

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

STATED COUNCIL MEETING

-----X

October 23, 2008
Start: 1:30 pm
Recess: XX:XX pm

HELD AT: Council Chambers
City Hall

B E F O R E:
BETSY GOTBAUM
Public Advocate

COUNCIL MEMBERS:
Joseph P. Addabbo, Jr.
Maria del Carmen Arroyo
Tony Avella
Maria Baez
Charles Barron
Gale A. Brewer
Anthony Como
Leroy G. Comrie, Jr.
Bill de Blasio
Inez E. Dickens
Erik Martin Dilan
Mathieu Eugene
Simcha Felder
Lewis A. Fidler
Helen D. Foster
Daniel R. Garodnick
James F. Gennaro
Vincent J. Gentile
Alan J. Gerson

A P P E A R A N C E S

COUNCIL MEMBERS:

Eric N. Gioia
Sara M. Gonzalez
Vincent Ignizio
Robert Jackson
Letitia James
Melinda R. Katz
G. Oliver Koppell
Jessica S. Lappin
John C. Liu
Melissa Mark-Viverito
Miguel Martinez
Michael E. McMahon
Darlene Mealy
Rosie Mendez
Hiram Monserrate
Michael C. Nelson
James S. Oddo
Annabel Palma
Christine C. Quinn
Domenic M. Recchia, Jr.
Diana Reyna
Joel Rivera
James Sanders, Jr.
Larry B. Seabrook
Helen Sears
Kendall Stewart
James Vacca
Peter F. Vallone, Jr.
Albert Vann
David I. Weprin
Thomas White, Jr.
David Yassky

1

2

COUNCIL CLERK: Attention please.

3

Can you please turn all cell phones and pagers to

4

vibrate. [Pause] Anybody that does not have

5

council identification or press identification

6

cannot remain on the main floor of the chambers.

7

You're welcome to the balcony if there is room.

8

Thank you.

9

[Pause]

10

PUBLIC ADVOCATE GOTBAUM: For the

11

Pledge of Allegiance. [Pause] I pledge

12

allegiance to the flag of the United States of

13

America and to the Republic for which it stands,

14

one nation under God [pause] visible, with liberty

15

and justice for all. [Pause] Roll call.

16

COUNCIL CLERK: Addabbo.

17

COUNCIL MEMBER ADDABBO: Here.

18

COUNCIL CLERK: Arroyo.

19

COUNCIL MEMBER ARROYO: Here.

20

COUNCIL CLERK: Avella.

21

COUNCIL MEMBER AVELLA: Here.

22

COUNCIL CLERK: Baez.

23

COUNCIL MEMBER BAEZ: Here.

24

COUNCIL CLERK: Barron.

25

COUNCIL MEMBER BARRON: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

4

COUNCIL CLERK: Brewer.

COUNCIL MEMBER BREWER:

Unfortunately here.

COUNCIL CLERK: Como.

MALE VOICE 1: Ditto.

COUNCIL MEMBER COMO: Here.

COUNCIL CLERK: Comrie.

COUNCIL MEMBER COMRIE: Here.

COUNCIL CLERK: De Blasio.

COUNCIL MEMBER DE BLASIO: Here.

FEMALE VOICE: [Off mic]

COUNCIL CLERK: Dickens.

COUNCIL MEMBER DICKENS: Here.

COUNCIL CLERK: Dilan.

COUNCIL MEMBER DILAN: Here.

COUNCIL CLERK: Eugene.

COUNCIL MEMBER EUGENE: Here.

COUNCIL CLERK: Felder.

COUNCIL MEMBER FELDER: [Off mic]

[Pause]

COUNCIL CLERK: Fidler.

COUNCIL MEMBER FIDLER: Here.

COUNCIL CLERK: Foster.

COUNCIL MEMBER FOSTER: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

5

COUNCIL CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Here.

COUNCIL CLERK: Gennaro.

COUNCIL MEMBER GENNARO: Here.

COUNCIL CLERK: Gentile.

COUNCIL MEMBER GENTILE: Here.

COUNCIL CLERK: Gerson.

COUNCIL MEMBER GERSON: Here.

COUNCIL CLERK: Gioia.

[No response]

COUNCIL CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: Here.

COUNCIL CLERK: Ignizio.

COUNCIL MEMBER IGNIZIO: Here.

COUNCIL CLERK: Jackson.

COUNCIL MEMBER JACKSON: Here.

COUNCIL CLERK: James.

COUNCIL MEMBER JAMES: Here.

COUNCIL CLERK: Katz.

[Pause]

COUNCIL MEMBER KATZ: Here.

COUNCIL CLERK: Koppell.

COUNCIL MEMBER KOPPELL: Here.

FEMALE VOICE: Leave me alone.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

COUNCIL CLERK: Lappin.

[No response]

[Off mic]

COUNCIL CLERK: Liu.

COUNCIL MEMBER LIU: Here.

COUNCIL CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO:

Here.

COUNCIL CLERK: Martinez.

COUNCIL MEMBER MARTINEZ: Presente.

COUNCIL CLERK: McMahon.

COUNCIL MEMBER MCMAHON: Here.

FEMALE VOICE: Would you like [off
mic]

COUNCIL CLERK: Mealy.

COUNCIL MEMBER MEALY: Here.

COUNCIL CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Here.

COUNCIL CLERK: Monserrate.

COUNCIL MEMBER MONSERRATE: Here.

COUNCIL CLERK: Nelson.

COUNCIL MEMBER NELSON: Here.

COUNCIL CLERK: Palma.

COUNCIL MEMBER PALMA: Here.

1

COUNCIL CLERK: Recchia.

2

COUNCIL MEMBER RECCHIA: Here.

3

COUNCIL CLERK: Reyna.

4

COUNCIL MEMBER REYNA: Here.

5

COUNCIL CLERK: Sanders.

6

[No response]

7

[Pause]

8

COUNCIL CLERK: Seabrook.

9

COUNCIL MEMBER SEABROOK: Here.

10

COUNCIL CLERK: Sears.

11

COUNCIL MEMBER SEARS: Here.

12

COUNCIL CLERK: Stewart.

13

COUNCIL MEMBER STEWART: Present.

14

COUNCIL CLERK: Vacca.

15

COUNCIL MEMBER VACCA: Here.

16

COUNCIL CLERK: Vallone.

17

COUNCIL MEMBER VALLONE: Here.

18

Here.

19

[Pause]

20

COUNCIL CLERK: Vann.

21

[Off mic]

22

COUNCIL MEMBER VANN: Here.

23

COUNCIL CLERK: Weprin.

24

COUNCIL MEMBER WEPRIN: Here.

25

1

COUNCIL CLERK: White.

2

COUNCIL MEMBER WHITE: Here.

3

COUNCIL CLERK: Yassky.

4

COUNCIL MEMBER YASSKY: Here.

5

COUNCIL CLERK: Oddo.

6

COUNCIL MEMBER ODDO: Here.

7

COUNCIL CLERK: Rivera.

8

COUNCIL MEMBER RIVERA: Here.

9

COUNCIL CLERK: Speaker Quinn.

10

SPEAKER QUINN: Here.

11

PUBLIC ADVOCATE GOTBAUM: We have a

12

quorum. Invocation to be delivered by Larry--

13

Council Member Larry Seabrook. All rise.

14

MALE VOICE 2: Madame Chair, he's

15

with the opposition, this is a conflict of

16

interest, he's going to get God against us and we

17

won't stand a chance.

18

PUBLIC ADVOCATE GOTBAUM: Council

19

Member, our pastor, Larry Seabrook.

20

COUNCIL MEMBER SEABROOK: I've

21

worked it out already. God of our weary years,

22

God of our silent tears, for we come here today to

23

do the people's business. It is important that we

24

understand that what is done today will do unto

25

1
2 all, justice and equality. For it is here today
3 that we are asking for guidance and we are asking
4 for patience and certainly a level of tolerance
5 and respect for whatever takes place here today.
6 These and many other blessings we ask in Thy name.
7 Amen.

8 PUBLIC ADVOCATE GOTBAUM: Amen.

9 Motion to spread the Invocation. Council Member
10 Katz.

11 COUNCIL MEMBER KATZ: Motion to
12 spread the invocation in full upon the record?

13 PUBLIC ADVOCATE GOTBAUM: So
14 ordered. Adoption of the minutes.

15 MALE VOICE 3: Madame Public
16 Advocate, I move that the minutes of the Stated
17 Meeting--

18 PUBLIC ADVOCATE GOTBAUM: Quiet,
19 please.

20 SERGEANT AT ARMS: Keep it down.

21 MALE VOICE 3: --of August 14th,
22 2008, be adopted as printed.

23 PUBLIC ADVOCATE GOTBAUM: So
24 ordered. Messages and papers from the Mayor.

25 COUNCIL CLERK: None.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC ADVOCATE GOTBAUM:

Communication from city, county, and borough
offices?

COUNCIL CLERK: Preconsidered M

1203.

SPEAKER QUINN: Rules, privileges,

and elections.

PUBLIC ADVOCATE GOTBAUM: Petitions

in Communications?

COUNCIL CLERK: None.

PUBLIC ADVOCATE GOTBAUM: Land Use

Call-Ups.

COUNCIL CLERK: M 1204 through

1208.

SPEAKER QUINN: If those could all

be coupled on a Land Use Call-Up vote and, Madame

Public Advocate, if we please could have a roll

call on the land use call-up.

PUBLIC ADVOCATE GOTBAUM: So

ordered.

COUNCIL CLERK: Addabbo.

COUNCIL MEMBER ADDABBO: Aye.

COUNCIL CLERK: Arroyo.

COUNCIL MEMBER ARROYO: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

COUNCIL CLERK: Avella.
COUNCIL MEMBER AVELLA: Aye.
COUNCIL CLERK: Baez.
COUNCIL MEMBER BAEZ: Aye.
COUNCIL CLERK: Barron.
COUNCIL MEMBER BARRON: Aye.
COUNCIL CLERK: Brewer.
COUNCIL MEMBER BREWER: Aye.
COUNCIL CLERK: Como.
COUNCIL MEMBER COMO: Aye.
COUNCIL CLERK: Comrie.
COUNCIL MEMBER COMRIE: Aye.
[Pause]
COUNCIL CLERK: De Blasio.
COUNCIL MEMBER DE BLASIO: Aye.
COUNCIL CLERK: Dickens.
COUNCIL MEMBER DICKENS: Aye.
COUNCIL CLERK: Dilan.
COUNCIL MEMBER DILAN: Aye.
COUNCIL CLERK: Eugene.
COUNCIL MEMBER EUGENE: Aye.
COUNCIL CLERK: Felder.
COUNCIL MEMBER FELDER: Yes.
COUNCIL CLERK: Fidler.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

12

COUNCIL MEMBER FIDLER: [Off mic]

COUNCIL CLERK: Foster.

MALE VOICE: My microphone working

now.

COUNCIL MEMBER FOSTER: Yes.

COUNCIL CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNCIL CLERK: Gennaro.

COUNCIL MEMBER GENNARO: Yes.

COUNCIL CLERK: Gentile.

COUNCIL MEMBER GENTILE: Yes.

COUNCIL CLERK: Gerson.

COUNCIL MEMBER GERSON: Yes.

COUNCIL CLERK: Gioia.

[No response]

[Pause]

COUNCIL CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: Yes.

COUNCIL CLERK: Ignizio.

COUNCIL MEMBER IGNIZIO: Here, yes.

COUNCIL CLERK: Jackson.

COUNCIL MEMBER JACKSON: Aye on

all.

COUNCIL CLERK: James.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

13

COUNCIL MEMBER JAMES: Yes.

COUNCIL CLERK: Katz.

COUNCIL MEMBER KATZ: Aye.

COUNCIL CLERK: Koppell.

COUNCIL MEMBER KOPPELL: Yes.

COUNCIL CLERK: Lappin.

COUNCIL MEMBER LAPPIN: Aye.

[Pause]

COUNCIL CLERK: Liu.

COUNCIL MEMBER LIU: Yes.

COUNCIL CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: Yes.

COUNCIL CLERK: Martinez.

COUNCIL MEMBER MARTINEZ: Aye on

all.

COUNCIL CLERK: McMahon.

COUNCIL MEMBER MCMAHON: Aye.

COUNCIL CLERK: Mealy.

COUNCIL MEMBER MEALY: Aye.

COUNCIL CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Aye.

COUNCIL CLERK: Monserrate.

[No response]

COUNCIL CLERK: Nelson.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

all.

COUNCIL MEMBER NELSON: Aye.
COUNCIL CLERK: Palma.
COUNCIL MEMBER PALMA: Aye.
COUNCIL CLERK: Recchia.
COUNCIL MEMBER RECCHIA: Aye.
COUNCIL CLERK: Reyna.
COUNCIL MEMBER REYNA: Aye on all.
COUNCIL CLERK: Sanders.
COUNCIL MEMBER SANDERS: Aye on
COUNCIL CLERK: Seabrook.
COUNCIL MEMBER SEABROOK: Aye.
COUNCIL CLERK: Sears.
COUNCIL MEMBER SEARS: Aye.
COUNCIL CLERK: Stewart.
COUNCIL MEMBER STEWART: Aye.
COUNCIL CLERK: Vacca.
COUNCIL MEMBER VACCA: Aye.
COUNCIL CLERK: Vallone.
COUNCIL MEMBER VALLONE: Aye.
COUNCIL CLERK: Vann.
COUNCIL MEMBER VANN: Aye.
COUNCIL CLERK: Weprin.
COUNCIL MEMBER WEPRIN: Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL CLERK: White.

COUNCIL MEMBER WHITE: Aye.

COUNCIL CLERK: Yassky.

COUNCIL MEMBER YASSKY: Aye.

COUNCIL CLERK: Oddo.

COUNCIL MEMBER ODDO: No. No, I'm
just kidding, I'm just practicing for later.

FEMALE VOICE: Or not.

COUNCIL CLERK: Rivera.

COUNCIL MEMBER RIVERA: Well since
we're practicing, yes.

COUNCIL CLERK: Speaker Quinn.

SPEAKER QUINN: Needing no
practice, yes.

[Pause]

PUBLIC ADVOCATE GOTBAUM: Excuse
me. Today's Land Use Call-Ups were adopted by a
vote of 50 in the affirmative and 0 negative.
Communication from the Speaker?

[Pause]

SPEAKER QUINN: Thank you, Madame
Public Advocate. My colleagues, I come to this--
to the floor on this day with very mixed emotions
because this is a difficult vote, but this is a

1
2 difficult vote in very difficult times. Our city,
3 already in recession, is headed for a long and
4 deep downturn. A hundred and sixty five thousand
5 jobs may be lost, people on the cusp of poverty
6 may be pushed over the edge. We all know we will
7 need to make tough budget choices so that we can
8 balance the budget while keeping crime down and
9 keeping our children's grades up. We will need to
10 do more with less to keep our city moving in the
11 right direction. Make no mistake, I believe that
12 our great city will get through these challenges
13 and emerge stronger than ever before. I also
14 believe that in challenging times like these, the
15 voters should have the choice: The choice to
16 continue their current leadership. They should
17 have the right to vote for the current Mayor or a
18 new one, for their current City Council Member or
19 a new one. That is exactly what is at stake
20 today. I am against term limits, I have always
21 been, but this bill is not about keeping or doing
22 away with term limits, it's about whether two
23 terms or three terms are better. On that matter,
24 especially in these tough times, I have no doubt
25 that allowing the voters the right to reelect the

1
2 people in this room is the right choice. Now
3 opponents of this bill may mischaracterize it as
4 some sort of backroom deal, that is, quite
5 frankly, ludicrous.

6 [Off mic]

7 SERGEANT AT ARMS: Quiet, please.

8 SPEAKER QUINN: We've had--

9 PUBLIC ADVOCATE GOTBAUM: Quiet,
10 please.

11 SPEAKER QUINN: --two well-attended
12 public hearings, 20 hours of public hearings, and
13 a vigorous debate. Support for this bill is broad
14 and deep. We've heard from New Yorkers from
15 Elmhurst to Kingsbridge; from Midwood to Cypress
16 Hills. [Pause] We don't often see the members of
17 32 BJ standing alongside the New York City
18 Partnership, but we do as it relates to this bill.
19 Because workers and businesses alike have said
20 that they want a choice--the choice that a vote on
21 a third-term would allow. We see the New York
22 Times, the New York Post, the Daily News, and the
23 Stanton Island Advance, they don't agree on many
24 things, but they all agree on offering the option
25 of a third-term. Ed Koch and Mario Cuomo? They

1
2 barely agreed on anything for 30 years, but they
3 both came to this very chamber to eloquently and
4 strongly support this bill. From Floyd Flake to
5 Felix Roatan, the brightest minds with the deepest
6 understanding of the impact this crisis could have
7 in our neighborhoods have come forward and support
8 extending term limits from two terms to three.

