

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FINANCE
COMMITTEE ON GOVERNMENTAL OPERATIONS

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May 13, 2013
Start: 10:07 am
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HELD AT: Council Chambers
City Hall

B E F O R E:
DOMENIC M. RECCHIA, JR.
GALE A. BREWER
Chairpersons

COUNCIL MEMBERS:
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Gale A. Brewer
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A P P E A R A N C E S

COUNCIL MEMBERS:

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James S. Oddo

Ruben Wills

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Peter F. Vallone, Jr.

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

Edna Wells Hardy
Commissioner
NYC Department of Citywide Administrative Services

Richard Badillo
Chief Financial Officer
NYC Department of Citywide Administrative Services

Russell Ann Nobles
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NYC Department of Citywide Administrative Services

Sergio Paneque
Chief Purchasing Officer
NYC Department of Citywide Administrative Services

Keith Kerman
Chief Fleet Management Officer
NYC Department of Citywide Administrative Services

Joey Koch
Chief Asset Management Officer
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Kristin Barbato
Chief Energy Management Officer
NYC Department of Citywide Administrative Services

Maria DiPaola
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Amy Loprest
Executive Director
NYC Campaign Finance Board

Sue Ellen Dodell
General Counsel
NYC Campaign Finance Board

Eric Friedman
External Affairs Director
NYC Campaign Finance Board

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CHAIRPERSON RECCHIA: Hope

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everybody had a good Mother's Day, all the mothers

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out there.

5

EDNA WELLS HARDY: Yes, thank you.

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CHAIRPERSON RECCHIA: Okay. You

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don't believe in Mother's Day. That's all right,

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for all those other mothers. Good morning and

9

welcome to the third day of the New York City

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Council hearing on the Mayor's Executive Budget

11

for 2014. My name is Domenic M. Recchia, Jr. I'm

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the chair of the Finance Committee.

13

On Friday, we heard from CUNY and

14

the Department of Youth and Community Development.

15

Today, the Finance Committee will be joined by the

16

Committee on Governmental Operations chaired by my

17

colleague and good friend, Council Member Gale

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Brewer, to hear from the Department of Citywide

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Administrative Services, the Board of Elections,

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the Office of Administrative Trial and Hearings,

21

the Law Department and Campaign Finance Board. We

22

will start the hearing with testimony from DCAS

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Commissioner Edna Wells Handy.

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Before we get started, I want to

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remind everyone that the public will be allowed to

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2 testify on June 5th, the last day of the budget
3 hearings, beginning at approximately 4:00. The
4 public session will be held in the Council
5 Chambers. For members of the public who wish to
6 testify but cannot make the hearing, you can fax
7 your testimony to my counsel, Tanisha Edwards, and
8 she will make it part of the official record. Her
9 fax number is (212) 788-7061.

10 We will hear from five agencies
11 today, so in the interest of time I will forgo an
12 opening statement and turn the mike over to my
13 colleague and co-chair Gale Brewer.

14 CHAIRPERSON BREWER: Thank you very
15 much, Chair Domenic Recchia. As you indicated,
16 we're going to hear from the Department of
17 Citywide Administrative Services, the Board of
18 Elections, OATH, Law Department and CFB.

19 From DCAS, we hope to hear about
20 light and power expenditures. I know that there
21 have been some sale and acquisition of city
22 buildings. As some examples of the topics we hope
23 to hear about, I think everybody wants to hear
24 about the Board of Elections and what is the
25 preparation process for 2013 and the cost of such.

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Regarding OATH, which is an agency I think known to many who get fines, correctly or incorrectly I might add, from Health, TLC, and of course, part of that is the Environmental Control Board, which comes under OATH. From the Law Department and Corporation Counsel Cardozo, we want an update on the number of lawsuits being levied against the city and some attempts at conducting affirmative litigation to recover funds. From the Campaign Finance Board, what are their preparations for 2013 in the election cycle.

I want to thank everyone and I also want to just say how pleased I am that the City Council continues to webcast these proceedings, and I wish that the Board of Elections would do the same. Thank you very much.

CHAIRPERSON RECCHIA: Thank you.
Commissioner?

EDNA WELLS HARDY: Good morning,
Chair Recchia, Chair Brewer and members of the Finance and Governmental Operations Committees. I am Edna Wells Handy, Commissioner of the Department of Citywide Administrative Services, DCAS. I am here with our Chief Financial Officer

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2 Richard Badillo and General Counsel Russell Ann
3 Nobles, as well as other members of the DCAS
4 senior staff, to discuss the planned expenditures
5 and revenues for FY 14 as well as highlights of
6 the DCAS capital plan.

7 As an overview, as you know DCAS
8 ensures that city agencies have the critical
9 resources and support needed to provide the best
10 possible services to the public in six key areas.
11 Our first area is asset management. We provide
12 safe, clean and efficient office space for the
13 city's workforce through our management of 55
14 public buildings, comprising 15 million square
15 feet of owned space and 21.5 million square feet
16 of leased space.

17 We also purchase, sell and lease
18 real property and locate and secure space for city
19 agencies, with a focus on more efficient use of
20 office space as an important cost saving action
21 that also improves delivery of city services.

22 Since 2010, asset management has
23 been working to achieve the goal of reducing city
24 office space by 1.2 million square feet by June
25 2014. We are currently on track to surpass that

1

2 goal.

3

Our next key area is human capital.

4

We provide civil service administration for over

5

200,000 city workers in 40 mayoral agencies and 44

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other governmental entities. We annually test

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over 100,000 candidates through civil service

8

exams. We respond to over 130,000 calls and

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emails to NYCAPS, the New York City Automated

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Personnel System, and we train 15,000 city

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employees through 1,400 classes.

12

We are continuing to expand e-hire,

13

an applicant tracking system and a fundamental

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addition to NYCAPS. There are 41 agencies

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currently on e-hire, with additional mayoral and

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non-mayoral agencies expected to join later this

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year. Through e-hire, the city's recruitment and

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hiring processes are uniform, streamlined and

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fully automated, so that the city can attract a

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large and diverse pool of qualified applicants.

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Our next key area is citywide

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diversity and EEO. We are responsible for the

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creation and execution of diversity and inclusion

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strategy for the city and for guiding 40 mayoral

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agencies in devising and carrying out their annual

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2 diversity and equal opportunity plans.

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We have launched a citywide diversity initiative which rests on three strategic planks: workforce, workplace and community. This launch was accompanied by extensive changes to our charter-mandated annual agency EEO plans. These plans now have specific strategies with diversity and inclusion commitment statements from commissioners, actions for targeted recruitment and development of city employees, best practices in selection and steps taken to provide inclusive services to our diverse New York City communities.

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We are currently at 100 percent submission of all plans. Engagement among EEO officers has greatly increased through the establishment of a citywide diversity and EEO best practices group focused on strategy, metrics and professional development.

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Our next key area is purchasing. We purchase, inspect and distribute supplies and equipment at the lowest net cost as well as assist in the disposal of surplus heavy equipment and surplus goods. We purchase approximately \$1

1 billion annually in goods and services for the
2 city through 1,100 citywide contracts.

3
4 In addition, we are moving to
5 increase the city's purchase of local food
6 products. Through leveraging price preferences
7 and extensive outreach to New York State growers
8 and producers, we will improve the quality and
9 freshness of the produce purchased by the city,
10 reduce transportation costs and impacts, and
11 support sustainable food production.

12 Our next area is fleet. We monitor
13 city agency fleets and the city's overall
14 compliance with fleet purchasing laws and
15 environmental goals. We manage nearly 27,000
16 light, medium and heavy duty vehicles,
17 representing over \$2 billion in assets. We
18 provide service and maintenance solutions to 56
19 city agencies that operate vehicles. In addition,
20 we manage the city's fueling infrastructure that
21 encompasses the purchase and use of over 28
22 million gallons annually.

23 Our sixth key area is energy
24 management. DCAS energy management, led by the
25 recently appointed Kristin Barbato, pays, monitors

1
2 and reports on the annual heat, light and power
3 budget for city agencies and others, which is \$801
4 million in FY 14. This represents a reduction
5 from the Preliminary FY 14 budget, which I will
6 talk about more later.

7 To control energy costs, DCAS has
8 engaged in the following. We review utility costs
9 for potential savings. We work directly with
10 agencies through incentive programs and energy
11 efficiency projects. We achieve savings by
12 identifying billing issues.

13 DCAS works directly with the
14 Mayor's Office of Long-Term Planning and
15 Sustainability, OLTPS, and leads the effort to
16 accomplish the city's goal of reducing energy
17 consumption and greenhouse gas emissions from city
18 government operations 30 percent by 2017, as
19 described in the city's long-term sustainability
20 plan known as PlaNYC.

21 Now, as to DCAS expenditures.
22 DCAS' expense budget reflects funding of \$1.2
23 billion in FY 14, including a budgeted headcount
24 of 1,975. The most significant change to DCAS' FY
25 14 operating budget from the January plan is an

1
2 adjustment to the citywide energy budget. Of our
3 planned expenditures, the largest amount is
4 located for citywide energy expenses. DCAS worked
5 with the Office of Management and Budget to
6 develop the FY 14 energy budget, factoring in rate
7 and usage adjustments. The FY 14 energy budget
8 is, as I said, \$801 million, a decrease of \$67
9 million from the FY 14 Preliminary Budget amount
10 of \$868 million.

11 This reduction is nearly 8 percent
12 less than last year, due to net reductions in
13 rates and in agency energy needs. DCAS continues
14 to work closely with agencies citywide to enhance
15 the energy performance of their facilities through
16 a range of programs, which include retrofitting
17 equipment, improving operations and maintenance,
18 and training and outreach to reduce the city's
19 energy costs.

20 Now, as to our revenues, the total
21 DCAS revenue budget for FY 14 is \$93.3 million.
22 Our largest source of revenue, projected to be \$75
23 million in FY 14, is through DCAS' asset
24 management. Most of this revenue derives from
25 commercial rentals of city-owned property, the

1
2 largest of which is the \$22.5 million annual
3 income from a long-term ground lease with the
4 Marriott Marquis.

5 Another significant revenue source
6 is the sale of surplus vehicles through auto
7 auctions. The projected revenue from the auto
8 auction is \$4.7 million in FY 14.

9 DCAS also expects to earn \$2.2
10 million in FY 14 from the sale of non-vehicle
11 surplus goods at public auction and by competitive
12 sealed bids.

13 DCAS also receives revenue from
14 applicant filing fees for civil service
15 examinations, which is expected to be \$3.5 million
16 from FY 14 from the administration of over 100
17 exams. The exams planned include promotional
18 exams for police, fire, correction and sanitation
19 positions, as well as a new exam for sanitation
20 workers.

21 Now, I would like to discuss new
22 needs for DCAS in FY 14. DCAS received expense
23 funding for the following categories of
24 expenditures: life and safety, citywide
25 initiatives, and post-Superstorm Sandy action

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2 plan. DCAS will use these funds to ensure the
3 safety of people who work in or who visit our
4 building, to purchase equipment to assist in
5 future emergencies, to continue our reduction of
6 greenhouse gases, and to make certain governmental
7 functions more efficient.

8 As to life and safety, we were
9 allocated \$900,000 for fire safety directors and
10 emergency action plan directors at buildings that
11 require the presence of fire safety personnel. We
12 received another \$1.1 million for the installation
13 of photo luminescent markings and signage at DCAS
14 managed buildings to aid in evacuation during
15 emergencies where lighting is minimal. We
16 received \$400,000 for a prevailing wage increase
17 approved by the Comptroller for contracted
18 security guards, effective January 1, 2013.

19 As to DCAS citywide initiatives, we
20 were allocated \$3.7 million for the civic center
21 project. These additional funds will be used to
22 relocate city agencies from the two buildings that
23 were sold, 49-51 Chambers and 346 Broadway, to new
24 locations and to provide furniture and cabling at
25 these new locations.

1
2 We also received funding in support
3 of the enterprise print management or EPM
4 initiative. EPM will introduce a managed print
5 environment to the city, enabling agencies to
6 identify and eliminate redundancy, streamline
7 operations, improve sustainability and increase
8 digitization.

9 We also receive funding to achieve
10 the PlaNYC greenhouse gas reduction of 30 percent
11 by 2017, and to comply with Local Law 84 of 2009.
12 Local Law 85--I'm sorry--84, requires DCAS to
13 benchmark the energy performance of city-owned
14 buildings larger than 10,000 square feet. This
15 process helps to identify buildings with the
16 greatest opportunities for energy efficiency
17 improvements and upgrades.

18 Post-Superstorm Sandy action plan:
19 as you're aware, the Mayor recently released the
20 Superstorm Sandy After Action Report detailing the
21 city's preparation for future emergencies. In
22 connection with the action plan, DCAS received a
23 total of \$25.8 million, \$22 million in the capital
24 budget and \$3.8 million in the expense budget.
25 These funds are allocated for the purchase of

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2 emergency equipment such as fuel trucks,
3 generators, light towers and forklifts.

4 I would now like to turn to the
5 DCAS capital plan for FY 14. DCAS is undertaking
6 a number of major construction, equipment and
7 energy conservation initiatives. Highlights of
8 our program include--in our DCAS-owned capital
9 construction program for the city, we received
10 \$286 million in FY 14. Major projects include an
11 electrical upgrade at the municipal building in
12 Brooklyn at 210 Joralemon Street, a rehabilitation
13 of elevators at 253 Broadway, and a new
14 computerized civil service testing center, or CTC,
15 located at 1932 Arthur Avenue in the Bronx.

16 Other essential projects include a
17 new community court at 444 Boyland Street in
18 Brownsville, Brooklyn, and new elevators at the
19 Supreme Court building in Queens at 88-11 Sutphin
20 Boulevard in Jamaica.

21 In our leased space, we received
22 \$118 million for the construction and outfitting
23 of leased space in FY 14. Projects include the
24 relocation of the following agencies from 40
25 Rector Street to 100 Church Street: the Civilian

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2 Complaint Review Board, the Office of
3 Administrative Trials and Hearings, the Campaign
4 Finance Board and the Department of Environmental
5 Protection.

6 Also included in FY is the
7 relocation of the Taxi and Limousine Commission
8 and the Office of Administrative Trails and
9 Hearings from 32-02 Queens Boulevard and
10 improvements to office space and the licensing
11 customer service area for the Department of
12 Consumer Affairs in Lower Manhattan.

13 As to energy conservation projects,
14 there is \$202.5 million in capital funding set
15 aside for citywide energy conservation projects
16 managed in FY 14. Projects include lighting
17 upgrades, occupancy sensor installations, high
18 efficiency motor installations for mechanical and
19 plumbing systems, building envelope upgrades,
20 building controls, cool roof coatings and clean
21 energy installation.

22 In conclusion, I'd like to thank
23 you for this opportunity to testify about the
24 Department of Citywide Administrative Services'
25 planned expenditures and revenues for FY 14 and

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2 our capital commitment plan. I would be pleased
3 to take any questions you might have at this time.

4

CHAIRPERSON RECCHIA: Thank you.

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Before we start with the questions, I want to
6 recognize all those members who have joined us.

7

We have Jimmy Oddo and Helen Diane Foster. At

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this time, let me turn it over to my colleague

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Gale Brewer to ask questions.

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CHAIRPERSON BREWER: Thank you very

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much. You mentioned the enterprise print

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management. I'm curious about what that costs.

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You just mentioned funding without specifics. As

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you know, one of the agencies that will be coming

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before us is the Board of Elections. They do a

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lot of printing. We'd love to have most of it

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done in-house. So I'm just wondering if you could

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talk a little bit more specifically about what

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your savings are, if anything, and what you plan

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for the EPM.

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EDNA WELLS HARDY: Okay. I've

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asked Sergio Paneque to join us. He's our Chief

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Purchasing Officer who's in charge of the

24

Enterprise Print Management program.

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SERGIO PANEQUE: Thank you, Council

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2 Member Brewer. EPM is specifically--

3 CHAIRPERSON RECCHIA: [interposing]

4 Just state your name for the record.

5 SERGIO PANEQUE: Excuse me. Sergio

6 Paneque, Deputy Commissioner over Citywide

7 Purchasing. Enterprise Print Management is

8 specific to office printing. So, it's with

9 respect to trying to move the city from single

10 desktop printers to all-in-one devices and trying

11 to increase the number of the device ratios,

12 employees to devices.

13 CHAIRPERSON BREWER: So, does the

14 agency do any large-scale printing? It does seem

15 to us that the Board of Elections should be

16 saving. Their print budget is huge, and there may

17 be other agencies that have similar. So in

18 general, how do you handle printing or does every

19 agency do it on their own and there's no

20 oversight, in terms of something more

21 collaborative?

22 SERGIO PANEQUE: I can't speak for

23 the BOE, but we do have a number of their

24 contracts. The majority of their printing is in

25 regards to large production printing, and the EPM

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2 would not facilitate that. That's out of scope.

3 CHAIRPERSON BREWER: Okay. Do you
4 do any large-scale printing at all at DCAS?

5 SERGIO PANEQUE: Not at DCAS.

6 CHAIRPERSON BREWER: So none is
7 done. So every agency is kind of on their own if
8 they want to do large-scale printing?

9 SERGIO PANEQUE: That's correct.

10 CHAIRPERSON BREWER: Okay. I have
11 a question also for Sergio about the food
12 sourcing. As you know, that's something that we
13 passed a bill on. I think what you talk about,
14 Commissioner, is what is necessary in terms of the
15 law. Can you be more specific about how you plan
16 to go about purchasing locally and what the costs
17 are and what's the timing on it?

18 SERGIO PANEQUE: We have specific
19 language that was developed by the Law Department
20 with respect to preferences and local sourcing.
21 The timing of it is within the next few weeks we
22 are issuing those bids. We have 60 commodity
23 items that will include that preference language.
24 I can get you a list of those items.

25 CHAIRPERSON BREWER: Okay, so 60

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2 commodity items will have the preference language.

3 What's the timing on that?

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5 SERGIO PANEQUE: The contracts will
be for FY 14.

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CHAIRPERSON BREWER: FY 14.

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SERGIO PANEQUE: Correct.

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9 CHAIRPERSON BREWER: Just going
back to the printing, because the Board of
10 Elections has said they plan to use DCAS in FY 15.
11 Have they reached out to DCAS about this printing
12 issue? We're very concerned about printing.

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14 SERGIO PANEQUE: We are discussing
the requirements with them, that's correct.

15

16 CHAIRPERSON BREWER: So how would
that save them money?

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18 SERGIO PANEQUE: By issuing bids
and hoping that there would be a decrease in the
19 costs of production.

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21 CHAIRPERSON BREWER: So if they go
through you, it might cost less. I'm trying to
22 understand.

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SERGIO PANEQUE: Possibly.

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25 CHAIRPERSON BREWER: So you're
discussing that with them.

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2 SERGIO PANEQUE: We are.

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CHAIRPERSON BREWER: Okay. Let me
4 ask you about the fleet, which I know is an issue
5 that people are interested in. Can you tell us
6 how many vehicles DCAS oversees and your role in
7 the utilization and if there are agencies that
8 have surplus? Again, just trying to think
9 constantly about costs.

10

EDNA WELLS HARDY: I'm asking our
11 Chief Fleet Officer to join us. As you may
12 recall, and the testimony indicated that we manage
13 27,000 approximately, light, heavy duty and medium
14 vehicles. Keith Kerman, our Deputy Commissioner,
15 is in charge of looking at efficiencies across the
16 system. I'll let him give you some detail as to
17 what we've been doing and what efficiencies and
18 savings we've been able to obtain.

19

KEITH KERMAN: Okay, thank you.

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Keith Kerman, Chief Fleet Officer. So again, it's
21 27,000 city vehicles. Actually, now it's really
22 closer to 26,000. One of the initiatives that we
23 have now completed is a light duty non-emergency
24 reduction of 1,000 units, so from all the
25 different agencies, about 10 percent of the non-

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2 emergency light duty fleet, sedans and SUVs.

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As part of that, we also introduced car share through Zipcar. So every agency now has the ability to do two things. One, go online and get a private Zipcar, like any person could. So if you don't need a car fulltime, but you need access to transport for a few hours a week, now there's an alternative to that and that helps really solve a lot of transport issues for agencies.

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In addition, we're starting to introduce the car share technology of Zipcar, called Fast Fleet, onto city cars. So that city-owned cars can be pooled in the same way that Zipcar cars--

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CHAIRPERSON BREWER: [interposing]
How would that work logistically?

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KEITH KERMAN: If you're familiar with Zipcar, it's--

CHAIRPERSON BREWER: [interposing]
I'm familiar with Zipcar.

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KEITH KERMAN: The same model. So Fast Fleet is placed on non-emergency light duty city cars and then city employees would get key

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2 cards and they would go--as opposed to--

3 CHAIRPERSON BREWER: [interposing]

4 This exists or you're talking about doing this?

5 KEITH KERMAN: So far, 350 city
6 vehicles now have been installed with Fast Fleet.

7 CHAIRPERSON BREWER: Because they
8 need something in the car to be able to do this.

9 KEITH KERMAN: Yes, absolutely.

10 CHAIRPERSON BREWER: Like in
11 Zipcar.

12 KEITH KERMAN: It's an
13 installation.

14 CHAIRPERSON BREWER: So 350 have
15 the installation.

16 KEITH KERMAN: That is correct.

17 CHAIRPERSON RECCHIA: She wants to
18 know if it's going to be applicable to the City
19 Council Members.

20 CHAIRPERSON BREWER: I don't have a
21 car--

22 CHAIRPERSON RECCHIA: [interposing]
23 That's what I mean, Gale. I'm trying to help you.

24 CHAIRPERSON BREWER: --Council
25 Member Domenic Recchia. I have a bicycle.

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KEITH KERMAN: Applicable maybe, but there are no City Council vehicles currently. Zipcar certainly is. The City Council could certainly do a purchase order for Zipcar. If there are non-regular, you know, transport needs that Zip could fulfill, that is completely available to him. It's \$5.30 an hour, I believe, so it's incredibly inexpensive and that's almost half of what Zipcar is privately. It's interesting technology.

