELAND: Thank you  
20 Council Member Lander. Council Member Miller.

21 COUNCIL MEMBER MILLER: Thank you, Madam  
22 Chair. So let me stay on the--on the poll worker  
23 thing for a moment there, and on--on the poll  
24 workers, what is it--you mentioned a couple of times  
25 about-- In fact, you said if they show up, and those

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2 who were trained and so forth. What is your  
3 contingency for--for poll workers that don't show up?

4 DAWN SANDOW: Standby pool.

5 MICHAEL RYAN: We always have a standby  
6 pool, and it's been the experience since I've been  
7 here almost three years now approximately 20% of the  
8 trained poll workers don't show up on election day.  
9 The problem is when they don't show up if there's a  
10 shortfall we find that out between 5 o'clock and 6  
11 o'clock in the morning. So you're dangerously close  
12 then to poll sites maybe not opening up on time or  
13 not being adequately staffed at--at the 6 o'clock  
14 bell when it rings. And we've already moved  
15 backwards by a half hour the time that the poll  
16 workers are required to report from 5:30 to 5:00 a.m.  
17 So we've extended their day and haven't raised their  
18 pay--

19 COUNCIL MEMBER MILLER: [interposing] And  
20 well--

21 MICHAEL RYAN: --and we're under the gun,  
22 you know, at the last minute trying to scramble to  
23 get the standby pools properly deployed, you know,  
24 throughout the various.  
25

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2 COUNCIL MEMBER MILLER: So, do--do--do  
3 you that you had enough, a sufficient amount of  
4 bodies for the standby? I had one poll site that had  
5 18 people missing. They sent them one worker at 3  
6 o'clock in the afternoon.

7 MICHAEL RYAN: No, we are exhausting the  
8 standby pool every election. So we're getting less,  
9 you know, people wanting to participate, and then the  
10 people that get trained we get a 20% drop-off and  
11 then our standby pool is not--

12 COUNCIL MEMBER MILLER: [interposing]  
13 Okay.

14 MICHAEL RYAN: --is not sufficient, and  
15 that's why recruitment is a--is a really big deal.

16 COUNCIL MEMBER MILLER: Thank you.  
17 Again, in--in the interest of time. So with the--  
18 with the ADA compliance, is there--and you--you also  
19 mentioned earlier about coordination with the local  
20 leaders and so forth about how it is then. So here's  
21 the scenario where I had a public school that was  
22 deemed to be not compliant. And so, it was moved to  
23 a--a--another school, which was--was not ADA  
24 compliant, but they put, as Council Member Gibson  
25 mentioned earlier, the ramp contraption in there,

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2 which--in which we had two accidents on the same day  
3 at that particular one, and one on another one. So  
4 we had three in addition. So we had three in  
5 addition. So, my question is do you actually  
6 coordinate with locals so that you know that you are  
7 closing a polling site in one portion of the  
8 district, and you are putting in another portion of  
9 the polling site within a mile or--or two, but right  
10 next door to --an existing polling site. So,  
11 therefore, duplicating services, but and moving  
12 services from another, and keeping in mind that the  
13 majority of the voters are older than--over age 60.

14 MICHAEL RYAN: The movement of poll sites  
15 is handled at the--the borough office level, and  
16 ultimately approved by the commissioners. Now, if a  
17 poll site is going to moved there is direction to  
18 reach out to the local elected officials [bell] and I  
19 can tell you that I--that I know we need to do a  
20 better job at that. There's no question about that,  
21 and as--in that spirit, I certainly extend, you know,  
22 my time to--to anyone to come out to your district to  
23 take a look at the poll sites that are there, you  
24 know in advance of election events and--and do what  
25 we can to make sure that we're servicing the voters

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2 of that community as--as well as we possibly can.

3 You know, for example--

4 COUNCIL MEMBER MILLER: [off mic]  
5 [interposing] Right.

6 MICHAEL RYAN: --and I know time is up,  
7 there was a council member that had an issue because  
8 they had a particular hilly district in Queens and we  
9 moved the poll site. On the map, it seems like it  
10 made sense, but when it turned out that it was a--a  
11 housing community for the aged far away, it didn't  
12 make sense. So those are the kind of things that  
13 really get granular, but we'll--we're happy to do  
14 what we can.

15 COUNCIL MEMBER MILLER: Thank you. Thank  
16 you for your time.

17 CHAIRPERSON FERRERAS-COPELAND: Thank  
18 you, Council Member.

19 CHAIRPERSON KALLOS: I just want to thank  
20 you, Executive Director, and--and thank you for  
21 coming before our body. We look forward to seeing  
22 you again with commissioners and staff. I want to  
23 just thank everyone. If you have additional  
24 questions that you did not get to ask because of our  
25 quick timeline, please forward them onto our

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2 committee counsel Samita Deshmukh, and we'll ask you  
3 to pass them along.

4 CHAIRPERSON FERRERAS-COPELAND: Or better  
5 yet, you can come and testify yourselves also on May  
6 24th at 3:00 p.m. in this room for this or any other  
7 public part of the hearings. Thank you very much,  
8 Council Member. Thank you for coming to testify.  
9 We'll take a two-minute break while we change  
10 documents so that we can start CFB.

11 [background comments, pause]

12 SERGEANT-AT-ARMS: [off mic]

13 [gavel]

14 CHAIRPERSON FERRERAS-COPELAND: We will  
15 now resume the City Council's hearing on the Mayor's  
16 Executive Budget for Fiscal 2017. The Finance  
17 Committee is joined by the Committee on Governmental  
18 Operations chaired by Council Member Kallos. We just  
19 heard from the Board of Elections, and now we will  
20 hear from Amy Loprest, Executive Director of the  
21 Campaign Finance Board. In the interest of time, I  
22 will forego making an opening statement, but before  
23 we hear testimony, I will open the mic to my Co-Chair  
24 Council Member Kallos.

25

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3 CHAIRPERSON KALLOS: Thank you, Co-Chair  
4 Julissa Ferreras. I will make much shorter remarks  
5 than normal. I'd like to welcome the Campaign  
6 Finance Board. The operate with the model Campaign  
7 Finance system in the country. The Board's Fiscal  
8 2017 Expense Budget totals \$16.1 million including  
9 \$9.4 million for personnel services funding to  
10 support 91 full-time positions and \$1 million for  
11 campaign matching funds. And if the committee  
counsel could swear in our Campaign Finance Board.

12 LEGAL COUNSEL: Do you affirm---

13 CHAIRPERSON KALLOS: [interposing] And  
14 you will have five minutes to testify.

15 AMY LOPREST: Okay.

16 LEGAL COUNSEL: Do you affirm that your  
17 testimony will be truthful to the best of your  
18 knowledge, information and belief?

19 AMY LOPREST: I do so.

20 LEGAL COUNSEL: Good.

21 AMY LOPREST: Good afternoon, Chair  
22 Kallos and Chair Ferreras-Copeland and committee  
23 members. I am Amy Loprest, Executive Director of the  
24 New York City Campaign Finance Board. I'm joined  
25 today by Eric Friedman, Assistant Executive Director



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for Public Affairs and Kitty Chan, our Chief of  
Staff. I want to thank the Council for your support  
of the Campaign Finance Program and the opportunity  
to testify today. When most of the political world  
is focused on the presidential election, the CFB is  
starting to ramp up for the 2017 municipal election.  
Next year's full citywide election will be the eight  
conducted under the City's Public Matching Funds  
Program. Our budget for Fiscal Year 2017 reflects  
our commitment to provide candidates and better  
experience when they run for city office, and to  
provide New Yorkers with better tools to help them  
cast and inform vote. CFB staff is engaged in an  
across-the-board effort to improve the technology we  
make available for use by candidates, voters and the  
general public. Our system staff is working on  
upgrades to C-SMART, which as you know, is the  
platform candidates use to organize their financial  
data, and provide disclosure to the CFB. The  
upgrades will provide an improved user experience and  
upgraded back end to speed transaction--transaction  
me, and a more seamless interface for candidates to  
provide their information for the New York--for the  
CFB's Voter Guide. We are continuing development on

2 our NYC Votes Contribute platform for online credit  
3 card fundraising, which connects to C-SMART and is  
4 available to all city candidates. Today, 29  
5 candidates have started counts, and they've raised  
6 more than \$17,000 through the platform. We are  
7 enhancing disclosure software for independent  
8 spenders, and later this year we will unveil and  
9 prove disclosure resources for the CFB website  
10 including a new searchable database and in future  
11 phases enhance candidate profile pages. This multi-  
12 year initiative, to improve our technology, and  
13 prepare for the 2017 election is proceeding as we  
14 work on completing enforcement for the 2013 election  
15 cycle. We are meeting the deadline set by the act to  
16 complete the post-election audits and matching the  
17 pace we set following the 2009 elections. Our review  
18 of the audit shows that the majority of candidates  
19 are successfully navigating our system and their  
20 campaigns have been in substantial compliance with  
21 the act and rules. To date, 60% of the audits that  
22 have gone before the board contain no penalties, and  
23 more than 70% of all candidates finish with penalties  
24 of \$1,000 or less. Our staff had expanded our work  
25 informing and engaging voters. For this year we've

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2 partnered with Map Light, a nonpartisan research  
3 organization on Voters Edge a co-branded voter guide  
4 featuring candidates in the presidential primary. We  
5 will continue this partnership to provide information  
6 for state and federal offices that are not currently  
7 covered by the print guide. As you know, we have  
8 also had an incredibly successful voter--student  
9 voter registration day in March in partnership with  
10 the Council, the Department of Education and the New  
11 York City Immigration Coalition. We have secured  
12 8,500 students in high schools across the city. And  
13 finally, we just celebrated Voter Day in Albany on  
14 May 3rd. We collected 6,500 petition signatures in  
15 support of the vote--Better New York Reform Campaign,  
16 and brought nearly 200 citizen volunteers from New  
17 York City and around the state to meet with 7,400  
18 legislatures to advocate for election laws that  
19 better serve voters.

20 The Board's Fiscal Year 2017 Budget is  
21 \$16.2 million, and is attached to my testimony. This  
22 budget was submitted pursuant to Charter to the Mayor  
23 on May--March 10th and was included in his Executive  
24 Budget. The increased personnel services budget  
25 reflects increased staff salaries as a result of

2 union contract settlements as well as additional  
3 staff needed for the election year. Additionally, we  
4 are making hires--new hires as we increase staff in  
5 preparation for the election year. We are hiring a  
6 new audit team, which will improve one of the  
7 agency's core functions. We are also hiring six  
8 additional seasonal employees for the election year  
9 to assist with technology improvements and help with  
10 the production of our Voter Guide. Some funds will  
11 go to hiring computer consultants on a number of  
12 projects including development of the next phase of  
13 the NYC Votes Contribute Tool and building our  
14 capacity for candidate services to conduct video  
15 trainings. Furthermore, budget requests accounts for  
16 the expected overtime for employees during the  
17 election year. Our budget request for the Voter  
18 Guide reflects that we are starting work this year on  
19 design enhancements to ensure that the 2017 Voter  
20 Guide contains even more relevant information  
21 presented in the clearest, most compelling format.  
22 The Guide is an important resource for millions of  
23 New Yorkers, and we are committed to ensuring it best  
24 serves the needs of all voters so that they can cast  
25 an informed ballot. Another point of consideration

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2 is legislation pending before City Council in Intro  
3 988. That would allow voters to opt out receiving  
4 the print Voter Guide if they prefer to receive their  
5 guides electronically. While this is not reflected  
6 in this budget submission, if this bill should be  
7 enacted, we will need to make an initial investment  
8 of resources to create the system that allows voters  
9 to opt out of their mailing. As we look forward to  
10 the 2017 elections, both the Board and the CFB staff  
11 will continue working to ensure that we can help more  
12 candidates run for city office and give more New  
13 Yorkers the opportunity to make their voices heard.  
14 The City Council's longstanding commitment to the  
15 Campaign Finance Program has helped to grow into a  
16 national model for how public matching funds programs  
17 can counteract the influence of big money and empower  
18 more everyday people in the political process. Thank  
19 you for your time. I'm happy to answer your  
20 questions.

21 CHAIRPERSON FERRERAS-COPELAND: Thank you  
22 very much. Thank you for testifying, and thank you  
23 for keeping your statements succinct so we can ask  
24 questions. In the Expense Budget you have \$16.1--it  
25

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2 totals \$16.1. How much of the funding is dedicated  
3 to voter engagement, education and registration?

4 AMY LOPREST: Well, we don't separate out  
5 our budget based on that, but we do have--for a rough  
6 estimate, we--I can tell you that the headcount of  
7 the Voter Assistant Unit is five employees out of the  
8 total 103 employees on staff.

9 CHAIRPERSON FERRERAS-COPELAND: Okay.

10 AMY LOPREST: Our--we also obviously  
11 there's this separate amount for the--for the Voter  
12 Guide, which is now budgeted for about--for about a  
13 million dollars, \$700--\$7,000--\$768,000. Also, we  
14 have, you know, NYC Votes, which is part of our  
15 branding campaign for our voter engagement efforts  
16 not really a--a separate entity, it also has other  
17 staff members help with that. So our Communications  
18 staff, our Press staff, our Administrative Services  
19 staff help with all of those projects as needed.

20 CHAIRPERSON FERRERAS-COPELAND: Now,  
21 since you have such a--a special relationship with  
22 voters because you really give them the information  
23 as to who's running for officer. Did you encounter  
24 anyone reaching out to you during this last issue in  
25 Brooklyn?

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2 AMY LOPREST: Yes. I mean we have--we--  
3 we engage on social media so if you Twitter on  
4 election day. We also have a Facebook post that's  
5 collecting information from voters who are telling  
6 their story on Facebook about their experiences on--  
7 during the Presidential Primary. In addition, on  
8 Tuesday, we will have--our Voter Assistance Advisory  
9 Committee will hold its meeting, which is to talk  
10 about its annual report, which we published at the  
11 end of April. But also, we are encouraging voters to  
12 come and share their experiences at that meeting on  
13 Tuesday at our offices, 100 Church, 12th Floor at--

14 MALE SPEAKER: [off mic] 5:30.

15 AMY LOPREST: --5:30 p.m.

16 CHAIRPERSON FERRERAS-COPELAND: 5:30 p.m.  
17 Good. That was a great plug. [laughing] I hope to  
18 follow Archie. (sic) Now, I--I got to say we're very  
19 excited about the success of the high school program.  
20 Registering 8,500 voters is amazing. I know that you  
21 do every effort to get application so the Board of  
22 Elections, and make sure that that process is done.  
23 Now, do you follow the same cohort and see if they  
24 actually voted in the primary?

25

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2 AMY LOPREST: We do a couple of things.  
3 So we do--we--we check the voter rolls to make sure  
4 that people that we--about the registrations we done  
5 are being registered. We check to see if they're  
6 voting. We also do some get out the vote activities  
7 around people that we registered and in--in the  
8 sampling a broader range basically sending postcards  
9 or doing phone calls of people that we've registered  
10 encouraging them to go out to vote before the  
11 election.

