

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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MARCH 19, 2018
Start: 10:00 A.M.
Recess: 3:24 P.M.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E:

COUNCIL MEMBERS: Fernando Cabrera, Chairman
Ben Kallos
Alan N. Maisel
Bill Perkins
Keith Powers
Ydanis A. Rodriguez
Kalman Yeger
Alicka Ampry-Samuel
Adrienne Adams

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

Bryant Reed (SP) Senior Legislative
Council

Zac Harris, Financial Analyst

Elizabeth Kronk, Policy Analyst

Greg Faulkner, Staff of Fernando Cabrera

Claire McLeveighn, Staff of Fernando
Cabrera

Lisette Camilo, Commissioner of
Department of Citywide Administrative
Services (DCAS)

Laura Ringelheim, Deputy Commissioner of
Department of Citywide Administrative
Services (DCAS) for Real Estate

Dawn Pinnock, Deputy Commissioner for
Human Capital

Jerry Torres, Deputy Commissioner for
Facilities Management for Department of
Citywide Administrative Services (DCAS)

Anthony Fiorre, Deputy Commissioner
Energy Management of Department of
Citywide Administrative Services (DCAS)

Keith Kerman, Deputy Commissioner Fleet
Management for Department of Citywide
Administrative Services (DCAS)

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

Zachary Carter, Corporation Council Head
of Law Department

Muriel Goode-Trufant, Managing Attorney

Mal Higgins, Chief Administrator of the
Office

Michael J. Ryan, Executive Director of
Board of Elections (BOE)

Gerald Sullivan, Finance Officer for
Board of Elections (BOE)

Steven Richman, General Counsel Board of
Elections (BOE)

Raphael Savino, Deputy General Council
Board of Elections (BOE)

Valerie Vazquez, Communications and
Public Affairs Director of Board of
Elections (BOE)

Stacy Infante (SP?), Financial Analyst
for Board of Elections (BOE)

Fidel del Valle, Commissioner and Chief
Judge, Office of Administrative Trials
and Hearings (OATH)

Angel Mescaín, Manhattan Community Board

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

Lucian Reynolds, Manhattan Community
Board 1

Phil Voss, Energy Vision

Ralph Palladino, Second Vice-President
Local 1549 DC37

Roxanne Delgado, Boodie Down Bronx

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2 (Test, test, test ... today is a
3 Committee on Governmental Operations. Today's date
4 is March 19, 2018. This is recorded by Saking (SP?)
5 Bradley.)

6 FERNANDO CABRERA: Good morning everyone
7 and welcome to City Council's Government Operations
8 Committee Fiscal 2019 Preliminary Budget Hearing. I
9 am Fernando Cabrera, Chair of the Committee. Today
10 we will be hearing from the Department Citywide
11 Administrative Services, the Law Department, the
12 Board of Elections, the Office of Administrative
13 Trials and Hearings and from the City Community
14 Boards. Following this we will welcome any members
15 of the public to provide their testimony to the
16 committee as well if all goes according to schedule
17 which I hope so, the time for public testimony shall
18 begin at 3:00, so if you are here for public
19 testimony just keep in mind you won't be able to
20 share with us until 3:00 at the very earliest. We
21 are also receiving written testimony from four
22 additional city agencies which in the interest of
23 time we have not invited to testify in person. These
24 agencies are the Department of Records and
25 Information Services, the Office of Administrative

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2 Tax Appeals, the Financial Information Services
3 Agency and the Office of Payroll Administration. For
4 the record, I would like to affirm that we take the
5 work of these agencies very seriously and are
6 conducting an equally thorough analysis of their
7 Budget and Operation as we are for the agencies that
8 are testifying in front of us in person today. The
9 agencies testifying before the Governmental
10 Operations Committee carry out some of the most
11 critical functions to the city's operations even
12 though they receive somewhat less attention than more
13 public facing agencies. These agencies managing the
14 heating and the electricity bill for the city, defend
15 us from law suit, conduct our election process,
16 summons for administrative law violations, manage the
17 entire city accounting system and maintain the city's
18 archives. It is the job of this committee to work
19 together with these agencies to ensure that such
20 critical services are being carried out effectively
21 and efficiently. With that goal in mind, we hope to
22 hear more detail regarding how these agencies are
23 making use of their budget funds and whether or not
24 these funding is sufficient and being used as
25 efficiently as possible for all of their help in

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2 putting together today's hearing, I would like to
3 thank committee staff, Bryant Reed (SP?) Senior
4 Legislative Council; Zac Harris, Financial Analyst;
5 Elizabeth Kronk, Policy Analyst and my staff, Greg
6 Faulkner and Claire McLeveighn. In addition, I would
7 like to acknowledge the committee, actually we don't
8 have committee members yet, they should be on the
9 way. So with that, I would like to begin the first
10 part of our hearing and welcome, Lisette Camilo,
11 Commissioner of the Department of Citywide
12 Administrative Services or known as DCAS. Thank you
13 commissioner for testifying before us today. DCAS
14 Fiscal 2019 Preliminary Budget totals \$1.2 billion
15 including \$196 million in personal services funding
16 to support 2,466 full time positions, \$713.9 million
17 or 62% of DCAS Budget is allocated for citywide heat,
18 light and power bill. This is the city's utility
19 bill which DCAS Manages and pays for all other city
20 agencies through its Energy Management Division. DCAS
21 mission is diverse and touches on many aspects of the
22 city's operation. It is the real estate management
23 arm of the city, coordinating the leasing of private
24 property for city government use as well as the
25 leasing of city property to private entities, it

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2 manages the largest municipal vehicle fleet in the
3 nation and administers exam to aspiring City Civil
4 Service Employees, tongue twister. It is also the
5 City Chief Procurement Officer managing the purchases
6 of goods and services for city agencies. Today we
7 hope to hear more about DCAS Energy Policy, it's
8 effort to increase the cost and fuel efficiency of
9 the city's fleet, it's real estate management
10 practices and DCAS section in the preliminary mayor's
11 management report among various other topic. With
12 that I will please ask committee counsel to
13 administer the oath.

14 COMMITTEE COUNSEL: Please raise your
15 right hand. Do you affirm to tell the truth, the
16 whole truth and nothing but the truth in your
17 testimony before this committee and to respond
18 honestly to counsel member questions?

19 LISETTE CAMILO: I affirm.

20 COMMITTEE COUNSEL: Thank you.

21 LISETTE CAMILO: Good morning, Chair
22 Cabrera and members of the Governmental Operations
23 Committee, I am Lisette Camilo, Commissioner of the
24 Department of Citywide Administrative Services.
25 Thank you for the opportunity to appear before you

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2 today. I am joined by members of my senior staff to
3 discuss the planned expenditures and revenues for
4 Fiscal Year 19 as well as highlights of the DCAS
5 Capital Plan, all of which are aimed to help further
6 and support the operations of City Government. DCAS
7 is an instrumental part of New York City Government.
8 We are comprised of more than 2,000 dedicated
9 employees who work in personnel management,
10 engineering, procurement, real estate, custodial
11 services and more. We are customer focused and
12 service driven. Each of our lines of service brings
13 support to the administration's important goals of
14 equity, growth, resiliency and sustainability. We
15 play a direct role in the implementation of citywide
16 mayoral initiatives including leveraging the city's
17 purchasing power to generate savings and
18 efficiencies, reducing green house gas emissions 80%
19 by 2050, providing increased access to job and
20 contracting opportunities to a more diverse
21 population and increasing the city's green fleet. In
22 short we provide many of the services that allow the
23 city to function and to be a national leader in
24 various initiatives. DCAS supports our sister
25 agencies by ensuring they have the critical resources

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2 and support needed to provide the best possible
3 services to the public. These range from operating
4 the central storehouse where agencies can purchase
5 supplies from DCAS, managing and paying utility bills
6 and proving the energy efficiency for all city
7 buildings and finding workspace for every city
8 employee. Now I would like to take a minute to
9 provide the council with an update on some of the
10 other initiatives that we are currently working on.
11 Human Capital and EEO: DCAS continues its efforts to
12 ensure that the city is an employer of choice, key to
13 those efforts is the administrative of civil service
14 examinations in a more efficient, automated and
15 transparent manner. I am pleased to announce that
16 DCAS opened two new computer based testing
17 application centers or (CTACs) recently bringing our
18 total number of CTAS to four. The new testing center
19 in Queens opened in June 2017 and has 153 test taking
20 stations. The other testing center was opened in the
21 borough of Staton Island in January of 2018 with 77
22 testing stations. The addition of these two sites
23 increases DCASS testing capacity by 60%. To date, a
24 total of over 16,000 candidates have been tested at
25 the new site in Queens with over 130 tested in Staton

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2 Island since January. We are currently working on a
3 plan for a site in the Bronx. DCAS continues to lead
4 the way in providing training on diversity and
5 inclusion and equal employment opportunity rights for
6 city employees. For Fiscal year 18 to date, we have
7 provided classroom and computer based training to
8 almost 16,000 city employees and were on track to
9 meet our FY18 training goal of 20,000 employees. For
10 FY19, DCAS plans to enhance and enhance his E-
11 learning offering and offer tools provided to its
12 citywide client base. Our upcoming module on sexual
13 harassment reflects our enhancement of services
14 procurement. DCAS continues to increase our MBWE
15 vender outreach to ensure that MWBEs are included as
16 a normal part of the agencies purchasing culture.
17 This Fiscal year, we have hosted and participated in
18 more than 18 outreach events. We have aborted
19 approximately \$47 million in contracts to MWBE firms
20 including a \$28 million contract to E. Electrical
21 Contracting, the largest MWBE Contract ever for DCAS.
22 We have more to do but I am happy to say that we have
23 been making progress in this area and are on pace to
24 suppress the amount of dollars we awarded in FY17
25 fleet. DCAS is working to make the largest municipal

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2 fleet in the nation, also the safest and most
3 sustainable. We are well ahead of schedule in
4 achieving the 2025 target of adding 2,000 electric
5 vehicles to the city's fleet. New York City Fleet
6 currently has almost 1,300 electric plug-in vehicles
7 on the road with 400 more on order. This is four
8 times as many EVEs than when we started NYC Clean
9 Fleet in late 2015. Real Estate: DCAS with the
10 Office of Management and Budget and City Hall is on a
11 mission to maximize the use of all city owned and
12 private leased spaces currently occupied by city
13 agencies. We are implementing the new space standard
14 for work stations when designing new work space for
15 city employees, at both private leased and city owned
16 space. Energy Management: We are ramping up the
17 rate of installation of clean energy technologies
18 within the city. We estimate initiating more than 24
19 mega watts of clean distributed solar power
20 generation projects this calendar year. We just
21 almost doubled what we have installed to date, enough
22 to power 82 New York City homes. We are also
23 piloting energy storage technologies that are both
24 stand alone and coupled with clean distributed
25 generations. DCAS continues to work closely with

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2 agencies citywide to enhance the energy performance
3 of their facilities through a range of programs which
4 includes retrofitting equipment, improving operations
5 and maintenance as well as training and outreach to
6 reduce the city's energy cost facilities management.
7 Regarding the 55 buildings in our city owned space
8 portfolio that DCAS manages are have been proactive
9 in seeking areas where energy consumption can be
10 reduced. We are in the process of installing
11 building management systems in select locations.
12 Inhouse staff recently installed a BMS at Queens
13 Supreme Court allowing better ventilation control.
14 This upgrade has resulted in an 11% reduction in
15 electrical consumption resulting in more than \$50,000
16 in cost savings per year. Four additional buildings
17 are currently being upgraded with new BMS Technology,
18 Expense Budget Funding and Additions. DCASs Expense
19 Budget reflects a funding of \$1.2 billion and a
20 budgeted headcount of 2,464 in FY19. The majority of
21 DCASs planned FY19 Expenditure \$714 million is
22 allocated for citywide heat, light and power expenses
23 which is based on forecasted agency energy usage as
24 well as commodity rates expected in the upcoming
25 year. In the FY19 Preliminary Budget, DCAS received

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2 expense funding to enhance our services through joint
3 efforts with other city agencies including but not
4 limited to Civil Service Examination, Citywide Fleet
5 Initiatives and Public Safety. Examples include
6 Operation of the Staton Island ZTAC. DCAS received
7 funding for 24 positions and \$1.4 million for the
8 staffing of this new facility that operates Monday
9 through Friday from 8:00 a.m. to 8:30 p.m. and
10 Saturday until 6:00 p.m. The additional funding is
11 allocated to assist in the administration of exams to
12 provide Customer Service and assist test takers if
13 needed. Citywide Fleet Management System, DCAS
14 received approval for \$1.4 million in FY18 and an
15 additional \$800,000 in FY19 to upgrade, modify and
16 add new modules to the city's fleet management
17 system. The information from the system will allow
18 us to develop better maintenance and car replacement
19 schedules. Life and Safety Measures: An additional
20 \$2 million was provided in FY18 to perform life and
21 safety projects including \$1.7 million for roof
22 repairs and \$300,000 for installation of sides,
23 sheds, at various DCAS managed buildings. The fire
24 and life safety unit also received \$300,000 to repair
25 the fire alarm system at 1118 Grand Concourse, a

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2 system that is currently more than 20 years old.

3 Agency Efficiency Initiatives: As requested by OMB,
4 DCAS has identified savings in areas that will not
5 adversely affect the agency's provisions of core
6 services to both the public and our sister agencies.
7 These efficiency initiatives include additional Civil
8 Service Exam fees. DCAS expects to earn an
9 additional \$1 million in Civil Service Exam fees in
10 FY19 associated with the increase in the number of
11 exams as part of the provisional reduction program.

12 PS Budget Reduction: DCASs FY19 Personal Services
13 Budget is reduced by \$2 million. DCAS will achieve
14 these savings from accruals based on delays in the
15 backfilling of attrition to 3 to 6 months. NYSERDA

16 Incentive Payments: In FY19 DCAS expects to receive
17 an additional \$750,000 in incentive payments from the
18 New York State Energy Research Development Authority
19 associated with the installation of solar affordable
20 power projects at 24 school which were completed in
21 FY16 revenues. The FY19 total DCAS Revenue Budget is
22 \$65.3 million primarily due to DCASs largest source
23 of recurring revenue is from private rentals of city
24 owned property projected at \$43.1 million. Another
25 significant revenue source is the sale of surplus

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2 vehicles and other city owned equipment totally \$7.9
3 million. DCAS also receives revenue from applicant
4 Cfiling fees for Civil Service Examinations. DCAS
5 anticipates collecting \$4.8 million from these fees.

6 Capital Plan: The Preliminary Budget reflects an
7 updated four year Capital Plan of \$2.5 billion for
8 Fiscal year 19-22 to maintain and enhance DCAS
9 facilities and leased office spaces as well as to
10 continue the Energy Conversation Program. The
11 Preliminary Capital Budget for FY19 is \$858 million
12 and will allow us to complete some of the following
13 initiatives, DCAS managed facilities. DCASs Capital
14 Construction Program for city owned office and court
15 buildings total \$475 million. This includes \$182
16 million allocated for the upgrade of fire protection
17 and suppression systems at Brooklyn Supreme Court 851
18 Grand Concourse, 253 Broadway and 80 Center Street.

19 Energy Conservation and Clean Energy Projects: The
20 Capital Plan for FY19 totals \$265 million. This
21 budget allocation includes \$57 million for solar
22 powered roof top energy systems at Wastewater
23 Treatment Plants, Sanitation Garages, DOE Schools and
24 the installation of Solar Canopies in Parking Lots
25 and Garages. Thank you for this opportunity to

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2 discuss DCASs Planned Expenditures and Revenues from
3 FY19 as well as our Capital Plan. I look forward to
4 a strong continued working relationship with the
5 counsel over the next year and I would be happy to
6 answer any questions that you may have.

7 FERNANDO CABRERA: Thank you so much
8 Commissioner and I just wanted to start by
9 acknowledging that we were earlier joined by Council
10 Member Rodriguez, we have Council Member Yeger and
11 Council Member Perkins. Thank you so much for being
12 here today. Our goal just for my colleagues, we are
13 going to have a three minute clock, because we have
14 five agencies we want to hear today so we could be
15 wise with our time management here, we will be
16 expeditious but as target as possible. Alright I
17 want Commissioner first, also thank you for you
18 improvements that we hear today whether it is solar,
19 introducing solar power within schools and other
20 buildings throughout the city and also the
21 improvement that we have heard. I know we are not
22 there yet when it comes to Civil Service Exams and
23 other areas. Thank you for the work that you have
24 done during your tenure. Let me begin with a few
25 questions here, and turn it over to my colleagues.

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2 Let me focus first in IT Resources, the November plan
3 as \$2.4 million in Fiscal 2018 and \$1.1 million
4 Fiscal 2019 for IT Resources. Can you please briefly
5 go over what this fund is allocated for?

6 LISETTE CAMILO: Sure.

7 KALMAN YEGER: Yes, speaking to the
8 January Financial Plan \$2.4 million you said?

9 FERNANDO CABRERA: That's correct.

10 LISETTE CAMILO: So we have gotten
11 funding for a number of initiatives related to Human
12 Capital Line of Service. The PSI is identified for
13 pay for consultants to supplement our work force in
14 developing some exams, particularly the fire, the
15 Firefighter Exams.

16 FERNANDO CABRERA: Yeah, thank you uhm
17 the Fiscal 2019 Preliminary Plan baselines \$350,000
18 to funding six positions for the new Computerized
19 Maintenance Systems, Business Analyst Team, Task with
20 Better Managing Facility Service requests across 55
21 DCAS managed facilities, will you please briefly
22 describe the work of the CMS Team and how they
23 improve on existing practices and also should we
24 expect this to result in savings in DCAS Budget and
25 if so what are your savings projection?

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2 LISETTE CAMILO: Sure this is the
3 development of a project that we had been working on
4 for a couple of years to bring on a work order system
5 to manage all of the incoming requests for all of our
6 55 owned buildings, so we had the IT portion that was
7 rolled out and is currently being utilized. What we
8 didn't have is a team to manage the over 1,000 city
9 workers that are putting in work orders within that
10 system, prioritizing those incoming work orders and
11 managing all aspects of analysis on how to
12 strategically group together longer standing programs
13 so the head count and the development of this team is
14 really to install an infrastructure to really use the
15 information that the IT system is receiving to better
16 improve our services. What we are hoping to see is
17 reduction in the number of days or times from which
18 to address work orders, better tracking, better
19 information in order to inform long term projects.

20 FERNANDO CABRERA: Thank you. We've been
21 joined by Council Member Ben Kallos. Let me turn it
22 over to Council Member Yeger, I have some more
23 questions but I want to give opportunity to my
24 colleagues.

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2 KALMAN YEGER: Good morning, thank you
3 Mr. Chairman, we've had a busy three days worth of
4 Government Ops. Thank you, good morning
5 Commissioner. I have two questions then because of
6 the clock. I am going to give them both to you.
7 They are completely unrelated and then you can take
8 your time and take them in the order they wish. Uhm,
9 a number of weeks ago the council called up a lease
10 agreement that you were proposing, a note of intent
11 that went through City Planning Commission for an
12 agency you are familiar with. It was an agency that
13 currently has 17,000 square feet of office at 100
14 Church and they were being proposed to take 50,000
15 square feet of office space at 255 Greenwich. The
16 cost that we ultimately discovered was a differential
17 of approximately \$2 million in lease payments for
18 this agency. My question is, during the course of
19 our calling it up and conducting the hearings at the
20 Landmarks Committee, Subcommittee, we asked for DCAS
21 to come down to give us some information about it.
22 DCAS didn't come, sent the agency, kind of orphaned
23 the agency and they came by themselves. Couldn't
24 explain it, ultimately after several weeks of back
25 and forth with this body, you withdrew the Notice of

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2 Intent to Lease. This is after a two year process.
3 I would like you, not yet because I have one more
4 question. I would like you to discuss a little bit,
5 the process of how you came to the conclusion that
6 this agency needed to go from 17,000 square feet
7 approximately half a million dollars a year to 50,000
8 square feet for approximately \$2.5 million a year.
9 What, what exactly led to that and with the remaining
10 time if you will, the, there, there is a statutory
11 program as you are aware that provides School Safety
12 Officers. It was enacted by the Council, Local Law
13 2, I believe of 2016 that provides security agents
14 for non-public schools and that is a program that has
15 a statutory cap of \$19.8 million. When this body,
16 this predecessor council created that number, it was
17 done in conjunction with the administration and it
18 was an understanding that that was what the number
19 would be and there was a reason that you know most
20 programs don't get created by statute, most programs
21 don't have a dollar number inserted into a statute.
22 It was done deliberately so that the agency was aware
23 of what we anticipated or our predecessor council
24 anticipated would be the cost. The administration
25 agreed that that would be the cost. It is not in the

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2 Budget. So I would like you to address what happened
3 to that \$20 million, \$19.8 and also to discuss how
4 this program is working, whether or not that money
5 has been fully drawn down, whether schools are
6 applying into that program and whether you believe it
7 to be a success or a failure since \$19.8 is missing
8 from your request. I am concerned that you may feel
9 it to be a failure and take them in any order that
10 you wish. Thank you

11 LISETTE CAMILO: Sure I'll, thank you for
12 those questions. I'll take them in reverse order.
13 So for the school security program, the, it is
14 currently not funded but that is something that we
15 are working with OMB on so I think that by adoption I
16 think we will have something in the Budget, so those
17 discussions are currently happening. Uhm with regard
18 to the stat, the status of the program, we have
19 currently about 131 schools participating in the
20 program across both school years that are employing
21 security guards. The way that the program is set up
22 is that it is a reimbursement program so in order for
23 us to pay out, we would have to receive invoices,
24 which we review, working with the particular schools
25 and we are going through that exercise now. I think

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2 that, yeah, so we are definitely reimbursing schools
3 as they submit invoices.

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KALMAN YEGER: So we think it's a good
5 program.

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LISETTE CAMILO: It certainly, we are
7 receiving inquiries, we are receiving applications.
8 They are employing security guards, so yes, we are
9 complying. Alright, yes.

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KALMAN YEGER: Okay. Alright.

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LISETTE CAMILO: Okay, great so for the
12 Campaign Finance Board. We are, we did, we withdrew
13 the application to go through and work with the
14 Campaign Finance Board in order to review all of our
15 options going forward. When we undertake new leased
16 space requests, and in this one we did this as well.
17 We go out to their current footprint to determine
18 whether or not they need the new space. In this
19 case, we did, we went in, we identified a number of
20 overcrowding situations so then we went forward and
21 searching for spaces, we looked at other locations
22 and determined that for their programmatic needs,
23 this particular location and when that went forward,
24 met all of their needs. I'm going to turn it over to

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Deputy Commissioner Laura Ringelheim who has more information on this.

LAURA RINGELHEIM: Thank you so uhm, even though I was not at the hearing, and apologies from that, I had been returning from vacation on that day but did have the opportunity to watch the entire hearing and in response to some of your questions that you asked there and the ones that you are asking today. Uhm, when we looked at that space initially as per request of the Campaign Finance Board and determined that that location could only seat the original number of people that they had which was I think in the low 80s. Their headcount has since gone up, they are saying that they have about 150 people that they need to seat and that is why we went to go look for new space for them with the intent of backfilling their old space. So, the, the points that you raised, additional number of rooms, things like that, I think that is why CFB was on board with DCAS and pulling the application so that we could review it and see what efficiencies can be gained. We are in the process of doing that now. Some of the programmatic needs that they articulated such as the room that they were going to use for filming. They

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2 go going to go back and review that as prior
3 suggestions to see if we could make other uses. Also
4 for conference rooms. In general, our space savings
5 initiatives uhm one of the things that we trying to
6 do is seeing where we can gain efficiencies by
7 sharing conference spaces. So that is another thing
8 that we are going to look at for this agency to see
9 if they have training rooms or conference rooms that
10 can be shared and there are other agencies in that
11 building so if CFB does chose to stay there and we
12 can reduce their footprint at least we can use some
13 of those conference rooms to share among the other
14 agencies in that building that also have those needs.

15 KALMAN YEGER: That's great, thank you.
16 Uhm, when the, when the CFEW filled out their program
17 request and indicated their head count for purposes
18 of, of you helping them identify space, and it is
19 true that they had gone from approximately 80, the
20 didn't go to 150, they went to about 130, they had,
21 they identified I think about 13 of the 130 were uhm
22 positions that they anticipated would be filled but
23 they were at the time vacant, not filled and again,
24 you know its still going from 80 to 130 with 13
25 vacancies, it wasn't 150. But they also identified a

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2 need for approximately 13 conference room spaces,
3 uhm, so my question really, I am giving you the
4 preamble but my question is when DCAS gets this
5 program and you go down to the old footprint, you go
6 out there, you are kind of their broker as I said at
7 the hearing and it is really not to downplay what you
8 do but in essence you are providing a brokerage
9 service, they say we need space, you go out there
10 find the space, you come to them with the space, they
11 say great, everybody is happy except us. My question
12 is, do you guys look at their program and say well
13 you know CFB you don't really need conference rooms;
14 that just doesn't make any sense. You don't need an
15 8 person conference room for your Public Relations
16 Department and also an 8 person conference room for
17 your Public Affairs Department maybe we can do a
18 little bit with less. The quest for the, for the old
19 space versus the new space was a drastic difference,
20 it's not you know a couple of hundred thousand
21 dollars a year, it is not a million dollars a year,
22 we are talking about several million dollars and a 20
23 year 4 month lease, so we are talking about
24 significant outlay and you know CFB said well DCAS
25 this is what they gave us and obviously you are

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saying well CFB says this is what they need and my question is who somewhere does anybody look at this and say no, this is wrong other than us. It's not really out job to do, well I guess maybe it is.

LAURA RINGELHEIM: No, I think it is a valid point. I mean, as, as you know DCAS was funded last year to start a Space Savings Initiative Program so when this, we have received funding for new positions to develop a team that will do exactly that now, the CFB request came in well before and that was well underway before we got this funding. The new team is now about 70% on board just as of January so they will do exactly that, so where the agency would come in to say we need this, we need this, we need this and there would be back and forth with OMB and DCAS there was not a team that that was the sole job to do, now there is. So they will ensure compliance with the new Citywide Space Guidelines. Those were also being developed which we finally got an interim version only in August where we could apply it and we are still working on evolving those but that, that is what will happen. The agency will articulate their needs, there will be back and forth, there will be more analysis of do they need a refocused, I, are you

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2 focused on the 13 conference rooms. Right now it is
3 a little bit of what the agency says they need. Now
4 it will be, this is how many conference room seats
5 you get according to how many headcount that you have
6 and that's how it will defined. Of course, there is
7 a little bit of difference between different agencies
8 and how many seats they needed for conference space
9 or training rooms but that will be something that
10 will be defined and that is exactly what this team
11 will be focused on so it won't just be the agency
12 plugging in their numbers and DCAS giving an output
13 of how much space that translates to. There will
14 standardization among all city agencies so that one
15 doesn't get more than another and this CFE was just
16 something that happened way before that this
17 initiative came in to place so happy to report that
18 the new folks on this team are doing exactly what,
19 everything that you had mentioned during, during that
20 hearing.

21 KALMAN YEGER: Thank you, thank you Mr.
22 Chairman.

23 CHAIRMAN FERNANDO CABRERA: Well thank
24 you so much Council Member so always have to be
25 vigilant about how we spend money in the city and uhm

1
2 I'm happy to hear you have initiated to address this
3 issue. Uhm Council Member Ben Kallos and I want to
4 acknowledge that we have been joined by Council
5 Member Maisel.

6 BEN KALLOS: Good morning. I will start
7 off with D-restrictions, one of my favorite topics.
8 Uhm, there is a new process. We passed a local law,
9 how many applications have you received? Where are
10 they located and what is their status? That is
11 question one, you may want to grab a pen and paper
12 and Dawn should get, join you at the time, the next
13 question along that line is in previous hearings, we
14 had conversations about the Deputy Commissioner of
15 Real Estate Services which was previously occupied by
16 Ricardo Morales, has this position been filled? When
17 was it filled? And if it was filled was it an
18 internal or external applicant? Turning over to my
19 uhm my question for Deputy Commissioner, Dawn
20 Pinnock. Uhm it relates to provisionals which is
21 the ongoing question, when you started, well before
22 you started, but when this administration started we
23 have 22,939 provisionals. As of December of last
24 year we made it all the way down to 21,060 uhm which
25 is only 1,879 fewer provisionals and I will note at

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2 the last hearing that I Chaired last year for the
3 Preliminary Budget there were actually more
4 provisionals working for the city than when they
5 started despite a commitment to reduce the number of
6 provisionals. Uhm, where are we? How are you
7 planning to actually reduce the number of
8 provisionals and at this point, four years in I'm
9 curious about what the difference between, how, how
10 somebody watching at home right now can get one of
11 the 21,060 provisional jobs since everyone else would
12 have to go take an exam and are these people getting
13 it through advertisements in the New York Times, or
14 Craig's List or are they volunteering on political
15 clubs or campaigns. How do people get these
16 provisional positions and along those lines, we've
17 been pushing DCAS to speed the exam process so that
18 you don't have to wait more than a year and I think
19 at one point we have actually gotten it down to 200
20 and something days and uhm now it's 417 days but then
21 it dropped in the first four months of this Fiscal
22 year to 91 days which is amazing and would love to
23 see that, so those would be my four questions as we
24 head into the Passover Season.

