

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS, STATE & FEDERAL
LEGISLATION

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October 30, 2024
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HELD AT: 250 Broadway-Committee Rm., 16th fl.

B E F O R E: Lincoln Restler
Chairperson

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

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

Christine Quinn

Former New York City Council Speaker; President
and CEO of WIN

Susan Lerner

Executive Director of Common Cause New York

Ben Weinberg

Director of Public Policy at Citizen's Union

Eric Lane

Professor

2 SERGEANT AT ARMS: Good afternoon
3 everybody. We are about to begin. Good afternoon
4 and welcome to today's New York City Council hearing
5 for the Committee on Governmental Operations, State
6 and Federal Legislation. If you would like to submit
7 testimony, you may at testimony@council.nyc.gov. At
8 this time, please silence all electronic devices.
9 Please silence all electronic devices. No one may
10 approach the dais at any time during this hearing.
11 Chair and Speaker Adams, we are ready to begin.

12 CHAIRPERSON RESTLER: [gavel] Good
13 afternoon. My name's Council Member Lincoln Restler,
14 and I have the privilege of being the Chair of the
15 Committee on Governmental Operations, State and
16 Federal Legislation. It is an honor to be joined by
17 our Speaker. Today, we'll be hearing a bill that she
18 has introduced, Introduction 1088 which would create
19 a Charter Revision Commission empowered to revise the
20 City Charter. The New York City Charter is the
21 framework for how our city is governed. It defines
22 how our city government operates and the balance of
23 power between our elected officials. The Charter
24 Review Commission is an opportunity to conduct a
25 thorough comprehensive review of the structure of our

2 government and for everyday New Yorkers to have a say
3 in how our city is governed. Since the adoption of
4 the City's first Charter way back in 1897, the
5 Charter has been revised countless times. Charter
6 revisions have been particularly important in moments
7 of crisis. Our last major Charter review was in 1989
8 following one of the worst corruption scandals in our
9 city's history during the Koch administration. The
10 89 commission implemented sweeping reforms to
11 restructure how city government works, eliminating
12 the Board of Estimate and creating a strong mayoral
13 team. These reforms were essential to preventing
14 corruption and ensuring integrity and accountability
15 in our city government. Thirty-five years later, our
16 city is once again in a moment of crisis. We're
17 facing a series of deeply troubling allegations with
18 the Mayor under indictment and the First Deputy
19 Mayor, the schools Chancellor, the Police
20 Commissioner, and the Deputy Mayor for Public Safety
21 all forced to resign amid ongoing investigations. It
22 is clear that the Mayor's ability to serve our city
23 is compromised and the exodus of senior officials is
24 unprecedented. This scandal-ridden administration
25 and their ability to function begs the question of

2 whether we currently have the right balance of power
3 in city government. And I am grateful, deeply
4 grateful, that Speaker Adams is spearheading the
5 effort to bring experienced New Yorkers together to
6 think about how we can improve the operations and
7 efficacy of city government and restore confidence in
8 the public sector. Our Speaker is a wise leader.
9 She's prepared to make what I would say is the
10 unusual choice to spend her political capital on
11 achieving long-term goals that will benefit future
12 generations of New Yorkers. Her commitment to
13 strengthening checks and balances and enhancing
14 accountability in our city government will over time
15 provide more New Yorkers the help they deserve and
16 better-- and ensure that our government operates
17 honestly. I also admire and share her deep pride in
18 the institution of the City Council. This Charter
19 Revision Commission created by the Speaker's
20 legislation will consist of members appointed by the
21 Speaker, the Mayor, the Comptroller, the Public
22 Advocate, and each Borough President, all the key
23 elected officials in our government. They will come
24 together with ample time, opportunity, and commitment
25 to solicit meaningful input from New Yorkers across

2 the City. When we improve the structure of city
3 government, we can deliver better outcomes for New
4 Yorkers. This moment in our city's history requires
5 us to advance transparency, accountability, and
6 integrity. Just as the 89 Charter Revision
7 Commission created the structure and framework for
8 our city government to thrive over the ensuing
9 decades, I'm hopeful that this new undertaking by
10 Speaker Adams will recalibrate the balance of power,
11 ensure real accountability of elected officials and
12 restore faith in our government. This is the right,
13 deliberate path forward. I'm eager to hear from
14 members of the public who've joined us today to share
15 their expertise on how we can conduct a thoughtful
16 review of our Charter. I want to thank our Committee
17 Counsel, Jayasri Ganapathy and Erica Cohen for their
18 hard work in putting the hearing together today.
19 I'd also like to thank my Communications Director
20 Nieve Mooney [sp?] and my Chief of Staff Molly Haley
21 [sp?] who is extraordinary. I'd like to recognize
22 Council Member Lynn Schulman and Council Member
23 Vickie Paladino. Queens is in the house. And now I
24 would like to turn it over to our fine Speaker,
25 Adrienne Adams. Thank you.

2 SPEAKER ADAMS: Thank you so much, Chair
3 Restler. We are Queens strong here today. I kind of
4 like that. Thank you so much, Chair, for leading
5 today's Committee on Governmental Operations, State &
6 Federal Legislation hearing on Introduction 1098, my
7 legislation to establish a Charter Revision
8 Commission to review the City Charter. And thank you
9 to everyone who's joined us here today. A Charter
10 Revision Commission presents a unique opportunity to
11 propose ideas on how to revise the City's Constituent
12 to improve city government and make it more
13 responsive to the needs of New Yorkers. It is a
14 serious undertaking that requires a full review of
15 the City Charter, and it should include robust public
16 engagement to hear from New Yorkers. That has been
17 the standard of past commissions. For decades, there
18 have been commissions that were created to advance
19 meaningful reforms such as changes to the oversight
20 authority of the Civilian Complaint Review Board,
21 Conflicts of Interest laws, strengthening the public
22 campaign finance system, and other measure to improve
23 city government. However, over the last several
24 months we have seen the public's trust in city
25 government weaken, underscoring the importance of

2 strengthening that bond with New Yorkers. The
3 Mayor's Commission rushed a Charter Revision
4 Commission process this year, taking less than two
5 months to propose changes, and then voting to advance
6 their specific proposals only two days after they had
7 been publicly released. The Mayor's Commission even
8 amended the proposals just hours before their final
9 vote without any public notice at all. This brazen
10 misuse of the Charter Revision Commission process
11 completely undermines the principles of good
12 governance. It has resulted in ballot [sic]
13 proposals two through six which would undermine
14 checks and balances, weaken oversight and
15 accountability of city agencies and make city
16 government less responsive to New Yorkers. These
17 proposals were not developed with New Yorkers' best
18 interest at heart. We cannot accept this as the norm
19 for Charter Revision Commissions. It is crucial that
20 as a city we prevent this anomaly from becoming our
21 new baseline. That is why today we will review
22 Introduction 1088, my bill to establish a Charter
23 Revision Commission that restores the model standards
24 for how to revise the City Charter through a
25 transparent, thoughtful and inclusive process. In

2 contrast the Mayor's rushed Commission, we will
3 provide at least eight months for this new
4 Commission's work before submitting proposals for
5 consideration in the 2025 general election or up to
6 20 months for the 2026 general election. This
7 commission will also prohibit registered lobbyists
8 from serving as members and provide representation
9 for all city elected officials. Through this
10 commission we hope to unite all stakeholders and New
11 Yorkers to advance a Charter Revision Commission
12 process that is focused on strengthening our
13 democracy and improving city government for the
14 benefit of New Yorkers, not for political
15 gamesmanship. I look forward to hearing from all
16 stakeholders about how to best restore confidence in
17 our city government and re-establish strong standards
18 for Charter Revision Commissions moving forward.
19 Thank you all once again. Thank you, Mr. Chair. I
20 now turn it back over to you.