12 ERIC FRIEDMAN: [off mic] There's--  
13 there's one thing about that, I think the-- (sic)

14 CHAIRPERSON FERRERAS-COPELAND:  
15 [interposing] Can you just state your name for the  
16 record?

17 ERIC FRIEDMAN: [off mic] All right, I'm  
18 Eric Friedman, I'm the Assistant Deputy--

19 CHAIRPERSON FERRERAS-COPELAND:  
20 [interposing] Is your mic on, Eric?

21 ERIC FRIEDMAN: Sorry. I'm Eric  
22 Friedman. I'm the Assistant Executive Director for  
23 Public Affairs. So specific to this year's Student  
24 Voter Registration effort, we separated out the  
25 registration form from students who would be eligible



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2 to vote in April, and--and got those to the Board of  
3 Elections--to ensure we got these to the Board of  
4 Elections. They had to be deadlined, and as Amy  
5 mentioned, we did specific outreach to those students  
6 to remind them of the date, and remind them where to  
7 vote. As a new voter history file is generated at--  
8 at BOE, we will take that and--and look back and see  
9 how many of those active students actually made it  
10 out to vote.

11 CHAIRPERSON FERRERAS-COPELAND: Is there  
12 any component--and--and I got to look back. I--I  
13 don't remember. Probably. I don't think so for this  
14 initiative, but is there any engagement of like  
15 telling young people well now you're registered. Go  
16 register your mother or your brother, your sister  
17 kind of--?

18 AMY LOPREST: I mean we do a whole--I  
19 mean the Voter regist--the Student Voter Registration  
20 Day is a whole panoply of the importance of voting,  
21 and getting people to register to vote. Obviously,  
22 we are--try to be sensitive to, you know, the pop--  
23 various populations in the school to ensure that we  
24 don't exclude anyone who may be possible--is not  
25 eligible to register to vote.

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2 CHAIRPERSON FERRERAS-COPELAND: Right.

3 AMY LOPREST: So we--we have to have a  
4 care--a careful balance.

5 CHAIRPERSON FERRERAS-COPELAND: Right.  
6 We have this interesting space where we--we do have a  
7 population especially when it comes to immigrant--the  
8 immigrant population that have naturalized, but have  
9 not registered. And it's--it's a growing number.  
10 We've been very focused on naturalizing people, but  
11 getting them to the registration, I think it's a  
12 population that can often be tapped to--through the--  
13 through their student--through the students in this,  
14 but I understand the sensitivity with that.

15 AMY LOPREST: Well, one of the projects  
16 our Voter Assistant Unit does on a regular basis is  
17 attends those naturalization ceremonies and encourage  
18 people to vote--to register right after they are--  
19 become naturalized citizens.

20 CHAIRPERSON FERRERAS-COPELAND: Great.  
21 Now, before I give it over to my co-chair, I want to  
22 talk specifically about this new challenges. It's a  
23 new old challenge about getting more women into  
24 elected office. What have--what do you see CFB's  
25 role in motivating or figuring out--because I know

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2 that the whole process of matching funds is to get  
3 more of the regular everyday New Yorker to  
4 participate as candidates. What we have seen is that  
5 less and less women are getting elected to this body.  
6 So does--what do--what do--what are your thoughts on  
7 how we can improve that?

8 AMY LOPREST: Well, one of the things  
9 that we do is we--we try. I mean we provide our  
10 information to everyone--

11 CHAIRPERSON FERRERAS-COPELAND:  
12 [interposing] Right.

13 AMY LOPREST: --really. The government  
14 agency is hard--we, you know, we operate in a  
15 different--delicate balance in encouraging any  
16 particular person or group of people to run, but we  
17 definitely do a lot of outreach with community  
18 organizations that ask for us--our staff to come and  
19 speak to them, to let them know that the program  
20 exists, that its resources are available to people  
21 who otherwise would not be eligible to run for  
22 office. Of course, it--really the Matching Funds  
23 Program engages the citizens, not people running for  
24 office, but engages the citizenry across the board in  
25 becoming part of the local process by being small

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2 donors because their small \$5.00 contribution is  
3 matched with the six-to-one rate.

4 CHAIRPERSON FERRERAS-COPELAND: Right. I  
5 just feel--I--I feel like maybe we need to look on--  
6 on a national scale, but something is happening, and  
7 I'm speaking as, you know, one of--one of 14 women  
8 elected in a body of 51. Something is happening and  
9 I don't know that in the next election cycle, I don't  
10 know if our numbers will improve. So as we do  
11 outreach, I wonder if there's op--more opportunities  
12 to engage. There--there's just the--

13 AMY LOPREST: I mean I--I mean we--well,  
14 let's--let's work it together. If there are  
15 organizations that perhaps we are not going out to  
16 speak with that would be the type of organization  
17 that would be--encourage the involvement that you're  
18 looking for.

19 CHAIRPERSON FERRERAS-COPELAND: Great.  
20 Thank you very much. Chair Kallos.

21 CHAIRPERSON KALLOS: In the 2013  
22 campaigns many council members including myself are  
23 still being audited. How long does it typically take  
24 for CFB to complete a campaign audit? When the  
25 audits for 2013, local elections finally be

2 completed? How much does the CFB spend on auditing?  
3 How much does CFB earn from audits? How much does  
4 the CFB get back from campaigns that raised over the  
5 spending limit and will CFB update its budget to  
6 reflect revenue from fines and campaigns that raise  
7 over the spending limit. Currently, you do not list  
8 any revenue.

9 AMY LOPREST: Okay, there's a lot of  
10 questions there. [laughs] So maybe I can take them  
11 one at a time or--and if I leave one out, you know--  
12 you know?

13 CHAIRPERSON KALLOS: I'll be sure to  
14 follow up.

15 AMY LOPREST: Okay. [laughs] So--so we,  
16 you know, as you know the law has deadlines for  
17 completing the audits and we have--have always met  
18 those deadlines. We are completing the audits at  
19 this--we're set to complete them at the same pace  
20 that we did the 2009 elections. Again, there are  
21 many variables that go into the length of time that  
22 it takes to complete any one particular audit  
23 including the size of the campaign, the campaign's  
24 need for extensions, a lot of different variables.  
25 So it's hard to tell--say exactly how long it takes

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2 to complete any one audit because there are a lot of  
3 different variables that go into that.

4 CHAIRPERSON KALLOS: How many audits are  
5 still outstanding?

6 AMY LOPREST: We have completed about  
7 two-thirds of the audit. So if I can do the math in  
8 my head, it's--we've done--70% have come through the  
9 enforcement process. There's 222 audits to be done,  
10 158 have been done. So you're better at doing the  
11 math in your head than I am. [laughs] So it's  
12 about--about 70. Is that right? Yeah, about 70  
13 more.

14 CHAIRPERSON KALLOS: And so, how much  
15 does it cost to do the audit? How much are you  
16 spending on auditing?

17 AMY LOPREST: Well, as--as I said in  
18 answer to the voter question, it's--you know we don't  
19 divide up our budget into, you know, how much because  
20 we have the staff. We have OTPS, but--

21 CHAIRPERSON KALLOS: [interposing] You  
22 have designated, the staff--

23 AMY LOPREST: [interposing] Yes, we do.  
24 So the--so the enforcement process it's--it's about  
25

2 35 or roughly a third of the agency staff are--work  
3 on the campaign auditing.

4 CHAIRPERSON KALLOS: And--and I would say  
5 along those lines there would--it would be amazing if  
6 you Candidate Services Unit and your auditors  
7 actually worked together. I know at least three  
8 instances where I went to the Candidate Services  
9 Units and I have a question about these things, and  
10 then the day the auditors were like we're--we're--  
11 we're upset about these things, and if only people  
12 communicated and the Candidate Services Unit and the  
13 auditors were speaking about the same issues and gave  
14 the same answer that they questioned that might  
15 actually smooth out the process in the audit. Is  
16 that something that could happen or--?

17 AMY LOPREST: I mean we do--we do  
18 attempt--I mean we do talk, and we do work together.  
19 I mean obviously audits, you know, under the  
20 generally accepted government auditing standards, the  
21 governor audits, there are certain independence  
22 requirements. But, of course, in giving guidance to  
23 candidates we try always to give uniform guidance  
24 that is supported from the candidate services through  
25 audit.

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2 CHAIRPERSON KALLOS: And so you'll send  
3 us the budget line for how my spent for the auditing  
4 for those positions, and then how much are you  
5 earning from the audits between fines and amounts  
6 that are returned over the spending limit? And I  
7 would probably split out and say if somebody raised  
8 over the spending limit just to cover the audit fees,  
9 and you're going to get it back anyway that probably  
10 shouldn't count as a net gain because you would have  
11 gotten it anyway.

12 AMY LOPREST: Okay. So, we--it's--it's  
13 not very much money [laughs] that it's returned. So  
14 over the course--the last four quarters have returned  
15 to the General Fund \$85,000 that are paid in  
16 penalties to the CFB. We also returned almost \$5  
17 million to the General Fund and returned public funds  
18 and funds that were left over monies that we didn't  
19 use for special elections so--that was budgeted. So--  
20 -

21 CHAIRPERSON KALLOS: So can that be  
22 reflected in your revenues, which is missing line  
23 from the budget?

24 AMY LOPREST: Well, I mean we're not a  
25 revenue producing agency, but I mean that, you know,



2 that is the number. I mean generally we put in a  
3 small protective revenue to OMB, which we estimate  
4 about \$2,000. We can increase that. It's very hard  
5 to predict because in some years no audits are done,  
6 and--and there are no revenues, and some years there  
7 are more. I--I mean I don't think that's an audit.

8 CHAIRPERSON KALLOS: Okay, the next  
9 question is one best suited for Art Cheng (sic) but  
10 I'll ask it, which is the Campaign Finance Board  
11 program is a model for the nation as is its software.  
12 Since the C-SMART Campaign Software and NYC Votes  
13 were paid for with taxpayer dollars, does the CFB  
14 have a plan to release the source code with a Free  
15 and Open Source license so that jurisdictions  
16 throughout the country can use our technology  
17 infrastructure to bring the same transparency and  
18 accountability to voters everywhere. Has the CFB  
19 considered the cost savings generated from the  
20 additional features that may be added to C-SMART and  
21 NYC Votes at no cost to the CFB as part of the Free  
22 and Open Source requirement to share a code for new  
23 features that are being used?

24 AMY LOPREST: You know and as you know, I  
25 mean Open Source has, you know, a lot of benefits

2 from the ones you just pointed out. Of course, you  
3 know, to fully reap those benefits it requires an  
4 investment of resources to maintain a good Open  
5 Source database and--and reap in those benefits.  
6 Right now our system staff is--as the election is  
7 approaching we're focused on providing our candidates  
8 with the best possible software that can be provided.  
9 But as, you know, that said, of course we continue to  
10 try and achieve an open source. We also have always  
11 shared our knowledge with other jurisdiction when  
12 they've come to ask us. For example the State BOE  
13 came and talked to our staff when they were in the  
14 process of designing their new software.

15 CHAIRPERSON KALLOS: Why not just give  
16 them the same thing? Instead of having everyone just  
17 file twice, we could actually have one system that  
18 everyone uses, especially at this date. Hopefully,  
19 we'll one day pass campaign finance.

20 AMY LOPREST: Because they're--I mean  
21 there are items in our software that obviously don't  
22 apply to state candidates like the plan for matching  
23 funds. There is some additional disclosure  
24 requirements under our law that are not applicable to  
25 the State law, and the State is producing that

2 software for all jurisdictions across the entire  
3 state.

4 CHAIRPERSON KALLOS: The Charter Chapter  
5 46, Section 1054(b)(1), the Voter Assistance Advisory  
6 Committee says, "Encourage and facilitate voter  
7 registration, voting by all residents of New York  
8 City who are eligible to vote and recommend methods  
9 to increase the rate of registration, and voting by  
10 such residents." Does the CFB have existing  
11 resources or could it budget for resources needed to  
12 support the expansion of mock voting in schools for  
13 all grades from my district to citywide? Imagine a  
14 city where every graduate and senior is not only  
15 registered, but had been voting on their paper  
16 ballots since they started and more than decade.  
17 Imagine if voting was a habit.

18 AMY LOPREST: And I, you know, absolutely  
19 agree with you that one of the most effective things  
20 that we can do to encourage participation is to start  
21 good voting habits and, you know, to win students  
22 before they're even eligible to vote. I mean I--I  
23 think this is a great idea. As you know, we've built  
24 a very successful pilot program with student voter  
25 registration--registration day, and we're happy to

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work with you in developing a plan to do a mock  
voting pilot program.

CHAIRPERSON KALLOS: [interposing] I  
would love to them registered.

AMY LOPREST: The budget--the current  
budget does not reflect the funding for that, and so  
we'd have to think about, you know, how much it would  
cost and work with you on what that kind of funding  
would look like. You know, there is one high school  
in--in Queens. I think there was an article in the  
New Yorker Townsend Harris did this whole year-long  
presidential mock voting program. And so, you know,  
that's something to look at.

CHAIRPERSON KALLOS: But you had to cite  
one of my high school's rivals. So I went to Bronx  
High. (sic) So it's okay.

AMY LOPREST: [laughs]

CHAIRPERSON KALLOS: But if you can look  
at the budget and figure out what that looks like of  
rolling out a--a similar pilot for my district  
citywide so we can really do it, and as the  
presidential election is exciting and so many kids  
would love to be able to participate, a mock vote  
would be an opportunity. Along those line and to

2 follow along what my Co-Chair Julissa Ferreras  
3 brought up, is trying to expand the number of people  
4 engaged in the voting process. It's funny to--to  
5 learn this, but according to Eric Pletzer at  
6 Pennsylvania State University as reported in the U.S.  
7 News, the single most important factor in whether  
8 young people vote in their first or second eligible  
9 election is whether their parents vote. And so back  
10 in 2013 as a candidate, I launched votewithkids.org,  
11 and at that time, a partnership was not available,  
12 but I'd be happy to hand over or pass over or work in  
13 partnership on getting all the children to bring  
14 their parents out to vote, and get parents to bring  
15 their kids out. And then to vote with the hash tag  
16 votewithkids, or Instagram it, and really just build  
17 a social media campaign so that voting with kids is  
18 more than just something we see elected officials  
19 doing, but everyone done. And it turns out that that  
20 will be a huge impact on voting.

21 AMY LOPREST: I mean I'll tell you one  
22 of--I mean, you know, that we print and the Board of  
23 Elections distributes the I Voted stickers and, you  
24 know, one of the things that happens on every  
25 election day is people send their selfies, you know,

both to us and to all--you know, a lot of media outlets across the city. And it's always very, very exciting to see the number of children wearing those stickers and voting with their parents. And I agree with you that that is a great way to get people in the habit of knowing that voting is important if their parents take them out to vote.

