

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS, STATE &
FEDERAL LEGISLATION

----- X

March 21, 2025
Start: 10:06 a.m.
Recess: 3:31 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Lincoln Restler,
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
David M. Carr
James F. Gennaro
Jennifer Gutiérrez
Shahana K. Hanif
Vickie Paladino
Lynn C. Schulman
Inna Vernikov

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

Louis Molina
Commissioner of Department of Citywide
Administrative Services

Shanna Middleton
DCAS- Deputy Commissioner

Sana Barakat
Deputy Commissioner of Energy Management

Katrina Porter
Deputy Commissioner of Human Capital, DCAS

Joe Wagner
DCAS

Keith Kerman
City Chiefs Fleet Officer, DCAS

Shameka Overton
Executive Deputy Commissioner Asset and Property
Management, DCAS

Asim Rehman
Chief Administrative Law Judge and Commissioner
NYC Office of Administrative Trial Hearings,
OATH

Muriel Goode-Trufant
Corporation Counsel

Sheryl Neufeld
First Assistant Corporation Counsel

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

Eric Eichenholtz
Managing Attorney

Jennie Nagle-Yndigoyen
Chief Of Administrative

Mike Ryan
Executive Director of the BOE

Vincent Ignizio
Deputy Executive Director, BOE

Susan Stetzer
Manhattan Community Board 3

Celestina Leon
Brooklyn Community Board 4

Shawn Campbell
Brooklyn Community Board 14

Jesus Perez
Manhattan Community Board 6

Mark Diller
Community Board 2 in Manhattan

Sharon Brown
Self

Tanisha Grant
Self

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

Gary Giordano
Self

Jeremy Loffer
Self

Melinda Perkins
Self

Christopher Leon Johnson
Self

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 5

2 SERGEANT AT ARMS: Testing one, two, one two.
3 Today's date is March 21, 2025. Today's hearing is
4 the Committee on Government Operations and State and
5 Federal Legislation being recorded in the Chambers by
6 Keith Polite.

7 SERGEANT AT ARMS: Good morning and welcome to
8 the New York City Preliminary Budget hearing on
9 Governmental Operations, State and Federal
10 Legislation. At this time, can everybody please
11 silence your cellphone? If you wish to testify,
12 please go to the back of the room to fill out a
13 testimony slip. At this time and going forward, no
14 one is to approach the dais. I repeat, no one is to
15 approach the dais. Chair, we are ready to begin.

16 CHAIRPERSON RESTLER: [GAVEL] Good morning. I
17 will discontinue discussing Jace Reece(SP?) vacation
18 plans and shift to the hearing. My name is Lincoln
19 Restler. I'm the - I have the good fortune of being
20 the Chair of the City Council's Governmental
21 Operations State and Federal Legislation Committee.
22 It's always a mouthful.

23 Today, we will hear testimony from the Department
24 of Citywide Administrative Services, the Office of
25 Administrative Trials and Hearings, the Law

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 6

3 Department, and the Board of Election and of course
4 the public regarding the Fiscal Year 2026 Preliminary
5 Plan. These agencies are tasked with some of our
6 city's most fundamental functions. A role that is
7 always important but roles that are always important
8 but have become even more critical as New York City
9 faces unprecedented threats and extraordinary
upheaval out of Washington.

10 With the looming impact of federal funding cuts
11 and policies that just quite simply contradict our
12 values, we must be prepared to keep our city running
13 and protect the health and safety of New Yorkers.
14 The agencies we're hearing from today keep our lights
15 on, manage our city's vehicle fleet, advise and
16 defend us from lawsuits, conduct elections,
17 facilitate hiring and so much more. Your work is
18 invaluable.

19 My fellow Committee Members and I - thank you
20 David, are tasked with the role of ensuring these
21 core functions are being executed affectively to
22 ensure that New Yorkers are being provided with the
23 services they depend on. Our budget of course is a
24 moral document and as we prepare ourselves for the
25 next four years, this budget will determine how we

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 7

2 intend to navigate the challenges ahead. We look
3 forward to hearing more details about the four
4 agencies budgets today and whether funding is being
5 used effectively and efficiently.

6 I'd like to make sure that we thank our Committee
7 Staff for their hard work preparing for this hearing.
8 I cannot say enough nice things about the Finance
9 Unit Head Julia K. Haramis who has overseen three
10 hearings this week and somehow manages to answer
11 every single one of our questions and provide the
12 most thorough support. So, thank you very much to
13 Julia. Senior Legislative Counsel who always
14 supports us on this Committee Jayasri Ganapathy, and
15 our Legislative Policy Analyst Erica Cohen. Thank
16 you both. Thank Adrienne for being with us today.
17 My expert Communications Director Nieve Mooney and
18 last but certainly not least my Chief of Staff Molly
19 Haley who is fully the brains behind our operation.
20 In addition, I'd like to recognize Council Member
21 Carr of Brooklyn and thank him for joining us today.

22 Now, I'd like to welcome Commissioner Molina and
23 Deputy Commissioner Middleton from DCAS to testify
24 before the Committee. The Department of Citywide
25 Administrative Services Fiscal Year 2026 Preliminary

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 8

3 Budget totals \$1.93 billion, including \$239.3 million
4 in Personnel Services funding to support 2,415 full
5 time positions and \$1.39 billion for Other than
6 Personnel Services expenses. DCAS's budget is
7 divided into ten program areas and the bulk of the
8 agency's overall budget, 56 percent is allocated to
9 the Energy Conservation Program area.

10 In the preliminary plan, DCAS's Fiscal 2026
11 Preliminary Budget is \$160.5 million less than its
12 Fiscal 2025 Adopted Budget. This decrease is mainly
13 driven by \$56.4 million in city fund savings from the
14 citywide re-estimate of asylum seeker response costs
15 included in the Preliminary Plan.

16 The plan adds support for new needs in Fiscal
17 2025 that includes fire safety directors, the
18 Nonpublic School Security Guard Reimbursement program
19 and contracted security guards for DCAS managed
20 buildings.

21 In Fiscal Year 2026, an additional \$329.6 million
22 in city funding was added for asylum seeker response
23 related expenses. At today's hearing we look forward
24 to discussing DCAS's operations, new needs and other
25 adjustments in the preliminary plan. The agency's
plans for the decarbonization of our city's fleet and

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 9

3 buildings, hiring and recruitment policies, the
4 management of city owned and leased spaces and more.

5 DCAS's employees are often unseen but they carry
6 out critical functions that keep our city running.
7 In particular, I appreciate the work that DCAS does
8 to keep our facilities in good repair. It's
9 commendable that the DCAS team continues to complete
10 in house repairs in under three days.

11 And as the representative for the 33rd District,
12 which is home to the second large concentration of
13 public sector buildings in New York City, I
14 appreciate your teams ongoing efforts to mitigate
15 construction impacts and work with us to improve
16 conditions around DCAS buildings. I greatly
17 appreciate the work you're doing to modernize our
18 civil service exam system, reduce the size of the
19 city fleet, and enhance city vehicle safety.

20 When it comes to our buildings and
21 transportation, which remain the two largest sources
22 of carbon emissions in New York City, I am deeply
23 concerned that we are no longer on track to meet our
24 goals to reduce emissions by 40 percent by 2025. The
25 private sector will begin facing fines later this
year for lack of compliance with Local Law 97

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

10

3 mandates and it is imperative that city government
4 lead by example.

5 Climate change is an existential crisis that is
6 now being routinely denied at the federal level and
7 we must work together to identify ways to fast track
8 critical retrofit projects to show how city
9 governments can continue pushing for climate
10 progress. Additionally, I look forward to hearing
11 about more about the advancements that are being made
12 on fleet electrification. Another critical avenue
13 for reducing our local emissions.

14 I am also deeply concerned about the vacancies
15 across city government and hope to understand how
16 this budget addresses the need for hiring halls and
17 expanded recruitment for all city agencies.
18 Commissioner Molina and team, we appreciate you being
19 with us today. We look forward to your testimony and
20 with that, I'd like to ask our Committee Counsel to
21 administer the oath and swear in the testifying
22 representatives.

23 COMMITTEE COUNSEL: Good morning. Can you please
24 raise your right hands? Do you swear to tell the
25 truth, the whole truth and nothing but the truth in

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 11

2 your testimony today and respond honestly to Council
3 Member questions?

4 LOUIS MOLINA: I do.

5 SHANNA MIDDLETON: I do.

6 COMMITTEE COUNSEL: Thank you. You can go ahead.

7 LOUIS MOLINA: Good morning, Chair Restler and
8 members of the Committee on Governmental Operations.
9 I am Louis Molina, Commissioner of the Department of
10 Citywide Services, commonly known as DCAS and I'm
11 pleased to be here to discuss proposed DCAS budget
12 for fiscal year 2026.

13 Since joining DCAS last July, I've become keenly
14 aware of the many ways our agency plays a critical
15 role in delivering the resources and support all
16 agencies need to succeed. Each decision we make,
17 each dollar we allocate, is a reflection of our
18 mission to make city government work for all New
19 Yorkers.

20 With that objective in mind, before looking
21 forward, I'd like to start by briefly looking a bit
22 back and provide a few updates about the critical
23 work we've accomplished at DCAS since our agency
24 testified before your Committee last year.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 12

3 Making sure our streets and buildings are among
4 the greenest in the nation has been at the forefront
5 of much of our work and over the past year, we've
6 made great strides to improve our city's fleet
7 operations.

8 In October of 2024, we announced that the city's
9 entire heavy-duty fleet, one of the largest in the
10 country, has fully transitioned to using renewable
11 diesel before the end of the year. We further
12 announced that our city's ferries will now run on
13 renewable diesel as well. This makes a significant
14 advancement for our city's environmental footprint,
15 eliminating approximately 162 million metric tons of
16 carbon emissions annually.

17 Encompassing the transition to renewable diesel,
18 our onboarding of electric vehicles, and hybrid
19 prioritization, from sanitation trucks to emergency
20 response vehicles, and everything in between, the
21 city's fleet is now greener than at any time in the
22 past 100 years. But it's not just our streets
23 becoming greener, so too is our infrastructure. This
24 past December, we celebrated the completion of New
25 Yok City's largest collection of solar arrays, a
groundbreaking project that underscored our long-term

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

13

commitment to clean energy. Over 100 public school buildings have been equipped with solar arrays, and our latest portfolio added nearly 17 megawatts of solar energy to the city's power portfolio. With this latest installation, we have nearly tripled the municipal solar capacity since the pandemic. What's more, over half of these projects, 55 percent of them are in disadvantaged communities, building greener energy equity in our neighborhoods, and ensuring that the benefits of clean energy reach those who need it most.

Beyond energy, as you all know well, one of our biggest tasks is to maintain the city as an employer of choice for New Yorkers. In fact, we play a critical role in supporting agencies' efforts to recruit and retain employees and foster an accessible civil service system with minimum barriers to entry.

Our retention rate at 90 percent is similar to other large public sector employers. Data shows that our civil servants are staying in municipal work more than three times longer than their private sector counterparts. This is tremendous progress coming out of the pandemic and a true testament to the success of our work. To advance this effort, we've

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

14

3 streamlined hiring processes, expanded opportunities,
4 especially through our Minimum Qualification Review.

5 Our Minimum Qualification Review initiative is a
6 major effort to modernize civil service requirements
7 and ensure that experience, skills, and talent matter
8 most. By removing outdated requirements that limit
9 access, we're opening doors for New Yorkers. We are
10 actively reassessing qualifications to better align
11 with the modern job market, ensuring that hiring
12 standards reflect real-world skills and competencies
13 rather than unnecessary bureaucratic hurdles.

14 Looking ahead, we're exploring and implementing
15 strategies that build upon our success.

16 Following the widely successful implementation of
17 renewable diesel for heavy-duty vehicle fleet this
18 year, we will be working with other city vessel
19 programs, including NYC Ferry, NYPD Harbor Unit, the
20 Department of Environmental Protection sludge boats,
21 and FDNY Fire Boats to explore the use of renewable
22 diesel. By replacing conventional diesel and through
23 our continuous work to transition from gas to
24 electrical cars, of which we expect to have 6,000 by
25 the years end, we are eliminating harmful emissions
from our air, paving the way for a cleaner,

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

15

healthier, New York City for all who call it home.

This is just one step in our broader efforts to decarbonize the city's fleet and more towards a zero emissions future. While we are already ahead of schedule on this goal, it remains front and center as we look ahead this year.

Similarly, we are working to build upon our sustainable infrastructure. We plan to install another seven megawatts of solar on city property over the next year, with 50 percent located in environmental justice communities. According to our latest report, city government has reduced greenhouse gas emissions by 26 percent since fiscal year 2006. This effort has outpaced the private sector, showing the city is leading by example as we work towards our mandate to reduce emissions in city government operations, 50 percent by 2030.

By continuing to scale up clean energy and other energy efficiency initiatives, we are making meaningful progress toward reducing emissions, cutting costs and building a more sustainable future for all New Yorkers.

Beyond our environmental impact, our solar installations on schools have been an educational

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

16

tool, providing city students with a firsthand look at solar technology and renewable energy solutions, hopefully inspiring the next generation of leaders. We also recognize that education is the foundation of opportunity. Not just for students but for all New Yorkers looking to build successful careers, whether it's creating pathways to public service, expanding career readiness programs, or supporting lifelong learning, we are making critical investments to ensure that education remains accessible, equitable and tied to real world opportunities.

One of the ways we're delivering on this commitment is to the expansion of the DCAS Automotive Internship Program, a major initiative to connect young New Yorkers with hands-on training in automotive technology and fleet management.

Last year, we announced that DCAS will more than double the number of participating high school students, providing them with paid internships in city fleet garages and exposure to one of the largest municipal fleets in the nation. We've also worked hard to expand our Civil Service Pathways fellowship, one of the premier opportunities in the city to bring real-life work experience to students. In

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

17

partnership with the City University of New York, we have significantly enhanced the Civil Service Pathways Fellowship program. This expansion not only provides recent graduates with valuable career opportunities but also infuses our municipal workforce with fresh perspectives and diverse talents.

Looking internally, we are just as committed to supporting the continued learning and advancement of our city's workforce. That's why we launched the first ever High School Equivalency and College Credit Program for municipal employees in partnership with Metropolitan College of New York. Through this program, municipal employees can earn a high school equivalency diploma while simultaneously earning college credits, giving them the ability to pursue higher education with fewer barriers.

This initiative isn't just about education, it's about economic mobility. A high school diploma is a stepping-stone to better wages, new career opportunities, and long-term stability for our municipal workforce and we're proud to lead this effort at DCAS. As we work to not just meet, but exceed our benchmarks, it's necessary to establish a

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

18

clear understanding of our budget and our
limitations. As a primary service provider for city
agencies, much of our budge is dedicated to
supporting the critical functions of their daily
operations. In Fiscal Year 2026, our budget is \$1.9
billion inclusive of all funding sources with \$236.3
million covering payroll and other personnel service
costs and \$1.7 billion covering other than personnel
service costs. \$966 million or 51 percent of our
budget will be used to support citywide utility
payments for heating, lighting and power. These are
fixed costs based on forecasted energy usage and
utility rates. The good news is that DCAS is working
every day, both internally and with our sister
agencies through multiple programs to reduce energy
use. I'm proud to say that this work has generated
more than \$141 million in annual energy savings since
2014. Beyond providing utilities to our sister
agencies, we are also tasked with identifying
physical spaces for city agencies and other public
entities to meet their operational needs. When a
need arises and city owned space is not available or
feasible, our real estate team identifies and
negotiates leases on behalf of the city. Of our

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

19

overall budget, \$163 million is dedicated to these costs associated with multi-tenanted leased sites.

In Fiscal Year 2024, DCAS procured a total of \$125 million worth of contracts toward city certified MWBE's for contracts under Local Law 1, \$62.5 million went to MWBE's representing a 33.3 percent utilization rate.

In addition to these efforts, we have also invested in extensive maintenance, repair and energy efficiency work across our portfolio of city-managed buildings. To support these efforts our Fiscal Year 2026 budget includes: \$152.8 million to support cleaning, maintenance and repair work across DCAS managed buildings and \$110 million to achieve the city's climate goals as outlined in Executive Order 89 and Local Law 97.

In addition to these programs, every year DCAS generates a significant amount of revenue on the city's behalf. In Fiscal Year 2026, our annual revenue target is \$63.7 million, primarily due to three areas. \$44.7 million in private rentals of city-owned properties, DCAS's largest source of recurring revenue, \$9 million for the sale of surplus vehicles and other city owned equipment, and \$4.8

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

20

3 million from applicant filing fees or civil service
4 exams. The final piece of our budget is our capital
5 plan, or the funds allocated towards upgrading and
6 renovating our infrastructure. This preliminary
7 budget reflects an updated five year plan of \$8.8
8 billion for Fiscal Year 2025 to Fiscal Year 2029
9 including \$5.5 billion for projects managed by DCAS.
10 This plan includes maintenance and enhancements to
11 DCAS facilities, the renovation of leased spaces, and
12 continuing our energy conservation and fleet
13 electrification work.

14 The preliminary budget for DCAS managed projects
15 in Fiscal Year 2026 is \$1.2 billion and includes
16 \$724.5 million of energy, conservation and green
17 energy projects. \$382.9 million to support our
18 capital construction program for city owned offices
19 and court buildings. \$17.8 million for information
20 technology system upgrades to improve our human
21 capital front end systems, internal agency
22 application support, and the modernization of our
23 Civil Service Exam System Infrastructure. And
24 lastly, \$39 million for fleet electrification work.

25 In closing, I want to thank the Council for its
partnership and for providing with the opportunity to

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

21

testify. I look forward to working with each of you
to improve our operations and advance our mission.
With that, I'm happy to answer any questions.

CHAIRPERSON RESTLER: Great, thank you very much
Commissioner for your thoughtful and thorough
testimony. I meant to mention this in my opening but
I have a great deal respect for the DCAS staff and
have had the privilege of working with many people
over the years at DCAS, including yourself in various
roles to solve problems for New Yorkers, and I was
just informed that Executive Deputy Commissioner
Beatrice Thuo is leaving DCAS and I just wanted to
say thank you for your service. It's been a pleasure
working with you, learning from you and your
contributions to the city over many years here at
HPD. You are just a model of civil service and so,
thank you for all your work truly.

APPLAUSE

With that, I am going to offer Council Member
Carr the chance to begin and then I'll jump in after.

COUNCIL MEMBER CARR: Thank you so much Chair.
Commissioner, always good to see you. Good morning.

LOUIS MOLINA: Good morning.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

22

2 COUNCIL MEMBER CARR: I wanted to focus in a
3 little bit at the start about the reimbursement
4 program for nonpublic schools security guards. The
5 Council recently passed legislation that was enacted
6 to expand eligibility for that program and that will
7 begin with the start of the coming fiscal year. And
8 so, my question to you is do you feel like you have a
9 handle on the likely increase in eligible
10 applications that are going to come the agencies way
11 and do you feel like the appropriation in the
12 preliminary budget is sufficient to cover that need
13 in total?

14 LOUIS MOLINA: Yeah, I'm confident that we'll be
15 able to handle it and DC Middleton can just walk you
16 through some of the details for the Council Member.

17 SHANNA MIDDLETON: Yes, thank you Council Member.
18 Like the Commissioner said, we're gearing up and
19 getting ready. We've opened the application period
20 and applications opened up on March 1st. Currently
21 the allocation for Fiscal Year 2026 has not yet been
22 added but we are in conversations with OMB and we
23 expect them to add that funding.

24 COUNCIL MEMBER CARR: Okay and you'll be speaking
25 to OMB in real time if the application volume is

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

23

unexpectedly high and when does the application
window close?

SHANNA MIDDLETON: May 15th.

COUNCIL MEMBER CARR: May 15th. So, round about
time for executive budget and for us to have that as
information before us. So, would you be able to get
the Committee and the Council the full number of
applications and the full appropriation required to
meet it once that information is available?

HANNA MIDDLETON: Yes, definitely.

COUNCIL MEMBER CARR: I appreciate that. My next
question, this is about you know some of the
properties that we have on Staten Island that's in
DCAS inventory. Some of them are rented to tenants
who have been there for a long time. A number of
them are municipal lots for parking. Can you give us
any kind of sense of whether there is any plan
changes or vision for those sites or is there a
commitment to you know maintaining the current uses
as is?

LOUIS MOLINA: Yeah, so I think you know there's
a commitment depending on if there's going to be a
chance in those uses to figure out if that change
makes sense for the city and also the community as

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

24

well, that those lots may be in. We have been doing a review within real estate to look at what lots may be viable to possibly put up for lease auction and evaluating those properties with our new Executive Deputy Commissioner Overton who oversees asset and property management but we're in close communication with community leaders throughout the city regarding any sort of real estate opportunities that may exist for community, nonprofits and others.

COUNCIL MEMBER CARR: And when do you expect that internal review to conclude?

LOUIS MOLINA: Yeah so we just recently had a meeting a couple of weeks ago and we're happy to sort of work with you if there are any specific lots within your district that you think you might have some ideas. You know obviously there may be a ULURP process that may be involved with that and we'd work closely with you to sort of figure that out.

COUNCIL MEMBER CARR: I appreciate that and then I guess my last area of questioning is about you know the posting of civil service exam lists. You know I think in past hearings, we've been focusing on you know whether we could do more hiring. Obviously there's a great need across different agencies in

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

25

3 order to do that. And so, could you tell us like how
4 whether or not you have sufficient staff and
5 operational support in order to process these exams
6 and post those lists in a quick amount of time
7 because the sooner they're out there, the sooner the
8 agencies can be in hiring off them.

9 And then I guess my final question is, you know
10 the agency in the beginning of the administration did
11 a number of hiring halls around the city. I think
12 one was in partnership with my office and do you
13 think that there enough in the preliminary budget for
14 hiring halls in the coming fiscal year that could be
15 done on Staten Island and Brooklyn and other places?

16 LOUIS MOLINA: Thanks for your question. So, I
17 think you know like the Mayor has said, I think we
18 have to go to where the people are. It just tells
19 them about the opportunities that exist in the city
20 and at the beginning of hiring halls, DCAS was
21 spearheading that work. The work of hiring halls has
22 transitioned to City Hall, NYC Talent and the small
23 business services. The good thing I'll say about
24 that is that it has expanded not only for city job
25 opportunities with the city but also career
opportunities with the private and nonprofit sector

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

26

also attend those hiring halls. We at DCAS have enough funding for our Office at Citywide Recruitment to support those efforts. We attend many of these hiring halls and do a lot of tabling. We also if space permits, as well as time, conduct civil service 101 presentations to those that are looking for career opportunities within the city. And just yesterday, in supporting NYC Department of the Aging, we had a hiring hall in Brooklyn that was geared towards seniors in our community. So, I think hiring halls are one part of a very important strategy to make candidates and especially New Yorkers aware of what job opportunities are available and we fully support that.

COUNCIL MEMBER CARR: Okay and with respect to the publishing of civil service exams?

LOUIS MOLINA: Oh, thank you for reminding me.

COUNCIL MEMBER CARR: No, it's okay.

LOUIS MOLINA: Yeah, so in the last fiscal year, we did have really good headway in the turnaround of the publishing of exam lists but I think it's important to know that many of those exams were qualified and come in exams, and those aren't exams

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

27

but they're very different from education experience exams and multiple question exams.

So, there's a shorter window to turn around those exams and that drew our turnaround time date very, very low. We are at about 160 days right now, which is still under our 197 day target, so we look to get these exam lists out as quickly as possible but we do provide preliminary lists so that our agencies have a sense of some of the candidates that are going to be coming their way once the list is certified, so they can begin to do some sort of recruitment efforts to shorten the window of timeframe when they want to bring candidates on.

COUNCIL MEMBER CARR: I appreciate that Commissioner. Thank you for answering my questions. Chair, thank you.

CHAIRPERSON RESTLER: Thank you Council Member Carr, always good to see you. Uhm, I would like to start with sustainability but we have - DCAS is an exceptional agency. You guys do so much important work, so we've got a lot of different areas that we'll cover today but sustainability is very much- oh and I would just like to acknowledge my colleague and

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

28

3 friend, Council Member Gutiérrez who is with us
4 online.

5 Climate change of course is an existential threat
6 and the city should be leading the way in helping to
7 combat it, especially as for mandating compliance on
8 the private sector. Local Law 97 mandates that the
9 city reduce greenhouse gas emissions by approximately
10 40 percent for large buildings. In late 2023, DCAS
11 testified that the city was no longer on track to
12 meet the goal of 40 percent reduction in city
13 greenhouse gas emissions by 2025. Now you had
14 testified that you were on track to meet that goal by
15 2027. Today you testified we're only 26 percent of
16 the way toward achieving that goal. So, we got a
17 long way to go.

18 My understanding is that in FY24, we only reduced
19 the greenhouse gas emissions by 26,626 metric tons,
20 66 percent of the original target of 40,000 metric
21 tons and over the past three Fiscal Years, the city
22 has cumulatively 23,000 tons behind our goal of
23 reduced greenhouse gas emissions.

24 The goal for FY25 is again 40,000 tons of
25 greenhouse gas emissions. Are we on track to meet
the 40,000 emission reduction goal for FY25?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 29

3 LOUIS MOLINA: So, uhm I'll just talk about why
4 we missed the target a little bit. So, you know we
5 do expect and I just want to reaffirm to you as Chair
6 and the rest of the Council Members, that we are
7 going to hit the 40 percent by Fiscal Year 2027. For
8 me when I came in at DCAS, this has been an all hands
9 on deck effort to keep pushing the needle down on our
10 emissions. We did face some headwinds prior to that,
11 most of which was out of our control including a
12 number of delays that were connected to COVID. The
13 states grid did get dirtier due to the closure of
14 Indian Point Energy Center.

15 CHAIRPERSON RESTLER: Hmm, hmm.

16 LOUIS MOLINA: And we had equipment and lead time
17 supply chain issues for procurement timelines, and
18 there were out of state budgetary pressures as well
19 that we have to just recognize but we are commitment
20 to meeting that goal by Fiscal Year 2027. As you
21 stated, we are 26 percent from where we want our
22 baseline in Fiscal Year '06. We have reduced overall
23 energy uses in our building operations, which I think
24 is also important by 14 percent compared to the five
25 year average of '06 to '10. So we are driving down
energy consumption in our buildings. We're doing

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 30

everything we can to electrify our building systems.
We're pursuing large comprehensive retrofit projects,
with significant GAG reduction. We've been doing a
lot of decarbonization of our city's fleet and we're
investing in clean energy generation as city owned
buildings. So we do have a plan. We're on target to
hit that plan, so that's why I'm confident we'll hit
it by 40 percent by Fiscal Year '27 and our larger
goal of 50 percent by 2030.

CHAIRPERSON RESTLER: So, I appreciate that
response. The goal is to reduce 40,000 this year,
40,000 greenhouse gas metric tons this year. We've
got about 110,000 to go to reach that goal by FY '27.
If I have those numbers right. Please correct me.
Please walk me through, are we on track to meet the
40,000 goal for this current fiscal year and what's
the pathway to reduce the further 110,000 greenhouse
gas metric tons by FY27.

LOUIS MOLINA: So we'll walk you through my
technical version of how we meet that goal. I'll
hand it over to our Deputy Commissioner of Energy
Management.

SANA BARAKAT: Good morning.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 31
FEDERAL LEGISLATION

2 CHAIRPERSON RESTLER: Oh, you need to sworn in.
3 I apologize.

4 COMMITTEE COUNSEL: Can you please raise your
5 right hand? Do you swear to tell the truth, the
6 whole truth and nothing but the truth and respond
7 honestly to Council Member questions today?

8 SANA BARAKAT: I do.

9 COMMITTEE COUNSEL: Thank you.

10 CHAIRPERSON RESTLER: Can we do all your Deputy
11 Commissioners at once, so we don't have to do it a
12 bunch of times?

13 COMMITTEE COUNSEL: Could you please raise your
14 right hands.

15 CHAIRPERSON RESTLER: Yeah, would you mind
16 standing, I apologize. I think that's what we're
17 supposed to do. I apologize.

18 COMMITTEE COUNSEL: Do you swear to tell the
19 truth, the whole truth and nothing but the truth and
20 respond honestly to Council Member questions today?

21 PANEL: I do.

22 COMMITTEE COUNSEL: Thank you.

23 CHAIRPERSON RESTLER: Thank you. Sorry about
24 that. I just figure we don't need to do it for every
25 single topic we go through. Go ahead.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 32
2 FEDERAL LEGISLATION

3 SANA BARAKAT: Okay, so your first question was
4 whether we will meet our 50,000 metric tons for
5 Fiscal Year -

6 CHAIRPERSON RESTLER: 40,000 metric ton goal for
7 FY5 that's right.

8 SANA BARAKAT: That's right and we are on target
9 to meet that goal for '25.

10 CHAIRPERSON RESTLER: Good. And walk me through
11 the pathway to '27 for the 110,000 that we have
12 outstanding because I think the Commissioner
13 testified that we're 26 percent of the way to our
14 goal. We've got a ways to go. Could you walk me
15 through?

16 SANA BARAKAT: Yeah and that number, the 26
17 percent is for - based on Fiscal Year 2023. We still
18 have you know a few years to go. Our pipeline, we
19 have a lot of projects in our pipeline and those
20 projects are intact. You know they're moving as fast
21 as possible and they are on time to be completed on
22 time.

23 CHAIRPERSON RESTLER: Do you want to talk me
24 through at a high level what are the big picture
25 projects that are going to have the most significant
26 impact in reducing - in achieving our goal?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 33
2 FEDERAL LEGISLATION

3 SANA BARAKAT: Yes, we have a lot of projects in
4 the pipeline. We shared them with you last time.
5 I'll go over them again here. There are large
6 projects in your district as well.

7 CHAIRPERSON RESTLER: I love to hear it.

8 SANA BARAKAT: Just give me a second.

9 CHAIRPERSON RESTLER: As you - well, I'll give
10 you a second before I pepper you with more questions.

11 SANA BARAKAT: Yes, here we go. Okay, I'll start
12 with the project in your district. There is a
13 gravity belt thickener that involves thermal energy
14 storage installation at the New Town Creek Wastewater
15 Treatment Plant. That will reduce emissions by
16 18,000 metric tons.

17 Another one in your district is the Brooklyn
18 Criminal Court. That one has - it's an impartial
19 electrification upgrade and includes installation of
20 an advanced energy management system and solar as
21 well. And there's another one, the Brooklyn
22 Appellate Court.

23 CHAIRPERSON RESTLER: Say that again the Brooklyn
24 which court?

25 SANA BARAKAT: The Appellate Court.

CHAIRPERSON RESTLER: Appellate sorry.

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

34

SANA BARAKAT: Which will include the
installation of heat pump, water heaters, air source
heat pump system with energy recovery and other
miscellaneous upgrades.

CHAIRPERSON RESTLER: Great. We love the in
district projects. I'm happy to hear that you're on
track broadly and I'll dig in on a couple of these
capital plan changes but I did just want to ask at a
high level my understanding was that the most
consequential thing that we're doing is CHPY. Is
that right?

SANA BARAKAT: Correct.

CHAIRPERSON RESTLER: So, I mean I'll just, I'll
do a slight preamble. DCAS purchases 3.9 billion
kilowatt hours of electricity annually for city
buildings. 48.7 percent of our energy uses, of
course electricity. As we work to meet our
sustainability goals, we'll be relying even more on
electricity and a major part of our plan to lower
electricity cost is reliant on the Champaign Hudson
Power Express CHPY, which is scheduled to be coming
online in May of 2026. Indeed the City of New York
is expected to be the anchor purchaser of this
renewable energy flowing into New York City.

I've been a supporter of CHPY. My mom grew up in Quebec in Montreal and not everybody up there is as enthusiastic as I am but I think it's a very worthwhile project and a good thing for the City of New York. How much does DCAS expect CHPY to lower electricity costs or have you been able to model that?

SANA BARAKAT: So, the CHPY actually is going to direct purchase, so it is going to be an increase in cost.

CHAIRPERSON RESTLER: Okay.

SANA BARAKAT: But the benefits of course are beyond the financial.

CHAIRPERSON RESTLER: And I've been asked, you're not the first person I've asked this question at Preliminary Budget hearings. I think you're the third but I haven't gotten a good answer yet so we'll see if today is the day. Have you begun discussing with colleagues internally the impacts of the potential Canadian tariffs on the city's electricity bills and what the potential cost will be for us?

SANA BARAKAT: Yes, as you know the situation is very fluent at this point right and even the state issued deporting the same thing. There's a lot of

unknowns and you know the big part of it is that it's not even certain that electricity sales would be part of the tariff, but if it does, it's not affecting the construction of CHPY. It is still on track to be completed by the Spring of 2026.

CHAIRPERSON RESTLER: Right and as I said, I think it's a good thing that we are the anchor purchaser for CHPY and that we've supported this and I think the City of New York's leadership from the previous administration in advancing this has been instrumental in it happening but as you noted, it will lead to an increase in costs and if there's a potential 25 percent tariff that's imposed on this electricity, which is a very real threat. It could be a major challenge for our electricity budget at DCAS. Is that right?

SANA BARAKAT: It does increase the cost but at the same time we are doing all these other things that help reduce the cost, including demand response and if it's a project which our you know with the goal to reduce energy consumption, so.

CHAIRPERSON RESTLER: Can I ask just like, have you been talking to OMB? To State Legislative Affairs, Governor's Office, Federal Affairs about the

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

37

1 impact that these tariff's could have on this project
2 and electricity costs for the city? Are we sounding
3 an alarm bell that this could be severely problematic
4 for the city's finances?
5

6 SANA BARAKAT: Our understanding it's not going
7 to be significantly affecting the pricing. The
8 report came out after two days ago from the state
9 saying that it is staying the same.

10 CHAIRPERSON RESTLER: Okay.

11 SANA BARAKAT: But we continue the discussion with
12 OMB and as you know we get clarity on what the tariff
13 looks like, of course you know we're going to
14 continue the discussion and the impact there.