9 Opponents of this bill will also claim that we're
10 eliminating the voice of the people by changing
11 term limits through legislation. To them, I say
12 that in less than one year, voters will have the
13 right to reelect us or defeat us in the voting
14 booths. Voters will consider a lot of important
15 issues in casting that vote. They'll consider
16 what did we-- what did we do to get our economy
17 moving again; how did we help working New Yorkers
18 in these difficult times; did we do everything we
19 could to keep crime low and our city streets safe;
20 did we do everything we could to deliver for and
21 support children and seniors? And yes, they will
22 consider did we vote to extend term limits from
23 two terms to three terms. At the end of the day,
24 I believe New Yorkers deserve the right to vote
25 for elected officials--elected officials who have

1
2 the experience dealing with the important issues
3 facing our communities. The issues of schools,
4 public safety, health care, housing, jobs, and how
5 to budget--balance a difficult budget. The debate
6 today is an important one, but ultimately it is a
7 debate about process. And on process, I have come
8 to believe that extending term limits is
9 increasing voter choice, not reducing it. Let me
10 repeat that, by passing this bill, we are
11 increasing voter choice. Opponents of this bill
12 say that by doing this, we are saying that we and
13 the mayor are indispensable. Nothing could be
14 further from the truth. None of us are arrogant
15 enough to believe we are indispensable, but we are
16 confident enough, we are confident enough and
17 secure enough in our ability to help the city we
18 love that we are willing to stand before the
19 voters on election day and ask them to reelect us.
20 Finally, opponents say that this is a deal between
21 billionaires with no one else having a say. Well,
22 look around this chamber, Lew Fidler, Leroy
23 Comrie, Joel Rivera, Chris Quinn--we're a lot of
24 things, but we ain't billionaires. We're the
25 representatives of New York's working families and

1
2 we're trying to do what's best for this city each
3 and every day. Today, we have our say on this
4 matter. I'm proud to say that I am voting for
5 Intro 845-A and against any amendments to weaken
6 845-A and I urge all of you to do the same. In
7 conclusion, allow me to make one final personal
8 note. This has been an excellent and vigorous
9 debate and there are good people, very good people
10 with the best of intentions on both sides of this
11 issue. I have no doubt that after this vote, we
12 will again come together once again as a
13 legislative body to fight and deliver for the
14 people of this great city. Whether we will have
15 one year left or five years, there is a lot more
16 we need to do for our city and I have no doubt
17 that every one of us in this chamber will rise to
18 that occasion and whether it's one year or five
19 years we will achieve great things for our city
20 and its residents. Madame Public Advocate, I
21 understand that there are a few amendments that
22 are going to be proposed to Intro 845-A, I would
23 now like to yield the floor to Council Member
24 David Yassky who has an amendment he would like
25 the body to consider on Intro 845-A.

1
2 PUBLIC ADVOCATE GOTBAUM: Council
3 Member Yassky?

4 COUNCIL MEMBER YASSKY: Madame
5 Public Advocate, I rise on behalf of myself and
6 Council Members Brewer and Gerson to offer an
7 amendment to Intro 845-A. I know that copies of
8 the amendment are at the desk and I ask that they
9 be distributed.

10 [Pause]

11 PUBLIC ADVOCATE GOTBAUM: Should I
12 ask the clerk to read the amendment now? Clerk,
13 would you please read the amendment?

14 COUNCIL MEMBER YASSKY: With
15 unanimous consent, Madame Public Advocate, I would
16 ask that we waive reading of the amendment.

17 [Pause]

18 PUBLIC ADVOCATE GOTBAUM: So
19 ordered.

20 COUNCIL MEMBER YASSKY: Okay. Is
21 it being distributed? Yes. Okay, all I've done,
22 colleagues, is waive that it be read line, you
23 know, word for word by the clerk, instead, I'd
24 just like to explain it, if I may. This
25 amendment, very simply, says that the term limit

1

2 change will not take effect unless and until a
3 public referendum approves the change and the
4 amendment goes on to establish a Charter Revision
5 Commission to put the question on the ballot. Now
6 we cannot legislate an exact time frame for
7 referendum, but the amendment is set up to make
8 sure that the vote would be in early 2009 most
9 likely in February, leaving plenty of time before
10 the fall elections. And I would like to explain
11 to you, my colleagues--[pause] thank you--why I
12 feel that this is so important that I take the
13 unusual step of offering an amendment to this bill
14 on the floor. I think most of us, and perhaps all
15 of us, believe that the term limits law should be
16 changed, I certainly do. The question before us,
17 and the question presented by this amendment, is
18 do we change the term limits law simply by vote of
19 this Council or do we put it before the voters?
20 For those of you who have come out against the
21 Mayor's bill, I submit to you that this is an easy
22 call: if you're against the Mayor's bill because
23 you want to change term limits, but don't want the
24 Council to go against the voters, that is the
25 argument I've heard from many, well this fixes the

1
2 problem. And if your position is that you want to
3 keep term limits period, then I still would think
4 that you'd prefer to put that question to the
5 voters rather than have the Council decide it
6 ourselves. [Pause] Now for those of you who have
7 come out in favor of the Mayor's bill, those of
8 you who strongly believe that changing term limits
9 is good for this city, and, again, I share that
10 conviction, then maybe this amendment is a harder
11 call, but I submit to you it is still the right
12 call. You know the arguments, voters have
13 approved term limits twice, including once where
14 they specifically chose to keep the two-term limit
15 rather than go to three terms. For us to reject
16 those votes and those voters will, without
17 question, make New Yorkers more cynical about
18 government and politics and this is no abstract
19 principle. When you think about all of the
20 extremely hard things that we and Mayor Bloomberg
21 will need to do over the next year, we will need
22 every ounce of public support and legitimacy. We
23 cannot afford to squander any of it as I fear we
24 may today. I've heard the argument that we don't
25 want to have government by referendum like

1
2 California, I agree, we in the city, are a
3 representative government, we have been elected to
4 exercise our judgment. But on this issue where
5 the voters have spoken explicitly and where
6 elected officials have a direct stake in the
7 issue, unlike anyone else's, if there's ever a
8 case for putting the policy judgment of the public
9 over our own, this is it. [Pause] I've heard the
10 argument that the term limits referendums did not
11 really show the true will of the people because of
12 low turnout and Ron Lauder's money, but just about
13 the same number of people voted in the term limits
14 referendums as vote in City Council elections. I
15 wish more people voted, but those votes are
16 certainly legitimate. [Pause] Just look at the
17 fact that 89% of New Yorkers say that a referendum
18 is the right way to do this. Now, of course, we
19 were not elected to follow the polls, but in a
20 world where 60/40 is a big margin of opinion and a
21 city where 89% of contentious New Yorkers do not
22 agree on anything, the fact that they agree on
23 this, that should tell you that a referendum is a
24 right way to go. And finally, I have heard, I
25 have heard the objection that a referendum just

1
2 isn't practical, but it is. We can set up a
3 Charter Commission with this vote, it can
4 organize, do its work and report out its
5 recommendation for ballot question by mid-
6 December, and the referendum can go to the voters
7 in February. The Justice Department can begin its
8 Voting Rights Act review as soon as the commission
9 reports, a Voting Rights Act review that of course
10 it will have to do whether it's by referendum or
11 whether by Council--by Council vote. They can
12 begin that as soon as the Commission reports and
13 can have its approval in place even at--by the
14 time of the referendum or soon after. Now the
15 only serious objection that I have heard to a
16 referendum is that it might lose. I do not
17 believe that it would lose. I wish to be clear
18 and I wish--I ask all of you to think hard about
19 it. I believe that with an extraordinarily
20 popular Mayor now supporting a change in term
21 limits and with the three largest newspapers
22 supporting it, with all of the civic leaders and
23 interest groups who testified in support of
24 changing term limits, with all of us working hard
25 for the policy change that we believe in, I am

1
2 convinced that a referendum would pass. But I say
3 to you that if you truly believe that with all of
4 that support, the voters might still choose to
5 keep a two-term limit, well that is the best
6 argument I can think of for why it needs to go to
7 referendum. I urge you to support this amendment.

8 PUBLIC ADVOCATE GOTBAUM: I will
9 now call on all those wishing to participate in
10 debating this motion to amend. I remind each of
11 you that you have two minutes. Council Member de
12 Blasio.

13 COUNCIL MEMBER DE BLASIO: Thank
14 you. Thank you, Madame [pause]. Thank you,
15 Madame Public Advocate. I want to thank Council
16 Member Yassky, Council Member Brewer, and Council
17 Member Gerson for having put forward an incredibly
18 important amendment that gives us the clearest and
19 simplest choice. It gives us the opportunity to
20 let the people decide this issue. I think we all
21 know that is a rare moment in government that we
22 address an issue on which the people have spoken,
23 not once but twice through referendum, very few
24 issues have that kind of clear popular support so
25 clearly documented and that frames this discussion

1
2 for all of us. What Council Members Brewer and
3 Gerson and Yassky have done is help us see the
4 simple straightforward path--let the people
5 decide, let there be a referendum. It will be
6 timely, it can be done exactly in the manner
7 necessary to keep the election schedule happening
8 as needed. The best testimony, I heard on this
9 question during Thursday's hearing was from
10 Richard Emery, the man, the lawyer who brought the
11 case to the United States Supreme Court that led
12 to the abolishment of the Board of Estimate and
13 the creation of our current Charter and he was the
14 first to say that a referendum is a viable and by
15 far preferential option for us to resolve this
16 question. I urge you all to vote yes on this
17 amendment. By voting yes, we are saying to the
18 people we respect their will. Our communities
19 have spoken to all of us. By voting yes on the
20 amendment, we are saying to the people of New York
21 City that we understand what they require of us as
22 public servants and we will respect their will and
23 follow it. This is an opportunity to resolve this
24 issue with the people, not away from the people.
25 Let's vote yes and bring this issue to the people,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

let the people decide.

[Pause]

PUBLIC ADVOCATE GOTBAUM: ...Member
Barron.

COUNCIL MEMBER BARRON: Okay.
Thank you very much, Madame Chair. I would just
like to say to my colleagues, contrary to what the
Speaker said about choice, that if we vote this,
we'll be giving the people a choice. The people
already made their choice in 1993 and in 1996--

PUBLIC ADVOCATE GOTBAUM: Quiet,
please.

COUNCIL MEMBER BARRON: --so in
fact if we're talking about a direct democracy
where the people rule and a representative
democracy where those who represent the people
come to vote, if you do this you're undermining
the very people that vote you in to represent them
'cause their voices were already heard, let the
people decide. What are we afraid of? And we're
talking about Mayor Bloomberg said it's not about
him--we wouldn't be here talking about this if it
wasn't for him bringing it up. The bottom line,
Mayor Bloomberg has not been the best person to

1
2 run this city 'cause under Mayor Bloomberg that--
3 under his watch, we got in this economic mess,
4 it's under his watch where he came in worth \$5
5 billion, now he's worth \$20 billion, then he comes
6 to the Council and talks about cutting the budget.
7 We should support this amendment. In Venezuela,
8 Hugo Chavez wanted to end term limits. Hugo
9 Chavez said I'll bring it to the people. The
10 people said, in Venezuela this is a democracy, Mr.
11 President, we will decide. The people said no to
12 the president and President Chavez said fine, I
13 will honor you, and there will be term limits.
14 Mayor Bloomberg, be like Hugo and let the people
15 decide.

16 [Pause]

17 PUBLIC ADVOCATE GOTBAUM: Council
18 Member Weprin.

19 SERGEANT-AT-ARMS: [Off mic]
20 please. Thank you.

21 COUNCIL MEMBER WEPRIN: Yeah, I
22 rise also in support of the amendment. You may be
23 aware that I've introduced a bill which would
24 require a referendum prior to any change in term
25 limits and I know there--another bill prime

1
2 sponsored by Council Member James and de Blasio
3 that would actually start the process for a
4 Charter Revision Commission to actually have the
5 referendum go forward.

6 MALE VOICE 4: Yes, but that's
7 going to be--

8 COUNCIL MEMBER WEPRIN: But for a
9 number of the reasons that were stated, you know,
10 this is not about whether you're for term limits
11 are against term limits--I personally am against
12 term limits, but the problem with the Mayor's bill
13 as it's currently drafted is it really doesn't
14 really allow going back to the people. This is a
15 unique situation, even though I don't generally
16 believe in voting for referendums and legislating
17 by referendums, this is a unique situation where
18 this only came about due to two public referendums
19 in 1993 and actually, in 1996, the very question
20 before us was put to the voters, which is 8 years
21 versus 12 years and the voters decided on 8 years.
22 Whether you feel that process was fair or not back
23 then, a lot of time has elapsed we've actually had
24 the experiment, we know the results and we know
25 the pros and cons of term limits. Again, I

1
2 personally am against term limits, but I'm against
3 a process that doesn't go back to the voters. So
4 I urge my colleagues to support the amendment.

5 PUBLIC ADVOCATE GOTBAUM: Council
6 Member Gerson.

7 [Pause]

8 COUNCIL MEMBER GERSON: Look, this
9 issue is not about Mayor Bloomberg or any other
10 individual elected official, this is about
11 democratic principle and process and the best
12 process would have been to have put a referendum
13 on the ballot this November as I and many of you
14 my colleagues, have long advocated. But now that
15 is impossible and we are left with selecting among
16 alternatives which each have significant flaws,
17 which makes this truly by any honest accounting a
18 difficult, wrenching decision, but a few things
19 are undeniable. It is undeniable that the
20 overwhelming majority of New Yorkers want us to
21 return this question to them, to the people of New
22 York. It has become clear to me that it is also
23 undeniable that democratic principle under any
24 interpretation demands that when an issue is once
25 or twice or any number of times resolved by a

1
2 referendum, it should be changed only by a
3 referendum when a referendum remains feasible and
4 possible. Now many of you have raised questions
5 over the timetable and the logistics of the
6 referendum this amendment proposed. The timetable
7 outlined by Council Member Yassky is the most
8 likely scenario, but we have heard testimony on
9 both sides and that is why we have made it clear
10 in this amendment that if the timetable lags or
11 cannot be met, this Council reserves its
12 legislative prerogative to revisit the issue and
13 act accordingly. Therefore, it is undeniable to
14 me, and I urge it should be to all of us, that the
15 basic democratic principle demands that this be
16 returned to the people. It would be nothing less
17 than electrifying to send this back to the people
18 with openness and transparency and democracy.
19 Thank you.

20 PUBLIC ADVOCATE GOTBAUM: Thank
21 you, Council Member. Council Member Fidler.

22 COUNCIL MEMBER FIDLER: Thank you
23 and, you know, with all due respect, you know, I
24 think I share the distaste that people have
25 expressed for the manner in which this issue has

1
2 come before us and I have expressed that on
3 numerous occasions, and unfortunately, I don't own
4 a time machine and I can't undo that and I wish I
5 did. But if process is important, then I submit
6 to you that this amendment sets up a process that
7 is perhaps a cure that's worse than the disease.
8 I respectfully differ with Council Members Yassky
9 and Gerson as to whether this is a viable
10 timetable. There is no way that this process will
11 be completed before petitions go out in June when
12 you consider the 90-day period for the Voting
13 Rights Act decision by the, by the Justice
14 Department, a new Justice Department and then
15 litigation in the federal courts and this city
16 went through that in the early 1990s, with
17 disastrous results. I have the highest regard for
18 Richard Emery, Council Member de Blasio, but when
19 he testified that there'd be no problem in getting
20 this done two months before petitions went out,
21 when I asked him about the 60-day statutory period
22 before the vote could be placed after
23 certification by the Charter Revision Commission,
24 he admitted he didn't know. Those 60 days matter
25 in this process and I submit that if I had an

1
2 opportunity to continue that questioning with Mr.
3 Emery, he would have had to say he didn't really
4 know whether or not it could be done properly by
5 June 1st. I urge you to vote no on this amendment,
6 it just is--it is elevating a process that would
7 be even worse than anything that anyone on this
8 body is contemplating today.