CHAIRPERSON KALLOS: So--so on account of the fact that I can't take outside income because I authored that law, I'm happy to just hand over the domain and the intellectual property there and just work with you if you're interested. I think getting parents to vote with their kids could huge, and last but not least, I--I ran for office in 2013, and the Voter Guide came out and I was so excited, and I got it in the mail, and then most people couldn't tell who was running the district. You segmented the mailer. In Manhattan you had 1 through 8 and then the other districts in Manhattan, and do what ends up happening is all the people in the district if they read the Voter Guide end up looking at it and like, huh, I don't know what district. Most--most people don't know what district they are, and most people have to ask me and then I have to tell them what side of

2 the street do you live on? And even then sometimes I  
3 might get it wrong. Can we please include in the  
4 budget what is necessary to have 51 Voter Guides so  
5 that each and every council district is targeted with  
6 a specific mailer where we're not printing out a  
7 Voter Guide for eight districts, but actually just  
8 one district. It's the same information. It may be  
9 additional layout, but it will save you in terms of  
10 printing costs. It will save trees, and it will also  
11 help educate voters so that they're not sitting there  
12 trying to figure out whether--what district they're  
13 in and how to even use the Voter Guide to begin with.

14 AMY LOPREST: So two things about that. I  
15 mean that's great. You know, we're--one of the  
16 things that I testified today about is that in our  
17 budget for this year, we have included information--  
18 money to plan and look at the way the Voter Guide is  
19 laid out and designed in order to make sure that it  
20 best serves all the voters in--across the city. And  
21 I again will point out that on the label--on the  
22 address label for the Voter Guide, it does indeed  
23 tell you your district to guide people into knowing  
24 which part of the Voter Guide applies to them.

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2 CHAIRPERSON FERRERAS-COPELAND: Thank you  
3 very much. We will now hear from Council Member  
4 Matteo.

5 COUNCIL MEMBER MATTEO: Thank you, Madam  
6 Chair. Welcome. I just--one concern I still have  
7 with our Sandy affected areas and--and going through  
8 the process, a lot of my constituents are now  
9 relocating because their homes are now being elevated  
10 and rebuilt. So while they may have been in the  
11 area, they're going to start to probably have  
12 temporary addresses and temporary homes obviously.  
13 So one just putting that on your radar just to make  
14 sure that we're attempting and trying to find out,  
15 you know, where they're going to be, and I'm not so  
16 sure that the mail is going-- You know if it's not  
17 forward or whatnot, and I'm not asking for the answer  
18 to today, but with the progress that's--that's  
19 starting and the rebuilding, more and more of my  
20 constituents especially my district are having  
21 temporary housing.

22 AMY LOPREST: I mean that's--thank you  
23 for alerting to us I mea to that issue because that  
24 is--we did a study a few years ago about who votes,  
25 and--and one of the really most kind of low reason



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2 people don't vote is because they've moved or because  
3 they've not--don't know where they're supposed to  
4 vote now that they're in a different location or  
5 they're--so it's--it's maybe a good point for  
6 education--

7 COUNCIL MEMBER MATTEO: [interposing]

8 Yeah.

9 AMY LOPREST: --and in particular in that  
10 area.

11 COUNCIL MEMBER MATTEO: And their poll  
12 sites are going to change?

13 AMY LOPREST: Yes.

14 COUNCIL MEMBER MATTEO: Some may go to  
15 the old poll sites--

16 AMY LOPREST: [interposing] Uh-huh.

17 COUNCIL MEMBER MATTEO: --because maybe  
18 they registered or they changed their registration.  
19 It could be--it could become very confusing. So, you  
20 know, all of us here and I--I'd love to assist in any  
21 way I can and we can meet offline. But I just want  
22 to make sure that that's on the radar.

23 AMY LOPREST: Uh-huh.

24 COUNCIL MEMBER MATTEO: We want to give  
25 everybody, you know, make sure that we know where

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2 they are, and that they know they should be  
3 contacting us or if they have to re--re-register  
4 their address if they're going to be there for longer  
5 than they thought.

6 AMY LOPREST: Yeah.

7 COUNCIL MEMBER MATTEO: So we'll--we'll  
8 just keep this on the radar and look at it.

9 AMY LOPREST: Yeah. I mean one thing you  
10 may not realize is that our--during an election  
11 after, right after Hurricane Sandy our staff worked  
12 with the Board of Election staff to try and go out to  
13 poll sites on the day--

14 COUNCIL MEMBER MATTEO: [interposing] Oh,  
15 yeah, and I--I remember personally.

16 AMY LOPREST: --on election day all over  
17 the--all over the--the city to try and make sure that  
18 people knew where their new poll site was or the  
19 temporary one because of the destruction.

20 COUNCIL MEMBER MATTEO: Yep, thank you.  
21 I appreciate the efforts.

22 CHAIRPERSON FERRERAS-COPELAND: Thank  
23 you, Council Member Matteo. Thank you very much for  
24 testifying. We may have additional questions from  
25 the committees. If you can get them back to us

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2 because we're going to be using some questions that  
3 we'll get to you to negotiate on the budget.

4 AMY LOPREST: Okay. Great.

5 CHAIRPERSON FERRERAS-COPELAND: Thank you  
6 very much.

7 AMY LOPREST: Thank you.

8 CHAIRPERSON FERRERAS-COPELAND: Thank you  
9 for coming in today. We're going to take a three-  
10 minute break while we change our documents, and next  
11 we will hear from the Law Department. [background  
12 comments, pause]

13 CHAIRPERSON FERRERAS-COPELAND: All  
14 right. [gavel] We will now resume the City Council's  
15 hearing on the Mayor's Executive Budget for Fiscal  
16 2017. The Finance Committee is joined by the  
17 Committee on Governmental Operation, chaired by  
18 Council Member Ben Kallos. We just heard from the  
19 Campaign Finance Board, and now we will hearing  
20 testimony from the Corporation Counsel's Office. In  
21 the interest of time, I will forego an opening  
22 statement, but before we hear testimony, I will open  
23 the mic to my Co-Chair Council Member Kallos.

24 CHAIRPERSON KALLOS: Thank to our Co-  
25 Chair Julissa Ferreras on this long hearing, which

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2 will only continue to be longer. I'm going to omit  
3 large portions of the--my opening statement, but I  
4 did want to note that I did want to thanking the Law  
5 Department for readjusting the Judgment and Claims  
6 Budget, and creating real savings for Fiscal Year  
7 2017. We've been discussing reducing the judgment on  
8 claims payouts over the course of my 2-1/2 years as  
9 committee chair and I'm pleased with the results we  
10 see reflected in the budget. During today's hearing,  
11 we'll also discuss the Department's expansion of  
12 Vertical Case Handling pilot currently operating in  
13 the Bronx, preparations for upcoming legal defenses  
14 and the department's initiative to restructure  
15 Juvenile Justice in their Family Court Division. I  
16 will pass it over to Rebecca Chasen to read the oath--  
17 administer the oath.

18 LEGAL COUNSEL: Do you affirm that your  
19 testimony will be truthful to the best of your  
20 knowledge, information and belief?

21 GEORGIA PESTANA: [off mic] I do.

22 CHAIRPERSON FERRERAS-COPELAND: You may  
23 begin.

24 GEORGIA PESTANA: Good afternoon, Chair  
25 Ferreras-Copeland, Chair Kallos and distinguished

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members of the Finance and Government Operations  
Committees. My name is Georgia Pestana and I am the  
First Assistant Corporation Counsel. Zachary W.  
Carter, the Corporation Counsel asked me to extend  
his regrets that a longstanding out-of-state  
commitment prevents him from appearing before you  
today. My colleague Managing Attorney, Muriel Goode-  
Trufant and I are pleased come before on his behalf  
to discuss the Law Department's Fiscal Year 2017  
Executive Budget. The Law Department consists of 16  
legal and 3 support divisions. We handle and  
extraordinary array of cases and non-litigation  
matters from tort to tax from environmental and  
administrative issues to economic development and  
municipal financing. We also represent the City as  
plaintiff in a wide variety of affirmative matters.  
The Executive Budget contains approximately \$12.5  
million in new PS funding for FY17 and nearly \$14.6  
million in new LTPS funding. A significant portion  
of the new funding is for the Tort Division. The  
volume of litigation matters pending against the City  
presents a substantial challenge. The Tort Division  
alone defends more than 20,000 cases currently  
pending against the city, its agencies and employees.

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2 Approximately, 7,500 new tort cases are filed against  
3 the city each year, and more than 6,000 cases are  
4 resolved annually by trial, motion practice and  
5 settlement. The proposed budget--the proposed budget  
6 increase will fund what we refer to as the  
7 verticalization of two tort borough offices with the  
8 highest new case files, the Bronx and Brooklyn. The  
9 majority of tort cases have been handled in a  
10 horizontal manner meaning that no one attorney takes  
11 ownership over the case, and that as tasks become due  
12 someone is assigned to complete that discrete task.  
13 The Law Department has long sought to verticalize our  
14 tort practice. We use verticalization to mean that  
15 attorneys are directly assigned to develop case  
16 strategy and implement that strategy by handling all  
17 tasks and events throughout the life of the case.  
18 Verticalization not only strengthens defense, but  
19 also enables more proactive handling of litigation.  
20 With the City Council's help, in FY2013 the Law  
21 Department verticalized state court law enforcement  
22 cases commenced in the Bronx, and later expanded to  
23 verticalize State Law enforcement cases citywide in  
24 FY2015. We believe that 33% reduction in law  
25 enforcement related filings in the Bronx between FY13

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2 when we first verticalized those cases and FY15 is  
3 largely attributable to the establishment of the  
4 Bronx State Law Enforcement Unit. The establishment  
5 of the Bronx State Law Enforcement Defense Unit was  
6 patterned in large part after the successful Trial  
7 Initiative in the Special Federal Litigation  
8 Division, the division that is responsible for  
9 handling law enforcement related civil rights cases  
10 in federal court. Prior to the start of the Special  
11 Federal Litigations Trial Initiative in September  
12 2011, there had been a steady increase in new federal  
13 civil rights case filings. Special Federal  
14 Litigation received a staffing increase that enabled  
15 the division to be more proactive in the preparation  
16 of cases and take more cases to trial. Rather than  
17 offering modest settlements to get rid of a case,  
18 Special Federal Litigation not only took more cases  
19 to trial and won, but also got more cases dismissed  
20 by motion, and more cases withdrawn by plaintiffs.  
21 Dedicated case preparation by an assigned attorney  
22 from pleadings through trial has translated into a  
23 trial success rate this calendar year of 93% in  
24 federal civil rights cases. That is 13 out of 14  
25 verdicts in favor of the city saving more than \$16

2 million. Moreover, the steady increase in new civil  
3 rights filings that we have been--experienced prior  
4 to 2011 has been eliminated. In order to bring the  
5 successful model to the non-law enforcement cases  
6 handled in the Bronx and Brooklyn tort offices, an  
7 increase in staffing is required. With additional  
8 staff, these offices will be restructured to  
9 accommodate the handling of cases by attorneys  
10 assigned to the cases from inception to conclusion.  
11 In addition to the increase in staffing for the Tort  
12 Division, we have also gotten additional funding for  
13 our Legal Counsel Division. The Law Department has  
14 worked cooperatively with the City Council to support  
15 its energetic legislative agenda. In recognition of  
16 this increased legislative activity, two additional  
17 legal counsel attorney line have been funded in the  
18 Executive Budget. In addition to new personnel  
19 services funding the Executive Budget contains OTPS  
20 funds in support of the tort vertical--  
21 verticalization and funds for experts and other  
22 services connected with certain complex litigation.  
23 Finally, in order to increase collection revenue,  
24 more funds will be expended for services by  
25 collection agencies. I thank you for your support of



2 the Law Department, and look forward to our continued  
3 cooperative relationship. My colleague Muriel Goode-  
4 Trufant and I would be happy to answer any questions  
5 you may have.

6 CHAIRPERSON FERRERAS-COPELAND: Thank you  
7 very much. Thank you for testifying today. The  
8 Executive Budget baselines \$18 million in new news to  
9 vertically handle certain civil cases as you had had  
10 mentioned. How did you estimate the cost savings,  
11 and what are your thoughts on expanding vertical  
12 cases handling to all the boroughs? Is there a plan  
13 to do so?

14 GEORGIA PESTANA: The cost savings was  
15 based on the average case settlement amount, and how  
16 many fewer cases were brought in the Bronx as a  
17 result of the State Law Enforcement Unit being  
18 founded in the Bronx since 2014. It started in FY13,  
19 but it started really to move between FY13 and FY15,  
20 and so the amount of savings is based on the  
21 decreased number of cases times the average  
22 settlement that we would have paid had those cases  
23 been brought.

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2 CHAIRPERSON FERRERAS-COPELAND: Just  
3 repeat that. The decrease number of settlement  
4 times--

5 GEORGIA PESTANA: We--we--we calculated  
6 what our average settlement would have been--

7 CHAIRPERSON FERRERAS-COPELAND:  
8 [interposing] Okay.

9 GEORGIA PESTANA: --for those cases, and  
10 we multiplied it times the number of the reduction.

11 CHAIRPERSON FERRERAS-COPELAND: Okay.

12 GEORGIA PESTANA: The reduction in cases  
13 filed so the reduction--

14 CHAIRPERSON FERRERAS-COPELAND:  
15 [interposing] Yes, the reduction of cases filed.  
16 Okay, great, and is there plan to do this here in the  
17 Bronx?

18 GEORGIA PESTANA: Our hope is to expand  
19 beyond Brooklyn and the Bronx, but we are starting  
20 with Brooklyn and the Bronx.

21 CHAIRPERSON FERRERAS-COPELAND: Do we  
22 have the capacity to expand, or what is--what do you  
23 vision--what do you envision needing to do that  
24 expansion into the other--to the rest of the  
25 boroughs?

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2 GEORGIA PESTANA: If we were to expand  
3 into Queens, Staten Island and Manhattan, we would  
4 require more space and more personnel.

5 CHAIRPERSON FERRERAS-COPELAND: So  
6 spacing and--and staff?

7 GEORGIA PESTANA: Yes.

8 CHAIRPERSON FERRERAS-COPELAND: Okay.  
9 The preliminary plan includes baselined funding for  
10 \$730,000 for 12 new positions to carry out  
11 restructuring of the Family Courts Division Juvenile  
12 Delinquency Unit. Can you please provide an update  
13 on this restructuring and the Law Department's effort  
14 to divert youth away from the Criminal Justice  
15 System?

16 GEORGIA PESTANA: We have been in the  
17 process of hiring new investigators. Those  
18 investigators would form a new witness location and  
19 engagement team in the Bronx, and the reason for  
20 establishing this team was that many victims and  
21 witnesses had been reluctant to cooperate in Family  
22 Court cases. We have been staffing up since this  
23 money was originally granted in the Preliminary  
24 Budget. It's not fully operational yet, but our hope  
25

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2 that we'll be able to increase both victim and  
3 witness engagement as a result.

4 CHAIRPERSON FERRERAS-COPELAND: The BOE  
5 is an independent agency. However, the City is  
6 responsible for funding them. Is the Law Department  
7 responsible for defending them if they are used?