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2 LISETTE CAMILO: Sure, we can start with
3 I guess in the order that you presented them. The
4 Deed Modifications. We are in, underway with the new
5 process as required by Local Law. We were on time in
6 developing and putting online the initial part of the
7 database request, so that is currently online and we
8 are in compliance. We have received a total of nine
9 Deed Modification requests since the passage of the
10 new law. One of them was withdrawn, two have been
11 able to proceed, to, to the point where they have
12 submitted all of the necessary paperwork and we have
13 submitted those, that information to the Department
14 of City Planning to begin the consultation as
15 required by the local law to review their requests so
16 that is where we are with Deed Modifications. With
17 regard to your question on the Deputy Commissioner
18 Position.

19 BEN KALLOS: Wait, before you move beyond
20 uhm Deed Restrictions, so just uhm, would you provide
21 the list to this org... to, to this Committee.

22 LISETTE CAMILO: Sure, happy to follow
23 up.

24 BEN KALLOS: And then when I hopped on
25 Google just now to type in NYC Deed Restrictions, it

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2 takes me to a, a landing page that then it, that says
3 Property Deeds and other Documents and then it
4 directs me to ACRIUS (SP?) and then that is not
5 helpful. Does somebody have the URL so that somebody
6 watching at home is it nyc.gov/deedrestrictions?

7 LISETTE CAMILO: We will get that
8 information. They are pulling it up, but we will, we
9 will.

10 BEN KALLOS: And it is on the open data
11 portal or is it?

12 LISETTE CAMILO: It is on the open data
13 portal.

14 BEN KALLOS: Okay.

15 LISETTE CAMILO: So moving on to your
16 second question regarding the Deputy Commissioner
17 Positions, I have asked that Management, if you
18 recall, we restructured that line of service and
19 split it in two. We have now two Deputy
20 Commissioners that split the portfolio that
21 originally was one. Uhm we have a Deputy
22 Commissioner for Facilities Management and a Deputy
23 Commissioner for Real Estate Services. Uhm, after a
24 search, we posted we interviewed a number of
25 candidates, we selected two internal candidates who

1
2 had been, who had been doing the job in an acting
3 capacity uhm and they are here today. Deputy
4 Commissioner Laura Ringelheim and Deputy Commissioner
5 Jerry Torres. For Facilities Management, Jerry
6 Torres, Laura Ringelheim uhm Real Estate. Uhm moving
7 on to your questions on provisionals. Yes, when we
8 started the uhm Provisional Reduction Plan uhm we had
9 approached the state and requested two years in order
10 to reduce the number of provisionals not eliminate
11 them. The stated target was a little north of 17,000
12 provisionals by the end of this calendar year, so our
13 baseline of 22,296 at the end of 2016, that was our
14 baseline. Our current status is 21,052 so that is a
15 reduction of over 2,000 provisionals and that has
16 been done, that has been accomplished by a number of
17 mechanisms through increased number of exams in FY18
18 we have administered or will have administered over
19 270 exams which is the highest number of exams that
20 the agency has administered and certainly farther
21 above the FY19 administration of 199 exams so we are,
22 we are moving on a number of paths. Uhm, part of
23 the, and, and are doing, we are, we are on pace to
24 meet our stated goal of 17,000 provisionals. We have
25 always had the intention and the state clearly

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2 understands that we have to come back for additional
3 time. We are working. The only way that hire not
4 provisionally is to administer tests, generate lists
5 and have those lists available to uhm to agencies to
6 hire. Uhm we have over 800 titles that we are, we
7 don't have a capacity to give 800 exams a year so
8 there has to be a mechanism by which agencies have to
9 hire and fill their vacancies if we don't have a
10 ready list so there has to be provisional hiring, we
11 have to manage that uhm and what we have been, what
12 our approach has been is where we see a particular
13 title that has an increase or will have an increase
14 in hiring due to a new program or etc. we will add
15 that to the calendar and have agencies have
16 incumbents fill them, or take the exams but all of
17 the city jobs are publically noticed through,
18 internally through ESS and out on public websites
19 like Indeed or other job postings uhm for the, for
20 the public to see. Uhm...

21 BEN KALLOS: So just along those lines,
22 just to push back a little bit, with the new
23 computerized testing, how many exams, that you said
24 there are 800 titles. Does each and every title have
25 their own individual exam? And how, how many titles

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2 to you oversee total? And of those how many have you
3 developed the appropriate number of exams on and how
4 many of those are computerized and I guess, where,
5 where I am going is just if the exam is computerized
6 then you have a computerized testing center, it seems
7 like it could be like the GERI (SP?) or the GMAT
8 (SP?) or whatnot where people could just walk in and
9 sit for an exam without much overhead.

10 LISSETTE CAMILO: So, some of the exams
11 that we do have are that automated where it is
12 multiple choice, you get your score. However, it
13 doesn't stop there, there, by law there is a process
14 by which people can appeal any questions that they
15 have, they feel that they have gotten, or that were
16 unfair so there is that added timeframe added to the
17 back in, uhm there are, there is another process
18 where people can, we would have to go through and
19 look through the seniority and factor in the other,
20 right that will affect a person's score if you get
21 certain points for being a veteran for example, uhm
22 that gets added to the back in so by the time we
23 prepare a list that is ready to go, we, there is some
24 lag time between exam administration and testing and
25 lists establishment. There is, while the Education

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2 and Employment, Education and Experience Exam is
3 automated to you key in your experience, all of that
4 grading and rating is done manually so currently we
5 are working on an IT project to automate that scoring
6 and a number of other functionalities that will allow
7 us to really streamline that piece of it, so we are
8 hopeful that when that gets underway and
9 functionality becomes available, we will reduce the
10 time uhm between exam administration and list
11 eligibility.

12 BEN KALLOS: Which brings us to those 91
13 days?

14 LISETTE CAMILO: So that, yes, a number
15 of our pro... of exams this year have been automated.
16 The QIE, Qualified Incumbent Exam which is an ability
17 that we received through the state law that allows us
18 to test provisional workers that have been serving
19 for two years in their title, that is a truncated and
20 very automatic, very automated testing delivery
21 system so between test administration and list
22 production has definitely been reduced for that
23 particular testing format.

24 BEN KALLOS: So that 91 is an average of
25 the regular exams and the Qualified Incumbent Exams

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2 and so I guess so to be very specific what does DCAS
3 do in order to ensure that people who are coming in
4 as provisionals and then getting the Qualified
5 Incumbent Exam in order to skip the Civil Service
6 Process are not necessarily related to specific
7 people or have financial, financial relationship with
8 people or some of the other concerns that DOI brought
9 up about not your agencies but other agencies that
10 will be coming before us today.

11 LISETTE CAMILO: The QIE is authorized by
12 law and they are, there are very specific
13 requirements in order to be able to be eligible for
14 that. Uhm, you have to be serving in the particular
15 title that is subject to the QIE so it's not every
16 title, it 198, 193 specifically named titles with by
17 the Legislation. You have to be serving in that
18 capacity for two years, doing that job for two years
19 and we are not circumventing the, the process. There
20 is an exam that they have to take and all of that
21 information, the historical information that checks
22 of whether or not someone was qualified is all under
23 NYCAPS and we have the person's employment history to
24 verify so no one that is not qualified to take the
25 exam will be able to sit for the exam.

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CHAIRMAN FERNANDO CABRERA: Thank you so much, Council Member Perkins.

BILL PERKINS: This, the question of resiliency and sustainability, I am just wanting to see if you can elaborate a little bit, what is it specifically that you do in that role? Give me an example of some of that, some of those operations where that kind of notion is applied?

LISETTE CAMILO: So there are, we have a number of sustainability initiatives that we manage on behalf of the city. Uhm, the largest one is, falls within our Division of Energy Management where we work with all of, all of, every city agency, whether it be Mayoral or even non-Mayoral to work and ensure that our Municipal Building Stock is as Energy Efficient as possible. We are driving down toward the reduction of Greenhouse Gas Emissions for all Municipal Building. The reduction of Greenhouse Gas Emissions?

BILL PERKINS: Oh where is this?

LISETTE CAMILO: Uhm 30%, 80% by 2050 and you know we have a number of initiatives both through Capital Funding and Expense Funding to, to do that.

1
2 Deputy Commissioner, Anthony Fiore can get into the
3 more details but we have a number of programs.

4 ANTHONY FIORE: Yeah just, just briefly,
5 uhm you asked about resiliency and so uhm we are
6 doing a number of projects, we are installing
7 distribute solar energy and connecting that to
8 battery energy storage uhm and so that will take, uh
9 relieve some of the peak demand and thereby provide
10 additional resiliency to the grid uhm in the system.
11 We have also had a demand response program where we
12 shed load from our facilities during times of
13 constraint on the grid. We are able to shed 75
14 megawatts of load uhm and that is about 20% of the
15 citywide both public and private demand response
16 program so in being able to do that we reduce peaker
17 (SP?) plants from having to operate that reduces or
18 improves air quality thereby improving public health.

19 BILL PERKINS: So forgive me, the term
20 shed load, I guess is an, I guess it's an inside term
21 of right, could you be a little bit more explicit or?

22 ANTHONY FIORE: The simplistic example
23 would be shutting off the lights in rooms that are
24 not, are not being used, so anything that you do
25

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2 where you reduce the energy consumption is shedding
3 load.

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5 BILL PERKINS: Okay and so other turning
6 off the lights, give me another example.

7

8 ANTHONY FIORE: Sure we can change set
9 points on energy systems for example, changing the
10 set point in air conditioning or heating even one
11 degree in many, many buildings makes a huge
12 difference without impacting the tenants of those
13 buildings so that's, that's another example.

14

15 BILL PERKINS: So when the load is, is,
16 is shed.

17

18 ANTHONY FIORE: Reduced.
19 BILL PERKINS: Reduced, is it measureable
20 in terms of what you are actually, dollars and cents
21 are otherwise saving. Yes uhm we, we have those
22 metrics and we can provide that to you.

23

24 BILL PERKINS: So, 17,000 provisionals.
25 What's the, what's the next step for that many
26 provisionals, I assume to some extent, uhm they will
27 be made permanent employees or take some exam or
28 what, what do we do with so many provisionals.

29

30 LISETTE CAMILO: So the, the plan right
31 now is to go back to the state to ask for more time

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2 to continue to drive those numbers down. Uhm, we are
3 still coming up with what our target will be but we
4 will need more legislation give ourselves more time
5 to be able to do that. Frankly the the way to get
6 those numbers down is to give more exams and we are
7 currently set up, like I mentioned before, we have
8 hit the highest number of exams that we have had uhm
9 I think ever and with the, with the, once our IT
10 Automation Project rolls out fully we are confident
11 that we are going to be able to really shrink the
12 time that it takes to develop, administer and exam
13 and turn around a Civil Service List thereby driving
14 down those numbers even more.

15 BILL PERKINS: So it is, are it, it is
16 safe to assume that the driving down will save money?

17 LISETTE CAMILO: No think the, the
18 Provisionals Project or issue really has to do with
19 state law that requires that uhm you know if a, if a,
20 if a worker in a competitive title works for the city
21 they should be selected through a competitive testing
22 examination so that is really the, the goal for that.
23 Not really a cost savings initiative.

24 BILL PERKINS: So provisionals in other
25 words don't, don't cost more than, permanent and

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therefore driving it down doesn't have a positive Budget impact. Maybe.

LISETTE CAMILO: There is no Budget impact.

BILL PERKINS: Okay. Uhm what so when you drive it down, how do you, what does it take to do that?

LISETTE CAMILO: So we track, we, we, there's a lot of information, we track all of the hiring.

BILL PERKINS: Because I have provisionals that have been around for a while.

LISETTE CAMILO: For many years, right. Uhm so in the past, it Provisional Reduction was not something that was a priority, now it is so we really have taken a number of initiatives to really, to look at how we administer exams, upgrading our IT systems in order to, to, to reduce the, the length of time it takes to both develop and administer exams but we know ultimately that is where our goal is.

BILL PERKINS: So let's good again finally to provisionals. I just want to, so you are driving them down, driving the number down,

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2 presumably as with some opportunity for them to
3 become I guess permanent or?

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 LISETTE CAMILO: So when we offer the,
5 the exams we offer them open competitive examinations
6 which means for the ones that are not in the QIE in
7 the Qualified Incumbent Exam category for many, many
8 of the titles we provide exams that are Open
9 Competitive which is open to the public and open to
10 provisionals so if you, if are sitting, if you are a
11 provisional employee, sitting, working a title that
12 is not subject to the QIE and we offer the exam you
13 have equal, equal change, equal rights as anyone in
14 the public to take this exam and pass it and get on a
15 list to be able to become permanent.

16

 BILL PERKINS: Okay so provisionals, are
17 they most or less costly?

18

 LISETTE CAMILO: They are Budget Neutral.

19

 BILL PERKINS: They are Budget Neutral.

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 CHAIRMAN FERNANDO CABRERA: Thank you so
21 much, uhm we are planning to just for the sake of my
22 colleagues to finish exactly at 11, so we are going
23 to have Council Member Rodriguez, Council Member
24 Powers and then one short follow up question. Thank
25 you so much. Thank you for your consideration. So

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2 Council Member Rodriguez followed by Council Members
3 Powers and with that we will be moving to our next
4 Commissioner.

5

YDANIS RODRIGUEZ: Thank you Chairman.

6

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Thank you and Chairman, Commissioner and
congratulations for everything that you do,
representing our city especially as a Father to a
Woman, you know Women in Government.

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LISETTE CAMILO: Thank you.

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YDANIS RODRIGUEZ: Uhm, with New York City
operating 30,000 owned and lease vehicles, make our
municipality the one with the largest number of
vehicles in the whole nation, how is DCAS working
right now with in coordination with other city
agencies to reduce the number of vehicles, because if
we want to protect our planet we need to go more on
the electrical vehicle but I also hope that many city
employees they should get into public transportation
when they don't have an emergency to use city
vehicles. So what is it that you are doing and how
is the 2019 Budget will reflect effort to reduce a
number of vehicles administered by DCAS.

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LISETTE CAMILO: I will kick it off and
then I will turn it over to Deputy Commissioner Keith

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2 Kerman. We, we definitely are, share the concern and
3 are working very hard with all of the city agencies
4 and other stakeholders like OMB to look at our
5 municipal fleet and we are trying to make it the
6 cleanest and greenest municipal fleet in the nation
7 so just to, just to hit on the electric vehicle
8 point, we will have 1,500 on the road by the end of
9 Fiscal Year 18 uhm making it the greenest in the
10 country and we are not just stopping at electric
11 vehicle sedans either we are doing other things in
12 like with equipment like solar light towers. We are
13 trying to make it as resilient as possible and
14 reducing some of the environmental concerns. Uhm and
15 I just want to make another plug for uhm we are
16 trying to replace and work with the cleanest fuel
17 available so we are starting a pilot with renewable
18 diesel so that any of the fuel that is consumed or
19 used it's as clean as possible, so we are working on
20 a procurement now for a pilot program with renewable
21 diesel for 1 million gallons. That is a really
22 exciting thing because if this is successful we will
23 be creating a market for renewable diesel in the city
24 which did not exist before and that is all related to
25 initiatives done by this administration and so I will

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turn over to Keith who can talk about vehicle reduction.

KEITH KERMAN: Uh-huh, thank you Councilman, thank you for all of your leadership in Vision Zero and your partnership in Vision Zero. So uhm, following a local law that was passed on car share, we have also been expanding the car share programs of the city in both the use of private uhm car share units like Zip Car as well as the sharing of city-owned vehicles, so we are up to 770 city owned vehicles that are shared as though they are a Zip Car. You don't get a key to the car, you get a card key and you reserve it like it's a conference room online and we will be up 1000 of those uhm vehicles by the end of this year including our city-wide all electric share fleet, so we are combining two approaches, one all electric vehicles including RND GM plug in Volt and share cars so that instead of getting assigned a car which is a traditional model, you work, if you need a car they give you a diesel or gas vehicle, you are going to get and people are now getting assigned access to shared electric cars and shared GM both so you are not getting assigned a vehicle, you are getting a transport option. As part

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2 of that, and we report each year, uhm according to
3 the local law on this publically, we just published a
4 report a couple of weeks ago we are reducing the non-
5 emergency light duty fleet you know as the law
6 requires by at least 2% each year and so that has
7 been about 140 vehicles and certainly the light duty
8 nonemergency fleet is the most eligible for
9 reduction. We have to support trucking, we have to
10 support specialized equipment and the police
11 department and the fire department but certainly the
12 light duty sedans and SUVs can be reduced and we are
13 working to do that.

14 YDANIS RODRIGUEZ: I, is would like to
15 encourage you know, all agency to be part of an
16 effort. Today in our city we have 1.2 million New
17 Yorkers that own vehicle. The vast majority rely on
18 public transportation. I believe that we should all
19 work together to reduce the number of vehicles by
20 2030 to 1 million and I think that the public sector
21 should be part of the solution in as we have a goal
22 on Vision Zero. We should have a goal to say next
23 year we are reducing from 30,000 to 29 or to 28,
24 something that makes all of us accountable because I
25 work through some city agency, it can be NYPD or

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2 anything like a dozen and dozens of cars parking
3 around, I think we should be more proactive on having
4 a better plan where city employees can go, Department
5 of Building or any Agency to go and do inspection, if
6 they need to take transportation, they should take
7 public transportation instead of driving cars in the
8 street. So I, in that, I am not putting this far but
9 I would like to see DCAS having a plan, coordinating
10 effort to have a goal or reducing the number of their
11 fleet from 30,000, because today we are the largest
12 fleet in the whole nation.

13 CHAIRMAN FERNANDO CABRERA: Thank you so
14 much council members and with that the last
15 questions, the last question.

16 KEITH POWERS: Thank you, thanks so much,
17 thanks for being here and sorry I got here late for
18 your testimony. Uhm I want to talk about coastal
19 resiliency, you have had \$700 million in a Capital
20 Plan related to the Eastside Costal Resiliency and
21 then the Neighborhood Resiliency, East Village on the
22 side. Can you give us some update on, on that money,
23 how it is being spent, timeline, any new information
24 in terms of when that money will get spent?

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LISETTE CAMILO: So that line, that Budget line actually is not something, it is in a project that DCAS administers, this is a project that is being managed by the Mayor's of Recovery and Resiliency so uhm they are the ones who have the details on that.

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KEITH POWERS: You guys have \$700 million in here, no, information related to. So the other thing I noted was and I know and I think you are saying that you sort of administer the funds but uhm to the degree that you are coming to a hearing and you have \$700 million that is being administered by you certainly would be helpful to have information.

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LISETTE CAMILO: Just to give you a little bit of context. We, there are a number of city agencies that have various initiatives but don't have a Capital Budget, uhm so in a way, we, we, OMB places certain capitally funded projects in our Budget, similar to the Council Resoae (SP?). So City Council doesn't have a Capital Budget it is placed in ours, uhm but City Council is the one that manages that Budget so it is more of a Budget Exercise and the, the agencies responsible for that, for that management will have the information.

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KEITH POWERS: So you are coordinating, with, which agency are you coordinating with on it on this case.

LISETTE CAMILO: Mayor's Office of Recovery and Resiliency.

KEITH POWER: And you are, you are managing the money for them.

LISETTE CAMILO: It's in our Budget, we do not manage that money for them.

KEITH POWERS: Can you just, taking a step back for a second, the, I just noticed in our, in our charts here that that money, it seems like it has been, it seems a lot of plans spends on that money but low actual real time, real spending in order to that? Any, information why we are not spending the money. I mean in my neighborhood particularly, I live right on the East River, we were affected by Hurricane Sandy. We certainly want to see. I don't think it is the next 100 year storm, I think it is the next 10 year storm or 20 year storm to see that money get spent so we are not 15 feet underwater again, can you give us any sense of why the city is to spending the money that is, that we

1
2 have to actually go through with our Resiliency
3 Plans?

4 ANTHONY FIORE: Yes, so I'm Deputy
5 Commissioner Anthony Fiore for Energy Management and
6 as Commissioner Camilo said, we don't actually manage
7 that project but I can give you a little bit of
8 insight to it because I do speak with the Office of
9 Recovery and Resiliency. Uhm it is a very
10 complicated project. The Office of Recovery and
11 Resiliency is working with the Department of Design
12 and Construction to design that project now and just
13 to give you one example of how complicated the
14 project is, Con-Ed's High Voltage Transmission Lines
15 are underground right where that barrier needs, needs
16 to be put in place. Those things will have to be
17 moved. You can't just shut them off. They have to
18 remain operational so it is very difficult
19 logistically to do that. One of the other major
20 complicating factors is hazardous waste in the soil
21 from previous gas manufacturing plants so all of that
22 has to be dealt with the Department of Environmental
23 Conservation and Regulatory Permits involved with
24 that. Just as it is agreed, as you guys are, I know,
25 I know, I understand your point that you uhm you have

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2 the money but you are not the agency overseeing. You
3 are not overseeing the actual projects in your agency
4 of work. Still, as a city right now, I think we have
5 to make that somewhat of a priority to get that money
6 spent. I have sat in the meetings. I know the
7 different hurdles here but to the degree that you can
8 lend a voice to it, what I hear from my neighbors,
9 last year when I was running people would ask what's
10 going on about resiliency, people who live right
11 along the, I mean the, and my neighborhood was not
12 nearly as hit as some other neighborhoods but
13 certainly was impacted being the water was coming
14 right over the East River. You know, to the degree
15 you can lend a voice to expediency on that. I am
16 happy to help in any way that I can to make sure
17 that, even the elected officials are not creating
18 artificial hurdles to getting that money spent. I am
19 happy to do that but certainly would want whatever
20 voice you can lend to the process to get them on the
21 expanding, get the projects up and running.

22 CHAIRMAN FERNANDO CABRERA: Thank you so
23 much Council Member Powers and Commissioner. With
24 that, we conclude this part of today's hearing and we
25 will be submitting some questions, because we have to

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get tracking here with other hearings of other agencies but if you could get back to us with those answers as soon as possible.

LISETTE CAMILO: Absolutely.

CHAIRMAN FERNANDO CABRERA: We would appreciate it and so thank you so much. Keep up the great work.

LISETTE CAMILO: Thank you very much.

CHAIRMAN FERNANDO CABRERA: I am looking forward to working with you. To my colleagues, thank you so much for staying on the clock, we will not go to, invite Corporation Council to come forward and I will be limiting my questions to give you as much time as possible to ask your questions, but if we can stick to the clock and then we can do second rounds. Is Corporation Council here?

ZACHARY CARTER: Yes Corporation Council is here.

CHAIRMAN FERNANDO CABRERA: Oh we ready for you, we are ready, no fear.

ZACHARY CARTER: Good, looking forward to it. How are you this morning?

CHAIRMAN FERNANDO CABRERA: So now I would like to please welcome Corporation Council,

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2 Zachary Carter, the head of the Law Department.
3 Thank you Corporation Council for testifying before
4 us today. The Law Department's Fiscal 2019
5 Preliminary Budget totals just under \$200 million
6 including \$143 million for services, funding to
7 support 1,706 full time positions. The New York City
8 Law Department is responsible for all of the legal
9 affairs of the city, represents the city, the Mayor,
10 the other elected officials and the city's many
11 agencies in all affirmative and civil litigation.
12 The department is composed of 16 legal divisions and
13 4 support units that cover a broad array of legal
14 matters vital to the city's interest. The Family
15 Courts Division investigates Juvenile Delinquency
16 matters and handles matters related to Interstate
17 Child Support Payments. The TORT Division, the Law
18 Department's largest, represent the city in the TORT
19 Claims or law suits against the city. Other
20 divisions focus on Labor Law, Real Estate Litigation,
21 Affirmative Legal Action initiated by the city and a
22 variety of other legal matters. At today's hearing
23 we hope to discuss what preparation the department
24 has done to manage and increase caseload beginning in
25 October from race to age. The new affirmative

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2 litigation, the city is pursuing against a
3 pharmaceutical and oil and gas companies. The Law
4 Department's defense of the city in TORT claims and
5 various other topics of importance. Of that, I would
6 like now to please ask the Committee Counsel to
7 administer the oath.

8 COMMITTEE COUNSEL: Do you affirm to tell
9 the truth, the whole truth and nothing but the truth
10 in your testimony before this committee and to
11 respond honestly to counsel member questions.

12 ZACHARY CARTER: I do.

13 COMMITTEE COUNSEL: Thank you.

14 ZACHARY CARTER: Good morning Chair
15 Cabrera and distinguished members of the government
16 operations committee. It is a pleasure to come
17 before you to discuss the Law Department Fiscal Year
18 2019 Preliminary Budget. As a Corporation Counsel I
19 have been engaged in Law Department Attorneys and
20 Professional Support Staff in representing the City
21 of New York and literally thousands of cases and
22 transactions with enormous liability, policy and
23 operational implications for the city and its
24 constituent agencies, an important equity and
25 fairness implications for its 8.5 million residents.

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2 Our work support important city policy initiatives in
3 areas as varied as immigration, affordable housing,
4 mental health and homeless outreach as well as
5 environmental protection accessibility for the
6 disabled and public safety. On every occasion, I
7 have never failed to be impressed with the
8 professionalism, hard work depth of knowledge,
9 expertise and dedication of our lawyers and the
10 extraordinary staff that supports them. Ultimately,
11 our mission is to vigorously defend the legal
12 interest of the city with an appreciation for the
13 importance of fair outcomes and enhancing public
14 confidence and city government. The corporation
15 counsel is the attorney for the city and its agencies
16 and has responsibility for all litigation and other
17 legal matters involving the city. The Law Department
18 currently has on board approximately 887 attorneys
19 and 718 professional support staff. Let me add that
20 of our attorneys approximately 26.2% are ethnically
21 diverse and 57% are women. The Law Department
22 consists of 16 legal and three support divisions. We
23 handle an extra array of cases and non-litigation
24 matters from TORT to tax from environmental
25 administrative issues to economic development and

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2 municipal finance. We also represent the city as
3 Plaintiff in a wide variety of affirmative matters.
4 Our affirmative litigation division expects to
5 collect \$50 million dollar this Fiscal year in funds
6 owed to the city. Ongoing affirmative litigation
7 includes a case against FedEx for delivering untaxed
8 cigarettes, litigation against opioid manufacturers
9 and distributors to recover the cost of the opioid
10 epidemic in the city, a suit against fossil fuel
11 producers for their contributions to climate change
12 and catastrophic storms that have and will continue
13 to have costly impacts on this city and its residents
14 and a suit against the Department of Defense for
15 failure to report mandated records to the FBI
16 Background Check system. In May 2017 a Federal Judge
17 ordered the United Parcel Service to pay
18 approximately \$247 million in damages and penalties
19 for illegally shipping large volumes of untaxed
20 cigarettes into New York City and State, awarding
21 \$168 million to the State and \$81 million to the
22 City. That case is currently on appeal. In
23 addition, the Affirmative Litigation Division has
24 over 2600 matters in which we have obtained or are
25 seeking to obtain coverage from insurers who are

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2 obligated to defend and indemnify the city. The
3 total savings to the city thus far from this
4 insurance project is over \$1.3 billion with about \$73
5 million attributable to this past physical year. The
6 volume of litigation matters pending against the city
7 presents a substantial challenge. The TORT Division
8 alone defense more than 21,000 cases currently
9 pending against the city, its agencies and employees.
10 Historically the sheer volume of cases required a
11 horizontal assignment of attorneys with individual
12 cases handled in an assembly line fashion with
13 different attorneys handling different tasks as they
14 came due. Consequently no one attorney was familiar
15 with every facet of the case until it was finally
16 assigned for trial. With counsel's assistance, last
17 Fiscal Year the Law Department worked toward the
18 vertical assignment of cases to attorneys in the
19 Brooklyn and Bronx office of the TORT Division. This
20 means that to the greatest extent possible, cases
21 were assigned to lawyers with the expectation that
22 the same lawyer will handle that case from its
23 inception through conclusion. The enhanced
24 familiarity with these cases resulting from vertical
25 handling by the same attorneys at every stage

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2 provides a substantial strategic advantage and
3 significantly increases the likelihood of success and
4 trial. In addition, our enhanced trial readiness
5 reduces reasonable settlement values where settlement
6 is appropriate and over times discourages the filing
7 of frivolous law suits. For the last four years, a
8 special unit within the TORT Division that defends
9 cases filed against the Law Enforcement Agencies and
10 personnel has assigned its cases to attorneys
11 vertically. We believe that the marked decrease in
12 new state Law Enforcement Case Filings down some 20%
13 in each of the last two years is partially
14 attributable to the strategic advantages achieved
15 through vertical assignment of cases. Our Special
16 Federal Litigation Division which defends Law
17 Enforcement in Federal Court and assigns its cases
18 vertically has seen a 44% decrease in case filings in
19 Fiscal Year 2017. These results were achieved while
20 nationally new Federal Court Civil Rights Case
21 filings rose 3%. Fewer incoming cases has permitted
22 the division to increase its trial work, trying to 40
23 Federal Trials in Fiscal Year 17 which represents 20%
24 of all Civil Trials conducted in the United States
25 District Courts in our geographic area. In Fiscal

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2 year 17 there were 93 total Civil Trials in the
3 Eastern District of New York and 112 in the Southern
4 District. Finally our Family Court Division houses
5 the dual bowls of serving the needs and best interest
6 of the child brought before the court and ensuring
7 community safety. Last year, the Divisions Juvenile
8 Delinquency Prosecution Unit handled approximately
9 3,060 new Juvenile Delinquency Referrals and
10 approximately 3900 new Interstate Child Support
11 Petitions. For many months our office has been
12 planning for the implementation of New York State's
13 Raise the Age Law which will take effect on October 1
14 of this year and which will significantly affect our
15 Juvenile Delinquency case load. We anticipate that
16 we will be in a position to explain those plans in
17 further detail during consideration of the Executive
18 Budget. In conclusion, I thank you for your support
19 of the Law Department and look forward to our
20 continued cooperation. Uhm I would be happy to
21 answer any of your questions, in addition, I have
22 with me our Managing Attorney, Muriel Goode-Trufant
23 to my right, your left and the Chief Administrator of
24 the Office Mal Higgins.