One of the issues on city vehicles has always been how to effectively pool them. We say they have to be pooled. We've never had a great mechanism to support that pooling. So we think Fast Fleet is going to be a very exciting kind of introduction of that.

CHAIRPERSON BREWER: Have you been able to do an analysis yet if there's any savings in all of this? I mean, because the 27,000 includes not just cars but also larger vehicles too, right.

KEITH KERMAN: Absolutely.

CHAIRPERSON BREWER: Can you do this with all of your vehicles, do you think or

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2 you just don't know if it's worth it savings wise?

3 KEITH KERMAN: The focus on car
4 share is the non-emergency light duty fleet, which
5 is 5,300 vehicles.

6 CHAIRPERSON BREWER: So non-
7 emergency is 5,300.

8 KEITH KERMAN: That's correct. So
9 it's a little less than 25 percent of the fleet.
10 When you get into the specialized equipment
11 issues--

12 CHAIRPERSON BREWER: [interposing]
13 Right, I understand.

14 KEITH KERMAN: --there are very
15 different issues involved. Certainly, we've
16 already reduced. We've, in a way, taken the
17 savings. We've completed the 1,000 vehicle
18 reduction. So that's done, we estimate a \$7
19 million a year savings on not buying and
20 maintaining those vehicles. It's offset, the
21 investment in Zipcar is under a million dollars.
22 So it's a substantial savings on that side.

23 We're certainly looking at other
24 things, like the fuel management system we've
25 talked about before, for savings in the--

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CHAIRPERSON BREWER: [interposing]

3

So talk a little bit about the fuel management.

4

KEITH KERMAN: So we now have a

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registered contract with a company called EJ Ward,

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to install automated fuel tracking at all the city

7

fuel sites, the general use fuel sites, which is

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about 200 sites. The city also has additional

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fueling in every firehouse, but that's a little

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different. You can't kind of do fuel share. I

11

can't send a Parks vehicle to a firehouse to fuel.

12

So for the 200 fuel sites, we will have automated

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fueling, one system of monitoring fuel use,

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tracking fuel use, recoding fuel use. Police and

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Parks already have this in place. So 70 of the

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sites at Police and Parks already have fuel share.

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We're going to complete the system.

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This will give us an ability that

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the city hasn't had to manage, it's \$100 million

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spend a year on fuel. You know, we know we're

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investing, and especially through City Council's

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local laws, we're investing in the hybrid

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vehicles, the electric vehicles. This will give

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us a much better chance day-to-day to really look

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at that fuel asset, are we reducing costs, are we

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optimizing how we operate vehicles. You know, is the most fuel efficient vehicles going the most miles, just how you deploy a fleet. You can buy fuel-efficient vehicles and then not have that vehicle be the one that uses the most miles and is the most heavily used in your fleet. So fuel tracking is going to give us that capacity. We intend to have it installed by the end of the year. Those installations will start in a few weeks.

CHAIRPERSON BREWER: So the 26,000 or the 27,000 vehicles, is that all the city vehicles that are--does it include NYCHA and HHC or you don't deal with those vehicles?

KEITH KERMAN: Historically, the MMR reported the school construction fleet, the NYCHA fleet counts, which is about 1,200 or so vehicles. We support that. I mean certainly we--

CHAIRPERSON BREWER: [interposing]
Were they part of all--

KEITH KERMAN: [interposing] No, they're not part of--

CHAIRPERSON BREWER: [interposing]
That's what I'm asking.

1
2 KEITH KERMAN: They're not part of
3 the official city-owned fleet. We support them
4 and we certainly work in partnership with NYCHA
5 but that's not part of the official city-owned
6 fleet.

7 CHAIRPERSON BREWER: All right, so
8 Health and Hospitals Board, I mean DOE and NYCHA
9 are not part of what you're talking about. I know
10 you support them but they're not part of these
11 initiatives.

12 KEITH KERMAN: DOE, the 350
13 Department of Education vehicles are now part of
14 what we are managing. So we are managing the DOE
15 vehicles day-to-day in partnership with the
16 Department of Education.

17 CHAIRPERSON BREWER: So they're
18 going to do some kind of sharing at DOE? That
19 will be interesting.

20 KEITH KERMAN: Absolutely. We're
21 doing a lot of initiatives with DOE, including
22 Zipcar, include actually a real big plug in, DOE
23 is one of our larger implementers of the plug-in
24 electric vehicles and we're going to have those at
25 the different schools. We're doing a nice

1
2 partnership to support the automotive high
3 schools. So we have a lot of good stuff going
4 with DOE. School construction, no; HHC, no; and
5 NYCHA, no, those three fleets are not--

6 CHAIRPERSON BREWER: [interposing]
7 So SCA, NYCHA and what was the other one?

8 KEITH KERMAN: School Construction.

9 CHAIRPERSON BREWER: Okay. Another
10 thing about the cars, so when you are working for
11 a network, which at DOE I'm not crazy about the
12 networks. They drive everywhere. In other words,
13 you're a network leader for DOE. They have
14 private cars but I think they submit to the
15 Department of Education--Council Member Recchia
16 may know--that they have been from Brooklyn to
17 Queens and they need to submit to be able to get
18 reimbursed. I mean just as an example, do city
19 employees do that also?

20 As an example, some of these folks
21 who drive at DOE all over the place, they could
22 share more and save costs, but they're in their
23 private cars. I'm just thinking about this
24 constant issue. There are many ways of saving
25 money when you're driving. So I'm just wondering

1

2 if you're on top of that also.

3

4 KEITH KERMAN: Yes. I mean the car
5 sharing initiative, which is focused on all this
6 non-emergency light--

6

7 CHAIRPERSON BREWER: [interposing]
8 But those are the city cars.

8

9 KEITH KERMAN: Those are the city
10 cars.

10

11 CHAIRPERSON BREWER: I'm talking
12 about private cars.

12

13 KEITH KERMAN: Okay.

13

14 CHAIRPERSON RECCHIA: She talking
15 about individuals that work for the Department of
16 Ed, like these network leaders, they submit
17 reimbursements.

17

18 CHAIRPERSON BREWER: A lot.

18

19 KEITH KERMAN: So each agency, and
20 that is not centrally managed, but each agency has
21 the authority to do reimbursement for personal--
22 for work use of personal vehicles if they feel
23 that is critical and necessary. That is not a
24 centrally decided or managed process--

24

25 CHAIRPERSON BREWER: [interposing]
26 You don't get the lists of the costs for

1
2 reimbursement for anybody who's driving their
3 private car for agency. You don't get that--

4 KEITH KERMAN: [interposing] No,
5 those reimbursements are not--

6 CHAIRPERSON BREWER: --type of
7 breakdown.

8 KEITH KERMAN: Those reimbursements
9 are done within each agency.

10 CHAIRPERSON BREWER: I'm just
11 saying there's something--not you but somebody
12 should be looking at that because there may be a
13 less expensive way to do it in your car sharing
14 analysis.

15 KEITH KERMAN: Absolutely. We do
16 think that the--

17 CHAIRPERSON BREWER: [interposing]
18 Do you need legislation to look at that?

19 KEITH KERMAN: --Zipcar and car
20 share and we've absolutely promoted that among
21 agencies.

22 CHAIRPERSON BREWER: I know. Have
23 you ever tried to get somebody out of their car?

24 KEITH KERMAN: Have I? I've gotten
25 many people out of their cars in the last--

1

2

CHAIRPERSON BREWER: [interposing]

3

I know, but I'm just saying. All right, I

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appreciate that. The Chair may have other

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questions. I want to go back to Sergio though.

6

I'm sorry, Sergio. I don't think you're giving me

7

a full answer. We're very concerned about the

8

Board of Elections printing. I want to understand

9

what they've actually suggested to you about

10

discussing their printing for these upcoming

11

ballots. This is a huge budget item.

12

SERGIO PANEQUE: Specifically for

13

this coming election cycle, it's my understanding

14

that the BOE had issues with their vendor for

15

printing.

16

CHAIRPERSON BREWER: They do.

17

SERGIO PANEQUE: We have been

18

assisting them with negotiating a better rate on

19

those ballots. At this point, we do have, I

20

believe an offer on the table that is a decrease

21

in cost, that the BOE is in the process of

22

evaluating.

23

CHAIRPERSON BREWER: Okay. So

24

you're working with them to try to decrease from

25

this particular vendor.

1

2 SERGIO PANEQUE: Correct.

2

3

CHAIRPERSON BREWER: This vendor
4 was solicited as part of a bid, this vendor?

4

5

SERGIO PANEQUE: The vendor is
6 actually the manufacturer of the devices that the
7 city uses.

6

7

8

CHAIRPERSON BREWER: That's what
9 we're concerned about, ESS&S.

9

10

SERGIO PANEQUE: ESS&S.

11

CHAIRPERSON BREWER: There's some
12 feeling that--I'm just letting you know--from
13 articles in the paper and so on, that people
14 wanted more--a larger bid that would be more--
15 would be in a wider search for a vendor.

15

16

SERGIO PANEQUE: Correct.

17

CHAIRPERSON BREWER: There's a lot
18 of discussion about this issue.

18

19

SERGIO PANEQUE: Going into, I
20 think, further years, I think there's an
21 opportunity to develop a model whereby we could
22 have more participation in that process.

21

22

23

CHAIRPERSON BREWER: But I'm just
24 letting you know you may--you know how you try to
25 avoid lawsuits, well this one might be a lawsuit.

24

25

1

2 So I mean, you know, somebody should be looking at
3 this more carefully.

4

5

6

 SERGIO PANEQUE: DCAS takes
direction on the part from its clients. And
that's where we're at.

7

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9

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13

 CHAIRPERSON BREWER: Well,
sometimes clients need a little kick. My last
question and then I'll turn it over to Chair
Recchia. Open data, as you know I passed a bill
that says databases must be on a central portal.
Can you tell me if your relevant databases are on
that central portal?

14

15

 EDNA WELLS HARDY: Yes, they are.

16

17

18

19

20

 CHAIRPERSON BREWER: Okay.
Finally, the Marriott--this is really the last
one--the Marriott has a sublease. As I understand
it, there is a company that is subleasing from the
Marriott. I'm just wondering are you getting any
of that revenue.

21

22

23

24

25

 RICHARD BADILLO: No, we're not.

 CHAIRPERSON BREWER: Why is that?

 RICHARD BADILLO: Because, again,
that's a separate lease. That's between the
Marriott and the occupier of that parking area

1
2 you're referring to. What we receive, the City of
3 New York, is the payment in lieu of taxes. That
4 expires on 2017, whereby the Marriott will be
5 paying directly to the Department of Finance the
6 taxes.

7 CHAIRPERSON BREWER: Do you think
8 maybe--not you but somebody should have written
9 the lease differently so that you would have
10 gotten any kind of sublease?

11 EDNA WELLS HARDY: If I may, as I
12 recall from our last testimony, we addressed that
13 with respect to the audit that was done. The
14 decisions that were made by the prior
15 administration was such that it was in an effort
16 to increase the activity and the commercialization
17 of the area. Those decisions were made then.

18 CHAIRPERSON BREWER: All right.

19 CHAIRPERSON RECCHIA: I just want
20 to, Commissioner, just go over--we sold a few
21 buildings. We sold Chambers Street and you and I
22 spoke about this. Are you planning to sell any
23 additional buildings?

24 EDNA WELLS HARDY: There are plans
25 to look at the viability of selling. We're

1
2 looking at a number of properties. A number of
3 properties are going through the ULURP process to
4 determine whether those are viable options for the
5 city going forward.

6 CHAIRPERSON RECCHIA: How many
7 buildings is that?

8 EDNA WELLS HARDY: It is an ongoing
9 process. So, for example, we are--

10 CHAIRPERSON RECCHIA: [interposing]
11 But you have not come to any conclusion that
12 you're selling x building or how many buildings?

13 EDNA WELLS HARDY: I'll ask Joey
14 Koch, our deputy for assets to answer
15 specifically.

16 JOEY KOCH: Hi, I'm Joey Koch. So
17 we are looking at surplus property that certain
18 agencies have said they no longer have a use for.
19 There's a facility in Maspeth for instance, that's
20 in the process of going under the ULURP process
21 that the Fire Department no longer needs. We're
22 not looking to sell any more office buildings in
23 Lower Manhattan or downtown Brooklyn. So it's
24 outer borough, smaller properties that agencies no
25 longer need.

1
2 CHAIRPERSON RECCHIA: What other
3 buildings are you looking at besides the Maspeth
4 Fire Department?

5 JOEY KOCH: We are in the process
6 of discussing a couple of properties with the
7 Department of Health. I don't know what they are
8 off the top of my head. I apologize for that.
9 We're talking to them about it. Nothing has
10 necessarily been decided at this point.

11 CHAIRPERSON RECCHIA: I would just
12 suggest if you come to a conclusion on any of
13 these buildings that you notify those Council
14 Members.

15 JOEY KOCH: Of course.

16 CHAIRPERSON RECCHIA: You know, in
17 those districts and my office. Ms. Brewer, you
18 have more questions?

19 CHAIRPERSON BREWER: I want to know
20 the status of your negotiations to find a site for
21 Animal Care and Control in Queens.

22 EDNA WELLS HARDY: Our
23 understanding is that that is no longer a project
24 that we're involved in. There had been some
25 involvement early on but to our last communication

1

2 that we're no longer involved in that.

3

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6

CHAIRPERSON BREWER: I think it's desperate that there is such a facility in Queens. Are there other ideas or negotiations in terms of a building?

7

8

9

EDNA WELLS HARDY: We would probably be in contact with the Department of Health--

10

11

JOEY KOCH: [interposing] Yeah, that's really--

12

13

EDNA WELLS HARDY: --regarding this but nothing has materialized as of yet.

14

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CHAIRPERSON RECCHIA: I have an idea. Is there any way we could move the property you want to sell in Maspeth--we could make it for the animal shelter.

18

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JOEY KOCH: Before we make a decision to sell any property, we go to our sister agencies to see if there is a use for them, a citywide use for them. The Maspeth property may or may not be appropriate for that use. As I mentioned, we're going through the ULURP process now, so we haven't sold anything. We don't have a date to sell it. So potentially, when we are

1
2 ready to sell the property, we will go through the
3 process of talking to our city agencies, sister
4 agencies about the properties.

5 CHAIRPERSON RECCHIA: Do you do
6 that before the ULURP process, or during or after?

7 JOEY KOCH: As soon as we get
8 properties, we generally ask sister agencies if
9 they have a use for them before we go through the
10 ULURP process, but before we sell anything, we ask
11 sister agencies again, because uses could change.
12 Generally, they don't have a need for them though.

13 CHAIRPERSON RECCHIA: How big of a
14 site do we need for the animal shelter?

15 JOEY KOCH: I don't know off the
16 top of my head. I think the questions about the
17 animal--the idea of having an animal shelter in
18 Queens is really better left to the Department of
19 Health. We're the agent that helps secure the
20 location. We can't speak to the need
21 specifically.

22 CHAIRPERSON RECCHIA: All right.
23 This is a question we'll take up with the
24 Department of Health at that hearing, and we'll
25 probably come back to you.

1
2 CHAIRPERSON BREWER: We've been
3 joined by Council Member Koslowitz. She's from
4 Queens. Let me just ask you, why did the deal
5 fall through on the shelter proposed? This is a
6 huge issue. We all get letters. People are
7 really concerned. It's a major issue.

8 JOEY KOCH: The landlord was asking
9 way too much money. There was a huge disparity in
10 what the appraisal of the property was and what
11 the city was going to pay versus what the landlord
12 was asking for.

13 CHAIRPERSON BREWER: Council Member
14 Koslowitz?

15 COUNCIL MEMBER KOSLOWITZ: Can you
16 tell me where in Maspeth it is?

17 JOEY KOCH: The location of the--

18 COUNCIL MEMBER KOSLOWITZ:

19 [interposing] Yes.

20 JOEY KOCH: --Fire Department site?

21 COUNCIL MEMBER KOSLOWITZ: Of the
22 building that's in question.

23 JOEY KOCH: It's the 58th Street
24 garage that's from the Fire Department. So it's
25 not a building that's necessarily conducive for an

1

2 Animal Care and Control site.

3 CHAIRPERSON RECCHIA: Well, if it's
4 a big garage, I think we could make it work maybe.

5 COUNCIL MEMBER KOSLOWITZ: Right.
6 Do we have animal shelters in--

7 JOEY KOCH: [interposing] There are
8 major structural problems with the building and
9 other issues with that building. It'd be a very
10 large capital commitment to redo the building.

11 COUNCIL MEMBER KOSLOWITZ: Are
12 there animal shelters in every other borough?

13 JOEY KOCH: I don't know. That's a
14 question for the Department of Health.

15 CHAIRPERSON RECCHIA: Who's
16 district is the ULURP going through right now?

17 JOEY KOCH: Off the top of my head,
18 I apologize.

19 CHAIRPERSON RECCHIA: Do we have an
20 address?

21 JOEY KOCH: It's 58th Street
22 garage. What's the specific--

23 CHAIRPERSON RECCHIA: [interposing]
24 58th Street garage. Who's district is that?

25 JOEY KOCH: I don't know off the

1

2 top of my--

3 CHAIRPERSON BREWER: [interposing]

4 We need an exact address. We all have iPads.

5 CHAIRPERSON RECCHIA: We could find
6 out right now who it is.

7 [Pause]

8 CHAIRPERSON RECCHIA: Okay,
9 continue.10 CHAIRPERSON BREWER: I want to ask
11 about 22 Reed Street. What's going to happen? I
12 know that it was stopped because of the burial
13 ground, but what's the story with 22 Reed Street?14 EDNA WELLS HARDY: At present, it
15 remains in our portfolio. And there are no plans
16 for it.17 CHAIRPERSON BREWER: Have you had
18 discussions to see what could happen to it with
19 anybody?20 EDNA WELLS HARDY: Not lately. The
21 effort went to the other two buildings for which
22 we received the ULURP approval.23 CHAIRPERSON BREWER: Okay. In
24 terms of the energy audits, one of the issues is
25 always for the culturalists, why they cannot be part

1
2 of the savings in terms of power and heat. Can
3 you comment on that? They are always trying to
4 save heat power, but none of the savings go back
5 to them. That's my understanding. Could you
6 comment on any efforts you might make to be
7 supportive of their getting some of the savings?

8 EDNA WELLS HARDY: Surely. As I
9 introduce what we've been doing, I will ask
10 Kristin Barbato to join us. One of the reasons I
11 introduced her during our testimony is so that you
12 will appreciate the new direction we're moving in,
13 in relation to the heat, light and power effort,
14 as well as the energy efficiency.

15 Just recently under her auspices,
16 we had a meeting with all but two of the
17 culturals, where we introduced them to a reporting
18 and data collection device called EC3, which DCAS
19 pioneered for city agencies so that they could
20 have real time review of their--well close to real
21 time--review of their energy use. We then rolled
22 that out to the culturals so that once they get
23 used to seeing their usage, they can begin looking
24 at the kinds of programs that we have to help to
25 reduce the usage.

1
2 So now, again, I'd like Kristin to
3 talk a bit about it. There's a real partnering
4 with the agencies as well as the culturals that
5 will provide the kind of direction that you're
6 engaging in.

7 KRISTIN BARBATO: Good morning.

8 CHAIRPERSON BREWER: Good morning.

9 KRISTIN BARBATO: My name is
10 Kristin Barbato. I'm the new Deputy Commissioner
11 for Energy Management.

12 CHAIRPERSON RECCHIA: Speak into
13 the mike.

14 KRISTIN BARBATO: Sure. Thank you.
15 To your question, what we're trying to do is have
16 a very direct and clear focus with all the
17 agencies, including the culturals, as the
18 Commissioner mentioned, in a few different ways.
19 One, we want to make sure that we're regularly
20 talking with them about the energy efficiency
21 projects that they see in their facilities. Two,
22 that they have a good understanding of the energy
23 usage on a month to month basis, and we understand
24 what kinds of facilities that they are looking to
25 augment or types of energy conservation measures

1
2 that can be employed. Also, to review what types
3 of programs we may be able to help them with, as
4 we have the PlaNYC capital funds and also expenses
5 as well.

6 CHAIRPERSON BREWER: I understand
7 all that. I guess my question still is do they
8 get any advantage to all of their energy savings?
9 I mean I know Chair Recchia is the biggest
10 supporter and I certainly follow him in terms of
11 culturals. That's a big cost. So what do they
12 get out of all of this?

13 KRISTIN BARBATO: Sure.

14 CHAIRPERSON BREWER: What does
15 anybody get out of all your savings? Obviously
16 the taxpayer does. I understand that.

17 KRISTIN BARBATO: Right.

18 CHAIRPERSON BREWER: But what
19 about--I mean I just pick on the culturals because
20 we love them and also they pay a lot. So tell me,
21 how do they get something out of this?

22 KRISTIN BARBATO: Sure. So the
23 recent meeting that we had with them was a very
24 good exchange. The purpose of the meeting was to
25 inform them of our monthly reporting system so

1
2 that they could be much more informed on a regular
3 basis of what their energy usage is--

4 CHAIRPERSON BREWER: [interposing]
5 These people are pretty informed to start with.

6 KRISTIN BARBATO: So what we found
7 was that we found a lot of good feedback from them
8 about works that they would like to pursue.

9 CHAIRPERSON BREWER: Okay.

10 KRISTIN BARBATO: So how we can
11 collaborate with them is the next step in that
12 engagement. So what types of energy efficiency
13 projects they have. They also had a lot of very
14 good questions about tariffs and how they impact
15 some of the seasonality of their services.

16 CHAIRPERSON BREWER: So there won't
17 be any savings to them, however, do you think, in
18 terms of any savings that they might initiate? I
19 mean, obviously they're doing it for the taxpayer.
20 I understand that and for the footprint. I got
21 all that. Is there anything in it for them? I
22 guess I don't know how else to ask that question.