21 CHAIRPERSON RESTLER: Thank you so much,
22 Speaker Adams, for your remarks and for your
23 leadership on this most important of issues. Before
24 opening the hearing for public testimony, I'd just
25 like to remind members of the public that this is

2 formal government proceeding and that decorum shall
3 be observed at all times. As such, members of the
4 public shall remain silent at all times that they're
5 not testifying. The witness is reserved for people
6 who wish-- the witness table is reserved for people
7 who wish to testify. No video recording or
8 photography is permitted from the witness table.

9 Further, members of the public may not present audio
10 or video recording as testimony, but may submit
11 transcripts of such recordings to the Sergeant at
12 Arms for inclusion in the hearing record. If you
13 wish to speak at today's hearing, please fill out an
14 appearance card with the Sergeant at Arms and wait to
15 be recognized. When recognized, you will have three
16 minutes to speak on today's hearing topics. If you
17 have a written statement or additional written
18 testimony you wish to submit for the record, please
19 provide a copy of that testimony to the Sergeant of
20 Arms. You may also email written testimony to
21 testimony@council.nyc.gov within 72 hours of this
22 hearing. Audio and video recordings will not be
23 accepted. It's now my privilege to call up our first
24 panel, former Speaker Christine Quinn. We have Susan
25 Lerner, Executive Director of Common Cause New York,

2 Ben Weinberg, Director of Public Policy at Citizen's
3 Union, and on Zoom we have Professor Eric Lane who
4 was the Executive Director and Counsel to the revered
5 1989 Charter Revision Commission. Thank you all for
6 joining us. If we could start with the former
7 Speaker if that works and go from there?

8 CHRISTINE QUINN: Sure. It's so fun to
9 have Eric Lane on Zoom.

10 CHAIRPERSON RESTLER: Isn't it? We're
11 very excited.

12 CHRISTINE QUINN: My name's Christine
13 Quinn and I'm presently the President and CEO of WIN,
14 Women in Need, the largest provider of shelter and
15 permanent housing to homeless women with children. I
16 mention that affiliation as well as being former
17 Speaker because the work of a true Charter Revision
18 Commission could very much help not-for-profits like
19 WIN. So this isn't something just for the benefit of
20 the balance of power in government, but also for
21 entities who work with and contract with the City.
22 Now, Chair Restler talked about the Charter Revision
23 Commission 35 years ago, and what they undertook was
24 monumental, right? They had a federal civil rights
25 violation. They were going to get rid of the Board

2 of Estimate. There was just so much that had to get
3 done. So it only is logical to assume that in some
4 areas they were perfect. In some areas they went too
5 far, and some areas they didn't go far enough. Now,
6 if you look at the ones where they didn't go far
7 enough, there are apparently not quite a few in
8 balance of all they did, but some that are very
9 significant, right? So, only the Mayor side can
10 decide what the revenues are in the budget. That's a
11 massive power to only have in the Mayor's Office,
12 because that then determines-- if the Mayor says
13 there isn't a surplus, then everybody has to cut or
14 keep things constant when we know that the Council's
15 budget revenue numbers done by the Council's
16 economist are always more accurate than the Mayor's
17 have been. Now I always said it's because we were
18 smarter and better. The truth is we do it later and
19 we have more information, but nonetheless, stick with
20 the smarter and better. So, that's too much power in
21 one person's hands. In Land Use constantly-- in all
22 my years in government, we would want to do something
23 in a rezoning, and the City Planning Commission would
24 say that's out of scope. Well, can you define scope?
25 I must have gotten 10 definitions of scope, different

2 ones, in my time in the Council. What it really
3 means is we don't want to. We don't want you do
4 that. We don't want you to substantially make a
5 change, which then leaves the Council in a position
6 where they can't be the voice of neighborhoods. To a
7 similar regard when a landmark district comes to the
8 Council, the Council has the very enormous power of
9 making it smaller, which is rarely ever requested,
10 and no ability to make it bigger and to include
11 buildings or blocks that the Landmarks Preservation
12 Commission has left out. So, I just raise those
13 three examples in finance and two in land use to say
14 some of the biggest questions that are out there for
15 everyday people are left for the Mayor to answer
16 without any ability of the Council to answer them.
17 Now, time and again-- and it's not just this mayor.
18 Mayors have hidden behind these sham Charter Revision
19 Commissions, because they don't want to get to the
20 heart of the matter. But if you don't get to the
21 heart of the matter, then how are we going to solve
22 problems like the need for more affordable housing
23 without overdevelopment and erasing the character of
24 a neighborhood? How are we going work on putting
25 things in the baseline of the budget so that we don't

2 have to revisit things over and over like-- you may
3 have put this in the baseline already, but over and
4 over like senior centers and other things that should
5 be fundamental. How are we going to really have
6 power over agencies when the Council has advice and
7 consent on the most random of agency heads and not
8 across the board? And if this is an institution that
9 has true oversight, you have to have that in the same
10 way that other legislative bodies do. So I would
11 welcome the opportunity to work with the Council on
12 this. There is a report from 2010 that the Council
13 put out where we had compiled ideas and worked with
14 the members on coming up with ideas, and I sadly
15 render to guess that most of them are still valid.
16 So thank you.

17 CHAIRPERSON RESTLER: It is really a
18 privilege to have you here with us today, Speaker
19 Quinn. So thank you for your just very thoughtful
20 insights. We're now going to hear from one of the
21 foremost experts on the Charter, Professor Lane. If
22 we have you on Zoom, we'll kick it to you.

23 ERIC LANE: You do.

24 CHAIRPERSON RESTLER: Great.
25

2 ERIC LANE: I want to thank you for the
3 opportunity to appear and to appear before the
4 Committee and Speaker Adams. And also, I feel a sort
5 of measure of pride because probably the City Council
6 of the City of New York is the only legislative body
7 in the State of New York that ever has a hearing on
8 legislation. My nine years-- six years as Chief
9 Counsel of the Senate Democrats in Albany and
10 numerous years I was there observing the legislature
11 after that when I was working at the Freeman [sic]
12 Center. I don't think-- I think it's fair to say up
13 until about at least five years ago, the State
14 Assembly or State Legislature never has a hearing on
15 any bill, ever, never. I mean that. Maybe they've
16 changed in the last five years or so. I would say,
17 Chairman Restler, that when the Board of Estimate was
18 eliminated and we ended our work, we did not only
19 strengthen the Mayor , I think we also strengthened
20 the Council by first leaving it alone is the only
21 policy-making decision in the City and through other
22 means. And as former Speaker Quinn said, we probably
23 didn't go far enough in some ways or went too far in
24 other ways. I would love to claim perfection, but I
25 know that is beyond human capacity. So, I know we

2 didn't do everything right. Plus, we've had 35 years
3 of opportunity to witness things, and therefore, I'm
4 sure there are things that time has proven to be
5 incorrect. I would say this, though, with Speaker
6 Quinn's list of ideas I mean, there are also Council
7 failures here that made some of our changes
8 impossible such as, you know, insisting on line items
9 on the budget, but then making deals, you know, as
10 we're starting the process. Next thing you know,
11 there's a deal between the Mayor and the Council and
12 so therefore, the demands for line items get lost in
13 the need to make a deal which is understandable, but
14 it's one of the things I think people are to be
15 looking. But I'm not here to talk about the things
16 that the council look at or not look at or the
17 Commission. I want to just talk about commissions in
18 general and why I think they work and why they don't
19 work, which I think I probably have considerable
20 knowledge about, far more than I do with what's wrong
21 now in the City. I want to say, first of all, our
22 commission-- I do agree with Speaker Quinn's
23 characterization of a lot of the commissions that
24 followed ours, the sham commissions. Not sham
25 because all of-- several of them, the first of them