9 PUBLIC ADVOCATE GOTBAUM: Council
10 Member James.

11 COUNCIL MEMBER JAMES: To amend
12 term limits by legislation without the consent of
13 the people raises serious questions of legality.
14 Much has been said in this chamber about being a
15 representative democracy. The fact is, is that
16 the New York State Constitution guarantees a
17 representative government, but prescribes
18 limitations on this body. This is the concept of
19 limited government and the powers of the New York
20 City Council are limited by the state and our
21 Constitution. The legal question is can Local Law
22 created through a referendum be changed through
23 legislative fiat and I say no, there is only one
24 case on point and the case is Golden versus New
25 York City and that case was basically allowed to

1
2 correct a minor ambiguity in the law. The Golden
3 court basically stated that the City Council was
4 simply correcting an ambiguity in term limits.
5 The court essentially stated that the City Council
6 did not overturn or override or ignore or subvert
7 the electorate, but simply clarified a unique
8 situation. I therefore argue that the direct
9 consent of the people by a referendum is necessary
10 and legally required to alter or extend term
11 limits. I say let us pass this referendum and let
12 the people decide.

13 PUBLIC ADVOCATE GOTBAUM: Council
14 Member Gentile.

15 COUNCIL MEMBER GENTILE: The public
16 is not an obstacle for the Mayor or this Council
17 to sidestep, but that's exactly what they will be
18 treated as if 845-A is passed in its original
19 form. To put it succinctly, that's the issue.
20 What are we afraid of? The people who voted for
21 me, for my colleagues, and for the Mayor, the
22 people whose interests we were elected to
23 represent cannot be pushed aside. Their votes in
24 1993 and 1996 cannot be pushed aside. The
25 overwhelming public response in the last month

1
2 cannot be pushed aside. If we pass 845-A in its
3 present form, we ignore the voices of the very
4 people who at one time raised their voices to put
5 us in these seats. This amendment and the process
6 of this amendment would change the tone of this
7 whole debate. It would change the process and
8 from the very beginning the process has been the
9 problem. The amendment will let the public know
10 that their voices are still being heard as clearly
11 as ever. Pass this amendment and recognize that
12 regard to this issue, the public is a third and
13 equal decision-making body in this city. Let the
14 people decide. I support this amendment.

15 MALE VOICE 5: Excellent,
16 excellent.

17 PUBLIC ADVOCATE GOTBAUM: Council
18 Member Jackson.

19 MALE VOICE 5: That was good.
20 Good.

21 [Pause]

22 COUNCIL MEMBER JACKSON: ...Advocate.
23 Good afternoon, my colleagues. I rise in
24 opposition to the amendment and let me tell you
25 why. I represent northern Manhattan on the City

1
2 Council and from day one, I have never, ever been
3 in favor of term limits. And in fact, my
4 predecessor, the former City Council Member
5 Stanley Michael, God rest his soul, even at the
6 time when he left the City Council, he said he
7 would not run again, but he was still adamant
8 about not passing this term limit law and to get
9 rid of it. And even during the campaign process,
10 I said I was not in favor of it in response to
11 questionnaires by citizens, unions, and others.
12 And I looked at the stats from the borough of
13 Manhattan in 1993, the people of Manhattan said no
14 to term limits. In 1996, when the issue of moving
15 from two terms to three terms, the people of
16 Manhattan said yes. I say to all of you, if you
17 look at the Government Operations Committee this
18 morning, the committee in which it was assigned
19 to, they voted seven to zero to move forward on
20 Bill 845-A. I do believe that we as
21 representatives of the people are doing our job
22 here today and let's not play games--that's what
23 we were elected to do. Stand up and be counted,
24 do not be afraid, vote whatever way you want, but
25 just stand up and don't be afraid. Let's have a

1
2 backbone and I urge my colleagues to vote no on
3 the amendment to 845-A.

4 PUBLIC ADVOCATE GOTBAUM: Council
5 Member Como.

6 [Pause]

7 COUNCIL MEMBER COMO: Good
8 afternoon. You know, I may be the new guy in this
9 body, but I'm very worried about what I'm seeing
10 today and I'm saying that because there's no
11 reason to change the law by amendment or
12 otherwise. Where I came from, if the people have
13 spoken not once, but twice, it's listened to and
14 to think that all we have to do right now is to
15 vote no on 845-A and the problem is solved. I am
16 a former Commissioner of the Board of Elections.
17 There is no way we're going to be able to pass
18 that amendment by the time that's been allotted.
19 The cost alone, we stand here and say we're doing
20 it for the fiscal benefit of this city and the
21 cost alone, minimal, will be \$15 million to put
22 this onto a vote to the people, which we know what
23 the answer is going to be. Are we kidding
24 ourselves? This is not a joke, ladies and
25 gentlemen. We are here, very simple, to vote no.

1
2 The reason we have low voter turnouts at these
3 special elections is because of what's happening
4 today. So I urge my colleagues to very simply put
5 an end to this problem. Vote no on the amendment,
6 save 15--at least \$15 million so like that, we
7 don't have to possibly worry about closing centers
8 and closing schools and cutting funding and vote
9 no to 845-A and the problem is solved.

10 [Pause]

11 PUBLIC ADVOCATE GOTBAUM: Council
12 Member Mendez.

13 COUNCIL MEMBER MENDEZ: Thank you,
14 Madame Public Advocate. A voter referendum,
15 approximately \$15 million; a legislative vote,
16 several hours at a New York City Council hearing;
17 democracy, priceless.

18 MALE VOICE 6: Whoo, all right [off
19 mic]

20 COUNCIL MEMBER MENDEZ: You cannot
21 put a price on democracy. We today should vote
22 for this amendment. It doesn't matter if it costs
23 us 5 million, 15 million, or \$15 billion, the
24 people have a right to vote. I am opposed to term
25 limits, but I believe strongly that this should go

1
2 back to the people. Mr. Mayor, many people have
3 written to me, have called me, and many of them
4 like you, want to vote for you again, but they
5 also want to vote to extend this in a voter
6 referendum or not. They want to be able to walk
7 into the booth and do that. I think democracy is
8 not easy. Sometimes it's not choosing the best
9 solution, but choosing the better solution. It is
10 better that everyone in this city get the
11 opportunity to go to the booth and vote. I urge
12 all my colleagues to vote for this amendment.
13 Thank you.

14 [Pause]

15 PUBLIC ADVOCATE GOTBAUM: Council
16 Member Palma.

17 COUNCIL MEMBER PALMA: Thank you,
18 Madame Public Advocate. My colleagues, today I
19 speak to you because I'm urging you to vote for
20 this amendment, I think this is the right thing to
21 do. I've asked that we go back and we educate our
22 communities, that we do a public debate on this
23 issue. And the issue here today is not whether we
24 for term limits or against term limits. I
25 believe, through the arguments that I heard on

1
2 Thursday and Friday, that most of us, and most New
3 Yorkers, believe that three terms is good
4 government. We don't have an issue with it being
5 three terms, I think the issue here, and we lost
6 focus of it, is that we, we are not following due
7 process. We had an opportunity to take this back
8 to the people to make sure that we don't undo
9 their--we don't undo what they did in 1993 and in
10 1996 and we missed that opportunity. I believe
11 that if good government is three terms, then we
12 shouldn't be passing this bill that's only going
13 to allow one class to serve for three terms and
14 not anyone else. That is not good government.
15 Good government means that for, for the rest of,
16 of our existence we should be allowing people to
17 serve three terms and folks should be voting for
18 that. So I urge you today to please vote on this
19 amendment and give the people the right to decide
20 whether they want to keep us in office or not.

21 [Pause]

22 PUBLIC ADVOCATE GOTBAUM: Council
23 Member Ignizio.

24 COUNCIL MEMBER IGNIZIO: Thank you
25 very much, Madame Public Advocate. I rise to

1
2 state my support as well for this amendment and I
3 do so in the context of that which is above us--
4 the statements of Abraham Lincoln, a government of
5 the people, by the people, for the people.

6 There's a reason why that's embossed in this body.

7 The people out in the city of New York want to
8 have their say and in the 91% that we read in the
9 polls, they demand to have their say and as the
10 elected representatives, we should want them to
11 have their say, we should want our colleagues--our
12 constituents to say what you did there today, we
13 agree with, because it achieves and it takes back
14 the moral high ground for which right now is on
15 the block. I do not question the motives of my
16 friend, the Mayor, this Speaker, those in favor
17 and those opposed. These are good people on both
18 sides of an issue who care deeply about this city,
19 but my feeling on this bill is bring the people
20 in, open up the doors to government and truly be
21 the reformers that this body is and say we want
22 you to be a part of it. Here is why we believe
23 there ought be 12 years and I don't fear you. I
24 want to go before you, each one of my

25 constituents, and explain why I believe that and

1
2 then I want you to say, you know what, Councilman,
3 you know what, Council, you know what, Mr. Mayor,
4 you're right, we're with you, we know these are
5 trying times. And God's sake they know it's
6 trying times, because they're the ones having
7 trouble paying their mortgage, they're the one
8 with the taxman knocking on the door. They know
9 how hard it is out there. The onus is on us to go
10 to you, the people of the city of New York, and to
11 say, join us, ratify what we're saying, support us
12 because we're not doing it out of the self-
13 interest that I don't believe my colleagues are,
14 but we're doing it out of the best interest of the
15 city. And if you can make that compelling case to
16 your constituents, they will reward you, do not
17 reward yourselves. Thank you very much.

18 PUBLIC ADVOCATE GOTBAUM: Council
19 Member Liu.

20 COUNCIL MEMBER LIU: Thank you very
21 much, Madame Public Advocate. I, I rise to speak
22 in favor of this referendum amendment. I think
23 it's important that we all realize and remember
24 that referendums are safety valve on the normal
25 legislative process and, therefore, should not be

1 subverted by the normal legislative process
2 itself. If we think about term limits, I think we
3 would all agree that elected officials would never
4 have enacted term limits onto themselves--that's
5 why it came from the people through referendum
6 twice. Term limits were not enacted in New York
7 City as a result of a rich man's ad campaign as it
8 has often been characterized. [Pause] Term
9 limits were born out of a deep cynicism for
10 politics, for government, and for elected
11 officials, not only here in New York City, but all
12 across America. In the early 1990s, there was a
13 huge movement to enact term limits everywhere, not
14 just here in New York, and that's how term limits
15 came into place. [Pause] If we're going to
16 change this--and I believe it should be changed--
17 either extend it to three terms or even abolished
18 altogether. We need to put it back to the people,
19 otherwise that very same cynicism that brought
20 term limits into place here in New York City will
21 be rehashed over again. For nearly 7 years I have
22 served proudly in this body and I've sought and I
23 fought to represent those New Yorkers who
24 typically and traditionally have not been part of
25

1
2 the process all that much. And I have encouraged,
3 I have cajoled, maybe coerced sometimes, people to
4 get involved in the process through voting,
5 lobbying, perhaps running for office ,to believe
6 in the system. And if we do this without going
7 back to the people, we will send a message back to
8 all those same people that I've been cajoling to
9 get involved that, you know what, if they are
10 involved, if they speak their voice, that that
11 voice could be thrown out the window anyway and
12 that is not a message I can accept.

13 PUBLIC ADVOCATE GOTBAUM: Time,
14 please, Council Member.

15 COUNCIL MEMBER LIU: And I will
16 continue this in the next round. Thank you.

17 PUBLIC ADVOCATE GOTBAUM: Council
18 Member Avella. Please limit your comments to two
19 minutes.

20 COUNCIL MEMBER AVELLA: Thank you,
21 Madame Public Advocate. You know, listening to
22 the comments of my colleagues, I have to wonder
23 and, you know, it seemed to remind everybody that
24 we're all sitting in this chamber because of term
25 limits. This body's here because of term limits

1
2 went into effect and to turn our back on the term
3 limits issue, I really think is disgraceful. I
4 agree with Council Member Felder--I'm sorry,
5 Fidler, thank you.

6 MALE VOICE: [Off mic]

7 COUNCIL MEMBER AVELLA: Council
8 Member Fidler--well he agrees with you, so..
9 Council Member Fidler about the fact that the
10 timeline for this referendum makes it very tough,
11 but in the final analysis, the people voted twice
12 for term limits. Their message could not have
13 been clearer and for this body to overturn that
14 without going back to the people is undemocratic
15 and disgraceful. There is no excuse for this.
16 Pass the amendment, put it back to the people.
17 Anything less just goes to the heart of what
18 people say about politicians. Do you want to be
19 remembered as the politician who voted to ignore
20 the wills of the--the will of the people? I don't
21 think you do. Vote this amendment. What are you
22 afraid of? Put it back to the people of this
23 city.

24 PUBLIC ADVOCATE GOTBAUM: Council
25 Member Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO:

Thank you, Madame Public Advocate, and good afternoon, my colleagues. I stood up last Stated Meeting to explain my position around the issue of extending term limits by legislation that I am in deep opposition to that. I believe, as has been expressed by some of my colleagues, that my mandate as an elected official and the reason I came to this position is to really fight that cynicism that exists, that people have about government, that it doesn't work on your behalf, that maybe through the work that I do each and every day I can re-instill a little bit of faith in this process. Well we've heard arguments about why the referendum in the past should be considered invalid by us--low voter turnout is one discussion, but let's talk about low voter turnout. What is a result of low voter turnout, which we have in this country? It is lack of faith in government. It is a level of apathy because there is such deep cynicism. If we legislate this, we continue to fuel and feed that cynicism and we will be contributing to that. Also, we talk about that we don't govern by

1
2 referendum, that's understood--we don't legislate
3 by referendum--but when an issue compels people to
4 raise their voices as loudly as they have, then,
5 my colleagues, I should submit to you that we
6 should feel as compelled to listen to those
7 voices, to that clamor. This amendment, I
8 believe, strongly strengthens this bill and honors
9 the sentiment that has been so forcefully
10 expressed by our constituents. People in this
11 room today that took the time to really show us
12 how they feel. I strongly support this amendment,
13 I would hope my colleagues will consider it. We
14 again should let the people decide and this
15 amendment will honor that. Thank you.

16 PUBLIC ADVOCATE GOTBAUM: Council
17 Member Gioia.

18 [Pause]

19 COUNCIL MEMBER GIOIA: Thank you,
20 Madame Public Advocate. I rise in support of this
21 amendment today. You know, I've heard a lot of
22 talk about voter turnout. The reason, and I
23 should say that voting is really the least of your
24 responsibilities in a democracy, but the reason
25 people don't vote, the reason people don't

1
2 participate, the reason they don't go out and
3 knock on doors or join campaigns is really very
4 simple--they think it doesn't matter. They think
5 that no matter what they do, they're going to be
6 stuck with a broken status quo, that no matter how
7 much effort they put in, they're going to wind up
8 with the same result. I've spent this past seven
9 years, as many of us have, trying to dissuade
10 people of that view. To tell them that, in fact,
11 the people have the power, that if they get
12 involved they can make a difference, not only in a
13 political campaign, but in the life of their
14 neighborhood and in the life of their city. We've
15 spent the past seven years telling people that
16 democracy is not a spectator sport, that you can
17 be the change you want to see. And what I'm
18 afraid we do today, if we don't pass this
19 amendment and we pass the Mayor's bill, is we will
20 tell folks that democracies only okay when you
21 agree with the powerful, that we only respect the
22 will of the people when it's our will as well.
23 I'm afraid that what we will do today is
24 disenfranchise more and more New Yorkers who
25 rightfully will suspect that the game is rigged.

1
2 And so I ask you to support this amendment. Put
3 the power back where it belongs with the people
4 and make your case, we should never shy away from
5 a vigorous, vigorous debate in our neighborhoods.
6 I have certainly taken votes, and I know all of
7 you have taken votes, that your constituents at
8 first blush do not agree with and after you've had
9 this discussion in senior citizens, at civic
10 associations, with community groups, you've
11 changed minds--as--that's evidenced by the fact
12 that you are all still here. And so I urge you to
13 vote for this amendment, to put a referendum on
14 the ballot, and to make the case where it belongs--
15 -to the people. Thank you.

