

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the  
CHARTER REVISION COMMISSION 2019

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January 31, 2019  
Start: 6:11 p.m.  
Recess: 7:56 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: GAIL BENJAMIN  
Chairperson

COMMISSIONERS: Sal Albanese  
Dr. Lillian Barrios-Paoli  
Lisette Camilo  
James Caras  
Eduardo Cordero, Sr.  
Stephen Fiala  
Paul Gavin  
Lindsay Greene  
Alison Hirsh  
Rev. Clinton Miller  
Sateesh Nori  
Dr. Merryl Tisch  
James Vacca  
Carl Weisbrod

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

2                 [background comments] [sound check]

3                 [gavel]

4                 CHAIRPERSON BENJAMIN: [off mic] I call  
5             this-[on mic] I call this meeting to order of the  
6             Charter Revision Commission of 2019. I'd like to  
7             welcome everyone to this public meeting of the  
8             Commission. I'm Gail Benjamin, the Chair of the  
9             Commission, and I am joined by the following  
10            Commissioners: Dr. Merryl Tisch to my left, Reverend  
11            Clinton Miller to her left, Commissioner Lindsay—why  
12            do I do that all the time, Lindsay.

13                COMMISSIONER GREENE: Greene.

14                CHAIRPERSON BENJAMIN: Greene to his  
15             left, and former Council Member James Vacca to her  
16             left. Below in the deas is former Council Member  
17             Fiala, Ed Cordero, Allison Hirsh, Carl Weisbrod,  
18             former Council Member Sal Albanese above and to the  
19             far right is Mr. Caras. To his left is Sateesh Nori.  
20             To his left is Paula Gavin, and my Counsel David  
21             Seitzer. With those Commission Members present, we  
22             have a quorum. Before we begin, I will entertain a  
23             motion to adopt the Minutes of the Commission's last  
24             meeting on December 10<sup>th</sup> at City Hall, a copy of

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2           which has been provided to all of the Commissioners.

3           I there a second? Any discussion

4           COMMISSIONER: [off mic] I second it.

5           CHAIRPERSON BENJAMIN: Any discussion?

6           All in favor?

7           COMMISSIONERS: [in unison] Aye.

8           CHAIRPERSON BENJAMIN: Opposed? Do you  
9           want to say that?

10           COMMISSIONER: [off mic] I'll just read  
11           the minutes. (sic)

12           CHAIRPERSON BENJAMIN: Okay. The motion  
13           carries. Since Early September--since early  
14           September, this Commission has heard from the New  
15           Yorkers throughout the five boroughs about their  
16           ideas for improving the City Charter, the city's  
17           foundational document. The Charter lays out the  
18           essential functions and responsibilities of municipal  
19           government, which touch upon many different aspects  
20           of how we all live and work together in this city.

21           Through hours of testimony at public hearings as well  
22           as extensive engagement at events, meetings and  
23           online, we have received ideas from hundreds of  
24           people and organizations that represent the wide  
25           cross-section of communities and perspectives that

2      make up our great city. While a great many of the  
3      proposals we received have merit, and are worthy of  
4      consideration, the reality of our limited time and  
5      resources demands that we be discerning about where  
6      to focus our efforts. We know that this not  
7      necessarily easy. We appreciate the time and efforts  
8      of everyone who has submitted ideas, but building  
9      consensus, which is going to be necessary if this  
10     historic approach to Charter revision is going to be  
11     successful is both difficult and necessary and begins  
12     right now. Last month in order to begin this task of  
13     focusing our work, we adopted a set of focused  
14     criteria to help guide our decision making about the  
15     most worthwhile and impactful ideas, which we would  
16     pursue. We directed the Commission staff to focus on  
17     changes that for example we can legally make that  
18     would likely require referendum to accomplish, and  
19     that focus on structural changes that advance  
20     important values. We have before us today the result  
21     of that work. The focus area that the staff  
22     recommends we pursue based on those criteria have  
23     been identified and grouped into four overarching  
24     buckets: Elections, Governance, Finance and Land  
25     use. We are going to discuss each buck separately.

I, of course, welcome a robust discussion on each.

It is my hope, however, that we are then able to decide together to move forward with a specific set of focus areas that will help guide the critical next stage of our work. With that, let's begin with elections. The staff recommends that the Commission-

Okay, Carl.

9 COMMISSIONER WEISBROD: Yeah, Madam

10 Chair, before we go into a specific discussion of

11 specific buckets, and I know we're going to do that,

12 I would ask that you at least entertain a couple of

13 just general observations. One, as I've said before,

14 and I want to reiterate, this is a very unusual

15 commission in the sense that every who has been

16 appointed to this Commission has been appointed by

17 somebody who will not hold their current office in

18 2022 and, therefore, it liberates us to think about

19 the issues that are before us in a way that is for

20 the good of the city as a whole and not limited to a

21 view of any particular office holder who is holding a

22 particular office at this time. And so, as we go

23 through these buckets, I would strongly urge that we

24 adopt a principle that what we recommend will take

25 effect whatever changes the voters of the city

2      approve that we recommend take effect at the  
3      beginning of 2022 when we will have a whole new set  
4      of-of officer holders, some current office holders  
5      maybe in different positions than they are today, but  
6      by-by focusing on 2022, we have the opportunity to  
7      take personalities out of this, and really focus on  
8      the issues at hand. That's point number one. Point  
9      number two, which is my second general point, and you  
10     touched on this, we are constrained because of  
11     actions in Albany that now permit early voting, which  
12     is I think a—I think a very good thing, but our time  
13     is extremely limited, and so although there are many  
14     things that my come before us and that may fit within  
15     the criteria that were established by you and by this  
16     Board that given the time constraints we have, we  
17     really try our very best to limit—to limit the items  
18     that the staff will be researching that experts  
19     before us will be considering, and that we as a  
20     Commission will have to vote on to only the most  
21     serious and important issues that we possibly can  
22     because time in this respect is not our friend. It's  
23     an enemy. And so, I would hate to see our focus  
24     diffuse to the point where we are not effectively  
25     bringing just the most important issues to the voters

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2 for adoption ideally beginning in the next round of  
3 municipal elections, which will for the most part be  
4 January 1, 2022. Thank you.

5 CHAIRPERSON BENJAMIN: Carl, I understand  
6 what you're saying, but I don't think that that's  
7 before us at this moment, and if you would like to  
8 discuss it further, I am happy to discuss when  
9 transitions might be appropriate, and whether they  
10 would be appropriate for different items that we  
11 might be interested in. There may be some that are  
12 appropriate for inclusion in 2022. There may be  
13 others that are appropriate for 2020, and I don't  
14 think we're ready to judge that at this point in  
15 time. As to the topics and the broadness of them,  
16 that was, I think the purpose of winnowing and the  
17 criteria that we gave the staff to use in winnowing  
18 down the list. If you're suggesting we add a fifth  
19 criteria, I'm—I think that we directed the staff in  
20 this way, and that we should looked at the list we  
21 have. If you think that there are topics that should  
22 be removes because you think that we either can't  
23 effectively deal with them in the amount of time we  
24 have or there are too many topics, I would certainly  
25 take a look at that, and I think the members here

2       would be willing to discuss that, but I don't know  
3       short of that what we could kind of do in response.

4                     Chair, could I--?

5                     CHAIRPERSON BENJAMIN: Yes.

6                     COMMISSIONER: So, it is—I guess is it—is  
7       it fair to say that would be an open topic for  
8       discussion as we get into specific proposals going  
9       forward when certain of them should be effective and  
10      not effective?

11                  CHAIRPERSON BENJAMIN: Yes.

12                  COMMISSIONER: Okay, that's helpful  
13      because I—I concur with a lot of Carl's concerns  
14      about certain things being—seeming inappropriate to  
15      implement in the very near term outside of a few  
16      things.

17                  CHAIRPERSON BENJAMIN: Okay, we will  
18      certainly have that discussion as we hone in on the  
19      ideas that are actually going to be before us. I  
20      think it's very hard to have that conversation in the  
21      abstract. Anyone else? Okay. Proposals for the  
22      establishment of ranked choice voting system often  
23      know as instant runoff voting, or a similar system  
24      and related election process reforms. For example,  
25      the elimination of duplicative primary elections.

2      These are the items that the staff is recommending  
3      that the Commission focus on based on examining the-  
4      over 600 ideas and winnowing the down by considering  
5      the criteria that we directed them to use. Proposals  
6      relating to how members of the Redistricting  
7      Commission are selected, who may serve on such  
8      commission, and how district maps are drawn and  
9      adopted, and proposals relating to the structure of  
10     the Campaign Finance Board. For example, how members  
11     of the board are appointed, and establishing an  
12     alternative public Campaign Financing system such as  
13     a democracy voucher system. Are there any comments  
14     or point of discussion? [pause] Sal.

15                    COMMISSIONER ALBANESE: [off mic] Yeah, I  
16     would just--

17                    CHAIRPERSON BENJAMIN: You've got to turn  
18     on your mic.

19                    COMMISSIONER ALBANESE: [on mic] Oh,  
20     thanks—thank you, Madam Chair. I would like to add  
21     to the elections focus areas, and one particular  
22     item, which is further study of nonpartisan  
23     elections. We've seen—we've seen a number of  
24     elections where the—the growing number of  
25     independents in the city, which is the registration

2 is growing by leaps and bounds are basically  
3 penalized under our New York City elections because  
4 they can't vote in primaries and I—I believe that  
5 nonpartisan elections will increase participation.  
6 It will also emulate what other cities are doing,  
7 Chicago, Philadelphia. This is not—this is not  
8 revolutionary, and I think that I would like some  
9 experts to come in to talk about the issue in-depth.  
10 I've had a couple of conversations with the—the dean  
11 of New York Law School, Anthony Crowe, who headed the  
12 Commission in 2003 that actually put nonpartisan  
13 elections on the ballot and it failed, and it failed  
14 for a number of unique character—unique dynamics. So,  
15 I'd like for him to come in and explain, but I think  
16 it's worthwhile—worthwhile exploring. Actually,  
17 it's—it's nothing revolutionary because we're going  
18 through a nonpartisan election as we speak, and the  
19 Public Advocate's race is a nonpartisan election.  
20 So, I think it would be negligent of us not to at  
21 least consider it because one of the things we're  
22 charged with is increasing participation. We saw a  
23 lot of the Sanders supporters who were furious over  
24 the way the election took place, and the Primary and  
25 Presidential race or either were unable to vote

2      because it wasn't an open primary. So, I-I think  
3      that it's serious issue. It goes to the very core or  
4      about, which is democracy, and I think we should  
5      study it further. So, I'm proposing that we add it  
6      to the elections list, and further explore it as-as  
7      we move on. So, that's my—that's my motion.

8                    CHAIRPERSON BENJAMIN: Alison and then  
9      Carl.

10                  COMMISSIONER HIRSH: I would like to  
11      respectfully disagree, and urge the Commissioners to  
12      vote no on that motion. I think there are a number  
13      of [coughs] reasons why nonpartisan elections are  
14      actually anti-democratic, not pro-democratic. First  
15      of all not the least of which being the city voters  
16      overwhelmingly I think it was 2 to 1 reject  
17      nonpartisan elections on the ballot on 2005 I  
18      believe, but parties as unpopular as they may be  
19      actually have a role to play in signaling things to  
20      voters. In a world of imperfect information where  
21      voters don't have the capacity to learn every  
22      intimate detail about the policy positions of each of  
23      the various candidates running, parties are  
24      important, and absent the party in premature,  
25      nonpartisan elections actually tend to favor very

2 wealthy candidates who have the resources to get a  
3 message out whether it's true or not in a way to  
4 shift the outcome of an election because there are no  
5 other markers on the ballot to direct a voter on-on  
6 where to go. Also, I just want to make one comment  
7 that Philadelphia does not have nonpartisan  
8 elections. I can't speak to Chicago, but I know that  
9 Philly doesn't. So, I think that there is a lot of-  
10 there are a lot of items on this election-in this  
11 elections bucket that I think is particularly of  
12 interest, voting that [coughs] that-excuse me-have  
13 the impact of expanding it democracy in this city,  
14 but I think nonpartisan elections will take us  
15 backwards.