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2 CHAIRMAN FERNANDO CABRERA: Thank you so
3 you so much. I will be asking a couple of questions
4 and then I am going to turn it over to my colleagues
5 and then I'll uhm, we will have a second round and I
6 will have a couple of questions at the end. Uhm, I
7 am curious to know in the November and the
8 Preliminary Plans \$14.5 million was added to the Law
9 Department's Fiscal 2018 Budget for Case Specific New
10 Needs, can you please explain briefly, describe what
11 this funding is allocated for?

12 ZACHARY CARTER: Sure, uhm to break it
13 down more precisely, uhm the case specific new needs
14 for Fiscal Year 19 included False Claims of over
15 \$550,000 that were attributable to cases against the
16 Department of Transportation and one case involving
17 FEMA involving vehicles used during Sandy Recovery.
18 There is a Data Disposition Expense of \$4.2 million.
19 There is the payment of attorneys fees and special
20 masters fees in a case brought in connection with a
21 test that was found to have been administered to
22 perspective Board of Education Teachers that had been
23 found by the Federal Courts to have had a
24 discriminatory impact, those fees were \$1.7 million.
25 There was the expenses of the Nunez Settlement

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2 involving the Department of Corrections, I think that
3 is mostly the fees paid to the monitor it is \$1.7
4 million and fees in connection with the cost of the
5 continued Consent Decree involving the Stop and Frisk
6 Litigation against New York City Police Department
7 for \$1.2 million.

8 CHAIRMAN FERNANDO CABRERA: Thank you
9 uhm, I just want to change topics here and focus on
10 the Mayor's Defense. As you know back on June 30,
11 2017 the Conflict of Interest Bar released an opinion
12 and I am curious to know how much additional money
13 did we spend on the Mayor's Defense following this
14 announcement, was this spent in Fiscal 2018. Were
15 there any of the expenses we assumed to outside
16 counsel that the Mayor had selected prior to his
17 announcement and what oversight if any did the city
18 have in contracting the legal team that this funding
19 paid for.

20 ZACHARY CARTER: Alright in the Fiscal
21 year, for the Fiscal Year just passed, in addition to
22 the funds that were expended, that were previously
23 reported there were \$2.2 million in additional funds
24 that were paid in addition to support of the legal
25 defense of the investigations.

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2 CHAIRMAN FERNANDO CABRERA: Alright let
3 me ask this question, do we have precedent for this,
4 in dealing with Mayors, previous Mayors or the
5 Precedent applies not to just Mayors but it applies
6 to any city employee who during the course of their
7 employment in performance of their duties, discharge
8 of their duties during the course of their employment
9 if there is an investigation in which they are
10 required to uhm retain personal counsel in order to
11 defend uhm themselves solely because the matters
12 under investigation involve the performance of their
13 duties so long as they are not determined to have
14 been guilty of criminal wrong doing they are entitled
15 to be indemnified and have those fees reimbursed.

16 CHAIRMAN FERNANDO CABRERA: But did they
17 need to. I just want to know the process here? Did
18 they need to contact you first because from what I
19 understand the Mayor got his legal defense team. He
20 went forward and then he wanted to set up an account
21 where people could donate and that was found not by
22 the conflict in interest board to be acceptable so
23 the money was spent already. Did they need to
24 consult you before they go ahead and say hey we are
25 going to get our own defense team. This is what it

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2 is going to cost or is it the practice, is it
3 acceptable to come back to you later and say by the
4 way this is how much we spent?

5 ZACHARY CARTER: What, well what what
6 generally happens is that uhm uhm counsel are
7 retained and that we are informed and we monitor the
8 cost of that representation and we will only approve
9 reimbursement for the reasonable uhm cost of that
10 representation.

11 CHAIRMAN FERNANDO CABRERA: Thanks but
12 this is not what happened in this instance, right?
13 So, did they communicate with you prior to retaining
14 counsel and say hey we are going to spend this amount
15 of millions of dollars and then we are going to need
16 it to be covered by the city?

17 ZACHARY CARTER: No, I, I understand your
18 question, but having been in private practice myself
19 I can tell you that it's generally not know at the
20 inception of representation how much the
21 representation, how much that representation is going
22 to cost. Uhm primarily because you don't know how
23 long the investigation is going to take. Uhm, you
24 don't know uhm how many interviews are going to be
25 involved. You don't know how much research is going

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2 to be entailed and most of all you don't know how
3 many documents are going to have to be uhm, uhm
4 recovered and produced and reviewed uhm during the
5 course of an investigation. So you may have a sense
6 of what the hourly rates are and within the New York
7 City White Collar Criminal Defense Community they are
8 fairly consistent. It is not as if there are going
9 to wild swings among, among the kind of petitioners
10 that will be qualified to handle an important
11 investigation, so you have a sense of what the per
12 hour charge will be. You may have a broad sense of
13 what the, the maximum amount uhm might be depending
14 on how long the investigation continues but you don't
15 know until the investigation is over for sure.

16 CHAIRMAN FERNANDO CABRERA: But did they
17 need to have your approval, that is what I am trying
18 to get at. So for example, let's say if I was in
19 that situation, I go ahead and get my lawyers, you
20 know, I wrap myself in lawyers but I don't let you
21 know. And then later on I say hey by the way the
22 bill was \$10 million, is that acceptable? Is that
23 part of the procedures and policies that we have.

24 ZACHARY CARTER: You are entitled to have
25 the attorney of your choice but you are only entitled

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to be reimbursed for a reasonable amount of attorney fees.

CHAIRMAN FERNANDO CABRERA: So I don't need your prior approval for.

ZACHARY CARTER: For who your retain but how much uhm they are going to be paid still is governed by the standard of reasonableness.

CHAIRMAN FERNANDO CABRERA: So that's the, so that's my question then, so my question is was there approval for who was going to represent the Mayor at the beginning?

ZACHARY CARTER: I mean as a practical matter it was done in consultation with uhm with my office so it's, so I certainly knew he had retained and approved of his retention. He had retained someone who I knew in the profession to be a first rate lawyer and specialize in this area and uhm, the approval was not uhm.

CHAIRMAN FERNANDO CABRERA: Can you let us know what is the total spending on the Mayor's Defense up til this point and what you project that we still will be outstanding?

ZACHARY CARTER: Do we have the total? Yeah the total number is \$14.5 million.

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CHAIRMAN FERNANDO CABRERA: Do we expect it to increase or we are done with this chapter.

ZACHARY CARTER: No that should be it.

CHAIRMAN FERNANDO CABRERA: That should be it?

ZACHARY CARTER: Yes.

CHAIRMAN FERNANDO CABRERA: Okay, thank you so much. Uhm I was going to ask now Council Member Yeger and you can pass the baton after that to Council Member Kallos.

KALMAN YEGER: Thank you Mr. Chairman, morning counselor. Uhm just to pick up on where Mr. Chairman left off and I just wanted you to clarify something if you would uhm in terms of the Corporation Counsel's Office's ability to represent the Mayor in this particular matter, it is my understanding and if you can clarify if I am wrong or right, uhm the office actually couldn't necessarily handle it itself and it was necessary to outsource the work because of potential conflicts so in and of itself the idea that the Mayor had an outside firm is not something untoward or strange other than the fact that it is not just something that happens that frequently, is that correct?

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ZACHARY CARTER: That is absolutely correct. And it doesn't it doesn't just apply to the Mayor because I know that a lot of the focus is on the Mayor understandably but if of that rule of thumb applies to all city employees who find themselves under investigation because of their conduct in office.

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KALMAN YEGER: So uhm if I may just take the Mayor aside for a moment and any other officer of the city or a city employee, where your office was contacted and informed that there may be some necessity for a representation and you internally look into the matter and realize that there may be a conflict of the Corp Counsel's Office handles it because of other aspects of the matter that may call the Corp Counsel in to play, it is not necessarily inappropriate for that particular employee to go out and get a private firm that is then paid for by tax dollars.

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ZACHARY CARTER: Well, not inappropriate at all. It is actually mandated.

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KALMAN YEGER: Okay, alright, I am going to move on to something else, uhm, if you, if you may, you spoke a little bit about the change in the

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2 policy or the practice of, of horizontal versus
3 vertical assignment specifically with respect to the
4 Brooklyn and Bronx Offices of the TORT Division and
5 uhm, and you mentioned with the counsels assistance
6 and there was additional funding to make that happen
7 and as a recovering lawyer myself I found that in
8 matter that I came in in kind of the middle to take
9 over a piece or to specialize in a piece that
10 somebody else had chipped in I never really did as
11 well as if I had the case from start to finish and I
12 am wondering what it will take to make that a
13 practice across the board where vertical assignment
14 is really the rule of thumb and horizontal assignment
15 is really for the, for the very preliminary basic
16 matters, maybe the drafting of petitions in Juvenile
17 Delinquency cases or ICC cases or you know the
18 drafting of answers at the very initial stage but
19 other than that to make vertical representation
20 really the rule of thumb for your agency.

21 ZACHARY CARTER: A vertical assignment,
22 uhm the capacity to uhm adopt an affirmative a
23 vertical assignment system more broadly is all about
24 human resources. It really is about the number of
25 lawyers. Now vertical assignment is not as you

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2 pointed out quietly widely, not required in every
3 single case. There are cases that are of a kind and
4 nature that there is very little you need to know to
5 make a decision that there is, there is a liability
6 has been established, that injury has been
7 established and that the issue is something that
8 should be regarded as something like a claim's
9 adjustment process more than a litigation so there
10 are going to be a, a pot of cases for which that
11 applies. For the vast majority of our cases, they do
12 deserve to be treated as if they are going to trial.
13 Even if treating them that way, uhm prepares you in
14 such a way that your adversary knows that you can
15 successfully defend on some parts of the claims even
16 though perhaps not others, and that you can reach a
17 reasonable informed judgment about what level a case
18 should be disposed of and for those cases that need
19 to go to trial, as you point out an attorney who has
20 participated in every aspect of the case from
21 document exchange and discovery and credibly
22 depositions particularly examination of expert
23 witnesses and the like in anticipation of trial is
24 going to be much better prepared to get a positive
25 result for the city than someone who has just been

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2 involved either in an assembly line process or just
3 handed a trial file on the eve of trial to try to
4 make sense of a matter that has been pending for
5 years.

6 KALMAN YEGER: And my perspective on it
7 is that ultimately and it may take a little more at
8 the beginning because of additional personnel to make
9 it happen but ultimately there may be a cost savings
10 to the city because if you have the same attorney who
11 is who is at the trial who has handled it from the
12 beginning, they know what they are looking for when
13 they are examining a witness. They know what they
14 are looking for when they are reviewing discovery and
15 I always found that in looking at discovery if I
16 really didn't know what I was looking for, you really
17 have to look a little harder to try to find the
18 missing pieces, so are you looking to expand this,
19 you have identified two offices within one division
20 that you have done this in. Are you looking to
21 expand this and if so what would you need to make it
22 happen?

23 ZACHARY CARTER: Well we would need, uhm,
24 uhm to increase our head count of lawyer sufficiently
25 so that in all of our borough offices we could

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2 vertically assign cases in the TORT Division
3 primarily because it is in the TORT Division that we
4 have the greatest challenge in terms of volume cases.

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KALMAN YEGER: And one more quick
6 question on this time and then I'm done. Are you
7 looking to do that in the Family Court Division.
8 Does the Family Court Divisions right now operate
9 under vertical or horizontal and are you looking to?
10 Uhm well that's one question.

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ZACHARY CARTER: Certainly uhm I think
12 that in the main, and again the cases are of a
13 different nature but in the main the cases are
14 handled vertically but we have raised the age, that
15 is going to be a much greater challenge because now
16 all the, we expect and we have to plan for worst case
17 that all of the 16 and 17 years old who were
18 currently prosecuted in the adult system will now be
19 referred to the Family Court for their cases to be
20 processed as Juvenile Delinquency Petitions. And
21 consequently, we will need resources that match those
22 that are currently, are housed in MDAs offices to
23 prosecute those cases.

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KALMAN YEGER: So and this is my last
25 comment, it is not even a question but Mr. Carter you

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2 are, in addition to being our Corporation Counselor
3 but you are in effect the Chairmen of one of the
4 largest law offices in the nation pretty much and I
5 trust you with this but I would urge you to, to take,
6 you know to avail yourself of the opportunity to go
7 to the Mayor, come to this counsel and seek more
8 resources if necessary to adopt vertical in a more,
9 in a more broad manner than just two offices of one
10 division. You, obviously I defer to your discretion
11 on what makes sense that it doesn't make sense but
12 you should do that as much as you can and even if
13 that means coming back to the counsel and to the
14 Mayor for more resources to do it, ultimately, would
15 be a stronger and better law firm and I, and I trust
16 you to, to get to that place.

17 ZACHARY CARTER: I appreciate that.

18 KALMAN YEGER: Thank you.

19 CHAIRMAN FERNANDO CABRERA: Thank you so
20 much Council Yeger, that is a very good suggestion.
21 Excellent. Council Member Ben Kallos.

22 BEN KALLOS: How are you counselor?

23 ZACHARY CARTER: I am fine.

24 BEN KALLOS: I am going to run through a
25 whole set of questions with regards to Family Court

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2 Division. As you know I receive child support and I
3 continue to push to see a higher collection rate,
4 currently you are at 70% and I would like to see
5 100%. What strategies are you looking at? Over the
6 past four years, I know you've gotten this question
7 before, additionally we raised the now coming to you
8 I have seen your diversion rate go down since the
9 previous administration from 85% in your first year
10 to 81% currently. How can you divert more kids and
11 keep them out of the Juvenile Justice System? That
12 is one piece. Another place where we have had a lot
13 of conversation is Judgment and Claims. Whether or
14 not you have a more prominent role in setting
15 Judgment and Claims and how that number is come to.
16 Prior to this admission the average was \$584 million.
17 In the last Fiscal year it seemed to increase by
18 about \$80 million dollars. You have got that behind
19 you and I think the concern is that it keeps creeping
20 up. At this point it looks like you are projecting a
21 \$16 to \$18 million increase in all the out years
22 which would come out to about a 10% increase as we
23 are investing in attorneys and you are my attorney
24 and we are hiring more people, we are doing vertical
25 case handling and I believe you are winning more

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2 cases, that is pretty impressive but if all of that
3 is happening I don't know why we are planning to pay
4 out more so would like you to adjust those numbers
5 down and comment on that. I similarly just to follow
6 up on my colleague, Mr. Yeger, just the, raise the
7 age and how that is going to impact us. Additionally
8 a source of funds is the all of the environment
9 control board debt which you are responsible for
10 collecting, we did an amnesty program. What is the
11 law departments role in making sure that that money
12 get collected so that the money that we spend
13 actually comes back to us and any interaction with
14 local law 47 that asks agencies to check each others
15 outstanding ECB debt before they give things and I
16 think last but not least I would like to know how
17 much the Law Department is spending to stop the City
18 Council from signing on to law suits and whether or
19 not you believe that city employees shouldn't sue the
20 city and shouldn't be on amicus briefs because as a
21 City Council Member I am encouraging as many
22 whistleblowers as possible to step up to the plate
23 and take whatever means necessary whether it is
24 standing up to sexual harassment and filing claims in
25 court or anywhere because we want a city where our

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2 employees are standing up and doing their best to fix
3 what is broken.

4 ZACHARY CARTER: Okay, that's quite a few
5 questions. I will try to handle them in the order
6 that I, that I remember hearing them and let me start
7 with Family Court Diversion. Because I know, I know
8 it is a topic in which you are interested and I think
9 that uhm there are times when uhm when numbers uhm
10 tell a story that is counter intuitive. Uhm actually
11 as the, the slight reduction uhm in the number of
12 cases diverted is part of a good story and that is
13 that there are fewer cases coming into the system
14 that are worthy of diversion than in prior years
15 because there are times as a, as a part of an overall
16 uhm effort and conscious effort on a part of City Law
17 Enforcement to not address as criminal behavior
18 things that has been addressed as crimes in the past
19 and this effort toward kind of a practical
20 decriminalization of conduct results in very trivial
21 cases not coming in to the system in the first place
22 and if they don't come into the system they are not
23 cases to be diverted. Uhm the primary responsibility
24 for diversion rests not with the with the Law
25 Department Family Court Division but with the

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2 Probation Department. They are the people who uhm at
3 the earliest point of intake make decisions about
4 whether or not cases should be diverted. After those
5 cases that pass the probation screen come to the Law
6 Department there is an additional screening process
7 to see if there are further diversion where the cases
8 that can be squeezed out of the system and we are
9 conscientiously doing that as well. I think that the
10 81% figure sounds about right for the kinds, as a
11 percentage of the cases that come into the system.

12 BEN KALLOS: Uhm thank you for the pause
13 so I can just interpose. Would you consider changing
14 the PMMR and MMR indicator to more accurately affect
15 the information that you are sharing and similarly
16 would you share with me and this committee that
17 numbers that you are talking about historically from
18 2014 to now, the number of prosecutions, the types of
19 cases, whether C, B or A, misdemeanors or felonies
20 and I would love a breakdown on the types of cases
21 that are being deferred and then I guess I would just
22 push back that in this situation in the Family Court
23 the Law Department is stepping in as the prosecutor
24 as in the Executive Function here and so I feel that
25 the, whether it is the District Attorney or

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Prosecutor or what have you, you have the most discretion as the case goes in terms of what you are seeking and whether or not to move forward with the case.

ZACHARY CARTER: Well I don't disagree with that at all but the, but if you apply that discretion to a base of cases that is changing and that is where thoughtful decisions are being made about these cases before we get them so that we get a more serious, uhm class of cases in the first place that are less diversion worth then there are going to be fewer cases to divert. But in asking, your request for the information I think is quite apt. I think that if we can provide you more granular information about how we make these decisions then I think there will be a better understanding of how and why these percentages are what they are.

BEN KALLOS: Thank you.

ZACHARY CARTER: Uhm with respect to uhm.

BEN KALLOS: Judgment and Claims.

ZACHARY CARTER: Well actually, well, I was going next in order to uhm. To Child Support. Uhm the, our Child Support Program is a national reciprocal program that is a fail safe for all those

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2 jurisdictions including our own that are not
3 successful in holding uhm parents responsible for
4 paying Child Support Claims who move outside of the
5 boundaries of whatever court had jurisdiction of the
6 case in the first place. It is a fail safe measure
7 and as such, to be blunt I don't expect that we are
8 going to be 100% effective because at, if you look at
9 the challenges of asserting jurisdiction and
10 recovering Child Support Monies due in a case that is
11 within our jurisdiction those issues are compounded
12 when you are talking about a case from someone else's
13 jurisdiction so we will always try to maximize those
14 recoveries. I believe that 100% uhm as you, as you
15 mentioned might be an unrealistic target, something
16 short, something short of that is a stretch target is
17 something that I think uhm, that uhm, uhm, is
18 something that we can consider, uhm 70% is not an
19 inappropriate level of, of recovery in my experience
20 but we will always strive to do better.

21 BEN KALLOS: Just to, just to push back
22 on that, so you have the Uniform Interstate Family
23 Support Act which theoretically should be making the
24 interstate commerce situations and jurisdictional
25 issues a lot easier, is there necessity for advocacy

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2 by Law Department or the City on the Federal Level
3 and by the Mayor's Office who does advocacy there or
4 even by the National Conference of Mayors to change
5 UFISA and make an amendment so we can get folks even
6 when they leave the jurisdiction.

7 ZACHARY CARTER: It's not an issue of
8 inadequacy of Law it is just the reality of practice
9 across state boundaries where you have to, in order
10 to enforce these judgments you have to receive
11 adequate paperwork from the sending jurisdiction and
12 in the same way that there are clerical errors made
13 in any kind of complicated transaction those happen
14 frequently in these cases. And so in order to, in
15 order to enforce a judgment here from a distant
16 jurisdiction the we have to make sure that all the
17 paperwork that supports that judgment being levied
18 upon a parent that hasn't fulfilled their
19 responsibility is in order and that's not always the
20 case. There is going to be some fall off. And
21 that's not, and that's not and it's not an issue of
22 of changing the law, people have to in every clerk's
23 office and every court from around the country
24 including our own from time to time these things
25 happen, uhm that is, that is all of those things add

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2 up to it not being a system that is going to provide
3 a perfect basis for us to enforce in every single
4 case.

5 BEN KALLOS: Would you be? So that,
6 having insufficiency of long arm jurisdiction or
7 other parts would actually be a more favorable answer
8 but like the answer there is clerical or due process
9 issues is a little more manageable and my hope is
10 that you consider digging in to it and perhaps even
11 producing just a report internally that you might
12 share with us of the number of cases of those 30%,
13 how many of them because something wasn't certified
14 and wasn't stamped by the right notary and it was a
15 stamp but it wasn't a sealed stamp or it is not the
16 original and you need the original but you just
17 don't, by breaking down the different process errors
18 and then breaking it down by the 49 different
19 jurisdictions that we are hearing from so that we can
20 get a sense of what the problems are and then perhaps
21 even proactively work with other jurisdictions and we
22 can even start at the top ones, I'm guessing New
23 Jersey and Connecticut and Pennsylvania which are
24 very close states are where we probably have the most
25 relationships where we could work with them and have

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2 a multi-jurisdictional group to get to the bottom of
3 the problems and you get the City Clerk with the
4 other Clerk and get them together to work with that.
5 When I was an attorney, I worked with your county
6 lawyer's associations, we worked with the Federal
7 District Court, the Clerks of every single one on
8 reforming the Electronic Case Filing System (ECF) and
9 I think something like that could help in get us to a
10 higher number.

11 ZACHARY CARTER: The fundamental problem
12 of uhm, enforcing judgments against Mobile Parents
13 are the fact that they are mobile. Verifying last
14 known addresses is the most difficult single
15 challenge and that is by its nature imperfect.
16 Again, doesn't require a change in law. People very
17 conscientiously to try to track down parents who are
18 moving around from job to job and location to
19 location and we will always endeavor to, to do a
20 better job but I think that the changes in law alone,
21 uhm are not going to get that done. This, these are
22 very difficult circumstances.

23 BEN KALLOS: Uhm if we can continue off
24 line, if we continue to raise the age and other
25 questions.

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ZACHARY CARTER: Sure, absolutely.

CHAIRMAN FERNANDO CABRERA: Thank you so much, Council Member Perkins.

BEN KALLOS: Sorry, just hoping to get an answer on at least at a very minimum just the uhm representation of whether.

ZACHARY CARTER: The Judgment and Claims.

BEN KALLOS: No, no, with regards to the council many of us have filed on as AMICUS on a lawsuit relating to Real Estate Taxes in the City and in Equity there and my understanding is a motion has been filed by the Law Department relating to whether or not Council Members may sign on as AMICUS and broaderly whether or not we may sue the city as city employees. And so I wanted to know how much is being spent on that? And if that is something that has risen to your level and whether or not City Employees should be allowed to bring cases against the city for systemic reforms?

ZACHARY CARTER: Well, the issue is what entity has the right to represent the city in litigation. And what entity before the court has the right to assert with the official position is of the city in litigation. The Law Department has always

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2 welcomed alternative voices to participate in
3 litigation whether they are from the City Council
4 Individual Members or groups of members of the City
5 Council who may have an alternative view of the
6 interpretation of the local law or have some other
7 view, uhm on a matter in litigation. So long as it
8 is understood that those other voices do not
9 represent the official position of the city, we
10 welcome those alternative voice and they, and we have
11 not opposed the participation of Council Persons or
12 other advocates on the issue you raised or other
13 issues so long as their role is clearly understood by
14 the court as not representing the official position
15 of the city when we believe that the court's ultimate
16 decision is always going to be best informed when
17 there are multiplicity of voices as long as there is
18 no inclusion about who represents the official
19 position of the city. So we will, we will never
20 stand in the way of individual council members having
21 their voices heard.

22 BEN KALLOS: So just to be clear. I can
23 take a position as Council Member Ben Kallos and my
24 official capacity as an elected official representing
25 myself and my district and I can sue, I can be

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2 AMICUS, that is fine so long as I do not represent
3 that as the voice of the entire council as a body or
4 as the voice of the city of New York?

5 ZACHARY CARTER: You can make an
6 application to the court to be heard as a non-party.
7 It is up to the court to determine whether or not you
8 will be heard because there does come a point where
9 multiple voices become an cacophony and having served
10 as a judge of both the State and Federal Courts, I
11 know that there is going to be, there is productive
12 participation from multiple voices and then there is,
13 then there are more voices than are necessary to help
14 a judge reach a reasonable decision. So that
15 ultimately, how many non-parties are doing to be
16 permitted to be heard in litigation is ultimately
17 going to be up to a judge on a case by case basis.

18 BEN KALLOS: I appreciate it as Law, so
19 in terms of the motion that we are talking about,
20 what was the cost of that and is that just being
21 withdrawn or was that, could that be handled through
22 a letter through chambers and just resolved without
23 spending however much money?
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2 ZACHARY CARTER: I'm not in the position
3 to answer that question right now without conferring
4 with my staff.

5 BEN KALLOS: And you will pass on how
6 much has been spent on that motion in particular?

7 ZACHARY CARTER: Well, first of all we
8 don't, we are not a private law firm, we don't bill
9 and so we, we, I can't calculate with precision how
10 much, I can tell you how many people may be assigned
11 to a particular case but not how much it costs.

12 BEN KALLOS: That would be helpful.

13 ZACHARY CARTER: We don't bill.

14 BEN KALLOS: And then uhm the Committee
15 Staff will forward the remainder of the questions and
16 if you can respond to those in writing to myself and
17 the Committee, thank you.

18 ZACHARY CARTER: I mean a lot less money
19 would be spent if the Council Members who wanted to
20 participate would follow our suggestion and add from
21 the outset at participating in a way that doesn't
22 conflict or interfere with the Law Department's
23 primary role in representing the City's Interest
24 before the courts. We have made suggestions. We
25 have told the Council and its representatives that we

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welcome their participation but it has to be done in an orderly way, consistent with how the law orderly develops and is litigated before the courts.

BEN KALLOS: I have never received such communication.

ZACHARY CARTER: You need to talk to your staff.

BEN KALLOS: Uhm, would you, if you could send it to me directly.

ZACHARY CARTER: Certainly.

BEN KALLOS: And if it is okay if I can share that communication publicly for anyone who reaches out. Thank you.

CHAIRMAN FERNANDO CABRERA: Thank you so much, Council Member Perkins.

BILL PERKINS: The Contract Budget totals about \$209.7 million for 24-29 contracts. According to ... sorry. The Contract Budget right the Law Departments Fiscal Year 2018 Contract Budget totalled \$29.7 million for 429-430 contracts.