15 CHAIRPERSON RESTLER: Great, that's helpful. I
16 appreciate the answers. Uhm, the capital plan, which
17 began to cite a few projects in District 33 we're of
18 course excited about, included a number of
19 adjustments in the five year plan for energy
20 sufficiency and sustainability projects. Notably we
21 saw a \$175 million reduction in a lump sum payment to
22 the FCA, \$23 million reduction in solar panel
23 systems, \$56 million reduction for energy efficiency
24 funding under One NYC, \$15 million reduction for the
25 DOE Direct Install Lighting Program, \$23 million

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

38

reduction for citywide resiliency measures. Could you, at a high level, help explain why these adjustments were made and what impact they will have on our emission reduction goals? If we were to fight to restore these funds and last year we had a lot of success pushing from the City Council to restore some of the Mayor's proposed cuts to the sustainability capital projects. What impact would that have on achieving our goals?

SHANNA MIDDLETON: Hi Council Member. Just to clarify the reductions you're seeing are likely reallocations. So, typically once we submit our requests to OMB, the amount of an allocated funds is reduced and then it's reallocated to an actual project.

So, there were a number of new projects actually added for DM in this light and we can submit that to you offline if needed.

CHAIRPERSON RESTLER: We would love that. We'd love the chance to review the new projects that you're looking at and we can share with you what we're seeing on the reductions and it would be helpful to better understand if those funds were

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

39

3 reallocated or pushed to outyears or what exactly is
4 going on there.

5 SHANNA MIDDLETON: Yeah.

6 CHAIRPERSON RESTLER: And then I think that the
7 best way to do this is maybe to follow up in writing
8 but I appreciated that you just mentioned a few
9 projects. Last year, you gave us a list of the ten
10 largest projects in terms of emission reduction
11 impacts and I would love if you would be able to
12 provide that same update on our top ten projects and
13 the timeline for kind of completion on those projects
14 so that we can just better understand how we're doing
15 on each of those projects. I might just highlight a
16 few today. The Wards Island water resources recovery
17 facility digester tank reconstruction I believe was
18 the largest impact. Is that still the case and
19 what's our timeline for completion there?

20 SANA BARAKAT: It's still on track.

21 CHAIRPERSON RESTLER: Okay and oh let me ask just
22 about a couple that we couldn't find. Last year, you
23 mentioned the Manhattan Garages. I assume that was
24 Disney. We couldn't find that and the Manhattan
25 Garages was what was listed as an important project.
Well, does that ring a bell for you?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 40

2 SANA BARAKAT: Seven Street Garages is a project
3 that we are uhm implementing. I forgot about the
4 Manhattan but I can get back to you on that.

5 CHAIRPERSON RESTLER: Okay, we'll share what you
6 gave us last year in writing. There were a few that
7 we could not find in the updated capital project
8 listings. We just wanted to understand the
9 Kingsville Reservoir, the Queens County Family Court,
10 Catskill Delaware Interconnect to cite a few that we
11 just weren't - we're looking for more information.
12 But that's great, I covered CHPY. One more question
13 on sustainability and then we can shift gears. I
14 have been saying to my staff for some time that well,
15 I am profoundly concerned about the shifting federal
16 landscape of offshore wind and the impact that that's
17 going to have for the City of New York on our ability
18 and the State of New York too on our ability to
19 achieve our climate reduction, our climate goals.

20 I think we need to begin shifting for at least
21 the next few years, considering no offshore, it
22 doesn't appear that offshore wind is going to move
23 forward in any way. Thinking about new approaches to
24 expand renewable energy. It feels like we're
25 potentially at a moment for more focus on geothermal.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

41

3 We have a large, 1,000 unit tower going up in the
4 Greenpoint waterfront that's powered with geothermal
5 energy. Could you share with us what projects DCAS
6 is working on with geothermal and do you think
7 there's an opportunity for us to expand both our
8 city's carbon - the City of New York governments
9 carbon reduction - carbon greenhouse gas reduction
10 goals through more reliance on geothermal and beyond?

11 SANA BARAKAT: Yeah, we're always looking for new
12 technologies right, to accelerate our project and the
13 reduction of DHC emissions. We are starting to look
14 into geothermal but I don't think it's a technology
15 that is going to be - you know I shouldn't say much
16 about it because we are in the process of evaluating
17 if it's something we should look into and implement
18 but we had one geothermal - actually, no it was more
19 of a thermal energy storage; that's not what you're
20 asking but I can get back to you on you know if
21 there's any opportunity anywhere to -

22 CHAIRPERSON RESTLER: I just you know you are in
23 such an important position as a purchaser right and
24 to be able to help shape the market and on behalf of
25 the City of New York, you know we have a clean energy
hub that's getting built in Vinegar Hill that Con Ed

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

42

is working on. It was supposed to bring in enough offshore wind energy to power half of Brooklyn. And so, we're not talking - I mean I love this work of panel projects and everything but we're not talking about a few solar panels on a roof that represent this much energy, we're talking about half of Brooklyn. Like, this is the transformational stuff that actually allows us to meet our climate goals and that's as far as I can tell, it's all dead in the water because it's a good fit, dead in the water since it's offshore wind. DCAS humor. Gov Ops humor is probably more appropriate.

I really think that we need to just be focusing on what other renewable energy sources we can realistically benefit from in the immediate future and I really do hope that we can do more to evaluate opportunities around geothermal and if there are ways that the Council can be helpful or supportive in those efforts, please let us know.

SANA BARAKAT: Point well taken, thank you.

CHAIRPERSON RESTLER: Thank you. I would love to shift to hiring. Oh, and I was just supposed to ask for you to say your name and title for the record.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

43

3 SANA BARAKAT: Sana Barakat City Chief
4 Decarbonization Officer and Deputy Commissioner of
5 Energy Management at DCAS.

6 CHAIRPERSON RESTLER: I think you have the best
7 title in City government, right? Okay we've been
8 joined by Council Members Vernikov, Council Member
9 Hanif online, and former Gov Ops Chair Gale Brewer in
10 person.

11 Alright, we will shift gears to hiring - unless
12 you have a question. You good? We'll shift gears to
13 hiring if that's okay. Of course this is one of
14 DCAS's most important functions serving as the hiring
15 and recruitment manager for all city agencies. Our
16 city cannot operate without hardworking civil
17 servants and we're dependent on DCAS to ensure that
18 we are fully staffed and able to meet expectations of
19 New Yorkers but there are currently 15,000 vacancies
20 in city government, a vacancy rate of about five
21 percent.

22 Prior to the pandemic, the city vacancy rate was
23 under two percent. When Mayor Adams took office, the
24 vacancy rate was eight percent. So, you might think
25 that there's an improvement but that's only because
the Mayor has permanently cut 10,000 positions from

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

44

3 the budgeted headcount. Adding those positions back
4 in and the vacancy rate jumps back to eight percent.
5 If this sounds familiar, it's because I raise this at
6 every hearing. We don't seem to be making progress.
7 Are you concerned about the persistent levels of
8 vacancies in city government? Is there a larger
9 strategy on how we're going to effectively combat
10 this?

11 LOUIS MOLINA: So, thank you for your question.
12 I'll just begin before our Deputy Commissioner for
13 Human Capital jumps in.

14 But we have been more agile to response to the
15 needs of our agencies. So, as you know, we have a
16 target of about 185 civil service exams a year and
17 when agencies forecast that they may have hiring
18 issues that they project into the future, we can
19 always add exams to those schedules. In addition to
20 that, our Office of Citywide Recruitment helps to
21 support recruitment efforts, not only at agencies but
22 also to support the ongoing efforts of the hiring
23 halls as well.

24 We are evolving with the changing landscape of
25 today's job market. A different sort of a generation
of worker that's wants more affordability within

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

45

their career and we've been adapting to those changes. With that for more technical, I'll pass it over to Deputy Commissioner of Human Capital Katrina Porter.

KATRINA PORTER: Good morning. So, Council Member Restler, examinations continue to be the cornerstone of our recruitment efforts to support city agencies. We are currently in the process of developing our examination schedule for Fiscal Year '26 where we're engaging agencies to understand their recruitment needs, so that we can support them in the future.

CHAIRPERSON RESTLER: Can I just ask on that? I was really impressed in the PMMR to see the number of applications for civil service exams increase so much. I think it was 71,000 in the first four months of this year compared to about 40,000 last year. So, you know 80 something percent increase, very impressive. What do you attribute that to?

KATRINA PORTER: So we opened application periods for one of our large scale exams Fire Fighter, which mostly contributed to the increase in applications.

CHAIRPERSON RESTLER: Do you know the numbers? What number of that was Fire Fighter?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

46

3 KATRINA PORTER: Uhm, we received upwards of
40,000 applications for Fire Fighter.

4 CHAIRPERSON RESTLER: Okay. So, that is the
5 whole increase?

6 KATRINA PORTER: Yeah.

7 CHAIRPERSON RESTLER: Okay, sorry, I interrupted
8 you. If you want to continue or I can keep peppering
9 you with questions?

10 KATRINA PORTER: Yes, I was going to mention that
11 we also support agencies by encouraging them to
12 participate in our pathway programs, which are exempt
13 from you know the current two for one hiring
14 procedure. Our Civil Service Pathway Fellowship
15 program, applications and matching for that program
16 is currently underway. We expect to onboard about 91
17 new fellows as a part of that program in April. And
18 so, just looking for you know creative ways to
19 support agency hiring where feasible.

20 CHAIRPERSON RESTLER: As with Council Member De
21 La Rosa, we had a hearing on this not too long ago
22 that highlighted some of these issues and our
23 concerns but I'd like to just dig into them again a
24 little bit here.

25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

47

3 The PMMR showed the number of days it takes DCAS
4 to get from exam administration to issuing results,
5 increase to 163 days, up from 115 days in the
6 previous year. So, that's you know close to a 30
7 something percent increase we're talking about. And
8 that's only two results, not when - that's not for
9 when someone's actually getting a job offer, right?
10 So, 163 days we're talking about five months just to
11 get your results on an exam. At our hearing in
12 November, we discussed it's taking 14 to 15 months
13 from when an applicant takes an exam to when they're
14 actually getting hired.

15 We heard from DEP that everyone that recently got
16 called on an engineering list declined the
17 opportunity. Has DCAS done analysis of how often
18 this is happening? We think in part because of the
19 delays and just how slow and painful the process is,
20 we're losing folks. Are you looking at this? Can
21 you offer any insight into what may be occurring?

22 KATRINA PORTER: So what I can say is for titles
23 that are hard to recruit where agencies may have a
24 hiring need, we are able to provide them with passes
25 lists well before the exam is officially established,
so that they can engage these candidates in the

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

48

3 process and to keep them excited about the work that
4 the agency's mission and vision, right? But there's
5 no way for us to understand why folks a not you know
6 showing up for the interview process, what we call a
7 fail to report but there are notices that the
8 agencies have to provide these candidates to you know
9 inform them of the ability to restore themselves to
10 the list and you know we provide agencies with
11 training on the Civil Service List Call Process so
12 that they are aware of what they need to do.

13 CHAIRPERSON RESTLER: Do you track how long OMB
14 takes to approve agencies? To give approval to
15 agencies for positions from when they make an offer
16 to when they actually - from when the agency makes an
17 offer to when they actually get hired?

18 KATRINA PORTER: No, DCAS does not track that
19 process.

20 CHAIRPERSON RESTLER: Would you consider tracking
21 in the MMR kind of end to end recruitment to hiring,
22 so that we have a better vision of the - because
23 right, that's the goal? Right your goal here and I
24 know it's - you have a tough job, especially when OMB
25 stonewalls you every step of the way but the goal is

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

49

3 to get people into jobs. Isn't that the outcome that
4 we should really be tracking?

5 KATRINA PORTER: So, what I can say is we are
6 looking for ways to use our nightcap system to better
7 track the time to hire but the process between when
8 an agency requests OMB approval to when they receive
9 that, that really happens at the agency level. I'll
10 take it back and we'll figure out if we can you know
11 better coordinate with the agencies to understand
12 that process.

13 CHAIRPERSON RESTLER: I just think we would all
14 be better served - you guys- we have you under a
15 microscope for the portion that you're responsible
16 for but we don't hold the agencies or OMB, we don't
17 have that same window into their timeframes and have
18 them - and are unable to hold them accountable in a
19 similar fashion. You're measured in the PMMR and the
20 MMR and the DMMR all the time of how many exams your
21 issuing, how long it's taking to get those exams
22 processed right and the rest of the process is a bit
23 of a - is far more opaque. Is that - I mean, do you
24 think that characterization is fair?

25 KATRINA PORTER: I think we're making strides in
standardizing hiring processes across the city

1 through our HR transformation process. Where we're
2 looking at our forms and you know how we engage
3 employees at orientation to build a more standardized
4 process. You know we've been at this for about one
5 year. We've made tremendous strides and we will
6 continue to do so.
7

8 CHAIRPERSON RESTLER: And that sounds helpful. I
9 still think we need the data to be able to measure
10 ourselves and to hold ourselves accountable. You
11 know we had OMB testify before us two weeks ago that
12 they give responses to agencies in two weeks from
13 when an agency sends a PAR over and they get two
14 weeks for approval. Have you ever had a response
15 from OMB in two weeks for an agency PAR?

16 KATRINA PORTER: Not that I'm aware of but DCAS
17 proper would be able speak about that.

18 CHAIRPERSON RESTLER: Yeah, I didn't think so but
19 I appreciate your honesty. I'd like to shift to
20 hiring halls, which I just have to say I thought was
21 one of the really wonderful cool things that DCAS had
22 been doing and loved you all taking the lead on it
23 and thought that they were really successful. Why
24 has DCAS moved away from city government focused
25 hiring halls?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

51

3 KATRINA PORTER: Uhm, so DCAS, we're here to
4 support the overall hiring for all effort being led
5 by SBS. So, our role is to encourage city agencies
6 to participate in the hiring events by providing them
7 with information about when and where these events
8 will be happening. DCAS Office of Citywide
9 Recruitment, they're also in attendance at these
10 events to provide information about civil service
11 jobs.

12 CHAIRPERSON RESTLER: Are you able to compare the
13 results from how we were doing on the city government
14 focused hiring halls that have been a big focus of I
15 think year two of the Adams Administration verse
16 these more private sector oriented hiring halls where
17 the city is just one of many?

18 KATRINA PORTER: So, what we can track is the
19 engagement at our tables when we are you know - when
20 we are attending the hiring hall. We track the
21 traffic at you know - the folks that we engage at our
22 tables. We do track that number but overall that
23 information is being handled by SBS.

24 CHAIRPERSON RESTLER: Okay, and at our hearings
25 we've heard and in our conversations with city
agencies, we've heard from housing and human services

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 52

agencies about that they want health agencies. That they want hiring halls. They want the model back that you all had successfully pioneered. Have you heard those requests? Have you received any of those requests from city agency partners?

KATRINA PORTER: We're in constant contact with city agencies. We host you know title specific hiring events often and we're always more than willing to support agencies in that way. You know so we can definitely uhm, maybe ask the question.

CHAIRPERSON RESTLER: Yeah, I mean when we had our budget hearing last year and remind me how long have you been in this position? It's about that long?

KATRINA PORTER: For almost two years now.

CHAIRPERSON RESTLER: Two years, okay so my recollection was that there was cuts from funding to the team that was responsible for overseeing and implementing the hiring halls. Is my remembering that correctly that there was cuts about a year ago?

KATRINA PORTER: Not that I'm aware of.

CHAIRPERSON RESTLER: Okay.

KATRINA PORTER: You know the hiring hall was the all hands on deck event at DCAS so all DCAS employees

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

53

3 kind of pitched in, so there wasn't really a set
4 team.

5 CHAIRPERSON RESTLER: Well, I'll just - I have
6 some more questions on federal government so I'll
7 just close on the hiring hall piece to say, I really
8 think this was one of the more innovative things that
9 happened in the Adams Administration and it was
10 working and people really appreciated it and city
11 government jobs are great jobs and we connect people
12 to stable careers, especially people of color.

13 Moderate income backgrounds to really good steady,
14 stable careers and we stopped that recruitment and I
15 realize there's some efforts a foot but it's nothing
16 like what had been happening and it's just a hugely
17 missed opportunity. So I hope that you all consider
18 bringing back the needed resources to do so because I
19 think you were doing a great job and I you know, when
20 the hiring hall came to District 33, I was not asked
21 to cosponsor it. The Mayor asked all the other
22 elected officials to co-sponsor it but I still was
23 happy that it was happening in my community even if
24 they didn't want my name on it.

25 LOUIS MOLINA: Council Member if I could just
add, you know I think from my perspective, I think

what we have seen really is an expansion of that effort to connect New Yorkers to jobs. Not only jobs that are available in the city but jobs that may be available in nonprofits, jobs that may be available in the private sector. I've attended a number of these more expansive hiring halls with my SBS Commissioner colleague and there's a lot of engagement. We've also expanded on those that may be eligible for city purposes or 55A program that may have disabilities and we're making those accommodations as well. Appreciate your feedback and always how we can support to enhance those efforts done by NYC Talent and SBS and we also, our human capital team meets monthly with the agency personnel officers.

CHAIRPERSON RESTLER: Right.

LOUIS MOLINA: And whenever they engage with us and tell us they have an issue specifically about a particular title, where they're having a tough time recruiting, we will be there and prepared to help. They have specific hiring halls for those titles.

CHAIRPERSON RESTLER: Yeah but Commissioner, the challenge we have is that when we do these hiring halls that are mostly private sector oriented,

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

55

nonprofit oriented, they can hire people in a week.

We just talked about a process with the civil service

exam where it's taken an average of 14 to 15 months

to get somebody hired or if we have agencies that

don't need to be hiring off a list, best case

scenario is still 3 to 6 months before somebody is

actually starting a job. If you get an offer, you

don't have work and you get an offer that you can

start in two weeks or you can start in six months,

you got to put food on the table, right? There's no

choice at all and our job as DCAS and Gov Ops, we're

focused on how do we make sure that the vacancy rate

in city government is down? How do we make sure that

every city agency is properly staffed? I want SBS

and the talent folks to do their job too but I don't

want to compete and I want you all to continue to be

laser focused on making sure that city agencies have

the resources and the staffing that they need to

thrive and I just think that we get lost in the

shuffle in these new approach to hiring halls. I've

heard from city agencies; they don't find it nearly

as effective as the previous hiring hall model that

they were really enthusiastic about. I have had

conversations with Henry Garrido going back five

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 56

years on wanting to see hiring halls just like this.

I think there's a lot of enthusiasm from labor, from labor unions across New York City, from city government and from city agencies and it's just - I think there's OMB resource constraints on DCAS that made this impossible. I said that you didn't say that but I wish that you all had the resources and we should continue to push for the resources for you all to be able to be the robust recruitment arm that the city desperately needs.

LOUIS MOLINA: I appreciate your support.

CHAIRPERSON RESTLER: Thank you. I'm going to just on federal government issues, you know we've obviously seen a massive shrinking of the federal government. These Deputy Commissioner Porter, maybe for your too, I don't know. Just in case, you don't get too comfortable. We've seen a massive shrinkage in the federal government over the last three months and it seems like things are getting worse every day. What are we doing to target federal workers to help fill vacancies in city government? And then I just have a couple specific questions. Have you examined whether job qualification requirements adequately consider federal service? So that we're making it as

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

57

3 easy as possible for federal - uh for formal federal
4 employees to qualify for city positions and
5 relatedly, I'm really interested in understanding if
6 we've reviewed federal government pension plans to
7 determine if there are changes that we could or
8 should be making at NYCERS and to our other pensions
9 to credit federal service to encourage people who
10 have left federal government to join city service.

11 LOUIS MOLINA: Got it. Okay, so thank you for
12 your question. I'll just take the last part as it
13 relates to NYCERS and federal pension plans. I'll
14 leave that to NYCERS. We haven't specifically looked
15 at that issue. I can tell you uhm, we have done
16 significant work and a minimum qualification review
17 where we have leaned an equal five what I'll say is
18 work experience and certainly for certain federal
19 jobs, there could be significant work experience
20 that is equal on parts and maybe some academic
21 training that would make that person qualified and
22 competitive for that.

23 CHAIRPERSON RESTLER: I know that's been a
24 priority of yours and I think that's a great thing
25 that you've come in and tried to say work experience,
lower some of the academic requirements, make sure

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

58

that people who have real world experience that can help and contribute to city government are eligible for the positions. That I love but I'm just specifically on the federal government experience piece, have we looked at that in particular to understand if we need to make adjustments to make sure that we're incentivizing as much as possible for federal government, formal federal government workers to join city service?

LOUIS MOLINA: So I think that the MQR review encompasses that because federal workers have significant work experience in a number of technical areas. What we've also done is we've worked with agencies where if they had former city employees that went - they took the opportunity with the federal government, we're working with those agencies. Can this person be reinstated? What is the process to rehire this person back in their agency that now has significantly more talent than when they left because of their experience the Feds.

So, it's on a case by case basis depending on the title we're talking about and the status of that individual but we engage with agencies who are trying

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

59

to bring back former city employees that were federal
workers as well.

CHAIRPERSON RESTLER: Anything you'd like to add
here? Could you speak to the pension issues at all?
Are there ways in which we could or should be
modifying our pension policies to better incentivize
former federal workers from joining city government?

KATRINA PORTER: Yeah so that question would be
best addressed by NYCERS. I wouldn't be able to
address that.

CHAIRPERSON RESTLER: Uhm, do you know if this is
something - have you all been in conversation with
NYCERS on this topic as of yet?

LOUIS MOLINA: We have not.

CHAIRPERSON RESTLER: Is that something that
you'd be -

LOUIS MOLINA: I'm happy to engage with my
partners at NYCERS to talk - to think it through and
talk about it. I think might be better left to maybe
like a state legislative issue because it effects
pensions and pension tiers but happy to work with
them to see if there's a value there.

CHAIRPERSON RESTLER: Well, any of those changes
in all likelihood come through our Committee as well,

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

60

3 so we'd be happy to be involved or helpful and
4 supportive in any conversation.

5 LOUIS MOLINA: We have done a lot uhm on just try
6 to help employees both at the state level and the
7 city level understand the way portability of their
8 pension work, right? So, at the state and city
9 level, that is much easier but happy to get into - uh
10 think through what we can do on the federal side.

11 CHAIRPERSON RESTLER: Okay. I have more
12 questions that I think are for Deputy Commissioner
13 Porter's world but I will pause in case Council
14 Member Brewer would like to jump in.

15 COUNCIL MEMBER BREWER: Thank you very much. One
16 question I have is just commercial space. Not all of
17 it is yours but how much commercial space; not the,
18 I'm talking storefront. There's certainly a lot of
19 them around here, the old models ect.. How much do
20 you have? How are you going to be renting it etc.?
21 Because it does seem vacant and I get complaints
22 generally about vacancy in terms of commercial space.
23 Because when the city has it, it's even more
24 complicated. So, I want to get an update on how much
25 commercial space you have and how much is unrented.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 61

2 LOUIS MOLINA: Yeah, so we just recently had an
3 auction of three storefronts that went successfully
4 well as we transitioned to an online auction website
5 in order to conduct those auctions. That auction
6 just completed for those three sites in Bay Ridge
7 Brooklyn and we're in negotiations now with the one
8 who won that.

9 As is relates to the storefronts that I think
10 you're talking about, the former municipal credit
11 union branch, as well as the restaurant. The Corte
12 Café that was next to it.

13 COUNCIL MEMBER BREWER: And the one at 280
14 Broadway too, yeah.

15 LOUIS MOLINA: Well to the Corte Café and former
16 MCU Bank Branch, I've had meetings with my real
17 estate team to sort of prep and prepare those
18 storefronts for auction. We're evaluating how we can
19 maybe do things a little bit better from our moving
20 to an online auction platform to make sure that we
21 get - we put ourselves in a position to get the most
22 square footage possible dollar value for those sites
23 as well. I can follow up with you on the Model site.
24 That's a little bit different because it's managed by
25 an outside entity who oversees that building but we

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 62

2 can follow up with you on that. And I know you do
3 see a lot of storefronts as you're walking in and
4 around this municipal sector. We don't have control
5 over all those storefronts.

6 COUNCIL MEMBER BREWER: No, I know.

7 LOUIS MOLINA: But where we do, we are making
8 efforts to get those lease auctions up.

9 COUNCIL MEMBER BREWER: Could you get a list to
10 the Chair of those that you are trying to lease or
11 that those that you are empty that you are in the
12 process?

13 LOUIS MOLINA: Happily, we could send you that,
14 yeah.

15 COUNCIL MEMBER BREWER: Okay because it doesn't
16 add to the street scape. It adds to challenges and
17 then of course my other question is and this is a 30
18 year question. I do love the City Store but could it
19 be somewhere more visible and could it be open on the
20 weekends?

21 LOUIS MOLINA: Yes.

22 COUNCIL MEMBER BREWER: This is a 30 year story.

23 LOUIS MOLINA: No, no, I hear. I love the City
24 Store as well as I learn more about it. So, we are
25 doing a website refresh that's going to be launching

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

63

very soon. In addition to that, we've done improvements on our backend to sort of increase our online traffic to City Store.

COUNCIL MEMBER BREWER: Uh, huh.

LOUIS MOLINA: I'm also working with our Executive Deputy Commissioner that oversees the City Store to think about is there ways that we can draw in traffic. Soon we will have a new City Store manager that comes from the retail sector and looking forward to that person bringing us some new and refreshed ideas. To the evaluation of relocating the City Store, we haven't - we've thought about that. We're not kind of there yet. Thinking about where that might go but happy to engage with you and your team on -

COUNCIL MEMBER BREWER: If we just take a little portion of the Model space because then every tourist would purchase on the weekend. You're closed on the weekends.

LOUIS MOLINA: Yeah, we'll take your recommendation and advice.

COUNCIL MEMBER BREWER: And then you need longer scarfs. You only have the square scarf. You need the longer scarf.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 64
2 FEDERAL LEGISLATION

3 LOUIS MOLINA: Got it. Okay, I'll add that to
4 our inventory.

5 COUNCIL MEMBER BREWER: This is 30 years of the
6 same conversation. The other question I have is just
7 about food. You know it so well and my question is,
8 you purchase for Rikers. You purchase for HRA and
9 you purchase for DFTA and my question is what are you
10 doing Carmine Moses? What are you doing to have more
11 local purchasing? What's the you know dollar figure?

12 LOUIS MOLINA: So, I'll share with you that we
13 have parted with organizations including the New York
14 State Department of Agriculture, Cornell Cooperative
15 extension and Grown NYC to locate and promote locally
16 grown and produce products. Furthermore, we are
17 collaborating with agencies to enhance menu planning
18 and incorporate more New York State products. I know
19 it's important to you Council Member.

20 Whenever possible, DCAS does food biz require the
21 inclusion of New York State products based on the
22 successful procurement of these items. In previous
23 contracts for example, apples and your onions are
24 mandated as New York State products due to their
25 consistent availability in past procurements. Local
sourcing mandates apply to several categories

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 65
2 FEDERAL LEGISLATION

3 including process fresh and frozen foods, Halal and
4 Kosher meals, fresh fruits and vegetables, meats and
5 poultry as well as baking products.

6 COUNCIL MEMBER BREWER: Okay, so what you're
7 saying is that you're making big efforts to try to do
8 more. That's what you're saying?

9 LOUIS MOLINA: Absolutely.

10 COUNCIL MEMBER BREWER: That's what you're
11 saying.

12 LOUIS MOLINA: And we've talked about food
13 before.

14 COUNCIL MEMBER BREWER: I know, I've been talking
15 the same thing me, forever but I appreciate that
16 you're aware of the concern and then we can keep
17 working on it.

18 LOUIS MOLINA: Yup.

19 COUNCIL MEMBER BREWER: And then just finally, I
20 know that the question of well, the closure of all of
21 the H&H sites. Those were your processes right in
22 terms of the places where migrants were living. Is
23 that - are they completely done? Do you still have
24 other places that need to be closed that are under
25 your purview or is that not your purview at all now?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

66

3 LOUIS MOLINA: Yeah, so the operations and
4 decommissioning of past or present migrant sites is
5 not under our - we don't control that so I would
6 refer you to the Office of Asylum Seekers, New York
7 City Emergency Management where they have a footprint
8 in H&H.

9 COUNCIL MEMBER BREWER: Okay because you had -
10 you didn't have the Randall's Island, Creedmoor or
11 Floyd Bennett? None of those were yours?

12 LOUIS MOLINA: We didn't operate them.

13 COUNCIL MEMBER BREWER: Okay.

14 CHAIRPERSON RESTLER: But the funding wise?

15 LOUIS MOLINA: The funding yeah.

16 CHAIRPERSON RESTLER: You're responsible for
17 those contracts.

18 LOUIS MOLINA: Yeah, but it think the Council
19 Members question was about the operation of those.

20 COUNCIL MEMBER BREWER: Yeah, no, I think I
21 misspoke. I do want to know about the funding of.
22 So, they're all closed? They're all gone etc.? Is
23 that correct?

24 LOUIS MOLINA: I'll let DC Middleton give you
25 some further clarification.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

67

3 SHANNA MIDDLETON: Yeah, thank you Council
4 Member. In terms of the sites that are closed, so
5 Floyd Bennett closed in January. Randall's also
6 closed. Our budget in Fiscal Year 2026 does reflect
7 funding for the remaining open sites that we pay the
8 bills for and that's mainly for Creedmoor and the
9 license sites, the hotel.

10 COUNCIL MEMBER BREWER: The hotel?

11 SHANNA MIDDLETON: And Bruckner.

12 CHAIRPERSON RESTLER: And Bruckner.

13 COUNCIL MEMBER BREWER: Okay.

14 CHAIRPERSON RESTLER: That's the new site in the
15 Bronx.

16 COUNCIL MEMBER BREWER: Right, no I know I'm
17 aware.

18 CHAIRPERSON RESTLER: Right.

19 COUNCIL MEMBER BREWER: Alright and so, do you
20 have the cost? Creedmoor is because people are there
21 and the new site, people are there?

22 SHANNA MIDDLETON: Correct.

23 COUNCIL MEMBER BREWER: So, all the ones that are
24 vacant, you're no longer paying for?
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

68

3 SHANNA MIDDLETON: Right we're closing out
4 remaining bills but there's no budget in Fiscal Year
5 '26 for those sites.

6 COUNCIL MEMBER BREWER: Alright, thank you Mr.
7 Chair.

8 CHAIRPERSON RESTLER: Thank you very much for
9 raising that Council Member Brewer. Uhm, a few more
10 hiring questions. I was concerned by some of the
11 trends we saw in the PMMR in terms of citywide
12 hiring. We saw a four percent reduction in the
13 number of Black new hires, a three percent reduction
14 in the number of Asian new hires and the percentage
15 of women who are new hires dropped just to 41
16 percent. At a time when the federal government is
17 rolling back efforts to increase diversity or even to
18 mention the word diversity and threatening DEI
19 practices all across the nation. This should be a
20 top priority for New York City. What do you
21 attribute to these changes and what's DCAS doing to
22 increase diversity in new hires?

23 LOUIS MOLINA: So, you know I'll take the one on
24 the gender. So, given they are big exams in our
25 uniform agencies, those tend to trend more towards
males. So, that's where you could have seen that

disparity there. We do have a workforce that is significantly diverse. It's well over 70 percent but I think like we've talked about hiring halls, we're engaging with MWBE contractors. That's not specifically a hiring question but sometimes workers that we're engaging with that work for MWBE's choose to may want to take a career in the city as they learn more about our city's work.

So, I think our diversity and inclusion efforts are still in the forefront, in the forefront of our mind when we're thinking about bringing in all of the talent that the city has to offer and that our government workforce is reflective of the city.

CHAIRPERSON RESTLER: Any thing you'd like to add? Uhm, and you mentioned Deputy Commissioner Porter I believe in our fall hearing that you anticipated the city workforce profile report; one of our favorite reports for FY24 would be released in March. Are we still on time for that?

KATRINA PORTER: So we are a little behind schedule but not too far.

CHAIRPERSON RESTLER: Okay.

KATRINA PORTER: Our new deadline for release is the end of April. We are experiencing some

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 70
2 FEDERAL LEGISLATION

3 challenges with the data but we're hopeful to get it
4 done by then.

5 CHAIRPERSON RESTLER: Okay, the PMMR showed there
6 was 47 percent reduction in the number of city
7 employees completing the mandatory equity and
8 inclusion training. I understand this can be
9 dependent on calendar year training cycles but how
10 many employees are we on track to train in total for
11 FY25?

12 KATRINA PORTER: So, we always want to reach 100
13 percent. So, we're constantly engaging the agencies
14 and completing the mandatory trainings. As you know,
15 we recently launched our NY City Learn system, which
16 you know -

17 CHAIRPERSON RESTLER: Do you put agencies on
18 blast? Like do you share that information publicly
19 of what agencies have - what percentage of employees
20 at a given agency have completed necessary trainings?

21 KATRINA PORTER: I'm not sure if it's public
22 information but we do provide updates on a monthly
23 basis.

24 CHAIRPERSON RESTLER: Could you share that with
25 the Council?

KATRINA PORTER: Sure.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 71
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: Okay, we'll follow up for
4 that. That's helpful and then relatedly, I'm just
5 you know given the high profile documented sexual
6 harassment incidents in this administration, has DCAS
7 taken any steps to review sexual harassment training
8 protocols?

9 KATRINA PORTER: So, we're constantly reviewing
10 our training to ensure that you know it complies with
11 you know federal, state, city laws and I believe we
12 are engaging a vendor to also take a look at that.

13 CHAIRPERSON RESTLER: Okay, and there was also a
14 46 percent reduction in the number of trainings
15 completed by city employees for professional
16 development. I understand there was a pause in
17 training as you shifted to the NY City Learn
18 Platform. I think you were just mentioning, have
19 trainings resumed?