16 CHAIRPERSON BENJAMIN: Carl.

17 COMMISSIONER WEISBROD: I would just like  
18 to in part reiterate what Alison just said, and  
19 underscore this as an example of how we should be  
20 pretty careful about what we decide to put on our  
21 agenda, and what we shouldn't decide to put on our  
22 agenda. There are items that, Madam Chair, that you  
23 listed under election-the elections buckets some that  
24 I think have merit, some that personally I don't  
25 necessarily agree with, but those are the items that

2 are on—are on in the bucket, right—right now. As  
3 Alison said, this—even leaving aside the—the merits  
4 or the merits of—of nonpartisan elections, the voters  
5 of this city rejected nonpartisan elections 70/30  
6 when this went before the voters last time, and this  
7 was not a close election. This was an overwhelming—  
8 an overwhelming rejection of the idea. Whether the  
9 idea has merit or not, I don't think that we given  
10 the limited time we have should be re-litigating  
11 issues that the voters rejected so overwhelmingly in  
12 previous Charter Commissions and, therefore, I also  
13 do not believe that this should be added to the  
14 agenda. [pause]

15 CHAIRPERSON BENJAMIN: Carl. I'm sorry,  
16 Sal, do you--?

17 COMMISSIONER ALBANESE: Just, Madam—I—I—  
18 the fact is that candidates run with party labels.  
19 We're seeing that in this Public Advocates Race.  
20 This is not, once again, revolutionary. This is  
21 going on in this city right now as we speak. We have  
22 a nonpartisan election. So, I don't—I don't  
23 subscribe to the—to the theory that some wealthy  
24 person come along and steal the race. That—that can  
25 happen right now as—under any circumstances because

2      don't really have great campaign finance laws.

3      People run under party labels in nonpartisan

4      elections. People will know what party they belong

5      to. It would just allow folks like the Green Party

6      camp—the Green Party folks and—and the folks that

7      belong to other parties to participate in New York

8      City elections. Right now they're blocked, and these

9      elections are basically unfortunately controlled by

10     or dominated by special interest especially in the

11     low turn-out elections. We want to increase the

12     bucket, but nevertheless, nevertheless I think it's—

13     it's an important issue, and it should at least be

14     studied. I don't what the conclusion will be. I

15     think with some of the points that were raised by-by

16     my colleagues here are certainly—certainly

17     rebuttable, but we need some experts to come in who

18     have experience with nonpartisan elections. The

19     election that—that Commissioner Weisbrod referred in

20     2003, had some very unique dynamics, which I think we

21     should bring in the folks that were actually on the

22     Commission or one or two of them. I'd like to invite

23     the New York Law School Dean to come in and—because

24     he headed that Commission—to talk about the unique

25     dynamics that caused that to be defeated. I—I—I—I

2           believe we should at least give this an opportunity  
3           to move ahead. How we come out at the end is, you  
4           know, is base on-on-on tremendous-tremendous feedback  
5           from the folks that are really experts in that area,  
6           and there were a number of folks in the city that are  
7           very knowledgeable, and there have been a couple of  
8           books written about it. We should hear from those  
9           folks. That's all I'm saying.

10           CHAIRPERSON BENJAMIN: [off mic] Thank  
11          you, Sal. [on mic] Thank you, Sal. I think Council  
12          Member Fiala.

13           COMMISSIONER FIALA: Thank you, Madam  
14          Chair, and let me first of all thank you and-and  
15          thank the staff for taking all of that material—  
16          remember, we're here tonight because we've listened  
17          for a lot of hours, including I think seven hours in  
18          this Chamber last time, to a lot of people, and the  
19          staff did a great job in corralling those items, and  
20          assorting them into four logical focal areas for us.  
21          I look at tonight's meeting as an important juncture  
22          in the life of this Commission, but not a determinate  
23          one, and it's on that basis that I offer these  
24          following remarks: This is what I said at the  
25          previous two Charter Commissions, and I've indicated

2 here in October. The lack of citizen participation  
3 in the electoral process, the absence of meaningful  
4 competition from the municipal offices, and the  
5 exclusion of registered voters from the decisive  
6 round of elections in most cases, seriously weakens  
7 our democracy, and the credibility of our  
8 governmental institutions and office holders. I want  
9 to associate my remarks with Council Member Albanese—  
10 Commissioner Albanese in this regard: This is not  
11 the determinant round. I think that nonpartisan  
12 elections, the absence of them from the bucket will  
13 raise as much criticism from some quarters as the  
14 presence of them in the bucket will from others. The  
15 thing is the absence of it from at least a discussion  
16 will undermine in my view the integrity of the—the  
17 process with respect to this bucket that we're  
18 calling elections. It's one tool in the arsenal of  
19 tools that may be available to us going forward as a  
20 city. I don't think any of us here would deny that  
21 this city's turnout rate, and this city's  
22 participation rate while consistent with a lot of  
23 municipalities and state governments around the  
24 nation, is abysmal for the Big Apple. It's an  
25 embarrassment. It's an utter embarrassment, and for

2      us to exclude any one tool from the debate would  
3      probably do us more harm to our credibility than  
4      adding it. Having said that, this is my third go-  
5      around, and I want to be very clear that I hold no  
6      illusions. When you start talking about items like  
7      this, which I'm on record of favoring, but I  
8      recognize we also run the risk of then becoming all  
9      consumed by one issue. So, what I would urge is that  
10     we consider adopting Commissioner Albanese's request,  
11     but also holding ourselves to a standard of okay, the  
12     second we see this getting too far astray and  
13     consuming all of our energies, we pull back because  
14     I've been down this road before and we've been down  
15     it collectively, i.e., the Public Advocate's Officer.  
16     There have been commissions who have been totally  
17     consumed once they adopted even talking about the  
18     issue. The mistake they made [bell] was allowing the  
19     outside forces in my view to dictate the terms. I  
20     have no problem discussing nonpartisans. The staff  
21     will have no problem in my view updating the material  
22     because there's been more—I guarantee there are two  
23     issues, which our staff will have more information  
24     available to them than any other staffs have because  
25     they've been around this long: Term limits and

nonpartisan elections. So, essentially, it's taking those voluminous materials out of the dust bin, looking at them and updating them so that we get a new real time analysis, but I don't see the harm because this is not a determinative meeting. We're simply at a point and at a juncture where we continue to try to bring more clarity and focus to our efforts, but I do think it would behoove us not to add that at least into the discussion mix for fear that we'll be criticized as having been fearful of something, and I'm looking first and foremost at the integrity of the commission's work, not a particular issue or where I may fall today or fall at the end of the process, but at the integrity of the Commission's work. We have that—we have that role as well. I've got my own issues. You all have your own issues, but at the end of the day, we all have the moral responsibility to protect the integrity of a Charter Commission's work. So, I would urge that we look at yes, having that discussion, listening and then if we so choose, moving forward at a next juncture and a more important juncture where we then have to start to say yay or nay on a given issue.

25 CHAIRPERSON BENJAMIN: Alison.

COMMISSIONER HIRSH: Thank you,

Chairperson. I—I just want to say that, you know, thinking about Carl's comments earlier—earlier about capacity. I feel like we can all acknowledge that voter turnout and participation is a problem and a challenge, but there are a variety of ways to change our election system that are—have been proven to be more effective in engaging the members of third-parties or small parties than nonpartisan elections such as proportional representation, set like electing multi-candidate council districts. Instead of 51 districts, you have 17 with 3 Council Members per, right. That's one possibility. In the city of Philadelphia or Washington, D.C. there is a requirement that a certain number of the Council seats are filled by minority parties. So, the city of Hartford actually the—it's the Democrat and WFP Council because those are the two largest parties in our city. In Philadelphia it's the Democrat/Republican. Excuse me. Republican Council. So, I think the challenge here is that I feel like if we were to add nonpartisan elections to the scope—our scope of work, I think that it would incumbent upon us to add all of the variety of ways of changing

2      our election system to add the possibility of  
3      increased voter engagement, and that seems daunting  
4      [coughs] overwhelming and like a radical change in  
5      direction from the discussions and program that the  
6      Commission wants to adopt, and I-so I-I think that it  
7      would, as you said, Commissioner, completely  
8      overwhelm us.

9                    CHAIRPERSON BENJAMIN: Paula.

10                  COMMISSIONER GAVIN: I, too, would like  
11                  to reinforce the point of view that we have to  
12                  prioritize, and we collectively said we wanted to  
13                  pick those things that would have the greatest impact  
14                  for dozens of years. So, I have a general statement  
15                  that as we vote tonight we should think about that,  
16                  but also we're not supporting in our vote. We are  
17                  supporting further evaluation in all cases. So, I  
18                  think it's also important to remind ourselves we need  
19                  to prioritize. We need to look for the things that  
20                  have the highest impact, but tonight we are only  
21                  voting on further study, not support.

22                  CHAIRPERSON BENJAMIN: That is correct.

23                  Council Member Fiala or Commissioner Fiala.

24                  COMMISSIONER FIALA: I-I-I appreciate  
25                  your remarks, Commissioner, and I agree that there

2      are a lot of potential tools available. The only  
3      caveat I would make is that in New York City we  
4      decided a long time ago to have nonpartisan  
5      elections. They exist, they are in practice. I've  
6      always maintained the position that we're somewhat  
7      bipolar in the city when it comes to our election  
8      process that we turn on one system, and then we turn  
9      on another depending upon the timing. So, there's—  
10     there's the one reality here, and that is that we  
11     already have nonpartisans. It's not something new.  
12     It would be a discussion on whether or not to expand  
13     it, but not whether or not to introduce it. That's  
14     the only difference I would see with respect to  
15     nonpartisans versus these other avenues.

16                  Can I make a point?

17                  CHAIRPERSON BENJAMIN: Yes. Commissioner  
18                  Tisch.

19                  COMMISSIONER TISCH: I'm not an expert on  
20                  nonpartisan elections, but I will tell you that I  
21                  think a reason—one of the reasons for low turnout in  
22                  the city, and I don't mean to disparage any agency,  
23                  is really the lack of accountability in the  
24                  functionality of the Board of Elections. For the  
25                  last two cycles of—I hope I'm not insulting anyone.

2 I just want to improve the situation. I have to say  
3 the last two cycles I waited on line once for two  
4 hours, once for 3-1/2 hours having my grandchildren  
5 brought back and forth so they can participate in the  
6 electoral process, only to have--only to abandon my  
7 right to vote because nothing worked. So, I believe  
8 with what's coming down from Albany in terms of early  
9 elections, technological advances and allowing--

10 CHAIRPERSON BENJAMIN: [interposing]

11 Early voting.

12 COMMISSIONER TISCH: --people to use  
13 malignity as we look at the electoral. I think we're  
14 going to see improvements in the turnout because I  
15 think people are actually more engaged than ever  
16 before. I happen to agree with Commissioner Weisbrod  
17 and with Alison that we'll get off track with some of  
18 these really important things that we can accomplish  
19 if we take up this issue again, and we should let  
20 some of the easy fixes take place first, and you know  
21 I'm a great fan of yours. So, it pains me to  
22 disagree with you [laughter] deeply. I'm deeply  
23 pained by it.