ZACHARY CARTER: I am looking for that. Hold on a second, what is he referring to.

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BILL PERKINS: I just kind of want to in that regard uhm what are some of the major contracts that are included in this.

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ZACHARY CARTER: Oh I see what you are talking about. If you are talking about, uhm if you are talking about contracts that we, that are for the Law Department that is in support of litigation.

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9 Expert Witnesses, a lot of paid discovery expenses as
10 you know now both in Federal and State Court because
11 so much communication is done electronically by email
12 and otherwise the cost collecting and retrieving and
13 organizing that information has become extraordinary
14 and so we have to very often outsource the collection
15 and retrieval and organization and production of that
16 information to be provided at discovery.

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BILL PERKINS: So these expert witnesses, are they considered to be vendors or do that they, do they get compensated or?

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ZACHARY CARTER: They are considered to be vendors, yes.

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BILL PERKINS: Okay and so in that regard, how are they more or less selected?

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ZACHARY CARTER: It really depends on the, the, the level of expertise. There are uhm,

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2 experts in support of TORT litigation that have
3 various uhm specialities that uhm provided services
4 to the Law Department over a period of time. Uhm
5 their services are reevaluated to determine whether
6 or not they are providing satisfactory services and
7 contracts are renewed or not depending on that over
8 a, over a period of time. Uhm, when it comes to
9 lawyers, it really depends on on their proven
10 effectiveness over time and that, that is with all of
11 our contract, uhm services, there is, there is a,
12 there is a process of evaluating and reevaluating
13 whether or not they are providing the services that
14 we need to support litigation.

15 BILL PERKINS: Assuming the best case
16 scenario that they are doing, which you are paying
17 them for? What are you paying them?

18 ZACHARY CARTER: The contract.

19 BILL PERKINS: As contractors, do they,
20 do they paid for the, for these services.

21 ZACHARY CARTER: Of course, yes.

22 BILL PERKINS: So can you give us an idea
23 of the kind of payday that they get in terms of these
24 contracts or how did they?

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ZACHARY CARTER: It really, it varies, it varies so much from contract to contract, I can't, I mean we can provide you information that is more granular in terms of what for instance is paid for a particular expert in a particular field, I can't do it as I sit here. I know. I don't have that details.

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BILL PERKINS: I would like to get what you can send in terms of that, but if you would just. I'm just trying to understand how does the contract work. How does? What does a vendor, however you know is providing the service get? Do you understand what I am trying to say?

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ZACHARY CARTER: If you are talking about, if you are talking about a specific dollar amount?

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BILL PERKINS: Well whatever you know? I'm just trying to get a sense of who gets paid and what do they get paid? Is it contracts? They are vendors? Do they get paid?

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ZACHARY CARTER: Of course they get paid.

BILL PERKINS: I just want to get a sense.

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2 ZACHARY CARTER: If it, if it a Law Firm
3 it depends on whether or not it's generally it will
4 be an hourly charge and will be paid by the hour. If
5 it is an expert witness, it is also an hourly charge.

6

7 BILL PERKINS: Okay is there any kind of
8 information you can send us in that regard, just so I
9 can get a sense of what kind of. What these
10 contracts look like? What kind of?

11

12 ZACHARY CARTER: Yes we can, we should be
13 able to provide you, we should be able to provide you
14 a representative sample.

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16 BILL PERKINS: Yes that.

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18 ZACHARY CARTER: Of contracts in various
19 areas, yes.

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21 BILL PERKINS: Yes, that would be very
22 helpful just so I can get a good picture of what's
23 going on.

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25 ZACHARY CARTER: I would be happy to.

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27 BILL PERKINS: And so this is a vendors,
28 is there a selection process related to these vendors
29 that are chosen?

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31 ZACHARY CARTER: It varies from service
32 to service and need to need. I mean there is going
33 to be times when it is highly specialized and perhaps

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2 only a handful of, of vendors in a particular space
3 can provide a particular service or it may be
4 something that is broadly available.

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BILL PERKINS: And so sometimes there is
like an ND, NWDE, you know, Business Enterprises we
get some.

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ZACHARY CARTER: Yes.

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BILL PERKINS: Do you have a listing of
those types of the numbers of those types and more or
less what is involved when they get that contract?
Do you understand what I am trying to say here?

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ZACHARY CARTER: Yes.

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BILL PERKINS: Can we get some
information toward that end?

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ZACHARY CARTER: Yes.

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BILL PERKINS: Alright thank you. Thank
you very much. That is, the NWB is especially.

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ZACHARY CARTER: It is very important to
us to and one of the challenges that we have uhm and
uhm our Managing Attorney, Muriel Goode-Trufant has
been very active in that, is getting in NWBEs who
would be qualified to get themselves certified so any
help that, that uhm you or others can provide in
making sure we get the word out that people who would

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2 fit those qualifications need to go through the
3 process of getting certified so that, so that uhm,
4 that uhm, they will have the advantage of being
5 considered.

6 BILL PERKINS: I look forward to
7 receiving whatever you can show me?

8 ZACHARY CARTER: Sure.

9 CHAIRMAN FERNANDO CABRERA: Before we go
10 to the second round, I wanted to ask you regarding
11 Affirmative Legislation, Debate of Pharmaceutical and
12 Law Suit. Can you let us know which companies are we
13 suing for how much? Regarding the pharmaceutical and
14 oil?

15 ZACHARY CARTER: Certainly, I believe
16 that's six companies, I don't have, I don't have the
17 complete in, in front of me. We are suing both in
18 the pharmaceutical area manufacturers and
19 distributors, and I said six, and I was conflating
20 two cases, I was thinking in terms of the fossil
21 fuels but for the pharmaceutical companies we are
22 suing the pharmaceutical companies and the
23 distributors that we think have the largest impact
24 locally on the proliferation of, of, of opioids that
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2 are overprescribed to persons who are a resident of
3 New York City.

4 CHAIRMAN FERNANDO CABRERA: How much
5 staff are we devoting to this, two cases?

6 ZACHARY CARTER: Well we have retained a
7 law firm, uhm that is representing the city on a
8 contingency fee basis, uhm in terms of the attorneys
9 who are spending a significant amount of their time
10 on the case, though not full time because again we
11 have an outside law firm therefore for it.

12 CHAIRMAN FERNANDO CABRERA: And how much
13 are we expecting to spend in the outside firm?

14 ZACHARY CARTER: Nothing because it is on
15 a contingency fee basis.

16 CHAIRMAN FERNANDO CABRERA: I see.
17 Alright, alright, let me ask a question because you
18 have been around for a while, are these cases then
19 were fly arm, usually what happen we win he comes
20 Congress and pass some law to protect you know the
21 big pharmaceutical or, or the oil interest so all of
22 these resources were allocated and at the end we
23 might end up with nothing.

24 ZACHARY CARTER: Well actually, is that,
25 is that the normal? No actually I don't, I don't

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2 think that that is a concern that I share. When I
3 think about the uhm suit against the pharmaceutical
4 companies the most apt parallel is to the tobacco
5 litigation. Uhm which had to be pursued doggedly for
6 many years and at the end of that many years, not
7 only was there a profound change in the conduct of
8 the business of the tobacco companies uhm and
9 substantial changes in the laws that as you may
10 recall, I am an old timer, I recall all of those
11 persistent television ads, promoting cigarettes as
12 healthy and cool and how it become illegal to
13 advertise on TV. All of that as a result of that, of
14 that litigation and then at the end of the day there
15 was a substantial recovery that was paid to states
16 across the country that provided substantial
17 resources to, to support healthcare initiatives,
18 primarily related to tobacco-generated diseases, and
19 so we expect that this will also be a tough slog but
20 we are already seeing results. There are, there are
21 pharmaceutical companies that have changed the
22 practices of marketing and made announcements just
23 within the last few weeks of changing practices of
24 marketing the use of opioids to doctors uhm for
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2 certain uses for which they are inappropriate like
3 the treatment of long-term chronic pain.

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CHAIRMAN FERNANDO CABRERA: And for the
5 oil companies, do we have a real chance of winning?
6 Because I see that one as just a tougher case. More
7 out of site compared to the opioid epidemic and if we
8 were to win where would these funds be allocated?

9

ZACHARY CARTER: Well if when you think
10 about the kinds of funds that had to be used, uhm,
11 uhm to uhm resiliency purposes in the aftermath of
12 Sandy when you remember how many downtown firms uhm,
13 uhm law firms, trading firms, all kinds of businesses
14 because their data was wiped out because of flooded
15 infrastructure uhm. When you think about the cost
16 of, of making our seawall more resilient in a,
17 because we are a coastal city, that's billions,
18 that's billions of dollars that we hope we can seek
19 some contribution from companies that have made money
20 but uhm, misleading the public of the consequences
21 doubling down on fossil fuel use as opposed to
22 seeking reasonable alternatives.

23

CHAIRMAN FERNANDO CABRERA: Thank you,
24 Council Member Yeger.

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2 KALMAN YEGER: So quickly I don't want to
3 run out the clock, Mr. Carter we are almost done but
4 I wanted to follow up in what Councilman Kallos was
5 asking on the 3900 U.S. Cases, the, the 3900 Child
6 Support Interstate Child Support Cases that Court
7 Counsels handles for parents. The, the, Mayor's
8 Management Report indicates that it is, that the 70%
9 number refers to families entitled to a support order
10 that Getty Support Order and your testimony seems to
11 be around the question of, uhm, orders, whether or
12 not they are enforced but the 70% number that we are
13 talking about is, is based on and I'm not, this is
14 not really a question for you to uhm, it's not that
15 you said something wrong I think maybe we are talking
16 about two different things. When a, when a parent or
17 a punitive parent files a case through the interstate
18 process and what the Mayor's, what the MMR says is
19 that it is, it's 70% entitled to support order but
20 get a support order. Is that an entitlement as a
21 matter of law or it that based on the number of cases
22 that are filed because not every case that is filed
23 is necessarily the person entitled to receive an
24 order of support, it is an allegation. It may not be
25 proven so you were, you are referring to questions of

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2 uhm you know possible clerical errors, you know
3 paperwork being served properly or not but it is
4 actually possible that you are filing cases where you
5 believe based on the information being given at
6 intake that the person, the petitioner if you will is
7 entitled to an order of support but ultimately found
8 not to be found not to be entitled to an order of
9 support as a matter of law. Is that where the 30,
10 does that person fall into the 30%?

11 ZACHARY CARTER: Yes, correct.

12 KALMAN YEGER: Okay so it's not really a
13 failure rate of 30% but it is not that not every case
14 that is presented to Corp Counsel for enforcement is
15 necessarily the petitioner entitled to a Child
16 Support Order as a matter of law?

17 ZACHARY CARTER: They may not be entitled
18 to a Child Support Order as matter of law or there
19 may be an important procedural defect.

20 KALMAN YEGER: Okay, alright, so not but
21 not necessarily Law Department is dropping the ball,
22 okay just wanted to make sure. Thank you.

23 CHAIRMAN FERNANDO CABRERA: Well I want
24 to thank you so much for your answers, very sharp
25 answers and to the point and very informative which

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is going to help us advance the interest of the City and with that we will complete this section of today's hearing. Thank you so much again, we are looking forward to working with you. We will have some more questions that because of the interest of time that we will be submitting, hopefully you can get them back to us as soon as possible.

ZACHARY CARTER: We will, thank you very much.

CHAIRMAN FERNANDO CABRERA: And I want to thank my colleagues again just for staying with the clock. We are doing amazingly well, amazingly well and so with that I am going to invite and welcome the Board of Elections to come.

(Background conversations).

CHAIRMAN FERNANDO CABRERA: We are ready for the Board of Elections. Oh no come right in, we are ready, we are ready for you. It's good to see you again. I know you are all shocked but I like to start on time and finish on time. I know you will appreciate that. Time is the one commodity that you can never get back or produce more so. So now I would like to welcome Executive Director Michael J. Ryan, Executive Director of the Board of Election or

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2 the BOE. Thank you executive director for testifying
3 before us today. The Board of Election Fiscal 2019
4 Preliminary Budget total \$95.1 million including
5 \$39.2 million in personal services funding to support
6 505 full time positions. The board is responsible
7 for conducting all elections in the city of New York,
8 Federal, State and local. It registers voters. Now.
9 Maintains the city voter registration list and
10 maintains and operates the post size amongst various
11 other elections related tasks. A number of important
12 elections will be held this year in the city of New
13 York including the primaries and general elections
14 for the seats in the House of Representatives and the
15 Senate as well as the 2018 New York State
16 Gubernatorial Elections, would like to hear more from
17 the board concerning the Budgetary needs to prepare
18 for and conduct the selection as well as discuss the
19 cyber-security measures the BOE is taking to ensure
20 the integrity of our elections and the Boards
21 responds to some of Governor Cuomo Electoral Reforms
22 and the New York State Executive Budget amongst other
23 topics then I would like now to please ask the
24 Committee Counsel to administer the oath.

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COMMITTEE COUNSEL: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to Council Member questions?

6

MICHAEL RYAN: I do.

7

COMMITTEE COUNSEL: Thank you.

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MICHAEL RYAN: Chair Cabrera and members of the New York City Council's Committee on Governmental Operations, thank you again for this opportunity to appear before you on behalf of the board of elections. I am Michael J. Ryan, the Executive Director of the Board joining me here at the table, to my right is our Finance Officer Gerald Sullivan, also present in the audience are our General Counsel, Steven Richman, Deputy General Counsel Raphael Savino, Communications and Public Affairs Director Valerie Vazquez and our Financial Analyst Stacy Infante (SP?). Uhm before I begin discussing the Mayor's Preliminary Budget for Fiscal Year 2019 I would like to thank the City Council and the Mayor for providing the necessary support and funding to the board in Fiscal Year 2018 to meet its constitutional and statutory mandates as well as the needs of the voters of the City of New York. In

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2 Fiscal Year 2019 the Board anticipates conducting two
3 citywide election events including a State Office
4 Primary on September 2018 and a State Office General
5 Election in November 2018. As the members are aware,
6 often the board is called upon to do Special
7 Elections in the interim as well and our funding
8 requests typically include some anticipation of those
9 events. For our Fiscal Year 2019, based on similar
10 event years and our Budgets do vary from year to year
11 depending on the number of anticipated election
12 events that we are going to hold which is different
13 than perhaps some other agencies that have a more
14 consistent workflow. In any event, the Board
15 Projects at 2019 Budget of \$137.6 million which is
16 \$4.25 million more than the FY19 Departmental
17 Estimate of \$95.1. As is the process with the
18 Mayor's Administration the Board will work closely in
19 the intervening days with the Office of Management
20 and Budget. The Board has every expectation that all
21 of our financial needs will be addressed by the
22 Mayor's Administration and the City Council and that
23 upon completion of the Preliminary Budget Process and
24 the finalization of the Executive Budget Process the
25 Board will be in good position to meet the needs of

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2 the voters of the City of New York. With respect the
3 cyber-security the board is requesting additional
4 positions in the electronic voting systems area and
5 the MIS Department to further enhance our cyber-
6 security efforts and I am, I am anticipating some
7 questions in that regard once we get to the question
8 and answer portion of this. Additional positions are
9 needed in each county office to ensure that the Board
10 maintains the physical security of its hardware and
11 the firewall software at each location. The Boards
12 Assessment leads us to request funding for a new
13 initiative that will serve to further fortify our
14 Election Voting Systems (EVS) which includes a
15 software that processes the election results at the
16 end of the evening on election days as well as our
17 management information systems against potential
18 cyber-threats. We are requesting a total of 20 new
19 positions at the Board of Elections. Six of these
20 positions will be embedded within EVS and MIS
21 Departments at our General Office as senior security
22 analysts/engineers. We will have three network
23 implementation network engineers and the
24 responsibility of the positions will be coordinating
25 with the Board's Senior Management and the Agency's

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2 EVS MIS Departments to identify, support and resolve
3 any and all cyber-security issues moving forward,
4 provide assessment, support and engineering solutions
5 to ensure the Agency's sound network and security
6 design, review, analyze and document the security
7 requirements of applications, systems and networks
8 across their life cycle, research, elevate, design,
9 test, recommend and/or plan the implementation of new
10 or updated information, security hardware and/or
11 software and analyze its impact on the existing
12 environment, provide technical expertise for the
13 administration of the needed security tools to
14 protect the agency's internal and external operations
15 and performance in service to its mandate of
16 conducting fair and honest election events. The
17 remaining 10 positions will be deployed two per
18 borough in each of our five borough offices as
19 supervisors of a newly created borough canvassing
20 unit dedicated to conducting daily, weekly and
21 routine cyber-security checks and we are recommending
22 necessary upgrades as new technology evolves. We are
23 requesting annual funding in the amount of \$1.3
24 million to implement and maintain this upgraded
25 cyber-security initiative. I might also add here

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2 that we have worked very closely with the Department
3 of Information Telecommunications and Technology and
4 we currently through a requirements contract that do
5 it overseas we have an outside vender, Fire Amandiant
6 (SP?) that monitors our, our servers and our incoming
7 and outgoing information 24 hours a day, 7 days a
8 week, 365 days a year and that is in addition to
9 another vendor Crowd Strike that, that does other
10 more localized functions with respect to desktops, so
11 we believe that we are fortified as good as we can be
12 under the present set of circumstances but as with
13 other forms of emergencies that come up we have to be
14 right 100 times and the mischief makers only have to
15 be right once. So, uhm we are happy with where we
16 are but we can always do more. To meet all
17 statutory, regulatory and court mandates including
18 the National Voter Rights Act and the New York State
19 Election Law with respect to maintaining accurate
20 voter list the board must establish two citywide list
21 managers, one MIS list maintenance coordinator
22 assigned to the general office and 10 list
23 maintenance specialists assigned to the offices in
24 each of the five boroughs at a cost of \$980,000.
25 That will be individuals that are dedicated solely

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2 for the purposes of maintaining the voter list, so we
3 would be dividing our voter registration unit into at
4 least presently two separate units, one to deal with
5 people coming on the list and the other unit to deal
6 with folks that are already on the list, maybe they
7 move or they are deceased and the like. Based on
8 anticipated two citywide election events, right, so
9 the board expects to hire 42,000 Election Day workers
10 for each election event. The Board's projected
11 allocation includes funding for the purposes of the
12 proposed legislative Poll Worker Pay Increase. The
13 admin of the Electronic Voting System brings with it
14 additional tasks and responsibilities which require
15 Poll Workers to work longer hours, combined with the
16 enhanced testing standards already implemented, an
17 increase to the Poll Worker Compensation is essential
18 to enable the board to recruit and retain qualified
19 people, several City Council Members and the Asian
20 American Legal Defense and Education Fund, also known
21 as AALDEF have expressed support for this increase.
22 The last increase in Poll Worker Compensation
23 occurred in August 2001 by Mayoral Executive Order
24 given the dramatic changes in the conduct of all
25 elections imposed upon the Poll Workers of the City

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2 of New York by Federal and State Law. The Board
3 requests the Mayor to increase the compensation for
4 all Poll Workers by \$100 by each election event. The
5 Board asks the City Council to work with the Mayor to
6 raise Poll Worker Compensation at an estimated cost
7 of \$7.4 million and then that would be added to the
8 \$24 million in the even that there is no increase for
9 a total of \$31 million. The Boards Analysis shows
10 that \$66.3 million is required in the OTPS Allocation
11 compared to the \$55.9 million dollar estimate. With
12 this additional funding the Board's OTPS Budget will
13 be adequately funded to provide for property,
14 equipment and services such as the mandated
15 accessibility compliance, all poll site accessibility
16 equipment, necessary support and data service
17 contracts for the Board's Voting Systems and
18 Information Technology infrastructure and the
19 citywide Poll Worker Recruitment Initiative including
20 website redesign, advertisements and other public
21 information efforts. In Fiscal Year 2018 the Board
22 of Elections paid \$840,000 to place Poll Worker
23 Recruitment Advertising on all subways and buses. I
24 believe that was done in a department leveraging a
25 Department of Health Contract so that we did not have

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2 to do an outside procurement on that. This was a 16-
3 week program which resulted in 30,000 hits to the
4 website and it resulted in an additional 1400 Poll
5 Workers and that continuation of that is absolutely
6 necessary as all jurisdictions throughout the country
7 are having difficulty recruiting and retaining poll
8 workers as the population of current poll workers
9 ages out or cease to work as poll workers. The Board
10 of Elections would like to extend the advertising
11 program and we would be requesting in our Dream
12 Scenario an additional \$1 million. We understand
13 that resources are tight but we would like to be able
14 to expand it so that we could do better recruitment.
15 The Outdoor Advertisements Enhanced the Board's
16 ability to cover print media advertisement and social
17 media advertising with GL Fencing capabilities in an
18 attempt to create Poll Workers in a more targeted
19 fashion. There is technology out there that allows
20 us to Geo-Fence location and target areas where there
21 are known short falls as opposed to the less
22 efficient way of just doing blanket advertising. The
23 board remains sensitive to the physical challenges
24 faced by the city and mindful of its obligations to
25 serve the voters of the city of New York. The Board

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2 remains committed to the partnership which has been
3 forged with this administration and this council.
4 The Board is confident that the additional funding
5 requests will enhance the ability to serve the voters
6 of the City of New York, the Board re-affirms its
7 commitment to this Council that allocated resources
8 will be wisely utilized and the public trust will
9 continue to be a guidepost. As always I am available
10 for any questions that the Council may have and
11 hopefully I can provide your answers here, and if not
12 we certainly can do that offline.

13 CHAIRMAN FERNANDO CABRERA: Well thank
14 you so much. I want to start addressing the issue,
15 the Poll Worker salary, right now it is \$200 a day.

16 MICHAEL RYAN: Yes.

17 CHAIRMAN FERNANDO CABRERA: And \$300 for
18 Poll Workers Coordinators.

19 MICHAEL RYAN: Right.

20 CHAIRMAN FERNANDO CABRERA: Which I am
21 right is only a little bit over \$12 an hour. They
22 work from is it 5 to 9.

23 MICHAEL RYAN: It is 5 to 9 plus.

24 CHAIRMAN FERNANDO CABRERA: Plus?
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MICHAEL RYAN: You know depending on the election event it could easily go to 11.

CHAIRMAN FERNANDO CABRERA: To 11 o'clock.

MICHAEL RYAN: So as soon as they are done and they process the election results and then pack up uhm what needs to be given to the police officers and otherwise returned to the Board then they can go home. So they really never know when the end of their day is actually going to be.

CHAIRMAN FERNANDO CABRERA: It baffles me that we Council Members, the Mayor and every other Elected Official have raises since 2001 and yet our Poll Workers have not. So with that, uhm would you, would you welcome a bill that will require at least minimum wage to be to, because you know they are going into overtime too here as well for the, for them to get at least minimum wage pay?

MICHAEL RYAN: So with respect to that there are as I understand it, there are two ways that a Poll Worker raise can be accomplished. One is through a change in the State Legislature which have included since I've been the Executive Director, the Commissioners have included that every year asking

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2 the State Legislature to do that uhm and I believe it
3 has gone on longer than that or Executive Order of
4 the Mayor. Those are the two avenues that I am
5 confident are legally permissible. Whether or not
6 the City Council has the authority to impose that I'm
7 not certain but we will suffice to say that we are
8 all on the same page. We think the Poll Workers need
9 a raise.

10 CHAIRMAN FERNANDO CABRERA: So the
11 Executive Order, that is according to the Charter?

12 MICHAEL RYAN: That's my understanding,
13 yes.

14 CHAIRMAN FERNANDO CABRERA: Oh, so we are
15 going to having some Charter.

16 MICHAEL RYAN: I'm sorry, the Council is
17 telling me that it is the Election Law? The Election
18 Law so it gives either of those avenues of redress
19 for that issue.

20 CHAIRMAN FERNANDO CABRERA: So we call
21 upon our State Legislatures to indeed increase this,
22 because it is hard work being there literally all day
23 long, especially when you have major elections, you
24 have thousands upon thousands of people being there
25 and I see, I see people who just want to leave in the

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2 middle of it because of the level of stress. You've
3 seen it. I mean it just, so they need to be
4 properly compensated and I'm sure you, you share
5 those sentiments as you share.

6 MICHAEL RYAN: Certainly and a number of
7 years ago the Internal Revenue Service required the
8 Boards of Elections throughout the country to treat
9 Poll Workers as employees, so in that since, we are
10 the largest single employer of temporary workers in
11 the, in the city of New York. We have to process in
12 over 30,000 Poll Workers for each election event
13 annually and then for all of their hard work they get
14 a W2 form which then withholds taxes and a couple of
15 years ago it really uhm when the city was processing
16 all of the raises for the contractual raises, any,
17 any Poll Workers that had a City Identification
18 number, their paychecks were held up because their
19 city identification number prevented them from
20 getting paid until the contracts were resolved even
21 though they were no longer employed by the city. So
22 there is, there is a lot of complications that we
23 have to deal with and uhm the Poll Workers often bear
24 the brunt of the, the Bureaucratic issues that we
25 confront.

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CHAIRMAN FERNANDO CABRERA: As

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unemployment goes down I foresee that in the future,

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considerably will be harder and harder to recruit

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Poll Workers, correct.

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MICHAEL RYAN: Yes and as a matter of

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fact the Presidential, Bipartisan Presidential

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Commission Report that was commissioned and completed

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in 2014 has indicated that this is a, a national

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problem. It is not just particular to the city of

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New York. It is happening everywhere and as uhm, the

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party organizations seem to be shrinking in size, so

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too, is there commensurate shrinking in the size of

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the Poll Worker Work Force. We are, I believe under

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30% of our Poll Workers that were utilized in the

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last election, citywide election event came from a

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county source and we are now going outside the county

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process for the lie and share of the Poll Workers.

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And then what happens is retention becomes difficult

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as well because people do it once and we invest all

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of that training and then they get their paycheck and

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we don't see them again.

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CHAIRMAN FERNANDO CABRERA: I fully

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agree. Cyber-Security. You are going to be adding a

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layer, a layer of new positions of, can you be a

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little, give us more details regarding that and also the newly created borough units that you are going to be had, the BCUs, uhm what do, what are we getting, what are we going to get that we don't have right now?

MICHAEL RYAN: We would have more enhanced oversight of the cyber-security that might come up during the day. We are very, very grateful for the work that we have done with DO-IT, uhm and to all of our, surprise if you will, this really started to bubble to the surgery in earnest in July of 2016, we found out about the issues the same time that, that everybody else did but since that time and especially in the lead up to the Presidential Election uhm we have worked closely with city, state and Federal entities to make sure that all of the information that needs to be shared is shared. We also are grateful for the contract that we had, the external contract that monitors our systems 24 hours a day, 7 days a week, uhm we, I will say without getting into specifics that in the last election cycle we were actually able to give some information to a couple of campaigns in the city that may have had their website and emails compromised based on

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2 information that we picked up through traffic at the
3 Board of Elections. So we know that it is working.
4 What we would like to be able to do and the reason
5 for this proposal is to stay ahead of the curve so
6 that the public side of the public private
7 partnership will be more robust. And I will tell you
8 that that will certainly be a work in progress. Uhm,
9 it's a brave new world out there with respect to the
10 cyber-security issues and to say uhm exactly what
11 folks would be doing on a day to day basis I am not
12 prepared to do that as we sit here nor do I
13 necessarily think that I would do that in public
14 forum given the sensitivity of it. Uhm but suffice
15 to say that we would like to make our internal
16 ability to monitor more robust and so that over the
17 course of time we would be less reliant on an outside
18 entity for the remedial work in the event that there
19 was a breach.

20 CHAIRMAN FERNANDO CABRERA: Have you had
21 uhm indications of international entities, countries
22 that have tried to infiltrate our cyber-system?

23 MICHAEL RYAN: We fortunately have not
24 and I and I think that the demographic disconnect in
25 the presidential election perhaps did not make New

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2 York City such a prime area to move the needle if you
3 will but that doesn't mean that we should rest on our
4 laurels and expect that that situation will remain
5 static, uhm we should anticipate that folks who want
6 to do these kind of things will do it and at some
7 point in the future, uhm we may very well be a
8 target.

9

CHAIRMAN FERNANDO CABRERA: One more
10 question before I turn it over to my colleagues,
11 according to the 2018 PMMR the number of voter
12 complaints regarding Poll Workers spiked sharply from
13 304 in Fiscal 2016 to 721 in Fiscal 2017, can you
14 explain the spike in complaints, what do you accrue
15 to?