23 KRISTIN BARBATO: Thank you.

24 EDNA WELLS HARDY: As you know,
25 this is a very complex issue. Before Kristin came

1
2 onboard we had working with and we continue to
3 work with OMB on ways in which we can support
4 decreased use and have the savings go back to
5 those who are engaging in that behavior. We've
6 had a pilot program, the Energy Incentive
7 Alignment Plan, where we piloted with the major
8 six to ten agencies, city agencies to determine
9 whether we can incentivize their reduction in use.
10 The first response was it was somewhat uneven and
11 uncontrollable. One of the reasons it was
12 uncontrollable is because we have no control over
13 the rates. While use might go down, rates have
14 gone up.

15 The second effort in doing this,
16 we're trying to see if there's a way in which we
17 can engage more of the agencies to lower their
18 usage, even in the face of a rate increase. So
19 we're still piloting that kind of behavior, which
20 I think you're talking to, where those who save
21 get the benefit of it. So we're trying to come up
22 with a program that works with the agencies and
23 then we'll be able to pilot then with the
24 culturals.

25 CHAIRPERSON BREWER: So why is that

1

2 hard? I'm missing why that's hard to do.

3

4 EDNA WELLS HARDY: The complexity
5 of the rate billing structure, an example of that
6 is when DCAS was in this alignment program, our
7 usage went down significantly and we were very
8 encouraged by it. But at the same time, our rates
9 went up tremendously, so there was no savings in
10 that. I can let Kristin go over it, some of the
11 billing complexities, but that's part of the
12 issue.

12

13 KRISTIN BARBATO: So what we've
14 seen in the last several years, looking at
15 information from past expenditures for HLP is that
16 the actual expenditures have remained mainly
17 constant. But we have, as the Commissioner said,
18 seen increases in rates.

18

19 CHAIRPERSON BREWER: We all know
20 that. We have to pay them.

20

21 KRISTIN BARBATO: Yep. Which then
22 implies that we did have decrease in usage. Now,
23 how the agencies benefit from this is, of course,
24 some of the benefits that you mentioned, but then
25 EIAP program that the Commissioner mentioned,
which is the incentive sharing plan, is a way that

1
2 we're looking to aid directly with the--aid the
3 agencies directly with their cost savings. So as
4 we are tweaking this program to make sure that it
5 is beneficial, so that we see that there is some
6 difference in not just the energy usage but also
7 the savings themselves that we can share in that
8 with them.

9 CHAIRPERSON BREWER: I mean, I just
10 hope that you would meet with either all the
11 cultural institution groups, the SIGs. I know you
12 mentioned a couple. It does seem to me that this
13 is a place that much more discussion should be
14 taking place.

15 EDNA WELLS HARDY: Maybe I
16 misspoke. We met with all but a couple.

17 CHAIRPERSON BREWER: I see, okay.
18 I misunderstood that.

19 RICHARD BADILLO: Just
20 Councilwoman, on the flip side is that if the
21 rates go up, OMB holds the culturals harmless for
22 those increases.

23 CHAIRPERSON BREWER: No, I
24 understand that. I know that. If we can think of
25 a way that they actually gain something, that

1
2 would be even more significant. I just want to
3 ask you about the computer centers. I know that
4 you've done a great job so that the taking of
5 tests is more convenient. Is there downtime? I
6 know I've toured a couple of your wonderful
7 centers. Is there downtime for all of those
8 computers and could they be used for something
9 else during that downtime or are they used all the
10 time?

11 EDNA WELLS HARDY: I don't know if
12 there's downtime. One of the concerns about mixed
13 use is the security of the exams themselves and
14 because of the numbers that we test and the
15 frequency with which we test, there's a reluctance
16 to allow other usage. Maria DiPaola, our Human
17 Capital Chief is here. She has direct oversight
18 over the CTC, so I'll let her answer the specific
19 question of downtime.

20 MARIA DIPAOLA: Good morning.

21 CHAIRPERSON BREWER: Good morning.

22 MARIA DIPAOLA: It's Maria DiPaola
23 from DCAS, Deputy Commissioner. We run the CTC
24 testing program six days a week, four sessions a
25 day. So we are using the centers quite a lot. We

1

2 also use--

3 CHAIRPERSON BREWER: [interposing]

4 That's 9 to 5-ish?

5 MARIA DIPAOLA: No, actually, it's
6 9 until about 8. We run evening sessions, mostly
7 six days a week. Occasionally, we run on a Sunday
8 as well, but not usually. We also use that space
9 for written test assembly where there is not a
10 computerized test available. So we are using that
11 space almost all the time.

12 CHAIRPERSON BREWER: Okay. That
13 would be all of your centers, because you've got
14 how many now?

15 MARIA DIPAOLA: We have two right
16 now, Manhattan and Brooklyn. We have the Bronx
17 teed up and we're working elsewhere as well.

18 CHAIRPERSON BREWER: Okay, all
19 right. We're always looking for places where
20 seniors or anybody who wants to learn could do so,
21 that's why I was asking.

22 CHAIRPERSON RECCHIA: I just want
23 to follow up on the issue with energy and the
24 cultural institutions. There has to be a program
25 to motivate them to cut down on the power and the

1
2 heat and the energy. But if they do cut down,
3 they should be rewarded. Your agency shouldn't
4 just reap all the benefits. So I have always
5 believed that if you come up with a plan where if
6 you give them x amount of dollars every year and
7 they save, let's say, \$200,000 in energy, that
8 savings of \$200,000 should be divided between your
9 agency and the cultural institutions. Then the
10 following year, you shouldn't decrease them by
11 \$200,000 because you don't know what's going to
12 happen. You should take a percentage of that and
13 add it to. So instead of giving them \$800,000,
14 just give them maybe \$750,000 and see what they
15 do. You know, you go past many of these
16 institutions, I mean there's no reason for them to
17 shut off their lights.

18 EDNA WELLS HARDY: Understand
19 exactly. The money doesn't necessarily go back to
20 DCAS and so--

21 CHAIRPERSON RECCHIA: [interposing]
22 It goes back to the General Operating Fund.

23 EDNA WELLS HARDY: Exactly.

24 CHAIRPERSON RECCHIA: This is
25 something we could sit down with OMB--

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EDNA WELLS HARDY: [interposing]

2

Exactly.

3

4

CHAIRPERSON RECCHIA: --and work it

5

out.

6

EDNA WELLS HARDY: As we

7

restructure and rework this incentive plan, that

8

should be part of our conversation with them.

9

CHAIRPERSON RECCHIA: All right,

10

thank you.

11

CHAIRPERSON BREWER: I have a

12

question about Superstorm Sandy. I know you

13

mentioned that you're getting new needs funding.

14

Can you tell me how many Hurricane Sandy victims

15

are still living in the hotels, how many hotels

16

you're still paying on?

17

EDNA WELLS HARDY: We don't have an

18

answer to that question. We can get back to you

19

on it.

20

CHAIRPERSON BREWER: When we had a

21

hearing recently at General Welfare, there were 43

22

hotels. That was about two weeks ago. I'm just

23

wondering, do you have any idea how many hotels at

24

all that you're paying funding on, or is that

25

something that is available in any kind of a

1

2 database?

3

4

EDNA WELLS HARDY: We'll find that out for you. We don't know. We pay the bills.

5

6

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8

CHAIRPERSON BREWER: What are you doing with the money that you receive to deal with Superstorm Sandy? What would be an example of what you're using that money for?

9

10

RICHARD BADILLO: You're talking about the Superstorm Sandy resiliency adjustments?

11

CHAIRPERSON BREWER: Yes.

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RICHARD BADILLO: Okay. We received \$3.6 million in FY 14 expense dollars. That's to purchase 200 light towers and to purchase also ten water pumps, leading up to the 3.8 in expense. We also received \$22 million in capital for FY 14. That's for the purchase of 35 fuel trucks, 35 generators and 60 forklifts. All of the equipment described is being purchased by DCAS and will be allocated to various agencies for their use and obviously recalled when necessary in case of an emergency.

23

24

25

CHAIRPERSON BREWER: So there's nothing in there about the hotels then. That's what I'm--

1

2

RICHARD BADILLO: [interposing]

3

Well, I mean the hotels is a separate allocation

4

that we have from OMB. Currently, as the

5

Commissioner said, we pay the bills for the

6

hotels. We're projecting in FY 13 to spend

7

approximately \$52 million or to make a payment in

8

total of \$52 million.

9

CHAIRPERSON BREWER: For the

10

hotels.

11

RICHARD BADILLO: Right. What the

12

mix is in terms of the number of families, et

13

cetera, that's not being managed by DCAS.

14

CHAIRPERSON BREWER: I know.

15

You're lucky. The final question is My Store.

16

How much are you getting from My Store and when is

17

it moving to Broadway?

18

EDNA WELLS HARDY: We have really

19

looked at the City Store differently. It's a

20

business. It's a small business.

21

CHAIRPERSON BREWER: It's a great

22

business.

23

EDNA WELLS HARDY: It's a great

24

business but it's also a nostalgic, we love you,

25

but not greatly run as a business. So we have

1
2 partnered with the Small Business Administration
3 here and we're working on putting together all of
4 the strictures, disciplines, documents that are
5 required of a big business, including a marketing
6 strategy. As part of that marketing strategy--

7 CHAIRPERSON BREWER: [interposing]

8 Like where to find it.

9 EDNA WELLS HARDY: Exactly. We
10 have a QR code so that on our documents that we're
11 handing out, people can use their iPhones and find
12 directions to the store as well as the online
13 presence. So we're really paying attention to
14 your questions about this store.

15 CHAIRPERSON BREWER: I've been
16 asking about this for 12 years.

17 EDNA WELLS HARDY: I've had two
18 years of it.

19 CHAIRPERSON BREWER: I know. The
20 issue is what hours is your store open.

21 EDNA WELLS HARDY: 9 to 5,
22 sometimes--

23 CHAIRPERSON BREWER: [interposing]
24 Monday to Friday.

25 EDNA WELLS HARDY: Monday to

1

2 Friday.

3

4

CHAIRPERSON BREWER: When are the
tourists here?

5

6

EDNA WELLS HARDY: Saturday and
Sunday.

7

8

CHAIRPERSON BREWER: And the store
is not open.

9

10

EDNA WELLS HARDY: We'll work on
that.

11

12

CHAIRPERSON BREWER: When are you
going to work on that?

13

EDNA WELLS HARDY: Tomorrow.

14

15

CHAIRPERSON BREWER: Good. Thank
you. I would like that store to be open on the
weekends. Then your apps would actually work.
Tourists are here on the weekends. Thank you.

16

17

18

EDNA WELLS HARDY: Thank you.

19

20

CHAIRPERSON RECCHIA: You would
think she gets a piece of the action.

21

[Laughter]

22

23

CHAIRPERSON BREWER: I don't want a
piece of the action. I want the store open.

24

25

CHAIRPERSON RECCHIA: When you're
the borough president, you could rearrange, you

1
2 could make your own store, Gale. Does any other
3 Council Members have questions? We've been joined
4 by Council Member Vallone. Without seeing any
5 more questions, I want to thank you, Commissioner.

6 EDNA WELLS HARDY: Thank you.

7 CHAIRPERSON RECCHIA: We'll take a
8 two minute recess. We have the Board of
9 Elections.

10 EDNA WELLS HARDY: Thank you.

11 [Pause]

12 CHAIRPERSON RECCHIA: We just heard
13 from the Department of Citywide Administrative
14 Services. We will now resume the City Council's
15 Finance Hearing for the Mayor's Executive Budget
16 2014. The Finance Committee and the Governmental
17 Operations Committee just heard from the
18 Department of Citywide Administrative Services.
19 We will now hear from the Board of Elections.
20 Before we do that, I want to recognize all the
21 members who have joined us: Council Member
22 Vallone, Council Member Jackson, Council Member
23 Koslowitz, Council Member Ruben Wills, and, of
24 course, my Co-chair Gale Brewer. At this time, I
25 recognize the Co-chair Gale Brewer.

1
2 CHAIRPERSON BREWER: We talked
3 earlier about the introduction, so I think without
4 further ado, we'd like to hear from the Board of
5 Elections. Obviously, as chair of Governmental
6 Operations, I spend a great deal of time on this
7 topic. We look forward to the testimony. Thank
8 you very much. We've been joined by Council
9 Member Jackson.

10 CHAIRPERSON RECCHIA: Al Vann.

11 CHAIRPERSON BREWER: Al Vann and
12 Council Member Wills.

13 CHAIRPERSON RECCHIA: Okay. Go
14 ahead. Oh, Vincent Ignizio.

15 DAWN SANDOW: Chairs Recchia and
16 Brewer and members of the Council's Committee on
17 Finance and Governmental Operations. I want to
18 thank these communicates for giving us the
19 opportunity to appear before you on behalf of the
20 Board of Elections.

21 For the record, my name is Dawn
22 Sandow, and I am the Deputy Executive Director of
23 the Board. Joining me here at the table are the
24 Board's Administrative Manager, Pamela Perkins;
25 General Counsel, Steven H. Richman; Finance

1
2 Officer, John Ward. Also present at today's
3 hearing are the Board's senior management staff.

4 I would like to take a moment to
5 acknowledge and thank the Mayor for the additional
6 funding added to the Executive Budget for Fiscal
7 Year 2014.

8 However, the Executive Budget for
9 FY 14 contains a projected shortfall of at least
10 \$8.3 million in PS funding and almost \$13 million
11 in OTPS funding, including \$8.8 million in a non-
12 itemized PEG reduction. This \$21 million
13 shortfall is alarming in light of the fact that
14 during Fiscal Year 14 the Board must conduct three
15 citywide elections: Primary, General, and Federal
16 Primary, during which New York City voters will
17 elect their Mayor, Public Advocate, Comptroller,
18 five Borough Presidents, all the members of the
19 City Council, judges and party offices, and vote
20 in the potential run-off and congressional
21 primaries.

22 As the Board has continuously
23 stated in all previous testimonies, virtually all
24 of the Board's duties, responsibilities, and
25 activities are prescribed by federal, state, and

1
2 local law. The Board does not have the discretion
3 to postpone or cancel an election based on
4 municipal budget shortfalls.

5 I am going to take a few minutes to
6 briefly highlight the key areas where the Board
7 requires additional resources to ensure successful
8 elections during Fiscal Year 14.

9 The Board urges the City to again
10 re-appropriate for FY 14, the approximately \$3
11 million remaining from the funds that have been
12 allocated to the Board for reimbursement under the
13 recently extended HAVA grants, funded by both the
14 federal and state governments. These grants
15 enable the Board to improve poll site
16 accessibility, both on a permanent and temporary
17 basis, as well as add modifications to our poll
18 worker program and public education activities.

19 As you know, our poll workers, due
20 to an IRS ruling, are considered New York City
21 employees and as a result are paid out of the PS
22 allocation. The FY 14 allocation for poll workers
23 is now \$22.7 million. The Board estimates that
24 this is \$7.6 million less than the \$30.3 million
25 needed to train and deploy over 36,000 poll

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2 workers for each event during Fiscal Year 14.

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Given the dramatic changes in the way that voting is conducted in the City of New York, it is vital for the Mayor to heed the Board's call to increase the per diem compensation for all poll workers by \$100. A dozen years have passed since the last increase in poll worker compensation. This adjustment is long overdue.

The case in support for this increase is clear. Poll workers are now required to work longer hours with additional responsibilities in connection with the electronic voting system. With the enhanced testing standards envisioned, such an increase is essential for the Board to recruit and retain qualified poll workers year after year. You should note that the Asian American Legal Defense and Education Fund wrote to the Mayor expressing support for this proposal. We ask the Council to support this request by urging the Mayor to issue an executive order to increase the poll worker compensation.

The current baseline funding of our performance incentive, at \$35 per poll worker, is

1
2 inadequate. The Board asks the Council to
3 increase funding to pay for a more realistic \$100
4 performance incentive. To be eligible for this
5 incentive, poll workers must attend appropriate
6 training, pass the exam, and work two elections
7 per year.

8 If funding is received, the Board
9 can enhance its ability to retain qualified poll
10 workers from event to event which helps ensure
11 that all poll sites are staffed with trained and
12 experienced poll workers on each Election Day.

13 The number and types of Election
14 Day staff and equipment that the Board has to
15 transport for each election has increased with the
16 introduction of the electronic voting system. For
17 every citywide election, the Board delivers over
18 3,600 scanners to poll sites. The Board also
19 transports a significant number of monitoring
20 teams and technicians, thousands of ballot marking
21 devices, supply carts, privacy booths, tables and
22 chairs to more than 1,200 poll sites located
23 throughout the city.

24 For the FY 14 elections, the
25 estimated cost to the Board for contracted

1
2 transport, delivery vendors, and staff deployment
3 transportation will be approximately \$6.2 million.
4 The Executive Budget allocates only \$5.75 million
5 for this need. This leaves the Board with a
6 shortfall in the amount of \$450,000.

7 PAMELA PERKINS: Good morning. I'm
8 Pamela Perkins. I'll be reading the rest of the
9 Board's testimony.

10 Educating the public about voting
11 is a critical element of successful elections.
12 Since the implementation of the electronic voting
13 system in 2010, the Board has conducted hundreds
14 of outreach events throughout the five boroughs,
15 providing hands-on demonstrations in the
16 community. These voter outreach events also serve
17 as an opportunity to recruit poll workers and
18 register voters. Therefore, an ongoing voter
19 education outreach effort is imperative to help
20 ensure an informed voting public. The Board would
21 like to continue our successful voter education
22 demonstrations for a total cost of approximately
23 \$300,000. Funding for voter education outreach is
24 not included in the Executive Budget for Fiscal
25 Year 2014.

1
2 In previous testimonies, the Board
3 has consistently requested an additional 104
4 permanent staff positions. The Executive Budget
5 includes funding for 23 new Voting Machine
6 Technicians. While we are appreciative of the
7 additional positions and understand the fiscal
8 environment, an immediate and vital need was
9 overlooked.

10 The Board is requesting funding for
11 the formation of a new Borough Voting Systems Unit
12 for each borough office. The purpose of the
13 proposed unit is to provide the Board with a core
14 staff in each borough that will manage the
15 operations of the electronic voting systems,
16 participate in their upgrades and modifications,
17 assist in the development and deployment of future
18 electronic voting systems, and help ensure the
19 accurate and timely completion of post election
20 tasks related to canvass, re-canvass and audit.

21 The new unit will initially consist
22 of two supervisors and two clerks in each borough
23 office for a total of 20 citywide. This dedicated
24 staff will train year round on the changes to the
25 electronic voting systems and the post election

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2 activities procedures.

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Failure to fund this unit has forced the Board to reassign staff that are performing critical pre and post election activities, leaving their respective units understaffed. This has led to delays in other essential election tasks as well as certification of the election.

The Board's testimony to the Committee on Governmental Operations on March 14, 2013 detailed the significant additional funding the Board requires to conduct the potential run-off primary. The potential run-off primary is unfunded in the Executive Budget.

Although we understand the reluctance to fund an election event that may not take place, we believe it is imperative to include funding in the adopted FY 14 budget. We have included in our prior testimony on this matter, an attachment, and reiterate that the longer we go without this funding the less chance we have of conducting a successful run-off primary.

In conclusion, we are aware of the City's fiscal situation and identified our

1
2 essential needs based on feedback from the voters
3 of this city, advocacy groups, elected officials
4 across the city as well as our staff's collective
5 experience and expertise. For your reference, we
6 have included Attachment 5 summarizing the Board's
7 unfunded budgetary needs.

8 We respectfully request that you
9 fully review our testimony and attachments and
10 support our requests for the benefit of all the
11 voters of the City of New York.

12 Again, we thank you for your time
13 and for allowing us to come before you on behalf
14 of the Board of Elections in the City of New York
15 today. As always, my colleagues and I are
16 available to answer any questions, and we are
17 always available by phone or email if anyone
18 should have further information.

19 CHAIRPERSON RECCHIA: Thank you.
20 First of all, I want to commend you on your
21 wonderful testimony.

22 DAWN SANDOW: Short.

23 CHAIRPERSON RECCHIA: Short and to
24 the point.

25 DAWN SANDOW: Yes.

1
2 CHAIRPERSON RECCHIA: It gives my
3 colleagues more of an opportunity to ask some
4 questions. We've been joined by Leroy Comrie and
5 by Ydanis Rodriguez.

6 I'm just going to ask one question
7 and then pass it off, because my colleagues have
8 lots of questions and they have other hearings to
9 get to. You're asking for this new needs of two
10 supervisors. In each borough, you want it. So
11 they would be located in the borough offices.
12 Would they be the supervisor of the borough
13 office? What would these supervisors do? Who
14 would be in charge of them? Would they be just
15 for Election Day?

16 DAWN SANDOW: This is a BBS unit
17 that would be administered by our EVS unit in the
18 general office, Electronic Voting Systems unit.
19 Right now, we have no such unit in the borough
20 office. So when we have to do certifications,
21 pre-election tasks, post-election tasks, staff is
22 pulled from every other unit, meaning poll worker
23 unit, absentee, to reach certification, which is
24 our goal. The two supervisors and the clerks
25 would basically organize and, as you can see,

1
2 participate in development and modifications of
3 the electronic voting systems, participate in the
4 testing systems, participate in changing the
5 hardware and software that may be necessitated by
6 any modifications, provider refresher training for
7 the staff throughout the year, research and
8 examine future electronic voting systems unit,
9 evaluate future systems capability with the
10 Board's requirements, participate in development
11 of modifications. With the new voting system,
12 with each election, we make modifications,
13 suggested modifications to the vendor. This staff
14 would participate in these modifications. The
15 staff would oversee other staff that is in charge
16 of the certification, pre-election testing, post-
17 election testing--

18 CHAIRPERSON RECCHIA: [interposing]
19 Would these supervisors have to have a background
20 in electronics?

21 DAWN SANDOW: Yes.

22 CHAIRPERSON RECCHIA: That would
23 be, you know--what would be the criteria for
24 these? Did you develop that yet?

25 DAWN SANDOW: They would be

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technical positions, which gets posted in all the newspapers. They would have to have--John, would you like to..

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JOHN NAUDUS: John Naudus, Director of the Electronic Voting Systems. Basically, what we would require of these, at least for the supervisors, you'd look for somebody with college level experience, at least two to four years, people in some kind of computer or information systems kind of background. One of the things that is really missing is when, in the past before electronic voting systems, you could take staff from anywhere and you could throw them at hand counting ballots, because it doesn't take too much to train someone, one, two, three, that kind of thing. What we're really dealing with now are computers.