24 COMMISSIONER: [off mic] But pain will  
25 fade over time. (sic)

2 COMMISSIONER TISCH: Right.

3 CHAIRPERSON BENJAMIN: [laughs] But  
4 they're wrong and you're right.

5 COMMISSIONER TISCH: Exactly.

6 CHAIRPERSON BENJAMIN: [laughs] Anyone  
7 else? Okay. I would say the discussion is finished,  
8 and we have on the floor a motion from Sal to-a  
9 proposed amendment to the list on elections to add  
10 examination of nonpartisan elections to the list that  
11 we have before us. Is there a second?

12 COMMISSIONER ALBANESE: A second to--?

13 CHAIRPERSON BENJAMIN: The motion to add?

14 COMMISSIONER WEISBROD: Yes, aye.

15 CHAIRPERSON BENJAMIN: I ask the Council  
16 to--we--we've had discussion. Is there anyone else  
17 who wants to discuss this motion? I ask Counsel to  
18 call the roll please.

19 LEGAL COUNSEL: Commissioner Albanese.

20 COMMISSIONER ALBANESE: For.

21 LEGAL COUNSEL: Commissioner Caras.

22 COMMISSIONER CARAS: Aye.

23 LEGAL COUNSEL: Commissioner Cordero.

24 COMMISSIONER CORDERO: Aye.

25 LEGAL COUNSEL: Council Member Faila.

2 COMMISSIONER FIALA: Aye.

3 LEGAL COUNSEL: Commissioner Gavin.

4 COMMISSIONER GAVIN: No.

5 LEGAL COUNSEL: Commissioner Greene.

6 COMMISSIONER GREENE: No.

7 LEGAL COUNSEL: Commissioner Hirsch.

8 COMMISSIONER HIRSCH: No.

9 LEGAL COUNSEL: Commissioner Miller.

10 COMMISSIONER MILLER: Aye.

11 LEGAL COUNSEL: Commissioner Nori.

12 COMMISSIONER NORI: No.

13 LEGAL COUNSEL: Commissioner Tisch.

14 COMMISSIONER TISCH: No.

15 LEGAL COUNSEL: Commissioner Vacca.

16 COMMISSIONER VACCA: No.

17 LEGAL COUNSEL: Commissioner Weisbrod.

18 COMMISSIONER WEISBROD: No.

19 CHAIRPERSON BENJAMIN: You didn't call  
20 me.

21 LEGAL COUNSEL: Chair Benjamin.

22 CHAIRPERSON BENJAMIN: [laughs] No.

23 LEGAL COUNSEL: The vote is 4 in the  
24 affirmative, 9 in the negative. The motion fails.

2 CHAIRPERSON BENJAMIN: Okay. The next  
3 bucket we have is Governance. The staff recommends  
4 that the Commission focus on the following:  
5 Proposals for establishing an advice and consent  
6 process for the appointment of certain government  
7 officials. For example, corporation counsel.  
8 [background comments] Oh, I'm told that I have  
9 erred. Also we need to vote on the whole bucket for  
10 elections.

11 COMMISSIONER WEISBROD: Just that  
12 remaining bucket that was originally proposed?

13 CHAIRPERSON BENJAMIN: Correct, the  
14 elections bucket, which we are voting on as is. I  
15 move that we vote. Is there a second?

16 COMMISSIONER: Second.

17 CHAIRPERSON BENJAMIN: Discussion?

18 COMMISSIONER WEISBROD: I just want to—

19 CHAIRPERSON BENJAMIN: Carl.

20 COMMISSIONER WEISBROD: I just—I—I will  
21 vote in support of this. I just want to reiterate  
22 what Commissioner Gavin said that a vote at this  
23 point is simply a vote to have the staff study these  
24 items—

2 CHAIRPERSON BENJAMIN: [interposing]

3 That's correct.

4 COMMISSIONER WEISBROD: --to apparently  
5 agree or disagree with--

6 CHAIRPERSON BENJAMIN: [interposing] A  
7 vote now is a vote to further--

8 COMMISSIONER WEISBROD: -- items here I  
9 agree with or I disagree with, but that we're voting  
10 just very clearly for further study and nothing else  
11 at this point?

12 CHAIRPERSON BENJAMIN: That is correct.

13 COMMISSIONER WEISBROD: Okay, thank you.

14 CHAIRPERSON BENJAMIN: David.

15 LEGAL COUNSEL: Commissioner Albanese.

16 COMMISSIONER ALBANESE: For.

17 LEGAL COUNSEL: Commissioner Caras.

18 COMMISSIONER CARAS: For.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: For.

21 LEGAL COUNSEL: Council Member Fiala.

22 COMMISSIONER FIALA: Aye.

23 LEGAL COUNSEL: Commissioner Gavin.

24 COMMISSIONER GAVIN: For.

25 LEGAL COUNSEL: Commissioner Greene.

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2           COMMISSIONER GREENE: Aye.

3           LEGAL COUNSEL: Commissioner Hirsch.

4           COMMISSIONER HIRSCH: Aye.

5           LEGAL COUNSEL: Commissioner Miller.

6           COMMISSIONER MILLER: Aye.

7           LEGAL COUNSEL: Commissioner Nori.

8           COMMISSIONER NORI: Aye.

9           LEGAL COUNSEL: Commissioner Tisch.

10          COMMISSIONER TISCH: Yes.

11          LEGAL COUNSEL: Commissioner Vacca.

12          COMMISSIONER VACCA: Yes.

13          LEGAL COUNSEL: Commissioner Weisbrod.

14          COMMISSIONER WEISBROD: Yes.

15          LEGAL COUNSEL: Chair Benjamin.

16          CHAIRPERSON BENJAMIN: Aye.

17          LEGAL COUNSEL: The motion carries

18 unanimously.

19           CHAIRPERSON BENJAMIN: As I have said, we  
20 have governance and the first proposal for  
21 establishing an advice and consent, I have mentioned.

22           The second is a proposal to expand and  
23 enhance the role of Borough President and/or borough  
24 level governance; evaluating the role and  
25 accountability of the corporation counsel;

2                         Proposals relating to the structure of  
3                         the Conflicts of Interest Board and lobbying by  
4                         certain officials after their public service has  
5                         ended; proposals related to enhancing systems of  
6                         police accountability. This will include exploring  
7                         improvements to the structure, power and role of the  
8                         Civilian Complaint Review Board, and the manner in  
9                         which police discipline is handled;

10                         Examining the role of the Public Advocate  
11                         and considering proposals, modifying the powers and  
12                         responsibilities of that office;

13                         Proposals relating to reconstituting the  
14                         Board of Statutory Consolidation, whose purpose is to  
15                         periodically review the Charter and other laws with  
16                         an eye towards reorganizing and simplifying those  
17                         laws. Are there any comments or points of  
18                         discussion?

19                         COMMISSIONER TISCH: (sic) I have a  
20                         question. There's been a lot thrown into this bucket  
21                         called governance, and my question is, is when they—  
22                         it goes back to Carl's point. I'm sorry. You can't  
23                         here me? Alright. I'm sorry. It goes back to  
24                         Carl's point. There are some things here that would  
25                         require deep and deliberative consultation and if you

2 are going to study all of them, then I would suggest  
3 to you very strongly that the important ones not that  
4 they're not all important, but ones where you might  
5 find broad consensus where you could be—find great  
6 appeal, might fall off the wayside because there's  
7 only so much you can take on. So, I'm curious as to  
8 why this bucket of governance was so broadly defined.

9 CHAIRPERSON BENJAMIN: I would say it was  
10 broadly defined because these ideas didn't fall out  
11 when the criteria were applied. So, they are still  
12 here to be considered. If there are particular ones  
13 you think should be removed, I would take that  
14 amendment, and we can talk about that, but I think  
15 given the fact that we gave staff a set of criteria  
16 to use, this is what was left, and it's—since they  
17 all kind of involved how government itself is put  
18 together, they call it the governance one.

19 COMMISSIONER TISCH: So, then the next  
20 step would be vote of yes we should study these would  
21 be that all of these would be studied with the same  
22 level of seriousness and seriousness of purpose, and—

23 CHAIRPERSON BENJAMIN: And I would say  
24 yes, but some might fall out sooner if for instance  
25 there are other laws that might—that currently would

2 accomplish the same thing. [bell] Or, if the  
3 resources that it would take to make a serious effort  
4 at really coming up with ideas. We would certainly  
5 come back to the Commissioners much like this  
6 possibly and say we think that we—we would proposed  
7 that this idea be subject to a new set of criteria. I  
8 mean I think we can all agree that all of these ideas  
9 may not be pursued equally, that there will be more  
10 winnowing as time progresses.

11                   COMMISSIONER TISCH: Okay, that's what I  
12 was trying to get, there will be.

13                   CHAIRPERSON BENJAMIN: Yes.

14                   COMMISSIONER VACCA: I have trouble with  
15 all these items being grouped into one. There's two  
16 items here that I have difficulty with, and I don't  
17 know if I can vote for exploring further an entire  
18 package when two of them in particular are at  
19 variance with my beliefs. As a matter of policy, I  
20 do not believe that anyone besides the Mayor should  
21 remove a Commissioner. I do not believe in giving  
22 any entity an impeachment right over a Commissioner,  
23 and that's what the first one talks about, and when  
24 you speak of the Public Advocate, the option to

2 eliminate the Public Advocate's office is not there,  
3 and I think that that should be further explored.

4 CHAIRPERSON BENJAMIN: Well, with-with  
5 respect to the Public Advocate, I believe that is  
6 there in examining the role of the Public Advocate,  
7 but that does include eliminating it.

8 COMMISSIONER VACCA: Well, it says  
9 modifying the powers. So, I'd like to amend it if I  
10 can. I want to be clear that the op—an option that  
11 many people have discussed is whether or not we need  
12 a Public Advocate at all.

13 CHAIRPERSON BENJAMIN: So, you would like  
14 --[bell] Is this an amendment that you're proposing  
15 that you--

16 COMMISSIONER VACCA: [interposing] If  
17 that's possible, I'd like to amend the Public  
18 Advocate to specifically indicate that we will  
19 consider every--

20 CHAIRPERSON BENJAMIN: [interposing] How  
21 about if we add the words "modifying including  
22 eliminating?"

23 COMMISSIONER VACCA: That's fine.

24

25

2 CHAIRPERSON BENJAMIN: Is that an  
3 amendment that everyone would accept? [background  
4 comments]

5 COMMISSIONER VACCA: And--

6 CHAIRPERSON BENJAMIN: [interposing] Any  
7 further discussion on that amendment? [background  
8 comments/pause]

9 CHAIRPERSON BENJAMIN: No objection. So  
10 we are amending that to say examining the role of the  
11 Public Advocate and consider proposals modifying  
12 including eliminating that office.

13 COMMISSIONER VACCA: And can we further  
14 clarify or am I reading it correctly concerning the  
15 appointment and removing of officials. What we are  
16 saying, if I read this correctly, is that  
17 Commissioner appointed by the Mayor whoever that  
18 Mayor is can be impeached. It says here "removed"  
19 which is to impeach, what's removed, to throw out,  
20 and our system of government that we've had in this  
21 city has always indicated that the Mayor appoints the  
22 Commissioners and the Mayor is held accountable  
23 [bell] and we want accountability if those  
24 Commissioners don't perform. So, here we are saying

2 that they can be removed by someone other than the  
3 Mayor.