16 PUBLIC ADVOCATE GOTBAUM: Council
17 Member Koppell.

18 [Pause]

19 COUNCIL MEMBER KOPPELL: Madame
20 Public Advocate, I have had direct experience as
21 Attorney General in seeking Justice Department
22 approval for amendments to the law that deal with
23 voting rights. It is a lengthy and complex
24 process. If we pass the bill in chief today, it
25 will have to go through that process. If this

1
2 amendment is adopted, the bill will go back to
3 committee, there'll have to be additional hearings
4 under our process, then a Charter Commission has
5 to be put together, the Charter Commission then
6 has to meet, has to formulate a Charter amendment
7 and then that will be presented to the Justice
8 Department, will have months to consider it. I
9 had as Attorney General to go to a special court
10 because the Justice Department didn't act on a
11 change in the law to establish more judges. I can
12 tell you that it is almost impossible that this
13 Charter Commission can decide in time and I think
14 one of our newest members, Council Member Como,
15 quite correctly pointed out, it just won't happen.
16 In addition, what is going to happen in the
17 interim? People who want to run for offices
18 because they're vacant will not know whether those
19 offices are vacant or not, Council Members who
20 would want to run for reelection will not know
21 whether they can. Yes, we should have had a
22 referendum and I proposed two years ago that we
23 should have a referendum and we failed in doing
24 that. We should have had a referendum, but it's
25 too late. In addition to everything else, the

1
2 Mayor has indicated he would veto such a proposal,
3 so there'd be a veto and it'd have to come back
4 here and maybe we'd pass it over his veto and
5 maybe we wouldn't. The fact is it's virtually
6 impossible and certainly impractical and certainly
7 unfair to every Council Member who wants to know
8 whether they can run again and to every candidate
9 who wants to run for Council or Public Advocate or
10 Controller or Mayor. It's unfair to all of them
11 to postpone this any longer. A representative
12 democracy is a democracy. It's what we set up in
13 this country over 200 years ago for our nation and
14 we shouldn't be embarrassed use a process that's
15 correct under the law to change something that the
16 law allows us to change and we should do it now so
17 that we're fair to the public, which has to have a
18 fair election--

19 PUBLIC ADVOCATE GOTBAUM: Time,
20 Council Member.

21 COUNCIL MEMBER KOPPELL: --and fair
22 to candidates.

23 PUBLIC ADVOCATE GOTBAUM: Time,
24 Council Member.

25 COUNCIL MEMBER KOPPELL: I oppose

1
2 the amendment and seek to advance the bill in
3 chief.

4 PUBLIC ADVOCATE GOTBAUM: Thank
5 you. [Pause] Seeing no one else. Anyone else?
6 Okay. See no further debate, we will now move to
7 a vote only, only on the motion to amend Intro
8 845-A offered by Council Member Yassky.

9 COUNCIL CLERK: Addabbo.

10 COUNCIL MEMBER ADDABBO: Yes.

11 COUNCIL CLERK: Arroyo.

12 COUNCIL MEMBER ARROYO: No.

13 COUNCIL CLERK: Avella.

14 COUNCIL MEMBER AVELLA: Yes.

15 COUNCIL CLERK: Baez.

16 COUNCIL MEMBER BAEZ: No.

17 [Pause]

18 COUNCIL CLERK: Barron.

19 COUNCIL MEMBER BARRON:

20 Enthusiastically, yes.

21 COUNCIL CLERK: Brewer.

22 COUNCIL MEMBER BREWER: I vote yes
23 and want to thank my colleagues, particularly
24 Yassky and Gerson, and to say that this is a
25 ballot proposal that makes sense, I believe time-

1
2 wise, I believe content-wise and I believe that it
3 has the right makings for what the New Yorkers
4 want, which is their Mayor and the process to
5 elect him. I vote aye.

6 COUNCIL CLERK: Como.

7 COUNCIL MEMBER COMO: No.

8 COUNCIL CLERK: Comrie.

9 COUNCIL MEMBER COMRIE: No.

10 [Pause]

11 COUNCIL CLERK: De Blasio.

12 COUNCIL MEMBER DE BLASIO: Yes.

13 COUNCIL CLERK: Dickens.

14 COUNCIL MEMBER DICKENS: No.

15 [Pause]

16 COUNCIL CLERK: Dilan.

17 COUNCIL MEMBER DILAN: No.

18 COUNCIL CLERK: Eugene.

19 COUNCIL MEMBER EUGENE: Yes.

20 COUNCIL CLERK: Felder.

21 COUNCIL MEMBER FELDER: No.

22 COUNCIL CLERK: Fidler.

23 COUNCIL MEMBER FIDLER: No.

24 COUNCIL CLERK: Foster.

25 COUNCIL MEMBER FOSTER: No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[Pause]

COUNCIL CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNCIL CLERK: Gennaro.

COUNCIL MEMBER GENNARO: Yes.

COUNCIL CLERK: Gentile.

COUNCIL MEMBER GENTILE:

Absolutely, yes.

COUNCIL CLERK: Gerson.

COUNCIL MEMBER GERSON: Yes.

COUNCIL CLERK: Gioia.

COUNCIL MEMBER GIOIA: Madame

Public Advocate, I'd like to vote yes on Land Use
Call-Ups as well and I'd like to vote yes on this
amendment, thank you.

PUBLIC ADVOCATE GOTBAUM: So

ordered.

[Pause]

COUNCIL CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: No.

COUNCIL CLERK: Ignizio.

COUNCIL MEMBER IGNIZIO: Yes.

[Pause]

COUNCIL CLERK: Jackson.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

COUNCIL MEMBER JACKSON: No.

COUNCIL CLERK: James.

COUNCIL MEMBER JAMES: Yes.

[Pause]

COUNCIL CLERK: Katz.

COUNCIL MEMBER KATZ: No.

[Pause]

COUNCIL CLERK: Koppell.

COUNCIL MEMBER KOPPELL: No.

COUNCIL CLERK: Lappin.

COUNCIL MEMBER LAPPIN: No.

[Pause]

COUNCIL CLERK: Liu.

COUNCIL MEMBER LIU: Yes.

COUNCIL CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: Yes.

COUNCIL CLERK: Martinez.

COUNCIL MEMBER MARTINEZ: No.

COUNCIL CLERK: McMahon.

COUNCIL MEMBER MCMAHON: Yes.

[Pause]

COUNCIL CLERK: Mealy.

COUNCIL MEMBER MEALY: No.

[Pause]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

COUNCIL CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Yes.

[Pause]

COUNCIL CLERK: Monserrate.

COUNCIL MEMBER MONSERRATE: Yes.

COUNCIL CLERK: Nelson.

COUNCIL MEMBER NELSON: No.

COUNCIL CLERK: Palma.

COUNCIL MEMBER PALMA: Yes.

[Pause]

COUNCIL CLERK: Recchia.

COUNCIL MEMBER RECCHIA: No.

[Pause]

COUNCIL CLERK: Reyna.

COUNCIL MEMBER REYNA: No.

[Pause]

COUNCIL CLERK: Sanders.

COUNCIL MEMBER SANDERS: Abstain.

[Pause]

COUNCIL CLERK: Seabrook.

COUNCIL MEMBER SEABROOK: No.

COUNCIL CLERK: Sears.

COUNCIL MEMBER SEARS: No.

COUNCIL CLERK: Stewart.

1

2 COUNCIL MEMBER STEWART: No.

3 COUNCIL CLERK: Vacca.

4 COUNCIL MEMBER VACCA: No.

5 [Pause]

6 COUNCIL CLERK: Vallone.

7 COUNCIL MEMBER VALLONE: No.

8 COUNCIL CLERK: Weprin.

9 COUNCIL MEMBER WEPRIN: Yes.

10 COUNCIL CLERK: Vann.

11 [Pause]

12 COUNCIL MEMBER VANN: No.

13 COUNCIL CLERK: White.

14 COUNCIL MEMBER WHITE: No.

15 COUNCIL CLERK: Yassky.

16 COUNCIL MEMBER YASSKY: Yes.

17 COUNCIL CLERK: Oddo.

18 COUNCIL MEMBER ODDO: Yes.

19 [Pause]

20 COUNCIL CLERK: Rivera.

21 COUNCIL MEMBER RIVERA: No.

22 COUNCIL CLERK: Speaker Quinn.

23 SPEAKER QUINN: No.

24 [Pause]

25 [Off mic]

PUBLIC ADVOCATE GOTBAUM: [Off mic]

Excuse me, quiet, please. The amendment before us today was defeated by a vote of 22 in the affirmative, 28 negative, 1 abstention.

Discussion of General Orders.

[Off mic]

[Pause]

PUBLIC ADVOCATE GOTBAUM: Council Member Barron.

COUNCIL MEMBER BARRON: You know, it's unfortunate that we did defeat this amendment, but now we have an opportunity to say no to the Mayor. We in this City Council have a responsibility as a legislative branch, just as the Mayor was checked by Albany, Albany said to the Mayor no to congestion pricing, Albany said to the Mayor no for the Jets stadium. We should say to the Mayor no to term limits, you are a product of term limits. Some of you said you're against term limits, you wouldn't be here if it wasn't for term limits. The people said eight years and out, we should respect and honor that and for the black and Latino members of this body. Years ago--

PUBLIC ADVOCATE GOTBAUM: Quiet,

1

2 please. Quiet, please, you've been so good.

3 Quiet, please.

4

COUNCIL MEMBER BARRON: --years

5

ago--

6

[Off mic]

7

PUBLIC ADVOCATE GOTBAUM: Quiet.

8

COUNCIL MEMBER BARRON: Years ago,

9

76% of this body was white. After term limits, it

10

is now close to 50% black and Latino. Term limits

11

has worked, and you know, let's be honest,

12

elections are not term limits because the power of

13

the incumbency, the power of the incumbency, 99%

14

of the time the incumbent wins. So why can't we

15

say to this Mayor that some people were under

16

tremendous pressure here, some people were bribed,

17

some were threatened, some were offered all kinds

18

of things, so they weren't allowed to vote their

19

conscience because they weren't strong enough to

20

do that. We have to say today no to the Mayor, at

21

least we can end our last term by putting the

22

Mayor in check and saying no to bullying, no to

23

billions of dollars, and yes to the people. Let

24

the people decide. Let's defeat this Mayor's

25

resolution--this legislation.

1

2 SERGEANT-AT-ARMS: Quiet, please.

2

3

4 PUBLIC ADVOCATE GOTBAUM: Council
5 Member Rivera.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

6 COUNCIL MEMBER RIVERA: Thank you
7 very much, Madame Public Advocate. Today, you
8 know, I stand before you and I want to talk about
9 the other night I went to a Community Board and we
10 all know that the Community Board is one of the
11 most local forms of government that we have. And
12 I brought the question to the people in the
13 audience and I presented the idea of what was
14 taking place today. And I stayed there and I
15 said, you know, my friends in the neighborhood, in
16 the community, I want to hear your opinion. I
17 went to Community Board Seven, I brought up the
18 issue of term limits, I asked for questions and
19 comments, they said we need a stop sign, they said
20 we need a bus stop, they said we need potholes to
21 be fixed and filled. Term limits was last on
22 their mind 'cause people in the city of New York
23 understand and realize that we have issues that we
24 have to deal with on a day-to-day basis and the
25 economy is just one of them. Affordable housing,
education, healthcare, that is why we all ran for

1 office and that is why we are here today fighting
2 to make sure we can continue to provide the
3 services for our great city. Some of my
4 colleagues which I respect tremendously have
5 brought up the issue of the Voting Rights Act and
6 the Justice Department. Well, I believe in my
7 humble opinion that the vote--the Justice
8 Department will likely approve and pre-clear what
9 we're doing here today. They will do so because
10 changing the term limits issue from two terms to
11 three terms is not, and I repeat, is not going to
12 diminish the opportunity for members in the
13 minority communities to exercise their vote in the
14 ballot. It is not and it will indeed, indeed, it
15 will have the given opportunity for people to vote
16 for who they choose to be their leader, either for
17 Mayor, Controller, Borough President, or the City
18 Council. In addition, any private action based on
19 the Voting Rights Act will not succeed for many of
20 the same reasons, there is simply no basis for a
21 claim that the change from two terms to three
22 terms dilutes the voting power of our population.
23 I believe, term limits are undemocratic. The
24 voters should always have the decision, do they
25

1
2 want to reelect their current leadership or do
3 they want to see them out? The power should
4 always lie within the voters and that's why I
5 think we should extend term limits today. Thank
6 you.

7 PUBLIC ADVOCATE GOTBAUM: Thank
8 you. Council Member Gentile.

9 COUNCIL MEMBER GENTILE: The point
10 we've come to today is really very, very sad. Had
11 the Mayor chosen the route of the public
12 referendum, then I believe most of us, if not all
13 of us, would be on the same page. I, for one,
14 would have welcomed the opportunity to argue in a
15 public vote for an extension of term limits and I
16 think everyone you've heard here today, almost to
17 a person, would have, would have welcomed that
18 same opportunity to argue in a public vote to
19 extend term limits, so that's not the issue. If
20 we had a public vote, we would be a much more
21 unified body then we see before us today but in
22 choosing a legislative vote to extend term limits
23 and not allowing public input, the Mayor has
24 polarized this Council--exactly what he said he
25 didn't want to do. In choosing this bill and this

1
2 method, the Mayor has split this body in half,
3 he's pitted friend and against friend, forced
4 first termers to face-off against second termers
5 and asked legislators to turn their backs on the
6 public. And, yes, we do have a looming fiscal
7 crisis, but this is not the way to face a fiscal
8 crisis, it is not the way to rally the public
9 support ahead of a crisis, not by enraging the
10 majority of the voters in this city. In my book,
11 enraging voters is not the way to rally the public
12 in a fiscal crisis, it just puts the credibility
13 of the leaders in question in a fiscal crisis. So
14 this is an issue and a vote on process, this is an
15 issue on which the entire city, the Council, the
16 Mayor, and the people must move together. The
17 people of New York City need to be part of that
18 movement and in this bill they are not and
19 therefore it moves me to vote no on 845-A.

20 [Pause]

21 PUBLIC ADVOCATE GOTBAUM: Council
22 Member de Blasio.

23 COUNCIL MEMBER DE BLASIO: Thank
24 you, Madame Public Advocate. My colleagues, we
25 need to stand up for democracy this afternoon.

1
2 This has been a very disturbing two weeks in New
3 York City. This process has been inappropriate in
4 every way. You just need to open up the papers
5 and see how nonprofits have been intimidated into
6 testifying and see what has been dangled before
7 members of this body, what has been promised and
8 what could be taken away. This is not how our
9 democratic government is supposed to function and
10 that is well-known. I'm not going to stand on
11 ceremony and worry about niceties and civility
12 here today. Everything has been wrong with this
13 process and we should not be party to it. In
14 short order, the people and the news media and the
15 good government organizations will uncover
16 everything that's happened here today, I assure
17 you, and the people will remember, they have
18 spoken to us twice, they will remember. I daresay
19 at this moment George Orwell in particular would
20 have loved the arguments being made by the Speaker
21 and the Mayor and others--by taking away the
22 voters' right to decide this issue, we are giving
23 them more choice. I cannot think of a more
24 Orwellian construct. The people of this city will
25 long remember what we've done here today and the

1
2 people will rightfully be unforgiving. We are
3 stealing like a thief in the night their right to
4 decide the shape of our democracy. We are
5 forgetting who we work for. Thank you, Madame
6 Public Advocate.

7 [Pause]

8 PUBLIC ADVOCATE GOTBAUM: Council
9 Member Yassky?

10 [Pause]

11 COUNCIL MEMBER YASSKY: Madame
12 Public Advocate, I rise today at this point in our
13 debate in support of the bill before us. I will
14 not rehash the votes that we just took on the
15 question of a referendum. Obviously, I am
16 disappointed that we did not choose that route--

17 SERGEANT-AT-ARMS: Quiet please.

18 COUNCIL MEMBER YASSKY: --but as we
19 did not--

20 PUBLIC ADVOCATE GOTBAUM: Quiet,
21 please.

22 COUNCIL MEMBER YASSKY: --the bill
23 before us leaves us with two options, both deeply
24 flawed: We can leave in place a bad term limits
25 policy which continues to limit the effectiveness

1
2 of city government and this body in particular or
3 we can change it through a mechanism that is
4 regrettably, and quite obviously, imperfect. And
5 we all know the line about politics and sausage
6 making and the process that has gotten us to this
7 point is far worse than the ordinary sausage
8 making, but at the end of the day I base my vote
9 on the merits of the bill before us. As a matter
10 of policy, I am convinced that a 12-year term
11 limit is greatly superior to an 8-year limit. A
12 12-year limit would help--

13 PUBLIC ADVOCATE GOTBAUM: Quiet,
14 please.

15 COUNCIL MEMBER YASSKY: --the
16 Council fully achieve the role envisioned in the
17 1993 Charter reform as a policymaking body and a
18 full check and balance on the Mayor. Now some
19 have argued and I, and there is merit to that
20 argument, that voting down the Mayor's bill would
21 strengthen this Council against this Mayor. I
22 agree, but in the long run, a 12-year limit will
23 strengthen this and future councils against mayors
24 in general. I also believe that the case for
25 lengthening the term limit is particularly strong

1
2 at this singular moment in our city, I do not
3 think we can be oblivious to the situation that we
4 are in. Now I do not subscribe to the notion that
5 Mayor Bloomberg is the only person capable of
6 leading the city government or even that he will
7 necessarily will be the best choice for Mayor in
8 next year's election. But I do believe that his
9 approach to government is a good one and that New
10 Yorkers may place great value on stability in
11 government in this difficult period.