2 when Giuliani, Mayor Giuliani was angry at Speaker
3 Vallone about something the Council was doing about
4 the Yankees, and he set up a commission to block--
5 similar to the one that was set up by this Mayor to
6 block you with respect to the oversight through
7 confirmation bill that you had which I thought myself
8 was a very good bill. And [inaudible] we didn't in
9 my commission go far enough to expand the power on
10 confirmations. So, my other view of this is that the
11 things that you need to really have a good commission
12 through the kind of work that Speaker Adams
13 described, I think that you need diverse commission,
14 first of all, and I think that's provided for in the
15 bill that she's-- that's being discussed right now by
16 having different members of the-- different elected
17 officials appoint members. I think you need a real
18 reason. I think, you know, our commission worked
19 fabulously, you know, because there was a real crisis
20 in the City at the time which had been that the Board
21 of Estimate had been declared unconstitutional to
22 this institution which was basically the apex of most
23 of the government's processes could no longer
24 function. And so we had something we really had to
25 do. It was major, and would along the route on the

2 basis of the state laws commands of Charter
3 Commission. Look in everything we were able to do.
4 Numerous collateral changes and reforms in the city
5 administer-- dealing with administrative process and
6 ethics and [inaudible]. And so, I think that you're
7 off to the right start with having this kind of
8 diverse mission. And I also think there is a
9 motivating crisis in the City which will help you a
10 lot to have this work taken seriously, and that is of
11 course the indictment of the Mayor, the trouble with
12 all of the staff he's picked over-- you know, not
13 all-- many of the members of his staff, the process
14 by which they are chosen and alike. It certainly has
15 reflected horribly on the City and it's created a lot
16 of concern, and that concern I think will help you in
17 the following way. For example, to find very serious
18 members of the commission for yourself, and I think
19 who the-- you guys through the Council chooses really
20 sets the example for who everybody [inaudible] which
21 is-- and I would urge you to find-- start off with a
22 chairperson who really has some gravitas and is going
23 to get respect. So, it might-- in our case, we
24 started off with the Ravich [sp?] and then we
25 followed up with Fred Schwarz [sp?]. Both were sort

2 of towering figures in the city and they added a
3 legitimacy that when other people were asked they
4 were willing to serve because they saw by the
5 appointment of the Chairman, they saw that this was
6 going to be a serious effort. Otherwise, neither
7 Schwarz or Ravich [sp?] would have ever accepted
8 that. I think a real problem that arises-- so, I
9 think you do have the opportunity, a structure by
10 which you can really appoint good people. I think
11 there's a crisis, significant crisis, in the City
12 that will interest good people to serve. And so I
13 think those are two ingredients that are really very
14 positive toward making a really serious effort here.
15 I think that you have to think a lot about staffing.
16 Every one of these commissions, these "sham"
17 commissions-- shouldn't even put it quotes, because
18 they share Speaker Quinn's [inaudible]. Even though
19 some of them have done useful things, all small
20 [inaudible] the legislature could have done them
21 without spending the money for a commission. The
22 staff's always been the mayor's staff in those
23 commissions. I mean, it's always been the Mayor's
24 staff. There's been no effort to make them
25 independent. There's been no allegiance between the

2 staff and the commission, head of the commission
3 itself. So the commission effectively had very
4 little input into the process itself. So, I think
5 that finding independ-- people that are independent,
6 I don't mean crazy. I mean independent. It is a
7 very important thing here, and again, I'll go back to
8 saying-- so I think that finding a way to staffing
9 this thing is going to be critical, and making sure
10 that there's good staffing that has some loyalty to
11 the commission. Otherwise, you're not going to find
12 independent members to join it or they're going to be
13 dissatisfied, and you're not going to get the quality
14 of work you want if the staff has to keep looking
15 over its shoulder. You know, Speaker Adams for
16 example. I don't mean that that's what's going to
17 happen. I'm just using that as an example. And then
18 budgeting, so there is a provision that Mayor Koch
19 granted under our commission to basically require the
20 Council and the Mayor to give us whatever we needed,
21 and I thought that was broadly read, but basically
22 the count there has to be some-- if you really want a
23 big job and a good job done, you have to pay for it.
24 I don't think we're the example, but I will tell you
25 that we had probably 70 staff at some point in our

2 own offices right across the street from City Hall.

3 I'm not saying you have to do that, but to make this

4 really work you have to-- in my view, you have to try

5 to give it as much independence. Doesn't mean there

6 shouldn't be political input. We talk to elected

7 officials all the time. we spent a lot of time with

8 the Corporation Counsel's Office and, you know, we--

9 every proposal we made we vetted a number of places

10 in city government, but not for them to tell us what

11 not to do, but to tell us what was wrong with what we

12 were doing. You know, we wanted to hear it. Why

13 won't this work so we could make independent

14 judgements about that. That takes time. It takes

15 money and alike. So, I would urge the-- I mean, I

16 think you have the crisis. You have the structure

17 for creating a really independent commission. Eight

18 months is a good time. Maybe they need longer.

19 Actually, the commission is by law allowed to decide

20 when it wants to put something on the ballot. I

21 think you have to have numerous public meetings and

22 public hearings. I don't-- I do believe that you

23 are-- that the commission is subject to the state

24 Freedom of Information Act. I had questioned that in

25 my own work, and they ended up deciding that they

2 were, and we worked to our benefit. It worked to our
3 benefit, I think, to have the public involved in
4 every meeting we did. It disallowed people who were
5 saying crazy things that they might have wanted to
6 say in private, they wouldn't say in public. So, I
7 think you've built all of the ingredients for a
8 potentially very good commission as long as you try
9 to make sure that you're appointing independent
10 people and you get some decent good staff and some
11 independence of that staff or loyalty to that staff
12 to the commission, not to the elected officials. So,
13 I think that would be a very good start. Where I
14 thought-- so this is the last part of what I'm going
15 to say. Where I thought it was real-- when I-- when
16 we did this charter, the places that I thought we
17 would really be examining quickly thereafter which
18 I'd been wrong about, because you haven't-- but I
19 always thought-- so, the power of the Board of--
20 excuse me. The power of the Borough Presidents,
21 there was a lot [inaudible] that we had taken their--
22 too much of their power away and that they would be
23 meaningless. I never thought that was true, but I
24 always thought that would be se something that would
25 be later examined. We were lucky. We were lucky

2 that there's-- speaking about so many representatives
3 from Queens that are there as Speaker Adams referred
4 to, we were lucky that Claire Schulman [sp?] with her
5 staff leader Nick Garifus [sp?], Federal Judge Nick
6 Garifus, were very supportive of our work after they
7 made us give them a number of things and compromises
8 that we made. I would say about that, this is a
9 political act in one sense, because anything that
10 gets done has to be approved by-- the staff has to be
11 approved by a commission and then has to be approved
12 by the public [inaudible]. So there are politics in
13 this, and a commission that doesn't want to win the
14 vote ultimately is not doing a good job. you don't
15 do all this work to lose, and that means like in
16 everything, there will be politics involved, and that
17 means there will be compromises involved, and I think
18 that's a positive thing, not a negative thing. I
19 remember a time-- this is just the last story and
20 then I'll stop. We went up to-- two things. One, I
21 never thought-- I thought we weren't tough enough on
22 the Council on Land Use. I didn't want-- I wanted
23 this mechanism that would stop them from having
24 individuals be able to review and veto, individual
25 members veto things. I think that's very bad for

2 government. I didn't win that battle, but I didn't
3 win that battle because Jean Rushinoff [sp?] who was
4 in the lobbyist for-- I forget the name of the
5 organization-- and yeah. What was it?