4 CHAIRPERSON BENJAMIN: Well, we're saying  
5 and we are not saying. The public has asked that we  
6 examine the idea. There has been some discussion  
7 particularly with respect to certain public officials  
8 such as Corporation Counsel who, in fact, is the  
9 lawyer for all of the elected officials of the city,  
10 not simply the Mayor and there has been discussion  
11 about other offices of that nature, and how when  
12 they're responsible to a wider range of elected  
13 officials how those officials have a say. I'm not  
14 saying that I would support the idea or not the idea,  
15 but I do think we have heard it, and people have  
16 asked for solutions, and that is one of them.

17 COMMISSIONER VACCA: And just to clarify,  
18 regarding Corp Counsel, point number 3, I agree with  
19 those who have advocated that we evaluate the Corp  
20 Counsel, and evaluate the entire representation  
21 issue, but that is point number 3, and I would be in  
22 favor of that, but I don't think that Corp Counsel  
23 belongs in the first point. I think the objection—I  
24 think the main thrust there we can take Corp Counsel  
25 out, which I think it should be, and which to a

2           degree we did in point 3, but I think that point 1  
3           gets to the core of whether or not Commissioners  
4           serve at the pleasure of the Mayor, or whether or not  
5           Commissioners can be moved--be removed by other  
6           entities and then, of course, we have to talk about  
7           cause, and we have to talk about many other issues  
8           that will come up should we decide in favor of that,  
9           but I'm just--

10           CHAIRPERSON BENJAMIN: [interposing] But  
11           of course.

12           COMMISSIONER VACCA: It's a--it's a  
13           concept [bell] but I--I think that going there is  
14           something that could lead us down a path that we may  
15           not want to go.

16           CHAIRPERSON BENJAMIN: I think (1) and  
17           points (1) and (3) are saying different things. (1)  
18           is about the role and accountability of one office,  
19           Corporation Counsel, and not how the Corporation  
20           Counsel is appointed or to whom they are responsible.  
21           I think Proposal No. 1 relates to that--how the  
22           Corporation Counsel is made responsible. So, I think  
23           that they're different things. I would also say as  
24           Carl said at the beginning that these are not ideas  
25           that any of us necessarily endorse, but ideas that

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2 have been brought forward that met the criteria, and  
3 that would be examined. The examination might say  
4 this is the silliest idea since non-sliced bread, but  
5 do they deserve to be examined? Was the question and  
6 do they meet the criteria? I saw--oh--[background  
7 comments] Council Member Seitzer has asked that we do  
8 a voice on the last amendment adding the word-

9                           COMMISSIONER TISCH: I lost track of the  
10 last amendment.

11 CHAIRPERSON BENJAMIN: The-the-yes, the  
12 last amendment amended the third item-

13 COMMISSIONER TISCH: The one on the  
14 Public Advocate?

15 CHAIRPERSON BENJAMIN: Yes, on the Public  
16 Advocate to—would now read: Examining the role of  
17 the Public Advocate and consider proposals modifying  
18 the powers and responsibilities of that office  
19 including its elimination.

20 COMMISSIONER TISCH: Well, then shouldn't  
21 you be given the shrift? I mean I—I love my borough  
22 president.

23 CHAIRPERSON BENJAMIN: Turn on your mic,  
24 please.

2                   COMMISSIONER TISCH: I love my borough  
3 presidents, but again, it just looks like you're  
4 presenting one side of the equation making them more  
5 powerful. If you're going to study something, you  
6 need to study both sides. So, just like with the  
7 Public Advocate you might study eliminating or  
8 enhancing. On the Borough Presidents you just talk  
9 about expanding and enhancing. So, isn't that  
10 already making a decision? I just think that the  
11 language here needs to be consistent.

12                  CHAIRPERSON BENJAMIN: Okay. So, you  
13 would also like to—Let me see—

14                  COMMISSIONER TISCH: [interposing] I  
15 don't want you to get me wrong. I am not for  
16 eliminating the borough presidents or diminishing  
17 their role. [laughter] Let me be clear: I'm for  
18 consistency of language and the opportunity to study  
19 something in an equitable way. So that both sides of  
20 the equation are examined.

21                  CHAIRPERSON BENJAMIN: Okay, let me say  
22 this, though. We already had a voice vote—

23                  COMMISSIONER TISCH: [interposing] Okay.

24

25

2 CHAIRPERSON BENJAMIN: --and we voted yes  
3 on the modification of the Public Advocate, and I'm  
4 told we can't do a voice vote. So, can we just--

5 COMMISSIONER TISCH: [interposing] I'm  
6 just making a point about consistency. You should do  
7 whatever you want. Thank you.

8 CHAIRPERSON BENJAMIN: Okay. So this on  
9 the Public Advocate adding the words "including its  
10 elimination."

11 LEGAL COUNSEL: Is there a second?

12 CHAIRPERSON BENJAMIN: I can't second. I  
13 vote second.

14 LEGAL COUNSEL: All those in favor say  
15 aye.

16 COMMISSIONERS: [in unison] Aye

17 LEGAL COUNSEL: All those opposed,  
18 abstentions? The ayes have it.

19 DARLENE BRUCE: Okay. [background  
20 comments] Are you--?

21 COMMISSIONER TISCH: No.

22 CHAIRPERSON BENJAMIN: Okay.

23 COMMISSIONER TISCH: I'm not making an  
24 amendment. I'm just saying that this is a public  
25 document, and you've got to be consistent. We cannot

2 come out and say—because your statement here on  
3 borough presidents is saying we've made a decision to  
4 enhance their roles and perhaps there are those who  
5 don't feel they all be enhanced. I'm not one of  
6 them, but--

7 CHAIRPERSON BENJAMIN: [interposing] I  
8 think that this language is based on the—the comments  
9 and public testimony that we had people who came  
10 before us who did suggest--

11 COMMISSIONER TISCH: Cut that in half.

12 (sic)

13 CHAIRPERSON BENJAMIN: --eliminating on  
14 the borough presidents. I don't believe we have any  
15 person who came before us, letter or otherwise that  
16 suggested the elimination of the borough president.  
17 Those who spoke, spoke about enhancing the role or at  
18 a minimum enhancing the role of borough governance  
19 even if it wasn't through the borough president's  
20 office. That's why I think they were different.

21 COMMISSIONER TISCH: Okay. Fair enough.

22 CHAIRPERSON BENJAMIN: And we—[background  
23 comments/pause] I think Paula and then it was Alison  
24 and then did I see another hand? Carl.

25

2                   COMMISSIONER GAVIN: I just wanted to  
3 reinforce the point that when we study these, we need  
4 to be sure they do meet the criteria. I know we're  
5 going to vote on it as a bucket for example on advice  
6 and consent. I do not believe it fits the criteria.  
7 I know that there are other who do. So, I think when  
8 we evaluate I just want to make the point that we're  
9 going to evaluate it against the criteria so again we  
10 pick the most impactful items.

11                  CHAIRPERSON BENJAMIN: Alison and then  
12 Carl.

13                  COMMISSIONER HIRSH: At the risk of being  
14 the most hated person on the Commission [laughter] I  
15 would like to respectfully ask that we actually add  
16 an item to this bucket. [coughs] I think and consider  
17 the establishment of a Chief Diversity Officer in the  
18 Office of the Mayor, and a requirement that would  
19 extend to a requirement for a Chief Diversity Officer  
20 at a senior level in every agency of the city. I  
21 think we can all agree that the diversity of our city  
22 and the diversity of our city's workforce both the  
23 contracted workforce and the directly employed  
24 workforce is of paramount importance to us, and that  
25 we want our government to be representative of the

2      people who live here, and I think that is a value  
3      that all of the people on the commission have, and  
4      all of the folks who appoint us have, but the  
5      challenge is if there is not somebody whose job it is  
6      to wake up every day to ensure that value is enacted,  
7      it won't happen. It is too easy to maintain status  
8      quo when it comes to issues of diversity in hiring  
9      and procurement and other just general fleet  
10     governance. And so, I think that it is important to  
11     consider the idea of changing the Charter to require  
12     a Chief Diversity Officer. I know I want to speak  
13     to—Commissioner Tisch asked a question earlier to me  
14     whether city agencies already have this. I do want  
15     to speak to the Comptroller's Office does an annual  
16     report, and in the most recent report seven out-only  
17     7 out of 32 city agencies have a Chief Diversity  
18     Officer and that includes the Comptroller's Office.  
19     So, six out of 32 agencies, and of those six, only  
20     four of them are at a senior enough position to  
21     actually answer directly to the Commissioner and have  
22     agency wide oversight. The other agencies are  
23     actually a mid-level individual who does not actually  
24     have agency wide oversight. So, I do think this is a  
25

2 problem that is worth us investigating more and  
3 looking into how to best solve. Thank you, Al.

4 CHAIRPERSON BENJAMIN: Carl, did you?

5 COMMISSIONER WEISBROD: [off mic] [on  
6 mic] I had a separate point to make, but I don't  
7 know if Alison's motion is on the table now.

8 CHAIRPERSON BENJAMIN: Yeah. I think we  
9 have to decide which motions are on the table, and  
10 that's why we still have--Jimmy, did you--Council  
11 Member Vacca.

12 COMMISSIONER VACCA: [off mic] Yes.

13 CHAIRPERSON BENJAMIN: Oh, did you make a  
14 motion about the "impeachment or removal of  
15 officers?" Was that a motion?

16 COMMISSIONER VACCA: [off mic] Well, I  
17 would make a motion to--[background comments/pause]  
18 [on mic] I would make a motion that we strike  
19 corporation counsel out of that first point, and  
20 leave it on point 3 so that we can--I think that you  
21 just cited that, Madam Chair, as an example. So, I  
22 would want to leave corp counsel in point 3, and I'm--  
23 I'm--I wanted to voice my opinion on this, and I will  
24 allow it--I will not make a motion at this time. I--I  
25 will let it--I will let it--I will not oppose it being

2           considered, but I do tell you that at a later date, I  
3           cannot see myself voting for this.

4                         CHAIRPERSON BENJAMIN: Okay, thank you,  
5           Council Member Vacca. [background comments/pause]  
6           Right, so now the motion that is before us is I  
7           believe Commissioner Hirsch has proposed a motion to  
8           add to this bucket a Chief Diversity Officer—examine  
9           the idea of a Chief Diversity Officer. Is that  
10          correct? Is there anyone else who would like to  
11          speak on that?

12                       COMMISSIONER WEISBROD: Well, for  
13          purposes of opening a discussion, I will second  
14          Commissioner Hirsh's recommendation. So, at least we  
15          can have a discussion about it.

16                       CHAIRPERSON BENJAMIN: Okay. I know that  
17          you're aware Alison that there was legislation  
18          recently passed by the Council that establishes and  
19          Office of Diversity and Inclusion, and establishes  
20          with that a Chief Diversity Office and a Chief  
21          Diversity Officer, and that that legislation is  
22          slated to be effective in May. I believe that is  
23          part of the reason that that is not on the list  
24          because we don't know how that will turn out because  
25          it would appear that it has much of the

2 responsibility that a Chief Diversity Officer that  
3 you're describing would have.

4 COMMISSIONER HIRSH: Right, Chairperson  
5 thank you.

6 CHAIRPERSON BENJAMIN: Absolutely.

7 COMMISSIONER HIRSH: I—I am aware of that  
8 legislation. I—I do not believe that the scope of  
9 that legislation is—goes to the extent of the Charter  
10 Revision proposal, and the idea that I'm putting  
11 forward, and I—I guess I think I'm asking at this  
12 juncture that we can looking into—we can spend time  
13 as a commission and the staff can look into—into it  
14 so we can have a further conversation to analyze  
15 whether, in fact, the legislation really does have  
16 the desired impact and scope and scale that some  
17 think it does or whether we need to go further.