12 PUBLIC ADVOCATE GOTBAUM: Time,
13 Council Member.

14 COUNCIL MEMBER YASSKY: This bill
15 does not elect the mayor or endorse the Mayor, it
16 does give the voters the opportunity to do both.
17 I feel strongly that it is in the best interest of
18 the city for voters to have that choice and that
19 is a part--

20 PUBLIC ADVOCATE GOTBAUM: Time,
21 please.

22 COUNCIL MEMBER YASSKY: --of what
23 is at stake in this vote. Madame, I have one more
24 paragraph, Madame Public Advocate.

25 PUBLIC ADVOCATE GOTBAUM: But it's

1
2 times. David, I have to ask--Council Members have
3 been very respectful of other--

4 COUNCIL MEMBER YASSKY: Fair
5 enough.

6 PUBLIC ADVOCATE GOTBAUM: --
7 people's time, please. Two minutes.

8 COUNCIL MEMBER YASSKY: Thank you.

9 PUBLIC ADVOCATE GOTBAUM: Council
10 Member James.

11 COUNCIL MEMBER JAMES: I have to
12 stand after that one. It is simply inappropriate
13 for members of the City Council who are aware of
14 the rules under which they were elected to seek to
15 change the rules in a manner which may work to
16 their own advantage. At a time of excessive
17 cynicism about so many of our institutions, I
18 believe that elected officials should seek at
19 every opportunity to maintain and enhance the
20 trust of its citizens. Legitimate concerns about
21 the propriety of the term limits must yield to the
22 imperative that elected officials defer to the
23 considered judgment of the electorate--those are
24 not my words, those are the words of the Mayor of
25 the city of New York. The city of New York has

1 never, ever in the history of this nation
2 postponed the transfer of power regardless,
3 regardless of the circumstances. The very concept
4 goes against the most basic of American
5 convictions--that was the quote of the New York
6 Times. Should one man usurp democracy? I say no.
7 What choice? To argue choice is fictional. What
8 choice are you given with a candidate whose
9 handlers have boasted of an \$80 million war chest--
10 -that's not choice, that's the illusion of choice,
11 that eviscerates choice, that obliterates choice,
12 that destroys choice, that denies choice. The
13 Mayor failed to create a Charter Commission, as he
14 indicated in his State of the City address, and
15 now he seeks to use this body, to use this body to
16 engage in an end run around democracy. I cannot
17 and will not act in concert by tainting the
18 autonomy, the independence, and the integrity of
19 this legislative body. I urge my colleagues to
20 vote no.

21 [Applause]

22 PUBLIC ADVOCATE GOTBAUM: Council
23 Member--quiet, please. Quiet, quiet, please, in
24 the gallery, thank you. Council Member Como.
25

1
2 COUNCIL MEMBER COMO: I just want
3 to say that we took the first step just now and we
4 said no. I urge you to continue to listen to your
5 constituents and vote no again and the problem is
6 solved.

7 [Pause]

8 PUBLIC ADVOCATE GOTBAUM: Council
9 Member Felder.

10 [Pause]

11 COUNCIL MEMBER JAMES: He declines,
12 he declines.

13 [Pause]

14 MALE VOICE 7: You have Jimmy Vacca
15 down?

16 COUNCIL MEMBER JAMES: There's not
17 much to say after that.

18 MALE VOICE 7: Do you have Jimmy
19 Vacca down?

20 COUNCIL MEMBER FELDER: You can't
21 force me to speak on an item.

22 PUBLIC ADVOCATE GOTBAUM: Council
23 Member Vallone and then I think Vacca.

24 [Pause]

25 PUBLIC ADVOCATE GOTBAUM: Vallone.

COUNCIL MEMBER VALLONE: Madam.

Chair, thank you. To my colleague Bill de Blasio who talks about pressure, this is the front page of my local Queens paper. There's the good and there's some Council Members and then there's the bad and there's me and Helen and Leroy who I'm proud to be with--thank you, Leroy. I think if not for Helen, we'd be in the ugly, too, thank you, Helen. But there is a lot of pressure on both sides of this issue and there are a lot of good people, as been said on both sides of this issue. Two terms hurts New York City, every good government person agrees with that--Mayor Koch, Governor Cuomo, all the good government groups. It prevents the Council from being an effective check on the Mayor. If two-term limits were in effect for the legislature back in 1998, Yankee Stadium would no longer be in the Bronx, it would be in Manhattan because the Council would not have had the strength to stand up to a strong mayor. That's how it hurts the city and to put this to a referendum now, every one of us wanted a referendum in November, it can't happen. To put it to a referendum now would cost \$15 million, it

1
2 would never happen by February--sorry, Council
3 Member Yassky--there won't even be a Justice
4 Department because of the new election, it might
5 not happen until after the next election. So, you
6 know, it's easy to stand up and defend a
7 democratic ideal. That's the cool thing to do,
8 all the cool lines are on that side, I heard them
9 all. But you know what, when you--when a
10 practical application of that ideal would
11 devastate the city and put this government into
12 paralysis during one of the worst financial
13 crisis's we've ever had, when that would happen,
14 well it's much better to be a responsible leader
15 than to be cool. So I will be voting yes and I
16 will be doing what I think is in the best interest
17 of New York City, not myself, but New York City.
18 Thank you.

19 PUBLIC ADVOCATE GOTBAUM: Council
20 Member Vacca. Quiet, please.

21 COUNCIL MEMBER VACCA: First, I
22 must say that this is probably the most difficult
23 and agonizing decision that I've had to make in my
24 public career and to me it's been an emotional one
25 because I take this seriously. In the end, I

1
2 decided to support the extension from two to three
3 terms. No one likes how we got to this point, the
4 referendum should have been held three weeks from
5 now in November 2008, when you have two people
6 running for president and what everybody would
7 have voted and we would have had an all inclusive
8 representation of our city as to how we go forth,
9 but that's not now the case and I don't seek to
10 have my cake and eat it too. I don't seek to play
11 both sides of any fence, I've made a decision, now
12 I stand by my decision. I represent a community,
13 I represent a community and the phone calls that
14 I've gotten until two weeks ago were about police
15 and sanitation and schools, but now I've gotten so
16 many phone calls from everybody from both sides of
17 this issue that my district office has been
18 flooded with these calls. I continue to do what I
19 have to do for my neighborhood and make the best
20 decision that I can. I was influenced by many
21 people, but let me tell you something, there are
22 some people who would like an opportunity to vote
23 for the incumbent Mayor. There are some people
24 who feel that, why won't his name be on the ballot
25 if he seeks to run. Well that gets to the core

1
2 question about term limits, never mind two terms,
3 three terms. They don't have state--they don't--I
4 saw all the legislators talking from the state and
5 federal level, where are their term limits? I'm
6 talking to you, I'm not affected by this law, I
7 can run in 2009 whether I'm term limited or not,
8 so I have nothing to gain, but let's be real and
9 let's say that the hypocrisy is going to stop
10 somewhere. Now on a serious note, that's where
11 I'm coming from, but I will give you what I think
12 is an average person talking. I was home Tuesday
13 night, I walked in at 7 o'clock, went to have some
14 dinner, I get a phone call, the phone call was
15 from my mother. My mother at 7 o'clock is
16 probably watching Matlock or Murder She Wrote,
17 she's now watching New York One and she's watching
18 Mark Green--

19 PUBLIC ADVOCATE GOTBAUM: Time.

20 COUNCIL MEMBER VACCA: --with Ed
21 Koch and Mario Cuomo and she says to me, Jimmy, do
22 you mean that I may not have a chance to vote for
23 who I may wish to vote for?

24 PUBLIC ADVOCATE GOTBAUM: Time,
25 Council Member. Please, time, Council Member.

1

2

COUNCIL MEMBER VACCA: And I said

3

to her yes--

4

PUBLIC ADVOCATE GOTBAUM: Time,

5

please.

6

COUNCIL MEMBER VACCA: --that is

7

what we're considering.

8

PUBLIC ADVOCATE GOTBAUM: Council

9

Member.

10

COUNCIL MEMBER VACCA: I aim my

11

remarks, Madame Public Advocate--

12

PUBLIC ADVOCATE GOTBAUM: Council

13

Member, everybody has been respectful--

14

COUNCIL MEMBER VACCA: Okay.

15

PUBLIC ADVOCATE GOTBAUM: --please-

16

-

17

COUNCIL MEMBER VACCA: Thank you.

18

PUBLIC ADVOCATE GOTBAUM: --stick

19

to two minutes.

20

COUNCIL MEMBER VACCA: Sorry.

21

Thank you.

22

PUBLIC ADVOCATE GOTBAUM: Thank

23

you. Council Member Mendez.

24

COUNCIL MEMBER VACCA: I'll come

25

back.

1

COUNCIL MEMBER MENDEZ: Thank you--

2

PUBLIC ADVOCATE GOTBAUM: Quiet,

3

please.

4

COUNCIL MEMBER MENDEZ: --thank

5

you, Madame Public Advocate. There's been a lot

6

of talk about the major papers, come to think of

7

it, none of the major papers endorsed me when I

8

ran, but looking to the local papers and the

9

papers that have the polls in my community, The

10

Villager newspaper ran an editorial that said we

11

should have a voter referendum. Many of the

12

letters to the editor in The Villager requested

13

that it come back to the people. El Diadio

14

[phonetic] says we should have a voter referendum.

15

Ninety-nine percent of the people who've called or

16

written to my office want a voter referendum.

17

Seventy-one percent of Hispanics in this city want

18

a voter referendum. [Pause] And if we cannot do

19

that, then I have to vote and be the voice for my

20

constituency, which is telling me to vote no. My

21

constituency wants the opportunity to vote for

22

this and, if not, they want me to vote no. I urge

23

people to vote their conscience, I hope that vote

24

is no.

25

1
2 PUBLIC ADVOCATE GOTBAUM: Council
3 Member Avella.

4 [Pause]

5 COUNCIL MEMBER AVELLA: Thank you,
6 Madame Public Advocate. I've obviously listening
7 to the comments of all of my colleagues and, as I
8 stated before, in the final analysis, you can
9 throw out all the arguments on either side and you
10 come down to one thing: Why do we think we have
11 the power in this body to overturn what the people
12 have voted for twice? This is not a situation
13 where somebody took a poll and somebody thought
14 they knew what the public felt. New Yorkers went
15 to the polls twice and said we want term limits.

16 [Pause] For us to overturn that legislatively is
17 an absolute disgrace, and why are we in this
18 situation? If those who support this bill think
19 it is a really good government thing that we have
20 three terms instead of two, why did they wait 'til
21 now? They waited 'til now so it was too late to
22 do a referendum, so it could only be done
23 legislatively. [Pause] You're not conning
24 anybody. The public of this city knows the fix
25 was in from the beginning. And you know

1

2 something? When the time comes--

3 PUBLIC ADVOCATE GOTBAUM:

4 [Crosstalk] please.

5 COUNCIL MEMBER AVELLA: -hopefully-

6 -and I apologize to my colleagues, but you should

7 all be voted out of office for voting for this.

8 Vote this down.

9 PUBLIC ADVOCATE GOTBAUM: Quiet,

10 please. Quiet, please. Quiet. Quiet, please.

11 We'll have to remove you if you aren't. [Pause]

12 You finished, Council Member?

13 COUNCIL MEMBER AVELLA: Yes. I

14 think I'm thoroughly finished [off mic].

15 PUBLIC ADVOCATE GOTBAUM: Okay.

16 Council--

17 MALE VOICE 8: I think I'm totally

18 finished.

19 PUBLIC ADVOCATE GOTBAUM: Council

20 Member Recchia.

21 COUNCIL MEMBER RECCHIA: Today,

22 colleagues, I am asking all my colleagues to join

23 us in extending term limits. I love the city, I

24 love the work that I do. I live here with my

25 family and let my children attend New York City

1
2 public schools because of the job the Mayor and
3 Speaker Quinn and the City Council are doing such
4 a fine job. But what this administration, what
5 this City Council has done, they revitalized Coney
6 Island. Years ago, nobody wanted to come to Coney
7 Island and the work has just begun. The city's
8 rezoning is about to begin and will be completed
9 in the years to come. But if we are thrown out of
10 office, if I'm thrown out of office, how do I know
11 this is going to be completed? How do I know that
12 the people of Coney Island will not get what they
13 just deserve? We have going to see union jobs,
14 we're going to see the people of Coney Island get
15 jobs and enter into apprentice programs--that is
16 happening now. We're going to see the New York
17 Aquarium become the number one aquarium in the
18 country. This is what it's all about. I am
19 asking to join me in extending term limits. We're
20 facing tough times, I've listened to my
21 constituents, many have told me that they want the
22 option of voting for a mayor with eight years
23 experience and a proven track record of success.
24 They want the opportunity to vote for a City
25 Council that has worked with the Mayor and knows

1
2 how to fight for them. An experienced Mayor and
3 experienced City Council can make a big difference
4 for the future of New York. People should have
5 the option of voting for experience when they go
6 out to the polls. During our public hearings, it
7 was popular to quote Abraham Lincoln when speaking
8 against this measure. What I didn't hear was one
9 of his most famous sayings that when crossing a
10 river, you don't swap horses halfway--that's what
11 he said when he was running for reelection during
12 a time of crisis for our country. Ladies and
13 gentlemen, and join me in extending term limits
14 for the City Council and the Mayor and all elected
15 officials of New York City.

16 PUBLIC ADVOCATE GOTBAUM: Council-
17 Council Member Fidler.

18 COUNCIL MEMBER FIDLER: Actually, I
19 have to tell you I was really hoping to hear what
20 Mama Vacca had to say.

21 PUBLIC ADVOCATE GOTBAUM: Oh,
22 thanks. You're a buddy.

23 COUNCIL MEMBER FIDLER: Later,
24 Jimmy. You know, it's interesting as we discuss
25 this and as--

1
2 PUBLIC ADVOCATE GOTBAUM: Quiet,
3 please.

4 COUNCIL MEMBER FIDLER: --I hear, I
5 hear my colleagues, speak there's almost unanimity
6 on the policy. We all agree, or most of us agree,
7 that term limits are bad government and we
8 understand that term limits empower the permanent
9 government, staffs, bureaucrats, lobbyists, all
10 the people that no one ever gets to vote for and
11 whose names they probably don't know and an 8-year
12 term limit means that for the rest of the history
13 of this body, the Speaker of this Council, which
14 is supposed to be a counterpoint to the executive
15 centric power of the Mayor, will either be a lame
16 duck or a freshman on the day he or she is
17 elected. That's just bad government. I'm pleased
18 that the billionaires have finally come around to
19 my point of view. I've held this point of view
20 for over 20 years. The fact of the matter is I
21 don't care what Ron Lauder thinks, I don't care
22 what Tom Golisano, who's not even from New York
23 City, thinks. I care about the policy and that's
24 what I'm going to be voting on today. I am urging
25 my colleagues to vote for good government and for

1
2 a policy that makes sense to empower this
3 institution under the rules of the Charter, that
4 makes sense to all of us--you've all articulated
5 that. Vote on the policy and vote yes.

6 PUBLIC ADVOCATE GOTBAUM: Council
7 Member Koppell.

8 COUNCIL MEMBER KOPPELL: You know,
9 it's interesting that those who speak against this
10 say that we're not acting in a democratic way
11 because we're not doing this by referendum and yet
12 we do almost nothing by referendum in this city.
13 We enact taxes by law, we enact criminal penalties
14 by law, we enact the regulation of businesses, we
15 zone--all of those are done by us as a
16 representative democracy. Now it is true that
17 there was a referendum on term limits, but the
18 rules are clear: the Charter can be amended in
19 different ways for different things and on term
20 limits, the Charter can be amended by a
21 referendum, by a vote of this Council, and,
22 incidentally, by a vote of the state legislature.
23 We're acting within the rules and the question
24 before us, I think Lou Fidler put it, is
25 absolutely right is, what should we do as

1
2 legislators responding to what we believe is in
3 the interest of people? The same question we
4 answer every time we vote and, by the way, it's
5 not unprecedented. At the hearings it was pointed
6 out that on the CCRB there was a referendum and
7 this legislature then changed the membership of
8 the CCRB by law and nobody objected and said it's
9 wrong because those are the rules, whether you
10 have rules of legislation or rules of the game.
11 In soccer, you can get a goal with the whole team
12 on the field and you get goal much more easily
13 with a penalty kick. It's not a perfect analogy,
14 but nobody says oh, we should've lost, they
15 should've lost because they won on penalty kicks.
16 The rules provide that this Council can amend the
17 Charter in this way. We represent people, we are
18 elected, we're going to stand for reelection.
19 There's nothing undemocratic about we're asked to
20 do today and as a matter of policy, people who
21 serve for lengthy times are the ones we remember
22 in the history of legislators. Going, going back
23 many years, but let me just mention Pat Moynihan
24 who served for 18 years, Jacob Javits--

25 PUBLIC ADVOCATE GOTBAUM:

1

2 [Interposing] Don't go too far back--

3 COUNCIL MEMBER KOPPELL: --who

4 served for 20 years--

5 PUBLIC ADVOCATE GOTBAUM: --Council

6 Member.

7 COUNCIL MEMBER KOPPELL: --and

8 finally Ted Kennedy who served for more than 30

9 years.