8 GEORGIA PESTANA: The Board of Elections?

9 CHAIRPERSON FERRERAS-COPELAND: Yes.

10 GEORGIA PESTANA: The Law Departments  
11 eval--is responsible generally for representing all  
12 of the agencies. We evaluate the strengths and  
13 weaknesses of every case against the city--every city  
14 entity when it comes in, and determine whether there  
15 are any conflicts. We don't make representation  
16 decisions in a vacuum.

17 CHAIRPERSON FERRERAS-COPELAND: Okay, so  
18 after the Attorney General finishes their  
19 investigation that is when you would make the  
20 decision? Well, you have to defend the agency  
21 regardless.

22 GEORGIA PESTANA: Well, it depends on  
23 what the case is--

24 CHAIRPERSON FERRERAS-COPELAND:  
25 [interposing] The merit.

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2 GEORGIA PESTANA: --when it comes in.

3 CHAIRPERSON FERRERAS-COPELAND: But you  
4 would make the decision on whether--you would be  
5 their legal team as part of anything that may be  
6 brought up if anything is brought up after this  
7 investigation?

8 GEORGIA PESTANA: We would evaluate it  
9 when it came in and--and make a decision at that  
10 point--

11 CHAIRPERSON FERRERAS-COPELAND:  
12 [interposing] Okay.

13 GEORGIA PESTANA: --in time.

14 CHAIRPERSON FERRERAS-COPELAND: The  
15 Judgments and Claims Budget is projected to decrease  
16 by over \$400 million of the next five years--over the  
17 next five years. However, a jury ruled that the City  
18 must pay roughly \$140,000 for firefighters who were  
19 tragic--who tragically died in a Bronx fire in 2015--  
20 I mean 2005. So does the judgments and claims  
21 reduction account for this payout and if not what is  
22 the city's position on the jury's decision. Do you  
23 plan to appeal?

24 GEORGIA PESTANA: The Judgment and Claims  
25 Budget I believe would included an amount for that

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case. It is one of the cases that we disclose  
regularly to OMB. The Law Department does not  
determine the amount of Judgment--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right.

GEORGIA PESTANA: --and Claims Budget,  
but we do supply regular information to the Office of  
Management and Budget, and information about that  
particular case has been included.

CHAIRPERSON FERRERAS-COPELAND: It just  
seems that the \$140 is almost half of your claims in  
the budget. So I just wanted to make sure that that  
is included into your \$400 million that you're  
budgeting for?

GEORGIA PESTANA: The Law Department does  
not determine the Judgment and Claims Budget.  
However, we have disclosed that case to OMB--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Okay.

GEORGIA PESTANA: --and so we believe it  
is included in their projections.

CHAIRPERSON FERRERAS-COPELAND: Okay, and  
how does--how does OMB or at what point does OMB

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2 engage with your agency to get to this \$400 number?

3 Is there a formula or how does this work?

4 GEORGIA PESTANA: We do not know.

5 CHAIRPERSON FERRERAS-COPELAND: You do  
6 not know. That's awesome.

7 GEORGIA PESTANA: Well, I--I--I don't  
8 know how they--how they get to that number. We do  
9 regularly supply them with information.

10 CHAIRPERSON FERRERAS-COPELAND: Right  
11 and--right, the \$400 million is a decrease so-- Okay,  
12 we'll--we'll follow up with our hear--our hearing  
13 with Director Fuleihan. Now, we will give it over to  
14 Co-Chair Kallos.

15 CHAIRPERSON KALLOS: Thank you, Co-Chair  
16 Ferreras. Whether it's quality of life violations or  
17 finally getting to the bottom of how we set the  
18 judgment and claims number, I am happier with the  
19 number, but that being said, I think both of would  
20 like to see transparency so that both Law Department  
21 and Office of Management and Budget can actually  
22 articulate specifically how we arrive at the number  
23 we do. Along those--so I just want to start off with  
24 an important question. The Law Department has  
25 contracted with the Law Firms of Bill, Boyce and

2 Clinton (sic) as well as Carter, Ledyard Milburn to  
3 represent the city and assist in document collection  
4 and review in cooperation with law enforcement  
5 investigation of the Mayor. How much were these  
6 retainers? How much will these representations cost  
7 the taxpayers, and how did the Law Department select  
8 these firms.

9 GEORGIA PESTANA: The Law Department is  
10 in the process of retaining the two firms to  
11 represent the City in ongoing investigations. By  
12 cooperating with the investigations and producing  
13 requested records as quickly as they asked for them,  
14 we're hoping to reduce the ultimate cost of and the  
15 length of these investigations. But because we don't  
16 know what the full scope of the investigations are,  
17 we don't know how long they will take and therefore  
18 can't really assess at this point what the ultimate  
19 costs will be, and we are still negotiating rates.  
20 So, there is no contract yet.

21 CHAIRPERSON KALLOS: So why isn't the Law  
22 Department just representing the City as it does in  
23 other situations? Why do we need a special--two law  
24 firms instead of just the corporate law firm, the Law  
25 Department?



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2 GEORGIA PESTANA: The Law Department has  
3 many talented attorneys who practice in many areas,  
4 as I mentioned in my testimony. But it's not unusual  
5 for us to retain outside counsel to represent the  
6 city in matters where we don't have particular  
7 expertise. We retain counsel for securities  
8 litigation, for ARISA litigation or to represent us  
9 at the Public Utilities Commission. So when we don't  
10 have expertise, we go outside.

11 CHAIRPERSON KALLOS: So this is for which  
12 specific investigations that these two firms are  
13 being considered?

14 GEORGIA PESTANA: There are state and  
15 federal investigations that are ongoing, and it's for  
16 those.

17 CHAIRPERSON KALLOS: Which agencies  
18 within the administration or which offices within the  
19 administration.

20 GEORGIA PESTANA: There's an ongoing  
21 investigation and it's not appropriate for me to be  
22 particular about what's going on.

23 CHAIRPERSON KALLOS: And so you, we don't  
24 know at this point as we're doing the Executive  
25 Budget whether it's going to cost us tens of

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2 thousands, hundreds of thousands, millions, tens of  
3 millions? Do we know how much we're going to be  
4 paying out in attorneys' fees?

5 GEORGIA PESTANA: We do--we have not  
6 arrived at that number yet. We won't know until the  
7 investigations are over how much time--how much work  
8 has been done.

9 CHAIRPERSON KALLOS: So we--we have a  
10 budget. In order for you to spend money on the  
11 attorneys, we have to set money aside into the  
12 budget, is that correct?

13 GEORGIA PESTANA: That's correct.

14 CHAIRPERSON KALLOS: So how much are you  
15 planning to set aside for this external  
16 representation of the current I believe five  
17 investigations of the city?

18 GEORGIA PESTANA: At this time, we think  
19 that there's enough in the Law Department's budget to  
20 cover it, but if need be we'll have to seek a  
21 modification, but at this point we think there's  
22 enough.

23 CHAIRPERSON KALLOS: So the taxpayers  
24 could be on the hook for millions?

25

2 GEORGIA PESTANA: We at this point know  
3 what the cost will be.

4 CHAIRPERSON KALLOS: Now, in terms of  
5 being on the hook, the Board of Elections isn't--  
6 there as a back and forth and continues to be a back  
7 and forth between the city and the Board of Elections  
8 as to whether or not we have full or somewhat  
9 jurisdiction of them. They're currently being sued  
10 by Election Justice United, USA because of issues  
11 during and immediately following the April 19th,  
12 Presidential Primary. Is the Law Department  
13 responsible for defending the Board of Elections?

14 GEORGIA PESTANA: I'm not familiar with  
15 that case? The Law Department generally represents  
16 the Board of Elections in employment matters. I  
17 don't know that case, and we evaluate each case as it  
18 comes in for all of our agency clients to determine  
19 whether we should represent them, and whether there's  
20 a conflict.

21 CHAIRPERSON KALLOS: If the Board of  
22 Elections is unwilling to make the changes suggested  
23 by this body through legislation or by the Mayor  
24 through an offer of \$20 million it is odd for them to  
25 be rewarded with representation by the City and the

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2 Law Department for actions that are not condoned by  
3 the Council or the Mayor. So, if you can get back to  
4 us on the status of representation. With regard to  
5 Judgment and Claims, the amount paid by the City from  
6 lawsuits and settlements and judgments it was on a  
7 trajectory from \$717 million when I got elected to  
8 the Preliminary Budget projection of \$850 million by  
9 2020 despite policy changes and investments in more  
10 attorneys. For the past two years I've been  
11 demanding return on investment of our tax dollars and  
12 the Law Department Executive Budget reflects a  
13 planned budget savings of I believe--hold on one  
14 moment--\$430 million over the next five years with a  
15 reduction of \$70 million in the next fiscal year down  
16 to \$676 million following an \$18 million investment  
17 in vertical case handling, which means we're actually  
18 paying out less in judgment and claims that I--when I  
19 first got elected. So I just wanted to say thank  
20 you, and I know that the Chair already asked a  
21 similar question, but just how are we able to--to do  
22 this much in terms of savings, and thank you for your  
23 partnership on it?

24 GEORGIA PESTANA: Muriel can address the-  
25 -how the calculation was made again if you'd like.

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2 MURIEL GOOD-TRUFANT: Yeah, the--the how  
3 is based on our experience in both Federal and State  
4 Court. We have seen a decrease in new case filings  
5 in those instances in the past where we have  
6 increased staffing. The increased staffing have  
7 discouraged those who might bring non-meritorious  
8 cases or cases of no value. And the decrease in the  
9 case numbers translates into fewer settlements, which  
10 means that judgment and claims goes down.

11 CHAIRPERSON KALLOS: We've been joined by  
12 Council Member Greenfield, and I do want to apologize  
13 on behalf of the City Council. I don't think that we  
14 should be doing hearings on Friday afternoons even in  
15 summer months when the Shabbot comes a little bit  
16 later. It's not a matter of making it into your home  
17 just in time for the Shabbot. There is a lot that  
18 goes into it, and I'll--I'll be a services tonight  
19 and to the extent the City Council can avoid Friday  
20 afternoon hearings and respect the religious  
21 practices of our members, I and David would  
22 appreciate that. That being said, I would just like  
23 to continue with some questions, and we're hoping to  
24 get this done long before the Shabbos comes. Last  
25 year the Daily News reported that the Law Department

2 quote, unquote "wasted \$1.2 million delivering legal  
3 papers by hand." As an attorney, I can say certain  
4 courts in New York City have E-filing and others  
5 don't. What progress has the Law Department made on  
6 implementing electronic filings. Which courts still  
7 do not have electronic filing, and what have been  
8 your barriers to electronic filing, and last but not  
9 least, what cost savings can we anticipate?

10 GEORGIA PESTANA: The Law Department is  
11 currently participating in mandatory electronic  
12 filing in both New York and Kings Counties. Every  
13 action filed in those two counties is initiated by an  
14 electronically files summons and complaint. The  
15 transition in Brooklyn, which was the most recent one  
16 as of March, has been smooth due to coordination  
17 between our office and the court. We have  
18 voluntarily participated in electronic filing in  
19 Richmond County although mandatory electronic filing  
20 has not been required as of yet in Richmond County.  
21 We are hopeful that mandatory E-filing will take  
22 effect in Bronx County as of September 2016. We do  
23 not have a projected date for Queens County.  
24 However, we've been told by OCA that they expect that  
25 every county will participate in mandatory E-filing

2 by 2017. There's not expected to be cost savings in  
3 the near-term because as a practical matter, E-filing  
4 requires more work, not less. Many judges till  
5 require paper copies in addition to the  
6 electronically filed copies. So we are doing what we  
7 did prior to E-filing in addition to also doing E-  
8 filing. Perhaps at some point in the future after E-  
9 filing has become common place, we will see some cost  
10 savings, but not in the near term.

11 CHAIRPERSON KALLOS: Once upon a time I  
12 was a practicing attorney in the federal courts in  
13 2005 when we had E-filing in almost every--in every  
14 jurisdiction of the Federal Courts throughout all 50  
15 states and additional locations throughout this  
16 planet. And so if the Federal Court could do it in  
17 every single state, I'm sure we can do it in every  
18 single county. I look forward to working with the  
19 Law Department on this. I'd like to just wrap up my  
20 first round by just saying I believe children are not  
21 inherently bad until they grow up to be politicians.  
22 All kidding aside I want to put the Law Department's  
23 prosecution of children in Family Court Division out  
24 of business through diversions. As noted in the  
25 Preliminary Budget hearing, the number of juveniles

2 successfully referred to a diversion program with no  
3 new delinquency referral within one year has tanked  
4 from 84% in Fiscal Year 15 to 66% for the four-month  
5 actual in FY--in Fiscal Year 16, this year. How does  
6 the Law Department account for this dramatic  
7 decrease? How much needs to be invested to fix this  
8 problem?

9 GEORGIA PESTANA: Well, there are  
10 actually several avenues by which youth accused of  
11 criminal offenses are diverted from the Family Court  
12 system and from residential placement. There's a  
13 variety of services that are offered, a lot through  
14 ACS and the Department of Probation to provide  
15 delinquent youth with services that will prevent them  
16 from reoffending, and divert them away from  
17 residential placements. Before a case is referred to  
18 the Law Department, the case is first brought to the  
19 Department of Probation by the arresting officer.  
20 Probation has an intake process and through that  
21 process decides whether to adjust a case. Adjustment  
22 services are an early means of resolving the case  
23 outside the court system. It never makes it to  
24 Family Court. The victim has to consent to  
25 adjustments, and if the victim objects, then the case



2 has to be referred to the Law Department. Once we  
3 get it at the Law Department, the Assistant  
4 Corporation Counsel assigned conducts an  
5 investigation and decides whether to divert the case.  
6 The Law Department works closely with the victims of  
7 the crime, and refers those needs and services to  
8 Safe Horizon. Diversion is an effort to avoid court  
9 intervention. This resolution is geared towards low-  
10 level offenses such as graffiti, marijuana, trespass  
11 and petite larceny. The victim of the case is  
12 consulted and considered in making the decision  
13 whether to divert. Diversion programs include  
14 mediation, Youth Court and anti-shoplifting programs.  
15 If the youth successfully completes the diversion  
16 program, the case is declined to prosecute and  
17 sealed. If the case is not diverted or diversion  
18 fails, the case will likely be filed in Family Court  
19 so the youth will receive rehabilitative services.  
20 Even once the case is filed in Family Court there's a  
21 possibility of getting adjourned in contemplation of  
22 dismissal, which means if the child is--stays out of  
23 trouble for six months, the--the case is sealed. In  
24 2015, there were approximately 5,372 juvenile  
25 delinquency arrests. The Department of Probation

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2 referred approximately 42,000 cases to the Law  
3 Department. We filed half of those 23,000--2,351  
4 cases with the top categories being robbery, assault  
5 and larceny. About 1,600 youth went to final  
6 disposition. 4,200 of ACD'd; 83 were sent to  
7 diversion; 1,058 were--resulted in probation; 141  
8 resulted in conditional charge; and only 462 resulted  
9 in residential facilities. So that's less than 11%  
10 of the cases referred to the Law Department or  
11 residential placement. And we'll continue to drive  
12 that down, but the number--the cases that are  
13 actually going to trial now are the more serious  
14 cases where the victims should be heard as well.