16

MICHAEL RYAN: Well, we are putting more
17 controls in place and one of the things, uhm that we
18 just had a meeting on recently is to be able to track
19 the voter complaints through a system that we, we
20 already had in place to prevent it. We weren't aware
21 that the functionality was within the suite as they
22 call it of available technology so when we were
23 talking about building it from the ground up, staff
24 recently met with the vendor and we are going to be
25 able to track that more. I suspect that some of this

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2 spike is due to a more enhanced tracking of
3 complaints that we already do through our Election
4 Day, Election Day Call Center, but in any event, we
5 can always do more and we are, we are happy to
6 announce that some of the remedial action over the
7 course over time that we will be able to take by
8 leveraging the tablets that we already have in place
9 and this service that is available through a vendor
10 that we already have in place at no additional cost,
11 will, will enhance our ability to attack problems on
12 election day while they are happening and, and as I
13 always state and this goes to not only everyone that
14 is sitting here but certainly anybody that is
15 watching this testimony, the best way that we can fix
16 things is getting timely information while it is
17 happening on election day. We have teams of
18 assembly, Assembly District Monitoring Teams that go
19 out, I'm out in the field, our Legal Team is out in
20 the field, we have people deployed all over the city.
21 We have techs assigned, technicians assigned to zones
22 similar to the way that ambulances are deployed,
23 quite frankly I had worked on NYP, uhm on FDNYAHC
24 merger years ago and we kind of stole that, you know,
25 ambulance deployment from that experience and I think

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2 that we are doing much better than had been done in
3 the past with the utilization of technology.

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CHAIRMAN FERNANDO CABRERA: Have you been
5 able to put the complaints within categories, what
6 are the? And if you have, what is the main category
7 where you are getting the most complaints?

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MICHAEL RYAN: You know, uhm I don't have
9 that information off of the top of my head as to the
10 most, the highest complaint, but yes it is
11 categorized and much in the same way that 9-1-1
12 operators have access to you know a robust call
13 center, we have one that was built with an in-house
14 consultant that is specifically tailored to
15 monitoring the Poll sites on Election Day, so we only
16 bring it up, that particular system is only brought
17 up in and around election events and it's, it's
18 dormant through the rest of the year because it is
19 only designed for that specific issue. So the answer
20 is yes, we encourage the everyone to contact us on
21 Election Day and the piece of it that we are going to
22 be adding to this process through the other vendor is
23 to tie that system to emails as well. So that if we
24 get emails and/or twitter and/or facebook that we
25 will be able to tie that all together at some point

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2 in the future so that we can get away from the
3 telephone calls to some extent and I will say this
4 thing about twitter. Twitter has a tendency
5 particularly to make problems on Election Day seem
6 like they are more widespread than they actually are.
7 We do get isolated issues but with the advent of
8 Twitter it makes it appear if you could just count
9 the number of Twitter notifications it spreads like
10 wildfire and you really have you know one
11 particularly Poll Worker in a particular location and
12 it makes it sound like the whole borough of Brooklyn
13 is falling off the map and then we get there and it
14 is really one guy who got into an argument with a
15 voter so I mean, so.

16 CHAIRMAN FERNANDO CABRERA: Okay, great,
17 uhm let me turn it over to Council Member Ben Kallos.

18 MICHAEL RYAN: Good afternoon Council
19 Member.

20 BEN KALLOS: Afternoon, how are you? I
21 am going to just focus on two items uhm this first
22 item is with regards to local law 65 of 2016. This
23 is allowing for people to track absentee ballots,
24 find out if they are registered, what their party is,
25 what the next election is, uhm, we had a hearing I

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2 think back in 15 of 16, back in 2015 and it seems
3 like your technology was well along and that you were
4 on your way to getting the system up and running.
5 The administration did not comment on this
6 Legislation and they did not sign this Legislation.
7 It aged in to law, uhm recently. I was out on
8 paternity leave, the Mayor has come out and said that
9 this Legislation is part of is Democracy Agenda for
10 which they are calling a charter vision commission to
11 get this done so I am just checking in to see where
12 we are on that. Additionally the other question is
13 just what do we need to do so that there aren't lines
14 on Election Day and that we don't have Poll Sites
15 such as the ones in my district where the line is a
16 result of overcrowding within the facility itself.

17 MICHAEL RYAN: Okay so with respect to
18 your first inquiry, uhm leaving off to the side the,
19 the Mandate, No Mandate Argument which we have had in
20 a friendly and professional way over the course of
21 time. Uhm, simply put, 2016 happened, uhm we had the
22 issues that is painful as it is for me to resurrect.
23 We had the Voter Registration issues in Brooklyn,
24 followed shortly after that by the Cyber-Security
25 issues that, that arose just prior to the

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2 Presidential Election. We were poised to launch a
3 new website uhm, right before the Presidential
4 Election. We were discouraged from doing so by the
5 cyber-security folks because that new website is
6 going to involve a different platform. We are going
7 to be moving away from the Do It Hardwired Server
8 Platform to a Cloud-Based Platform and in light of
9 the events just prior to the Presidential Election we
10 were advised that it needed more robust training, not
11 training uhm testing to make certain that the website
12 is tucked firmly behind the cloud-based firewall, uhm
13 so in addition to that as a result of a lawsuit that
14 was filed in 2016, we had to work very diligently to
15 essentially overhaul the entire process, software
16 process for processing election results. So, what
17 happened is, all of that got put on hold. We are
18 anticipating a launch of the new website and I hope
19 I'm not getting to, you know, what's the new phrase
20 now, over the tips of my skis on this one but
21 sometime in the second quarter of this year my hope
22 is that we will launch the new website, when we
23 launch the new website, there is going to be two
24 features on there, at least two features that should
25 be uhm near and dear to your heart Council Member

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2 Kallos, one is an electronically assisted way of
3 filling out a Voter Registration Form and
4 electronically assisted way of filling out an
5 absentee ballot applications, both of those will be
6 able to be printed with a QR code on them and we will
7 receive the data from the voter. We are still
8 following the rules as stated by the uhm, as stated
9 by the Attorney General in their interpretation that
10 the two delivery methods are either in person or by
11 mail so we are not quite all the way home yet but
12 what will happen is that once we get your Voter
13 Registration Form or your Absentee Ballot
14 Application, we scan that in. The QR Code will
15 identify that that data has already been received, it
16 will marry that document and will eliminate redundant
17 data. We also have now I guess a little bit of the
18 delay has saved us some work in that the United
19 States Postal Service of course, this flips it really
20 back on to the voter but the Postal Service itself
21 has a backtracking application that we are in the
22 process of, of implementing and then I would envision
23 when the Post, the Postal Service has already done
24 it, assuming it works and we have been told that it
25 does, that we will help to advertise that so that the

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2 folks really want to track their ballot can do it
3 anyway that the Post Office can guarantee it and I
4 think if you add those few things together, that's a,
5 that's a pretty good step forward in terms of what
6 the spirit of the prior bill that was lapsed into
7 law. Uhm, with respect to the lines, lines are a
8 challenge. Uhm, when it comes to older
9 neighborhoods, older more established neighborhoods
10 they typically have older buildings. Older buildings
11 are not as conducive to the Elections Process as we
12 would like them to be based on the current equipment
13 that we have available to us. So some of the
14 crowding if you will, that leads to the long lines,
15 has to do with the fact that we have to deploy
16 privacy boots and valid marking devices for those
17 members of the disability community that need to
18 access that as well as the DS200 scanners. There is
19 new technology that is coming. Uhm, that would aid
20 greatly in that regard, not the least of which would
21 be Electronic Poll Books. Our board has officially
22 taken no position with respect to that because we are
23 of the opinion that the State Legislature is very
24 well aware of what they, what they need to be aware
25 of in this regard and if they have any questions for

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2 us, we are certainly happy to answer those questions?
3 So, uhm in the meantime I think concentrating the
4 Poll Workers on public service is a helpful way to
5 go. We are also implementing the Voter List onto the
6 tablets as a way to try to get away from those paper
7 lists that we give out for street finders, uhm but we
8 are still going to have places where there are lines
9 in volume election events and I will give you, for
10 example, the President's Poll Site. I personally
11 visited that Poll Site prior to election day and
12 until you saw it in operation, it seemed like a
13 perfectly suitable place to have an election and then
14 when you factored in all of the security concerns
15 that were there when a Presidential Candidate is
16 voting there and an isolation of an elevator and not
17 allowing free flow up and down the stairs, it really
18 made it into a difficult Operational Circumstance on
19 Election Day. That happens to us sometimes, what
20 looks to be a good feasible location, when it is
21 empty and there aren't people there sometimes gets us
22 a little bit turned around on Election Day when there
23 are high volumes of, of voters. So on the one hand I
24 would say yes, I want to absolutely maintain the
25 lines at no more than 30 minutes, that's a, that's a

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2 noble goal and we should do that as quickly as we
3 can; however, reality is volume makes a difference
4 and when people are waiting in line, that is a sign
5 of a healthy democracy as well, not that we are
6 looking to inconvenience anyone.

7 BEN KALLOS: Thank you for the good news
8 on local law 65 of 2016 as well as the online Voter
9 Registration and so for in the next three months,
10 you, or it's by June 30.

11 MICHAEL RYAN: Well, we are hoping, the
12 thing that we have to do to meet our mandate with the
13 Federal Government is to get our AVID which is the
14 Voter Registration System, that has to be up and
15 running by the end of the first quarter, early second
16 quarter and so that's our first priority and this is
17 another circumstances where wants have taken a
18 backseat to needs.

19 BEN KALLOS: Okay.

20 MICHAEL RYAN: And we have to do that
21 first and then shortly after that, uhm we will be
22 able to do the other implementation. And just to be
23 clear.

24 BEN KALLOS: First quarter is about 12
25 days, 12 days away.

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MICHAEL RYAN: I am, I am aware of that, but that is almost half a month depending on if you want to look at the glass as half empty or, or half full.

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BEN KALLOS: So that's good news, let's just get it done before the Charter Revision Commission gets implemented and before I go back on the second half of my paternity leave.

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MICHAEL RYAN: I do want to make one clarification, I said Electronic Assist in the Voter Registration Process.

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BEN KALLOS: I understand.

MICHAEL RYAN: I did not Online Voter Registration.

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BEN KALLOS: I understand, I appreciate it, it's steps in the right direction and then we would just ask to sit down and go over with you, just making sure that I can set an alert on the profile to make sure that if my Voter Registration Address changes or whatnot that I can get alerts or reminders to request an Absentee Ballot or whatnot and then similarly the Online Voter Assistance for Registration that there is an API so that third parties can work with your system and also if

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2 somebody fills out the form that they get a reminder,
3 hey, we haven't received your Voter Registration
4 Form. The other thing, the other bit of good news
5 that I wanted to dove tail into that is that we are
6 also and I don't have a direct implementation day but
7 we have, we are pretty far along in developing our
8 own Voter Information Portal similar to the one that
9 you have access to through the State Board of
10 Elections but we will have one for the City as well.

11 MICHAEL RYAN: That is great news.

12 BEN KALLOS: So on the overcrowding my
13 district is one of them, uhm would you deploy staff
14 to go through the election di... how many people per
15 Election District, 500?

16 MICHAEL RYAN: No it is actually 1,150 an
17 we have asked the State Legislature this year to
18 raise that to 4,000.

19 BEN KALLOS: So I, I, I have buildings in
20 my district that are in the Election District. Would
21 the Board of Elections commit to going through the
22 Poll Sites that have five or more EDs in them that
23 were overcrowded with lines more than half an hour on
24 Election Day or even more than 10 minutes and come
25 back to my office and do a site survey because, I,

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2 there are buildings in my District that have door,
3 uhm door service workers and they have large lobbies
4 and I can't imagine a worse excuse for voting than
5 saying there is literally a Poll Site in your lobby
6 and if we decentralize the Poll Sites that currently
7 have 10 EDs in them and you don't have 10,000 people
8 trying to vote there every 10 years but they are just
9 in their lobbies, I understand it might be added
10 expense but it will be...

11 MICHAEL RYAN: We are happy to work uhm
12 with anyone to develop more Poll Sites. Uhm one of
13 the issues that we had and I don't want to say with
14 specificity but we were criticized in the last
15 election for moving some voters out of an apartment
16 complex. The reason that we had to move them was
17 because the small room that was uhm available to us,
18 uhm just wasn't large enough to fit all the equipment
19 on it and based on the calculation of one Election
20 District per every 1,150 voters, we have asked the
21 State Legislature to give us some flexibility to
22 increase that to 4,000. Even if they increased it to
23 3,000 we are not looking to jam more people into
24 Election Districts but what we are looking to do is
25 to acknowledge that New York City isn't, you know,

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2 Western New York. We have a lot of high rise
3 buildings and if we could have large election
4 districts, particularly in those buildings that have
5 a, a substantial vertical population we could deploy
6 less equipment and still service more voters and take
7 away some of the physical clogging of the locations
8 which would allow the lines to move faster as well.
9 And if, within that context there are other locations
10 within buildings uhm we can we can certainly explore
11 that as well. I can tell you in the one particular
12 incident that I was talking about, we explored every
13 other available location within the footprint of this
14 particular housing complex uhm to no avail and quite
15 frankly didn't get a lot of local cooperation but of
16 course the minute that we move some voters down the
17 block we were the worst people on the planet.

18 CHAIRMAN FERNANDO CABRERA: Thank you so
19 much, Council Member Yeger.

20 KALMAN YEGER: Thank you Mr. Chairman,
21 good morning, Mr. Director, or afternoon. I have a
22 question regarding your ability to recruit Poll
23 Workers both with respect to the pay but also with
24 respect to the human bodies that you are able to
25 find. Have you had any conversations I know this has

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been talked about in the past with the administration about trying to do some type of voluntary incentivization of you know using existing city staff that maybe would take a day off or get extra pay or get an extra day in the bank.

MICHAEL RYAN: We have had some conversation with that. I would say that we are still on the ground floor with that but there was, I believe actually a fellow member of your committee.

KALMAN YEGER: The wise Mr. Kallos.

MICHAEL RYAN: The wise Mr. Kallos, right.

KALMAN YEGER: That's what we call him.

MICHAEL RYAN: We have, I can tell you that there are other jurisdictions in the country that are complex, for example, Los Angeles County, now keep in mind that L.A. County is not only the city of Los Angeles but it also has a rural component to it as well. They have a very robust Municipal Workers as Poll Workers Program. One of the things that we discussed which I, I would think or at least my hope would be that it could be workable is critical times for us in terms of getting the day started properly and then closings at the end of the

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2 night. Even if we were able to have a Municipal
3 Workers as Poll Workers Program that helped us get
4 started first thing in the morning, you know say from
5 5 o'clock in the morning to 8 or 5 to 9. Uhm get the
6 places open, have wholly reliable employees that have
7 supervisors and managers back at their own place of
8 business to answer to in the event that they don't
9 show up on time or at the end of the night for the
10 closing of the Poll Sites so that the Poll Workers
11 that have been doing, you know, a tremendous amount
12 of work all day long could leave, you know, shortly
13 after the Polls close and that these folks could
14 upload the results and do what they have to do and
15 work with the police officers to get the voting
16 material. That would be something I think that we
17 could do is limited you know say a three to four hour
18 shift in the morning and then a three to four shift
19 in the evening uhm and bring the workers in either
20 pre-start day if they start at 9 or post-start day
21 you know if they get out at 5 and then they can come
22 after work and, and help us close the polls or come
23 before work and help us open. That would be a good,
24 a very good step in the right direction but that...

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KALMAN YEGER: But that, that's your wish list, have you, have you rolled that ball down the field so to speak. Have you...

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MICHAEL RYAN: We have had the conversations that is honestly something that is now within the perview of the Board of Elections to push, ultimately I believe that there is a large number of union employees that are employed by the, by the City of New York and that negotiation would have to happen with the Administration and the Unions.

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KALMAN YEGER: What I'm, what I'm talking about is a, is a volunteer program, not necessarily, you are talking about more of a, you know start recruiting and start sending some of our Government Staffers, I think I'm talking about is where we put out the word as a city and I think you know the Mayor has indicated that he really wants to strengthen very much, I believe him because this is what he has been talking about his entire career about strengthening our democracy system and now he has this push going. What I'm asking about it is we have a good couple of hundred thousand of people who are employees of the city of New York and if the Board and the Administration created some kind of an

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2 incentivization where it is voluntary, you know, go
3 out there, send, put something on your websites and
4 if you are a city employee, put in your city employee
5 number tell us that you want to work for us on
6 Election Day, we will figure out how to make it work,
7 we will talk to your supervisors and you know, in
8 exchange for doing that you will get an extra two
9 days in your vacation bank, you will get an extra day
10 off, particularly considering that the November
11 Election is a day off, it's a city, it's a paid city
12 holiday so we are really only talking about September
13 and possibly June primaries when those happen so
14 there is, there is opportunity, I think some wiggle
15 room and it is not about whether or not it is
16 something that you can create, I don't think that you
17 can create it but I think that, I know you talk to
18 the administration all the time, they are good people
19 in this room right now who work for the Mayor and I'm
20 sure you guys can get together and figure out how to
21 do this because I think that is something that would
22 be his priority as well.

23 MICHAEL RYAN: I think partnership in
24 that regard would be, would be a welcome addition to
25 the Poll Worker Force. We do have to keep in mind as

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2 well though it really does have to be worked out with
3 the individual agencies and the unions as well
4 because we have to process the Poll Workers in as
5 employees and there is then a, a conflict within the
6 payment system and I can tell you that we have
7 cooperated in investigations when the Department of
8 Investigation is investigating employees who have
9 worked as Poll Workers and didn't go through the
10 proper chain of command to get the approval to do
11 that, so none of it is insurmountable uhm I don't
12 think but I think the conversations need to be had
13 and perhaps there might be a little tweaking you know
14 with OPA so that when these things get processed that
15 it is not showing as a potential employee ID conflict
16 within the payroll system.

17 KALMAN YEGER: Okay but it is something
18 that you will start talking, you will start the
19 conversations with them and not wait for them to
20 come...

21 MICHAEL RYAN: I know that uhm there is
22 at least one member of the Administration in the room
23 now and I am happy to start that conversation. I
24 think we have already started it.

25 KALMAN YEGER: Excellent.

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MICHAEL RYAN: So uhm we will certain follow up on that and see. We are open to any ideas that can work and like I said I wil, I would encourage anyone to go look at LA County's website, it takes five minutes, they have a very robust process that is already developed and they are a complex jurisdiction as well and I think if they overcome those difficulties that New York City should be able to do the same.

KALMAN YEGER: We can do anything they can, I would think right.

MICHAEL RYAN: At least.

KALMAN YEGER: At least. Thank you very much. And just a slight comment, just to have some fun, I don't share Mr. Kallos' hope that there is a Charter Revision Commission on next year's ballot so I am hopeful that you have a very good and easy 2019 and uhm we will try to do everything, I can at least to make sure that you don't have any needless questions on you know marking up out ballots. You don't have to answer that, that was me.

BEN KALLOS: But I do, I am hopeful.

CHAIRMAN FERNANDO CABRERA: So uhm I, I am just going to close with this last question and we

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2 are just right on time and I want to again commend
3 our colleagues for just staying on target, this is
4 impressive. I wanted to ask you know the Governor
5 has Call to improve the election process and in among
6 those recommendations that he is putting forth is a
7 call for early voting for 12 days leading up to
8 election and also to allow for same day voter
9 registration as part of our Constitution Amendment.
10 I wanted to know, I wanted to know, have you done any
11 analysis as to what the impact of this policy will
12 have on your operations and if there were to be
13 passed, how will it affect your operation and what
14 additional resources we will need to implement.

15 MICHAEL RYAN: So without stating one way
16 or the other as to the merits of the proposals uhm I
17 can, I can state with certainty that there is an
18 inescapable practical fact and that practical fact is
19 same day voter registration is absolutely impossible
20 without electronic poll books, so if you don't get,
21 you can put the cart before the horse but you won't
22 be doing a service if you do, uhm, and then early
23 voting is difficult to implement without, without
24 electronic poll books. Not impossible but it would
25 really require some discussions about how do you

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2 handle the paper ballots. Do they go immediately
3 into a scanner machine. Do they go into a locked
4 ballot box and then be scanned later on. Do we treat
5 them more like affidavit ballots of absentee ballots
6 than we do election day ballots. All of these
7 complex conversations need to, need to happen, then
8 the other piece of the puzzle that is something that
9 would need to be discussed if this proposal gets legs
10 is the one that I have seen and I don't know if there
11 have been any internal conversations in Albany but
12 the one that has been out there is that there is a
13 ratio, of, now they say 50,000 residents but they
14 really mean voters I am sure. I can't imagine they
15 would mean residents but they said 50,000 residents
16 and no one county should have more, needs to have
17 more than seven or is required to have more than
18 seven is the better way to put it, seven early voting
19 centers. Now if you take a borough like Brooklyn
20 that has 1.4 million voters, that puts our
21 commissioners in a very difficult position if they
22 think that they are just going to open seven voting
23 centers because the ratio of 50,000 should call for
24 somewhere in the upper 30s, 38, 39, so you probably
25 would be likely talking about a minimum of one early

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2 voting center per Assembly District in order to make
3 it geographically fair uhm if that is what they are
4 talking about. So all of those complexities need to
5 be discussed, those questions need to be asked and
6 answered and then a sufficient time frame for
7 implementation needs to be built into the process
8 before it moves forward but so far I haven't heard
9 that there is bicameral agreement on the passage of
10 such a thing and until it is it is rank speculation.

11 CHAIRMAN FERNANDO CABRERA: So, uhm
12 logistically to make, if surprisingly this were to
13 pass, how much do you estimate it will cost us to do
14 it the way you are suggesting?

15 MICHAEL RYAN: Honestly, it is impossible
16 to tell as we sit here because we would have to know
17 precisely what we are doing. They would have to lay
18 it out. They would have to tell us how many centers
19 they would anticipate us having, once we know all of
20 those details then the calculations become, become
21 uhm easy. I will tell you this.

22 CHAIRMAN FERNANDO CABRERA: Are you
23 allowed to improve on whatever suggestions they, they
24 give or is it a mandate?

25 MICHAEL RYAN: Uhm, well.

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CHAIRMAN FERNANDO CABRERA: Is that, is that the bottom or is that the goal?

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MICHAEL RYAN: Typically the state sets a floor.

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CHAIRMAN FERNANDO CABRERA: Okay.

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MICHAEL RYAN: And then obviously if there are more necessary then, then you can expand on that, but I will tell you interestingly enough the calculation that the State Board of Elections used, uhm the multiplier that they used for the cost was \$15 an hour for the worker's at these vote center which exceeds what we presently. Well it guarantees the, that would guarantee the Poll Worker's then, a minimum of \$15 an hour. We can't, we certainly don't pay them \$15 an hour and we can't guarantee them because that number because often they work well into the night, closer to 11:00.

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CHAIRMAN FERNANDO CABRERA: Well thank you so much. So for all the information. We will be submitting some questions, it would be helpful if you could and we ask if you could get those back, answered as soon as possible.

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MICHAEL RYAN: Certainly, thank you very much.

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2 CHAIRMAN FERNANDO CABRERA: Thank you so
3 much and we are going to be moving now with oath. We
4 are asking Oath to come forward. Now I would like to
5 welcome Commissioner and Chief Judge Fidel Del Valle
6 of the Office of Administrative Trials and Hearings
7 also known as OATH. Thank you Chief Judge for
8 testifying before us today, the Office of
9 Administrative Trials and Hearings Fiscal 2019
10 Preliminary Budget totals \$48.9 million including
11 \$35.6 million personal services fundings to support
12 315 full time positions. OATH is the City's central
13 independent Administrative Law Court conducting
14 hearings for city agencies, commissions and more.
15 OATH is subdivided into two divisions: The Trial
16 Division and the Hearings Division. The Trials
17 Division adjudicates on a wide variety of issues
18 referred by any city agency, board or commission
19 including cases brought by agencies against Civil
20 Service Employees, cases involving contractors and
21 holders of city licenses and hearing involving the
22 police departure seizure of vehicles, of driver's
23 accused of crimes. The Hearing Division conducts
24 hearings and services brought before it, before it
25 regarding alleged violations, city rules and

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2 regulations including Building Code Violations,
3 Sanitation Violation, Restaurant Health Code
4 Violations and many others. Notably the Hearings
5 Division does not conduct hearings on parking ticket,
6 tickets which are conducted by the Department of
7 Finance. Today we look forward to hearing more about
8 how OATH is managing the growth in summons it
9 receives for city agencies, trends in numbers and
10 types of summons received from the Taxi and Limousine
11 Commission and how OATH is making use of its office
12 space among various other topics like before we do
13 this, Commissioner I want to thank you personally
14 because I have knowing you now for a few years and I,
15 you do a superb job. Superb job you had taken your
16 agency to a level of fairness and objectivity and
17 partiality like I have never seen OATH before so
18 thank you for your leadership and bringing us to a
19 place that we have never been there before and with
20 that I would like to please ask the Committee Counsel
21 to administer the Oath.

22 COMMITTEE COUNSEL: Please raise your
23 right hand, do you affirm to tell the truth, the
24 whole truth and nothing but the truth in your
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testimony before this Committee and respond honestly to Council Member questions?

FIDEL DEL VALLE: I do.

COMMITTEE COUNSEL: Thank you.

CHAIRMAN FERNANDO CABRERA: Thank you.