6 CHAIRPERSON RESTLER: [interposing] It was
7 NYPERG [sic].

8 ERIC LANE: NYPERG, and Ruth Messinger
9 had spent hours for beating up on us, and finally we
10 made a compromise with them, but the biggest one
11 compromise that you'll really I think get a kick out
12 of is we went up to the New York Times, because when
13 you do a referendum of a commission like this, you
14 need to get them your Times editorial support, and
15 you need to because particularly in Manhattan-- I'm
16 not sure how influential it is other places. If they
17 were to say no to commission refer-- you know, it's
18 very hard to win since lots of people are taking
19 their [inaudible]. So we went up to the New York
20 Times and we said here we are, Fred Schwarz and I.
21 Here we are. Here's our final proposals. Here's our
22 books of proposals, and I forget who was the editor
23 then, editor of the editorial page, but he looked at
24 his and he said, "Well, why are you here? You gave us
25 our piece," which was a land use compromise that we

2 made. So, you know, even the New York Times said
3 it's a bargaining effort here. Anyway, that's my
4 comments. I'd be happy to answer the questions that
5 anybody has, but I think this is really-- my hats are
6 off-- my hats off for this. I think it's a really
7 good start the way the bill itself lays out the way
8 the members will be changed and the way that Speaker
9 Adams has spoken about really giving it time and
10 holding hearings. You can't do what we did. I mean,
11 we did 140 hearings. Nobody's going to do that
12 again. But I really think this is a-- looks like the
13 beginning of a very good, and after 35 years, needed
14 effort. That's it. Thank you for the opportunity to
15 talk.

16 CHAIRPERSON RESTLER: Professor Lane,
17 that was tremendous testimony. We really appreciate
18 you being here and sharing your insights and I think
19 laying out exactly the right path forward. I want to
20 just acknowledge Council Member Gennaro was with us.
21 We've also been joined by Brooklyn's own David Carr.
22 He's a little-- he is a little piece of Brooklyn now,
23 so we claim him. And I now like to turn it over to a
24 couple of our distinguished leaders in the good

2 government space beginning with Susan Lerner of
3 Common Cause.

4 SUSAN LERNER: Actually, I'm going to
5 suggest that we start with Citizen's Union. I think
6 logically their recommendations go first, and mine
7 follow theirs.

8 CHAIRPERSON RESTLER: We defer to your
9 judgement.

10 BEN WEINBERG: Okay, thank you Susan.
11 Hard to follow the previous testimony. So, I will do
12 my best. Good afternoon, Council Members. My name
13 is Ben Weinberg. I'm the Director of Public Policy
14 for Citizen's Union. Thank you for giving us the
15 opportunity to comment on this bill today. we've just
16 completed Charter Revision Commission process which
17 we at Citizen's Union believed was flawed and we have
18 criticized that process again and again and again,
19 the commission's genesis, their capacity, time frame,
20 public input. We've always said that comprehensive
21 reviews of the Charter should be done absent of a
22 political agenda through an independent commission
23 that has the time and resources to conduct that
24 important and thoughtful task. So we applaud the
25 Speaker and we thank her for committing to re-

2 establish these strong standards for the Charter
3 Revision process. we are particularly supportive of
4 the provision in Intro 1088 that address these
5 principles, including the ones that require the
6 Commission to conduct an extensive outreach campaign
7 to clarify that it would review the entire Charter,
8 ban the appointment of registered lobbyists, define
9 the commission as an agency for FOIA purposes, and
10 also requires it maintains a website with agendas,
11 transcripts and web casts. However, we do believe
12 the bill can be improved in the following ways.

13 First, on the propose composition of the commission.

14 So, the bill as it currently is will provide the
15 Speaker with the majority of appointments, nine out
16 of 17, and would set the same number as a quorum.

17 Now, given the politicized charter revision process
18 that we just saw and the damage we believe it has
19 done to the public trust in our city's constitution,
20 we don't believe the next commission should be
21 perceived as a Council-controlled commission, which
22 is subject to any political fights between the two
23 branches. So we urge the Council to follow the
24 approach that was taken by the 2018 law that was the
25 basis for this bill, which more evenly distributed

2 appointments across city government. That was 15
3 [sic] members, four speaker, four mayor, one for
4 every other official and a quorum of over half. The
5 Chair there was jointly appointed by the Speaker and
6 the Mayor. And as a preferred alternative, the bill
7 should establish either a higher quorum or set as
8 some super majority voting requirement. Now, the
9 point is, again, given what we saw this year to
10 encourage agreement from members of appointed
11 officials and restore trust. Just two quick other
12 comments. The timeline, we were encouraged and
13 thankful for the Speaker for her announcement that
14 this future commission would have between eight and
15 20 months to work. We just note that the bill as
16 written does not require that time frame. So
17 theoretically, commissioners can be appointed and
18 then decide they file questions with the City Clerk
19 way before that time before the legal deadline. We
20 support state legislation that would establish at
21 least six months for Charter Revision Commission. We
22 thank the Speaker and the Chair and other members who
23 stood with us this week in support of that bill. So
24 we ask that requirement to be in this bill, as well,
25 a minimum timeframe of at least six months. Lastly,

2 we suggest two small additions related to
3 transparency. I'll just finish. One is to clarify
4 that the lobbying activity involving the commission
5 is reportable. The other one is to clarify that the
6 commission should maintain timely publications of
7 minutes, resolutions, and the testimony it receives
8 on top of the other stuff that are in the bill like
9 agendas, transcripts and web casts. Thank you very
10 much, and I'm happy to answer any questions.

11 CHAIRPERSON RESTLER: Thanks so much,
12 Ben. Now Susan.

13 SUSAN LERNER: thank you. We pretty much
14 agree with the recommendations of Citizen's Union, so
15 I'm not going to repeat what Ben went over. And we
16 are concerned about a couple of areas. One, I do
17 want to say we are very grateful for the seriousness
18 of this effort. We are genuinely tired of seeing
19 Charter Revision Commissions used as political
20 footballs. It happened in the Giuliani
21 administration. It happened in the Bloomberg
22 administration. It happened in the De Blasio
23 administration, and now we've lived through it in the
24 Adams administration and that is, as Professor Lane
25 pointed out, not what a Charter Revision Commission

2 is supposed to be about. So we are very grateful for
3 this effort and grateful for this opportunity to make
4 some suggestions for what we hope would be
5 strengthening the bill. We do have some concerns
6 about the size of the commission. Seventeen seems
7 quite large, and we agree with Citizen's Union that
8 we would like to see a more equal distribution.

9 We've raised questions contrary to what Professor
10 Lane pointed out, questioning whether the commission
11 itself ought to be able to choose its Chair, because
12 we are interested in a thoughtful and independent
13 public discussion of how to strengthen and improve
14 our democracy, and be sure that our city government
15 has the requisite checks and balances and goes into
16 the details that former Speaker Quinn talked about in
17 terms of budgeting support for necessary agencies and
18 services so that they too are not subject to politics
19 and all of sudden the libraries are closed on
20 Sundays. So independence is important to us, and we
21 do recognize the utility of allowing elected and
22 appointed officials to be on the Commission and to be
23 employees, but we suggest there be a cap, because
24 again, going to the question of independence and
25 having a staff whose loyalty is first and foremost to

2 the Charter Revision process and not to whomever
3 appointed them. And we are particularly concerned
4 about public participation and transparency, and we
5 have no problem really being clearer in the bill
6 regarding the number of public hearings that have to
7 be held. In our experience what is most productive
8 for a commission is to hold hearings before they make
9 any initial determinations, hear from the public, but
10 once they've released a report, to have another round
11 of hearings, and then once they've got their final
12 conclusions before they actually vote on the final
13 proposals that they hear yet again from the public.
14 Because you will see our experience with
15 redistricting and Charter Revision Commissions is the
16 more specific information that's provided to the
17 public, the more response you get from the public.
18 When they have something very specific to respond to.
19 So adding in those three levels as a minimum-- the
20 Commission can always do more-- is to us important.
21 We want to be sure that public outreach is truly
22 embedded in this process, ensuring that ethnic media
23 and others are part of the outreach program, and that
24 the website that's set up will receive comments. And
25 importantly, I think we are seeing right now with the

2 proposals that are on the ballot that the language
3 that is presented to the voters is extremely
4 important, and we are the strong advocates for plain
5 language. We helped to draft and pass the plain
6 language requirement in state law which the State
7 Board of Elections ignored, and we suggest to you
8 that directing the Commission to work out the
9 language that will be on the ballot so that it's no
10 more complex than an eighth or ninth grade reading
11 level and that the question is presented to the
12 public in terms of the impact and not the legal
13 mechanism will go a far way towards assuring the
14 public that they know what they're voting on the
15 likelihood that they will approve what the Commission
16 suggests. So, thank you.