20 KATRINA PORTER: Yes.

21 CHAIRPERSON RESTLER: And okay and then I lastly
22 just want to ask about DCAS headcount, which I don't
23 think is your problem but uhm, so shifting back over
24 here. DCAS currently has a headcount according to
25 our notes of 2,043 out of a budgeted 2,417 positions.
Vacancy rate of 15 percent but when you factor in the

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

72

3 additional 130 positions that Mayor Adams has cut
4 from the DCAS headcounts since taking office, it's
5 actually more like 20 percent.

6 The number of people employed at DCAS has
7 increased by only 20 positions, since we had our last
8 budget hearings. What steps are you taking
9 Commissioner and team to fill these vacant positions?
10 And could you just advise what positions are
11 currently subject to the two for one hiring
12 restrictions at DCAS?

13 LOUIS MOLINA: Yeah so uhm, you know one of our
14 positions are our custodial positions were subject to
15 the two for one. We're in communication with OMB now
16 to do a one for one because we want to make sure that
17 we stay on top of our buildings, cleanliness,
18 conditions and all of those things. So, we're
19 engaging with OMB now on those talks.

20 CHAIRPERSON RESTLER: What positions are
21 exemptive? I mean you mentioned that they are
22 subject to the two for one. Do you have any
23 positions that are not subject to the two for one?

24 LOUIS MOLINA: We could follow up with you and
25 get you a list of which ones.

CHAIRPERSON RESTLER: It's not the entire agency?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 73

2 LOUIS MOLINA: It's not the entire agency, no.

3 CHAIRPERSON RESTLER: Okay.

4 LOUIS MOLINA: In addition to that, our 50
5 percent vacancy rate has been steady. I mean it was
6 also that last fiscal year. I will say that the team
7 overall that I inherited has been phenomenal work.
8 So, there was a need to bring a lot of change to the
9 agency and our core mission sort of stays on lock
10 step and we haven't missed a beat.

11 With that, we've been aggressive with engaging in
12 a lot of areas, not only in competition with trade
13 jobs, jobs in energy where we're trying to recruit
14 individuals to our agencies and where we have
15 somebody that we are especially selected and wanted
16 to hire, we make sure we get that person through the
17 process.

18 CHAIRPERSON RESTLER: I'll just say that DCAS is
19 the backend of city government and when you all don't
20 have capacity, it undermines every city agencies
21 ability to do their job effectively and so, when
22 we're looking at 400 plus vacant positions, you know
23 a 15 percent vacancy rate, it really does effect city
24 services much more broadly. And so, I wish that with
25 OMB support there was a plan to actually fill all of

these vacant jobs. I'm happy to hear you're addressing cleanliness because the data from the PMMR was really troubling that we saw only 59 percent of buildings down from 72 percent in the prior year were deemed clean based on the PMMR's status, so I'm hopeful.

LOUIS MOLINA: I'll just answer to that specific point. You know that jumped at me out as well when I first become Commissioner and again, we've addressed bringing on more custodians to do that work. Doing better at pest management. I think it's important to point out our buildings, on average about 90 years old, so I think that also has an impact and we have a new Deputy Commissioner that's overseeing facilities and construction and technical services and we're doing better at engaging with our tenants, our agency tenants to make sure that we're responding to whatever needs that they bring to our attention.

CHAIRPERSON RESTLER: Okay. I have a few questions on city managed buildings. I'll start with a topic that's a favorite for many in the Council which is scaffolding. Mayor Adams you know has made it a whole big thing about how big a priority it is to get scaffolding down, declaring it bad public

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

75

policy, bad for public safety etc.. Yet of course the city is responsible for many, many buildings that have had scaffolding up for many, many years on end. What is DCAS doing to get scaffolding down from city owned buildings? How many city owned buildings have had scaffolding up for more than five years? How many city owned buildings have had scaffolding up for more than ten years? Does DCAS have a plan to eliminate all you know buildings that have had scaffolding up for over I don't know 12 months?

LOUIS MOLINA: So, let me talk about the city buildings that DCAS manages. I'm happy to share that. We have removed scaffolding from eight sites.

CHAIRPERSON RESTLER: Okay.

LOUIS MOLINA: One of those eight sites we not only remove the scaffolding but we put up netting because at 8811- something Boulevard, we did netting and that was just better for the cosmetics of the neighborhood in Queens.

We have 11 buildings up that still have scaffolding and we are working, 4 of those 11 we're actively working on those sites with an effort to bring that scaffolding down. We can send you a list of those 11.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

76

3 CHAIRPERSON RESTLER: So, there only 11 city
4 managed buildings that have scaffolding up today?

5 LOUIS MOLINA: That are managed by DCAS that have
6 scaffolding. So, there may be other city buildings
7 that are managed by other agencies directly and not
8 DCAS that possibly could have scaffolding up.

9 CHAIRPERSON RESTLER: Okay, I you know celebrated
10 the fact that 360 Adams Courthouse in Kings County
11 Courthouse is finally going to begin work later this
12 summer. I believe scaffolding to begin to come down.
13 There's been scaffolding up there for over 18 years.
14 So, there are kids graduating from high school this
15 year that are younger than the scaffolding at this
16 courthouse, which is in Columbus Park.

17 Some people here today shop at the Farmers Market
18 there and are frustrated by the blight that we have
19 on that courthouse. Can you commit that the timeline
20 for when that work is going to begin and that DCAS is
21 going to be removing the scaffolding in sections as
22 the facade and roof work -

23 LOUIS MOLINA: I believe that work is primarily
24 done by DDC, so we'll confer with DDC to make sure
25 they're on schedule.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

77

3 CHAIRPERSON RESTLER: Okay great and then just
4 another parochial question. Any update on
5 construction at the Brooklyn Municipal Building?
6 Current completion date and if you can share if
7 temporary HVAC systems will be used this summer? And
8 is the new boiler in place for next winter?

9 LOUIS MOLINA: Yeah, so I'll have Joe Wagner come
10 up. He's technically - knows what's going on at that
11 site.

12 CHAIRPERSON RESTLER: Good to see you Joe.

13 JOE WAGNER: Yeah nice to see you again. Uh at
14 210, we will be not using temporary. Hopefully we're
15 not using temporary unless something happens but it's
16 schedule to be completed with the installation, so
17 temporary boilers and chillers shouldn't be used.

18 CHAIRPERSON RESTLER: So, we should not expect to
19 see temporary -

20 JOE WAGNER: Chillers at all.

21 CHAIRPERSON RESTLER: Chillers or boilers?

22 JOE WAGNER: Well, right now, the boilers are
23 being used but they'll be off for the season.

24 CHAIRPERSON RESTLER: Yeah, but we're almost I
25 mean-

26 JOE WAGNER: We're just about done with them.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

78

2 CHAIRPERSON RESTLER: That will be very good news
3 for the people who live nearby and I will just say
4 while we've had some very, very angry neighbors, you
5 and your team, Deputy Commissioner Ringelheim have
6 been very responsive and we've appreciated the
7 communication and the coordination even though it's
8 been a painful process that you all have tried to
9 work with us and did eventually identify very good
10 solutions. And the timeline for completion?

11 JOE WAGNER: The end of December of 2026.

12 CHAIRPERSON RESTLER: End of December 2026 and
13 housing court will move in after that?

14 JOE WAGNER: The courts will move in after that.
15 They'll be done with construction. The courts -

16 CHAIRPERSON RESTLER: I think the original plan
17 was the housing court was supposed to move in in 2020
18 but that's probably not your problem.

19 JOE WAGNER: 2020 -

20 CHAIRPERSON RESTLER: 2027 we're getting there
21 and this one might be for you also. The one critical
22 component of the borough based jail project is that
23 the Brooklyn Criminal Court needs to be made ADA
24 accessible so that the sally port- so that detainees
25 have access from the courthouse to the jail. My

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 79

2 understanding is that there's \$384,000 allocated for
3 FY29. Is that right? Is that accurate?

4 JOE WAGNER: No, that's not the - that number is
5 probably just a holding. That number, DDC is doing
6 that project. It's not a DCAS project.

7 CHAIRPERSON RESTLER: So, my anxiety here is that
8 the jail is supposed to be completed in FY29, two
9 years after the law requires but still it's slated to
10 be completed in '29 but if the project is only - the
11 capital is only going to begin for ADA accessibility
12 in FY29, we're not going to have that done in time
13 for the jail to open. Is there anything we can do to
14 work together to try to speed up that timeline?

15 LOUIS MOLINA: What I can do is engage with DDC
16 because they're a lead on the project and just kind
17 of see where they are on their planning.

18 CHAIRPERSON RESTLER: Okay.

19 LOUIS MOLINA: Yeah and follow up with you.

20 CHAIRPERSON RESTLER: Oh and I am - we have a
21 group of kiddos with us up in the balcony. The Lower
22 Manhattan Community Middle School from Council
23 Member Marte's district are here and we just want to
24 thank you so much for being with us today for our
25 Preliminary Budget hearing with DCAS. We hope you

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 80

3 enjoy your time at the City Council and I failed to
4 acknowledge Council Member Schulman. Thank you for
5 being here Lynn.

6 Now, I am going to shift to the world of Deputy
7 Commissioner Kerman and the Fleet. Thank you very
8 much Assistant Commissioner Wagner. The PMMR showed
9 that the city was up to 5,349 electric vehicles in
10 the city fleet, an increase of 161 vehicles over the
11 first four months of the previous fiscal year. So,
12 about half as many new electric vehicles as were
13 added in the first four months of '24 if I have that
14 right. When can we expect to meet the revised goal
15 of 6,000 electric vehicles?

16 KEITH KERMAN: Hi Council Member. It's great to
17 be here again with you.

18 CHAIRPERSON RESTLER: Nice to see you.

19 KEITH KERMAN: So, we are going to be at 6,000 by
20 the end of the year.

21 CHAIRPERSON RESTLER: Okay.

22 KEITH KERMAN: So, we have a lot of purchases
23 that are actually coming in the fiscal year '25
24 expense budget that are getting delivered now.

25 CHAIRPERSON RESTLER: Great.

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

81

KEITH KERMAN: We've also moved some of our purchases including some of the pickups and vans are now capitally eligible, so that will take some relief off the expense budget, which we know is always stressed and we'll expect to see those mid-year. So we're going to hit 6,000 by the end of the year and -

CHAIRPERSON RESTLER: The end of the calendar year?

KEITH KERMAN: The end of the calendar year.

CHAIRPERSON RESTLER: Okay.

KEITH KERMAN: And for a little historical memory. When we started in 2015, when we announced the NYC Green Fleet Plan, we expected to be at 2,000 by the end of 2025 calendar year. So, we have moved this you know much more than we ever thought we could.

CHAIRPERSON RESTLER: And just walk me through, the goal it to have a fully electric fleet by 2038?

KEITH KERMAN: That is correct.

CHAIRPERSON RESTLER: How many new electric vehicles will we need to get there?

KEITH KERMAN: Well, you know basic math so you have about 25,000 on road vehicles, right? So, you would have to be doing about 2,500 a year to meet

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 82
2 FEDERAL LEGISLATION

3 that - a little less. The 2035 goals is for light
4 and medium and then there's a 2038 goal for heavy and
5 specialized. So, 25,000 on road divided by 13 years,
6 probably about 2,000 -

7 CHAIRPERSON RESTLER: 25,000 and we've done 6,000
8 already?

9 KEITH KERMAN: We've done 6,000.

10 CHAIRPERSON RESTLER: So, we have 19 to go.

11 KEITH KERMAN: Correct although to be honest -

12 CHAIRPERSON RESTLER: We'd like to shrink the
13 fleet a little more?

14 KEITH KERMAN: Well, we always look for fleet
15 reduction. You also have some electric vehicles that
16 have to be replaced, right? We have electric
17 vehicles that are 12, 13 years old.

18 CHAIRPERSON RESTLER: But separate and apart from
19 replacement, I just mean to say, we have a gap of
20 19,000 electric vehicles that we need roughly and
21 we've got 13 years to do it, so we got to do -

22 KEITH KERMAN: Within that math, it would be what
23 about 800-900 a year if I'm thinking the math.

24 CHAIRPERSON RESTLER: So, 19,000 vehicles, 13
25 years. That means we've got 1,500 or so to do a
year, right? Or give or take.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 83
2 FEDERAL LEGISLATION

3 KEITH KERMAN: Sure, you have limitations in the
4 market place. So, you know we need to see advances
5 on electric vehicles say in plowing, right? We don't
6 have plow vehicles now that are electric, so you know
7 that will be a limitation. We're going to need to
8 see advances in fire fighting equipment you know,
9 real advances. So, there also are issues in the
10 market place. Not everything is ready to be electric
11 yet.

12 CHAIRPERSON RESTLER: Fair but that being said,
13 we'd still - how many just to give us - to help keep
14 it simple for everybody, last fiscal year, how many
15 electric vehicles did we purchase?

16 KEITH KERMAN: About 400.

17 CHAIRPERSON RESTLER: Right. So, our very back
18 of the envelope, we're just sitting at a hearing
19 talking math. We've got to do about 1500 a year.
20 Last year we did 400, recognizing there's some gaps
21 in the market that hopefully it's going to increase
22 over time as electric vehicles become more widely
23 adopted and utilized. We've got a ways to go. Last
24 year, there was a \$15 million PEG if I recall
25 correctly to electric vehicle purchasing, is that
right?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

84

3 KEITH KERMAN: That's correct.

4 CHAIRPERSON RESTLER: How many additional
5 electric vehicles would we have purchased if that \$15
6 million PEG had not taken effect?

7 KEITH KERMAN: Well, \$25 million - it's simple
8 math. \$25 million bought you 600 electric vehicles
9 on the expense budget. \$10 million buys you about
10 250. So, that's the gap. It's about 350 a year that
11 you lose. We are trying to move, like I mentioned
12 earlier, we're trying to move the pickups and vans,
13 which we've made a lot of progress on the capital
14 side.

15 CHAIRPERSON RESTLER: I do and I want to get into
16 that I just before we do, just to keep it simple for
17 me because you know I'm limited. We've got - we need
18 to do about 1,500 a year. We did 400. We would have
19 been able to do an extra 350 but OMB cut \$15 million,
20 which was 60 percent of your EB purchasing last year.
21 So, we would have been half way to our goal but now
22 we're about a quarter of the way to our goal and that
23 means we're nowhere close to being on pace to
24 achieving the 2038 mandate. We're way off, right? I
25 mean I just - even if they hadn't cut the \$15 million
last year from your EB purchasing, we were half way

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

85

to our goal. Now, we are a quarter of the way to our goal and you're doing the best you can and I'm glad you're meeting 6,000 this year but 6,000 out of a 25,000 goal, we're just way far off. So, I just, I continue to be just totally confused at why this cut took effect and how it aligns with our climate goals as a city and for what we're looking to accomplish with the fleet. What we're legally mandated to accomplish with the fleet.

KEITH KERMAN: Well on the - let's go to the greenhouse gas emissions because that's actually a really great story. We committed to 50 by '25 back in 2015, which goes beyond the legal mandate of 40 by '25, and we are achieving that. So, how are we achieving that? You know we all want more electric vehicles but we do in fact operate the largest electric vehicle fleet in the state at 5,400 going to 6,000. We operate the largest electric charging network in the state at 2,200 ports going up to 2,500 and more. We're installing every day. And as the Commissioner testified, we've switched out the first major fleet in the east coast of the United States.

All our diesel fuel is now renewable non-fossil diesel fuel. We basically have used cooking oil and

waste animal fat powering the entire city fleet today. As well as the efficiencies, the fleet reduction and other efficiencies that I know you've been involved with.

So, the good news on the broader climate agenda is we're meeting 50 by 25. Find me another fleet anywhere that can say that and we've made enormous progress. On the electrification side, we are still making a lot of progress. We're moving vehicles onto the capital side. We announced a big truck purchase in December. We won a grant and that is moving forward to get 55 electric trucks. We're going to be doing more electric trucks on the regular capital program. We're also, to really bridge the target, so I know your math but I'll tell you actually really to bridge the target, we need to get law enforcement vehicles into electric models. That's actually what we'll bring and we are working to do that.

CHAIRPERSON RESTLER: So, let's shift gears to that. So, my notes are that the average cost of an NYPD vehicle are \$53,938. Is that consistent with your understanding?

KEITH KERMAN: I wasn't prepared to answer that question but you know, it sounds right.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

87

3 CHAIRPERSON RESTLER: It seems ballpark yes.

4 KEITH KERMAN: We could certainly find that.

5 CHAIRPERSON RESTLER: Would that include
6 outfitting or would that just be the vehicle itself?

7 KEITH KERMAN: That sounds like an outfitting
8 cost. There's about \$12,000 of outfitting that can
9 go into an NYPD vehicle. You have your lights and
10 sirens and the bullet proofing.

11 CHAIRPERSON RESTLER: So, why would and those
12 lights and sirens, the technology, all of that
13 totally essential to the vehicle, right? NYPD can't
14 operate, can't put an officer in that vehicle without
15 it. You can help me here, right? I'm getting a nod
16 from the Commissioner, he knows.

17 KEITH KERMAN: All of those vehicles are being
18 bullet proofed and set up with all of our -

19 CHAIRPERSON RESTLER: None of us would ever send
20 a police officer out in any other type of vehicle in
21 good conscience. We're north of the \$50,000 number.
22 Why for gosh sake, is that not capitally eligible?

23 KEITH KERMAN: Well, as we've discussed before,
24 we are working with OMB and the police department on
25 that very proposal. And so, we agree and so we agree
and we appreciate your support that police cars, not

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 88

just for NYPD but for other agencies, law enforcement vehicles are specialized equipment. Just like fire engines, just like sanitation equipment and should be capitably eligible. That would really help our cause plus the electric upfit will also be 10,000 to 15,000. So, as you electrify those, we are working now with Ford and others on a plug in hybrid and all electric options, so that we can get plugs on these cars. So, we are absolutely supportive of that and appreciate your assistance.

CHAIRPERSON RESTLER: I, I just Council Member Ariola, myself, this is a priority for both of us. We've raised it with the Commissioners Office and the Police Department. I know that they believe that this is a priority as well. I know this is a priority for DCAS, if I can say that and I've spoken to the Comptroller and his team. This is a priority for them too. It seems like everybody agrees except for the budget office over on Greenage Street. So, if we could all try to work together to get them to see that this so obviously in the benefit of us achieving our electrification goals and for us to be able to much more smartly manage the fleet, this feels like the most obvious thing in the world and I

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

89

3 would love for us to achieve it this Fiscal Year.

4 Can we work together on that?

5 KEITH KERMAN: Absolutely.

6 CHAIRPERSON RESTLER: Wonderful. Everyone around
7 me is saying that I'm taking too much time. So, I
8 will try to go faster. Let's shift gears to real
9 estate, even though I had a lot more questions for
10 you Deputy Commissioner Kerman. It's always good to
11 see you. Can I just ask, I think I see every Deputy
12 Commissioner here except for the Deputy Commissioner
13 for Real Estate. Is Deputy Commissioner Hamilton not
14 available today?

15 UNIDENTIFIED: [INAUDIBLE 01:29:48] Okay, I hope
16 he's okay. I'm sorry to hear that.

17 So, the MMR showed there was an increase in
18 leases. 2.8 million square feet, up from \$2.5
19 million in FY23. With the announcement of an
20 extension of the DC37 remote work pilot and of
21 course, as I've noted, the shrinkage in the city
22 workforce. Has the citywide space savings taskforce
23 finalized its recommendations?

24 LOUIS MOLINA: Yeah, so we're close to having a
25 finalized draft that's being reviewed right now and
look forward to releasing that soon.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 90

3 CHAIRPERSON RESTLER: Okay, in October, you had
4 mentioned that you had expected it by the end of the
5 year so we certainly look forward to reviewing it.
6 Could you - my understanding is that the total number
7 of leases and the total square footage leased by the
8 city has increased in the Administration despite the
9 citywide remote worker pilot and despite the
10 shrinkage in the city government workforce. Can you
11 explain or can somebody help explain for me why we
12 would be leasing more spaces and leasing more square
13 footage when the workforce is shrinking and the
14 workforce has shrunk dramatically and more people are
15 working from home?

16 LOUIS MOLINA: Yeah, so I think there's a couple
17 of issues and I'll turn it over Executive Deputy
18 Commissioner Overton. We had prior leases that were
19 not reflected yet in the primary administration that
20 were added to that. I believe during the asylum
21 crisis that would have added square footage of space
22 that might have been leased or licensed to the city
23 to deal with that issue, where you see those
24 increases. EDC Overton.

25 SHAMEKA OVERTON: That's accurate.

LOUIS MOLINA: That's it.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 91
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: Okay, I have a few follow
4 up questions from our hearing in October. After that
5 hearing, then First Deputy Mayor Torres Springer
6 noted that a City Hall was conducting a review of
7 policies and procedures across the Administration as
8 a whole. I don't think we ever got an outcome there
9 but it included - it was slated to include DCAS real
estate practices.

10 Do you know if that review has concluded or what
11 happened to it?

12 LOUIS MOLINA: Well, we did have a review of one
13 lease that we talked about in October, which was 14
14 Wall Street.

15 CHAIRPERSON RESTLER: Great.

16 LOUIS MOLINA: That review was done by Mayor's
17 Office of Risk Management and we are waiting the
18 deliberation of the decision of that review but we
19 were very cooperative in the process.

20 CHAIRPERSON RESTLER: Okay. So, no update now.
21 I think that our good friend at DFTA testified that
22 it's in the final stages at the Aging Budget Hearing.

23 LOUIS MOLINA: I think that's an accurate
24 description of it will be eminent.
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 92
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: Okay. Uhm, okay, a couple
4 other questions here. So there's no broader review
5 that is happening of DCAS leasing practices?

6 LOUIS MOLINA: So, there is. So, Executive
7 Deputy Commissioner Overton and her leadership team
8 is looking at asset and property management overall,
9 which is real estate services, facilities management
10 and construction typical services. We're in the
11 middle of that process right now, so to understand
12 best practices and other municipal jurisdictions -

13 CHAIRPERSON RESTLER: But that's not a City Hall
14 review. That's a DCAS internal review.

15 LOUIS MOLINA: That's what we're doing internally
16 yes.

17 CHAIRPERSON RESTLER: Do you know if the City
18 Hall review continues or what happened to the -

19 LOUIS MOLINA: The largest City Hall review I
20 would refer you to them to find out about that.

21 CHAIRPERSON RESTLER: Okay and you currently now
22 report to Deputy Mayor Varlack?

23 LOUIS MOLINA: I do. The Deputy Mayor
24 Administration.

25 CHAIRPERSON RESTLER: Right okay and I wanted to
ask about the tenant representation services

contract. At our October hearing, you testified that DCAS was preparing a new RFP for tenant representation services and that we could expect a quote really soon, "by the end of the year." What's the status of the new RFP?

LOUIS MOLINA: Well that was my hope. So, one thing is through our RFP process that we had with 14 Wall Street, I wanted to strengthen other aspects of the tenant RFP. So, working with our DCAS Office of General Council, we've tightened that up in areas where I thought there might have been some vulnerabilities and that's under legal review right now.

CHAIRPERSON RESTLER: Is Diana Boutros still the lead representative on the Cushman and Wakefield Contract?

LOUIS MOLINA: She's on the Cushman and Wakefield team yes.

CHAIRPERSON RESTLER: And she's still the lead on that team?

LOUIS MOLINA: She's on the team yeah.

CHAIRPERSON RESTLER: Her position has not changed since the hearing?

LOUIS MOLINA: It has not.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

94

3 CHAIRPERSON RESTLER: Have you conducted any
4 review of her selection process? Is the point person
5 at Cushman and Wakefield working for the city?

6 LOUIS MOLINA: So, we don't select. We select
7 the vendor but Cushman and Wakefield selects the team
8 that's in place to manage that contract.

9 CHAIRPERSON RESTLER: In light of the litigation
10 that has noted the involvement of city officials in
11 her selection as the Cushman and Wakefield
12 representative, there's been no review of her role?

13 LOUIS MOLINA: There's been no review by DCAS of
14 her role in that.

15 CHAIRPERSON RESTLER: Okay and despite her
16 glaring lack of qualifications, there's been no
17 review, no conversations about whether we would be
18 better served as a city with a more experienced
19 representative in that position?

20 LOUIS MOLINA: I read her bio, I wouldn't of the
21 opinion that she lacks qualifications but she's one
22 member of a Cushman and Wakefield team that services
23 the city's contract.

24 CHAIRPERSON RESTLER: I'll just say for the
25 record; she had only done retail leasing. Never done
commercial leasing and was put in charge of one of

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

95

3 the most important commercial leasing contracts in
4 the City of New York, if not the most. And so, I
5 stand by my description glaring lack of
6 qualifications.

7 At the hearing in October, you testified that you
8 were not familiar with the fact that the Chief
9 Diversity Officer for the city had met with JRT
10 Realty and Deputy Commissioner Hamilton multiple
11 times regarding the fact that Diana Boutros and
12 Jessie Hamilton slashed the MWBE goals in the
13 contract. Have you spoken to the Chief Diversity
14 Officer since then and worked to rectify that issue?

15 LOUIS MOLINA: No, so the issue was that we
16 wanted to make sure that there was equitable
17 representation of diverse contractors or
18 subcontractors in real estate. So, the 30 percent
19 goal was not reduced. What it was, was that with a
20 ten percent goal for Black owned businesses, 10
21 percent for Hispanic owned businesses, and 10 percent
22 for women owned businesses.

23 CHAIRPERSON RESTLER: Right.

24 LOUIS MOLINA: To get to the 30.

25 CHAIRPERSON RESTLER: But the prior - the
existing contract, which has been delayed and delayed

and delayed, let me restate that. Has been extended and extended and extended and has continued to be extended under your leadership. The one sub that was an MWBE was JRT Realty. When Ms. Boutros became the point person for Cushman and Wakefield, she slashed JRT Realty's role on the contract, slashing the MWBE goals on that contract. You're stating that you want - that your priority for the new contract is to expand MWBE's but you said at the hearing a few months ago, you were not familiar with the fact that Cushman had been brought into City Hall to meet with the Chief Diversity Officer, to address the fact that the MWBE goals had been slashed on the current contract, which continues to be extended. Have you looked at that issue and tried to address it?

LOUIS MOLINA: I was not at the meeting. What I can say is that I support diversity and I think it's important that we look at the subsets of those diversities to make sure that Black owned business, Hispanic owned businesses and women owned businesses are well represented.

CHAIRPERSON RESTLER: And to be clear, I agree with you and I know you weren't at the meeting. It predated your role as Commissioner or your time as

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 97
2 FEDERAL LEGISLATION

3 Commissioner but you were unaware of it at the - you
4 testified to being unaware of it a few months ago, I
5 was just wondering if anything had been done in the
6 intervening time to look into this matter and try and
7 rectify the existing contract where the MWBE had been
8 cut out.

9 LOUIS MOLINA: Yeah, so I was appraised on the
10 clarity that there was no reduction and instead of a
11 reduction, we were just making sure that we were
12 having goals that were representative of all of the
13 small businesses.

14 CHAIRPERSON RESTLER: Okay, I don't - I think we
15 might be talking past one another a little bit. I
16 have a couple more topics and then I will let you all
17 enjoy the rest of your afternoon but before I do, I
18 just want to offer Council Member Brewer the chance
19 to ask a few more questions.

20 COUNCIL MEMBER BREWER: Two points. One in terms
21 of scaffolding. I know 2720 Broadway is, I think
22 it's Volunteers of America but it's a city owned
23 building. So, at some point it would be helpful to
24 know, you own the building, somebody else manages it.
25 The scaffolding is up and the complaints are endless.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 98

3 So, that would be - maybe you could get us a list
4 of the buildings that you own that also have
5 scaffolding. You can obviously check that by looking
6 at who owns it and then comparing that with the DOB
7 website I assume. 2720 is just nonstop complaints,
8 just FYI.

9 LOUIS MOLINA: Thank you.

10 COUNCIL MEMBER BREWER: City owned building.

11 Number two, I just - it says here and maybe we
12 covered this. I was listening earlier; I didn't hear
13 \$1 million for city funds for lease costs on DCAS
14 managing the buildings have been reduced. It seems
15 like it would be more because there are fewer city
16 employees. So I want to know how was that funding
17 determined? What locations does it relate to? And I
18 just it's just for one year only. I mention that
19 also because at a community board, borough board
20 meeting yesterday, Community Board 1 in Manhattan is
21 very upset about 100 Gold because they weren't
22 involved at all in the way in which it's going to be
23 used in the future. So, I mean that will be an
24 example. You have to move all those people out. I
25 guess you're selling the building at the post of
affordable housing.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 99

3 So, how are you deciding how much and what kind
4 of leases? A few number city employees are using.

5 SHANNA MIDDLETON: Yes, Council Member that
6 adjustment you see was a technical adjustment done by
7 OMB related to a couple of court sites, 141
8 Livingston and 151 West Broadway. It's not related
9 to the broader space savings program.

10 COUNCIL MEMBER BREWER: Okay but what is the
11 number of fewer dollars for leased space because
12 there are fewer employees?

13 SHANNA MIDDLETON: I'm sorry?

14 COUNCIL MEMBER BREWER: The City of New York has
15 fewer people working. You'd think that if you're
16 standing out here, that we would have fewer leased
17 space right? Just computing. So, is there a
18 reduction in the cost of leased space because there
19 are fewer employees? And then what are we going to
20 do with all those people at 100 Gold?

21 LOUIS MOLINA: Yeah, so to your point, I think
22 when we finalize our spacing report, we anticipate
23 that we will see a reduction, not only because there
24 are less employees but also we have our work from
25 home two days a week that's been extended.

COUNCIL MEMBER BREWER: Right.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 100

2 LOUIS MOLINA: And just the world of work is just
3 changing. To your question regarding 100 Gold
4 Street. That is an economic development corporation
5 led project, so they I believe have already released
6 an RFP, so that we can create, I believe the goal is
7 like over 1,000 units of housing. A percentage of
8 that obviously would be affordable and we do have
9 agencies at 100 Gold Street and we will be working
10 with the agencies to make sure that we relocate them
11 either first in any city space that may be available
12 for their use so that that's more cost effective and
13 obviously if we have to go to a leased space, then we
14 would do that but we will work with each agency to
15 figure out what their needs are and what would be the
16 best thing for the city.

17 As far as engaging with the community that's
18 effected by the 100 Gold Street Project, I believe
19 there has been community engagement but again that
20 project is led by EDC.

21 COUNCIL MEMBER BREWER: The Community Board was
22 quite upset FYI. So, what you're saying is you're
23 doing this space report and you'll give us a number
24 as to how much we're saving in next year?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 101
2 FEDERAL LEGISLATION

3 LOUIS MOLINA: We would forecast what we think
4 that savings would be with sort of a rightsizing the
5 space that's needed or space that is just not
6 utilized or underutilized at the different agencies
7 and working with the agencies to right size their
8 lease square footage.

9 COUNCIL MEMBER BREWER: So, what's the timing of
10 that?

11 LOUIS MOLINA: The report is in the final stages
12 of being done, so hopefully soon you'll have it to
13 share.

14 COUNCIL MEMBER BREWER: Thank you.

15 CHAIRPERSON RESTLER: Thank you very much Chair
16 Brewer. I have one question on behalf of Council
17 Member Marte, my friend and colleague from lower
18 Manhattan about the status of the 88 East Broadway
19 Mall. If there's anything that you can share there.
20 It was supposed to be taken over by new owners two
21 years ago and updates have been requested and nothing
22 has been received. My understanding is there was
23 some legal problems with the new group but trying to
24 understand the mall is just sitting there decaying
25 after City Hall had rushed to give it to their allies

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 102

3 and now we want to understand what the path forward
4 is.

5 LOUIS MOLINA: I just want to be exact because
6 this involves litigation as well. So, the matter
7 related specifically at East Broadway Mall is still
8 pending resolution in Bankruptcy Court. The court
9 has approved a bankruptcy plan for the city to issue
10 a new lease to a new group called Broadway East
11 Group. The city is currently performing its due
12 diligence before executing a new lease, subject to of
13 course the Bankruptcy Courts proceedings and the
14 completion of the due diligence between DCAS
15 anticipates executing the new lease in calendar year
16 2025.

17 CHAIRPERSON RESTLER: Okay, so you expect to
18 execute a new lease this year.

19 LOUIS MOLINA: Yes.

20 CHAIRPERSON RESTLER: Okay.

21 LOUIS MOLINA: Presuming the Bankruptcy Court is
22 in support.

23 CHAIRPERSON RESTLER: And is there somebody that
24 Council Member Marte's office should be following up
25 with if they're not getting information?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 103
2 FEDERAL LEGISLATION

3 LOUIS MOLINA: I mean I know Council Member Marte
4 well, so he can always reach out to me directly and I
5 can connect him with whom he needs to speak with on
6 our side.

7 CHAIRPERSON RESTLER: His staff just walked out
8 of the room but we will follow up with him to make
9 sure that -

10 LOUIS MOLINA: He has my cell number.

11 CHAIRPERSON RESTLER: We appreciate that
12 Commissioner. Two more items from me and my
13 colleagues will kick me if they have anything they
14 want to add before we let you go.

15 Non public school security guards. Uhm, Local
16 Law - so, we just passed a new law to expand
17 eligibility for smaller schools to benefit from these
18 nonpublic school security guards. I think this is
19 really important especially for considering the
20 increase in hate crimes that we've been seeing across
21 the city.

22 Local Law 4 of 2025 sets the maximum
23 reimbursement rate for the expanded program at \$35
24 million, which has not yet been added to DCAS's
25 budget. When will the full funding be added for next
fiscal year? Do you expect it in Exec?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 104
2 FEDERAL LEGISLATION

3 SHANNA MIDDLETON: We have requested it and we're
4 in conversations with OMB. They do typically add it
5 before the new school year, so we're hopeful.

6 CHAIRPERSON RESTLER: Okay, great and have you
7 done your own analysis? Do you expect the full \$35
8 million to be needed or is it too hard to predict how
9 many of the smaller schools will take advantage of
10 this?