10 PUBLIC ADVOCATE GOTBAUM: Time,

11 Council Member.

12 COUNCIL MEMBER KOPPELL: It's good

13 policy to extend term limits.

14 PUBLIC ADVOCATE GOTBAUM: My sense

15 of humor [off mic]. Council Member Comrie.

16 COUNCIL MEMBER COMRIE: Did you

17 call me, Madam Public --

18 PUBLIC ADVOCATE GOTBAUM: Yes, sir.

19 COUNCIL MEMBER COMRIE: I want to

20 first thank all of my colleagues on both sides of

21 the debate for taking part in this process. I

22 think this process has been truly deliberative

23 and, unlike the state [phonetic] , it's been

24 representative of what we truly are. It's

25 important that we've had this discussion in a

1
2 respectful and intelligent manner. I want to
3 applaud Council Member Simcha Felder and all of
4 the people that were involved in the hearings, all
5 of the staff of the Government Operations
6 Committee, all of the people that have been
7 listening live on New York One, all of the people
8 in New York City for the open manner in which
9 you've expressed your opinion and ended this--and
10 how these hearings were held and how the
11 discussions have held. I represent Southeast
12 Queens, a community that, right now, if the term
13 limits stayed in place would be negatively
14 impacted by this situation because we'd have a
15 Speaker that would always be a lame duck, a body
16 that would always be in major transition [pause],
17 a Council that would always be seeking to be
18 getting the information because they would not
19 have the ability to have institutional knowledge.
20 [Pause] Public service to me is something that I
21 desire greatly, it's something that I think we all
22 should aspire to and work hard, but we have to
23 take responsibilities, we have to take risks, we
24 have to make decisions, we have to be
25 representative for our people. Some members

1
2 pointed to one sign up above, but there are other
3 signs up above also and especially the one by
4 Lincoln--Jefferson, rather, it says equal and
5 exact justice to all men, whatever state of
6 persuasion. We have to make tough choices and go
7 before our constituents, we are the local members
8 of our bodies, we are the local members of our
9 cities, we should not be afraid to take our record
10 to people. We should not be afraid to stand up
11 for what we believe in, we should not be afraid to
12 extend this term limits law and go before our
13 constituencies and fight for what they really
14 need--choice.

15 PUBLIC ADVOCATE GOTBAUM: Thank
16 you.

17 COUNCIL MEMBER COMRIE: Thank you.

18 PUBLIC ADVOCATE GOTBAUM: Thank
19 you, Council Member. Council Member Liu?

20 COUNCIL MEMBER LIU: Thank you,
21 Madame Public Advocate. While I guess the results
22 are not all that surprising. I think the--you
23 know, I will--I cannot and I will not support the
24 proposal here, but this, the odds were from the
25 beginning stacked heavily in favor of the Mayor

1
2 and what he had wanted to do. It's, in fact, I
3 think it's been preconceived, pre-orchestrated,
4 and pre-ordained. And I think that as we leave
5 City Hall and this chamber today, if this in fact
6 is going to be implemented, we should resolve
7 together as a body to be an effective
8 counterweight to the executive branch beginning
9 tomorrow. And one way that we can counteract the
10 arrogance that the administration has shown in
11 this entire effort is to change it, what the
12 Mayor's plan had been to convene a Charter
13 Revision Commission in 2010, when in fact, it's
14 only 2008? The Commission should be convened next
15 year and it should be placed--the questions that
16 were designed for the 2010 ballot should be put on
17 the 2009 ballot. The Mayor's representatives
18 testified last week that they did not think to do
19 so because it would confuse the voters. That is
20 the exact arrogance that I'm talking about and
21 that is the arrogance that this body needs to work
22 in concert together to counteract. Thank you,
23 Madame Public Advocate.

24 PUBLIC ADVOCATE GOTBAUM: Council
25 Member Gioia.

1

[Pause]

2

3

COUNCIL MEMBER GIOIA: Thank you,

4

Madame Public Advocate. I want to echo the words-

5

-I think Council Member Comrie said it and the

6

Speaker said it earlier--there are actually very

7

good people and honest people on both sides of

8

this issue who I respect enormously. But for this

9

particular question it has not been a hard

10

decision for me at all. I was actually, I was

11

getting my hair cut yesterday and my barber--

12

you've heard of Joe the Plumber, I'll give now

13

Jimmy the Barber--Jimmy said to me, he said what

14

are you guys thinking down there? He said, you

15

asked me to vote on this twice, I voted on it and

16

now you're just going to change it and he looked

17

at me again and he said what are you thinking?

18

And I said well and I began to defend the other

19

side and then after like a minute or two, I said,

20

you know, I don't know, I said, I don't know

21

really what they're thinking, they're good people,

22

I disagree with them, but I don't know what

23

they're thinking. And I have to say [pause] more

24

than a cost benefit analysis of any one issue or

25

piece of legislation what we have to be doing is

1
2 rebuilding people's faith in our unique form of
3 government. Someone smart told me that there's a
4 difference between skeptics and cynics--cynics
5 lack hope, skeptics have hope, but it's been
6 tempered by experience and when you look at all
7 the scandals that have plagued government for the
8 past quarter-century, both outside this body and
9 inside this body--it's no wonder that people no
10 longer trust politics or politicians. We have an
11 opportunity to do the opposite, to say to them,
12 you know what, this is a really tough vote, it was
13 against my personal interest. This is a vote that
14 the Mayor was for, that billionaires were for,
15 that powerful, powerful people were for, but I was
16 with you the people and I was against it and so I
17 urge my colleagues to vote no today. Thank you.

18 PUBLIC ADVOCATE GOTBAUM: Council
19 Member Gerson.

20 [Pause]

21 COUNCIL MEMBER GERSON: The
22 possibility of a referendum is now impossible,
23 unfortunately, in my opinion. We are therefore
24 left with two very stark alternatives: either we
25 decide not to extend term limits or we decide to

1
2 extend term limits. The same democratic
3 principles, which led me to support a referendum
4 compels me under this choice before us to vote yes
5 on this bill. A referendum result demands, as I
6 said, great deference, but it would set a terrible
7 precedent to raise a referendum result to the
8 level of absolute constitutional principle. Among
9 other harms, that would prevent a City Council
10 from enacting the will of the people in face of
11 changed circumstances. Two more realities remain
12 undeniable: circumstances today are radically
13 different from 12 and 14 years ago, we are in the
14 midst of an unprecedented crisis, and secondly,
15 secondly, it is undeniable that many New Yorkers,
16 many New Yorkers have demanded the choice of
17 choosing continuity or not. We are not talking
18 about extending terms, we are talking now about
19 allowing open elections. Under the democratic
20 principles which provide the predicate for all we
21 do, inside and outside these halls, under the
22 choices before us, New Yorkers deserve to have a
23 choice in the upcoming elections and New York City
24 deserves to have a debate about continuity and,
25 therefore, I have no choice but to vote to open

1

2 that debate and provide a choice.

3

[Pause]

4

5 PUBLIC ADVOCATE GOTBAUM: Seeing
nobody else. Report of Special Committees.

6

MALE VOICE: None.

7

8 PUBLIC ADVOCATE GOTBAUM: Reports
of Standing Committees.

9

10 MALE VOICE: Report of the, report
of the Committee on Finance Reso 1618-A.

11

12 SPEAKER QUINN: Amended and coupled
on General Orders.

13

14 MALE VOICE: Preconsidered Reso
1664.

15

16 SPEAKER QUINN: Coupled on General
Orders.

17

18 MALE VOICE: Preconsidered LU 913
and Reso 1665 and LU 914 and Reso 1666.

19

20 SPEAKER QUINN: Coupled on General
Orders.

21

22 MALE VOICE: Report of the
Committee on Governmental Operations.

23

24 PUBLIC ADVOCATE GOTBAUM: Quiet,
please.

25

MALE VOICE: Intro 845-A, term

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

limits for elected officials.

SPEAKER QUINN: Amended and coupled
on General Orders.

MALE VOICE: Report of the
Committee on Housing and Buildings, Intro 824-A.

SPEAKER QUINN: Amended and coupled
on General Orders.

MALE VOICE: Report of the
Committee on Land Use, LU 862 and Reso 1667.

SPEAKER QUINN: Coupled to be filed
pursuant to a letter of withdrawal.

MALE VOICE: LU 863 and Reso 1668.

SPEAKER QUINN: Coupled on General
Orders.

MALE VOICE: LU 880 and Reso 1669
through LU 905 and Reso 1674.

SPEAKER QUINN: Coupled on General
Orders.

MALE VOICE: LU 911 and Reso 1675.

SPEAKER QUINN: Motion to
disapprove and to disapprove, that is an aye vote.

MALE VOICE: LU 912 and Reso 1676
through LU 916 or Reso 1678.

SPEAKER QUINN: Coupled on General

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Orders.

MALE VOICE: Report of the
Committee on Parks and Recreation, Intros 500,
608, 776, and 815.

SPEAKER QUINN: Coupled on General
Orders.

MALE VOICE: Report of the
Committee on Rules, Privileges and Elections,
Preconsidered M 1203 and Reso 1679 approving the
appointment of Jose M. Araujo, Commissioner of
Elections.

SPEAKER QUINN: Coupled on General
Orders.

PUBLIC ADVOCATE GOTBAUM: General
Order calendar.

MALE VOICE: Resolution appointing
various persons, Commissioner of Deeds.

SPEAKER QUINN: Coupled on General
Orders and I just want to remind my colleagues,
there is a resolution we are taking up today which
we will vote on after the General Order calendar.
I just want to remind folks about that and at this
point I ask for a roll call on all the items that
have been coupled on the General Order calendar,

1

2 Madame Public Advocate. [Crosstalk]

2

3

COUNCIL CLERK: Addabbo.

4

COUNCIL MEMBER ADDABBO: No on 845-

5

A, yes on all others.

6

COUNCIL CLERK: Arroyo.

7

COUNCIL MEMBER ARROYO: Aye on all.

8

COUNCIL CLERK: Avella.

9

COUNCIL MEMBER AVELLA: No on 845-A

10

and yes on everything else.

11

COUNCIL CLERK: Baez.

12

COUNCIL MEMBER BAEZ: Aye on all.

13

COUNCIL CLERK: Barron.

14

COUNCIL MEMBER BARRON: May I be

15

excused to explain my vote?

16

PUBLIC ADVOCATE GOTBAUM: So

17

ordered.

18

COUNCIL MEMBER BARRON: Just wanted

19

to say to my colleague Domenic Recchia, we got to

20

prioritize the will of the people over the fish of

21

your aquarium and--much as I like fish--and to

22

Council Member Comrie, if you're going to quote

23

somebody, don't quote Jefferson, a slaveholder and

24

pedophile and just to say paradoxically, even

25

though the Mayor will win today, he is the big

1
2 loser because he lost democracy, he lost the favor
3 of the people and I appreciate the people for
4 coming to this body, surrounding the place to get
5 in for the hearings, the Mayor--

6 PUBLIC ADVOCATE GOTBAUM: Quiet,
7 please.

8 COUNCIL MEMBER BARRON: --is a
9 loser today and the--

10 PUBLIC ADVOCATE GOTBAUM: Quiet,
11 please.

12 COUNCIL MEMBER BARRON: --people
13 won and--

14 PUBLIC ADVOCATE GOTBAUM: Quiet,
15 please. I'll give you time in the end.

16 COUNCIL MEMBER BARRON: --his
17 legacy will be forever tainted and the people have
18 long memories. So I just want to applaud
19 [phonetic] to all my colleagues who had the spine
20 to stand up to the Mayor, to the Speaker, and who
21 we know when we came here today, nothing comes
22 before this floor if the Mayor and the Speaker
23 doesn't already have the votes. But we fought a
24 good fight and I think the people will--

25 PUBLIC ADVOCATE GOTBAUM: Quiet,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

please.

COUNCIL MEMBER BARRON: --remember us for that and the struggle continues 'cause we will be in the courts tomorrow morning, we'll be in the court of opinion in the streets with the people, let's use this historical moment to launch a movement for justice, a movement for democracy, and--

[Off mic]

PUBLIC ADVOCATE GOTBAUM: Quiet, please.

COUNCIL MEMBER BARRON: --a movement of the people.

[Off mic]

PUBLIC ADVOCATE GOTBAUM: Quiet, please. Quiet.

COUNCIL MEMBER BARRON: With that--

PUBLIC ADVOCATE GOTBAUM:
[Crosstalk] give your time later.

COUNCIL MEMBER BARRON: --I want to vote no on 845-A and I want to also vote no on LU 884 and aye on all the rest.

COUNCIL CLERK: Brewer.

COUNCIL MEMBER BREWER: I'd like to

1
2 explain my vote. I'd like to first thank Simcha
3 Felder for running great hearings and for the
4 Speaker for appointing a great government affairs
5 chair. Needless to say, this vote is a difficult
6 challenge. On one hand, the city's condition, in
7 my opinion, requires continuity [phonetic], in
8 its governance. The Mayor is widely recognized as
9 the best steward of the city's future during this
10 current economic crisis. He has demonstrated wise
11 leadership and foresight in managing the city's
12 affairs and he has the confidence of the voters.
13 On the other hand, the Mayor's approach to the
14 term limit issues has created some of the ethical
15 dilemmas that we face. Most important is the
16 perception that the term limits process he chose
17 represents a reversal of democracy. Since 2001,
18 when many of us were candidates for city council,
19 many of us have been on record opposing the
20 concept of term limits, and I have always been on
21 record that if there must be term limits, 12 is
22 better than 8. It is a better because longer
23 terms allow larger ideas and larger projects to be
24 brought to fruition and because legislatures
25 require members with long experience and seniority

1
2 to function effectively, but term limits of eight
3 years is the law and we know that a significant
4 polarity of voters up support this. I have long
5 believed that the merits and defects of the
6 current term limits law have never been fairly
7 debated or weighed by a majority of the voters and
8 that belief was reinforced by the debate of the
9 last two weeks. Today's vote is difficult for all
10 of us because we were elected in 2001, we're the
11 first beneficiaries of term limits. We bear a
12 heightened responsibility to respect the voters'
13 will--they wanted term limits and we benefited.
14 I've always been clear that I oppose the 8-year
15 limit and wanted the opportunity to [off mic] 12
16 years. To that end, I believe that to extend to
17 12 will not violate the purpose or spirit of the
18 term limit law, but that doesn't free me from the
19 allegations of hypocrisy because the last minute
20 approach taken by--

21 PUBLIC ADVOCATE GOTBAUM: Council
22 Member, time please.

23 COUNCIL MEMBER BREWER: --the Mayor
24 has created an ethical bind.

25 PUBLIC ADVOCATE GOTBAUM: Council

1

2 Member. [Crosstalk]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER BREWER: Okay. Let

me just finish up. So like many of us, I have

received many, many hundreds of e-mails, a

majority are opposed to term limits in my

district. So on the first matter, the merits of

extending term limits, I stand where I have

always--where I always have, a limit of 12 years

is better than 8 and the Mayor and the majority of

my colleagues and the public agree. On the second

matter, that of process and responsibility, I

believe--and it is with great sadness because I am

certainly not a profile in courage--but I believe--

-

PUBLIC ADVOCATE GOTBAUM: Council

Member.

COUNCIL MEMBER BREWER: --it is

better to achieve term limits extension--

PUBLIC ADVOCATE GOTBAUM: Council

Member Brewer--

COUNCIL MEMBER BREWER: --by

referendum--

PUBLIC ADVOCATE GOTBAUM: --please.

COUNCIL MEMBER BREWER: --than by

1

2 vote.