All of the electronic systems, the scanners that count the absentee ballots, the scanners that count the Election Day ballots, even the PMBs that come out of the scanners that get read, this all heavily involves computer systems to now conduct the canvas. What we're looking basically to do is have experienced people in

1

2 computers that will form that core of people that
3 will be able to help the people that need to then
4 do the job of counting.

5 Gone are the days, basically, where
6 you can grab anybody and put them at the job of
7 counting of ballots because now the counting
8 ballots job is very much using computers to get
9 the job done.

10 CHAIRPERSON RECCHIA: What's the
11 total you're asking for just for this?

12 JOHN NAUDUS: It was \$700,000.

13 CHAIRPERSON RECCHIA: Could you
14 break that down, how much would each supervisor
15 get?

16 JOHN WARD: John Ward, Finance
17 Officer. A supervisor, which is an AA position,
18 would start at \$40,000. The clerks would start at
19 \$28,000. It's ten supervisors and ten clerks
20 divvied up over the five boroughs.

21 CHAIRPERSON RECCHIA: Okay. Ms.
22 Brewer, do you have questions?

23 CHAIRPERSON BREWER: I want to go
24 back to this printing issue, which came up
25 earlier. I'm just wondering what you're

1
2 projecting in terms of the cost, how DCAS could
3 help save funding, and what we can do on this
4 issue. Maybe we need a larger sphere of printing
5 companies to draw from. I don't know. These are
6 the issues.

7 DAWN SANDOW: The board has been
8 working with DCAS for over a year now. I'm going
9 to have my ACO discuss with you what transpired.

10 JOHN LUISI: Good morning. My name
11 is John Luisi. I'm the Agency Chief Contracting
12 Officer. We've had a series of discussions with
13 DCAS, trying to figure out the best means to
14 reduce the ballot costs as dramatically as
15 possible, quickly as possible, and then certainly
16 for the long term.

17 As you're undoubtedly aware, or
18 likely aware, from what I understand, there is a
19 citywide printing contract that DCAS is planning
20 on putting out, and we will be included in that
21 contract in the next round, from what I
22 understand, with our discussions with Deputy
23 Commissioner Paneque and Assistant Commissioner
24 Bob Cleary.

25 What they've done in the interim

1
2 is, you know there's been concern that the ballots
3 are more expensive than they need to be, because
4 we've been using the contractor who supplied the
5 machines. There certainly was a valid concern,
6 from what I understand and what's been voiced by
7 my colleagues that we want to make sure that the
8 ballots work in the machines.

9 CHAIRPERSON BREWER: I understand.

10 JOHN LUISI: If the machine
11 contractor is supplying the ballots, there's
12 nowhere to point fingers. We've gone through that
13 routine at this point now. We're fairly confident
14 that the ballots that are supplied by the vendor
15 will indeed--you know, are working. We've had no
16 issues with them.

17 The vendor, as you're very possibly
18 aware, doesn't print the ballots themselves. They
19 go to other independent printing operations in the
20 region or even around the country, wherever they
21 happen to supply the machines that they use.

22 What happened is we actually, while
23 we were having these discussions with DCAS, we are
24 bound--we have a current contract and there is
25 another vendor who was interested and unsolicited,

1
2 they proffered a price to us. Frankly, that gave
3 us--they were very, very interested in securing
4 the business from the city, you know, frankly,
5 because it's very substantial and they can make a
6 lot of money off of us. So they submitted a very,
7 very aggressive bid. Not a bid, but they
8 proffered a proposal to us saying this is what
9 we're looking to do. This is what we'd like to be
10 able to do with New York City and we can save you
11 a ton of money.

12 DAWN SANDOW: I think at that time
13 also--

14 CHAIRPERSON BREWER: [interposing]
15 Us the mike. You have to use the mike.

16 DAWN SANDOW: I'm sorry. I believe
17 at that time when they submitted the proposal, we
18 were under the impression that they had a
19 contract, a ballot contract with Albany. So we
20 were thrilled, thinking that we may be able to bid
21 this out. However, that's not the case. Moving
22 forward..

23 JOHN LUISI: So I'll pick up from
24 Ms. Sandow's comment. Again, originally, what we
25 were looking to do is possibly piggyback off of

1
2 Albany County's contract, which would have
3 provided a substantial savings to the city for
4 this year, you know, basically, immediately going
5 forward, we would have been able to do that.

6 When we found out that the contract
7 had indeed expired, as opposed to how it was
8 represented to us, we started looking for other
9 options. It was actually Commissioner Paneque who
10 suggested that we might be able to talk to the
11 current vendor, and have this company lower their
12 price unilaterally. They went through some tough
13 negotiations and they actually drove down the
14 price to below that of the price that was
15 proffered by this other vendor, who was very
16 interested in getting the city's business. Again,
17 this was not--just to be clear--this was not a
18 competitive sealed bid on the other vendor's part,
19 and it hasn't yet been opened up.

20 However, the savings, the projected
21 savings are so compelling--and we'll be able to
22 supply you with actual numbers--but the savings
23 are so compelling, anywhere from 20 percent to
24 over 30 percent, that we can't ignore this. We're
25 putting together a proposal that our commissioners

1
2 will be looking at when they meet tomorrow. If,
3 indeed, we are going to go forward with that, what
4 DCAS has negotiated with the current vendor is
5 that this price reduction will take effect
6 immediately.

7 CHAIRPERSON BREWER: Okay.

8 JOHN LUISI: So all the ballots
9 that we would get going forward for testing and
10 for everything else that we do, we would be able
11 to take advantage of this, anywhere, again, from
12 20 to 30 something percent price reduction
13 immediately. Now, we wouldn't be able to do that
14 on ourselves, only DCAS could do that because it's
15 a DCAS contract and the contract expires shortly
16 after this election period. But DCAS is able to
17 then take their offer to go forward for next
18 calendar year and implement the savings
19 immediately for us.

20 So we'd be able to get the dramatic
21 savings for this whole election cycle as well as
22 next year's election cycle. Over the course of
23 next year's election cycle, we'd be included in
24 the DCAS printing on citywide printing contract,
25 which would likely have the effect, from what I

1

2 understand, of driving the entire contract prices
3 down because of the volume that we have to deal
4 with, with ballots.

5

CHAIRPERSON BREWER: First of all,
6 thank you for that succinct and honest answer. I
7 like DCAS, but we didn't get that, and I really
8 appreciate it. When the DCAS is talking about
9 putting out a citywide contract, would that be for
10 your in-house printing or does that also include
11 the ballots? I know you just talked about the
12 ballot issue but is that--

13

DAWN SANDOW: [interposing] Only
14 ballots.

15

CHAIRPERSON BREWER: Only ballots.
16 Okay, I just wanted to understand that.

17

JOHN WARD: Madame Chair, you
18 should know the commissioners have expressed the
19 policy statement that we prefer to go the sealed
20 competitive bid route, hoping to drive down the
21 prices. Part of the problem is given both the
22 volume and the technical requirements, it's not as
23 if we can go to Kinko's and have them bid and come
24 in.

25

CHAIRPERSON BREWER: I understand

1

2 that. I understand that.

3

4 JOHN WARD: So I think we're
5 looking at that. I think what we have to evaluate
6 now is how quickly DCAS will be able to get a
7 sealed competitive bid out for full ballot
8 printing. When we had the lever machines, we used
9 to do it in four-year increments to go through the
10 full cycle. We'd like to do something along that
11 line. We'd probably like to have multiple vendors
12 so that if one vendor cannot produce--God forbid
13 the printing plant burns down--we have a backup.
14 So it's going to go forward with that. And now
15 we'll have to evaluate what the current supplier
16 is offering. I think the balancing against that
17 is they're looking for a commitment beyond the end
18 of the current contract.

18

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20 CHAIRPERSON BREWER: I understand
21 that.

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26 JOHN WARD: So I think that's the
27 evaluation that the commissioners will have to
28 make is how much can we save short-term, but if we
29 lock ourselves in one or two years, does that, in
30 the end, cost the city more money.

31

32 CHAIRPERSON BREWER: I understand

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that. Thank you. I want to ask about the lawsuit on the ADA issue. I think Sidney, what I call the Sidney case. I want to understand it because for the public, what they see is long lines at the polls and they see long lines at the polls because apparently we can't go to a lot of sites because of ADA restrictions, et cetera, et cetera. So could you update us on the case, a special master, all the maturations of the ADA issue.

STEVEN H. RICHMAN: Chair, there's two parts to the accessibility issues. One is state legislation. The Legislature passed a bill in 2010, enacted a law, which said after December 15th of last year, we, the city board and any other board in the state cannot designate a poll site that is not fully accessible under the federal guidelines.

CHAIRPERSON BREWER: What does fully accessible mean? Is that the water fountain, the bathroom, or just the entrance?

STEVEN H. RICHMAN: There's a 40 some odd page set of guidelines issued by the Department of Justice that has to be met. There cannot be any permanent structural barriers and

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2 any transient barriers have to be mitigated. So,
3 for example, if you have a rail and it's of a
4 certain distance, one railing is not enough, it
5 needs two railings. So we have some permanent
6 facilities which service persons with disabilities
7 which don't meet the poll site requirements
8 because they don't have the second handrail.

9 In addition--so that's the first
10 thing. The commissioners just voted on April 30th
11 to designate the poll sites for this coming year.
12 The notices went out to each of those sites that
13 are either publicly owned or have tax abatements
14 or tax exemptions. They have 30 days in which to
15 appeal. We'll hopefully finalize those sites. We
16 have lost sites.

17 DAWN SANDOW: I think she wants--

18 STEVEN H. RICHMAN: [interposing]

19 In addition--

20 CHAIRPERSON BREWER: [interposing]

21 Is that list up online?

22 STEVEN H. RICHMAN: Excuse me?

23 CHAIRPERSON BREWER: Is that list
24 of sites online?

25 STEVEN H. RICHMAN: It is not final

1
2 yet because we're waiting for the appeals process.
3 Once the appeals process is resolved, we can then
4 make a final list of poll site designations, which
5 will be the final agency determination.

6 CHAIRPERSON BREWER: Will that site
7 list be online at that point?

8 STEVEN H. RICHMAN: It'll be
9 available. We normally haven't posted it until we
10 finalize the poll sites before the primary, so the
11 voters get the information that's uploaded to the
12 poll site locator, but it'll be available for
13 public inspection and copying.

14 DAWN SANDOW: Yes, so it's online.

15 CHAIRPERSON BREWER: I mean I just
16 think it would be helpful because--

17 DAWN SANDOW: [interposing] It'll
18 be on our poll site locator.

19 CHAIRPERSON BREWER: It would be
20 helpful to have it online just so people have some
21 ideas. Because we don't want to have the same
22 problem we had last election. Go ahead.

23 STEVEN H. RICHMAN: Now, with
24 respect to the lawsuit. Sidney is not a named
25 party.

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CHAIRPERSON BREWER: Okay.

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STEVEN H. RICHMAN: They are the expert witness for the United Spinal Association.

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CHAIRPERSON BREWER: United Spinal is. Go ahead.

6

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STEVEN H. RICHMAN: Judge Batts [phonetic] has issued a final remedial order.

8

9 There is now a designated surveyor, in the process
10 that the city is contracting for, who will be
11 surveying each of the poll sites and that firm
12 will be making a report as to whether or not the
13 site is fully accessible in accordance with the
14 ADA guidelines, if they are not accessible, what
15 the remedies are, or if it cannot be remediated at
16 all. Under the court order, once that process
17 begins, the expert is supposed to be surveying 60
18 sites every two months, submitting a report to us
19 and to the court.

20

DAWN SANDOW: We've met with the third party, given them all the information that they requested to move forward and they have already started.

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STEVEN H. RICHMAN: No, they have not started.

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2 CHAIRPERSON BREWER: How does this
3 work timing wise between now and the first
4 election September 10th?

5 STEVEN H. RICHMAN: The Law
6 Department is in the process of finalizing the
7 contractual agreement with the third party. Once
8 they begin their work, we'll be getting the
9 reports for the first sites within 60 days. Under
10 the court order, we have 60 days to review it and
11 make a determination. So in all likelihood, it
12 may not affect this year's cycle, simply because
13 until the contract is entered into by the city,
14 registered with the Comptroller, I anticipate
15 between June and July the first surveys will
16 happen. So if you add the 60 days to do the
17 surveys and the 60 day review and negotiation
18 period--

19 CHAIRPERSON RECCHIA: [interposing]
20 I just want to interrupt you. We've been joined
21 by the Bronx School of the Arts. I see they're on
22 their way out. I want to thank the children for
23 coming today. Okay, we want to recognize the
24 Bronx School of the Arts, Bronx charter school.

25 [Applause]

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2 STEVEN H. RICHMAN: Council Member,
3 it may not have a direct effect this year, but it
4 will have an effect because, again, the surveyors,
5 the third party experts are going to be using the
6 standards to the exact nature of the DOJ
7 guidelines and we will have Judge Batts overseeing
8 us.

9 DAWN SANDOW: So it won't affect
10 this year.

11 CHAIRPERSON BREWER: It will not.

12 STEVEN H. RICHMAN: It may not. It
13 probably will not.

14 CHAIRPERSON BREWER: So how do we
15 make sure in that last year maybe the lines won't
16 be as long because more people vote in the
17 presidential, I understand that, but we don't want
18 to experience that again. So how do we make sure
19 that we have sufficient control over space and
20 lines so we don't repeat that disaster?

21 STEVEN H. RICHMAN: With respect to
22 space--

23 CHAIRPERSON BREWER: [interposing]
24 It got blamed on ADA every time I turned around.

25 STEVEN H. RICHMAN: With respect to

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2 space, the boroughs have recommended to the
3 commissioners and have adopted, we've selected
4 sites we believe which will accommodate. Now,
5 this is going to cause other problems. The
6 primary and the run-off will be running on school
7 days. It will mean displacing children from
8 cafeterias, gymnasiums, auditoriums. In addition,
9 with the other public sites, there is other
10 activity going on. So when we use the Civil Court
11 here in Manhattan on those days, we have the
12 regular court service personnel and the clients
13 coming in to be serviced. It's a tough situation
14 to try to accommodate this on a primary and a run-
15 off when normal activities are going on. Except
16 for, with rare exceptions, except for the ability
17 to compel the youth, because they have a tax
18 exemption or a tax benefit, most private sites now
19 don't want to accommodate us simply because of the
20 low compensation that's--

21 CHAIRPERSON BREWER: [interposing]
22 I understand all that part. I don't want to
23 belabor it here, but there were sites that seemed
24 to us to be quite accessible, like senior centers,
25 which for whatever reason got thrown out because

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2 of ADA issues. That's why I want to see that list
3 and we want to circulate it through all the
4 Council Members as soon as possible so they could
5 look at it to see if there are other alternatives.
6 To be honest with you, I don't think we had the
7 opportunity to do that the last time. I don't
8 want to see those lines again.

9 I want to ask you about CLE.
10 That's a great idea to have attorneys be some of
11 the poll workers. Where are we with that
12 situation, that wonderful idea that came out of a
13 hearing?

14 PAMELA PERKINS: Yes, it would be
15 beneficial.

16 CHAIRPERSON BREWER: It would be
17 fabulous.

18 PAMELA PERKINS: We did have a
19 meeting with Alex and your staff as well, the
20 staff from the City Council. We did have
21 Republican representation on speaker. We're
22 waiting, actually, I've sent two emails for a
23 follow-up meeting and I have not received a
24 response yet, but we are pushing.

25 CHAIRPERSON BREWER: Do you need

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2 state legislation or can we just do it?

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STEVEN H. RICHMAN: Again, Council Member, the ability to give CLE is given by a licensed and approved CLE provider--

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CHAIRPERSON BREWER: [interposing] I know that.

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STEVEN H. RICHMAN: --which the Board is not us.

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CHAIRPERSON BREWER: I understand.

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STEVEN H. RICHMAN: I do not believe the CLE board would allow CLE credit for actually working on Election Day. They may give it for the training. I think if that's the case, you're going to need either a rules change or a statutory change to make requirement. The other option would be is to have a poll worker classified now to meet the--

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CHAIRPERSON BREWER: [interposing] So how do we do what we need to do to get them? Can you answer that--

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RAPHAEL SAVINO: Raphael Savino, Deputy General Counsel. That was a part of our discussions. That the time spent at the poll site probably would not qualify. But we were looking

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2 towards creating a training program with all the
3 requirements for continuing legal education that
4 would give the attorneys who are willing to serve
5 their community as a poll worker credit for doing
6 that, and then potential still receive pay on the
7 day of the election as working as a poll worker.

8 STEVEN H. RICHMAN: The alternative
9 also is to pursue with Chief Judge Lippmann, which
10 you may be able to do to meet his new pro bono
11 requirements for newly admitted attorneys to have
12 poll workers that the day spent as a poll worker
13 qualify as pro bono service. At that point, they
14 may not be--they would have to waive their pay,
15 but again, that may be one way for them to meet
16 their obligations. It is not in the current
17 definition of providing pro bono services as a
18 licensed or expected attorney.

19 CHAIRPERSON BREWER: Okay. So we
20 need to work on that quickly. Department of
21 Investigation, according to the papers, is doing
22 an investigation. Can you update us on that?

23 STEVEN H. RICHMAN: We have
24 received nothing other than the press release from
25 the Department of Investigation. We invited the

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2 Commissioner of Investigation, if she wishes, to
3 come and speak to the Commissioners of Public
4 Session. We have not had a response since.

5 CHAIRPERSON BREWER: Okay. Anybody
6 else want to comment? Okay. I know that you
7 mentioned, at a previous hearing you brought in a
8 wonderful large machine that would in fact deal
9 with some of the sign-ins and book signage and so
10 on. I thought it was a great initiative. I think
11 the big machines are a challenge in terms of
12 transport.

13 I just wanted to know, to get an
14 update on perhaps a smaller version. I understand
15 the concern about that the iPad might be stolen,
16 but I have to tell you that discussion engendered
17 a lot of talk. The general tech community feels
18 that a smaller version would make sense. The
19 programming is excellent; the concept is
20 excellent. We just cannot afford the large
21 machines. So I'm just wondering if there's
22 something in between that you have thought of, and
23 we should involve the tech community in coming up
24 with interim ideas that would accomplish what you
25 have already succeeded in, which is this is the

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2 software programming, how do we do it in a--

3 DAWN SANDOW: [interposing] Smaller
4 version.

5 CHAIRPERSON BREWER: --don't get
6 stolen matter, at the same time a less expensive
7 transport.

8 DAWN SANDOW: I don't believe our
9 staff has discussed--I think that there was some
10 talk of doing some research into trying to
11 condense the size of it, but we have not received
12 any more research on that. The programming is
13 completed and finished. I believe that they are
14 working with the New York City Law Department for
15 a copyright on that.

16 I don't feel that the iPads are
17 suitable. I don't think they would be able to--
18 you would not be able to utilize it in the manner
19 of what we--our sample that we showed everybody.
20 I mean this was three different, you had poll
21 worker check-in, you had a poll site locator, and
22 you, also, had election night results reporting.
23 Also, moving forward, there would be many, many
24 other different positives using this.

25 Having an iPad or something even

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that small, I don't feel it would be able to function the way the prototype did.

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CHAIRPERSON BREWER: All right, we need to keep working on it.

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DAWN SANDOW: But they are looking into something smaller.

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CHAIRPERSON BREWER: Okay. Council Member Vallone? I have more questions, but go ahead, Council Member Vallone.

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COUNCIL MEMBER VALLONE: Thank you, Chairperson. I see that there's no funding in the budget for a run-off. Is there a fourth term that you're aware that I'm not aware of, coming up?

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STEVEN H. RICHMAN: Council Member Vallone, we are right now under the obligation to conduct a run-off 14 days after the primary, if none of the candidates in the primary for citywide office receive 40 percent. Given the makeup of the field, at least for two of the three citywide offices, at least two of the parties, I would think it would be--going back to my old days as regulating--it's a better bet to bet we'll have a run-off than not have it. But there is no funding in place. Again, I think that is a critical

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2 omission because if there is no run-off needed,
3 the money wouldn't be spent. We should have it in
4 place so that both our vendors, our landlords and
5 everybody else knows they're going to be covered,
6 as well as our poll workers.

7 COUNCIL MEMBER VALLONE: So when
8 you testified that the funding that's in the
9 budget now is \$7.6 million short, that doesn't
10 even include the run-off money?

11 STEVEN H. RICHMAN: No. I believe
12 that covers the general, the primary, and for
13 those of you who forget, there is a federal
14 primary for members of Congress, scheduled for the
15 last Tuesday in June, which is still in the Fiscal
16 Year, pursuant to a federal court order, given the
17 absence of any legislative changes so far in
18 Albany.

19 JOHN WARD: It's my understanding
20 that traditionally, you know, special elections,
21 run-offs may not have been funded. In this
22 particular case, with the severe time constraints
23 we're faced with, there are certain things we will
24 have to do in advance that will cost money, just
25 to put us in a position to successfully enable the

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2 run-off or just to conduct a run-off. So part of
3 that funding will, whether the event happens or
4 not, be needed to prepare.

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COUNCIL MEMBER VALLONE: First of
6 all, how much would a run-off cost? Does it make
7 a difference if it's one of the three races or all
8 three? Is there a significant difference in cost?

9

STEVEN H. RICHMAN: I'll let John
10 talk the actual numbers. The only possibility is
11 that in order to meet the timeframes, the number
12 of possible ballot combinations would change. If
13 it was only one contest, it may be only about two
14 or three ballot styles. If we have three
15 contests, mayor--

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DAWN SANDOW: [interposing] It
17 depends on the number of contests.

18

STEVEN H. RICHMAN: --and a public
19 advocate, depending on the number of people who
20 may be within the range to qualify for the run-
21 off, to get the ballots printed and to test them
22 within the two week time to use the scanners,
23 that's the unknown which the decisions will be
24 made that Wednesday right after the primary, to
25 try to get us ready for the two weeks hence.

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2 COUNCIL MEMBER VALLONE: Let's hear
3 how much it would cost first.