17 CHAIRPERSON RESTLER: Thank you so much.
18 That was a highly engaging and insightful panel. So
19 thank you to each of you. I'd like to just offer
20 colleagues a chance-- Speaker Adams, would like to
21 ask any questions?

22 SPEAKER ADAMS: I do. First of all,
23 thank you all. Your testimony, simply amazing.
24 Professor Lane, I can't thank you enough for laying
25 out everything that you just laid out to this

2 committee, to myself, and bringing amazing expertise
3 to the table. So thank you so much, along with our
4 panelists today. I only had one question, and that's
5 for my former Speaker. Speaker to Speaker. Speaker
6 Quinn, just you know, from a Speaker's standpoint,
7 with regard to this past commission that we just saw
8 do eight weeks, maybe, worth of work this summer,
9 what-- just give us some highlights of what struck
10 you the most about, you know, the empaneling of the
11 Commission, the public hearings, and finally, the
12 ballot proposals. As Speaker, just walk in my shoes.
13 I need a sanity check.

14 CHRISTINE QUINN: So, you know, sometimes
15 when elected officials do things that are-- not that
16 I've ever done this-- completely self-serving, you
17 try to dress it up as something else. That was not
18 the case. You introduced a piece of legislation that
19 I think is thoughtful and makes sense around advice
20 and consent. I think it would up the Council's hand
21 in oversight but I also think it would create a
22 better bridge between a Council and a Mayor having to
23 go through that process. We hear of, you know,
24 people who are being appointed secretary on the
25 federal level, even assistant or deputy secretary,

2 going through days and days of preparation that-- to
3 go before Congress. So for commissioners to have to
4 go through days and days to go before the Council
5 would send a message to those commissioners that the
6 Council is their oversight entity and that the
7 opinions of Council Members, you know, matter and are
8 not to be disregarded. So you introduced that bill,
9 and then in about as much time it takes for a
10 revolving door to go around, there was a Charter
11 Revision Commission designed clearly to bump you
12 legislation out of the process, because it would have
13 to go through a Charter Revision Commission which you
14 knew, but then the Mayor supersedes everybody which
15 is something the Charter Revision should in fact look
16 at, is why a mayor has such a big foot. But okay,
17 but then there was no call for suggestions of
18 commissioners. There was no true public hearing
19 process. There was no, as far as I could tell, even
20 drafts that went along, you know, for comment, and
21 then you came out with these five questions that if
22 you read them, even not being in the plain language
23 they should be in, they're clearly only about giving
24 the Mayor more power in areas that he is not lacking
25 power. So, there's nothing here but politics and the

2 way the Charter is set up, there's no way to stop the
3 politics, because even if you shed a light on it,
4 which I think you did quite well, that disinfectant
5 sunshine can't stop it because it's already going.
6 So, everything you-- I don't know [inaudible] but
7 everything I think you think is correct.

8 SPEAKER ADAMS: Thank you so much,
9 Speaker Quinn. Thank you for your insight on that,
10 and again, for presenting that sanity check for
11 myself also, and I guess reinforcing me that this is
12 the path that we need to take going forward. So,
13 thank you very much.

14 CHAIRPERSON RESTLER: So well said. I'd
15 now like to turn over to Council Member Gennaro if
16 you have any questions or items? Good. Okay, well,
17 I jump in. I've got lots of questions. I was really
18 looking forward to this conversation. So, maybe I'll
19 kick it over to Professor Lane. I think, you know, as
20 you discussed and Speaker Quinn discussed, the
21 reforms passed by the 89 Charter Revision Commission
22 created a more powerful mayor and also a more
23 powerful Council in a number of ways to serve as a
24 check on the power of the mayor. Do you think we've
25 seen a shift in the balance of power between the

2 mayor and the council in the ensuing 35 years? The
3 implementation of term limits, other changes, how do
4 you think-- do you think that we need to revisit that
5 balance of power between the mayor and the Council
6 and how do you think we should approach doing so?

7 ERIC LANE: I think-- I do think we
8 should always be looking at that. So, 35 years is a
9 lot of time, and so after 35 years it strikes me as
10 that would be very good thing to look at, important
11 thing to look at. I do think that you tried to
12 address that in the legislation which land-- which
13 was the only reason that I could tell for the Mayor's
14 most recent Charter Commission was to stop you from
15 going forward with that and actually to stop the
16 public from having an opportunity to vote on that
17 since your legislation for the expanded confirmation
18 process, which as I said, makes a lot of sense to me
19 the way you did it as well. I think, you know, it
20 has to go to referendum because it's reducing the
21 power of an elected official, and therefore the
22 public would have an opportunity to vote on that, and
23 yet, they were denied this opportunity by the
24 creation of a commission which really-- there's no
25 way-- I mean I'm sure-- there are very nice people on

2 that commission. I've known Hazel Dukes [sp?], for
3 example, since I started in politics in 1970 in
4 Nassau County. So I've known her a long time. And
5 but you know, it's just-- there was no reason for it
6 to exist and they acted basically understanding that
7 and they overly staffed by the Mayor so there was no
8 chance for any independent non-mayorally [sic]
9 approved work to be done. And now the public's going
10 to vote on things that they're going to, you know,
11 basically have no idea what they're voting on.

12 There's no education campaign. There's not
13 [inaudible]. I totally agree with-- so to me, that
14 was a joke. This is a serious matter. I think the
15 confirmation things, for one, and everything to do
16 with the appointment process given the crisis in the
17 City right now is required and more checks obviously
18 have to come from that. There's actually-- you know,
19 and then the Council has to promise to do its work
20 where it's necessary, but the opportunity for doing
21 its work through the confirmation process I think is
22 a very good beginning. I also think in the budget, I
23 share-- we tried-- Speaker Quinn talked about
24 revenues. As I recall, we tried to do something
25 about that, but not obviously to-- I don't know.

2 There was a long discussion about it in the
3 commission in public. If anybody wants to see it
4 there are transcripts in all the major libraries.
5 But you know, whether you-- I think there has to be
6 more involvement by the Council in the revenue
7 choice. I also think the Council could improve--
8 could really do itself some good, although it's hard
9 to do what I'm about say, and I've had this
10 discussion years ago with Speaker Quinn and that is--
11 and various counsels to the Speaker-- this whole idea
12 about line items. It's a big deal when we did it.
13 Required more line item in the budget. There were
14 demands made back and forth between the Council,
15 Council's office, the Corporation Counsel over the
16 years, but they would always end up getting
17 collapsed, as I said before, by the rush to get the
18 budget done at the end, and so then there became a
19 deal so the process points got lost. And I see how
20 that happens. You know, I've been in politics. I've
21 had to do these things myself. I understand as well.
22 But I did think there would be a real improvement of
23 transparency. You know, if the line item things were
24 taken more seriously and certainly through the land
25 use-- through the budgeting process I think there's

2 areas really to increase Council power. And I do--
3 but on one-- the other thing that does bother me, and
4 I think I've spoken to Speaker Quinn about this years
5 ago and certainly her successor-- to no avail with
6 her successor. I had not liked-- I tried like
7 anything to stop the Council, the possibility for
8 Council Members to have effectively veto power over
9 projects, smaller projects that are in their
10 district. I thought that was a very bad use of
11 legislative power. It doesn't involve the entire
12 Council as a policy-making body. It involves one
13 member, and you know, trading between members. You
14 stop this project, I'll vote-- I'll help you stop
15 another project. And we got-- you know, I lost that
16 battle. We had this crazy thing called a Triple No
17 [sic] which I really loved, but it was crazy, and
18 that got changed at the last moment, not in the last
19 days as Speaker Adams [inaudible] but in the last
20 part of the session, because of Ruth Messenger and
21 other lobby like-- and even Ms. Lerner who I wanted
22 to say hello. I didn't know she was on the panel. I
23 think Common Cause was involved in that in lobbying
24 us to get rid of that. The way it got resolved was
25 that Speaker Vallone had promised on their deal