FIDEL DEL VALLE: Thank you, uhm I have prepared a statement which I have had distributed to you which is a little bit on the lengthy side but I will only summarize and the reason it is a little bit on the lengthy side because I am taking advantage of the fact that it will be posted on the Council's website and part of my goal in the last three years has been to inform the public as much as possible as to the major changes that have been going on in the City of New York on how Summons are handled and who is handling them. As you know, just a few years ago Summons were handled by various different agencies that issued the summons. Now they are handled under OATH which has been in business for actually like 36 years but never did summons before, actually 2008. We have done a lot in the last three years and in the last year in particular. As you mentioned, OATH is now divided into two divisions: They are Hearings Division and the Trials Division. The Trials

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2 Division is the Division that has existed since 1979
3 when OATH was created by Ed Koch and they deal with
4 complicated cases where there is a controversy with
5 the City of New York. They range from personnel
6 issues to Human Rights Commission issues with
7 licensing issues with the city seeking to revoke
8 somebody's license to contract disputes with the City
9 of New York. The Division that gets the most
10 attention lately is the Hearings Division. There are
11 Hearings Division was actually created three years
12 ago when I got my mandate from Mayor de Blasio to
13 make sure that everybody who got a hearing, a summons
14 in the City of New York got a fair, unbiased and
15 impartial hearing and then that they believe they got
16 a fair, unbiased and impartial hearing and we learned
17 that for many reasons that we are not going to go in
18 to here today because if we did we will be here until
19 tomorrow morning, uhm, the public didn't believe they
20 got a fair hearing and sometimes they, their
21 perceptions were based on if nothing else optics that
22 reinforced that concept, so I set out to eliminate
23 the Environmental Control Board Hearings Division, I
24 eliminated the Taxi and Limousine Commissions,
25 Tribunal, the Consumer Affairs Tribunal and the

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2 Health Department Tribunal and the summons that used
3 to go to those tribunals went to the newly formed
4 OATH Hearings Division which is now trained to do
5 hearings from any summons issued by the City of New
6 York except as you pointed out the Parking and
7 Traffic and uhm now has a consistent procedural due
8 process practices across the board. Last year, we
9 did approximately 300,000 hearings based on almost
10 877,000 summons that we received. Roughly 1/3 of
11 those summons are defaulted and 1/3 actually pay and
12 we wind up with 1/3 actually going to hearing. The
13 ratio of dismissal is about 44% on summons that go to
14 full hearing. That ranges wildly depending on what
15 agency wrote the summons, from 9% to almost 60%
16 depending on who writes the summons. We have
17 improved our facilities and we have created an
18 Unbugman's (SP?) Office that came into online just
19 last fall. This has created a great improvement on
20 how people perceive and understand what the process
21 is. The function of that office is very simple, if
22 somebody comes in to one of our centers, they don't
23 know what is going on, they got a summons, they never
24 got a summons before. Some of them are intimidated,
25 some are concerns that it might even affect their

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2 immigration status. Their function is to basically
3 show the person what the process is and how to take
4 care of their summons without giving legal advise.
5 That has been very successful and we have asked for
6 an expansion of that, of that unit, that is in our
7 budget. We have seen an explosion in the number of
8 summons issued by some agencies, particularly from
9 the Department of Buildings, the Department of
10 Sanitation and Consumer Affairs. Proportionately
11 Consumer Affairs is not anywhere as big as the
12 Sanitation Department or, or the Buildings
13 Department. Sanitation Summons although they have
14 increased significantly they are not putting an undue
15 strain on our resources because of the nature in
16 which the, the Sanitation Department prosecutes those
17 summons. They don't send a prosecutor for each and
18 every summons that they write. They only send the
19 prosecutor for particularly egregious violations. So
20 that they are spread out five days a week, all five
21 boroughs, anybody walks in, they can take care of
22 their summons. If they come in either on the return
23 date of the summons or before the return date of the
24 summons. Where we run into a strain on our system is
25 the Buildings Department summons because they all

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2 require the presence of a Buildings Department
3 Prosecutor and/or Inspector to prosecute the summons.
4 And the strain comes from the fact that based on what
5 resources Buildings has, they make their summons
6 returnable essentially one day a week in each borough
7 so that for example in Brooklyn on a particular
8 Monday you may have up to 800 summons returnable at
9 close to 8:30 in the morning and the Buildings
10 Department only has personnel to have three or four
11 Prosecutors present to deal with that. Uhm, unlike
12 for example some other agency like the Taxi and
13 Limousine Commission which staggers their summons
14 across the day, they front load everything in the
15 morning which has a bad affect on the public for
16 obvious reasons, who have one inspector who writes 27
17 summons returnable at 8:30 in the morning, there is
18 no way that that person is going to be able to
19 testify to 27 hearings at 8:30 in the morning. Even
20 if only 1/3 of those people show up, there is no way
21 that they can do it. Uhm, that is making a physical
22 plant over their strained at the seams on those days
23 of the week in each borough because they go from
24 borough to borough. Uhm, it is further complicated
25 when because of their lack of adequate staff, when a

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2 case has to be adjourned because every, every
3 respondent has a right to be confronted by whomever
4 wrote them the summons, whoever made the complaint,
5 that's basic American Justice System. If a case is
6 adjourned, in order to get an inspector present,
7 there may not be somebody available on the, on the
8 Buildings Department Prosecutor's Schedule for three
9 months so you could wind up a case not being
10 adjudicated five months after the summons was issued
11 which is not what I would consider an acceptable
12 situation. You also have the additional complication
13 of our Hearing Officers. Our Hearing Officers are
14 per diem independent contractors. This is what I
15 mean, they are all lawyers, they are all trained by
16 us to do the hearings but they have their own day
17 jobs, so we have not notify them at least a month in
18 advance of what dates we want them to appear to
19 handle cases. If when they appear, there are two
20 problems there, if they appear and we are flooded
21 with cases, they are doing cases all day long. We
22 are getting a weird feedback. Okay. Uhm, the normal
23 process is our Hearing Officer will do a hearing and
24 after the hearing he will write up his, write up his
25 decision but if we are jammed up with several hundred

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2 people waiting or their hearings, they are not going
3 to get a chance to write up their cases. They may be
4 scheduled to come in the following day to write up
5 their cases but again if the following day we have
6 overflow and they are doing hearings because I'm not
7 have the public waiting until 3:00 in the afternoon
8 before they have their hearing, they are not going to
9 get a chance to finish their cases and that Hearing
10 Officer may not be back for another month which means
11 the decision is pushed back until they get a chance
12 to write it up. On average, right now uhm somebody
13 gets their decision within 10 days of the hearing.
14 If fact, if they want to wait, they can wait and get
15 their decision the same day and wait for the Hearing
16 Officer to write up his decision, but now, it is now
17 pushing 10 days from a year ago it was 5 days. In
18 some extreme cases it is longer and that again is
19 because of, of the scheduling issue. We had planned
20 and we are actually set up so that we can do hearings
21 on any agencies type of summons, five days a week in
22 all of our locations but the agencies themselves have
23 their own personnel and budget issues regarding that.
24 I know that the Buildings Department may be putting
25 in for a Budget Modification to increase their

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2 prosecutorial staff. We have been given additional
3 money for Hearing Officer time to deal with the jump
4 in summons but Hearing Officer Time does not solve
5 the issue because the problem has to do with
6 scheduling and that frankly Hearing Officers are not
7 like sitting around at home in their jammies waiting
8 for me to give them a call saying come on down I've
9 got more cases on the calendar today. They are
10 lawyers with their own calendars and their own court
11 appearances and they have to know well in advance of
12 when they are having to come in. I thought the
13 answer would be to have basically a flying squad of
14 permanent Hearing Officers but we are not getting
15 that. Uhm, on a lighter note, the Criminal Justice
16 Reform Act cases are moving very smoothly. People
17 like what is happening when they come in. They
18 actually get their chance to tell a story to a
19 Hearing Officer as opposed to 10 seconds in front of
20 a Criminal Court Judge. Uhm, I'm not knocking
21 Criminal Court but their volume is insane and uhm we
22 are dealing with matters that are not of a criminal
23 nature and don't belong in criminal court and I will
24 add parenthetically that the Criminal Justice Reform
25 Act is a natural evolution of what has been going on

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2 for the last 50 years where noncriminal matters are
3 being taken out of Criminal Court and being put in an
4 Administrative Tribunal. Uhm, people forget, at
5 least when I was a kid if you got a Sanitation
6 Summons you went to Criminal Court. Of course that
7 was way back in the middle of the last century and
8 things have gotten a little difference since then.
9 Our Alternative Adjudications Unit is a unit within
10 the Hearings Division that allows people to take care
11 of a summons without having to appear in person at
12 uhm, at one of our Tribunals. The most successful
13 part of it is one click, what we call one click,
14 which is basically do it on line with a mouse, you go
15 online to the website and you will put in your
16 summons and your defense and you will upload whatever
17 your defense is. A Hearing Officer will review it
18 and uhm you will get a decision usually within five
19 to 10 days, the other one which is very popular is
20 hearings by telephone. Uhm when the Hearing by
21 Telephone. One of two things happen, you call in, you
22 say you want a hearing by telephone, if it is for a
23 qualified hearing, and I'll get to that in a moment
24 what is qualified for. You will be given a time and
25 date where you will get a phone call from a Hearing

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2 Officer and the Hearing will be conducted by
3 telephone. Sometimes with somebody from the agency if
4 there is an agency prosecutor type case involved. If
5 you are lucky and there is an immediately available
6 Hearing Officer when you call, 5% of the time you
7 will have the hearing right then and there by phone.
8 Uhm now when I said by qualified, uhm some agencies
9 will not participate, some agencies do participate.
10 We can't obviously force either the agency nor the
11 respondent to participate in a telephone hearing,
12 right now the TLC will not participate in Telephone
13 Hearings but they are now agreed to experiment with
14 Webcam Hearings. Webcam Hearings is where the
15 inspector or police officer who issued the summons
16 can be online on a camera basically over the computer
17 system and the respondent is online also video and
18 the, the hearing is conducted that way. We have been
19 very successful with the Port Authority Police doing
20 hearings that way.

21 CHAIRMAN FERNANDO CABRERA: Commissioner,
22 real quick there. Thus with every agency, there is
23 no, you can conduct that with every agency or there
24 is limitations to this application?
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2 FIDEL DEL VALLE: Uhm, it uhm the limits
3 in some agencies has to do with their technical
4 ability, what the, what facilities that have, for
5 example, Consumer Affairs just started to do Webcam
6 Hearings with us and uhm everybody is happy the way
7 it is going, it's, it's very, very new technology.
8 They have to have a location where their inspectors
9 are available. The ones that we did with the Port
10 Authority Police, the cab driver was present at our
11 location but the police officer was testifying from
12 Kennedy Airport on a, on a Webcam. Uhm it's, it's
13 growing technology. It is very, the goal, the goal
14 of it is to make as least as possible for not only
15 the respondent but for the agency to deal with the,
16 with the deal due process. Our goal, our motto is
17 Procedural Due Process. You don't have justice if
18 you don't have procedural due process. It is just as
19 simple as that and uhm that is the ultimate goal but
20 it all of these efforts are meaningless if nobody
21 knows about it and to that end we have prepared
22 videos and brochures for the public that we
23 distribute and we are actively going out into the
24 community and I am particularly grateful for the help
25 of Council Members and the Chair in particular here,

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2 what we are doing and the processes that we are doing
3 are very, very different from what happened five
4 years ago or more. And there is still people who
5 have no idea what OATH is and that the they can come
6 in and get a fair shot at defending whatever summons
7 they got and my goal is to get out there and get the
8 word out and get the word out to people who get the
9 word out to other people and the value of going to
10 meetings in community centers in senior citizen
11 centers, in churches, wherever is that the people
12 there will talk to other people who will talk to
13 other people. Uhm and that's very valuable and it is
14 starting to have some, some impact. Uhm, I mentioned
15 our website and our outreach and I will just add one
16 thing that we are pretty proud of which is our Center
17 for Creative Conflict Resolution. That is basically
18 a mediation center for City Employees where there is
19 conflict. Conflict that can ultimately result in
20 lack of productivity and hostility and all sorts of
21 problems; we do mediation between City Employee
22 Supervisors and Employees and our biggest customers
23 in that, in that area are the Department of
24 Corrections, DOT, Police Department, Fire Department
25 and I can go on and say a whole bunch of other city

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2 agencies where basically problems in the workplace
3 are resolved using mediation techniques that if they
4 weren't there eventually got degenerate into
5 disciplinary cases. This is not unique and this is
6 not original to this Administration. This existed
7 before but under the prior Administration it was
8 found to be not revenue generating so it was killed.
9 We resurrected it and it has been very successful and
10 very useful for many city agencies. I will just
11 parenthetically add that an entity such as ours
12 should not, cannot be connected with revenue
13 generation. Once we start becoming concerned, once
14 any adjudicatory function starts becoming concerned
15 with revenue then it is no longer neutral. It is no
16 longer impartial. It's a perversion of the concept
17 of running government like a business and the
18 perversion is that the goal of most businesses is to
19 make money. The role of justice is not to make
20 money, the role is justice. And as far as I'm
21 concerned any, any, any revenue that results from a
22 fine or a violation is money that is owed to the City
23 of New York and the Department of Finance, it is not
24 OATH's problem or concern or goes after people to
25 collect it.

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CHAIRMAN FERNANDO CABRERA: And

Commissioner that is part of, of what impressed me of when I met you that the bottom line and I you know I shared this with you before, one of my concerns with the OATH system is was it felt that it was rigged. That somehow I go in I'm not going to have the best possible chance in that that impartiality was crucial in order for people to believe I'm going to have a shot and so with that, as far as Administrative Law Judges are concerned uhm can you share with us how is the impartiality guaranteed.

FIDEL DEL VALLE: The Administrative Law

Judges of there are 12 in the City of New York. They are in the Trials Division and they deal with the most sensitive cases, uhm, their impartiality is a multi-layered concept. One layer of course is how you select these, these individuals. Uhm and how, how do you guarantee their independence? Uhm Mayor Koch had the right idea which is to copy something from the regular court system which is give ALJs Administrative Law Judges a set term of office. A set term of office for our ALJs is right now five years. They are appointed by me after a very rigorous selection process that was institutionalized

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2 originally like 35 years ago by Richard Falla (SP?)
3 and five years is one year longer than a one term
4 Mayor. Uhm, since I have been around there have only
5 been one, one, two one term Mayors. One was A-Beam
6 and the other one was David Dinkins and everybody
7 else had at least two terms, some three terms but
8 uhm, uhm, I'm the only ALJ that does not have a term
9 of office. I serve at the pleasure of the Mayor and
10 in fact uhm there was a large organization that
11 refused to transfer its adjudicatory process, its
12 representative to OATH because I serve at the
13 pleasure of the Mayor and they argued I think
14 inappropriately but nevertheless argued that that
15 compromised impartiality. Uhm, Criminal Court and
16 Family Court Judges are given 10 year terms. They
17 are appointed also by the Mayor and that generally
18 would cover the possibility that a Mayor gets re-
19 elected which has been known to happen a few times.
20 That is one piece of it and of course the other
21 people relating to the impartialities that they be
22 adequately compensated. I have increased the
23 salaries, the minimal salaries of our ALJs
24 significantly since I came into this position. Some
25 of them had very unbelievably low salaries, some had

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2 decent salaries. I think they should be somewhere in
3 the same nature as a Civil Court Judge for the simple
4 reason that they conduct essentially Civil Court
5 Trials. Uhm, they receive approximately 2,000 cases
6 a year, 350 to 400 go to full bench trial. There are
7 over 1800 probably conferences by that conducted by
8 them. These are full blown Civil Bench Trials with
9 parties on both sides and some cases can last weeks
10 of nonstop testimony unlike some agencies where a
11 case goes for one day and then it is adjourned and
12 picked up a couple of months later. Once we start a
13 trial it keeps on going until it ends with only
14 bathroom breaks and lunch breaks and uhm breaks to go
15 to bed at night but other than that, you keep on
16 going and an example would be a Loft Board Case that
17 can have as many as 35 witnesses, all sworn witnesses
18 and boxes, literally banker's boxes stacked up of
19 documents for review by the, by the uhm the Hearing
20 Officer, uhm ALJ. In fact, this month there is a
21 case from one our former ALJs that is going to be
22 reviewed by the Court of Appeals in Albany and our
23 batting average so far on Judicial Appeal is like
24 99%.

25 CHAIRMAN FERNANDO CABRERA: Impression.

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2 FIDEL DEL VALLE: Of course, they do a
3 very, very, thorough and serious job and they deal
4 with the very sensitive issues in many cases.

5 CHAIRMAN FERNANDO CABRERA: So
6 Commissioner, I wanted now uhm just change focus
7 here, regarding the Taxi and Limousine Commission
8 Summons. How do you compare those tickets given by
9 uhm the TLC Patrol versus the Police Department?

10 FIDEL DEL VALLE: Most of the, the
11 summons that come from the Police Department are
12 issued either at the airports or and by the Police
13 Department I include the Port Authority Police.
14 Actually the Port Authority Police all of them come
15 from either the airports, the two airports and uhm by
16 uhm the bus, terminal at 42nd Street because that is
17 Port Authority Country. Uhm, there, I don't know how
18 active it is now but under the Giuliani
19 Administration there was a Taxi Squad created by the
20 Police Department. Their mission in life was to do
21 enforcement on Taxi Cabs and their enforcement
22 generally relates to uhm, uhm, traffic infractions
23 by, by Taxis. I don't know how much, how many of
24 their summons are TLC summons and how many of them
25 Traffic Adjudication Summons because I can't track

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2 the Traffic Adjudication Summons. Overall, uhm the
3 actual number of summons written that I have looked
4 back in the last four years or so has been pretty
5 consistent on summons that we have gotten. However,
6 I that doesn't mean that that number has to do with
7 how much enforcement action is taken by TLC because
8 much of the enforcement action involves a letter sent
9 to the individual offering a settlement before they
10 write a summons and if they haven't written a summons
11 it is invisible to me. I don't know. The other
12 thing is the number of actual hearings, despite the
13 actual number of summons written has actually been
14 dropping consistent over the last three years and
15 dropping a lot uhm that I can only attribute that to
16 the fact that prior to a hearing the TLC makes an
17 offer to the respondent that the respondent accepts
18 and TLC withdraws the summons. But those, that
19 number I know because they actually filed a summons.

20 CHAIRMAN FERNANDO CABRERA: So
21 Commissioner you now my position in this I, I believe
22 that this case is should go before a judge so we have
23 impartiality. Right now, this idea that TLC sends a
24 letter and says hey you can settle out of court for
25 \$300 and if not there is a potentiality of \$5000

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2 penalties could circumvent I think the process of
3 fairness standing before a judge to be able to make
4 an impartial decision uhm and we are going to do
5 everything possible in this Council to reach that
6 goal because I am very concerned on what's taking
7 place, uhm with uhm Taxi Drivers at their, creating a
8 contentious atmosphere and a negative view of the TLC
9 which I don't think it benefits them and so we are
10 going to be working very hard, to be honest with you
11 to get the power to whom the power belongs and that
12 is to the Judges. For me, Judges is the last line
13 of, of, executing justice uhm and so we are going to
14 be working very hard to making that happen. We have,
15 the numbers that we have, we are talking about 2500
16 tickets that were given uhm to drivers by the police
17 department and Port Authority when it came to those
18 with TLC licenses versus 94,000 of those given
19 directly by the TLC and then that leads us to the
20 other issue of what is known as double ticketing. So
21 the TLC gives that ticket and then later on the
22 police department gives another one on top of that
23 which is double ticketing and I think, ultimately
24 OATH Judges should be the one determine whether you
25 know, given the power to at least get rid of at least

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2 one of these summons so we don't have two summons
3 going around and essentially creating double jeopardy
4 so we are going to be working very hard to making
5 that happen. I wanted to ask you uhm, and I know you
6 mentioned, uhm, you touched on it but can you be a
7 little bit more specific why we have seen the annual
8 summons OATH have received from 704,000 in change in
9 Fiscal 2014 to 844,000 plus in Fiscal 2017. Is
10 there, and we see in the graph here, we see those
11 numbers you know just keep increasing, I mean is it
12 that we have more cars, we have more vehicles, more
13 buildings, is it just seems that the number is
14 increasing and I, you know the city, more summons is
15 more of a revenue, that is always a concern of mine,
16 how the public will perceive that?

17 FIDEL DEL VALLE: I can understand how
18 the public would perceive that. The, the bulk of the
19 increase that we have seen in the last three years,
20 in particularly in the last year come from a dramatic
21 increase in the number of summons issued by the
22 Buildings Department. In fact, I don't know how well
23 that is reflected in these stats but the most recent
24 stats that I have indicate that there has been a jump
25 of like 44% in the number of summons issued by the

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2 Buildings Department that relates to what I was
3 talking about before where we are getting close to
4 jammed up in some instances when they are returnable
5 to use. Uhm, the next piece in the increase of
6 summons is we have gotten is uhm we have had a
7 significant increase from Consumer Affairs. They
8 have become more proactive in particularly going
9 after bad contractors basically. And uhm let's see
10 there is another agency that has had a tremendous
11 increase apart from the Police Department. The
12 Police Department went from 5,000 summons roughly a
13 year to right now about 55,000 a year as a result of
14 the Criminal Justice Reform Act. Uhm, the Department
15 of Transportation has had an increase in summons but
16 they have leveled off. Uhm.

17 CHAIRMAN FERNANDO CABRERA: What about
18 the rate? Of them being found guilty?

19 FIDEL DEL VALLE: The rate? I don't have
20 the breakdown by agency but the average is roughly
21 uhm 44% not guilty. The lowest, I know the extreme
22 ends off of the top of my head. The Fire Department
23 has the least number of dismissals, there are around
24 9%.

25 CHAIRMAN FERNANDO CABRERA: Impressive.

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FIDEL DEL VALLE: Which makes sense for on, on on for two reasons... they always have a prosecutor present, number two they are deadly serious about the summons that they write because they are life and death issues.

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CHAIRMAN FERNANDO CABRERA: Yes.

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FIDEL DEL VALLE: And they are not only life and death issues for the public but they are also life and death issues for the public but they are also life and death issues for firefighters so they have a major motivation of getting it right. The high end of dismissals is the Police Department. Their dismissal rate, the last numbers I saw were something like 55%, 58%. That is reflected on the reverse side of the summons that they write are very often for not as dramatic things as the Fire Department writes and the Police Officer never, never appears at a hearing which if there is a hearing and the respondent has a credible defense there is nobody to push on the opposite side, the respondent is going to win and that is also true of Sanitation Summons. Most Sanitation Summons, oh that's the other agency that had a dramatic increase, of I don't know why that slipped me. Sanitation Summons have

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2 dramatically increased as well, their dismissal rate
3 is about average. They don't normally send somebody
4 to prosecutor their summons and, and the same dynamic
5 exists. The advantage to the public though too is
6 also with Sanitation summons is that you can walk in
7 anytime before the date on the summons and get it
8 adjudicated. In fact, up until I got here, uhm even
9 I sometimes we only got the Sanitation Summons from
10 the Sanitation Department three days before the
11 hearing and somebody came in before that we would not
12 conduct the hearing. Now if you have at least a
13 paper copy of the summons and you walk in, we will
14 conduct the hearing and we will wait the agency gives
15 us the summons, their copy of the summons before we
16 formally record the results of the hearing. If we
17 don't get the agencies copy within a reasonable
18 period of time after the return date, we will dismiss
19 the summons.

20 CHAIRMAN FERNANDO CABRERA: Incredible.
21 What about TLC. Do you happen to know the percentage
22 of TLC hearings that are dismissed? And how does it
23 compare to the other hearings?

24 FIDEL DEL VALLE: Uhm off hand I don't
25 know the, the dismissal ratio of actual hearings at,

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2 cases that go to hearing at TLC but it is very, very
3 low, the dismissal rate. In part because their
4 hearing, the prosecutors if they see that it is a bad
5 case for them, they often withdraw the summons before
6 uhm the hearing is concluded.

7 CHAIRMAN FERNANDO CABRERA: Gotcha.

8 FIDEL DEL VALLE: So it doesn't appear as
9 a dismissal.

10 CHAIRMAN FERNANDO CABRERA: I see.

11 FIDEL DEL VALLE: So it's hard to
12 actually get a handle on that.

13 CHAIRMAN FERNANDO CABRERA: Council
14 Member Yeger.

15 KALMAN YEGER: Thank you Mr. Chairman.
16 Afternoon Chief Judge. Uhm, I just on the last thing
17 or one of the last things that you said, when an
18 agency does not record its summons with OATH within
19 an reasonable time as you framed it after OATH has
20 conducted a walk-in hearing and OATH then dismisses
21 the summons, is that with prejudice?

22 FIDEL DEL VALLE: Yes, well, there are
23 two pieces to that. Because that, that very thing,
24 that came up a couple of weeks ago. As we know,
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2 there is no such thing as Administrative Law as
3 Double Jeopardy.

4 KALMAN YEGER: Right.

5 FIDEL DEL VALLE: So an agency can re-
6 issue a summons. Very often a summons will be re-
7 issued by an agency when they realize it is being
8 dismissed because of a service problem. They made
9 improper service, they will go back and make sure
10 they do proper service and then there will be a
11 hearing on the Merits. Uhm, the problem if what gets
12 interesting is sometimes what happens is a, a summons
13 will be dismissed and six months later to the date,
14 the same exact summons is re-issued. I mean it's
15 literally the same exact summons for the same exact
16 violation on the same exact date, three months, six
17 months ago, the same section of Rule or Law and the
18 same exact narrative. If the respondent because
19 there is no way we could catch that, it's a different
20 summons number. If the respondent shows that they
21 came in and adjudicated that very same summons even
22 though it has a different summons number then Race
23 Judicator kicks in. In other words, under the law
24 the same facts and circumstances have already been
25 adjudicated, we take the position that this has

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2 already been adjudicated and the dismissal is, is
3 what is controlling but, and we will dismiss it. But
4 if the respondent, what ha... what we find out that
5 sometimes happens, is that the respondent looks at it
6 and they think it is like when you get a bill from
7 the telephone company when you sent in your payment a
8 little late and you look at it and say I already paid
9 this, I'll ignore it and just pay the next thing, uhm
10 some people don't realize that it is a totally
11 different summons and they will default and they wind
12 up paying the default penalty and they won't
13 understand that is going on or worse than that, uhm
14 once there is the repeated summons is dismissed, some
15 computer will generate another six months later the
16 same exact summons for some bizarre reason. I've
17 seen that happen and I just got that, it was just
18 brought to my attention within the next two weeks
19 that some summons are in that realm and if we catch
20 them we dismiss them.

21 KALMAN YEGER: The reason that I am
22 asking specifically with respect to the question of
23 the Dismissal with Prejudice is because that would
24 give a signal to the agency that this, that now only
25 has this been dismissed, because they just believe

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2 that it is being dismissed because of their failure
3 to adhere to protocol or their failure to follow up
4 clerically but of the Oath Judges are dismissing them
5 with prejudice, that would be the signal to the
6 agency that they can't, they simply cannot proceed on
7 this stated claim anymore, on this stated violation.

8 FIDEL DEL VALLE: In affect if it was
9 dismissed on the merits as opposed to bad service or
10 some other technical deficiency like they will write
11 one section of law, they have a section of Law but
12 they attach the wrong narrative or they make a
13 mistake in citing of you know 1.1.2.3.4 or whatever
14 if they make that correction. If it is legitimate
15 that they reissue the summons. But if the merits of
16 the substance, the substance of the summons is argued
17 then essentially within saying the magic words with
18 prejudice it is with prejudice because we will adhere
19 to the legal concept of race judicator which is the
20 concept that this issue has already been adjudicated
21 and it is close and we are not going to retry the
22 case.

23 KALMAN YEGER: Right, Judge, what I'm
24 what I'm referring to is the specific occurrences of
25 where the agency after the victim/respondent walks

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2 into OATH courtrooms and argues his case and no
3 summons is thereafter filed and then OATH says well
4 you know we have done a hearing and regardless of
5 what the merits, he may have been found liable or not
6 liable but because no paperwork was filed by the
7 agency OATH will dismiss the case. That's the
8 specific instance that I am suggesting a Dismissal
9 with Prejudice would send a message to the agency
10 that if they don't do their jobs, they won't get an
11 extra window at OATH and the reason that I am
12 mentioning that specifically is because I think the
13 record not just before this body but in the City of
14 New York is very clear in the last four years, that,
15 that, under your leadership you have created really a
16 robust process and procedure of due process in your
17 courtrooms and you have created essentially a clean
18 and fair courthouse where New Yorkers can believe
19 that they are getting the due process that they are
20 entitled to. As Mr. Chair indicated earlier, the
21 questions of some of the TLCs abusive practice are
22 legendary in the city. It is not because the Chief
23 is telling us about it it is because it is just
24 historical in nature and we know about it and not
25 from your time as Commissioner of course. Certainly

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2 started long after you left, but Mr. Chair I would
3 support any bill in this Council that would ban the
4 practice of these off the books presummon shakedown
5 that TLC engages in. They do on a regular basis
6 because they are not, of, they are not giving the
7 respondents the opportunity to appear before the
8 court and argue the merits of their case. They are
9 simply, it's a shake down and uhm what, what the
10 judge has created here is a system of fairness and
11 the fairness is, is the property of not just the
12 respondents but it is also the property of the
13 petitioners, surely TLC gets a fair shake in your
14 courtrooms and surely the respondents are respected
15 to but if the respondents never get a chance to go to
16 your courtrooms because TLC is doing this off the
17 book presummon shake down I think it is something
18 that the Council should address Legislatively to ban
19 that. Uhm I just want to uhm I don't want to run out
20 the clock and Council Member do you have any
21 questions. Okay. I don't want run out the clock but
22 I don't want to keep the, the Chief Judge here much
23 longer than he wants to be here.

24 FIDEL DEL VALLE: The company is nice.

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2 KALMAN YEGER: You indicated that there
3 is an agency in particular, I think it is Sanitation
4 you mentioned, uhm they go out there, I thought it
5 was Sanitation, it may be Buildings that they write,
6 you know, 27, you used the example, one officer
7 issues 27 summons they are all returnable on such and
8 such date at 8:30 in the morning, very clearly the
9 officer can't participate in 27 hearings and they
10 don't stagger those hearings, you know 8:30, the next
11 8:45, issue the next one at 9:00 and you know run up
12 the clock so that they are doing that over a period
13 of time and maybe they should issue 3 or 4 at a time
14 at 8:30 but when OATH gets the summons filed and
15 docketed the cases I guess, and OATH notices that one
16 particular officer or one particular agencies officer
17 has 27 cases on for a particular date for a
18 particular time, can OATH avail itself of a process
19 of simply rescheduling the dates and telling the
20 agency no folks you can't expect us to have these
21 respondents all show up, 27 of them sitting in our
22 waiting room while you do case by case and they are
23 wasting their time and OATH take the position that
24 OATH will reschedule the cases like any there court
25 because you are the Chief Judge of a courthouse, you

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2 have the ability to set that process in place and
3 tell them agency, you can't do that to our courtrooms
4 and you can't do that to respondents across the city.
5 We are going to reschedule it and we are going to
6 send out notices saying the hearings are rescheduled,
7 would OATH consider something like that to put
8 agencies on notice that, that uhm they can't abuse
9 the process and they can't abuse OATHs courtrooms?

10 FIDEL DEL VALLE: Actually, I did
11 consider that and then when I played out the, the,
12 the process it created a bigger nightmare. And the
13 reason is, the reason is this. Uhm what would wind
14 up happening is because ultimately and we are talking
15 about for example the Building Department cases,
16 ultimately what will happen is you are kicking, the
17 can down the road and I'll adjourn x number of
18 summons for say next month but next month you already
19 have a new crop of summons that wind up on the same
20 day so if I did that for example, this Monday and
21 kicked the access over to next Monday that is the
22 next Monday next month uhm instead of having 800
23 summons show up I'll have 1400 summons show up. And
24 that will basically shut down the operation because
25 they, they only have the staff. In all fairness,

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they only have the staff to appear in one borough a week and I am sure that if they had the, the facility for example. TLC has enough prosecutors to be there five days a week. The Buildings Department doesn't.