11 SHANNA MIDDLETON: I think it's a little too
12 hard. You know if we look at the original program,
13 it sort of took a couple of years to ramp up, so.

14 CHAIRPERSON RESTLER: And headcount has been
15 added from as a result of our legislation? Have you
16 guys begun the hiring process there?

17 SHANNA MIDDLETON: Yes, we're starting to
18 recruit.

19 CHAIRPERSON RESTLER: Great and then the last
20 topic Commissioner Molina, I think you are uniquely
21 positioned to lead us to a solution on and that is
22 renewable Rikers. From your past hat to your current
23 hat, I think you are the person that can help us out
24 of the morass that we find ourselves in.

25 DOC has transferred 40 acres of vacant land and
the JATC facility to DCAS Control in 2021. Does DCAS

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 105

3 have full control in utility of that land and site as
4 of today?

5 LOUIS MOLINA: My apologies. DCAS has over the
6 42 and a half acres in that one building, facility
7 administrative control.

8 CHAIRPERSON RESTLER: Okay.

9 LOUIS MOLINA: We don't - are not in a position
10 to have day to day operational control of that site
11 because the operation of the island as you know is
12 managed by the Department of Corrections.

13 CHAIRPERSON RESTLER: Does DOC still occupy 25
14 percent of the facility for storage? Is that right?

15 LOUIS MOLINA: I don't know the answer to that
16 off the back of -

17 CHAIRPERSON RESTLER: Do you know if DOC is still
18 using the space?

19 LOUIS MOLINA: I don't know the answer if they're
20 still using the space. I would refer you to DOC but
21 we could also follow up with you as well.

22 CHAIRPERSON RESTLER: There as a DOI report that
23 I imagine you remember well, that showed the building
24 had been used as a secret lounge after being
25 condemned in 2015 by DOC - a secret lounge for DOC
officers after the building had been condemned in

2015 and contained hundreds of thousands of dollars' worth of unused equipment. Do you know if this lounge area has been cleared out?

LOUIS MOLINA: Well that predated me. I could tell you -

CHAIRPERSON RESTLER: Predated you at DCAS or predated you?

LOUIS MOLINA: At DOC.

CHAIRPERSON RESTLER: At DOC.

LOUIS MOLINA: Yeah that lounge situation predated me. It was not used in that state when I was Commissioner. I would imagine the current DOC Commissioner is not allowing that either.

CHAIRPERSON RESTLER: Good. Has DCAS conducted any assessment of the 40 acres of vacant land on Rikers that was transferred into your control you know four years ago?

LOUIS MOLINA: Yeah so, there have been a number of DEP; I think has put in some research on what the possibilities are. It could be the future of Rikers Island as well as others. Sana I don't know if you want to add anything to that.

SANA BARAKAT: The DP and MOCEJ.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 107

2 LOUIS MOLINA: And the MOCEJ also has done some
3 studies that they've shared with the Commission as
4 well.

5 CHAIRPERSON RESTLER: And have you received any
6 communication from DOC outlining a timeline for
7 future transfers to DCAS?

8 LOUIS MOLINA: I have not.

9 CHAIRPERSON RESTLER: So, look -

10 LOUIS MOLINA: I mean it is DOC's. I mean they
11 own that decision.

12 CHAIRPERSON RESTLER: I understand. I just,
13 eventually we're obviously way behind the timeline
14 that is required in Local Law. I think DDC testified
15 it's been a long week, but DDC testified on Tuesday
16 that they're looking to 2032 on current plans if
17 things move as anticipated for closure, for
18 completion of the borough based jails.

19 So, for our planning purposes, we are seven years
20 away from if nothing changes, the closure of Rikers
21 Island and we have only the most preliminary uplands
22 for how we can maximize the use of this area to
23 achieve our renewable energy goals and get New York
24 City on a path to sustainability. I am really
25 struggling to understand why this Administration is

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

108

not taking that planning process more seriously.

3 There's legislation in the Council now to consider a
4 master plan to force the agencies to do more. My
5 recollection is that you know there's a taskforce
6 that just began meeting within the last year.

7 There's little results to show. The report was
8 frankly lacking in specificity. How do we get this
9 to be a top priority of the Administration over the
10 course of the remainder of this year? I don't want
11 to lose nine more months of us sitting on our hands.

12 We need a real master plan that can you know do
13 any variety of bold and ambitious things. We heard
14 Commissioner Ader Walt(SP?) testify earlier this week
15 to some of his priority ideas for what we can do on
16 Riker's Island but we just - we need to start
17 planning and start the environmental review and
18 whatever ULURP changes will be needed and the above
19 and get the resources. It takes five to seven years
20 to do all of those things and if we just let the time
21 go, we're going to miss an enormous opportunity.

22 So, talk to me. You know both of these agencies
23 that are the key agencies involved as well as anyone
24 in city government. How do we not lose the rest of
25 2025?

LOUIS MOLINA: Well, I think, you know I look forward to working with the Rikers Island Commission to come up with their recommendations and any support that we can provide at DCAS in supporting their work in that effort I think is important. As thinking about what is the future of that, Rikers Island can be. I've been public about this issue that I think Rikers Island needs to close but I think we need to evolve other plans in order to get that done. So, I'm in agreement with you in a lot of areas of how do we plan for the future and DCAS will not stand in the way at all.

CHAIRPERSON RESTLER: And who's the point at DCAS for this? Who's your point person on this issue?

LOUIS MOLINA: Sana Barakat because we think the biggest impact what renewable Rikers could be is really one of climate and sustainability for the city that could change things for a generation.

CHAIRPERSON RESTLER: Do you think it would be helpful for the Council to convene a meeting of some of the leading stakeholders in city government led by Deputy Commissioner Barakat to start to try and push for a more aggressive timeline to develop solutions here?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 110
2 FEDERAL LEGISLATION

3 LOUIS MOLINA: Well, I know that Sana Chairs
4 those for me as my designee on the Commission. If
5 the Council thought they wanted a meeting that would
6 be up to you. Certainly you know if we were invited,
7 I'm sure we would attend.

8 CHAIRPERSON RESTLER: I mean the message I got
9 from Commissioner Aggarwala earlier this week was
10 basically that nothings is happening. Those are not
11 his words; that's my total interpretation of them but
12 I was Chairing the Environmental Protection hearing
13 and it was disappointing and I just feel like we're
14 on a road to nowhere and we're losing time and we
15 can't afford it. It's so important. I mean this is
16 just the - truly the hardest thing to find in New
17 York City is space. We have an island that where we
18 can achieve some of our most ambitious climate goals,
19 whether it be new waste water treatment plants, you
20 know new renewable energy hubs and so much more. How
21 do we - I just I really want to hear how we can make
22 this a priority for the rest of 2025.

23 LOUIS MOLINA: Sure, okay. So, if you want to do
24 that, work together, I'm happy to think through how
25 we can be more action oriented and heading in that
direction.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 111
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: I anticipate we'll have a
4 hearing on this later this year to try to dig into
5 more in that way but I'd love to do more work offline
6 to actually move things forward.

7 LOUIS MOLINA: Absolutely.

8 SANA BARAKAT: If I may add, the Committee meets
9 frequently and we are in the process of developing
10 recommendations for the renewable Rikers.

11 CHAIRPERSON RESTLER: Okay. If there is progress
12 that is happening that we're just not aware of, it
13 would be great to be looped in more. I've heard from
14 enough people in city government that they do not
15 believe that progress is happening at the pace that
16 it should, that I'm concerned. So, appreciate that
17 you're working on it. I'd love for us to fast track
18 it. With that, thank you very much Commissioner,
19 Deputy Commissioner and team. Appreciate DCAS for
20 your hard work and you guys have a great rest of your
21 day.

22 LOUIS MOLINA: You to.

23 CHAIRPERSON RESTLER: We will start with OATH
24 now. [01:51:45]- [01:52:55] Alright, we will
25 encourage folks to take their seats and to quiet down
and all those nice things so that we can get the next

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 112

3 thing going. [01:53:02]- [01:53:23] Okay great. I
4 would now like to welcome Asim Hehman, Commissioner
5 and Chief Administrative Law Judge to testify before
6 the Committee. Thank you for being here today. The
7 Office of Administrative Trials and Hearings Fiscal
8 2026 Preliminary Budget totals \$77.2 million,
9 including \$60.5 million in personnel services funding
10 to support 455 full time positions and \$16.7 million
11 for Other Than Personnel Services expenses. OATH is
12 the city's central independent administrative law
13 court conducting hearings for city agencies,
14 commissions and boards. In the preliminary plan,
15 OATH's Fiscal 2026 Preliminary Budget is \$3.8
16 million, greater than it's fiscal '25 adopted budget.

17 Today, we look forward to discussing OATH's
18 operations and other adjustments included in the
19 Preliminary Plan, staffing at the agency, the
20 handling of summons for city agencies and the status
21 of special education hearings. I remain deeply
22 concerned about the dramatic increase in summons
23 being issued by city agencies and processed by OATH,
24 which are on track to exceed one million summons this
25 year. As the agency ultimately responsible for all
hearings and decisions, as the clearing house of all

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

113

3 of these summons, it's critical that OATH helps us
4 better understand the dramatic impact of this
5 increase on working class New Yorkers. I continue to
6 be concerned that this increase is disproportionately
7 impacting low income Black and Brown New Yorkers who
8 could be forced to make the choice between paying a
9 summons and buying groceries, leading to increased
10 financial strain for far too many families. I
11 greatly appreciate the work of the OATH staff who
12 process all of these cases and work to advise New
13 Yorkers on the process. I was particularly impressed
14 that the number of help sessions more than doubled in
15 the first four months of this fiscal year and I'd
16 like to especially thank John Castelli and Rachel
17 Amar for their tireless work in conducting in
18 district OATH help events across the city, including
19 just yesterday in Greenpoint.

20 Thank you to Judge Rehman for joining us today.
21 I know you're under the weather, so we'll try to be
22 nice to you. Well, I can't speak for my colleagues.
23 With that, I'd like to please ask the Committee
24 Counsel to administer the oath and swear in the
25 testifying representatives.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 114
FEDERAL LEGISLATION

2 COMMITTEE COUNSEL: Good afternoon officially.

3 Could you please raise your right hands? Do you
4 swear to tell the truth, the whole truth and nothing
5 but the truth in your testimony before this Committee
6 and respond honestly to Council Member questions?

7 PANEL: I do.

8 COMMITTEE COUNSEL: Thank you. You can go ahead.

9 ASIM REHMAN: Good afternoon. My name is Asim
10 Rehman and I am the Chief Administrative -

11 CHAIRPERSON RESTLER: Just before you begin, I'm
12 sorry Judge. We're just on a long timeline for
13 today. I just ask if you could highlight the key
14 things and try and limit this seven single space page
15 will just be a little much, so if you could just
16 streamline a little bit of your testimony today, we
17 would appreciate it.

18 ASIM REHMAN: Yes Council Member. I prepared a
19 shorter version than what's been submitted for the
20 record.

21 CHAIRPERSON RESTLER: Perfect. That's perfect,
22 thank you very much.

23 ASIM REHMAN: Again, my name is Asim Rehman, I'm
24 the Chief Administrative Law Judge and Commissioner
25 at OATH, the New York City Office of Administrative

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 115
2 FEDERAL LEGISLATION

3 Trials and Hearings. I would like to start today by
4 thanking Chair Restler and the members of the
5 Committee on Governmental Operations, State and
6 Federal Legislation for the opportunity to testify
7 today.

8 As I mentioned in the interest of time, I'll
9 submit my full testimony for the written record but
10 I'll present a shorter version of it right now for
11 the purpose of today's hearing.

12 As the Chair mentioned, OATH is the city's
13 independent, central administrative law tribunal. In
14 the past calendar year, fiscal challenges have not
15 deterred us from our mission to ensure due process,
16 fair and impartial hearings and timely decisions for
17 everyone who comes before OATH. All of OATH's
18 adjudicators approach this responsibility with the
19 upmost seriousness, as do the OATH staff who help
20 support our hearings.

21 I can personally speak to this commitment. As
22 the Chief Administrative Law Judge, I, myself,
23 conduct trials and conferences where I meet with
24 litigants and their representatives, listen to
25 evidence, help parties find opportunities to settle
and issue decisions that are based on the law. Even

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

116

3 when faced with challenges, OATH's been able to
4 maintain our standards by adopting our practices so
5 that we continue to seamlessly deliver our services
6 to New Yorkers, city agencies, and all parties who
7 appear before us.

8 The proof is in the numbers. In the calendar
9 year 2024 alone, we processed almost 660,000
10 summonses. We held close to 250,000 hearings. We
11 issued over 2,500 appeals decisions, conducted over
12 670 trials, and closed over 17,000 special education
13 cases. It's a notable increase from the volume of
14 work we did in calendar year 2023. These tremendous
15 figures are a testament to the amazing public
16 servants who are part of the OATH team.

17 In each of these thousands of cases, the tireless
18 and committed staff at OATH take great care to ensure
19 that every party who appears before us is treated
20 impartially and is accorded due process. OATH has
21 three main adjudicative divisions, the trials
22 division, the hearings division and the special
23 education hearings division. OATH has a robust help
24 center that provides nonlegal support to
25 unrepresented parties with cases at OATH. OATH is
also home to the city's Center for Creative Conflict

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

117

3 Resolution and to the Administrative Judicial
4 Institute.

5 OATH's work is also supported by a variety of
6 internal teams including our Administration division,
7 General Counsel team, IT division, Legislative and
8 Public Affairs teams and more. A key and core
9 ingredient to ensuring due process is keeping oath
10 impartial and independent.

11 For OATH, impartiality and independence means
12 that our Administrative Law Judges and our hearing
13 officers listen to all sides, review the evidence
14 without favor, apply the law fairly, and do this
15 without any external influence. We do not take
16 direction from any city agencies on our cases.

17 At OATH we believe there's one standard of
18 justice for all. The members of the public who have
19 cases at OATH are treated no differently from the
20 city agencies that appear before us. Independence
21 and impartiality also means that OATH does not
22 comment on enforcement policies, rules or regulations
23 or on disciplinary practices of the agencies that
24 file cases with us.

25 Our role is to adjudicate cases, not to set
policy. Consistent with this, when we regularly

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

118

3 provide City Council with data reports concerning
4 cases filed with OATH, you'll note that we do not
5 analyze that data or make recommendations. Such
6 analysis is not in our purview.

7 As for our budget, OATH's Fiscal Year 2025
8 Adopted Budget was \$73.4 million and the Fiscal Year
9 2025 current modified budget was \$74.6 million.
10 OATH's total preliminary fiscal budget for Fiscal
11 Year 2026 will be \$77.2 million. Of that, \$60.5
12 million is in personnel services and \$16.7 million is
13 in Other Than Personnel Services. Agency headcount
14 will be 455 for fiscal year 2026 Preliminary Budget
15 and that doesn't include the 363 per session judicial
16 hearing officers in the hearings division, all of
17 whom work on a part time schedule.

18 Whatever challenges await the city, OATH's
19 amazing staff have dedicated themselves to meeting
20 the moment and making sure that New Yorkers receive
21 impartial hearings and timely decisions.

22 OATH's staff is very much New York's fairest. As
23 noted, I'm going to submit a more detailed version of
24 the testimony into the record but for now I look
25 forward to our continued efforts with the City

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

119

3 Council and I welcome any questions you may have.

4 Thank you.

5 CHAIRPERSON RESTLER: Thank you very much.

6 Council Member Brewer, if you would like to ask
7 questions any time, please just let us know.

8 Let's start with the headcount. Why is those
9 actual headcount as of January '25 over the budgeted
10 headcount by I believe 16 positions?

11 ASIM REHMAN: So, our headcount with the - under
12 the Fiscal 2026 upcoming budget we'll about break
13 even. Currently, we're just one over that amount and
14 the reason that we're over the amount is because our
15 needs have grown and when our needs have grown and
16 when we've needed additional resources to adjudicate
17 cases, we've gone to OMB. We presented them with the
18 evidence and they've approved our request have
19 addition staff and they have allowed us to hire
20 additional staff but have not yet put those funds
21 into the budget. They've said they will put those
22 into future plans. So, that's why we have more staff
23 than are actually budgeted for.

24 CHAIRPERSON RESTLER: So, OATH's budget has
25 increased 30 percent since the FY25 Preliminary
Budget. Last year, OATH's budget increased 23

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 120
2 FEDERAL LEGISLATION

3 percent, \$14 million from when we had our hearing to
4 the Adopted Budget. So, a 23 percent increase from
5 prelim to adoption, \$14 million that's a big increase
6 for a small agency.

7 Including \$4.2 million in new baseline needs for
8 23 new positions. You had testified during our
9 preliminary budget hearing that OATH has the
10 resources it needs so a little confused at how we got
11 there but that being said, are you intending to ask
12 for additional needs again this year and will you
13 share with this Committee what those intentions are?

14 ASIM REHMAN: Well, I can answer it in a word and
15 that word is cannabis.

16 CHAIRPERSON RESTLER: It's what?

17 ASIM REHMAN: It's cannabis.

18 CHAIRPERSON RESTLER: Cannabis.

19 ASIM REHMAN: A key change since when we last sat
20 here Council Member was the legal change that allowed
21 the Sheriff of New York City to enforce the state
22 cannabis law and anyone who of course who is subject
23 to a fine or a penalty is entitled to due process and
24 those cases came before OATH.

25 So, we had a new form of case come to us in the
last year and not just in new form but a case that

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

121

3 was subject to expedited handling. So, we needed
4 additional resources. That included additional
5 adjudicators, both part time and full time and that
6 included other administrative staff. So, those are
7 just some of the changes over the last year where
8 we've gone to OMB and said, there's a new need. We
9 needed additional funding and we received that
10 additional funding. There was a second part to your
11 question that I don't recall Council Member.

12 CHAIRPERSON RESTLER: Do you have new needs for
13 this year?

14 ASIM REHMAN: We do and we've submitted those to
15 OMB and we are in active discussions with them about
16 those needs and the details behind those.

17 CHAIRPERSON RESTLER: Anything you can share with
18 us?

19 ASIM REHMAN: There are needs related across the
20 department. There are both needs that concern what
21 the public sees, the adjudicators but there are also
22 needs that concern our internal infrastructure.

23 CHAIRPERSON RESTLER: So, both staffing and OTPS?

24 ASIM REHMAN: Correct.

25 CHAIRPERSON RESTLER: Okay. I'd like to shift to
summons. The PMMR showed that summons were up

another 35 percent in FY25 and on track to exceed one million summons issued for the year. This has more than doubled the number of summons issued when Mayor Adams took office in FY22.

As I mentioned in my opening, I am deeply concerned about the impact these summons are having on New Yorkers and the lack of impact they're having to actually address and improve city conditions. Recent reporting showed that the Department of Health doubled the number of rodent summons but 311 activity by rat complaints continues to increase.

NYPD has just announced a new qualify of life unit that will inevitably drive summons up even further and my understanding is the NYPD is throwing the progress of the CJRA from the Mark Ferrito de Blasio era out the window. I understand that OATH is not responsible for issuing these summons just adjudicating but work the clearing house and the only agency that has insight into the cumulative impact that these million summons in FY25 have on New Yorkers.

Have you done an analysis of the dramatic increase of the summons issued by the Adams Administration and spoken to City Hall about it?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

123

3 ASIM REHMAN: Yeah, I'm not sure I would
4 characterize OATH as the place that would have
5 insight into the impact of those increases. We do
6 see the increases and again, our job is to adjudicate
7 the cases. So, we are in a position to provide who
8 ever wants to conduct that data analysis, be it City
9 Council, be it City Hall. Individuals who want to
10 look at data to see what increases have gone up and
11 what does that data tell us. We can provide that
12 data. OATH did a tremendous amount of information
13 regarding our summonses and we issue many reports,
14 including regular reports to Council.

15 CHAIRPERSON RESTLER: Have you flagged for your
16 counterparts at City Hall the tremendous increase?
17 Doubling since the time the Mayor took office so that
18 they're thinking about the impacts of such a
19 phenomenal increase in summons during this relatively
20 short period?

21 ASIM REHMAN: It would be appropriate for OATH to
22 flag for City Hall the impact it would have on OATH
23 and our obligation to make sure we can provide timely
24 hearings. It wouldn't be appropriate for the
25 tribunal to flag for City Hall any larger societal
impacts of those summonses.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 124
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: But you do look at whether
4 you think agencies are appropriately following their
5 own rules and regulations in laws in the issuance of
6 those summons.

7 ASIM REHMAN: In the issuance of those summonses
8 but if we were to see a trend that this particular
9 agency sees this type of dismissals or what not, that
10 would be for the agency to study to see, do they need
11 to be doing anything differently. It wouldn't be
12 appropriate for the court to say, hey agency, we see
13 x, y, z, happening because then we lose our status as
14 being an impartial party.

15 CHAIRPERSON RESTLER: Certainly I understand
16 you're an impartial party but flagging the trend
17 lines both for the impact for OATH but also the
18 impact on New York City, seems like a notable thing
19 to do. It sounds like you have not had that
20 conversation with counterparts at City Hall about a
21 million summons, that we're on track for one million
22 summons. Do you know the average cost of a summons
23 in New York City?

24 ASIM REHMAN: I don't.

25 CHAIRPERSON RESTLER: Do any of your colleagues?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 125
2 FEDERAL LEGISLATION

3 ASIM REHMAN: But it ranges. I can tell you that
4 the lion share, vast majority of summonses that we
5 see are issued by the Sanitation Department and the
6 categories of summonses that we see most frequently
7 are the types of summonses that have what we may
8 consider to be lower level penalties. But I don't
9 know how the numbers shake out if we were to do a
10 pure across the board average. But again Council
11 Member, I think it's really important to point out
12 that while you and others may think that there is
13 great value in analyzing that increase, that is not
14 an analysis that the tribunal should engage in.

15 CHAIRPERSON RESTLER: I appreciate that
16 Sanitation is one agency that's seeing a significant
17 increase in summons but the last time I looked
18 through all of this data, a broad range of agencies
19 had shifted policies in this administration and we're
20 dramatically increasing the number of summonses
21 issued.

22 Going from half a million to one million in three
23 years, that means that one out of eight New Yorkers
24 has an additional \$75 that they owe to the city every
25 single year or whatever that average number is. That
is a big financial impact on New Yorkers and I'm not

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

126

1 - It's not clear to me that it's improving the
2 quality of life in any way. And so I get that you're
3 just here to you know as Justice Roberts might say,
4 judge the balls and the strikes, recall the balls and
5 the strikes but nobody is looking at the policy
6 implications and encouraging every single agency to
7 just issue as many summonses as they possibly can and
8 what that does to New York City. So, I wish that
9 this was a place where you would take the data that
10 you're seeing and highlight for your counterparts at
11 City Hall that we have a problem and that you know we
12 can't just summons our way out of the issues that
13 we're facing in New York City. Council Member, you
14 want to jump in?

16 COUNCIL MEMBER BREWER: Two things. First of
17 all, I'll say hello to your parents. That was great
18 for me to meet them at that event. I want to talk
19 about cannabis. I'm obviously interested in this
20 topic. So, two things. Are you getting payments
21 from those that have been closed because I know that
22 was a concern. And then also, I think there's
23 ongoing litigation that includes questions about the
24 units training and knowledge needed to preside over
25 the cases. So, I didn't know if you were doing

anything different in order to deal with that issue.

Number two is pedicabs. Why does some violations go to OATH and others to the Midtown court? I'm a big fan of Judge Wang at the Midtown Court and he doesn't know why there's a difference also. And also, do you have any recommendations on how to deal with these pedicab issues?

ASIM REHMAN: Thank you and thank you for the kind words Council Member Brewer and we always appreciate your engagement with OATH and coming out to your district where we can work with your constituents on.

COUNCIL MEMBER BREWER: We love John.

ASIM REHMAN: As to your questions regarding cannabis, OATH is the system of record with respect to payments made when a summons penalty is imposed. So, if a hearing happens or there's a default and a penalty is imposed, we're the system of record that has the data both on what's been imposed, what's been paid and what hasn't been paid. We are not in the business of going out and collecting on this.

COUNCIL MEMBER BREWER: No, that's finance.

ASIM REHMAN: Right and so, we do have information and data on how much has been paid and

how much hasn't been paid on that summonses on those
summons codes.

As for training, if there's active litigation of
which we know that there are some challenges
regarding decisions that have come out of OATH.
That's not something I can comment on and that would
be more appropriate for the law department. I'm not
aware and I'm happy to follow up. I'm not aware of
particular real kind of substantive allegations that
have been made regarding the training incompetence of
our hearing officers, but I can tell you anecdotally
that I read the decisions that come out from our
various hearing officers and I've looked closely at
the ones that are being issued regarding the cannabis
cases. I don't overrule them. They are independent
hearing officers but I find the quality of them to be
very good, thorough, engaging with the evidence,
explaining the law. So, I feel very confident in the
capabilities of our hearing officers for these cases.

COUNCIL MEMBER BREWER: Okay.

ASIM REHMAN: On the question of pedicabs, I'm
not sure. Can we get back to you on that? I don't
know sitting here today what are the violations that

are being issued against pedicab drivers and how that
might differ from the I'm sorry, it was which court?

COUNCIL MEMBER BREWER: Mayor's Midtown Court on
54th Street, yup, Judge Wang.

ASIM REHMAN: Alright, we will look into that and
we'll see if we can get back to your office about
with some information about what is the difference
between what type of violations come to OATH versus
the Midtown Court. That's a new one for me, thank
you.

COUNCIL MEMBER BREWER: Okay and then in terms of
special education, that's something that I know
you're dealing with more recently and it's big
challenge in terms of the students and the families
and so on. So, which on the special education
hearings division, which now handles all due process
cases for students with IEP's, and individualized
special education programs. How is this hearings
division structured? I think the reason we're asking
this question and I think you know this is that
Carter cases are just blooming, blossoming and
costing. And so, we're trying to figure out how they
can be adjudicated for the right position and student
placement but then there's a cost factor too. So, I

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

130

just want to know a little bit more about that
division.

ASIM REHMAN: Sure, so the Special Education
Hearings Division is one of our as I mentioned main
adjudicatory, our three adjudicatory divisions and it
is led by a Deputy Commissioner. It started up right
when I got here, so it started in early 2022 by
nature of the agreement between the city and the
state in late 2021. And it started with just a
handful of people and it has grown significantly
because of the need. We now have close to 100
independent hearing officers working full time on
staff. We have four special education attorneys who
are not hearing officers but they assist with legal
case work and we have about 19 to 20 administrative
staff members and these are the individuals who are
the muscle behind the cases. They are the ones who
line everything up and help with scheduling and
support all of the independent hearing officers. So,
that's the structure of the unit and the way that the
process works is if a parent or family files a due
process complaint with the DOE, the DOE then has to
assign that out and before last January, January of
2024, DOE would assign out those cases, some to OATH

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

131

3 and some to contracted IHO's not affiliated with
4 OATH. Starting with January of last year, 2024, now
5 all new cases come to OATH. So, if DOE gets a due
6 process complaint, whatever that volume is, they
7 assign it to OATH. So, we are dealing with that
8 volume on our end.

9 COUNCIL MEMBER BREWER: What's the timing between
10 when the family files and there's adjudication and
11 hopefully -

12 ASIM REHMAN: Yes, that's really the key question
13 and that timing question is what got OATH involved in
14 the first place. I'd like to remind you -

15 COUNCIL MEMBER BREWER: Ms. Vladeck is the good
16 person behind all that.

17 ASIM REHMAN: I understand. Before OATH got
18 involved, average case length was over 250 days
19 before OATH got involved. Now that we're involved,
20 average case length is closer to 84 days, which is
21 below the legal threshold of 105 days. The legal
22 deadline time is 75 days. Usually there's a 30 day
23 extension that people ask for that's 105 days, so our
24 average is below but as noted in the PMMR, we still
25 have work to do about 80 plus percentage of our cases
are closed within that legal deadline. A tremendous

improvement from what the world was like before OATH took these cases but of course, we want to get that number higher.

COUNCIL MEMBER BREWER: And are there new needs that are related to this division? Are there other fundings needed? Is there something, I know you say it would be good to get that well, 20 percent or whatever it is to be in the ballpark or even less than 84 days. Are there new needs related to this division that you think should be evaluated?

ASIM REHMAN: These are things that we are regularly talking with OMB about. They just recently approved OATH posting and hiring nine additional IHO's, which we quickly filled and they just competed training a week or two ago, so as demonstrate with the numbers to OMB what the need is, OMB has been in active discussions with us and as I mentioned recently, approving bringing on new people.

COUNCIL MEMBER BREWER: More on the policy level and then I'll stop, which is obviously you're dealing with adjudication that makes sense but there may be policy implications, so do you also discuss that with Board of Education? Because is this Carter case is a big mess. Not your mess, the population, our city,

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 133
2 FEDERAL LEGISLATION

3 education. Is there like a policy implication that
4 you would also discuss with the Board of - with the
5 Department of Education?

6 ASIM REHMAN: We do not. While we do engage with
7 the Department of Education on a number of fronts,
8 mostly logistical and procedural, these broader
9 issues about how do address services for students in
10 New York in who have special needs, are policy
11 decisions and it is not the appropriate place for the
12 tribunal to get involved in those discussions.

13 COUNCIL MEMBER BREWER: Alright, thank you very
14 much.

15 ASIM REHMAN: Thank you Council Member.

16 CHAIRPERSON RESTLER: Thank you very much Council
17 Member Brewer. I'd like to continue on the topic of
18 special education hearings. So, recognizing there's
19 been some improvements relative to just the disaster
20 of how this issue had been handled at the DOE. In
21 the first four months of FY25, OATH closed only 85.6
22 percent of cases within the regulatory timeframe,
23 which is down 10 percent from last year and the
24 average time to close cases increased 23 percent from
25 68 to 84 days. Could you speak to these declines and

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

134

3 what measures OATH is taking to more efficiently
4 resolve the cases?

5 ASIM REHMAN: Yeah, so I could say without
6 scientific certainty but I can say that our main
7 understanding for that decrease in time was because
8 of an increase in caseload.

9 CHAIRPERSON RESTLER: Increase in time but yeah.

10 ASIM REHMAN: Right, right meaning -

11 CHAIRPERSON RESTLER: Yeah, no I gotcha.

12 ASIM REHMAN: The drop in the compliance, I'm
13 sorry.

14 CHAIRPERSON RESTLER: Yes.

15 ASIM REHMAN: Was through, was due to an
16 increased caseload. In particular, last year, last
17 summer because of some movements that were happening
18 at the state level, there was a very sudden surge of
19 a particular type of case that was filed by parents
20 and we've had to deal with that massive surge and so
21 the increase caseload has of course created new work.
22 How are we dealing with it? Well, we have to very
23 tightly manage internally how we do our case
24 assignments. How we set up our processes and then
25 there comes the question of resources, which as I
mentioned, had us go to OMB to say this is how our

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 135

3 numbers have changed. This is what we think is the
4 right ratio of cases per hearing officer. We think
5 we need more resources and we just got more. We got
6 permission to hire new -

7 CHAIRPERSON RESTLER: So, the thing that I'm
8 struggling with and maybe I don't have a
9 comprehensive enough understanding of the issue but
10 in last week's Committee on the education - in last
11 week's Education Committee's Preliminary Budget
12 hearing, DOE spoke to a decrease in filings of due
13 process claims by about 20 percent during the '24-'25
14 school year, which I would have thought was reflected
15 in these PMMR increases that are discordant with what
16 you just testified to. Can OATH verify this decrease
17 and do you have any insight into why and shouldn't
18 that have worked in the opposite direction of what
19 you just spoke to?

20 ASIM REHMAN: I can explain. I can't verify
21 DOE's numbers but if you were to tell me that DOE had
22 an overall decrease in due process complaints, I can
23 tell you why you don't see the commencer decrease on
24 the OATH side. So, here's the reason. It comes back
25 to what I was explaining with Council Member Brewer
about us starting to take all new cases in January of

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

136

2024. So, when you compare the two school years
before January 2024, even if DOE had this many cases,
they were farming them out to both OATH and the
independently contracted IHO's. So we were not
seeing that full volume but come January 2024, We
were now getting all the cases. So, while the
greater pool was shrinking, the bottom - the gross
number of cases going to OATH was actually going up.
Does that make sense or -

CHAIRPERSON RESTLER: I think so.

ASIM REHMAN: We were not seeing, if we were for
the past several years seeing all of the cases and
there were no contracted IHO's then maybe there would
be more of a parallel trend line but we, OATH,
looking at our gross numbers, we were not seeing all
the cases. So, we saw a gross increase from what was
x before, I can tell you the Fiscal Year 2024 OATH
caseload total for the first six months of the fiscal
year was just over 10,000 and fiscal year '25, it was
just under 14,000. Because we were getting more of
these cases.

CHAIRPERSON RESTLER: Okay.

ASIM REHMAN: It all goes to how DOE farms them
out.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 137
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: I wanted to follow up on
4 the issue of this June 1st policy that DOE
5 implemented for the first time this past year. My
6 understanding is that for children attending
7 nonpublic schools that - sorry, let me restate that.
8 DOE enforced the June 1st deadline for the first time
9 for children that attend nonpublic schools regarding
10 their applications for continued services. This
11 resulted in thousands of children being left without
12 vital services. Has OATH seen an increase in cases
13 relating to this issue? How many? And is OATH
14 taking into account the fact that the city never,
15 ever previously enforced this deadline?