15 CHAIRPERSON FERRERAS-COPELAND: Thank you  
16 very much for your testimony. I'm not sure if they  
17 were acknowledged, but we've been joined by Council  
18 Members Greenfield and Matteo. Thank you very much  
19 for coming to testify today. There will be  
20 additional questions that the committees will get to  
21 you. If you can get them back to us expeditiously  
22 because we'll be using them to negotiate on the  
23 budget.

24 GEORGIA PESTANA: Okay, thank you very  
25 much.

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2 MURIEL GOOD-TRUFANT: Thank you.

3 CHAIRPERSON FERRERAS-COPELAND: Thank you  
4 for coming today. We're going to take a ten-minute  
5 break and resume with DCAS. [background comments] We  
6 will resume the City Council's Hearing on the Mayor's  
7 Executive Budget for FY 17. The Finance Committee is  
8 joined by the Committee on Governmental Operations,  
9 Chaired by Council Member Kallos. We just heard from  
10 the Law Department, and now we will hear from the  
11 Commissioner of the Department of Citywide  
12 Administrative Service--Services, Lisette Camilo. In  
13 the interest of time, I will forego making an opening  
14 statement, but before we hear testimony, I will open  
15 the mic to my Co-Chair Council Member Kallos, but  
16 before that we've been joined by Council Member  
17 Matteo, Greenfield and Miller. Council Member  
18 Kallos.

19 CHAIRPERSON KALLOS: Thank you Co-Chair  
20 Julissa Ferreras. I'd like to open by--as we've done  
21 with another hearing the Committee on Governmental  
22 Operations intends to do an oversight hearing just on  
23 deed restrictions. Deed restrictions, all deed  
24 restrictions, deed restrictions and more deed  
25 restrictions. That hearing will happen in June where

2 we hope to go very much in-depth. This is a budget  
3 hearing so we'll be focusing budget implications. We  
4 will touch on budget implications of deed  
5 restrictions, but we will not go further into the if,  
6 who, what, where and why, but more like the budget  
7 implications. DCAS is actually larger than deed  
8 restrictions. DCAS manages the City's fleet of  
9 vehicles, civil service exams, managing property and  
10 has an Executive Budget of \$1.7 billion, including  
11 \$3.1 billion in capital, and \$1.2 billion of that is  
12 energy efficiency measures. During today's hearing  
13 we'll examine many aspects of DCAS' operations, and  
14 we--how they impact the city's budgets. Basically,  
15 we'll be discussing the city's energy and  
16 environmental policy, provisional employees and asset  
17 management, and thank you for joining us today, and I  
18 will pass it over to Rebecca Chasen to administer the  
19 oath.

20 LEGAL COUNSEL: Do you affirm that your  
21 testimony will be truthful to the best of your  
22 knowledge, information and belief?

23 COMMISSIONER CAMILO: I affirm.

24 CHAIRPERSON FERRERAS-COPELAND: You may  
25 begin.

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2 COMMISSIONER CAMILO: Good afternoon  
3 Chair Ferreras-Copeland, Chair Kallos and members of  
4 the Finance and Governmental Operations Committee--  
5 Committees. I am Lisette Camilo, Commissioner of the  
6 Department of Citywide Administrative Services, and  
7 thank you for the opportunity to appear before you to  
8 day. I'm joined by--by members of my senior staff to  
9 discuss the plans, expenditures and revenues for FY17  
10 as well as highlight the DCAS Capital Plan all of  
11 which are aimed to help further and support the  
12 operations of city government. As you know, as you  
13 mentioned, Council Member Kallos, DCAS ensures that  
14 city agencies have the critical resources and support  
15 needed to provide the best possible services to the  
16 public. In short, we provide a broad range of  
17 services to help agencies in their day-to-day  
18 operations, and each of our lines of services is  
19 dedicated to helping support the Administration's  
20 important goals of equity, growth, resiliency and  
21 sustain--sustainability, and play a direct role in  
22 the implementation of a broad range of citywide  
23 mayoral initiatives including leveraging the city's  
24 producing power to generate savings and efficiencies  
25 reducing greenhouse gas emissions by 80% by 2050 as

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2 directed by One City Built to Last, providing  
3 increased access to job and contracting opportunities  
4 to amore diverse population and increasing traffic  
5 safety through Vision Zero. Now, during my first  
6 several months as Commissioner, I have been taking a  
7 critical look at our operations to better understand  
8 the services we provide. And we've been working with  
9 a team to examine those policies and procedures that  
10 can be enhanced so that we can achieve a greater  
11 level of support for our customers. The same  
12 philosophy is how the Administration and I are  
13 approaching the deed modification process. I know  
14 you and your colleagues have a great deal of interest  
15 in discussing Rivington House and the deed  
16 modification process at the site. And as I'm sure  
17 you understand I have a paramount interest in  
18 preserving the integrity of investigation surround  
19 this specific modification. We won't be able to  
20 discuss today what may have gone through, and how  
21 exactly we believe we can fix it. I'm hopeful that  
22 you, too, will respect the integrity of these  
23 investigations and our attempts to improve our  
24 processes in internal safeguards so that we can  
25 provide the public and the City Council with the

2 transparency both deserve. And I still expect, as  
3 you mentioned, that when the appropriate time comes  
4 and there is more information we can share, the City  
5 Council will hold a hearing where the Administration  
6 can more fully address your concerns and questions.

7 Before turning to our other work, and the  
8 Executive Budget that has brought me here today, I  
9 will say that while this process is ongoing, all deed  
10 restriction applications are currently on hold, and  
11 the process by which deed restrictions are valued and  
12 restriction removals are authorized are similarly  
13 under review and subject to overhaul. In addition,  
14 as communicated by the Mayor in Executive Order 17,  
15 DCAS is making the following changes:

16 A public notice will be published in the  
17 city record for at least seven consecutive business  
18 days commencing at least 30 days and no more than 40  
19 days prior to the public hearing. Notice of the  
20 public hearing will be mailed to the Community Board  
21 in which the subject property is located, and to the  
22 borough president and the council member who  
23 represent the area in which subject property is  
24 located. The public hearing will be held with the--  
25 within the community district in which the subject

2 property is located, and a public file containing  
3 copies of the Calendar document and other public  
4 documents will be made available to the community  
5 board in which the subject property is located for  
6 public review at said community board's office no  
7 later than 20 days prior to the public hearing.

8           Now, I would like to take a minute to  
9 provide the Council with an update on some of the  
10 other initiatives that we're currently implementing.  
11 DCAS, New York City's fleet line of service is  
12 working with the Mayor's Office to lead the  
13 implementation of a New York City Clean Fleet  
14 Initiative to add 2,000 electric vehicles to the  
15 city's fleet by 2025, and reduce transportation  
16 greenhouse gas emissions by 50%. In FY16 to date,  
17 DCAS has ordered 225 electric vehicles for city  
18 agencies. The fleet currently operates 388 full use  
19 electric vehicles and will operate over 500 vehicles  
20 by the end of calendar year 16. These efforts have  
21 recently led to New York City's fleet being name  
22 Green Fleet of the Year by both National Fleet  
23 Managers' Association representing public and private  
24 fleet managers throughout North America and by Fleet  
25 Owner Magazine, a national trucking industry



2 magazine. The Human Capital Line of Service at DCAS,  
3 which administers the city's civil service system for  
4 over 220,000 city workers is committed to enhancing  
5 and strengthening the city's workforce system by  
6 improving access to quality job opportunities for job  
7 seekers and diverse and qualified candidates for  
8 agencies. To further these goals, in the spring of  
9 FY17, DCAS will open a third Civil Service  
10 Examination and Testing Center in Queens. We've also  
11 finalized a lease for Staten Island Exam Testing  
12 Center and are working on finalizing a plan for a  
13 Bronx location. Having an exam testing center in  
14 every borough demonstrates this administration's  
15 continued commitment to equitable access to civil  
16 service for all residents across the five boroughs.

17 The Office of Citywide Diversity and EEO  
18 is tasked with advancing the Administration's Equity  
19 Agenda through diversity and inclusion initiatives  
20 that directly touch our municipal workforce. CDEEO's  
21 new computer based training module for our  
22 Unconscious Bias Training is scheduled to roll out in  
23 the first quarter of FY17. This course will educate  
24 managers and staff on how their personnel beliefs and  
25 perceptions can lead to stereotyping and biased and

2 employment practices in the workplace. During FY17,  
3 16,000 employees are expected to participate in this  
4 training. In FY17, CD--CDEEO also plans to develop  
5 other CBTs on topics of just transgender inclusion,  
6 disability etiquette and sexual harassment. DCAS'  
7 Office of Citywide Procurement leverages the City's  
8 purchasing power to obtain the most competitive  
9 pricing for goods and services by aggregating demand  
10 and consolidating contracts. In order to further  
11 Mayor de Blasio's One NYC goal, DCAS continues to  
12 maximize MWBEs vendor participation by conducting  
13 outreach and ensuring that MWBEs are included as a  
14 normal part of the agency purchasing culture. For  
15 FY16 to date, DCAS has awarded approximately \$17.5  
16 million to MWBE vendors and we've had a very  
17 successful procurement open house, which brought  
18 forth 178 vendors to attend the event in order to  
19 increase opportunities for vendors to be do business  
20 with DCAS.

21 In addition to being the primary unit  
22 that manages the Municipal Energy Budget, DCAS  
23 continues to play an central role in the city's  
24 efforts to reduce energy consumption and greenhouse  
25 gas emiss--emissions from municipal buildings by 35%

2 by 2025. An example of one of the initiatives that  
3 DCAS is heading is from One New York--from One City  
4 Built to Last is the installation of solar panels  
5 that will increase the use of renewable energy and  
6 renew--and reduce the use of traditional energy  
7 sources. DCAS Energy Management recently completed  
8 the installation of 5.4 megawatts of solar panels at  
9 24 schools across the city by this past Earth Day,  
10 putting the city on a path to achieving nearly 25  
11 megawatts of installed solar capacity by 2018.

12 Additionally, under Local Law 24 of 2016, DCAS will  
13 now begin evaluating each agency's portfolio of  
14 public buildings, and report on the solar panel of  
15 each rooftop. Along with the associated energy  
16 savings and greenhouse gas emissions reductions.

17 I'd like now to turn to discuss the  
18 highlights of DCAS' Expense Budget, Expense Saving  
19 Program Revenue Budget, and lastly the Capital Plan.  
20 DCAS' Expense Budget reflects funding of \$1.2 billion  
21 and a budgeted headcount of 2,276 in FY17. The  
22 Majority of DCAS's planned FY17 expenditure, \$707  
23 million is allocated for citywide heat, light and  
24 power expenses. The FY17 Energy Budget is a  
25 collaborative effort between DCAS and R&D in

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2 forecasting agency usage as well as commodity rates  
3 in the upcoming fiscal year.

4 Now, I will highlight additional expense  
5 funds received in the FY17 Budget. Participative  
6 (sic) Electric Vehicles. As I mentioned earlier in  
7 my testimony, NY City--New York City Fleet has an  
8 instrumental role in the Clean Fleet Initiative. In  
9 FY17 the Budget includes an allocation of \$3 million  
10 for both FY17 and 18 to purchase 100 EVs and  
11 accessories in each fiscal year. DCAS received  
12 \$700,000 for 20--for 20 positions to staff the new  
13 Queens CTAC (sic). The approved positions include  
14 staff to help administer exams, manage the IT  
15 equipment, et cetera.

16 CHAIRPERSON FERRERAS-COPELAND:  
17 Commissioner, I hate to cut you off--

18 COMMISSIONER CAMILO: Sure.

19 CHAIRPERSON FERRERAS-COPELAND: --but we  
20 want to get to some questions.

21 COMMISSIONER CAMILO: Sure.

22 CHAIRPERSON FERRERAS-COPELAND: --before  
23 5 o'clock today. So if you can just summarize your--  
24 the rest of your statement, we'd really appreciate  
25 it.

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2 COMMISSIONER CAMILO: Sure. I'll do high  
3 level summaries for each of the following--

4 CHAIRPERSON FERRERAS-COPELAND: Great.

5 COMMISSIONER CAMILO: --descriptions. So  
6 we have a--an--an energy--I'm sorry--Agency  
7 Efficiency Initiatives. We have the audits saving  
8 where we pursued lease audits where we audits where  
9 we save about a million dollars making sure that  
10 we're paying for--that we're getting paid the right--  
11 that we're paying the right--appropriate amount of  
12 rent in our leases. We have a Biodiesel Tax  
13 Reimbursement Calendar in the amount of \$1.8 million  
14 for biodiesel fuel, and we also had a PS reduction,  
15 Personnel Services budget reduction of \$2.5 million.  
16 That's for revenues. FY17 total for DCAS is \$62.4  
17 million typically related to commercial rent of city-  
18 owned property projected at \$42.1 million.  
19 Additionally, another source is the sale of surplus  
20 vehicles, and also the fees for civil service exams.  
21 With regard to DCAS Capital, which totals \$613  
22 million in FY17, the majority of that budget is  
23 dedicated to facility upgrades and energy  
24 conservation initiatives. The majority--or a--a  
25 large portion of it, \$258 million has to do with

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2 construction for city-owned office and court  
3 buildings regarding renovations and relocations of a  
4 number of both agency and court--court offices and--  
5 and buildings. We have another \$65 million in  
6 furniture and related equipment for leased facilities  
7 for our agencies and court offices that totals \$65  
8 million. We also have an Energy Conservation and  
9 Clean Energy Project category, \$274 million in  
10 capital funding was allocated for Citywide Energy  
11 Conservation and Clean Energy Projects to support the  
12 Mayor's One City Built to Last, and that includes  
13 upgrades, solar panel installations and in a  
14 testimony we outlined some examples of some of these  
15 initiatives. And then finally, DCAS has been funded  
16 \$2.3 million for 38 solar carports in the Executive  
17 Budget for FY17, and this will provide additional  
18 infrastructure in support of the expansion of NYC  
19 Clean Fleet that I mentioned earlier. So I hope that  
20 this testimony has provided you with a snapshot of  
21 the work that our DCAS employees handle to help the  
22 City run its operations and further the de Blasio  
23 Administration policies and--and initiatives. Thank  
24 you for this opportunity to testify of DCAS' planned  
25 expenditures and revenues for FY17 as well as capital

plan, and I continue to look forward to having a  
productive and collaborative working relationship  
with the Council and I'm pleased to take any  
questions at this time.

CHAIRPERSON FERRERAS-COPELAND: Thank you  
for your testimony, Commissioner, and thank you for  
summarizing. I know that you can't speak to  
specifics of 45 Rivington. However, I do want to  
talk about process, and I understand that your  
process may change in the future, but I'd like to  
know or have information or for you to walk me  
through your process that you use for lifting deed  
restrictions up until now because you've since  
stopped. Right, you've ceased?

COMMISSIONER CAMILO: That is correct.  
So, the process that has been used to--to lift deed  
restrictions was established in 1991, and that  
requires an appraisal and a public hearing, public  
notice et cetera. All of that has been, as you  
mentioned we've--we've put a stop to all of the--the  
deed modifications that have been in pipe. We have  
put those on hold. We are reviewing all points of  
the process, and all points of the process are  
subject to complete overhaul.