4 JOHN WARD: Yeah. Not considering
5 ballot costs, because as Counsel Richman has
6 explained, that's kind of tough to quantify--

7 DAWN SANDOW: [interposing] Nail
8 down.

9 JOHN WARD: --nail down. The
10 standard cost just to conduct the run-off, without
11 ballots, would be about \$16 million. That
12 includes transportation, poll workers, poll sites.

13 COUNCIL MEMBER VALLONE: What might
14 one race worth of ballots cost?

15 JOHN WARD: Well, if there was a
16 combination of one Democrat contest, it'd be
17 approximately a million dollars. If it somehow
18 happens to be a run-off in a Republican contest,
19 because of the less voters, it would be maybe
20 \$200,000, maybe a quarter million. The other
21 parties, the minor parties, most of them are in
22 the neighborhood of the Republican.

23 COUNCIL MEMBER VALLONE: What
24 delays would be caused by not having the funding
25 now? Your colleague was just mentioning things

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2 that in the past might not have happened but would
3 happen now.

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DAWN SANDOW: Well, we would need
5 additional staff. So we would not be able to hire
6 the temporary staff that is needed in the EVS
7 unit. We need addition space as well. I believe
8 our staff has been working closely with DCAS and
9 OMB to look for additional space. What else could
10 you think of?

11

PAMELA PERKINS: We would also need
12 additional staff in the voting operations unit to
13 help prepare the scanners, if that's what we're
14 going, in BMDs or whatever voting equipment we'll
15 be using. Our voting operations unit would also
16 need additional temp staff, which we have
17 presented in our run-off proposals.

18

STEVEN H. RICHMAN: And finally,
19 again, we're asking our vendors, the outside
20 vendors to work at risk because we would not be
21 able to say that we have money in the budget to
22 pay for them. So printing vendors, the technical
23 support for the voting operations unit, the
24 transportation, et cetera, all of the outside
25 vendors, who all come out of OTPS money, and as

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2 you know, there's no give in that. On personal
3 service, the city has always honored the paychecks
4 and then backfilled, but for OTPS, you know, we're
5 doing it at risk and asking the vendors to assume
6 that risk.

7 DAWN SANDOW: Council Member
8 Vallone, there would also be additional election
9 supplies. If we're going to be using these
10 scanners, our proposal consists of when those
11 scanners are returned on the primary, those ballot
12 boxes are immediately taken out and put into a
13 double-locked room. Where we are procuring an
14 extra set of ballot bin liners to immediately put
15 into those scanners and start the election testing
16 to be ready in the amount of time that we have.
17 So we also need the supplies for the poll sites,
18 which we would need ahead of time, the poll site
19 books.

20 COUNCIL MEMBER VALLONE: You're
21 using two sets of machines this time, is that what
22 I read?

23 DAWN SANDOW: No.

24 JOHN WARD: The current goal is to
25 use the scanners, as it's the only legally

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permissible way, within the two-week timeframe.

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Although we sent numerous legislative proposals up

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to Albany, none have been favorably acted upon as

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yet. So, again, using those same scanners, trying

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to "flip" them in a short amount of time, get them

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back out will require additional staff. We'll

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also need additional staff to go to each poll site

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and make sure the privacy booths, which we may

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very well leave there for the two-week period,

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have all the required paperwork on them, batteries

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are in working and operable condition, can still

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be found, they still have pens.

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Also, one other thing that is clear

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in the proposal that we're currently forced to

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work under is based on the election night results,

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the commissioners will have to decide which, if

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any, combinations appear likely and print multiple

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sets of ballots. Hopefully, not as many as some

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have projected originally, but they will have to

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print potential combinations, depending on the

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election night results. Each and every one of

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those ballots actual print run will have to be

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tested in each scanner, even though ultimately

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well use only one of those combinations, if any.

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2 STEVEN H. RICHMAN: Lastly, Council
3 Member, also we'll need staff to do the canvas of
4 the original primary so we know not only who gets
5 into the run-off but who may win other races that
6 are on the ballot. Again, we have a timeframe to
7 that because, again, within days of the run-off
8 date, we have to then prepare the general election
9 ballot. So we're talking about creating
10 additional units of temporary workers to conduct
11 the canvas while other workers are trying to
12 prepare the equipment. So we're really running
13 two separate elections simultaneously. Again, we
14 always have the--the worst nightmare of an
15 election administrator, a close election. If it's
16 close--

17 COUNCIL MEMBER VALLONE:

18 [interposing] Okay, so, hold on. Last time you
19 testified, you basically said that you didn't
20 think you could get it done, and it doesn't sound
21 like that has changed. What are the chances that
22 you will be able to run a relatively problem-free
23 run-off under the circumstances you just gave me?

24 STEVEN H. RICHMAN: We will use our
25 best efforts, given the circumstances and the

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statutory requirements imposed on us.

JOHN WARD: The only other thing that may have changed, and it still doesn't provide any guarantees, the State Board has also suggested a reduced testing regiment, which may make the testing of the scanners be able to be done in a shorter amount of time. Again, there are still no guarantees in terms of first certifying who belongs in the run-off and then preparing all the equipment and deploying it.

CHAIRPERSON BREWER: We've heard about this. Could you be more specific as to what that would entail in terms of a different protocol?

STEVEN H. RICHMAN: John?

CHAIRPERSON BREWER: Has the State Board already approved what we are talking about?

JOHN NAUDUS: No, the State Board hasn't approved it. Some of the reductions to the testing is basically to eliminate some of the portions of the testing that tests random ballots. Part of testing is, basically, you test the pattern to see that each candidate is getting the correct number of votes. Then there's a piece of

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2 it that we would test randomly voted ballots to
3 ensure that it's still scanning properly. We know
4 the scanners work. We've used them now for three
5 years worth of elections. They just worked in
6 that primary. So what we're going to do is cut
7 down the testing to just the specific pattern to
8 vote to make sure that it's accurately counting
9 those positions for the voters.

10 One of the other things that the
11 State Board has suggested for us, also, is
12 normally the machines come back, we hash code
13 check, or basically we check all the software to
14 make sure it hasn't been tampered with between
15 elections. With the small time window, what the
16 State Board is saying they're going to allow us to
17 do is if we get the scanners back from the primary
18 and the seals on the sides of the scanner haven't
19 been broken, meaning no one has physically
20 tampered with the machine, then we don't have to
21 take the time to check the software again. We can
22 just send the machine back out and only check the
23 software on any machines where the seals have been
24 broken and it looks like there's the possibility.

25 CHAIRPERSON BREWER: And you can

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2 use fewer machines, I assume.

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JOHN NAUDUS: Well, the number of machines, it's always based on the number of registered voters. So that always depends on if it's a Democratic primary and a Republican primary, as opposed to just a Democrat, then we would be able to use less--

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CHAIRPERSON BREWER: [interposing]
We thought you were petitioning the state to be able to use fewer machines.

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STEVEN H. RICHMAN: We have asked the Department of Justice to modify the deployment formula to raise the number, but the commissioners do not want to move away from the minimum requirement of two scanners at every poll site. So we're talking about reducing in the neighborhood of approximately--if the DOJ pre-clears the change--of about 700 fewer scanners. We will still have two scanners at every poll site, and some sites will still get more, because even under the reduced formula, if you have more than 2,400--

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JOHN NAUDUS: [interposing] 2,500.

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STEVEN H. RICHMAN: --2,500 voters,

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2 you're going to get an extra scanner as well. So
3 for some of the big sites, like Co-op City, where
4 we have 18 election districts, you're still going
5 to get multiple scanners. So we're talking about
6 a savings--a reduction of only about 700 scanners
7 at the maximum, plus each site still needs a
8 ballot marking device as well.

9 CHAIRPERSON BREWER: Council Member
10 Vallone, I'm sorry, go ahead.

11 COUNCIL MEMBER VALLONE: No
12 problem. Based on what you just testified, I am
13 very concerned about your ability to conduct a
14 run-off for, let's say, Mayor of the greatest city
15 in the world. Are any of you up there confident
16 that you'll be able to do it under these
17 circumstances?

18 PAMELA PERKINS: Well, we have
19 said, the last time we testified--Councilman
20 Vallone, I'm sure you were there--we said we were
21 going to make our best effort. We cannot
22 guarantee under the best circumstances that we'll
23 be able to pull it off, but we're doing as much
24 planning as possible, without the additional
25 funding. We're looking at every alternative we

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2 can use to be prepared, but we can't sit here and
3 guarantee under the best scenario that we'll be
4 able to pull it off. We are committed to using
5 our best efforts. You know, the staff as well as
6 the commissioners are committed.

7 DAWN SANDOW: I am sure that this
8 is going to be a lessons learned election.

9 COUNCIL MEMBER VALLONE: Just
10 repeat that.

11 DAWN SANDOW: I am sure that this
12 is going to be a lesson--just like 2010, when we
13 first rolled out the new electronic voting system,
14 there were many lessons learned. Well, this is a
15 first for us. We have never used these electronic
16 voting machines in a municipal election where
17 there is a primary, a run-off and then a general.
18 This is a first. We are trying to prepare for
19 every possible scenario.

20 Our legislation that went up to
21 Albany included allowing us to use the lever
22 machines for the primary and the run-off. It
23 included the extra week. It also included another
24 scenario that if we have to go to paper by default
25 that we would be able to take the ballot bin

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2 liners back to our borough offices and use our
3 central scan system to count at the end of the
4 evening instead of having the poll workers do the
5 count. So we have tried to prepare in many
6 different ways, and that includes sending
7 legislation up to the State Legislature to cover
8 every possible scenario.

9 COUNCIL MEMBER VALLONE: And Albany
10 has given you none of the help that you've sought?

11 STEVEN H. RICHMAN: The Assembly
12 and the Senate have each passed different versions
13 of a bill to make the run-off three weeks instead
14 of two weeks after; as of yet, no reconciliation.
15 The Senate has passed a bill that would allow us
16 the option to use lever machines in any non-
17 federal election. There is no companion bill in
18 the Senate. The commissioners and the staff is
19 going up next week. We will remind the
20 Legislature of all of our concerns.

21 As this committee, both committees
22 are aware, for over two years now we've indicated
23 this concern. We've talked about the overall
24 solution being a June primary. Regrettably, as we
25 see in the testimony that doesn't even appear in

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2 the offing for 2014, where we'll have a federal
3 primary in June and a state primary in September.

4 COUNCIL MEMBER VALLONE: Is it
5 still too late to move the election to June?

6 STEVEN H. RICHMAN: Yes, because
7 the petition period would have started and would
8 have concluded. We would have done the hearings.
9 We would have been in litigation at this point and
10 beginning probably next week for an end of June
11 primary, begin the testing cycle and the ballot
12 printing.

13 COUNCIL MEMBER VALLONE: This is so
14 typical of Albany. They're aware of this problem
15 for two years, as you just said, and have done
16 nothing other than passed bills without companion
17 bills, to allow them to say they've done stuff.
18 But in actuality, they've done nothing to help you
19 or to help this city prepare for a run-off for the
20 most important election that we have here in the
21 city. It's ridiculous. I've been asking
22 questions a while, so I'll let my colleagues ask.
23 If there's anything we can do at the City Council
24 level to help you out, you let us know. We stand
25 ready.

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2 STEVEN H. RICHMAN: Council Member,
3 the funding.

4 COUNCIL MEMBER VALLONE: Funding.

5 STEVEN H. RICHMAN: The staffing
6 and the funding at least gives us a shot at trying
7 to fulfill our legal obligations.

8 COUNCIL MEMBER VALLONE: When do
9 you need the funding by in order to get that done?

10 STEVEN H. RICHMAN: July 1.

11 COUNCIL MEMBER VALLONE: July 1.

12 Thank you.

13 CHAIRPERSON BREWER: We've been
14 joined by Council Member Dickens, Ferreras,
15 Koppell, Fidler and Vann. Council Member
16 Rodriguez?

17 COUNCIL MEMBER RODRIGUEZ: Thank
18 you, Chairman. With the resources that the New
19 York City Board of Elections has right now, how
20 many people can you register to vote?

21 DAWN SANDOW: I'm sorry?

22 COUNCIL MEMBER RODRIGUEZ: How many
23 more people can you register to vote?

24 STEVEN H. RICHMAN: Process you
25 mean, registration forms?

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2 COUNCIL MEMBER RODRIGUEZ: What is
3 your capacity right now? How many more people can
4 you guarantee the city that can be registered to
5 vote?

6 STEVEN H. RICHMAN: Councilman--

7 DAWN SANDOW: [interposing]
8 Whatever registrations come into the board, we
9 process them. They're being processed on a daily
10 basis. When we were hit with the presidential
11 election, right before the deadline date, when we
12 saw the amount of registrations coming in, we had
13 an operation that ran 24 hours. We had our staff
14 processing registrations from 9 a.m. to 9 p.m. and
15 an outside agency coming in from 9 p.m. to 9 a.m.
16 So we process, we have to process what comes in.

17 COUNCIL MEMBER RODRIGUEZ: So at
18 this particular moment, like every county here try
19 to recruit more voters, you know. There's a heavy
20 activism outside in the whole city, like trying to
21 register more people to vote. My question is do
22 you have any challenges of registering, let's say,
23 a million more people to vote in New York City
24 election?

25 STEVEN H. RICHMAN: I think the

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only concern, I think as Dawn articulated, is we would prefer as you're registering people, get the forms in now. Don't wait for the last day. Because we literally have five days between the last day to receive a registration form and produce the poll list books. If we are overwhelmed, and all of that doesn't get into the poll list book, when voters show up to vote in the polls, they'll be forced to vote by affidavit. So what we've been urging everyone is don't hold it to do your press conference and you walk in with 10,000 forms. If you've got 50, bring them in and we'll process them. That'll reduce the burden at the last minute crush.

DAWN SANDOW: What we did for the presidential, our manager in registration in the general office this time reached out to all the advocacy groups that were doing registration drives to remind them to bring them in.

The only issue that I have that I can see is that when registrations go to the State Board, we don't receive them in a timely manner. We receive them much later than when the registration came in. A lot of these

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2 registrations come from agencies. We're not aware
3 of which agencies they come from and go to the
4 State Board. That's an issue for us.

5 STEVEN H. RICHMAN: The other
6 problem you have at the last minute is the law
7 gives us 21 days to process the registration form.
8 If the voter, by chance, leaves out their address,
9 leaves out the last four digits of the social
10 security number, if they leave out their driver's
11 license or non-driver's ID and we can't match it
12 with the state system, then they're going to be
13 asked for ID if we process it. They're going to
14 get a missing information letter. So there's no
15 incentive for anybody to hold on to voter
16 registration forms. It's a complex to review each
17 form. There are statutory requirements, which are
18 set forth in the State Constitution and the State
19 Election Law, and we have to do it and review it
20 on a bipartisan basis. The problem is when it
21 comes in 25 days before the primary, and we just
22 talked about it, our staff is really going to be
23 busy doing stuff to try to get the primary
24 election out, so that's where the problem becomes.

25 JOHN WARD: Councilman, if you're

1
2 asking if the City Council were to pass
3 legislation which may suddenly create another
4 million registered voters, we certainly would need
5 additional staff to process those registrations,
6 if that's--

7 STEVEN H. RICHMAN: [interposing]

8 And the resources.

9 COUNCIL MEMBER RODRIGUEZ: For the
10 million more, it would be like more, the Board of
11 Elections would need more resources.

12 JOHN WARD: Without a doubt.

13 STEVEN H. RICHMAN: Both human and
14 physical.

15 COUNCIL MEMBER RODRIGUEZ: But
16 right now, like with the resources, the software
17 you have, the man and woman power that you have at
18 the Board of Elections, how many more people can
19 you guarantee that you are in a position to
20 register?

21 STEVEN H. RICHMAN: Tell me when
22 we're going to get the registration form. If you
23 give me a registration form today and if all is
24 filled out properly, they'll be registered and
25 able to vote in the primary.

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2 COUNCIL MEMBER RODRIGUEZ: But I'm
3 sorry--

4 STEVEN H. RICHMAN: [interposing]
5 If you deliver it on August 25th--

6 COUNCIL MEMBER RODRIGUEZ:
7 [interposing] Like, if we pass this resolution, it
8 will be needs for more men and women resources
9 there. I understand it, because you're talking
10 about probably a million more. Let's say that
11 it's not a million. We talk about budget,
12 resources. With the resources that you have right
13 now, how many can you register?

14 DAWN SANDOW: We did over 600 and
15 change. I don't have an exact amount. I could
16 get that for you. But we did need to pull in an
17 outside agency to come in to help us. We ran a 24
18 hour operation in order for us to meet the
19 deadline.

20 COUNCIL MEMBER RODRIGUEZ: My
21 concern is that, you know, especially with this
22 legislation that we are proposing right now, some
23 of the opposition for editorial of the newspaper
24 is the Board of Elections cannot do it. Even
25 today, they say the Board of Election, they don't

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2 know how to count. So I don't believe, I believe
3 that the Board of Election can do the work, but if
4 we're looking about resources, I would like to
5 know, like, can the Board of Election--does the
6 Board of Election have the resources to register
7 600,000 more. What is the projection? What is
8 the count?

9 STEVEN H. RICHMAN: We're talking
10 about registering new people under the current
11 system. If you're talking about designing a brand
12 new system with different requirements, different
13 eligibility, we don't even know that. We would
14 have to design a system, because, for example, the
15 fundamental question that every voter registration
16 application has to have is you have to answer
17 certain questions you check off on the system. If
18 you don't have that, it's rejected. So if you're
19 talking about changing what the qualifications
20 are, that would require development of an entirely
21 new system.

22 CHAIRPERSON RECCHIA: Okay, we have
23 to move on. We have to move on.

24 COUNCIL MEMBER RODRIGUEZ: Excuse
25 me, Chairman.

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CHAIRPERSON RECCHIA: What?

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COUNCIL MEMBER RODRIGUEZ: This is about budget.

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CHAIRPERSON RECCHIA: I understand that and I have the schedule I have to keep. You've been asking a lot of questions--

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COUNCIL MEMBER RODRIGUEZ: [interposing] It's only one question. This is only one question.

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CHAIRPERSON RECCHIA: Listen--

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COUNCIL MEMBER RODRIGUEZ:

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[interposing] And I have a second question about--

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CHAIRPERSON RECCHIA: --my

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colleague Gale Brewer has--

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COUNCIL MEMBER RODRIGUEZ: --the

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Board of Election.

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CHAIRPERSON RECCHIA: Listen,

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Ydanis Rodriguez, you're cut off. Next, Council

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Member Wills. Who's next? Council Member Dickens has a question.

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COUNCIL MEMBER DICKENS: Thank you,

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Chair. I have three short questions. The first

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one is regarding redistricting. When will a

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mailing go out to notify the voters that the lines

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2 have changed and their polling sites may have
3 changed?

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DAWN SANDOW: We have an August
5 mailing that we mail that goes out. The mailing
6 that we normally do to all voters every year goes
7 out in August. It's usually the first week in
8 August. That will have the voter's, if their poll
9 site was changed, it will have their new poll
10 site. It will have their new EDs and their new
11 Council district, if they've been redistricted
12 into another Council district.

13

COUNCIL MEMBER DICKENS: Thank you.
14 The next one is dealing with Sandy, the areas such
15 as Red Hook. Have all of those polling sites now
16 been restored so that the machines can be brought
17 in, electricity is there so that the voters can
18 then vote in those districts?

19

PAMELA PERKINS: Most of those poll
20 sites are now open, active and running. Where
21 they were not, alternative poll sites were
22 identified and located.

23

COUNCIL MEMBER DICKENS: In certain
24 areas, such as Coney Island and Red Hook, Staten
25 Island, and in Queens where there was a high

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2 impact, I understand there were still issues about
3 the voting, so I'm very concerned.

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STEVEN H. RICHMAN: Council Member Dickens, we just did the DOJ pre-clearance for Brooklyn. There's only one poll site, I believe it's the church on Surf Avenue and 37th where it has not completely rebuilt. We are going to the alternate site, which was a permanent residential structure.

CHAIRPERSON RECCHIA: It's inside Sea Gate.

STEVEN H. RICHMAN: Yeah, inside Sea Gate, which is an alternative. So what Pam said was correct. We've found alternatives within, I believe, a reasonable distance to service the voters, so the dislocations from November will not be there. We are changing some poll sites, both in the Rockaways I'm familiar with, and in Coney Island, and the entire shorefront community. All the other public sites, all the public schools that were closed are back up and running. There's one site change at the western end of the island. As Council Member Recchia knows, we found the alternate, which in

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2 conjunction we're working with the local electeds.

3 COUNCIL MEMBER DICKENS: All right.

4 The last question deals with currently the Board
5 of Elections has no program where the law that's
6 in place today that says you have to be a citizen
7 and a resident of the area that you're voting in,
8 you have no way of enforcing that to see that a
9 person is indeed a citizen, is that correct?

10 DAWN SANDOW: No, we have--

11 STEVEN H. RICHMAN: [interposing]

12 The statute provides for you to execute an
13 affidavit, which subjects you to the penalties of
14 perjury. If you're a newly registered voter, you
15 have to provide either your driver's license
16 number, non-driver's ID number, last four digits
17 of your social security number or other form of
18 identification to show that you're a legal
19 resident of the City of New York and the State of
20 New York for at least 30 days.

21 COUNCIL MEMBER DICKENS: All right.

22 What would be implemented in order to guarantee,
23 for instance the current--the new legislation that
24 is proposed before the City Council would allow
25 for non-citizen residents to be able to vote in

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2 municipal elections. What would you be able to do
3 to ensure that they are indeed a resident of the
4 municipality, that's one? And to ensure, if we
5 put in that there's a timeframe, like five months,
6 a year, whatever, that they must be a resident,
7 that that is done, in order to prevent elections
8 from being impacted by people who are actually not
9 residents of the municipality?

10 STEVEN H. RICHMAN: As we indicated
11 in the letter to Chair Brewer and our colleagues
12 at the Committee on Immigration as well, that's up
13 to you to decide in putting in the legislation.
14 If you have a self-certification, it could be just
15 like a regular voter registration form. Whatever
16 the circumstances you put in, in terms of
17 registration, we'd have to design the system to
18 meet that. I think the major concern the Board
19 has outlined to you is the implementation. The
20 idea that this year all of your inspectors would
21 have to manage at least two sets of ballots, if
22 not more.