2 [inaudible] land use committee under her leadership
3 that they would not allow the individual members to
4 stop projects for a low-- you know, not in my
5 backyard stuff. You know, they obviously are going
6 to have a voice in it, but they weren't able to veto
7 it. I think under Speaker Quinn's successor, to my
8 recollection, this has now become more habitual than
9 I would have wanted. So I think that ought to be
10 looked at. I don't know if it caused-- it did cause a
11 problem for a while. I don't know if it's a problem
12 now. Something I would think about looking at, but
13 again, I haven't really paid attention to the details
14 of city governance for about five years. So, I mean,
15 I-- I think one of the major questions is mayoral
16 power and how the Council or maybe other elected
17 officials can play a role in-- through transparency
18 and other means of restraining the mayors-- a mayors
19 not the Mayor's, but a mayor's-- restraining of
20 mayor's overly quick acts of what they would call
21 discretion and limiting some of that discretion. So,
22 I-- that's a long answer to your questions. So I
23 think, yes.

24 CHAIRPERSON RESTLER: That was a great
25 answer and really appreciate it. And you know, I

2 thought both your comments and Speaker Quinn's
3 comments around kind of the politicization of budget
4 estimates and some of the inaccurate budget estimates
5 we've seen and how they've been used as kind of
6 tactical ploys in battles with the Council. I think
7 it really does underscore the importance--

8 ERIC LANE: [interposing] Can I just say
9 one thing about that, if you don't mind? I'm sorry.
10 The politicization of budget-- of revenue estimates
11 is a reality. The question really is whether the
12 only power to politicize them should be with the
13 mayor and the Council shouldn't have a role. I mean,
14 they're all-- everybody's going to say they're too
15 high or too low, and you know, it's part of the
16 business of trying to reach a deal. So I think that
17 there has to be away for the Council to be better
18 armed in that kind of a nay-say battle.

19 CHRISTINE QUINN: I would just add, I
20 agree. You know, quite frustrating if you're Speaker
21 and only one side is playing the game.

22 ERIC LANE: Yeah.

23 CHRISTINE QUINN: but it also should have
24 guard rails on it. Any pot process that will be
25 politicized should have some level of protection.

2 Now, that's not easy to draft or do, but it should be
3 sought after.

4 ERIC LANE: And it could be they-- the
5 Independent Budget Office has some way to restrain it
6 or something.

7 CHAIRPERSON RESTLER: Yeah, and that's
8 actually-- I wanted to move into that area to ask
9 Speaker Quinn a question. You know, we looked back
10 on the work you did back in 2010, and as you noted
11 many of the themes that you raised back then are as
12 relevant today as they were back then. The-- one of
13 the times you suggested changes around was the
14 composition of the Conflicts of Interest Board, and
15 you know, having Council appointments to COIB, budget
16 independence and kind of building off what Professor
17 lane was just commenting on a moment ago. In addition
18 to COIB or perhaps expanding on COIB, are there other
19 independent entities or semi-independent entities in
20 our city governmental structure that we should be
21 thinking about strengthening and making more
22 independent to provide greater transparency and
23 accountability.

24 CHRISTINE QUINN: COIB as was said, I
25 often thought that although the Council does have

2 appointees to the-- I still Health + Hospitals
3 Corporation. I know it's not called that anymore, but
4 that we have appointments to the Health + Hospitals.
5 I don't think they are significant enough in number.
6 I don't think they end up having enough power on the
7 Health + Hospitals Board, and I think the Chair of
8 the Health + Hospitals Board given how significant
9 our public hospitals are should be either an entity
10 that has advice and consent or is jointly appointed,
11 but there needs to-- and if that couldn't happen,
12 then there needs to be more structure of real co-
13 chairs or an executive committee or something that
14 would make the body something different than just
15 kind of this paper framework around a mayoral
16 appointment. You know, the City Planning Commission
17 you can't do because that's not how the process
18 works, but that's where the questions of scope have
19 to be determined. You know, I-- same thing with
20 Landmarks Preservation Commission, I might-- you
21 might you like to have Council there, but you can't.
22 That's why we have to have something else worked out.
23 We could have greater appointment in my opinion and
24 it could make a difference to the Economic
25 Development Corporation, because the Economic

2 Development Corporation can be an amazing entity that
3 gets a lot done or kind of a sleepy entity that
4 doesn't really get anything done. And if it is the
5 latter having more council representation or real
6 council representation could show that fact and bring
7 it back to life.

8 CHAIRPERSON RESTLER: Helpful
9 suggestions. And just one more item that you raised
10 again back in 2010 that I think is particularly
11 salient to these days for both your work and for
12 issues that Speaker Adams has let on. You recommended
13 that the Charter should place the burden on the Mayor
14 to go to court, to have a law--

15 CHRISTINE QUINN: [interposing] Yeah.

16 CHAIRPERSON RESTLER: declared invalid
17 instead of forcing the Council to have to sue. I
18 raise that in the context of some of the PHEPS
19 dynamics and other things. We've, you know, as you
20 know, faced similar issues. Do you think that that
21 remains true?

22 CHRISTINE QUINN: I mean, look, it--
23 anybody seen School House Rock knows how a vet work,
24 everywhere in every government except for the City of
25 New York. I mean, when a legislative body overrides

2 a veto, then the law should be going into effect, and
3 the government should do whatever it is supposed to
4 do to put that law in effect, and if the mayor wants
5 to stop it, then he or she has to go to court to make
6 that happen. That we would have passed a law on the
7 City Council, sent it to the Mayor and he vetoed, and
8 then the Council has to sue, it's just completely
9 counterintuitive and really leaves the Council in a
10 position where to truly get the things they want to
11 happen done or some part of them, they're forced into
12 negotiations. When the legislative process yes,
13 should often be about negotiations, should often be
14 about compromise, but sometimes not. Sometimes there
15 are pieces of legislation that speak to the core of
16 who an elected is or who or what the body of the City
17 Council is, and to that-- to know that you're going
18 to pass those kind of bills like taking care of
19 homeless people, and then you're going to have to go
20 to court where you never know what's going to happen
21 in court, right? An obvious thing could not be held
22 up. That's not how the veto process works. I mean,
23 it's interesting that the mayor has a pocket approval
24 versus a pocket veto. You know, it'd be interesting
25 to understand why that was, which I'm not opposed to

2 that, but this makes no sense, and really reduces the
3 power of the Council substantially.

4 CHAIRPERSON RESTLER: So well said.

5 CHRISTINE QUINN: Great, and the
6 confidence of the public Susan just said, right?
7 They hear a bill passed, and then they're like hey,
8 where's the whatever and it never comes.

9 CHAIRPERSON RESTLER: And I keep
10 forgetting to acknowledge my friend from Brooklyn,
11 Council Member Inna Vernikov. I'm sorry, Inna. I'm
12 getting-- I'm enjoying this conversation.