16 ASIM REHMAN: So, this is a question that would
17 come up in the course of the hearing. The June 1st
18 deadline is in the law. It's up to DOE to raise that
19 in the hearing or not as a legal defense or as a
20 legal claim that this particular due process
21 complaint or this assertion should not move forward
22 because they missed the deadline. It is a legal -

23 CHAIRPERSON RESTLER: Are they consistently
24 raising it in hearings?

25 ASIM REHMAN: So, it is - I'll come to that in a
second. When it's raised, it then has to be

1 adjudicated by the hearing officer. The hearing
2 officer is going to look at that claim. They're
3 going to look at the facts of that case. They're
4 going to look at the law. They're going to reach a
5 determination.
6

7 CHAIRPERSON RESTLER: Do you give guidance to
8 hearing officers on how to handle this?

9 ASIM REHMAN: Once they are trained, they are
10 independent. They reach the determinations based on
11 the fact and law in front of them. So, as an agency
12 head, I do not give them guidance. Not my place to.
13 Our Deputy Commissioner does not direct them on how
14 to rule these. We trust them to reach the result
15 that they believe is right under the law and the
16 facts. So, what it might mean, is it could mean -

17 CHAIRPERSON RESTLER: So it may mean that it's
18 inconsistently applied depending on the hearing
19 officer if we don't have a consistent approach?

20 ASIM REHMAN: Well, I'll say this. We don't keep
21 data on the details of individual dispositions. We
22 may know the number of cases but this is a legal
23 ruling within a case. It's not something that we
24 track. I can tell you anecdotally that since this
25 issue emerged, anecdotally, we've seen DOE raise it

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

139

3 more as a claim in a case than we did before this
4 past summer. So, are we seeing it being raised as a
5 claim by one party? Yes we are. Do I have data on
6 the frequency? I do not.

7 CHAIRPERSON RESTLER: It's troubling because
8 we've never seen the law implemented before. So, for
9 many people who have been navigating the very painful
10 bureaucracy of our special education system for
11 years, they didn't know this was a meaningful
12 deadline and then all of a sudden it was having an
13 outsized impact on their lives.

14 We think DOE is raising this a bunch of the time
15 but we don't know exactly how much and we don't know
16 how different hearing officers are approaching it
17 individually based on the facts of the case, even
18 though it seems like we should be allowing for
19 greater latitude or flexibility since there was no
20 warning provided the DOE that this new - that they
21 were finally taking this deadline seriously. I just
22 think we're putting families in a horrible position
23 and dramatically impacting their access to the
24 special education services that they need. Is there
25 anything more that you can do in the leadership role
of the agency and trying to help rectify this to

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

140

3 ensure that families get the services and support
4 that they deserve?

5 ASIM REHMAN: If it's a legal argument that a
6 party is entitled to raise in a hearing, they can
7 raise that and the other party is in a position to
8 explain why the hearing officer should or should not
9 follow that argument.

10 CHAIRPERSON RESTLER: Are these families
11 primarily arguing cases without an attorney?

12 ASIM REHMAN: I don't have - one moment. I may
13 have one second, let me check something. As noted in
14 our PMMR, we do have data on special education cases
15 with parents who are represented by counsel or other
16 representative. It was the four month actual for
17 Fiscal Year 2024 was 94.36 percent. It went down,
18 meaning there's more unrepresented individuals and
19 parties to 72.28 percent.

20 CHAIRPERSON RESTLER: 72 percent unrepresented or
21 72 percent represented?

22 ASIM REHMAN: Represented, meaning it used to be
23 90-

24 CHAIRPERSON RESTLER: Okay, so a quarter of
25 families do not have representation.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 141
FEDERAL LEGISLATION

2 ASIM REHMAN: Right and that's in all cases, not
3 in particular -

4 CHAIRPERSON RESTLER: Not special education
5 particular?

6 ASIM REHMAN: I'm sorry, those are in all cases-
7 special education hearings, yes.

8 CHAIRPERSON RESTLER: Right and so a quarter of
9 cases don't have representation. Is OATH providing
10 support and assistance for families that are
11 navigating this process?

12 ASIM REHMAN: Yes, our hearing officers not only
13 are they trained on this, they have an ethical duty
14 to ensure that individuals in all of our divisions,
15 not just special education hearings division are
16 given a fair opportunity to present their case.

17 CHAIRPERSON RESTLER: Do you track outcomes
18 compared to whether there's representation or not for
19 the family?

20 ASIM REHMAN: I don't know the answer to that
21 question.

22 CHAIRPERSON RESTLER: Could you track that?

23 ASIM REHMAN: That's what I don't know. I don't
24 know if we have cross data, which would allow us to
25 see outcomes versus representation or

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

142

3 nonrepresentation. I don't know that sitting here
4 today.

5 CHAIRPERSON RESTLER: We will follow up. If you
6 do have that data, we would very much like to
7 understand it. I'm - I just - you all have a hard -
8 let me do one more on this and then I'll give my -

9 The MMR showed there were about 3,500 more cases
10 sent to OATH than closed in FY24 and about 6,000 more
11 cases sent to OATH than closed in the first four
12 months of '25. I know that when DOE started
13 transitioning cases to OATH there was a backlog of
14 like 16,000 cases, so it's relative I mean as I
15 mentioned. I think this is one of the worst corners
16 of bureaucracy in all of city government, most
17 dysfunctional. Could you speak to what the current
18 backlog is? How many cases are still open for over
19 six months, over a year? How are you tracking that
20 from a kind of global view?

21 ASIM REHMAN: Yeah, so I'm not sure if we're
22 using the same terminology. When we at OATH think of
23 backlog, we are specifically talking about unassigned
24 cases. So, case filed with DOE that just hasn't even
25 been given to a hearing officer, that hasn't been as
it's called, assigned.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 143

2 CHAIRPERSON RESTLER: Assigned, okay.

3 ASIM REHMAN: So, there was a backlog before OATH
4 got involved. Now, there is zero backlog. A case
5 gets to DOE within I think a day or two and I could
6 be wrong. It might be within the same day. It gets
7 assigned out and then we assign it to a hearing
8 officer. So, that means if the backlog is zero,
9 every case is with a hearing officer. It is just
10 going to take time for those hearing officers to
11 resolve those cases and that gets us to the question
12 of how are we doing with completing cases within the
13 legal timeframe?

14 CHAIRPERSON RESTLER: Right. So, but we're
15 seeing significantly more cases sent to OATH than
16 closed. So, 3,500 in FY24, 6,000 in the first four
17 months of FY25. Those are significant discrepancies.
18 How are we understanding that cases - that you all
19 have the capacity to close these cases in a
20 reasonable timeframe at scale?

21 ASIM REHMAN: I understand. That is part of our
22 - the strategies we have internally to look at the
23 volume of cases we have. Look at our hearing officer
24 and staff capacity, determine how to proceed and
25 assign those cases. So there's an internal

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

144

3 management component of it but then there's a
4 resource component of it and that involves the
5 discussions we have with OMB when we show that the
6 numbers have gone up. Our staffing numbers have not
7 changed much. There's only so many hours in the day.
8 Can we hire more hearing officers? And then as I
9 mentioned, we recently got approval to bring on
10 additional hearing officers and if the numbers demand
11 additional resources, we're going to continue to have
12 those discussions with OMB.

13 CHAIRPERSON RESTLER: Okay, I mean look, we're
14 seeing the average time to close cases has increased
15 23 percent. We realize that it's faster than it was
16 in the old system but still too slow. So, I think we
17 want to work together to understand what those needs
18 are and certainly with Chair Joseph try to help
19 advocate to make sure that families are getting the
20 special education support that they deserve.

21 I'll do two more quick questions and then
22 encourage you to enjoy the rest of your Friday
23 afternoon. Thank you for laughing Gale. I
24 appreciate you always. Mediations and consultations.
25 The MMR showed that OATH mediations for city
employees increased 62 percent last year and

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

145

mediations for members of the public are up this year
although still only I think it's seven. Is OATH
tracking the results of mediations? How can we scale
up these programs more effectively?

ASIM REHMAN: So, the - one second I do want to
look at some data real quick. Yeah, the mediations
for the members of the public as you pointed out are
in single digits so it's hard to kind of really say
that the percentage increase. And the mediations for
city employees -

CHAIRPERSON RESTLER: The percentage increase I
showed, mentioned was for city employees.

ASIM REHMAN: Yes, yes and so for city employees,
we're happy to provide the services out of the Center
for Creative Conflict Resolution. It's a great team
of individuals that provides mediations, management
training, restorative justice work for all of city
government and at every city agency, they have an ADR
coordinator that helps connect with the Center to do
this type of work, and we are happy, I'm happy as an
agency that every time they go and do a training,
even with staff, central staff at City Council, that
they get called to do more.

3 So, to your question about how are we tracking
4 it. With our mediations and with our trainings, we
5 issue a post event survey. A post mediation survey,
6 a post training survey and the survey asks questions
7 to help us improve our services. You know what went
8 well? Would you recommend this to someone else? Was
9 your problem resolved? So, we do have these kind of
10 qualitative surveys that allow us to improve our
11 services and the overall takeaway from those surveys
12 has been the work is effective and people like it and
13 they want more of it. Which gets us to your question
14 about have we thought about scaling it up. It's a
15 small team of nine professionals who of course
16 leverage the help of the ADR coordinators at every
17 agency but nine people. When you compare it to the
18 city's workforce, it's not a lot of folks and there's
19 a tremendous amount of good work to be done out there
20 and if we can avoid conflicts before they grow by
21 using these alternative services, well that helps
22 everyone. So, I have had some internal conversations
23 about what would it look like for this team to be
24 larger but those are really all in their infancy
25 stage and that would be a much larger discussion that
would involve City Hall, OMB, City Council maybe even

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

147

3 to see what would the next version of the Center for
4 Creative Conflict Resolution look like.

5 CHAIRPERSON RESTLER: Well, I think that this
6 Council has been supportive of increased efforts to
7 mediate resolutions and you know I think if you can
8 share data with us on how you've been successful with
9 city government employees, we should be thinking
10 about how to expand the model and support more
11 people. So, you know want to just continue that
12 conversation and explore scaling that up together.
13 And then lastly for me is around judicial hearing
14 officers. So, judicial hearing officers play a vital
15 role in ensuring OATH cases are handled efficiently.
16 Since the pandemic, my understanding is that these
17 officers have been working entirely remotely and are
18 required to provide their own equipment, their own
19 supplies. I know that there are ongoing collective
20 bargaining negotiations on this, so we'll see what
21 you're able to comment but does OATH provide any
22 supplies or support to OATH hearing officers who are
23 operating remotely?

24 ASIM REHMAN: You're right, there are aspects of
25 this that are governed by collective bargaining. The
judicial hearing officers who are a vital part of

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

148

3 OATH, they are the ones who are helping us get
4 through those more than more than 220,000 hearings a
5 day. Today, this Friday, we would likely clear more
6 than 600 maybe more than 700 hearings today because
7 of the work of our judicial hearing officers. So,
8 they are an essential team for what we do. Their
9 work conditions are governed by their collective
10 bargaining contract and that includes whether or not
11 OATH will cover expenses, including covering expenses
12 for training. We will cover the expense for
13 mandatory training. They are paid for that. They
14 are not paid for the equipment that they use. That
15 is their own expense. That's all subject to
16 collective bargaining.

17 We do provide support. Our IT team is available.
18 Our help desk staff will assist them if they are
19 having issues with their software or connecting to a
20 hearing. So, of course, we want to make sure that
21 they are in the best position possible to adjudicate
22 their cases. So, we do provide that type of support.

23 CHAIRPERSON RESTLER: Just from a basic logic, it
24 doesn't make sense to me that we have a full time
25 remote employee and we don't provide them with the
basic equipment that they need to do their job. I

understand that some of this has to be resolved through the collective bargaining process but just wondering, have you conducted any cost assessment for the relevant supplies that a judicial hearing officer needs to do their job?

ASIM REHMAN: So, there's a few elements to this. Uhm, first is the judicial hearing officers, while they are fully remote, they are not full time. They have an hourly cap of 1,000 hours per year. Many of them you know, they do different things. Some of them may have their own practice. Some of them may adjudicate in other forums. Some of them may decide that this is all they want to do but it's only 1,000 hours a year so we have to take into consideration that as well with respect to how resources are allocated.

I recently held a town hall with our hearing officers. Like I said, they are a vital part of the OATH family. So, in January, we invited all of them to come to a virtual town hall. Everyone was allowed to submit questions. We received over two dozen questions. Some of them covered this issue. Some of them covered the topic of brakes. Some of them cover the topic of you know what's the future of the

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

150

3 hearings, the vision at OATH and we had about 50
4 hearing officers attend. I was really happy with the
5 participation and the feedback I got afterwards was
6 that the town hall was helpful. So, we take many
7 steps to engage with our hearing officer family
8 members but again, there are certain things that are
9 going to be subject to their contracts, just as there
10 are with all of our other employees who are
11 represented by unions.

12 CHAIRPERSON RESTLER: I'm just not familiar with
13 any other employee in city government that has a full
14 time - that has a required remote component and I
15 don't see how it's not the city's obligation to
16 provide the supplies or resources for them to be able
17 to their job. It just doesn't make sense to me and
18 so, my understanding is this issue has been going on
19 for years. We still don't have a resolution. We've
20 heard from many angry judicial hearing officers. I
21 appreciate you engaging with them as their manager
22 and giving them a chance to ask questions and engage
23 constructively. It's the role of every Commissioner
24 across the city to do that on a consistent basis but
25 I hope in your capacity as a leader in the agency,
you could encourage OLR to be reasonable that these

judicial hearing officers deserve some basic support for the supplies they're required to do to provide an essential job in city government. So, hopefully we will see this resolved and resolved soon. My basic understanding is that they get lost in a world that there's a million teachers and so when things get bargained, there are much bigger fish. The biggest fish in the city, right? Sorry, not a million teachers, 100,000 teachers. I expanded our workforce slightly but we got 100,000 teachers. It's a lot of people and how many judicial hearing officers are there?

ASIM REHMAN: There's a roster of about 390.

CHAIRPERSON RESTLER: Okay, so we've got 100,000 teachers and 300 and something thousands of these guys. They get lost in the sauce and but it's important and they deserve it and I hope that you can encourage OLR to do the right thing by this important component of your workforce.

ASIM REHMAN: Thank you.

CHAIRPERSON RESTLER: With that, thank you very much for joining us today. It was a thoughtful conversation. We appreciate your hard work and the hard work of everybody at OATH.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 152

3 ASIM REHMAN: Thank you to the Council for your
4 support and engagement. We appreciate it. Have a
5 good afternoon.

6 CHAIRPERSON RESTLER: Have a great day and now,
7 we'll hear from the Law Department. [02:38:26]-
8 [02:39:44]. Let me just apologize Corporation
9 Counsel for keeping you waiting and we knew DCAS was
10 going to go long. There's just too much there but we
11 tried to keep both short so that we could get to the
12 Law Department. So, we appreciate you and your team
13 being with us today. I'd like to welcome our Corp
14 Counsel Muriel Goode-Trufant, the head of the Law
15 Department to testify before our Committee.

16 The Law Departments Fiscal Year 2026 Preliminary
17 Budget totals \$259 million, including \$180.8 million
18 in personal services funding to support 1,510 full
19 time positions and 78.2 million for Other Than
20 Personnel Services expenses. The Law Department
21 serves as legal counsel for the city, the Mayor,
22 various elected officials, and numerous city
23 agencies.

24 In the Preliminary Plan, the Law Departments
25 Fiscal Year 2026 Preliminary Budget is \$4.4 million
greater than its Fiscal Year '25 Adopted Budget. The

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

153

Preliminary Plan included additional baselined
funding for 25 new positions to litigate and provide
legal support related to the new cannabis laws to
address a cap in personnel services funding for
existing agency headcount and for outreach and public
events related to the 2024 and 2025 Charter Revision
Commissions appointed by the Mayor.

Today, we look forward to discussing the Law
Departments operations, their new needs and other
adjustments in the preliminary plan, staffing at the
department and the metrics reported in the FY25 PMMR.

The Corp Counsel serves as the lawyer not for the
Mayor but for the entire city. For decades, that was
true more on paper than in reality but since the
Corporation Counsel has become subject to advise and
consent, we've seen a meaningful shift. Under your
leadership and the leadership of your predecessors,
Georgia Pastana and Judge Hiens Raddicks(SP?), the
Law Department has treated the City Council as a
partner in city government and has worked diligently
to provide us with confidential guidance and support.
This orientation allows us to do our jobs more
effectively to the benefit of all New Yorkers and for
that, I truly am grateful.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 154
2 FEDERAL LEGISLATION

3 The Law Department continues to operate with 400
4 fewer personnel than prior to the pandemic and Mayor
5 Adams has cut 341 positions from the budgeted
6 headcount.

7 I remain concerned about the impact that this
8 reduction in capacity has on Law Department
9 operations. As we face growing legal threats from
10 the federal government, it is critical that we fully
11 staff the Law Department to ensure we are prepared to
12 defend our city. I have a great deal of admiration
13 for the many impressive lawyers I've had the
14 privilege to work with and learn from at the Law
15 Department, including Sheryl, Eric, and others. It
16 is a beautiful thing to see one of the most
17 impressive attorneys at the Law Department work their
18 way up over a 30 year career to become Corporation
19 Counsel.

20 The City Council was proud to enthusiastically
21 endorse, confirm your nomination last year. The Law
22 Department has a vast portfolio and I enjoyed reading
23 the breath of your work in the 2024 annual report. I
24 also like had a new understanding of the divisions
25 after reading that report that I had never really had
before. So, I appreciated it.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 155

2 I'm grateful to all of the hardworking employees
3 at the Law Department and have particularly
4 appreciated the advise and support from the Law
5 Department on critical projects in District 33,
6 especially of late from Tasha McKnight and Chris Reo.
7 Corporation Counsel, thank you for being with us
8 today. We look forward to your testimony and with
9 that, I'd like to ask Committee Counsel to administer
10 the oath and swear in the testifying representatives.

11 COMMITTEE COUNSEL: Good afternoon. Would you
12 please raise your right hands? Do you swear to tell
13 the truth, the whole truth and nothing but the truth
14 in your testimony before this Committee and respond
15 honestly to Council Member questions?

16 PANEL: I do.

17 COMMITTEE COUNSEL: Thank you. You can begin.

18 MURIEL GOODE-TRUFANT: Thank you. Good afternoon
19 Chair Restler and Council Member Brewer and
20 distinguished members of the Government Operations
21 Committee. It is a pleasure to come before you to
22 discuss the Law Department's fiscal year 2026
23 Preliminary Budget. I'm joined by First Assistant
24 Corporation Counsel Sheryl Neufeld, Managing Attorney
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 156

3 Eric Eichenholtz, and Chief of Administration Jennie
4 Nagle-Yndigoyen.

5 The Law Department represents the city, the
6 Mayor, the City Council, other elected officials and
7 the city's agencies in all affirmative and defensive
8 civil litigation. As a prosecuting agency, the
9 department brings proceedings in Family Court
10 alleging violations of criminal laws and represents
11 the People of the State of New York in proceedings
12 filed in Criminal Court to enforce the City's
13 Administrative Code. Law Department attorney's draft
14 and review local and state legislation, real estate
15 leases, procurement contracts and financial
16 instruments for the sale and municipal bonds. The
17 Law Department also provides legal counsel to city
18 officials on a wide range of issues such as civil
19 rights, education, intellectual property, land use
20 and environmental policy. The Department's work
21 embraces all city entities and operations; our impact
22 is tremendous.

23 The Department currently has approximately 770
24 assistant corporation counsels and 685 legal support
25 professionals. We are proud to be a leader in the
legal profession with approximately 29 percent of our

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

157

3 lawyers being ethnically diverse and 57 percent
4 women.

5 The Law Department plays an important role in
6 enhancing the City's fiscal strength, providing
7 internal support to agencies and elected officials to
8 ensure legal and ethical compliance in advocating for
9 the public good. This fiscal year, our Municipal
10 Finance Division has closed nearly \$18 billion in
11 bond deals bringing needed financial resources to the
12 city. Through the work of our Affirmative Litigation
13 Division, in the first half of the fiscal year, we
14 recovered over \$30 million for the city and city
15 entities. This includes monetary recoveries for
16 property damage, breach of contract, anti-youth
17 vaping and opioid settlement payments among other
18 things. In addition, Collections law firms
19 supervised by the Law Department recovered another
20 \$12.8 million.

21 We also anticipate saving the city over \$100
22 million this Fiscal Year in payouts from the Judgment
23 and Claims fund through our continuing activity to
24 compel insurance companies to defend and indemnify
25 the city. In these cases, we are enforcing coverage
for lawsuits arising out of the work performed by

private contractors and permittees. Every case that the insurance company steps up to defend is a case that does not have to be defended by city attorneys, thus saving enormous legal resources. Settlements and judgements paid out by insurers in cases falling within the policy coverage also save the city substantial sums. As of January 2025, the Affirmative Litigation Division has saved more than \$3 billion since the start of this program in the late 1990's.

A further example is our Commercial and Real Estate Litigation Division, which defends the city in a wide range of contractual disputes. In FY24, the Division saved the city \$60 million by resolving \$90 million worth of claims for \$28 million. Similarly, our Tax and Bankruptcy Division's defense of real property tax assessments protected \$76 million in property tax receipts in FY254 and almost \$51 million during the first half of FY25.

A large focus of our work this fiscal year has been addressing ongoing challenges in our city, as well as advising on asylum seekers, including the evolving landscape of federal policy and enforcement and potential challenges to grant funding the city

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

159

3 receives. Led by our executive team, a multi-
4 disciplinary group of attorneys from across several
5 law department divisions continue to provide critical
6 and timely legal advice to the Mayor, city agencies,
7 and independently elected officials. For example,
8 the Law Department recently brought a lawsuit seeking
9 to recover \$80 million in grant funds that were in
10 properly clawed back by the federal government.
11 These efforts by the Law Department support the city
12 as it faces existing and new challenges while
13 ensuring compliance with federal, state, and local
14 laws and rules.

15 As you are aware, our office works side by side
16 with Council staff on crafting legislation. We also
17 represent the Council when Local Laws are challenged.
18 We were pleased to represent the City Council's
19 interest in the noncitizen voting law case, including
20 before the states highest court. The Law Department
21 represents the city and its employees in litigation
22 in more than 70,000 cases annually. We have
23 experienced an increase in pending cases particularly
24 in our largest Division Tort. Where there are now
25 more than 31,000 pending cases including a large

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

160

3 number of adult survivor act and child victims act
4 cases.

5 The Tort caseload remained steady this year due
6 to our ongoing efforts to efficiently address case
7 backlog. For example, the Universal Legal Search
8 Tool discussed last year continues to help
9 significantly reduce the backlog of discovery
10 motions, including motions to strike the city's
11 answer in cases in which the city otherwise has a
12 meritorious defense.

13 Additionally, within this fiscal year, we have
14 made advances in rebuilding following the
15 unprecedented level of attrition we have talked about
16 in past years. Nonetheless, growth of new and
17 challenging cases remain a concern as our mitigation
18 efforts continue. Notably, we continue to address
19 the influx of hundreds of cases against the city
20 pursuant to the Child Victims Act, the Adult
21 Survivors Act and the Gender Motivated Violence Act.
22 Look back periods reviving time-barred claims for
23 these three Acts have resulted in claims with an
24 estimated value of more than \$1 billion. The Family
25 Court Division is the second largest Division in the
Law Department with our largest prosecutorial

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

161

3 practice. Its mission is twofold. Through Juvenile
4 Justice and Interstate Child Support. We are the
5 presentment agency for all Juvenile Justice
6 Adolescent Offender and Interstate Child Support
7 Cases, referred to the New York City Family Courts.
8 Under the rehabilitative mandate of the Family Court
9 Act, the Family Court Division must work to achieve
10 outcomes that serve the needs of each individual
11 youth brought before the court, while at the same
12 time, protecting the interest of crime victims and
13 ensuring the safety of the community at large. Our
14 Family Court Attorneys work in approximately 30
15 locations, 365 days and nights a year including
16 nights, weekends, and holiday operations.

17 The number of serious matters handled by the
18 Family Court Division continues to rise. In 2024,
19 Juvenile Justice case referred increased by 20
20 percent, 70 percent of the referrals represent felony
21 charges. This is in addition to the 52 percent in
22 case referrals in 2023. New York City continues to
23 experience a high volume of cases surrounding
24 violence and the possession of firearms. In 2024,
25 there were 411 firearm cases referred to the
Division. Mirroring a national trend, child support

case referrals after a recent increase decreased this year by approximately eight percent.

My testimony today provides a limited survey of the very broad and varied legal work performed by the Law Department. By keeping the interest of all New Yorkers at the center of our work, we can do what is right and reinforce the trust in government and that is our core commitment.

I thank you for your support of the Law Department and look forward to our continued collaborations. I and my colleagues would be happy to answer any questions you may have.

CHAIRPERSON RESTLER: Thank you so much. If I do Court Counsel, is that a good way to -

MURIEL GOODE-TRUFANT: That is fine, thank you.

CHAIRPERSON RESTLER: Great, wonderful. Thank you for that thoughtful testimony and that thorough testimony. I'd like to just start with staffing. The preliminary plan included 1,454 full time positions budgeted for FY25 and 1,510 for FY26.

As of January, the Law Departments actual headcount was 1,373, which leaves 81 vacant positions for the current fiscal year, a five percent vacancy rate. But if we factor in the 341 positions that

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

163

3 Mayor Adams cut from the Law Departments budgeted
4 headcount, the real vacancy rate is more like 24
5 percent. Prior to the pandemic, the Law Department
6 had 1,774 staff members onboard. You're now
7 operating with 400 fewer people. Nearly a quarter of
8 the agency.

9 Could you provide an update on how many
10 attorney's and support professionals you currently
11 have on staff?

12 MURIEL GOODE-TRUFANT: We have approximately 770
13 attorneys on staff and 685 legal support
14 professionals.

15 CHAIRPERSON RESTLER: So we saw a one percent
16 increase in the number of attorneys since a year ago
17 and a two percent increase in the number of three
18 percent and maybe an increase in the legal support
19 professionals. Considering how far down we are from
20 the prepandemic peak. I continue to be very
21 concerned. Which units have been most impacted by
22 the decrease in staffing over this five year period?

23 MURIEL GOODE-TRUFANT: In particular our Tort
24 Division has been most impacted.

25 CHAIRPERSON RESTLER: Could you share with us,
not today obviously but in writing a list of the

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 164

number of assistant court counsels per unit and how
that compares I think to the prepandemic peak, if you
have that?

ERIC EICHENHOLTZ: Yes, we can get that for you.

CHAIRPERSON RESTLER: Thanks, just don't forget
to turn the mic on when you can. Is the Law
Department currently subject to the two for one
hiring policy?

MURIEL GOODE-TRUFANT: For certain positions, yes.

CHAIRPERSON RESTLER: Could you give me a sense
of scale? Like for most positions?

MURIEL GOODE-TRUFANT: For most positions, yes.

CHAIRPERSON RESTLER: For all but a small - you
know is the Department overwhelmingly subject to a
two for one policy?

MURIEL GOODE-TRUFANT: I will refer that question
to my colleague Jen Nagle-Yndigoyen.

JENNIE NAGLE-YNDIGOYEN: Good afternoon.

CHAIRPERSON RESTLER: Good afternoon.

JENNIE NAGLE-YNDIGOYEN: In general we are
subject to the two for one. The exceptions would be
new needs were recently given so for example,
cannabis.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 165

2 CHAIRPERSON RESTLER: Got it so with the
3 exception of cannabis, the agency is subject to two
4 for one?

5 JENNIE NAGLE-YNDIGOYEN: And Child Victims Act.

6 CHAIRPERSON RESTLER: And Child Victims Act. So,
7 with those two exceptions, which are a very small
8 portion of the total agency's work. Overwhelmingly
9 the agency is subject to a two for one.

10 JENNIE NAGLE-YNDIGOYEN: Everything else is two
11 for one, yeah.

12 CHAIRPERSON RESTLER: It's just you know 400
13 fewer staff right from just five years ago. The
14 reason I get so upset about this is because when you
15 all are not properly staffed, it slows down the
16 functioning of everything else in city government. I
17 mean when I worked on the other side of City Hall, I
18 was always shocked by how much had to go through
19 Sheryl's desk or Eric's desk or Amaretti's desk and
20 when you don't have the staff there it just means
21 that the build up of things that you have to process
22 is going to take longer and longer and longer and so,
23 every other agency can't do their basic jobs. They
24 can't enforce effectively without guidance on how to
25 do it or they can't address labor policies without

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

166

3 the guidance on how to do it. I realize your
4 portfolios are bigger now. I just, previously.

5 So, are you in conversations with OMB about
6 lifting the two for one restriction?

7 MURIEL GOODE-TRUFANT: We are always in
8 conversation with OMB on a number of topics.

9 CHAIRPERSON RESTLER: That was heartfully said.
10 Okay uhm, have you just conducted any sort of
11 analysis on how the decrease in headcount has
12 impacted the Law Departments ability to operate
13 efficiently? Is there anything that you've looked at
14 that you can share with us or that you've shared with
15 OMB to help make the case for why two for one should
16 be lifted and why we need significantly new
17 headcount?

18 MURIEL GOODE-TRUFANT: Our discussions have not
19 squarely been around two for one per say, but about
20 where increased resources are needed to meet the
21 needs of the agency. So, for example, if you look at
22 cannabis for which we have new heads. There was a
23 review done as to what work would be needed and what
24 types of staff are needed to do that work. And so,
25 those are the types of conversations we have with
OMB. They are around the work.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 167
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: Right, I just okay, I mean
4 I think that we just have to - I understand that it's
5 easy to make an argument to the public and to the
6 budget director when we don't have enough staff to
7 process food stamps applications or public assistance
8 applications and that it's slowing up, people
9 accessing critical benefits and you can make that
10 direct correlation a lot more easily. But when we
11 don't have people in the environmental division
12 reviewing things, it gums up the works of city
13 government in all kinds of critical ways. It can be
14 a little bit harder to neatly synthesize and I just
15 wonder if what kind of analysis you've done of how
16 the staffing impacts over a period of time or just
17 the agency shrunk so much, how we can better make
18 that argument together to the Budget Office that for
19 the resources we need.

20 MURIEL GOODE- TRUFANT: We continue to speak with
21 OMB about all of our staffing needs.

22 CHAIRPERSON RESTLER: Fair. If we can help,
23 please let us know. I think it's important and we
24 just we want to be good partners to the Law
25 Department so that you have the support that you
need.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

168

3 I'd just like to ask about the new staffing
4 needs. So, the Preliminary Plan included \$5.5
5 million in city funding for FY25 and baselined that
6 funding of \$4.5 - baselined \$4.5 of that funding
7 starting in FY26 for staffing costs. No additional
8 headcount was included with this adjustment. Does it
9 relate to new or existing headcount and if existing,
10 how many positions does it relate to?

11 MURIEL GOODE-TRUFANT: Our Chief of
12 Administration will take that question.

13 JENNIE NAGLE-YNDIGOYEN: Hello again. So, as we
14 move through the year, OMB recognized that some
15 attrition assumptions, I think that had been baked
16 into their analysis just were not coming true. Our
17 attrition rates are way down, which is great.

18 CHAIRPERSON RESTLER: That is great. That had
19 been an issue earlier in this Administration right
20 and Judge Heins Raddicks I believe had made that big
21 priority and we seen improvement there.

22 JENNIE NAGLE-YNDIGOYEN: Right.

23 CHAIRPERSON RESTLER: Great, why?

24 JENNIE NAGLE-YNDIGOYEN: I think so uhm -
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

169

3 CHAIRPERSON RESTLER: Sorry, I didn't give a
4 chance to answer the question before I - you peaked
5 my interest.

6 ERIC EICHENHOLTZ: I think and I think when we
7 were here with Judge Heins Raddick, she actually
8 waited out. We did a review and enhancements to the
9 attorney salary structure. Uhm, I think we've seen
10 flexible work obviously be something that both have
11 which really benefitted our agency and when those two
12 things were implemented, sort of in rapid fire one
13 right after the other at the Law Department. I think
14 you saw a lot more people choosing to stay. I think
15 it also coincided, somewhat coincidentally with the
16 managerial retroactive pay increase, right?

17 So, all of those things happened in very short
18 order and the result of that was that we are - our
19 attrition dropped dramatically which of course
20 thrilled us.

21 CHAIRPERSON RESTLER: Great and was there more
22 that you were going to add?

23 JENNIE NAGLE-YNDIGOYEN: Slightly. So, when OMB
24 recognized that they basically moved to fill the gap.

25 CHAIRPERSON RESTLER: Okay, uh I know - I'll
shift to Council Member Brewer after this topic. I

just want to you know we are facing I think totally unprecedented threats from the Trump Administration. Budgetary impacts, undermining our policies that are undermining our local laws, our ability to protect the most vulnerable New Yorkers, our water, our air, everything we stand for feels like it's at risk. The Law Department of course is our critical backstop in fighting back against federal overreach and conflict and policies that are in conflict with our values.

So, has the Law Department taken any proactive steps to review potential legal threats that the city is facing from the Trump Administration? Are you expanding staff capacity to litigate and protect New Yorkers against the kind of chaos coming out of Washington?

MURIEL GOODE-TRUFANT: We most definitely have taken proactive steps. As I mentioned in my testimony, we have a multidivisional team that looks at various questions that's in addition to items that are examined within our particular division, such as but not limited to, our affirmative litigation and environmental law divisions.

We have a number of partners throughout the country with whom we share information and strategy.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 171

2 CHAIRPERSON RESTLER: At states, municipalities,
3 both?

4 MURIEL GOODE-TRUFANT: Both.

5 CHAIRPERSON RESTLER: Okay.

6 MURIEL GOODE-TRUFANT: And other entities and so
7 we are closely reading, we're closely monitoring.
8 There are places where we are participating as a
9 party. Places where we are an amicus. Instances
10 where we might be part of a common interest agreement
11 with partners in order to watch a topic and when the
12 time is right, to take the next step.

13 CHAIRPERSON RESTLER: Do you need signoff from
14 the Mayor to engage with partners in pushing back on
15 issues - to you need signoff from the Mayor from City
16 Hall when exploring ways to push back against federal
17 overreach or to work with partners on this type of
18 litigation?