18 CHAIRPERSON BENJAMIN: Carl.

19 COMMISSIONER WEISBROD: This is in-in  
20 part a comment on the motion on the table, and also  
21 perhaps in furtherance of what Dr. Tisch said  
22 earlier. I think this Governance section is a—is a  
23 very, very broad section. It includes things that  
24 certainly I strongly disagree with along with  
25 Commissioner Vacca the notion of—the mayoral

2 appointees being removed by officials other than the  
3 Mayor. It includes things that are extremely vague  
4 such as borough president and borough level  
5 governance and what expand and enhance means, and it  
6 includes a lot of other issues that we have heard a  
7 lot of testimony about, and I think she certainly can  
8 think for herself, but I think one—the point that Dr.  
9 Tisch was—was making is that this—this is a very  
10 broad list and has to be—has to be narrowed sort of  
11 sooner rather than later. I understand why all these  
12 items are on—on this list, and again, I agree with  
13 some and disagree strongly with others, but the—the—  
14 there is a responsibility on the part of the staff to  
15 refine this list as—as—as—as quickly as possible and  
16 the schedule for doing that I think really has to be  
17 brought back to this Commission pretty soon because  
18 these are very, very broad topics. And as we've all  
19 discussed, we have a very, very limited amount of  
20 time. Madam Chair, you pointed out that there is  
21 legislation that with respect to diversity that is  
22 going to be enacted in May or will be enacted.

23 CHAIRPERSON BENJAMIN: [interposing] It  
24 has been enacted already. Its implementation date--  
25

2 COMMISSIONER WEISBROD: [interposing]

3 It's implementation--

4 CHAIRPERSON BENJAMIN: [interposing] Is  
5 120 days after--

6 COMMISSIONER WEISBROD: [interposing]  
7 Its's implementation date is in May, and how exactly  
8 that fits into what Alison is proposing frankly I'm--  
9 I'm not clear about. I'm perfectly happy and will  
10 support Commissioner Hirsh's motion to include that  
11 so that we can have at the very least further  
12 clarification on that, and see how—I know the—the  
13 city Administration is—does have diversity officers  
14 in several agencies whether they're senior enough,  
15 effective enough, broad enough. I don't know, but  
16 since there is legislation that is going to be  
17 effective and implemented as of May as this  
18 Commission moves forward, I—I would support  
19 Commissioner Hirsh's motion in the context that I  
20 think Dr. Tisch mentioned earlier, which is that  
21 these really have to be prioritized and defined as  
22 quickly as possible, and I—I—I think this is and  
23 recognizing that what's on this list is a reflection  
24 of the criteria that we established and to some  
25 extent there's disagreement a s to whether some of

2           these even meet those criteria, at the very least we  
3           should have a commitment from staff that this is much  
4           further refined in a very short period of time. In  
5           that context I would support and will support  
6           Commissioner Hirsh's motion.

7                           COMMISSIONER TISCH: Okay, I would just  
8           add, though, in response to that that one of the  
9           criteria was whether it could be done by Local Law,  
10           and since it has been done by Local Law, this one  
11           clearly could be done by Local Law. If people want  
12           to add this, despite that, so be it, but I just feel  
13           like I had to say that it didn't meet that criteria.

14                          COMMISSIONER ALBANESE: Just following up  
15           on what the Chair said, it—we—we do have a set of  
16           criteria which says if an initiative can be passed by  
17           Local Law that we will not entertain it unless it was  
18           unlikely to be passed by the Council. I mean I  
19           support a chief diversity officer. I think most  
20           people in this commission do in theory, but if the  
21           City Council has that in the hopper at this point in  
22           time and sees it--

23                          CHAIRPERSON BENJAMIN: [interposing] They  
24           already adopted it.

2                   COMMISSIONER ALBANESE: It's already  
3 adopted. Why are we even entertaining this?

4                   CHAIRPERSON BENJAMIN: Lindsay and then  
5 Alison.

6                   COMMISSIONER GREENE: You know, I-I share  
7 Commissioner Hirsh's concern about not necessarily  
8 knowing whether the scope of what is in that  
9 particular Local Law is consistent with what her  
10 proposal is really trying to get at, and we won't  
11 know until we discuss it further, and-and so I-I  
12 support her motion in that regard, and we should  
13 continue to disrupt (sic) it further, and, you know,  
14 to-to-to Commissioner Albanese's point, and-and your  
15 point about other things being addressable by Local  
16 Law, there are a number of things in other buckets  
17 that are even way past Local Law. Things are already  
18 enacted and implementation that are still the subject  
19 of discretionary. I personally disagree with whether  
20 or not they should even be included on the list,  
21 which I've said in my-my paper comments. So, I-I  
22 certainly don't think that that's a fair way to try  
23 to knock out this particular proposal.

24                   COMMISSIONER TISCH: I wasn't trying to  
25 knock it out--

2                   COMMISSIONER GREENE: [interposing] No,  
3 no.

4                   COMMISSIONER TISCH: --and I don't  
5 really—I wasn't trying to knock it out. I was just  
6 clarifying.

7                   COMMISSIONER GREENE: Clarifying. Fair  
8 enough.

9                   CHAIRPERSON BENJAMIN: Alison.

10                  COMMISSIONER HIRSH: I think Commissioner  
11 Greene said what I was going to say, right. Okay.

12                  COMMISSIONER GREENE: Can I—can I ask  
13 Alison a question? In my experience with diversity  
14 officers, and I don't know what's in the proposed  
15 law. So, you pardon my ignorance but the issue is  
16 not about having the diversity officer. The issue is  
17 whether or not that diversity officer is empowered  
18 within the agency by direct report to the CEO of that  
19 agency. I am unclear as to what is promulgated now  
20 in the law about—does it just say you need to have a  
21 diversity officer or is the proposed law saying that  
22 the diversity officer needs to be part of the CEO's  
23 cabinet? You know, whatever, however the agency is  
24 set up. It's just been my experience that when a

2 diversity officer does not report to the CEO, it's an  
3 irrelevant—it's just another irrelevant checkbox.

4                   COMMISSIONER HIRSH: I think—I don't  
5 believe the legislation requires the—the diversity  
6 officers to be at that level. I think that's part  
7 of—one of the reasons I wanted to submit this  
8 proposal, but I'm not actually 100% sure, but I agree  
9 100% with you. [background comments/pause]

10 CHAIRPERSON BENJAMIN: Is there-Jimmy.

25

2 CHAIRPERSON BENJAMIN: Okay. Alison, if  
3 everyone is done speaking, Alison, would you like to  
4 clarify exactly what your amendment would say?

5 COMMISSIONER HIRSH: You know, I didn't—I  
6 didn't actually draft the language, but I think that—  
7 let's see. I think we should add an amendment that  
8 we study the possibility of creating a Chief  
9 Diversity Officer in City Hall, and—and at each city  
10 agency.

11 COMMISSIONER VACCA: If I can speak to  
12 that, motion.

13 CHAIRPERSON BENJAMIN: Is there a second?

14 COMMISSIONER GREENE: Second.

15 CHAIRPERSON BENJAMIN: Yeah. Wait I  
16 can't hear if I can't say—

17 COMMISSIONER ALBANESE: That was the  
18 question.

19 CHAIRPERSON BENJAMIN: Right, but I think  
20 Jimmy may have had the first hand, and yours was the  
21 second.

22 COMMISSIONER ALBANESE: Oh, Jimmy.

23 COMMISSIONER VACCA: There's—there's no  
24 doubt that we have stress diversity. I just feel  
25 that we're going to go down the same path we went

2 down on non-partisan elections. We stated that we  
3 would not go with non-partisan elections because  
4 there was already so much discussion about it in the  
5 past, and it occupied so much in our agenda, and we  
6 said that we would not go where there was already  
7 legislation. That did what we want to do, and when I  
8 just this up on the Internet because this was passed  
9 after I left the Council, it just seems to me that  
10 we're already there, and that this is already being  
11 done.

12 COMMISSIONER ALBANESE: I-I just to-I  
13 would just like--

14 CHAIRPERSON BENJAMIN: [interposing] Um--

15 COMMISSIONER ALBANESE: --just the  
16 feedback on what--

17 CHAIRPERSON BENJAMIN: [interposing] Sal,  
18 sorry.

19 COMMISSIONER ALBANESE: --Commissioner  
20 Vacca said. I'd like to have Commissioner Hirsh  
21 break down the difference between her proposal and  
22 the Council's proposal.

23 COMMISSIONER HIRSH: I think I'm happy to  
24 attempt to do that. I think first and foremost, DCAS  
25 while and important agency, is not the Office of the

2 Mayor. There's an—and I don't know where the  
3 Commissioner I don't know if she's—she wasn't able to  
4 be here this evening--

5 CHAIRPERSON BENJAMIN: [interposing]

6 She's not in the building.

7 COMMISSIONER HIRSH: --but I don't want  
8 to speak for her, but the Commissioner of DCAS ,the  
9 current Commissioner of DCAS is on this Commission,  
10 and I think she would agree that she's not the Office  
11 of the Mayor, and in my, you know, albeit limited  
12 experience in government, yes DCAS has responsibility  
13 for a tremendous amount of procurement and—but it  
14 does not—it doesn't even actually have the Charter,  
15 and then we'll get to this moving forward, currently  
16 have the authority in the Charter to centralize and  
17 control all city contracts. It doesn't have  
18 authority over other agencies across the city, and  
19 so, while I think the legislation is a good step  
20 forward, and it's great that the—there will be an  
21 office of Inclusion and Diversity within DCAS, that  
22 is not the same as having a Chief Diversity Officer  
23 who has a holistic view of everything the city does  
24 across all 32 agencies, across all of the different

2 City Hall departments and offices, and I think we  
3 need to consider a much broader approach.

4 COMMISSIONER ALBANESE: It's not clear to  
5 me.

6 COMMISSIONER GREENE: Commissioner.

7 CHAIRPERSON BENJAMIN: Oh, sorry,  
8 Commissioner Greene.

9 COMMISSIONER GREENE: I-I think a key  
10 piece from-from some of the-the-the letters that were  
11 submitted in relation to this point is not just about  
12 the diversity and retention of the risk candidates in  
13 the city workforce, but also how that play out with  
14 respect to procurement, and that's a particular piece  
15 that I do not think is included in that particular  
16 legislation, just as a point reference. Thank you.

17 [background comments/pause]

18 CHAIRPERSON BENJAMIN: Is there anyone  
19 else? I'm just looking. I happen to have the  
20 legislation here. [background comments/pause] Okay, I  
21 think Sal, Alison wanted some additional  
22 clarification about what you're proposing.

23 COMMISSIONER ALBANESE: Well, yeah, in  
24 the interest of economy, which is, yeah, which is  
25 important, I mean we had this discussion about the

2 Bureau of Animal Welfare where, you know, I-it was  
3 one of my priorities and basically the City Council  
4 has-has discussed the possibility of passing that  
5 legislation.