23 COUNCIL MEMBER DICKENS: How would
24 that impact upon the budget please?

25 STEVEN H. RICHMAN: We can't

1
2 estimate that until we know the system. If you're
3 talking about at least doubling the number of,
4 roughly, printing of ballots. Simply because, for
5 example in Manhattan this year, in the November
6 election, you're going to have the district
7 attorney, Supreme Court judges and Civil Court
8 judges on which under the draft bill, the non-
9 citizens are not able to vote. These are state
10 offices. So you're asking your inspectors to
11 having two sets of ballots. So if it's each
12 table, we're giving you 500 ballots, it's an extra
13 500. Multiply that citywide.

14 COUNCIL MEMBER DICKENS: Have you
15 looked at systems that are in place in other
16 cities where, like in Atlanta, where they have
17 implemented programs in order for them to verify
18 information that's given?

19 STEVEN H. RICHMAN: We have not,
20 because we have followed--we are now operating
21 under the State Constitution and the State Law,
22 which provides that there is an affirmation and
23 self-certification subjecting to you to the
24 prosecution for perjury.

25 COUNCIL MEMBER DICKENS: All right.

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2 The last question is dealing with can the City
3 Council legally enact legislation dealing with
4 this when voting actually is done by state rights?

5 STEVEN H. RICHMAN: That's beyond
6 the scope of the Board. We're a ministerial
7 agency. We will follow any directives deemed
8 lawful.

9 COUNCIL MEMBER DICKENS: Thank you.
10 Thank you for coming to testify. Thank you,
11 Chair.

12 CHAIRPERSON BREWER: We've been
13 joined by Council Member Reyna, Council Member
14 Cabrera. I just wanted to ask about transparency.
15 I know there's an age-old issue of will you put
16 statistics into this year's MMR. That's a
17 question. Then what have you done to make your
18 budget as transparent as possible? Isn't it state
19 law that you have to webcast your meetings?

20 STEVEN H. RICHMAN: With respect to
21 the webcasting, the answer is no. That only
22 applies to agencies upon boards of which at least
23 one member is appointed by the governor of the
24 State of New York.

25 DAWN SANDOW: As far as our annual

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2 report, the Board did sit with some of your staff
3 and good government groups. We took from them
4 what they would like to see in our annual report.
5 As you can see, it was quite thick. Whatever was
6 asked of us, as far as information, we put it into
7 that report.

8 CHAIRPERSON BREWER: Thank you. I
9 want to thank you for your ongoing meetings with
10 the good government groups. I really appreciate
11 it. One final issue, which is how are you going
12 to either budget wise or procedure wise improve
13 real time end of night procedures?

14 DAWN SANDOW: Well, we would like
15 to use our prototype, which would reduce the
16 travel time. We would be able to upload the
17 results in every single poll site throughout the
18 city. Right now, the accuracy speaks for itself.
19 As far as the speed, we would like to be able to
20 upload in every poll site. That reduces the
21 packaging, the travel time. For the NYPD, it
22 reduces having staff in the precincts to upload
23 results, which would reduce our budget somewhat.
24 That would help with the speed, which would be
25 doing it in every poll site.

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CHAIRPERSON BREWER: All right.

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Thank you very much.

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CHAIRPERSON RECCHIA: Thank you,

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Commissioners. We'll take a two-minute recess.

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We'll have OATH next. Thank you.

6

[Pause]

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CHAIRPERSON RECCHIA: Colleagues,

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find a seat. Take your conversations outside the

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chamber please.

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We'll now resume the City Council

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hearing on the Mayor's Executive Budget 2014. So

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far today, the Finance Committee and Governmental

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Operations Committee have heard from the

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Department of Citywide Administrative Services and

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the Board of Elections. We'll now hear from the

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Office of Administrative Trials and Hearings.

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Gale, do you have anything you'd

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like to say?

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CHAIRPERSON BREWER: No. I look

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forward to your testimony.

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CHAIRPERSON RECCHIA: Okay,

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Commissioner?

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SUZANNE BEDDOE: Good afternoon,

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Chairs Brewer and Recchia and members of the

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1
2 Committees on Governmental Operations and Finance.

3 I am Suzanne Beddoe, the Commissioner and Chief
4 Administrative Law Judge at the New York City
5 Office of Administrative Trials and Hearings.

6 It's a pleasure to come before you
7 to discuss OATH's Fiscal Year 2014 Executive
8 Budget. Today, I will be speaking about the
9 services OATH provides and some important changes
10 that have occurred in the last year.

11 Let me begin by providing you with
12 some background. The New York City Office of
13 Administrative Trials and Hearings, or OATH, is
14 the largest municipal administrative court in the
15 nation. OATH oversees the operations of four
16 different administrative tribunals and handles a
17 wide variety of cases, conducting over 400,000
18 hearings annually.

19 Effective July 3, 2011, OATH took
20 over the management of the administrative
21 tribunals that were traditionally operated by the
22 Taxi and Limousine Commission and the Department
23 of Health and Mental Hygiene. The transfer
24 increased the number of cases which OATH handles
25 by approximately 150,000 annually.

1
2 OATH's four divisions currently
3 consist of the OATH Tribunal, the OATH Health
4 Tribunal, the OATH Taxi and Limousine Tribunal,
5 and the Environmental Control Board, as you all
6 know, ECB. As an independent administrative
7 court, OATH's sole mission is to provide fair and
8 timely hearings to everyone who appears before our
9 judges.

10 OATH wants to eliminate barriers to
11 obtaining convenient hearings and aims to
12 encourage participation in the administrative
13 justice process. It has done this by implementing
14 Access to Justice initiatives that make it easier
15 for New Yorkers to have their day in court.
16 Through growth and change, OATH has attained a
17 superior level of service and has focused on
18 implementing innovative programs with the goal of
19 creating truly user-friendly courts. I invite you
20 to review OATH's annual report for details but let
21 me give you a quick summary.

22 During Calendar Year 2012, the
23 Environmental Control Board launched its new
24 website. For the first time ever, the general
25 public is able to search for violations that have

1
2 been filed at ECB. The ECB Ticket Finder function
3 on the new website allows users to view, download
4 and print copies of those violations; find hearing
5 information; see a violation's status; and easily
6 pay violations online. Searches can be conducted
7 by name, address, or violation number. In this
8 way, the ECB Ticket Finder gives the public access
9 to important information, which not only allows
10 people to better defend themselves but also gives
11 the general public information about quality of
12 life cases that have come to ECB that may affect
13 them or their neighborhood.

14 At the Health Tribunal, which was
15 consolidated into OATH in July 2011, we have
16 continued to increase transparency of the
17 tribunal's operations and provide greater access to
18 justice by giving New Yorkers new ways and more
19 places to contest their violations.

20 In 2012, OATH implemented hearings
21 online and its virtual hearing program. Both use
22 technology in innovative ways to increase
23 efficiency for the city and the general public.
24 Online hearings allow respondents to contest
25 Health Department charges at their convenience.

1
2 For example, business owners can
3 now submit their defense to a judge using a simple
4 electronic form found on the OATH website without
5 having to come to the tribunal in person. Virtual
6 hearings were implemented as a way to expand the
7 OATH Health Tribunal to the outer boroughs while
8 keeping costs low for the city.

9 Prior to consolidation, there was
10 only one Health Tribunal hearing office location,
11 in lower Manhattan. Since then, OATH has opened
12 Health Tribunal hearing offices in Staten Island,
13 the Bronx and Queens. The new locations--it's
14 coming. The new locations were made possible by
15 allowing DOHMH inspectors to testify using webcam
16 technology, saving both DOHMH and respondents time
17 and expense since neither party has to travel far
18 to appear for a hearing.

19 As the Chair asked, OATH is pleased
20 to testify today that it is on track to open its
21 fifth Health Tribunal location in Brooklyn later
22 this year.

23 Opening hearing office locations in
24 the neighborhoods where respondents work and live
25 is one of the most effective ways to increase the

1
2 public's access to justice. It should be noted
3 that OATH has been able to complete this expansion
4 with minimal cost to the city by leveraging office
5 locations already used by OATH's Environmental
6 Control Board.

7 As I mentioned, the Taxi and
8 Limousine Tribunal was consolidated into OATH in
9 2011. Under OATH's management, the Taxi and
10 Limousine Tribunal eliminated a backlog of 3,000
11 appeals cases. Many of the appellants had been
12 waiting several years for a decision to be issued.
13 To help ensure that the efficiencies that OATH has
14 created are sustainable, and in an effort to
15 continue to reduce waste, OATH developed software
16 to modernize the operations of the Taxi Tribunal.

17 For the first time, the tribunal
18 has the capacity to digitally record hearings and
19 store evidence in electronic case files. The
20 software also allows real-time case tracking which
21 serves to reduce wait times since the assignment
22 of cases are better managed throughout the day.
23 Replacing paper case files with electronic ones
24 brings the Taxi Tribunal into the 21st century
25 while saving the city resources.

1
2 With respect to headcount, the
3 agency's headcount increased by one, from 247
4 employees in FY 2012 to 248 in FY 2013.

5 With respect to revenue, as an
6 administrative court, cases that are handled by
7 OATH do not carry criminal charges; however, they
8 may carry civil penalties. When the facts show
9 that a violation has occurred, OATH judges may
10 apply monetary penalties as mandated by the
11 applicable laws. The amounts of these fines are
12 established by the enforcement agencies that issue
13 the violations. Anticipated revenue in Fiscal
14 Year 2014 from the payments of these fines is as
15 follows: \$94.39 million for ECB, \$45 million for
16 the Health Tribunal and \$7.76 million at the Taxi
17 and Limousine Tribunal.

18 There is a \$14.2 million increase
19 in anticipated revenue from the current fiscal
20 year to Fiscal Year 2014. The increase is due to
21 the anticipated restoration of normal enforcement
22 activities by ticket-issuing agencies following a
23 decrease that occurred as a result of Hurricane
24 Sandy.

25 However, because OATH does not

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2 control policies or practices at the enforcement
3 agencies, revenue projections are outside of
4 OATH's purview. Of course, any increased caseload
5 at OATH in FY 2014 will be the direct result of
6 increased enforcement by the city's agencies that
7 issue violations returnable to one of OATH's
8 divisions.

9 Now, with respect to the budget,
10 OATH's total proposed Executive Budget for fiscal
11 year 2014 is \$35 million, which represents an
12 increase of \$457,000 from the current fiscal
13 year's budget. Of the \$35 million, \$27.5 million
14 is PS, personal services, and \$7.5 million in
15 OTPS.

16 So in conclusion, I'd like to thank
17 you for your support and look forward to our
18 continued cooperation. I certainly would be happy
19 to take any questions that you might have at this
20 time.

21 CHAIRPERSON BREWER: Thank you very
22 much. One of my first questions is what's the
23 total of uncollected ECB fines owed to the city?
24 I know Environmental Control Board includes a lot
25 of different agencies, maybe you could list some

1
2 of those. The one that comes to mind is the one
3 that really bothers me. There's a gentleman--we
4 don't know who it is--who apparently puts up movie
5 man fliers all over the City of New York and he
6 owes, last I checked, it was about \$1.5 million.
7 It may be more. The Sanitation Department can't
8 find him. The fine goes uncollected and it keeps
9 piling up. The signs, despite all of our efforts,
10 keep appearing. So I'm just wondering, what is
11 the total amount? Obviously, the agencies are
12 responsible but do you have any discussions about
13 it? How much is collectable/uncollectible? What
14 do you do about it? Because, you know, when the
15 taxpayer hears that they're getting, you know,
16 bigger assessments, more fines and fees, and then
17 they have this huge number of uncollected, it's
18 very frustrating.

19 SUZANNE BEDDOE: Well, first of
20 all, let me tell you that the enforcement of
21 collection lies with Department of Finance and Law
22 Department. As the Court, we don't play an active
23 role in the actual collections. Let me tell you
24 what we do. With respect to ECB debt, if there is
25 a default or if someone fails to pay on a

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2 violation, what we do is we notify the party. We
3 advise them that there is the amount outstanding.
4 If that isn't settled or satisfied within a period
5 of time, the debt is then docketed with the Civil
6 Court and all of that is then referred to the
7 Department of Finance for collection.

8 We work closely with the Department
9 of Finance to provide them with information,
10 daily, weekly, monthly reports so that they have a
11 current profile of that debt. That number, I am
12 afraid we would have to get from the Department of
13 Finance, and we can certainly do so. Other debt,
14 larger amounts are referred to the Law Department.

15 We are well aware of the individual
16 that you are talking about. We have referred it
17 to the Law Department. I know they are working
18 aggressively. But it's hard to, first of all--

19 CHAIRPERSON BREWER: [interposing]
20 Twelve years.

21 SUZANNE BEDDOE: It's hard for them
22 to find him and locate him, but it's something
23 that we actively refer all of our debt on to those
24 two collection agencies.

25 CHAIRPERSON BREWER: The other

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2 question I have is you talked about technology.

3 For the Health Department, why is it only Health?

4 Are the other agencies, ECB, TLC, et cetera, also

5 going to be using the same in the near future?

6 The reason I ask is I know one of my hardware

7 stores, he got a violation for the A-frame or

8 something, and he had to go down. He kept asking,

9 why do I have to go down? So, he comes under ECB.

10 Can you explain why other agencies don't have the

11 same technology? And what are we doing to apply

12 it to other agencies?

13 SUZANNE BEDDOE: Well, the

14 different levels of technology, let me first

15 explain. All of the tribunals, with the exception

16 of the Taxi and Limousine Tribunal, offer hearings

17 online. So ECB and the Health Tribunal, you can

18 go online, submit your--

19 CHAIRPERSON BREWER: [interposing]

20 Guilty or not guilty, either one? In other words,

21 if you feel like you have gotten the fine, you pay

22 it online. But say, for instance, you want to

23 challenge it--

24 SUZANNE BEDDOE: [interposing] Yes,

25 if you want to challenge--

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CHAIRPERSON BREWER: --you can do that online for all the agencies except for TLC?

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SUZANNE BEDDOE: With TLC and the OATH Tribunal, because their cases are really

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quite different. But with respect to the Health Tribunal and ECB, most of the cases you have the

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option to go online and submit evidence, submit documentary evidence, photographs, prepare a

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statement that you can submit online. So that is available.

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There are, however, certain types of cases in terms of severity. So, for example,

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very important or very complex buildings cases,

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for example, would really not be appropriate to be

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heard online. Those would require someone to come

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in. With the exception of those types of cases

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where the severity level is much higher, you have

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the ability to go online.

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With respect to the webcam

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technology that we're using now at the Health

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Tribunal, and that is only the Health Tribunal, we

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simply had a willing party. The Department of

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Health and Mental Hygiene were very excited about

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it. It was an easy way for us to bring an

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2 inspector who is working in Manhattan, maybe has a
3 hearing in the Bronx or has a hearing in Queens,
4 to appear via webcam. The Respondent, who is out
5 in the borough, can ask the inspector questions,
6 ask questions of documents, et cetera. So it was
7 a way to pilot that technology in the tribunal.
8 It's been very successful and it's something we
9 certainly will be exploring with respect to the
10 other tribunals.

11 CHAIRPERSON BREWER: What
12 percentage of the cases are settled using the
13 webcam? Is it a higher percentage, same
14 percentage?

15 SUZANNE BEDDOE: I don't--

16 CHAIRPERSON BREWER: [interposing]
17 Compared to online.

18 SUZANNE BEDDOE: I don't believe--
19 what do you--I'm sorry--

20 CHAIRPERSON BREWER: [interposing]
21 In other words, is it a more efficient system
22 using the webcam? Is that something that you have
23 a higher percentage, perhaps, of either collecting
24 the money or getting the situation resolved? Is
25 there a different outcome? That would be my

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2 question.

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SUZANNE BEDDOE: I don't know that we have that information, but it's something we can certainly look into.

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CHAIRPERSON BREWER: Okay. I want to also ask about scheduling. I have tons of friends who are ALJs, and some of them complain all day long and some of them don't. A lot of them do complain about the scheduling. Can you explain to me why different hours are allocated to different part time ALJs? I know you hear about this issue, right?

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SUZANNE BEDDOE: Well, let me see, for the members of the committee who aren't clear.

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CHAIRPERSON BREWER: As intimately involved with this issue.

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SUZANNE BEDDOE: Yes.

CHAIRPERSON BREWER: Go ahead. I'm up to here with it.

SUZANNE BEDDOE: OATH employs per diem hearing officers, which means that about half of our staff, about 300 ALJs are part time. So they are called in on an hourly basis. We use part time ALJs at the Health Tribunal, at ECB and

1
2 at the Taxi and Limousine Tribunal. It is on an
3 as-needed basis. Basically, what we ask is very
4 often the hearing officers have other jobs,
5 they're actors, lawyers with solo practices, any
6 range of occupations. They provide us with their
7 availability and the managing attorneys at the
8 various locations will schedule as needed,
9 depending on when the availability is, et cetera.

10 Recently, we've been hearing more
11 and more complaints about scheduling. In part,
12 we've had to give hearing officers fewer hours.
13 That's because the issuance from the issuing
14 agencies, something that we don't control, has
15 plunged significantly. Across the agency, we have
16 seen a 20 percent decrease in the number of
17 violations issued. At ECB alone, that number is
18 20 percent across the board. So people are
19 getting fewer hours, fewer days, and of course,
20 that is not making them very happy. I suspect
21 that's what a lot of the feedback is as a result
22 of. If those numbers go back up, then people--
23 we'll have to restore those hours.

24 CHAIRPERSON BREWER: Okay. Council
25 Member Dickens?

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COUNCIL MEMBER DICKENS: Thank you, Madame Chair. I want to thank you for coming to give testimony. Also, I want to thank you for the fact that I was able to work--last year, the issue did arise, something very similar to what the Chairperson mentioned. That was about ECB scheduling the hearings when DOB issued the violation, and then when the owners got there to adjudicate, they found out that they had to reschedule without hearing anything. So I want to thank you for working with us in order to help facilitate. I hope that that is still ongoing, so that ECB does not schedule when DOB is not going to be down there, because many of the violations are issued by DOB and not by ECB officers.

Having said that, did I understand you to say that 20 percent violations are being given at ECB?

SUZANNE BEDDOE: That's correct, across the board.

COUNCIL MEMBER DICKENS: Must be some place other than northern Manhattan, because in northern Manhattan they're inundated with the agents coming out and giving signage violations.

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This is not really a budget, but maybe you can give me the answer. If a resident or an occupant of a unit has a store or an office, can they put their sign out there?

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SUZANNE BEDDOE: I'm sorry. I

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don't--

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COUNCIL MEMBER DICKENS:

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[interposing] Can they put their sign on the

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outside of the building saying that I'm an

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attorney, I do taxes, whatever. Can they put

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their sign up?

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SUZANNE BEDDOE: I'm sorry. I

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would have to look into the particulars of that.

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I couldn't answer that question today.

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COUNCIL MEMBER DICKENS: Who can I

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speak to, because that is a question I want to

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ask? I'd like to know legally what is allowed

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when there is a store or an attorney or

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professional office or a doctor or dentist, about

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putting their sign outside on a building.

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SUZANNE BEDDOE: It may be

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something that would be best answered by the

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Department of Buildings, since it's their legal

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enforcement agents that would be policing that

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2 particular issue.

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4 COUNCIL MEMBER DICKENS: Because I
5 find that they don't--they're giving the owners
6 signage violations overwhelmingly to buildings
7 where the occupants are right there on the
8 premises. They're not absentee. It's not an
9 advertising for a bottle of wine, it's advertising
10 for a storefront or a doctor or whatever that's
11 right there in the building. We're getting a lot
12 of that in northern Manhattan; the Upper West Side
13 is getting an awful lot. Who would I speak to?

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SUZANNE BEDDOE: I think the best
person that you should speak with is at the
Department of Buildings, perhaps the head of their
enforcement.

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COUNCIL MEMBER DICKENS: All right,
thank you.

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CHAIRPERSON RECCHIA: I have a
quick question, Commissioner. The ECB violations
or Sanitation tickets, when somebody goes down
there and they want to plead not guilty and have a
hearing, that hearing gets adjourned so the
Sanitation officer could come down.

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SUZANNE BEDDOE: Not in every case.

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2 CHAIRPERSON RECCHIA: We've been
3 getting a lot of complaints that people go down to
4 fight the Sanitation tickets and when they go down
5 there, you know, it gets adjourned so the
6 Sanitation officer could come down. You should
7 come up with a better system where people could
8 call in or something or go online and say I want
9 to plead not guilty, can we set up a date when the
10 officer who gave the ticket will be available to
11 come down and testify. You know, somebody takes a
12 day off from work, takes off in the morning.

13 SUZANNE BEDDOE: If there are
14 particular constituents that you are hearing from,
15 I would invite you to forward those to me so we
16 can look into those specifically. With respect to
17 adjournments, it's not routine that we would
18 adjourn a case for the officer to appear unless
19 the person who's appearing says, yes, I want that
20 officer here, I want to be able to cross-examine
21 that officer.

22 CHAIRPERSON RECCHIA: Right, that's
23 what I'm talking about. The person comes down,
24 thinking the officer is going to be there. They
25 don't know the officer is not there. They want

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2 to, you know.

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SUZANNE BEDDOE: I don't think that the officers are--first of all, I don't think that we know when the person is going to want the officer versus not want the officer.

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CHAIRPERSON RECCHIA: That's what I'm trying to get at. If somebody calls up or has the process where I want the officer down there so I could hear what he has to say and give them the opportunity, that could save time and money. It has to be a process.

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SUZANNE BEDDOE: Operationally, that's certainly something we can think about, how we would do that in the front end without having, for example, officers just sitting around all day and, you know, maybe somebody wants to talk to them. You see what I mean? So we wouldn't want to have the Sanitation--

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CHAIRPERSON RECCHIA: [interposing] Listen, I know. That's why somebody says, you know, I put my date. I'm going to plead not guilty. I want the hearing officer there. Make my hearing at 10:00. I'm at 10:00. The officer is at 10:00. I don't think it's that hard.