19 MURIEL GOODE-TRUFANT: Not necessarily. There
20 are certain questions that I do discuss with the
21 Mayor because if there's something that's going to be
22 in the paper the next day, he should hear from me
23 first.

24 CHAIRPERSON RESTLER: Totally bear minimum.
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 172

2 MURIEL GOODE-TRUFANT: So, there are some things
3 that are discussed but we have 70,000 matters overall
4 and so, every thing that we do can't possibly be
5 discussed.

6 CHAIRPERSON RESTLER: Is he conflicted out from
7 dealing with any issues relating to the federal
8 government, the justice department, as a result of
9 his situation?

10 MURIEL GOODE-TRUFANT: I would like to not answer
11 any questions about his personal situation because we
12 represent only the city and we make certain that we
13 keep that line very bright.

14 CHAIRPERSON RESTLER: Totally understood and I'm
15 not asking about his case. I'm asking if the
16 existence of the case poses a conflict of interest
17 that limits his ability to provide guidance or policy
18 direction on matters that effect the city's dealings
19 with the federal government.

20 MURIEL GOODE-TRUFANT: We are very mindful of our
21 ethical obligations and the Law Department makes sure
22 that we follow our ethical obligations.

23 CHAIRPERSON RESTLER: Good, thank you for that
24 answer. I was relieved that the city decided to file
25 a lawsuit regarding the \$80 million in migrant funds

that was stolen from the city's bank accounts. Could you provide an update on the status of that lawsuit? Do you have sufficient resources to fight that out?

MURIEL GOODE-TRUFANT: Uhm, it is still in the very early stages. We saw emergency relief, which was not granted, and part of the reason it was not granted, is that we were seeking money and typically money is not given on an emergency basis in any type of court proceeding. We will continue to vigorously fight the matter though and we cover our funds.

CHAIRPERSON RESTLER: Great. Do you anticipate any new needs in this budget process to ensure that you have adequate staff for the looming range of federal challenges that we're facing? If they decide to resend more funds, they seek to tie funding to values that are anathema to the people of New York City, Sanctuary City status etc., efforts to undermine the LGBTQ communities in New York. Do you have the staffing resources you need to fight back?

MURIEL GOODE-TRUFANT: We have been in conversation frequently with OMB on our needs, particularly with respect to the changing landscape. If more is needed, we will definitely request more.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 174
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: And I've been - I found the
4 Trump Administrations attacks on private law firms to
5 be chilling and I was really saddened by how Paul
6 Weiss folded this week and I think agreed to \$40
7 million worth of pro bono services at the Trump
8 Administrations behest.

9 We rely a lot on pro bono partners in New York
10 City. Do you believe that we'll be able to access
11 support from pro bono attorney's and the law firms of
12 New York on federal cases or will that - is that
13 landscape now muddled?

14 MURIEL GOODE-TRUFANT: It depends on the
15 particular partners. I have for matters that I can't
16 discuss here but I have talked to people who are at
17 mid-size or smaller firms who are glad to be of
18 assistance.

19 CHAIRPERSON RESTLER: Great. That's good to
20 hear. We should recognize folks who are willing to
21 step up. I have - I will pause here and Council
22 Member Brewer would like to jump in.

23 COUNCIL MEMBER BREWER: Thank you. First of all,
24 thank you for all your response to our many letters.
25 You are prompt and I appreciate it very much and I
write a lot of letters and I appreciate the response.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 175

3 A couple things you mentioned I think when you
4 were speaking that you hire firms to do collections
5 and you collected quite a bit. So, why wouldn't you
6 expand that unit because there are so many unpaid
7 fines and fees.

8 The reason why I'm interested in this, I'm always
9 contacting IBO to get the list of unpaid fines and
10 fees and it's always pretty high. Much of it of
11 course is finance but you do your own. So, I just
12 was wondering why you wouldn't hire more to do more
13 collection?

14 MURIEL GOODE-TRUFANT: There are three or four
15 firms and they basically get paid based on how
16 productive they are and the work comes out of
17 Department of Finance and other agencies for whom we
18 collect unpaid debt. If we get to the point that
19 bringing on another firm would be of a financial
20 benefit-

21 COUNCIL MEMBER BREWER: A cost benefit.

22 MURIEL GOODE-TRUFANT: Yeah, to a firm, we
23 certainly will do that.

24 COUNCIL MEMBER BREWER: Okay but it does seem to
25 me that last time I checked it was about three, two,

three years ago and it was like \$2.1 billion total.
That's a lot of money.

Second, cannabis, my favorite topic. So, I think the plan says that you spent \$1.4 in Fiscal '25 and \$2.8 baselined in '26 for 25 cannabis enforcement positions. So, I just wanted to know what the role of the Law Department is as it relates to the laws and enforcement. It's a funny - it's a fluid situation I think because you have I think a lot of responsibility and glee from closing with the Sheriff a lot of the illegals. And I'm pleased that there are some new legals but there's a lot in there with the - just sort of the breakdown of the new positions. Some of the funding issues and what do you think will be the future? How is the anticipated revenue compared to our expenditures? Like, how much are we spending and is it you know worth it?

MURIEL GOODE-TRUFANT: I will introduce a response and then yield to my very lernick colleagues for follow up.

COUNCIL MEMBER BREWER: The cannabis experts.

MURIEL GOODE-TRUFANT: Yes, the cannabis experts. The need for staffing is in multiple divisions because there are a variety of ways that we assist in

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

177

3 the work. There's work from our legal counsel
4 division that provides a lot of counseling on
5 detailed policy matters as to how things are rolled
6 out. Our administrative law and regulatory
7 litigation division assist with practical
8 implementation of those laws and as well as the
9 various Article 78's and other proceedings that are
10 brought as a result of closures. We anticipate there
11 will be false arrests claims brought in state and
12 federal court and so there are lines there for Tort
13 and special federal litigation. There's also a line
14 for appeals because we anticipate a number of appeals
15 to escalate to that point of litigation. And I will
16 now have Sheryl Neufeld who is an expert in cannabis
17 to share more.

18 SHERYL NEUFELD: Well thank you Corporation
19 Counsel. I do believe you covered most of it. I can
20 say the work that I have been involved with sort of
21 at the executive level is coordinating as Corporation
22 Counsel said, on the various regulatory policies. We
23 implemented a number of rules the Administrative Law
24 Division has somewhere between 70 and 100, Article
25 78's that they've done so far. A number of them have
been orders to show cause with very quick return

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

178

3 dates and applications for temporary restraining
4 orders. They have not been successful in all but
5 have been successful on a majority as well as our
6 colleagues in the appeals division who has had to go
7 in on very quick appeals on cases where judges might
8 not have agreed with the city's position.

9 COUNCIL MEMBER BREWER: Wow, that's a lot.

10 SHERYL NEUFELD: It has been a busy time.

11 COUNCIL MEMBER BREWER: Do you have some sense of
12 what the revenue will be going forward and then how
13 much are you just spending on enforcement so far,
14 just generally?

15 SHERYL NEUFELD: Those are questions better
16 answered by our colleagues at our partner agencies,
17 the Sheriff's Office, the Police Department. We
18 aren't involved in the issuance of the summonses or
19 the collection efforts there to but I am confident
20 they have that information.

21 COUNCIL MEMBER BREWER: Okay. Next question is
22 just Charter Revision. There are two Charters as you
23 know competing or complimentary, it's not clear and
24 so I go testify under all of them, having no idea
25 what will end up on the ballot but I think there is
money associated with your agency and their

1 existence. So, I just want to know how the funding
2 amounts were determined. Are you working on both or
3 just the Mayor's Charter? And what's your role in
4 Charter Revision Commissions? It's a little strange
5 at this moment.
6

7 MURIEL GOODE-TRUFANT: I will start and then I
8 will yield to our Chief of Administration for more
9 information. Historically money has been put in the
10 Law Departments budget for Charter Revision
11 Commissions. I think mostly because it's a
12 convenient place to put it and so a Charter Revision
13 Commission may decide that they need to hire a firm
14 to do an information campaign for the electorate.
15 That firm would be paid by the Law Department, even
16 though the Law Department would not have any actual
17 connection to retaining that firm but we are holding
18 the money. And so that is why you see funds in our
19 budget for Charter Revision. Separate from that, our
20 legal counsel division provides a wealth of
21 counseling to Charter Revision Commissions on how
22 mechanically to carry out their task. And I will ask
23 Jenn if I have missed any detail.

24 JENNIE NAGLE-YNDIGOYEN: The only detail I think
25 that I could provide additionally is the way the

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

180

3 amounts are determined for the 2024 Charter
4 Commission funding, Charter Revision Commission
5 funding. That was just the amount that was still
6 owed. I think that was primarily for the advertising
7 campaign surrounding the election in November and
8 that was a current fiscal year cost, so they didn't
9 fund that before. As far as the other one that is
10 the 2025 Charter Revision Commission amounts, that
11 was just the estimate is subject to revision later.

12 COUNCIL MEMBER BREWER: Okay, so you don't have
13 anything to say about which ballot proposals end up
14 on the ballots? Which is what's going to be the real
15 issue.

16 JENNIE NAGLE-YNDIGOYEN: No, we do not.

17 COUNCIL MEMBER BREWER: Okay, alright, thank you.

18 CHAIRPERSON RESTLER: But you'll consult on the
19 language of the ballet questions?

20 JENNIE NAGLE-YNDIGOYEN: Only if someone asks us
21 a question.

22 MURIEL GOODE-TRUFANT: Only if someone asks us a
23 question. We are support.

24 CHAIRPERSON RESTLER: Right, when I was on the
25 other side, every - we went back and forth with
Spencer and others on others on the wording of every

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

181

3 sentence very, very carefully. But one more just
4 cannabis follow up to Council Member Brewer. Ms.
5 Neufeld, are there any - I realize it's the agencies
6 that are doing the enforcement day to day but are
7 there any limitations that you've seen in state law
8 or others where there's a need for greater
9 flexibility or things that you would highlight for us
10 to ensure that we can consistently shutdown illegal
11 cannabis operators? Are there any roadblocks that
12 we're encountering on a consistent or you know a
13 recurring basis?

14 SHERYL NEUFELD: I will say what I can say
15 publicly which is there is a current decision which
16 you might be aware of regarding enforcement of places
17 that sell hemp and how the city can or can't enforce
18 in those locations. That's a public decision. There
19 are further legal avenues that we're going to be
20 exploring but the courts on that but that is a
21 current subject that we're thinking about.

22 CHAIRPERSON RESTLER: Okay and in addition to
23 hemp, there isn't any - you feel like we have been
24 empowered appropriately as a city to enforce against
25 the illegal cannabis shops.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 182
2 FEDERAL LEGISLATION

3 SHERYL NEUFELD: So, some of those touch on areas
4 that are covered by privileged discussions but it's
5 always something that we're thinking about to make
6 sure we're using the law the best way that we can and
7 advising the agencies in that way.

8 CHAIRPERSON RESTLER: Okay, if there are changes
9 that you think we should be pursuing, I think it's
10 primarily state law that we should be advocating for,
11 I know this is a great - that Council Member Brewer
12 is a great passionate advocate on this issue but I
13 think many members of the Council would similarly
14 want to help push and so if you have any advice or
15 counsel you'd like to share with us on ways in which
16 we can be helpful in helping to amend decisions that
17 have been made in Albany, please let us know.

18 SHERYL NEUFELD: Thank you very much.

19 CHAIRPERSON RESTLER: I'd like to shift to
20 Rikers. So, the Mayor rather oddly stated on
21 television over a month ago, that there would be an
22 executive order to allow ICE back onto Rikers. Has
23 the Law Department been involved to date in the
24 drafting of this Executive Order?
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

183

3 MURIEL GOODE-TRUFANT: To the extent that we
4 provided any advice on such a subject, I cannot
5 share.

6 CHAIRPERSON RESTLER: So, when we asked - so
7 you're the third person I've asked about this through
8 the Preliminary Budget process so far. So, I'll
9 share with you what others have said to see if that
10 can help us get to any more clarity. The Mayor's
11 Office of Immigrant Affairs and the Asylum Seeking
12 Office, I don't know what Molly's office is
13 officially called. Said they had not been consulted
14 whatsoever and had no information or insight or
15 information at all about this Executive Order. When
16 we asked the Department of Corrections, they said
17 that they had been involved in the drafting of the
18 Executive Order but they had only been consulted by
19 the Council to the Mayor and they were not aware that
20 the Law Department had been involved to date. That
21 was a week ago today. Are you able to offer - I
22 presume that any final Executive Order would require
23 the review of the Law Department, is that right?
24 Maybe require is the wrong word. It would typically
25 receive the review and input from the Law Department.

MURIEL GOODE-TRUFANT: It may.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 184
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: And today you're not in a
4 position to speak to whether you have - your team has
5 provided input on the drafting of that Executive
6 Order?

7 MURIEL GOODE-TRUFANT: That's correct.

8 CHAIRPERSON RESTLER: Okay. I don't know of
9 another way to ask the question. If I did, I would
10 try a third one. So we all have jobs to play. So,
11 shifting to uhm - ICE in New York City. It was
12 reported in January that Mayor Adams advised to the
13 agencies, including schools, shelters, etc., that
14 they could let ICE agents in if they were - they
15 could allow ICE agents looking for immigrants onto
16 city property without warrants if city personnel
17 "felt reasonably threatened by their presence. Did
18 the Law Department advise the Mayor's Office on this
19 guidance?

20 MURIEL GOODE-TRUFANT: We have partnered with the
21 Mayor's Office as well as MOIA on guidance and we
22 participated in a clarifying guidance to all city
23 agencies at the beginning of February that made clear
24 that any nonlocal law enforcement officer who comes
25 to a city facility looking for an individual must

comply with the fourth amendment and that is have a
judicial warrant.

CHAIRPERSON RESTLER: Good. So, that was the
cleanup essentially to what had been confusing
guidance around feeling reasonably threatened and in
those circumstances allowing ICE agents onto city
property?

MURIEL GOODE-TRUFANT: I think that there was
always a requirement of fourth amendment compliance.
When people began to ask follow up questions, what if
this happens? What if that happens? For some, the
message got muddled and in order to unmuddle it, we
did a very clean I think flow chart. If a, then b
period.

CHAIRPERSON RESTLER: Right, okay and has your
team been proactively working with agencies to ensure
that all city employees or that key city employees
understand the city's - sanctuary city laws and the
criticality of compliance with the fourth amendment?

MURIEL GOODE-TRUFANT: Yes but I'll note that our
work is primarily with the general counsels of each
agency. We are not tasked with actually -

CHAIRPERSON RESTLER: Sure, that's fair.

MURIEL GOODE-TRUFANT: Doing the training.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 186

2 CHAIRPERSON RESTLER: And has the Mayor's Office
3 sought to interfere in any way with the Law
4 Departments guidance to city agencies about the
5 fourth amendment and the requirement of a judicial
6 warrant to enter city property in search of
7 individuals?

8 MURIEL GOODE-TRUFANT: No.

9 CHAIRPERSON RESTLER: Good. I think that my
10 colleague has officially covered cannabis. So I just
11 - I'd like to shift to representation decisions.
12 Particularly some of the representation decisions
13 that your predecessor had been tasked with making,
14 uhm, I've been concerned about some of Law
15 Departments representation decisions for city
16 employees and both the resources and the cost impact
17 that this has on the already strained Law Department.
18 Can you explain for us the process by which the Law
19 Department determines whether or not to represent an
20 employee accused of sexual harassment?

21 MURIEL GOODE-TRUFANT: Yes. I'm going to start
22 and then I'm going to toss it to Eric Eichenholtz.
23 The start is that we follow a general municipal law,
24 50K and it requires that if an employee is acting in
25 the scope of their employment and is not in violation

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

187

3 of an agency rule or regulation that they are
4 entitled to representation. And so now, I'll pass it
5 to Eric.

6 ERIC EICHENHOLTZ: I think that covers the
7 basics. If you have any specific questions.

8 CHAIRPERSON RESTLER: Well, I guess I'm
9 interested - no, I agree, I think that covers the
10 basics well. After you became Court Counsel, did you
11 do a review of the existing employees represented by
12 the Law Department and a review to ensure that those
13 cases met that standard?

14 MURIEL GOODE-TRUFANT: We have 70,000 cases and
15 so what happens in our matters and let me hasten to
16 add before I finish the sentence that the 70,000 is
17 not the number of defendants that we are
18 representing. There are cases where we represent
19 multiple defendants in each case. So, we may
20 represent you know more than one million people in
21 various iterations throughout the various cases.

22 As a case progresses, there are always
23 opportunities to review whether the representation
24 protocols have still been met. The easiest example
25 of such a review is if we are representing someone
who after the case started was charged by their

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

188

3 agency with misconduct in connection with the case
4 and that matter was adjudicated at an agency level
5 and now there is indeed a finding of a violation of
6 agency rules and regulations. We would move to
7 withdraw from representation of that individual.

8 CHAIRPERSON RESTLER: That's all very helpful. I
9 guess to be direct, there have been a number of very
10 high profile senior officials in the Adam's
11 Administration who you know, apparently, have been in
12 violation of rules and regulations of their agency
13 and yet have received public representation, either
14 by the Law Department or an outside attorney. And it
15 was reported widely in the press you know that this
16 was one of the major sources of conflict that led to
17 Judge Heins Raddicks's decision to part ways with the
18 administration.

19 And so, I just wondered if any of those senior
20 officials that were directly reporting to the Mayor,
21 that have I think largely now been separated from the
22 Administration. Has there been any notable updates
23 on any of those cases? I'm particularly concerned
24 about the Tim Pearson case, which just appeared
25 particularly egregious to me as an observer.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 189

3 MURIEL GOODE-TRUFANT: Are you speaking about
4 sexual harassment case?

5 CHAIRPERSON RESTLER: Well, there are a number of
6 different allegations against Mr. Pearson, so I could
7 pick my - I guess I have a series of choices but in
8 totality, I am concerned about the decision to
9 represent him and the ways in which he has been in
10 many, many respects over a period of time in his
11 tenure in the Administration flouting the rules and
12 regulations of Mayor's Office, EDC, the Police
13 Department, and just wondered if there has been any
14 decision to revisit his - the provision of free
15 counsel on his behalf?

16 MURIEL GOODE-TRUFANT: Eric Eichenholtz is going
17 to speak further on this matter.

18 ERIC EICHENHOLTZ: Okay, so I think we've spoken
19 previously about -

20 CHAIRPERSON RESTLER: In this room.

21 ERIC EICHENHOLTZ: In this very room.

22 CHAIRPERSON RESTLER: Similar seats.

23 ERIC EICHENHOLTZ: Yes, this is as it was then,
24 it is now challenging for me to sort of - I think at
25 a high level, when we take out privilege, work
product etc., from the discussion, there hasn't

1 really been a change. We are still representing him
2 in a series of cases in which we are providing
3 representation and I believe there is one case
4 unrelated to those series of sexual harassment cases
5 where he has not been served and therefore, he has
6 not requested nor have we provided him
7 representation.
8

9 Uhm, we are - we have obviously as I said then
10 and I'll say it again now, we continue to review
11 everything we learn about Mr. Pearson as information
12 comes to us through discovery in those cases through
13 other sources. And we continue to discuss internally
14 whether it's representation, whether it's the city's
15 posture in a case, how that might affect the case,
16 but obviously those discussions are internal.
17 They're work product at this point and so I think
18 while you know I will say on the surface level,
19 nothing has changed. Obviously we continue to
20 discuss internally the best ways to proceed moving
21 forward and if there are developments obviously, we
22 will, you know we notice the litigation but uh you
23 know they will occur. But uh -

24 CHAIRPERSON RESTLER: I appreciate look, these
25 are difficult questions for you all to answer and I

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

191

3 appreciate you trying to answer them in good faith
4 within the restrictions that you have to abide by.
5 So, I appreciate that. I do - I guess it's no
6 surprise. I think it's - I just think it's really
7 problematic that with all of the many, many, many
8 allegations of sexual harassment against him across
9 many members of his team, across the nickname crumbs,
10 across the different ethical and across the different
11 ethical violations that he is allegedly responsible
12 for, it's just really hard for me to understand why
13 it would be in our interest as a city to represent
14 him. But at the end of the day, you all have to do
15 that due diligence. You know facts that I do not
16 have but appreciate your ongoing analysis and
17 assessment of the case.

18 Uhm, I'm going to try and not keep you here all
19 day, so let me do three more topics. Juvenile
20 justice, which I appreciate you referencing Madam
21 Court Counsel in your testimony. I'm very concerned
22 about the reality that we've seen the number of youth
23 in detention, you know number of kids in jail
24 increase from 119 to 270 since FY21 and it just keeps
25 going up and up and up under the Adam's
Administration. Kids are sleeping in classrooms

instead of - kids are sleeping in classrooms, which is just wrong and you know instead of - and we've seen the Department of Probation in particular slash the diversion programs, evidence based diversion programs that could have provided better opportunities for those young people. I know the Law Department has a limited role here but you do have a role and I'm hopeful the Law Department can help us do more to keep kids out of jail.

So, the Law Department is the prosecutor in these cases, many of these cases that potentially lead to kids getting placed in jail. I'd like to focus on the prosecutorial discretion and what is a result of deliberate policy choices by the Adams Administration?

So, the PMMR showed that the youth arrests for major felonies increased another 16 percent during the first four months of this year. It's on track to be more than double the number of arrests since FY21. Meanwhile the percent of youth successfully referred to diversion programs dropped again this year down to 77 percent. It used to be close to 90 percent prepandemic. A lot of data there but the percent of cases referred to the Law Department that were

1 prosecuted increased to 38 percent, up from 24
2 percent in the PMMR last year. What drove that
3 increase and does the lack of available diversion
4 programs have an impact in your ability to have
5 judges you know place people in specific credible
6 alternative approaches in specific credible
7 alternative programs?
8

9 MURIEL GOODE-TRUFANT: There are a number of
10 things that are driving referrals. We unfortunately
11 don't get to pick or direct what comes to us. We did
12 speak briefly about the increase unfortunately of
13 violence and for a few years there have been more
14 crimes occurring with firearms and so those are
15 definitely impacting the work that is flowing to the
16 Law Department.

17 I'd also like to also just note very quickly
18 since you spoke about placements and the 270 some
19 youth that have been placed. Less than ten or
20 approximately ten are those whose cases came through
21 the Law Department. So, most of the youth who are
22 placed are not the work of the Law Department.

23 CHAIRPERSON RESTLER: Okay that's helpful to
24 hear. I've never heard that statistic before. I
25 just - I will note because you know there's been a

lot of attention around the gun cases. Last year, the Law Department shared data with our office that there was only an eight percent increase in firearm cases from 384 to 415 but a 52 percent increase in juvenile case referrals.

So, we're interested in understanding the analysis of the 6,000 plus cases to see where the increase were and that aren't just firearms because the firearm is such a small percentage and I take that - I mean we all take gun cases very seriously. We know there needs to be accountability and we need to get guns off of our streets but it seems like there's a lot more that's driving the data. So, you know I'm happy to hear that only 10 of the 270 kids who are currently in jail tonight have a result of Law Department action but I'm just wondering is your team participating in any inner agency workgroups with the other relevant agencies, ACS, DOP etc., to try and help reduce the population of youth in detention?

MURIEL GOODE-TRUFANT: Absolutely we participate in a number of partnerships across the various agencies and with the courts and we are also proactively in the community trying to direct youth

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

195

3 on better paths so that they don't encounter us in a
4 courtroom, They encounter us in a classroom.

5 CHAIRPERSON RESTLER: Yeah, no it's one of the
6 things that has you know we've seen substantial cuts
7 from the Department of Correction and the Department
8 of Probation Budget focused on reentry programming
9 and diversion programming and ATI's and ATD's, all
10 investments that keep our young people and keep
11 people as a whole out of incarceration and that are
12 evidence based and work.

13 And so, you know the particular cuts at the
14 Department of Probation that serve young adults the
15 Argis program, the Next Steps program, I mean these
16 are highly effective programs with great providers
17 and Commissioner Holmes has insisted on just cutting
18 them and I, I still, I mean I ask her at every
19 hearing and I still don't have a clue why. So, I
20 just - I hope that we can all work together to find
21 ways to push to make sure that those options are
22 available to our young people because they are much
23 better solutions than jail.

24 Increases in judgements and claims, which I'm
25 sure you already forwarded today because the numbers
are quite notable. According to the PMMR, payouts

made for judgements and claims against the city in state and federal court increased by four percent during the first four months of FY - for in the first four months of Fiscal Year '25 when compared to the same period last year.

In Fiscal Year '24, payments had hit a recent high of \$1.52 billion, up from \$1.21 billion in FY23 and up from just \$794 million in FY22. So, we're looking at double since FY22. What drove this increase in payouts since FY- what's driven this increase in payouts? Is it primarily the Child Victims Act?

MURIEL GOODE-TRUFANT: Those particular increase are the result of two categories. One, large class action settlements and second, reverse conviction settlements.

CHAIRPERSON RESTLER: Okay.

MURIEL GOODE-TRUFANT: And so, within those categories for example, in the previous fiscal year FY24, there was a very large class action entitled Lynch that resolved that was approximately \$170 million and that is a significant component of the judgement of claims. There were also a number of reverse conviction cases where payouts to individuals

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

197

3 were more than \$10 million each. So, if you have
4 five such payouts and a large class action, you can
5 see quite readily how you can have a spike in a
6 particular year.

7 CHAIRPERSON RESTLER: Fair, it's just that we've
8 seen a steady increase over a number of years and to
9 go from \$700 plus million to \$1.5 is you know, those
10 are big swings and I get that a few key cases can
11 have an outsized impact but is the Law Department
12 taking steps to reduce the judgment and claims
13 expenditures? Is there anything that you all can do
14 to try and rain in this expense?

15 MURIEL GOODE-TRUFANT: There are a number of
16 things that we do. We have a risk management
17 division that works both in the department and with
18 agencies at risk mitigation efforts and particular
19 look at matters that have caused the city to be
20 liable on a class basis for particular activities and
21 get agencies to change behavior such that so those
22 things don't happen again.

23 CHAIRPERSON RESTLER: I wanted to ask about PD
24 payouts in particular. An analysis by Legal Aid
25 found that the city paid \$205 million in police
misconduct lawsuits in 2024. It's almost double the

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

198

3 \$114 million we paid in 2023 and since 2018, these
4 lawsuits have cost the city three quarters of a
5 billion dollars. I will tell you; I think the most
6 shocking testimony I have received in the last two
7 weeks of budget hearings was from the CCRB. The CCRB
8 has a 62 percent increase in police misconduct
9 complaints over the last two years, largely driven by
10 excessive force complaints by the NYPD. They have
11 seen such a dramatic reduction in their staffing that
12 for 23.5 percent of cases, they don't investigate at
13 all, they just close them out automatically if
14 there's SIR tissues, you know illegal seizure of
15 properties, discourtesy etc..

16 So, we're seeing this major increase in PD
17 payouts and we're seeing a major increase in
18 complaints against the CCRB, complaints in the CCRB
19 for police misconduct. I recognize you don't control
20 the Police Department but what can we do to stem the
21 increase in these cases? Are you flagging these
22 issues for Commissioner Tisch, for City Hall, to note
23 that we've clearly got a trend that's moving in the
24 wrong direction?
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 199
2 FEDERAL LEGISLATION

3 MURIEL GOODE-TRUFANT: We meet regularly with the
4 Police Department. They're one of our clients and we
5 discuss both trends as well as particular cases.

6 CHAIRPERSON RESTLER: Do you think that there are
7 any strategies being developed to reduce these
8 payouts?

9 MURIEL GOODE-TRUFANT: Well, I would say that
10 there certainly is training that is occurring
11 throughout the Police Department in order to make
12 certain that activity is compliant with applicable
13 law.

14 CHAIRPERSON RESTLER: Okay, I mean I, I'm very
15 pleased about Commissioner Tisch's appointment. I
16 think that we're seeing a degree of accountability
17 and integrity and competence return to the leadership
18 in 1PP that had been lacking. With that being said,
19 I'm just very concerned about the long term impacts
20 this has on police community relations when we're
21 seeing such a large spike in complaints against
22 police officers for excessive force and its
23 manifesting itself in terms of increased payouts that
24 we're having to fork over every year and people
25 deserve them. I'm not even angry at it but this
shouldn't be happening in the first place. And so, I

1 appreciate that it's on your radar that you're having
2 these conversations. I hope that with her new
3 leadership that she really makes an effort to rain
4 this in and we start to see things move in a
5 different direction.
6

7 I'm going to do one more topic that is just
8 something that I've been very interested in. My
9 Chief of Staff, Molly and I often talk about the
10 increase in emergency executive orders under this
11 Administration. As you know, State Law gives the
12 Mayor the power to issue emergency executive orders
13 to "protect life and property" or to bring an
14 emergency situation under control.

15 Mayor Adams has issued an emergency executive
16 order every five days for the past 895 days on the
17 asylum seeker crisis, and the entire time, the Mayor
18 has been in office, he has issued continued emergency
19 executive orders relating the Nunez Consent Decree on
20 Rikers. Do you think this use of executive orders is
21 consistent with what you've experienced from previous
22 administrations and is this use of executive orders
23 for years on end and end around of our city laws that
24 you know we should be concerned about?
25

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 201
2 FEDERAL LEGISLATION

3 MURIEL GOODE-TRUFANT: First, with respect to the
4 asylum seeker crisis, we were forced to absorb
5 hundred of thousands of people without the
6 opportunity to properly prepare for them in advance
7 and while many people have moved on to their next
8 destination, we are still grappling with caring for
9 people who find themselves to be residents of New
10 York City. And so, there still is an emergency that
11 was not of our making and so, it is appropriate to
12 continue to resign that order every five days.

13 With respect to Rikers, I am going to turn to my
14 colleague Sheryl Neufeld.

15 SHERYL NEUFELD: So, with respect to Rikers, we
16 have to look at it all in the context of the ongoing
17 Nunez case, in which there is a consent judgement
18 pending before Judge Swayne in the Southern District
19 that has requirements that monitor appointed by the
20 court and who reports to the court has to review many
21 areas of the Department of Corrections practice.
22 Many areas of this Department of Corrections
23 practice, some of which are or most of which are
24 actually also covered by Local Laws and rules and so,
25 in situations where they can't be harmonized, we're
in a position where it is appropriate to take actions

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

202

to ensure that we're not in a situation of not
complying with rules while we are at the same time
having the monitor undergo the analysis to figure out
what can be done safely.

CHAIRPERSON RESTLER: Do you - you all have a
healthy wealth of experience at the Law Department.
Do you think that the use of Executive Orders,
emergency executive orders in this Administration has
been consistent with previous administrations?

MURIEL GOODE-TRUFANT: I don't know and it may be
because I was in a different role during other -

CHAIRPERSON RESTLER: It's a somewhat impossible
question to answer but my impression is that it is
different and I'm concerned about it. I recognize
every situation is different and that you know I
can't argue that the incredible challenges that we
faced in welcoming hundreds of thousands of migrants
into New York City and providing resources and care
and housing for them was a major strain on city
resources and to do so we had to utilize emergency
powers to be able to make that work. But you know
when we're using emergency executive orders for years
on end, there's a question of do we need to have a
conversation between the Mayor and the Council to

adjust our laws to reconsider certain policies and
I'm not aware of any of those conversations taking
place. And so, I just wish that we could you know
recognize we could work collaboratively to make
adjustments where they're needed rather than just use
emergency executive orders to work around local laws.
But I am - I know that I asked some tough questions
and questions that - but I am grateful for your
forthright answers and far more grateful for your
thoughtful leadership in the Law Department and
representing the best interest of New Yorkers day in
and day out. So, thank you each for your service and
thank you to everyone at the Law Department for their
hard work.

MURIEL GOODE-TRUFANT: Thank you.

CHAIRPERSON RESTLER: I hope you all have a
wonderful afternoon.

MURIEL GOODE-TRUFANT: You too.

CHAIRPERSON RESTLER: It's 1:54. Let's start at
2:00 with BOE, just so people can go to the bathroom.

[03:49:40]- [03:57:46]. Alright, let's get this
show on the road. Fourth on the list today but
certainly not least is the Board of Elections. I'd
like to welcome Executive Director of the BOE Mike

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

204

Ryan, Deputy Executive Director Vinny Ignizio and
thank them for their testimony today at our
Preliminary Budget hearing.

The BOE's Fiscal Year 2026 Preliminary Budget
totals \$146.7 million, including \$69.9 million in
personnel services funding to support 712 actual full
time positions and \$76.9 billion in Other Than
Personnel Services expenses. The BOE is responsible
for conducting all federal, state and local elections
in the City of New York. In the Preliminary Plan,
BOE's fiscal year 2026 Preliminary Budget is just
\$1.1 million greater than its Fiscal Year 2025
Adopted Budget with no net changes to funding
included in the Prelim plan.

Today, we look forward to discussing BOE's
operations, budgeting practices, staffing, and the
metrics reported in the Fiscal 2025 Preliminary
Mayor's Management Report. Ensuring the integrity of
our local elections are critical for upholding our
democracy. We hope to learn more about the BOE's
preparedness for the June 2025 primaries to ensure
that every eligible New Yorker is able to make their
voice heard at the ballot box.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 205
2 FEDERAL LEGISLATION

3 We will also dedicate time at this hearing to the
4 recent DOI report about the Board of Elections to
5 ensure the right policies and procedures and
6 necessary resources are in place to protect the
7 wellbeing of all BOE employees.

8 I'd like to thank Mr. Ryan and Mr. Ignizio for
9 joining us today. Now, I'd like to ask Committee
10 Counsel to administer the oath and swear in the
11 testifying representatives.

12 COMMITTEE COUNSEL: Thank you. Good afternoon.
13 Could you please raise your right hands? Do you
14 swear to tell the truth, the whole truth and nothing
15 but the truth before this Committee and respond
16 honestly to Council Member questions.