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2 CHAIRPERSON FERRERAS-COPELAND: So I--I  
3 want to get back. You said appraisals, public  
4 hearings, public notice. How does the city typically  
5 estimate the payment of such actions, and who grants  
6 DCAS the authority to lift these type of deed  
7 restrictions?

8 COMMISSIONER CAMILO: All of the  
9 authority that is placed on DCAS with regard to  
10 property it comes from the New York City Charter, and  
11 those evaluation processes that, as I mentioned,  
12 were--were established many decades ago. We're tied  
13 back to an appraisal process, and that's how--what--  
14 that's what we use to value the--the--the--the  
15 payments.

16 CHAIRPERSON FERRERAS-COPELAND: So  
17 Rivington was--the exchange was a \$16 million  
18 payment. Was this payment represented in the City's  
19 revenue?

20 COMMISSIONER CAMILO: As far as--as I  
21 mentioned before, because we want to protect the  
22 integrity of the--of--of the investigation, we're not  
23 going to be able to speak to specifics on Rivington.

24 CHAIRPERSON FERRERAS-COPELAND: Right,  
25 but that was. I--I understand kind of going forward,



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2 but this is the revenue plan. So is it in the  
3 Revenue Plan?

4 COMMISSIONER CAMILO: For this--?

5 CHAIRPERSON FERRERAS-COPELAND: Right.

6 COMMISSIONER CAMILO: For the future  
7 revenue?

8 CHAIRPERSON FERRERAS-COPELAND: Right.  
9 So was the payment--the payment was already made,  
10 correct?

11 COMMISSIONER CAMILO: Yes.

12 CHAIRPERSON FERRERAS-COPELAND: So is it  
13 in--is it in revenue is what I'm trying to--?

14 COMMISSIONER CAMILO: Yes.

15 CHAIRPERSON FERRERAS-COPELAND: Okay, it  
16 is included in the Revenue Plan. Can you please  
17 provide the Council with a list of all deed  
18 restrictions DCAS has listed in the last five years  
19 with the associated payment?

20 COMMISSIONER CAMILO: Absolutely.

21 CHAIRPERSON FERRERAS-COPELAND:  
22 Excellent. Thank you. Sometimes DCAS receives  
23 payment for listing deed restrictions, and sometimes  
24 it takes no payment, but rather chooses to impose  
25 new--impose new restrictions. How does DCAS

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2 determine which one it will do, which one will impose  
3 new restrictions and which ones will get payment?

4 COMMISSIONER CAMILO: As I mentioned  
5 before, all of the--all of the process is being  
6 reviewed and everything used to be done on an case-  
7 by-case analysis. I can't speak to what factors  
8 played in, and as I mentioned, you know, everything  
9 is being reviewed--

10 CHAIRPERSON FERRERAS-COPELAND:  
11 [interposing] Right, and I know moving forward we're  
12 going to take care of that, but there was no--it  
13 wasn't just--there was no process?

14 COMMISSIONER CAMILO: Yes, there is a  
15 process.

16 CHAIRPERSON FERRERAS-COPELAND: Wait. I  
17 want to speak to the whole process or--?

18 COMMISSIONER CAMILO: Right, so the--

19 CHAIRPERSON FERRERAS-COPELAND: --  
20 investing (sic) process.

21 COMMISSIONER CAMILO: There was a--a  
22 profit that had been established for years, and  
23 evaluated every--every case month, you know,  
24 uniquely. So I can't speak to what factors were  
25

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2 considered in order to make each determination. It's  
3 a case by--it was handled on a case-by-case basis.

4 CHAIRPERSON FERRERAS-COPELAND:

5 [interposing] So were the factors made public? So  
6 what--for example if you had a deed restriction, part  
7 of the public process did--did they share? Why they  
8 chose to have a payment in lieu of or--or vice versa?  
9 Was that process made public or no?

10 COMMISSIONER CAMILO: I can't speak to  
11 all of the past restrictions that have been lifted.  
12 All I can say is that we followed the process that  
13 was established in '91. I'm--I'm not sure what was  
14 public--

15 CHAIRPERSON FERRERAS-COPELAND:

16 [interposing] So maybe when you share us the last  
17 five years, we'll be able to kind of follow up with  
18 so we can have an understanding if there was--if  
19 there's something systemic or what the justifications  
20 were. Clearly not under your tenure as commissioner  
21 you're going to clear all this up, but at least so we  
22 can have the last five years of what was happening,  
23 which would include this administration and the  
24 priors.

25

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2 COMMISSIONER CAMILO: We'll be happy to  
3 share that list with you.

4 CHAIRPERSON FERRERAS-COPELAND: Okay,  
5 would you please share with us why DCAS decided--  
6 well, I don't want to get in those details here. We  
7 can later. You tell you can answer it so I wanted  
8 pivot over to your cost savings plan specific to the  
9 budget. The Executive Plan projects that DCAS will  
10 generate a savings of \$3.8 million in Fiscal 2017 as  
11 part of the Citywide Savings Plan. The Plan says  
12 DCAS will identify personnel service savings in the  
13 amount of \$2.5 million. What are the personnel  
14 service savings, and how did DCAS arrive at this  
15 estimate?

16 COMMISSIONER CAMILO: [off mic] Do you  
17 want that?

18 CHAIRPERSON FERRERAS-COPELAND: And if  
19 you could just state your name for the record?

20 RICHARD BADILLO: Yes, Richard Badillo.  
21 I will testify to say the truth. The \$2.5 million--

22 CHAIRPERSON FERRERAS-COPELAND: I'm glad  
23 you're testify to say the truth.

24 RICHARD BADILLO: Really because I did  
25 not testify before, yes.

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CHAIRPERSON FERRERAS-COPELAND:

[interposing] I was hopeful.

RICHARD BADILLO: Yes. I mean I wasn't  
sworn in before that's all.

CHAIRPERSON FERRERAS-COPELAND: I--I  
agree. Thank you.

RICHARD BADILLO: It's a technicality.  
Anyway, the \$2.5 million is an estimated savings  
based on the fact that we have about 150 vacancies,  
city funded vacancies currently, and determining of  
those vacancies how many will we delay in hiring  
based on a review throughout the agency of where the  
processes are in hiring these individuals, and where  
will they be able even to further delay their hires  
based on the reviews by the Deputy Commissioners for  
those areas where these vacancies exist.  
Consolidating some functions where necessary, some  
changes in terms of schedule our locations where  
they're--where they're allowed, and that's--that's  
pretty much it. It's all looking at a top-to-bottom  
approach of our vacancies, and seeing where we can  
manage those vacancies without having an impact to--  
to the services we perform to the public and to the  
city agencies.

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CHAIRPERSON FERRERAS-COPELAND: What  
percentage of your total staffing are these  
vacancies.

RICHARD BADILLO: City-funded I would say  
about 10%.

CHAIRPERSON FERRERAS-COPELAND: And  
they're throughout the agency, or is there one core--

RICHARD BADILLO: [interposing] Well,  
Asset Management obviously. It's the largest portion  
of this agency. So they would have the bulk of the  
vacancies, but they're just right across all of our  
divisions.

CHAIRPERSON FERRERAS-COPELAND: Okay, in  
your Executive is \$1 million in new needs for DCAS to  
support MOIA or the Office of Immigrant Services--  
Affairs, and its related work to the Deferred Action  
Plan should the United States Supreme Court rule in  
the favor Bauman's Administration. What exactly will  
DCAS be doing with MOIA, and does DCAS typically  
provide a type of support for agencies?

RICHARD BADILLO: Well, we--

COMMISSIONER CAMILO: [interposing] So  
typically because DCAS provides a number of back  
office functions for pretty much all city agencies,

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2 when there is a particular initiative that requires  
3 more assistance we--we assist in that manner as well.

4 CHAIRPERSON FERRERAS-COPELAND: Okay, and  
5 wanted--and I know that our Chair is here, Chair  
6 Miller, but wanted to ask about your \$560,000 in new  
7 funding for a civil service exam, staffing and  
8 project. The upcoming test includes that for New  
9 Yorkers who want to be city planners, engineers, and  
10 school safety agents. What kind of test preparation  
11 do you offer anyone who's interested in the civil  
12 service with the City, and would you consider doing  
13 any type of training of young people where often  
14 times we--we just heard from Sanitation this morning  
15 where they're going to be bringing on 300 homeless  
16 people, but there really isn't a pipeline unless you  
17 get--you actually get into the exam and pass the  
18 exam. So is there any prep work that you do for New  
19 Yorkers to be ready for these exams?

20 COMMISSIONER CAMILO: So I have Deputy  
21 Commissioner, Dawn Pinnock who can certainly speak  
22 to--much artic--artfully than I can, but what we--  
23 there are a number of training or classes that we  
24 provide through--typically through our Office of  
25 Recruitment in order to get that pipeline and just

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2 citywide, and we're certainly looking to increase  
3 some of those things. Procurement--not procurement--  
4 excuse--civil service--

5 CHAIRPERSON FERRERAS-COPELAND:

6 [interposing] So we'll hear all the jobs. (sic)

7 COMMISSIONER CAMILO: I know, I know. I  
8 apologize. We have a Civil Service 101 class that we  
9 try to get out as much as possible, and I think that  
10 we've work some of the Council Members to get into  
11 the offices and provide that information to the  
12 public. It--it would be--it would be an awkward  
13 position to be training for a test that we  
14 administer.

15 CHAIRPERSON FERRERAS-COPELAND: Right.

16 COMMISSIONER CAMILO: Also, we can't  
17 actually provide test specific training, but what we  
18 do--what do do is work with unions to give other--  
19 other parties that can perhaps--perhaps walk their  
20 constituencies through, in their much more focused  
21 way. I don't know if I've--

22 DEPUTY COMMISSIONER PINNOCK: No, you've  
23 actually covered everything. The only thing I would  
24 add is that our work with our labor partners really  
25 helps us to kind of bridge the gap that you're



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1 talking about where were developing an exam because  
2 we actually see a need at the agency level. We're  
3 working with the subject matter experts who do this  
4 job each and every day. So in partnering with the  
5 unions we're able to ensure that there is some level  
6 of test prep in the city. Separate and apart from  
7 that we are education through Civil Service 101 how  
8 it is someone would gain access to the city because  
9 we have found when we talked to students, whether  
10 it's CUNY students, grad students, students in sort  
11 of our technical high schools. Just the process of  
12 entering the civil services some can seem a little  
13 frightening and a little daunting. So we wanted to  
14 really take a step back to outline all of those steps  
15 involved with gaining access into the classified  
16 service with the ultimate goal of building a  
17 pipeline.  
18

19 CHAIRPERSON FERRERAS-COPELAND: Has cost  
20 ever been a challenge? Has that ever been brought up  
21 in the conversation?

22 COMMISSIONER CAMILO: Cost is always an  
23 issue. I--we're--we're--we have--the resources are  
24 limited. We wish we could be, you know, giving these  
25

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2 classes everyday all day. But, you know, we have a  
3 number of activities to--to juggle.

4 DEPUTY COMMISSIONER PINNOCK: And also in  
5 terms of cost relating to let's say application fees,  
6 part of our training involves explaining to  
7 individuals the type of documentation we would need  
8 for fee waivers, and really waking them through the  
9 process, sharing with them the types of documentation  
10 they could send in. Also we were unsuccessful in  
11 drafting an MOU with HRA because we saw that there  
12 were a lot of public assistance recipients who were  
13 not showing up for investigations because they were  
14 unable to pay, and HRA was very receptive. We  
15 drafted an MOU--which--an MOU where they actually  
16 cover the cost for individuals who have an  
17 opportunity to be investigated before appointment.  
18 So we tried to address the fee issues for the  
19 applicants as well.

20 CHAIRPERSON FERRERAS-COPELAND: Well,  
21 that's great. That's good. All right, I'm going to  
22 have my Co-Chair ask his questions and then we will  
23 have Council Member Matteo follow by Council Member  
24 Miller. Chair Kallos.

2 COUNCIL MEMBER KALLOS: Department of  
3 Citywide Administrative Services lifted the deed  
4 restrictions in one instance that we knew about  
5 before, and a second one that we found about today.  
6 In the first instance the property at 45 Rivington  
7 and that was with a non-profit, and the second piece  
8 that would a community health facility. They were  
9 lifted for \$16 million, and sold for \$28 million and  
10 then in turned sold for \$116,000 which is an apparent  
11 loss of about \$100 million to the taxpayers. This  
12 morning in the New York Times the deed restriction  
13 set by the Board of Estimate 40 years ago at St.  
14 Nicholas Avenue and 52nd Street in Harlem for a non-  
15 profit cultural organization serving the neighborhood  
16 was lifted for \$875,000 at Dan Street (sic) which was  
17 already in contract with BRP companies who closed on  
18 the sale put \$3.1 million, an apparent loss of more  
19 that \$2 million for taxpayers. I'm disappointed to  
20 have learned about this new instance from the New  
21 York Times. Here is the chance to complain. How  
22 many more situations like Rivington and St. Nicholas  
23 are coming down the pipe?

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2 COMMISSIONER CAMILO: Right now, none.  
3 They've all been put on hold. We're not moving  
4 forward on any at the moment.

5 CHAIRPERSON KALLOS: How many are  
6 currently on hold?

7 COMMISSIONER CAMILO: I believe it's  
8 about 13 to 14 currently.

9 CHAIRPERSON KALLOS: Wow.

10 COMMISSIONER CAMILO: I will add--

11 CHAIRPERSON KALLOS: [interposing] And  
12 how many--

13 COMMISSIONER CAMILO: --that those are  
14 all of the--those--those are the--the entire  
15 universe. Many of them had been initially requested  
16 several years before. So it's an expensive tax list.  
17 (sic)

18 CHAIRPERSON KALLOS: And then how many  
19 just so we have a number, how many deed restrictions  
20 have been lifted in the past five years?

21 COMMISSIONER CAMILO: I don't have that  
22 on me, but they--we typically lift about four a year.

23 CHAIRPERSON KALLOS: And in each case  
24 that we know that deed restrictions were lifted for  
25 far less than market value, \$100 million in one case.

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2 at least \$2 million in a second case, how does the  
3 city determine fair market value and price to lift a  
4 deed restriction. Is there a reason we don't know of  
5 for why the city must give a windfall to property  
6 owners on lifting deed restrictions?

7 COMMISSIONER CAMILO: As I mentioned  
8 before, you know, this is certainly a process that  
9 we're--we're looking at very closely. I think what  
10 we've also said before in the case of Rivington no  
11 one is happy with that outcome, and we are certainly  
12 looking at every point--at every point of the gold  
13 process, how we can do things better to avoid  
14 outcomes like that.

15 CHAIRPERSON KALLOS: Now, I guess one  
16 piece of it, and again we're going to do a separate  
17 oversight, but I guess to make sure we have the right  
18 people who is responsible for maximizing value? Who  
19 signs off on the deed and who's responsible for doing  
20 the assessment of value?