13 ERIC LANE: Council Member?

14 CHAIRPERSON RESTLER: Please.

15 ERIC LANE: I just-- I want to just add
16 to what Speaker Quinn was saying. I think it's
17 outrageous most times when the Corporation Counsel--
18 I think this is a real fault of theirs that was-- I
19 don't know when it started on. You know, if the
20 Mayor wants to go to court, it shouldn't be the corp-
21 - after, you know, on this veto thing. When the bill
22 is passed and there is a veto that is overridden, I
23 don't see where the Corporation Counsel has any role
24 in representing the Mayor challenging that piece of
25 legislation. I mean, I know they used to make up

2 these kinds of process clause or constitutional
3 issues, but their job is to represent the City and
4 the City includes [inaudible] on the process and the
5 Charter. So when that bill is vetoed and overridden
6 that's the law, and the Council has the-- the Corp
7 Counsel has no business in my mind representing, you
8 know, challenging the override at all. And I think
9 you should look at that and the powers of
10 Corporation-- you know, the powers of Corporation
11 Counsel. I think you could even-- a Charter
12 Commission to just look at that specific question and
13 see whether or not that can be a power that's
14 restrained, even though the Corporation Counsel's
15 office would go crazy.

16 CHAIRPERSON RESTLER: I--

17 ERIC LANE: [interposing] It's really
18 inappropriate.

19 CHAIRPERSON RESTLER: I couldn't agree
20 more. It's totally--

21 ERIC LANE: [interposing] I share Speaker
22 Quinn's irritation to put it nicely over that use of
23 the Corporation Counsel. If you have to pay, let the
24 Mayor pay, but not-- okay.

2 CHAIRPERSON RESTLER: [interposing] No,
3 you're a thousand percent right, and I do think it's
4 one of the areas where we've seen how helpful and
5 effective advice and consent of Corp Counsel has
6 been, is that since the Charter Revision Commission
7 and successful referendum that subjected Corp Counsel
8 to advice and consent, the counsel has-- I think the
9 Law Department has been more responsive to the City
10 Council than it had been previously and will give
11 better advice in a more-- with more advance notice,
12 tries to firewall off issues within the Law
13 Department where they have some folks who advise the
14 mayor, some folks advise the counsel. There's been a
15 degree of responsiveness that frankly did not exist
16 before where it felt much more squarely, like the
17 Corp Counsel was only working for the mayor. Whereas
18 now, it feels like the Law Department is there more
19 for the City of New York as a whole, and I think
20 that's why it's so important that we expand on that
21 successful model, you know, as the Speaker's
22 legislation would accomplish.

23 ERIC LANE: [inaudible] be here.

24 CHAIRPERSON RESTLER: You know, others
25 can disagree if they think I'm overstating it, but

2 that's been my impression. I've heard that from many
3 central staff at the council too who I have a lot
4 respect for. Susan, you mentioned the members of the
5 commission selecting the Chair, and I will say I was
6 really-- I found Professor Lane's suggestion
7 noteworthy that in 88 and 89 the selection of Dick
8 Ravich [sp?], and Fritz Schwarz [sp?] as such
9 towering figures actually brought more talent and
10 more capable people of gravitas onto the commission.
11 Did that effect your thinking at all?

12 SUSAN LERNER: Yeah. I was definitely
13 impressed by that. This is not a hill I would die on
14 necessarily, because of Professor Lane's comments.
15 He's had much more experience fighting through
16 commissions firsthand than I have. So, I would
17 balance my comment in light of his insight, and
18 again, that's a question of frankly judgment and who
19 you pick. So a lot of this is subjective.

20 CHAIRPERSON RESTLER: And you referenced
21 at cap on perhaps government staff that are working
22 on the commission. Any elaboration that you could
23 make there?

24 SUSAN LERNER: So, you know, I would not
25 want to see a majority of staff members who are in

2 existing positions. So, yes, you want some expertise
3 and some inside knowledge of how things work, but
4 they should not be the dominant voice. You're going
5 to need some outside balance, and so I would-- you
6 know, a cap is in the 30-40 percent. It's got to be
7 not a majority of the staff to me.

8 CHAIRPERSON RESTLER: Great. And you
9 know, it's always helpful when Citizen's Union and
10 Common Cause are on the same page.

11 SUSAN LERNER: We agree.

12 CHAIRPERSON RESTLER: We're happy to hear
13 that.

14 CHRISTINE QUINN: Can I ask a question?

15 CHAIRPERSON RESTLER: Yeah, please.
16 Please.

17 CHRISTINE QUINN: I think the idea of not
18 having lobbyists is correct, though we need to-- as I
19 was making up a list of people who I thought could be
20 on the Charter Revision Commission, we have to-- it
21 would be useful to define, and I could argue both
22 ways. Are we talking about not having people who are
23 like work for a-- like, a lobbying firm, or if you
24 work for a company and they've made you register as a
25 lobbyist? Does that--

2 SUSAN LERNER: [inaudible]

3 CHRISTINE QUINN: Yeah, me too. I kicked
4 and screamed and then they had the lawyers call and
5 say just stop it. You have to register or you're
6 going to get in trouble. So, just not for today but
7 for the future, where we draw the line? And you
8 could draw it in either place and I think it would be
9 fine, but it gets confusing.

10 CHAIRPERSON RESTLER: No, I think it's a
11 good point, and we've been looking at legislation on
12 this committee to restrict lobbying activity among
13 senior government appointments at City Hall, elected
14 officials, upon their exit from government, and some
15 of my colleagues have raised with me the question,
16 you know, if I go work at a nonprofit organization
17 just like you have, Speaker Quinn, and you know, end
18 up lobbying on behalf of that nonprofit, that's very
19 different than going to a lobbying firm. And the
20 restrictions that we would want to impose on somebody
21 who's doing advocacy for the homeless in speaking to
22 colleagues, their former colleagues in the council,
23 is very different, right? And so it's important for
24 us to not paint things with too broad a brush if we
25

2 can avoid doing so. I don't know that we figure out
3 how to do that in the law just yet, but it's--

4 SUSAN LERNER: [interposing] It's tricky.
5 It's tricky. You spend a lot of time thinking about
6 it, yeah.

7 CHAIRPERSON RESTLER: But we'll look at
8 it. So, it's an import-- we appreciate the flag.
9 And just wondering, Ben, if you would elaborate a
10 little further on some of your suggestions to improve
11 transparency. You suggested clarifying that lobbying
12 activity involving the Commission is a reportable
13 action. Is that something you're recommending that we
14 do in the legislation?

15 BEN WEINBERG: If it-- the legislation
16 now says that the Commission will be an agency for
17 FOIL, for Freedom of Information Law, so we just want
18 to confirm if it is indeed a [inaudible] long process
19 that we'll deal with a whole host of issues related
20 to city government. Some as were mentioned here
21 could involved commercial interests if we deal with
22 housing and land use change [sic]. So that any
23 lobbying before the Commission is recordable. The
24 other one, you know, I know it's important for the
25 folks that follow these commissions very closely

2 which are us and maybe a few others to know who else
3 is testifying before a commission, to know what the
4 commission is deciding to see the resolutions it
5 provides. So, we-- you know, often some of these
6 commissions, both redistricting commissions or the
7 last commission we saw the testimonies that were
8 submitted to-- we saw the testimonies that were
9 submitted to the last commission on like the last day
10 of the commission or the last week. So, you know, it
11 is helpful for advocates to know who else is
12 commenting before the commission to make sure that we
13 respond or that we know what the commission is
14 thinking.

15 CHAIRPERSON RESTLER: That's very
16 helpful. And you know, I think that Professor Lane
17 laid out a really good road map for a successful
18 commission, you know, strong chair, people of
19 gravitas on the commission, having an independent
20 staff, having the adequate budget, extensive public
21 engagement-- I think this is-- Susan and Ben, you
22 both thought a lot about, and Susan you commented on
23 this a bit in your testimony as well of what real and
24 effective outreach looks like, what that public
25 engagement pieces looks like. Would you mind just

2 both of you kind of elaborating on how do we ensure
3 this is a successful commission from a public
4 engagement standpoint?