17 PANEL: Yes.

18 COMMITTEE COUNSEL: Thank you. You can go ahead.

19 MICHAEL RYAN: Yes Chair Restler and the members
20 of the of the Committee on Governmental Operations
21 and State and Federal Legislation, we are happy to be
22 here today to offer testimony for the preliminary
23 budget and we certainly would be prepared to wave the
24 reading of our formal testimony as submitted and
25 proceed to the question and answer period if that's
acceptable to the Committee.

CHAIRPERSON RESTLER: I'd suggest just doing the
very topline highlights if you don't mind.

So, top line highlights are that we are expecting
to conduct two elections next year, whether that
remains what it is, we never can tell with the
special elections. We are in an active election
presently for the 44th Council District in Brooklyn
and we expect to do at least one more special
election before June and perhaps a third depending on
the outcome of the election that we're presently in.
So, we are always hit with surprises and we work very
closely with the Administration to deal with those
since we couldn't possibly plan for them in advance.

There's always a difference between the boards
projection of funds. We're projecting that we'll
need approximately \$260 million for the next fiscal
year but we work closely with the Administration to
put a benchmark in at the early part of the fiscal
year since our agency essentially runs you know
seasonally split between two major elections. One in
the fall and the other one at the end of June. So,
while there may appear to be a wide gap between what
we project and what the Mayor's Office is projected
in the Executive, that has not been a problem I would

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

207

say in the last ten years. This is the way that we've been dealing with it and it's worked well and we try to ensure that we deal with city funding in as fiscally a prudent manner as we can.

CHAIRPERSON RESTLER: So, just to that, you know the preliminary plan lists 517 full time positions budgeted for FY25 and FY26 but the actual headcount as of January was 712. This is - our information is based on data the Council receives from OMB regarding full time staff only. Is 712 the current headcount? Do you have additional part time staff? But more importantly, why not adjust the budgeted headcount with OMB to more closely align with your needs?

MICHAEL RYAN: So, the short answer to that question is I don't know. I have been the Executive Director for almost 12 years and the headcount between the budgeted headcount and our actual headcount has never matched. That's the best answer I could possibly give you.

CHAIRPERSON RESTLER: Why not just tell OMB what it should be and what you're actual headcount is and they'll reflect it in the budget documents?

MICHAEL RYAN: Well, we worked closely with them to adjust the number of temporary employees that we

1 have or employees in temporary titles downward, which
2 we did. We still have over 200 employees in
3 temporary titles and our actual headcount as of
4 today, which is always a fluid number, is 931.

5
6 CHAIRPERSON RESTLER: That includes full and part
7 time?

8 MICHAEL RYAN: Well, we don't have any part time
9 employees, so we have all full time employees but
10 some of the employees are in temporary titles. It
11 used to be about 50/50. If you remember back to when
12 we had September primaries, we worked a little bit
13 differently then. We would bring in temporary
14 employees over the summer and they would essentially
15 work from say July-ish to you know after the
16 certification of the election in November.

17 That has not been the case for quite a number of
18 years now with the number of special elections that
19 we have to conduct every year, plus a change in the
20 way business is done having a primary election be in
21 June and the general election in November. So, we're
22 happy to work with OMB to adjust that number. It has
23 never been adjusted. Our numbers are always
24 available through OPA Phizer. They've been pretty
25 steady in the 920's to 9 you know 930's you know

3 for the last number of years. I don't know why that
4 hasn't been adjusted but we're certainly happy to
5 assist.

6 VINCENT IGNIZIO: Mr. Chairman, one thing we
7 should probably do is post budget, sit down with OMB
8 and try to rectify the number. I think some of it
9 could be due to and as you are aware, in the agency,
10 city agency mode, the OMB approves each increase of
11 headcount, ORFTE's. We don't have that same system
12 because of being a noncity agency so potentially
13 that's where the diversion -

14 CHAIRPERSON RESTLER: Totally, it's just been
15 this way for a decade plus. It doesn't make any
16 sense.

17 VINCENT IGNIZIO: I think it's a post budget
18 conversation.

19 CHAIRPERSON RESTLER: It's just dumb but we
20 should fix it and appreciate your willingness to sit
21 down with OMB and rectify it. If we can be of
22 assistance, please let us know. Early voting, we had
23 a really successful early voting period this past
24 November. I was impressed by the operations across
25 the city. I believe over on million New Yorkers
voted early and I hope we continue to see that same

level of enthusiastic early voting turnout in June.

You shared with us that you had 155 early voting sites in November. How many early voting sites do you plan to have for June?

MICHAEL RYAN: If we have primaries in all of the locations, we will have 155 sites again, so.

CHAIRPERSON RESTLER: If you don't have a counsel primary but there's a mayoral primary, you wouldn't -

MICHAEL RYAN: Oh yeah, you're right. I'm sorry, I apologize. We have three citywide elected officials so yes; we'll have the 155 for - and that will be the standard number moving forward. I don't anticipate it getting less than that. It would only grow from here.

CHAIRPERSON RESTLER: Great, I'm a strong proponent and I believe my colleague is as well of cultural institutions, libraries, colleges, government buildings, as great locations for early voting. I'm concerned about the use of secondary schools because when we're in a cafeteria or you know another key space in the building, we're displacing kids for a week at a time and if you have three elections in a year, it's a real negative impact on

the school. So, how many of the 155 early voting sites are within elementary, middle, or high schools?

MICHAEL RYAN: Very few in elementary schools. Most of them are in high schools. We can get you the exact numbers but we do have a few where we are forced by what I'll call a desert of no other available locations, suitable locations to use. Some schools that we would otherwise not want to use.

VINCENT IGNIZIO: I think it's about one-third but we'll -

CHAIRPERSON RESTLER: Confer to the schools.

MICHAEL RYAN: Yeah, I believe so or somewhere in that neighborhood. Please don't hold me to that number but we have always said and we speak to Gale, I'm sorry Council Member Brewer often.

COUNCIL MEMBER BREWER: I like Gale.

CHAIRPERSON RESTLER: I just want to be clear; everybody speaks to Council Member Brewer often.

MICHAEL RYAN: Yes but we are absolutely open to speaking to Council Members who know their districts best to say, can you look at this site? Can you look at alternatives and we always will and we always have.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 212
2 FEDERAL LEGISLATION

3 CHAIRPERSON RESTLER: I know that you're always
4 responsive but I think that for this issue, we
5 actually need you to be proactive and I think that if
6 we're talking about 50 odd sites across the city,
7 where we're in schools, it's worth flagging for every
8 Council Member the schools in their district to see
9 if they can identify alternatives that could work.
10 You know, I mean we have had - not for early voting
11 but you know I can remember like private businesses
12 that are ADA accessible that have worked at polling
13 sites and so, we can help identify quirky spots that
14 you know, it's impossible. I mean, you guys know
15 Staten Island but it's impossible for you to know
16 every corner of the city with that same level of
17 expertise.

18 And so, but we do right because it's our
19 community. So, I would just strongly encourage and
20 we'd be happy to help on this if you could draft a
21 memo for us that breaks down the 55 odd sites by
22 Council District, we can follow up with each member
23 and make sure that they're looking hard.

24 MICHAEL RYAN: Yeah, it would be very helpful to
25 have the Council Members input and what he or she
seeks for their district as well.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

213

3 CHAIRPERSON RESTLER: If you could give me a
4 breakdown of the sites by district, I'd follow up
5 with each member myself.

6 MICHAEL RYAN: Great.

7 CHAIRPERSON RESTLER: Staffing and recruitment.
8 So, there was uh a disturbing article in the Times
9 today. I know the BOE has done I think an impressive
10 job of increasing recruitment of co-workers and
11 you've taken on more and more of the responsibility
12 away from the political parties, which I have
13 complimented you on at multiple hearings in a row and
14 I will compliment you on today.

15 My recollection is that you testified that in the
16 general, the presidential that 37 of the 46,000 poll
17 workers were recruited by the BOE. Do I have that
18 number right?

19 MICHAEL RYAN: Yeah, I mean it's an average of -
20 well, I'm sorry, if I testified to that number, it's
21 the right number. Where I'm confusing myself is I
22 pulled the numbers today from the entire pool of poll
23 workers that we have, which is right now about
24 active, about active about 85,000. So of the 85,000,
25 that's the number that's fresh in my head, 35 percent

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 214
2 FEDERAL LEGISLATION

3 of the 85,000 are nonparty - are party. 65 percent
4 are nonparty.

5 CHAIRPERSON RESTLER: Right but if the numbers
6 you testified to are accurate from the general, you
7 did 80 percent, not 65.

8 MICHAEL RYAN: Yes, well that will fluctuate
9 right from because we have - we're only using 37,000
10 to 40,000 poll workers for an election and we have a
11 pool of available poll workers of 85,000. So,
12 depending on an election event, it may be a little
13 bit higher or a little bit lower, you know it depends
14 on who is going to work.

15 VINCENT IGNIZIO: We had an enormous recruitment
16 drive though we did publicly last year where we got
17 tons of people from across the city who said, yes,
18 I'd like to be a poll worker and plugged them in
19 accordingly. So, people do want to serve and people
20 are serving in record numbers who are affiliated or
21 aren't affiliated.

22 MICHAEL RYAN: And it's kind of strange because
23 we have kind of two categories of poll workers more
24 or less. One is the long time poll workers that love
25 doing it, that wouldn't miss an election and get
really you know upset when they have to miss an

election and then the others are the first timers.

The retention of first timers is always a challenge.

I think the increase in pay has helped with that.

There's some conversation in Albany about increasing

pay further and mandating that in the state statute.

I don't know what, I know there's a bill proposed. I

don't know what legs it has, whether there's a same

as or not but they're talking about another \$100

increase for poll workers.

CHAIRPERSON RESTLER: Look, I welcome increase
compensation for poll workers. If Albany is going to
act, they need to take the local parties out of the
process. That's where the problem is. I mean that's
a bit part of the problem. I was deeply troubled by
the article I read in the Times this morning
reporting that poll workers were pressured by the
Bronx Republican party to donate to the party in
exchange for poll worker jobs. Right, you give them
\$150 and you get a \$1,500 pay for a week of work,
nine days of work. I understand that BOE was
contacted by investigators over the summer about one
employee in particular, it was Nicole Torres. Did
the BOE conduct a larger review of poll worker

practices and party and alleged party corruption to
determine the extent of this issue?

MICHAEL RYAN: So, we have an ongoing review of
all of our internal practices. What we were waiting
for with respect to the one particular borough was a
conclusion of the investigation and the processes to
see you know where this was ultimately going to land.
So, we have our eye on it. We understand that that
particular matter may be coming to a conclusion.
When it comes to a conclusion, we hope to see where
the dust settles and you know specifically if there's
anyone else that's involved; we hope not but it also
was an issue that came to our attention last June and
was first reported in August of last year, as when
her indictment was first filed. So, what we have
here now is like the tail end story that the matter
seems to be coming to a conclusion.

CHAIRPERSON RESTLER: I guess, look, I understand
investigations have to run their course but I don't
understand why you would need to wait to make sure
that we don't have a broader corruption issue with
the workers that are getting these jobs.

You have made clear in your previous testimony
before our committee that there is state statute that

requires you to take referrals from the parties and I think you've made an effort to increase outreach over the last five to seven years so that we are less dependent on those parties. Has an external party done a review of these hiring practices by particularly the Bronx Republican organization or any other - or the county parties as a whole so that we can have confidence that people aren't having to pay a bribe to get a coworker job?

MICHAEL RYAN: So, the short answer to that question isn't no. However, that wasn't without thought. We knew that there was an ongoing investigation. If we were confident that the investigation was terminated with the identification of this one individual, we would have taken more proactive steps and now that this is coming to end, that is exactly what we will do.

CHAIRPERSON RESTLER: And who has been leading this investigation?

MICHAEL RYAN: Well, the only investigating entity that we were aware of - we were contacted. I believe my memory serves me that it was last June by the Department of Investigation but this is a federal indictment.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

218

3 CHAIRPERSON RESTLER: And -

4 MICHAEL RYAN: And so, by the way when I
5 contacted the federal prosecutors in the southern
6 district about this when it first came to light, I
7 got a call back later that day and said that they
8 could offer me no more information with respect to
9 that matter and that was back last August.

10 So, we thought that the best thing to do in the
11 moment was take a little bit of a hands off approach
12 so that we were not interfering with a Law
13 Enforcement investigation.

14 CHAIRPERSON RESTLER: But when was the indictment
15 filed?

16 MICHAEL RYAN: August.

17 CHAIRPERSON RESTLER: So, I just need to say, we
18 are seven months later and you haven't looked into
19 whether this is a broader issue that we need to worry
20 about because you're I guess waiting for this to more
21 fully run its course. I just don't understand that
22 decision.

23 MICHAEL RYAN: So, I would say this. If the
24 individual employee was someone that I would consider
25 to be the top of a food chain, I might not have been
as redescent to dive in but she's a relatively - she

3 was definitely a low level employee as far as we're
4 concerned and my prior experience in my Law
5 Enforcement background tells me that if an
6 investigation is starting and the public commentary
7 is with respect to somebody at a lower level, that
8 there might be somebody higher up the food chain
involved. And so -

9 CHAIRPERSON RESTLER: Yeah, I understand. I hear
10 you on all of that. I guess what I worry about is
11 the here and now of poll workers operating an
12 elections and having to pay bribes to get those jobs
13 and that happening in real time and us waiting for
14 years before we do anything.

15 MICHAEL RYAN: Well, under those circumstances,
16 we felt it was best to rely on those individuals that
17 get paid to do those investigations. The Department
18 of Investigation and the federal prosecutor's office
19 and I suppose -

20 CHAIRPERSON RESTLER: I hear you're not going to
21 do an investigation yourself to that scale, but
22 there's no change in internal policy or practice or
23 procedure to try and ensure the integrity of the
24 operation. I just - I don't understand - it just feels
25 like we're sitting on our hands.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 220

2 MICHAEL RYAN: To be clear, we do have our Chiefs
3 and Deputies aware of any type of situation that
4 occurred. They were made aware of such. Obviously
5 it was reported in the press to -

6 CHAIRPERSON RESTLER: And it sounds like no
7 change in policy.

8 MICHAEL RYAN: To stay on it. We are privileged
9 to have as many people who want to serve and 99
10 percent of them are doing a great job for those that
11 go the wrong way. Like in any agency of New York,
12 they are referred by us sometimes to DOI. They
13 receive calls to DOI and the feds about improper
14 behavior so much like every other agency, when we
15 hear of things that are going wrong, we will refer
16 that out to our Law Enforcement partners to conduct
17 investigations and take corrective measures.
18 Similarly to all other city agencies. So, we were
19 made aware of this. The question on scale is one
20 that we frankly do not see.

21 CHAIRPERSON RESTLER: Okay, I'm going to shift
22 gears to the DOI report and Council Member Brewer,
23 please let us know if you'd like to jump in at all.
24 Oh she does. Do you want to go first? Sure.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 221

2 COUNCIL MEMBER BREWER: On voting machines, I
3 know this is an ongoing topic going back again many
4 years but I understand they're coming to their
5 natural end particularly with those who have
6 disabilities, so I just wanted to know what's the
7 next step? Obviously you know the ballet marking
8 devices. What's the plan for replacing the scanners?
9 Are there certified machines that would be
10 appropriate etc.. and what's the cost of all that?

11 MICHAEL RYAN: So, it's a little bit of a
12 misnomer to say that the voting machines are coming
13 to the end of their useful life. We received
14 insurance from the vendor that as long as we're using
15 the DS 200's that being the scanner machines that
16 they will continue to service them and to continue to
17 have them operational.

18 On the voting machines themselves, there have
19 been some new machines that are out there in the
20 market place shall we say and certified by the State
21 Board of Elections. We have had internal
22 conversations and the challenge for us always is the
23 schedule and given the size of the City of New York,
24 it is not recommended to introduce a new voting
25 system certainly not during the presidential election

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

222

year and then we follow that right up with the
Mayoral election and then right after that with the
governor's race after that. So, the target for that
conversation would be to do some form of public
demonstration and have a target of 2027 if machines
were going to be replaced. Acknowledging that that
will be a large expense if we were going to replace
the entire fleet. The ballet marking device is a
separate matter. They are still serving us but they
are past the end of life especially if there's any
changes to language requirements. So, there is no
other certified device that we can replace these
devices with. So, we're stuck on those for the time
being. We understand that there are presentations
being readied to submit to the State Board of
Elections but nothing as far as I understand it.
Vinney, you can correct me if I'm Vincent, you can
correct me if I'm wrong. There's nothing before the
State Board of Elections for consideration presently.

COUNCIL MEMBER BREWER: Okay, alright.

VINCENT IGNIZIO: Without which you know we're
dead in the water. We just simply are not -

COUNCIL MEMBER BREWER: I mean do you have to
keep replacing parts and so on?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 223

3 VINCENT IGNIZIO: Yes, our vendors have said that
4 they will continue to keep us in operational form for
5 the foreseeable future.

6 MICHAEL RYAN: And the main problem with the
7 current machines other than the fact that they are
8 old technology for the accessibility community, which
9 is probably first and foremost. But the technical
10 problem is there is no way to expand the memory of
11 the current machines, and that's the problem. So,
12 they can accept what they can accept and there's no
13 way to do it. We talked with the vendor about can
14 this be - can we add like an external memory to it.
15 They said no, it's a hard wired motherboard on old
16 technology and it's kind of where it is.

17 VINCENT IGNIZIO: And if I can for the Committee
18 identification, it's 34 schools out of 155 early
19 voting sites. I just wanted to FYI for the record.

20 COUNCIL MEMBER BREWER: Okay, we could both work
21 on that. That's okay with the Chair because we were
22 successful on the upper west side, so I appreciate
23 that in terms of going to a cultural institution.

24 Rikers Island, I have written about this to you
25 and you have responded. I guess I'm still focused on
it because I think, I don't know last time there were

I think 400 something that Legal Aid and others were able to get to vote but it's hard because you have to go person by person by person and then as you know, it's a process with paper.

So, I guess my question is, there is some notion that what you do with the nursing homes could be something that you do at Rikers. I want to know if there has been any other thought about what we can do to improve the rates at which absentee ballots are cast? Those are very slow processes you know.

MICHAEL RYAN: So, with respect to the notion that we could replicate the nursing home process in the jail facility, those two things just don't process in the jail facility. Those two things just don't marry up.

COUNCIL MEMBER BREWER: Alright, okay.

MICHAEL RYAN: But that having been said, our operations manager George Consimenis(SP?) has really taken the bull by the horns. In the past, we understood that it was the Corrections Departments City Charter responsibility to this process and we were kind of along for the ride. We are much more steeped in the process now than we had been in the

past and we're getting praise from the Legal Aid
Society for our efforts.

And so, we no longer rely on the statistical data
provided by the Department of Corrections as you know
the measure of success or failure.

VINCENT IGNIZIO: And we've been an active
participant in their monthly meetings as well, so
it's been a much better relationship thanks to our
ops team, who has done a great job. And Mike, I
don't know if you want to read off the -

MICHAEL RYAN: Sure, and when we were discussing
this earlier amongst ourselves, we're going to give
you numbers that there's no basis for comparison for
because we didn't participate in keeping statistics
like this in the past. So, if this establishes a
baseline.

COUNCIL MEMBER BREWER: Okay.

MICHAEL RYAN: Then that will be something that
we can discuss again in the future. But we had 1,080
applications received and of those applications
received, we issued -

COUNCIL MEMBER BREWER: Is this for November or
last -

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 226
2 FEDERAL LEGISLATION

3 MICHAEL RYAN: Yeah, for last November. From the
4 general election, I apologize and we can send this to
5 you you know in writing as well but we had 1080
6 received. 103 were rejected as Code 4. What that
7 would mean that they had addresses outside of the
8 city or state and/or we're not registered at all,
9 which happens from time to time.

10 We issued 977 ballots, 546 were received and
11 counted. Of the ones that were not received and
12 counted, 375 were never received back by us or by the
13 board and then the rest of it is all double digit
14 numbers. 12 were returned by the post office, 33, an
15 additional 33 were not counted Code 4, 8 were not
16 counted due to no matching signature, 2 had no signed
17 envelope and 1 had no ballot in the envelope.

18 VINCENT IGNIZIO: And to be clear, Code 4 is
19 felony conviction, so ineligible at the time of -

20 MICHAEL RYAN: Right because that will happen to
21 from time to time. Somebody will be in Rikers
22 Island. Their case will conclude and then they
23 become ineligible by virtue of a subsequent
24 conviction.

25 COUNCIL MEMBER BREWER: Okay, so I'm still going
back to how can we have onsite voting at Rikers?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 227

3 MICHAEL RYAN: So, we have conferred with the
4 State Board of Elections. It was our initial opinion
5 and we conferred with the State Board of Elections on
6 numerous occasions regarding this matter. We do not
7 believe it's legal under the present law to do an
8 onsite voting process and that the manner in which
9 someone should vote is by absentee ballot.

10 In New York State Statute and we ran that by the
11 State Board of Elections and they agreed and said
12 that that's the correct interpretation of the law.
13 And it's been a long term interpretation and it was
14 also I think laid out in the letter that I provided
15 to you. As a positive note, we were getting letters
16 basically every year from the Legal Aid Society for
17 several years in a row and we haven't received
18 another such letter since last February. So, I take
19 that as a sign of progress. You know sometimes if
20 the complaining stops, you know it means that there's
21 maybe some success.

22 COUNCIL MEMBER BREWER: I think they're calling
23 me to call you. Okay, so we have to continue that
24 conversation because it used to be they were like, I
25 don't know 3,500 at Rikers, now it's over 6,000. So,
there's a lot of voters there, so we continue the

1 conversation. It's good to have 1,000 people
2 applying but that's nothing close to say 5,000.
3 Number two is just last - the motor voter law and new
4 registration and so on. I didn't know maybe people
5 are - I don't know if people are interested in
6 government or politics or voting or not. I have no -
7 out on the street, they're just upset about
8 everything.
9

10 So, my question is, are you getting - how are you
11 getting new registrants? Is it through the motor
12 voter law? Are they coming in? Are the new numbers
13 etc. Just what's the number look like?

14 VINCENT IGNIZIO: Well, we're very proud of our
15 online voter portal, which is doing great and we see
16 many of the new registrants online these days. We
17 obviously still have paper for those who seek that
18 because sometimes we get that request but the online
19 voter system our own is one that has been replicated
20 throughout the state and it works very well. It's
21 very efficient and now with the early mail ballot,
22 we're getting a lot of people who seek to receive a
23 mail ballot through our online portal system as well.
24 So, there is a lot of people like if I can go back to
25 what we just said about Rikers. I don't want to

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

229

3 snatch defeat from the jaws of victory. We are
4 moving significantly in the right step over the last
5 year and a half working with our partners both in
6 government and from the Legal Aid and I think they
7 would admit that such. So, people put a lot of work
8 in it and I think it's only going to continue to get
9 better. We want everybody who is eligible to vote to
10 be able to vote in this state and you know I'm going
11 to always defend the agency and the hardworking
12 people that do it every day.

13 COUNCIL MEMBER BREWER: I agree.

14 MICHEAL RYAN: And when they make progress, I
15 want to be able to tell you all this is - there's
16 been progress here and we're proud of it.

17 COUNCIL MEMBER BREWER: So, how many more people
18 do you think are registered from versus last year?
19 Do you have those numbers?

20 MICHAEL RYAN: I probably do here but

21 VINCENT IGNIZIO: We could get you that number
22 because it's a fluid process.

23 COUNCIL MEMBER BREWER: No, I understand that.
24 People move, they blah, blah, blah.

25 VINCENT IGNIZIO: And what happens is, we do our
voter rolls clean-up around this time of year and

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 230
2 FEDERAL LEGISLATION

3 then the number drops and then it goes back up. So,
4 it fluctuates but I will say this, I think we're at
5 \$5.3 million active and in-actives but I can, 100
6 percent ensure that number -

7 MICHAEL RYAN: Yeah and it was a little bit lower
8 last week but irrespective, one of the things that is
9 much better than it had been in the past is the state
10 a number of years ago, signed the consent agreement
11 with the Department of Justice, which has now
12 stitched together if you will all of the counties in
13 New York State. So, we share information much better
14 amongst the individual counties than we did in the
15 past. So, you're seeing a lot less instances of you
16 know John Doe being registered in New York City and
17 also registered in Albany or pick a jurisdiction and
18 we're communicating much more effectively in that
19 regard and we're eliminating duplicates.

20 COUNCIL MEMBER BREWER: Just when people die, how
21 do you - because how do you determine that and get
22 them off the role? So, sometimes in New York City,
23 there's nobody to tell you in terms of family.

24 MICHAEL RYAN: Right, so the way the law works is
25 the City Department of Health, forwards the
information to the State Department of Health. The

3 State Department of Health forwards the information
4 to the State Board of Elections and then the State
5 Board of Elections forwards the information to the
6 jurisdictions that they think the voter comes from
7 and then we have to process those debts off of the
8 list that we receive from the State Board of
9 Elections. Now, that having been said, I do my own
10 little check on the system.

11 COUNCIL MEMBER BREWER: Yeah, it doesn't always
12 work.

13 MICHAEL RYAN: It doesn't always work. Somebody
14 moves out of the state and they die elsewhere, we're
15 always going to have a problem but when I do my own
16 check on the people that I know that happen to pass
17 away and pass away in the jurisdiction and I after a
18 month or so, I check, I keep a note and I check and
19 it's - the turnaround time for the people that die in
20 New York City, that live in New York City is about
21 three weeks.

22 COUNCIL MEMBER BREWER: Okay, take Duane Player
23 off the list. He was one of my foster care kids. I
24 can't get him off. I've written you several letters
25 so he's dead, Duane Player. Thank you.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 232
FEDERAL LEGISLATION

2 MICHAEL RYAN: Alright so if we can get more - in
3 situations like this if I can get more specific
4 information -

5 COUNCIL MEMBER BREWER: I will. I will.

6 MICHAEL RYAN: We have the ability to directly
7 request confirmation from the Department of Health.

8 COUNCIL MEMBER BREWER: Alright, thank you.

9 CHAIRPERSON RESTLER: I just wanted to come back
10 to the Rikers issues. You mentioned 977 ballets, I
11 think 546 you said counted but there had been 1,422
12 individuals detained on Rikers that had completed
13 registration forms or absentee applications. So,
14 we're talking about one-third of folks basically, I
15 don't know, you know 35, 37 percent of folks.

16 MICHAEL RYAN: We have absentee applications
17 received, 1,080.

18 CHAIRPERSON RESTLER: 1080? Not 1422?

19 MICHAEL RYAN: Correct.

20 VINCENT IGNIZIO: No that might have been a
21 combined number of the registrations plus the
22 absentee applications.

23 CHAIRPERSON RESTLER: But even still, absentee
24 applications of 1,080 to 546 votes, that's a big
25

discrepancy. Half the people are getting their votes counted.

MICHAEL RYAN: But it is a big discrepancy for all absentee ballots. This is not individual to Rikers Island.

VINCENT IGNIZIO: For respectfully Mr. Chairman, 375 didn't send them back, so that's the lion share of it and 33 were ineligible to cast votes.

CHAIRPERSON RESTLER: Right, I just think that we're talking about - Gale said the population - Council Member Brewer mentioned the population 6,000 it's actually 7,000 now. We've seen a tremendous spike, 30 percent increase during Eric Adams Administration and the number of people who are incarcerated and we're talking about eight percent of that population is voting, right? 90 plus percent of it is a pretrial population but only 8 percent of the population on the island is voting.

MICHEAL RYAN: And I'm embarrassed to say that roughly mirrors what the public is doing outside of the confines of Rikers Island.

CHAIRPERSON RESTLER: But not in the November election for president.

MICHAEL RYAN: I think it was -

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 234

2 CHAIRPERSON RESTLER: I mean we had some of the
3 worst turnout.

4 MICHAEL RYAN: Yeah, over 60 percent.

5 CHAIRPERSON RESTLER: 3 million people voted so I
6 mean, it depends what the common denominator is.

7 MICHAEL RYAN: You know 2.9, you know that's what
8 uh -

9 CHAIRPERSON RESTLER: I been but if you take out
10 people under 18 out of your 8.5 million people,
11 you're probably talking about half of the voting age
12 population is voting. You're talking about 8 percent
13 of a Rikers population voting. Those are radically
14 different numbers. Just to be consistent.

15 MICHAEL RYAN: What we're charged with is
16 ensuring that anybody who is eligible to vote has the
17 ability to vote. Whether they actually vote is -

18 CHAIRPERSON RESTLER: I understand that it's just
19 we had a significant number of more people who
20 completed registration forms or requested absentee
21 ballots. The 1,422 number I gave was a combination
22 of the two and a small subset of those people who
23 expressed interest actually voted, I'm sure because
24 of the operational challenges. Look, Rikers is a
25 total hell hole. They miss tens of thousands of

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

235

3 healthcare appointments every year that people
4 request and register. So, it's hard to get anything
5 accomplished there. I'm not saying that it's easy
6 but we have a lot more interest than is actually
7 manifesting itself in votes and we want to make sure
8 that people have the opportunity to vote wherever
9 they are even if they're in jail.

10 MICHAEL RYAN: Mr. Chairman, there's a lot more
11 work to do but we're proud of the progress we've made
12 and we're happy to work with you and this Committee
13 and ensuring that people more are eligible.

14 VINCENT IGNIZIO: And just to one last point on
15 that. The differentiation between absentee ballots
16 issued and absentee ballots returned between Rikers
17 Island and the general public population it's not
18 that far different. I mean even during COVID, we had
19 close to 800,000 absentee ballot packages sent out
20 and we got 455,000 or 465,000 returned. So, we
21 always see a drop off. People request them. They
22 don't always return them.

23 CHAIRPERSON RESTLER: I am disappointed by the
24 analysis that we can't do a proper voting site,
25 replicating as Council Member Brewer noted, the
successful model you all have in nursing homes, I do

think that there are many ways that we could make voting more accessible to the people who are there and we'd like to continue - we appreciate you engaging with Legal Aid and other advocates on this but there's a lot more that we can do.

So, I want to just shift gears to this troubling DOI report from earlier this year. On January 8th, the Department of Investigation released a report on a month long investigation into allegations of workplace harassment by Mr. Ryan. DOI's report conclude as follows: "Ryan's conduct constituted harassment and created a hostile work environment." DOI found the conduct to be so problematic that they took the unusual step of recommending to the Board the termination or resignation in lieu of termination was warranted.

DOI also found "significant deficiencies in BOE's policies, procedures, and protocols for addressing complaints of harassment, sexual harassment and hostile work environment and other EEO issues."

DOI made six recommendations regarding the BOE's policies and procedures. First, in light of DOI's conclusion on your conduct Mr. Ryan, do you acknowledge that your conduct was highly

inappropriate and may have caused lasting harm for
BOE employees?

MICHAEL RYAN: What I can say to you in that
regard is that there is potential litigation
involving one of the employees and I can repeat what
I have said publicly in this matter, is that I accept
the discipline that the Commissioners handed down and
I'm in the process of this is a little bit new but
I'm in the process of finishing all of the training
that they have said to do and I certainly would
demand of myself that no such circumstances are
replicated in the future.

CHAIRPERSON RESTLER: It was - I read the report
of course as I'm sure my colleagues have as well and
it was a very troubling report and it's critical that
the people that are in the executive positions and
the top management roles in any agency and any
workplace, set a different - set a culture of respect
that I just, I think was lacking and I was really
troubled by the report.

I'd like to shift to the recommendations that DOI
made regarding BOE policies and practices. Has BOE
implemented these policies yet? Is there a qualified
EEO officer in place and who is that individual?

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 238
2 FEDERAL LEGISLATION

3 MICHAEL RYAN: There is and there always was. As
4 sanctioned by the EEO male group if you will. I
5 don't know if I'm saying that word right but we have
6 our director of personnel was then and is now the EEO
7 officer. His name is Frank Tossie, Mr. Tossie, I
8 believe his first name.

9 CHAIRPERSON RESTLER: Okay and do you agree with
10 the recommendations around that DOI made around
11 improving and strengthening BOE's policies and
12 practices?

13 MICHAEL RYAN: With respect to the
14 recommendations that they made for trainings, we do
15 go through -

16 CHAIRPERSON RESTLER: Non personnel related. I
17 mean I think that piece has been resolved. I just
18 meant the policies and practices. Yes, sorry.

19 MICHAEL RYAN: No, I mean our policies and
20 procedures continue to be updated. They will
21 continue to do so but rest assured that the agency
22 and its 931 employees are aware of the EEO policies.
23 How to report, they go through training, we go
24 through training and our staff is well aware on the
25 reporting requirements for any EEO issue or any issue
for that manner. We want our - we need to send a

1 very strong message to everyone of our employees and
2 anyone out there, if you come across any issue
3 relating to that you believe should be filed with
4 DOI, and/or kicked up the chain that somebody will be
5 listening and we will absolutely ensure that those
6 are followed up from internally and externally the
7 agency.
8

9 CHAIRPERSON RESTLER: I appreciate you saying
10 that. Just to plainly ask I think it's a yes or no
11 question. Has the Board of Elections implemented the
12 no personnel related recommendations that were in the
13 report?

14 MICHAEL RYAN: We either have had them in place
15 already and/or are - all the six off the top of my
16 head, I can't tell you what they are but in terms of
17 having an EEO officer, we have policies and
18 procedures that folks are made aware of, we do so.
19 The fact that we have trainings you were speaking to,
20 that is ongoing in the same, consistent with what all
21 city employees go through. So, I'm very confident
22 that we have made strides and continue to make
23 strides to ensure the safety of all of our employees.

24 CHAIRPERSON RESTLER: So, just is there an
25 independent EEO office that independently evaluates

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 240
2 FEDERAL LEGISLATION

3 complaints and conducts investigations or is it just
4 the director of personnel because I don't think that
5 it's a best practice to have your director of
6 personnel serve as your EEO officer.