KALMAN YEGER: So Chief, when an agency issues an you know an officer goes out in the morning and he writes up 27 sanitation summons because he found a piece of paper in front of house A and then the paper floated to house B and the same paper floated to house C and he now wrote three summons and maybe that does or doesn't happen, we don't know, right? But when, when the officer files 27 summons with the agency, the agency docket them. The expectation of the agencies of course is that not all 27 are going to be adjudicated. Some will simply ignore the summons, some will fly off the door and never be seen again until the owner is going to sell his or her house and some will say well this is just now fair. Part of, part of due process as you know and as we have all learned from your work is that it is not just the due process within the agency and that the respondent is getting his or her fair day in court but it is the entirety of the process has to be fair, from everything from receiving the summons and

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2 having the notice and opportunity to be heard and the
3 process by which the respondent avails himself of his
4 day in court and in instances where that process
5 itself, even if the respondent gets his day in your
6 very fair courtrooms, if the respondent is sitting
7 around in a waiting room you know for all of his day
8 just to adjudicate a \$50 sanitation hearing, maybe
9 that is not the best way to do it, so my question,
10 that was a long preamble to the question, my question
11 is, that's what we, former lawyers do right, or
12 recovering lawyers. My, my question is whether or
13 not this is something that you can tell us that we
14 can do that we can put into a law that, that requires
15 agencies to adhere on their end, on the issuing end a
16 due process scheme for us, not scheme, that's wrong.
17 A due process process that they can adhere to so that
18 by the time it gets to your courtrooms the respondent
19 really is getting a fair day.

20 FIDEL DEL VALLE: Well, in the, in the
21 case of Sanitation Summons it is not a problem
22 because they don't send somebody typically to appear
23 and we just process the summons. Uhm once upon a
24 time, well this is, this is a statistical reality
25 which is kind of weird, it is almost like

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2 freakanomics but it doesn't matter if it is a
3 Criminal Court Summons or a summons that goes to
4 OATH, what I have found is that the proportion of
5 people who ignore the summons versus the people who
6 just pay the summons and then finally the people who
7 actually ask for a hearing is consistent and it is
8 roughly depending on the, on the type of summons 30%
9 to 40% of the people ignore it and default, they just
10 ignore it, roughly 30% just pay it they will send in
11 a check or whatever, plead guilty and pay and get rid
12 of it and finally roughly 30% will actually go to a
13 hearing. That's why of the almost 900,000 summons
14 that we process we have only about 300,000 hearings.
15 Uhm, now going to your, your question more
16 specifically, in a galaxy far, far, away, many, many
17 moons ago I learned this when I was Chair of the Taxi
18 and Limousine Commission which was until 1995 that
19 the inspectors when they write a summons for example,
20 they will write a summons returnable, they will write
21 three summons returnable at 8:30 in the morning and
22 then they will write another three summons returnable
23 at 8, excuse me at 9:15 in the morning. The idea
24 being that they know roughly 1/3 won't show up, 1/3
25 will pay and one will go to an actual hearing so it

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2 is average out that nobody is waiting more than hour
3 for their hearing. It's like I don't want to say
4 common sense but its, it's a very logical progress.
5 Uhm the only tool you really need for that is a \$30
6 Timex watch to figure that out uhm like I said some
7 agencies have figured it out and some agencies it is
8 more of a cultural challenge to do it. How you can
9 deal with that Legislatively right now I can't begin
10 to imagine?

11 KALMAN YEGER: I have one last question,
12 Mr. Chairman. What would OATH think and I don't know
13 if you would think that this properly within OATH to
14 do it or if this should be the prosecuting agency but
15 what would OATH think about creating a process where
16 after the summons is issued and docketed prior to the
17 hearing date that, that OATH send out to the
18 respondent at the address filed by the prosecuting
19 agency, by the petitioning agency a copy of the
20 summons together with a notice that says a summons
21 has been filed with OATH your hearing date is such
22 and such. For those cases, we are perhaps taping it
23 to the door may not have succeeded or somebody may
24 have lost a summons and the 30% that is going to
25 default, to bring down the default rates a little bit

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which may result in some more business to OATH but it may result in people who truly don't know they got a summons having the ability to have their day in court?

FIDEL DEL VALLE: What we came up actually on that specific problem is a much cheaper, I don't want to say that way, resolution. Uhm people sometimes don't respond to summons because they don't know that they got them, in fact, we started looking at summons before they default last September to see at least on the four corners of the summons it appeared that it was properly served and if it wasn't properly served we would dismiss it. That amounts to less 2% of the summons issued. But the the cure for that sort of thing that we changed, and we changed that in our procedural rules. It used to be that if you defaulted on a summons you basically had to prove that you would win the case and that you had "excusable" neglect in not having appeared at the hearing which as any lawyer who has ever tried to do that and argue that in court, that's a pretty tough standard to jump over, essentially it was designed so you basically couldn't. What we did is, since we have to issue, when we issue a decision, a default

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2 decision we are required to mail it to the
3 respondent, how else are they going to now about it.
4 Uhm if the respondent gets it and calls us up and
5 says, I don't care what he says actually, if he says
6 he wants a hearing, within 45 days, it should be
7 plenty of time to notice you got the thing in the
8 mail. If they call us within 45 days and say they
9 still want a hearing on what they defaulted on, we
10 will give them a hearing. We will vacate the
11 decision and give them a brand new hearing date and
12 we will notify the agency in particular that there is
13 a new hearing date and they can then come in and
14 contest it and of course we are from New York and we
15 are not stupid, you can only do that once, because
16 the, at that point you've got the date yourself.
17 That is the way that we deal with those particular
18 summons but the person has to call us and tell us and
19 we don't care, we don't care if it's because your dog
20 ate the summons or, or whatever, or it blew off the
21 door, if you say you want the hearing you will get
22 the hearing if you call within 45 days of getting the
23 notice of default.

24 KALMAN YEGER: So Judge that's what I
25 mean when I said I commend OATH for really instilling

1
2 this robust system of due process in an otherwise
3 possibly chaotic courthouse. My suggestion and
4 whether or not this is right for OATH as the court to
5 do or whether it is a burden that should be on the
6 petitioner to do but an extra note if you will to the
7 respondent saying a summons has been issued, the
8 court date is such and such, this is where you go,
9 this is how you do it, if you have any questions
10 reach out to OATH, that's the courthouse, in some
11 courts, smaller courts like you know Small Claims for
12 the example, will send, send out notices by the clerk
13 of the court itself rather than relying on the
14 Plaintiff in those cases to do that. I don't want
15 to, you know, give you a whole new project but
16 questions is whether or not its the right place for
17 the court to the be the reminder to the respondent
18 who may, in a city of 8 million may never have seen
19 such a piece of paper before.

20 FIDEL DEL VALLE: Except for the context
21 that you mentioned of Small Claims Court because
22 there you have pro se Plaintiff and pro se Defendants
23 who may not be familiar with the process. Going back
24 to the regular court system it is invariably the
25 responsibility of the Petitioner or the Plaintiff to

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2 make sure that the other side has been served
3 properly whether that is in Federal Court or State
4 Courts. I know in the Federal Court System you have
5 to actually file a, proof of service by affidavit
6 before they will calendar the case. It's really a
7 little uncomfortable for the court to be doing it
8 because it starts to be seen particularly in an
9 unsophisticated respondent that you are part of the
10 system that is issuing you the summons and we want to
11 cultivate as much as possible the reality of, our new
12 reality anyway that we are totally impartial. The
13 reason it is particularly sensitive in my, in my view
14 is whereas everyone here is quite sophisticated as to
15 what the process is, you have to remember that 60% of
16 the people in the City of New York are foreign born.
17 They come from different systems where in some cases
18 it is expected that the government has a hand in your
19 pocket. Uhm and it is sometimes understood and felt
20 and some of the feedback that I get from, from some
21 folks is that they assume that they have to pay off
22 the government like they pay off somebody. Meaning
23 it is like an official bribe. Not in your court
24 rooms, we know that but uhm they fear that they see
25 something like that they are going to think that is a

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continuum of what their, their past experience has been.

KALMAN YEGER: Okay so the answer is then the prophylactic measure to make sure that people who may have the propensity to default or maybe the summons blew off the door is to ask the agency say, a week before the hearing to reproduce a copy of the summons, send it off to the respondent in the mail, regular mail but they would have to file proof of service on day of with your agency saying this is a reminder, a summons was issued, you know six weeks ago, your court is in 10, 12, 15 days. This is where you go, this is how to do it and if you have questions you can call OATH for more information or go to the website.

FIDEL DEL VALLE: Actually some agencies do something similar to that. Uhm I believe Sanitation is one of them believe it or not. They'll, they'll leave a summons the door and then they will mail a copy of the summons to the, the that's called nail and mail the required to do that for purposes of service.

KALMAN YEGER: I am saying post service. An additional remainder.

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2 FIDEL DEL VALLE: They even do that when
3 they hand the summons to the, to the homeowner. I
4 know that from personal experience.

5

KALMAN YEGER: No.

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7 FIDEL DEL VALLE: Only years ago, a
8 Recycling Summons.

8

9 KALMAN YEGER: Alright I'm done. Thank
10 you Mr. Chairman, thank you Judge.

10

11 CHAIRMAN FERNANDO CABRERA: Thank you so
12 much and if I know there were some ideas percolating
13 here and I would love to sit down with you and follow
14 your lead and go prime and make more Legislations,
15 less requests. Commissioner thank you, thank you so
16 much for being a Champion for Justice. You have
17 given me a new resound hope that we can do things
18 fairly and at the end our people could go through a
19 due process that is impartial and just. Thank you,
20 thank you so much.

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21 FIDEL DEL VALLE: Thank you Council
22 Member.

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23 CHAIRMAN FERNANDO CABRERA: And with that
24 we are going to take, a well served 10 minute little
25 break here and then we are going to have Community
Boards which I am very, very interested to hear as

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2 being a former Board member and then hopefully at
3 3:00 we will have the public testify. Thank you so
4 much.

5 FIDEL DEL VALLE: Thank you.

6 CHAIRMAN FERNANDO CABRERA: Alright, are
7 we ready to get started. Excellent. We are going to
8 move forward, Community Board, Community Board Chairs
9 that are here today or District Managers, uhm we are
10 going to have Angel Mescaín Manhattan Community Board
11 11, and also Lucian Reynolds from Community Board 1.
12 If you can come forward. Thank you for being here
13 today. I love Community Boards. Thank you for being
14 here today. As I mentioned earlier, I am a former
15 Community Board Member, Community Board 7 in the
16 Bronx. It was actually my first real introduction to
17 government and to participate in that process and I
18 really appreciate the work that Community Board
19 Members do and the fact that they are volunteers and
20 spend a tremendous amount of time dealing with grass
21 roots issues and they have a good temperature in what
22 is taking place. One of my agenda just so you know
23 right from the beginning regarding Community Board is
24 to increase the Budget. It is a struggle that I see
25 in all the Community Boards every year just trying to

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2 nickel and dime their way through, you know,
3 operating effectively and efficiently and I just
4 simply believe it is not fair in light of all the
5 work that you do. So whatever investment I believe
6 that we could make this year, that is due to you I
7 would love to hear what you would think that is today
8 so we could pass that along, uhm and move it forward
9 as part of the Agenda at the Council so you can have
10 the resources, see ourselves as the Quarter Master
11 and being able to give you the Resources that you
12 need, the Reinforcement so you can do the great work
13 that you are doing. With that, I will turn it over
14 to you.

15 ANGEL MESCAIN: Thank you, Chairman
16 Cabrera. As you said my name is Angel Mescaín, I am
17 the District Manager for the Manhattan Community
18 Board 11. Before I give my statement I just wanted
19 to thank you for your kinds words and support for
20 Community Boards in general. It's, it's something
21 that often folks are not aware of, the work that we
22 do, and how much we are asked to do so to have the
23 support of someone like yourself on this committee is
24 very much appreciated. Uhm as I said, my name is
25 Angel Mescaín and I am the District Manager of

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2 Community Board 11 which proudly represents the
3 neighborhood of East Harlem. I thank you and the
4 Committee for the opportunity to address you today on
5 a matter that I believe is vitally important to the
6 civic engagement of our neighbors with the government
7 that seeks to represent them and their quality of
8 life. For many city residents and businesses,
9 Community Boards at the Face of New York City
10 Government. We facilitate civic participation in
11 effective and meaningful ways and provide a forum for
12 residents to be heard on a variety of issues
13 affecting their neighborhoods. Those of us that work
14 for Community Board and our Members are thankful for
15 the ongoing support that the City Council has
16 provided and continues to be provide us with each
17 year but the fact remains that in order to achieve
18 our Charter Mandated Roles and Planning and Reviewing
19 Land Use Applications and participating in a
20 meaningful way in the City's Budget Process we also,
21 while also assess our community needs through often
22 constant change and providing necessary services to
23 our Constituencies, our current level of funding is
24 just not enough. Every year Community Boards across
25 the City hold hundreds of public hearings and

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2 meetings to meet our mandates and allow community
3 members to learn about and comment on applications
4 for Sidewalk Cafes, Liquor Licenses, Zoning and
5 Landmark Changes as well as a variety of other issues
6 and proposals affecting the quality of life such as
7 Traffic and Transportation, Parks and Open Space,
8 Schools and Education, Health and Human Services.
9 Community board offices see an endless number of
10 applications, constituent complaints, public hearing
11 notices and community planning exercises while also
12 being responsible for providing its membership and
13 constituency with the necessary information required
14 to meaningfully participate in these processes. All
15 of this is done with what are often just three staff
16 members including the District Manager. It is with
17 regards to these challenges that we ask the Council
18 to consider an increase the annual budget of
19 Community Boards to support the wider role they play
20 on planning and quality of life advocacy for their
21 communities. Increasing the Budget would allow
22 Boards to hire additional professional staff, invest
23 in the necessary technology or to create customized
24 technology to better perform our duties. For
25 example, having a database to easily catalog and

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2 retrieve resolutions or a constituent management
3 system that would allow Community Boards to improve
4 record keeping, enhance communication with their
5 constituents and be more transparent in the Age of
6 Open Data. Further, we ask that the Council consider
7 additional increases to our Budget so that Board
8 office spaces may include not just space for staff
9 offices but also meeting areas that are able to hold
10 up to 100 people for our monthly committee meetings.
11 We respectfully request that the Council consider
12 these increases to allow us to enhance our resources
13 so that we may better be able to perform our City
14 Charter Mandated responsibilities.

15 LUCIAN REYNOLDS: So before I begin my
16 testimony, I also want to echo Angel in thanking you
17 for your support of Community Boards. Good
18 afternoon, my name is Lucian Reynolds and I am the
19 District Manager of Manhattan Community Board 1. I
20 want to thank Chair Cabrera and the members of the
21 Committee on Governmental Operations for holding this
22 hearing. As you already know, Community Boards are
23 where the rubber meets the road for local government
24 at its most grass roots level and the office makeup
25 and Committee structure of each Board is unique to

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2 each District. I am pleased to have this opportunity
3 to speak on behalf of my staff and the incredible
4 work that they accomplish for the people who live and
5 work in lower Manhattan. For those who know the
6 district that I serve and all the people here today
7 welcome to Community District 1. For those who only
8 know the area around City Hall for its bridges and
9 buildings and waterfront you may surprised to learn
10 that this is one of the most fastest growing
11 residential communities in the city. From 2000 to
12 2014, CB1's population increased by over 79%
13 attracting young families with school aged children.
14 The City has targeted many public projects and
15 incentivized residential development for lower
16 Manhattan but did not plan for the community
17 infrastructure necessary to support this increased
18 development. Our Board has needed to work intensely
19 with our City's agencies to fight for the
20 infrastructure necessary to support this planned
21 development. Action also comes during the aftermath
22 of tragic events, which I don't need to mention
23 today. The important point is that all Community
24 Boards must assist their communities, come to grip
25 with tragic events and the policies that may have

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2 prevented or lessened those tragedies. Every
3 building fire, resident without heat and traffic
4 related death is a tragedy as well as a call for
5 Community Action. Our offices must be given the
6 resources to act as the center for Community
7 Discussion and Response. Currently, our Budget
8 provides the resources to maintain a basic staff of
9 three, including myself, Community Boards must
10 decides whether they wish to narrow the rules of
11 office staff toward Land Use and Policy as CBI has
12 done over the years or to instead focus on
13 constituent services as many other Boards must do.
14 Any pivot toward specialization reduces the amount of
15 general committee support that is required for the
16 volunteer members to maximize their time and skills
17 that they donate to their districts. Research must
18 be completed in a timely manner for every committee
19 and for the full board. Information shared with
20 Local and State and Municipal Elected Officials
21 whenever possible. Community Board Offices also sort
22 through constituent issues by Municipal or State
23 oversight to send them along to the proper channels.
24 If the Committee would allow me to use a basketball
25 analogy. If every individual, institutional or

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2 commercial constituent that gets the service or
3 information they need represent one point on the
4 score board not only would Community Boards have
5 impressive stats in that regard alone but we would
6 surely lead the league in assists. Each Community
7 Board is an agency on to themselves but limited
8 staffing inhibits our ability to adapt to new issues
9 and to expand our reach to residents that are not yet
10 engaged with the community process. A Budget
11 increase to support additional staff would allow us
12 to do more in concert with all other agencies. Thank
13 you for the opportunity to speak today.

14 CHAIRMAN FERNANDO CABRERA: Thank you,
15 thank you so much and thank you for all the work that
16 you do. I wanted to ask you and you are concurring
17 what I mentioned earlier which is to increase the
18 Budget. If we were increase it, how much do you
19 suggest and what is specifically you would allocate
20 it to, so I know you mentioned Technology and Staff
21 but can you be a little bit more specific how many
22 more staff, two or three, do you have the space right
23 now to be able to do have more staff in your offices
24 and what kind of Technologies are you looking at and
25 is this just a one shot deal that you would need for

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2 the first year or it will be residual throughout the
3 years.

4 ANGEL MESCAIN: Sure, so I, I can't say
5 that I have a hard and fast number but I could speak
6 to the number of individuals that I think we, that I,
7 you know, that we would like to add to our staff at
8 Community Board 11 if we were able to. Currently, we
9 have the ability to have three full time staff and
10 one parttime person. Ideally I would like to have
11 five full time people in staff. Uhm, besides myself,
12 uhm having a couple of other professionals, you know,
13 folks that have expertise in Land Use, folks that can
14 focus on constituent issues, folks that you know
15 preferably someone with a social work background. We
16 find that that is very helpful to doing that kind of
17 work so if we were able to have five staff members,
18 three at the professional level, two at the support
19 level that would be really helpful. On the
20 Technology side, something that Community Boards have
21 been asking for for many years that I know the
22 Council Staff has but we don't have at the Community
23 Board Level is a constituent management system. So
24 it's not the most exciting thing but for us,
25 particularly with smaller, you know with smaller

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2 staffs it would be, uhm, it would be very impactful
3 to the work that we do you know if we were able to
4 you know organize the work that we do with our
5 constituents, be able to you know integrate our
6 outreach to our constituencies through that system, I
7 think that would be very important to us. Right now,
8 frankly we just can't afford it. So different boards
9 do different things, I know that in our Board, we do,
10 we use a couple of Google documents to have like a
11 makeshift like intake form and uhm and Excel
12 Spreadsheets to contain those complaints that we get
13 but if we had a robust constituent management system
14 that would be very helpful to the work that we do.

15 CHAIRMAN FERNANDO CABRERA: Would it help
16 also, by the way we are being joined by Council
17 Member Samuel, welcome and out of, I'm sorry, I'm
18 sorry that's what happens when you don't eat lunch
19 and having those hearings and thank you, thank you
20 for coming. I wanted to ask you, like every year I
21 find myself giving discretionary funding to my
22 Community Board so they can do you know events or,
23 or, is that something that you are looking at, that
24 would be helpful if we were to allocate extra funding
25 so if it is National Night Out or you know

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collaborate with a non-profit would that be helpful
as well?

ANGEL MESCAIN: Sorry, so yes, so uhm
every bit helps. I'm sure everybody says that.
We've been very fortunate at our Community Board to
have the support of our Council Members, uhm when it
comes to discretionary funding. They have been very
helpful in helping us with allocations for money to
you know hire Land Use Consultants to throw events,
you know in our community. Uhm, so that is always
very helpful. Something that, uhm I think I've been
a little bit slow to become aware of but there is uhm
Vigito Inclusion Initiative that the Council
instituted a couple of years ago whereby Community
Boards are able to live stream their meetings on a
professional level instead of having them on their
phone. Something that I think all Boards should be
given the opportunity to be able to do. Uhm the
quality of, I think it is WNET that does it, that
handles the camera work and the live streaming and
hosts it on YouTube. The quality of the video there
is very uhm, its impressive and I think it is what
the city needs and the constituents need that can't
make meetings that can just watch the thing from home

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2 and also keeps a record of it, you know, online if it
3 is easily accessible in case you missed a meeting.

4 Uhm, I think that would be very helpful. And so what
5 are we talking about here, about \$100,000 per
6 Community Board.

7 LUCIAN REYNOLDS: There is a number of.

8 CHAIRMAN FERNANDO CABRERA: Did I see you
9 smile Angel when I said \$100,000. I just saw a
10 moment of relief.

11 ANGEL MESCAIN: I smile all the time.

12 The reason that I was smiling, I looked to the side
13 is I didn't want to throw a number and then have 58
14 other Community Board Members like District Managers
15 scream at me tomorrow in the phone. Uhm but yes,
16 \$100,000 would be great.

17 LUCIAN REYNOLDS: There is a number of
18 ways of achieving some of the Technology goals that I
19 have, I think for the CRM that Angel mentioned. I
20 think every Community Board kind of drools over the
21 idea of having a database not to only track
22 constituents but then also where the constituents
23 live, if there is a number of constituents that are
24 all complaining about a similar problem, it may be a
25 building-wide problem that is a Landlord Issue that

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2 we have to address or to elevate to a higher level
3 and so I, these are the types of things that a
4 database could do automatically for us but then any
5 type of database constituent, relationship manager,
6 there probably shouldn't be 59 different flavors of
7 one CRM. That if there is one type of CRM that the
8 Council is using we would probably need one unified
9 type of CRM to have the Community Boards use as well
10 so there are not so many different variants and that
11 we can all think around how we are implementing them
12 and using them to their fullest but one other thing
13 that Angel may be getting at a little bit that I
14 think other Boards. I was mentioning how each Board
15 is unique in a way. A know a lot of the lower
16 Manhattan Boards have an enormous licensing and those
17 types of applications come through, liquor licenses
18 especially but also sidewalk café applications and
19 also street fairs and uhm the amount of work it takes
20 to administratively process the applications, post
21 them, have the hearing so to speak which is, could be
22 a very long meeting and then package everything to
23 send it along to the individual agencies, there is a
24 lot of staff time in itself and that limits the
25 amount of time we have to process other things and it

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2 is a very small office so offices tend to suffer from
3 the impact of you know one thing sucking all the
4 staff time up and then we are unable to do anything
5 else, a big foil comes in then we are we are really
6 down to two people or maybe one person to do
7 everything and so it allows us to, we have to pull
8 back from specialization and then re-generalize
9 everyone which is getting away from I think the the
10 higher order operation that we are, we really are
11 seeking to achieve.

12 CHAIRMAN FERNANDO CABRERA: So let me
13 turn it over now to Council Member Yeger followed by
14 Council Woman Adams.

15 KALMAN YEGER: Thank you Mr. Chairman.
16 Uhm, like the Chair and like Chair Adams I too served
17 on a Community Board, I guess that is kind of how we
18 get our start here. I was on a Community Board for
19 18 years, I'm not lying. It's true until December
20 31st. I'm on day, let me do the calculation, I am on
21 day 78 here so Community Board really formed the
22 basis of who I am and how I am able I think to do
23 this job. Uhm I'm not sure if I'm doing it well yet,
24 we will find out soon enough uhm but my question for
25 you is and it's several fold but you know obviously

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2 you know because you talk to your colleagues the
3 other 57 of you. Every Board has its different needs
4 so some Boards may have a use for or a need for Land
5 Use and more Legal Expertise, particularly Board 1
6 for example, possibly even your Board, my Board maybe
7 a little less, maybe it needs a little more
8 constituent needs. You, you get foil requests, I
9 don't know that my Boards get foil requests that much
10 but you have complicated stuff going on down here I
11 imaging. I, do you, aside from the, the monetary
12 addition to your Budget that the Chair spoke about
13 but do you get kind of an infrastructural assistance
14 from other city agencies like for example, when you
15 get a foil request from the Corporation Council or
16 you know when you have a particularly complicate Land
17 Use do you get City Planning Commission Assistance or
18 does the Bar Presence Office help you. Can you speak
19 to some of the additional help that you are getting
20 and if not do you see any flaws in sort of the
21 structure of how Community Boards within the
22 structure of our government. Uhm, Lucian and I
23 worked together but we worked together, worked well
24 together.

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2 LUCIAN REYNOLDS: So to the question of,
3 we work well together because we used to work
4 together. To uhm in terms of support from other
5 agencies so you know City Planning certainly is
6 helpful and so is the Borough President's Office.
7 Uhm, as I'm sure you all know, east Harlem was a
8 community that was identified for a large re-zoning a
9 couple of years ago and in that case the applicant is
10 the City so the extent of help that the City was
11 going to offer would be limited by their position in
12 the application and the borough President's Office
13 was, was very helpful. I think that the, that
14 despite the assistance that the Borough President's
15 Office offers I think that it is important that the
16 individual Community Boards and in our case, that it
17 was important that Community Board had the capacity
18 within itself to be able to understand these
19 applications, have the discussion, you know, be able
20 to have the discussions in house to formulate it's
21 position without I don't want to say interference
22 because that would be unfair but without having to
23 rely on an external agency and crafting it's position
24 or it's thoughts on a particular Land Use
25 Application. So the answer is yes, they are helpful

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but it really depends on the needing circumstances of the application. Up to you.

ANGEL MESCAIN: I can speak a little bit to the other parts of your question, so the Borough President's Office provides an enormous amount of support to the Community Boards, or at least I can speak for Manhattan. We use them for Legal Counsel in the case of FOIL, when we get a FOIL request that is very large, we will have them look at it with us and they can help us parts it out and give us an idea of how, how long we need to take to respond you know within reasonableness for the size of the office that we have. They, they help us connect to other agencies and other people within the City Government and Industry because they have a very large network. They do a lot of our back office and HR work, they will do payroll and a lot of the other HR sorts of things that we just don't have the staff to do uhm and we partner with them from time to time on events and it helps us get the word out. And then for in terms of working with agencies CB1 after the, the attacks the LMCCC which is Lower Manhattan Construction Coordination Corporation or something like that.

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2 LUCIAN REYNOLDS: LMDC, Lower Manhattan
3 Development Corporation.

4 ANGEL MESCAIN: No there is the LMCCC was
5 coordinating all the Capital Construction in all of
6 these areas and they were actually taking all
7 constituent complaints that were connected to any
8 kind of construction. When they were phased out that
9 moved to a Lower Manhattan office of DOT when then
10 took the constituent complaints and when that was,
11 reabsorbed by DOT then all constituent complaints,
12 not all but they started just going straight to us
13 because people, because they didn't have a special
14 line it would just go to the Community Board, so in
15 times of great need, certainly additional capacity
16 was provided to the Community Board in terms of in
17 kind contribution by you know setting aside a unit of
18 people to concentrate on a certain area but those are
19 probably very specific circumstances that allowed for
20 that type of thing to happen and not a standard
21 operating procedure for city agencies.

22 KALMAN YEGER: Do you uhm, do you feel
23 that the charter as it's currently set forth, I know
24 this is not really the subject of today but I am a
25 little bit of a Charter nerd the last couple of days.

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2 Do you feel that the Charter as it currently sets
3 forth your rights, responsibilities, obligations the
4 flow of Community Boards within our structure of
5 government. Is it doing enough for you? Is there
6 something specific in it that you would change if you
7 could? If you could just take a pen and cross out a
8 piece of the Charter or jot in a new margin into it.
9 Is there something specific that you would like to
10 see or do you think that the way Community Boards are
11 currently structured within the Charter is right and
12 basically you just need some more resources to do
13 what you need to do? I know you weren't ready for
14 this, it is my fault. Uhm, he made me do it Brad, the
15 lawyer did.