21 COMMISSIONER CAMILO: Because its  
22 responsible for property management per the Charter,  
23 and--and, you know, it--it was our process again that  
24 was started in '91 that checked off all of the--all  
25

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2 of the requirements as laid out in--in the Charter.

3 So it was our--it was our process?

4 CHAIRPERSON KALLOS: One piece that Chair  
5 Ferreras-Copeland and I have been very focused on is  
6 on quality of life violations looking at outstanding  
7 debt to the city, looking at outstanding violations  
8 to the city before we grant new licenses, permits,  
9 registrations. It's been reported that this past  
10 April Lure Group, which bought Rivington and then  
11 sold it as a luxury developer owes the city \$5.2  
12 million in back taxes. Did DCAS know they owed the  
13 back taxes before they lifted the deed restrictions.  
14 Can we cover money owed before we give money away?

15 COMMISSIONER CAMILO: So, as I mentioned  
16 before, in order to protect the integrity of the  
17 investigation I'm--I'm not going to be able to answer  
18 questions specific to that. However, I will say that  
19 every--every--at every step of the process that--  
20 that--that DCAS undertook to--to lift that--to life  
21 deed restrictions are being looked at. And all of  
22 those things that you raised are things that we are  
23 taking--certainly taking into account when--when  
24 coming up with whatever changes we're going to come  
25 up with.

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2 CHAIRPERSON KALLOS: So, stepping back  
3 while--while still focusing on this. So the Chair  
4 also asked about the funding in the budget. So we  
5 did some snooping and we tried to find out where  
6 could this possibly be in the budget, and we looked  
7 under miscellaneous revenue with \$104 million in the  
8 Executive Plan for this fiscal year with \$29 million  
9 for a down payment for property sale. Is that where  
10 it is in the budget, or is it somewhere else?

11 RICHARD BADILLO: [off mic] Yes. [on  
12 mic] The answer to that yes it's in the \$29 million  
13 if that's where the deed restrictions--

14 CHAIRPERSON KALLOS: [interposing] If we  
15 can amend the budget so instead of it saying down  
16 payment for property sale it actually says deed  
17 restriction. So that being said, there's \$29 million  
18 there. There is now \$17 million we know about, which  
19 means there's \$12 million there? Are there \$12  
20 million deed restrictions out there or what is that  
21 additional \$12 million represent?

22 RICHARD BADILLO: That \$12 million  
23 represents a real estate auction that DCAS had in  
24 October where we sold various properties.

25 COMMISSIONER CAMILO: In 2015.

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2 RICHARD BADILLO: Yeah, of 2015, October  
3 2015.

4 CHAIRPERSON KALLOS: And what did we sell  
5 in October 2015 for \$12 million?

6 RICHARD BADILLO: Yeah, there was a  
7 property in the Bronx on Walnut Avenue, 131 Walnut  
8 Avenue approximately \$10 million, and that was the  
9 big portion of--of the sale. There were smaller  
10 properties vacant--they had the vacant lots et  
11 cetera--et cetera. 2734 Bathgate Avenue another  
12 property a vacant lot.

13 CHAIRPERSON KALLOS: Please repeat the  
14 address, the recorder is here.

15 RICHARD BADILLO: 2734 Bait--Bathgate  
16 Avenue in the Bronx.

17 CHAIRPERSON KALLOS: Can you spell it  
18 out? Sorry.

19 RICHARD BADILLO: Okay, B-A-T-H-G-A-T-E.

20 CHAIRPERSON KALLOS: Please continue.

21 RICHARD BADILLO: Okay. There was--I  
22 don't have the street address--the numerical number,  
23 but there was a vacant lot on Ditmars Avenue. I  
24 guess we--we will give that exact number in terms of  
25 numerical, but it was vacant lot there. Another one



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2 was Avenue V in Brooklyn I believe, and another one  
3 was on Douglas Avenue.

4 COMMISSIONER CAMILO: And we can provide  
5 the--

6 RICHARD BADILLO: [interposing] Yeah, we  
7 could give you the details, the numerical addresses  
8 to those.

9 COMMISSIONER CAMILO: They were all  
10 public auctions.

11 RICHARD BADILLO: Uh-huh.

12 CHAIRPERSON KALLOS: To the extent you  
13 can send it to us as quickly as possible with mine  
14 and the Finance Committee and so for the--how many  
15 people--how many entities bid on each property?

16 COMMISSIONER CAMILO: We don't have that  
17 information with us here, but we can certainly  
18 provide that.

19 CHAIRPERSON KALLOS: And how was the sale  
20 publicly noticed?

21 COMMISSIONER CAMILO: They were all  
22 published in the city record.

23 CHAIRPERSON KALLOS: Once or more?

24 COMMISSIONER CAMILO: I don't have that  
25 information on hand. We can get you the information.

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CHAIRPERSON KALLOS: With regards to  
these properties is there an indication of why you  
chose to sell these properties? I know that our  
Controller Stringer suggested that they be used for  
affordable housing. For my part, I would say let's  
use it for affordable housing. Let's use it for city  
facilities like schools. We need schools like you  
wouldn't believe.

COMMISSIONER CAMILO: All of the  
properties that we have--

CHAIRPERSON KALLOS: We also need  
homeless shelters.

COMMISSIONER CAMILO: Yes we do.

CHAIRPERSON KALLOS: And--and supportive  
housing and--

COMMISSIONER CAMILO: [interposing]  
Absolutely.

CHAIRPERSON KALLOS: --15,000 units of  
it.

COMMISSIONER CAMILO: So any time we put  
any property up for bid, before we do that we consult  
with all of our agencies, HPD included, to determine  
whether they're proper or are going to be a good  
match for their mission.

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2 CHAIRPERSON KALLOS: And then, in terms  
3 of these auctions is it they start at a dollar and  
4 then go up, or is it the other Ebay type of auction  
5 where there's a minimum value set, and preset that.

6 COMMISSIONER CAMILO: There's a minimum,  
7 there's a minimum value set.

8 CHAIRPERSON KALLOS: So who sets that  
9 value and how do we make sure we're setting the  
10 minimum value at market or above or where it needs to  
11 be?

12 COMMISSIONER CAMILO: So, as I mentioned  
13 before in my testimony, one--one of the things that  
14 I'm doing in this review is not just limited to deed  
15 restrictions, but all processes. So the process by  
16 which we--we value or set prices for an auction for  
17 example that is also currently under review, but it  
18 is a DCAS function.

19 CHAIRPERSON KALLOS: So I was going ahead  
20 here anyway because I think a lot of the focus has  
21 been on deed restrictions. How many properties does  
22 DCAS manage?

23 COMMISSIONER CAMILO: We have--do we have  
24 it?

25

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2 RICHARD BADILLO: [off mic] I don't--I  
3 don't have that.

4 COMMISSIONER CAMILO: I might have that.  
5 [pause]

6 CHAIRPERSON KALLOS: I know you have at  
7 least 1,000 empty lots or properties that don't have  
8 structures on them.

9 COMMISSIONER CAMILO: Yes.

10 CHAIRPERSON KALLOS: So if you can get  
11 that back to us--

12 COMMISSIONER CAMILO: Absolutely.

13 CHAIRPERSON KALLOS: Now, in terms of  
14 properties that are leased by the city for private  
15 purposes, and I was curious about who determines fair  
16 market value. So that's--we own a city building and  
17 then we let somebody operate a commercial purpose,  
18 and who determines the lease? How do we determine  
19 the market value for that?

20 COMMISSIONER CAMILO: The market--all--  
21 all--all fair market value established--are  
22 established by having an appraisal done and we--we  
23 did that in all instances where--where things are--  
24 are leased.

25

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CHAIRPERSON KALLOS: Internal or  
external, who does the appraisal?

COMMISSIONER CAMILO: It makes it both.  
(sic)

CHAIRPERSON KALLOS: Okay, and do you  
ever get a second opinion or--?

COMMISSIONER CAMILO: That is possibly,  
you know, in my three months I'm not sure.

CHAIRPERSON KALLOS: To the extent you  
can get us all the details on that, and then one of  
the things that I noticed while looking at your lease  
revenue is that in 2013, Fiscal Year 2013, we were  
receiving \$69 million in lease revenue. For this  
coming Executive Budget Plan, you're planning on \$42  
million in lease revenue. Where--where did the \$27  
million go?

[background comments, pause]

COMMISSIONER CAMILO: So there was a pre-  
payment of--of rent--of rent that was done prior to  
the due date. So--so we essentially had to move that  
revenue over to--to another fiscal year, and then--

CHAIRPERSON KALLOS: [background  
comments] Which fiscal year? Because it was \$69  
million in 2013, \$64 million in 2014 and \$55 million

2 in 2015. So it's--it's gradually doing down. I'm--  
3 I'm not seeing a spike any where, and I'm not seeing  
4 a pattern. I'm just seeing us making less and less  
5 money off of commercial leases.

6 COMMISSIONER CAMILO: So in that  
7 particular one and--and Rich can fill--fill--connect  
8 the dots here. On that, we had to deflect or--or  
9 remove the--that particular rent. Not--and it  
10 wouldn't be for--for our revenue. It was payment in  
11 lieu of taxes. So that went on the Department of  
12 Finance budget for that particular one.

13 RICHARD BADILLO: That will speak--yeah.

14 CHAIRPERSON KALLOS: So how--how much of  
15 the prepayment is it?

16 RICHARD BADILLO: It was I believe--this  
17 is awhile ago, it was about \$20 million, and this was  
18 for the Marriott Marquis, and there was an agreement  
19 that they would be able to purchase the land, an  
20 agreement that was executed many, many years ago  
21 before us. And what happened was they executed that  
22 agreement, and the revenue was transferred from DCAS'  
23 rental budget into Department of Finance's revenue  
24 stream dollar for dollar. So the city did not lose  
25 in terms of its overall revenue budget. It did not

2 lose any money. It was just transferred from DCAS to  
3 DOF. It was a payment in lieu of taxes that at one  
4 point.

5 CHAIRPERSON KALLOS: So, with regard to  
6 the Marriott Marquis, how long--how old is that deal,  
7 and how much did they purchase that land for before,  
8 and they--they had an option, and they've taken that  
9 land. So, are we looking at a similar situation for  
10 some of the others, or what happened with the  
11 Marriott Marquis?

12 RICHARD BADILLO: Well--

13 COMMISSIONER CAMILO: [interposing] I  
14 believe it--correct me if I'm wrong--it was an  
15 option. It was--it was in a term of their less, but  
16 they had an option to buy, to purchase, and then--

17 CHAIRPERSON KALLOS: [interposing] And  
18 are we going back to look at those leases to make  
19 sure that everything was above board even if it was  
20 30 years ago.

21 COMMISSIONER CAMILO: We're looking at--  
22 we're looking at--we're--we're looking at everything.

23 CHAIRPERSON KALLOS: Another piece of  
24 this is so we've--we've got enough space that we can  
25 rent it out for \$42 million. So we have a surplus of

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2 space. How much is the city's spending on leasing  
3 commercial property?

4 COMMISSIONER CAMILO: Leasing for--?

5 CHAIRPERSON KALLOS: So like 250  
6 Broadway, the City--

7 COMMISSIONER CAMILO: [interposing] The  
8 office--

9 CHAIRPERSON KALLOS: --Council Offices,  
10 NYCHA all of that. We--we are not in a city  
11 building. We are in a leased building, and actually  
12 have introduced legislation that was heard in my  
13 committee that would say we get to see the people  
14 behind the companies doing business with DCAS, and  
15 are able to tag their contributions in that way so we  
16 can start to get more transparency around all of  
17 these buildings that the city is leasing when we have  
18 property that we're leasing to other people.

19 COMMISSIONER CAMILO: So we certainly  
20 and--and again, you correct me if I'm wrong--

21 RICHARD BADILLO: Uh-huh.

22 COMMISSIONER CAMILO: --the--it's not an  
23 apples to apples comparison. We have a heavy use and  
24 need for office space, and a lot of the properties  
25 that we rent out doesn't fit those needs. So it



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2 would be a case by case basis in order to--to make  
3 that determination.

4 CHAIRPERSON KALLOS: Are you able to--can  
5 you give us a--a list with the breakout by cost per  
6 location and the vendor that we're paying of all the  
7 leased office space that we have, and all leased  
8 space that we have as the City?

9 COMMISSIONER CAMILO: Sure.

10 CHAIRPERSON KALLOS: Thank you. That is  
11 my questions on round one. I will pass it onto  
12 Council Member Matteo followed by Council Member  
13 Miller with whom I've been working on the  
14 provisionals, and I will leave it to him to do a lot  
15 of that work, and at some point we will hopefully do  
16 yet another hearing. I think will be the fourth  
17 hearing on provisionals, which are going up. Council  
18 Member Matteo and members will have a five-minute  
19 clock.

20 COUNCIL MEMBER MATTEO: Thank you.  
21 Commissioner, welcome.

22 COMMISSIONER CAMILO: Thank you.

23 COUNCIL MEMBER MATTEO: I just want to  
24 follow up on a--a few issues. One, I appreciate your  
25 support on the A&D bill that we've passed--

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COMMISSIONER CAMILO: [interposing]  
Certainly.

COUNCIL MEMBER MATTEO: --and the Mayor  
signed the other day. So I just want to make sure  
that you have the list of all the fields and the  
teams, and are you going to have to add staff to  
implement the A&Ds? Are--are you working, you know,  
the same process that the Parks Department got for  
work? Obviously, you have less properties that are  
involved in the law, but just an update and--and--

COMMISSIONER CAMILO: Absolutely. So I--  
and I--we--we--we are--we were very happy to partner  
with you on that. It's a very important piece of  
legislation that will literally save lives. And so  
we--we're--we're very excited to be a part of it.

COUNCIL MEMBER MATTEO: Thank you.

COMMISSIONER CAMILO: We absolutely do  
know all of the ball fields that we manage, and we  
have information to be able to may--have that be  
operational quickly. We're working with our partners  
at the Parks Department to see how best to  
operationalize that, but we are--we don't need to add  
staff.

COUNCIL MEMBER MATTEO: Okay.

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2 COMMISSIONER CAMILO: --there. We--we  
3 have enough resources to--to properly--

4 COUNCIL MEMBER MATTEO: [interposing]  
5 When you get a little bit further down the line, I'd  
6 like to meet offline to--

7 COMMISSIONER CAMILO: [interposing]  
8 Absolutely.

9 COUNCIL MEMBER MATTEO: --discuss the  
10 process. Thank you.

11 COMMISSIONER CAMILO: Absolutely.

12 COUNCIL MEMBER MATTEO: The security of  
13 the private school program, just--just following up  
14 on that and making sure you're--that you'll be ready  
15 for September, and--

16 COMMISSIONER CAMILO: [interposing]  
17 Absolutely.

18 COUNCIL MEMBER MATTEO: --and any issues  
19 that are--you foresee, or everything is--is moving  
20 along?

21 COMMISSIONER CAMILO: Things are moving  
22 along very quickly. We have reached out to all of  
23 the schools to give them a--a preview of what's to  
24 come. We've got HHS--HHA Accelerator ready to go.  
25 We are working our way through the-the rules making

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2 process to dot the Is and cross the Ts on all of the  
3 details, but we fully expect to be operational by the  
4 next school year.