7 MICHAEL RYAN: That too is currently our EEO
8 officer. It has been for some time.

9 CHAIRPERSON RESTLER: Well, the report went back
10 and forth on that topic but when - the report
11 indicated that when the BOE's Director of Personnel
12 receives an EEO complaint, he refers the matter to
13 executive management. Is that the practice? Is that
14 practice still in effect? Is that -

15 MICHAEL RYAN: To my understanding that the EEO
16 officer evaluates and makes recommendations to the -
17 reports to executive management and which ultimately
18 reports to the Board of Commissioners.

19 CHAIRPERSON RESTLER: Okay, I mean I think it
20 would be helpful and we can go through this in
21 greater detail. I'm not going to go through every
22 recommendation in this moment, but I think it would
23 be very helpful for us to get an understanding of
24 progress on implementation of the recommendations
25 that were made. It sounds like you're not
disagreeing with the policy and practice

recommendations that were included in the report.

You think some of them are already implemented but we would very much appreciate if we could get responses in writing to a status update on the implementation of each of the recommendations.

MICHAEL RYAN: Sure.

CHAIRPERSON RESTLER: Okay, last question for me is on the general counsel position. I understand you got a funky hiring process at the BOE but is there a job positing? Is there any kind of search? Is there any update on the hiring for the role?

MICHAEL RYAN: So, yes March the 10th Grace Pion(SP?) started as the general counsel.

CHAIRPERSON RESTLER: Could you tell us about his or her background?

MICHAEL RYAN: Her background - she's most recently in private practice but before that, the majority of her resume was in Department of Justice positions. I don't have it memorized but -

VINCENT IGNIZIO: I also think she was counsel to the Charter Revision Commission.

MICHAEL RYAN: Yes, yes.

CHAIRPERSON RESTLER: Which one?

MICHAEL RYAN: The recent one.

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & FEDERAL LEGISLATION 242

VINCENT IGNIZIO: As Gale would say - there's one I believe two years ago.

MICHAEL RYAN: Yeah, one of the recent ones.

VINCENT IGNIZIO: Not this past one prior.

CHAIRPERSON RESTLER: The fake one last year.

COUNCIL MEMBER BREWER: The good one that Gale and Tisch did.

CHAIRPERSON RESTLER: No, that wasn't two years ago.

VINCENT IGNIZIO: I will find out which one it is. I just-

MICHAEL RYAN: Well report back to you specifically but yes, it was one of the more recent Charter Revision Commissions and she was working on that as well.

VINCENT IGNIZIO: I think it was when Diana Savino was the uh -

CHAIRPERSON RESTLER: That was the one I referred to as the fake one. I don't mean to get you in trouble with your Staten Island counterparts.

Alright, I have more questions but I think we've covered enough. So, with that, gentleman, I hope you have a good afternoon. We appreciate you coming in

today and answering our questions. Thank you very much.

MICHAEL RYAN: Thank you very much.

VINCENT IGNIZIO: Thank you Mr. Chairman.

CHAIRPERSON RESTLER: We're going to shift to public testimony so just give us a second to get organized and then we'll call up the next panel.

[04:44:28]- [04:45:56]

Okay, we've got some friendly faces in person, some more online. Before we begin public testimony, I remind all members of the public that this is a formal government proceeding and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times. The witness table is reserved for people who wish to testify. No video recording or photography is allowed from the witness table. Further, members of the public may not represent audio or video recordings as testimony but may submit transcripts of such recordings to the Sergeant of Arms for inclusion in the hearing record.

If you wish to speak at today's hearing, please fill out an appearance card with the Sergeant of Arms and wait to be recognized. When recognized, you will have three minutes to speak on today's hearing

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

244

topics. If you have a written statement or additional written testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant of Arms. You may also email written testimony at testimony@council.nyc.gov within 72 hours of this hearing. Audio and video recordings will not be accepted.

I will now call up the first panel. With that, I will start with some District Managers and then we'll do a hybrid panel. So, Susan Stetzer from Manhattan CB3, Celeste Leon from Brooklyn CB4, Shawn Campbell from Brooklyn CB14, and Jesus Perez from Manhattan CB6.

CHAIRPERSON RESTLER: Gale is insisting that we not allow for Mr. Diller to have to wait another moment. He is going to be added to the first panel at our beloved former Borough Presidents request Mark Diller from Community Board 2 in Manhattan.

With that, you all go in whatever order you are so moved.

SHAWN CAMPBELL: Thank you. I will begin. First of all good afternoon Mr. Chair and members of the Committee. My name is Shawn Campbell. I am the District Manager of Brooklyn Community Board 14 and

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 245

3 I'm here to offer a historical context for the need
4 for resources and support for Community Boards
5 citywide.

6 I appreciate the opportunity to testify today
7 despite the fact that we were not on the agenda thank
8 you for this time. My colleagues will follow me with
9 specific examples of the impacts that inadequate
10 resources and support are having on our ability to
11 meet our responsibilities. But know first that
12 Community Boards are independent city agencies that
13 have not had a significant budget increase in over 20
14 years. Annual budget changes that range from an
15 increase of 5 plus percent to decreases of 7.3
16 percent. And the average from 2002 to 2022 was 1.5
17 percent increase per year. Note at the same time,
18 inflation was average to about 2.55 percent. We are
19 not keeping up.

20 Inarguably, we have far more to do than Community
21 Boards did in 2002. Yet we have fewer staff with
22 which to meet those responsibilities. In 2002, we
23 had 159 full time staff. We now have about 148.
24 Compare that to another small city agency, Department
25 of Cultural Affairs, which went from 31 to 49 in that
same period or to an agency that supports us, OTI

3 that went from 285, a headcount of 285 in 2002 to a
4 whopping 1,539 and yet still only one tech support
5 staffer for all 59 community boards. Or look at the
6 Mayor's Office, which went from 859 to 1,100 plus
full time staffers.

7 So, not only do we need this baseline budget
8 increase and the adjustment to keep up with our
9 growing populations, our growing responsibilities and
10 the economy itself, but it must be stabilized, tying
11 to either a funding formula or a parity with another
12 service providing agency or even a percentage of a
13 percentage of the full city budget.

14 My colleagues will continue with specific
15 examples of how serving our communities and meeting
16 New York City Charter mandates are challenged by the
17 lack of support and baseline budget resources. Thank
18 you for your time and consideration.

19 CHAIRPERSON RESTLER: Thank you so much Shawn.

20 SUSAN STETZER: Hello, my name is Susan Stetzer,
21 District Manager of Manhattan CB3, which covers lower
22 east side and Chinatown. I'm here to testify in the
23 need for increased baseline funding for Community
24 Boards. This is particularly needed for staff to
25 cover increased workload and new technology needs.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 247

3 Community Boards are independent city agencies.

4 We serve as a vehicle for communities to have input
5 and decision making and participation and planning
6 for their communities. So many of you have served on
7 Community Boards before pursuing elected offices.

8 Yet our annual place for responsible increase to our
9 baseline budget goes unheard. Policies are adopted
10 that create unfunded mandates but our budgets are not
11 adjusted to reflect the new responsibilities.

12 Because of the increase in work without the
13 increase in funding for additional staff, we are
14 faced with less time working with and serving
15 particularly our most vulnerable communities.

16 Because our costs have increased, better budget has
17 not. Our staffs remain stagnant because of our
18 inability to reward merit or recruit new staff
19 without adequate salaries.

20 Some CB's, such as CB3, have seen our work
21 increase dramatically. For instance, we formerly had
22 20 to 30 SLA applications per month. With outdoor
23 dining, we are now processing over 70 applications
24 per month for just one committee. This takes staff
25 time away from responsibilities such as constituent

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

248

3 services and outreach, necessitating hiring of part
4 time and freelance staff.

5 When OCM application window opens again, we will
6 have an additional burst of applications. We don't
7 just process paperwork. There's a lot of education
8 necessary to work with the applicants and the
9 community. Since COVID, our technology needs and
10 required expertise has increased. We contract to
11 provide equipment and staff to create hybrid
12 meetings. We have subscriptions for software. We
13 hire a technician to set up and maintain Zoom
14 equipment and create Zoom meetings. The need for
15 more funding is clear and obvious and right now we
16 are working with organizations and the community to
17 outreach for Know Your Right trainings, trainings for
18 small businesses and how to protect their workers.
19 This is no time to save money at the expense of
20 Community Boards.

21 JESUS PEREZ: Good afternoon. Thank you for the
22 opportunity to testify before you today. My name is
23 Jesus Perez and I am the District Manager of
24 Manhattan Community Board 6. You've heard from some
25 of my colleagues and you will hear from more
regarding the underinvestment in our city's 59

community boards. In the interest of time, I will not repeat their points but I enthusiastically echo their testimonies.

I'd like to address you today on an unexciting but important matter. The fact that Community Boards across the city are struggling with their office spaces and meeting venues. Some Community Boards report offices that are too small for their needs, in disrepair or are not ADA compliant. Some Community Boards struggle to find suitable venues for their meetings. In many districts, venues that previously welcome Community Boards before the pandemic have now closed their doors to them or have instituted significant fees for renting meeting space.

Some boards rely on the generosity of one or two free meeting venues but would be at a loss for where to go should that generosity come to an end. And while always appreciated, spaces we don't control often come with drawbacks, like unreliable AV equipment or Wi-Fi, which are essential for making Community Board meetings as transparent and accessible to the public as possible.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 250

3 For many boards, simply undertaking our most
4 fundamental function holding monthly public meetings
5 is an exercise in frustration and precarity.

6 Manhattan Community Board 6's official position
7 is that Community Boards being city agencies which
8 are charter mandated to hold monthly public meetings
9 must have adequate facilities that they control that
10 would accommodate district office space, meeting
11 space for Committee's and larger spaces for full
12 board meetings.

13 We ask you to work with us to address this
14 important and long neglected need and to bear it in
15 mind in your budget deliberations. Thank you.

16 CELESTINA LEON: Good afternoon. My name is
17 Celestina Leon and I am the District Manager of
18 Brooklyn Community Board 4, which serves Bushwick as
19 well as the facilitator of the future of Community
20 Boards Working Group, which includes district
21 managers and assigned staff from all five boroughs.
22 I join my colleagues to highlight the unique
23 challenges we face as the smallest, independent city
24 agencies that have a volunteer based leadership and
25 the opportunities to further address them.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 251

3 While both board members and the district office
4 have been tasked with additional responsibilities in
5 the absence of consistent guidance and resources, my
6 testimony will focus specifically on District Office
7 operations.

8 For context, as you know various mayoral agencies
9 and offices are tasked with supporting Community
10 Board operations such as the Office of Technology and
11 Innovation, Office of Management and Budget and the
12 Mayor's Community Affairs Unit. The Borough
13 Presidents facilitate human resources administration,
14 there is no overall centralization or standard
15 oversight beyond this forum. And I will further
16 elaborate on Office of Technology and Innovation
17 challenges. One liaison for all 59 community boards
18 as was raised by a colleague, when they are out of
19 the office, there isn't a designated point person to
20 address issues. Board operations are potentially
21 disrupted until that liaison returns. There's a lack
22 of communication and clear staff structure. The
23 agency has failed to provide notice to the boards in
24 advance of implementing a transition of community
25 board data to a different platform. If the liaison
is not responsible for that notice, then OTI needs to

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

252

1 identify the most appropriate staff and a recent
2 example of no notice provided when remote access
3 portal is down and changes are made, all boards rely
4 on that portal to access city time, FMS and the
5 Street Activity Permit Office. There's an
6 opportunity here for OTI to build a more
7 collaborative informed relationship with the boards
8 by providing advanced notice for supporting changes.
9 The Office of Management and Budget, a decrease in
10 personnel, collaboration and transparency with the
11 boards has led to a variety of concerns including
12 access to reliable budget information. Various
13 colleagues have situations that they may share in
14 further detail. Various colleagues have situations
15 that they may share in further detail.

17 Historically the OMB Community Board budget team
18 has supported the boards in understanding the
19 district office budget by providing easy to
20 understand breakdowns. Not a crystal report and
21 sought to resolve matters in a collaborative manner.
22 And I will skip ahead to other opportunities for
23 Community Board support. We know that there's
24 legislative action and potential charter form to
25 increase our baseline funding. We hope that this

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 253

3 includes planners for community boards, which is an
4 unfulfilled need already in the Charter and we
5 welcome the opportunity to testify as agencies in the
6 form. Thank you.

7 CHAIRPERSON RESTLER: Thank you.

8 MARK DILLER: Good afternoon. Thank you for the
9 opportunity to join my colleagues. My name is Mark
10 Diller, I am the current District Manager of
11 Community Board 2 in Manhattan which serves the
12 Greenwich Village, SoHo, NYU, Nolita, etc.. I am
13 also the former Chair, for term chair of Community
14 Board 7 on the upper west side of Manhattan. In
15 part, thanks to Council Member Brewer's appointment.
16 And so, I've seen this budget issue on both sides of
17 the service that Community Boards render and we've
18 had to do more with less for 20 years or more. To
19 amplify one of the aspects, outdoor dining, we
20 receive about 20 to 25 applications every week
21 including Passover, Christmas and New Years. We
22 struggle to keep up. Our Committee meets three to
23 four times a month.

24 This is - and this is not as my colleague
25 mentioned, not just paperwork. We're making sure
that applications are available online in redacted

form in order to encourage community engagement on these issues.

The part that I'd like to focus in on is the hybrid meeting portion of our responsibilities. Since COVID, the public expects to be able to come to our meetings from any location that they happen to find themselves and as people committed to public engagement, we think this is a good thing. The issue of course is that there's a blessing and curse that comes with Zoom. It's easy to hold a meeting in person. It's easy to hold a meeting on Zoom, we all learned that during COVID but it still is a huge effort to do both at the same time and have everyone be able to hear each other.

That is exacerbated by a confusing provision, Section 2800H of the City Charter and Code that makes Community Boards responsible for making their meetings available for broadcast. Words that no one seems to know how to interpret but that the Comptrollers office faults us for not doing.

There are as noted fewer venues that can accommodate us, I'll leave that to my colleague and then just observe that I'm not a DJ. So, we don't have the staff to hire professionals to produce a

reliable meeting, hybrid meeting. I was lucky that I had a budget gap because I was shortfall in hiring. A budget gap that I use to buy a bunch of equipment that I now shift all over the west village in an attempt to have folks hear us both in the room and at home with mixed results. Ask any of your colleagues who have come to our meetings and they'll tell you that there are some frustrations involved, including one time in which an elected official was talking on Zoom and another was talking in the room at the same time and they didn't know it. That's not good public engagement and the cost of doing this professionally is beyond the means of a Community Board. So, if we're really serious about democracy, Community Boards are where it's at. We ask you to fund us accordingly. Thank you.

CHAIRPERSON RESTLER: Thank you. As District Managers, how long have you each respectively served in these roles?

JESUS PEREZ: I've been District Manager of Manhattan Community Board 6 since March 2016.

SUSAN STETZER: I'm 20 years and I was on the Board before that.

CELESTINA LEON: Since August of 2011.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION 256

2 SHAWN CAMPBELL: Eight years as of yesterday.

3 MARK DILLER: I'm the new guy, two years.

4 CHAIRPERSON RESTLER: Well, I just want to thank
5 you each for your service and your advocacy and I
6 know that you all have been organizing together for
7 some time to try to build awareness around both the
8 lack of funding but also I think some real outdated
9 policies in our City Charter that need to be
10 revisited to ensure that Community Boards are
11 resourced appropriately and properly supported to be
12 able to do your jobs. It's very challenging to have
13 a staff of two or three people and be responsible for
14 a half a dozen meetings or more every single month,
15 50 different community members and get the word out
16 to 150,000 people is a lot going on and as you take
17 on hybrid functions and there are additional
18 responsibilities that we put at your doorstep, it's
19 important that you're all properly supported.

20 So, it is on our agenda to have a proper hearing
21 on Community Boards later this year. We're working
22 on a legislative package, most closely with Borough
23 President Reynoso to have ready for the time of that
24 hearing. We'll give you all as much notice as we can
25 so that we can prepare accordingly but we're

committed to doing that this calendar year. Well,
for at least some months longer, I Chair Government
Ops.

COUNCIL MEMBER BREWER: Thank you very much Mr.
Chair. Thank you all for your service as the
understatement. My question though is, you got in
the past some increase I think but it was only very
limited on what it could be used for and so, it's
good to have a hearing in the future but that doesn't
help you with the budget. So, my question would be
just are you talking about one more staff member?
Just give me a sense of what it would look like.
Again, people may have different needs, I understand
that but you do need to have a unified approach. I
will certainly fight for you for more money from the
budget as I have in the past.

SHAWN CAMPBELL: It's complicated. I think the
baseline budget increase doesn't address the fact
that we have so many different types of needs and it
gives us the flexibility to fulfill that because yes,
we got the \$42,000 in 2019, 2018-2019 and that helped
in those years but we couldn't do any long term
planning or any PS adjustment. So, we've done some
calculations a few different ways. One was, what if

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & FEDERAL LEGISLATION 258

we had a full compliment of staff? We had a DM, ADM, Community Coordinator, etc.. I think that that sort of ratcheted up in the last fiscal year, added about 200,000 per. There was also an idea that we [INAUDIBLE 05:04:11] about but I don't want to sound like I'm a proponent for this because we don't have a lot of - we don't full agreement from District Managers but we did play with numbers that brought community board budgets in parity with borough hall budgets and that curiously had about the same budget increase as this full complement of staff. And when I looked at the percent - when I talked about a percentage over percentage, that would have been, if we had gotten \$200,000 each in addition to our baselines now, we would have had .06 percent of the citywide budget in the last fiscal year. But it's hard for us to even know what our baseline budgets are with our difficulties with OMB.

COUNCIL MEMBER BREWER: You're going to have to come up with something though so we can advocate for it. I'm just saying.

SHAWN CAMPBELL: It would be really helpful if OMB could give us broken down budgets as we used to get prior to 2019 but could no longer get. So, we

don't even know if we're getting the same amount as we used to.

MARK DILLER: If I could jump in on that as well. Having a fixed number like 200,000 does make a world of sense because there are different needs across different boards. One of the ways in which I think about this is compartmentalizing in effect what is spent inside our office and that will be personnel as well as some equipment and some supplies and so forth. And then what is spent on consultants and so forth but different boards may have different needs or different ways in which to allocate those needs.

I for example would relish the opportunity to hire someone who knows what they are doing with audio visual equipment but that may not be everybody's need. So, a collective amount that could be spent in a free form way so that we're not limited by the OMB, make up as you go limitations on how we can transfer money within our own budget, that would be enormously helpful so that each board can decide for itself in consultation with its leadership and with the community we serve as to what is important for us. That would be, I think, a real way to advance this need.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE & 260
FEDERAL LEGISLATION

2 COUNCIL MEMBER BREWER: So, not encumbered by
3 OTPS versus PS etc..

4 MARK DILLER: Exactly right.

5 COUNCIL MEMBER BREWER: Alright, let me see what
6 we can do. I appreciate that. It's good to have a
7 number. I'm going to go with the \$200,000 and see
8 what we can do. Thank you.

9 JESUS PEREZ: Some of it may need like policy
10 adjustments, perhaps flexibility with OMB and with
11 DCAS regarding Community Board office spaces and
12 meeting spaces. I mean, you know if there's a space
13 that's not available. If there is equipment that
14 people don't know how to use because you know they
15 have to lug it around everywhere or every single
16 venue is different, that is inefficient and it leads
17 to a suboptimal experience for the public, which is
18 why the Community Boards are here. We're community
19 boards, we're here for the community and it's
20 disrespectful to the community to have amateurish
21 meetings when what they're coming to do is listen and
22 hear and learn about the issues that are impacting
23 their communities.

24 So, right now, we're often very limited by OMB
25 and DCAS rules that limit Community Boards to very,

very small spaces. Often times not in great places.
We hear of Community Boards that are having struggles
with their landlords. They may even fix basic leaks
and things like that. I myself, our board had a
horrible, horrible experience where we were evicted
from our space and bounced around for about three
years. Had a space that was ADA noncompliant and
finally we were able to struggle and get a decent
office space but we should have spaces that we can
have access to that can accommodate different size
meetings because that's what the public expect. They
don't want to come to a meeting and see that the mics
are not working, see that the Wi-Fi doesn't work, see
that all of these things that the biggest city in the
world and one of the biggest city's in the country,
the biggest city in the world, in 2025 should not be
having to deal with anymore.

CHAIRPERSON RESTLER: Yeah, no look we really
appreciate your all testimony today. We appreciate
your hard work on behalf of our community boards.
I'm a former Community Board member myself. You know
I think that there a range of issues.

COUNCIL MEMBER BREWER: Me too.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 262

3 CHAIRPERSON RESTLER: You know that we have to
4 address around technology, around space, around
5 budget responsiveness and transparency, planning
6 support that all need to be considered and I know you
7 all have put a lot of thoughtful work into that. You
8 know look I think that my colleague is right to
9 encourage you to make crisp asks in the budget
10 process. I will be somewhat sanguine and saying that
11 Mayor Adams has not demonstrated a whole lot of
12 interest in supporting just about anything budget
13 related in three plus years but he's got one budget
14 left and I think that you know we should look at, I
15 think we have a more likely chance of winning on some
16 substantive policy in legislative changes over the
17 course of this year. So, in a world of limited time
18 and resources where you guys all have far too much on
19 your plate, my personal recommendation to you would
20 be to focus on what we can do legislatively this year
21 and hope that there will be somebody more cooperative
22 on the other side of City Hall in the future who will
23 care about Community Boards. But that's just my
24 advice for what it may be worth.

25 With that, I'd like to thank this panel. We
appreciate you all being with us today and hope you

1 have a good weekend and we will now shift to the
2 final panel of the day. We're going to hear from
3 four folks online and one person in person. Ms.
4 Sharon Brown, thank you for being with us as always
5 and online we have Tanisha Grant, Gary Giordano(SP?),
6 Jeremy Loffer(SP?) and Melinda Perkins. We will
7 begin with Ms. Brown in person and then we will shift
8 to the Zoom witnesses. So, Ms. Brown, with that, good
9 to see you and thank you for being here.

11 SHARON BROWN: Good to see you also. But before
12 I begin, remember Israel, release the hostages, let
13 Yawas people go. Defend Israel.

14 Okay, the Community Board, they should try to
15 coordinate with churches and synagogues and see if
16 they can find a way to get in there and do some kind
17 of meetings there. It would be convenient. A lot of
18 people meet there. They also have the sound system
19 set up until they can get themselves their own space
20 and they can also try to see if they can do that
21 anyway. Once they do get their own spaces, they can
22 still coordinate with the church and synagogues to
23 have meetings there every so often. That way they'll
24 get a good crowd and they can in certain areas that
25 they want people to come together.

Okay, we need to hire veterans. In a situation where there are a lot of technical things going on, the Community Board and just in general, the veterans are well versed in technology and so many things. The veterans are not treated according to what they've learned in the military. Many of them have a technological background. They can be hired. The homeless, military homeless vets, they are capable and able to get back into the workforce or ownership force. They can have their own companies or whatever and assist community boards and whoever needs it. We need to increase government staff, not decrease. They need to be funded. We need to have increase in the different departments. We need to have the Law Department constantly litigating on behalf of the needs of the city. They should have someone in every meeting looking to see what's going on in the different situations and what they need to file lawsuits about. I'm filing lawsuits about many different things that arise in the city and around the nation and they should outpace me in the things that I'm doing.

Rikers Island needs to be defunded. We have someone on the Council whose brother is in Rikers

Island and he was cut two times. This should not be. This should be closed now. We need to yank the funding. The City Council needs to go up to Rikers, stand outside of Rikers, get up there and get that place closed. It shouldn't happen to anyone but it definitely shouldn't happen to a City Council member. And it's just showing you that it's so close to home. It's letting you know it is very much time for Rikers to close. Even before the 2027 deadline. There can be no more excuses why it can't close. The last report they said it can't close in 2027 because they won't be ready to build the other jails. That excuse does not wash. We need it closed now. We have to do everything we can to close Rikers Island. Yank the funding. Thank you.

CHAIRPERSON RESTLER: Thank you very much for that thoughtful testimony Ms. Brown. We always appreciate having you here at Gov Ops and every other Committee too.

With that, we'll pass it over to Ms. Perkins online.

SERGEANT AT ARMS: Time starts now.

MELINDA PERKINS: Good afternoon and greetings Chairperson Restler, esteemed Committee Members,

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

266

3 members of the Council and City Agency Reps in
4 attendance. My name is Melinda Perkins and I am
5 honored to serve as the District Manager for Brooklyn
6 Community Board 5 and to your earlier question, I've
7 been here for eight years and a Board Member prior.

8 Our board represents over 190,000 residents
9 across the neighborhoods of east New York, New Lots,
10 Spring Creek, Cypress Hill, City Line and portions of
11 Broadway Junction, and Highland Park. I stand here
12 today to testify in solidarity with Community Board
13 District Offices across the city to underscore three
14 critical needs. One, an increase in baseline budgets
15 for New York City community boards for reasons that
16 my colleagues condensed today successfully. The
17 implementation of comprehensive training at education
18 programs for onboarding new community board members
19 and consistency in how the Office of Management and
20 Budget manages Community Board budgets.

21 While all community boards operate with the same
22 baseline budgets, excluding rent, we continue to
23 observe discrepancies and budget management that
24 remain unexplained by OMB. Operating budget funds
25 have been transferred without prior knowledge or
input from district offices, merit base salary

increases are not reviewed or approved consistently,
even when boards adhere to guidance provided by their
bylaws. Fiscal mandates are implemented without
adequate reasoning or legal explanation and our
district offices are tasked with managing
increasingly complex responsibilities often with
minimal staff and constrained resources.

So, the emphasis is on OMB being much more
transparent and inclusive of District managers to
make sure that our budgets are operating properly.
At a minimum, we request that greater transparency,
uniformity and support in our budgets are handled and
sustained. This appeal is not merely about financial
allocation, it is about ensuring that Community
Boards can effectively serve as the vital link
between residents and city government. Empowering
boards with the resources, training and equitable
budget oversight they need is an investment in the
communities we represent. Thank you for your
attention to this matter and I urge the Council to
take these concerns into account and advocate for the
changes needed to support community boards citywide.

CHAIRPERSON RESTLER: Thank you Ms. Perkins.
Always good to have east New York at the Government

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION

268

3 Ops Committee. Next up, we'll hear from Mr.
4 Giordano.

5 SERGEANT AT ARMS: Time starts now.

6 GARY GIORDANO: Hi, am I unmuted properly? Can
7 you hear me?

8 COMMITTEE COUNSEL: Yes.

9 CHAIRPERSON RESTLER: Yeah, you're good.

10 GARY GIORDANO: Alright, thank you. I'm Gary
11 Giordano. That's the Italian way to say it Giordano.
12 I've been the District Manager of Community Board 5
13 in Queens, it will be 36 years in June or July, I'm
14 not sure. Before that, I was a board member for more
15 than eight years. I Chaired the Youth Committee and
16 the Health Committee. I thank you for giving us the
17 opportunity to speak to you today and if I could
18 start by being a little bit - uh having a little bit
19 of levity or being a bit corny, I think it would be
20 wonderful if a competent Restler was a Chairperson or
21 in charge of a federal agency like the Department of
22 Education. I hope they don't dismantle it or how
23 about Health and Human Services?

24 So, thank you for those of you who support the
25 Community Boards and I know Councilwoman Brewer for a
long time has been a supporter of the Community

Boards and thank you for those of you who have been
Community Board members before you got into your
current position.

So, yes, we have been constrained for many years,
maybe it is 20 where we haven't had a budget increase
other than the managerial and the union increase for
staff and we're expected to broadcast our meetings is
costing us about \$4,000 a year to do that, maybe a
little bit less than that. We consistently need
better technology as far as computers and printers
go.

A lot of the community boards, as they've told
you are inundated with liquor license applications
and now cannabis applications and outdoor dining
applications. So, in many ways it's getting tougher
and tougher and don't forget how many different city
agencies that we have to advocate with to work with,
to lobby with everywhere from you know police, fire,
sanitation to parks and almost any agency that you
can think of. I know our computers need to be
replaced because they're going to be outdated and
they're not going to meet the requirements to hook up
with Microsoft for instance. And I thank all the
district managers. A lot of them work a lot of

overtime just like a lot of Council Members do. A lot of unpaid overtime and they're very, very dedicated individuals and we even have staff members who put in extra time that they're not getting paid for. So, if you could be supportive of community boards for budget increases on an ongoing basis, that would be greatly appreciated.

CHAIRPERSON RESTLER: Thank you very much for your testimony Mr. Giordano and I will now bring it back to Brooklyn for Mr. Loffer.

SERGEANT AT ARMS: Time starts now.

JEREMY LOFFER: Thank you and good afternoon. First, let me associate myself with every comment that my colleagues have made today. Mr. Giordano just proved to me I am not the longest serving district manager in the city. I was not sure of that but I am currently the longest serving in Brooklyn. When I started, so I started in August of 2000, which as you know spans two [INAUDIBLE 05:19:57] now.

When I started, we had no computers in my office. We relied on a mimeograph machine. We relied on typewriters and pink forms and carbon copies and cassette recorders. We finally got rid of the cassette recorder in 2019. In that time, we have

barely had any budget increases beyond cost of living adjustments as has been mentioned but we've had a variety of new responsibilities heaped upon us. I learned one day I am now my agencies privacy officer with responsibilities to report several times a year on various aspects of how we share information, personal information with city agencies and others. We've had additional responsibilities when it comes to spending our money, our budget at the FMS system. All my staff and I had to go through training to do things that the Borough Presidents office used to do but now me and my staff, me and two other people, are now responsible for. Some of our boards only have two employees but you need three people to sign off on your budget forms, so I don't know how they manage to that. How they manage to spend money.

Back in - oh, I just also want to bring up in that time, we've had to manage our own websites. Some of our colleagues have designed their own websites, paid for it out of their budgets. We mentioned hybrid meetings and we're paying now for communications platforms that we did not have 25 years ago. All of this we've had to sell fund out of a budget that doesn't increase.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
2 FEDERAL LEGISLATION 272

3 The Council in 2019 was generous and gave
4 Community Boards \$43,000 as a one shot for various
5 needs. What my board did was we invested that in
6 technology. We got monitors for our board office, we
7 got a camera, we got additional and better lighting.
8 We got a modern sound system. What that one time
9 budget allocation did not do is help us pay for
10 repairs. So, when my monitor went down, I had to
11 wait a fiscal year in order to be able to repair that
12 monitor because it had to come out of my budget and I
13 had not budgeted for it because my budget is not
flexible.

14 SERGEANT AT ARMS: Time expired. Thank you.

15 JEREMY LOFFER: Thank you.

16 CHAIRPERSON RESTLER: And last but not least Mr.
17 Christopher Leon Johnson.

18 SERGEANT AT ARMS: Time starts now.

19 CHRISTOPHER LEON JOHNSON: Hey, hey, what's up?
20 Hello. Thank you Chair Restler. My name is
21 Christopher Leon Johnson. Thank you for having us
22 here. I'm currently covering a CSW Vet from a person
23 I'm working with. I'm going to get in trouble for
24 doing this but I will say right I got two minutes.
25

Alright, so let's talk about this right now.

DCAS, the DCAS cops need to start opening the bathroom. I don't know why the DCAS cops always have to open the bathroom for us when we want to use the bathroom and that's not right. That's wrong. I want to talk about this. I think that they need to put deliverista stations, let the deliveristas use the bathroom inside all city owned buildings. They need to let street vendors sell their stuff right outside city owned buildings to. Why do they only allow these rip off phone companies like these so-called like fake free phone companies sell outside HRA buildings, the Section 8 buildings while a person that wants to sell mangos can't. They always get harassed. The people that sell mangos always get harassed. Why they can't sell things but people that sell those scam phones, people selling scam stuff from the energy outside HRA and Section 8 officers can do it.

They need to stop Lincoln and one more thing like I said, deliveristas need to be able to use the bathrooms inside DCAS buildings. Why they can't use the bathrooms? It's ridiculous. A city owned building. These deliveristas get funding from the

COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &
FEDERAL LEGISLATION

274

city like Workers Justice Project. They need to get funding; they need to be able to start using the bathrooms more. So, like I said, we need to preserve the funding for the Workers Justice Project and Street Vendors Project, both of them need; make sure they get over \$1 million in government fundings and at the same time, like I said Lincoln, we need to start cracking down on these DCAS cops won't allow you to use the bathroom without opening the door for us. Why is that? We need to start cracking down on that Mr. Restler and one more thing, protect our deliveristas, protect our street vendors. They should be able to sell stuff outside the buildings, the HRA buildings and government owned buildings instead of just - why are they only going outside City Hall and City Hall Park but they can't sell outside of an HRA building? They always get harassed but the cellphone scammers do it. It's crazy. I don't know but it's ridiculous. Like I said, Mr. Restler, like I said, we need to stop this crap with the bathrooms. DCAS officers, they only allow deliversitas in the bathroom when they want us to use it. It's ridiculous. When you got to go, you got to go especially for a woman. Women matter. It's a big

movement right now and this shouldn't be a movement
it should be common sense where if you're a pregnant
woman, you should be prioritized. You should be able
to be escorted to use the bathroom when you're a
pregnant woman inside DCAS buildings and 140 street
and Citrus Street.

So, Mr. Restler, you need to start cracking down
on that. You need to have a hearing and invite out
the Commissioner again, Mr. Louis Molina and ask him
why do you have to be escorted to use the bathroom.
And it's ridiculous, you know what I'm saying?

CHAIRPERSON RESTLER: Yes.

SERGEANT AT ARMS: Time expired. Thank you.

CHAIRPERSON RESTLER: Thank you very much for
your testimony today Mr. Leon Johnson and I want you
to be able to use the bathroom whenever you want to
use the bathroom.

With that, I want to just thank the staff again
for their hard work and their patience. This five
and a half hour Gov Operations hearing is now
concluded. [GAVEL]

Thank you. Hope you guys have a great weekend.

C E R T I F I C A T E

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



Date April 27, 2025