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2 Nobody is sitting around.

3 SUZANNE BEDDOE: The other thing is
4 they can also do the hearings online if they don't
5 want to come in.

6 CHAIRPERSON RECCHIA: They want to
7 be able to talk to the officer in person and hear
8 what they have to say, especially with Sanitation
9 tickets.

10 SUZANNE BEDDOE: That would--

11 CHAIRPERSON RECCHIA: [interposing]
12 We are getting, you know--

13 SUZANNE BEDDOE: [interposing] That
14 would certainly be a resource issue we would have
15 to discuss intensely with the Department of
16 Sanitation.

17 CHAIRPERSON RECCHIA: Okay.

18 COUNCIL MEMBER DICKENS: Excuse me,
19 Chair, I'm sorry to interrupt. I disagree. I've
20 worked with ECB and OATH last year in order to
21 change just what you're discussing about the
22 owners coming down at the date and time, because
23 the time is set on the ticket that they must
24 appear, and the complainant is not available, and
25 it's an automatic--the case is laid over to

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another date. I worked with you last year, not with the Department of Sanitation and not with DOB, because the hearing is being done at ECB by your officers. That's where I worked with to try to get that changed. That's why I was saying that last year--I don't know whether you're still doing it--but last year, I got you to at least stem doing it. So I disagree, you know, that what you're saying is correct, and so I--

CHAIRPERSON RECCHIA: [interposing]

So we haven't made progress. You thought you did, Council Member.

COUNCIL MEMBER DICKENS: See, the violations, whether Sanitation or DOB, comes from ECB. That's what they--

CHAIRPERSON RECCHIA: [interposing]

Yeah, the person takes off from work. They come down there. They leave their business.

COUNCIL MEMBER DICKENS: ECB.

CHAIRPERSON RECCHIA: They expect the officer to be there and the officer is not there. All right.

SUZANNE BEDDOE: With respect to Council Member Dickens' issue, that was resolved

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2 and it is ongoing, yes.

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CHAIRPERSON BREWER: Do you have like sort of advisory board meetings either on technology or with small businesses so that you might have some ideas to address what Council Member Recchia has stated? I get the same complaint. In other words, do you have updates from small business, either BIDs or chambers or Small Business Services about how to improve service?

SUZANNE BEDDOE: We don't have relationships with Small Business Services per se, but we do have regular meetings with all of the issuing agencies that issue tickets to us and we work very closely with them to enhance technology and have relationships with the agencies. So we would meet on a regular basis with all of the agencies that issue violations to the ECB as well as Department of Health and TLC.

CHAIRPERSON BREWER: Okay, but all they care about, understandably, is getting the revenue, whereas we also care about the constituents who are trying to pay these or not pay these tickets. So would that be something you

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2 would consider, some kind of a meeting with the
3 BIDs or the chambers to discuss how it could be
4 improved for the small businesses?

5 SUZANNE BEDDOE: Most certainly.

6 CHAIRPERSON BREWER: Okay. Just in
7 terms of how many, do you have any indication of
8 how many adjudications are done online through
9 some kind of technology versus in person? Maybe
10 it's been changing over the years.

11 [Pause]

12 SUZANNE BEDDOE: I'd have to get
13 you the specific numbers, but our data shows that
14 the online hearings continue to grow. They're up
15 54 percent from the time that we launched.

16 CHAIRPERSON BREWER: So they've
17 grown 54 percent since you launched?

18 SUZANNE BEDDOE: That's correct.

19 CHAIRPERSON BREWER: So you don't
20 have a number but you can get us a number, like
21 total--

22 SUZANNE BEDDOE: [interposing] Yes.

23 CHAIRPERSON BREWER: --how much is,
24 you know, in a calendar or fiscal year and how
25 much is in person. How do you publicize that

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2 material can be submitted online, et cetera? How
3 do you tell people that?

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SUZANNE BEDDOE: We have an
5 extensive outreach project, which includes not
6 only the website that gives that information--

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CHAIRPERSON BREWER: [interposing]
8 Nobody goes to websites. Go ahead. How do you do
9 it non-website?

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SUZANNE BEDDOE: Well, we do
11 brochures. We have information at all of our
12 offices. Oh, that's right, and we do massive
13 mailings to all of the Council Members whenever we
14 launch a new initiative. So I know that the
15 online hearings information went out to all
16 Council Members.

17

CHAIRPERSON BREWER: Just finally,
18 last question, do you use NYCWiN? In other words,
19 as you are having communication maybe between the
20 hearing officer--I mean the issuing officer and
21 the hearing officer and the complainant or the
22 person who's coming in to address the infraction,
23 is it possible that you could use some of the
24 NYCWiN, which is the city system for dealing with
25 city agencies? Are you familiar with NYCWiN or

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2 you don't know what I'm talking about?

3 SUZANNE BEDDOE: I'm not familiar
4 with it.

5 CHAIRPERSON BREWER: Okay. Just so
6 you know, it's a system that deals with city
7 agencies, water, fire, police, and it's something
8 that you should look at because that could give
9 you some real time opportunities to address what
10 Council Member Recchia was stating, which is
11 there's nobody here from the Sanitation
12 Department. You could actually reach that person
13 and be able to have a real phone call.

14 SUZANNE BEDDOE: Thank you.

15 CHAIRPERSON BREWER: You might
16 check it out.

17 SUZANNE BEDDOE: Will do.

18 CHAIRPERSON BREWER: Okay, thank
19 you very much.

20 CHAIRPERSON RECCHIA: Okay. We've
21 also been joined by Council Member Jimmy Van
22 Bramer. I want to thank you, Commissioner. That
23 concludes this part of the hearing. We'll take a
24 two-minute recess and we'll start with Corporation
25 Counsel. Our wonderful attorney for the city is

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2 sitting here. Welcome, Mr. Cardozo.

3 SUZANNE BEDDOE: Thank you very
4 much.

5 [Pause]

6 CHAIRPERSON RECCHIA: All right,
7 we'll now resume the City Council hearing. We
8 have the Law Department here. We have our
9 attorney, Corporation Counsel Michael Cardozo.
10 Welcome. Gale, you want to say anything?

11 CHAIRPERSON BREWER: I look forward
12 to hearing from the Law Department.

13 MICHAEL CARDOZO: Thank you. I'm
14 joined with some of my colleagues. To my right is
15 my First Assistant Jeffrey Friedlander. To my
16 left is our Managing Attorney Foster Mills. To
17 his left is Muriel Goode-Truffant, who is both our
18 EEO Officer and head of our Special Federal
19 Litigation Division.

20 We have prepared a brief statement,
21 which annexes our much longer statement that we
22 gave at the preliminary hearing. So I think
23 there's just a couple of things that I would like
24 to highlight and then open myself up to questions.

25 As I noted in my preliminary

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testimony, my testimony on actually the preliminary budget, our initiative with respect to the trial of federal civil rights cases is off to a constructive start. We've tried many, many more cases because we had the funding to do so. There's been a great deal of success. While, of course, the results, it's too early to draw any ultimate conclusions, it seems that on the federal side the filing of such cases has really leveled off.

However, on the state side, actions against police officers, particularly in the Bronx continue to go up. As a result, the budget calls for the funding of a significant increase in what we're going to call the Bronx Police Unit, so that hopefully we can achieve the same kind of success with those cases as we've had in the federal court.

Funding for that matter, along with the creation of a new unit, which we're calling our Compliance Unit, which will deal with advising city agencies as they apply for funds from the federal and state government to assist them in making applications in accordance with the very

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2 complicated procedures, as well as to be sure that
3 those applications meet all federal and state
4 requirements, those are our major changes from our
5 previous year.

6 With that, I'd be happy to answer
7 any questions you may have.

8 CHAIRPERSON BREWER: One of the
9 questions I had was just in terms of Special
10 Masters. You have at least, I assume, a couple of
11 situations, and I just want to know the status of
12 any payments and if there's anything else you want
13 to add in terms of that topic.

14 MICHAEL CARDOZO: Well, the major
15 area of Special Masters was in the so-called
16 Vulcans Firefighter case. We've been able to
17 obtain a stay of Judge Garaufis' order from the
18 Second Circuit. So with respect to the Special
19 Masters in that case, we're no longer incurring
20 any expense. The case remains under consideration
21 by the Second Circuit.

22 However, that has not changed the
23 situation with respect to the damage hearings that
24 are going forward, where there are four monitors--
25 not monitors, Masters been appointed by the judge

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2 to hear testimony with respect to alleged damages
3 of the people who did not pass that. That seems
4 to be, from an efficiency point of view, that
5 seems to be working well.

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I think the only other Special
7 Master that comes to mind is a Special Master that
8 exists on the long-running consent decree dating
9 back to the 1970s involving Rikers Island.

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CHAIRPERSON BREWER: Okay. It did
11 come up at the Board of Elections regarding the
12 issue of ADA and so on. I guess it hasn't
13 concluded, but that may not be your--

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MICHAEL CARDOZO: [interposing] No,
15 I should have recalled that, but in the scheme of
16 things that was a very minor situation.

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CHAIRPERSON BREWER: Okay. It also
18 came up at the--you were sitting here during the
19 ECB OATH discussion about uncollected funds.
20 Sometimes funds are not collectable at all. I'm
21 just wondering how do you handle any types of
22 requests you get from OATH or ECB regarding that
23 issue.

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MICHAEL CARDOZO: Well, we've
25 worked out a pretty constructive program--I can

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2 get back to you on the details--between ECB and
3 the Department of Finance over the last couple of
4 years. That now seems to be going forward quite
5 well. I'm afraid I could not give you details on
6 that as I sit here.

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CHAIRPERSON BREWER: Okay. But you

could get back to us on that issue.

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MICHAEL CARDOZO: Yes.

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CHAIRPERSON BREWER: Okay. It

comes up a lot from taxpayers who want to know why
they have to pay increased fines and fees and, you
know, taxes when Mr. So and So hasn't paid what he
owes the city. It's a very frustrating, I think
for all of us, situation. It's millions and
millions of dollars.

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MICHAEL CARDOZO: I do know that

the procedure was changed a couple of years ago,

I'm just not familiar with the particulars.

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CHAIRPERSON BREWER: Okay. Are you

seeing an increase or decrease of cases filed

against the city? How are you--why don't you just

answer that?

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MICHAEL CARDOZO: Well, really,

that's what I said--

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CHAIRPERSON BREWER: [interposing]

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You were talking about.

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MICHAEL CARDOZO: On the federal side, I think it has leveled off because most of those cases are the federal civil rights cases. The state court side, which are basically the tort cases, there has been a continued increase in the police officer cases, a very I don't think even statistically significant increase in the other cases. There has been an increase in the police filings in the state court.

CHAIRPERSON BREWER: That's why you're doing that special unit.

MICHAEL CARDOZO: Yes.

CHAIRPERSON BREWER: How will you address dealing with--obviously, you have to deal with what's before you, but going into the future, will you think of some ways of looking at prevention or that's just the thing that the Police Department does and it has nothing to do with you?

MICHAEL CARDOZO: Well, no. We meet on a very regular basis with the major agencies that contribute to litigation, Police

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2 Department and Transportation Department in
3 particular is where the large volume is. We have
4 a risk management unit, which makes studies and we
5 work closely with those agencies to try to deal
6 with that at an early stage. So we deal with
7 that, and then, as I said, having more lawyers has
8 proven, on the federal side, to be cost effective
9 because where necessary we're just going to try
10 the case because we think a great many of these
11 lack merit. Hopefully, that is sending a message
12 to the Plaintiff's Bar that, you know, don't sue
13 and think we're going to settle, because if we
14 believe we have a meritorious defense, we do not.

15 CHAIRPERSON BREWER: Okay. People
16 hear, in the press, the public hears a lot about
17 CityTime, but I've always wailed against what we
18 call ECTP, which is the Emergency Communications
19 Transformation Project or PSAC I or II. I think
20 you've been trying to recover payments from the
21 contractors. I would like to get an update.

22 MICHAEL CARDOZO: Yes. We continue
23 to work very closely and trying to negotiate a
24 settlement that's in the best interest of the city
25 and the discussions in those matters are

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2 continuing.

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CHAIRPERSON BREWER: Would that be for you think the fiscal year coming up or it's hard to say?

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MICHAEL CARDOZO: It's very hard to say.

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CHAIRPERSON RECCHIA: Mr. Cardozo, with the number of cases, you said there's been an increase. Overall, in your office, there's a number of increased cases or decreased?

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MICHAEL CARDOZO: I think in terms of filed litigations, because of course we had non-litigation matters, the number, tort and civil rights cases, obviously are the dominant. The federal cases are slightly down. The state cases on the police matters are up in a significant number through--I'm sorry. The state court cases are up about, as of the end of Fiscal 12, were up about 500 filings over the previous year.

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CHAIRPERSON RECCHIA: Five hundred more cases?

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MICHAEL CARDOZO: Filed.

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CHAIRPERSON RECCHIA: That's because of the number of lawsuits filed against

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2 police officers?

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MICHAEL CARDOZO: Yes.

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CHAIRPERSON RECCHIA: All right.

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So in your budget, I see that you have an increase
6 in that for new funding, about \$9.7 million,
7 because you want to hire some more staff.

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MICHAEL CARDOZO: Right.

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CHAIRPERSON RECCHIA: It says 76

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short-term positions.

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MICHAEL CARDOZO: Well that's a

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combination of a number of different things. It's
13 a continuation of the numbers in the civil rights
14 area, which OMB had given us numbers for that I
15 referred to, along with this additional unit for
16 the Bronx Police, along with a few other people in
17 worker's compensation.

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CHAIRPERSON RECCHIA: What's the

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average police case settling for?

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MICHAEL CARDOZO: On the misconduct

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side, because obviously there are other kinds of
22 police cases, I'm told it's about \$38,000.

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CHAIRPERSON RECCHIA: And have you

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been trying more of those cases, fighting them

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more?

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MICHAEL CARDOZO: Yes.

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CHAIRPERSON RECCHIA: Because I know at one time you started settling more of those cases.

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MICHAEL CARDOZO: That is right. Just to give you an idea, while in the past unfortunately we had no choice but to settle, now I'm talking on the federal side, by the end of this fiscal year, we will have tried 20 federal civil rights cases. So far, we've finished 22 of them and we have won 16, lost 4 and 2 or 3, one can quibble which way you want to define a victory. I'm very optimistic that we're doing very well, which doesn't mean if we believe that it's more likely than not that we're going to lose a lot of money that we should settle. We are trying a great many more of these cases successfully.

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CHAIRPERSON RECCHIA: Okay. Do you have any big cases that you're going to be settling this year?

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MICHAEL CARDOZO: Any big cases that we're settling. Well there's always--

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CHAIRPERSON RECCHIA: [interposing]

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2 Last year, you had the Amtrak case.

3 MICHAEL CARDOZO: Well, those are
4 the affirmative cases that we have.

5 CHAIRPERSON RECCHIA: Right.

6 MICHAEL CARDOZO: Certainly, we
7 have some large tort cases and some civil rights
8 cases. In the run of the mill, as a practical
9 matter, we always do settle some cases--

10 CHAIRPERSON RECCHIA: [interposing]
11 Any cases that will bring the city revenue?

12 MICHAEL CARDOZO: That will bring
13 the city revenue? Well, we have a number of major
14 revenue--we just reported we've been very
15 successful in our cases against some on the
16 Medicare side. I think Crain's reported that some
17 day last week. We have a number of other
18 affirmative litigations.

19 CHAIRPERSON RECCHIA: How much was
20 that?

21 MICHAEL CARDOZO: It was a series
22 of cases. I don't know the number off the top of
23 my head. I'll be happy to get you a report on
24 that. We certainly have other affirmative
25 litigations.

1

CHAIRPERSON RECCHIA: Hold on.

2

Hold on.

3

MICHAEL CARDOZO: Sure.

4

CHAIRPERSON RECCHIA: You're going

5

right over.

6

MICHAEL CARDOZO: Sorry?

7

CHAIRPERSON RECCHIA: So you

8

settled a series of Medicare cases, right, and you

9

don't know how much that--

10

MICHAEL CARDOZO: [interposing] I

11

don't off the top of my head.

12

CHAIRPERSON RECCHIA: Could you get

13

us that number?

14

MICHAEL CARDOZO: Yes.

15

CHAIRPERSON RECCHIA: We'll follow

16

that up. Was that Medicare or Medicaid?

17

MICHAEL CARDOZO: I think it was

18

Medicaid, but again, I don't know the details off

19

the top of my head.

20

CHAIRPERSON RECCHIA: Okay.

21

MICHAEL CARDOZO: It had to do with

22

the overcharge to HHC and the Department of Health

23

with respect to certain medicines.

24

CHAIRPERSON RECCHIA: All right.

25

1

2 What other cases?

3 MICHAEL CARDOZO: Pardon?

4 CHAIRPERSON RECCHIA: Any other
5 cases?6 MICHAEL CARDOZO: Well, there are a
7 variety, on the affirmative side, there are a
8 number of cases. I'm not sure any--the Amtrak
9 case was a big case. I don't know the number off
10 the top of my head.11 CHAIRPERSON RECCHIA: That was last
12 year.13 MICHAEL CARDOZO: There are breach
14 of contract cases. I don't know, nothing jumps to
15 mind. I'll be happy to give you a fuller report.16 CHAIRPERSON RECCHIA: Did you take
17 a PEG this year?

18 MICHAEL CARDOZO: Pardon me?

19 CHAIRPERSON RECCHIA: Did we get
20 cut this year?

21 MICHAEL CARDOZO: No.

22 CHAIRPERSON RECCHIA: Okay. You
23 got any more questions?24 CHAIRPERSON BREWER: What's the
25 status of Central Park Five? There's always a

1

2 feeling that if we wait longer we have to pay
3 more.

4

MICHAEL CARDOZO: The case is in
5 discovery. We continue to believe that we have
6 good meritorious defenses and intend to defend it.

7

CHAIRPERSON BREWER: So the timing
8 is open?

9

MICHAEL CARDOZO: Well, large
10 numbers of depositions are going on as we speak.
11 There will be much more discovery still to be
12 conducted. So it certainly would not be going to
13 trial until next year.

14

CHAIRPERSON BREWER: Does the
15 affirmative litigation division ever have to turn
16 down or cut short potentially fruitful litigation
17 because of resources? Obviously, there's a
18 feeling that, you know, if you need the resources
19 and it'll be cost effective, you should get them.

20

MICHAEL CARDOZO: Mr. Friedlander,
21 who is in charge of the overall affirmative
22 litigation and I--

23

CHAIRPERSON BREWER: [interposing]
24 We think very highly of Mr. Friedlander.

25

MICHAEL CARDOZO: And you should.

1
2 We pay careful attention to that. Obviously, we
3 always need more resources, but we believe that
4 the allocation of people that we have to the
5 affirmative litigation unit enables us to bring
6 the cases that should be brought.

7 CHAIRPERSON BREWER: Okay. Are you
8 in compliance with my law on open data? In other
9 words, all of the databases that the Law
10 Department has have to be up on a portal. Is that
11 something that you know that you have already met?

12 MICHAEL CARDOZO: No, we have not.

13 CHAIRPERSON BREWER: So when are
14 you going to do that?

15 FOSTER MILLS: [off mic] We're in
16 discussions with--

17 CHAIRPERSON BREWER: [interposing]
18 You have to identify yourself.

19 FOSTER MILLS: My name is Foster
20 Mills, the Managing Attorney at the Law
21 Department. We're in the process now of having
22 everything we have go over to DoITT. It's rather
23 complicated and long process. I suspect that any
24 portals that will make data available outside will
25 be coming out of DoITT rather than us, since we're

1

2 losing all of this stuff. So I suspect that's
3 going to--

4

CHAIRPERSON BREWER: [interposing]

5

The next deadline is September 13, 2013. I have
6 it memorized.

7

FOSTER MILLS: Oh, okay.

8

CHAIRPERSON BREWER: Do you think
9 you might make that deadline?

10

FOSTER MILLS: Again, we have to

11

have discussions with DoITT about what their plans
12 are.

13

CHAIRPERSON BREWER: Okay.

14

CHAIRPERSON RECCHIA: We've been

15

joined by Councilwoman Darlene Mealy. Does anyone
16 have any more questions? All right, Mr. Cardozo,
17 you got off easy.

18

MICHAEL CARDOZO: Thank you.

19

CHAIRPERSON RECCHIA: All right, we

20

have the Campaign Finance Board in the house.

21

We'll start in a five-minute break, a two-minute
22 break.

23

[Pause]

24

CHAIRPERSON RECCHIA: We'll now

25

resume the City Council hearing on the Mayor's

1
2 Executive Budget for 2014. So far today, the
3 Finance Committee and Governmental Operations
4 Committee have heard from the Department of
5 Citywide Administrative Services, the Board of
6 Elections, the Office of Administrative Trials and
7 Hearings, the Law Department and we'll now hear
8 from Campaign Finance. We welcome you. Ms.
9 Brewer, would you like to make a statement?

10 CHAIRPERSON BREWER: We look
11 forward to the testimony. Thank you.

12 AMY LOPREST: Good afternoon,
13 Chairpersons Brewer and Recchia and committee
14 members. I'm Amy Loprest, Executive Director of
15 the New York City Campaign Finance Board. With me
16 today are General Counsel Sue Ellen Dodell and
17 External Affairs Director Eric Friedman.

18 As always, we thank you for your
19 support of the Campaign Finance Program. As we
20 enter the homestretch of the 2013 elections, New
21 Yorkers can be confident that their concerns, not
22 those of special interests, will be the center of
23 attention thanks to the Council's strong
24 commitment to the Campaign Finance Act.

25 Earlier this month, we welcomed the

1
2 court decision in the McDonald versus CFB case
3 upholding the commonsense contribution limits
4 established in the Act. The decision ensures that
5 those limits, not the State's, will apply equally
6 to all candidates for office in New York City.

7 New York State has the highest
8 contribution limits in the country, behind a dozen
9 states that have no limits at all. Our limits
10 guarantee that the voices of average New Yorkers
11 are not drowned out by big donors writing \$60,000
12 checks.