6 CHAIRPERSON BENJAMIN: [off mic] What  
7 was that? Because I didn't hear that.

8 COMMISSIONER ALBANESE: Sorry.

9 CHAIRPERSON BENJAMIN: I didn't hear what  
10 you said.

11 COMMISSIONER ALBANESE: The Bureau of  
12 Animals Welfare is setting up a separate agency, and  
13 the City Council is considering that. So I had—I had  
14 in the interest of economy what I said was we—we have  
15 so much—so much in our bucket here, so much on our  
16 plate that I will—I will let the Council handle it,  
17 and the—the animal advocates are meeting with the  
18 Speaker's office. So, what I would propose here is  
19 if there's a gap between what Commissioner Hirsh is  
20 proposing and what the Council has passed, there's  
21 always the amendment possibility of legislation so we  
22 don't, you know, we—we don't have to—we don't have to  
23 deal with this item because we have so much else on  
24 our plate. So, I—I would recommend that the staff  
25 speaker to the Speaker's office, and get a sense if

2 we can—if there's a difference between what  
3 Commissioner Hirsh is proposing and—and what the  
4 Council has passed that let's—let's—let's figure our  
5 if the Council is willing amend the law to  
6 strengthen it before we get involved in—in extensive  
7 discussions about this.

8 CHAIRPERSON BENJAMIN: Okay. I hear what  
9 you're saying, but we have an amendment currently on  
10 the floor. Would you consider what Sal has asked a  
11 friendly amendment to your amendment or no?

12 COMMISSIONER HIRSH: I mean I—I think  
13 that—my understanding of the process that we're  
14 working on right now is that anything not in the  
15 buckets on the list that—anything that we do not  
16 include in these buckets that we pass, we are  
17 precluding ourselves from taking up. And so I would  
18 say that I—I don't—I believe you need a Charter  
19 amendment for this. I—I could be wrong. I've  
20 definitely been wrong before, and so I would  
21 respectfully ask that we sort of do it in reverse.  
22 We leave it on the bucket list now, and one the first  
23 things the—things the staff does is to look to see  
24 can the Council take this up in a broader way than  
25 they already have? Is it something that is

2           politically feasible for them to do? And let's have  
3           that discussion, and if that's the case we can—we can  
4           go from there.

5                         CHAIRPERSON BENJAMIN: Any further  
6           discussion. So, is there a second to Alison's motion?

7                         COMMISSIONER ALBANESE: Second to it.

8                         COMMISSIONER GREENE: Yes.

9                         CHAIRPERSON BENJAMIN: Any further  
10           discussion? David would you call the roll.

11                         LEGAL COUNSEL: Commissioner Albanese.

12                         COMMISSIONER ALBANESE: Aye. [background  
13           comments/pause] Was it two minutes?

14                         CHAIRPERSON BENJAMIN: No, we haven't.  
15           You're the only person who has voted.

16                         LEGAL COUNSEL: Commissioner Caras.

17                         COMMISSIONER CARAS: [off mic] I think  
18           it's only stat (sic) that didn't make it on time.  
19           So, I'm looking to give it some time so we can be  
20           consistent with our criteria [on mic] consistent with  
21           our criteria that we set forth. Aye.

22                         LEGAL COUNSEL: Commissioner Cordero.

23                         COMMISSIONER CORDERO: Aye.

24                         LEGAL COUNSEL: Commissioner Fiala.

25

2                   COMMISSIONER FIALA: I want to explain my  
3 vote. Commissioner Hirsh, I certainly don't hate  
4 you. I very much enjoy [laughter] serving with you  
5 and enjoy listening to you. I'm going to vote aye  
6 because I want to be consistent as well. I had hoped  
7 to add term-term limits we had—I don't—[laughter]  
8 Strike that. I had hoped nonpartisan elections, you  
9 know, to adopt the Albanese's [coughs] amendment for  
10 the same reason. I think we can afford to put it in  
11 at this juncture. Here's what I know from doing  
12 three of these. We're going to issue a report and a  
13 lot of the things we don't get to we're going to  
14 weigh in on, and I suspect those issues that aren't  
15 ripe, and I'm—I don't like doing this, but I suspect  
16 this will be one of those issues that will not be  
17 ripe because the legislation that was passed in the  
18 law becomes effective in May. There weren't be  
19 enough time to really determine its breadth and reach.  
20 So, we'll probably weigh in with a narrative saying  
21 this is important for a future commission that they  
22 should look at this pending the outcome of a more  
23 thorough analysis from that law that—whatever that  
24 Local Law was, but I'm—I'm—I'm voting aye because I  
25 like you. [background comments/laughter]

2                   LEGAL COUNSEL: Commissioner Gavin.

3                   COMMISSIONER GAVIN: I vote aye.

4                   LEGAL COUNSEL: Commissioner Greene.

5                   COMMISSIONER GREENE: Aye.

6                   LEGAL COUNSEL: Commissioner Hirsh.

7                   COMMISSIONER HIRSH: Aye.

8                   LEGAL COUNSEL: Commissioner Miller.

9                   COMMISSIONER MILLER: Aye.

10                  LEGAL COUNSEL: Commissioner Nori.

11                  COMMISSIONER NORI: Aye.

12                  LEGAL COUNSEL: Commissioner Tisch.

13                  COMMISSIONER TISCH: Aye.

14                  LEGAL COUNSEL: Commissioner Vacca.

15                  COMMISSIONER VACCA: I will also vote aye

16                  to be consistent and to—on the basis of other

17                  requests made by Mr. Albanese that I concur with that

18                  we should see where the Council legislation takes

19                  effect, when it takes effect, what it does, where

20                  there are gaps and can legislative action be taken?

21                  But I will vote aye at this time.

22                  LEGAL COUNSEL: Commissioner Weisbrod.

23                  COMMISSIONER WEISBROD: Aye.

24                  LEGAL COUNSEL: Chair Benjamin.

25

1                   CHARTER REVISION COMMISSION 2019                   60

2                   CHAIRPERSON BENJAMIN: In the interest of  
3 consistency—my consistency, I vote no.

4                   LEGAL COUNSEL: The motion carries 12  
5 vote in the affirmative and 1 vote in the negative.

6                   CHAIRPERSON BENJAMIN: Are there any  
7 other additions, subtractions? [background comments]  
8 Okay then can we vote on the Amended Governance  
9 category? Is there a second.

10                  COMMISSIONER WEISBROD: (sic) Second.

11                  CHAIRPERSON BENJAMIN: Discussion? Carl.

12                  COMMISSIONER WEISBROD: Yeah, I—I just  
13 wanted to reiterate because this is such a broad  
14 category of uses and as seen by—as—as indicated, in  
15 fact, by the Amendment we just adopted that there are  
16 interim steps here, and a lot of these items it seems  
17 to me really do require a great deal of requirement  
18 from staff, and I'm—I'm looking particularly at the  
19 issue that, you know, Dr. Tisch mentioned about  
20 enhancing the role of the borough and expanding the  
21 role of the borough president. It would mean maybe  
22 we all support that conceptually, but what we mean by  
23 enhancement, what we mean by expansion, I don't think  
24 that we at this point have a clue and we really do  
25 need from staff on many of these items a much more

2      refined set of questions that we can—that we can  
3      react to, and I support the agenda. I disagree with  
4      some of the items on it as many other have indicated  
5      particularly removal of officers, but on—but—but—but  
6      first and foremost I really do think that staff  
7      rather expeditious have to start refining these—these  
8      items, and that's all I have to say about it.

9                    CHAIRPERSON BENJAMIN: Okay. Did you  
10     vote?

11                  COMMISSIONER WEISBROD: [laughs] I just—I  
12     think I just seconded your no.

13                  CHAIRPERSON BENJAMIN: Okay, that was a  
14     second. Please call the roll, David.

15                  LEGAL COUNSEL: Commissioner Albanese.

16                  COMMISSIONER ALBANESE: Aye.

17                  LEGAL COUNSEL: Commissioner Caras.

18                  COMMISSIONER CARAS: Aye.

19                  LEGAL COUNSEL: Commissioner Cordero.

20                  COMMISSIONER CORDERO: Aye.

21                  LEGAL COUNSEL: Commissioner Fiala.

22                  COMMISSIONER FIALA: Aye.

23                  LEGAL COUNSEL: Commissioner Gavin.

24                  COMMISSIONER GAVIN: Aye.

25                  LEGAL COUNSEL: Commissioner Greene.

2                    COMMISSIONER GREENE: Aye.

3                    LEGAL COUNSEL: Commissioner Hirsh.

4                    COMMISSIONER HIRSH: Aye.

5                    LEGAL COUNSEL: Commissioner Miller.

6                    COMMISSIONER MILLER: Aye.

7                    LEGAL COUNSEL: Commissioner Nori.

8                    COMMISSIONER NORI: Aye.

9                    LEGAL COUNSEL: Commissioner Vacca.

10                  COMMISSIONER VACCA: Aye.

11                  LEGAL COUNSEL: Commissioner Weisbrod.

12                  COMMISSIONER WEISBROD: Aye.

13                  LEGAL COUNSEL: Chair Benjamin.

14                  CHAIRPERSON BENJAMIN: Aye and if you

15                  could hold the roll call for a few seconds,

16                  Commissioner Tisch will be right back.

17                  LEGAL COUNSEL: Yeah.

18                  CHAIRPERSON BENJAMIN: Thank you. Now,

19                  we'll be moving onto Finance. The staff recommends

20                  that the Commission focus on the following:

21                  Proposals relating to the structure of the city

22                  budget including making budget units of appropriate-

23                  appropriation more detailed or a program based and

24                  aligning the Capital Budget with discrete projects.

25                  The authority of the Council to establish terms and

1	CHARTER REVISION COMMISSION 2019	63
2	conditions on appropriations, the timing of budget	
3	modifications concerning the financial plan,	
4	empowerment powers and the timing and making of	
5	revenue estimates. Proposals relating to the	
6	development of a comprehensive City Planning	
7	framework, for capital spending and land use. This	
8	would include consideration of proposals to restore	
9	the Department of City Planning's role in the Capital	
10	Budget process. Proposals relating to providing and	
11	independent budget. For example a guaranteed	
12	minimal–minimum level of funding or the ability to	
13	propose their own funding levels for certain offices	
14	such as the Public Advocate or the Civilian Complaint	
15	Review Board. Proposals relating to how public	
16	pension investment decisions are made and by whom.	
17	Exploring ways to streamline the procurement process	
18	in order to ensure timely payments to contractors and	
19	grantees as well as timely access to capital funding,	
20	particularly for non-profit service providers. This	
21	would include an examination of the composition of	
22	the Procurement Policy Board. Examining the contract	
23	registration process including proposals for a	
24	mechanism to resolve disputes between the Mayor and	
25	the Comptroller with respect to the approval and	

2      registration of a given contract, and proposals for a  
3      mechanism to establish procurement and contracting as  
4      well as reimbursement, policy objectives including  
5      consideration of allowing or clarifying that such  
6      objectives can be established by Local Law, and I  
7      believe left the vote open for Commissioner Tisch.

8      [background comments]

9                    COMMISSIONER TISCH: For Alison—well, I'm  
10     sorry about that. I was Alison's motion yes.

11                  CHAIRPERSON BENJAMIN: Yes, you voted on  
12     that.

13                  COMMISSIONER TISCH: Oh, okay.

14                  CHAIRPERSON BENJAMIN: This is on the  
15     rest of the category.

16                  CHAIRPERSON BENJAMIN: Oh, definitely  
17     yes. So, provided. Aye, aye, aye, yes. [laughter] I  
18     would often vote early.

19                  CHAIRPERSON BENJAMIN: Is there any  
20     discussion? Paula.

21                  COMMISSIONER GAVIN: A little bit of a  
22     broken record here, but I—I think we need to  
23     prioritize again based on impact because a number of  
24     these such as the budget, the City Budget, a lot of  
25     that is going on right now. So, I think as we go

2 forward and evaluate, I just want to urge us to  
3 prioritize based on criteria and impact.