3

PUBLIC ADVOCATE GOTBAUM: Council

4

Member--

5

COUNCIL MEMBER BREWER: I vote no.

6

PUBLIC ADVOCATE GOTBAUM: --Brewer,

7

you're being very inconsiderate of the rest of the

8

body and of me.

9

MALE VOICE 10: No, let, let her

10

talk.

11

FEMALE VOICE 3: That's right.

12

COUNCIL MEMBER BREWER: I vote no

13

and I vote yes on everything else.

14

FEMALE VOICE 3: Yeah, but that's

15

just not fair, that's wrong [off mic].

16

PUBLIC ADVOCATE GOTBAUM: Any

17

others?

18

COUNCIL CLERK: Como.

19

COUNCIL MEMBER COMO: I vote no

20

845-A and yes on everything else.

21

COUNCIL CLERK: Comrie.

22

COUNCIL MEMBER COMRIE: I vote yes

23

to all and I just find it interesting that we are

24

wrapping ourselves around a flag of two

25

referendums that everyone that came and testified

1
2 said were not fair fights. I find it laughable
3 that all of a sudden it's being held as some gold
4 standard when referendums around this country have
5 been proven to only put municipalities and budget
6 deficits or policy quagmires that they can't get
7 out of. But, you know, I feel that this body is a
8 great body and a representative body. I know that
9 this won't be our last division among the body,
10 but I hope that it--what we do as this body will
11 always be deliberative, we can always work to--

12 COUNCIL MEMBER BREWER: I'm sorry
13 [off mic] when I just [crosstalk]--

14 COUNCIL MEMBER COMRIE: --deal with
15 each other--

16 COUNCIL MEMBER BREWER: --my gut.

17 COUNCIL MEMBER COMRIE: We can
18 always work to work with each other and always
19 work to argue the points out in public, unlike
20 other entities. I also find it amusing that they
21 went to a person that has already decided to take
22 up a measure to change the state constitution and
23 the state's policies because that has been also
24 been determined as one of the worst bodies in the
25 country. But at the end of the day, I think that

1
2 we need to bring this and continue, the public
3 will not walk away from this issue, but I'm proud
4 to say that I can take this issue to the public
5 and discuss it and debate it. As we all are New
6 Yorkers, we all have opinions. New Yorkers
7 opinions won't go away today, they won't go away
8 tomorrow, they're the essence of what makes this
9 city great, they're the essence of what makes this
10 body great. I urge everyone to vote aye on all.
11 Thank you.

12 [Pause]

13 COUNCIL CLERK: De Blasio.

14 COUNCIL MEMBER DE BLASIO:

15 Permission to explain my vote?

16 PUBLIC ADVOCATE GOTBAUM: So
17 ordered.

18 COUNCIL MEMBER DE BLASIO: Thank
19 you. My friend Leroy Comrie is a good man, I just
20 have to take a moment to disagree. I don't think
21 it's for us to somehow judge that the 1993 and
22 1996 referenda were not good enough hundreds of
23 thousands of New Yorkers voted. They voted after
24 a public debate--something we didn't do properly
25 here--and they voted in very strong numbers in

1
2 both cases, there was not a close margin in either
3 case, so I'd like us to respect history and
4 respect the people's will in that instance. It's
5 very fair, and I agree with my colleague, to say
6 that referenda all over the country present an
7 imperfect situation and some places, such as
8 California, have had some negative experience
9 where there's no question. But as we close this
10 immediate chapter I assure you this is only the
11 beginning of a longer debate in this city and a
12 deeper debate. As we start that debate, let's not
13 denigrate how the people chose before, let's
14 accept that when hundreds of thousands of New
15 Yorkers vote I daresay that's more powerful than
16 what we do here in this body and, again, we have
17 to have the humility to recognize who the boss is.
18 We have to remember who we work for, so you can
19 debate the theory of referendum, but let's respect
20 what happened in those two years and give it the
21 weight it's due. I vote no on 845-A and aye on
22 all others.

23 [Pause]

24 COUNCIL CLERK: Dickens.

25 COUNCIL MEMBER DICKENS: Aye.

1

COUNCIL CLERK: Dilan.

2

COUNCIL MEMBER DILAN: Aye on all.

3

COUNCIL CLERK: Eugene.

4

COUNCIL MEMBER EUGENE: No to 845-A

5

and yes to the rest.

6

COUNCIL CLERK: Felder.

7

COUNCIL MEMBER FELDER: Yes.

8

[Pause]

9

COUNCIL CLERK: Fidler.

10

COUNCIL MEMBER FIDLER: I want to

11

say that anyone who thinks that I don't have the

12

spine to stand up to Mike Bloomberg hasn't been

13

following this body very well and should not

14

interpret any vote that we take here as a

15

suggestion that we've made endorsements in next

16

year's election, 'cause that's certainly not the

17

case for me and I vote aye on all.

18

[Pause]

19

COUNCIL CLERK: Foster.

20

COUNCIL MEMBER FOSTER: Yes on all.

21

COUNCIL CLERK: Garodnick.

22

COUNCIL MEMBER GARODNICK: Thank

23

you. On Intro 845-A, I vote no and aye on all the

24

rest.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATED COUNCIL MEETING

106

COUNCIL CLERK: Gennaro.

COUNCIL MEMBER GENNARO: Yes, I
vote no on 845-A and yes on all other items.

COUNCIL CLERK: Gentile.

COUNCIL MEMBER GENTILE: With
respect to colleagues on both sides of this issue,
I vote no on 845-A and yes on the rest.

COUNCIL CLERK: Gerson.

COUNCIL MEMBER GERSON: Yes.

COUNCIL CLERK: Gioia.

[Pause]

COUNCIL MEMBER GIOIA: I vote no
845-A and yes on all other items, thank you.

COUNCIL CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: Aye on
all.

COUNCIL CLERK: Ignizio.

COUNCIL MEMBER IGNIZIO: No on 845-
A and aye on all others.

[Pause]

COUNCIL CLERK: Jackson.

COUNCIL MEMBER JACKSON: I vote aye
on all.

COUNCIL CLERK: James.

1
2 COUNCIL MEMBER JAMES: May I be
3 allowed to explain my vote?

4 PUBLIC ADVOCATE GOTBAUM: So
5 ordered.

6 COUNCIL MEMBER JAMES: To my
7 colleagues who voted no, you know, John F. Kennedy
8 once said to be courageous requires no exceptional
9 qualifications, no magic formula, no special
10 combination of time, place, or circumstance. It
11 simply requires, that I might add, that you stand
12 up today for democracy. The issue is not whether
13 one favors term limits, not whether of the merits
14 of one man is above the law, not a discussion of
15 the unusual times in our economy. The issue is
16 whether or not we respect the democratic process.
17 Some of you are old enough to remember the
18 Mississippi Summer when Americans and New Yorkers,
19 old and young, men and women, black and white, Jew
20 and gentile, died on our soil for the right to
21 register to vote. It is regretful that any
22 politician would attempt to subvert, circumvent
23 not one, but two, elections. I want to thank all
24 of you who stood tall for democracy, this is a
25 defining moment, a game-changing moment, that

1
2 marks not the end of a process, but the beginning
3 of a process. The struggle of democracy, as
4 Council Member Barron, indicated will continue and
5 let me just say that I believe that this is really
6 all about a legacy, about Moynihan Station, about
7 Willis Point, about the West Side, about Ground
8 Zero, and, yes, about Atlantic Yards, and about
9 the displacement of low, moderate, and working
10 families in New York City. Let me end by
11 decrying, let the people decide. I vote no on 845
12 and yes on the rest of the agenda.

13 PUBLIC ADVOCATE GOTBAUM: Quiet,
14 please. Quiet, please. Let's wait for the roll
15 call.

16 COUNCIL CLERK: Katz.

17 COUNCIL MEMBER KATZ: Aye on all.

18 COUNCIL CLERK: Koppell.

19 COUNCIL MEMBER KOPPELL: Aye on
20 all.

21 COUNCIL CLERK: Lappin.

22 COUNCIL MEMBER LAPPIN: No on 845-
23 A, aye on all the rest.

24 [Pause]

25 COUNCIL CLERK: Liu.

1
2 COUNCIL MEMBER LIU: I vote yes on
3 all matters, except on Intro 845-A, I vote no.

4 COUNCIL CLERK: Mark-Viverito.

5 COUNCIL MEMBER MARK-VIVERITO: No
6 on 845-A and aye to all others.

7 COUNCIL CLERK: Martinez.

8 COUNCIL MEMBER MARTINEZ: Madame
9 Public Advocate, may I be excused to explain my
10 vote?

11 PUBLIC ADVOCATE GOTBAUM: So
12 ordered.

13 COUNCIL MEMBER MARTINEZ: Madame
14 Public Advocate, I've heard the arguments of many
15 of my colleague votes against and for this piece
16 of legislation, 845-A, and I would say that I was
17 elected to represent the constituency of the 10th
18 Councilmatic [phonetic] district, the Washington
19 Heights, Inwood, and Marble Hill community and my
20 vote today, it's not stealing choice from my
21 constituents. My vote today is a responsibility
22 as an elected official under the Charter of the
23 city of New York and sometimes making these
24 decisions are hard decisions, but that's exactly
25 what I got elected for. And today I disagree with

1
2 the argument that we're hijacking or that we're
3 taking away democracy. If my constituents are not
4 satisfied with the work I've done in the City
5 Council they will vote me out because they're
6 smart enough to do that.

7 PUBLIC ADVOCATE GOTBAUM: Quiet,
8 please.

9 COUNCIL MEMBER MARTINEZ: I would
10 also say--

11 PUBLIC ADVOCATE GOTBAUM: Quiet,
12 please, quiet.

13 COUNCIL MEMBER MARTINEZ: --I
14 would also say that my vote today here is not a
15 vote for the Mayor. When we had the hearings
16 here, good government groups, distinguished
17 individuals that have been in government had all
18 said that this is the role of the City Council, to
19 amend the Charter of the city of New York and
20 we've done that in the past. We have amended the
21 Charter the city of New York for other referendum,
22 we did it for campaign finance. My constituents
23 voted for a four to one and this Council amended
24 that referendum to a six to one, that was not what
25 my constituents voted for. It was done also with

1
2 the CCRB and I'm sure it will happen again 'cause
3 that is the role and the responsibility of the
4 Council of the city of New York and yet I would
5 tell you, Madame Public Advocate, I'm voting for
6 the bill and the Mayor has not given me a dime.
7 I'm voting because it's my responsibility--

8 PUBLIC ADVOCATE GOTBAUM: Quiet,
9 quiet, please.

10 COUNCIL MEMBER MARTINEZ: --and
11 having said that, Madame Public Advocate, I
12 proudly vote aye on all today.

13 COUNCIL CLERK: McMahon.

14 COUNCIL MEMBER MCMAHON: No on 845-
15 A, aye on all others.

16 COUNCIL CLERK: Mealy.

17 COUNCIL MEMBER MEALY: Aye.

18 [Pause]

19 COUNCIL CLERK: Mendez.

20 FEMALE VOICE: Quiet.

21 COUNCIL MEMBER MENDEZ: Permission
22 to explain my vote?

23 PUBLIC ADVOCATE GOTBAUM: So
24 ordered.

25 [Pause]

1
2 COUNCIL MEMBER MENDEZ: There is a
3 saying in this country that says, I just don't
4 wave my flag, I defend it. Term limits is
5 undemocratic, but not going to a voter referendum
6 is more undemocratic. We have the right under the
7 charter to undo voter referendas, but in this
8 matter, in this matter where it concerns our jobs,
9 it should go back to the public. I think
10 democracy demands that we bring this back to them.
11 I vote no on Intro 845-A and yes on all other
12 matters. I wave and defend my flag.

13 [Pause]

14 COUNCIL CLERK: Monserrate.

15 COUNCIL MEMBER MONSERRATE: No on
16 845-A and yes on the rest.

17 [Pause]

18 COUNCIL CLERK: Nelson.

19 COUNCIL MEMBER NELSON: Aye.

20 COUNCIL CLERK: Palma.

21 COUNCIL MEMBER PALMA: No on LL--on
22 LU AA4 and 845-A and yes on the rest.

23 [Pause]

24 COUNCIL CLERK: Recchia.

25 COUNCIL MEMBER RECCHIA: Aye.

1

COUNCIL CLERK: Reyna.

2

COUNCIL MEMBER REYNA: Permission

3

to explain my vote--

4

PUBLIC ADVOCATE GOTBAUM: So

5

ordered.

6

COUNCIL MEMBER REYNA: --public ma-

7

Public Advocate. Thank you. I just wanted to

8

take a moment to express to my colleagues and to

9

those viewing this particular moment. The

10

proposed law in 1996 read as followed: The

11

proposed law--Local Law would prohibit those

12

officials from serving more than three full

13

consecutive terms or 12 consecutive years,

14

whichever is greater, after January 1st, 1994,

15

except for members of the City Council first

16

elected in the year 2003, who would be prohibited

17

from serving more than 10 consecutive years shall

18

the proposed Local Law be approved. At the end of

19

the day, everyone remain silent and we'll then

20

determine what in the world is this saying. I

21

mention this because in my district, 5,200 people

22

voted yes to limit the term to two and 6,800 voted

23

to not extend the term--to extend the term limit

24

to three. This particular representation is just

25

1
2 enough for me to stand firmly as a representative
3 of a representative government of the 34th
4 District and agree with the extension of term
5 limits. I was reminded last Friday by the school
6 called Democracy Prep in Inez Dickens' district.
7 Danielle and Zyaire, who said choice, voice, and
8 progress. We must not forget that. This is a
9 representative government and we as elected
10 officials must do our job. We have to make sure
11 that the 16,859 people in my district who left
12 this question blank, who make the attempt of going
13 out to vote do not continue to feel like this
14 issue gets so complicated, they have no idea what
15 they're voting.

16 PUBLIC ADVOCATE GOTBAUM: Time,
17 Council Member.

18 COUNCIL MEMBER REYNA: So therefore
19 on behalf of the 6,800 that did come out to vote
20 in favor of extending and, nevertheless, we did
21 not get the extension in 1996, I will represent
22 them today by voting aye on all.

23 COUNCIL CLERK: Sanders.

24 COUNCIL MEMBER SANDERS: Yes.

25 [Pause]

1

COUNCIL CLERK: Seabrook.

2

COUNCIL MEMBER SEABROOK: Yes,

3

Madame Speaker, with the opportunity to explain my
vote, please.

4

5

PUBLIC ADVOCATE GOTBAUM: So

6

7

ordered.

8

COUNCIL MEMBER SEABROOK: Yes, I--

9 there's a couple of things that I think that needs
10 clarification. One is that I've always been
11 opposed to term limits, but I think that people
12 need to understand that term limits had nothing to
13 do with increasing the number of minorities to
14 this Council, a fair redistricting commission
15 created fair lines that allowed that, not term
16 limits. Term limits run smack dab right into the
17 heart of the civil rights movement and against it
18 because if we look and see the history of term
19 limits and how it was, it started with the
20 proposition in terms of changing Congress and also
21 taking the first African-American speaker who was
22 ever elected to office, Willie Brown, by
23 eliminating him and it was also enacted after
24 David Dinkins was elected to office here. So it
25 ran smack dab and during the same period, the same

1
2 most reactionary elements of government, Newt
3 Gingrich, etc., decided to talk about Take Back
4 America and he went on a rampage because when he
5 look around, who was in position in America was
6 those people, Oliver Koppell, who had gotten
7 elected: Ron Dellums, who was the chairman of
8 armed services; Bill Clay, who was a chairman of a
9 committee; Augustus Hawkins, who was the chairman
10 of education; many African-Americans who had
11 become chairmen, so the thrust was, let's have a
12 movement to eliminate them because it was about
13 getting reelected and staying into office and
14 seniority, so it run smack dab against it. So
15 when we have these propositions and all of these
16 proposals to be put on the ballot, all we have to
17 do is look at California Proposition 13,
18 Proposition 8, all against affirmative action,
19 anti-gay movement. We are hearing that little
20 children were right, Diana said democracy also
21 means representative democracy.

22 PUBLIC ADVOCATE GOTBAUM: Time--

23 COUNCIL MEMBER SEABROOK: That's
24 what democracy is all about and we need to--

25 PUBLIC ADVOCATE GOTBAUM: Time,

1

2 Council Member.

3

COUNCIL MEMBER SEABROOK: --

4

understand the history of what took place.

5

PUBLIC ADVOCATE GOTBAUM: Quiet,

6

please.

7

COUNCIL MEMBER SEABROOK: I vote

8

yes.