13 The continuing debate over
14 reforming New York State's campaign finance laws
15 has focused particular attention on the Campaign
16 Finance Board. Legislative proposals introduced
17 in the state Senate and adopted by the Assembly
18 use New York City's program as a model. In the
19 past two weeks, I have testified at hearings held
20 by both the Independent Democratic Conference and
21 the Senate Elections Committee.

22 The interest in our program as we
23 celebrate our 25th year is a testament to the City
24 Council's ongoing participation in improving the
25 Campaign Finance Act. We look forward to building

1
2 on our strong working relationship in the coming
3 year and beyond.

4 Pursuant to the New York City
5 Charter, Section 1052(c), the Board submitted its
6 budget for the City Fiscal Year 2014 to the Mayor
7 on March 20, 2013 and it was included in his
8 Executive Budget. Our budget is attached to this
9 testimony.

10 The Board's Fiscal Year 2014 budget
11 is \$71.8 million. This amount reflects the
12 additional costs of administering the program in
13 an election year. Specifically, the Board's
14 budget request \$51 million for public funds
15 payments to candidates who participate in the
16 Campaign Finance Program.

17 The request also includes
18 approximately \$10 million for the non-partisan
19 Voter Guide that the Board publishes and mails to
20 every New York household with a registered voter
21 and the costs to produce the Video Voter Guide.

22 We anticipate producing 8.1 million
23 copies of the print guides for the 2013 primary
24 and general elections combined. The Guide will be
25 printed in English, Spanish, Chinese, Korean, and

1
2 Bengali. All candidates are invited to publish
3 information about their campaigns in the Guide,
4 which will also include information on the
5 citywide debate program, and guidance on how and
6 where to vote.

7 The projected costs for the
8 Campaign Finance Fund and the voter guide are
9 consistent with our experience in previous
10 citywide elections and the number of candidates we
11 project will participate in the program in 2013.
12 As in previous years, any funds remaining from
13 these allocations after the elections are
14 completed will be returned to the City's General
15 Fund. Please note that we returned to the General
16 Fund the \$41 million that was allocated to the
17 Campaign Finance Fund for Fiscal Year 2013 in
18 anticipation of a possible June 2013 primary.

19 The CFB has contained operating
20 costs where possible. We have reduced our OTPS
21 allocation for Fiscal Year 2014 by two percent
22 despite onetime charges related to the agency's
23 scheduled office relocation in December 2013. Our
24 personal service costs increase by \$600,000 due to
25 increased staff needs for the election and beyond.

1
2 The CFB works every day to provide
3 good value to the city for its investment in
4 elections and to improve the service we provide.
5 In particular, we always try to make it easier for
6 campaigns to comply with the CFB disclosure
7 requirements. In 2012, we launched a new web-
8 based disclosure application, C-Smart Web. All
9 candidates are now using C-Smart Web, which gives
10 campaigns more flexibility and security when
11 filing disclosures with the Board.

12 We are nearly finished with all of
13 the audits from the 2009 elections. To date, we
14 have completed 224 out of 232 audits from that
15 election cycle. We are implementing changes to
16 our process that should increase the efficiency of
17 the post-election audits for the 2013 elections.

18 Finally, our Voter Assistance Unit
19 and the members of our Voter Assistance Advisory
20 Committee have a comprehensive and robust plan for
21 the NYC Votes campaign to increase voter
22 participation in the 2013 elections. The CFB's
23 2012-2013 Voter Assistance Annual Report, issued
24 in April, outlines some of those initiatives and
25 recommends changes to modernize state election

1
2 law, including nonpartisan election administration
3 and instant runoff voting. We will be holding a
4 public hearing this evening to discuss the report
5 and our efforts to get more New Yorkers to
6 register to vote and to cast their ballots on
7 Election Day.

8 From administering the city's
9 matching funds program, to making campaign finance
10 data available via our searchable database, to our
11 voter assistance efforts, the goal of everything
12 that we do at the Campaign Finance Board is to
13 increase New Yorkers' participation in our
14 elections. Participation by New Yorkers living in
15 every neighborhood, in every public school
16 district, along every subway line and on every
17 city street is the key to a healthy democracy.
18 Their participation ultimately determines whether
19 candidates are accountable to the public interest.

20 As always, the CFB looks forward to
21 working closely with the Council to accomplish
22 this important mission. Thank you for your time,
23 and I'm happy to answer any questions you have.

24 CHAIRPERSON RECCHIA: Thank you
25 very much. Tonight, where is that hearing

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2 happening?

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AMY LOPREST: It's at 40 Rector Street in the OATH conference room, OATH Hearing Room E, I believe it is, on the sixth floor of 40 Rector Street.

CHAIRPERSON RECCHIA: What's that report going to detail?

AMY LOPREST: Every year, the voter assistance efforts produce a report describing our efforts in encouraging people to register to vote and to vote in the previous year, itemizing some statistics and making recommendations for possible legislative changes.

CHAIRPERSON RECCHIA: Okay. Ms. Gale Brewer?

CHAIRPERSON BREWER: A couple of issues. One is the printing of the Voter Guide. Can you tell us how you go about getting it printed, in terms of how you do your bids? Do you work with DCAS? We had a long discussion earlier between DCAS and the Board of Elections regarding their printing costs, because obviously for ballots it's very expensive. So I'm just wondering how do you go about in terms of your

1
2 printing? I know that it's complicated because it
3 has to be in a lot of different languages. I
4 understand that. It's also, with all due respect,
5 sometimes hard to read. I'm just wondering if
6 you're making any changes either in the printing
7 or in terms of online. How are you approaching it
8 this year, if at all differently?

9 AMY LOPREST: Well, we always
10 produce the Voter Guide in print as required by
11 the Charter and online to make it available more
12 instantaneously. In addition, this year, with our
13 new voter assistance mandates, we'll be producing
14 the video voter guide, which will be linked to the
15 online voter guide. The way we do the bidding is
16 we have a request for proposal and do a
17 competitive bidding for the printing contract,
18 printing and mailing of the Voter Guide.

19 CHAIRPERSON BREWER: Okay. In
20 terms of VAC, one of the issues, in terms of the
21 advocacy, there's two ways I wanted to talk about.
22 One is do you also support early voting? You
23 mentioned instant runoff and nonpartisan. I don't
24 like nonpartisan, but I'll listen to you about
25 instant voting. I do want early voting. Have you

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2 done any advocacy on that? We're not able to get
3 anywhere on the state level.

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AMY LOPREST: Well, yes, in the report there is a recommendation that there be early voting. I think we've spoken to people on the state level who are proposing legislation on that. As far as the nonpartisan, our recommendation was for nonpartisan election administration, not the nonpartisan voting.

CHAIRPERSON BREWER: Oh, good. Okay. The second issue is email on the registration. I think that's something that you have advocated for. In other words, when people register to vote, there'd be a place to put their email. Because the Board of Elections complained today that often if somebody leaves something out, they don't know how to contact them or it takes a while. I'm wondering if you've had any luck in getting email on the voter registration itself.

AMY LOPREST: Well, there's no line for email, but--

CHAIRPERSON BREWER: [interposing]
I know there isn't.

AMY LOPREST: But we have, actually

1
2 one of the things we did last summer is we--
3 starting last spring and summer--when we went out
4 into the community to register people to vote, we
5 collected email addresses from people. We had
6 asked people if they would be willing to sign a
7 hard copy voter pledge that was mailed back to
8 them but also they were able to provide their
9 email or text information so that we emailed them
10 or texted them information about upcoming election
11 dates. So we have a fairly large database of
12 emails addresses of voters. Unfortunately,
13 because they're not tied to the actual
14 registration form, when someone changes a
15 registration or changes their email address, we
16 don't necessarily get that new information.

17 CHAIRPERSON BREWER: Do you think
18 there should be a more robust discussion of how to
19 keep in contact? I can tell you that the Board of
20 Elections doesn't mandate that now, which means
21 that when there's a problem with the address or
22 the signature or whatever, they can't contact them
23 in a timely manner. Is that something that you
24 think should exist on the voter registration form,
25 a line for email?

1
2 AMY LOPREST: Yes, I think that
3 would be very helpful, I mean both in contacting
4 people if there's--I imagine if that's what the
5 Board of Elections said--but also letting people
6 know that the election is coming up or the
7 registration date is coming or that you need to
8 change your address or reminders of that sort.

9 CHAIRPERSON BREWER: Does VAC do
10 any oversight on the high school situation? If my
11 memory serves me correctly, I think it was former
12 Council Member Eric Gioia who passed a law on high
13 schools are supposed to have a ballot available,
14 registration, et cetera. I think we passed
15 legislation even more recently for the high school
16 students, how to get them focused on elections.
17 Is that something that VAC does any oversight of?

18 AMY LOPREST: One component of our
19 voter assistance work is to work with youth
20 voters. We have a youth voter coordinator who
21 does a lot of work on getting young people
22 interested in voting. The specific law that
23 you're talking about that requires the voter
24 registration form to be included, we do monitor
25 that. We work with the Department of Education to

1
2 ensure that the voter registration forms are
3 mailed to all of the high school students with
4 their diploma, as required by that law.

5 CHAIRPERSON BREWER: So are you
6 sure that's happening? Can you give us an update?
7 I've never experienced it with my high schools.

8 AMY LOPREST: I mean, every year we
9 check with the Department of Education and they've
10 told us that they've mailed it. This is the first
11 I've heard that, you know, that they--

12 CHAIRPERSON BREWER: [interposing]
13 I just think it might be--

14 AMY LOPREST: --not getting them.

15 CHAIRPERSON BREWER: I would love
16 to see your staff actually call the principals or
17 do some kind of spot check to see if that is
18 actually happening.

19 AMY LOPREST: We'll look into it.

20 CHAIRPERSON BREWER: Okay. I think
21 calling DOE--

22 CHAIRPERSON RECCHIA: [interposing]
23 The way I understand the law, when it was passed,
24 is that when the kids graduate and they get their
25 high school diploma, I believe they're supposed to

1

2 be given a card, a registration card. I might
3 not--

4

5

AMY LOPREST: [interposing] Yeah,
that is correct, how the law works.

6

CHAIRPERSON RECCHIA: Right.

7

8

AMY LOPREST: I think that we've

been told that they mailed them in a packet.

9

CHAIRPERSON BREWER: [interposing]

10

I think--

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CHAIRPERSON RECCHIA: [interposing]

12

The question is--

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AMY LOPREST: [interposing] Whether

14

it's being done--

15

CHAIRPERSON RECCHIA: --who's

16

giving out the applications to the Department of

17

Ed.

18

AMY LOPREST: Yeah.

19

CHAIRPERSON RECCHIA: I think

20

that's where the problem--

21

CHAIRPERSON BREWER: [interposing]

22

The whole issue needs to be looked at. Just

23

calling the Department of Ed, I would not suggest

24

is a sufficient manner to oversee this issue.

25

AMY LOPREST: I may be understating

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2 what we've done. I mean, I know we've done at
3 least that. Let me check into--but I think it's
4 definitely--

5

CHAIRPERSON BREWER: [interposing]

6

Please don't tell me that calling DOE is

7

sufficient. The other question I have, do you

8

anticipate how many candidates will be running in

9

2013? How are you looking at the calculations for

10

matching funds? I know you talked about it a

11

little bit in your testimony. Just be a little

12

bit more specific.

13

AMY LOPREST: Well, we are looking

14

at a very high level of participation this year.

15

I mean the certification date is June 10, just

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upcoming. So the way we do our public fund

17

estimate is we look at the number of anticipated

18

candidates, and obviously as the election gets

19

closer and closer, you have a better and better

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knowledge of that. When we produce our estimate

21

in March, we use the best estimate of candidates

22

we have at that time. Of course, we always try

23

and be very, very cautious and careful to ensure

24

that there is enough money available so that

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there's not a shortfall during the critical

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2 election season. So we're always very careful in
3 the number and we always overestimate the amount
4 that we're going to pay out, just to ensure that
5 there's--you know, for in case of contingencies--
6 but to make sure that we have enough money to pay
7 out the candidates at the time that they're
8 required.

9 CHAIRPERSON BREWER: Okay.

10 Independent expenditures, we've discussed that
11 quite a bit. Do you need new personnel to do
12 either the training, the oversight, et cetera?
13 How are you dealing with the issue of independent
14 expenditures?

15 AMY LOPREST: That staff is already
16 in place.

17 CHAIRPERSON BREWER: So there's no
18 need for any--

19 AMY LOPREST: [interposing] There's
20 no need.

21 CHAIRPERSON BREWER: Will there be
22 any more oversight that you think is necessary in
23 terms of education?

24 AMY LOPREST: We have education
25 programs right now, up until now, monthly when

1
2 it's, you know, kind of an off-season for that,
3 but there'll be picking up. We have training
4 sessions for independent spenders.

5 CHAIRPERSON BREWER: You mentioned
6 that you're almost completed with all the audits,
7 you mentioned that. I think you gave us a number
8 of how many is still to be completed and what's
9 the timeline on completing those audits?

10 AMY LOPREST: Many of the
11 candidates--

12 CHAIRPERSON BREWER: [interposing]
13 In the future, like when this cycle is over, do
14 you think there's any way of improving the audit
15 timeline?

16 AMY LOPREST: We're always trying
17 to improve. I mean, the ones that remain are a
18 combination of, you know, serious and complex
19 issues that need to be looked at. Also,
20 candidates needing lengthy extensions or
21 candidates who failed to reply in the first
22 instance. So that's the remaining. I think that
23 some of those situations, I mean as though we
24 always try to speed up the audit process, some of
25 those situations you can't change. I mean,

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candidates, there's always need for an extension and that we're always happy to grant.

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CHAIRPERSON BREWER: One of the big issues last time, the Board of Elections had the problem with the long lines and the EDs. That's not your problem. The issuing of telling people about redistricting and poll site changes and so on, it's a nightmare. It's getting a little complicated whether that's VAC's responsibility, the Board of Election's, I think it's all of ours, actually. So how are we going to be educating the public, who don't necessarily read your Voter Guide, or don't necessarily read what comes from the Board of Elections--I'm just telling you that's how it works, until they show up at the wrong place. There will be changes because of redistricting. Do you have any ideas about doing that in a different fashion? I mean, texting, emailing, conversations with the seniors, what are we doing here?

22

23

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AMY LOPREST: I mean, one thing that we did in the last election is that we had an application that allowed people to text to find out their poll site on Election Day. Even though,

1

2 you know, with Hurricane Sandy and all the changes
3 in the poll site necessitated by that, that
4 information was up to date. And we had--you know.
5 that's outlined in our report--many, many hits on
6 that text messaging for people to look it up.

7

8

CHAIRPERSON BREWER: Do you have
any numbers on that?

9

10

AMY LOPREST: They're in the
report.

11

ERIC FRIEDMAN: It was about--

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CHAIRPERSON BREWER: [interposing]
Eric, identify yourself.

14

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ERIC FRIEDMAN: Sorry. I'm Eric
Friedman, the Director of External Affairs. About
somewhere between 25,000 to 28,000 New Yorkers
used that text message poll site lookup in the
days before the November election.

19

20

21

22

CHAIRPERSON BREWER: I mean the
seniors aren't going to use it. Do you have some
sense of how to publicize that even more widely
that it's available?

23

AMY LOPREST: Yes, and that was--

24

25

CHAIRPERSON BREWER: [interposing]
Are you using social media in a really constant

1

2 and robust fashion?

3

4 AMY LOPREST: I mean, we do use
5 social media. We have a Twitter account for both
6 NYC Votes, which is our umbrella campaign for
7 voter education and the Campaign Finance Board,
8 and we have Facebook pages for them. We also, and
9 obviously that was necessitated, you know, very
10 last minute changes. Hopefully that won't be the
11 case this year. But we will be working hard to
12 try and educate people about the changes in their
13 poll sites.

13

14 We had had, before the storm, had a
15 plan to work with the Board of Elections to print
16 posters that, you know, that would announce at
17 poll sites where new poll sites were and at closed
18 poll sites that their poll sites had changed. The
19 storm kind of changed those plans around a bit.

19

20 We also are working on a mobile
21 application that people can use on their mobile
22 devices to look up their poll site, you know as
23 well the Board of Elections has that same kind of
24 technology. We will try very hard to advertise.
25 You're right, with the redistricting and with the
necessitating poll site changes for that, it will

1

2 be very important to let people know.

3 CHAIRPERSON BREWER: Okay. Council
4 Member Mealy?

5 COUNCIL MEMBER MEALY: Good
6 afternoon. My colleague practically answered all
7 the questions already. Could you explain to me--
8 she hit on it a little bit--it's 8.1 million
9 copies to print the guide. How many of the
10 contracts went with WMBEs, since this is a city
11 agency?

12 AMY LOPREST: We do a publicly
13 competitive bid for this. I mean, and it's
14 obviously a huge undertaking. The print and mail
15 contract is a single contract, because the
16 logistics to get more than one vendor to know
17 which ones are mailing and printing would be, you
18 know, overwhelming. We do have contracts for
19 translation and--

20 COUNCIL MEMBER MEALY:
21 [interposing] Have we--

22 AMY LOPREST: [interposing] I am
23 not sure. The answer to your specific question
24 I'm not sure of and I'll have to get back to you
25 which of those are--

1

COUNCIL MEMBER MEALY:

2

3 [interposing] Do you know if any minority contract
4 ever got this bid before?

5

6 AMY LOPREST: This is our single
7 biggest contract we have, the printing and
8 mailing.

8

9 COUNCIL MEMBER MEALY: No, with the
10 CFB period. You do a lot of printing every
11 election. Do you know if any minority contract
12 ever got this city bid?

12

13 AMY LOPREST: I don't believe so,
14 because I mean this is an enormous contract. We
15 usually get very--very few printers are able to do
16 a contract of this size, because--

16

17 COUNCIL MEMBER MEALY:
18 [interposing] I know of one, so you can't say
19 that. I'm just--

19

20 AMY LOPREST: [interposing] I mean
21 we send to a huge list of vendors to solicit for
22 our printing vendors. I mean I am not sure, you
23 know, which printer you're talking about. One of
24 the issues is that it requires very intensive
25 allocation of resources in a very short period of
time. So a lot of printers who have the capacity,

1
2 who, you know, say, are printing monthly magazines
3 or daily magazines are not really able to commit
4 for a few weeks, you know, in the summer and a few
5 weeks in the fall the weeks of time we need to
6 print this. So it's a very difficult project for
7 a lot of vendors to bid on.

8 COUNCIL MEMBER MEALY: I want to
9 definitely commend you on C Access, now that you
10 could go to any computer. That is excellent.
11 That was a homerun. What do you contribute to
12 completing 224 out of 232 audits so early?

13 AMY LOPREST: Well, it's about--I
14 mean, I would have liked it to be earlier.

15 [Crosstalk]

16 AMY LOPREST: I imagine everybody
17 would. But I thank you for thinking that it's
18 earlier. I mean, we have done--I mean as I said
19 before, the remaining audits are a combination of
20 issues that are complex issues, candidates who
21 required lengthy extensions for one reason or
22 another or campaigns who failed to respond in the
23 first instance and therefore their audit took
24 longer.

25 COUNCIL MEMBER MEALY: Okay. I

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2 just want to say it's better because one time it
3 went for years and then it popped up on me and I
4 say wow.

5

6 AMY LOPREST: Well thank you for
7 your compliment about C-Smart. I'll convey that
8 to the staff.

8

9 COUNCIL MEMBER MEALY: It's very
10 good and I appreciate that. I did have another
11 question. How many, out of all these election
12 cycles, do you really jeopardize people? Is that
13 a good percentage? If the audit came back and
14 they have to pay a big amount of money, where do
15 that money go to? It goes back to the General
16 Fund?

16

17 AMY LOPREST: Yeah.

17

18 COUNCIL MEMBER MEALY: It doesn't
19 go to something specific or it just goes to the
20 General Fund?

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21 AMY LOPREST: Public funds that are
22 returned are returned to the public fund and then
23 back to the General Fund. Then penalties are
24 refunded to the General Fund.

24

25 COUNCIL MEMBER MEALY: What
percentage of candidates do you get refunded money

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2 back? I'm realizing now people sometimes just run
3 just to run and get the matching funds.

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AMY LOPREST: I'm trying to
remember the statistic that we had for one of our
other hearings last week. I'm sorry. I was
misremembering the statistic. The statistic I was
going to quote is that in the 2009 audit cycle,
about two-thirds of the candidates weren't
assessed penalties at all.

COUNCIL MEMBER MEALY: Two-thirds
did not?

AMY LOPREST: Did not. But I don't
have the specific number for public funds
returned. Sometimes people return public funds
because they just have a bank balance at the end
of the election. They didn't use the money and so
they return it. So I'd have to get that number
back to you. Two-thirds of the candidates were
not penalized.

COUNCIL MEMBER MEALY: Thank you so
much. Thank you, Chairs.

CHAIRPERSON RECCHIA: All right. I
want to thank you for coming in today.

AMY LOPREST: Thank you.

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2 CHAIRPERSON RECCHIA: You have a
3 big year.

4 AMY LOPREST: Yeah.

5 CHAIRPERSON RECCHIA: You have a
6 tough few months up ahead.

7 AMY LOPREST: Thank you.

8 CHAIRPERSON RECCHIA: Thank you
9 very much. This concludes today's hearing. The
10 Finance Committee will resume Executive Budget
11 hearing tomorrow, May 14th. The hearing will be
12 held in this room, in the Chamber. We'll be
13 joined by the Committee on Fire and Criminal
14 Justice Service, chaired by my colleague
15 Councilwoman Liz Crowley, to hear from the FDNY,
16 Department of Corrections, the Criminal Justice
17 Coordinator and Legal Aid.

18 As a reminder, the public will be
19 allowed to testimony on June 5th at 4:00 in the
20 afternoon. For members of the public who wish to
21 testify but cannot, you can fax your testimony to
22 Tanisha Edwards at (212) 788-7061. This concludes
23 this hearing.

C E R T I F I C A T E

I, Donna Hintze, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Donna Hintze

Date June 4, 2013