5 SUSAN LERNER: So, I have to say right
6 now my sense is that the city has really upped its
7 outreach game. I know we still get feedback that
8 people don't know about this, that or the other thing
9 because it's very difficult to reach six to eight
10 million people in a fragmented information economy
11 and landscape, but you know, we've also been thinking
12 about this and struggling with other types of
13 commissions, and really ensuring that there is a
14 charge to a commission, not just to take the easy way
15 out, put some TV out, put some email out, but
16 actually do outreach in the different neighborhoods
17 that is language appropriate to be sure that all of
18 the communities are aware that they have an
19 opportunity to weigh in and to be heard and the
20 effective way to do that is to ensure that there are
21 translations and that the outreach occurs through the
22 multiplicity of ethnic media both online and off,
23 more traditional media that so many of the
24 communities in New York have. And so, you know, I
25 think the civic engagement commission is doing a good

2 job. The CFB has really upped its game in that
3 regard, and so having a specific charge to be sure
4 that this commission is aware that putting a notice
5 in the daily news is just the beginning. Going on
6 New York One is great, but that you need to worry
7 about Spanish language and Asian languages, Russian,
8 and Haitian-Creole, so many different languages here,
9 and the ethnic press is eager to learn and to
10 cooperate if government takes the time to do the
11 outreach.

12 CHAIRPERSON RESTLER: Ben, anything you'd
13 like to add on that?

14 BEN WEINBERG: Nope.

15 CHAIRPERSON RESTLER: Professor, please.
16 And I'll just tell you if any--

17 ERIC LANE: [interposing] I want to just
18 say--

19 CHAIRPERSON RESTLER: [interposing]
20 [inaudible] if any [inaudible].

21 ERIC LANE: I want to stress something
22 that's-- oh, sorry. Can I be talking?

23 CHAIRPERSON RESTLER: [inaudible] You
24 first, but if each of the panelists would like to
25

2 offer any further or closing thoughts, we'll wrap up
3 the panel after this.

4 ERIC LANE: So, I want to stress
5 something that Susan said. I thought that we-- we
6 held one hearing in every borough before we even
7 entertained an idea to tell the communities who we
8 were-- maybe we even did more-- who we were, what our
9 task was, and to invite ideas that they might have to
10 learn from the community, and I thought that was
11 imminently successful and made for a much smoother
12 path of trusting us as we proceeded. So, I think
13 that-- think Susan referred to it, maybe Ben, but I
14 thought that was a very valuable exercise to do
15 before we even came up with an idea.

16 CHAIRPERSON RESTLER: Right. I--

17 ERIC LANE: [interposing] Secondly--

18 CHAIRPERSON RESTLER: [interposing]

19 [inaudible] question on the meetings before to hear
20 from everybody to solicit their ideas at the
21 beginning, and then to do the round at the end after
22 you actually have your issues or your questions to
23 solicit feedback on that, too. You know, it's
24 important on-

25 ERIC LANE: [interposing] Yeah.

2 CHAIRPERSON RESTLER: You know, and all--

3 ERIC LANE: [interposing] And then on the
4 translation thing, we were-- we had a hearing and all
5 of a sudden, I mean, we probably had 80 people around
6 11 at night, and all the sudden this whole group of
7 about 20 people stood up and they were all-- had
8 hearing problems and they were demanding that we had
9 a signer. When you have a signer, you have to have
10 two signers because I think you can work two hour
11 shifts as with all translators. And so at the
12 beginning of every meeting we'd have the sign-- the
13 signer would get up and sign, you know, if anybody
14 needed help they were here to do it, and then they
15 would sit down. Unfortunately or fortunately, I
16 don't know which the answer to that is-- it's
17 probably not the remark to make. Nevertheless, every
18 time they did it, I don't think we had a problem ever
19 again. I don't think anybody needed a signer again
20 even though we had one for probably another 30
21 meetings. But the point I'm making about it is not
22 having translators available creates a political
23 issue in and of itself, disconnected from whether
24 there are people are going to weigh in on the issues
25 or not. People want the opportunity to feel

2 included. We actually printed stuff in Chinese,
3 Spanish, both Mandarin and I forget the name of the
4 other-- the more used dialect, and you know,
5 everything was translated into multiple things, and I
6 think that also helped to really create trust in the
7 commission's efforts to reach people. So I thought--
8 I think I want to-- I'm just emphasizing Susan's
9 idea. It's really workable and solid and useful.
10 Okay, I'm done. Sorry.

11 CHAIRPERSON RESTLER: No, it's great.

12 Thank you.

13 BEN WEINBERG: Can I just add one point
14 on Susan's point on public engagement and some of the
15 recommendations we had here? A few commissions in
16 the past followed this. so, luckily, the kind of
17 multiple hearing, board based is a cultural norm in
18 some commissions, but if we are indeed going to set
19 new standards for charter commissions here, ones that
20 might be followed by future Council, so you know, we
21 know this council is kind of operating in good faith
22 in terms of civic engagement, but we don't know what
23 will happen in the future. This bill is based on the
24 2018 bill and the future council might be basing
25 their commissions based on this one. In that sense,

2 I think it will be helpful to codify these issues in
3 the law that's passed so we're clear on what are the
4 standards for public engagement.

5 CHAIRPERSON RESTLER: That's very
6 helpful. We will definitely follow up. Any final
7 thoughts? We cover all-- I have to say, I just
8 thought this was really engaging and insightful
9 conversation, and so I just want to thank Speaker
10 Quinn, Professor Lane, Susan Lane, and Ben Weinberg
11 for just sharing your expertise with us. We really
12 appreciate it. Go ahead, Susan, was there something
13 you--

14 SUSAN LERNER: I was going to say we
15 really appreciate the opportunity to talk about in
16 detail--

17 CHRISTINE QUINN: [interposing] Yeah,
18 yeah.

19 SUSAN LERNER: I'm with Professor Lane in
20 terms of my outrage about Albany, and stay tuned for
21 a Common Cause report about that. But I have been
22 able to discuss specific bills with the Buffalo
23 Common Council, the Syracuse Common Council, but the
24 New York City Common Council is the standard here in
25 the State, and thank you.

2 CHAIRPERSON RESTLER: We benefit a great
3 deal from the expertise that good government groups,
4 former legislators, former commission staff and
5 academics bring to the process, and so we're going to
6 have a better bill and ultimately a better Charter
7 Revision Commission as a result of the conversation
8 we had today. So I really want to thank you all for
9 joining us. We may have somebody online, but we will
10 excuse this panel. Thank you all, and I hope you
11 guys have a wonderful afternoon. Thank you so much
12 for making the time.

13 ERIC LANE: Thank you for the
14 opportunity.

15 CHAIRPERSON RESTLER: Alright, we have one
16 person that may or may not be online. So we're going
17 to just give it 30 seconds and then determine if
18 we're adjourning. Council Member Gennaro, you doing
19 alright?

20 COUNCIL MEMBER GENNARO: I'm good.

21 CHAIRPERSON RESTLER: Good. Thank you
22 for being with us today. If anybody's interested,
23 there are great articles that Professor Lane and
24 Fritz Schwarz worked on about their time on the 89
25 Charter Revision Commission. There's a New York Law

2 School article. There's a 200-- that's 250 pages, is
3 that right? 250 pages, so it's a quick read, but
4 thrilling, and we-- I mean, their insights have just,
5 you know, and their reflections have been really
6 helpful for us as we look through this process. I
7 think I am going to take this-- nope, giving them--
8 oh, we're sending it again. Okay, so you don't want
9 me to adjourn. So, I'm just filling time. Jim, any
10 exciting updates in Queens you'd like to share?

11 COUNCIL MEMBER GENNARO: Think I'd
12 probably do that in private.

13 CHAIRPERSON RESTLER: Alright, fair.
14 Good. I think we have given adequate opportunity and
15 time, so I'm sorry to folks who may have missed us,
16 but feel free to reach out with written testimony.
17 And with that, I'm going to adjourn the hearing.
18 [gavel] Thanks so much.

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C E R T I F I C A T E

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



Date November 13, 2024