5 COUNCIL MEMBER MATTEO: All right, and we  
6 appreciate that and Council Member Greenfield and I  
7 again are saying we'd like to follow up--

8 COMMISSIONER CAMILO: [interposing]  
9 Absolutely.

10 COUNCIL MEMBER MATTEO: --just to make  
11 we're on the same page as we move forward. The  
12 Staten Island Exam Testing Center. You said the  
13 lease is finalized?

14 COMMISSIONER CAMILO: The lease there is--  
15 -Yes.

16 COUNCIL MEMBER MATTEO: And do you have  
17 the address?

18 COMMISSIONER CAMILO: Yes? I don't. I  
19 have to get back to you on the exact address.  
20 Absolutely.

21 COUNCIL MEMBER MATTEO: And the last--the  
22 last issue I want to talk about the DCAS fields that  
23 the Little League especially in Staten Island are  
24 operating. They're--I think all of them are on a  
25 year-to-year lease. The renewal process is just

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2 automatic for the leagues. I just--just for  
3 clarification on the renewal process for the leagues--  
4 -for the leagues as far as the Little Leagues for  
5 DCAS, and if not--

6 COMMISSIONER CAMILO: They're apparently--  
7 -they're--it's automatic month-to-month at this point  
8 so--

9 COUNCIL MEMBER MATTEO: A month-to-month  
10 or year-to-year?

11 RICHARD BADILLO: [off mic] After the  
12 initial year it's month-to-month.

13 COMMISSIONER CAMILO: After the initial  
14 year it's month-to-month.

15 COUNCIL MEMBER MATTEO: After the first  
16 year it's--it's month-to-month? Okay, if we could  
17 follow up and set up with me, with my office to go  
18 over some of these issues, I--I'd to talk offline.

19 COMMISSIONER CAMILO: Absolutely.

20 COUNCIL MEMBER MATTEO: Thank you.

21 COUNCIL MEMBER MILLER: Good afternoon,  
22 Commissioner.

23 COMMISSIONER CAMILO: Good afternoon.

24 COUNCIL MEMBER MILLER: Good to see you  
25 again. I have a couple of questions, and naturally,

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2 I want to talk about the human capital, but before we  
3 get there, I do want to ask you a question about your  
4 Energy Enhancement Program, and--is that work being  
5 done in-house?

6 COMMISSIONER CAMILO: I think it--in-  
7 house for our?

8 COUNCIL MEMBER MILLER: Agencies.

9 COMMISSIONER CAMILO: For our--it depends  
10 on what the project is. Certainly at DCAS have  
11 actually had--developed a really robust in-house  
12 energy management function. So we have folks from  
13 our Asset Management Team being trained currently to  
14 really operationalize a number of energy efficiency  
15 changes. Some of the work that would require capital  
16 improvements or--or things that are a little more  
17 technical, sometimes might be contracted out  
18 certainly by different agencies depending on what the  
19 project is, and the source of funding.

20 COUNCIL MEMBER MILLER: And--and those  
21 shops are they union shops? Do you know?

22 COMMISSIONER CAMILO: I--I--I can't say.  
23 I'm--

24 COUNCIL MEMBER MILLER: Okay, we'd--we'd  
25 love to know that as well. So it--it is my

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2 understanding--you--you know what, the--let's talk  
3 about some of--some--some of the capital projects.  
4 The 116 Precinct is that--I--I don't see the full \$70  
5 million in the budget. How is that going to be  
6 allocated?

7 RICHARD BADILLO: [off mic] That's not a  
8 DCAS project.

9 COMMISSIONER CAMILO: That I believe  
10 that's not a DCAS project.

11 COUNCIL MEMBER MILLER: You don't own the  
12 property or the--the--the property?

13 RICHARD BADILLO: You're talking an  
14 energy efficiency project or--?

15 COUNCIL MEMBER MILLER: No, no, no. I'm  
16 talking about the Precinct (sic) of the building.

17 COMMISSIONER CAMILO: That's not a DCAS--  
18 that's not a DCAS project.

19 COUNCIL MEMBER MILLER: Their current  
20 location is not a DCAS location. I thought that it  
21 was in Rosedale, but we'll double check on that. So  
22 it is understanding that over the next few years  
23 through attrition the workforce will significantly  
24 decrease. Obviously, you're talking about what was  
25 the Civil Service 101. What else are you doing to

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2 make sure that we have a sufficient and qualified  
3 workforce to step in and handle that as well as do we  
4 have the resources currently to test and train that  
5 workforce?

6 COMMISSIONER CAMILO: I think that's one  
7 of the--one of the--the biggest challenges that the--  
8 the human capital line of service and I are working  
9 on is to really focus on pipeline issues, and that--  
10 that really span across different industries. I mean  
11 we've been working with our partners in--in labor in  
12 particular on the IT panels (sic). That's a--that's  
13 a really good robust area in particular because  
14 technology changes so quickly that we really need to  
15 make sure that the workforce has the skills that the  
16 city needs in order to ensure operations. And so  
17 we've been working with DOITT, LLR, and DC37 for  
18 example on how best to--to work on the pipeline  
19 issues and, you know, there's nothing that I can, you  
20 know, talk about right now. But we're certainly  
21 doing some really creative and exciting things.

22 COUNCIL MEMBER MILLER: So--so I--I--I do  
23 understand that, but I think we were referring to the  
24 current workforce and through attrition how they  
25 would be retired and/or opting out--



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2 COMMISSIONER CAMILO: Uh-huh.

3 COUNCIL MEMBER MILLER: --of the system.

4 So a lot of those aren't those technical positions  
5 that we'd be looking to fill. Are we doing--you  
6 know, at what level of--of--of skill set it is, are  
7 we prepared to do that? And, you know, what are we  
8 doing? So, if you can kind of get back to us on that  
9 and--and Deputy Commissioner we could follow up on  
10 that as well.

11 COMMISSIONER CAMILO: Okay, sure--  
12 certainly.

13 COUNCIL MEMBER MILLER: I want to be able  
14 to--in the interest of time I--I do kind of want to  
15 be able to move on, and address some of those issues.

16 COMMISSIONER CAMILO: Absolutely.

17 COUNCIL MEMBER MILLER: Of course, and  
18 we'd be remiss if--if we had you here, and we didn't  
19 talk about your plan to reduce the number of  
20 provisionals that--in accordance with the Long Beach  
21 decision. Where are we with that? The last time we  
22 spoke I think you indicted that you'd be looking for  
23 an extension?

24 COMMISSIONER CAMILO: Uh-huh.

25

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2 COUNCIL MEMBER MILLER: Have you gotten  
3 that extension, and where are we at in that process?

4 COMMISSIONER CAMILO: Sure. We are  
5 definitely having the intention to go back to--to ask  
6 for another--for more time. We are still working  
7 together on finalizing what our ask is and what our  
8 plan is going to look like, but we are really being--  
9 thinking outside the box and turning over every rock  
10 to see how best we can approach it in a manner that  
11 will give us as many--as much release as possible.

12 COUNCIL MEMBER MILLER: Well, I will say  
13 that we've given this a lot of thought, myself and--  
14 and Chair Ka--Kallos have had a lot of dialogue. I  
15 would hope that we'd be included--

16 COMMISSIONER CAMILO: [interposing]  
17 Absolutely.

18 COUNCIL MEMBER MILLER: --with any  
19 conversation--

20 COMMISSIONER CAMILO: [interposing]  
21 Absolutely.

22 COUNCIL MEMBER MILLER: --as we move  
23 forward. But on that note, I do want to--I do just  
24 want to include something. I was in touch with a  
25

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couple [bell] of those unions and associations  
representing some of the more technical titles--

COMMISSIONER CAMILO: [interposing] Uh-  
huh.

COUNCIL MEMBER MILLER: --and there was  
concern that there was not exams prepared for those  
titles. In fact, those titles were transitioning to  
managerial titles and they were looking to remain  
civil service. So I--I think that that--that that is  
some--certainly something worth looking at  
considering the value of--of--of this civil service  
that we have here. And so we can speak specifically  
about that later.

COMMISSIONER CAMILO: I would like that.

COUNCIL MEMBER MILLER: Because there are  
a number of technical engineering and architect  
titles and things of that nature.

COMMISSIONER CAMILO: Yes, I would love  
to--to know which titles are subject to that, and we  
can certainly, you know, talk more about that.

COUNCIL MEMBER MILLER: Okay. Thank you  
so much for your time.

COMMISSIONER CAMILO: Thank you.

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2 COUNCIL MEMBER MILLER: Thank you, Chair  
3 Kallos.

4 CHAIRPERSON KALLOS: Thank you. We'll  
5 move onto a second round. DCAS has a five-year \$62  
6 million contract with United Energy Metro Corps,  
7 which was covered in the press recently. By feeding  
8 oil and biofuel for the city, how did DCAS choose  
9 United Metro Energy Corps, and what other potential  
10 vendors were considered?

11 COMMISSIONER CAMILO: All of our goods  
12 typically on the fuel in particular are selected by  
13 the lowest responsible bidder for all of our fuel.  
14 Correct me if I'm wrong.

15 GENEITH TURNBULL: Yes.

16 COMMISSIONER CAMILO: Oh, this is Deputy  
17 Commissioner Geneith Turnbull for the Office of  
18 Citywide Procurement.

19 GENEITH TURNBULL: [pause] I'll give  
20 you--

21 CHAIRPERSON KALLOS: How many bidders  
22 were there?

23 GENEITH TURNBULL: One sec. [pause]  
24 Solicitation was sent out to 83 vendors including  
25 three MWBE vendors. Seven bids came in.

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2 CHAIRPERSON KALLOS: Sorry. Only three  
3 MWBEs?

4 GENEITH TURNBULL: That was including  
5 three MWBEs. Yes.

6 CHAIRPERSON KALLOS: Out--out of how  
7 many?

8 GENEITH TURNBULL: The award was 83  
9 vendors.

10 CHAIRPERSON KALLOS: Sorry. I was not  
11 expecting to ask this line of questioning. What can  
12 we do to make sure that we have an equal  
13 representation of MWBE businesses to represent the  
14 number of MW, minority women--minorities and women in  
15 our city. Three is--that is a very low percentage.

16 COMMISSIONER CAMILO: So all of the  
17 solicitations are when they--they get blasted out use  
18 the commodity code that vendors sign up for. So when  
19 we buy fuel, we go and solicit--send the solicitation  
20 to everyone that has signed up for that for that  
21 particular commodity code. In this case, there might  
22 not be more than three MWBEs signed up for that  
23 commodity code.

24 CHAIRPERSON KALLOS: How do--for--for all  
25 the people watching, and any interested--anyone else

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2 interested in MWBE, how does somebody get signed up  
3 for your system--your system and how do they make  
4 sure to include all the commodity codes?

5 COMMISSIONER CAMILO: So when--that's a  
6 great question, and I would love to get that answer  
7 out. When you sign up to the--to do business with  
8 the City, you have to sign up under the payee  
9 information portal all online. Once you do that, you  
10 select all of the commodity codes that essentially  
11 describe all of the goods and services that you can  
12 provide. So, it--it's--that why it's really  
13 important if you want to do business with the City of  
14 New York that you pick the appropriate commodity code  
15 for the goods and services that you are able to  
16 provide because that's the way you receive  
17 automatically all of the solicitation opportunities  
18 that agencies blast out.

19 CHAIRPERSON KALLOS: Did any of the three  
20 MWBEs bid or did we--or were they excluded from that  
21 seven?

22 GENEITH TURNBULL: I don't have that  
23 information on whether or not they bid, but  
24 unfortunately neither one of the awards were made to  
25 an MWBE vendor.

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2 CHAIRPERSON KALLOS: Does DCAS have any  
3 plans to try to assist MWBEs and--so--so they--did  
4 they respond? I guess of the 83, did the MWBEs even  
5 respond to the solicitation? Did they even put in a  
6 bid?

7 COMMISSIONER CAMILO: We don't have that  
8 information right now, but we can get back to you on  
9 that.

10 CHAIRPERSON KALLOS: Could you make that  
11 information that you publish regularly?

12 GENEITH TURNBULL: Sure.

13 COMMISSIONER CAMILO: Sure.

14 CHAIRPERSON KALLOS: With regard to the  
15 Fiscal Year 17 Executive Plan, it includes the  
16 baseline reduction of \$15 million in the heat, light  
17 and power budget, which totals \$706 million in Fiscal  
18 2017. How do you--what do you attribute this  
19 decrease to, and why didn't DCAS move the management  
20 of heat, light and power budget from the Asset  
21 Management Division to the Energy Conservation  
22 Division sooner?

23 [background comments]

24 RICHARD BADILLO: In--in terms of the  
25 transferring of funds of the Heat, Light and Power

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2 Citywide Budget, it was previously overseen by Asset  
3 Management and that function was turned over when  
4 Energy Management was established, and when it was  
5 established, it was established as its own unit of  
6 appropriation, and we have seen, as you've seen in  
7 the budget, had all the funding transferred from  
8 Asset Management's line of service, UofA, into Energy  
9 Management so that it's a--a cleaner way of looking  
10 at the budget. It was just a technical adjustment  
11 for one unit appropriation. So the other being--the  
12 other being energy management who was overseeing it.  
13 In the past, Asset Management was overseeing the  
14 Heat, Light and Power Budget.

15 CHAIRPERSON KALLOS: Thank you. So, I  
16 think I've got most of the budget questions that I  
17 wanted to cover. We are getting close to the Jewish  
18 Sabbath so my goal is to end a little bit earlier.  
19 We will forward additional questions from my  
20 committee as well as the Finance Committee, and I'm  
21 hoping that a lot of the questions that you were not  
22 able to answer for Chair Ferreras-Copeland or myself  
23 can be answered at hopefully an oversight hearing in  
24 June. Do you believe that that--by June you should  
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2 be in a better position to answer some of those  
3 questions?

4 COMMISSIONER CAMILO: I--I hope to be.

5 CHAIRPERSON KALLOS: Okay. This will  
6 conclude--conclude the hearing for today. The  
7 Finance Committee will resume its Executive Budget  
8 hearings for Fiscal Year 2017 on Monday, May 16, 2015  
9 at 10:00 a.m. in this room. On Monday, the Finance  
10 Committee will hear from the Department of Education  
11 and the School Construction Authority. As a  
12 reminder, the public will be invited to testify on  
13 Tuesday, May 24th, the last day of budget hearings at  
14 approximately 3:00 p.m. in this room. For any member  
15 of the public who wishes to testify but cannot make  
16 it into the hearing, you can email your testimony to  
17 the Finance Division at [financetestimony@council.](mailto:financetestimony@council.nyc.gov)  
18 [nyc.gov](mailto:financetestimony@council.nyc.gov). The staff make it part of the official  
19 record. Thank you for this and your--the hearing is  
20 now adjourned. [gavel]

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C E R T I F I C A T E

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



Date June 3, 2016