16 ANGEL MESCAIN: So I, I think that
17 there's, in my opinion something very important to
18 support the work of Community Boards is to make it
19 less advocating and less advisory and more formal.
20 And the Land Use Application process like for
21 example, our Board is discussing the idea of dusting
22 off its 170A plan. Years ago, before I came to the
23 Board, the Board went through a very long planning
24 exercise and submitted a very comprehensive plan that
25 just sits on a shelf because there is no formal, no,

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2 you know authority that requires the City Planning to
3 take in their advisement or to utilize it. I think
4 if such a thing was a more formal thing with
5 authority I think it would help Community Boards.
6 Seeing, in our opinion, from our perspective in East
7 Harlem, seeing that we are the ear to the ground we
8 are the local voice, that going through all of these
9 long planning exercises only for it to serve as
10 advice is very frustrating. For, you know, our
11 community just went through a three-year planning
12 process that resulted in the East Harlem Neighborhood
13 Plan and many folks in our community were frustrated
14 that although what came out of the re-zoning
15 ultimately in ways reflected the Neighborhood Plan
16 and the priorities of the Neighborhood Plan and in
17 many ways did not. Uhm and that is very frustrating
18 because the question is then who is making that
19 decision, uhm as to what is the future of our
20 community. So if we were to take, if I were to take
21 a pen or strike something or change it I think that
22 would be it.

23 LUCIAN REYNOLDS: The one thing that I am
24 thinking of is far more minor than what Angel is
25 saying. Uhm I know that there are a lot of ways that

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2 Community Boards are treated as City Agencies in one
3 hand and then not as City Agencies in the other hand.
4 Uhm City Agencies should be able to provide
5 themselves the support to do the things that they
6 need to do. Community Boards can't always do that
7 because we are such a small office but also there are
8 other ways that ways that we are hand strung. I
9 believe one element of the charter prevents us from
10 actually accepting the \$0.25 per page fees for doing
11 Foils. Foils are on my mind obviously, but there's,
12 there's there's no way for us to accept the fee for
13 any type of Foil that is giving to our office.

14 KALMAN YEGER: I'm sorry, is that because
15 you don't have a way to take the money in and put it
16 into a bank or does the Charter prohibit you from
17 charging a foil fee?

18 ANGEL MESCAIN: It's my to my
19 understanding it is the Corp Council has ruled that
20 Community Boards just because the way that they are,
21 the Charter cannot accept money as a fee for Foil, so
22 we have the burden of having to respond to Foils but
23 we don't have the, you know the benefit of being able
24 to have any kind of reenumeration for staff time and
25 resources to, to service the foil but if that is any

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2 way an indicator of the overall kind of strange
3 position that Community Boards are in, in terms of
4 how they are treated by the Charter as kind of a sub-
5 agency kind of type but even though we have the
6 burdens of a full agency I think that would be kind
7 of the one that I would hold up.

8 KALMAN YEGER: Thank you, thank you Mr.
9 Chairman.

10 CHAIRMAN FERNANDO CABRERA: Thank you so
11 much and Council Member Adams.

12 ADRIENNE ADAMS: Thank you Mr. Chair.
13 Uhm thank you so much for being here today. Uhm
14 Community Boards are near and dear to my heart, uhm
15 my colleague uhm as both of my colleagues mentioned
16 dear to their hearts as well. Uhm, I've been a
17 Member of Community Board 12 since 2009 in Queens and
18 was in my third term chairing that Community Board
19 when I was elected to City Council in, when was I
20 elected? In September, November. Uhm. Somewhere
21 around that time, so again welcome and I thank you
22 very much for your volunteerism, all the work that
23 you do, the hours. I know that there are so many of
24 them. Just to back track a little bit and not to be
25 redundant about it because we as some of us said in a

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2 hearing last week and uhm we were told by members of
3 City Planning that training was uhm training was
4 forthcoming through their agency to Community Boards
5 and I wanted to know the time frame and how long and
6 I just want to make sure that I am hearing what I am
7 hearing. Can both of you verify for me that City
8 Planning has provided training to your Community
9 Board Members for matters of Land Use, ULURP, etc.
10 through either directly yourselves or through your
11 respective, through your borough President, both of
12 you are Manhattan, through your borough President.

13 ANGEL MESCAIN: So our, our Board has not
14 received training from the Department of City
15 Planning. Our borough President of Manhattan has
16 been really great about developing a training program
17 for our Council, for our Board Members to learn about
18 Land Use and a number of things. So like yes from
19 the borough President but not from the City Planning.

20 ADRIENNE ADAMS: Okay, thank you.

21 LUCIAN REYNOLDS: I haven't been the
22 District Manager for very long for CB1 so I really
23 can't say that City Planning has given a training or
24 hasn't given a training, though I know that as a Land
25 Use Planner for the borough President for a number of

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years, I gave many, many trainings to CB members across the borough of Manhattan and as a Community Board Member in East Harlem I received training from the borough President as well.

ADRIENNE ADAMS: I just wanted to verify that because it was emphatically told to us that City Planning did provide training through the borough President's across and I just wanted to hear that directly from you. Uhm, back tracking also, the need for uhm an upgrade in Technology. I know that for us in Queens, specifically at Board 12, it was very difficult to be in compliance with the Technology Mandate and making sure that our, that our meetings were televised and shown and all that good stuff and thank goodness for Facebook live because that still is the only way that we can do what we do, uhm for, for our constituents and elsewhere. So if you could just uhm, I guess dig a little deeper, you mentioned some things that you needed or that you thought would benefit the Community Boards as far as Technology, can you go a little bit deeper with that, I, I missed the beginning of that.

ANGEL MESCAIN: Uhm, so the, the, the one thing that I, that I, the two things that I had

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2 mentioned earlier were a Constituent Relationship
3 Manager Tool uhm and the ability to live stream our
4 meetings. Uhm, which currently we don't have the
5 ability to do that in a professional way, but uhm,
6 you know that there was, there was an initiative of
7 the, the former Council Speaker, I don't know if that
8 is being continued, I think I hope it does. The
9 Digital Inclusion Initiative which provided funds to
10 Council Members to allocate within their districts,
11 for, you know, live streaming of Community Board
12 Meetings, well, sort of to allocate within their
13 districts which many Council Members have used to
14 support the Community Boards live streaming their
15 meetings, I think that would be great, if that would
16 be, if that could be kind of a baseline thing for our
17 Community Boards to be able to live stream at least
18 our 10 standard meetings, you know uhm the 10
19 standard monthly meetings during the year, the course
20 of the year since we are typically off July and
21 August, I think that will be fantastic.

22 ADRIENNE ADAMS: Okay.

23 LUCIAN REYNOLDS: One of the challenges
24 for live streaming is that to provide a high quality
25 stream you need really good hardware and then a very

1
2 good uplink to the internet so Community Boards have
3 an intrinsic challenge in getting both of those
4 because our monthly full board meetings typically are
5 on a revolving basis around the Community to
6 different venues that can accommodate such a large
7 number of people and so it could be a school for one
8 month or it could be in a large not-for-profit you
9 know meeting room in a different month. Or it could
10 be in a co-working space another. Uhm, the challenge
11 of bringing high value live stream equipment to each
12 meeting his high, WNET when they do it I believe it
13 is an ordeal because they have to bring lots of
14 professional gear, sound, video and then the
15 personnel to run it. For us to do it means that we
16 would have to have staff essentially wheeling this
17 equipment around the District. CB1 is not a very
18 large district but I still shutter to think about the
19 responsibility of carrying large gear. The other
20 side is that the one way to fix that is to have a
21 fixed location every month so you can make the
22 investment, so you know City Council, every meeting
23 room has live, live stream type of equipment that you
24 know is bolted on to the wall and they have all the
25 things here and so you can essentially start the

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2 stream whenever you have business going on. For us,
3 it would be hours and hours of additional planning
4 uhm and then not every location has decent internet
5 or at least decent enough to provide a serviceable
6 stream to go out to the community, so where we would
7 enjoy doing that, we would have to go even farther
8 that doing a live streaming, we would have to think
9 about if we would have to buy additional data
10 accounts using mobile data to supplement the an
11 existing WIFI or for the locations we are going to,
12 to buy equipment that we know is portable enough yet
13 has high enough quality and maybe those things exist
14 but it certainly is, we would need a lot of more
15 comment and expertise to help to guide us to buy the
16 appropriate equipment given our needs and so that is
17 one of the things that I think is holding a lot of
18 Boards back because they, they are not going to take
19 the plunge for \$5,000, \$6,000 mobile set up if they
20 don't even think they are going to be able to run it
21 on their own.

22 ADRIENNE ADAMS: Correct, yeah thank you
23 and I, I am assuming that both of you have Technology
24 Committees on your Board? No, oh, okay.

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ANGEL MESCAIN: No but I do know that there are Manhattan Boards that have Technology Committees and they are very effective but some, some Technology Committees are kind of housed within a Board oversight committee, so maybe it's not pieced out altogether but I do know that, the, the office oversight committee does a lot of Technology Work for CB11 because I was on it, so.

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ADRIENNE ADAMS: Okay, alright.

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CHAIRMAN FERNANDO CABRERA: Thank you so much and again thank you for all the hard work that you do, we will be pushing for additional resources for Community Boards and so uhm, uhm do be looking forward to garnishing all the support from other Community Boards to send one voice because honestly the amount of work that is, the amount of work that communities do is the best you know investment that we could make for the dollars that we invest in the City and it has a direct impact in our community, I saw it firsthand. My colleagues who also serve on Community Board, I can't believe, 18 years and most impressive, Council Member Adams, how many years?

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ADRIENNE ADAMS: I was on since 2009.

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2 CHAIRMAN FERNANDO CABRERA: 2009, wow,
3 2009, we have veterans here. They could, they could
4 run the school of Community Boards, University School
5 of Community Boards. Okay so thank you again and
6 have a great day and with that we are going to move
7 now to the public session. And so I feel here, if
8 you are part of the public you will, and if you would
9 like to testify today, make sure you see the Sargeant
10 of Arms. You will have ... so, so we ask to share
11 for three minutes. If you have a written testimony
12 uhm and uhm please make sure to submit it as well and
13 there will be questions following that. So, will ask
14 for Phil Voss from Energy Vision who came early this
15 morning. He was early here this morning, very eager,
16 and Ralph Palladino, Second Vice-President local
17 1549, DC37 and Roxanne Delagado (SP?) from the Bro...
18 Roxanne welcome all the way from the Boogie Down
19 Bronx. You can come right up. So it's good to see
20 you Rosetta. Oh no problem, so as soon as you are
21 ready you can begin whoever would like to go first.

22 PHIL VOSS: Yes. Good afternoon and I
23 would like to thank the Chair and the Committee for
24 this opportunity to testify on behalf of Energy
25 Vision. we are a New York based environment

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2 nonprofit with an expertise on alternative fuels for
3 heavy duty vehicles. With the oversight of the
4 Department of City-Wide Administrative Services and
5 it's critical responsibilities for Fleet and Fuel
6 Procurement and Management we would like to encourage
7 this committee to work with DCAS in aligning city
8 vehicle and fuel procurement with the City's Climate
9 and Clean Air Goals. Calling Climate Change and
10 existential threat, the City's own 2015 NYC Clean
11 Fleet Document set a goal to cut green house gas
12 emissions or GHGs from Agency Fleets 80% by 2035.
13 The introduction of bio-diesel blends and light
14 electric vehicles has yielded some immediate results
15 but the important 80% target will not be met without
16 a major shift away from Diesel fuels. City diesel
17 vehicles consume 60% of all the fuel and emit 63% of
18 the GHGs plus health damaging street level pollutants
19 but alternatives to diesel do exist, proven
20 commercial and cost-effective compressed natural gas
21 has been successfully deployed in New York and Energy
22 Vision's Research concludes that expanded use of CNG
23 Technology open the door for two even cleaner
24 options, waste based bio-methane fuel, and near 0
25 emission engines. Any CNG Vehicle can run of bio-

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2 methane which is made from the bio gases that are
3 naturally released by decomposing organic waste
4 including waste water and food waste, two things that
5 New York City has in abundance. This fuel reduces
6 green house gas emissions at least 70% compared to
7 diesel and 40% compared to fossil natural gas. When
8 it is made from food waste, bio-methane can be carbon
9 negative meaning that capturing the bio-gas to make
10 it prevents more GHG emissions than are produced when
11 it is combusted. Also called renewing natural gas,
12 bio-methane is being used now in hundreds of UPS
13 trucks and tractor trailers and in major refuse
14 collection fleets like Republic Services and waste
15 management. Santa Monica's entire bus fleet works on
16 it. LA Metro is piloting it in nearly 300 buses and
17 in England Bristol, Nottingham and Redding have all
18 introduced bio-methane buses. CNG vehicles can also
19 be fitted with new EPA Certified near zero emission
20 engines which cut health damaging nitrogen oxides and
21 particulate matter 90% below EPS standards. This
22 would particularly benefit the often poor
23 neighborhoods that house many of the city's vehicle
24 depots and transfer stations. New York City could
25 produce its own fuel from its waste. Bio-methane is

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2 being produced now at Fresh Kills Landfill but it is
3 being shipped to California to fuel buses there. At
4 New Town Creek Waste Water Plant, food waste is being
5 combined with sewage to boost the biogas production
6 in order to make bio-methane. This could be
7 replicated at the city's other waste water treatment
8 plants which would also drive the city's goals of
9 zero waste to landfill by 2030. All told, the City's
10 Organic Waste Resource could produce more than enough
11 fuel to displace all the diesel used by city
12 agencies. Combining the proven available
13 technologies of bio-methane in near zero engines
14 would drive the City's GHG and Clean Air Goals but
15 taking advantage of this opportunity means directing
16 the hundreds of millions of dollars that are now
17 spent on diesel vehicles and fuel towards proven
18 clean alternatives. We encourage the committee and
19 due task to work with the Administration to leverage
20 the city's huge buying power in fighting the
21 existential threat of climate change, tackling our
22 outdated diesel dependents in favor of zero and near
23 zero emission technologies that are available today
24 isn't just a good idea, it is a necessary step in
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2 ensuring a safe an resilient future for our children,
3 thank you.

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ROXANNE DELGADO: Do you mind if it get
5 this? Thank you, thank you, hi. My name is Roxanne,
6 I'm from the Bronx, Pellham Parkway, okay I'm here
7 because I recently know the difference in Committee
8 Boards. The major difference I notice is the number
9 of Committees they hold, Committees they hold and how
10 often they meet. I made a quick comparison between
11 my Community Board 11 and Community Board 8 in the
12 Bronx. For instance, Community Board 8 held, I'm
13 sorry Community Board 11 held two public hearings,
14 I'm so, so, sorry, let me begin. I made a quick
15 comparison between Community Board 11 which is my
16 Community Board and Community Board 8. I noticed
17 that Community Board 8 held two public hearings on
18 the 2019 Budget Priority why my Community Board 11,
19 held zero. This concerns me because it seems that
20 the general public didn't have much input in the
21 Capital Expense needs of the District. The City
22 Charter does mandate for Committees to meet monthly.
23 I know this from July 2017 to March of this year,
24 this Parks Committee only met twice in my Community
25 Board 11, while they met six times in Community Board

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2 8. The same with the Housing Committee, they met
3 only twice in Community Board 11 but six times in
4 Community Board 8. I am not against any increase in
5 Community Board Funding but I am asking for
6 accountability and improvements in Community Boards
7 that do need them. For instance, even though
8 Community Members are volunteers they should be
9 removed for poor attendance because if they cannot
10 meet the obligation then perhaps someone else can do
11 so. Revise the City Charter to mandate public
12 hearings in the Community Boards Budget Priorities so
13 the community can have input on the Capital and
14 Expense needs of their neighborhoods. I recommend an
15 audit of the Community Board beyond the financial
16 scope currently done by New York City Controller. We
17 need a Productivity Audit which includes attendance
18 records of Community Board Members, number of
19 committees held, frequency as well as posting their
20 meeting agenda on a timely basis. All Community
21 Boards are not equal but they are all needed to
22 gather the public sentiments and concerns. Therefore
23 if we can prove some of those Community Boards and
24 communicate with the public we can improve our

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Democracy and engage our Democratic process. Thank you.

RALPH PALLADINO: Good afternoon, I'm Ralph Palladino, a Clerical Administrative Employees local 1549 District Council 37 representing 15,000 tax payers and employees of the City of New York. Uhm, congratulations and welcome uhm Councilman Cabrera to your new position. Uhm two issues dealing with DCAS related, city employees should be doing the work for which they were hired. Local 1549 has filed and documented in 16 agencies plus NYPD and New York City Health and Hospitals uhm there are, there are countless numbers almost over 1000 employees who are working in other titles which are primarily noncompetitive titles replacing our Civil Servants in the Clerical Title. Basically, the work is the same, they are doing the same work that they did before. Uhm it started under the Bloomberg Administration, it has continued somewhat under this Administration but has not changed. Uhm, we believe that the, the idea there is to subvert Civil Service. It is a lot easier to hire noncompetitives and friends. We don't want to go back to Boss Tweed or anything like that, uhm so we are asking the City Council to help us on

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2 that but it is also a cost of only the amount of
3 grievances that we have documented and you have them,
4 we are doing more. Over \$2 million annually, \$2
5 million dollars annually every year is being wasted
6 on that alone but then to add to that, you have the
7 Civilianization issue which is the same issue in the
8 NYPD which is costing the city \$30 million a year,
9 \$30 million dollars a year. Uhm some Civilianization
10 has been done in other titles but not in the clerical
11 titles. Local 1549 is the only entity to have filed
12 in one three arbitrations on this issue. The only
13 one, and yet we are the only ones that have not been
14 Civilianized in the NYPD. Over 500 people are still
15 sitting in desks, uniforms, school safety agents that
16 they want to hire this year, traffic enforcement
17 agents and NYPD officers, uhm sitting in our desks
18 doing route 2 clerical work and we are talking about
19 able-bodied so it's another uhm in the last three or
20 four yeas, there has also been another \$1 million
21 dollars worth of grievances filed on this. So it
22 continues, but we still have to do more, right. So
23 we are asking the City Council and by the way, the,
24 the morale in the agency is bad with our members
25 because of this but also the police officers. The

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2 officers that are out on the street risking their
3 lives while there are others sitting at desks and
4 this is not a good situation. Uhm, so we are asking
5 the City Council to do the following: The City
6 Council should demand that the City assign uhm
7 employees work that is their job description and for
8 which they are being compensated for and that DCAS
9 issue a memo to all agencies stating this. 2) The
10 City Council should demand that the City stop
11 subverting the Civil Service System. 3) The City
12 Council should demand that the City NYPD complete the
13 Civilianization Process immediately as the arbitrator
14 has demanded. 4) The City Council should and
15 request that the New York City Controller perform
16 audits of all City Agencies for the purpose of
17 determining how much waste of tax dollars exists
18 because of employees, not performing the work they
19 were hired to perform and finally we ask the City
20 Council to join local 1549 to request that the City
21 Controller perform an audit of the NYPD on
22 Civilianization as every city controller has done
23 prior including, up to the prior two and including
24 Billy Thompson. Thank you very much.

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2 CHAIRMAN FERNANDO CABRERA: Thank you so
3 much and uhm, I have a few questions. Ralph I want
4 to work with you. Not just talk about it in this
5 hearing but let's work together to make sure that we
6 could accomplish those three goals and we could get
7 everyone to the finish line. It makes no sense that
8 we are literally wasting millions of dollars. We do
9 not have people positions with the right titles where
10 they belong so they could be as efficient and
11 affective as possible and also there is a point of
12 validation for uhm them to be recognized for the
13 right title, they should have. This is like really
14 past overdue and I know, I've been part of the Safety
15 Committee, I will work also with Council Member
16 Richards. I know this issue came up as well in the
17 last hearing so we can make sure that your members
18 truly are receiving what they deserve. So we will
19 definitely be working on that.

20 RALPH PALLADINO: Thank you. But I just
21 want to add one thing if you don't mind.

22 CHAIRMAN FERNANDO CABRERA: Oh please.

23 RALPH PALLADINO: There are people on
24 Civil Service Lists that have paid for the Civil
25 Service Test to be certified Civil Service and these

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2 noncompetitive titles are taking from these people,
3 instead of coming off the list, they are not coming
4 off the list because they have noncompetitive titles
5 or they have uniforms and higher paid uniforms
6 sitting at the desk. So that is another issue which
7 I think is pretty bad.

8 CHAIRMAN FERNANDO CABRERA: That, I'm
9 looking forward to our, our conversation and
10 discussion to that. So we could come up with a
11 strategy again to get you to the finish line.

12 RALPH PALLADINO: Thank you I appreciate
13 that.

14 CHAIRMAN FERNANDO CABRERA: Uhm regarding
15 with Energy Vision and the Compressed Natural Gas.
16 Do you happen to know how many of our vehicles are,
17 are using, a CNG?

18 PHIL VOSS: Oops, sorry. Thank you, uhm.

19 CHAIRMAN FERNANDO CABRERA: In the city,
20 in our city.

21 PHIL VOSS: Unfortunately few, I would
22 argue. I know that the Department of Parks has two
23 CNG fueling stations one of which is at Flushing
24 Meadows Corona Park. The other location, I can't
25 recall so they are using some CNG vehicles on the

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2 heavy duty side. Uhm DOT also has some CNG vehicles,
3 the Department of Sanitation has 42 CNG vehicles
4 working out of their Woodside Garage and have
5 expressed a reluctance to add to that portion of the
6 fleet.

7 CHAIRMAN FERNANDO CABRERA: And do they
8 mention why the reluctance?

9 PHIL VOSS: Uhm well during the uhm
10 Sanitation Committee Hearing last week, Commissioner
11 Garcia mentioned that uhm, CNG trucks take too long
12 to fill, as far as I understand it, that is not
13 actually correct. Using fast fill CNG Technology, a
14 CNG truck takes about the same time to fill as a
15 diesel truck.

16 CHAIRMAN FERNANDO CABRERA: So that
17 Technology is being used in other cities right now,
18 the fast fueling technology or is it something that.

19 PHIL VOSS: Yes that's correct. I mean,
20 LA Metro's entire bus fleet is CNS. They have
21 started piloting the use of bio-methane. Santa
22 Monica has gone, has converted its entire fleet to
23 using bio-methane and I believe that is all based on
24 fast fueling technology.

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2 CHAIRMAN FERNANDO CABRERA: And was this
3 information given to the Commissioner.

4 PHIL VOSS: We have uhm been reaching out
5 to the Department of Sanitation about expanding the
6 use of CNG Technology in the DSNY Fleet but it is not
7 an area where we have been able to make any progress.
8 Uhm former Sanitation Commissioner Brandon Sexton
9 testified here last week to the Sanitation Committee
10 that CNG Technology has come a long way since it was
11 first introduced. Yes there were problems with it
12 but it has been now proven to haul garbage, push
13 snow, have all the capabilities of diesel fuel while
14 fossil CNG has emissions 22% less than diesel and the
15 bio-methane fuel that CNG Technology would allow for
16 has emissions at least 70% lower than diesel.

17 CHAIRMAN FERNANDO CABRERA: The Queens
18 Station, uhm do they have the fast fueling?

19 PHIL VOSS: I could get back to you on
20 that, I do not actually know. I believe that
21 equipment was installed some time ago so I could
22 double check on that for you.

23 CHAIRMAN FERNANDO CABRERA: So they, what
24 I'm trying to figure out is if they have it there,
25 they should know how efficient it is? You know what

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2 I mean? So if they have it there they know how long
3 it takes, to, to fill up and how effective it is. So
4 I'm a little baffled why the Administration would
5 hesitate.

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PHIL VOSS: We are a little confused as
7 well as to why the Department of Sanitation has
8 proven reluctant to move forward with CNG Technology.
9 There is no question that it would involve some
10 additional investment, uhm, you would have to install
11 new filling technology. You would have to improve
12 ventilation, you would have to buy a different kind
13 of truck, uhm, there is no question about all of
14 that, however, this is a much lower polluting option,
15 it is a lower emissions option and the city has set
16 this target for reducing its Green House gas
17 emissions 80% by 2035 and without some substantive
18 action with, by the way, the heaviest most diesel
19 consuming most polluting portion of the fleet we are
20 simply not going to get there. DCAS did an RFI in
21 2015 I believe in which they announced an intention
22 to spend \$6 billion on cleaning fuel technologies.
23 This would represent a relatively small portion of
24 that.

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CHAIRMAN FERNANDO CABRERA: What about cost? What is, is there a cost differential? Is it pretty much the same cost as.

PHIL VOSS: In terms of the vehicles?

CHAIRMAN FERNANDO CABRERA: Yes.

PHIL VOSS: A CNS garbage truck and by the way 50-60% of all refuse collection trucks that are sold in this country now are CNG models.

CHAIRMAN FERNANDO CABRERA: What is the percentage again?

PHIL VOSS: 50-60%.

CHAIRMAN FERNANDO CABRERA: Really.

PHIL VOSS: Uhm the cost differential between a diesel truck and a CNG truck is about \$50,000 which in the world of heavy trucks is not a huge amount of money, an equivalent electric vehicle would cost as I understand it 70% or more of the cost of the diesel truck and I have heard industry representatives say that you can't electrify a New York City Sanitation Truck because it won't be able to push snow. So the cost differential is not huge, as a side note, diesel trucks can also be retrofit to use CNG Technology.

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CHAIRMAN FERNANDO CABRERA: So those, did, does the diesel cost more or less than CNG in terms of the fuel?

PHIL VOSS: Well actually I was just looking up some numbers and uhm according to CNG today diesel fuel, CNG currently costs about 54% of diesel fuel and that should be on a energy equivalent basis.

CHAIRMAN FERNANDO CABRERA: Wait, are you saying that it will cost half?

PHIL VOSS: That is the number that I found, yes.

CHAIRMAN FERNANDO CABRERA: So I would, so how quickly will a truck, I know you have to spend \$50,000 more on a truck but how quickly can you recuperate that money through the savings in fuel?

PHIL VOSS: Uhm, I have heard that I'm not going to try to do the math off of the top of my head, I've head that garbage truck travel uses about 18 gallons of fuel a day, there are 22,000 diesel trucks. I think you would probably recuperate that money fairly quickly. Another advantage to CNG is that you don't need the same kind of filtration

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equipment so that isn't being replaced on quite a regular basis.

CHAIRMAN FERNANDO CABRERA: Very interesting. I want to turn it over to my colleagues but I wanted to ask you Roxanne, and welcome again.

ROXANNE DELGADO: Hello.

CHAIRMAN FERNANDO CABRERA: Have you been able to do a study and this is very good what you have provided with the other Community Boards to see if there was a systemic problem.

ROXANNE DELGADO: Unfortunately I was busy with Park Cleanup so I did this like 45 minutes ago on my desktop.

CHAIRMAN FERNANDO CABRERA: Oh wow.

ROXANNE DELGADO: Oh yeah, so I didn't have time to compare but I did a glance of the other 58 Community Boards and I noticed there is vast differences not only in the quality of the website, some don't have their own external websites but also in what they put out their websites. Some Community Boards put out their whole agenda, their minutes and some just post a calendar. So I figure if we could have like a uniform criteria of basic rules and standards for these Community Boards it might uphold

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2 them to some sort of a cri... standards. But no I
3 didn't compare all of the meetings but uhm like I'm
4 not talking in Community Board 11 because other
5 Community Boards also don't meet frequently but I
6 only compared Community Board 11 because it is my
7 Community Board and Community Board 8 tends to have a
8 high standard so that's the reason, that's the
9 reasoning.

10 CHAIRMAN FERNANDO CABRERA: So as you
11 know we are looking to have Charter Revision. We
12 just had a hearing last Friday so we have been,
13 having to commend the staff, they have been back to
14 back and working even this weekend to getting this
15 hearing ready and then working a long time on it but
16 it just a lot of work. Uhm so we are looking forward
17 to doing that, we would love for you to participate.
18 There is going a public forum involved and there is
19 going to be Commission, so uhm would love to have
20 that input and it gives you more time too to provide
21 more data that.

22 ROXANNE DELGAGO: And I'm going to
23 account so excel is very easy I just dumped the
24 numbers in, boom it is there.

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CHAIRMAN FERNANDO CABRERA: Great.
That's great, I love to see that.

ROXANNE DELGAGO: So, sorry I was
unprepared because I didn't.

CHAIRMAN FERNANDO CABRERA: No, no, no,
this is, this is data and this is important and you
just showed us the disparity and we want the public
to get engaged with the low voter turnout you know on
Community Boards, many of them, it is the same people
that keep coming and so we want to make sure that
this leveling opportunity for level of engagement and
sometimes topics like this one, they are not covered.
People are not able to show up with the worst case
scenario and so uhm. Well I want to thank you for
uhm for coming today. I would love to continue the
discussion. I want to thank my colleagues that did a
phenomenal job here today. I'm amazing at the time
we were able to accomplish all of this and be on
point and I want to thank also all the staff that did
a phenomenal, phenomenal job, you guys are simply
awesome and with that, we conclude today's uhm
hearing. Thank you.

ROXANNE DELGADO: Thank you.

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 20, 2018