9

PUBLIC ADVOCATE GOTBAUM: Quiet,

10

please; quiet, please; quiet, please. Quiet,

11

quiet, quiet, quiet, quiet. Getting hoarse.

12

COUNCIL CLERK: Sears.

13

COUNCIL MEMBER SEARS: Permission

14

to explain my vote, please?

15

PUBLIC ADVOCATE GOTBAUM: So

16

ordered.

17

COUNCIL MEMBER SEARS: All right.

18

In the last seven years--and I'd like my

19

colleagues --

20

PUBLIC ADVOCATE GOTBAUM: Quiet,

21

please.

22

SERGEANT-AT-ARMS: Keep it down,

23

please. [Crosstalk]

24

COUNCIL MEMBER SEARS: --if I can

25

have the attention of my colleagues for a moment?

1
2 In the last seven years, the Mayor has had his
3 vetoes overridden over two dozen times and he's
4 done so by this body and under the two Speakers.
5 That says a lot for the balance of power, it says
6 a lot for independence, and it says a lot for
7 conscience. We have done that. So for those who
8 think everything is fixed, remember how you voted
9 during these seven years and almost 24 overriding
10 Mayor's vetoes. I vote yes on all except LU 911,
11 I vote no.

12 [Off mic]

13 COUNCIL CLERK: Stewart.

14 COUNCIL MEMBER STEWART: May I be
15 excused to explain my vote?

16 PUBLIC ADVOCATE GOTBAUM: So
17 ordered.

18 COUNCIL MEMBER STEWART: I believe
19 the rules of the Charter is our guide. Each
20 member was duly elected by the people to make and
21 decide on tough issues and vote. Example, we can
22 talk about the new campaign finance laws, the
23 CCRB, taxes, congestion prices, etc. If anyone
24 here feel that they were not elected to make
25 decisions and they want to do defer their

1
2 responsibility to someone else in the district, I
3 think they do not understand the fact that they
4 were elected to vote here on behalf of the people.
5 And so I'm asking, basically, what are they
6 thinking when they say that we have to return this
7 back to the people? If you were elected to make
8 the decision, then you got to make the decision
9 here. I vote yes on all.

10 [Pause]

11 COUNCIL CLERK: Vacca.

12 COUNCIL MEMBER VACCA: Aye.

13 [Off mic]

14 COUNCIL CLERK: Vallone.

15 PUBLIC ADVOCATE GOTBAUM: Quiet,
16 please.

17 [Off mic]

18 COUNCIL MEMBER VALLONE: Aye.

19 COUNCIL CLERK: Vann.

20 COUNCIL MEMBER VANN: Permission to
21 explain my vote.

22 PUBLIC ADVOCATE GOTBAUM: So
23 ordered.

24 COUNCIL MEMBER VANN: Actually, I
25 wish--only wish to correct the record as to why

1
2 there is diversity in this chamber and the
3 increased number of blacks and Latinos. It had to
4 do with the redistricting plan that Mayor Koch
5 submitted when he was Mayor. At that time, I
6 happen to have been Chair of the Black and Puerto
7 Rican Caucus in the state of New York, we
8 challenged that plan in the courts, it went all
9 the way up to the Supreme Court. Our attorney
10 Paul Wooten argued before Thurgood Marshall, he
11 ruled in our favor, he ordered Mayor Koch to
12 redraw a plan because the plan he submitted was
13 discriminatory. We helped to draw that plan, we
14 created districts throughout Queens and Bronx and
15 Brooklyn that many of you now run from and perhaps
16 don't even know the history and that's how we have
17 the increased number of blacks and Latinos in the
18 chamber right now. The following year we did the
19 same thing with the court, with the state
20 reapportionment. We challenged--the Speaker of
21 the Assembly, Stanley Fink, joined our suit, it
22 was very unusual--and, of course, we won that suit
23 and we created Congressional seats of blacks and
24 Latinos are now in. We created eventual state
25 Senate seats, 70 seats from Long Island,

1
2 Rochester, all over the state, and, of course, in
3 the city of New York, and that's why we challenged
4 that. I just wanted for the record to be clear
5 and us to understand as to why the power that we
6 have, and we use it through the court, and the
7 mechanisms that were there, reapportionment,
8 redistricting, we won. That was increased power
9 for blacks and Latinos around the state and in our
10 city and those are the seats that you're sitting
11 in now. I withdraw the history lesson and vote
12 aye.

13 COUNCIL CLERK: Weprin.

14 COUNCIL MEMBER WEPRIN: No on, no
15 on 845-A, aye on the rest.

16 COUNCIL CLERK: White.

17 [Off mic]

18 COUNCIL MEMBER WHITE: May I kindly
19 be excused to explain my vote?

20 PUBLIC ADVOCATE GOTBAUM: So
21 ordered.

22 COUNCIL MEMBER WHITE: I've sat and
23 I've listened [pause] and out of the 51 members,
24 [pause] and of the class of '93 and '96, I was
25 term limited and I came back. I didn't come back

1
2 because Tom White said come back, I came back
3 because the people asked me to come back. That's
4 the confidence they had in me. They sought to
5 have the kind of representation that they could
6 feel and they know that their best interest was at
7 heart. Did they agree with me all the time? Of
8 course not. Did everybody vote for me? Of course
9 not. But I'm a firm believer that when you're
10 elected to office, you represent not only the
11 people that voted for you, but you also represent
12 the people that did not vote for you. I came back
13 to this body, because all of the things that I had
14 put in place working with my colleagues at that
15 time and working with Giuliani and working with
16 Dave Dinkins [pause] had fallen apart. I came
17 back to put it together. Do you know what it
18 means to work hard tirelessly and people have come
19 and disagree with you and you build up a community
20 and then you watch it fall? It's not a very good
21 feeling, it's only a good feeling if you've never
22 done anything in your community and don't plan to
23 do anything. Now I'm faced with over 2,000
24 foreclosures in my district. People are moving
25 and losing their homes. We--I don't even know if

1
2 they'll be able to vote in this upcoming election
3 because they have--they'll have new addresses,
4 maybe they moved out of town. And I'm here to say
5 to everybody here, there's a disconnect in
6 government. Whenever you have the continuity of
7 the U.S. Senate, the continuity of the Congress,
8 the continuity of the State Assembly, and the
9 continuity of the state and then when you get to--

10 PUBLIC ADVOCATE GOTBAUM: Time,
11 Council Member.

12 COUNCIL MEMBER WHITE: --New York
13 City everybody leaves and that--

14 PUBLIC ADVOCATE GOTBAUM: Time

15 COUNCIL MEMBER WHITE: --is not
16 good government on the part of people and I will
17 stand up because my people sent me here to
18 represent them, for good--

19 PUBLIC ADVOCATE GOTBAUM: Thank
20 you. Time, please.

21 COUNCIL MEMBER WHITE: --or for
22 bad. With that, I will vote aye on 845-A.

23 PUBLIC ADVOCATE GOTBAUM: Quiet,
24 please. Thank you.

25 COUNCIL CLERK: Yassky.

1

[Pause]

2

PUBLIC ADVOCATE GOTBAUM:

3

[Crosstalk]

4

COUNCIL MEMBER YASSKY: Madame

5

Public Advocate, just to briefly explain my vote

6

and I have made arguments to you, my colleagues,

7

on the amendment, on the bill. I guess the

8

explaining part is really more for my constituents

9

and I have had many e-mails reminding me that I

10

was elected as a reformer and telling me that the-

11

-that means that the way to vote is against this

12

bill and I guess I just want to say that I don't

13

think that the throw the bums out mentality that

14

is embodied in the term limits policy and in Ron

15

Lauder's campaigns to keep and maintain it, I

16

don't think that is reform. There's undeniably

17

part of reform is process and the process that has

18

put--led us to this point is a terrible one, but

19

part of reform is the notion that we in government

20

are supposed to make our decisions based on the

21

merits of the issue before us and not on political

22

calculation and I love the practice of government,

23

I honor it, I believe that the policy change in

24

this bill will result in better government and

25

1
2 that is why I vote aye on it and aye on all items
3 before us.

4 [Off mic]

5 [Pause]

6 COUNCIL CLERK: Oddo.

7 COUNCIL MEMBER ODDO: May I be
8 temporarily excused to explain my vote?

9 PUBLIC ADVOCATE GOTBAUM: So
10 ordered.

11 COUNCIL MEMBER ODDO: Thank you.
12 I've been fighting the urge all day to stand and
13 join this debate, but I have to be honest with
14 you, frankly, I was afraid of what I might say
15 and, God knows, we all know that I've had enough
16 YouTube exposure for two lifetimes, although,
17 right now I wish I had banked a few of those F-
18 bombs for the moment like this. I was never any
19 good at math, but obviously this chapter, this
20 fight is over, so there really is no reason for me
21 to give a speech. So there's one appropriate
22 thing that I believe I have to say and it comes
23 from the television show The West Wing, the third
24 season, an episode called Two Bartlets. There's
25 an old expression, Quando dio vuole castigarci ci

1
2 manda quello che desideriamo., when the gods wish
3 to punish us, they answer our prayers. For the
4 city of New York, I hope the gods have been busy
5 today and they haven't been watching. I vote aye
6 on all with the exception of [pause] 845-A, I vote
7 no.

8 COUNCIL CLERK: Rivera.

9 COUNCIL MEMBER RIVERA: Madame
10 Public Advocate, if I can explain my vote?

11 PUBLIC ADVOCATE GOTBAUM: So
12 ordered.

13 COUNCIL MEMBER RIVERA: Thank you
14 very much. Today I want to congratulate everybody
15 because we have in a respectful manner, you know,
16 come to a conclusion on how this government's
17 going to be shaped over the next five years. I
18 want to congratulate our Speaker, I want to
19 congratulate, you know, every member that's here,
20 all the people in the audience. I want to thank
21 the media for bringing this out to the public. I
22 represent the 15 Council District, Grand
23 Concourse, Fordham Road, East Tremont, West Farms,
24 Oth [phonetic] Avenue. In 1996, they voted to
25 give City Council members a third term. They did

1
2 that because they know that their elected
3 representatives are there fighting day in and day
4 out to bring back to the neighborhood what we
5 rightfully deserve. I may not be here if term
6 limits didn't happen. My predecessor who's in the
7 audience videotaping, some of us may know him,
8 Jose Rivera, happens to be my father and was doing
9 such a great job that they wanted him to serve
10 another term. I am here and democracy is at work.
11 We have debated this issue and we will bring it to
12 the polls where the people will decide who will be
13 their elected officials. That's the ultimate
14 democracy when the voters get a chance to vote for
15 me or against me. I want to thank, again, the
16 public because they came to two marathon meetings.
17 I want to thank Simcha Felder, you know, for
18 sitting there for 20 hours and all the committee
19 members and I especially want to thank, again, the
20 Speaker because under her leadership, we have made
21 elections more competitive.

22 [Off mic]

23 PUBLIC ADVOCATE GOTBAUM: Quiet,
24 please.

25 COUNCIL MEMBER RIVERA: Under her

1

2 leadership, we have--

2

3

PUBLIC ADVOCATE GOTBAUM: Quiet.

4

COUNCIL MEMBER RIVERA: --

5

strengthened campaign finance programs to make

6

sure that elections are competitive and I know the

7

media is here today, we have about 20 or 30

8

cameras. I just hope when we talk about

9

affordable housing, when we talk about education,

10

when we talk about jobs, when we talk about

11

obesity, that we will have 30 cameras and every

12

single newspaper in this city here with us

13

discussing the important issues that we have to

14

face on a day to day basis 'cause New Yorkers

15

deserve to know what is happening in City Hall and

16

we are working hard every single day to do what's

17

right for our city. Thank you very much and I

18

vote yes on Intro 845 and all other items on

19

today's agenda.

20

COUNCIL CLERK: Speaker Quinn.

21

SPEAKER QUINN: I vote aye on all

22

coupled general items.

23

[Pause]

24

PUBLIC ADVOCATE GOTBAUM: All items

25

on today's General Order calendar were adopted by

1
2 a vote of 51 in the affirmative, 0 negative, 0
3 abstentions, with the exception of 845-A, which
4 was adopted by a vote of 29 in the affirmative, 22
5 in the negative, 0 abstentions, and LU 884 Reso
6 1671, 49 in the affirmative, 2 negative--quiet,
7 please--0 abstentions and LU 911 and Reso 1675,
8 which was adopted by 50 in the affirmative, 1
9 negative, and 0 abstentions. Revised use--revised
10 Land Use Call-Up vote is 51 in the affirmative, 0
11 negative. Introduction reading of bills.

12 SPEAKER QUINN: All bills are
13 referred to committees as indicated on the agenda.
14 I want to remind my colleagues that we have a
15 resolution to vote on.

16 PUBLIC ADVOCATE GOTBAUM: We have a
17 resolution, I'll read it very quickly, it's
18 somewhat complicated, but maybe it'll let the
19 steam out a little. An amended resolution urging
20 the Federal Communications Commission to open a
21 formal comment period on the Commission's TV white
22 space test to enable all stakeholders to
23 thoroughly review the data and comment and to set
24 aside a sufficient number of broadcast channels--

25 COUNCIL MEMBER BREWER:

1
2 [Interposing] You can just, quickly, yes. Thank
3 you.

4 PUBLIC ADVOCATE GOTBAUM: --for the
5 exclusive use of wireless microphone in order to
6 protect all incumbent wireless micron--quiet,
7 please. So all in favor?

8 FEMALE VOICE: Aye.

9 PUBLIC ADVOCATE GOTBAUM: Sorry,
10 sorry, I'm sorry. Discussion, discussion, excuse
11 me.

12 COUNCIL MEMBER BREWER: I just--

13 PUBLIC ADVOCATE GOTBAUM: --me, I
14 forgot. I--

15 COUNCIL MEMBER BREWER: I just want
16 to mention, that's the resolution coming out of
17 the Technology in Government Committee. When we
18 go from analogue to digital, there'll be more
19 space in the sky. We want to make sure that
20 Broadway and the production of broad--

21 PUBLIC ADVOCATE GOTBAUM: Quiet,
22 please.

23 COUNCIL MEMBER BREWER: --Broadway
24 and the productions on Broadway have sufficient
25 space to be able to produce--

1
2 PUBLIC ADVOCATE GOTBAUM: Quiet,
3 please, we can't hear her.

4 COUNCIL MEMBER BREWER: --and we
5 want to make sure that the interference is okay.
6 So this is really a pro-Broadway resolution.
7 Thank you.

8 [Off mic]

9 PUBLIC ADVOCATE GOTBAUM: Okay.
10 Anybody else, anybody else want to talk about this
11 ray--all--let's vote.

12 [Off mic]

13 PUBLIC ADVOCATE GOTBAUM: Quiet,
14 please; quiet, please, we can't vote. Quiet,
15 please. Sergeant-At-Arms, could you please remove
16 them? Quiet, please.

17 [Off mic]

18 PUBLIC ADVOCATE GOTBAUM: We still
19 have a vote. Quiet, please.

20 COUNCIL MEMBER BREWER: All in
21 favor.

22 PUBLIC ADVOCATE GOTBAUM: All
23 right, All in favor?

24 COUNCIL MEMBER BREWER: Aye.

25 MALE VOICE: Aye.

1

PUBLIC ADVOCATE GOTBAUM: Opposed?

2

MALE VOICE 11: Shame on you.

3

PUBLIC ADVOCATE GOTBAUM: Adopted.

4

MALE VOICE 11: Shame on all you.

5

PUBLIC ADVOCATE GOTBAUM: General

6

discussion, Council Member Barron. Good luck.

7

COUNCIL MEMBER BARRON: I would

8

just like to publicly--can I get some quiet?

9

PUBLIC ADVOCATE GOTBAUM: Quiet,

10

please; quiet, please, so the Council Member can

11

speak, please.

12

COUNCIL MEMBER BARRON: I just

13

would like to simply publicly apologize to John

14

Liu for saying blacks and Latinos and not mention

15

he was the first elected Asian. So I just want to

16

apologize to John--

17

PUBLIC ADVOCATE GOTBAUM: So

18

ordered.

19

COUNCIL MEMBER BARRON: --Liu

20

publicly for that and that would be--

21

PUBLIC ADVOCATE GOTBAUM: Quiet,

22

please.

23

COUNCIL MEMBER BARRON: --that's

24

it.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

PUBLIC ADVOCATE GOTBAUM: Thank
you. Thank you, Council Member. Now anyone else?
The council meeting today is finished.

C E R T I F I C A T E

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

Signature Tammy Wittman

Date October 31, 2008