4 CHAIRPERSON BENJAMIN: And I would say I–  
5 I read two small pieces in the Post yesterday, but I  
6 don't know any of the details of what exactly is  
7 being proposed in terms of procurement or the budget  
8 or any of the things that the Mayor did mention. So,  
9 I would agree with you that as we see those  
10 proposals, we may be able to eliminate some of those,  
11 but not having seen anything, these are items that  
12 were brought up in a number of meetings and in public  
13 by both not-for-profits, by elected, by the public.  
14 So, I'm—I'm mindful of what you say and agree that  
15 once we see what that is, we should act accordingly.

16 COMMISSIONER GAVIN: Thank you.

17 CHAIRPERSON BENJAMIN: Any other--?

18 COMMISSIONER VACCA: I—I'm sorry. Okay?

19 CHAIRPERSON BENJAMIN: Yes.

20 COMMISSIONER VACCA: I just caution when  
21 we start talking about independent budgets, I think  
22 you're going to have a lot of people in this city  
23 that want independent budgets, and I caution you. I  
24 think we're talking about individuals or entities  
25 that have specific oversight powers. I see the

2      Public Advocate and CCRB they have more than over—  
3      CCRB has more than oversight, but the Public Advocate  
4      let's say right now is an advocate. She has  
5      advocate—she or he has advocate powers, but you have  
6      community boards that are mandated in the City  
7      Charter. You have borough presidents mandated in the  
8      City Charter do—who start talking about independent  
9      budgets. I think that you will have a lot of people  
10     knocking at your doors and they will be saying that  
11     they want to establish their own budgets, too, and I  
12     don't know if that's fiscally possible or  
13     responsible.

14                    CHAIRPERSON BENJAMIN: And we will look  
15     at that very closely. Hearing no discussion, I'm  
16     going to [coughing] move that we move to a vote. Is  
17     there a second.

18                    COMMISSIONER TISCH: I second it.

19                    CHAIRPERSON BENJAMIN: Discussion? Call  
20     the roll, David.

21                    LEGAL COUNSEL: Commissioner Albanese.

22                    COMMISSIONER ALBANESE: Aye

23                    LEGAL COUNSEL: Commissioner Caras.

24                    COMMISSIONER CARAS: Aye.

25                    LEGAL COUNSEL: Commissioner Cordero.

2 COMMISSIONER CORDERO: Aye.

3 LEGAL COUNSEL: Commissioner Fiala.

4 COMMISSIONER FIALA: Aye.

5 LEGAL COUNSEL: Commissioner Gavin.

6 COMMISSIONER GAVIN: Aye.

7 LEGAL COUNSEL: Commissioner Hirsh.

8 COMMISSIONER HIRSH: Aye.

9 LEGAL COUNSEL: Commissioner Miller.

10 COMMISSIONER MILLER: Aye.

11 LEGAL COUNSEL: Commissioner Nori.

12 COMMISSIONER NORI: Aye.

13 LEGAL COUNSEL: Commissioner Tisch.

14 COMMISSIONER TISCH: Aye.

15 LEGAL COUNSEL: Commissioner Vacca.

16 COMMISSIONER VACCA: Aye.

17 LEGAL COUNSEL: Commissioner Weisbrod.

18 COMMISSIONER WEISBROD: Aye.

19 LEGAL COUNSEL: Chair Benjamin.

20 CHAIRPERSON BENJAMIN: Aye.

21 LEGAL COUNSEL: The motion carries

22 unanimously.

23 CHAIRPERSON BENJAMIN: And last, but not

24 least, we have Land Use, surprise, surprise. The

25 staff recommends the Commission focus on the

1	CHARTER REVISION COMMISSION 2019	68
2	following: Proposals relating to the development of	
3	a comprehensive city planning framework for capital	
4	spending and land use. This would include	
5	considerations of proposals for changes to the	
6	composition of the City Planning Commission.	
7	Proposals relating to the composition of the	
8	Franchise and Concession Review Committee, the manner	
9	in which the terms of franchises are established, the	
10	manner and frequency of determining what franchises	
11	are necessary and a mechanism for requiring that	
12	needed franchises be implemented. Evaluation of	
13	ULURP including consideration of proposals related to	
14	establishing a pre-ULURP mechanism to allow	
15	involvement—excuse—my tongue is just like stuck in my	
16	mouth—by communities, community boards, borough	
17	president and other relevant stakeholders earlier in	
18	ULURP allowing a borough president to include and	
19	alternative application to be considered along side	
20	an application originating with the city or city	
21	affiliated entities, exploring ways to ensure that	
22	necessary mitigation of development impacts occur,	
23	clarifying ULURP timelines, examining the universe of	
24	projects covered by ULURP, and the manner in which	
25	ULURP modifications by the City Council and post-	

2 ULURP modifications to existing approvals are  
3 administered. Examining the composition of the Board  
4 of Standards and Appeals and its review of  
5 applications. Comments? Discussion? [pause]  
6 Amendments? Removals?

7 COMMISSIONER CARAS: Amendment.

8 CHAIRPERSON BENJAMIN: What? Jim? Yes,  
9 yes.

2      clearly state that to me the two priority issues in  
3      here are comprehensive planning and ULURP, you know,  
4      studying the ULURP process, but if we are going to  
5      look at the other boards that we look at four out of  
6      four instead of three out of four. So, I would  
7      suggest adding Landmarks Preservation Commission  
8      examine the composition, qualifications and  
9      possibility of remuneration of the members.

10            CHAIRPERSON BENJAMIN: Just to be  
11          contrary, Jim, you are aware that that Landmarks  
12          Commission is not doing land use?

13            COMMISSIONER CARAS: Good.

14            CHAIRPERSON BENJAMIN: They're doing  
15          design. They're doing historicity

16            COMMISSIONER CARAS: The—the other—

17            CHAIRPERSON BENJAMIN: [interposing]  
18          They're not doing land use. Just—just saying.

19          [laughter]

20            COMMISSIONER CARAS: I hear you. I—I—  
21          perhaps one could make that argument as well about  
22          certain concessions and franchises.

23            CHAIRPERSON BENJAMIN: But there is an  
24          amendment? You're making an amendment? Is there  
25          anyone who--?

2                   COMMISSIONER WEISBROD: I'd like to  
3 second that, Madan Chair for two reasons. (1) I like  
4 Jim, too. [laughter] I'm hoping you all remember  
5 that's a—

6                   CHAIRPERSON BENJAMIN: You don't—you  
7 don't—you don't like Sal?

8                   COMMISSIONER WEISBROD: Yes I do. I—did  
9 I back you up, Sal? (2) and—and more substantial, I  
10 think this issue is going to wind up being played out  
11 in part in the governance issue when we start talking  
12 about some of the power brokers anyway. So, it seems  
13 to me it—it fits right in. It probably should just be  
14 thrown in there so that we got all of our bases  
15 covered. So, I would second that motion.

16                   CHAIRPERSON BENJAMIN: Okay, any further  
17 discussion? Would you call the roll please?

18                   COMMISSIONER CARAS: What—what are we  
19 voting on?

20                   CHAIRPERSON BENJAMIN: We're voting on  
21 an amendment to this category to include the  
22 composition and qualifications.

23                   COMMISSIONER CARAS: And the possibility

24

25

2                    CHAIRPERSON BENJAMIN: And the  
3      possibility of remuneration of the Landmarks  
4      Preservation Commission as another proposal.

5                    LEGAL COUNSEL: Commissioner Albanese.

6                    COMMISSIONER ALBANESE: Aye

7                    LEGAL COUNSEL: Commissioner Caras.

8                    COMMISSIONER CARAS: Aye.

9                    LEGAL COUNSEL: Commissioner Cordero.

10                  COMMISSIONER CORDERO: Aye.

11                  LEGAL COUNSEL: Commissioner Fiala.

12                  COMMISSIONER FIALA: Aye.

13                  LEGAL COUNSEL: Commissioner Gavin.

14                  COMMISSIONER GAVIN: Aye.

15                  LEGAL COUNSEL: Commissioner Greene. Oh,  
16      Commissioner Hirsh.

17                  COMMISSIONER HIRSH: Aye.

18                  LEGAL COUNSEL: Commissioner Miller.

19                  COMMISSIONER MILLER: Aye.

20                  LEGAL COUNSEL: Commissioner Nori.

21                  COMMISSIONER NORI: Aye.

22                  LEGAL COUNSEL: Commissioner Tisch.

23                  COMMISSIONER TISCH: That's a tough one.

24      I don't know enough about land use, but if you all  
25      seem to think we should do this, then [laughter] I

2 guess so. Okay, I never talk about anything that I  
3 know nothing about, but in this case, why not? I  
4 mean I don't know enough about it, and I don't want  
5 to abstain. So, I'll go aye.

6 COMMISSIONER VACCA: That's because James  
7 is so likeable.

8 COMMISSIONER TISCH: He's the universal  
9 receiver of everyone's love. [laughter]

10 LEGAL COUNSEL: Commissioner Vacca.

11 COMMISSIONER VACCA: I'll vote yes.

12 Maybe the Landmarks Commission will come to the Bronx  
13 and do some work.

14 CHAIRPERSON BENJAMIN: You have several  
15 landmarks districts.

16 LEGAL COUNSEL: Commissioner Weisbrod.

17 COMMISSIONER WEISBROD: I just want to  
18 underscore the chair's very keen observations and  
19 astute observations from here long experience  
20 [laughter] with—to land use generally, but with that,  
21 I will vote aye.

22 LEGAL COUNSEL: Chair Benjamin.

23 CHAIRPERSON BENJAMIN: For consistency,  
24 I'll vote no.

25 LEGAL COUNSEL: The motion carries.

2 CHAIRPERSON BENJAMIN: Now we're onto  
3 are there any other additions to this category?  
4 Deletions? If not, I move that we vote on this. Is  
5 there a second?

6 COMMISSIONER WEISBROD Second.

7 CHAIRPERSON BENJAMIN: Would you call the  
8 roll, please?

9 COMMISSIONER WEISBROD: Oh, discussion.

10 CHAIRPERSON BENJAMIN: Oh, discussion.  
11 I'm sorry.

12 COMMISSIONER WEISBROD: I would just like  
13 to say and this goes back to the broader discussion  
14 we've had since the beginning of-of this meeting that  
15 as we heard public testimony and as I dare say  
16 everyone in this commission recognizes, this-this is  
17 the area that probably will occupy the vast, vast,  
18 vast majority of the staff and-and our Commission's  
19 time in discussion, and it goes to the heart of how  
20 we function as a city and how we function going  
21 forward. I am not-I'm-I'm going to vote aye on this-  
22 on-on the agenda because these are items that did, in  
23 fact, all come up in the-in the public testimony that  
24 we heard, but I'm not particularly, in fact, in  
25 general unhappy with the wording of many of these

2 items, and the—the tilt in—in how—how we are going to  
3 be examining them because these are really, really,  
4 really difficult transient issues, and I think it's  
5 going to require an awful lot of time on the part of  
6 the staff and on the part of this commission, which  
7 is again, one reason why so many of the items that  
8 are in some of the other buckets I'm concerned that  
9 it's going to affect our—our bandwidth. And one of  
10 the issues that Commissioner Fiala mentioned which I—  
11 I think is worth noting here is how land use itself  
12 ties into these other issues so closely especially  
13 when thinking about what the role of the borough  
14 president should be, whether it should be expanded,  
15 whether it should be different, what the—how  
16 governance works generally. All of that will—will be  
17 reflected in this area, and I am as a—as—as the most  
18 dynamic city on earth and something I think we're all  
19 extremely proud of in a city that is now a beacon for  
20 the entire world, and has diversity that we have in  
21 the—the attraction that we have and the need for not  
22 only to continue that growth, but and growth in our  
23 economy but at the same time also balance that with a  
24 respect for neighborhoods. This is just such an  
25 important issue, and I just think we should be

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2 extremely careful and thoughtful going forward, and  
3 how we do that, I think is going to be really reflect  
4 ultimately the success or failure of this Commission.  
5 That's just a comment.

6 CHAIRPERSON BENJAMIN: Yeah, and we'll  
7 be counting on you, Carl and your knowledge through  
8 the years of both the successes and the failures of  
9 the land use processes both for different  
10 stakeholders as well as for the city body politic.  
11 We will be relying on your.

12 COMMISSIONER WEISBROD: And you, Madam  
13 Chair.

14 CHAIRPERSON BENJAMIN: Thank you.

15 COMMISSIONER WEISBROD: Because you've  
16 been with me on many of these battles.

17 CHAIRPERSON BENJAMIN: Many of the  
18 people on this Commission have had experience in the  
19 land use arena, whether it's as a stakeholder, as an  
20 elected official, as a public member, a community.  
21 People have been involved in these issues, and we  
22 need all of you in order to really examine this and  
23 come up with how this system is working and where it-  
24 we can make it work for more people.

25 COMMISSIONER WEISBROD: And—and I'm—

2 CHAIRPERSON BENJAMIN: yes.

3 COMMISSIONER WEISBROD: If I could say  
4 one other thing, which I think is important here.

5 It's—it's mainly reflected in the Land Use area, but  
6 it's reflected in other areas that we're considering  
7 as well, which is the Charter that we're operating  
8 under, and have now operated under for--

9 CHAIRPERSON BENJAMIN: [interposing] 30  
10 years.

11 COMMISSIONER WEISBROD: 30 years, I think  
12 is—was very carefully done. Nothing that's every  
13 happened and certainly nothing in the political arena  
14 that's every happened is—is perfect, but the 1989  
15 Charter, which provided us and voters approved the—  
16 the government that we have, and the—the--  
17 fundamentally the—the appropriate balance between  
18 executive and legislative powers on the one hand, and  
19 the appropriate balance between citywide needs and—  
20 and—and local neighborhood needs on the other, has  
21 served—has served us I think fairly well, and to me,  
22 and I think we heard much testimony about it during  
23 the public—our public process, both implicitly and  
24 explicitly is that the—the fund—that fundamental  
25 balance is—is correct, and that what we're really

2           trying to do here and land use is the area where this  
3           gets most reflected is—is—is correct to modify things  
4           that we didn't really consider in 1989, and things  
5           that on the margins should be changed, but that the  
6           fundamental of—fundamentals of what—what we—we as a  
7           city did and how the city of New York now operates  
8           has served us extremely well over the past 30 years,  
9           and that certainly as I look at how we proceed in  
10          this area, we'll largely bear that in mind.

11                 CHAIRPERSON BENJAMIN: Ed. (sic)

12                 COMMISSIONER CORDERO: I haven't had an  
13           opportunity yet in any of these meetings to comment  
14           on the sage words of Commissioner Weisbrod. Now I  
15           have an opportunity to weigh in. I agree with you,  
16           and I think it's so important that I agree with you  
17           on-on-on-on this premise: It is so important for  
18           Commissioners who undertake this very serious charge  
19           to not come in hell bent on tearing down. This was  
20           an unbelievably monumental undertaking three decades  
21           ago trying to hold together a city that was  
22           constitutionally deemed unsound, and when you  
23           consider the sheer volume of people, the diverse  
24           stakeholders, all of the interest at play, the  
25           balance that was struck and that has lasted for three

2 decades is a testament to the resiliency of the city.

3 It's very easy for those of us in public life to do

4 this and like the French Aristocrat who was holding a

5 dinner party get up and heard a mob running down the

6 street and says, "Excuse me, my dinner guests. I see

7 a mob running down the street. I have to go and lead

8 them and find out where they're going." Right. It's

9 easy for us to do that. I think your charge is both

10 a noble one and very, very important one, and that is

11 that we understand that overall at its core, the

12 structure that was put in place has served the city

13 well given the very, very diverse needs of this very,

14 very large, large unlike—there's not other city in

15 America, right, on other city in America, no other

16 budget of any city in America. It's really despite

17 itself worked exceedingly well. So, I want you to

18 know, I view our role as civic doctors, surgeons. We

19 come in with a scalpel I hope, not an ax, because,

20 yeah, there's an awful lot of anxiety out there, but

21 our job is to make sure that we first just like a

22 doctor we do no harm, and then we try to do work that

23 is restorative repair or to think about the future,

24 but your words were not lost on me, Commissioner.

25 CHAIRPERSON BENJAMIN: Sal.

2 COMMISSIONER ALBANESE: I-I the land use  
3 issue will be significantly important. I mean as you  
4 travel around the city despite the fact that the city  
5 is doing fairly well, there's a-there's a sense that,  
6 you know, the middle-class, the working class, the  
7 poor are being driven out of the city by-by land use  
8 policies, and I think, we've-we've got to-something  
9 is out of sync. We've got to look at other  
10 stakeholders, as you pointed out, Madam Chair, that  
11 have been impacted by-by the land use policies that-  
12 that have not taken into consideration in my view and  
13 the view of many others around the city, the needs  
14 of, you know, everyday New Yorkers. It-it certainly  
15 has taken care of very wealthy New Yorkers. It's  
16 taken care of, you know, a lot of foreign interest of  
17 what real estate in this town, but I think-I think  
18 that we could use a little rebalancing here, and  
19 figure our how we can-how we can have a city that has  
20 a multi-I don't mean ethnic, but multi-economic  
21 classes that can afford to live in New York City  
22 going forward because we're slowly losing that. So,  
23 this-this will be a challenge, and I look forward to  
24 it, but I-I-from my view, it's important that we have  
25 a city that has-has a place for all New Yorkers

2           whether they be very wealthy, or working poor and  
3           what have you, and I think we've—we have lost that,  
4           and as you can see by the battles around rezoning  
5           around the city of New York from—from Crown Heights  
6           to—to parts of the Bronx, there are huge, huge  
7           battles going on. And if we can make a difference  
8           there, make things better and make the city a fairer  
9           place with—with a balanced land use approach, I  
10          think then we would—we would have achieved something.

11           CHAIRPERSON BENJAMIN: Thank you. Call  
12          the roll.

13           LEGAL COUNSEL: Commissioner Albanese.

14           COMMISSIONER ALBANESE: Aye.

15           LEGAL COUNSEL: Commissioner Caras.

16           COMMISSIONER CARAS: Aye.

17           LEGAL COUNSEL: Commissioner Cordero.

18           COMMISSIONER CORDERO: Aye.

19           LEGAL COUNSEL: Commissioner Fiala.

20           COMMISSIONER FIALA: Aye.

21           LEGAL COUNSEL: Commissioner Gavin.

22           COMMISSIONER GAVIN: Aye.

23           LEGAL COUNSEL: Commissioner Hirsh.

24           COMMISSIONER HIRSH: Aye.

25           LEGAL COUNSEL: Commissioner Miller.

2 COMMISSIONER MILLER: Aye.

3 LEGAL COUNSEL: Commissioner Nori.

4 COMMISSIONER NORI: Aye.

5 LEGAL COUNSEL: Commissioner Tisch.

6 COMMISSIONER TISCH: Aye.

7 LEGAL COUNSEL: Commissioner Vacca.

8 COMMISSIONER VACCA: Aye.

9 LEGAL COUNSEL: Commissioner Weisbrod.

10 COMMISSIONER WEISBROD: Aye.

11 LEGAL COUNSEL: Chair Benjamin.

12 CHAIRPERSON BENJAMIN: I'd like to

13 explain my vote. I'm going to vote aye.

14 LEGAL COUNSEL: Uh-hm.

15 CHAIRPERSON BENJAMIN: But I would like  
16 to also give my—my thoughts about what are—what I see  
17 my role here [bell] as part of the Commission. I do  
18 think and I was here in 1989. I was—I represented  
19 the Comptroller and the Board of Estimate, and I sat  
20 on the Board of Estimate for many years. I worked at  
21 the Department of Environmental Protection, and I was  
22 there when we first started doing environmental  
23 reviews of projects. I worked at the Health and  
24 Hospitals Corporation. I have a long history in this  
25 city, and after that at the Council. I've been

2 involved in all sides of the issue. In 1989, the  
3 biggest issue was that the Board of Estimate had been  
4 declared illegal, and what were we going to do about  
5 it. The Commission could have decided to simply  
6 change the voting structure of the Board of Estimate  
7 and continued to have a bicameral body. They chose  
8 not to do that, and to do something that in many ways  
9 was more radical, but it did result in the different  
10 balance of power. Once the Board of Estimate was  
11 gone, much of the board's power went to the Mayor.  
12 Some of it went to the City Council. There was a  
13 balancing that they attempted to do in finding local  
14 versus citywide pushes and pulls and how that would  
15 be balanced governmentally. Part of what I think  
16 we're doing is looking 30 years later at the changes  
17 that have taken place in this city including, but not  
18 limited to term limits, which has changed the balance  
19 of a legislative body that had time on its side that  
20 could be powerful with a mayor who could also be  
21 powerful. Term limits has changed some of that, and  
22 that is part of what I think this analysis is going  
23 to look at whether given those factors or do we need  
24 to make any changes. Do we need to rejigger [bell]  
25 Rebalance? Do we need to—if we see in our analysis

2 that there are ways in which Sal's questions that  
3 particular groups have not been systematically  
4 encouraged to participate in government, in  
5 elections. How can we address that? So, while I  
6 think you're right that in 1989 what they did  
7 basically go many things right. I have no objections  
8 and I hope people don't to examining whether those  
9 are still doing what they were intended to do, and  
10 whether what they were intended to do is the right  
11 thing now. I vote aye.

14 CHAIRPERSON BENJAMIN: Okay, I'd like to  
15 thank everyone here particularly the Commissioners,  
16 the staff and you the public who have come today and  
17 who have sat and listened to us, and I hope heard  
18 that this is a very serious attempt at how our city  
19 is to be governed in the future, and I invite you  
20 back for all of our meetings. We'll be posting on  
21 our website what we've done today so all of you can  
22 look at it, respond to it. You can respond on our  
23 website on Twitter, you can Tweet at us, you can  
24 write a letter, and send it snail mail if you'd like  
25 but we welcome the interaction with you, and we hope

2 to have a lot more of it. We will also in the coming  
3 days be posting schedule of our—our next stage.  
4 We'll be having experts come and talk about different  
5 issues that in these buckets that we've raised. Those  
6 will be public meeting also, and we will be posting  
7 schedules and attendance of who will be at those  
8 meetings, and what the next steps are. We hope to  
9 continue to engage you, we hope to see you again.  
10 Thank you very much and thank you also to staff who I  
11 think have done a very terrific job in putting this  
12 all together for us. [gave] And I move that we  
13 adjourn the meeting. Second?

14 COMMISSIONERS: [in unison] second.

15 CHAIRPERSON BENJAMIN: All in favor.

16 COMMISSIONERS: [in unison] Aye.

17 CHAIRPERSON BENJAMIN: [gavel] Meeting  
18 adjourned.

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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 February 4, 2019